

M E M O R A N D U M

TO: Council, SSC, and AP Members

FROM: Jim H. Branson *by JMB*
Executive Director

DATE: July 14, 1981

SUBJECT: Tanner Crab Fishery Management Plan

ACTION REQUIRED

Review PMT report and proposed amendment options. Direct the PMT to study and formulate revisions to the FMP based on these or other options the Council deems necessary.

BACKGROUND

In March the PDT reported to the Council on inconsistencies between State and Federal Tanner crab regulations. These inconsistencies have created some confusion within the fishing community. In May the Council directed the PMT to review the FMP and find a solution. The PMT report is provided as Item E-4(a). The inconsistencies between FMP and State regulations are summarized in Item E-4(b).

A subgroup of Tanner crab specialists, headed by Dr. Jerry Reeves, met in Kodiak, July 6-7 to begin review of the biological data base. Their report should be available to the Council by November 1981.

Amendment #6 which makes several minor changes to the FMP is currently being reviewed by OMB. Anticipated publication as a final rule is August 30, implementation would follow in 30 days.

Amendment #7 which established new C. bairdi OY's and set C. opilio OY equal to DAH (i.e., TALFF = 0) was approved by the Secretary of Commerce on March 10 and is currently being reviewed by OMB. In the meantime, NMFS has requested that the State Department withhold all TALFF for Tanner crab.

TANNER CRAB PLAN MAINTENANCE TEAM REPORT
ON THE STATUS OF THE FISHERY MANAGEMENT PLAN

In the last several months the Council has become aware of management problems in the Tanner crab fishery caused by inconsistencies between the Tanner Crab FMP and State of Alaska regulations. In May, the Council asked the Plan Maintenance Team (PMT) to review the FMP and recommend methods of updating or changing the plan so it would be consistent with state regulations. The PMT recommendations are the basis for this report.

The Tanner Crab FMP was originally designed as a one-year plan with annual amendments needed whenever there was a change in the management regime (i.e., OY, season, registration requirements, area descriptions, etc.). There have been five amendments implemented with two more pending. At the time the FMP was implemented (December, 1978), we believed a plan amendment would take nine months, which allowed time to make necessary changes for the upcoming fishing season. It now takes at least fourteen months, much too long for "same-year" fishery management. The inconsistencies between state and federal regulations are a result of a non-functioning FMP (Table 1). For example, if the state makes a regulatory change for the upcoming fishing season, an inconsistency between state and federal regulations will exist until a change is made in the FMP. Because of the lengthy amendment process, any subsequent changes made by the state just create additional inconsistencies in the regulations. In short, the FMP will often be out of date with both the state's regulations and the current fishing season.

The PMT has prepared a list of four options the Council might use to remedy these problems.

Option 1. Keep the FMP as is and wait until more inconsistencies develop; at which time they could all be eliminated in one amendment.

The PMT considers the current inconsistencies minor. Differences in fishing season can be corrected by NMFS Regional Director field orders. Differences in OY, area descriptions, pot storage and pot limits while not posing immediate management problems, should be corrected. This option would postpone corrections until more substantial changes to the plan are necessary.

Option 2. Keep the FMP in current form and amend the plan now to eliminate all inconsistencies.

This option would maintain the current format (single year plan) and develop an amendment to remove all inconsistencies as outlined in Table 1.

Option 3. Amend the FMP by changing it into a "multi-year" FMP that will not require an annual plan amendment.

Under this option the FMP, once amended, would stay current with the fishery. This can be accomplished by designing as much flexibility into the FMP as possible. For example, regulations setting OY or seasons could be designed to be dealt with by an announcement from

the NMFS Regional Director. This process would be much quicker than amending a plan or regulation. Other management measures such as pot limits, registration areas and pot storage would require a definite Council position on each category. Any regulatory changes in these categories would require an amendment. All inconsistencies would be eliminated with this option.

Option 4. Develop a management scheme similar to that being developed for king crab: a multi-year FMP with adoption by the Secretary of Commerce of a regulation delegating authority for implementation of the FMP to the State of Alaska.

Under this option the guidelines set forth in the FMP, would require only one Federal regulation delegating management within those guidelines to the State. However, since this is a new approach to fisheries management in the FCZ, we can expect lengthy delays and reviews. The PMT recommends that the Council not pursue this option for Tanner crab at this time.

It is our recommendation that the Council pursue Option 3 to the Tanner Crab FMP. This action would initiate PMT development of a new multi-year FMP that would make the management of the fishery more efficient and less of an administrative burden on the fishing community.

TABLE 1. INCONSISTENCIES BETWEEN TANNER CRAB FISHERY MANAGEMENT PLAN AND STATE REGULATIONS

1. Harvest Guidelines/OY need to be updated.

	<u>AREA</u>	<u>DISTRICT</u>	<u>STATE</u>	<u>FMP</u> (millions of pounds)
S.E.	A	Northern District (Cape Spencer - C. Suckling)	.5 - 3.0	5.5 (for both districts)
		Southern (East of Cape Spencer)	.75 - 2.5	
PWS	E		1.3 - 5.3	7.0
Cook Inlet	H		11.0	5.3
Westward	J	South Peninsula	3.0 - 6.0	6.0
		Chignik	2.0 - 5.0	5.0
		Kodiak	9.0 - 15.0	35.0
		Aleutian	no guideline	2.0
		Bering Sea <u>opilio</u>	no guideline	OY = DAH not to exceed ABC

2. Minor differences in statistical area descriptions

3. Fishing Seasons

	<u>AREA</u>	<u>DISTRICT</u>		<u>STATE</u>		<u>FMP</u>	
				<u>*Opening</u>	<u>Closing</u>	<u>Opening</u>	<u>Closing</u>
S.E.	A	Northern District	was Sept. 15	Dec. 1	May 1	Sept. 1	May 15
		Southern District	was Sept. 15	Feb. 1	May 15	(for both districts)	

*denotes changes made by Board of Fisheries, March 1981

3. Fishing Seasons (continued)

	<u>AREA</u>	<u>DISTRICT</u>		<u>STATE</u>		<u>FMP</u>	
				<u>*Opening</u>	<u>Closing</u>	<u>Opening</u>	<u>Closing</u>
Westward	J	Kodiak	was Jan. 22	Feb. 10	April 30	Jan. 22	April 30
		Chignik	was Nov. 1	Dec. 15	May 15	Nov. 1	May 15
		South Peninsula	was Dec. 1	Dec. 15	May 15	Dec. 1	May 15
		E. Aleutian	was Jan. 15	Feb. 15	June 15	Jan. 15	June 15
		Bering Sea <u>c. bairdi</u>	was Jan. 15	Feb. 15	June 15	Jan. 22	June 15
		<u>c. opilio</u>	was Jan. 15	Feb. 15	*Aug. 1		<u>opilio</u> closed
					(<u>opilio</u> only)		by FO
					was Aug. 15		
		W. Aleutian remains	Jan. 15 - June 15				

4. Pot Limits

	<u>AREA</u>	<u>DISTRICT</u>	<u>STATE</u>	<u>FMP</u>
Westward	J	Kodiak	250 pot limit	no pot limit
Cook Inlet	H		no pot limit	75 pot limit
S.E.	A		100 pot limit	no pot limit

5. Pot Storage

72 hour period prior to opening of season to allow storage of pots on grounds. It is in the FMP but not in State Regulations. This was an enforcement problem last season.

There is a minor difference in the Bering Sea pot storage area.

*denotes changes made by Board of Fisheries, March 1981

July 15, 1981

the current management regime; and, if appropriate, propose changes to the current Tanner crab FMP. The results of this meeting will serve as the basis of staff proposals for regulatory changes to the Board (due in mid-January, 1982) and for inclusion in a Tanner crab FMP redraft (tentatively scheduled for February 1982). The proposed conference on Tanner crab management and biology, if scheduled for mid to late November, would satisfactorily achieve the FMP redrafting schedule.

The second reason for rescheduling the conference to mid to late November is that the proposed March 1982 date is too late to accommodate the public review process necessary to the Board and Council. If the conference leads to new or modified management strategies, then these proposals and the supporting information should be presented to the public prior to the mid-January 1982 deadline for proposed regulatory changes which the Board considers during their March meeting. The Council will also require an in-depth review by the SSC, AP, and public prior to the Joint Board/Council meeting in March.

I hope these initial thoughts are helpful to you in your planning process. I have asked Fred to keep me abreast of developments.

Sincerely,



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