

MEMORANDUM

TO: Policy & Planning Committee

FROM: Jim H. Branson  
Executive Director

DATE: August 28, 1987

SUBJECT: Crab Management

Action Required

1. Status report on plan development.
2. Consider establishing an industry advisory group.

Background

The Council's Crab Management Committee has been working since last November on the new crab plan and Larry Cotter will report their progress. They will meet again September 14 and a draft plan should be available for full Council review at the September meeting.

The Policy and Planning Committee should consider establishing an interim advisory group to work with the State of Alaska on crab management issues until the FMP is in place. Such a group, already envisioned in the draft FMP, would be in line with recommendations from Senators Packwood and Hatfield of Oregon (see item F-1).

DC 9:30  
10:24

**United States Senate**

WASHINGTON, D.C. 20510

July 13, 1987

The Honorable Anthony J. Calio  
Under Secretary for Oceans and Atmosphere  
United States Department of Commerce  
Washington, D.C. 20230

Dear Dr. Calio:

We are writing to request your assistance in resolving problems relating to the commercial King and Tanner Crab fisheries off the coast of Alaska.

As you know, fishermen from Oregon and Washington, as well as Alaska, participate in the commercial crab fisheries in the Exclusive Economic Zone (EEZ) off Alaska. No Fishery Management Plan (FMP) was ever implemented under the Magnuson Fishery Conservation and Management Act (Magnuson Act) for King Crab off Alaska, and the FMP for Tanner Crab was repealed last year. As a result, commercial King and Tanner Crab fishing in the EEZ off Alaska is subject to management by the State of Alaska, pending the development and implementation of an FMP for both King and Tanner Crab. The exercise of management authority by the State of Alaska has generated increasing controversy and concern among some Oregon and other non-resident fishermen who feel that their interests would be far better served by federal management.

We strongly support the development of an FMP for these crab fisheries in accordance with the Magnuson Act, and we understand that the development of such an FMP is progressing. While we are hopeful that the FMP will resolve the problems, we believe that your efforts and good offices are needed to help avoid controversies and secure everyone's best interests during this interim period before the FMP is completed and implemented. For this purpose, we request that you:

- Establish as soon as possible an Industry Advisory Group to consult with the State of Alaska crab management authorities concerning the various current and proposed regulations relating to inseason adjustments and other controversial matters that should be resolved with the benefit of the industry's expertise. It should include non-resident members, as contemplated by the draft FMP;


The Honorable Anthony J. Calio  
July 13, 1987  
Page Two

- Take such steps as are necessary to ensure that NOAA conducts vigorous and effective oversight of the fisheries during this interim period. The agency's November 4, 1986, Federal Register notice repealing the Tanner Crab FMP regulations stated at page 40028 that NOAA could take action to respond to any regulation that discriminated on the basis of State residence, or otherwise violated the Magnuson Act. NOAA should do so. It should consult with the Industry Advisory Group to be established, the State of Alaska, the North Pacific Fishery Management Council, fishermen, and others in an effort to prevent problems from arising and to resolve any that do arise quickly; and

- Take such other steps as are necessary and feasible to facilitate the expeditious development of an effective FMP and equitable conservation and management of the King and Tanner Crab fisheries.

We appreciate your assistance and look forward to working with you on this important matter.

Sincerely,

  
\_\_\_\_\_  
MARK O. HATFIELD

  
\_\_\_\_\_  
BOB PACKWOOD

persons may appeal these actions to the Secretary who will evaluate State emergency orders for compliance with the Magnuson Act, the FMP, or other applicable Federal law. If the Secretary determines that the State action is in violation of the above, the Secretary will issue a Federal regulation to supersede the State emergency order regulation in the EEZ (see chapter 10.0).

6. Access to the State regulatory process, particularly for nonresidents, will be provided by an advisory group to be established by ADF&G. This group will be made up of fishermen, processors, and other interested individuals without regard for residency, and will meet at appropriate times, in advance of the State Fisheries regulatory cycle. It will provide an industry forum to review stock status information, and fisheries management issues and to develop industry advice to the State. It will convey its views to the State through written reports and testimony presented during the State's regulatory deliberations.

7. The State will modify its own regulatory procedure by providing written explanations of the reasons for its decisions and, with representatives of the council, will hold at least one annual public hearing in Seattle, Washington.

# North Pacific Fishery Management Council

James O. Campbell, Chairman  
Jim H. Branson, Executive Director



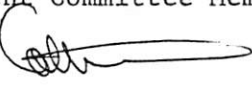
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## M E M O R A N D U M

TO: Crab Management Committee Members

FROM: Larry Cotter   
Chair

DATE: July 23, 1987

SUBJECT: Advisory Committee

Following receipt of the attached letter from Senators Packwood and Hatfield, Council Chairman Campbell has decided the formation of a advisory committee as recommended by the Senators be placed on the agenda for the September 1 Council teleconference meeting. The advisory committee, if approved by the Council, would serve as an interim committee pending adoption of the crab FMP.

I think it is appropriate for this committee to recommend to the Council whether the establishment of an interim advisory committee is a good idea or not.

Based upon the fact this committee has already adopted this concept for inclusion in the FMP, I assume I can safely recommend to the Council on the committee's behalf our support for the interim advisory committee. If you disagree with my recommendation, please notify me in writing by August 10. Otherwise, I will relay to the Council this committee's unanimous support.

Please don't hesitate to contact me if you have any questions.

attachments

MEMORANDUM

To: Jim Branson and Clarence Pautzke  
From: Steve Davis *JD*  
Date: August 31, 1987

Subject: My upcoming vacation and advanced planning of work.

As you both know, I will be absent from the office for about two months beginning September 3 as I take my vacation in Nepal. In preparation for my trip, I have taken it upon myself to complete all my immediate work assignments and do as much of my anticipated future assignments as possible. This memo is to review for you the status of my work and what plans I have made for maintenance of my areas of responsibility while I am gone. I will also make several recommendations with regard to presentations to the Council, etc.

GULF OF ALASKA GROUND FISH

After more than two years, the Gulf FMP is finally updated. I had primary responsibility of this project at the team level. The reorganized and updated FMP with the revised "prohibited species" definition constitute Amendment 16 which was sent out for public review this past summer. We received no comments on the package other than a few editorial suggestions from other team members. I have put the final amendment package together and have drafted a cover letter so its already to be sent to the Secretary for review. We should send 50 copies of the package at a convenient time following the September Council meeting.

During the week of September 8, the Gulf Plan Team will meet in Seattle to prepare the initial RAD. Terry Smith has offered to staff this meeting for me. The team's agenda (which I have already gone over with Terry and Jim Balsiger) includes: (1) review of the status of stocks and initial ABC determination; (2) development of an economic section of the RAD in part to support our PSC frameworks; (3) review of NMFS and ADF&G bycatch data; (4) preparation of a team discussion paper on management of rockfish resources in the Gulf using the "assemblage" approach (to be distributed at the Council meeting); and (5) review of sablefish management proposals. Since it is likely that no new biomass or bycatch information will be available to the team in September, Balsiger and I believe the team will fall back on last December's numbers as our initial 1988 numbers. Therefore the RAD will likely be a summary of last year's report plus any new information. I would anticipate that in November, the team's RAD will require substantial revision as the new survey numbers become available.

At the September Council meeting, Jim Balsiger will present the team report and ABC recommendations. Terry will work the computer spreadsheet should the Council want to use it. As I already mentioned to you Jim, should the team's ABC's remain unchanged from 1987, and the Council not receive any new socioeconomic information, the Council could just adopt the 1987 TAC's, PSC's and apportionments as approved last December as the initial 1988 numbers for public review. This agenda item could be a relatively easy one to deal with in September.

Council action on Amendment 16 should also be straightforward. Following the May Council meeting, this amendment was reduced to a "housekeeping" amendment and should not pose a stumbling block to the Council. The amendment package was sent to the Council family before I left for final review. Any changes from the Council will likely be minor and can be easily incorporated into the package prior to sending it to the Secretary.

I have prepared my action memo's and other notebook materials which may require finetuning prior to putting the notebooks together. I have given these to Terry.

There is a possibility that a regulatory amendment for the Gulf will be ready by the September meeting. As you know, the current halibut PSC regulations are flawed in that when a PSC limit is reached only bottom trawl fishing is closed. The FMP text approved in Amendment 14 authorizes the Council to set individual PSC limits by gear type should they choose to do so. The team believes that we have violated a "fairness standard" and would like to solve this regulation problem before it surfaces as an issue before the Council. This summer I drafted new regulatory language and sent it to Ron Berg for Regional Office review. His task is to prepare the remaining parts of the regulatory amendment. If he has the amendment package completed by the team meeting the Council should address this topic in September. If its not ready, we will get the amendment to the Council as soon as possible.

Following the September meeting, we will need to release the initial 1988 numbers to public review. Usually we do this with the newsletter and a special mailing. I have drafted the special mailing and have left that with Terry as well. It will require some finetuning but is essentially complete now.

Under the new groundfish amendment cycle, October 1 is the deadline for amendment proposals. These will need to be categorized and expanded where necessary by the staff prior to sending them to the team for their review and prioritization at their November 16-20 meeting. Denby Lloyd will be going through a similar exercise for the Bering Sea plan and since many of the proposals will be applicable to both plans has kindly agreed to oversee the Gulf proposals as well.

I will be back in time for the November team meeting where we will likely be rewriting the RAD, receiving survey results for the first time, and reviewing groundfish proposals.

#### CRAB PLAN

With regard to the crab FMP, we are on the new schedule that you worked up following your meetings with Jim Douglas and company and discussions with Larry Cotter. The Crab Management Committee is meeting on September 14 in Seattle to review the latest draft. Denby will be staffing that meeting since he plans to lay over in Seattle between the Bering Sea Groundfish Plan Team and Bycatch Committee meetings. I anticipate that any changes the committee makes to the plan will be relatively minor and Ray Baglin will

incorporate those changes on September 15. On the 16th he will send the draft FMP to the Council family for a "quickie" pre-Council meeting review. The Council is scheduled to approve the crab FMP for public review at its September meeting. Ray Baglin will be at the meeting to answer any questions on the FMP. I have prepared an action memo and have given it to Denby who has agreed to introduce the agenda item at the Council meeting.

Looking at our crab schedule, we will need to schedule an SSC meeting in late-October to review the FMP supporting documents prior to public review. Joe Terry is taking the lead on putting the RIR together and Denby will do the EA. Denby and I have discussed the EA requirements of the plan and have concluded that an extensive environmental analysis is not necessary given that the plan itself will not lead to significant change or impact at either the resource or fisherman level.

Another thought on the crab plan; since we are now on an "accelerated" review schedule I wonder if it would not be wise to bring the Alaska Board of Fisheries in onboard soon. We could send copies of the FMP package to the Board and have the team and ADF&G staff present the plan at their winter meeting. Under the new schedule the package will already be undergoing Secretarial review by the time the Board meets on shellfish in April. I would expect they would be annoyed to say the least.

#### BYCATCH COMMITTEE

As you know, I have been keeping busy lately with the bycatch committee. In Terry's absence, I found it almost a full-time job. Now that he is back keeping the committee on track is a little easier. I drafted the minutes from the last two committee meetings and following the September 2-4 meeting, they will be ready for inclusion into the next Council mailing as information items. Terry and Denby both plan to staff the committee's September and October meetings.



M E M O R A N D U M

TO: Council, SSC and AP members

FROM: Jim H. Branson  
Executive Director

DATE:

SUBJECT: Bering Sea/Aleutian Islands Crab Management Plan

ACTION REQUIRED

Review and approve draft crab FMP for public review.

BACKGROUND

In March 1986 the Council voted to suspend Tanner crab regulations by emergency rule following a review of the Tanner crab FMP's continuing administrative and procedural problems. At that time NOAA-General Counsel questioned the legality of the FMP in light of MFCMA National Standards since it was doubtful that the plan could prevent overfishing. The Council directed the plan team to prepare a discussion paper exploring the management alternatives for this fishery.

In September 1986, following a review of the team's discussion paper and after receiving public testimony, the Council appointed a Crab Management Committee to develop a new comprehensive FMP for both king and Tanner crab fisheries. In December 1986, the Council requested the Secretary to formally withdraw the Tanner crab FMP until a new crab FMP could be prepared. The Secretary formally repealed the Tanner crab FMP on April 29, 1987. Since November 1986, the State of Alaska has been managing all king and Tanner crab fisheries off Alaska.

Over the past year the Crab Management Committee and Plan Team have met and developed a new Bering Sea/Aleutian Islands Crab FMP. This plan combines king and Tanner crab management in this area under a single FMP, and eliminates the procedural problems which made the old Tanner Crab FMP ineffective. The FMP

authorizes the state to take the lead in managing the crab fisheries while also providing federal oversight procedures. The Committee met with members of the plan team on September 14 to review the latest draft. Minor revisions were made and the new draft was sent to you last week for review.

The Central Office of NMFS has informed us that they would like to receive the new FMP and supporting documents as soon as possible so that if approved, the new plan can be put into effect prior to the September 1988 opening of the king crab season. This would require an accelerated review schedule at the Council level, <sup>however</sup> and it appears that we can accommodate NMFS's request (see Item D-2(a)). To do so, the Council should review and approve the draft FMP for public review at this meeting. The necessary supporting documents (i.e., Environmental Assessment/Regulatory Impact Review) are currently being prepared and with the FMP will constitute the public review package. A special meeting of the SSC will be necessary in late-October to review the analytical documents prior to public review in November. Following this schedule, the Council can take final action on the FMP package at its January 1988 meeting.