

To: Council and Board Members
From: Clarence Pautzke
NPFMC Executive Director
Date: February 2, 2000
Subject: Preseason Gear Restrictions



The following draft problem statement and alternatives were forwarded by the joint committee to the Council and the Board last fall:

"It is the goal of the Council and Board to achieve a fair and equitable start for all fishers engaged in the Bristol Bay red king crab (BBRKC) fishery. The opportunity currently exists for prospecting to occur prior to the BBRKC fishery. Prospecting occurs when gear targeted to harvest other species is used to catch crab and thus determine the distribution of the population prior to the fishery opening. It is the desire of the Council and Board to reduce/eliminate the opportunity to prospect."

Alternatives may include, but are not limited to, the following:

1. 100% observer coverage - consider exception for vessels that deliver unsorted codends directly to catcher processors or motherships.
2. Modify western boundary of exclusion area based on historical catch information (exclude areas where there are few crab; 164 W was suggested in earlier correspondence from the appellants).
3. Consider an exclusion period of less than 30 days (e.g., 15 days).
4. Consider effects of AFA sideboards since the combination vessels would have a lid on their fishery and prospecting would not effect the rest of the fleet.
5. Revise definition of pelagic trawls.

The Council and Board reviewed the above suggestions at separate meetings in October and sent them back to the committee for review on January 28th. The Board may consider further actions at their March meeting under agenda change requests #2 and 3. The Council also may initiate further action at their February meeting.

For reference, I have attached the two ACRs. They present brief histories of this issue. Activities over the summer culminated in an emergency Board teleconference on August 30, 1999. As indicated in the attached news release of September 10, 1999, the Board decided to continue the standdown, but exempted groundfish vessels that have 100% observer coverage during the standdown period. Subsequently, NMFS Region recommended holding the appeal in abeyance until our current considerations are completed. Then the appellants may reinstate their appeal, at the NMFS level, within 45 days of the March Board meeting.

Council and ADF&G staff will present available information to help shed light on whether prospecting has occurred.

Summary of 1997-1999¹ Bristol Bay Red King Crab Participation

	1997	1998	1999
Total Number of Vessels Participating in the BBRKC fishery	256	274	215
Crossover Vessels which Fished- Bristol Bay Red King Crab²	41	39	27
Crossover Vessels which fished groundfish in Area T prior to the BBRKC opening	35	30	17
Crossover Vessels which fished groundfish and crab in the same statistical area	0	0	0
Crossover Vessels which fished BBRKC in a contiguous statistical area	1	3	2
Number of days between the inshore pollock closure and the BBRKC opening	15	2	8

1. The 1999 electronic data are incomplete (February 02, 2000). The ADF&G 1999 Season Summary stated there were 258 vessels participating in the fishery.
2. There are 43 crossover vessels.

February 2, 2000
 NPFMC/xover1/summary.xls

REVIEW OF BERING SEA INSHORE POLLOCK CLOSURES AND BRISTOL BAY RED KING CRAB OPENINGS 1997-1999

	OCTOBER							NOVEMBER																																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7					
1999	P																																										
1998	P																																										
1997	P																																										
1996	P																																										
1995	CLOSED SEPTEMBER 23																																										
1994	P							NO BRISTOL BAY RKC FISHERY																																			
	P							NO BRISTOL BAY RKC FISHERY																																			

 INSHORE POLLOCK SEASON OPEN
 BRISTOL BAY RED KING CRAB OPEN

The Bristol Bay commercial red king crab season dates are from Table 5-2 of the "Stock Assessment and Fishery Evaluation Report for the King and Tanner Crab Fisheries of the Bering Season and Aleutian Islands Region", 1999 SAFE, October 1999

The inshore pollock season dates are from NMFS AKR "Bering Sea and Aleutian Islands Management Area Pollock Seasons, 1991-1999"

1997

Proximity of Groundfish Harvests in October, 1997, to Bristol Bay Red King Crab Harvests in November, 1997, by Crossover Vessels:

LONGITUDINAL PROXIMITY

165°	164°	163°	162°	161°	VESSELS
	POLLOCK			CRAB	3
POLLOCK			CRAB		4
	POLLOCK		CRAB		19
POLLOCK		CRAB			1
		POLLOCK	CRAB		1 Vessel A
	POLLOCK	CRAB			7 Vessels B, C, D, E, F, G, & H
					35

POLLOCK shows the most EASTERLY statistical area in which pollock was harvested in October.
CRAB shows the most WESTERLY statistical area in which crab was harvested in November.

LATITUDINAL PROXIMITY

Latitudinal proximity of the 8 vessels with contiguous longitudes are shown below.

Longitude

	164°	163°	162°
Latitude 56 30		G, H	A
56 00		B, D, E, F	
55 30		C	
55 00	G, D, E, F, G, H	A	
54 30	B		

Only vessel C fished in contiguous statistical areas in 1997.
 Its crab harvest was below the mean in the pertinent crab statistical area.

1° longitude is approximately 35 nautical miles.

1/2° latitude is 30 nautical miles.

2/1/00
 NPFMC

1998

Proximity of Groundfish Harvests in October, 1998, to Bristol Bay Red King Crab Harvests in November, 1998, by Crossover Vessels:

LONGITUDINAL PROXIMITY

	167°	166°	165°	164°	163°	162°	161°	VESSELS
POLLOCK							CRAB	1
POLLOCK						CRAB		2
POLLOCK					CRAB			1
			POLLOCK			CRAB		8
			POLLOCK				CRAB	1
			POLLOCK		CRAB			3
			POLLOCK			CRAB		10
			POLLOCK		CRAB			3
					POLLOCK	CRAB		1
								30

Vessels B, C, D
Vessel A

POLLOCK the most EASTERLY statistical area in which pollock was harvested in 1998.
CRAB the most WESTERLY statistical area in which crab was harvested in November, 1998

LATITUDINAL PROXIMITY

Latitudinal proximity of the 4 vessels with contiguous longitudes are shown below

Longitude

	165°	164°	163°	162°	161°
Latitude 56 30		D	C,D		
Latitude 56 00				A	
Latitude 55 30			A,B		
Latitude 55 00		B,C			

Vessels A, B, and D fished in contiguous statistical areas in 1998. These vessels' crab harvests were either within 1 standard deviation of the mean OR was significantly below the mean.

1° longitude is approximately 35 nautical miles.

1/2° latitude is 30 nautical miles.

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1999

Proximity of Groundfish Harvests in September and October, 1999,
to Bristol Bay Red King Crab harvests in October, 1999, by Crossover Vessels:

DATA ARE INCOMPLETE FOR THIS YEAR

LONGITUDINAL PROXIMITY

	165°	164°	163°	162°	161°	VESSELS
POLLOCK					CRAB	1
		POLLOCK			CRAB	1
	POLLOCK			CRAB		4
POLLOCK			CRAB			1
		POLLOCK		CRAB		2
	POLLOCK		CRAB			3
		POLLOCK	CRAB			4
	POLLOCK	CRAB				1
						17

Vessels A, B, C, D
Vessel E

POLLOCK shows the most EASTERLY statistical area in which pollock was harvested.
CRAB shows the most WESTERLY statistical area in which crab was harvested.

LATITUDINAL PROXIMITY

Latitudinal proximity of the 5 vessels with contiguous longitudes are shown below.

		Longitude		
		165°	164°	163°
Latitude	56 30		E	B,C
	56 00		D	D
	55 30			A
	55 00		A,B,C	
	54 30	E		

Only vessels A and D fished in contiguous statistical areas in 1999.
Both vessels' crab harvest was below the mean in the pertinent crab statistical area.

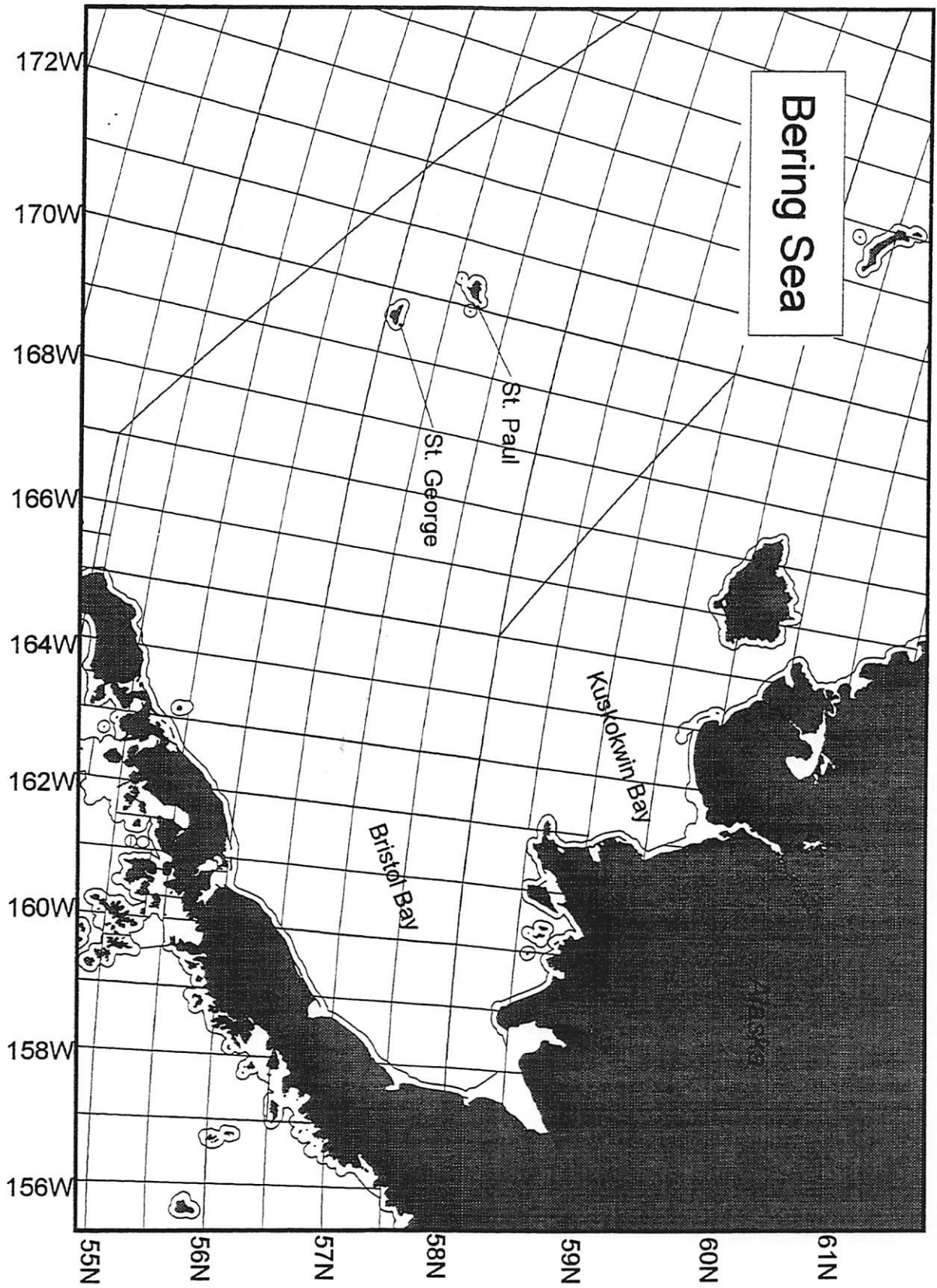
1° longitude is approximately 35 nautical miles.
1/2° latitude is 30 nautical miles.

North Pacific Fisheries Management Council
 Review of 1997 - 1999 Bristol Bay Red King Crab Participation
 by Vessel Classification

Year	Vessel Class	Vessel Group	Groundfish Harvest Dates	Number of Vessels	Mean Crab Harvest	Standard Deviation	Median Crab Harvest
1997	<125	Crossover Boats W/ Groundfish Harvest	10-01_thru_10-17	26	34,395	20,784	28,198
		Crossover Boats NO Groundfish Harvest		6	28,896	9,117	30,567
		Crab Vessels ONLY		155	30,566	17,903	26,226
	=>125	Crossover Boats W/ Groundfish Harvest	10-01_thru_10-17	9	33,914	24,092	25,874
		Crab Vessels ONLY		60	43,497	23,395	41,024
1998	<125	Crossover Boats W/ Groundfish Harvest	10-01_thru_10-31	22	44,952	16,260	46,859
		Crossover Boats NO Groundfish Harvest		9	29,067	20,147	23,177
		Crab Vessels ONLY		167	46,442	24,023	42,924
	=>125	Crossover Boats W/ Groundfish Harvest	10-01_thru_10-31	8	60,698	18,312	59,195
		Crab Vessels ONLY		68	68,068	30,473	66,404
1999	<125	Crossover Boats W/ Groundfish Harvest	09-16_thru_10-14	12	32,733	9,546	33,970
		Crossover Boats NO Groundfish Harvest		9	39,114	14,366	32,601
		Crab Vessels ONLY		134	42,410	22,560	37,738
	=>125	Crossover Boats W/ Groundfish Harvest	09-16_thru_10-14	5	46,094	13,557	49,218
		Crossover Boats NO Groundfish Harvest		1	.	.	.
		Crab Vessels ONLY		54	54,222	34,855	45,925

Notes:

1. The 1997 - 1999 Bristol Bay red king crab harvest data were summarized for each participating vessel. Only pounds of live crab from the common property fishery were included. (The 1998 and 1999 CDQ crab harvests occurred after the common property fishery had closed.) The Bristol Bay red king crab electronic data are incomplete.
2. These vessels were then matched to the NPFMC's list of crossover vessels. Whenever a match occurred, groundfish fish ticket harvest data were examined to locate any harvests occurring during the preceding month in the Bristol Bay area. The most recent harvest date for each vessel was noted.
3. In 1997 there were no groundfish harvest data after October 17 for the crossover vessels, perhaps because the Bering Sea inshore harvest (ISH) closure of pollock was on October 16th. In 1998 the ISH closure was October 29th and in 1999 the ISH closed on October 6, reopened October 24 and closed again October 26th.
4. The Bristol Bay red king crab harvests were then summarized depending upon whether or not the vessel was a crossover vessel, and if so, whether or not there were groundfish fish ticket data in the period preceding the red king crab opening.
5. Data were masked to comply with confidentiality regulations whenever a reporting group contained less than 4 vessels.



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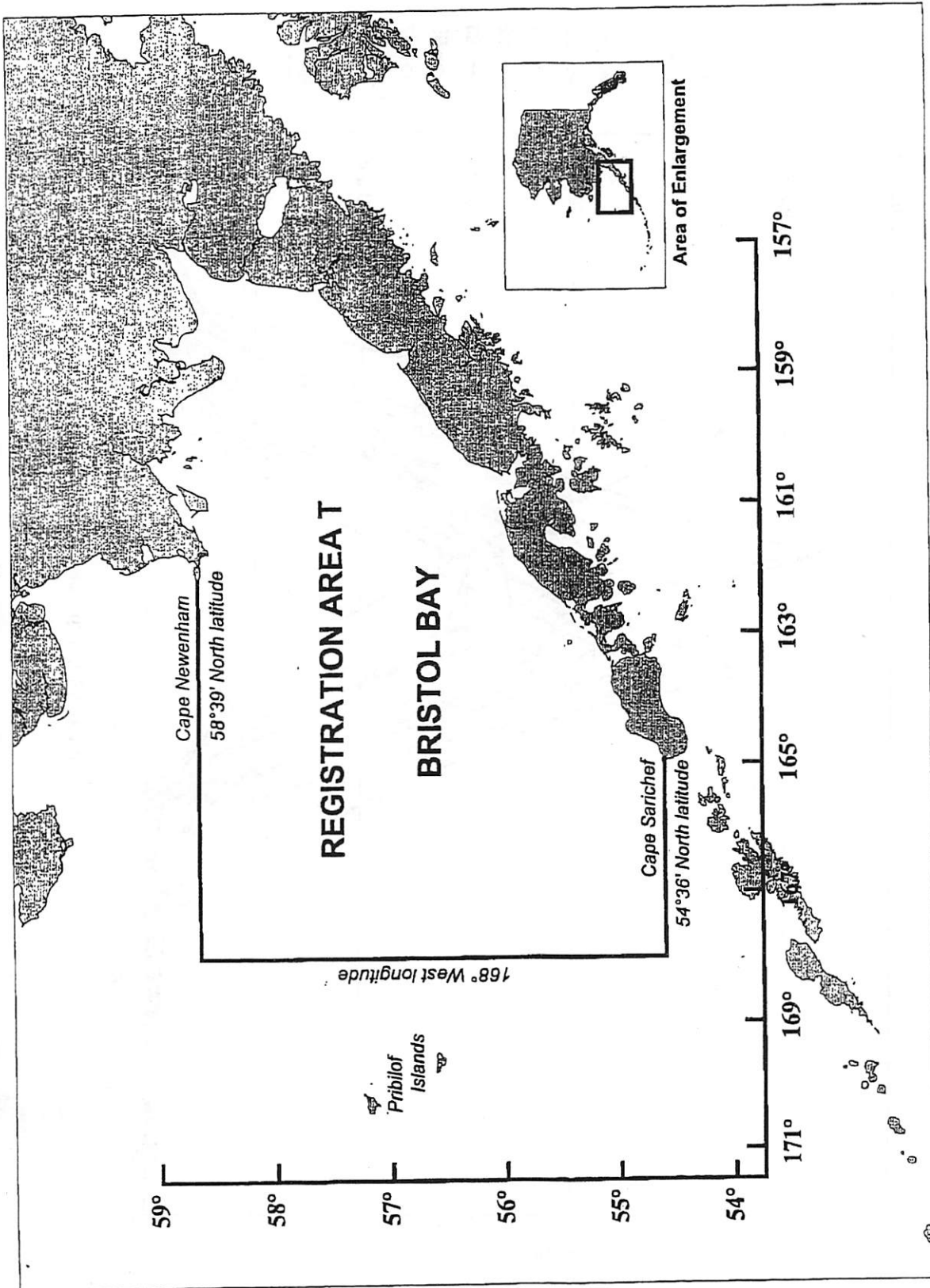
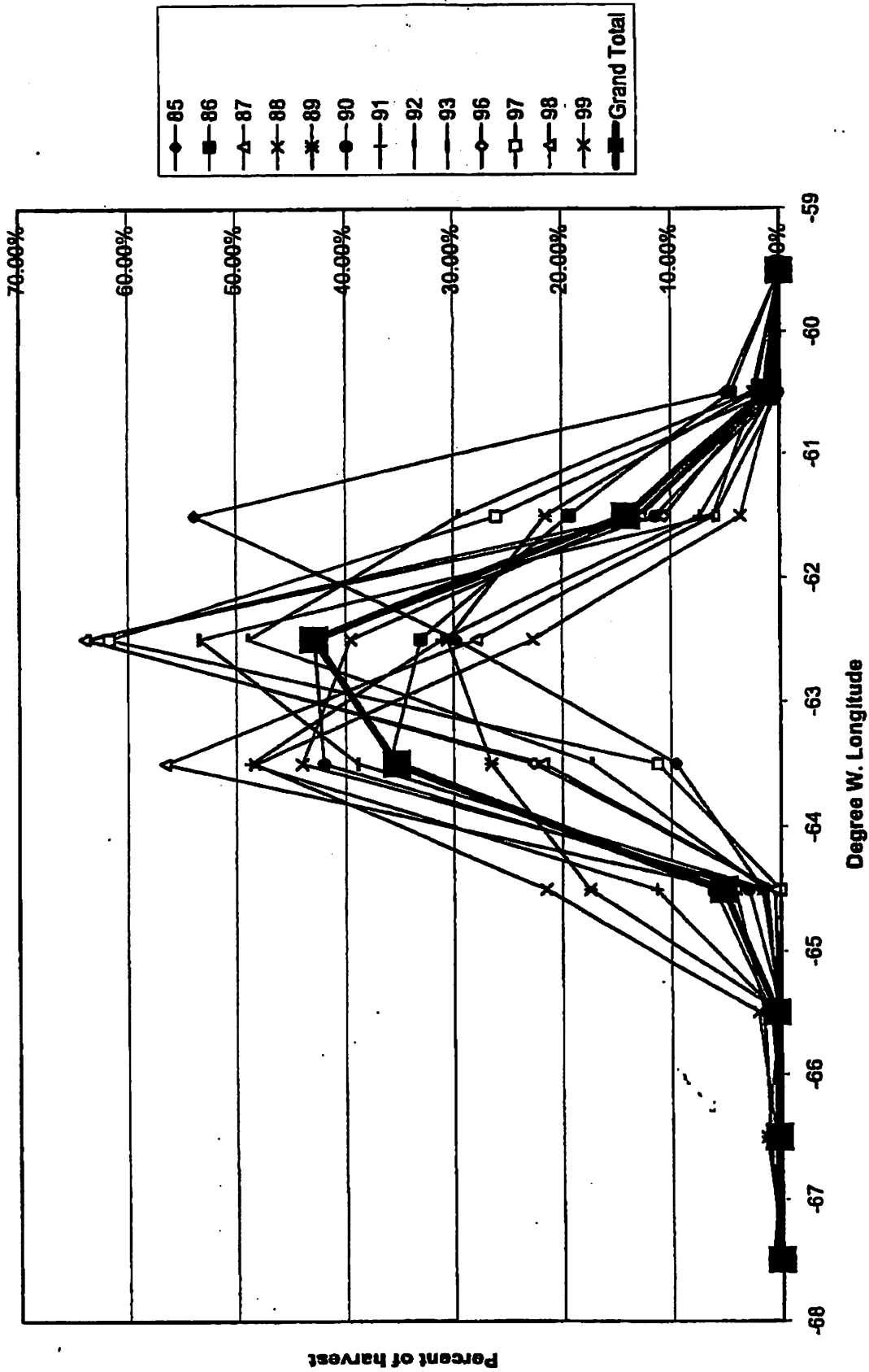
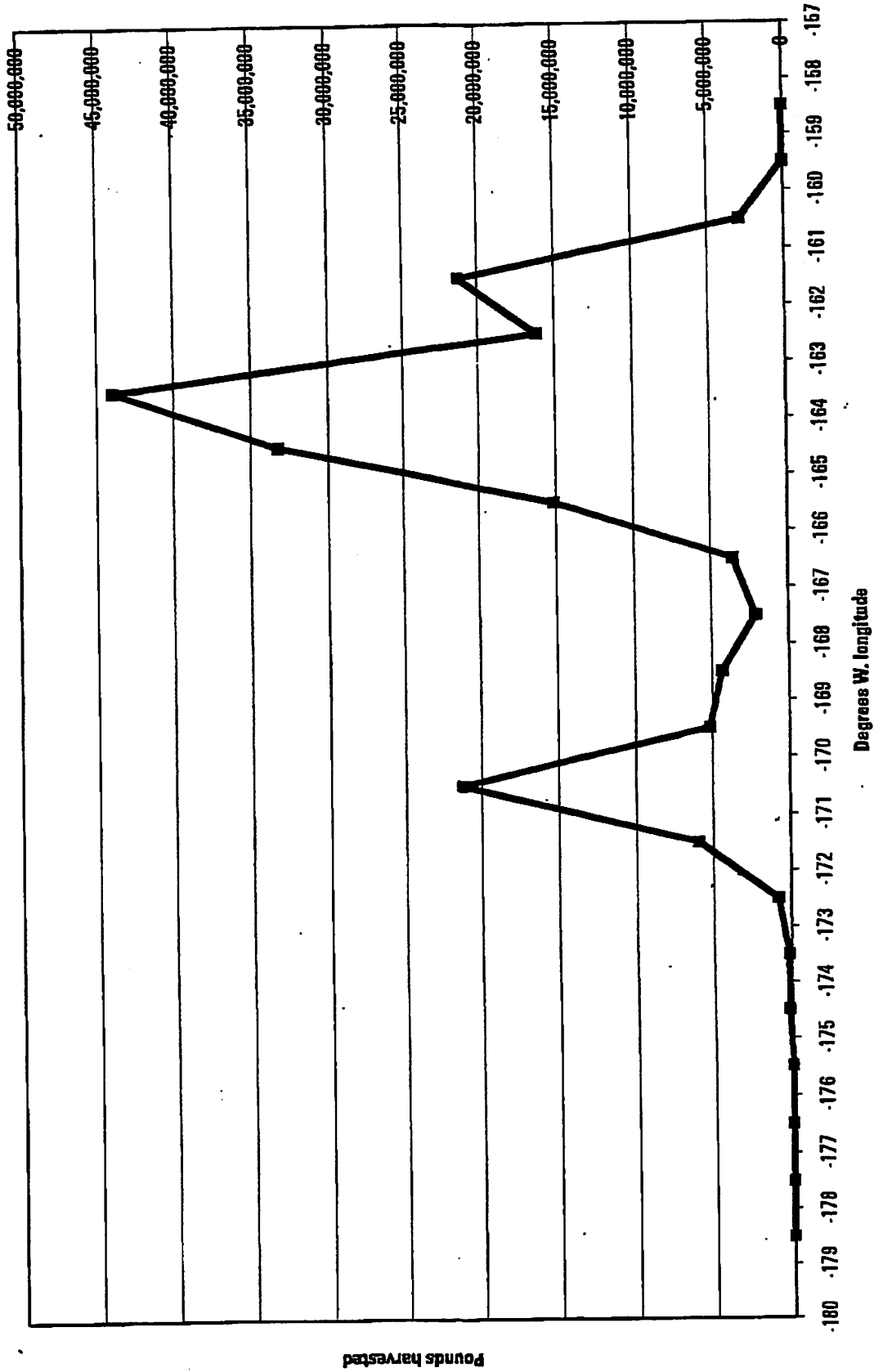


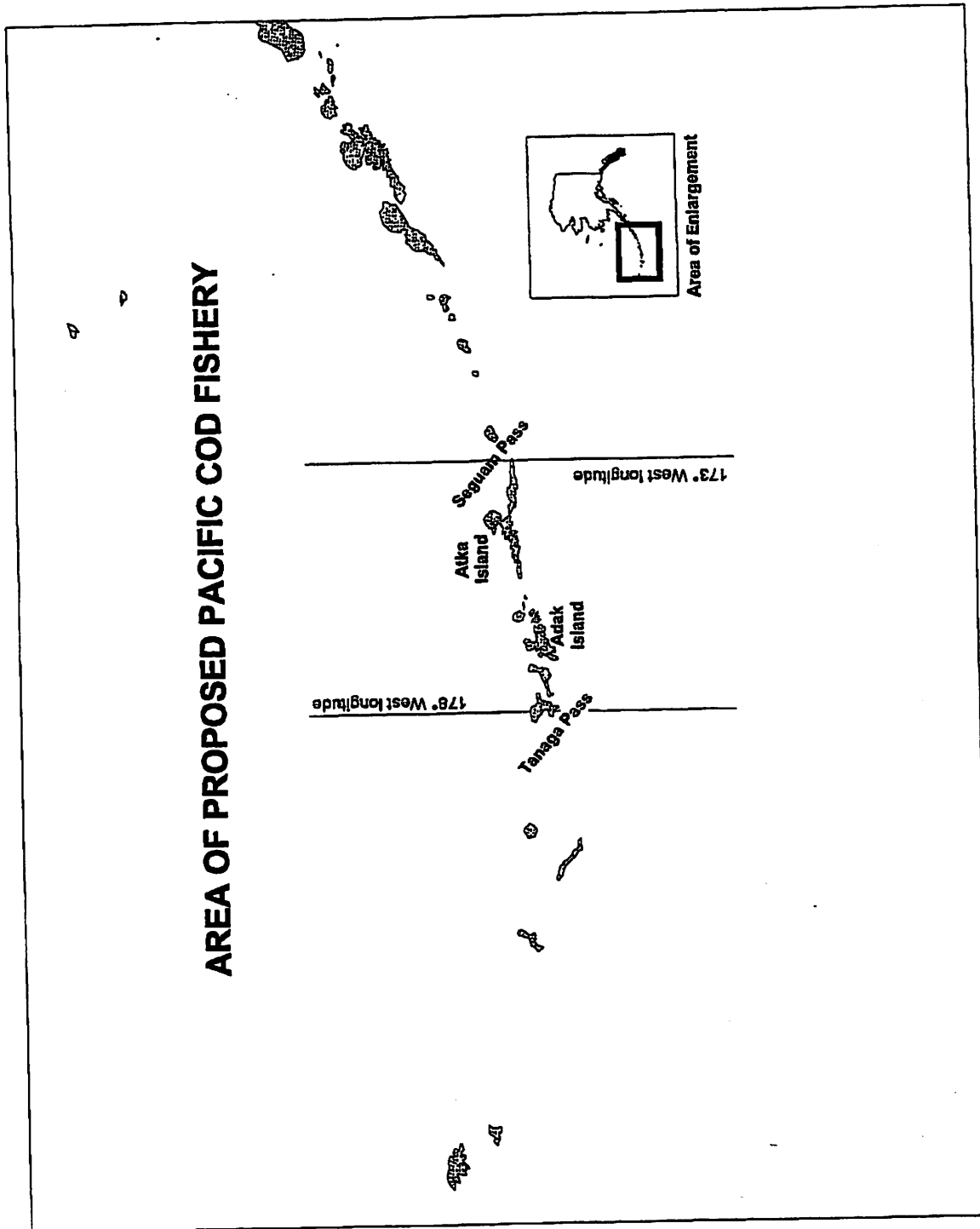
Figure 1. Map of the Bristol Bay king crab Registration Area T.

Red King Crab 85-99 Bristol Bay harvests



Total Bering Sea balrd harvest, 1985-1998, by one degree longitude





NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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AGENDA CHANGE REQUEST: 5 AAC 34.053. OPERATION OF OTHER POT GEAR, AND 5 AAC 35.053, OPERATION OF OTHER POT GEAR. These sections were amended by the Board of Fisheries (Board) in March 1999 to provide the following:

A person or vessel that operates commercial, subsistence, personal use or sport fishing gears [POTS] in the 30 days immediately before the opening, or prior to registering for a commercial king or Tanner crab fishery in a crab registration area, may not participate in a commercial crab fishery in the crab registration area (where groundfish gear of any kind has been used).

The purpose of this ACR is for the Board to have the opportunity to review the above change in regulations and to consider other approaches to deter prospecting before a crab season begins.

Present Situation:

At its March 1999 meeting in Anchorage, the Board adopted regulations that (1) move the opening of the Bristol Bay red king crab season from November 1 to October 15 and (2) extend the preseason gear operation restriction from 14 to 30 days and include trawl gear with the types of gears that are prohibited for those who want to participate in the crab fisheries. The Board's intent was to provide for a fair start by participants in the crab fisheries by removing all opportunity for prospecting. Although the setting of season dates is deferred to the State of Alaska by the North Pacific Fishery Management Council (Council) as a Category 2 measure in the federal fishery management plan for Bering Sea and Aleutian Islands king and Tanner crab, the extension of any gear standdown to include trawl gear, arguably falls within category 3 "Other" which requires consultation with the Council.

The Board carried out its responsibility to consult with the Council in a joint meeting on July 27, 1999 in Anchorage. During discussion, various concerns were raised by Council members over the high economic costs to the trawlers of the above approach used to discourage prospecting, if indeed prospecting occurs at all. Ultimately it was suggested that there may be other ways to accomplish the same goal, such as increasing observer coverage to 100% for the affected groundfish vessels before the crab seasons. Other approaches may be available also. It was further decided that the joint Council and Board committee would meet in September 1999 and develop a full range of options for resolving the Board's concerns over prospecting and fair start issues. These recommendations would be forwarded to the Council for its October 13-18, 1999 meeting, and to the Board for its work session on October 29, 1999. An analysis could be developed for final consideration of the joint bodies at their annual February meeting, and for action as appropriate by the Board in March 2000.

The Board then held a teleconference on August 6, 1999, and among other things, requested the Council to submit an Agenda Change Request to allow the above issue to be taken up by the Board in March 2000.

What the Proposal Seeks to Change:

The proposal extended the gear exclusion regulation to include trawl gear to eliminate any opportunity for prospecting and provide for a fair start to crab fishing. This Agenda Change Request would allow the Board to consider other alternatives as well.

1. Staff Assessment of the Agenda Change Request Criteria as it relates to this request:

A. Is there a fishery conservation purpose or reason? No.

B. Does the proposal correct an error in a regulation? No, not any technical error.

C. Does it correct an effect on a fishery that was unforeseen when a regulation was adopted?

Yes. The impacted trawl fleet has voiced strong concern that the above measure unduly restricts their opportunity to participate in both the pollock and crab fisheries and will have major economic impacts on them that were not sufficiently quantified for the Board at the time of its decision. Compounding the problem is that this economic hardship will be imposed despite little firm evidence that prospecting actually occurs. Other approaches may have less economic impacts and still serve to discourage prospecting.

2. Is the proposal predominately allocative in nature? No, not predominately, though there are direct and indirect allocative effects.

Additional Information: Additional alternatives and information will be developed starting in September 1999 with the joint committee meeting of the Board and Council, and during the analytical phases and public comment periods envisioned above, prior to the Board convening in March 2000.

PROPOSED BY: North Pacific Fishery Management Council.

Submitted by Fax on 8/25/99.

AGENDA CHANGE REQUEST - Review the limitation on those persons and vessels who operate trawl gear in the 30-day period before the Area T (Bristol Bay) red king crab commercial fishing season. 5 AAC 34.828.

PROBLEM: At its March 1999 meeting, the Board adopted Proposal 291, which provided that the operation of trawl gear in the 30 days prior to the Bristol Bay red king crab commercial fishing season disqualified vessels and persons from participation in the Area T fishery. Previously, only the operation of pot gear in the area disqualified vessels and persons from participating, and the preseason exclusion period was 14 days, rather than 30.

On May 14, 1999, at a special meeting to consider petitions filed pursuant to 5 AAC 39.998, the Board's Petition Policy for Category 2 Management Measures in a Bering Sea/Aleutian Islands King or Tanner Crab Fishery, the Board considered a petition for reconsideration of the Board's adoption of the restrictions on trawl gear operation. The board denied the petition because it did not address an FMP Category 2 measure, but the Board did determine that it would be appropriate to consult further with the North Pacific Fishery Management Council as the restrictions might be considered a Category 3 "Other" measure. Accordingly, the Board asked the Department of Law to put a hold on implementation of the regulation until such consultation occurred.

The Board met in joint session with the Council on July 27, 1999, and discussed the issue with NMFS, the Council and received additional written information from the public. At a special meeting on August 6, 1999, the Board voted to instruct the Department of Law to release the hold on the regulation and proceed with implementation, but also voted to commit to promulgation of an emergency regulation lifting the trawl restriction if the NPFMC and NMFS adopted an emergency regulation requiring 100% observer coverage on trawl vessels during the 30 days prior to the crab fishery for trawl vessels that intended to participate in the crab fishery. The Board also agreed to reexamine the issue during the 1999-2000 Board cycle, with extensive consultation with the NPFMC and NMFS, and specifically asked the Department to submit an agenda change request to facilitate this reexamination. During the process of consultation with the NPFMC and later Board meetings, the Board was made aware of various alternate approaches that may be considered and further information on this issue that could be collected and discussed.

In the meantime, the petitioners filed an appeal with the U.S. Secretary of Commerce through the Council's Crab Interim Action Committee (CIAC). The CIAC held a hearing on August 11, 1999.

This agenda change request is submitted to allow the Board to consider further regulatory action pending the outcome of the issues and solution surrounding the exclusion period for trawl gear by the North Pacific Fishery Management Council.

This issue is not predominately allocative in nature, although it has some incidental allocative impacts. The Bristol Bay red king crab stock is currently rebuilding. The 30-day exclusion period is seen as a fishery conservation measure to help slow the pace of the fishery by preventing prospecting in a fishery characterized as a derby.

ACR 3

WHAT WILL HAPPEN IF NOTHING IS DONE? The 30-day exclusion period will remain in effect for pot and trawl gear and there will continue to be some tension and coordination concerns between the federal managers of the trawl fishery and the Board of Fisheries and ADF&G, the managers of the crab fishery.

WHO IS LIKELY TO BENEFIT? That will depend on the action ultimately taken by the Board.

WHO IS LIKELY TO SUFFER? That will depend on the action ultimately taken by the Board.

OTHER SOLUTIONS CONSIDERED? None

AGENDA CHANGE REQUEST SUBMITTED BY: Alaska Department of Fish & Game at the request of the Alaska Board of Fisheries.

COMMERCIAL FISHERIES



NEWS RELEASE



ALASKA DEPARTMENT
OF FISH & GAME

STATE OF ALASKA
Department of Fish and Game
Frank Rue, Commissioner

Westward Region
211 Mission Road
Kodiak, AK 99615

Doug Mecum, Director
Division of Commercial Fisheries

Contact: Rance Morrison
Area Shellfish Biologist
Dutch Harbor

IMMEDIATE RELEASE

Date: September 10, 1999

ATTENTION BRISTOL BAY RED KING CRAB FISHERS

At their March 1999 meeting, the Alaska Board of Fisheries excluded persons or vessels, which participate in any trawl fishery in waters of the Bristol Bay king crab Management Area T during the 30 days prior to start of the Area T king crab fishery, from participating in the Bristol Bay red king crab fishery. This action was considered necessary to eliminate the opportunity for preseason "prospecting" for crabs while fishing for groundfish, and then subsequently participate in the Area T king crab fishery.

At a recent meeting the board determined that opportunity for harvest by a significant portion of the crab fleet would be precluded by the 30-day exclusion. The board directed the Department of Fish and Game to issue an Emergency Regulation which exempts persons or trawl vessels from the 30-day exclusion if federal observer coverage is maintained at all times during the 30 day exclusion period during which the person or vessel operates in waters of king crab Registration Area T.

For the upcoming season, operators of all trawl vessels which participate in the Bristol Bay red king crab fishery will be required to complete a supplemental registration form, at the time of tank inspection, detailing the participation of the vessel, the operator and ALL CREW MEMBERS in any trawling activities in king crab Registration Area T in the 30-day period prior to the Bristol Bay red king crab fishery. Only those persons and or vessels, whose operation of trawl gear in Area T has been observed by a federal observer during the entire 30 days immediately before the scheduled opening date of the Bristol Bay king crab fishery, will be eligible to participate in that commercial red king crab fishery.

The Board of Fisheries will revisit this issue during the 1999/2000 meeting cycle.

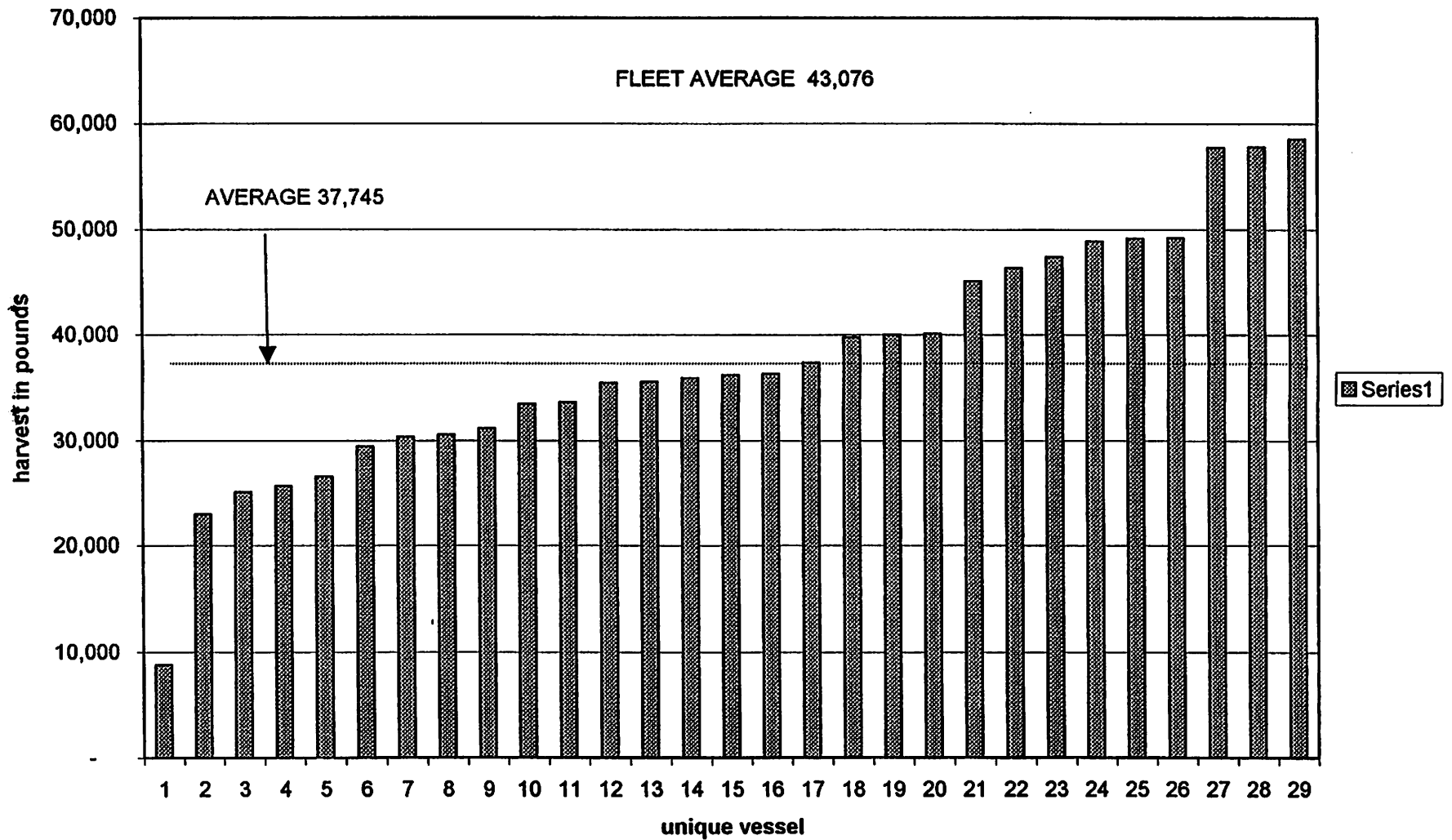
For further details contact the Alaska Department of Fish & Game in Dutch Harbor at (907) 581-1239 or in Kodiak at (907) 486-1840.

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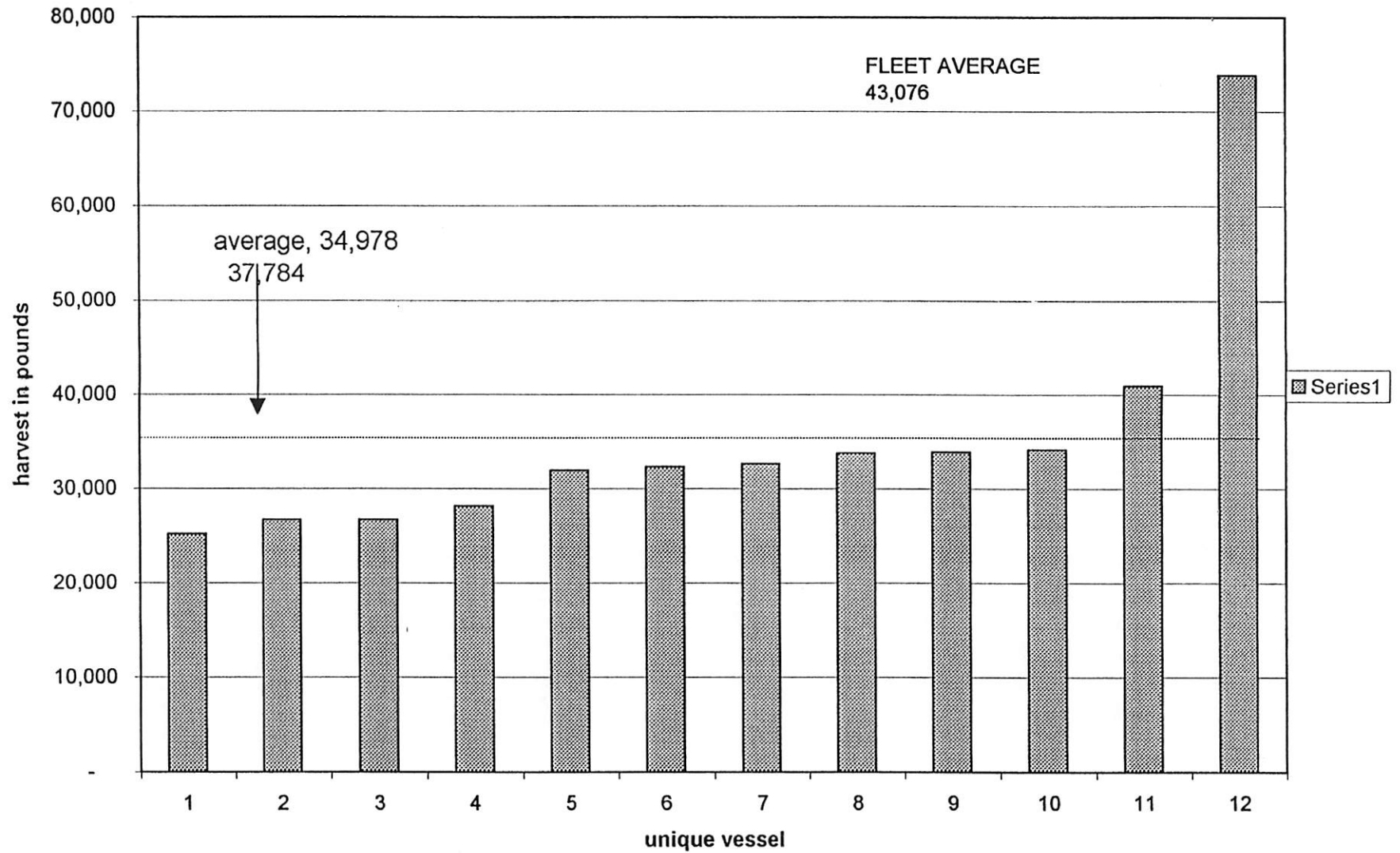
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1999 BBRKC harvest by AFA vessels that trawled for groundfish
30-days prior to the BBEKC opening and carried observers

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1999 BBRKC harvest by AFA vessel which did not trawl
for groundfish 30-days prior to the BBRKC opening



North Pacific Fisheries Management Council

Review of 1997 and 1998 Bristol Bay Red King Crab Participation
by Vessel Classification

Year	Vessel Class	Vessel Group	Groundfish Harvest Dates	Number of Vessels	Mean Crab Harvest	Median Crab Harvest	Standard Deviation
1997	<125	Crossover Boats W/ Groundfish Harvest	10-09 thru 10-17	25	34,646	28,278	21,172
		Crossover Boats NO Groundfish Harvest		7	28,784	28,118	8,328
		Crab Vessels ONLY		155	30,566	26,226	17,903
	=>125	Crossover Boats W/ Groundfish Harvest	10-09 thru 10-17	9	33,914	25,874	24,092
		Crab Vessels ONLY		60	43,497	41,024	23,395
1998	<125	Crossover Boats W/ Groundfish Harvest	10-14 thru 10-31	22	44,952	46,859	16,260
		Crossover Boats NO Groundfish Harvest		9	29,067	23,177	20,147
		Crab Vessels ONLY		167	46,442	42,924	24,023
	=>125	Crossover Boats W/ Groundfish Harvest	10-14 thru 10-31	7	64,598	59,651	15,787
		Crossover Boats NO Groundfish Harvest		1	.	.	.
	Crab Vessels ONLY		68	68,068	66,404	30,473	

Notes:

1. The 1997 and 1998 Bristol Bay red king crab harvest data were summarized for each participating vessel. Only pounds of live crab from the common property fishery were included. (The 1998 CDQ crab harvests occurred after the common property fishery had closed.)
2. These vessels were then matched to the NPFMC's list of crossover vessels. Whenever a match occurred, groundfish fish ticket harvest data were examined to locate any harvests occurring during the month of October in the Bristol Bay area. The most recent harvest date for each vessel was noted.
3. In 1997 there were no groundfish harvest data after October 17 for the crossover vessels, perhaps because the Bering Sea inshore harvest (ISH) closure of pollock was on October 16th. In 1998 the ISH closure was not until October 29th. Thus the range of dates for the groundfish harvest differ between the two years.
4. The Bristol Bay red king crab harvests were then summarized depending upon whether or not the vessel was a crossover vessel, and if so, whether or not there were groundfish fish ticket data in the period preceding the red king crab opening.
5. Data were masked to comply with confidentiality regulations whenever a reporting group contained less than 4 vessels.

January 26, 2000
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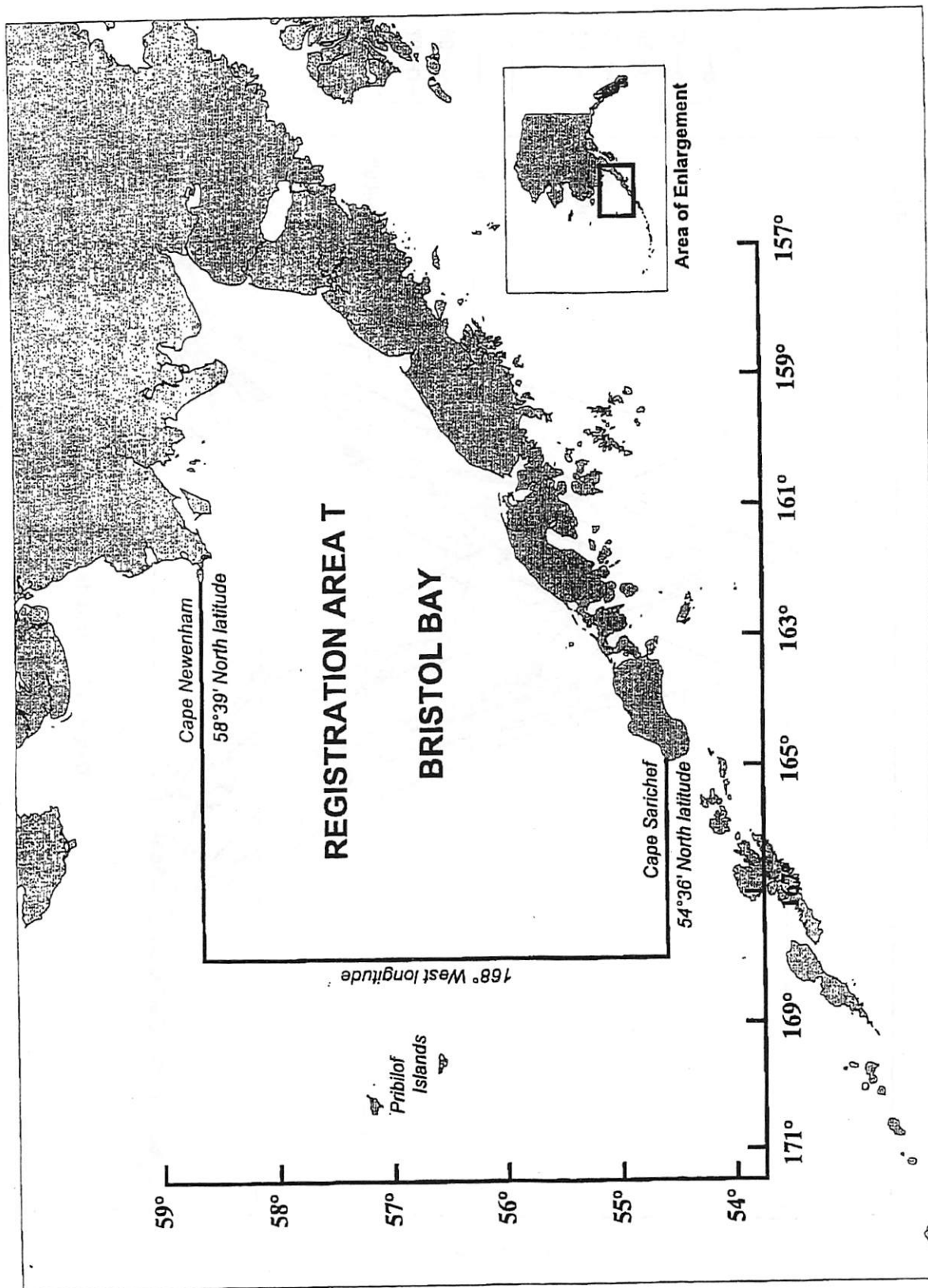
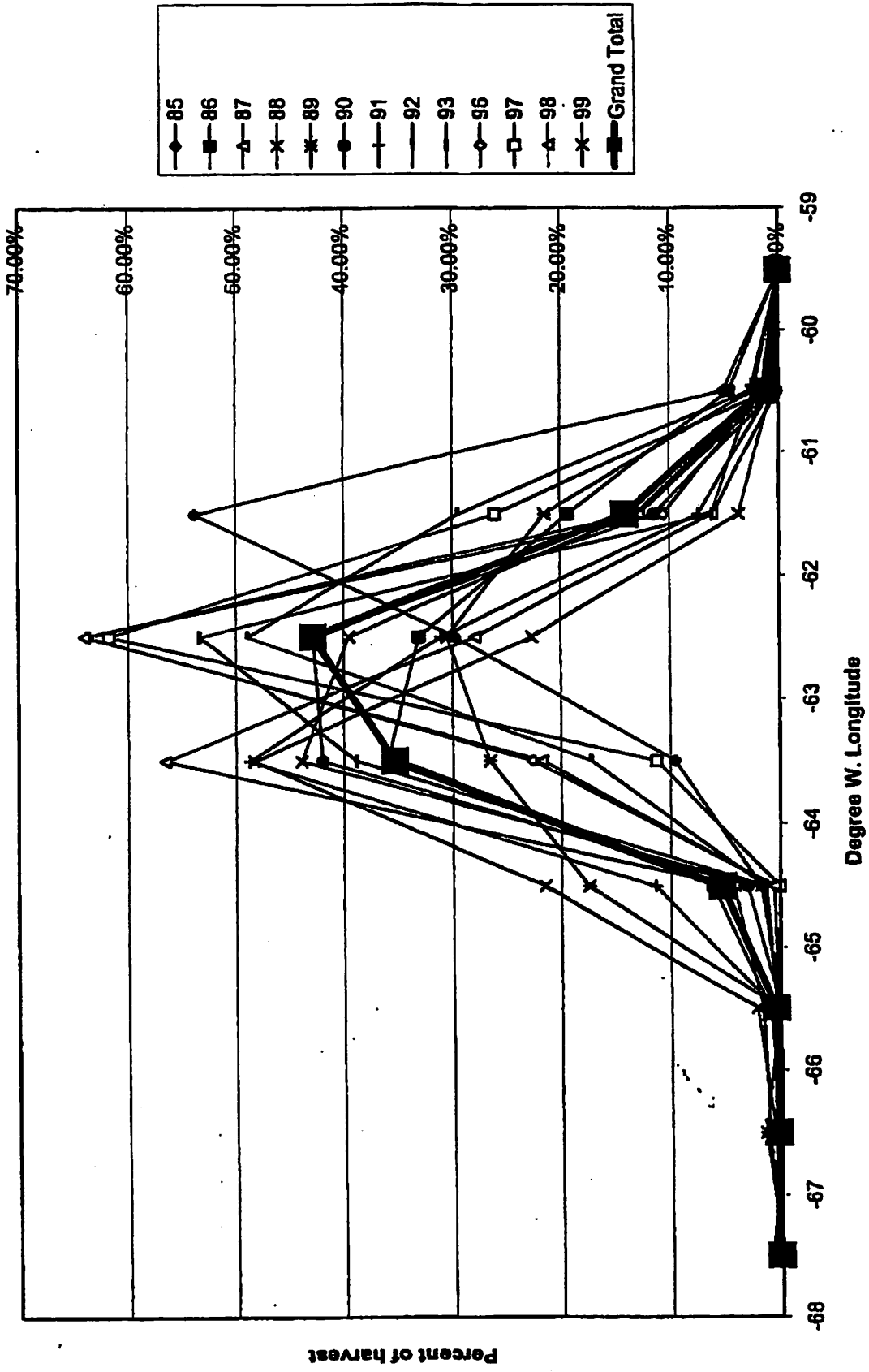


Figure 1. Map of the Bristol Bay king crab Registration Area T.

Red King Crab 85-99 Bristol Bay harvests



Total Bering Sea baird harvest, 1985-1998, by one degree longitude

