

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director

DATE: December 2, 1993

SUBJECT: Crab Management

ESTIMATED TIME

2 HOURS

**ACTION REQUIRED**

- (a) Receive status report on the State/Federal Action Plan.
- (b) Initial review of the Norton Sound superexclusive area registration proposal analysis.

**BACKGROUND**

Joint Federal/State Action Plan

At the September Council meeting, the Council received an overview of a State/Federal action plan created to foster improved coordination and communication among NMFS, ADF&G, the Council and the Alaska Board of Fisheries. Attached at Item D-1(a) is a copy of this plan.

The Action Plan calls for three interagency action groups and two types of "other actions:"

- 1) Research Planning Group
- 2) Crab Plan Team
- 3) State/Federal Policy Group
- 4) NMFS/ADF&G meet with industry representatives
- 5) Council/Board Consultation Group

The following activities have occurred as a result of the Action Plan.

- 1) Research Planning Group NMFS, ADF&G, and Council staff met August 24-25, 1993 in Kodiak, Alaska, to consider long-term crab research priorities, current research activities, and each agency's particular research interests. (Note: this meeting occurred before Action Plan signed.)
- 2) Crab Plan Team
  - a. Met August 26, 1993, in Anchorage, Alaska, to review submitted FMP amendment proposals.

- b. Met September 7, 1993, in Juneau, Alaska (via teleconference), to review established GHLS.

(Note: these meetings occurred before the Action Plan was signed; plan team has been in place since inception of crab FMP)

3) State/Federal Policy Group

- a. Oct. 6 meeting scheduled to discuss Adak pot limit petition; this petition was to be discussed at emergency Board meeting, October 7, 1993; meeting canceled after emergency Board meeting was canceled (Board decided to hear petition at a regularly scheduled meeting in March 1994).
- b. November 24, 1993 meeting to discuss crab management agenda for December Council meeting; follow-up meeting scheduled for December 2.
- c. NMFS/ADF&G staff communicate several times each week to discuss and share information pertinent to crab management.

4) NMFS/ADF&G/Industry Representatives

NMFS/ADF&G staff present at PNCIAC meeting, October 5, 1993, in Seattle, to meet with industry representatives and discuss several current crab management issues.

5) Council/Board Consultation Group

Tentatively scheduled to meet sometime in February, details still to be ironed out; will meet for sole purpose of discussing crab issues.

The Regional Director has requested the Council indicate its concurrence on the three action groups found in the Action Plan and their role in the cooperative management of the crab fisheries in the BSAI.

For a summary of management of this year's commercial crab fisheries to date, please refer to the ADF&G's Domestic Fisheries Report to the Council under agenda item B-2.

Norton Sound Superexclusive Registration

In September the Council recommended staff begin analysis of a proposal to establish the Norton Sound red king crab area as a superexclusive registration area, authorized as a Category 1 management measure under the crab FMP. The Council requested the analysis be developed as soon as possible and set initial review of the analysis at the December 1993 meeting.

Since the last Council meeting, an analytical team has prepared this analysis. The draft EA/RIR was mailed to you last week. Specific alternatives considered in the analysis include:

Alternative 1: Status Quo, or no action. This results in no superexclusive registration for the Norton Sound king crab fishery. Vessels can fish in this area and any other king crab registration area. The fishery would continue to be managed by the State of Alaska. Existing regulations include a guideline harvest limit, vessel size specific pot limits, a July 1 opening date, closed area within 15 miles of shore, and nonexclusive registration.

Alternative 2: This alternative would add superexclusive registration as a management option to Category 1 of the crab FMP. This option would remain reserved with the exception of the Norton Sound king crab fishery. The Norton Sound king crab fishery would be designated a superexclusive registration area in addition to those management measures already existing. Therefore, any vessel participating in this fishery would not be able to participate in other statewide or BSAI king crab fisheries.

Alternative 3: This alternative would recommend designating Norton Sound as an exclusive king crab registration area. Therefore, by choosing this alternative the Council would be recommending that the Board change the registration status of this area. Any vessel fishing in the Norton Sound king crab fishery would not be able to fish in any other exclusive king crab fishery, but would be able to fish in any nonexclusive area for king crab. At this time all king crab areas in the BSAI are nonexclusive except Bristol Bay and Dutch Harbor, which are exclusive.

Attached as Item D-1(b) is the Executive Summary of the analysis. After review of the analysis and receipt of public testimony, the Council can decide whether to release the document for public review. The Council can also request additional changes to the analysis prior to release for review. If the Council recommends the document be sent out for public review at this meeting, final action can be scheduled for the January meeting. Though this is a Plan amendment, rulemaking should be complete prior to a July 1, 1994 opening date for this fishery.

ALASKA DEPARTMENT OF  
FISH & GAME  
DIVISION OF COMMERCIAL FISHERIES  
JUNEAU, ALASKA

NATIONAL MARINE FISHERIES  
SERVICE  
ALASKA REGION  
JUNEAU, ALASKA

STATE/FEDERAL ACTION PLAN  
FOR MANAGEMENT OF  
COMMERCIAL KING AND TANNER CRAB FISHERIES  
OCTOBER, 1993

PURPOSE: To foster improved coordination and communication between National Marine Fisheries Service (NMFS) and Alaska Department of Fish & Game (ADF&G) with respect to crab management under the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area (FMP). Interagency action groups will implement this coordination.

BACKGROUND: The FMP approved in 1989 establishes a State/Federal cooperative management regime that defers crab management to the State of Alaska with Federal oversight. The Secretary of Commerce defers to the State's regulatory regime providing it is consistent with the FMP, the Magnuson Fishery Conservation and Management Act (Magnuson Act) and other Federal law.

A management goal and specific objectives are identified in the FMP. ADF&G, in consultation with NMFS, recommends to the Alaska Board of Fisheries (Board) appropriate management measure(s) for a given year and geographical area to accomplish the objectives. Three categories of management measures are available for consideration: (1) those that are specifically fixed and require an FMP amendment to change, (2) those that are framework-type measures which the State can change without an FMP amendment but following specified criteria, and (3) measures that are neither rigidly specified nor frameworked in the FMP. The measures in categories (2) and (3) may be adopted as State laws subject to the appeals process outlined in the FMP.

The State is not limited to the measures outlined above. Any other management measures must be justified based upon consistency with the FMP objectives, the Magnuson Act, and other applicable Federal law.

Overall, the FMP has efficiently managed the crab fisheries. The framework approach has worked well for the majority of crab management issues. However, Category 2 management measures have been appealed to the Secretary (specifically, pot limits and registration areas). Members of the industry also have criticized Board actions with respect to Category 2 measures

(setting of guideline harvest levels). In order to avoid future contentious problems, NMFS and ADF&G will adopt this action plan to more formally implement State/Federal cooperation in crab management.

ACTION: Three action groups, described below, will facilitate this joint coordination.

- a) Research Planning Group
- b) Crab Plan Team
- c) State/Federal Policy Group

#### Research Planning Group

The purpose of this group will be to consider long-term crab research priorities, current research activities, and each agency's particular research interests. The group will include NMFS, ADF&G and university crab biologists as well as other representatives from NMFS/Fisheries Management Division; Alaska Fisheries Science Center and ADF&G/Division of Commercial Fisheries. Some of these individuals also may be members of the Crab Plan Team.

This group will work on the development of a long-term plan for applied crab research which will help foster a healthy exchange of ideas among fishery biologists and managers on particular needs. The plan will focus on development of optimal long-term harvest policies. The plan will be updated annually and will function as a vehicle to coordinate the expenditure of crab funds between ADF&G and NMFS and to seek additional funding for critical research.

The group will meet annually for a one- or two-day period at a time and place convenient for the majority of group members.

#### Crab Plan Team

The annual development of the preseason guideline harvest levels (GHLs) is a dynamic process dependent on using the most current information available and applying this information via analysis and statistical modeling. Scientists from NMFS and ADF&G are currently involved in this process.

Though individual members of the Plan Team have always participated in the development of GHLs, public perception is that this is an ad hoc process. Due to the timing of the Bering Sea surveys and the openings of the early fall fisheries, only a limited amount of time exists to analyze, discuss, amend and release the GHLs to the public in a timely fashion. To release preseason GHLs that have been reviewed using a Council process, such as that used to establish annual groundfish harvest specifications under the groundfish FMPs, would require that

current season opening dates for the fall fisheries be delayed and/or rescheduled, or the previous year's survey information would have to be used to set GHLS in the current year. The latter option could interfere with the FMP management objective of biological conservation. In addition, the Council would have to schedule a special meeting or allow time during the September meeting to address crab management after the survey information became available.

The purpose of a Plan Team review will be to formally incorporate its input in the GHL process. The FMP calls for Plan Team input in the preparation of an annual area management report to the Board. This report includes a discussion of the current status of GHLS and support for different management decisions. This report is reviewed by the State, NMFS, and the Council, and available for public comment on an annual basis.

The Plan Team will meet annually to review GHLS in a session that is open to the public.

#### State/Federal Policy Group

The purpose of the State/Federal Policy Group will be to review and discuss crab management issues prior to Board and/or Council review. This group will include senior staff and legal counsel and will meet annually, or more often if necessary. Many issues may be resolved through interagency agreement. For instance, prior to final Board action, this Policy Group could review whether crab management proposals and petitions are consistent with the FMP and reflect an appropriate and desired management strategy. Also, this group will review FMP amendment proposals. Their recommendations will be forwarded to the Board and the Council, providing guidance as the Board establishes management regulations.

#### OTHER ACTION:

In addition to the above action groups, NMFS and ADF&G will meet annually with crab industry representatives to discuss crab management issues such as, but not limited to, setting of GHLS, stock analysis, current research, and harvest strategies. The location of meetings will alternate between Washington and Alaska. These meetings will provide an opportunity for review of crab management issues and industry input to management agencies.

Council and Board members have agreed to form a Consultation Group composed of a subcommittee of Council and Board members that will meet publicly on an annual basis to focus on crab issues. (These meetings could occur at one of the regularly scheduled Council or Board meetings.) This joint subcommittee could review staff data on the status of crab stocks and fisheries and both public and staff information regarding crab

management and then provide guidance to the respective Council and Board on pertinent crab issues. Council and Board representatives would benefit by meeting for the sole purpose of discussing crab-related issues.

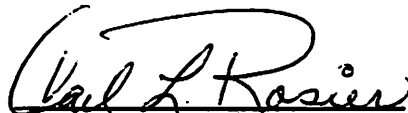
Both NMFS and ADF&G agree to jointly request Council and Board concurrence on these action groups and their role in the cooperative management of the king and Tanner crab fisheries in the Bering Sea and Aleutian Islands.

This State/Federal Action Plan for Management of Commercial King and Tanner Crab Fisheries has been approved by:



Steven Pennoyer  
Director, Alaska Region  
National Marine Fisheries  
Service

10/12/93  
Date



Carl L. Rosier  
Commissioner  
Alaska Department of  
Fish & Game

10/15/93  
Date

## EXECUTIVE SUMMARY

The Norton Sound summer king crab fishery has a unique collection of problems which makes fishery management difficult. These problems include overcapitalization, short seasons, high management costs, non-achievement of guideline harvest levels (GHL), and a failure to meet the goals and objectives of the Bering Sea crab FMP and the Magnuson Act. For most of the past decade, this fishery has had a GHL well below 500,000 pounds. Historically, the fishery has been characterized by years with low levels of participation and fairly high catch rates followed by years with high levels of participation and low catch rates. Lately, a combination of factors has led to high participation which is expected to continue into the future. These factors are based primarily on the overcapitalized crab fleet and on participants' efforts to establish catch histories in the event individual fishing quotas (IFQ) are instituted.

The Norton Sound summer king crab fishery was established by the Alaska Board of Fisheries in 1977 at the request of local residents. This was an attempt by local residents to broaden their fishery base. The region has a 35% unemployment rate and median household income of around \$16,000. Prior to 1993 only a few local residents participated in the fishery. Most felt their limited catching capacity was greatly exceeded by the larger crab vessels, they had difficulty finding a market for their crab and, at least recently, that the investment in crab pots was not justified by a four day or less fishery. Traditional salmon and herring fisheries in the region have failed lately and there are currently few viable fisheries remaining. The king crab fishery represented the largest fishery in the region in 1993 in terms of income.

In 1989 and 1990 the fishery lasted four days or less. In 1991 the fishery was not opened because the managing agency, the Alaska Department of Fish and Game, did not believe that adequate management could occur given the small GHL and the available fleet effort. When it was opened again in 1992 there was a GHL of 300,000 pounds and a new limit of 100 crab pots per vessel limit. A total of 27 vessels, all but four over 100' long, registered to participate in the fishery. This was the second highest recorded fleet/gear effort experienced. Managers, estimating expected catch rates based on historical performance, pre-announced a two day fishery. When the fishery closed only 26% of the available crab had been harvested. Once closed, a combination of an already expanded management budget and large fleet/gear effort focused on the remaining portion of a small GHL posed an unacceptable resource hazard to reopen.

Prior to the 1993 season, the Alaska Board of Fisheries instituted management changes to further restrict pot limits to 50 for vessels over 125' and 40 for vessels under 125', change the season opening date to July 1 from August 1, and designate the fishery to be superexclusive registration. This latter measure was rejected by the Secretary of Commerce after the season began. However, industry confusion was such that the 1993 fishery occurred as if it were a superexclusive fishery. A total of 14 vessels participated in this fishery, all of which were under 100' and all but two under 50'. This fishery lasted almost two months and 98 percent of the allowable harvest was achieved.

Two management alternatives to the status quo are considered to remedy the aforementioned problems for this unique area: superexclusive registration and exclusive registration. The current fishery is nonexclusive and any vessel can participate in it regardless of participation in other crab fisheries. The effect of superexclusive registration would be that vessels participating in this fishery could not participate in any of the other king crab fisheries managed under the federal crab FMP. Vessels fishing for king crab in Norton Sound could not fish in any other king crab fisheries off the state, including the Gulf of Alaska and Bering Sea/Aleutian Islands. This action will effectively limit participation by the most highly mobile large crab vessels resulting in a fishery consisting of smaller, less mobile vessels. Choosing exclusive registration would prevent participation by vessels that participate in other exclusive king crab fisheries such as Bristol Bay but would not eliminate participation by vessels participating in nonexclusive fisheries such as Adak and the Bering Sea. Unless Adak is also designated as exclusive, there is no means of



forestalling participation by much of that fleet in Norton Sound; thus not achieving biological and utilization goals.

The major difference between the alternatives is who will participate in the fishery: either primarily large, Bering Sea crab vessels or smaller, possibly more regionally based vessels. The effects of who participates include how long the seasons will last, how difficult monitoring will be, what the ex-vessel revenues will be, what new markets for crab might be developed, and which communities will benefit from income from and services to the fishery. None of the alternatives considered are likely to significantly affect the quality of the human environment. Likewise, none of the alternatives would directly affect the amount of crab harvested nor would other fishing activities change significantly in a manner that would affect the biological or physical environment. However, a greater fleet/effort combination, such as that expected under exclusive registration or, most certainly under status quo, would be more likely to under or over harvest the GHL, similar to pre-1993.

The large vessels that participate in the Norton Sound summer fishery gain only a small percentage of their annual crab landings from this fishery. For the years 1990 and 1992 this amounted to no more than 1.6% for any vessel. The primary fisheries for these vessels are Tanner crab fisheries and Bristol Bay red king crab. The small vessels that participated in 1993 are different from this in that most had limited fishing activity in 1992, in part due to local herring closures, and none participated in shellfish fisheries that year.

In 1992, 27 large vessels participated and 70% of the permit holders were from Washington. In 1993, 14 small vessels participated and 64% of the primary permit holders (captains) were from Alaska. All of the large vessels either process the crab onboard or take it to processors in the Pribilofs or Dutch Harbor. They bought few services or supplies in the Nome area. All of the smaller vessels provisioned out of Nome and many of the fishermen were from the region or worked on vessels stored in the region. In addition, a new fresh market for summer king crab was developed. This resulted in higher ex-vessel prices than were received for crab that are processed and frozen. Local residents are maintaining plans to develop this market even further in coming years. Most of the fishermen on the small vessels are expected to be unemployed if they are not participating in this fishery. The infusion of employment and income from the 1993 small vessel fishery was significant in the Nome area.

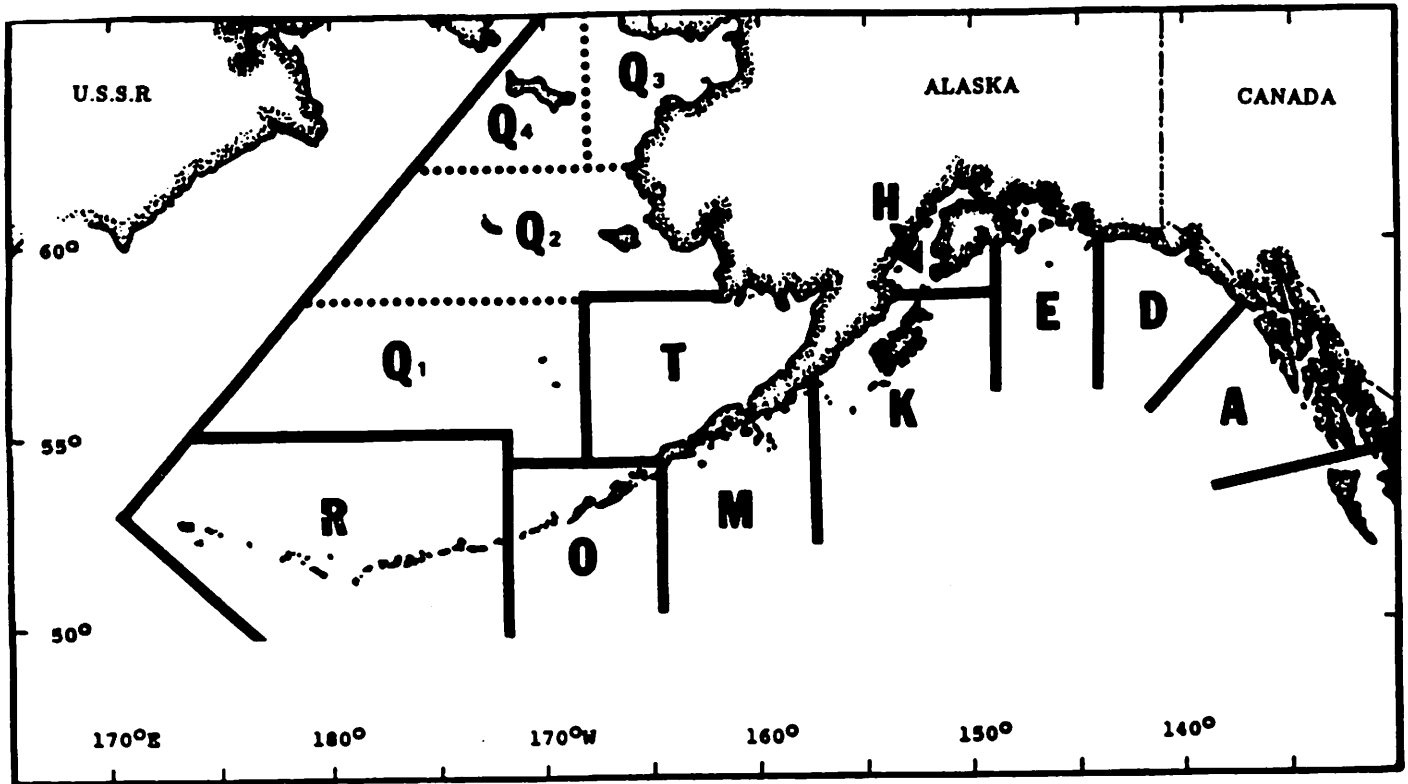
As part of the analysis, a linear model was developed to determine net revenues from the fishery after deducting major operating expenses: fuel, bait and crew shares. When the number of participants are estimated, the model estimated the season length. The model was tested by back casting the 1992 and 1993 seasons. While 14 vessels participated in 1993, several had very few days fishing and correspondingly low landings resulting in a "full time" fleet of 9 vessels. Therefore, the model was adjusted with due consideration given to actual (rather than average) participation rates, weather, and differences in vessel performance. The results were similar to the actual season lengths. Three scenarios of future fleet participation under the alternatives were modeled and the results compared. A fleet composed of 27 to 29 mostly large vessels was predicted to result in a 6 day fishery with net revenues of about \$6,250 per vessel. A fleet of 20 small vessels was expected to result in an 11 day fishery with net revenues of about \$10,500 per vessel. If revenues increase due to expanded markets for fresh crab, the small vessels' revenues would increase under either scenario. The small vessels are predicted to be more economically efficient because they use less fuel and soak their pots longer which results in correspondingly higher catch per pot.

The switch to superexclusive registration would create a management environment discouraging to participation by most if not all large crab vessels and to fishing by all catcher/processors. The management tradeoffs for this would be unbiased reporting of catch per pot, bycatch, and deadloss from

the observed portion of the fleet versus accurate daily catch reporting of all harvest. The improved accuracy of a slower paced fishery allowed, and is expected to continue to allow, fuller attainment of GHUs. Better daily reporting is possible because the smaller vessels rarely hold their crab in live tanks for extended periods but deliver after each trip. In addition, a season lasting a month or less and involving no at-sea enforcement, such as that predicted for superexclusive registration, would reduce administrative and enforcement costs.

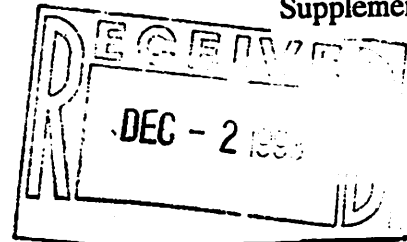
Overall, superexclusive registration is expected to result in greater benefits to the nation than either the status quo or exclusive registration. These benefits are at the cost of a transfer of participation and income from a predominately Washington based large vessel fleet to a predominately Alaskan based small vessel fleet.

# KING CRAB AREAS





# ALASKA CRAB COALITION



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October 5, 1993

VIA FAX - (907) 465-6094 and Mail

Mr. Laird Jones  
Executive Director  
Division of Fisheries  
P. O. Box 25526  
Juneau, AK 99802-5526

**Re: Emergency Board of Fisheries Meeting on Emergency  
Regulation Pot Limits for Adak (Area R) King and  
Tanner Crab Fisheries**

Dear Laird:

On October 4, we received a copy of the Alaska Board of Fisheries' public notice for the emergency board meeting that will be held on October 7, 1993 at 10:00 a.m. Among the topics to be discussed at this meeting include adopting, by emergency regulation, pot limits for the Adak (Area R) king and tanner crab fisheries.

The Alaska Crab Coalition is opposed to any action by the Alaska Board of Fisheries setting a pot limit in Area R at the special October 7 Board meeting. ACC opposes Board action on this matter for several reasons. First, the meeting is too close to the Area R season opening date (November 1, 1993) in light of the lack of adequate public notice of the Board's anticipated action. Second, the Board has not given affected parties adequate public notice of the meeting. This lack of notice violates provisions of the Crab Fisheries Management Plan, Alaska's Administrative Procedures Act, and other laws regulating procedures for the Board's adoption of regulations. Third, there is not an emergency situation that justifies Board action in Area R crab fisheries. Fourth, even if a pot limit is warranted for Area R, such a limit should be adopted only after adequate public notice to the affective industry and with an opportunity for industry and relevant state and federal staff to review the materials upon which the Board makes

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a regulatory decision.

Legal/Procedural Problems With the Board's Regulation of Area R Pot Limit

The Crab FMP requires the State to insure that all interested parties have access to the Board's regulatory process. Crab FMP, page 7-7. To meet this objective, the Crab FMP requires a continuing dialogue between fishery managers, fishermen, processors, and others. Management meetings are to be scheduled around fishing seasons and in places where they can be attended by fishermen, processors, and other interested parties.

There will be no opportunity for any fishermen or processors from Seattle to participate in the Board's October 7 emergency meeting, as no accommodation is being made for us to participate in the Board's meeting in the Seattle area. In addition, we cannot have open access to the Board process as the Board will not allow testimony at its meeting. Thus, the Board is violating the FMP's open access objectives.

The Crab FMP also requires representatives of the National Marine Fisheries' Service, NOAA Office of General Counsel, and the North Pacific Fisheries' Management Council to meet with the Board and participate in the Board's discussions and deliberations. The purpose of this requirement is to assist the Board in determining the extent to which a proposed management measure falls within the scope of the FMP and other federal law. To our knowledge, none of the federal representatives required to meet with the Board have been contacted on this matter or had an opportunity to comment on the proposed Area R crab pot limitation, nor have they been invited to the Board's October 7 meeting.

We understand that Alaska law also requires the Board to publish legal notice describing the proposed change it will make to regulations and solicit comments for 30 days prior to taking action. The public notice we received from the Board is dated September 27. This obviously is not 30 days notice before the Board meets on October 7.

In addition, the Board's meeting notice and the proposed action is to be published in newspapers, trade, or industry publications, or the Alaska Administrative Journal so that persons interested in the proposed action can review and comment on the action. This publication was not done by the Board to our knowledge. ACC was not given specific notice of the Board's meeting in a timely fashion. ACC represents many fishermen and processors affected by the Board's possible action and we should have been specifically advised all along. Instead we found out about the Board's meeting third hand and had to track down what the Board was up to.

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We understand that the Board cannot meet in emergency session and act upon a petition to adopt an emergency regulation until the problem outlined in the petition justifies a finding of an emergency. An emergency, according to the Alaska law, is an unforeseen, unexpected event that either threatens a fish resource, or is an unforeseen unexpected resource situation that could be harmed by delayed regulatory action and delay by the Board would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

We also understand that the Board based its decision to have an October 7 emergency meeting on a letter from the Kodiak Longline Vessel Owners' Association dated September 2, 1993. We reviewed this letter and can find no information at all that indicates an unforeseen, unexpected event, a crab conservation problem, or that otherwise meets the standard for scheduling an emergency Board meeting.

Finally, the Crab FMP established the Pacific Northwest Crab Industry Advisory Committee to give nonresidents access to crab management regulatory procedures. The State must recognize the PNCIAC as an advisory group to assist the State on crab management issues. The PNCIAC has not been advised by the Board of its October 7 meeting on Area R crab management and has not been asked for its advice on the emergency measures to be considered by the Board. Consequently, the Board should follow the procedures set forth in the Crab FMP and Alaska law and receive additional input before taking any action on October 7 on crab management issues.

#### Background of the KLVOA Proposal to Set Pot Limit

The KLVOA letter that the Board is responding to focuses on limiting the number of pots that single line pot fishermen will be able to use in the red king crab fishery in Area R. This regulatory proposal is the third KLVOA proposal aimed at preferential allocation of red king crab to a few longline brown king crab fishermen. Two years ago, KLVOA successfully petitioned the Board to legalize retention of red king crab in the longline brown king crab fishery. At the Board's February 1993 meeting, KLVOA supported the adoption of longline gear as the only legal gear for the Adak brown king crab fishery, which now excludes single line pot fishermen from participating in the brown king crab fishery.

This third proposal from KLVOA to limit boats to 40 and 75 pots will make the Adak red king crab fishery unprofitable for the single line fishermen to participate in. Therefore, the red king crab fishery will become a de facto longline fishery. In essence, then, KLVOA's proposal is an allocation proposal, not a conservation proposal.

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### Technical Problems With the Proposed Area R Pot Limit

The KLVOA letter requesting that the Board meet on the Area R crab pot limitation does not set forth any conservation concerns. We believe that there will not be the level of participation in the red king crab fishery as believed by ADF&G staff in February 1993, and there is no conservation basis for the Board to adopt a pot limit for red king crab this year for Area R.

When the Board met in February 1993, staff reported that the November 1 Bristol Bay king crab fishery might not occur because of the small resource available. Because staff expected the Bristol Bay harvest to be small, the effort was expected to be directed on the Adak red king crab fishery.

If there was not going to be a Bristol Bay season in 1993, then there might be a problem with a large number of fishermen fishing in Area R, which opens the same time as Bristol Bay. However, staff now projects a Bristol Bay king crab fishery this year of about 16 million pounds, which is about a 50% increase in harvest over last year.

As a result, we doubt that a large number of boats will risk travelling to Adak to compete for an estimated 1 million pound quota of red king crab, and then turn around and rush back to Bristol Bay to make the mid-November opening for the 19 million pound bairdi crab quota. Historically, fishermen harvest the bulk of the Adak red king crab quota by early December. During November and December, the Bering Sea crab fleet targets on Bristol Bay king and bairdi fisheries. These fisheries continue to be the best economic opportunities in late fall. It is also worth noting that this year, an unexpected 3.3 million pound GHJ hair crab fishery opens the same time as Bristol Bay. Thus, this fishery will also attract effort away from the Area R red king crab fishery and further disperse the fleet in the Bering Sea.

The red king crab fishery uses single buoy pots and red king crab fishermen cannot retain brown king crab. Conversely, the brown king crab fishery is now exclusively a longline pot fishery, and brown king crab fishermen can retain red king crab.

ADF&G staff recommends pot limits for Adak red king crab fisheries of 40 or 50 pots depending on the size of the vessel. By recommending this pot limit without regulating the brown king crab fishery, staff is making a de facto allocation recommendation that favors brown king crab longline fishermen over red king crab fishermen. This allocation is all the more evident because staff concedes that the Fish and Wildlife Protection Division has difficulty pulling longline gear for enforcement purposes--single pot red king crab fisheries do not have

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the same enforcement problems.

If there is a problem of too much effort in Area R on the red king crab fishery--which ACC disputes based upon available information--ADF&G staff recommendations do not address the problem. Instead, if the Board adopts staff recommendations, the Board will be engaging in an allocation of red king crab from fishermen using single buoy pots to king crab fishermen using longline pot gear.

ADF&G Westward Shellfish Reports on the Adak red and brown king crab fisheries are confusing and misleading (as the statistics for boats and pots are aggregated), when trying to determine the total number of boats and pots involved in these two separate fisheries. A recent analysis of information available on the 1992-93 red and brown king crab fisheries, conducted by ACC, shows that a total of 18 boats fished these fisheries, and apparently only 11 fished the red king crab fishery.

Of the 11 vessels that fished the red king crab fishery, 8 targeted on the fishery with single line gear, while apparently 3 deployed longline pot gear and combined brown king crab fishing with red king crab fishing.

The catch reports for the red and brown crab fisheries show a combined total of 12,170 pots deployed during the fisheries. However, ACC interviews of the 8 vessels employing single line pot gear in the last November and December red king crab fishery indicate that an average of no more than 150 pots per boat were used by 7 of the boats and 290 pots were used by a larger vessel, for a total of about 1,340 pots by the single line vessels.

The balance of the pots (in excess of 10,000 pots) were deployed by the 12 brown king crab boats utilizing longline gear for brown crab and were taking red king crab as an incidental catch, or targeting exclusively on brown king crab during the lengthy 9 month brown king crab season.

What is the conservation basis for a pot limit in the single line pot fishery for red king crab in Adak Area R?

If there is a need for a pot limit in the Adak king crab fisheries, a review of the verifiable number of pots being used will show that the brown crab boats are the ones that warrant a pot limit. The ADF&G report to the Board states that the brown king crab boats are using 450 pots per boat. However, aggregate statistics indicate that they are using more than 900 pots per boat. This would seem to indicate that ADF&G is not being given accurate



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information on the brown king crab fishery.

The brown king crab catches, on the other hand, have declined dramatically to 4.8 million pounds in 1993, less than half of the catch in 1989-90. The recently prepared ADF&G staff report, Adak Pot Limit Petition Information Packet (September 20, 1993) speaks to this year's low catch being attributable to overfishing during previous years. Recent data generated by observers shows a harvest at over an 80 percent exploitation rate during previous years, which is affecting the current harvests. The report identifies a problem with the size limit of 6 inches not providing adequate protection against overfishing of mature crab. The report also states that inseason data indicates a possible overfishing of the area that was equal to, or exceeded, that of previous years.

Consequently, there is no conservation basis of the Board adopting a pot limit in the Adak red king crab fishery this year, particularly for single line gear. However, there appears to be some very real conservation concerns as regards the status of the brown crab stocks and the associated longline pot gear, which has been adopted as the exclusive gear type in the Adak Area R brown crab fishery.

There are other reasons for not adopting a pot limit in Area R red king crab fisheries. Area R fisheries are conducted over a very large area so overcrowding of gear is not a problem. Last year the red king crab season last year lasted 75 days. Other years the season was nearly as long or longer. The fisheries are not derby-style fisheries. If ADF&G requests in-season data, code reporting by radio can be easily accomplished over high seas radio to the Dutch Harbor office, or increase vessel reporting requirements for catcher boats every two or three days.

### Conclusion

It is ironic that ADF&G staff reference Amendment 1 to the Crab FMP on page 8 of the Information Packet provided to the Board. The purpose of Amendment 1 is to prevent overfishing of crab stocks. By requesting a pot limit in the red king crab fishery, KLVOA has brought to light overfishing issues in the brown king crab fishery that require much more attention than Area R red king crab fisheries. In fact, the situation in the brown king crab fishery may well be violating Amendment 1 to the Crab FMP and require the Board to set a lower brown crab GHL and tighter gear restrictions at its next scheduled meeting.

We hope that the Board will not take any action at the October 7 meeting affecting red king crab fisheries in Area R. We are seriously concerned that the Board follow the

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requirements set forth in the Crab FMP, consult with industry before taking any action, and not act before having all the information on the conservation and allocation impacts of a Board decision. We are also concerned that the Board adopt crab regulations in a manner that sufficiently advises the public of Board actions and the basis for those actions. This argues for taking action at regularly scheduled board meetings and not out of the Board's cycle, except in extraordinary cases.

We desire to work with the Board on crab management issues, but are prepared to bring this matter to the attention of the PNCIAC, the Crab Interim Action Committee, and the Secretary of Commerce to insure that the Board acts in a proper and considered way on Area R crab management.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Arni Thomson  
Executive Director,  
Alaska Crab Coalition

cc: Douglas K. Hall, Assistant Secretary, Dept of Commerce, NOAA  
Rick Lauber, Chair, NPFMC  
Steve Pennoyer, NMFS Regional Director and Crab Interim Action Committee Member  
Carl Rosier, Commissioner ADF&G and CIAC Member  
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