


MEMORANDUM

TO: Council, AP, and SSC Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: April 13, 1993

SUBJECT: Close Kodiak Crab Protection Zones to ALL Trawling

ACTION REQUIRED

Approve proposed groundfish amendment for public review.

BACKGROUND

In 1992, the sunset year of Gulf of Alaska Amendment 18, the Council reconsidered the time/area closure regime around Kodiak, and recommended that the crab protection zones (Figure 1) become permanent under Amendment 26. The time/area closures afforded protection to crab in some areas during their molting or soft-shell period, while in other areas it protected crab from bottom trawls year-round.

In January, the NOAA Office of Enforcement expressed concern about the effectiveness of Amendment 26 as adopted by the Council. Restricting the closures to only one form of trawl gear would create enforcement problems because it would be necessary to determine whether or not observed vessels were using pelagic or bottom trawls. However, since a closure to all trawling was not analyzed under Amendment 26, and the Council had already approved the bottom trawl closure language, the Secretary's only options were to: (1) disapprove Amendment 26, or (2) initiate a separate FMP amendment procedure, which is the subject of this proposed amendment. This proposed action would enable more effective monitoring and enforcement of the closures authorized under Amendment 26, and more fully meet the Council's intent to protect crab habitat.

The alternatives examined were:

Alternative 1: Status Quo. Under the status quo, pelagic trawling would be allowed in the crab protection zones. Bottom trawling would continue to be regulated in these zones as specified in Amendment 26.

Alternative 2: Close the time/area crab protection zones around Kodiak Island as specified under Amendment 26 to all trawling, including pelagic trawling.

Analysis indicates that the closure of preferred fishing areas will decrease profits if cost per unit of catch is higher in the areas that remain open, and/or if the catch that is foregone in the closed areas is not completely offset by increased catch in other areas. Reduction would occur in the unlikely event that none of the catch that would have been taken in the closed areas can be taken elsewhere. If the Type I areas were closed to pelagic trawling, and if the catch from these areas could not have been made up elsewhere, approximately 1,482 mt of landings, or \$375,717 of gross ex-vessel earnings, would have been foregone

annually, based on 1989-1991 landings and 1991 prices (Table 2.1). Only 2% of the Gulf-wide pollock catch was taken by pelagic trawls from Type I areas annually during this period. However, if only catches from the Central Gulf were considered, this percentage would be higher. Had the Type II closures been in effect, and had pelagic trawl fishermen been unable to make up the catch from these areas, the additional foregone catch and value would have averaged approximately 1,116 mt and \$282,928 annually, based on the 1989-1991 landings and 1991 prices (Table 2.1). Pollock catches from Type II areas averaged 1.4% of the total Gulf-wide catch during the period examined. Type III areas were apparently more important for pelagic trawling. Data indicate that 3,749 mt of pollock, valued at \$950,447, would be foregone annually if pelagic trawling were prohibited in these areas, and the catch could not be made up elsewhere (Table 2.1).

The benefit of the proposed alternative is that enforcement of the crab closures becomes more effective and less costly. Aerial surveillance, which is the most effective and least costly and intrusive means to monitor closed areas, would become highly effective as all vessels observed fishing with trawls in the closed areas would be in violation. As a result, enforcement would be more effective, and enforcement costs in these areas may be reduced.

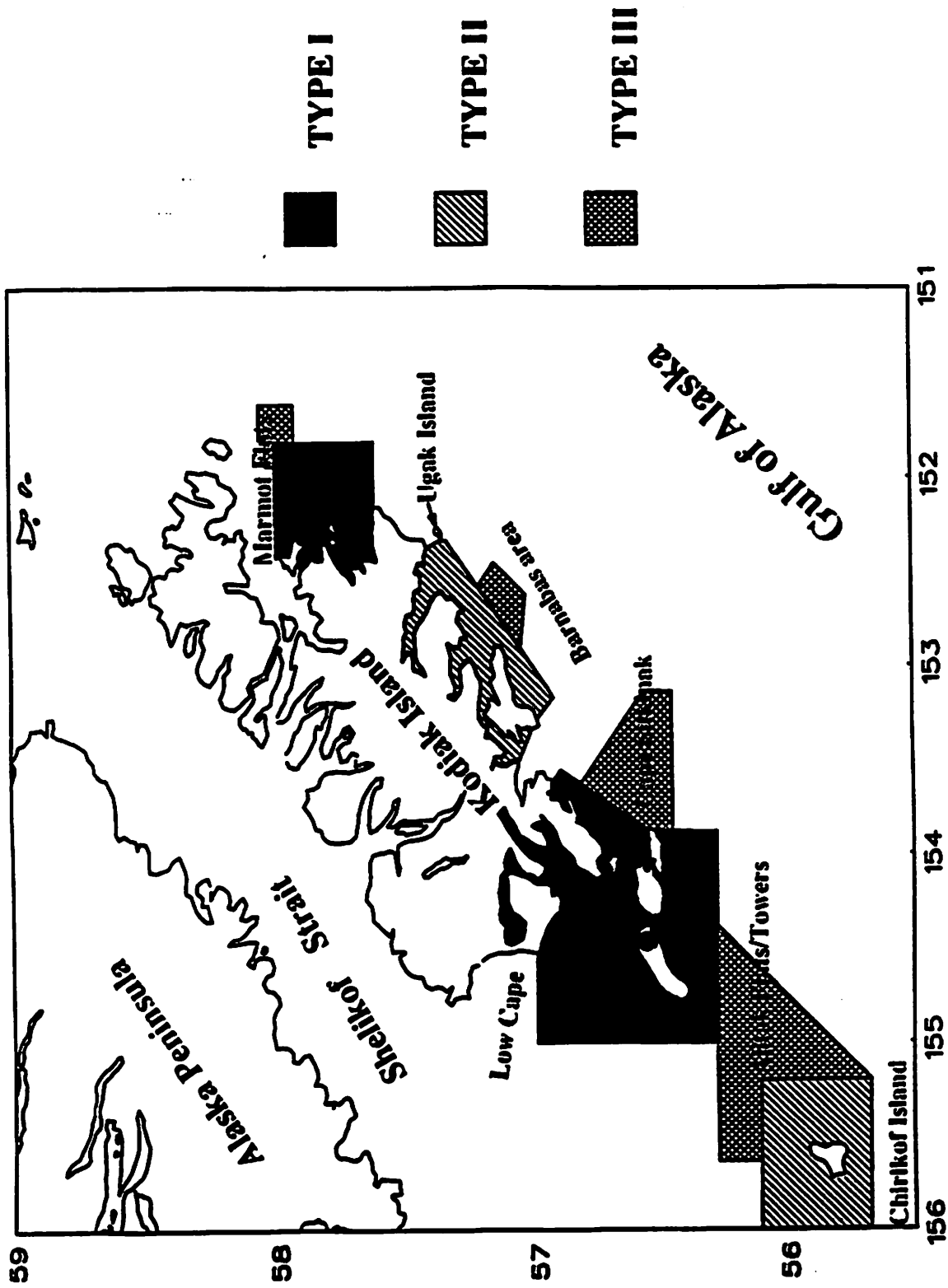


Figure 1 Areas around Kodiak Island closed to trawling except with pelagic trawls. TYPE I areas are closed year round. TYPE II areas are closed February 15 to June 15. TYPE III areas close when a significant recruitment event occurs.

Table 2.1 Quantity and value of pollock harvested by pelagic trawls within Type I and II trawl and III closures 1989-1991.

<u>Type I</u>			
<u>Year</u>	<u>Quantity (mt)</u>	<u>Value</u>	<u>Percent of Gulf-wide Trawl Catch</u>
1989	2,446	\$620,110	3.7
1990	1,794	\$454,815	2.2
1991	206	\$52,225	0.2
AVE.	1,482	\$375,717	2.0
<u>Type II</u>			
<u>Year</u>	<u>Quantity (mt)</u>	<u>Value</u>	<u>Percent of Gulf-wide Trawl Catch</u>
1989	246	\$62,366	0.4
1990	1,895	\$480,420	2.4
1991	1,207	\$305,999	1.3
AVE.	1,116	\$282,928	1.4
<u>Type III</u>			
<u>Year</u>	<u>Quantity (mt)</u>	<u>Value</u>	<u>Percent of Gulf-wide Trawl Catch</u>
1989	757	\$191,915	1.2
1990	5,511	\$1,397,149	6.9
1991	4,979	\$1,262,276	5.5
AVE.	3,749	\$950,447	4.5

Catch figures in the area were provided by ADF&G and prices used were annual average trawl prices in the Central Gulf of Alaska as reported in the 1991 PacFIN report.

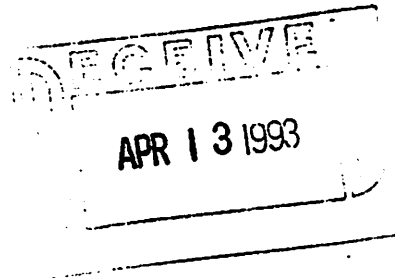


AGENDA D-2(c)
APRIL 1993
Supplemental

UNITED STATES DEPARTMENT OF COMMERCE
N.O.A.A. / National Marine Fisheries Service
Alaska Enforcement Division
P.O. Box 21668
Juneau, Alaska 99802-1668

March 30, 1993

Mr. David Witherell
North Pacific Fishery
Management Council
P.O. Box 103136
Anchorage, AK 99510



RE: Closure of the Kodiak crab protection areas to all trawling.

Dear David,

Thank you for the opportunity to comment on the proposed amendment to prohibit all trawling within the Kodiak crab protection areas. We favor, whenever possible, that trawl closures be all inclusive rather than specific to bottom trawl only. This is especially true if smaller areas where illegal encroachment is of short duration and the surrounding area is open to bottom trawling.

As we have stated before, our primary tool for enforcing closures is aerial surveillance. Air surveillance can rarely distinguish between a pelagic and bottom trawl operation. The only opportunity to differentiate between the two gear types from the air is when the gear is on deck (and therefore not fishing) or during that very brief time that the gear is trailing off the stern ramp. The current closure does not prohibit transit through the areas with bottom trawl gear on board.

Most trawl vessels that operate around Kodiak do not have a full time observer requirement. It is suggested in your letter that when we see a trawl vessel fishing in these areas that we can cross check the fish ticket to ensure that the vessel was targeting pollock. We would presume that if the vessel was fishing in the areas it is fishing for pollock. However, that does not eliminate the use of bottom trawl. Pollock can be taken with either pelagic or bottom trawl. The fish ticket does require the vessel to list gear type. However, this requirement is merely the vessels claim of which gear was used, not substantive proof. This suggestion also presumes that we have the NMFS staff resources to follow up on such sightings, which we do not.

I have heard the claim that the only time trawling occurs in

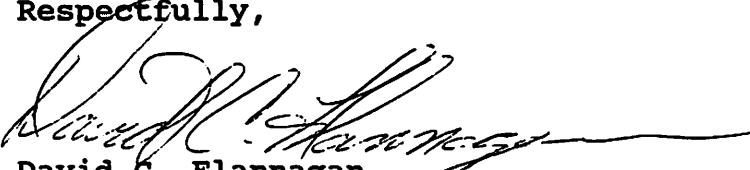


these areas is when the only open fishery is the pelagic trawl fishery for pollock. If this is the case then perhaps an alternative solution is to just ban all trawling in these areas except when all bottom trawling is closed in the central GOA.

At present, enforcement of this closure is ineffective. It requires detection of vessels in a small area by an aircraft and cutter team, followed by a timely boarding to determine their specific activity. The lack of a performance based trawl definition further inhibits the ability to make a bottom trawling determination once aboard. These factors combine to do little to promote compliance. If it is the decision of the Council that continuing the pollock pelagic trawl fishery in these areas outweighs effective enforcement and crab protection considerations, then the next best option is to have the areas remain closed to bottom trawling during pollock openings and closed to all trawling the remainder of the year.

I have discussed this issue with Capt. Anderson of the 17th CGDIST and he concurs with our comments. Please contact me if you have any questions.

Respectfully,



David C. Flannagan
Special Agent in Charge

cc:17CGDIST-B.Anderson
F/AKR-R.Berg
R.Hegge

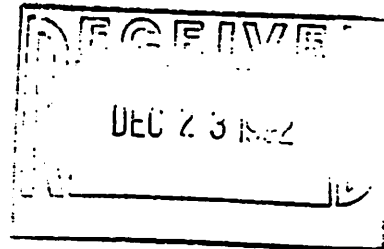
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UNITED STATES DEPARTMENT
National Oceanic and Atmospheric
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA D-2(c)
APRIL 1993
Supplemental

December 17, 1992



Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Rick,

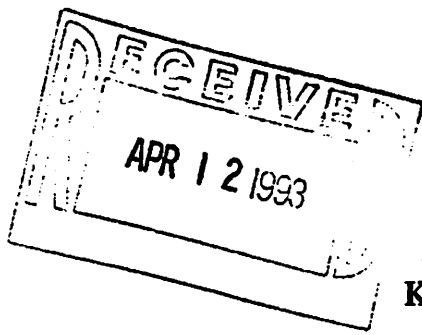
This letter is to notify you of my decision to approve Amendment 26 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The North Pacific Fishery Management Council (Council) recommended that this amendment be submitted for Secretarial review and approval during its June 1992 meeting. Under Amendment 26, FMP authority is extended beyond 1992 that allows the implementation of non-pelagic trawl gear closures around Kodiak Island to protect crab habitat. This authority was scheduled to expire at the end of 1992 under Amendment 18 to the FMP. Amendment 26 is necessary to continue to protect the habitat of depressed stocks of red king crab and Tanner crab in the Kodiak Islands area and is intended to promote the recovery of these crab stocks.

The Enforcement Division of National Marine Fisheries Service and the U.S. Coast Guard have commented that the Council should consider an amendment to the FMP that would authorize the closure of the Kodiak Island areas specified under Amendment 26 to all vessels using trawl gear. This action would enable more effective monitoring and enforcement of the time/area closures authorized under Amendment 26 and more fully meet the Council's intent to protect crab habitat.

Sincerely,

Steven Pennoyer
Director, Alaska Region





LeRoy Cossette
4518 Rezanof Drive
Kodiak, Alaska 99615

April 9, 1993

Mr. Clarence Pautzke
North Pacific Fisheries Management Council
605 West 4th
Anchorage, AK 99501

Dear Mr. Pautzke,

I am writing in regards to the D2-C issue on the April Council Agenda.

It seems like every time I blink someone is attempting to take a slice out of my business. This issue of closing Federal closed waters around Kodiak to pelagic trawling when non pelagic gear is prohibited is preposterous.

First, The Coast Guard (enforcement) sees this as a "perceived" problem. To my knowledge there has never been a problem in this area with non pelagic gear fishing in the pelagic only areas. There have been no citations issued for "perceived" problem in the past.

Secondly, I have a small 60' trawler and I have used these areas for pelagic fishing for pollock when the weather prohibits me from fishing in outside waters.

My small trawl operation is only marginally profitable. If inside areas are continually taken away from us, we well have to sell out to the big operators.

Thank you for your consideration.

Sincerely,

LeRoy Cossette