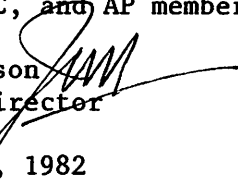


M E M O R A N D U M

TO: Council, SSC, and AP members

FROM: Jim H. Branson   
Executive Director

DATE: December 22, 1982

SUBJECT: Tanner Crab Fishery Management Plan

*ACTION REQUIRED*

*Final review and approval of Amendment #9 which will increase the Regional Director's flexibility in setting fishing seasons.*

BACKGROUND

At the September meeting the Council approved Amendment #8 for Secretarial review. The "housekeeping" amendment eliminated State/Federal regulatory differences in five areas of the plan: Pot Limits, Gear Placement, Size Limit, Gear Restrictions, and Fishing Seasons. However, with the 1982-83 Tanner crab fishery opening as early as November 1 in some areas, the Regional office of NMFS had to implement the approved season dates by using its field order authority. The Central office has told the Region that using field orders to set both opening and closing dates is a misuse of their authority and will not be allowed in the future. In response, the Region proposed that a framework be developed for the Fishing Season section of the FMP which would increase the Regional Director's flexibility in setting seasons, while not violating the authorized use of his field order power.

In December the Council and NMFS staff presented a proposed framework for the FMP [agenda item D-2(a)]. The Council examined the proposed amendment and approved it for public review which began on December 13 and closes at this meeting. The Tanner crab Plan Maintenance Team (PMT) has reviewed the amendment and their report is included as item D-2(b). The Team supports it but recommends a few minor changes.

If the Council approves Amendment #9, there will be four amendments to the Tanner Crab FMP and regulations in progress. A tentative implementation schedule for all amendments is included as agenda item D-2(c).

We expect the next amendment will redraft the Tanner Crab FMP as a framework plan using the King Crab FMP as a model. Members of the Council, SSC and AP Tanner crab subgroups will be contacted as meetings are scheduled with the PMT for further guidance on this amendment.

Amendment #8, the housekeeping amendment with accompanying Environmental Assessment and Regulatory Impact Review is nearing completion and will be submitted for Secretarial review in the next few weeks.

Amendment #7 which established new C. bairdi OYs and set C. opilio OY equal to DAH (i.e. TALFF = 0), was submitted to the Secretary on December 24, 1980 and published in the Federal Register as a proposed rule on September 3, 1981. No date has been given by NMFS for final publication and implementation.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Fishery Management Plan for the  
Commercial Tanner Crab Fishery  
Off the Coast of Alaska

AMENDMENT #9

Changes to the FMP

I. SUMMARY

Amendment #9 authorizes the Alaska Regional Director, National Marine Fisheries Service, to establish dates of the Tanner crab fishing seasons after receiving recommendations from the Council and after receiving public comments on a published notice of the Regional Director's initial determination to establish seasons. This procedure will greatly enhance the Regional Director's ability in utilizing this management measure.

II. CHANGES TO THE FMP

1. Replace the text after Fishing Seasons in sections 3.3.2.1. & 3.3.2.2. Regulatory Measures and Purpose of Measures with the following:

Open and closed fishing seasons are used to protect Tanner crab during the molting, mating, and growing periods of their life cycle. The season will normally be closed during those periods to protect crab from mortality caused by handling and stress when shells are soft and to maximize meat recovery by delaying harvest until the shells are filled out. Closed seasons will be set to maximize the reproductive potential of the Tanner crab population based on one or more of the following considerations:

- Closed seasons protect the breeding population of male Tanner crab during their migrations into shallow water breeding grounds.

- Closed seasons allow enough time preceding peak breeding periods so that male breeders are not overharvested as they segregate into discrete schools immediately prior to breeding.
- Closed seasons continue after molting periods until the shells have hardened enough to permit handling with minimal mortality and damage.
- Closed seasons should include all the sensitive periods of the life cycle of the crab, including egg hatching by females.

In some areas, provision for an open season that conflicts with some of the preceding conditions may be desirable based on one or more of the following considerations:

- Openings will provide for an exploratory fishery to encourage effort on a stock of low productivity which would otherwise not be fished during a normal season because fishermen would concentrate on more productive stocks.
- An opening may also be justified if adverse environmental conditions such as sea ice covering the fishing grounds prevent utilization of harvestable crab during a normal season even though the opening were during a period that was not optimal relative to the above considerations.
- An opening during a sensitive biological period will be designed to ensure that no irreparable damage will be done to any Tanner crab stock.

The biologically sensitive period in the life cycle of Tanner crab in the FCZ area is generally from spring to fall although the timing for individual stocks may vary somewhat, allowing some adjustments in seasons. Winter through early spring is generally the acceptable period for harvesting crabs from a biological standpoint. However, molting Tanner crab have been found to a certain extent at all times

of the year and in every area. Information on the early life history, molting frequency, and mating periods of Tanner crab is scarce and as more becomes known, managers will be able to determine more accurately the biologically sensitive periods for each area.

Tanner crab fishing seasons are established during periods when crab are not molting or reproducing, and when handling mortality should be low and meat content high. These periods may last up to nine months, far exceeding the time required to harvest the available catch. To meet the objectives of FMP, the Council may therefore consider socioeconomic as well as biological factors in setting fishing seasons.

Some of the factors the Council may consider are:

- ° Deadloss. Rationale -- All Tanner crab must be alive when processing begins. Those dying prior to processing are classed as "deadloss" and discarded. They are counted as part of the harvest and the OY. Deadloss increases if crabs are: (1) softshell, (2) not completely filled out, (3) held for long periods in boat tanks or processor holding tanks, (4) holding tanks are contaminated by fresh water, and (5) handled too many times. Seasons should be set when crab are hard and well filled out, and scheduled in relation to other fishing seasons and activities so deliveries and processing are orderly, thereby reducing to a minimum the time a catch is kept in vessel or processor holding tanks. Warm water temperatures and periods when fresh water may be a problem on the surface of bays and harbors should be avoided if possible since both factors increase mortality in holding tanks.
- ° Recovery rate. Rationale -- Seasons should be scheduled to produce the best possible recovery rate, which is the ratio of meat recovered in proportion to live weight. Since different segments of a stock within a fishing area may fill out at

different times during the acceptable biological season, it is not always possible to harvest all crabs in an area during the best meat recovery period.

- Weather. Rationale -- Insofar as possible seasons should be scheduled to minimize the period of severe weather conditions during the fishery to avoid loss of fishing time and losses of men and ships because of adverse conditions.
- Cost. Rationale -- Costs of industry operations are affected by the timing of seasons. Seasons should be scheduled to minimize these costs.
- Other fisheries. Rationale -- Seasons should be scheduled in consideration of other fisheries that will be making demands on the same harvesting, processing, and transportation systems needed in the Tanner crab fishery.
- Coordinated season timing. Rationale -- Seasons should be scheduled in consideration of the need to time Tanner crab seasons relative to one another to spread fishing effort, prevent gear saturation in a particular area, and allow maximum participation in the fishery by all elements of the Tanner crab fleet.
- Enforcement and management costs. Rationale -- Seasons should be scheduled in consideration of the costs of enforcement and management before, during, and after an open season as affected by the timing and area of different Tanner crab seasons and as affected by seasons for king crab and other resources.

2. Change the heading in 8.3.1.4. In-season Adjustment of Time and Area to read Adjustment of Fishing Areas and Seasons of the Tanner Crab Fishery. Insert the following text immediately after the second paragraph:

NPFMC FINDING ON THE SPECIFICATION OF OPENING AND CLOSING DATES OF THE FISHING SEASONS BY THE ISSUANCE OF NOTICES (ORDERS)

The Council may find it necessary that the opening and closing dates of the Tanner crab fishing seasons should be changed to optimize the economic efficiency of the industry for reasons discussed in sections 3.3.2.1. and 3.3.2.2. The Council will then request the Regional Director to establish any new seasons by publishing a notice to do so in the Federal Register. The Regional Director will publish such a notice, inviting public comments on his initial determinations. After considering any comments received, the Regional Director shall publish a notice of his final determination in the Federal Register.

The factors that the Regional Director must consider in making his determination are listed below. It is, however, recognized that the Council and Regional Director may have to consider other factors which are relevant to the conservation and management of Tanner crab and cannot be forecast at this time. Rationale for these factors is found in sections 3.3.2.1. and 3.3.2.2.

1. Deadloss
2. Recovery rate
3. Weather
4. Cost
5. Other fisheries
6. Coordinated season timing
7. Enforcement and management costs

3. The following sections are modified as indicated.

A.3.3.2.1. and A.3.3.2.2. Regulatory Measures and Purpose of Measures.  
[Southeastern Management Area]

Delete: 1. Fishing Season

C.3.3.2.1. and C.3.3.2.2. Regulatory Measures and Purpose of Measures.  
[Cook Inlet Management Area]

Delete: Paragraphs 2 and 3

D.3.3.2.1. and D.3.3.2.2. Regulatory Measures and Purpose of Measures.  
[Kodiak Management Area]

Delete: Fishing Season

E.3.3.2.1. and E.3.3.2.2. Regulatory Measures and Purpose of Measures.  
[South Peninsula/Aleutian Management Area]

Delete: Fishing Season

TANNER CRAB PLAN MAINTENANCE TEAM REPORT ON AMENDMENT #9  
TO THE TANNER CRAB FISHERY MANAGEMENT PLAN

Members: Ray Baglin, Steve Davis, Fred Gaffney, and Jerry Reeves.

At the last meeting the Council adopted for public review, Amendment #9 to the Tanner Crab FMP which is designed to provide increased flexibility in setting fishing seasons. This will be accomplished in two ways: (1) through a management framework which provides expanded guidance to the Council and the Regional Director of NMFS when considering fishing seasons; and by (2) the utilization of a "notice" procedure which will provide the Regional Director with a rapid process for implementing new season dates.

During the public review period, the Council asked the Tanner Crab Plan Maintenance Team (PMT) to examine Amendment #9 and provide a report at this meeting. In reviewing the proposed amendment the PMT has concluded that the amendment will significantly improve the management of the Tanner crab fishery. However, the PMT does recommend that a few minor changes be made to the amendment prior to Council approval and submission to the Secretary. The recommendations are provided below:

Section II, changes the FMP, Part 1. The PMT recommends deleting the first consideration since it is unknown whether Tanner crab migrate into shallow water for breeding purposes. Unlike king crab, tagging studies have shown Tanner crab movement as random with no distinguishable migration toward shallow water.

Again due to the lack of evidence that Tanner crab segregate into discrete schools prior to breeding, the second consideration should be modified to read:

- ° Closed seasons allow enough time preceding peak breeding periods so that male crab are not overharvested prior to breeding.



The fourth consideration should be modified to read:

- Closed seasons should include all sensitive periods of the life cycle of the crab.

The PMT recommends deleting the reference to egg hatching since biologists are uncertain when this actually occurs. Such a reference implies that this aspect of Tanner crab biology is the most important over all other sensitive periods. If data is available, consideration of egg hatching periods can be made under the revised wording.

Part 2. The PMT reviewed the "notice procedure" for setting new seasons with the understanding that revisions are being made by the legal staff. The PMT suggests that: (1) the revision clarify the process that the Council and Regional Director will follow; and (2) that biological factors be added to the Regional Director's list of considerations.

Part 3. The PMT recommends that the indicated deletions be removed from the amendment. The proposed deletions would remove the historical description of fishing seasons of each management area and the PMT considers these descriptions as useful references. The PMT suggests that the following sentences be added to complete each description:

A.3.3.2.1. and A.3.3.2.2. Regulatory Measures and Purposes of Measures.  
[Southeastern Management Area]

Fishing Season. Add paragraph 4 which reads: In 1983 a flexible procedure for determining fishing seasons dates was established for this management area and is described in detail in Section 3.3.2.1.

B.3.3.2.1. and B.3.3.2.2. Regulatory Measures and Purposes of Measures.  
[Prince William Sound Management Area]

Add to paragraph 1: In 1983 a flexible procedure for determining fishing seasons dates was established for this management area and is described in detail in Section 3.3.2.1.

C.3.3.2.1. and C.3.3.2.2. Regulatory Measures and Purposes of Measures.  
[Cook Inlet Management Area]

Add to paragraph 3: In 1983 a flexible procedure for determining fishing seasons dates was established for this management area and is described in detail in Section 3.3.2.1.

D.3.3.2.1. and D.3.3.2.2. Regulatory Measures and Purposes of Measures.  
[Kodiak Management Area]

Fishing Season. Add: In 1983 a flexible procedure for determining fishing seasons dates was established for this management area and is described in detail in Section 3.3.2.1.

E.3.3.2.1. and E.3.3.2.2. Regulatory Measures and Purposes of Measures.  
[South Peninsula/Aleutian Management Area]

Fishing Season. Add: In 1983 a flexible procedure for determining fishing seasons dates was established for this management area and is described in detail in Section 3.3.2.1.

F.3.3.2.1. Regulatory Measures [Bering Sea Management Area]

Add: In 1983 a flexible procedure for determining fishing seasons dates was established for this management area and is described in detail in Section 3.3.2.1.

TENTATIVE AMENDMENT SCHEDULE FOR THE  
TANNER CRAB FISHERY MANAGEMENT PLAN

July 2, 1982	Tanner crab regulatory adjustment (re. pot storage) submitted to the Central office
July 22, 1982	Council approval of the Housekeeping Amendment (TC-8) for public review
September 22, 1982	Council review and approval of TC-8 for Secretarial review
December 6, 1982	Approve TC-9 for public review (re. fishing seasons framework)
January 6, 1983	Review and approval of TC-9 for Secretarial review
April 1, 1983	Regulatory adjustment published as a proposed rule
May 1, 1983	TC-8 published as a proposed rule
May 20, 1983	TC-9 published as a proposed rule
May 1983	Tanner crab Plan Development Team meeting (if necessary)
May 15, 1983	Regulatory adjustment implemented
August 2, 1983	TC-8 (housekeeping amendment) implemented
September 1, 1983	TC-9 (fishing seasons framework) implemented

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