



Agenda Item #4, Dec. 1977
U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P. O. Box 1668, Juneau, Alaska 99802

Date : November 22, 1977

Reply to Attn. of:

To : Distribution *

From : Kim White *KW*
Alaskan Regional Counsel

Subject: Tanner Crab Regulations

Attached is a new draft of the tanner crab regulations that you have already reviewed once. Unless any major problems arise, this will be the last circulation for comments before I forward the regulations to the Executive Director of the North Pacific Council. Please submit your comments by Friday November 25, so that the necessary changes can be made for submission to the NPC on Tuesday, November 28.

Attachment

Copies to:

Haynes
Naab/Hammond
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NOAA
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
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TANNER CRAB (DOMESTIC REGULATIONS)

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§ 671.1 PURPOSE

Regulations contained in this section implement the Fishery Management Plan for Tanner Crab of Alaska, which was adopted by the North Pacific Fishery Management Council on September 23, 1977, and approved by the

Secretary of Commerce on _____, 1977. All commercial fishing for tanner crab by domestic fishermen in the Fishery Conservation Zone adjacent to Alaska must be conducted in accordance with the regulations contained in this section.

671.2 DEFINITIONS

(a) Act. The Fishery Conservation and Management Act of 1976, P.L.94-265 (16 USC 1801-1882).

(c) Commercial Fishing Vessel.

(b) Authorized Officer

Authorized Officer means:

(1) Any commissioned, warrant, or petty officer of the Coast Guard
(2) Any enforcement agent of the National Marine Fisheries Service;
(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary or the Commandant of the Coast Guard to enforce the provisions of the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in sub-paragraph (1) of this paragraph.

(n) Tanner Crab. All species of genus Chionoecetes.

(j) Ring net. A bag-shaped net suspended from a circular or rectangular frame.

(h) Pot. A portable structure designed and constructed to capture and retain fish and shellfish alive in the water.

(o) Tanner Crab Pot. A pot with rigid tunnel eye openings which individually are a maximum of five inches (13 cm.) in one dimension, and

tunnel eye opening perimeters which individually are larger than 30 inches (76 cm.), or a pot which tapers inward from its base to a top consisting of one horizontal opening of undescribed size.

(i) Regional Director. The Director of the Alaska Region of the National Marine Fisheries Service.

(e) Department. The Alaska Department of Fish and Game.

(l) Secretary. The Secretary of Commerce.

(d) Commissioner. Commissioner of the Alaska Department of Fish and Game.

(m) State. State of Alaska.

(g) Person. Any individual, firm, corporation, partnership, or association.

(f) Fishery Conservation Zone. The 3-200 mile zone created by the Act, that is contiguous to the territorial sea, and in which the U.S. exercises exclusive fishery management authority.

(k) Season Dates. All season dates are inclusive. Time periods begin at 12:01 a.m. and end at 11:59 p.m. of the dates specified, based on local time.

671.3 FEDERAL REGISTRATION AREAS

(a) The FCZ is divided into the following Federal registration areas (labelled to correspond to the adjacent landward State registration area) for the regulation of fishing for tanner crab:

(1) Registration Area A (Southeastern Alaska-Yakutat). which has as its Western boundary a line extending south from Cape Suckling (° long.) and as its southern boundary (United States-Canada) a line connecting the following coordinates:

53°23'27" N, 132°45'20" W.	54°29'52" N, 131°17'54" W.
54°00'01" N, 132°45'57" W.	54°42'11" N, 131°13'09" W.
54°07'30" N, 132°45'24" W.	54°45'15" N, 131°09'21" W.
54°12'45" N, 132°25'03" W.	54°45'39" N, 131°02'28" W.
54°12'57" N, 132°23'47" W.	54°44'12" N, 130°53'44" W.
54°15'49" N, 132°19'49" W.	54°40'45" N, 130°53'55" W.
54°29'33" N, 132°49'21" W.	54°40'00" N, 130°57'41" W.
54°22'01" N, 133°42'24" W.	54°42'24" N, 130°57'09" W.
54°30'05" N, 133°15'52" W.	54°42'27" N, 130°55'18" W.
54°31'02" N, 133°14'09" W.	54°41'56" N, 130°53'03" W.
54°30'42" N, 133°11'26" W.	54°41'21" N, 130°53'13" W.
54°30'10" N, 133°07'43" W.	54°41'05" N, 130°49'17" W.
54°30'03" N, 133°07'09" W.	54°41'05" N, 130°49'31" W.
54°28'32" N, 132°58'28" W.	54°40'45" N, 130°45'51" W.
54°28'25" N, 132°55'54" W.	54°40'41" N, 130°44'59" W.
54°27'21" N, 132°50'42" W.	54°40'27" N, 130°44'43" W.
54°27'07" N, 132°49'35" W.	54°40'02" N, 130°42'22" W.
54°28'09" N, 132°44'12" W.	54°39'48" N, 130°41'35" W.
54°24'54" N, 132°39'43" W.	54°39'14" N, 130°39'13" W.
54°24'34" N, 132°38'18" W.	54°39'54" N, 130°38'58" W.
54°24'39" N, 132°25'51" W.	54°41'09" N, 130°38'58" W.
54°24'41" N, 132°24'23" W.	54°42'00" N, 130°38'00" W.
54°24'31" N, 132°24'23" W.	54°42'47" N, 130°38'05" W.
54°24'32" N, 132°22'23" W.	
54°21'51" N, 132°02'54" W.	54°42'38" N, 130°37'57" W.
54°26'41" N, 131°49'22" W.	54°43'00" N, 130°37'55" W.
54°28'13" N, 131°45'29" W.	54°42'15" N, 130°37'41" W.
54°30'32" N, 131°38'01" W.	54°40'24" N, 130°37'09" W.
54°29'53" N, 131°33'48" W.	54°43'00.15" N, 130°37'07.01" W.
54°38'53" N, 131°10'22" W.	
54°39'09" N, 131°15'17" W.	

(2) Registration Area E (Prince William Sound), which has as its western boundary a line extending south from Cape Fairfield, (150° long.) and as its eastern boundary a line extending south from Cape Suckling (° long.).

(3) Registration Area H (Cook Inlet), which has as its eastern boundary a line extending south from Cape Fairfield (150° long.), and as its southern boundary a line extending east from Cape Douglas at 58°52'N. latitude.

(4) Registration Area J (westward), which has as its northern boundary a line extending east from Cape Douglas at 58° N. latitude, as its eastern boundary a line extending south from Cape Fairfield (150° W. longitude), and as its western boundary 172°E. longitude, including waters of the Bering Sea east of 172°E. longitude.

(b) The inner boundary of each Federal registration area is a line coterminous with the seaward boundary of the State of Alaska, and the outer boundary is a line drawn in such a manner that each point on it is

200 nautical miles from the baseline from which the territorial sea is measured.

671.4 VESSEL REGISTRATION

(a) General. Vessels shall register to fish in a Federal registration area in the following manner:

(1) Vessels not registered for a State registration area shall submit to the Regional Director, within 30 days prior to the scheduled opening of fishing in the registration area, a completed State of Alaska registration form.

(2) Vessels registered for a State registration area shall be deemed to be registered for the corresponding adjacent Federal registration area, and shall, at the time of registering for a State registration area, obtain a stamp issued by an authorized officer indicating registration for the corresponding Federal registration area.

(b) Registration Certificate. If the necessary information is provided, and the vessel is otherwise in compliance with these regulations, a vessel shall be issued a registration certificate. The registration certificate shall be signed by the registrant, kept immediately available at all times during fishing operations by the vessel operator, and be shown upon request to any authorized officer.

(c) Exclusive Registration Areas.

(1) Federal registration areas E and H are exclusive registration areas. No vessel registered for an exclusive Federal registration area may be registered for any other Federal registration area (exclusive or non-exclusive) during a registration year.

(2) A vessel registered for an exclusive State registration area may register only in the corresponding Federal exclusive registration area during that registration year.

(3) No operator of a tanner crab vessel registered for an exclusive registration area may operate any other tanner crab vessel registered for any other exclusive registration area.

(d) Non-Exclusive Registration Areas. Federal registration areas A and J are non-exclusive registration areas. A vessel may be registered for any or all of the non-exclusive Federal registration areas during any registration year.

671.5 GENERAL REGISTRATION PROVISIONS

(a) Time. All tanner crab vessels shall be registered by the owner or the owner's authorized agent in an exclusive registration area within 30 days prior to the scheduled opening of fishing. A valid registration shall become invalid 72 hours after the closure of the season for the registration area.

(b) Late Registration. The late registration of any tanner crab vessel may be permitted by the Regional Director in the case of the loss of a registered vessel by sinking or destruction. The late registration shall be for the area in which the lost vessel was registered. For purposes of this subsection, loss of the vessel is considered to mean such vessel is incapable of being used to take tanner crab during the open tanner crab season in the area for which it is registered. Loss of a vessel shall be documented by submission of proof, in writing, that the vessel is sunk or destroyed.

(c) Registration year. The registration year shall be August 1 through July 31.

(d) Inspection. A registration shall not be considered valid until the vessel has complied with the inspection requirements contained in section 671.6 of these regulations.

671.6 VESSEL INSPECTION

(a) Inspection Requirement. Within 72 hours prior to a season opening or at any time during the open season prior to fishing, any vessel registered for an exclusive registration area or for a non-exclusive registration area must have its holds or live tanks inspected by an authorized officer, at inspection points specified in section 671.6(b) of these regulations. There shall be no tanner crab on board at the time of inspection. Successful completion of the inspection shall validate the registration for the area.

(b) Inspection Points. Inspection points shall be those established by the Department for State purposes. Additional inspection points for inspections required by this section may be authorized by the Regional Director if he finds that:

- (1) existing inspection points are imposing an unusual and material hardship which affected fishermen cannot themselves mitigate;
- (2) the department has no practical means of making special administrative accommodations regarding existing inspection points; and
- (3) authorization of additional inspection points would not result in a significant likelihood of unauthorized fishing or other management or enforcement problems.

(c) Inspection Documents.

(1) A vessel being submitted to an inspection pursuant to these regulations shall be issued an inspection certificate upon completion of the inspection. No vessel shall be given an inspection certificate unless a current registration certificate for that registration area is displayed to the authorized officer conducting the inspection.

The inspection certificate shall be signed by the current vessel operator and shall be shown upon request at any time to any authorized officer.

(2) A vessel landing tanner crab in a State registration area other than the area adjacent to the Federal registration area for which the vessel is validly registered at the time, pursuant to section 671.7(b) of these regulations, shall attach the inspection certificate to the back of the department copy (yellow copy) of the Alaska fish ticket at the time the tanner crab are landed.

671.7 LANDING REQUIREMENTS

(a) Except as provided in (b) of this section, all tanner crab landed in the State of Alaska must be landed in the corresponding State registration area adjacent to the Federal registration area for which the vessel is validly registered at the time.

(b) A vessel which desires to land tanner crab outside the State, or in a State registration area other than the adjacent corresponding State registration area, must contact by radio an authorized officer prior to leaving the Federal registration area for which the vessel is registered, and shall submit to such inspection at such location as the authorized officer may require. A vessel acting pursuant to this authorization shall at the time of landing its catch have no greater amount of tanner crab on board than were present at the time of any inspection.

(c) A vessel making radio contact pursuant to (b) of this section shall state to the authorized officer the amount of tanner crab on board at the time.

(d) When a vessel lands tanner crab pursuant to the authorization in (b) of this section, the registration under which the vessel is operating becomes invalid. In order to again become validly registered for an area, the vessel must comply with section 671.6 (a).

671.8 GENERAL RESTRICTIONS

The following restrictions apply to all fishing for tanner crab in the FCZ adjacent to Alaska. (Section 671.9 contains additional restrictions that apply to individual registration areas and districts).

(a) Gear Restrictions

(i) Tanner crab may be taken only by pot or ring nets, except as otherwise provided in section 671.9.

(ii) At least one buoy on each tanner crab pot or ring net shall be legibly marked with the permanent registration number of the vessel fishing the gear. The buoy shall bear a single registration number and this number shall be that of the vessel used in operating the gear. Registration numbers shall be painted on the top one-third of the buoy in numerals at least four inches in height and one-half inch in width in contrasting color to that of the buoy. The buoy markings shall be legibly inscribed and visible on the buoy above the water surface when attached to the crab pot.

(iii) During the closed season for tanner crab in any given area, tanner crab pots shall either be removed from the water or stored in 25 fathoms (46m) of water or less, with all doors secured fully open and all bait and bait containers removed, with the following exceptions:

(a) in the Kamishak Bay and Southern districts of the Cook Inlet area, the maximum pot storage depth is 15 fathoms (27m);

(b) pots may be stored in waters deeper than 25 fathoms (46m) if so provided in section 671.9.

(c) pots with all doors secured fully open and with all bait and bait containers removed may be stored in water depths greater than maximum permissible storage depth for 72 hours prior to the opening of the tanner crab season, and for 72 hours after the season closure where the pots are fished.

(iv) After July 1, 1978, each tanner crab pot shall contain a mechanism which will destroy its fish catching and holding ability within a six month period if the pot is lost or abandoned.

(b) Size Limit

(i) No male tanner crab of the species Chionoecetes bairdi may be taken or possessed that is less than 5½ inches (140mm) in greatest width of shell, except for Registration Area E (Prince William Sound) where the minimum size is 5.3 inches (135mm). All tanner crab below the minimum size shall be immediately returned unharmed to the sea.

(ii) Width measurement of tanner crab shall be the greatest straight line distance across the carapace at a right angle to a line midway between the eyes to the midpoint of the posterior portion of the carapace and shall include the spines.

(c) Sex Limit

Female tanner crab may not be taken. Such tanner crab which have been taken shall be immediately returned unharmed to the sea.

671.8 RESTRICTIONS APPLICABLE TO INDIVIDUAL REGISTRATION AREAS

(a) Registration Area A:

(i) Seasons. Tanner crab may be taken from September 1 through May 15th, subject to adjustment by the Regional Director pursuant to Section 671.13.

(ii) Gear.

~~(A) tanner crab may be taken by pots and ring nets only.~~

(A) ~~(B)~~ south of the latitude of Cape Fairweather (latitude) tanner pots shall have a seam in the mesh of one vertical wall from top frame to bottom frame laced in with untreated cotton twine, or have one wall of synthetic fiber attached to the frame with untreated cotton twine.

(B)(6) not more than 60 pots (including pots used in State registration areas) may be used during any State of Alaska red and blue king crab season, and not more than 100 pots (including pots used in State registration areas) may be used during the State of Alaska's closed season for red and blue king crab in those waters of the FCZ located within the following areas:

(1) Lituya Bay east of longitude of Harbor Point;

(2) north and east of a line commencing at Icy Point and extending successively through Cape Spencer, Cape Cross, Klokachef Island, Cape Edgecumbe, North Cape, Cape Ommaney, Cape Bartolome, Cape Muzon and south to its intersection with the International Boundary;

(3) north and east of a line from Point Manby to Ocean Cape.

(b) Registration Area E:

(i) Districts. The following districts consisting of FCZ waters within Area E are established as follows:

(a) Northern District: all waters west and north of a line from the southern entrance of Port Nellie Juan at 60°36' N latitude to Point Eleanor to the eastern tip of Smith Island to Johnstone Point, and north of a line from Point Bentinck to Point Whitshed.

(b) Western District: all waters east of the longitude of Cape Fairfield (148° 53' W. Long.) south of a line from the southern entrance to Port Nellie Juan 60° 36' N. latitude to Point Eleanor to the tip of Smith Island to Montague Point, west of a line from Zaikof eastern Point to Seal Rocks (60° 10' N., 146° 50' W. long.) and west of longitude of Seal Rocks (60°10'N Lat., 146°50'W long.)

(c) Eastern District: all waters east of longitude of Seal Rocks (60°10'N. lat., 146°50'W. long.), east of a line from Seal Rocks (60°10'N. lat., 146°50'W. long.) to Cape Hinchinbrook, south of a line

from Point Bentinck to Point Whittshed, and west of the longitude of Cape Suckling (59°59'N. lat., 143°53'W. long.)

(d) Hinchinbrook district: all waters east of a line from Montague Point to the eastern tip of Smith Island, south of a line from the eastern tip of Smith Island to Johnstone Point, north and east of a line from Cape Hinchinbrook to Seal Rocks (60°10'N. lat., 146°50'W. long.), and east of a line from Seal Rocks (60°10'N lat., 146°50'W. long.) to Zaikof Point.

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~~(i)~~ Seasons. Tanner crab may be taken from November 15 to May 31, subject to change by the Regional Director pursuant to Section 671.13.

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~~(ii)~~ Gear. Only pots may be used and tanner crab taken by any other means must be immediately returned unharmed to the sea.

(c) Registration Area H:

(i) Districts. From 5AAC 2).1-0.

(ii) Seasons. Tanner crab may be taken from December 1 through April 30, except that the Kamishak Bay district will close May 31, subject to adjustment by the Regional Director pursuant to Section 671.13.

(iii) Gear.

~~(A) Tanner crab may be taken by pots or ring nets only. Tanner crab taken by means other than pots or ring nets must be immediately returned unharmed to the sea.~~

~~(B)~~ During any king crab season established by the State of Alaska an aggregate of not more than 75 king and tanner crab pots (including tanner crab pots used in State waters) may be fished from any registered tanner crab vessel.

(iv) Closed areas. Tanner crab fishing is prohibited inside the

area encompassed by a line south from Anchor Point (° long.) to the intersection with a line west from the tip of Homer Spit (° lat.).

(d) Registration Area J:

(i)(1) Districts. The following districts consisting of FCZ waters within Registration Area J are established as follows:

(A) Kodiak district: south of the latitude of Cape Douglas, west of 150° longitude and east of the longitude of Cape Kumlik.

(B) South Peninsula district: between the longitude of Cape Kumlik and the longitude of Scotch Cap light.

(C) Eastern Aleutian district: between the longitude of Scotch Cap light and 172° W. longitude and south of 54°36'N. latitude.

(D) Western Aleutian district: west of 172°W. longitude and south of 54°36'N. latitude.

(E) Bering Sea District: Bering Sea waters north of 54°36'N. latitude.

(1) The following subdistricts consisting of FCZ waters within the Bering Sea District are established as follows:

(a)(A) Southeastern district: east of 168°W. longitude, and south of the latitude of Cape Newenham (53°39'N. latitude), including Bristol Bay waters.

(b)(B) Pribilof subdistrict: west of 168° W. longitude and south of the latitude of Cape Newenham (53°39'N. Latitude).

(c)(C) Northern subdistrict: north of the latitude of Cape Newenham (53°39'N. latitude).

(1)(a) Nome section: all waters of North Sound between the longitude of Penny River and the longitude of Topkok Head.

(2)(b) General section: all other waters of Northern subdistrict.

(ii) Seasons. Subject to adjustment by the Regional Director pursuant to Section 671.13, tanner crab may be taken:

- (A) in the Kodiak district from January 1 through April 30;
- (B) in the south Peninsula district from November 1 through 12:00 noon May 15;
- (C) in the Eastern Aleutian district from November 1 through 12:00 noon June 15;
- (D) in the Western Aleutian district from November 1 through 12:00 noon through June 15;
- (E) in the Bering Sea district from November 1 through 12:00 noon, June 15 except that in the Northern subdistrict tanner crab may be taken or possessed only during periods to be opened and closed by the Regional Director pursuant to Section 671.13.

(iii) Gear.

(a) During any State King crab season in the Kodiak and South Peninsula districts an aggregate of not more than 75 king and tanner crab pots (including pots used in State registration Area J) may be fished from any State of Alaska registered king crab vessel.

(b) During the closed season for tanner crab, tanner crab pots may be stored west of 172° W. longitude in 30 fathoms (55m) of water or less, or by removal from the water.

(c) Tanner crab pots when stored in the water shall have all doors secured fully open and all bait and bait containers removed.

671.9 REPORTING REQUIREMENTS

All persons, individuals, firms or corporations, at any port or place within the United States or the FCZ, that bring from any vessel of the United States or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce any tanner crab taken by any vessel, shall submit a completed State of Alaska fish ticket. The fish ticket shall be submitted, within 72 hours after buying or receiving such tanner crab, to an enforcement agent of the National Marine Fisheries Service or a local representative of the Department designated ^{as an} authorized Federal official~~s~~ for such purpose.

671.10 PROHIBITED ACTS

(a) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any tanner crab taken in violation of the Act and these regulations.

(b) No person shall engage in fishing for tanner crab in violation of the Act and these regulations.

(c) No person shall possess unprocessed tanner crab aboard a commercial fishing vessel within any registration area unless the vessel is validly registered for the area and the season is open, or unless the person is acting pursuant to the authorization of section 671.7(c) of these regulations.

671.11 PENALTIES

Any person or vessel found to be in violation of these Regulations will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act.

671.12 IN-SEASON ADJUSTMENT OF SEASONS AND AREAS

(a) The Regional Director or his designee may, following consultation with the Department, adjust season opening and closing dates

specified in section 671.9 based upon the following considerations:

(1) the effect of overall fishing effort within the registration area;

(2) catch per unit of effort and rate of harvest;

(3) relative abundance of tanner crab within the area in comparison with pre-season predictions;

(4) the proportion of immature or soft shell tanner crab being handled;

(5) general information on the condition of tanner crab within the area;

(6) information pertaining to the optimum yield within the Registration Area; or

(7) any other factors relevant to the conservation and management of the tanner crab resource.

(b) a decision made by the Regional Director or his designee pursuant to subsection (a) shall become effective upon issuance of a field order, authorized by the Regional Director and issued to the public by local representatives of the Department who have been designated ^{as} ~~and~~ authorized Federal officials for such purpose. Field orders shall be posted and otherwise made available to the public in accordance with procedures followed by the Department.

671.13 EMERGENCY ACTIONS

The Secretary may issue emergency regulations, if and when needed, in accordance with section 305(e) of the Act, announced by publication of a notice in the Federal Register.

