


M E M O R A N D U M

TO: Council, SSC, and AP members

FROM: Clarence Pautzke 
Executive Director

DATE: June 10, 1988

SUBJECT: King and Tanner Crab Fishery Management Plan

ACTION REQUIRED

- (a) Receive report and recommendations from the Crab Management Committee.
- (b) Approve draft FMP package for public review.

BACKGROUND

The Crab Management Committee held a teleconference on May 27 to review the latest draft of the Bering Sea and Aleutian Islands King and Tanner Crab FMP and its accompanying analyses and regulations. A copy of their draft minutes is provided as item D-2(a). During the teleconference several problem areas were identified which subsequently were corrected by the plan team. With the revisions, the Crab Management Committee unanimously approved the FMP package for Council and public review. A copy of the FMP package was sent to you on June 2.

The Council is scheduled to approve the FMP for public review. According to the schedule shown below, the draft FMP, Environmental Assessment/Regulatory Impact Review (EA/RIR), and implementing regulations will go to the public after this meeting. Final Council action is scheduled for September and the FMP could be implemented by March-April 1989.

Current Date

June 1988	Council reviews draft FMP and EA/RIR and approves for public review.
August 1988	Public comment period ends and plan team revises draft FMP and EA/RIR in preparation for June meeting.
September 1988	Council approves FMP and EA/RIR for Secretarial review and implementation.
October 1988	Secretarial review begins.
March-April 1989	FMP approved and implemented.

DRAFT
CRAB MANAGEMENT COMMITTEE
TELECONFERENCE SUMMARY
May 27, 1988

A teleconference of the Crab Management Committee was held on May 27 to review and approve the draft Bering Sea/Aleutian Islands King and Tanner Crab FMP package for Council and public review. Committee members participating in the teleconference were: Larry Cotter (Chairman), Fred Gaffney (for Don Collinsworth), Jim Brooks, John Winther, Jeff Stephan, Bill Woods, Arni Thomson, and Ted Smits. Staff support was provided by Ray Baglin and Joe Terry (NMFS), and Steve Davis (NPFMC).

The teleconference began with public comment on the draft FMP package. Larry Nicholson and Dana Schmidt (ADF&G) expressed concerns with several elements of the proposed FMP. Specifically, they believe that pot limits can serve as a practical effort limitation tool and would like the measure moved from Category 1 (FMP amendment required to change) into Category 2 (FMP framework deferred to the State). Such effort controls might be necessary in the Bering Sea C. bairdi fishery where managers are attempting to rebuild this stock. Poor stock condition may require managers to choose between not having a season or having one with controlled effort. Nicholson believes that the Council and Board may want to use pot limits without having to go through a lengthy amendment process. Larry Cotter mentioned that this measure was placed into Category 1 in recognition of its potential use as a management tool; however, given the past controversy over its use, the Committee believes that the amendment process, with its accompanying analysis, should be required when implementing pot limits. He agreed to bring this subject up with the full Council for their consideration.

Larry Nicholson added that there should also be further consideration of the make-up of the proposed Crab Interim Action Committee. He would like to see a fourth member, possibly a Board member or someone from the University. Larry Cotter reviewed the rationale behind the three-member committee and why only professional managers were selected (i.e., NMFS-RD, ADFG-Commissioner, WDF-Director). He agreed to bring this issue before the Council.

Dana Schmidt mentioned that the current plan is quite inflexible with regard to changing area boundaries for subsistence purposes. Larry Cotter responded that this problem results in part from conflicting objectives and warrants further Council discussion. He agreed to bring this issue before the Council. In the meantime the Committee agreed the language in the FMP should mirror State statutory language.

The Committee also reviewed the observer program in the FMP. Larry Nicholson mentioned that the current language was confusing. The Committee revised the language in both the FMP and the RIR to clarify that the State has the right to implement its own observer program. Larry Cotter added that in the event the Marine Mammal Protection Act observer program goes forward, that this source of observers could be used first, with the State supplying additional observers if needed.

Following public testimony the Committee reviewed the proposed draft FMP, draft EA/RIR, and draft implementing regulations. Several problem areas were identified and instructions were passed along to the staff to correct them. One problem in particular, the lack of current fishery data (i.e., exvessel revenues, residency data), makes it difficult to accurately describe the current crab fisheries in the Bering Sea and Aleutian Island area. This updated information is needed from ADF&G and CFEC and the Committee instructed Larry Cotter to make this request during the June Council meeting.

Following this discussion, the Committee unanimously approved the draft FMP package, as revised, for Council and public review.

The Committee then adjourned.



**North Pacific
Fishing Vessel
Owners' Association**

**TESTIMONY RELATIVE TO THE BERING SEA/ALEUTIAN ISLANDS COMMERCIAL KING AND
TANNER CRAB FISHERY MANAGEMENT PLAN**

**PRESENTED TO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
JUNE 1988**

This testimony is presented on behalf of the North Pacific Fishing Vessel Owners' Association, Seattle, Washington, by Kenneth O. Larson, Director of Governmental Affairs.

The North Pacific Fishing Vessel Owners' Association (NPFVOA) favors Council action to approve the crab FMP for public comment.

During the period following repeal of the previous Tanner crab FMP, NPFVOA participated actively on the Crab Management Committee. Often, this participation was in opposition to the working drafts. The concern of the association throughout development of the FMP was focused on possible weakening of the MFCMA. NPFVOA members strongly support the federal approach and regional council forum embodied in the Magnuson Act. Any actions by the Council, NMFS or the State of Alaska which could result in erosion of these MFCMA structures are opposed by the association. Our position remains strongly in favor of federal management of the EEZ resources through the Council system.

The association, however, recognizes the expertise within ADF&G and the need for flexible, prompt action in making management decisions as well as the personnel and budget constraints faced by NMFS. The June 2, 1988 draft FMP represents a compromise of various interests and has strengthened the role of the Council and NMFS in the management of king and Tanner crab. This draft also provides increased industry participation in management decisions and an effective method of petitions and appeals. Specifically, sections 2.0 (6) and (7) of the draft provide for industry action through an advisory committee and prompt Council oversight authority via the Crab Interim Action Committee. In addition, sections 9.0 and 10.0 provide adequate and clear due process protection through petition and appeals procedures.

Initial objection to prior drafts by the association also focused on section 8.0 management measures. The association objected to the overly-broad discretion given the State of Alaska. The current draft, however, contains criteria which must be followed by the State in making frameworked (Category 2)

management decisions. We consider this a responsible approach which allows the State of Alaska considerable flexibility in management while maintaining the integrity and intent of the MFCMA.

Finally, we wish to comment on the applicability of this draft to the Bering Sea/Aleutian Islands only. Under the MFCMA "federal" system, all resources within the EEZ needing management are to be subject to an FMP. The association membership strongly favored a single FMP which would apply to the Gulf of Alaska EEZ as well as the BS/AI area. The Crab Management Committee has gone on record that it favors development of a Gulf of Alaska FMP promptly following adoption of the BS/AI plan. In reliance on Council support for development of a plan for the Gulf, NPFVOA agrees to limiting this plan to the BS/AI area.

This crab FMP represents a "new" approach to management under the Magnuson Act which requires the continuing cooperation of NMFS, the State of Alaska and the industry. The North Pacific Fishing Vessel Owners' Association views this crab plan as a "partnership" among the various managers and users of the resources and pledges its support in helping make this FMP a successful endeavor for all concerned.
