

M E M O R A N D U M

TO: Council, SSC, and AP Members

FROM: Jim H. Branson
Executive Director

DATE: July 13, 1982

SUBJECT: Tanner Crab Fishery Management Plan

ACTION REQUIRED

Review housekeeping amendment (Amendment #8) and approve for public review.

BACKGROUND

Over the last several years inconsistencies have arisen between State and Federal regulations, generally because of differences in reaction time by both management entities to changes within the Tanner crab fishery. These inconsistencies are causing confusion among fishermen, processors, enforcement agents, and managers alike.

The Tanner Crab PMT recommended at the May meeting that we update the plan and regulations to coincide with current State regulations. They suggested a two-phase approach: (1) the preparation of a "housekeeping" amendment to eliminate current regulatory inconsistencies that create problems for the industry; and (2) development of a major amendment to streamline the FMP by improving the Plan's sensitivity and response time and remove all remaining inconsistencies. The Council concurred with their recommendation and directed the Team to prepare a housekeeping amendment for Council and public review. That amendment (Amendment #8) is provided as Agenda Item D-4(a). It should be noted that the new pot storage regulations adopted by the Council at the May meeting were not included in the Plan amendment package. An amendment is unnecessary since the FMP does not specify detailed pot storage regulations. A Regulatory Adjustment is being prepared by the NMFS Regional Office that will make Federal pot storage regulations consistent with Alaska regulations.

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

1983 MANAGEMENT RECOMMENDATIONS AND CONSIDERATIONS
FOR THE TANNER CRAB FISHERY IN THE FCZ OFF ALASKA
PROPOSED AMENDMENT #8

I. INTRODUCTION

The Magnuson Fisheries Conservation and Management Act of 1976 (MFCMA) requires that stocks of Tanner crab be managed as a unit throughout their range. The Tanner crab fishery off Alaska extends into the waters of both State and Federal jurisdictions, and the management objectives and measures of both zones should, therefore, be compatible. The intent of the Fishery Management Plan (FMP) is to manage the Tanner crab resources off Alaska in a manner that is consistent with the State of Alaska's management regime and MFCMA National Standards while promoting conservation and allowing full utilization of the resource for food production.

Over the last several years, inconsistencies have arisen between State and Federal regulations, caused by differences in reaction time of both management entities in response to changes within the Tanner crab fishery. Some of these regulatory inconsistencies have produced confusion among fishermen, processors, and managers alike. It is the intent of the North Pacific Fishery Management Council (the Council) to eventually streamline the Tanner crab FMP and improve the plan's sensitivity and response time to changes within the fishery, and to eliminate all inconsistencies between Federal and State regulations. This in itself will be a difficult and time consuming process. In the meantime, the Council has requested that an amendment to the FMP be prepared that focuses solely on those inconsistent management measures and regulations that currently create problems to the industry. Following this amendment, a second, more substantive amendment will be prepared as stated, to improve the plan's long term sensitivity and response time.

II. REGULATORY PROPOSALS

Specific regulatory alternatives for the Tanner crab fishery have been submitted by the Tanner crab Plan Maintenance Team (PMT), Council members, the Advisory Panel and individuals and are listed below. The Council wishes to put these proposals out for public review and discussion. Based on public testimony and any new information, the Council will approve the final amendment at their September meeting.

A brief discussion of each proposal and its alternative is included where necessary to provide background information.

A. Pot Limits

1. Eliminate all existing Federal pot limits.
2. Maintain Status Quo. In Federal regulations there are no Federal limits except for Cook Inlet (75 pots). In the FMP, limits are specified for both Cook Inlet and the Southeastern area (60-100 pots).

B. Gear Placement

1. Eliminate the 72 hour provision for on-the-grounds pot storage prior to the season opening.
2. Maintain Status Quo of 72 hour provision in all districts. The State has no provision for on-the-ground storage prior to season opening in any district.

C. Size Limit

1. Establish a 3.1 inch (78 mm) minimum size limit for male Chionoecetes opilio.
2. Maintain Status Quo of no minimum size limit. The State established a 3.1 inch minimum size in March 1982.

D. Gear Restrictions

1. Prohibit the use of side-loading Tanner crab pots in the Yakutat District within the Southeastern Management Area.
2. Maintain Status Quo. All side-loading pots with Tanner boards and top-loading pots are legal with restrictions only on tunnel eye opening size.

E. Allowable Biological Catch/Optimum Yield

1. Update ABC/OY values.
2. Maintain Status Quo. Values differ from State guidelines and actual stock conditions in several areas.

F. Fishing Seasons

1. Update all season dates to coincide with those currently employed by the State of Alaska.
2. Maintain Status Quo. Considerable variance exists between the FMP, Federal regulations, and State regulations.

III. DISCUSSION OF REGULATORY PROPOSALS

A. Pot Limits

1. Eliminate all existing Federal pot limits.

Discussion: Pot limits are often used as a protective measure for small and vulnerable crab stocks, or as a social measure to promote equality among fishermen. Originally, limitations on the units of Tanner crab gear allowed per vessel were applied in areas that possessed limits on king crab gear, and where portions of the king and Tanner crab seasons would overlap. In the Southeastern Management Area, a pot limit was established to protect small crab populations within state waters.

Since the implementation of the FMP certain conditions within the fishery have changed requiring a similar change in the pot limits. First State then Federal regulations were revised. It has been several years since the last pot limit amendment and several new inconsistencies now exist as outlined below:

<u>Area</u>	<u>In FMP</u>	<u>In Federal Regulations</u>	<u>In State Regulations</u>
Southeast (Area A)	60-100	0	100
Cook Inlet (Area H)	75	75	0
Kodiak (Area J)	0	0	250
Prince William Sound (Area E)	0	0	100-175

It is the opinion of the Council that pot limits are duplicative and unnecessary for effective conservation and management of Tanner crab in the Fishery Conservation Zone (FCZ). Tanner crab fishing in the Southeastern Area occurs primarily within State waters. The absence of a Federal pot limit in this area has not created any problems and therefore should be removed from the FMP. State pot limits for Prince William Sound and Kodiak are considered sufficient and need not be duplicated in Federal regulations.

2. Maintain Status Quo.

If the plan is not amended, the pot limit inconsistencies between the FMP, Federal regulations, and State regulations would remain.

B. Gear Placement

1. Eliminate the 72 hour provision for on-the-ground pot storage prior to the season opening.

Discussion: For the past two years, there has been confusion among Kodiak fishermen concerning the placement of Tanner crab pots on the grounds prior to the season opening. The regulation was originally designed to provide fishermen the opportunity to transfer their gear to the grounds in areas where considerable time was necessary to get to the grounds, and/or where they lacked sufficient pot unloading/loading facilities. With the use of at sea pot storage areas and the construction of new port facilities, the State dropped the 72 hour provision prior to the season opening, but maintained the 72 hour allowance for gear on the grounds following a season closure. Because of this inconsistency fishermen are concerned about the enforcement of State law versus Federal law. The PMT has reviewed this regulation and determined it unnecessary for management. The team recommends the 72 hour provision be dropped.

2. Maintain Status Quo.

C. Size Limit

1. Establish a minimum size limit for male C. opilio Tanner crab of 3.1 inch (78 mm) carapace width.

Discussion: Crab stocks in the Bering Sea and Aleutian Islands area have declined in recent years, thereby increasing harvesting pressure on newly developed fisheries such as the one for opilio Tanner crab. It is, therefore, considered desirable to establish a minimum biological size limit to protect these stocks from possible overharvest. A size limit was established in 1976 for bairdi Tanner crab at the size at which 50% of the male crab population is sexually mature, plus one year's growth. The bairdi size limit has proven successful in protecting the reproductive character of the stocks. Using the same rationale for opilio fishery results in a minimum size limit of 3.1 inches (78 mm). Adoption of this alternative would parallel recent State action taken at the March 1982 Shellfish meeting.

2. Maintain Status Quo.

No action would leave opilio Tanner crab with no minimum size limit in the FCZ, probably of no immediate consequence since the minimum size now preferred by processors is approximately 4 inches (101.6 mm). Establishing a minimum biological size limit at this time would safeguard against changes in market demand and conform to inshore regulations.

D. Gear Restrictions

1. Prohibit the use of side-loading Tanner crab pots in the Yakutat District within the Southeastern Management Area.

Discussion: Considerable quantities of Pacific halibut are captured in pots used in the king and Tanner crab fisheries in the Gulf of Alaska and Bering Sea. The Yakutat district of the Southeastern Management Area is known to contain large concentrations of small halibut which are frequently captured in crab pots. This regulation would help reduce the incidental catch of this species.

Studies in this district examining the halibut catch rate of both side-loading and top-loading crab pots have been conducted by the North Pacific Fishery Management Council, the International Pacific Halibut Commission, and the Alaska Department of Fish and Game. They showed that side-loading pots catch significantly greater numbers of halibut than top loading pots, with the average catch of Tanner crab being almost the same for both gear types (Figure 1). The studies also show that side-loading crab pots equipped with "Tanner boards" to reduce the size of the tunnel opening, significantly reduced the number of large halibut captured when compared to pots not equipped with "boards." However, these pots still captured small halibut.

Since the incidental catch of halibut (especially juveniles) is extremely high in the Yakutat district, this regulation is considered necessary for the conservation of the halibut resource. The State adopted a similiar regulation at their March 1982 Shellfish meeting. The majority of Tanner crab fishermen in this area use top-loading pots, so requiring their use will involve minimal cost to present participants.

2. Maintain Status Quo.

Discussion: Since the majority of the fishermen in the Yakutat area use top-loading Tanner crab pots, the adoption of this alternative would probably have no effect on the halibut resource in the short term. However, some fishermen do use side-loading pots with "Tanner Boards" which capture significant numbers of juvenile halibut. In addition, there is always the possibility that new fishermen will enter this fishery and utilize the side-loading crab pots commonly used elsewhere in Alaska. An increase in use of this gear type in the Yakutat area could have significant impacts on the halibut population, not just in the Yakutat area, but the Gulf of Alaska as a whole.

E. Allowable Biological Catch/Optimum Yield

1. Update ABC/OY values

Discussion: At the March 1982 Shellfish meeting, the State removed their Tanner crab harvest guidelines for the Westward area. The State will instead announce prior to the start of the Tanner crab season, a harvest forecast based on the most recent summer surveys. This move was taken to eliminate the problem of establishing harvest guidelines (i.e. OYs) based on old survey information far in advance of the fishery that frequently proved incorrect. To develop a similar "framework" OY system under the FMP would require considerable time and is not within the scope of this amendment. Such a revision to the plan will be undertaken in a later amendment.

The PMT recommends updating Federal ABC/OY values based on the latest available data.

During the last two years new data have indicated that ABC/OY values in the FMP for the Kodiak and Bering Sea areas are too high. Based on the most recent survey information, the following ABC/OY values (in millions of pounds) should be used:

	<u>Area</u>	<u>Species</u>	<u>ABC</u>	<u>OY</u>	<u>Actual or current 1982 harvest</u>
(a)	Kodiak	<u>bairdi</u>	9-15	13.4	13.7
(b)	Bering Sea	<u>bairdi</u>	12-16	14	10.7
(c)	Bering Sea	<u>opilio</u>	16-29	22.5	26.7

2. Maintain Status Quo.

Discussion: The ABC/OY values currently in the FMP were best estimates based on then available data. These values are too high and misleading to the industry as harvest projections.

	<u>Area</u>	<u>Species</u>	<u>ABC</u>	<u>OY</u>
(a)	Kodiak	<u>bairdi</u>	35	35
(b)	Bering Sea	<u>bairdi</u>	28-36	22-33
(c)	Bering Sea	<u>opilio</u>	91	39.5-91

F. Fishing Seasons

1. Revise all season openings and closures so they are the same as those currently set by the State of Alaska.

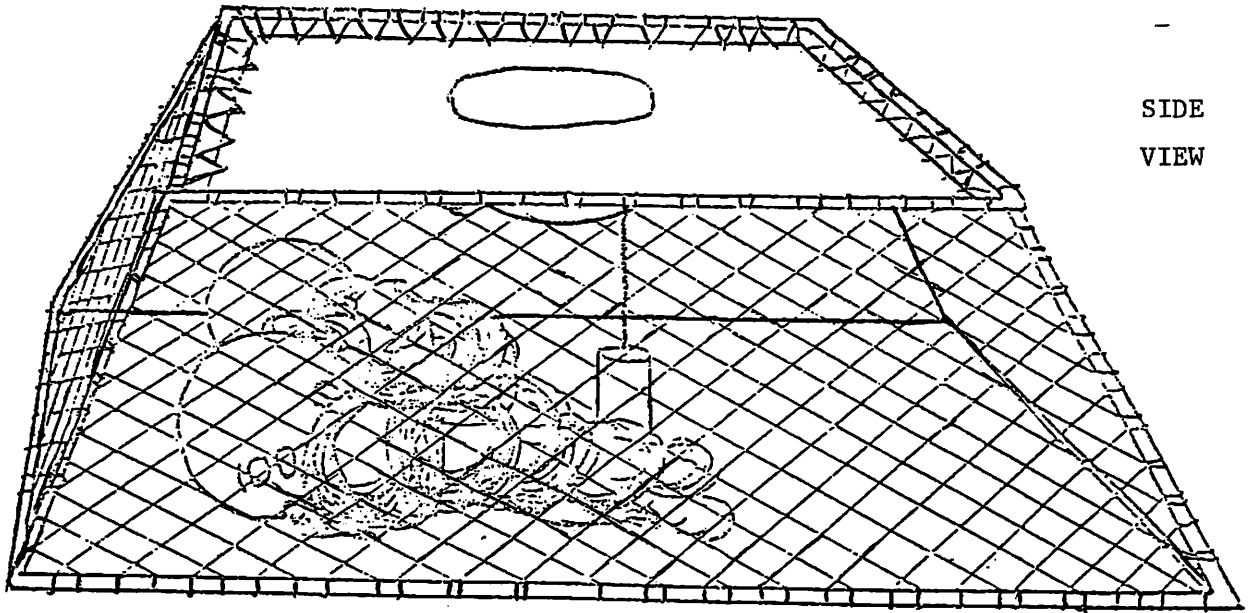
Discussion: Fishing seasons are established during periods when crab are not molting or reproducing, and at times when the meat content is high and handling mortality low. Seasons are then adjusted further based on a variety of social, economic and weather factors. In March 1982 the State of Alaska revised some of its season dates. It is the Council's intent to have the Tanner crab fishery in the FCZ coincide with the fishery in State waters. Therefore, it is desirable to make similiar season adjustments in the FMP and Federal regulations. The following are current season inconsistencies and the proposed changes:

<u>Area</u>	<u>FMP</u>	<u>Federal Regs</u>	<u>State Regs</u>	<u>Proposed Changes</u>
Chignik	12/1 - 5/15	12/15 - 5/15	2/10 - 5/15	2/10 - 5/15
South Pen.	12/1 - 5/15	12/15 - 5/15	2/10 - 5/15	2/10 - 5/15
Kodiak	1/22 - 4/30	2/10 - 4/30	2/10 - 4/30	Update FMP
W. Aleutian	1/15 - 6/15	1/15 - 6/15	11/1 - 6/15	11/1 - 6/15
E. Aleutian	1/15 - 6/15	2/15 - 6/15	2/15 - 6/15	Update FMP
Bering Sea				
bairdi	1/22 - 6/15	2/15 - 6/15	2/15 - 6/15	Update FMP
opilio	1/22 - 8/15	2/15 - F.O.*	2/15 - 8/1	Update FMP
Nome Section &	--	--	--	Closed to Tanner
Norton Sound				crab fishing

*Field Order

2. Maintain Status Quo.

Discussion: If nothing is done, the differences between the FMP, Federal regulations and State regulations will remain.



SIDE
VIEW

TOP
VIEW

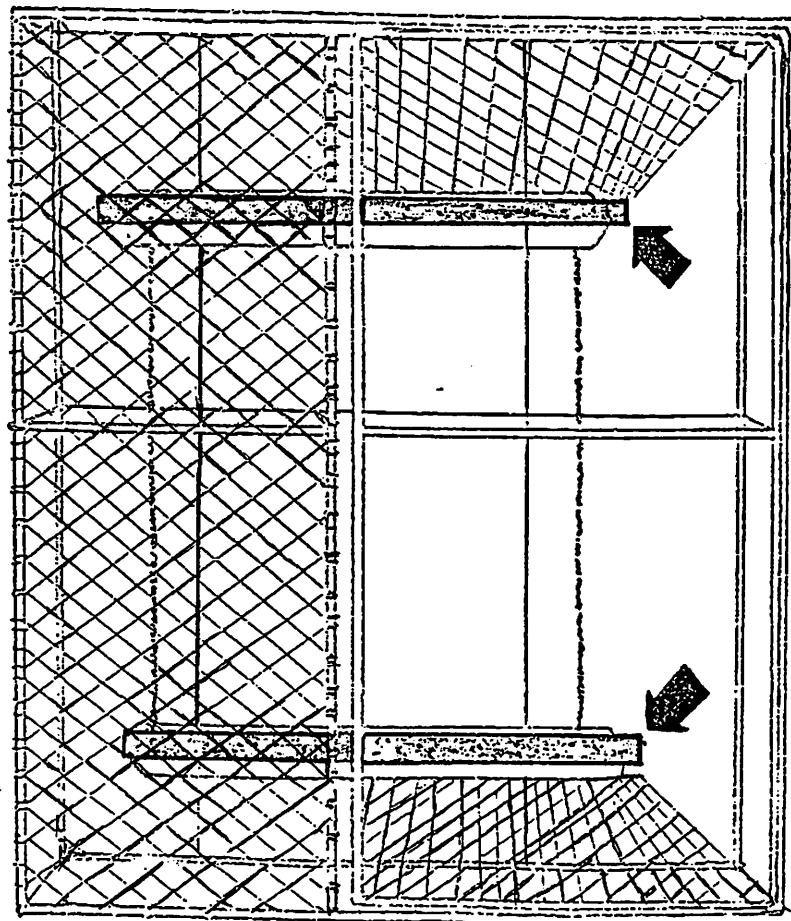


Figure 1. Top entry Tanner crab pot with hinged base (above). King crab pot converted for Tanner crab fishing (below, arrows indicate tunnel reduction slats, i.e. Tanner boards).