MEMORANDUM

TO:

Council, SSC, and AP Members

FROM:

Jim H. Branson

Executive Direct

DATE:

November 25 / 1981

SUBJECT: Tanner Crab Fishery Management Plan.

ACTION REQUIRED

Review status of Amendment #6 and #7. The Council may wish to discuss the Bristol Bay pot storage area with the Board.

BACKGROUND

We have been informed by the Regional office of NMFS, that higher levels of DOC and OMB will not approve some of the regulations submitted with Tanner Crab Amendment #6. The regulations proposed by the Council parallel those that are currently in effect by the State. They include the reporting of deadloss on fish tickets, registering Tanner crab vessels prior to scheduled season opening dates, registering for specific districts, changing registration from district to district, transportation of Tanner crab through a district in which the vessel is not registered, and requiring operators of floating processing vessels to report their intended area of operation prior to commencing operation. A copy of Amendment #6 as it was published in the Federal Register is provided as Item E-4(a).

Apparently this amendment was held up for two reasons. First, DOC is attempting to restrict the number of new regulations it approves in light of the desires of the current Administration. Secondly, OMB intends to veto regulations that parallel existing State regulations or add any reporting requirements to industry, or the public. OMB cites the Paperwork Reduction Act as the basis for this policy. The Regional office of NMFS has requested that the Central office delete the reporting requirements from Amendment #6 at this time in order for the remainder of the package to be implemented. In addition, we have asked the Central office to formally notify the Council of the rationale for its decision concerning the regulations in this amendment. Amendment #6, minus the reporting requirements was implemented on November 18. We should be receiving a statement from the Central office in the near future.

Amendment #7 which established new <u>C</u>. <u>bairdi</u> OY's and set <u>C</u>. <u>opilio</u> OY equal to DAH (i.e. TALFF = 0) was published in the Federal Register on September 3 as a proposed rule. The amendment has undergone a public review and currently it is being reviewed by DOC. Publication of this amendment as a final rule is tentatively being set for early January, 1982.

Analysis of NMFS and ADF&G Survey data is now complete for Tanner crab. An update of seasons, OY's, and projected harvests is provided for your information [Item E-4(b)].

We have learned that problems still exist with pot storage in Bristol Bay. Numerous citations have been issued for the storage of crab pots outside designated pot storage areas. The Council may want to discuss this problem with the Board. A series of chartlets illustrating king and Tanner crab concentrations and distribution of a variety of groundfish species in Bristol Bay is provided as Item E-4(c). An overlay illustrating the Federal and State pot storage area is included with the chartlet package.

50 CFR Part 671.

Tanner Crab off Alaska; Amendment to Fishery Management Plan and Antick Second amendment increased the

AGENCY: National Oceanic and American Commerce.

ACTION: Notice of amendment to fishery management plan and proposed regulations.

SUMMARY: Amendment No. 6 to the Fishery Management Plan for Tanner Crab off the Coast of Alaska (FMP) has been approved. The amendment is necessary to respond to specific problems that arose in the management of the fishery during 1979. The was (\$) amendment will make management of 😁 this fishery more effective and coordinated. Regulations to implement this amendment are proposed for public comment. It is the final lance to a let like DATE: Comments on the amendment and

proposed regulations are invited until January 18, 1981. Antique 674 to bened

ADDRESS: Please send comments to: Denton R. Moore, Chief, Permits and Regulations—F/CM7, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Please indicate "Tanner Crab Comments" on the envelope.

FOR FURTHER INFORMATION CONTACT: Robert McVey, Regional Director, Alaska Regional Office, P.O. Box 1668, Juneau, Alaska 99802. Telephone (907) 586-7221.

SUPPLEMENTARY INFORMATION:

A. Background

The FMP for Tanner crab of Alaska was prepared by the North Pacific Fishery Management Council (Council), approved by the Assistant Administrator for Fisheries on behalf of the Secretary of Commerce, and published in the Federal Register on May 16, 1978 (43 FR 21170) under authority of the Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). Final regulations applicable to vessels of the United States were published on December 6, 1978 (43 FR 57149). Final regulations applicable to vessels of foreign nations were published on December 19, 1978 (43 FR 59075; 43 FR 59292).

The FMP has been amended five

times. The first amendment extended the implementing regulations through October 31, 1979 (44 FR 1115). The Proposed Regulations optimum yield (OY) for the Kodiak district from 25 million pounds to 35 Atmospheric Administration/ and the third authorized vessels of foreign nations to take a portion of the total allowable level of foreign fishing (TALFF) in specified area south of 58° N. latitude (44 FR 15503). Amendment No. 4 extended the FMP and implementing regulations, as amended through October 31, 1980 (45 FR 785). Amendment No. 5 changed the OY's and estimated domestic annual harvests (DAH's) for C. bairdi and C. opilio Tanner crab, reduced the TALFF from 15,000 metric tons (mt) to 7,500 mt, and restricted foreign fishing to the area north of 58° N. latitude and west of 164° W. latitude (45 FR 25421). Amendment 5 also extended the FMP and implementing regulations until amended further.

The Tanner crab FMP was consciously designed to respond to problems that arise in management of the fishery, and to incorporate relevant provisions of the State of Alaska's Tanner crab fishing regulations. The current amendment consists of 11 technical changes to the FMP that respond to experience gained during alog 1979 and 1980, and reflect recent changes in the State of Alaska regulations.

B. Substance of Amendment and Discussion was spenies. And refreshing

(The 11 parts of the amendment, with a brief explanation of purpose and need, are as follows.

The amendment would:

1. Delete the requirment of a preseason tank inspection for the Southeastern, Prince William Sound, and Cook Inlet management areas (registration areas A, E, and H, respectively).

Rationale: The inspection of each

vessel's crab holding tank before the beginning of the season in each of these management areas has become an unreasonable requirement because. Tanner crab fishing is authorized in these areas over a period of many months, and the seasons for these three areas overlap.

2. Require tank inspection not more than 24 hours prior to season opening dates in the Kodiak, South Peninsula,

Chignik, and Bering Sea management areas (registration area J).

Rationale: Currently, tank inspection can be obtained as long as two months before the season opening dates in these areas. Tank inspections performed more than 24 hours to a season opening are useless as a means to prevent convert Tanner crab fishing.

3. Allow the recovery and sale, after the season closure for a management area, of crabs that are harvested in pots deployed by a vessel later lost through sinking.

Rationale: This measure is intended to reduce waste and to minimize the financial loss caused by the sinking of a vessel. In order to qualify for sale, crabs would have to be recovered by the owner of the lost vessel or that owner's authorized agent. 4. Require reporting of "dead loss" by fishermen and processors.

Rationale: This requirement will provide a more reliable estimate of the amounts of crab dumped at sea so that managers may determine total crab mortality attributable to the fishery Recording only those crabs that are actually sold alive provides an incomplete basis for assessment of total mortality. The Towns of the Property

5. Divide the current South Peninsula management district of Registration Area J into separate South Peninsula and Chignik Districts.

Rationale: Experience gained in the fishery indicates that the Tanner crab fisheries off the southern coast of the Alaska peninsula should be dealt with a through two separate management 🦙 📆 districts. The current effect of this measure would be limited to season openings (see Part 7), because the OY st. and DAH for the South Peninsula District have not been allocated between the two new districts. We expect the future amendments dealing with OY levels will allocate the OY and DAH between the two new districts.

6. Establish eight management sections within the Kodiak management district (Northeast, Eastside, Southeast, Southwest, Semidi Island, Westside, North Mainland, and South Mainland).

Rationale: Establishing these sections will allow more stock-specific management of Tanner crab in the Kodiak district. As in the case of Part 5. the effect of this Part will be limited to season openings and closures. Although the OY and DAH for the Kodiak District

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have not yet been allocated among the sections, we expect that future amendments dealing with OY levels will allocate the OY and DAH among the new sections.

7. Change the season opening dates in the following districts of Registration Area I.

Kodiak—from January 5 to January 22; Bering Sea—from November 1 to January 15;

Chignik District—November 1 remains unchanged:

South Peninsula District—from
November 1 to December 1; and
Eastern and Western Aleutian
Districts—from November 1 to January
15.

Rationale: The new season opening dates will allow harvest of crabs during a period that will provide for recovery of more meat of a better quality. The change in the opening date of the Kodiak District Tanner crab fishery will help to smooth the transition between the king crab and the Tanner crab fisheries in the Kodiak area. Both fishemen and processors have difficulty handling king crab and Tanner crab at the same time, and postponement of the Tanner crab season is expected to improve the efficiency of both harvesting and processing operations.

8. Require that vessels and gear fishing for Tanner crab in the Kodiak, South Peninsula/Aleutians, or Bering Sea management area be registered in that area.

Rationale: In general, a vessel would not be allowed to fish for Tanner crab or to have unprocessed Tanner crab on board while in a management area unless it was registered for a district in that area. A vessel could be registered for only one district at a time, although a procedure would be provided for one change of registration by radio during any vessel trip. This area registration system is intended to complement Part 2 by assuring the reliability of preseason tank inspections, especially in the Kodiak area. Because a vessel would be forbidden under most circumstances to possess crab taken in a management area other than the area in which the vessel was currently operating, one of the most popular alibis for out-of-season fishing would be eliminated. 三年 经净值 人名

9. Require that vessel registration for the Cook Inlet and Prince William Sound management areas take place before the season opening; for other areas, registration need be accomplished only before fishing.

Rationale: This amendment responds to some confusion that surrounded the previous area registration deadlines.

10. Include a definition of the term
"Tanner crab pot" as "a pot with rigid

tunnel eye openings which individually are a maximum of five inches in one dimension, and tunnel eye opening perimeters which are larger than 30 inches, or a pot which tapers inward from its base to a top with one horizontal opening of any size."

Rationale: This definition is substantially the same as the one currently appearing in the domestic Tanner crab regulations. As redrafted, it conforms more closely to the terms "Tanner crab pot" as used in the regulations of the State of Alaska.

11. Require floating processors to report their intended processing location to Alaska Department of Fish and Game (ADF&G) representatives within the area of intended operation.

Rationale: This measure is intended to help ADF&G take account of the location of a floating processor in formulating conservation and management measures for an area.

C. Other Council Actions

The Council considered, but declined to adopt, a new provision of the State regulations which limits the number of Tanner crab pots which may be fished in the Kodiak management area by any registered Tanner crab vessel. The Council found, however, that enforcement of the limit by the State of Alaska upon vessels registered to take Tanner crab under the laws of Alaska would not conflict with Federal management of the Tanner crab fishery under the FMP. Although this finding was not submitted for Secretarial

approval, the Assistant Administrator specifically declines to take a position on the consistency or inconsistency the State measure with the Federal management regime.

The Assistant Administrator for Fisheries, NOAA, under delegation of authority from the Secretary of Commerce, has determined that the amendment to the FMP as described above:

(1) Is necessary and appropriate to the conservation and management of Tanner crab resources off the coast of Alaska;

(2) Is consistent with the national standards, other provisions of the Act, and other applicable law;

(3) does not constitute a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Actional

(4) is not significant under the provisons of Executive Order 12044, "Improving Government Regulations."

Signed at Washington, D.C., this 2nd day of December, 1980.

(16 U.S.C. 1801 et seq.)

Rober K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

The Fishery Management Plan for Tanner crab off Alaska is amended follows: (All changes are made in sequential order by Federal Register page and section number of the FMP as published on May 16, 1978, at 43 FR 21170.)

 : .]• : .	FEDERAL REGISTER Page No. 43 FR—	or this	Section or heading	FMP page No.	Description of change
21175.		7.35	1.B(2)	era y vi	Title of last paragraph: Delete "and inspection". 2d paragraph: Delete 1st sentence regarding inspection. 3d sentence: change to read "" * " purpose of registration
21176. 21181.	en de la composition	.5.14 E.S.	Table A	viii 3–1	and landing restrictions, through practical * * *." In the title delete "* * for the 1979/1980 season * * * * * * * * * * * * * * * * * * *
21198.	Samuel and the second	4 9,14	4.7.1	4-10a	Aleutian * * * Add on a new line "Chignik and J (Westward)." Table II is replaced by Table A, Page viii and FEDERAL REG-
		100		Test serve	ISTER Page No. 21176.
21200.		્તે ફ્રા	41.13.7	STRINGS	Heading Delete the words "For 1978." 2d paragraph: Delete paragraph. Add: "Area Landing Laws. Provisions are necessary to
		Can f	#34 15 m		manage individual Tanner crab fisheries with flexibility. Landing taws must permit landings of legally-taken crabs in closed waters and must permit the owner of a
21201.	Fred Grandson	48.04	8.4.3	8-9	vessel lost by sinking to sell crabs after the season closure." 5th paragraph:
. .	alterative distribution				Delete paragraph. Add: "In Cook Inlet and Prince William Sound, eli Tanner crab vessels must be registered by the owner or his
					authorized agent prior to the scheduled opening date. All other areas, vessels must be registered prior to fishing."
20201			8.4.3	, 8 –10	Add the 7th paragraph under item 3: "In order to provide for tank inspections at the season opening for Statistical Assessment
					J, a district registration system has been established/ registration system is described in detail in 50 971.23(j)."

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¹ This change should have been made with Amendment No. 5.

It is proposed to amend 50 CFR 671 as

#### §-671.2**[Amended]*

Section 671.2 is amended by revising the definition of Tanner Crab pot to

"Tanner crab pot means a pot with rigid tunnel eye openings which individually are a maximum of five inches in one dimension, and tunnel eye opening perimeters which individually are larger than 30 inches, or a pot which tapers inward from its base to a top with one horizontal opening of any size.

#### § 671.4 [Amended]

Section 671.4 is amended by adding a new (f) to read as follows:

"(f) Each Tanner crab fisherman shall indicate on the fish ticket at the time of landing the number of legal-sized male Tanner crabs harvested which are not purchased by the processor or buyer but which have been dumped at sea. Each buyer of Tanner crabs shall indicate on the fish ticket the number of legal-sized male Tanner crab which were not purchased from a load."

#### § 671.23 [Amended]

Section 671.23(a) is amended by adding at the end the following:

"All Tanner crab vessels must be registered by the owner or his authorized agent prior to the scheduled season opening date in Cook Inlet and Prince William Sound. All other area vessels must be registered prior to fishing.

Section 671.23 is amended by adding a new (j) to read as follows:

"(j) Area J District registration system: (1) Vessels and gear registered for the Statistical Area J must also be registered for a district within Area J prior to fishing. Vessels and gear may not be registered for more than one district at a time. The registration district must be indicated on the inspection certificate.

(2) Vessel or gear district registration may be changed by the vessel operator in person or by completing a form provided by a local representative of the ADF&G, or by radio contact made by the vessel operator with the ADF&G at Kodiak, Sand Point, or Dutch Harbor. Radio transfer must be made by contacting the ADF&G shellfish management biologist within the district for which the vessel is registered at the

time of the transfer request. District transfer authorized by radio contact is limited to one district change per vessel trip and the pounds of Tanner crab on board must be reported at the time of

the transfer. (3) No vessel licensed as a commercial fishing vessel may have any unprocessed Tanner crab on board within any district in registration Area J unless the vessel is registered for that district, or is transporting Tanner crab through or into a district as provided for in sections 671.24 and 671.25 of these regulations.

(4) A vessel may be used for the taking of Tanner crab within a district only if it is currently registered for the district and is validly registered for Area A CAN THE PARTY OF THE PARTY OF

(5) The regional director, in consultation with the Commissioner of the ADF&G, may suspend and reinstate any of the requirements of this subsection if he finds that to do so would be in the public interest."

# \$.671.24 -[Amended] Jank Inspection

Section 671.24(a)(1) is revised to read as follows:

"Tank inspections will be given 24 hours prior to the season opening dates in each district of Statistical Area I by an authorized officer at an inspection point specified in paragraph (b) of this The state of the state of the state of section."

Section 671.24(a)(4) is removed.

§ 671.25 [Amended] Section 671.25 is amended by adding a new (d) as follows:

"(d) The owner or operator of a Tanner crab vessel that is lost through sinking may apply to the Commissioner of ADF&G for a permit to sell legal size Tanner crab obtained when his pots are recovered by himself or his authorized agent even though the crab season is closed in the area. The fish ticket shall show the delivery made by the lost vessel."

## §-671.26—[Amended]

671.26(f)(1)(i) is revised to read:

"(i) Kodiak district: South of 58°52' N. latitude, west of 150° W. longitude and east of the longitude of Cape Kumlik (157°35' W. longitude). The following

sections within the Kodiak district are established:

(A) Northeast section: all waters northeast of a line extending 145° from the easternmost tip of Cape Chiniak, east of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Point, east of 152°30' W. long. in Shuyak and east of the longitude of the northernmost tip of Shuyak Island 

(B) Eastside section: all waters southwest of a line extending 145° from the easternmost tip of Cape Chiniak. 🧐 northeast of a line extending 168° from the easternmost tip of Cape Barnabas and Old Harbor Narrows east of 153°16 W. long.;

(C) Southeast section: all waters

southwest of a line extending 168° from the easternmost tip of Cape Barnabas and east of a line extending 222° from the southernmost tip of Cape Trinity; (D) Southwest section: all waters west of a line extending 222° from the southernmost tip of Cape Trinity, south of a line from the westernmost tip of Cape Ikolik to the southernmost tip of Cape Kilokak and east of the longitude of Cape Kilokak (156°19" W. long.);

(E) Semidi Island section: all waters west of the longitude of Cape Kilokak (156°19' W. long.) and east of the iongitude of Cape Kumlik (157°35' W. long.);

(F) Westside section: all waters north of a line from the westernmost tip of Cape Ikolik, east of a line from 57°15' N. lat., 155°30' W. long. to 58° N. lat., 154° W. long. to 58°51′ N. lat., 152°45′ W. long., west of a line from the northernmost tip of Inner Point to the southernmost tip of Afognak Island. west of 152°30' W. long. in Shuyak Strait and west of the longitude of the northernmost tip of Shuyak Island (152°20′ W. long.);

(G) North Mainland section: all waters north of 58° N. lat. and west of a line from 58°51' N. lat., 152°45' W. long. to 58° N. lat., 154° W. long.;

(H) South Mainland section: all waters south of 58° N. lat., west of a line from 58° N. lat., 154° W. long. to 57°15' N. lat., 155°30' W. long. and north of a line from the southernmost tip of Cape Kilokak to 57°15' N. lat., 155°30' W.

 Section 671.26 is amended by removing (f)(1)(ii) and inserting in its place the following new (f)(1)(ii):

2 nd : new court all a companied with the com-

"(ii) South Peninsula District. All Pacific Ocean waters of Statistical Area

descrises districts

J west of a line from Kupreanof Point to the easternmost point of Castle Rock, and west of a line extending 135°.
Southeast from the easternmost point of Castle Rock and east of the longitude of Scotch Cape Light."

Section 671.26(f)(1) is amended by adding a new (v) as follows:

"(v) Chignik. All Pacific Ocean waters of Statistical Area J east of a line from Kupreanof Point to the easternmost point of Castle Rock and east of the line extending 135° Southeast from the easternmost point of Castle Rock and west of the longitude of Cape Kumlik."

Section 671.26(f)(2)(i) is revised to read as follows:

"(i) In the Kodiak district from January 22 through April 30 only."

Section 671.26(f)(2)(ii) is revised to read as follows:

"(ii) In the south Peninsula district from December 1 to 12:00 noon, May 15 only."

Section 671.26(f)(2)(iii) is revised to read as follows:

"(iii) In the Eastern and Western Aleutian districts from January 15 to 12:00 noon, June 15 only."

Section 671.26(f)(2)(iv) is revised to read as follows:

"(iv) In the Bering Sea district from 12:00 noon January 15 to 12:00 noon June 15 only, except that Tanner crab other than *C. bairdi* may be taken or possessed from 12:00 noon January 15 until closed by emergency field order in accordance with Section 671.27."

Section 671.28 is added as follows:

in the principle

#### § 671.28 Reporting.

"Operators of floating fish processing vessels shall report in person, by radio or by telephone to any local representative of the department located within the area of intended operation prior to the commencement of processing operations. The report must include the initial processing location. by district, subdistrict and the exact latitude and longitude of the location and the date of the intended operation. Before moving the operation and upon arriving at a new location, the operator shall notify the local department .... representative in person, by radio or by telephone of the new location of operation by district, subdistrict and exact location and longitude. The local representative may waive all or part of the above description requirements if in his discretion it is not necessary for the conservation or management of the fishery in that area." The second principle

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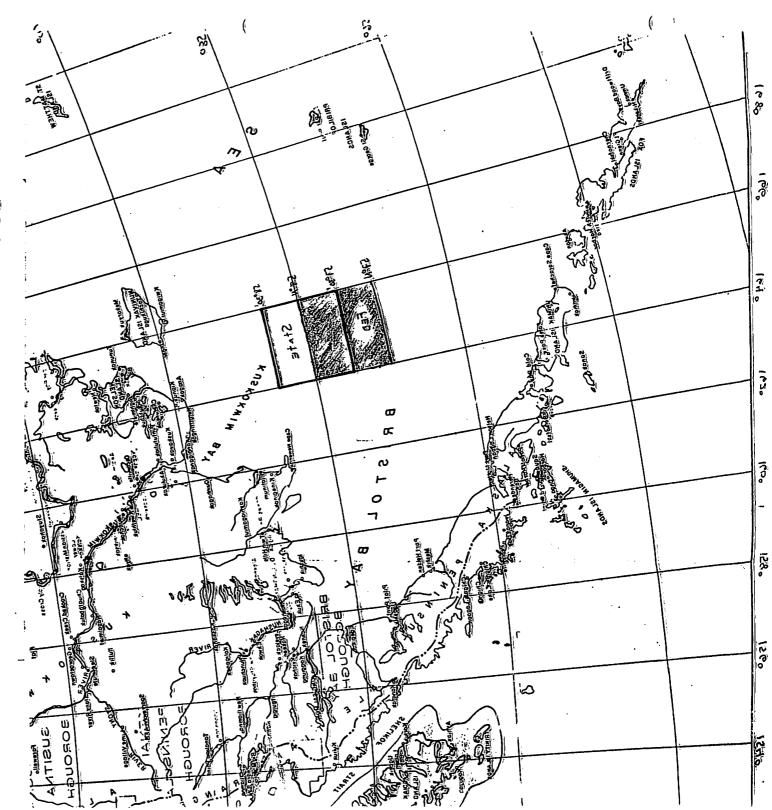
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## 1981-82 TANNER CRAB FISHERY FORECAST

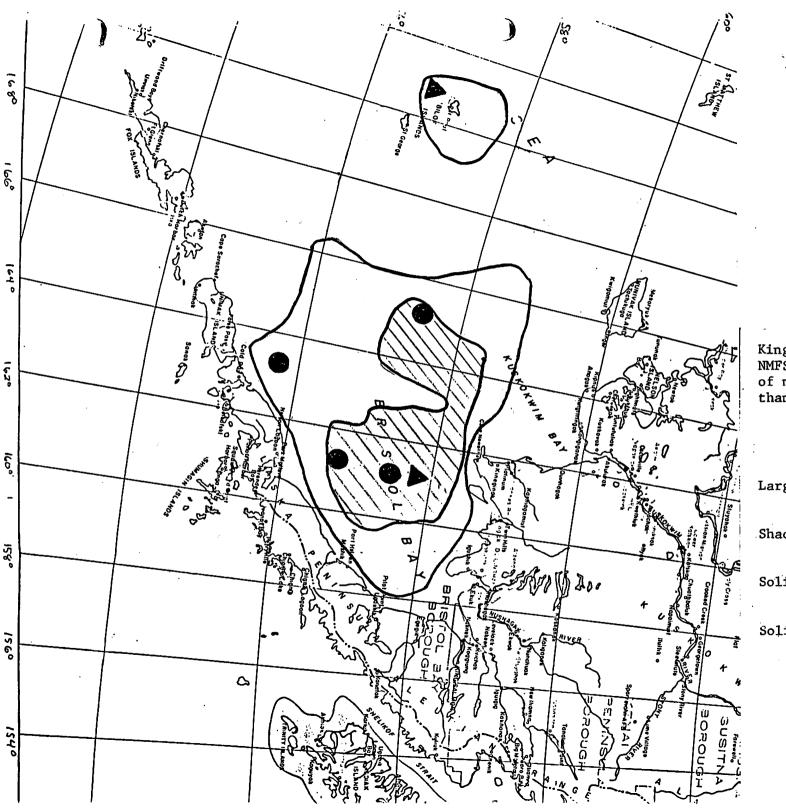
The following season dates and harvest guidelines were adopted by the Board of Fisheries during its March 1981 meeting. The Federal guidelines currently in effect under the Tanner Crab FMP are listed under the OY column. Project harvest estimates were obtained from NMFS and ADF&G surveys. All values are expressed in millions of pounds.

District	Season	State Harvest <u>Guideline</u>	Federal OY	Projected Harvest
S.E. (N. District)	Dec. 1 - May 15	.5-3.0	5.5	1.2
(S. District)	Dec. 1 - May 15	.75-2.5		
PWS	Nov. 15 - May 31	1.3-5.3	7.0	2.0
Cook Inlet	Dec. 1 - May 31	11.0	5.3	3.5
Westward				
South Peninsula	Dec. 15 - May 15	3.0-6.0	6.0	6.0
Chignik	Dec. 15 - May 15	2.0-5.0	5.0	2.0
Kodiak	Feb. 10 - April 30	9.0-15.0	35.0	13.4
E. Aleutians	Feb. 15 - June 15	none	1.0	0.8
W. Aleutians	June 15 - June 15	none	1.0	0.4
Bering Sea	Feb. 16 - June 15			
bairdi		28-36	28-36	14.0
opilio		none	OY = DAH	19.0

Bristol Bay High Seas Tanner Crab Pot Storage Area (State and Federal)



Bristol Bay High Seas Tanner Crab Pot Storage Area (State and Federal)



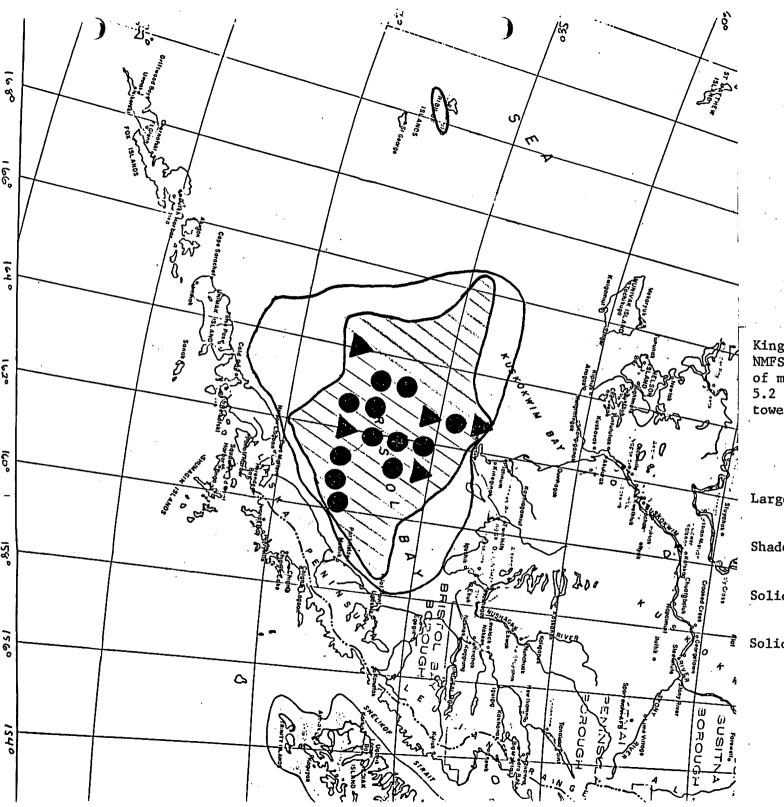
King crab distribution from 1981 NMFS Trawl Survey based on number of male red king crab greater than 6.5 inches per mile towed.

## <u>Key</u>

Large Area - where more than 1 crab

Shaded Area - where more than 3 crab

Solid Circle - where more than 6 crab



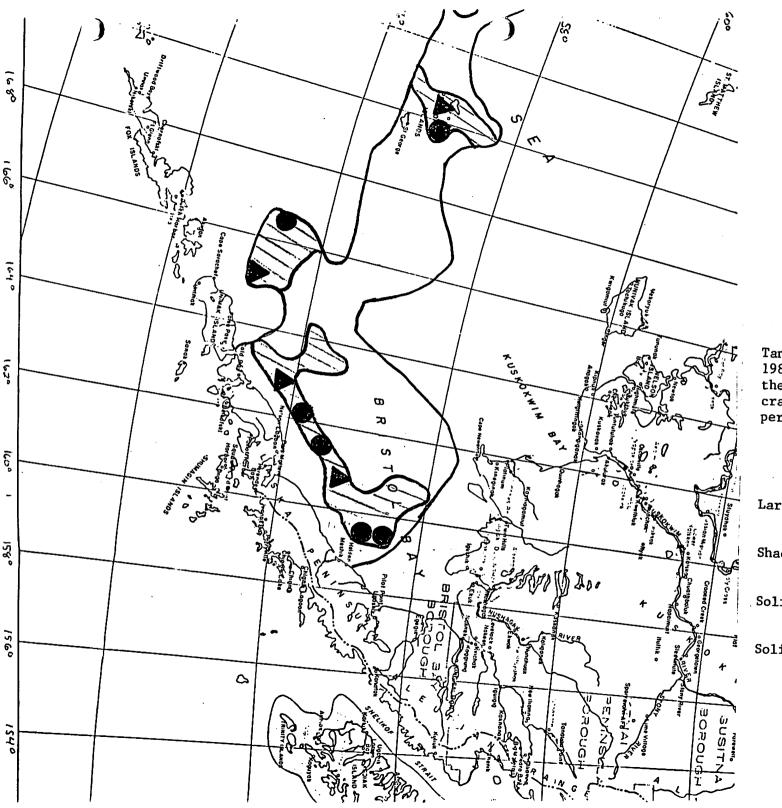
King crab distribution from 1981 NMFS Trawl Survey based on number of male red king crab between 5.2 - 6.4 inches caught per mile towed.

## Key

 $\begin{array}{c} \text{Large Area - where more than} \\ 1 \text{ crab} \end{array}$ 

Shaded Area - where more than 3 crab

Solid Circle - where more than 6 crab



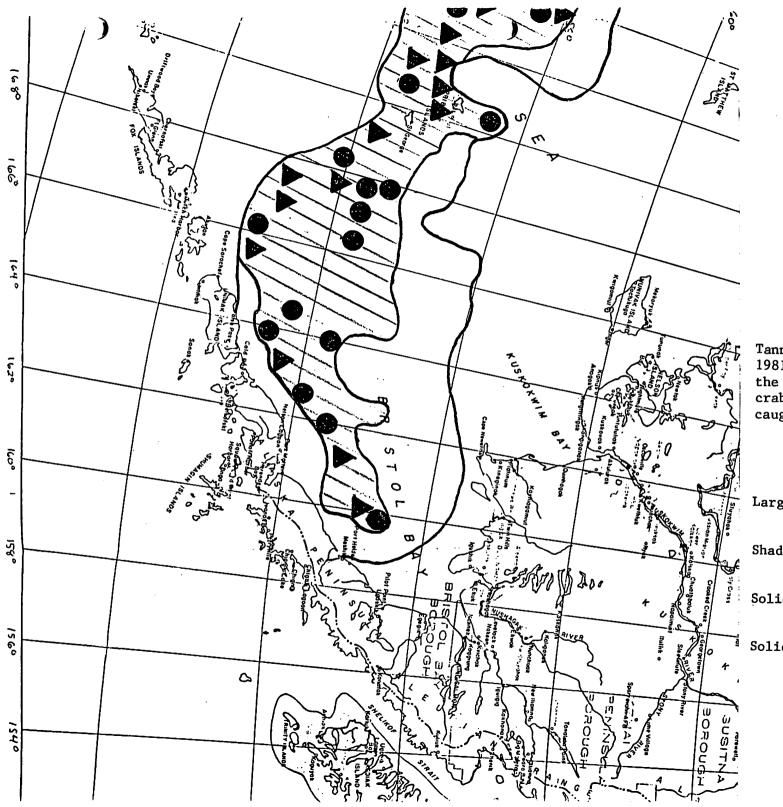
Tanner crab distribution from 1981 NMFS Trawl Survey based on the number of male bairdi Tanner crab greater than 5.5 in. caught per mile towed.

## <u>Key</u>

Large Area - where more than 1 crab

Shaded Area - where more than 3 crab

Solid Circle - where more than 6 crab



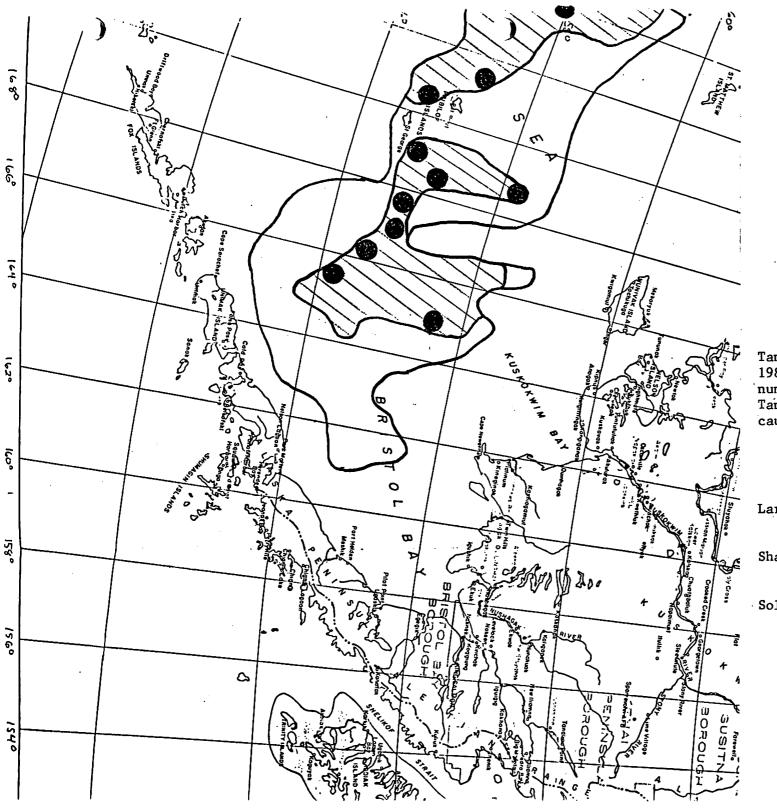
Tanner crab distribution from 1981 NMFS Trawl Survey based on the number of male bairdi Tanner crab between 4.3 - 5.4 inches caught per mile towed.

## <u>Key</u>

Large Area - where more than 1 crab

Shaded Area - where more than 3 crab

Solid Circle - where more than 6 crab



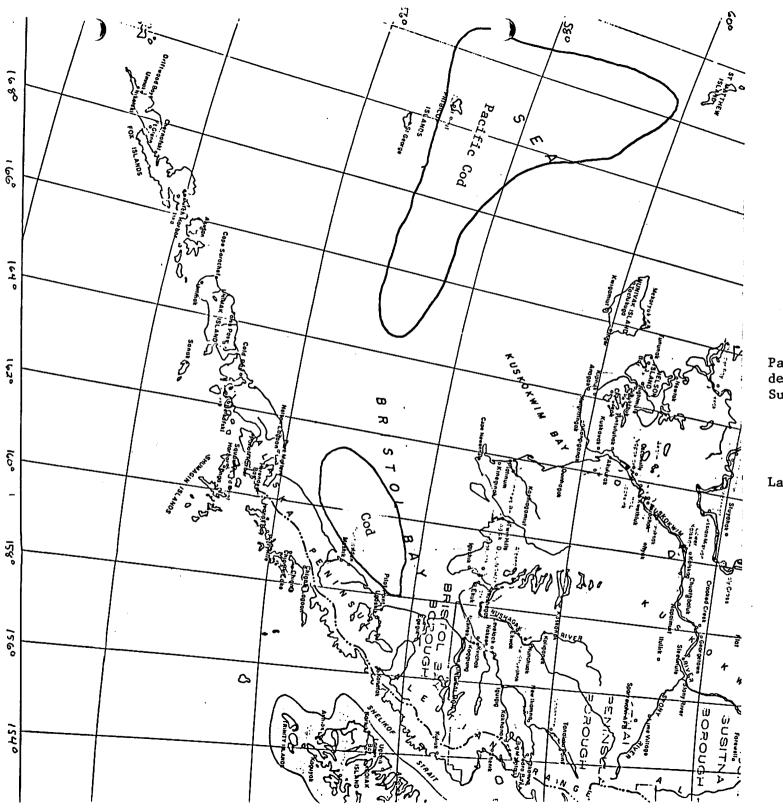
Tanner crab distribution from 1981 NMFS Trawl Survey based on number of male opilio and hybrid Tanner crab greater than 4.3 in. caught per mile towed.

## <u>Key</u>

Large Area - where more than 1 crab

Shaded Area - where more than 3 crab

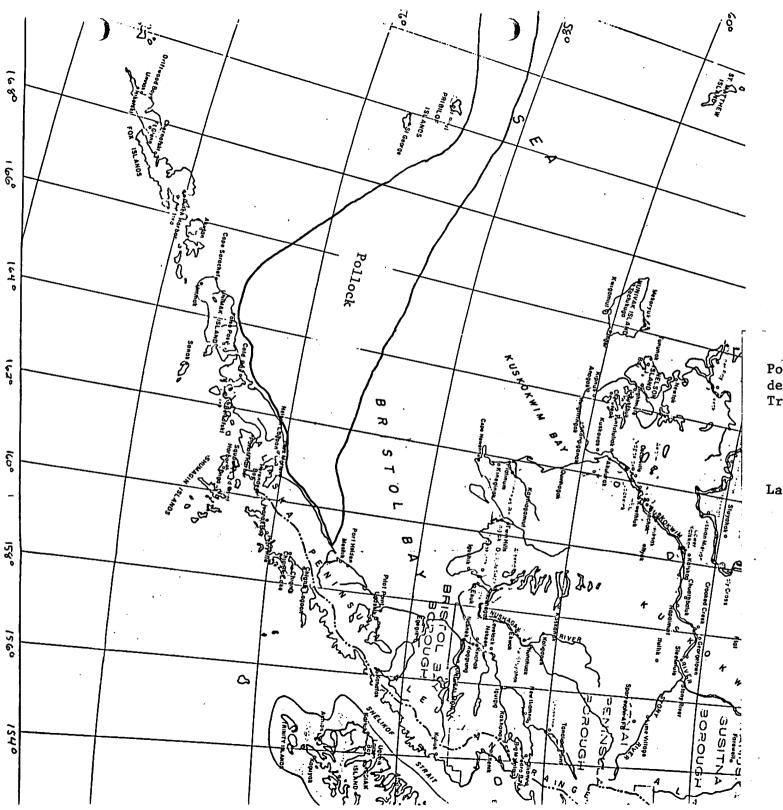
Solid Circle - where more than 6 crab



Pacific cod concentrations as determined by 1980 NMFS Trawl Survey

## Key

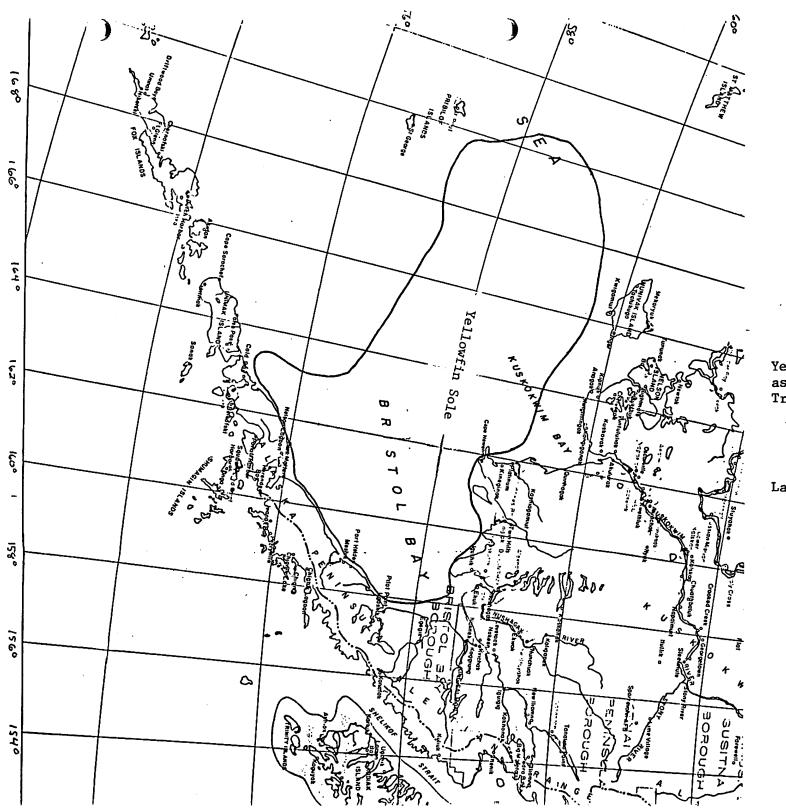
Large Area - 400-6,000 pounds caught per mile towed



Pollock concentrations as determined by 1980 NMFS Trawl Survey

## <u>Key</u>

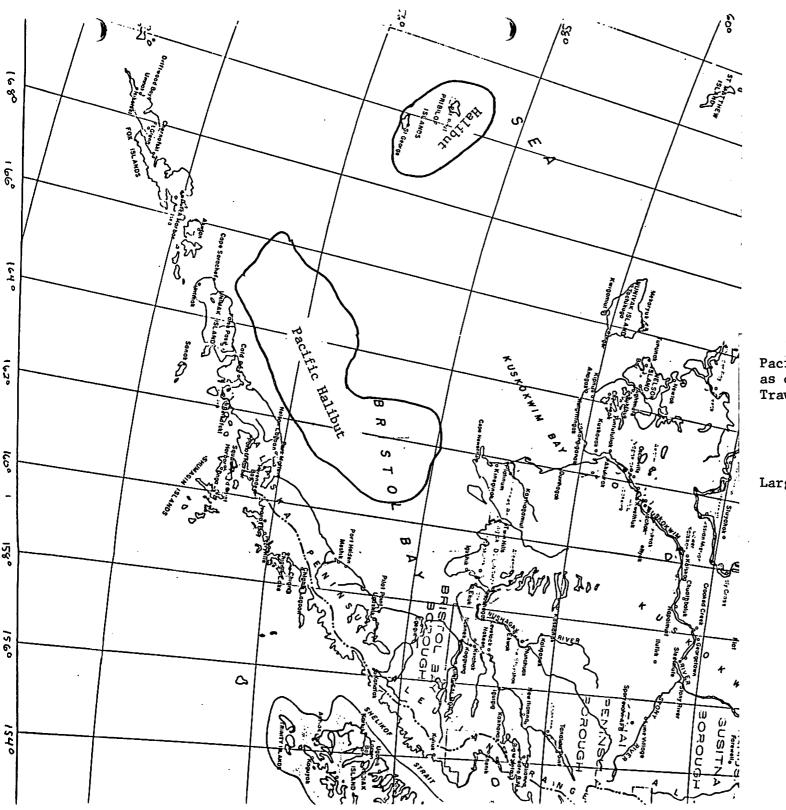
Large Area - 150-3,000 pounds caught per mile towed



Yellowfin Sole concentrations as determined by 1980 NMFS Trawl Survey

## Key

Large Area - 300-7,000 pounds caught per mile towed



Pacific halibut concentrations as determined by the 1980 NMFS Trawl Survey

## Key

Large Area - 50-500 pounds caught per mile towed

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Bristol Bay Pot Sanctuary and Winter Halibut Savings Area