

MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke
Executive Director



DATE: April 16, 1990

SUBJECT: Crab FMP

ACTION REQUIRED

Overview of State's observer program and results of Alaska Board of Fisheries meeting. Take action as necessary.

BACKGROUND

In September the Council received public testimony suggesting they consider expanding the developing federal observer program to include crab fisheries. It was noted that the State of Alaska has an at-sea observer program for all catcher/processors and floating processors which participate in selected Bering Sea/Aleutian Islands crab fisheries. The State also fields observers to sample catches delivered to shorebased processing plants.

Since September, there have been several meetings between the Alaska Department of Fish and Game (ADFG), National Marine Fisheries Service (NMFS), and the crab industry. It has been the collective opinion of those involved that NMFS continue to focus on the groundfish and marine mammal observer programs at the present time given current budget and personnel constraints and that ADFG continue its own program for the crab fisheries. Problems with administering and fielding of State observers have been recently addressed by the Alaska Board of Fisheries (Board) and ADFG in revisions to its observer manual. It has also been suggested that administrators of both the State and Federal programs meet periodically so that both agencies become better aware of problems that are common to observer programs.

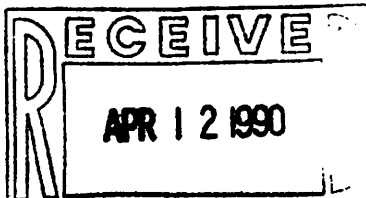
The Council needs to determine if the existing State observer program is adequate for current management purposes or whether the federal program should be expanded. Should a federal crab observer program be determined necessary, a Crab FMP amendment would be required.

Review of 1990 Board of Fisheries Meeting and Shellfish Proposals

In March the Board met to take action on 103 shellfish proposals. This was the Board's first shellfish meeting following the approval and implementation of the Bering Sea/Aleutian Islands King and Tanner Crab Fishery Management Plan.

An integral part of the new FMP was the establishment of a Pacific Northwest Crab Industry Advisory Committee. This committee is intended to provide the northwest crab industry with a forum to develop their shellfish proposals, discuss crab management issues, and have the same access to the Board of Fisheries as State advisory committees. The Pacific Northwest Advisory Committee held meetings on January 26 and February 8 to review proposals and to develop recommendations to the Board. Members of the committee and industry have reported that they believe the committee's meetings have been very successful and productive (see industry letter, item D-2(a)).

The Board met in Anchorage during March 19-24 to take action on shellfish proposals. Staff support was provided by ADFG, NMFS and the Council. The FMP specifies three management measure categories: Category 1 has measures which are fixed in the FMP and require a plan amendment to change; Category 2 has measures which are frameworked and allow the State to utilize them following specific criteria; and Category 3 has measures which are left to the discretion of the State. All 1990 shellfish proposals fall within Categories 2 and 3, and therefore no formal Council action is needed (item D-2(b)). A written summary of the Board meeting and their decisions has been prepared by NMFS and is provided as item D-2(c). Copies of a the ADFG Shellfish Report, and the NMFS Crab Survey Report are available upon request.

**ALASKA
CRAB
COALITION**

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April 12, 1990

Mr. Don W. Collinsworth,
Chairman
North Pacific Fishery Management Council
P.O. Box 10316
Anchorage, Alaska 99510

Dear Don:

On behalf of the members of the Alaska Crab Coalition, I wish to extend our appreciation to you and your staff members at the North Pacific Fishery Management Council, Alaska Dept. of Fish and Game and the Board of Fisheries, for technical assistance in the expeditious formation of the Pacific Northwest Crab Industry Advisory Committee, (PNCIAC).

Through a coordinated effort on the part of the agencies under your jurisdiction and the National Marine Fisheries Service, this new committee was formed in time to develop meaningful comments for the recently concluded Board of Fisheries Shellfish Meeting. Formation of the committee this winter was critical in terms of timing, since the Shellfish Meeting is on a biennial schedule. Minutes of the Committee were even sent to Kodiak, Homer, Sand Point, King Cove and Dutch Harbor in time for review by the local advisory committees prior to the Shellfish Meeting.

In addition to technical assistance from Ken Parker, Earl Krygier, Larry Nicholson and the Westward Staff, Laird Jones and Bud Hodson, from the Board of Fisheries, I would also like to express our appreciations to Steve Davis, Deputy Director of the NPFMC for inter agency coordination and coordination with Northwest industry representatives.

Development of the Bering Sea Aleutian Islands Crab Management Plan and the PNCIAC has been a top priority with the ACC since January of 1986.

Sincerely,

Kevin Kaldestad
President

TABLE 1

Summary of King and Tanner Crab Proposals submitted to the Alaska Board of Fisheries for the Bering Sea/Aleutian Islands Area for 1990 arranged by Crab FMP Category.

Category 1 (Fixed in FMP)	Category 2 (Frameworked in FMP)	Category 3 (State discretion)
LEGAL GEAR *	MINIMUM SIZE LIMITS	REPORTING REQUIREMENTS *
PERMIT REQUIREMENTS *	66 - Reduce king crab size to 6 inches and Tanner size to 5 inches (Bering Sea/Aleutians). F	GEAR PLACEMENT AND REMOVAL *
FEDERAL OBSERVER REQUIREMENTS *	GUIDELINE HARVEST LEVELS *	GEAR STORAGE *
LIMITED ACCESS * (RESERVED)	INSEASON ADJUSTMENTS *	VESSEL TANK INSPECTIONS *
	DISTRICTS, SUBDISTRICTS AND SECTIONS *	GEAR MODIFICATIONS
	FISHING SEASONS	51 - Minimum mesh size for king crab pots in Bristol Bay. PA
	50 - Area 'T' king crab opening on November 1. PA	87 - Escape Mechanism for pots. PA
	52 - <i>C. opilio</i> opening Western Subdistrict on October 1. NA	BYCATCH LIMITS (in crab fisheries) *
	53 - Close Tanner crab eastern and western Aleutians on March 31. PA	STATE OBSERVER REQUIREMENTS
	54 - Close Bering Sea <i>C. bairdi</i> and eastern subdistrict <i>C. opilio</i> March 31. P	76 - Observers permitted access to position of vessel coordinates. PA
	56 - Open all crab fisheries in Bering Sea/Aleutian Islands on January 15. F	77 - Observer qualifications. NA
	67 - Second Opening for Bering Sea and Aleutian Crab. F	78A - Establish an 'Ethics Officer.' NA
	SEX RESTRICTIONS *	78B - Written approval of contracts. F
	POT LIMITS *	79 - Conflict of Interest Standards for contractors. NA
	REGISTRATIONS AREAS *	80 - Conflict of Interest Standards for contractors. NA
	CLOSED WATERS *	81 - Publish list of observers. NA
		82 - Restrict time an observer can work. NA
		83 - Drug screening for observers. NA
		84 - Definition of 'personal interest.' NA
		85 - Definitions for conflict of interest. PA
		86 - Conflict of Interest Standards for contractors. PA
		103 - Delete observer requirement for floating processors. F

Summary of King and Tanner Crab Proposals submitted to the Alaska Board of Fisheries for the Bering Sea/Aleutian Islands Area for 1990 arranged by Crab FMP Category.

Category 1 (Fixed in FMP)	Category 2 (Frameworked in FMP)	Category 3 (State discretion)
		Proposal D - Placement of observers on <u>opilio</u> processors. P
		OTHER
		60 - Allow 72 hours to deliver king crab to Dutch Harbor, Akutan and King Cove from St. Matthew. PA
		61 - Allow 76 hours to deliver king crab to Unalaska from St. Matthew. NA
		64 - Restrict pot gear prior to and after season. P
		69 ** - King and Tanner crab policy. P
		Proposal OM - Onboard observer manual. P

- * No proposal submitted
- ** Management policy

F = Failed
PA = Passed in amended form
P = Passed
NA = No action



AGENDA D-2(c)
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

DATE: April 3, 1990

MEMORANDUM FOR: F/AKR1 - Dale Evans

FROM: F/AKR1 - Raymond Baglin *RES*

SUBJECT: Summary of Board of Fisheries Meeting

The Alaska Board of Fisheries (Board) met in Anchorage from March 19 through March 24, 1990, to address Westward Region and statewide shellfish management.

The Board received staff shellfish reports on the following areas: Kodiak, Alaska Peninsula, Eastern Aleutian, Western Aleutian, Bering Sea, Norton Sound, and Statewide. Reports were also presented on the State shellfish observer program, State management policy, draft management plans for Westward Region king crab stocks, biodegradable twine, a comparison of catcher/processor vessel and catcher vessel fishing performance, Bristol Bay red king crab test fishing proposal, ADF&G observer manual, and the North Pacific Fishery Management Council crab FMP. A workgroup was set up to address proposed changes to the ADF&G Observer Manual for Alaskan Crab Processors.

The Board also received public testimony from the following: Arne Aadland, North Pacific Fishing Vessel Owners' Association, Seattle, WA; Steve Stubbe Unisea Seafoods, Dutch Harbor, AK; Bill Alwert, F/V BUCCANEER, Kodiak, AK; Michael Lake, Alaska Observers Inc., Seattle, WA; Roger Woods, Data Contractors Inc., Anchorage, AK; Peter Hvatum, F/V Rosie G, Seattle, WA; Dale Schwartzmiller, Peter Pan, King Cove, AK; Debbie Hicks, Salt Water Inc., Anchorage, AK; Ted Smits, North Pacific Fishing Vessel Owners' Association, Seattle, WA; Rich White, Dutch Harbor Seafoods, and Chairman Pacific Northwest Crab Industry Advisory Committee, Seattle, WA; Mike Gallasen Copper River and Prince William Sound Advisory Committee, Cordova, AK; Sinclair Wilt, Dutch Harbor Advisory Committee, Dutch Harbor, AK.

The Board did not consider any FMP category 1 proposals requiring an FMP plan amendment. A total of seven category 2 proposals dealing with minimum size limits and fishing seasons were addressed. The Board acted on 19 category 3 proposals concerning gear modifications, state observer requirements and other measures not specified in the FMP. Also, the Board approved a new management policy and made changes to the ADF&G Observer Manual for Crab Processors. Table 1 summarizes the Board's actions on the regulatory proposals pertaining to the Council FMP.



The following is a brief description of the Board's actions. A complete justification can be obtained from the Board's official record.

Proposal 66

Rejected because there was no data to support the reduction of size limits.

Proposal 50

Amended to open area T king crab season on November 1 (instead of September 25) and to open the area east of 166 degrees west longitude to the C. bairdi fishery 7 days after the closure of area T or November 7 if there is no area T opening. The Board received testimony that red king crab do not enter pots as readily in September. The reason for starting the C. bairdi season earlier in the area east of 166 degrees west longitude is to prevent the bycatch of soft shell red king crab in an area where they are concentrated.

Proposal 52

No action was taken to open C. opilio in the Western subdistrict on October 1 because the proposal was withdrawn.

Proposal 53

Amended to set the season for the Eastern Aleutian District from January 15 through March 31, and the Western Aleutian District from November 1 through March 31, to protect molting red king crab.

Proposal 54

Approved the closure of the eastern subdistrict to Tanner crab fishing for both C. bairdi and C. opilio on March 31, with the western subdistrict closing by EO to protect molting red king crab.

Proposal 56

Rejected the opening of all crab fisheries in the Bering Sea/Aleutian Islands on January 15 because it approved earlier opening dates.

Proposal 67

Rejected a second opening for king and Tanner crab fisheries in the late fall in those years where premature closures occurred in the spring. ADF&G staff opposed a second opening and the Board concurred.

Proposal 51

Amended a minimum mesh size for king crab pots to reduce discard mortality to undersize male and female crab. The new requirement is that pots fished in area T must have a minimum of 1/3 of one vertical surface no less than 7.75 inches stretch mesh.

Proposal 87

Amended requirements for an escape mechanism for shellfish and groundfish pots as follows "A sidewall, which may include the tunnel, of all shellfish and groundfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening may be a minimum of 6 inches in length. The opening must be laced, sewn or secured together by a single length of untreated 100 percent cotton twine no larger than 30 thread. The biodegradable twine may be knotted at each end only. The opening must be within 6 inches of the bottom of the pot and parallel to it. The biodegradable twine cannot be tied or looped around the web bars....." Based on ADF&G studies the Board felt that these requirements would best protect the stocks from mortality caused by lost or delinquent gear without creating an undue burden on the industry.

Proposal 76

Amended to allow observers to have access to coordinates of vessels no more than two times in a 24 hour period or unless the observer suspects an enforcement violation may be occurring. The Board determined that this would allow sufficient information for management purposes.

Proposal 77

No action was taken on this proposal to require tougher observer qualifications because specific educational and experience requirements will be contained in a revised ADF&G Observer Manual.

Proposal 78A

No action was taken to establish an ethics officer because the Board did not believe that it would be practical to fill such a position. The ADF&G staff reviews all decertifications.

Proposal 78B

Rejected the prior approval of contracts by ADF&G for conflict of interest. The Board determined that this would be impossible to implement.

Proposal 79

No action was taken on this conflict of interest standards for contractors proposal. Specific language will be added to the revised observer manual under the conflict of interest section. The Board expressed a concern that independent observer contractors should only be furnishing people as observers and not other services.

Proposal 80

No action was taken on this conflict of interest standards for contractors proposal. This issue concerning conflict of interest with relatives will be addressed in the revised observer manual.

Proposal 81

No action was taken on this proposal that the ADF&G certified observer list should not be proprietary information to one single observer contracting firm, also that ADF&G should not support nor enforce requests to keep the list as proprietary information from other observer contracting firms. Legal counsel advised the Board that the list is subject to the Freedom of Information Act.

Proposal 82

No action was taken on this proposal to restrict the time an observer can work on a particular vessel because this subject was covered in revisions to the observer manual. The revisions to the manual will not allow an observer to spend more than 90 days on any one vessel during 12 consecutive months.

Proposal 83

No action was taken on this proposal to support and enforce drug use screening requirements of observers because the Board was advised by legal counsel that such action would be illegal.

Proposal 84

No action was taken on this proposal to define personal interest. A specific definition will be added to the revised observer manual.

Proposal 85

Amended definitions concerning personal and financial interest and partnership or corporation will be included in the revised observer manual.

Proposal 86

Amended proposal to make the conflict of interest disclosure form effective September 1, 1990. This change was made to give contractors time to comply with new standards set by the Board.

Proposal 103

Rejected proposal to delete observer requirements for floating processors. ADF&G staff pointed out at least 12 recent enforcement violations on floating processors. The Board determined that observers are needed on floating processors for enforcement purposes and to protect the resource.

Proposal D

Approved proposal to place observers on C. opilio processors for enforcement purposes and to protect the resource.

Proposal 60

Amended proposal to allow 60 hours to deliver king crab to Dutch Harbor, Akutan and King Cove from St. Matthew. The Board considered the distance and running time and determined that 60 hours would be sufficient.

Proposal 61

No action was taken on this proposal to increase delivery time to 76 hours from St. Matthew to Unalaska since the Board previously approved 60 hours.

Proposal 64

Approved proposal to prohibit participation in a commercial king or Tanner crab fishery if a person or vessel operates commercial, subsistence, or personal use pots during 14 days before the opening of the commercial season. Also prohibits the use of pots for commercial, subsistence, or personal use for 14 days after the close of a commercial king or Tanner crab season. There currently is no definition of a groundfish pot and problems arose this past year during the Bristol Bay red king crab fishery. Pots were on the grounds prior to the season under the pretense of being groundfish pots.

Proposal 69

Approved proposed comprehensive policy on king and Tanner crab resource management to extend management philosophy to all king and Tanner crab fisheries under the jurisdiction of the Board as implemented in the current regulations.

Proposal OM

Approved revision to the ADF&G Onboard Observer Manual for Alaskan crab processors. The Board-appointed workgroup developed several changes to improve the quality of the manual.

The State of Alaska, Board of Fisheries, at its March 15 through 24, 1990 meeting in Anchorage adopted the following regulations affecting king and Tanner crab stocks in the Bering Sea and Aleutian Islands:

CATEGORY 2

FISHING SEASONS:

5AAC 35.510 (7), 5AAC 34.810 (b) - The Bering Sea *C. bairdi* Tanner crab fishery will open seven days after the close of the Bristol Bay (Area T) king crab fishery in that portion of the area east of 166°W. long. The opening date for the red and blue king crab season changed from September 25 to November 1.

- a. Structuring the season in this manner will reduce fishing effort on soft shell crab which occur in the fishery starting in April.
- b. This earlier opening provides distinctive economic benefits to the industry:
 1. Better quality crab;
 2. Reduces processor costs by maintaining processing crews on site rather than instituting a several month lay-off between seasons. Additionally, it allows for a smooth transition of the processing lines from king to Tanner crab;
 3. Reduces fleet operation costs by allowing the fleet to keep their gear on the ground, maintain crews without lay-offs, provide better access to the resource prior to ice formation and reduces expenses of running to port for lay-up between seasons.

5AAC 35.510 4.), 5.), 6.) - Reduces mortality of soft shelled crab in the Bering Sea/Aleutian Island Tanner crab fisheries. The *C. bairdi* Tanner crab fishery will close on March 31 rather than June 15. For *C. opilio* Tanner crab, the season in the Eastern Sub-district also closes on March 31 and in the Western Sub-district it will close by emergency order.

CATEGORY 3

REPORTING REQUIREMENTS:

5AAC 39.130 (h) - Federal groundfish record keeping and reporting requirements were adopted by reference. A house keeping measure which brought the state into compliance with federal requirements was also adopted to meet confidentiality standards.

GEAR MODIFICATIONS:

5AAC 39.145, 5AAC 02.010 - All shellfish and groundfish pots are required to have an escaped hole laced with 100% biodegradable cotton twine no larger than No. 30 twine. Previously No. 120 twine was required. This action should greatly minimize future fishing mortality from lost gear.

5AAC 34.825, 5AAC 34.925 - An escape panel is now required on all king crab pots in Area T in which at least 1/3 of one vertical side must be a minimum of 7 3/4 inch stretched mesh webbing. This regulation will reduce handling mortality of undersized crabs.

STATE OBSERVER REQUIREMENTS:

A number of changes were made to the state's shellfish onboard observer program to obtain data and program quality assurance:

5AAC 39.141 - An observer is to be allowed access to the vessels loran receiver to determine the vessel's position at least twice a day unless illegal activity is suspected in which case the observer can demand additional access.

5AAC 39.142 a), b), c) - Conflict of interest for shellfish observers and contractors was redefined and clarified with respect to co-investment in the industry and degree of kindred to industry participants.

5AAC 39.645 (g) - Onboard observers are required to have at least a B.S. degree in natural sciences, have NMFS experience or have other education and experience approved by ADF&G.

5AAC 39.142 (c) - Onboard observers can be supplied only by contractors approved by ADF&G.

5AAC 39.645 (g) - a number of changes were made in observer duties and responsibilities.

5AAC 39.645 (d) Vessels that process "opilio" tanner crab are now required to have an observer on board. This action was taken to alleviate concerns expressed over inadequacies in the existing program. This requirement addresses conservation, management, and enforcement objectives.

OTHER

5AAC 34.035 - The time which a crab vessel fishing in the St. Matthew Section, and wishing to check out to deliver to Dutch Harbor, Akutan or King Cove, can have crab aboard the vessel was increased from 48 hours to 60 hours to allow for running time. This allowed fisherman intending to land at these locations more equitable market access.

5AAC 34.050 - A person or vessel that operates pots within 14 days of a commercial opening cannot now participate in a commercial crab fishery in that registration area. Also, a person who participates in a commercial crab fishery cannot operate pots for 14 days after a commercial opening in the same registration area. This was a house keeping measure to assure fair starts and orderly closures of crab fisheries.

5AAC 34.050 (c)(2)(c), 5AAC 35.050 (c)(2)(c) - Fishermen are allowed to store their pots for 10 days rather than seven after the closure of the king crab fishery in Area T. Tanner crab fishermen can store their pots in water deeper than 25 fathoms for seven days prior to the opening in the Eastern Sub-district east of 166°W. long. This action allows fisherman time to comply with enforcement requirements and still convert their gear easily from

king to Tanner crab fishing.

Policy Statement replaces 81-89 FB: - A state-wide management policy for king and Tanner crab was created which sets out goals, benefits, policies and management tools to be use in managing the resource. The Boards' adoption of this policy endorses the use of a more conservative (new) management plan on king crab stocks to allow for a multiage fishery. The Board believes this will stabilize year to year production and produce maximum utilization of these stocks.

SAAC 38.425 Decrease the area open to scallop dredging to coincide with areas closed to non-pelagic dredging/trawling for protection of juvenile fish and shellfish. As a general management policy, the Board felt it was absolutely essential that nursery areas for young stocks of all species be protected to the maximum extent possible.