

M E M O R A N D U M

TO: Council, SSC, and AP Members

FROM: Jim H. Branson *CSF*
Executive Director

DATE: May 10, 1982

SUBJECT: Bering Sea/Aleutian Islands King Crab Fishery Management Plan

ACTION REQUIRED

Council review and approval of Board of Fisheries regulatory actions concerning the 1982 BS/AI King Crab Fishery.

BACKGROUND

In October 1981, the North Pacific Fishery Management Council and the Alaska Board of Fisheries formally adopted the Joint Statement of Principles on the management of domestic king crab fisheries in the Bering Sea/Aleutian Islands area. In that document, the Board is required to provide a written statement explaining the basis for any change in regulation. I have enclosed a summary table of the Board's action as Agenda Item D-3(a). A copy of the Board's justification for these actions was distributed to the Council family in the May 7 Council mailing. In addition, I have summarized two regulatory changes which will be of particular interest to the Council, Bristol Bay harvest guideline (OY) and pot storage [Agenda Item D-3(b)].

Following the March 24-26, 1982 Council meeting, the BS/AI King Crab FMP was sent to the Regional Office of NMFS for a preliminary review. The FMP was also distributed to all participants of the February "walk-through" for their comments. All responses to the improved plan have been favorable. The Regulatory Impact Review, a document that must accompany the FMP in Secretarial review, is currently being finalized. Once completed, both documents will be submitted to Washington, D.C. to initiate Secretarial review.

Work is continuing on the BS/AI Final Environmental Impact Statement and its anticipated completion date is early July. The FEIS will then be sent to Washington during the Secretarial review period. Delays in this document are due to the overwhelming number of comments received on the DEIS and DFMP which must be responded to in the FEIS.

With the arrival of FY82 programmatic funds, a contract for the crab observer program was awarded to ADF&G on April 1. Due to funding arriving late in the Tanner crab season, the project will now focus entirely on the 1982 king crab season. Periodic updates on the program will be presented to the Council when needed. A final report will be due on March 15, 1983 unless extended by mutual agreement.

BERING SEA/ALEUTIAN ISLANDS KING CRAB PROPOSALS SUMMARY

<u>Registration</u>		<u>Board Action</u>
(63)	Change Area T to non-exclusive	rejected
<u>Seasons</u>		
(59)	Open and close Dutch Harbor Area later, Nov 15 - Feb 28 vs. Nov 1 - Feb 15	rejected
(62)	Closed Adak later, May 15 vs. Feb 15 (close RKC Feb 15; GKC by EO)	amended/adopted
(65 & 66)	Open Bristol Bay later, Oct 1 vs. Sept 10	rejected
(70)	Open Pribilofs later, Oct 5 vs. Sept 10	rejected
(71)	Open Northern district earlier, May 1 vs. July 15 (open Aug 1, close Sept 3)	amended/adopted
(72 & 73)	Close North Sound Section	rejected
<u>Harvest Levels</u> *eliminated harvest guidelines; substituted harvest strategy for each area		
(60)	Reduce for Dutch Harbor Area	adopted*
(67)	Reduce for Bristol Bay Area	adopted*
(74 & 75)	Raise for blue in Bering Sea; reduce for red in Norton Sound	adopted*
(105)	Develop alternative methods for setting harvest levels	adopted
<u>Size Limits</u>		
(76)	Correct size to 7½" for Pribilof 2nd season	adopted
<u>Gear</u>		
(61)	No in-water storage for Dutch Harbor Area	adopted
(68)	Pot storage area change or random storage for Bristol Bay (see chartlet)	amended/adopted
(87)	Prohibit in-water storage near Pribilofs	adopted
<u>Miscellaneous</u>		
(69)	Re-describe Norton Sound District	adopted
(96)	Statewide -- 12 noon opening for all king crab fisheries	adopted
(97)	clarification in registration requirements	adopted
(98)	clarification of 72 hour pot storage after season regulation	adopted
(99)	statewide -- no at-sea pot storage	rejected

RKC = Red king crab
GKC = Golden king crab

REVIEW OF BOARD REGULATORY ACTION AND RATIONALE
REGARDING BRISTOL BAY HARVEST STRATEGY AND POT STORAGE
(by Steve Davis)

Bristol Bay Harvest Strategy for 1982 King Crab Fishery

There was only one proposal before the Board, no. 67 prepared by ADF&G staff, which asked for a lowering of the 40-100 million harvest guideline to a range of 19-34 million pounds. The staff made their proposal based on the 1981 NMFS trawl survey estimates for possible 1982 king crab catches. The Board using the BS/AI King Crab Fishery Management Framework adopted in May 1981 and the NMFS estimates (Table 1), first identified the ABC as a range from 27-43 million pounds. The ABC was stated as a range since natural mortality estimates are still unknown for the Bristol Bay area. The Board then voted to remove the numerical harvest guidelines from the regulations since these are subject to change following the 1982 NMFS survey. Instead, the regulations will state the adopted harvest strategy, from which the area biologist would then manage the fishery. A "numerical harvest forecast" for all areas will be released to the industry following the 1982 survey. The Board's rationale for this change was their impression that harvest guidelines are mis-leading and unfair to the industry when based on survey data from the previous year.

Once this policy was established the Board then examined the NMFS estimates (Table 1) to determine the harvest strategy. In general, the Board felt that given the current stock condition, a conservative approach was necessary. When discussing a possible .7 exploitation rate, at the current 6.5 in. size limit, the Board concluded that at this rate, CPUE would be too low and fuel costs on a "scratch" fishery too high for maximum economic efficiency. The Board mentioned they had received public testimony stating the fishermen's desire for a quality fishery with high CPUE, minimal deadloss, etc. With this in mind, and at the current 6.5 in. size limit, the Board favored a .6 exploitation rate.

The possibility of lowering the size limit was then discussed. The Board recognized that if the size limit were lowered to 6.25 in. and a .5 exploitation rate adopted (see Table 1), the result would be higher harvest with greater economic efficiency than at a 6.5 and .6 strategy (36 vs. 34 million pounds). However, the Board was concerned that the industry would be caught offguard if they lowered the size limit without prior notice. The Board then announced to the industry that next year they would consider making such a change. Following this discussion the Board adopted a .6 exploitation rate, at a 6.5 in. size limit as the management strategy for the 1982 Bristol Bay fishery.

Bristol Bay Pot Storage

The Board reviewed proposal no. 68 for a new storage area in Bristol Bay. This proposal was prepared by the Council's Ad Hoc Pot Storage Committee and called for a new area located in the Pot Sanctuary. The proposed area was chosen to eliminate gear conflicts with foreign vessels and be closer to port, thereby

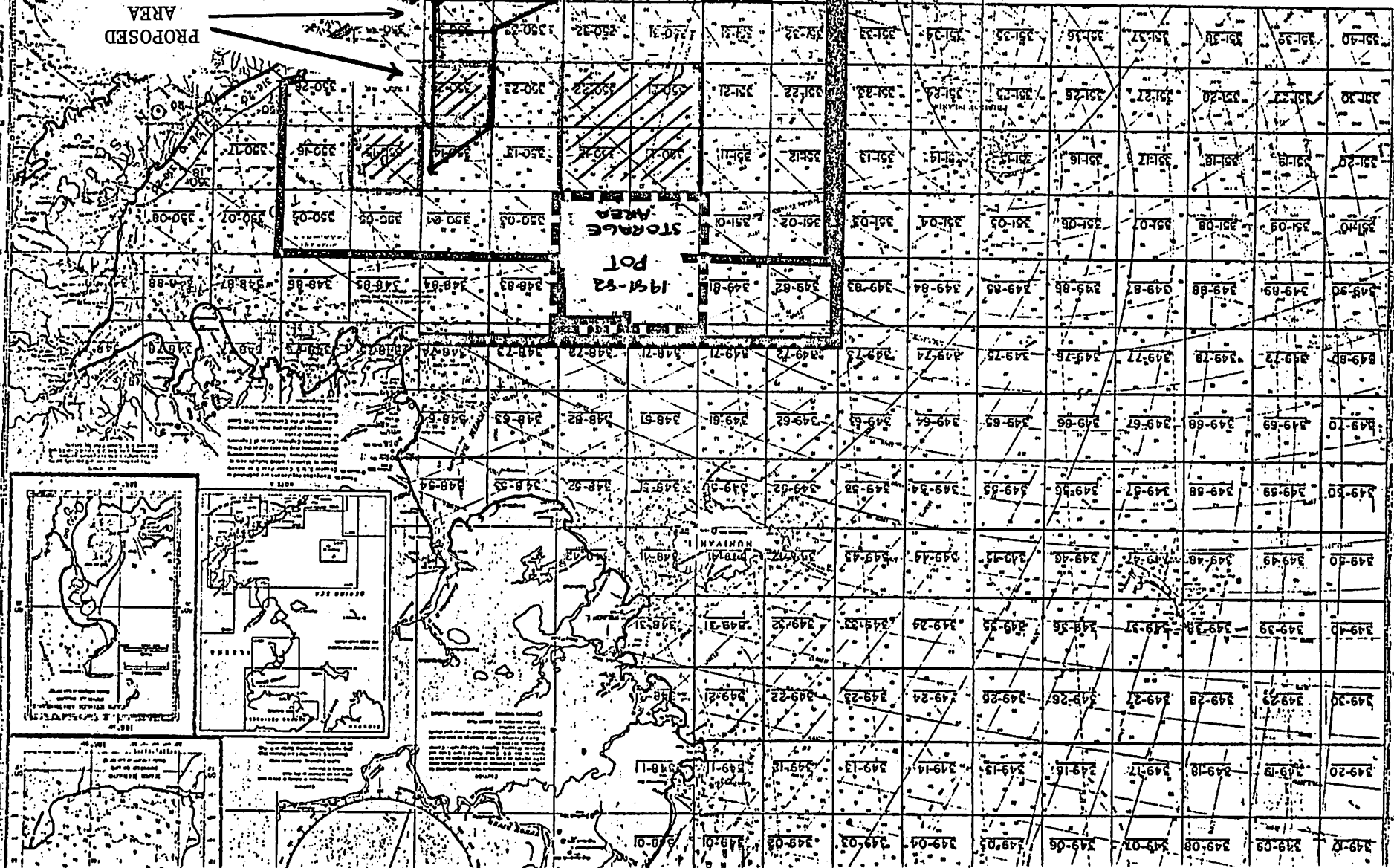
reducing transportation time and costs. The committee believed that this area, by being more attractive to the fishermen, would also reduce illegal storage of gear on the grounds.

When examining the proposed area, the Board agreed with the committee that the new area was an improvement over the current pot storage area, however, they were concerned that the upper "leg" of the area was located on some very productive king crab grounds (Figure 1). Recognizing that there could be potential biological damage of stored pots on densely populated crab grounds, the Board amended the proposal by removing the upper "leg" and adopted the remaining area. The Board added that since the amended area was 2,300 sq. miles, there would still be sufficient storage area.

Table 1.--Estimated catches of red king crab males for 1982 in Bristol Bay, based on two different natural mortality schedules. (millions of pounds)

Size Limit (inches)	Exploitation Rate							
	.3	.4	.5	.6	.7	.8	.9	1.0
<u>"Normal" Sub-legal Mortality</u>								
7.00	9	12	15	19	21	25	28	30
6.75	13	18	22	26	30	35	39	43
6.50	18	23	28	34	40	46	52	57
6.25	22	29	36	43	52	59	66	73
6.00	27	36	45	54	62	72	81	89
5.75	33	43	55	66	76	87	98	109
5.50	36	48	60	72	83	95	108	120
5.25	39	52	64	77	90	103	116	130
<u>"High" Sub-legal Mortality</u>								
7.00	7	9	12	14	15	18	19	22
6.75	8	11	14	16	19	22	25	27
6.50	9	13	16	19	23	26	29	33
6.25	13	16	21	26	29	34	38	42
6.00	16	21	27	32	38	42	48	53
5.75	19	27	34	40	47	54	61	67
5.50	22	29	38	45	53	60	67	75
5.25	25	33	41	49	57	66	74	82

Figure 1. 1981-82 Red King Crab Fishery Distribution and Statistical Areas With Catches Exceeding 2 Million Pounds (indicated by cross-hatched areas).



ALASKA BOARD OF FISHERIES
DECISIONS REGARDING
MANAGEMENT OF DOMESTIC KING CRAB FISHERIES
IN THE
BERING SEA/ALEUTIAN ISLANDS AREA
March, 1982

During its March 1981 meeting, the Alaska Board of Fisheries developed the Joint Statement of Principles on the Management of Domestic King Crab Fisheries and the Bering Sea/Aleutian Islands (BS/AI) King Crab Fishery Management Framework. These documents, which were prepared in cooperation with the North Pacific Fishery Management Council, clearly define the roles of both entities in the management of the domestic king crab fishery in the BS/AI area. The Board and Council formally adopted the Joint Statement of Principles in October 1981.

In conformance with the above mentioned documents and recognizing its responsibility for the management of the domestic king crab fisheries in the BS/AI area, the Board received public testimony, Alaska Department of Fish and Game (ADF&G), Alaska Department of Public Safety (ADPS), and National Marine Fisheries Service (NMFS) staff recommendations, and considered and discussed at length issues related to regulations controlling fisheries during its March 1982 meeting. During a portion of their meeting, the Board met jointly with the North Pacific Fishery Management Council to consider issues of mutual concern. The decisions of the Board are presented in summary. Further detail is available on the tape record of the Board meeting.

Bristol Bay Fishery

The 1981 king crab harvest in Bristol Bay was 33.6 million pounds, approximately one-quarter of the 1980 harvest. Low densities of recruit crab identified during the NMFS 1981 summer survey were substantiated by commercial fisheries performance. Four major topics were considered by the Board: 1) a request to classify the Bristol Bay area as a nonexclusive fishery; 2) a request for modifying the pot storage area; 3) establishing the Optimum Yield (OY) for the 1982 fishery; and 4) a request to change season opening date.

The Board considered a proposal to redesignate the Bristol Bay (Area T) fishery as a nonexclusive registration fishery. This area was classified as an exclusive registration area in 1980. This classification was opposed because: 1) it prevents the most efficient use of vessels and gear; 2) it is discriminatory; and 3) it allocates between users group solely for economic reasons. The Board received testimony supporting the status quo. The Board evaluated the conflicting desires of the user groups and rejected the proposal to redesignate the area as nonexclusive. The Board based their decision on their intent to provide a reasonable opportunity for all segments of the fleet to participate in the fisheries recognizing that some areas require large offshore vessels to harvest the resource while others may be harvested by smaller vessels fishing more inshore. Since any fisherman may register to fish Area T or any other registration area, the Board determined that the charge of discrimination was unfounded. Registration areas enable managers to more precisely monitor fishing effort in a particular fishery and therefore, allow fuller utilization of available surpluses without the concern for overharvest posed by a large mobile fleet. The Board was particularly concerned about the low OY in the Dutch Harbor area and the ability of the

Department to conduct a fishery without overharvesting various stock segments.

The Board considered a proposal to modify the existing crab pot storage area for the Bristol Bay fishery. This gear storage has been in effect since 1978 and is designed to alleviate the problem of limited nearshore shallow water storage. The intent of the gear storage area is to provide a location near the fishing grounds which can be utilized as a staging area after the Tanner crab season closes and before the king crab season opens. Sea ice prevents the storage area from being used year round. The proposal identified the following problems with the existing storage area: 1) differences between State and Federal pot storage regulations; 2) pot losses due to foreign trawling in the storage area; and 3) the great distance of the storage area from the fishing ground which results in high operating costs to the fisherman. The proposal recommended establishing a pot storage area located in the pot sanctuary described in the Council's BS/AI groundfish fishery management plan. The Board evaluated the identified problems and concluded that the existing storage area did not satisfy the requirements of the fleet. The Board also concluded that while sufficient dry land storage for gear is available in the Dutch Harbor area, there is insufficient docking and handling to equitably accommodate the fleet. The Board recognized that the majority of the fleet utilizes dry land storage after the king crab season and that at sea storage was needed only during the period between the end of the Tanner crab season and the beginning of the king crab season. ADPS representatives stated that gear storage in a defined area was preferable to random storage because random storage is generally unenforceable. The Board expressed concern for allowing gear to be stored on major king and Tanner crab grounds located in the proposed area above 56°20'N. latitude. While the Board preferred no at sea storage because of gear conflicts, enforcement problems, ground preemption, and unknown biological impacts, they recognized that at sea storage was necessary and represents a balanced approach to conflicting concerns. The Board amended and then adopted the proposal by eliminating the northern "leg" of the area above 56°20'N. latitude. The Board concluded that the remaining area was sufficient to accommodate the numbers of pots requiring at sea storage. The northern "leg" of the area was eliminated by the Board because of: 1) major king crab grounds were encompassed in the original proposal; 2) concern for ground preemption in the major production areas and the desire to provide "fair and equitable" access to all fishermen; and 3) unknown biological impacts resulting from high concentrations of gear stored on major crab grounds particularly at the low population levels now in evidence in the Bristol Bay area.

The Bristol Bay king crab fishery is currently experiencing decreased recruitment and low population levels. The Board reviewed a report by Dr. Jerry Reeves, NMFS, which specified the allowable biological catch (ABC) for the 1982 season of 43 million pounds. This projection was based upon a "normal" recruitment pattern. Dr. Reeves cautioned that 1982 recruitment levels may be similar to the unexplained decline in recruitment observed in the 1981 fishery. In this "worse case" the ABC would only be 27 million pounds. He indicated that final determination of the ABC will not be available until approximately August 1, 1982 following the NMFS's survey of the Bering Sea. After a discussion of Dr. Reeves's recommendations the Board adopted 27 to 43 million pounds as the best estimate of ABC. The Board then considered setting the size limit and exploitation rate which determines the 1982 OY for Bristol Bay. The Board expressed concern for: 1) the unexplained recruitment failure in the 1981 fishery; 2) the low stock levels now evidenced in Bristol Bay; 3) the reproductive viability of the stock; 4) possible handling mortality resulting from high exploitation rates at the current size limits; 5) the inability of the staff to precisely determine the fishing

mortality rate; 6) the minimum marketing size requirements; 7) increased fuel costs resulting from high exploitation rates and low catch per unit of effort; and 8) insufficient public notification that size limits may be adjusted. The Board discussed setting the size limit at 6.25 inches carapace width. The Board recognized that handling mortality may be reduced while providing additional yield to the industry. Those advantages were evaluated against catching the industry off guard by lowering the size limit without full public review. The Board was particularly concerned about marketing 6.25 inch crab. Therefore, the Board decided to retain the current size limit of 6.5 inches. Next the Board considered the exploitation rate. According to the table furnished by Dr. Reeves a range of exploitation rates from .3 to .7 provided full female fertilization. The Board adopted a .6 exploitation based on the following: 1) concern for handling mortality which may result at higher exploitation rates; 2) low levels of crab abundance and lack of management experience at higher exploitation; 3) concern for the need to carry over a portion of the fishable population to the next year's fishery particularly if the unexplained recruitment failures continue; 4) concern for the viability of the industry as a result of low recruitment and low population levels; and 5) increased fleet and processor operating costs at higher exploitation rates. The Board deleted the guideline harvest levels from the regulations replacing it with an OY strategy which specifies harvesting the ABC at an exploitation rate of .6 and a 6.5 inch minimum size limit. The ADF&G was directed to implement this strategy based on the latest research information and to notify the public of the most current forecasts of harvest. The Board also put the industry on notice that they would consider a 6.25 inch size limit during their 1983 spring shellfish regulatory meeting.

The Board considered two proposals to change commercial king crab seasons in the Bristol Bay registration area. The Board rejected a proposed later season opening (October 1) in favor of the status quo (September 15) and also rejected a proposal to provide a year round brown king crab fishery. The preponderance of public testimony argued against changing the opening date because of: 1) weather problems with a later opening; 2) allocation problems amongst shifting fleets of vessels and mobile processors; 3) timing of other fisheries; 4) previous economic investments which may be jeopardized by changing seasons; and 5) lack of convincing evidence of improved recovery. Proponents of the change claimed: 1) improved recovery and therefore more dollars to the fleet and industry; 2) lower deadloss; and 3) better scheduling for processors and vessels involved in other fisheries. The Board based its decision to retain the September 15 opening date upon the following: 1) weather conditions in the Bering Sea generally worsen during the season and a later opening date would disadvantage owners and operators of smaller vessels as well as pose additional safety hazards to the entire fleet; 2) no definitive data was presented to the Board supporting the claim of additional recovery; 3) conflicts in scheduling vessels usage in other fisheries, such as tendering for Southeastern Alaska pink salmon doesn't appear to be a significant conflict; and 4) a later season opening date would allow mobile processing facilities the opportunity to buy crab in several fisheries which may adversely affect the capitalization of those processing plants and communities which have historically depended upon that resource. The Board also took action on a proposal to provide a year round brown king crab fishery in the Bristol Bay area. The ADF&G was opposed to the proposal because: 1) the NMFS surveys have reported no catches of brown king crab in the Bristol Bay area; 2) there have been no historical catch records of brown king crab from this area; 3) currently the season for red, blue and brown open simultaneously thus providing a reasonable opportunity for the fleet to attempt to develop this fishery; 4) rarely are brown king crab taken incidental to foreign trawling in the area; and 5) concern for

additional handling mortality on red king crab stocks which may result from a year round brown king crab fishery. The ADPS was opposed to the year round brown crab fishery because it would compromise the enforcement of openings and closures of the king and Tanner crab fisheries as well as pot storage regulations. In rejecting the year round brown king crab fishery in Area T the Board concluded: 1) the enforcement costs outweighed the benefits to the industry; 2) information presently available indicates very little brown king crab resource in Area T; and 3) the risk of increased handling mortality on the already depressed red king crab fishery outweighs the benefits of encouraging the development of an extremely marginal fishery.

Norton Sound Fishery

The 1981 harvest of red king crab from Norton Sound was 1.4 million pounds. The ADF&G resource assessment survey conducted prior to this summer fishery coupled with an analysis of tagging data collected during the fishery indicated a 0.29 exploitation rate for the entire stock. Tagging studies were also conducted within the closed area which extends approximately 15 miles offshore in the northern and eastern portion of the district. Those studies revealed that king crab do migrate from the closed area into the open area of the commercial fishery. Therefore, it appears that the inshore portion of the stock which is primarily utilized by the subsistence fishery and the portion of the stock exposed to the commercial fishery freely intermix over time and can be managed as a single stock. However, preliminary information from the 1982 Nome area subsistence crab catches have shown some improvement presumably due in part to the 15 mile closed waters regulations adopted by the Board during 1981. Three major topics were considered by the Board: 1) several proposals to modify the current commercial fishing season; 2) a proposal to change the guideline harvest levels; and 3) a proposal to redescribe the Norton Sound section.

Proposals to modify the commercial fishing season ranged from a complete closure of the fishery, to lengthening the current summer commercial fishing season. Arguments presented to the Board in favor of eliminating the commercial fishery included: 1) the Nome Fish and Game Advisory Committee, which originally supported the development of an experimental fishery, never envisioned the large harvests recently experienced; 2) the original 10 million pound population estimate has now declined to 2.8 million pounds; 3) significant recruitment into the fishery is not expected for at least 2 years; 4) the subsistence fishery has rapidly declined since the development of the commercial fishery (subsistence harvest for 1978 was more than 18,000 crab, compared to about 500 in 1979 and 1980, and 371 crab in 1981); 5) the king crab resource in Norton Sound is at the northern extreme of its range and therefore, management measures should be more conservative than those used in other king crab fisheries; and 6) the costs to the State of conducting expensive research, management, and enforcement activities are not warranted given the rapidly declining stock levels. A proposal to change the season opening date of the summer Norton Sound commercial fishery from July 15 to May 1 drew considerable testimony. Proponents argued that a May 1 opening would: 1) promote more efficient utilization of vessels and gear which are involved in the opilio Tanner crab fishery and 2) provide additional data on abundance and life cycles of Norton Sound red king crab. Opponents argued that an August 1 opening date would: 1) be preferable due to timing of other fisheries thus enabling enough processors to participate in the fishery thereby insuring competitive prices to the fishermen; 2) improved recovery; and 3) provide sufficient time to fully utilize the harvestable resource. Following considerable discussion, the Board adopted an August 1 season opening date for the summer king crab fishery. They based their decision upon: 1) a later season opening would provide sufficient time for the industry

to fully utilize the available surplus; 2) a delayed season opening would likely improve crab recovery rates and decrease softshell handling mortalities; and 3) the later season opening would allow processors sufficient time to participate in other fisheries, particularly salmon.

The Board considered a proposal to change the guideline harvest levels for the Norton Sound red king crab fishery from the current 2-5 million pound to .5 to 1.1 million pounds for the 1982-83 fishery. The ADF&G projected 2.8 million pounds of legal male king crab available for the 1982 fishery. This information will be updated following the summer research survey immediately prior to the season opening date. According to the Management Framework the calculation of ABC and OY requires that: 1) ABC be calculated as a .4 exploitation of the legal male crab biomass; and 2) unless there is social, economic, or ecological reasons to depart from ABC then OY will equal ABC. The Board accepted 1.1 million pounds (.4 exploitation rate of 2.8 million pounds) as the best estimate of ABC. However, the Board concluded that a .4 exploitation rate did not provide sufficient protection necessary to assure a continued traditional subsistence food fishery at a level compatible with past food requirements. The Board was also concerned that recruitment levels are low and that the current population levels and commercial catches have significantly declined since the beginning of the commercial fishery. Therefore, the Board adopted an OY level equal to an exploitation rate of .2 of the legal male crab biomass in order to mitigate the aforementioned socioeconomic concerns. The Board amended the current guideline harvest level regulation, as they did in the Bristol Bay king crab fishery, by adopting a regulation which specifies this formula for determining the OY. The Board indicated that in the event that the commercial harvest cannot be taken in the open area of Norton Sound because the crabs are confined to the 15 mile offshore closed waters area, then the Department may relax the closed waters regulation to no closer than 3 miles from the beach.

The Board also took action on a proposal to redefine the Norton Sound fishing section. The Department indicated that the northern boundary of the Norton Sound king crab fishing district should be modified to reflect new knowledge of stock distribution. The Board concurred and adopted the proposed regulation.

Bering Sea Fishery

The Bering Sea fishery (Area Q) includes the blue king crab fisheries near the Pribilof, St. Matthew, and St. Lawrence Islands and the red king crab fishery in Norton Sound. Designed as a nonexclusive registration area, vessels fishing Area Q can freely transfer in and out of the fishery. The Board considered five major topics in this area: 1) a request to change the season opening date; 2) a request to provide for a year round brown king crab fishery; 3) establishing the OY for the 1982 fishery; 4) a request to change the pot storage area; and 5) a housekeeping proposal to change king crab size limits.

The Board considered a proposal to change the season opening date in the Pribilof red and blue crab fishery from the current September 15 to October 5. Arguments for and against a later season opening date paralleled those arguments which the Board considered in setting the season opening date in the Bristol Bay (Area T) king crab fishery. After considering all the testimony, the Board adopted a season opening date of September 10 followed by vessel tank inspections 5 days (116 hours) later. This action brings the season opening dates and tank inspection requirements for the Pribilof districts of Area Q king crab fishery in conformance with the existing Area T king crab fishery. The Board based

their decision upon the need to provide additional time for the fleet to haul gear to the fishing grounds because gear would be stored on land and in the newly designated and more distant pot storage area in Bristol Bay. The Board rejected a later season opening based upon the following: 1) no definitive data was presented to the Board supporting the claim of additional recovery due to a later season; 2) concern for conflicts in scheduling vessel and mobile processor usage in other fisheries; 3) concern for reallocation of the resource amongst the various users; 4) concern for possible major shifts of effort which may complicate management and necessitate a more restrictive harvesting strategy to prevent overfishing smaller stock segments; and 5) concern that weather conditions generally worsen during the season and a later opening would disadvantage owners and operators of smaller vessels as well as pose additional safety hazards to the entire fleet. The Board also considered a proposal to provide a year round brown king crab fishery in the Pribilof district of Area Q. The ADF&G indicated that NMFS surveys showed some brown king crab are available in the area but no population estimates have been made due to insufficient data. The ADPS expressed concern about enforcement of gear storage, and season opening and closing dates if the proposal was adopted. Proponents of the proposal cited the lack of information on the resource, the opportunity to gain additional data through a commercial fishery, and the desire of the industry to develop new fisheries. The Board amended the proposal to provide for opening and closing the fishery by Emergency Order. The Board reasoned that the ADF&G could provide for an exploratory fishery while mitigating enforcement concerns.

The Board considered a proposal to change the guideline harvest levels of the blue crab fisheries in Area Q. The NMFS reported legal male crab biomass estimates for the Pribilof and Northern districts at 31 and 14 million pounds, respectively. The Board concurred with setting the ABC equal to a .4 exploitation rate of the legal male biomass estimate. The Board deleted the guideline harvest levels from the regulations replacing it with an OY strategy which harvests the ABC. The ADF&G was directed to implement this strategy based on the latest research and fishery performance information and to notify the public of the most current forecasts of harvest.

The Board considered two problems associated with crab gear near several islands in the Bering Sea. The Board adopted a proposal to eliminate crab pot storage shoreward of 25 fathoms around the Pribilof Islands June 1 through August 31. The Board based its decision upon: 1) gear conflicts with a developing domestic longline fishery near the Pribilofs and 2) the lack of documentation on the need for wet storage of gear around the Pribilofs. The Board also considered eliminating commercial crab gear within three miles of St. Lawrence, King, and Little Diomed Islands. Proponents of the closure cited interference with local activities in pursuit of subsistence food gathering. The Board adopted the proposal concluding that the commercial fishery should be able to obtain the harvest while protecting the subsistence opportunities of local residents.

The final proposal for Area Q the Board considered was a housekeeping amendment necessary to bring two regulations in conformance. The staff explained that although the Board took action during the 1981 shellfish meeting to provide for a 7 1/2 inch red and blue crab season in the Pribilof district, the Board failed to also provide the same change under the size limit regulation. The Board recognized the oversight and adopted the proposal.

Dutch Harbor Fishery

The Board considered three topics relative to the Dutch Harbor king crab (Area 0) fishery: 1) a proposal to change the commercial fishing season; 2) a proposal to eliminate crab gear storage in less than 25 fathoms; and 3) establishing the OY for the 1982-83 fishery.

In evaluating the need to change the fishing season from the current November 1-February 15 to the proposed November 15-February 28, the Board received testimony both for and against the proposed change. Arguments for both positions paralleled those detailed in the Bristol Bay (Area T) fishing season discussion outlined above. In addition ADF&G staff objected to the closing date extending past February 15 because of the increased incidence of molting crab. The Board rejected the proposal in favor of the status quo. Reasons for the Board's decision included: 1) overwhelming public support for the status quo and 2) arguments for increased recovery were unsupported. In addition, the Board amended then adopted a proposal to provide a 5 day (116 hours) "bait up" period prior to vessel tank inspection on November 6. The Board based their decision upon the need to provide additional time for the fleet to haul gear to the fishing grounds because most gear is stored on land and there is insufficient docking and handling services to equitably accommodate the Area 0 fleet.

The Board considered a proposal to eliminate at sea storage of crab gear in the Dutch Harbor statistical Area 0. Proponents of this proposal expressed concern for major gear conflicts in the salmon, halibut, and shrimp fishery due to the numbers of crab pots in shallow water storage preempting fishing grounds necessary for other fisheries. The ADF&G also expressed concern for the apparent illegal storage of gear in some bays. Most of the gear is presumed to be utilized in the Bristol Bay (Area T) fishery and not the Dutch Harbor fishery. The Board adopted the proposal for the following reasons: 1) most of the Dutch Harbor fleet utilizes dry land storage; and 2) shallow water storage of crab gear results in an unacceptable level of gear conflict with other fisheries, particularly shrimp, salmon, and halibut.

The Board eliminated the Area 0 king crab guideline harvest level from the regulations in favor of an OY strategy. The Board specified that OY would equal ABC and ABC would be calculated as a .4 exploitation of the male crab 6.5 inches and larger in the population. The ADF&G indicated that the best estimate of ABC for the 1982-83 fishery is 4 million pounds. The Board instructed the ADF&G to implement the OY strategy based on the latest research and fleet performance data available. News releases will be employed by ADF&G to inform the public of the most up to date estimates of catch.

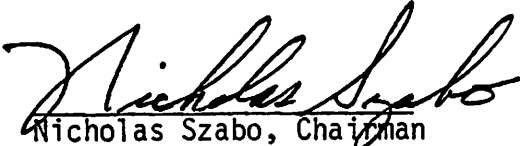
Adak Fishery

The Board considered a single proposal for the Adak (Area R) red and brown king crab fishery to change the season closing date from the current February 15 to May 31. Arguments in favor of this proposal claim: 1) king and Tanner crab could be fished simultaneously in Adak thereby lowering operating costs; and 2) the fishery would enable managers to gain additional life history and abundance information on the stocks in the area. The ADF&G opposed allowing the red king crab fishery to extend beyond February 15 because of problems with molting crab. The ADF&G suggested closing the brown king crab fishery by Emergency Order in order to closely monitor the catches and determine the impacts, if any, on the red king crab stocks. The Board concurred that such a regulation would allow for the development of the brown king crab fishery. The Board amended and then adopted the proposal to retain the current season opening date of

November 1 for red and brown king crab with a closure of the red king crab fishery February 15 and a closure of the brown king crab fishery by Emergency Order.

New Permitting Requirements

The Board considered a proposal to adopt regulations in the crab fishery to better monitor the activities of floating processors and catcher processors. Testimony submitted expressed concern that mobile processors may frustrate the management and conservation of crab stocks by processing undersized crabs and crabs which are illegally harvested during closed fishing seasons. The Board recognized the potential enforcement problem and adopted a regulation which requires mobile processors to obtain a permit from the ADF&G prior to beginning crab processing activities in the Westward region. The permit which must be signed by a representative of the mobile processor, allows the ADF&G and ADPS to, at any time, inspect any area on the processor and/or its finished product. The permit also requires the ADF&G to be notified concerning the offloading or transshipment of processed crab.


Nicholas Szabo, Chairman
Alaska Board of Fisheries



**North Pacific
Fishing Vessel
Owners' Association**

May 17, 1982

Jim H. Branson
Executive Director
North Pacific Fishery Management
Council
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Anchorage, Alaska 99510

Dear Mr. Branson:

As you know, the North Pacific Fishing Vessel Owners' Association (NPFVOA) strongly opposes the North Pacific Council's proposed delegation of federal regulatory authority over the Bering Sea and Aleutian Islands king crab fisheries to the Alaska Board of Fisheries. This year has been the first that the Board and Council have fully operated under the "Joint Statement of Principles...on Management of Domestic King Crab Fisheries in the Bering Sea and Aleutians" (signed October 28, 1981) and the "Bering Sea/Aleutian Island King Crab Fishery Management Framework" (dated April 1, 1981). Unfortunately, the Board's actions while supposedly following the mandates of these documents have done nothing to change our position that: (1) the Board's regulatory system does not provide equal access to non-residents of Alaska and therefore, discriminates against non-Alaskans; and (2) the proposed delegation violates the intent and provisions of the Magnuson Fishery Conservation and Management Act of 1976 (MFCMA).

In the Board's development of regulations for the 1982 king crab fisheries, the Joint Statement was violated in the following ways:

- (1) As evidenced in the attachment to this letter, regulations adopted by the Board were not consistent with the Framework. (This breaches Section III, Paragraph 2 of the Joint Statement.)
- (2) Management measures (subsistence closures) adopted by the Board were not authorized by the Framework. (Section III, Paragraph 2 of the Joint Statement is again violated. See attachment.)
- (3) Management measures adopted by the Board are not in conformity with the MFCMA's National Standards and are discriminatory. (Section III, Paragraphs 1 and 2 of the Joint Statement are violated. See attachment.)

- (4) The proposed regulations were not available to NPFVOA members until early March. (Section III, Paragraph 2 of the Joint Statement requires that the proposals be available at least 30 days prior to the Board meeting.)
- (5) After requesting 100 copies of the proposals to distribute to our members who were not fishing, the Association only received 3 copies. (Section III, Paragraph 2 of the Joint Statement requires the Board to make the proposals "readily available ...to all interested persons...." (emphasis added.))
- (6) The Board's staff (the Alaska Department of Fish and Game) did not submit any data and studies to substantiate their proposals, and a call to the Board's staff elicited a response that reports would not be ready until the Board met. (Section III, Paragraph 2 of the Joint Statement requires that the Board "shall make readily available in written form to all persons interested in the fishery for a period of at least thirty (30) days, the reports and data received by BOF [the Board] upon which the proposed regulation is based." Section III, Paragraph 4 mandates that the Alaska Department of Fish and Game has the primary responsibility for developing information on which the regulations are to be based. The staff's studies should not be shielded from public scrutiny merely because these materials were not technically "received" by the Board.)

The Association also believes the spirit, if not the letter, of the Joint Statement was violated by the Board's written justifications of its decisions. As is shown in the attachment, the Board never substantiated its decisions with data or analyses; the Board merely made bald statements or conclusions. Such actions are not in conformity with the provisions of the MFCMA or the federal Administrative Procedure Act. These statutes require much higher standards of practice in promulgating regulations than was demonstrated by the Board. If the Board and its staff are not going to have to provide data which back up their actions, then the Board will continue to have the opportunity to act in an arbitrary and capricious manner.

Although the Seattle hearing was purportedly designed to give non-Alaskans the same access to the Board as Alaskans, it does not. (The Association's past comments on the Joint Statement and Framework should be referred to.) The hearing was held at a time when many non-resident fishermen were fishing up in Alaska. There was no qualified Board staff person to either talk about or respond to the public's questions on the

Jim H. Branson
May 17, 1982

Page 3

king crab fisheries as there is at advisory committee meetings and Board meetings in Alaska. In addition, the Board chairman indicated at the March meeting that cuts in the Board's budget may affect future hearings in Seattle.

Budget cuts were also given as the reason for failing to provide the Association with the number of copies of the proposals that it requested. If the Board cannot afford to make materials readily accessible to all that are affected by its regulations, then why is the Council proposing that the Board take over federal regulatory responsibilities?

The Association was also sadly disappointed by the lack of Council oversight of the Board. During the public testimony on the proposals which took place at a joint meeting of the Board and Council, only seven voting members of the Council were present. Six voting members of the Council met briefly with the Board so that they could express their views on "mutual issues of concern" (and season openings was not one of these issues). No Council members (voting or non-voting) sat with the Board as it deliberated on the proposals affecting the Bering Sea and Aleutian Islands king crab fisheries; consequently, one of the major "checks" in the Joint Statement's purported system of "checks and balances" was lost. The Association does not feel that a "post-mortem" after the Board has made its decisions is a sufficient safeguard.

We should also like to point out that the Board has never responded to our letter in November 1981 which challenged the Board's establishment of an exploitation rate for the 1981 Bristol Bay king crab fishery. The Board's oral answer to our letter was that no response was necessary; we dispute this.

In reviewing the attachment to this letter, we suggest that the Council reread our previous comments on the Joint Statement, the Framework, and the King Crab Fishery Management Plan. The observations made in those letters are still relevant and should be considered as part of this commentary on the Board's actions.

Sincerely,



Richard J. Goldsmith
Executive Director

Attachment:

NPFVOA Comments on the "Alaska Board of Fisheries
Decisions Regarding Management of Domestic King
Crab Fisheries in the Bering Sea/Aleutian Islands
Area, March 1982"

ATTACHMENT

NPFVOA Comments on the "Alaska Board of Fisheries Decisions Regarding Management of Domestic King Crab Fisheries in the Bering Sea/Aleutian Islands Area, March 1982" (The Decision Document)

Redesignation of Bristol Bay As A Nonexclusive Registration Area

The Board did not adhere to the Framework. Consideration was not given to

- (1) "the desire by the public to protect industrial and community investments;
- (2) "promoting the most efficient utilization of vessels and gear; and
- (3) "availability of similar management measures which would limit overall fishing effort."

Those Framework criteria that were discussed — "the ability to properly manage the fishery" and "providing fleets a reasonable opportunity to participate in the fishery" were merely given lip service by the Board. (See comments below.)

The Board has yet to come up with data which demonstrate that an exclusive registration area is a "fair and equitable" allocation, and thus conforms to the Magnuson Fishery Conservation and Management Act.

Who presented testimony supporting the status quo? NPFVOA notes taken during the Seattle and Anchorage hearings indicate public testimony favoring the proposal to make Bristol Bay a nonexclusive area and none against.

What are the "conflicting desires" that the Board evaluated?

Where is the Board's analysis that making Bristol Bay an exclusive area provides a "reasonable opportunity for all segments of the fleet to participate in the fisheries"? What is "reasonable"?

The Association's notes indicate the Board never addressed the issue of discrimination. In addition, just because a fishermen may register for any registration area does not mean that there is no discrimination in establishing an area as "exclusive." (See previous Association letters to the Council for details.)

How do registration areas "enable managers to more precisely monitor fishing effort...and therefore, allow fuller utilization of available surpluses without the concern for overharvest posed by a large mobile fleet"?

With a quota system, how would making Bristol Bay a nonexclusive registration area threaten the Alaska Department of Fish and Game's (ADF&G) ability to prevent overharvesting of various stock segments in Dutch Harbor?

Bristol Bay Pot Storage Area

The Decision Document merely mentions the Framework's gear storage criteria; there is no attempt to examine these criteria in depth.

The Framework makes no mention that storage areas must be off the crab grounds; it merely states "These designated storage areas have historically been areas of low crab abundance." Therefore, why does the Decision Document state "[t]he intent of the gear storage area is to provide a location near the fishing grounds...."? (emphasis added.)

Where are the data that show there is "sufficient dry land storage for gear"? What are the costs to the fishermen of utilizing these land areas?

What are the "gear conflicts, enforcement problems,[and] ground preemption..." that led the Board to prefer no at-sea storage? (The Council's Ad Hoc Crab Pot Storage Committee, which brought competing user groups together, were able to support the proposed area.)

The Board might have concluded "that the remaining area was sufficient to accomodate [sic] the numbers of pots requiring at sea storage," but it did not do an analysis to support its conclusion. The Board's elimination of the northern leg was arbitrary and capricious.

What is meant by the Board's "concern for ground preemption"?

The Decision Document talks of the "desire to provide 'fair and equitable' accesss to all fishermen." What does this mean? If storage is on a "first come basis" isn't that "fair and equitable"?

Determination of Optimum Yield for Bristol Bay

The Framework requires the Board to establish a minimum required female spawning stock. The Decision Document makes no mention of this.

If the minimum required female spawning stock is correctly set, then any harvest which maintains that stock size is protecting the reproductive viability of the stocks. Yet, according to the Decision Document, the Board still worried about reproductive viability after it set the ABC. This shouldn't have been a factor in varying the OY from ABC. Recruitment failure and low stock levels are also taken into account in Dr. Reeves' tables. (At the Board meeting, the chairman wanted to go with a .6 exploitation rate and a 6.5" minimum size limit

for crab because "Dr. Reeves' theories haven't been tested."

The Board seems to accept the Framework procedures for setting ABC, then tries to sidestep them when it comes to establishing OY. The Association perceives that the sketchy justification laid out in the Decision Document for selecting the size limit and exploitation rate is just a smoke screen for not following the Framework.)

Why can't the staff precisely determine the fishing mortality rate?

What are the minimum marketing size requirements the Board is concerned about?

In opting for a 6.5" size limit, why didn't the Board evaluate the lower costs associated with harvesting 6.25" crab at a .5 exploitation rate?

Dr. Reeves' table takes into account low levels of crab abundance. Why was this a factor in setting a .6 exploitation rate?

What is meant by "lack of management experience at higher exploitation"?

Where is the analysis that shows the amount of crab that is carried over if a .6 rather than a .7 exploitation rate is adopted?

If the Board is so concerned about the viability of the fleet, why didn't it adopt a .5 exploitation rate and a 6.25" size limit? This would have produced a greater yield at less operating costs than the Board's strategy.

Changes in Bristol Bay Season

What are the "allocation problems amongst shifting fleets of vessels and mobile processors"?

What are the "previous economic investments which may be jeopardized by changing seasons"?

The Decision Documents states "no definitive data was presented to the Board supporting the claim of additional recovery." In fact, no data was presented.

The Decision Document notes that "a later season opening date would allow mobile processing facilities the opportunity to buy crab in several fisheries which may adversely affect the capitalization of those processing plants and communities which have historically depended upon that resource." This is not a Framework criterion. Why was it considered in the Board's decision? What processing plants and communities are being referred to?

In rejecting a year-round fishery for brown crab in Bristol Bay, the Decision Document states "the enforcement costs out weighed [sic] the benefits to the industry." Where is the Board's analysis?

Norton Sound Fishery

Where are the tagging studies that show king crab migrate from the closed area into the area open to commercial fisheries?

The Decision Document "presumes" that subsistence catches have improved as a result of the 15-mile closure. Where are the data to support this presumption?

Where are the data to support the implied claim that the decline in the subsistence fishery is the result of commercial fishing?

Where is the cost-benefit analysis to show that State research, management and enforcement activities are not warranted due to rapidly declining stocks?

Where are the data which show that an August 1st opening would ensure competitive prices to fishermen? What is meant by "competitive prices"?

What are the costs to fishermen of a later season opening date?

Where are data to show that an August 1st opening will result in improved recovery rates?

Where are the data used by ADF&G to project that 2.8 million pounds of crab will be available for the 1982 fishery?

Where are the data that led to the Board's conclusion that a .4 exploitation rate did not sufficiently protect the subsistence fishery?

What are the past food requirements for the subsistence fishery?

Are the declines in population levels and commercial catches due to commercial harvests? Again, there are no data given to support such an implied conclusion by the Board.

Why was a .2 exploitation rate chosen rather than .3?

Where is the authority in the Framework to establish a 15-mile closure for subsistence fisheries?*

Why did the Board opt to relax the closed water area to 3 miles? What other limits were examined and why were they rejected?

Bering Sea Fishery

The Framework was violated because the Board did not consider all six criteria in setting vessel tank inspections for the Bering Sea.

* The closure is an allocation. Where are the data to support a conclusion that the closure is in conformity with the MFCMA's National Standards?

In rejecting a change in the Bering Sea opening date, the Board apparently based its decision on five factors. Yet if there were a later season, the Decision Document does not explain what the scheduling conflicts in other fisheries would be; how the resource would be reallocated among user groups; what would be the major shifts of effort; and why these shifts would complicate management. Why are there no explanations? In addition, the Decision Document states no definitive recovery data was presented; in actually, no recovery data was presented. What were the ADPS enforcement concerns about a year-round brown crab fishery?

Where is the NMFS report on biomass estimates of blue crab in the Pribilof and Northern districts? It did not appear in the published proposals that were to be considered by the Board.

In eliminating pot storage shoreward of 25 fathoms around the Pribilofs from June 1st through August 31st, the Board cited gear conflicts and the lack of documentation on the need for wet storage of gear. What is the extent of these conflicts? The Decision Document fails to note that the affected user groups came up with an amended storage proposal that was satisfactory to all; why did the Board reject this proposal? In addition, during the public hearings the Board never asked for documentation on the need for wet storage.

In setting (or eliminating) gear storage areas, the Framework lists five criteria to be considered by the Board. In eliminating pot storage around the Pribilofs for a three-month period, the Board only considered one criterion (and that only in a cursory fashion). Why was the Framework violated?

The Board eliminated commercial fishing within three miles of the islands of St. Lawrence, King and Little Diomedes. The Framework does not authorize such a closure. In addition, the published proposals to be considered by the Board made no mention of such a proposal. How could the Board take such an action without public notice?*

Where was the data the Board used to justify a 7-1/2 inch crab for second seasons? What other size limits were considered?

Dutch Harbor

The Framework lists six criteria to be considered in establishing vessel tank inspections. Apparently, only one criterion was considered. This violates the Framework.

In eliminating at-sea storage, the Framework requires the Board to consider five factors; the Board only considered two. Again, the Framework was ignored.

Where is the documentation of "major" conflicts?

*The closure is an allocation. Where are the data to support a conclusion that the closure is in conformity with MFCMA's National Standards?

The Decision Document : notes that ADF&G "expressed concern for the apparent illegal storage of gear in some bays." If storage was illegal, why didn't ADF&G issue citations?

There is a presumption that stored gear is from the Bristol Bay fishery. Where is the evidence to back up the presumption?

What is an "unacceptable level of gear conflict"?

Where are the data to support ADF&G's "best estimate" of a 4 million pound ABC?

Adak Fishery

What are the "problems with molting crab"?

DRAFT
JOINT STATEMENT OF PRINCIPLES
BETWEEN
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL (NPFMC)
ANCHORAGE, ALASKA
and
ALASKA BOARD OF FISHERIES (BOF)
JUNEAU, ALASKA
ON THE
MANAGEMENT OF DOMESTIC KING CRAB FISHERIES
IN THE BERING SEA AND ALEUTIANS

Recognizing that NPFMC has a legal responsibility for reviewing and recommending to the Secretary of Commerce measures for the conservation and management of the fisheries of the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska, with particular emphasis on the consistency of those measures with the National Standards of the Magnuson Fishery Conservation and Management Act (Magnuson Act); and

Recognizing that State and Federal governmental agencies are limited in fiscal resources, and that the optimal use of these monies for North Pacific fisheries management, research, and enforcement occurs through a clear definition of agency roles and division of responsibilities, thus avoiding unnecessary duplication; and

Recognizing that the State of Alaska has for more than two decades exercised effective control over domestic king crab fisheries both within and without its territorial waters. The State system centers around BOF for policy and regulations. BOF's regulatory system provides for extensive public input; is sufficiently structured to insure annual revisions; is flexible enough to accommodate resource and resource utilization "emergencies;" and is understood and familiar to the users of North Pacific fisheries resources. Further, there exists a substantial investment by the State in facilities, communications and information systems, vessels and other equipment, coupled with a cadre of experienced personnel capable of carrying out extensive management, research, and enforcement programs to monitor the conduct of the fisheries and the status of the resources.

Therefore, NPFMC and BOF enter into this Joint Statement of Principles, defining the roles of both organizations, in order to achieve the most effective and efficient management of domestic king crab fisheries in the Bering Sea and Aleutians.

I. Applicable Fisheries

This Joint Statement of Principles applies only to the domestic fishery for king crab (all members of genera Paralithodes and Lithodes) in the Bering Sea, Bristol Bay, Adak, and Dutch Harbor areas, also known as State of Alaska king crab statistical areas Q, T, R, and O. This fishery is hereinafter referred to as "the fishery."

II. Duration of Agreement

Recognizing that NPFMC is currently preparing a Fishery Management Plan (FMP) for the fishery, this agreement shall remain in effect until that FMP is implemented by the Secretary of Commerce. At that time the agreement shall be reviewed by both NPFMC and the BOF and revised as necessary and as they may agree so that it will conform with the then existing situation.

III. NPFMC and BOF shall undertake the following activities:

1. NPFMC and BOF shall adopt the framework developed and approved by both organizations in April and May, 1981 to govern management of the fishery, prescribing objectives, standards, and measures found to be necessary for the fishery's effective management. These objectives, standards, and measures are consistent with the national standards of the Magnuson Act and with the laws of the State of Alaska; and do not discriminate between residents and non-residents of the State of Alaska.
2. The framework shall be implemented through regulations adopted by BOF in accordance with the laws of the State of Alaska, which shall be consistent with the objectives, standards, and measures prescribed in the framework. Before taking final action on any regulation governing the fishery, BOF shall make readily available in

written form to all persons interested in the fishery for a period of at least thirty (30) days, the reports and data received by BOF upon which the proposed regulation is based; shall afford all such persons the opportunity to submit written and oral comments to BOF on the proposed regulation during that period; and shall, upon the request of NPFMC, meet with NPFMC or its representatives to discuss the proposed regulation. Before any BOF regulation governing the fishery goes into effect, BOF shall issue a written statement explaining the basis for the regulation. The preceding provisions of this paragraph shall not apply to emergency regulations.

3. NPFMC and BOF shall meet jointly at least once every calendar year to consider management of the fishery and discuss the need for amendment of the framework or any regulations governing the fishery. NPFMC and BOF or their designated representatives shall also meet jointly to consider management of the fishery at the request of either NPFMC or BOF. All persons and agencies interested in the fishery shall have the opportunity to submit written and oral comments and reports on management of the fishery to NPFMC and BOF at these meetings. In preparation for the mandatory annual joint meeting provided for in the first sentence of this paragraph, representatives of NPFMC and BOF shall hold a public hearing in the State of Washington at which all persons and agencies interested in the fishery shall be afforded the same opportunity to comment on management of the fishery that they would have at the meeting itself.

4. The Alaska Department of Fish and Game (ADF&G) shall have primary responsibility for developing the information upon which regulations governing the fishery are to be based, and for implementing these regulations through monitoring of the fishery and development of in-season management measures. NPFMC and BOF shall encourage ADF&G, in carrying out this responsibility, to consult actively with the National Marine Fisheries Service and the fishery management agencies of other states, in order to prevent duplication of research and management effort and to make optimum use of the resources available for management of the fishery.

5. NPFMC and BOF shall resolve conflicts on the framework and implementing regulations through all appropriate means.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

MAY 20 1982

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

ACTION	ROUTE TO	INITIAL
	Exec. Dir.	
	P.O. BOX 3-2000	
	JUNEAU, ALASKA 99802	
	PHONE: G.F.	
	Exec. Sec.	
	Sec. Asst. I	
	Sec. Asst. II	
	Sec. Asst. III	
	Sec. Asst. IV	
	Sec. Asst. V	
	Sec. Asst. VI	
	Sec. Asst. VII	
	Sec. Asst. VIII	
	Sec. Asst. IX	
	Sec. Asst. X	
	Sec. Asst. XI	
	Sec. Asst. XII	
	Sec. Asst. XIII	
	Sec. Asst. XIV	
	Sec. Asst. XV	
	Sec. Asst. XVI	
	Sec. Asst. XVII	
	Sec. Asst. XVIII	
	Sec. Asst. XIX	
	Sec. Asst. XX	

May 13, 1982

Jim Branson, Executive Director
NPFMC
P.O. Box 3136 DT
Anchorage, Alaska 99510

and

Mil Zahn, Executive Director
Boards of Fish and Game
Alaska Department of Fish & Game
P.O. Box 3-2000
Juneau, Alaska 99802

Gentlemen:

Although the Board of Fisheries and the North Pacific Fishery Management Council agreed to certain procedural responsibilities relative to the Bering Sea/Aleutian Island (BS/AI) king crab fishery, there is considerable confusion and disagreement as to specific roles each entity plays. Among Board and Council members and even ADF&G staff there are, for instance, major differences in opinion on the level of detail in staff reports necessary for the joint meeting. The public is likewise confused on how decisions are made on specific regulations. During the March joint meeting, we discussed several ideas for improving the efficiency and effectiveness of the king crab regulatory process. While the experience is still fresh in our minds, I thought it would be worthwhile to consider a system that would avoid a repeat of the last meeting.

Observing the joint Board/Council regulatory process, I detect two philosophies emerging. One philosophy dictates that the Board and Council should have presented to them the same resource, socioeconomic and public input upon which to base their decisions. Proponents of this philosophy argue that the Council and Board are active managers of the fishery and therefore must have detailed information presented to them in order to be fully aware of day-to-day management activities. The second philosophy argues that the Council has a general king crab management plan against which they periodically review objectives and the effectiveness of the State's regime. The Board, on the other hand, is totally immersed in the details of the fishery in order to promulgate the specific regulations which are used in day-to-day management.

I subscribe to the second philosophy which clearly defines a detailed regulatory function of the Board with oversight by the Council. I believe this is the system with which most Board and Council members agree. To that end I offer the following comments for your consideration:

Seattle Hearing

In lieu of a Seattle Advisory Committee (which State law prohibits), Alaska has agreed to a public hearing in Seattle as a means of assuring that the distant water fleet is reasonably represented in the Board's rulemaking process.

The joint Board/Council public hearing in Seattle could be improved by ADF&G staff presence and reports. Generally, our staff attends local Fish and Game Advisory Committee meetings and presents the public with an overview of the previous year's fishery and a forecast of the next season. We also take this opportunity to explain staff proposals which are submitted for Board consideration. Since there was a certain amount of confusion about the Joint Board/Council hearing, the Department elected to not send our field staff to this meeting. In hindsight, this was not the best decision. Next year we will have field staff in attendance to provide the necessary information prior to the public testimony.

Anchorage Joint Meeting

The purpose of the joint Board/Council meeting in the Spring is to discuss the contents of the BS/AI King Crab FMP, the effectiveness of management measures, and the consistency of the State's regime with the FMP and the national standards. I believe this can be accomplished by:

- * A staff (ADF&G, NPFMC, & NMFS Plan Coordinators) report covering fishery performance, consistency evaluation, management effectiveness, and identification of controversial proposals and issues.
- * A public hearing geared to the FMP and management effectiveness (i.e., receiving public testimony on specific proposed regulations unless they are particularly controversial).
- * Joint Board/Council discussion and action on the FMP, management effectiveness and consistency of State regulations.

Board Consideration of Specific Proposals

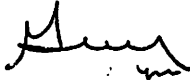
Following the joint meeting with the Council, the Board would resume its usual regulatory session. The Board would hear detailed staff reports on the fishery and hold a public hearing on specific proposed regulatory changes. In addition, prior to making regulatory decisions the Board would review and consider information from the Seattle hearing, the joint discussions with the Council, and the recommendations from its advisory committees and regional councils (Council/SSC/AP members could of course sit through the Board meeting). The ADF&G staff would then prepare a concise summary of Board action and transmit this to the Council. The Council may, after evaluating the Board actions, opt to raise issues with the Board. Following the adoption and implementation of the king crab FMP,

May 13, 1982

NMFS may elect to reject certain regulations if those regulations are determined to be inconsistent with the FMP.

Once again, I propose we restructure the joint king crab meeting. I've discussed this with Steve Pennoyer and he too is anxious to see a change. I've outlined above one possible approach and look forward to your thoughts and proposed actions.

Sincerely,



Guy Thornburgh, Program Manager
Extended Jurisdiction Section
465-4215

cc: Pennoyer
Collinsworth