

MEMORANDUM

TO: Council, SSC, and AP Members

FROM: Jim H. Branson
Executive Director

DATE: July 18, 1983

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

ACTION REQUIRED

No action required. Review status of plan.

BACKGROUND

The Bering Sea/Aleutian Islands King Crab FMP, the Regulatory Impact Review, and implementing regulations began Secretarial review on June 10, 1982. The Secretarial review period has been extended pending receipt of minor editorial and technical changes to the FMP, the final Environmental Impact Statement, and revised set of implementing regulations. These documents are nearing completion and it is anticipated that they will be sent to the Central Office in the near future.



North Pacific
Fishing Vessel
Owners' Association

July 19, 1983

Jim H. Branson
Executive Director
North Pacific Fishery
Management Council
P.O. Box 3136 DT
Anchorage, Alaska 99510

LATE COMMENT

Dear Mr. Branson:

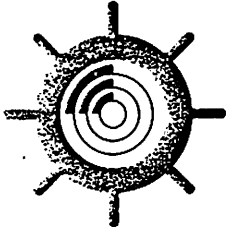
Enclosed please find a letter which the Association sent to Don Collinsworth, commissioner of the Alaska Department of Fish and Game, concerning the State's failure to reopen the brown king crab fishery in the Pribilof district this spring. I am asking that this matter be placed on the agenda for the July Council meeting and that these materials be distributed to the members of the Council, its Advisory Panel, and Scientific and Statistical Committee.

Thank you very much for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis T. Petersen".

Dennis T. Petersen
President



North Pacific
Fishing Vessel
Owners' Association

July 19, 1983

Don W. Collinsworth
Commissioner
Alaska Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Commissioner Collinsworth:

The recent failure by the Alaska Department of Fish and Game (ADF&G) to reduce the minimum size limit on brown king crab in the Pribilof district and to reopen this area to fishing this spring has caused much concern among the fleet. We are requesting that you explain the Department's actions in this matter.

Because ADF&G could not undertake a test fishery on brown king crab (see attached petition to you of April 26, 1983), the North Pacific Fishing Vessel Owners' Association (NPFVOA) and the National Marine Fisheries Service (NMFS) jointly funded a research survey. The purpose of the survey was to ascertain whether the minimum size limit of brown king crab in the Pribilof district of the Bering Sea could be reduced to 5-1/2 inches. NPFVOA committed \$20,000 and a fishing vessel to the survey; NMFS provided two scientists to gather data and pledged up to \$10,000 to cover the remaining costs of the charter.

Before committing itself to the survey, NPFVOA, after numerous talks with ADF&G personnel, was led to believe that if data from the survey indicated that the minimum size limit could be reduced without harming the reproductive potential of these stocks, the entire Pribilof district would be immediately reopened for a brown crab fishery. Your letter of May 6, 1983 to me and my response of May 13, 1983 (copies attached) indicate some question as to the extent of the area to be reopened; however, your letter is at least a promise to reopen the Zhemchug Canyon area to brown crab fishing. As you are well-aware, your commitment to reopen the Zhemchug Canyon area was never fulfilled.

After the survey which ran from May 9 to May 19 was completed and the data from it showed that a lower size limit was appropriate, NPFVOA was informally notified by phone that ADF&G lacked the authority to reopen the Pribilof district. (This was almost a month after the April 26 petition to you requesting a reopening of the Pribilof district.) NPFVOA was then requested to petition the Board of Fisheries to use its emergency authority to reopen the Pribilof district. NPFVOA complied with this request (see attached petition of June 2, 1983); however, the Board decided that an emergency did not exist and

rejected NPFVOA's petition (see Board letter of June 22, 1983).

Because many fishermen were originally led by ADF&G to believe that the Pribilof district would be reopened if the data from the re-search survey justified such an action, many fishing opportunities, including salmon packing charters, were passed up. From the time the analysis of the survey data supported a reopening (in late May) until the Board rejected the NPFVOA petition (on June 9), fishermen thought they would be able to fish for brown crab in the Pribilof district. When this fishing opportunity vanished, many were dealt severe financial blows which might have been avoided had ADF&G honored its promise.

The Association thinks that ADF&G's actions in this instance have severely eroded the trust which has been built up between the fishermen and the fisheries managers. We feel that we deserve a written explanation of why ADF&G backed away from its commitment to reopen the Pribilof brown crab fishery. In addition, we intend to bring this matter to the attention of the North Pacific Fishery Management Council at its July meeting in Homer.

Sincerely,



Dennis T. Petersen
President

Attachments

cc: Jim Branson, North Pacific Council
Governor Bill Sheffield
Bill Wilkerson, Washington Department of Fisheries

bc: Senator Henry Jackson
Senator Bob Packwood
Senator Slade Gorton
Representative Joel Pritchard
William Gordon, NMFS
Carmen Blondin, NMFS
Ed MacLeod, NMFS
Bob Gorrell, NMFS
Lucy Sloan, National Federation of Fishermen

April 26, 1983

A PETITION TO THE ALASKA DEPARTMENT OF FISH AND GAME

We, as boat owners and fishermen who are involved in the Bering Sea king crab fisheries, request of Commissioner Don Collingsworth that the Alaska Department of Fish and Game (ADF&G) give favorable consideration to the following proposal:

That ADF&G immediately conduct a test fishery on brown king crab below 58° 39' North latitude to determine if a minimum size limit smaller than that presently in effect for the brown crab fishery in the Pribilof district of Statistical Area Q (6-1/2 inches) is scientifically appropriate.

We also ask that the data gathered from this test fishery be expeditiously processed. If the data, upon examination by crab biologists from ADF&G and the National Marine Fisheries Service (NMFS), indicates that a smaller minimum size is warranted for this area, we are requesting that a field order be immediately issued to reopen the Pribilof district and lower its minimum size limit.

We see the following benefits to both the fishing industry and managers resulting from such actions:

1. Scientific knowledge would be enhanced due to the collection of more information about this fishery.

2. It is estimated that 70 vessels may be fishing for brown crab when the General section of Statistical Area Q opens on May 1, 1983. Reopening the Pribilof district would disperse some of this effort over an area substantially larger than that available in the General section.

3. If data were to indicate that a 5-1/2 inch minimum size limit is appropriate for the Pribilof district, lowering of the size limit would eliminate concerns about vessels taking crab from the Pribilof district and claiming they were caught in the General section where a 5-1/2 inch minimum size limit is presently in effect.

To help in the implementation of this test fishery, we will place a king crab vessel and experienced crew at the disposal of ADF&G and/or NMFS for a 10-day period beginning on May 1, 1983.

If ADF&G is in accord with the basic concepts set out in this proposal but has reservations about how such a test fishery can be conducted, we wish to work with ADF&G personnel in order to establish a data-gathering program which will provide the greatest benefits to both the fisheries managers and the fishermen.

Respectfully submitted,

F/V ALEUTIAN ROVER-PER NYMARK
F/V ALEUTIAN SPRAY-KRIS KNUTSEN
F/V AMERICAN EAGLE-JOE WABEY
F/V AMERICAN STAR-ROGER OVERA
F/V NORDIC STAR-HAROLD CLAUSEN
F/V NORSEMAN II-KJELL FJORTOFT
F/V OCEAN SPRAY-DENNIS PETERSEN
F/V PACIFIC MARINER-NILS BREKKA
F/V PENGUIN-KONRAD URI
F/V SEA ROVER-BJORN NYMARK
F/V STARFISH-HENRY SWASAND
F/V VALIANT-TED HVATUM
F/V VIKING-KEN PETERSEN

Please reply to:

Dennis Petersen
4315-11th N.W.
Seattle, WA 98107
(206) 789-2033

cc: Marty Eaton

bc: Jerry Reeves
Greg Gerhardstein
Phil Hanson
Jeff Stephan

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

Bill Sheffield, Governor

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 465-4100

May 6, 1983

Mr. Dennis Petersen
4315 - 11th N.W.
Seattle, WA 98107

Dear Mr. Petersen:

This is in response to your letter regarding brown king crab stocks just south of the southern boundary of the General Section of the Bering Sea Area. I understand that arrangements have been made with the National Marine Fisheries Service to conduct a research cruise along the shelf of the Zhemchug Canyon to gather data on brown king crab in order to evaluate the advisability of opening the area addressed in your letter. The research will be conducted by NMFS observers operating from volunteer vessels in the crab fleet. If, upon evaluation of the data, the Department determines that the population south of the boundary is the same as north of the boundary, we will open that area at the 5 1/2 inch size limit. We should be able to make an announcement in about ten days.

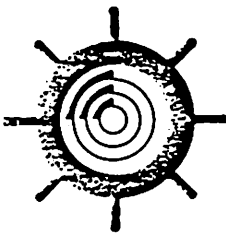
I understand that NMFS will be conducting a brown king crab survey in the Pribilof district in July. Hopefully, this will give us some data that will assist in setting an appropriate size limit for those brown king crab stocks.

Sincerely,



Don W. Collinsworth
Commissioner

cc: Parker
Eaton



North Pacific
Fishing Vessel
Owners' Association

May 13, 1983

Don W. Collinsworth
Commissioner
Alaska Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Dr. Collinsworth:

I received your response to my petition to extend the 5-1/2 inch brown crab area below 58° 40' North latitude. I can see that there may be some question as to your understanding of what has transpired since my request was made.

In discussions with Bob Otto of the National Marine Fisheries Service (NMFS) and Marty Eaton of your department, the area to be covered by the NMFS survey extends from the Pribilof Canyon north to the Zhemchug Canyon, and that the data acquired, if it is what we expect it to be, would be used to open the entire edge down to and including the southern canyon. Hopefully, I take your letter of May 6 to mean that if the stocks along that edge are one and the same as those to the north, the area would be reopened to fishing June 1.

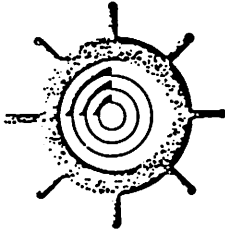
As to the upcoming NMFS brown crab survey in the Pribilof district in July, it is our understanding that the thrust of that project is to tag crab for future growth information. It is the current NMFS survey by the AMERICAN EAGLE that is to be used to gather data that would enable the Department to expeditiously establish a 5-1/2 inch size limit in that district. Perhaps this matter would be cleared up if you talked with NMFS to ascertain their intentions.

The present survey by the AMERICAN EAGLE is, I believe, a good sign that both industry and government can get things done to both our satisfactions. The Association commends both the Department and NMFS for their kind cooperation in ensuring that this survey could take place. Hopefully, it will provide you and NMFS with solid data and the fleet with an opportunity to develop a new fishery.

My respects,

Dennis Petersen
President

cc: Marty Eaton
Bob Otto
Greg Gerhardstein, Pan-Alaska Fisheries (Dutch Harbor)



North Pacific
Fishing Vessel
Owners' Association

June 2, 1983

Beth Stewart
Director of Division of Boards
State of Alaska
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Ms. Stewart:

On behalf of our members, who fish for king crab in the Bering Sea and Aleutian Islands areas, the Association, by virtue of AS 44.62.220, petitions the Alaska Board of Fisheries and/or the Commissioner of the Department of Fish and Game to issue emergency regulations or emergency orders for the brown king crab fishery in Statistical Area Q (Bering Sea).

The Association is requesting that 5 AAC 34.910 and 5 AAC 34.920 be amended to allow the immediate opening of a fishery on brown king crab 5-1/2 inches or greater in width of shell in the Pribilof district. The Board and the Commissioner are given the authority to adopt emergency regulations in AS 44.62.250, AS 44.62.230, as well as AS 16.05.060, AS 16.05.251 and AS 16.05.270.

Issuance of these emergency measures are necessary for the immediate preservation of the public peace, health, safety or general welfare. An emergency exists because:

- (1) Due to declines in king crab and tanner crab harvests in the Bering Sea and Aleutian Islands areas since 1981, fishermen are suffering severe financial hardships. These economic conditions will seriously impair their ability to operate in other fisheries. In addition, this will affect vessel safety: funds may not be available to undertake essential vessel maintenance. Opening the Pribilof district could alleviate these problems.
- (2) At its Spring 1983 regulatory meeting, the Board was unable to lower the size limit for brown crab in some areas of the Bering Sea and Aleutian Islands due to insufficient data. However, the Board placed a high priority on the collection of data regarding size-age relationships. (See Attachment I.) In response to this request, industry and the federal government immediately chartered the AMERICAN

EAGLE from about May 7 to May 21 to collect the needed data for the Pribilof district. Results of that survey (which the Department of Fish and Game possesses) indicate that the minimum size limit of 5-1/2 inches is appropriate to protect the reproductive potential of the brown crab stocks in this area. The Commissioner indicated that if the survey data justified a lowering of the size limit, at least Zhemchug Canyon would be opened immediately. (See Attachment II.) (There is some question as to whether the Commissioner meant the entire Pribilof district would be opened. The original petition requested an opening of the entire district (Attachment III). Attachment IV is an attempt to clarify the Commissioner's letter of May 6. In addition, Dr. Robert Otto, the crab biologist with the National Marine Fisheries Service who analyzed the data from the AMERICAN EAGLE survey, has stated that a lower size limit is more supportable for the entire Pribilof district than just Zhemchug Canyon.)

Based on the statements of the Commissioner that the area would be opened if supported by data from the AMERICAN EAGLE survey, fishermen have forgone other fishing activities, such as salmon tender charters, in expectation of the opening. Failure to open any of the Pribilof district (or to extend the boundary of the General section of the Northern district to at least encompass Zhemchug Canyon which the Commissioner can apparently do under his emergency powers) will further intensify the economic problems faced by the fleet and hamper the ability of vessels to continue fishing. Annual basic maintenance costs for a large crab vessel are in excess of \$100,000; engine upkeep runs at least \$30,000 per year. Without fishing profits which are used to fund these expenses, the operating and safety conditions aboard these vessels will be greatly compromised.

- (3) If a 5-1/2 inch season is not implemented shortly, crews will abandon their vessels in search of other economic opportunities. Thus, a manpower shortage will result, effectively precluding the fishery from being conducted at a later time.
- (4) The failure to institute a fishery on a timely basis will also result in lost income to local residents and lost tax revenues to local communities and the State of Alaska.
- (5) Brown king crab at this time is believed to be of prime quality. A long delay in the season opening could result in fishermen going to considerable time and expense in equipping their vessels to fish brown crab, only to find out that crab are beginning to molt and the fishery would have to close shortly after its opening. (To rig a pot for brown crab costs about \$350 more than if the pot is to be used to red or blue king crab. Brown king crab are found at greater depths and the pots require more line.)

Allowing a fishery on 5-1/2 inch brown crab in the Pribilof district will also satisfy the conservation and development mandates of the Board. A 5-1/2 inch size limit has been determined by the crab biologists to be a minimum size at which the reproductive potential of these stocks are safeguarded. Brown king crab is a specie which has not been harvested in the past. Opening this fishery in the Pribilofs could result in the establishment of a commercially significant fishery and offer alternatives to the crab resources now being fully utilized. In addition, a fishery would enable scientists to gather more information on brown king crab and vastly expand their knowledge about this specie.

The Association hopes that this petition will be favorably acted upon in an expeditious manner. If further information is needed, you should not hesitate to contact me.

Sincerely,



Dennis T. Petersen
President

Attachments

cc:

Jerry Reeves
Don Collinsworth
Marty Eaton
David Stanchfield
Bob Otto

DEPARTMENT OF FISH AND GAME
BOARD OF FISHERIES/BOARD OF GAME

BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: (907) 465-4110

June 22, 1983

Dennis T. Petersen, President
North Pacific Fishing
Vessel Owner's Association
Building C-3, Room 218
Fishermens' Terminal
Seattle, Washington 98119

Dear Mr. Petersen:

This letter confirms our June 10 phone conversation regarding the disposition of your June 2 petition.

As I explained then, the Board members participating in the polling conference (Harry Sundberg, Jim Beaton, Pete Isleib, and Paul Weller) were unable to find the elements required to justify an emergency regulation. They did, however, believe that the results of Dr. Otto's American Eagle cruise were sufficient to warrant a change in the Pribilof District brown king crab size limit.

Accordingly, they have recommended that through the authority vested by AS 16.05.270 and Board Policy 79-53-FB, the Commissioner accept your petition and schedule it for a public hearing before the next regular Board of Fisheries meeting.

Briefly, that process requires a 30-day public notice and comment period before adoption of the proposed change. If the regulation is amended, it must be forwarded to the Department of Law for review before being sent to the Lieutenant Governor for signature. The amended regulation becomes effective 30 days after the Lieutenant Governor signs the order of adoption.

I will forward the legal notice to you as soon as it is completed. Please feel free to get in touch with me if you have any questions.

Sincerely,



Beth A. Stewart, Director
Division of Boards

cc: Steve Pennoyer