


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: April 9, 1999

SUBJECT: BSAI Crab Management

ESTIMATED TIME 2 HOURS

ACTION REQUIRED

- (a) Review recent Board of Fisheries actions on crab seasons and stand-down requirements.
- (b) Initial review of Bering Sea Tanner crab rebuilding plan.

BACKGROUND

Recent Board of Fisheries Actions

At its March 1999 meeting the Board of Fisheries took a number of management actions for the crab fishery. These actions included adoption of several proposals that affect vessels fishing for both groundfish and crab. Proposal 287 (as adopted) moves the red king crab fishing season start date from November 1 to October 15th. Proposals 291 and 355 (as adopted), extend the exclusion period when no pot gear can be fished from 14 to 30 days for the king crab and *C. bairdi* Tanner crab fishing season and include trawl gear in the exclusion period for the king crab and *C. bairdi* and *C. opilio* Tanner crab fishing seasons. The proposals are under item D-2(a)(1).

Both NMFS and I have written to the Board seeking justification for the changes (item D-2(a)(2)). It is my view that the crab FMP allows the Board to change the crab season as a category 2 measure that is at the discretion of the State, but needs justification. Once a decision is made on changing seasons, there is an appeals procedure available in the plan to persons not pleased with the change.

The stand-down for trawlers (as well as for pot fishermen), however, is a more difficult situation, and somewhat confounded in the plan. Stand-downs were not contemplated in the original drafting of the plan, and therefore fall under section 8.3.8 "Other" which states:

"As previously noted, the State government is not limited to only the management measures described in this FMP. However, implementation of other management measures not described in the FMP must be consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law, and may occur only after consultation with the Council. This management measure provides for an expanded scope of Federal review. Other management measures that the State may wish to implement are subject to the review and appeals procedures described in Chapters 9 and 10 of this FMP."

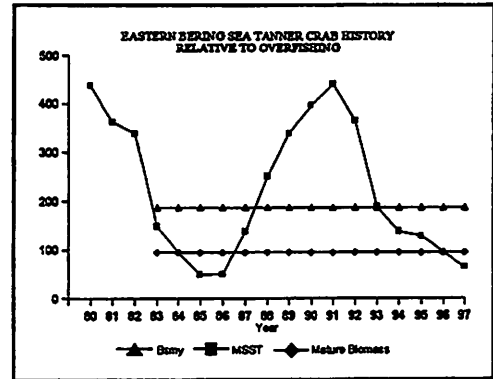
Therefore, stand-downs need to be brought to the Council for consultation before implementation. It should be noted that the placement of "Other" under Category 3 measures (discretion of State) is confusing. Nonetheless,

the FMP is clear in requiring any measure not described in the FMP to be the subject of consultation. This is in the introduction to chapter 8 and reiterated in section 8.3.8 (see item D-2(a)(3)). The Council should consider the proposed stand-down and any background material or justification received from the State and determine its next course of action.

Tanner Crab Rebuilding Plan

The Bering Sea Tanner crab (*C. bairdi*) stock was declared "overfished" on March 3, 1999, because the 1997 *C. bairdi* spawning biomass (64.2 million pounds) was below MSST (94.8 million pounds of biomass; see adjacent figure). The stock has continued to decline 1998, with spawning biomass estimated to be 36.9 million pounds.

Section 304 of the Magnuson-Stevens Act requires that a rebuilding plan be developed within one year of an overfishing determination. The national standard guidelines further require a rebuilding period less than 10 years unless dictated otherwise by life history characteristics.



A rebuilding plan has been drafted and analyzed; the executive summary is provided as Item D-2(b)(1). At this meeting, the Council is scheduled to make an initial review of the analysis.

Proposal # 291 - 5 AAC 34.8XX OPERATION OF OTHER POT GEAR IN REGISTRATION AREA T. Extend the exclusion period when no pot gear could be fished from 14 days to 30 days prior to the opening of Bristol Bay (AREA T) commercial king crab fishing season as follows:

5 AAC 34.8XX. OPERATION OF OTHER POT GEAR IN REGISTRATION AREA T. In Registration Area T, a person or vessel that operates commercial, subsistence, personal use, or sport pots during the 30 days immediately before the opening of a commercial king crab season in Registration Area T may not participate in the commercial king crab fishery in Registration Area T.

Staff Reports: RC4 (Tabs 1, 2, 13, 14, 17, 27, 28, 29)

Staff Comments: RC4 (Tab 37, page 19)

AC Reports: RC110

Public Comments: RC69, RC85, RC102, RC111

Narrative of Pros and Cons:

This proposal extends the exclusion period when no pot gear could be fished, in the Bristol Bay king crab management area, from 14 to 30 days. The Department proposed to close all of Area T except for a small section to allow for pot cod harvest.

The public that was in favor of this proposal was in consensus that all of Area T should be closed. The Department is neutral on this and had only proposed to leave open the small section of Area T after there had been concerns expressed about that area at an earlier industry meeting.

Concerns were expressed over excluding vessels that fish both the trawl fishery and the Bristol Bay red king crab fishery. There was discussion on whether vessels were considered economically dependent of the Bristol Bay red king crab fishery.

The segment of the public who were in favor of this proposal agreed that this should only pertain to the Bristol Bay king and Bering Sea Tanner crab fisheries. There was consensus to support proposal 291 with an amendment to include all the Area T and trawl gear. It was also decided to support proposal 355 with an amendment excluding Bering Sea crab fisheries. This would not pertain to jig or longline gear.

There was no public consensus on this matter and the Chairman requested all parties submit a short written summary for the record copy of their points for or against this proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation:

no consensus

Board Committee Recommendation:

adopt as amended

Regulatory or Substitute Language:
See attached for proposal 291.

Substitute Language for RECONSIDERATION OF Proposal # 355

5 AAC 35.053 (1) OPERATION OF OTHER [POT] GEAR

(1) except as provided in (a) and (b) of this section, a person or vessel that operates commercial, subsistence, sport, or personal use pots, during the 14 days immediately before the opening of the commercial Tanner crab season in a Tanner crab registration area or, with respect to Registration Area J, in that district of Registration Area J where the fishing with pots occurred, may not participate in the commercial Tanner crab fishery in the Tanner crab registration area, or with respect to Registration Area J, in that district, where fishing with pots occurred; a person or vessel that participates in a commercial Tanner crab fishery in a Tanner crab registration area or, with respect to Registration Area J, in that district of Registration Area J, may not operate commercial, subsistence, sport or personal use pots in that registration area, or with respect to Registration Area J, in that district where fishing with pots occurred during the 14 days after the close of the commercial Tanner crab season; a vessel or person may operate other commercial pots in a Tanner crab registration area after putting crab pots in storage, as specified in 5 AAC 35.052, and unless the registration is already invalidated in 5 AAC 35.020(k), after invalidating the vessel's registration by contacting, in person, a local representative of the department:

(a) a person or vessel that operates commercial, subsistence, sport or personal use pots, or trawl gear in the Bering Sea District of Registration Area J, during the 30 days immediately before the opening of the commercial *C bairdi* Tanner crab season in that district, may not participate in the commercial *C bairdi* Tanner crab fishery in that district.

(b) a person or vessel that operates commercial, subsistence, sport or personal use pots, or trawl gear in the Bering Sea District of Registration Area J, during the 14 days immediately before the opening of the commercial *C. opilio* Tanner crab season in that district, may not participate in the commercial *C. opilio* Tanner crab fishery in that district.

(2) during a commercial Tanner crab fishery, a person or vessel may stop participating in the Tanner crab fishery and instead operate commercial pots other than Tanner crab pots, if the Tanner crab pots are put in storage as specified under 5 AAC 35.052, and the vessel owner or the owners agent contacts a department representative, in person and requests that the Tanner crab registration be invalidated.

Proposal # 355 - 5 AAC 34.053. OPERATION OF OTHER POT GEAR, AND 5 AAC 35.053. OPERATION OF OTHER POT GEAR. Amend these sections to provide the following:

A person or vessel that operates commercial, subsistence, personal use or sport fishing gears [POTS] in the 30 days immediately before the opening, or prior to registering for a commercial king or Tanner crab fishery in a crab registration area, may not participate in a commercial crab fishery in the crab registration area (where groundfish gear of any kind has been used).

Staff Reports: RC 4, tabs 1, 3, 4, 19 (Federal Requirements), 20 (FMP), 27, 30, & 34

Staff Comments: RC 4, tab 37, page 33

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal would include any fishing gear to the 30 day no operation of pot gear before any king or Tanner crab fishery. There is a perceived problem of trawl vessels having an unfair advantage over crab fishers. The trawl vessels can use (misuse) pelagic gear in the pollock fishery up to the time to register for the crab fishery. Of the pollock trawl vessels participating in both fisheries, NMFS observer data does not indicate an increased bycatch of red king crab in October. The vessels under 125 feet would only have 30% groundfish observer coverage, therefore the opportunity for exploratory fishing is present. Trawl gear is an efficient crab survey method. However, fish ticket data does not show an increase in average catch of those vessels compared to similar length crab vessels. It was noted that the trawl vessels often have to enter the crab fishery with trawl equipment still in place on the deck and that would decrease efficiency. Trawlers were aware of this meeting and are not present. Change language to include only pot or trawl gear, (longline and jig gears are not to be included). Some felt that 30 days was too restrictive and a change of the red king crab season to October 15 would solve the problem. The department is neutral on this proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Support for pot and trawl gear, but not on 30 days, some want 14 days

Board Committee Recommendation: Support - for 30 days, and for pot and trawl gear

Regulatory or Substitute Language: See Attached

RC183

ACR 27

Summary of Compromise By Industry Participants

Members Involved in Settlement Discussions: Robin Samuelson (BBEDC), Mary McBurney (WAFDA) Arni Thomson (ACC), Jeff Stephan (UFMA), Garry Loncon (Royal Aleutian Seafoods, Inc.), Steve Toomey (AMA & vessel owner)

Terms of Settlement:

5 AAC 39.690 Bering Sea/Aleutian Islands king and Tanner crab Community Develop Quota (CDQ) Fisheries Management Plan.

(e) (7) a CDQ fishery may be conducted immediately before the opening of the commercial fishery harvest if the GHL for the open fishery is at least 50 million pounds. The amount of CDQ harvest which may be used prior to the open access fishery is no to exceed 30 percent of the available CDQ harvest. Additionally, vessels participating in a preseason CDQ harvest must meet a 14 day stand down.

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BOARD OF FISHERIES



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

AGENDA D-2(a)(2)
APRIL 1999

April 9, 1999

Dr. John R. White
Chairman, Board of Fisheries
Alaska Department of Fish and Game
Division of Administration
Boards Support Section
PO Box 25526
Juneau, Ak 99802-5526

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APR 12 1999

N.P.F.M.C

Dear Chairman ^{John} White:

We are reviewing the actions of the Board of Fisheries (Board) taken at its meeting on March 18-27, 1999, with respect to consistency with the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP). We request the Board and Alaska Department of Fish and Game (ADF&G) to provide written explanations of the reasons for its decisions on the adopted proposals, as required by the Crab FMP under section 2.0, item 8. These written explanations will be instrumental in determining the course of action NMFS will take with respect to these measures.

Specifically, we request information on the following proposals:

- proposal 287, as adopted, to move the red king crab fishing season start date from November 1 to October 15;
- proposal 291, as adopted, to implement a 30-day exclusion period when no pot or trawl gear can be fished in Area T prior to the king crab fishing season in that area; and
- proposal 355, as adopted, to implement a 30-day exclusion period when no pot or trawl gear can be fished in Area J prior to the C. bairdi Tanner crab fishing season in that area and to include trawl gear in the 14-day exclusion period in this same area prior to the C. opilio Tanner crab fishing season.

To adequately address our concerns, the State's written explanation should provide:

1. The FMP provisions the Board relied on to adopt these measures;
2. the Board's findings that the measures are consistent with the applicable FMP provisions;
3. the Board's analysis of the types and numbers of vessels that would be affected by the measures and the economic impacts on these vessels;
4. whether the Board considered alternatives to accomplish the Board's purposes with less impact on the affected entities.



and the reasons for rejection of those alternatives.

We are especially interested in an explanation for the decision to include trawl gear in the exclusion periods prior to the red king crab and Tanner crab fisheries, including a discussion that shows:

1. The Board analyzed the impacts of these actions on trawl vessels;
2. the reasons why the Board adopted these measures despite testimony from ADF&G staff regarding the lack of evidence that "prospecting" actually occurs;
3. the rationale for completely precluding vessels from participating in the affected fisheries despite the probability that any advantage gained by prospecting would be dispelled shortly after the commencement of fishing;
4. the Board analyzed the cumulative impacts of the red king crab season change coupled with the exclusion period extension prior to the red king crab fishing season.

Sincerely,



Steven Pennoyer,
Administrator, Alaska Region

cc: Richard Lauber, Chairman
North Pacific Fishery Management Council

David Benton, Deputy Commissioner
Alaska Department of Fish and Game

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director



605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone: (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

April 2, 1999

Dr. John White, Chairman
Alaska Board of Fisheries
P.O. Box 25526
Juneau, AK 99802-5526

Dear Dr. White:

I am writing to request information with regard to certain crab fishery management actions taken by the Board at its recent meeting. Specifically, I have received several calls from fishing industry participants as well as Council members regarding the Board's action on proposals 287 (to change the start date of the king crab fishery) and proposals 291 and 355 (which extend the length of the exclusion period for pot fishing from 14 to 30 days, and include trawl gear in that exclusion). The Council has placed this issue on the agenda for their April meeting (week of April 19-25) and in preparation for that discussion, I would like to request a copy of the 'Board Findings' which summarize the Board's discussions and justifications for the actions on proposal 287, 291, and 355.

As you are aware, these actions have significant allocational effects, and there are concerns that these actions may be inconsistent with the provisions of that FMP. For example, while fishing seasons are a Category 2 measure, the FMP states that they are to be used to protect the mating and molting cycles of crab species. While the FMP recognizes other factors, such as to coordinate among fisheries or minimize cost to industry, these are to be done within biological constraints. Stand-down provisions do not explicitly appear in the FMP, and therefore would appear to come under the heading of 'other' action under Category 3, which requires consultation with the Council prior to adoption of the measure.

Because the Council will be interested in the underlying rationale used by the Board in their deliberations, I appreciate any information you can provide me to prepare for the Council's discussions.

Sincerely,



Clarence G. Pautzke
Executive Director

cc: Rick Lauber
Steve Pennoyer

CRAB FMP

8.0 MANAGEMENT MEASURES

This chapter describes management measures that may be used to achieve the FMP's management objectives. Most of these management measures are currently used by the State to manage BS/AI king and Tanner crab fisheries; some measures are appropriate for more than one management objective.

Three categories of management measures are described (Table 8.1): Category 1 measures are those that are specifically fixed in the FMP, and require an FMP amendment to change. Category 2 measures are those that are framework-type measures which the State can change following criteria set out in the FMP. Category 3 measures are those measures that are neither rigidly specified nor frameworked in the FMP. The measures in Categories two and three above may be adopted as State laws subject to the appeals process outlined in the FMP (see Chapters 9 and 10).

The following description of management measures is not intended to limit the State government to only these measures. However, implementation of other management measures not described in the FMP must be consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law, and may occur only after consultation with the Council.

Although specific strategies for attainment of objectives in the FMP are not described, management measures described in this chapter are all derived to attain one or more of those objectives. Any subsequent management measures must also be justified based upon consistency with the objectives in this FMP. All management measures must, further, be consistent with the Magnuson-Stevens Act and other applicable Federal law.

Table 8.1. Management measures used to manage king and Tanner crabs in the BS/AI management unit by category.

Category 1 (Fixed in FMP)	Category 2 (Frameworked in FMP)	Category 3 (Discretion of State)
Legal Gear	Minimum Size Limits	Reporting Requirements
Permit Requirements	Guideline Harvest Levels	Gear Placement and Removal
Federal Observer Requirements	In-season Adjustments	Gear Storage
Limited Access	Districts, Subdistricts and Sections	Vessel Tank Inspections
Norton Sound Superexclusive Registration	Fishing Seasons	Gear Modifications
	Sex Restrictions	Bycatch Limits (in crab fisheries)
	Pot Limits	State Observer Requirements
	Registration Areas	Other
	Closed Waters	

8.3.6 Bycatch Limits

The FMP defers the right to implement bycatch limits of other species of crab in the crab fisheries managed under this FMP to the State. Often, regulation of bycatch in the directed fishery involves no, or limited, allocation because the same fishermen participate in both fisheries.

8.3.7 State Observer Requirements

The FMP defers the State Observer requirements to the State. The State may place observers aboard crab fishing and/or processing vessels when the State finds that observers provide the only practical mechanism to obtain essential biological and management data or when observers provide the only effective means to enforce regulations. Data collected by onboard observers in crab fisheries include effort data and data on the species, sex, size, and shell-age/shell-hardness composition of the catch. The State currently requires onboard observers on all catcher/processor or floating-processor vessels processing king or Tanner crab and on all vessels participating in the Aleutian Islands red or brown (golden) king crab fisheries. The State currently may require observers as part of a permit requirement for any vessel participating in the scarlet king crab (Lithodes couesi), grooved Tanner crab (C. tanneri), or triangle Tanner crab (C. angulatus) fisheries.

The State currently may require observers on selected catcher vessels taking red or blue king crab in the Norton Sound section, if ADF&G provides funding for the observer presence. The State currently may require observers on vessels taking red or blue king crab in the St. Lawrence Island Section. The State may also require onboard observers in other crab fisheries (e.g., the Pribilof Islands Korean hair crab Erimacrus isenbeckii fishery) to, in part, monitor bycatch of king or Tanner crab. Observers provide data on the amount and type of bycatch occurring in each observed fishery and estimates of bycatch by species, sex, size, and shell-age/shell-hardness for each observed fishery are currently provided in annual reports by ADF&G.

8.3.8 Other

As previously noted, the State government is not limited to only the management measures described in this FMP. However, implementation of other management measures not described in the FMP must be consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law, and may occur only after consultation with the Council. This management measure provides for an expanded scope of Federal review. Other management measures that the State may wish to implement are subject to the review and appeals procedures described in Chapters 9 and 10 of this FMP.

Alaska Marketing Association

4917 Leary Ave NW Seattle WA 98107 Phone (206) 784-8948 Fax (206) 784-9813 ama@adcomsys.net

7 April 1999

Mr. Gary Loncon
Royal Aleutian Seafoods, Inc.

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APR - 9 1999

Gary -

N.P.F.M.C

I recently received a copy of a document (RC 183) entitled "Summary of Compromise By Industry Participants". I have been led to believe that you are the author of this document. In the document, several individuals are listed as being "Members Involved in Settlement Discussions". After each member, an organization is named parenthetically, leaving the reader with the understanding that the individual represents the organization. Indeed, all the individuals listed do indeed represent the organization behind their name except for one. Readers of the document are led to believe that Mr. Steve Toomey was present at the meeting as a representative of the AMA (Alaska Marketing Association). This is incorrect. Mr. Toomey is a member in good standing of the Alaska Marketing Association. He serves on our Board of Directors. He is not authorized however, to represent the Association, neither was it his intention to do so. In fact, Mr. Toomey has informed me that he was opposed to the cited proposal and his name was added to it without his permission.

The policy of the Alaska Marketing Association is to avoid issues of politics. There are other organizations that address those issues. Although many AMA members - including board members and the AMA President - have taken active roles in discussions of political issues, they have not done so as representatives of the AMA. There are some issues however, that warrant our attention. These are issues directly affecting the market price of crab. Pre-season CDQ fishing - the subject of your document - is one of those issues. Last fall, I was authorized by the AMA Board of Directors to analyze the potential effect of a pre-season CDQ fishery on crab ex-vessel prices. My findings were presented to the AMA Board of Directors and summarized in a letter to the Board of Fisheries. I have been authorized to explain my conclusions at certain meetings in Anchorage later this month. Any position taken on behalf of the AMA will come from the Board of Directors.

Please take measures to correct the false impressions you have created. The AMA does not support or recommend pre-season fishing by any group - in any amount - for any reason.

Sincerely,



Jake Jacobsen, Manager

cc: Dr. John White
Mr. Arni Thomson
Mr. Tom Casey
Mr. Rick Lauber
Mr. Robin Samuelson
Ms. Mary McBurney
Mr. Jeff Stephan
Mr. John Young

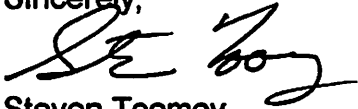
7 April 1999

Mr. Gary Loncon
Royal Aleutian Seafoods, Inc.

Gary -

I attended the March BOF meetings representing the F/V Exito and not the AMA. At this meeting concerning agenda item ACR 27 I was opposed to CDQ fisheries being executed prior to normal openers. My name was put on a letter (RC183) without my knowledge. I had already left the meeting and was in Seattle when this letter was submitted and voted on. My stance is still the same. When attending BOF or Council meetings I only represent myself and not the AMA.

Sincerely,



Steven Toomey
F/V Exito

cc: Dr. John White
Mr. Ami Thomson
Mr. Tom Casey
Mr. Rick Lauber
Mr. Robin Samuelson
Ms. Mary McBurney
Mr. Jeff Stephan
Mr. John Young

Alaska Fisheries Conservation Group

P.O. Box 910 Woodinville, WA 98072 (425) 488-7708 Fax (907) 823-3964 9 April 99

Chairman Rick Lauber
NPFMC
Anchorage, AK

By Fax (907) 271-2817

APR - 9 1999
N.P.F.M.C.

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Dr. John White, Chairman
Alaska Board of Fisheries
Juneau, AK
By fax (907) 465-2332
At: Keri Tonkin
Gentlemen,

This is our petition to appeal, under the NPFMC's BSAI Crab FMP, the March 1999 decision by the Alaska Board of Fisheries to authorize pre-season CDQ fishing on any BSAI crab fishery whose GHLL exceeds 50-million pounds: in particular, the Year 2000 C. Opilio fishery.

We cannot find in the Magnuson-Stevens Act any Congressional authorization for pre-season fishing in a fishery managed by the Council under an FMP.

We particularly object to the financial advantage such pre-season fishing gives to those CDQ vessels involved, at the expense of the vast majority of crabbers who cannot fish the pre-season. Knowing where the concentrations of crab are located well ahead of the opening day of the moratorium fishery is a lucrative advantage that CDQ pre-season fishermen will cash-in on their first several Opilio trips in 2000. Consequently, no fair start is possible under this scenario.

We cannot find any intent of Congress to create special fishing periods for CDQ fishermen. In fact, we think that the ABF misinterpreted the clearly stated Congressional intent of National Standard 8 to justify their action. See RC 199 on Pages 3 and 4 of this document.

In addition, the only reference to dates of CDQ fisheries in Section 104-297 (1) are the *calendar years 1998, 1999 and 2000*. So in essence, the ABF has authorized a pre-season CDQ Opilio fishery any time before January 1, 2000 when the moratorium fishery for Opilio, itself, begins on January 15, 2000.

By what authority then does the ABF or NMFS or the NPFMC open the C. Opilio fishery twice in 1997? Doing so clearly constitutes over-fishing of the 1999 Opilio GHJ and abrogates the *calendar year* fishery standard intended by Congress in 1996.

For the reasons described on Pages 3 and 4 of this document, we also believe that the ABF violated National Standard 4 in authorizing a pre-season CDQ fishery. National Standard 4 requires that "assignment of fishing privileges must be fair and equitable to all fishermen." The vast majority of Bering Sea crabbers do not believe that it is "fair" or "equitable" to have CDQ fishermen out prospecting the Opilio fishing grounds weeks before the moratorium Opilio fishery begins on January 15th.

Therefore, we request that you begin the appeals process described in the NPFMC's BSAI Crab RMP to resolve this issue.

Sincerely,

Tom Casey
 45 411
 Thomas A. Casey

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"This standard is not intended to constitute a basis for allocating resources to a specific fishing community or to provide preferential treatment based on residence in a fishing community."

"New National Standard (B) would require that conservation and management measures take into account the importance of the harvest of fishery resources to minimize (to the extent practicable) adverse economic impacts on, and provide for the sustained participation of, fishing communities, but would prevent such measures from having an economic allocation as their sole purpose."

However, in the Commerce Committee Report on the Sustainable Fisheries Act (S.39) dated May 23, 1986, the Committee states at Page 13-14 that

- (A) provide for the sustained participation of such communities and
- (B) to the extent practicable, minimize adverse economic impacts on such communities."

"Conservation and management shall...take into account the importance of fishery resources to fishing communities in order to

in the Magnuson Stevens Act of 1986, National Standard (B) reads

For the past hour while you have been deliberating over ACR#27 and Proposal #355, Vice-Chairman Dan Coffey and Larry Engel have been using National Standard (B) to justify CDQ pre-season Opilio fishing when the GHL is greater than 50-million pounds. Dan and Larry have repeatedly cited National Standard (B) as their primary justification for amending ACR#27 and Proposal #355. We think they are in error to do so.

John,

John White, Chairman
Alaska Board of Fisheries
Captain Cook Hotel
Anchorage, AK

26 March 99 @ 1200 hours

Box 810 Woodinville, WA 98072 (425) 488-7708 Fax (425) 823-3964

Alaska Fisheries Conservation Group
Being Sea Crab Vessel Owners from Alaska, Washington & Oregon

bc 199

4 f o 4

Thomas A. Casey, Executive Director
Thomas A. Casey

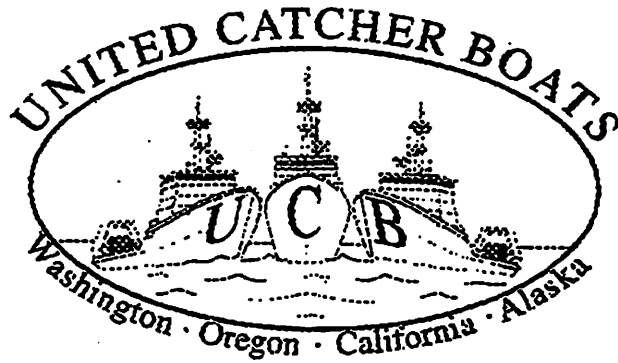
We request that the Board ~~not~~ amend Proposal #355 today, thereby maintaining the 30-day exclusion period for the Oplo fishery, and instead, adopt ACR#27 as originally written.

- (1) Dan, Larry and the Board are using NS(8) for the sole purpose of allocating exclusive fishing privileges for CDQ-groups to use in the in the Oplo pre-season
- (2) Dan, Larry and the Board are clearly using NS(8) to assign these special and exclusive fishing privileges to CDQ-groups, when doing so is unfair and inequitable to the vast majority of the Bering Sea crab fleet.

We believe that

"As clearly stated in National Standard (4), conservation and management measures shall not discriminate between residents of different States, and any necessary allocation or assignment of fishing privileges must be fair and equitable to all fishermen."

Brent C. Paine
Executive Director



RC 132

Steve Hughes
Technical Director

March 23, 1999

Mr. Dan Coffee, Chairman
Alaska Board of Fisheries Bering Sea Crab Subcommittee
Captain Cook Hotel
Anchorage, AK

RE: Comments to Committee D and Committee E, Bering Sea Crab Issues

Dear Mr. Coffee,

Thank you for allowing me to present comments on the various proposals before the Board pertaining to Bering Sea crab management. This letter will serve as United Catcher Boats' comments to the proposals reviewed by Committee D and E yesterday.

United Catcher Boats is an association of 63 catcher vessels, of which all trawl in the North Pacific, and 28 presently participate in the Bering Sea crab fisheries. We are combination vessels, most of which pioneered both the crab and groundfish fisheries in the North Pacific. The impacts of the various proposals reviewed yesterday to the vessels in UCB are huge. For example, the 28 vessels that presently fish in the Bering Sea crab fisheries potentially could be excluded from these fisheries. I ask that you and your fellow Board members realize the economic loss to these vessels when considering the following proposals.

Proposal 354 & 355, OPERATION OF OTHER POT GEAR Regarding this proposal, UCB strongly requests the Board to not adopt either proposal for the following reasons:

1. TOO PUNITIVE UCB vessels have historically depended on a number of crab and groundfish fisheries. This action would force our vessels to forgo 30 days of groundfish fishing prior to the opening of a crab fishery. Do you have information that provides you with the cost to the 39 vessels (vessels that currently trawl and crab in the Bering Sea) having to forgo fishing for 30 days prior to a crab opener if they choose to fish crab? Our pollock fishery in the Bering Sea now lasts about 90 days. If we choose to fish both the *opilio* and BB red king crab fisheries, we would have to forgo 60 days of groundfish fishing (primarily Pollock A, B and C seasons). The effect of this is that we would be able to fish in the pollock fishery or the crab fishery, and no longer would be able to fish in both fisheries. If we forgo 60 days of pollock fishing, this would bankrupt these operations. 39 vessels is over 30% of the current Bering Sea catcher vessel pollock fleet.

2. **HIGHLY ALLOCATIVE** The effect of these proposals would be to reallocate the amount of crab harvested by the vessels that fish for groundfish to the vessels that don't fish for groundfish. Approximately 28 of the UCB member vessels participated in the BB red King crab fishery in 1998. Our average catch was 100,000 lbs., that is a total of 2.8 million pounds of crab, or roughly \$3 million reallocated just from the UCB vessels.

3. **PROSPECTING WITH TRAWL GEAR DOES NOT HAPPEN** The proposal author argues that trawl gear can be used to find out where the crab are located prior to the start of the crab fishery. This is ludicrous for the following reasons:

- Crab PSC is a precious thing that constrains the directed groundfish fishery. It is not squandered to prospect for good crab grounds
- Bottom trawl Groundfish fisheries in October are mostly closed due to attainment of the TAC or PSC
- The most productive red king crab grounds are closed to non-pelagic trawling most of the year
- The pollock fishery is allocated 1,970 red king crab and 14,077 bairdi as PSC. NMFS data show that these PSC caps have never been reached, and that in the month of October of 1998, a deminimus amount king crab were taken as bycatch in the pollock fishery.

4. **BOARD LACKS LEGAL JURISDICTION** We believe the Board of Fisheries does not have legal authority to regulate a federal groundfish fishery. This proposal effectively creates a federal "fair start" regulation that affects the Bering Sea groundfish fisheries, a fishery that is managed by the federal government. In addition, we believe the federal Crab FMP does not provide the authority for the Board of Fisheries to create fair start provisions between groundfish and crab fisheries. We request that the Board request a legal opinion on this issue from NOAA General Counsel.

PROPOSAL 287 FISHING SEASONS FOR AREA T

UCB strongly requests the Board to not adopt either proposal for the following reasons:

1. **HIGHLY ALLOCATIVE** Vessels that normally fish in the BS pollock fishery would be forced to decide between participating in the BB king crab fishery or the BS pollock fishery as the pollock fishery occurs throughout the month of October. For example, the department recently changed the opening date of the BS hair crab fishery to accommodate the vessels that fish crab in other areas (Pribs & St. Mat). UCB vessel owners would appreciate the same accommodation afforded the crab fleet.

2. **REDUCTION IN YIELD** Bob Otto stated at the committee yesterday that the highest yield of meat per crab occurs on or around Nov. 1. By backing the fishery into early October, the fleet is forgoing the maximum yield, or value, per crab. No analysis has been done to provide you with the information needed to determine what this yield loss would be. For us, the attempt to force out vessels who fish pollock from the crab fishery is a poor trade off for fishing on crab with less value.

ROPOSAL 288 HARVEST STRATAGY

UCB vessel owners support the current Department's use of the length-based model. Thus we ask the Board to not support this proposal. Rather, the Board should support department research into the stock/recruit relationship for red king crab.

PROPOSAL 285 & 286 POT LIMITS

CB vessel owners choose to not engage in a "big boat - small boat" allocation battle, as our organization has both big and small vessels.

However, we find it disingenuous that the vessel owners who argue for removal of the crabber/trawler vessels based on the argument that the fishery occurs in too short of a period can argue that effort (pots) not be reduced.

We ask that the Board ask the Department of Fish and Game if they believe that a reduction in the number of pots would result in lengthening the fishery to 6 or more days. In other words, can the Department determine, qualitatively or quantitatively, what the limit of number of pots is to result in a 6-day BB red king crab fishery.

SOME GENERAL COMMENTS

We realize the attempts by the crab vessel owners and their association's to remove from the crab fisheries the vessels that are qualified to fish for pollock in the Bering Sea. This was attempted at the NPFMC level in October 1998 and now at the Board level indirectly through proposals 355 and 287. What is at issue is the overcapitalization of the fleet, something that the Council has attempted to address through License Limitation. The factors involved are determination of: 1) present participation, historical fishing practices and dependence on the fishery (Mag/Stevens Act and National Standards). Alternatives to reduce effort need to be measured against these standards, not indirectly through fair start and season start date proposals that have the effect of indirectly reducing effort and thereby reallocating the harvest.

We ask that the Board know the economic effects of such proposals before acting. Thank you for your consideration of our comments.

Sincerely,



Brent Paine

Trawling curbed in state waters

By MARK BUCKLEY
Mirror Writer

Kodiak's trawl fleet is smarting but environmentalists and their non-trawl allies are cheering after a decision last week that bans bottom trawling inside state waters in much of the Kodiak district.

Additionally, small trawlers will be required to carry observers when fishing inside state waters.

"The decision was very disappointing," said Al Burch, executive director of the Alaska Draggers Association. "We have come away with the feeling that very little of what we brought forward as an industry was seriously considered."

But an environmental activist holds the opposite view.

"We're concerned about the effects of bottom trawling on marine habitats," said Eric Jordan, a Sitka salmon troller and board member of the Alaska Marine Conservation Council. "Reducing these impacts will benefit many fisheries and the ecosystem they need to be productive."

On Saturday the Alaska Board of Fisheries voted to ban all bottom trawling in state waters along

the mainland side of Shelikof Strait and along the entire east side of Kodiak Island. State waters extend from the shoreline to three miles out.

The board also cut back bottom trawling in Kodiak's remaining state waters. New regulations allow bottom trawling only between Jan. 20 and April 30 and from Oct. 1 through Nov. 30.

The board went on to require a new fishery observer program on trawlers under 60 feet. In the past such vessels were exempt from observer requirements.

Although midwater trawling, primarily for pollock, will still be allowed in the closed areas, fishermen will have to be careful. Because pollock frequently school near the sea floor, fishermen often tow their midwater nets there.

That practice will end, however, as the new regulations prohibit any crab catch in midwater gear.

Bottom trawlers target mainly pollock, cod and rock sole. But their fishing method, dragging heavy gear across the bottom, disturbs the sea floor habitat and results in incidental crab and halibut

See BAN AFFECTS, Page 6

Continued from Page 1
catches.

Fishery managers are trying to revive crab stocks in Kodiak waters, which have been closed to king crab fishing since 1983 and to tanner crab fishing since 1994. Conservationists say the decision marks the third significant fishing ban aimed at reviving Gulf of Alaska king and Tanner crab populations, which began to decline in the early 1980s. The state first closed most of Kodiak's bays in the mid-80s and federal managers then extended the ban to some waters offshore.

Trawl fishermen say they are upset with the new rules for three main reasons. As with the area closures to protect sea lions that were implemented late last year,

the new closures will drive up the cost of doing business while productivity will decline.

Trawlers say safety is also a concern, as closing nearshore areas will force them to fish in more dangerous areas offshore.

Lastly they say the political process was skewed against them due to the dearth of commercial fishermen on the fish board.

Although Kodiak's borough assembly passed a resolution in support of the trawl fleet, all Kodiak villages supported the closures. Additionally, Ludger Dochtermann, the crab fisherman who sponsored the original proposal to close state waters to trawling, withdrew his support when the areas involved became larger than he originally intended.

Executive Summary

The Bering Sea Tanner crab (*C. bairdi*) stock is at a very low level. Spawning biomass has been estimated to be below the minimum stock size threshold established for this stock. On March 3, 1999, the stock was deemed "overfished", which requires a rebuilding plan to be developed within one year. This Environmental Assessment/Regulatory Impact Review (EA/RIR) addresses alternatives for rebuilding the overfished stock of Tanner crab (*C. bairdi*) in the Eastern Bering Sea. Two primary alternatives were examined.

Alternative 1: Status Quo. No rebuilding plan would be adopted for Bering Sea Tanner crab.

Alternative 2: Establish a rebuilding plan for Bering Sea Tanner crab. The rebuilding plan may have three components: a harvest strategy, bycatch control measures, and habitat protection. Note that more than one option can be adopted for each component.

A. Harvest Strategy: In previous years when there was a directed fishery, harvest rates for Bering Sea Tanner crab were established at 40% of the mature male abundance. This harvest strategy could be modified to reduce mortality on legal males, females, and juvenile crabs.

Option 1: Status quo. Continue to establish harvest rates for Bering Sea Tanner crab at 40% of the mature male abundance.

Option 2: Endorse the new harvest strategy for Bering Sea Tanner crabs as adopted by the Board of Fisheries. ADF&G has recently developed a stairstep harvest strategy for Tanner crabs, which was adopted by the Board of Fisheries in March 1999. The strategy, as detailed in Section 1.6.1 and Appendix 1, includes lower harvest rates at low biomass levels, and incorporates a threshold female biomass.

Option 3: Request that ADF&G evaluate, and the Board of Fisheries consider establishing concurrent fishing seasons (e.g., Tanner crab with opilio crab) as a way to minimize waste and discard of Tanner crabs.

B. Bycatch Controls: Bycatch control measures have previously been implemented in the crab, scallop, and groundfish fisheries. These measures could be adjusted to reduce mortality on unharvested crabs.

Option 1: Status quo. Maintain existing Tanner crab bycatch control measures in all fisheries.

Option 2: Reduce the Zone 2 PSC limit. The Zone 2 PSC limit would be set equal to 0.75% of the total *C. bairdi* population as estimated by the NMFS annual bottom trawl surveys, with a maximum PSC limit of 3,000,000 Tanner crabs.

Option 3: Request the Board of Fisheries and the Alaska Department of Fish and Game to consider additional measures (such as gear modifications and area closures) to reduce bycatch of *C. bairdi* in crab fisheries.

C. Habitat protection: Adequate habitat is essential for maintaining the productivity of fishery resources. Measures previously implemented that protect Tanner crab habitat from fishing impacts include several areas where trawling and dredging is prohibited. Essential fish habitat

(EFH) has been defined and potential threats have been identified. Additional measures could be implemented to further protect habitat.

Option 1: Status quo. Maintain existing habitat protection measures.

Option 2: Rename the Red King Crab Savings Area to "The Crab Savings Area", and the Nearshore Bristol Bay Trawl Closure Area to "The Bristol Bay Habitat Conservation Area".

Option 3: For agency consultation purposes, highlight the importance of Tanner crab EFH in maintaining stock productivity. To the extent feasible and practicable, this area should be protected from adverse impacts due to non-fishing activities.

The alternatives were developed by the Council at their October, 1998 meeting. The options have been proposed by the analysts for discussion purposes. They may be revised or dropped when considered by the Council, and new alternatives and options may be added.

The proposed actions contained in this amendment are timely to rebuild the Bering Sea Tanner crab stock. Although the near-term outlook for this stock is bleak, the 1998 survey encountered a fair number of small crab (30-50 mm CW). These small crabs may represent the cornerstone of stock rebuilding, as protection of these crabs through maturity may pay off in terms of increased spawning and recruitment in future years. Clearly the stock is capable of rebounding in a relatively short time period when conditions are favorable, as was the case in the late 1980's.

Adoption of Alternative 2 is expected to allow the Bering Sea Tanner crab stock to rebuild to the Bmsy level within 10 years or so. Adoption of the revised harvest strategy should result in more spawning biomass as more larger male crab would be conserved and fewer juveniles and females would die due to discarding. This higher spawning biomass would be expected to produce good year-classes when environmental conditions are favorable. Protection of habitat and/or reduction of bycatch may reduce mortality on juvenile crabs, thus allowing a higher percentage of each year-class to contribute to spawning (and future landings). Any or all of these actions proposed under Alternative 2 would be expected to improve the status of this stock. No rebuilding benefits are provided by Alternative 1.

None of the alternatives is expected to result in a "significant regulatory action" as defined in E.O. 12866. None of the alternatives are likely to significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by Section 102(2)(C) of the National Environmental Policy Act or its implementing regulations, fisheries, regulations, gear used, revenues generated, etc.

Atmospheric Administration, NOAA, Commerce.

ACTION: Renewal of Exempted Fishing Permits (EFPs) for monitoring salmon bycatch in the Washington-Oregon-California (WOC) shore-based Pacific whiting fishery.

SUMMARY: NMFS announces the receipt of an application, and NMFS' intent to renew EFPs to vessels participating in an observation program to monitor the incidental take of salmon and groundfish in the shore-based component of the Pacific whiting fishery. These EFPs are necessary to allow trawl vessels fishing for Pacific whiting to delay sorting of prohibited species and groundfish catch in excess of cumulative trip limits until the point of offloading. These activities are otherwise prohibited by Federal regulations.

DATES: The EFPs will be effective no earlier than April 1, 1999, and would expire no later than May 31, 2000, but could be terminated earlier under terms and conditions of the EFPs and other applicable laws.

ADDRESSES: Copies of the EFPs are available from Katherine King, Northwest Region, NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115-0070.

FOR FURTHER INFORMATION CONTACT: Katherine King 206-526-6145.

SUPPLEMENTARY INFORMATION: This action is authorized by the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.745, which state that EFPs may be used to authorize fishing activities that would otherwise be prohibited.

NMFS received an application requesting renewal of these EFPs from the States of Washington, Oregon, and California at the March 8-12, 1999, Pacific Fishery Management Council (Council) meeting in Portland, OR. An opportunity for public testimony was provided during the Council meeting. The Council recommended that NMFS issue the EFPs, as requested by the States.

Renewal of these EFPs, to about 40 vessels, would continue an ongoing program to collect information on the bycatch of salmon and groundfish in whiting harvests delivered to shoreside processing facilities by domestic trawl vessels operating off WOC. Sorting the catch at sea can hurt the whiting quality because whiting deteriorates rapidly if it is not immediately chilled. Issuing EFPs will allow vessels to delay sorting of groundfish catch in excess of cumulative trip limits and prohibited

species until offloading. Delaying sorting until offloading will allow state biologists to collect bycatch data for total catch estimates and will enable whiting quality to be maintained. Without an EFP, groundfish regulations at 50 CFR 660.306(b) require vessels to sort their prohibited species bycatch and return them to sea as soon as practicable with minimum injury. To allow state biologists to sample unsorted whiting, it is also necessary to include provisions for potential overages of groundfish trip limits which is prohibited by regulations at 50 CFR 660.306(h).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 25, 1999.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
 National Marine Fisheries Service.*

[FR Doc. 99-7889 Filed 3-30-99; 8:45 am]
BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 032599B]

RIN 0648-AL89

Fisheries of the Exclusive Economic Zone Off Alaska; Overfished Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of overfished fishery.

SUMMARY: NMFS has identified the eastern Bering sea stock of *C. bairdi* as overfished. The identification of overfished stocks is required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act (SFA). The purpose of this notice is to notify the public that the North Pacific Fishery Management Council (Council) has been informed that the stock is overfished and has been directed to initiate action to end overfishing and rebuild the stock.

FOR FURTHER INFORMATION CONTACT: George H. Darcy, NMFS, 301/713-2341.

SUPPLEMENTARY INFORMATION:

Background

This action is required by the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) as amended by the SFA, which was signed into law on October 11, 1996. Section 304(e) of the Magnuson-Stevens Act requires that upon

determination that a fishery is overfished, the Secretary of Commerce (Secretary) shall immediately notify the appropriate fishery management council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks. The fishery management council has one year from the date of notification to prepare a plan to end overfishing in the fishery and to rebuild affected stocks.

On March 3, 1999, the Secretary approved Amendment 7 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands (BSAI) (64 FR 11390, March 9, 1999). Pursuant to section 303(a)(10) of the Magnuson-Stevens Act, and the national standard guidelines (50 CFR part 600), the amendment revises the definitions of overfishing, maximum sustainable yield, and optimum yield for the king and Tanner crab fisheries in the BSAI. Under the new definitions, the eastern Bering Sea *C. bairdi* Tanner crab spawning biomass is below the minimum sustainable stock size threshold, and is deemed overfished. Pursuant to section 304 of the Magnuson-Stevens Act, NMFS notified the Council by letter on March 3, 1999, that the stock is overfished, as follows:

Mr. Richard B. Lauber, Chairman
 North Pacific Fishery Management Council
 605 West 4th Avenue, Suite 306
 Anchorage, Alaska 99501-2252
 Dear Mr. Lauber:

I have approved Amendment 7 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands and Amendment 6 to the FMP for the Scallop Fishery Off Alaska. These amendments revise the definitions of overfishing for the crab and scallop species or species groups in the FMPs. This action is necessary for compliance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and will advance the Council's ability to achieve, on a continuing basis, the optimum yield from fisheries under its jurisdiction.

A notice of availability for the proposed Amendments 7 and 6, which describes the proposed amendments and invited comments from the public, was published in the Federal Register at 63 FR 66112 on December 1, 1998. No regulatory changes are associated with these amendments. A Notice of Approval for the amendments will be published shortly in the Federal Register, informing the public of the approval decisions.

Based on the overfishing definitions contained in Amendment 7 to the crab FMP, we determine *C. bairdi* to be overfished. By March 3, 2000, the Council is required by section 304(e) of the Magnuson-Stevens Act to prepare and submit conservation and

management measures to end overfishing and rebuild the *C. bairdi* stock. The rebuilding program must be as short as possible, but not exceed 10 years, except if the biology of the stock or other environmental conditions dictate otherwise.

Sincerely,

Steven Pennoyer, Regional Administrator

Dated: March 25, 1999.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

[FR Doc. 99-7888 Filed 3-30-99; 8:45 am]

BILLING CODE 3510-22-F

**Revised Tables on Bycatch and Adult Equivalents
 for Tanner Crab Rebuilding Analysis**

Since the EA/RIR was distributed for Council review, the tables for bycatch and the adult equivalent analysis have been revised to reflect additional bycatch information and to correct errors in the spreadsheet. No changes were made to the assumptions. Revised tables are attached (replacing tables on pages 20, 21, and 22, and Tables 5-10).

Estimated bycatch mortality of *C. bairdi* crabs (numbers of animals) in Bering Sea fisheries, 1994-1998.

<u>Year</u>	<u>directed crab pot</u>	<u>groundfish trawl</u>	<u>groundfish fixed gear</u>	<u>scallop dredge</u>	<u>Total</u>
1994	7,018,094	1,997,409	16,877	98,000	9,113,636
1995	5,187,934	1,769,745	30,686	0	6,956,181
1996	1,902,321	1,468,825	97,846	6,800	3,475,792
1997	2,287,672	1,534,189	17,576	11,200	3,839,677
1998	2,062,144	1,182,253	14,858	14,400	3,273,655

Estimated adult equivalent crab removals by groundfish, scallop, and crab fisheries as a percentage of total crab abundance, 1994-1997.

<u>Fishery</u>	<u>1994</u>		<u>1995</u>		<u>1996</u>		<u>1997</u>	
	<u>male</u>	<u>female</u>	<u>male</u>	<u>female</u>	<u>male</u>	<u>female</u>	<u>male</u>	<u>female</u>
Groundfish	849,564	377,917	757,272	337,452	647,660	291,623	653,089	290,807
Scallop	20,672	36,750	0	0	1,434	2,550	2,363	4,200
Crab	6,135,629	2,068,779	3,671,026	1,999,094	1,534,573	479,606	1,095,098	340,832
Total	7,005,865	2,483,446	4,428,298	2,336,546	2,183,667	773,779	1,750,550	635,839

Estimated adult equivalent mortality of *C. bairdi* crabs (numbers of animals) in Bering Sea fisheries, 1994-1998.

<u>Year</u>	<u>directed crab pot</u>	<u>groundfish trawl+fixed</u>	<u>scallop dredge</u>	<u>Total</u>
1994	9,489,311	1,227,481	57,422	10,774,214
1995	6,764,844	1,094,724	0	7,859,568
1996	2,957,446	939,485	3,984	3,900,915
1997	2,386,389	943,896	6,563	3,336,848
1998	1,281,420	728,204	8,438	2,018,062

		1994 male Tanners		Approx.			Approx.		Mortality
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number MALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to recruit (males)</u>	<u>in adult equivalents</u>
Groundfish	Trawl	2,496,761	1,872,571	125	7	0.80	1,498,057	2	842,657
	Hook&line	24,546	18,410	130	7	0.45	8,284	2	4,660
	Pot	23,675	17,756	110	6	0.30	5,327	3	2,247
<u>total</u>							<u>1,511,668</u>		<u>849,564</u>
Scallop	Dredge	245,000	122,500	100	6	0.40	49,000	3	20,672
Crab	Tanner crab harvest	3,351,639	3,351,639	150	9	1.00	3,351,639	0	3,351,639
	BB red king (bycatch)	0	0	130	7	0.08	0	2	0
	EBS Tanner (bycatch)	9,582,400	5,939,100	130	7	0.25	1,484,775	2	835,186
	EBS Snow (bycatch)	9,211,500	6,918,600	130	7	0.50	3,459,300	2	1,945,856
	Pribilof Hair (bycatch)	209,300	65,500	130	7	0.08	5,240	2	2,948
	Prib red/blue (bycatch)			130	7	0.08	0	2	0
<u>total</u>							<u>8,300,954</u>		<u>6,135,629</u>
Totals							9,861,622		7,005,865

		1995 male Tanners		Approx.			Approx.		Mortality
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number MALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to recruit (males)</u>	<u>in adult equivalents</u>
Groundfish	Trawl	2,212,181	1,659,136	125	7	0.80	1,327,309	2	746,611
	Hook&line	24,636	18,477	130	7	0.45	8,315	2	4,677
	Pot	63,038	47,279	110	6	0.30	14,184	3	5,984
<u>total</u>							<u>1,349,807</u>		<u>757,272</u>
Scallop	Dredge	0	0	100	6	0.40	0	3	0
Crab	Tanner crab harvest	1,877,303	1,877,303	150	9	1.00	1,877,303	0	1,877,303
	BB red king (bycatch)	0	0	130	7	0.08	0	2	0
	EBS Tanner (bycatch)	10,367,000	5,326,000	130	7	0.25	1,331,500	2	748,969
	EBS Snow (bycatch)	5,128,000	3,699,000	130	7	0.50	1,849,500	2	1,040,344
	Pribilof Hair (bycatch)	402,300	98,000	130	7	0.08	7,840	2	4,410
	Prib red/blue (bycatch)			130	7	0.08	0	2	0
<u>total</u>							<u>5,066,143</u>		<u>3,671,026</u>
Totals							6,415,950		4,428,297

		1996 male Tanners		Approx.			Approx.		Mortality
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number MALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to recruit (males)</u>	<u>in adult equivalents</u>
Groundfish	Trawl	1,836,031	1,377,023	125	7	0.80	1,101,619	2	619,660
	Hook&line	17,543	13,157	130	7	0.45	5,921	2	3,330
	Pot	262,016	196,512	110	6	0.30	58,954	3	24,871
							<u>total</u>	<u>1,166,493</u>	<u>647,862</u>
Scallop	Dredge	17,000	8,500	100	6	0.40	3,400	3	1,434
Crab	Tanner crab harvest	734,296	734,296	150	9	1.00	734,296	0	734,296
	BB red king (bycatch)	48,700	38,000	130	7	0.08	3,040	2	1,710
	EBS Tanner (bycatch)	1,115,300	770,300	130	7	0.25	192,575	2	108,323
	EBS Snow (bycatch)	3,204,000	2,439,000	130	7	0.50	1,219,500	2	685,969
	Pribilof Hair (bycatch)	220,000	95,000	130	7	0.08	7,600	2	4,275
	Prib red/blue (bycatch)			130	7	0.08	0	2	0
							<u>total</u>	<u>2,157,011</u>	<u>1,534,573</u>
Totals							3,326,904	2,183,870	

		1997 male Tanners		Approx.			Approx.		Mortality
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number MALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to recruit (males)</u>	<u>in adult equivalents</u>
Groundfish	Trawl	1,917,737	1,438,303	125	7	0.80	1,150,642	2	647,236
	Hook&line	11,442	8,582	130	7	0.45	3,862	2	2,172
	Pot	38,775	29,081	110	6	0.30	8,724	3	3,681
							<u>total</u>	<u>1,163,228</u>	<u>653,089</u>
Scallop	Dredge	28,000	14,000	100	6	0.40	5,600	3	2,363
Crab	Tanner crab harvest	0	0	150	9	1.00	0	0	0
	BB red king (bycatch)	208,900	200,000	130	7	0.08	16,000	2	9,000
	EBS Tanner (bycatch)	0	0	130	7	0.25	0	2	0
	EBS Snow (bycatch)	4,520,000	3,850,000	130	7	0.50	1,925,000	2	1,082,813
	Pribilof Hair (bycatch)	137,000	73,000	130	7	0.08	5,840	2	3,285
	Prib red/blue (bycatch)			130	7	0.08	0	2	0
							<u>total</u>	<u>1,946,840</u>	<u>1,095,098</u>
Totals							3,115,668	1,750,549	

		1998 male Tanners		Approx.			Approx.		Mortality
Fishery	Gear or Target	Total number impacted	Number MALES impacted	Ave. width (mm)	average age (years)	Discard mortality rate	Number killed	years to recruit (males)	in adult equivalents
Groundfish	Trawl	1,477,816	1,108,362	125	7	0.80	886,690	2	498,763
	Hook&line	5,943	4,457	130	7	0.45	2,006	2	1,128
	Pot	40,609	30,457	110	6	0.30	9,137	3	3,855
							<u>total</u>	<u>897,832</u>	<u>503,746</u>
Scallop	Dredge	36,000	18,000	100	6	0.40	7,200	3	3,038
Crab	Tanner crab harvest	0	0	150	9	1.00	0	0	0
	BB red king (bycatch)	64,800	58,400	130	7	0.08	4,672	2	2,628
	EBS Tanner (bycatch)	0	0	130	7	0.25	0	2	0
	EBS Snow (bycatch)	4,092,000	3,548,000	130	7	0.50	1,774,000	2	997,875
	Pribilof Hair (bycatch)	137,000	73,000	130	7	0.08	5,840	2	3,285
	Prib red/blue (bycatch)			130	7	0.08	0	2	0
							<u>total</u>	<u>1,784,512</u>	<u>1,003,788</u>
Totals							2,689,544	1,510,571	

		1994 female Tanners		Approx.			Approx.		
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number FEMALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to maturity fem.</u>	<u>Mortality in adult equivalents</u>
Groundfish	Trawl	2,496,761	624,190	85	5	0.80	499,352	1	374,514
	Hook&line	24,546	6,137	85	5	0.45	2,761	1	2,071
	Pot	23,675	5,919	85	5	0.30	1,776	1	1,332
							<u>total</u>	<u>503,889</u>	<u>377,917</u>
Scallop	Dredge	245,000	122,500	90	5	0.40	49,000	1	36,750
Crab	Tanner crab harvest	3,351,639	0	100	6	1.00	0	0	0
	BB red king (bycatch)	0	0	100	6	0.08	0	0	0
	EBS Tanner (bycatch)	9,582,400	3,643,300	100	6	0.25	910,825	0	910,825
	EBS Snow (bycatch)	9,211,500	2,292,900	100	6	0.50	1,146,450	0	1,146,450
	Pribilof Hair (bycatch)	209,300	143,800	100	6	0.08	11,504	0	11,504
	Prib red/blue (bycatch)			100	6	0.08	0	0	0
							<u>total</u>	<u>2,068,779</u>	<u>2,068,779</u>
Totals							2,621,668	2,483,446	

		1995 female Tanners		Approx.			Approx.		
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number FEMALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to maturity fem.</u>	<u>Mortality in adult equivalents</u>
Groundfish	Trawl	2,212,181	553,045	85	5	0.80	442,436	1	331,827
	Hook&line	24,636	6,159	85	5	0.45	2,772	1	2,079
	Pot	63,038	15,760	85	5	0.30	4,728	1	3,546
							<u>total</u>	<u>449,936</u>	<u>337,452</u>
Scallop	Dredge	0	0	90	5	0.40	0	1	0
Crab	Tanner crab harvest	1,877,303	0	100	6	1.00	0	0	0
	BB red king (bycatch)	0	0	100	6	0.08	0	0	0
	EBS Tanner (bycatch)	10,367,000	5,041,000	100	6	0.25	1,260,250	0	1,260,250
	EBS Snow (bycatch)	5,128,000	1,429,000	100	6	0.50	714,500	0	714,500
	Pribilof Hair (bycatch)	402,300	304,300	100	6	0.08	24,344	0	24,344
	Prib red/blue (bycatch)			100	6	0.08	0	0	0
							<u>total</u>	<u>1,999,094</u>	<u>1,999,094</u>
Totals							2,449,030	2,336,546	

		1996 female Tanners		Approx.			Approx.		
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number FEMALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to maturity fem.</u>	<u>Mortality in adult equivalents</u>
Groundfish	Trawl	1,836,031	459,008	85	5	0.80	367,206	1	275,405
	Hook&line	17,543	4,386	85	5	0.45	1,974	1	1,480
	Pot	262,016	65,504	85	5	0.30	19,651	1	14,738
							<u>total</u>	<u>388,831</u>	<u>291,623</u>
Scallop	Dredge	17,000	8,500	90	5	0.40	3,400	1	2,550
Crab	Tanner crab harvest	734,296	0	100	6	1.00	0	0	0
	BB red king (bycatch)	48,700	10,700	100	6	0.08	856	0	856
	EBS Tanner (bycatch)	1,115,300	345,000	100	6	0.25	86,250	0	86,250
	EBS Snow (bycatch)	3,204,000	765,000	100	6	0.50	382,500	0	382,500
	Pribilof Hair (bycatch)	220,000	125,000	100	6	0.08	10,000	0	10,000
	Prib red/blue (bycatch)			100	6	0.08	0	0	0
							<u>total</u>	<u>479,606</u>	<u>479,606</u>
Totals							871,837	773,779	

		1997 female Tanners		Approx.			Approx.		
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number FEMALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to maturity fem.</u>	<u>Mortality in adult equivalents</u>
Groundfish	Trawl	1,917,737	479,434	85	5	0.80	383,547	1	287,661
	Hook&line	11,442	2,861	85	5	0.45	1,287	1	965
	Pot	38,775	9,694	85	5	0.30	2,908	1	2,181
							<u>total</u>	<u>387,743</u>	<u>290,807</u>
Scallop	Dredge	28,000	14,000	90	5	0.40	5,600	1	4,200
Crab	Tanner crab harvest	734,296	0	100	6	1.00	0	0	0
	BB red king (bycatch)	258,700	8,900	100	6	0.08	712	0	712
	EBS Tanner (bycatch)	1,115,300	0	100	6	0.25	0	0	0
	EBS Snow (bycatch)	3,204,000	670,000	100	6	0.50	335,000	0	335,000
	Pribilof Hair (bycatch)	137,000	64,000	100	6	0.08	5,120	0	5,120
	Prib red/blue (bycatch)			100	6	0.08	0	0	0
							<u>total</u>	<u>340,832</u>	<u>340,832</u>
Totals							734,175	635,839	

		1998 female Tanners		Approx.			Approx.		
<u>Fishery</u>	<u>Gear or Target</u>	<u>Total number impacted</u>	<u>Number FEMALES impacted</u>	<u>Ave. width (mm)</u>	<u>average age (years)</u>	<u>Discard mortality rate</u>	<u>Number killed</u>	<u>years to maturity fem.</u>	<u>Mortality in adult equivalents</u>
Groundfish	Trawl	1,477,816	369,454	85	5	0.80	295,563	1	221,672
	Hook&line	5,943	1,486	85	5	0.45	669	1	501
	Pot	40,609	10,152	85	5	0.30	3,046	1	2,284
						<u>total</u>	<u>299,277</u>		<u>224,458</u>
Scallop	Dredge	36,000	18,000	90	5	0.40	7,200	1	5,400
Crab	Tanner crab harvest	na	na	100	6	1.00	0	0	0
	BB red king (bycatch)	64,800	6,400	100	6	0.08	512	0	512
	EBS Tanner (bycatch)	0	0	100	6	0.25	0	0	0
	EBS Snow (bycatch)	4,092,000	544,000	100	6	0.50	272,000	0	272,000
	Pribitof Hair (bycatch)	137,000	64,000	100	6	0.08	5,120	0	5,120
						Prib red/blue (bycatch)	0	0	0
						<u>total</u>	<u>277,632</u>		<u>277,632</u>
						Totals	584,109		507,490

GROUNDFISH FORUM, INC.

AGENDA D-2(b)
APRIL 1999
Supplemental

4215 21ST AVENUE W. SUITE #201
SEATTLE, WA 98199
(206) 301-9504 FAX (206) 301-9508

April 12, 1999

Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RECEIVED
APR 13 1999
N.P.F.M.C

Dear Chairman Lauber:

Please find attached the paper *Considerations for a rebuilding plan for C. Bairdi* by Groundfish Forum. This paper examines the possible causes for decline of the Tanner crab population and compares and contrasts various management options that have and have not been implemented in recent years to protect Tanner crab populations. As you will read, Groundfish Forum concludes that much of the focus has been placed on Tanner crab mortality in the trawl fisheries while the handling mortality of Tanner crab in other directed crab fisheries far exceeds the trawl mortality.

Groundfish Forum encourages the Council to consider our conclusions as it develops a rebuilding plan for Tanner crab and makes the following recommendations regarding the Tanner rebuilding plan alternatives and options:

1. The rebuilding plan should state that Tanner rebuilding is apparently dependent upon environmental factors and that conservative management of directed and bycatch mortality of Tanner crab may not guarantee Tanner rebuilding.
2. Harvest Strategy - The Council should endorse the new harvest strategy for Tanner as adopted by the Board of Fisheries (Option 2) and request that ADF&G evaluate, and the Board of Fisheries consider establishing concurrent fishing seasons as a way to minimize waste and discard of Tanner crabs (Option 3). The effects of handling mortality based on new scientific evidence should be factored into future harvest strategies.
3. Bycatch Controls - The Council should maintain existing Tanner crab bycatch control measures in all groundfish fisheries (Option 1). The existing regime of Tanner PSC limits (0.5% of abundance in Zone 1 and 1.2% in Zone 2) has resulted in an overall reduction in Tanner crab bycatch in the trawl fisheries, and there is no evidence that further reductions will result in a more robust Tanner rebuilding schedule.

To the extent that more extreme bycatch limitations are placed on the trawl fisheries, the Council should adopt a comprehensive strategy and request the Board of Fisheries and ADF&G to consider additional measures (such as bycatch caps, gear modifications and area closures) to reduce Tanner crab bycatch in directed crab fisheries (Option 3). As discussed in the attached paper, the Council can no longer overlook a source of crab bycatch mortality that is several

times that of the trawl fishery's. Any adjustments in the existing caps for the trawl sector should be predicated on the successful implementation of regulations for the crab fisheries that lower that sector's crab bycatch mortality to the same level as bycatch mortality from the trawl sector.

4. Habitat Protection – The Council should rename the Red King Crab Savings Area to “The Crab Savings Area” and the Nearshore Bristol Bay Trawl Closure Area to “The Bristol Bay Habitat conservation Area” (Option 2).

Groundfish Forum suggests this suite of options in an effort to help the Council draft a rebuilding plan that is as effective and as fair as possible. We trust that the Council will make its best efforts to achieve these goals.

Sincerely,



John Gauvin
Director

Considerations for a rebuilding plan for *C. bairdi*

By Groundfish Forum April 12, 1999

Introduction: The following is an attempt to evaluate existing information on factors that may explain the decline of bairdi. This paper reflects Groundfish Forum's attempt to weigh available evidence and is intended to reflect our perspective and opinion, not those of any agency or competing fishing interest group, and has been written to aid the Council in rational decision-making.

Overfished Status and Rebuilding

The population of *Chionectes bairdi*, commonly called "bairdi" or "bairdi tanner crab", has been declining for the last six years. With the decline in the stock, landings have also been reduced from 16.9 million pounds in 1993, dropping steadily to 1.8 million pounds in 1996, and since 1997, directed fishing for bairdi has not been allowed. The resource is currently in "overfished" status. The definition of "overfished", as modified by the last reauthorization of the Magnuson/Stevens Act, is a stock size below a threshold level or alternatively, a rate of fishing where the stock is expected to fall below a threshold population size. Ironically, the new Magnuson/Stevens Act guidelines dictate that a stock shall be declared "overfished" whether the decline is actually caused by catching too much or because environmental conditions were not favorable for successful reproduction and recruitment.

When a stock is declared overfished, the Council, ADF&G, and Alaska Board of Fish are charged with putting together a rebuilding plan to recover the stock to a level above the overfishing threshold within 10 years. In some cases, a period of longer than 10 years can be approved in a rebuilding plan and reasons for granting a longer duration are the life history of the species and can be modified for economic/social considerations.

Evaluating potential causes for decline of bairdi and considerations for rebuilding

There are several potential causes for the decline of the bairdi stock. In his reports to the NPFMC's Crab Plan Team, Dr. Bob Otto, the lead crab biologist for NMFS, has consistently affirmed that he believes the decline is mainly attributable to environmental conditions that have not allowed successful reproduction and recruitment to the adult stock. Other biologists have suggested that harvest of a large proportion of sexually mature male crabs in past crab fisheries may explain the decline. Another view is that bycatch in directed crab fisheries has thwarted recovery, even since directed fishing for bairdi has been stopped. Still others feel the bycatch in the groundfish fishery is a factor contributing to depressed bairdi stocks. Some holding this latter view believe bycatch mortality in the groundfish fishery is underestimated or that fishing gear, particularly trawls and scallop dredges, may have affected habitat for bairdi. Each of these potential causes will be evaluated in turn, based on what we feel is the weight of available evidence.

Environmental conditions as explanation for the decline

Sea temperature and other environmental data associated with "El Nino" events, climate shift patterns occurring over decades, and other climate change phenomena have recently

been examined to see if those factors can explain trends in bairdi abundance. Several of these studies have, in fact, shown some statistically significant patterns and trends in the abundance of bairdi and other North Pacific crab species. The underlying issue affecting the relevance of these studies is whether there is evidence that these abundance patterns have occurred prior to recent levels of exploitation from crab and groundfish fishing. Unfortunately, there is only scant fishery, anthropological or geological sediment core data available to evaluate this question.

A recent report by two University of Alaska researchers (Tyler and Rosenkranz, 1998) is a key piece of evidence supporting the hypothesis that declining bairdi population trends are attributable to a suite of years with unfavorable environmental conditions. This paper evaluates several potential causes for trends in the stock. A "time series" model covering years when the bairdi stock has fluctuated from high to low levels is used for the study. The factors examined in their work included sea floor temperatures; the relationship between wind directions after spawning and food abundance for larval crab; predation on larva and juveniles by groundfish and salmon; and the effects of directed fishing and bycatch. Of the factors considered, the ones that were shown to be statistically significant for explaining trends in bairdi population were: 1) trends in wind direction affecting placement of larva into areas where food was available; 2) sea floor temperature affecting food and survival; and 3) harvest levels in the directed crab fisheries. The researchers dismissed number 3 above due to statistical correlation issues associated with separating directed harvest levels from population trends. Also, researchers concluded that bycatch data for the groundfish fisheries could not be factored into the analysis due to data compatibility constraints.

Excessive harvest in past directed crab fisheries as a factor explaining the decline

The Alaska Department of Fish and Game and the Alaska Board of Fish share responsibility for setting directed fishing levels for bairdi. These fishing constraints are termed "guideline harvest levels" for the crab fishery and are somewhat different from the total allowable catch (TACs) limits established for groundfish. In a review of its management of the crab fisheries, ADF&G recently evaluated exploitation rate strategies for red king crab management. This review spurred the Alaska Board of Fish decision to reduce exploitation rates for king crab in 1997. The results of the review reflected new information from retrospective studies on the high proportion of the adult male population that has been harvested in past fisheries, the potential for handling mortality in crab fisheries on female and sub-legal male crabs, and a general recognition of risk associated with high levels of fishing mortality.

For bairdi, harvest policy has not yet come under the comprehensive review such as has occurred for red king crab. The current official exploitation goal is "a harvest level not to exceed 40% of mature males annually" (NPFMC, 1998a). Table 1. below evaluates estimated abundance of large male bairdi in comparison to corresponding guideline harvest limits. Annual catch in the directed fisheries is also reported in Table 1. The survey index for abundance assumes that not all mature males are counted in the survey (NPFMC, 1997). Note also that catch can exceed or undershoot guideline harvest due presumably to the imprecision of in-season management as well as deliberate allowance

of overages in some years. In the case of the latter, managers deliberately allowed overages under the supposition that catch rates in the fishery were indicative of an underestimate of population size from the survey. This is one of the principle differences between TACs set for groundfish in the North Pacific and harvest guidelines.

Table 1. Abundance of legal males (millions of crab ≥ 5.5 " from NMFS trawl survey), pre-season guideline harvest levels (millions of pounds), and total catches (millions of pounds, including deadloss) of Bering Sea Tanner crab (*C. bairdi*), 1980-1998.

<u>Year</u>	<u>Abundance</u>	<u>GHL</u>	<u>Catch</u>
1980	31.0	28-36	36.6
1981	14.0	28-36	29.6
1982	10.1	12-16	11.0
1983	6.7	5.6	5.3
1984	5.8	7.1	1.2
1985	4.4	3.0	3.1
1986	3.1	0	0
1987	5.9	0	0
1988	14.3	5.6	2.2
1989	33.6	13.5	7.0
1990	45.1	72.3	64.6
1991	35.1	32.8	31.8
1992	41.8	39.2	35.1
1993	20.6	19.8	16.9
1994	15.4	7.5	7.8
1995	10.0	5.5	4.2
1996	9.2	6.2	1.8
1997	3.4	0	0
1998	2.2	0	0

Note: abundance through 1988 included Pribilof

Table 1. compares abundance to guideline harvest rates and actual catch from 1980 to 1998. When an average weight of 2.5 pounds per animal is used to evaluate the proportion of the estimated legal-size male abundance that was harvested, it is clear that the actual harvest rate has exceeded the target 40% in 10 of the years listed in the table, with actual harvest rates in some years as high as 50-55%. A recent ADF&G report entitled "Overview of population dynamics and recommended harvest strategy for tanner crabs in the eastern Bering Sea" (Zheng and Kruse, 1999,) acknowledged the higher than intended harvest rates and recommended a new lower harvest strategy that factored in the relationship between shell condition and productivity levels for bairdi. In its conclusions, the paper summarized: "Although the current harvest strategy is a constant legal harvest rate of 40% legal harvest rates actually implemented

during the last 24 year period were quite different from this level and varied greatly over the time. Realized legal harvest rates were higher than 40% from 1997 to 1981 and from 1989 to 1992 and much lower from 1983 to 1988 and from 1994 to 1998" (Zheng and Kruse, 1999). Little is known for sure regarding the sustainability of different harvest rate strategies for bairdi or other crab species of the North Pacific. Using groundfish exploitation rates as a reference point, however, crab harvest rates appear high but life history factors may justify this difference. The "roller coaster" trends in stock abundance in the Bering Sea over the period of record could well be explained by environmental or factors other than exploitation rates, although a consideration may be that high exploitation rates make a crab stock more vulnerable to collapse during periods of poor environmental conditions.

Crab bycatch in directed crab fisheries as an explanation of the decline

Although there has not been a directed fishery for bairdi since 1997, bairdi are taken as bycatch in the king and *C. opilio* crab fisheries. Table 2. (below) evaluates bycatch of bairdi in the major crab and groundfish fisheries from 1994 to 1997. **For all years, the**

largest source of bycatch has been the directed crab fisheries. Bycatch in the directed crab fisheries includes discard of sub-legal male and female bairdi in the bairdi fishery (in years it was open) as well as bycatches of bairdi in the red king crab and opilio fisheries.

Until recently, little attention has been paid to the relative magnitude of bairdi bycatch in directed crab fisheries. The lack of concern probably occurred because handling mortality was assumed to be only 8%, based on the findings of one study that did not incorporate the effects of cold temperatures and wind chill on crabs held out of the water. The two crab fisheries with the largest bycatch of bairdi, the opilio and red king crab fisheries, take place in the winter and fall. Timing for these seasons is based on a period when crab have a high probability of having hard shells and high meat to weight ratios.

A recent study conducted under an ADF&G contract evaluated the effect of cold in combination with wind on bairdi (Shirley, 1998). In the study, female and sub-legal bairdi were exposed to various wind and temperature combinations for five minutes to simulate conditions in the fishery. Exposed crabs (and additional crabs

Table 2: Bycatch of Bering Sea Tanner crab (*C. bairdi*), by gear. (94-98)

Fishery	Directed Crab Fisheries ^A	Trawl	Fixed	Scallop
1994	19,003,200	2,496,761	48,221	245,000
1995	15,897,300	2,212,181	87,674	0
1996	4,588,000	1,836,031	279,560	17,000
1997	4,865,900	1,917,736	50,218	28,000
1998	4,293,800	1,477,816	45,552	36,000

^A Includes discards of legal size, sub-legal, and female bairdi in red king crab, bairdi and opilio fisheries.

- Notes:** 1) Source: ADF&G Observer Program data.
 2) The red king crab fishery was closed 1994-95
 3) The *C. bairdi* fishery was closed in 1997

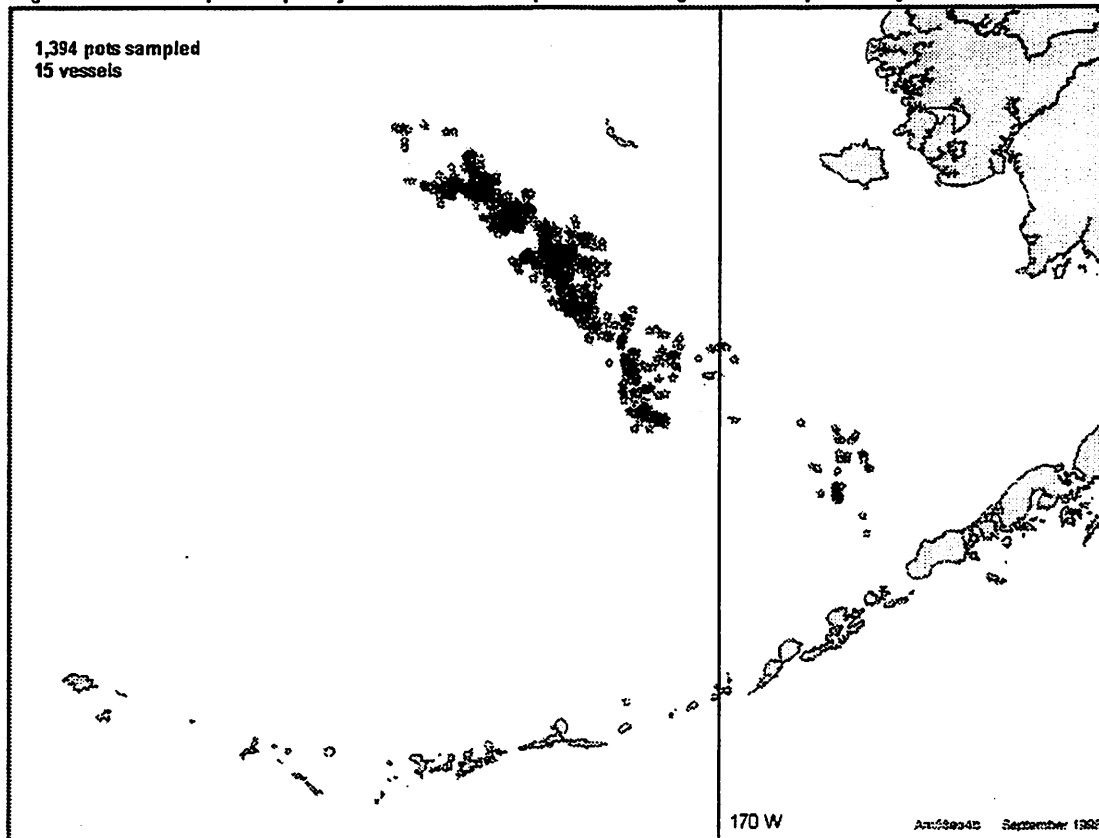
used as a control group) were then held in tanks for over a week to measure the instantaneous and delayed mortality effects of wind chill exposure. Female and sub-legal males are thought to be more susceptible to effects of wind chill due to their smaller body size. The findings of the studies suggest that mortality may be as high as 80 to 100% for exposures to wind chill conditions that occur commonly in the red king crab and especially the opilio fishery. The study concluded:

The effects of wind chill on sub-legal Tanner crabs is dramatic, and undoubtedly results in decreased recruitment to adult stocks. Management steps should be taken to restrict exposure of discarded crabs to debilitating windchill by regulating aerial exposure (sorting within water tables) or by regulating fishing effort during periods of extreme windchill. (Shirley, 1998)

With this new information on the potential effects of wind chill on bairdi, Groundfish Forum believes the implication of the magnitude of bycatch from the red king and opilio fisheries should be re-examined. An estimated mortality rate for bairdi bycaught in the opilio and red king crab fisheries should be formulated based on the proportion of the number of days that wind chill levels have exceeded critical levels in previous fishing seasons. In this way, the effects of past (and future) crab fisheries on bairdi might be known. This retrospective look may determine that these effects are greater than previously assumed.

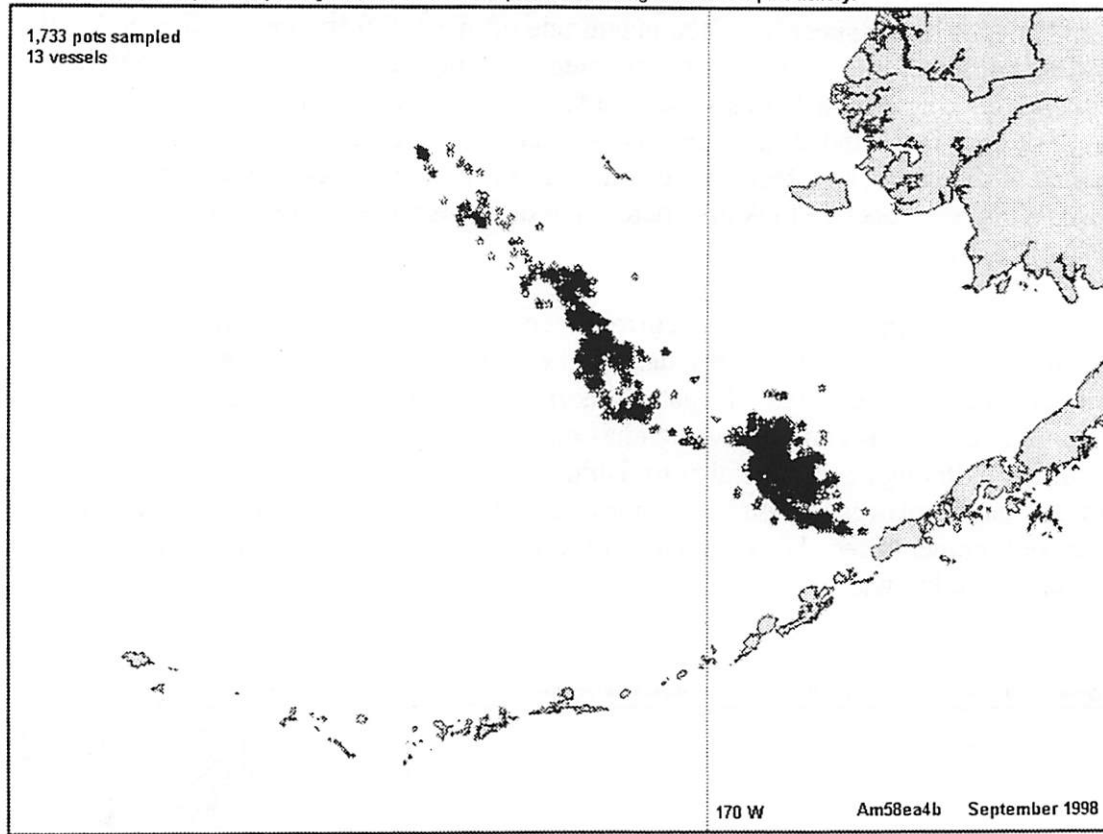
Crab management in the Bering Sea currently does not restrict fishing when temperatures and wind chill exceed certain levels, despite the likely mortality on undersized and female crabs taken as bycatch. To date authority restricting crab fishing when cold and wind chill exact a heavy toll on bycatch has only been established for crab fishing in Cook Inlet. Although commercial crab fishing has not occurred in Cook Inlet for several years, current regulations retain the authority to close the fishery to prevent crab mortality due to cold temperatures. Whether such authority has ever been invoked in the past, however, is not known.

Figure 1. Location of pots sampled by observers on catcherprocessors during the 1996 *C. opilio* fishery.



Source: EARIR/IRFA of a proposal to minimize Chinook salmon bycatch in groundfish trawl fisheries of the Bering Sea and Aleutian Islands. NPFMC 1998b

Figure 2. Location of pots sampled by observers on catcher-processors during the 1997 *C. opilio* fishery.



Source: EARIR/IRFA of a proposal to minimize Chinook salmon bycatch in groundfish trawl fisheries of the Bering Sea and Aleutian Islands. NPFMC 1998b

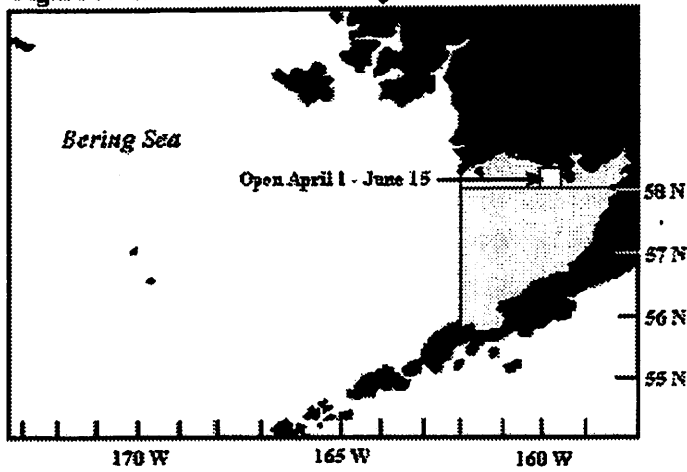
According to the latest assessment of the status of *bairdi*, the Pribilof sub-stock is further below the overfishing threshold than the Bristol Bay sub-stock. In light of the fact that new evidence has pointed out that crab fisheries may have a greater impact on *bairdi* than was previously thought, the more depressed status of Pribilof *bairdi* is particularly troubling for rebuilding the stock. This is because there is also new evidence that the *opilio* fishery has been fishing to an increasing extent in an area where Pribilof *bairdi* are likely to be found. The observed positions of gear sets made by crab catcher processors fishing *opilio* are shown in Figures 1 and 2. These figures demonstrate the increasing use of area adjacent to the Pribilof Islands by the *opilio* fishery over the 1996-1997 time period, the most recent data available from ADF&G. In light of the more acute concern for *bairdi* in the Pribilofs, the need to reevaluate the effects of bycatch of *bairdi* in directed crab fisheries appears compelling.

Past efforts to reduce bycatch of undersize crab, females, and non-target species in the different crab fisheries have focused mainly on the following: 1) allowance of retention of legal *bairdi* bycaught in the red king crab fishery when the *bairdi* stock is above the over-fishing threshold; 2) limitations on the number of pots allowed per vessel; 3) escape rings and minimum mesh size for pots to allow escapement of female and sub-legal males.

Ironically, some participants in the crab fisheries have reported that the limits on the number of pots allowed per vessel may have actually thwarted the ability of the large

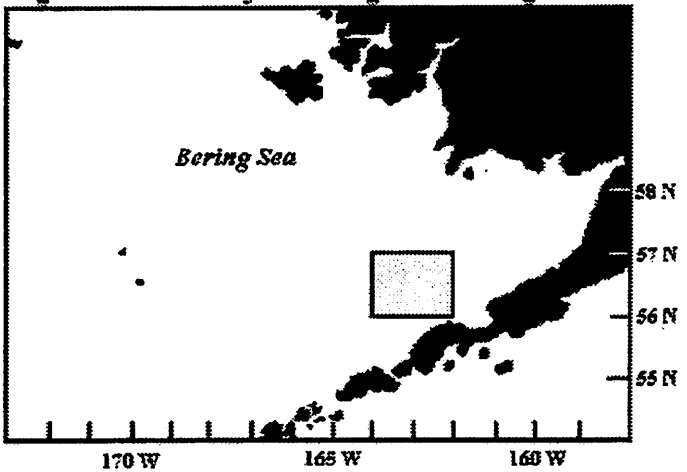
mesh panel requirements to release non-target crabs. Reportedly, the intensified pace at which a smaller number of pots are fished, under a race for fish, means that soak time for pots is shorter than before. Because of this, pots are likely to be pulled before the bait is exhausted and therefore escapement of female and undersized crabs via the large mesh panels is diminished.

Figure 3. Nearshore Bristol Bay Closure Area



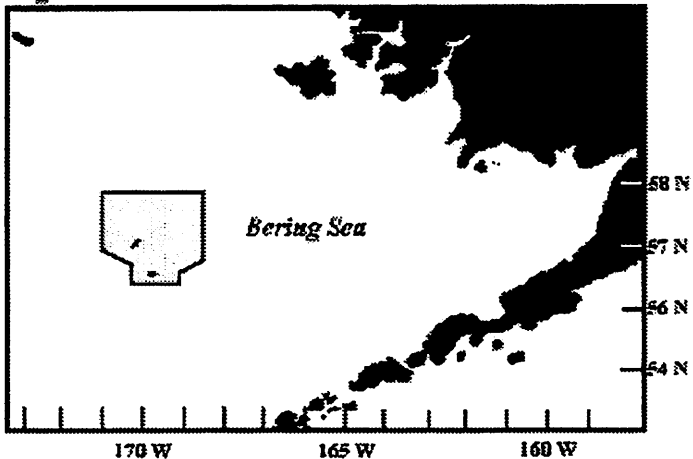
Source: NPFMC 1996

Figure 4. Bristol Bay Red King Crab Savings Area



Source: NPFMC 1996

Figure 5. Pribilof Islands Habitat Conservation Area



Source: NPFMC 1996

Bycatch of bairdi in the groundfish fisheries

The number of bairdi taken in groundfish fisheries including longline gear and trawls is also reported in the Table 2. Trawl gear accounts for the second largest number of bairdi taken in non-target fishing, amounting to roughly 15 to 45% percent of the number taken as bycatch in directed crab fisheries. The assumed mortality for trawl gear bycatch is 80%, based on a study conducted in the early 1990s.

Several management measures to reduce trawl bycatch of bairdi were put in place over the last three to four years. In 1996, the North Pacific Council approved Amendment 41 to the groundfish management plan that instituted an abundance-based bycatch cap for bairdi taken in the trawl fisheries. Prior to the cap modification, the cap for Zone 1 was fixed at 1 million animals and Zone 2 had a cap of 3 million animals. The new "floating cap" (actually it has proven to be a sinking cap), implemented in 1997, brought about a reduction in the Zone 1 cap to 750,000 animals and reduced the Zone 2 cap to 2.1 million. Since then, with amendments to eliminate bottom trawling for pollock and further

adjustments of the abundance-based cap, the cap has been reduced by another 20,000 animals in Zone 1 and 255,000 animals in Zone 2. The current bycatch caps for the trawl fisheries are designed to allow the groundfish fishery to harvest no more than approximately 0.5% (one-half of one percent) of the Zone 1 estimated bairdi population and 1.2% of the estimated Zone 2 population.

In addition to the cap reductions implemented on the trawl fishery to reduce bairdi bycatch, during the same period of time the Council approved three areas where trawling is prohibited to protect juvenile red king crab and bairdi habitat (Figures 3-5). Bottom trawling was prohibited in the Bristol Bay Nearshore trawl closure area (20,000 square miles) and the Red King Crab Savings Area (4,000 square miles). Prior to these area closures, the Council approved the Pribilof habitat protection area (7,000 square miles) in 1994. The Pribilof trawl closure area probably encompasses most of the shallow shelf area surrounding the Pribilof Islands and likely provides significant protection from trawl effects for the depressed Pribilof bairdi sub-stock.

Additional efforts to protect bairdi stocks have resulted from voluntary efforts to reduce bycatch by the trawl fleet. The flatfish industry has successfully used its Sea State bycatch avoidance program since 1995 to avoid hot spot areas for red king crab and other crab bycatch. Vessels in the program agree to have their bycatch rates and fishing positions released to the fleet so that, on a daily basis, each vessel receives a chart showing all participants' positions and their crab and halibut bycatch rates. This system has proven effective at moving the fleet away from areas where king crab are dense.

Bairdi bycatch has, however, proven more difficult to avoid because they tend to be distributed fairly evenly across sand bottom areas. This pattern of distribution has not often presented an opportunity for successful avoidance through identification of an area, fishing depth, or bottom contour line where rates are significantly higher. Despite its apparent lack of ability to consistently identify hot spots for bairdi, Sea State has been effective at identifying vessels which are catching too many bairdi. Usually the cause is traced to an excessive towing speed or the need to curtail nighttime fishing in some areas.

Evaluation of the potential for additional restrictions on the trawl fleet to affect the recovery of bairdi stocks

Over the last five years, the Council has implemented several measures to protect the bairdi stock from potential effects of groundfish trawl fisheries. These measures range from instituting bycatch caps indexed to small fractions of the bairdi population (0.5% for Zone 1 and 1.2% for Zone 2), further reductions in bycatch caps associated with the prohibition on bottom trawling for pollock, and extensive no trawl zones in the Bering Sea (31,000 square miles, not counting sea lion rookeries) offering protection to bairdi and other crab species. In addition, industry avoidance programs have been instituted to attempt to avoid bairdi bycatch hotspots and to identify vessels with high bycatch rates. Despite these extensive measures, the recent bairdi decline has not been stemmed in any way.

Some participants in crab fisheries are apparently interested in consideration of additional trawl closure areas. The trawl industry's opposition to this proposal stems from several factors. First, The North Pacific Council recently estimated that approximately 86,000 square miles total are already closed to trawling on an annual basis in the BS/AI and GOA. New areas have been routinely closed over the years and yet there has never been any scientific proof or justification of the effectiveness of these closures for crab protection or any other purpose. Nonetheless, we generally support the continuance of most existing closures because they do serve as sanctuaries from some fishing gear effects. Complete attainment of sanctuary protection, however, would require a modification to include all fishing gears, which we feel should receive serious consideration.

In addition, it is often neglected that the trawl fleet supported some of the existing closures because there was evidence that they protected sensitive crab habitats (Bristol Bay Nearshore closure area and Pribilof Habitat closure). The trawl fleet also eventually came to recognize that closures were appropriate in areas where prohibited species bycatch rates were so high that fishing there essentially resulted in premature closures of trawl fisheries due to early attainment of PSC caps. This was the case for the Bristol Bay Red King Crab Savings Area, north of 56 degrees 10 minutes North.

Although some will always want to create new closed areas, it seems there is little justification for additional trawl closures in response to the bairdi situation because such a large proportion of potentially viable fishing grounds are already closed. While reviewing habitat closures as part of a rebuilding plan for bairdi, the Council's Crab Plan Team last December tasked ADF&G analysts to review groundfish observer data to see if there were any areas where the trawl fleet had excessive bycatch rates for bairdi. A summary of this analysis was presented to the North Pacific Council in February, 1999. Bycatch rates for all the statistical areas where bairdi bycatch occurs were reviewed (by year and by quarter) for data covering the last four years to see if a pattern emerged. No pattern or specific area emerged as an area which has repeatedly had high bairdi rates per ton of groundfish catch.

What this analysis did point out, however, was that there were several statistical blocks which accounted for a large proportion of bairdi bycatch but these areas also had the same or proportionally more groundfish catch. This indicates that more fishing occurs there than in other areas. In fact, the "area by area" analysis showed that shifting fishing from where it currently occurs would probably result in an increase in bairdi bycatch because areas with proportionally less fishing had generally higher bairdi bycatch rates. This result was anticipated by the trawl fleet because over the last four years the Sea State program has prodded fishermen toward areas with lower bycatch rates.

At the December Crab Plan Team meeting, several crab biologists who work on bairdi pointed out that habitat for bairdi consists mainly of firm sand and mud substrates which are commonly found on much of the Bering Sea shelf in waters shallower than 50 fathoms. This information is important for several reasons. First of all, unlike red king crab which tend to associate with cobble areas as juveniles, bairdi apparently burrow into

sand and mud substrates with little or no vertical relief. This is important in the consideration of trawl protection areas because there are thousands of square miles of such habitat in existing closed areas.

Regarding the assumption that trawling, or any fishing gear, negatively affects habitat used by bairdi, the majority of gear impact studies involving *in situ* observations evaluating firm sand and mud areas have concluded that such substrates are not particularly sensitive to trawl impacts. Researchers speculate that organisms found such areas are adapted to a high level of impacts that frequently occur in depths less than 50 fathoms as a result of natural forces associated with storms, ice edges, strong tidal currents, etc.

In fact, gear impact studies on shallow sand and mud bottoms have failed to find negative impacts even at medium to high intensity of trawling such as occurs in European Community fisheries and fisheries of the North Sea. We would expect that the intensity of trawling in the flatfish fisheries of the Bering Sea is far lower than those studied in other areas due to a long list of management constraints affecting Bering Sea fisheries.

When reviewing existing management actions and the steps that have already been taken to protect bairdi from trawl fisheries, there does not seem to be a high probability that additional restrictions or lower bycatch caps would significantly increase the potential for recovery. One reason for this conclusion is that the groundfish fisheries affect only a small fraction of the bairdi stock (0.5% in Zone 1 and 1.2% in Zone 2) and even if its effects were reduced further, there is little or no chance that this would spur recovery.

Most managers publicly recognize that additional restrictions on groundfish fisheries will not bring about recovery, but some still argue that restrictions are necessary as a matter of equity when directed fishing for bairdi has been curtailed due to the low abundance level of the stock. This argument also prevailed during the development of measures to protect red king crab and Groundfish Forum agrees that there is some merit to the argument. Our concern at this point, however, is that the "fairness" doctrine is largely being applied selectively. Measures similar to those applied to the trawl fishery should be implemented for the crab fisheries with higher levels of bairdi bycatch.

Potential for additional restrictions on crab fisheries to bring about rebuilding of bairdi stocks

The fact that managers have not allowed a directed fishery for bairdi is, of course, one important step to protect bairdi stocks. Yet data show that without a directed fishery, the opilio and red king crab fisheries are responsible for approximately three to five times more bairdi bycatch than the total taken in groundfish fisheries (Table 2).

This is not, by itself, necessarily problematic to bairdi stocks if the assumption made by the existing bycatch management structure for these fisheries is correct and the opilio and red king crab fisheries have low handling mortality on bairdi. Because these fisheries take place at a time of year when temperatures and wind conditions are consistent with

wind chill that can cause high mortality, it is reasonable to assume that mortality could be as high as 80 or even 100%.

In 1997, the latest year for which an estimate of crab fishery bycatch of bairdi is available, the population of bairdi which include large males, sub-adult males, and females as measured by the assessment, was estimated to be 159 million animals. The estimated number of animals taken as bycatch in crab fisheries that year is 4.7 million (Table 2). Even if we assume 100% mortality for bairdi bycatch in crab fisheries, this translates into only roughly 2.9% of the population. When mortality from the groundfish fishery is added to this, the overall percentage of the population impacted is roughly 4%. Although the natural reaction when a stock is in overfished status is to attempt to minimize mortality to the greatest extent possible, there is probably little biological justification for this because affecting 4% of the population in a given year probably cannot explain the decline in the bairdi stock.

Though the decline is probably not explained by bycatch in the crab fisheries, even with the new evidence on wind chill, an argument can be made to place additional restrictions on the crab fisheries out of the same "equity" doctrine approach that was used to justify restrictions for the trawl fisheries.

The argument for such measures is as follows: The best available data shows that crab fisheries are the largest source of bairdi bycatch. It appears obvious to us that managers should consider moving the opilio and possibly the red king crab fishing seasons to warmer weather months. If this is not feasible due to economic factors affecting meat yield and shell conditions, then the establishment of bycatch caps for some crab fisheries should be considered. In addition, consideration of area closures for crab fisheries should be made if ADF&G's analysis shows that some areas have high rates of bairdi bycatch. These steps may not bring about recovery, but, it would at least establish the same degree of diligence for reducing potential impacts as have been inflicted on trawl fisheries.

Some in the crab industry argue that the use of crab catcher processor observer data to characterize the overall fleet is incorrect. If the data do not reflect the catch of a large portion of the crab vessels, then the fishery is not well managed and things may be worse than we think they are. If the non-catcher processor portion of the crab fleet feels the data are not correct, then they should have been flagging this problem before the bairdi decline started. Further, the non-catcher processor fishermen should be willing to take the observer coverage so that accurate data are available for conservative management of their fishery. Yet we have learned recently that they are resistant to the observer coverage proposal.

Conclusion

The weight of evidence does not point to trawl or directed crab fishery bycatch as the factor that explains the decline in bairdi. The most plausible explanation is probably environmental conditions that do not favor successful reproduction and recruitment, although this explanation is simply the most plausible one because there is little evidence

to support alternative explanations. The environmental conditions explanation is somewhat unsatisfying, however, because opilio stocks have flourished during the same time period as the bairdi decline and red king crab appears to be rebuilding currently. Can environmental conditions that allow those other stocks to flourish and recover be so unfavorable to bairdi?

The answer to the riddle of bairdi decline may not be attainable given how little is understood about the link between bottom temperatures, cycles in food availability for juvenile and adult crab and the complexity of winds and current conditions. Add to this that the trends in bairdi may be related to actual competition from the opilio stock because there is evidence that opilio have moved further east than their recent historical range and a significant portion of the stock appears to be located right on top of the Pribilof bairdi sub-stock. Bairdi and opilio are also capable of interbreeding that results in infertile offspring.

Regardless, from our perspective, the measures in place to reduce potential impacts from the trawl fishery far exceed those in place for the crab fisheries, even recognizing that managers have not allowed a directed bairdi fishery for several years. Because the opilio and red king crab fisheries combined are by far the largest source of bairdi bycatch mortality, steps should be taken so that those fisheries share the pain of bairdi protection to the same degree that has occurred for the trawl fisheries. Crab fishermen are the ones that will benefit directly from rebuilding because they are allowed to harvest and retain bairdi, and yet the current state of overfished status affects both groundfish and crab fisheries.

Moving back to the question of identifying the causes of bairdi decline, we believe the most valuable information for understanding the bairdi decline would be some objective means of answering the question of whether bairdi abundance has always been cyclical in the Bering Sea. If something in the sediment record or anthropological record could shed light on this question, then a great deal could be learned about fishing as a potential contributor to bairdi trends. If bairdi have occasionally declined to the levels seen today prior to the advent of fishing, then it might truly be worthwhile to reexamine the use of the term "overfishing" to describe periods of low population levels for bairdi.

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April 8, 1999

RECEIVED

APR 14 1999

N.P.F.M.C

Mr. Rick Lauber
Chairman
North Pacific Fishery Management Council
605 W. 4th Ave., Suite 306
Anchorage, AK 99501-2252

Dear Chairman Lauber:

I am writing this letter as a concerned citizen and not a representative of any group. My concern is with your agenda item (D-2) Crab Management and the options currently under consideration for crab management.

I submit to you a copy from the Alaska Weather Service of one of the lowest lows recorded in the Bering Sea and Aleutians and the resulting weather pattern. A second page shows the wave action resulting from this weather system. This all occurred days after the tanner crab fishery came to a close for this year. This happened at a time when vessels were picking up gear and usually had crab on board. Weather patterns like this can be disastrous. I believe, after looking at these weather print-outs, that they help focus attention to the risks of the derby crab seasons and Olympic-managed fisheries in general.

There were two crab vessels that went down this year and at least eight lives lost during the tanner crab season. I am unaware how many SARs (search and rescue) requests were received by the Coast Guard during the Olympic tanner season, but I can imagine it was many. I don't know how many friends must be lost or injured before the Council does something that addresses the race for fish. I remember when five (5) Alaskan lives were lost in the 1992 halibut derbies. (See Article). The fatalities were referred to often as justification by the Alaskan Council members in support for the current IFQ program.

I request that you and the Council set up an Ad Hoc Crab IFQ Committee, the purpose of which would be to design an IFQ program for the Bering Sea and Aleutian crab seasons. The Magnuson-Stevens Act outlines all that needs to be discussed.

Should anyone have any questions as to my motives, I will only refer them to the recent lives lost this season in the tanner crab season, and Mrs. Soilieu's letter sent to me when I was on the North Pacific Council at a time when I was contemplating what to do about halibut and

Mr. Rick Lauber
April 8, 1999
Page 2

blackcod. If I ever question myself for supporting the current IFQ program, all I have to do is look at her letter and the Coast Guard reports that show a significant drop in SARs.

Sincerely,

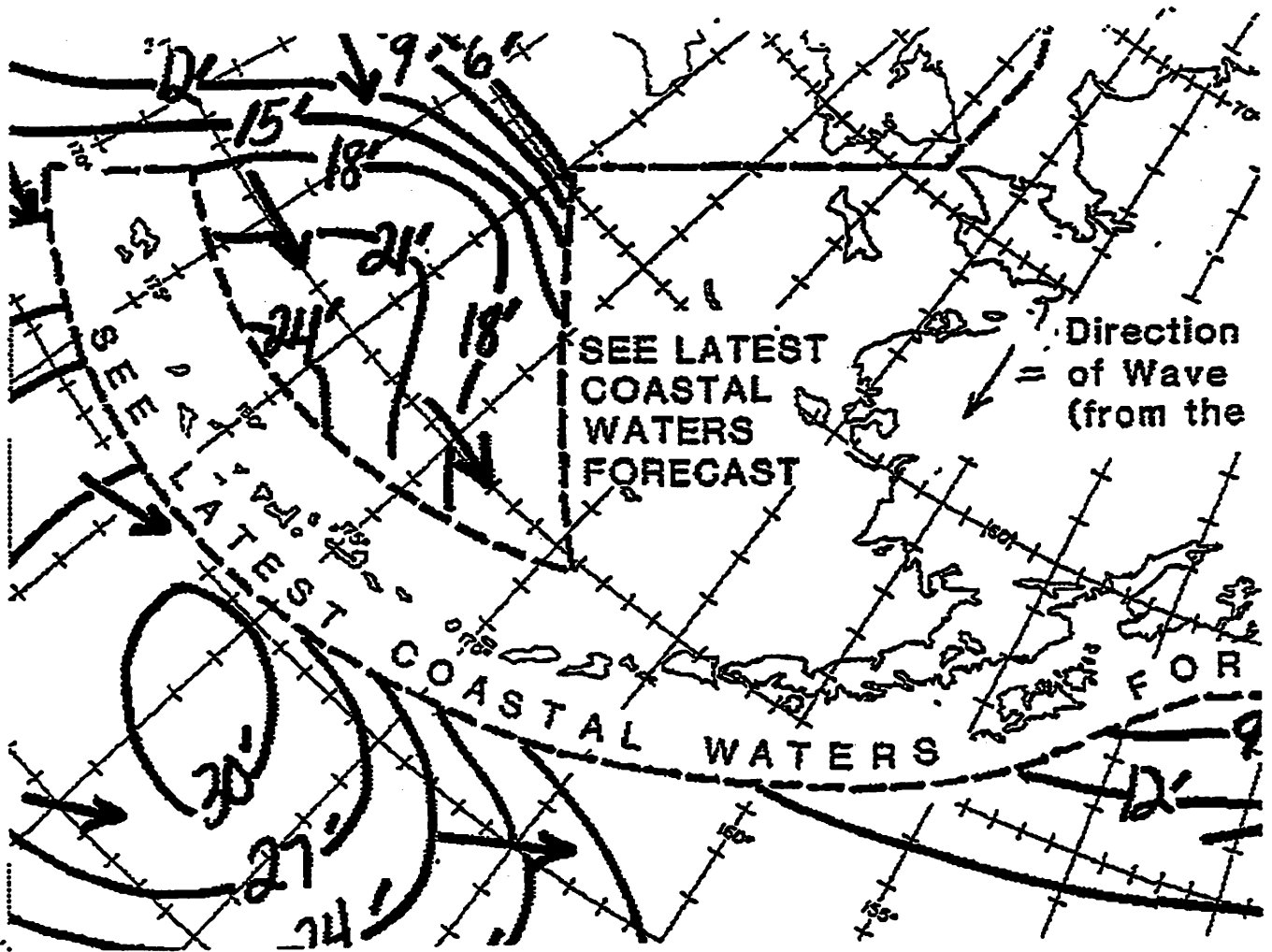


Robert D. Alverson

RDA:cb

Enclosures

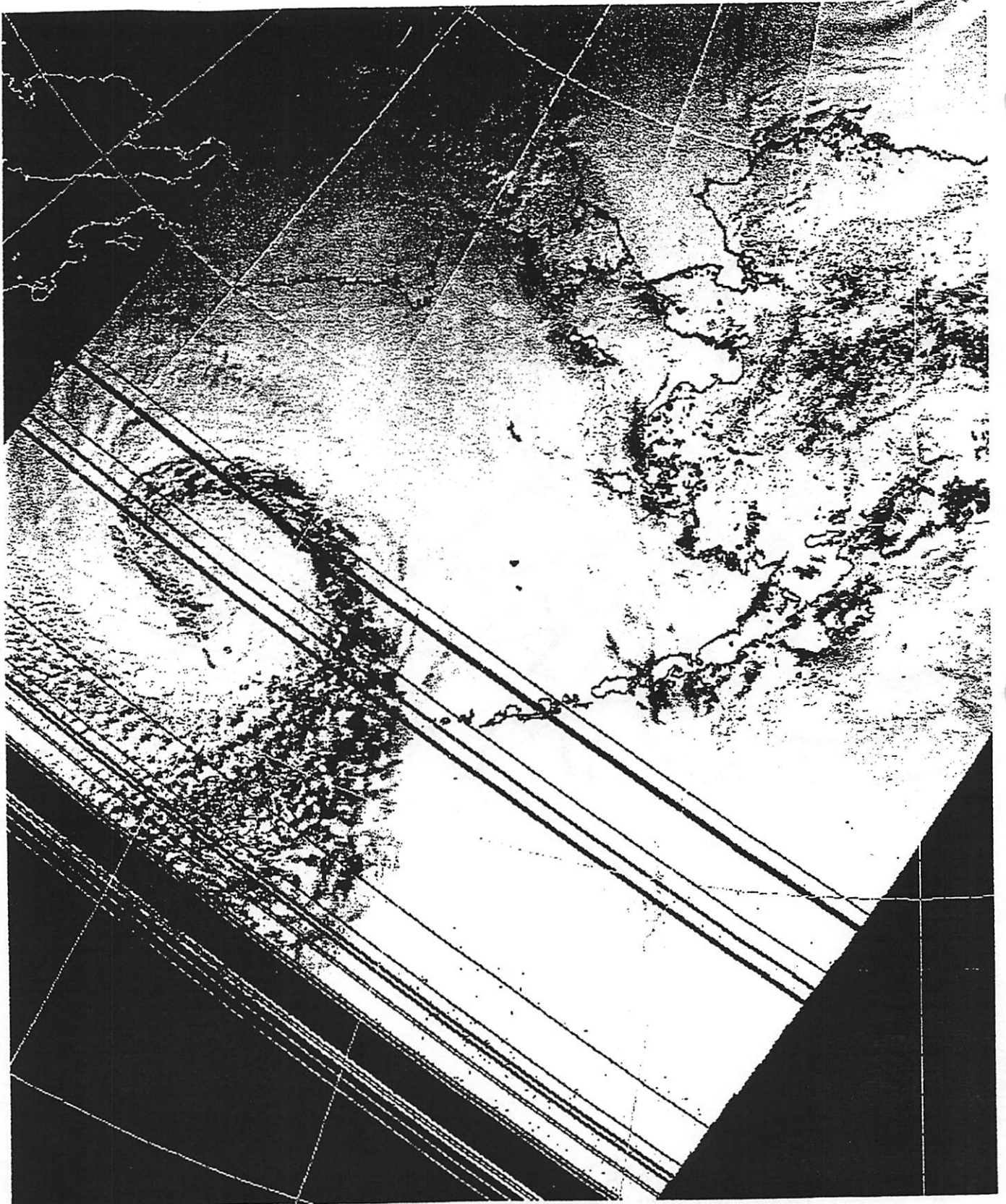
R. Alverson
20924 33rd PR. SE.
Bothell WA. 98021



This graphic is updated daily by 6 AM.

[Home Page | Marine Forecast Top Page |

Please direct questions and comments about the Web to
nwsfoanc@alaska.net



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Three men die when fishing boat sinks off Alaska

SITKA (UPD) — Three men died in cold rough waters off Sitka, Alaska, early yesterday after their 58-foot fishing vessel hit a rock and sank.

The three who died were: Charles J. Perlin, 31, Sitka, Skipper Wilbur Olin, 55, Sitka, and Wallace McLaughlin, 23, Seattle.

Three other men on board, the Sitka-based Aloha swam to shore and were picked up by a Coast Guard helicopter just after dawn.

"I woke up down below, the jar of the impact woke me up," said Stephen Freeman, 28, Sitka, who was under observation at the Mount Edgumbe

Public Service Hospital in Sitka.

He and fellow crewmen Edward Mertz and David A. Coleman, both 30, swam through pounding seas and rocks to shore, only several yards from where the boat ran aground and sank.

The three survivors were flown via helicopter to two Sitka hospitals after spending the night huddled together on the beach.

Freeman and four other men were asleep when the boat hit the rock about 15 miles south of Sitka. One man was on wheel watch.

"Water was pouring in from the

bow," said Freeman. "All of us had time to put on our survival suits. All started swimming for shore. Three of us made it and three didn't."

"The seas were extremely rough," said Alaska State Trooper Chuck Lewis. "All three who were deceased suffered some sort of facial trauma. They possibly could have died after striking the rocks because of heavy wave action."

Freeman said he thinks "human error" is the reason for the mishap.

"One man on wheel watch messes up," he said. "He shouldn't have been anywhere near where he was. He must have fallen asleep. But I guess we'll never know."

Freeman refused to identify the man, who was one of the three who died.

Lewis did not know who was on wheel watch.

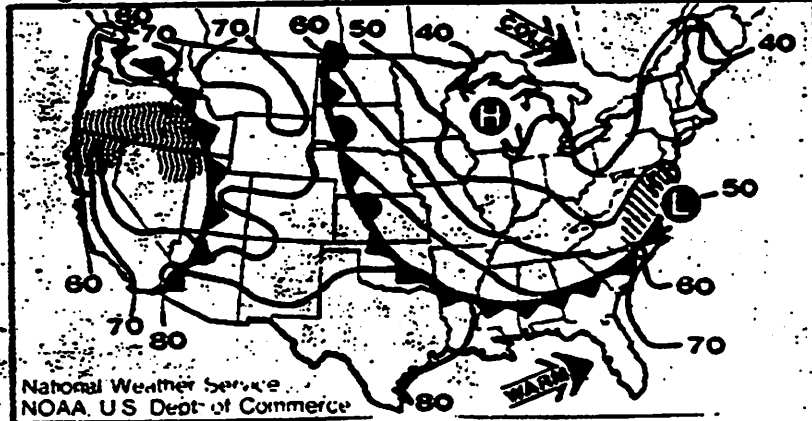
Freeman said he felt "real strange" with people so close to him dying like that.

"The boat was fine, we just finished a good fishing trip," he said. The Aloha and crew were returning from seven days of fishing in which they netted about 20,000 pounds of black cod.

The Alaska State Patrol is conducting an investigation.

The Forecast
Monday, April 18
High Temperatures

Rain [diagonal lines] Snow [dots]
Showers [vertical lines] Flurries [asterisks]



Two killed in

1 TOTAL P. 1

Search Suspended For Five Fishermen

By HEATHER McLEAN
Sentinel Staff Writer

Coast Guard Air Station Sitka suspended searches late Sunday night for two fishing vessels overdue from the halibut opening that ended at noon last Wednesday.

Two men were aboard the 41-foot Mary May, homeported in Sitka, and three on the 47-foot Sea Breeze, based in Yakutat. Aboard the Mary May were skipper Jeff Anderson, 29, of Sitka and Robert Enloe, 23, a Sitkan who also spends part of the year in Idaho.

Aboard the Sea Breeze were owner Walter "Scooter" Prichard, 36, and crew members Jay Mattila and Dave Harris. The Coast Guard said it had no information on the hometowns of the three, but local sources said all three are believed to be from Yakutat, although Prichard lives in Sitka until recently.

A Sitka-based Coast Guard Jayhawk H-60 helicopter made eight sorties this weekend to search the waters around Khas Point for the Mary May.

A Kodiak-based C-130 fixed wing aircraft also joined the search.

Coast Guard spokeswoman Miriam Thomas said no signs of the missing boat have been found since Friday morning, when a bright green float with the name Mary May written on it was found near Khas Point. An inflatable Zodiac raft was discovered there on the beach as well. The Mary May was believed to be carrying a raft, but it is uncertain whether this is it, Thomas said.

The Mary May was reported overdue 12:25 p.m. Thursday by Barbara Anderson, who is the skipper's wife and Enloe's mother. The boat was be-

lieved to be fishing for halibut around Biorka Island during the 48-hour longline opening that ended Wednesday.

The search was suspended just prior to midnight Sunday.

A search for the Sea Breeze, reported overdue in the Yakutat area Sept. 10, was suspended around midnight Sunday, also, Thomas reported.

Flotsam including a fish box, a halogen light bulb, a milk jug, a cutting board and a few plastic foam floats were found in the area, but searchers were not sure whether they were related to the missing boat.

"It is not known if the items found are from the overdue Sea Breeze,"

said Erik Kristin Lott, spokesman in Coast Guard Search and Rescue headquarters in Juneau.

Thomas said two members of other fishing boat crews reported picking up what may have been mayday calls on their radios during the halibut opening, but reported them only after learning the boats were overdue. She said the Coast Guard did not hear any distress calls, and a review of the tape of Channel 16, which the Coast Guard continuously monitors, did not reveal any. If there was one, it may have been from beyond the range of the Coast Guard's receiver, she said.

Thomas said anyone who hears a distress call should report it to the Coast Guard if the Guard itself does not immediately respond.

"The Coast Guard did not hear the calls, but if given the information, could have responded to the cases earlier, possibly saving lives," Lott said in a news release. "All mariners are encouraged to report any calls for help to the Coast Guard."

Service Set For Walter Prichard

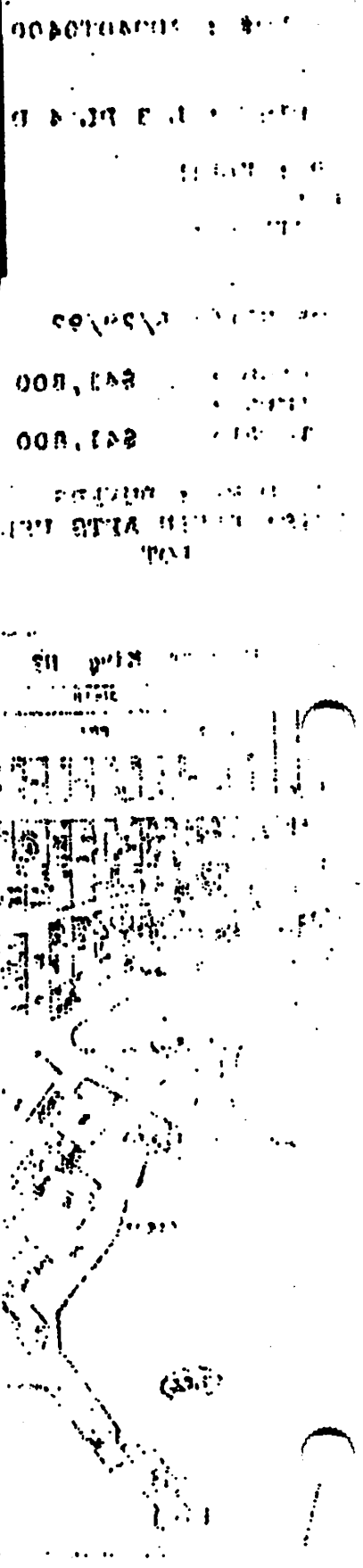
A memorial service for Walter J. (Scooter) Prichard will be held 5:30 p.m. Sept. 21 at Totem Square, located at the corner of Katlian and Lincoln streets.

A potluck dinner will follow the service at the Pioneer Bar.

Prichard's boat was presumed lost at sea near Yakutat during the recent two-day halibut opening.

Sitka Sentinel
Monday, Sept. 19, 1983

Ann. Bob "11/18/83"



Robert D. Alverson, Vice Chair
Fishing Vessel Owners' Assn.
Fishermen's Terminal
West Wall Bldg. Room 232
Seattle, WA 98119

I am the mother of three sons, commercial fisherman, Pete, Dave and Dan Soileau, who were lost in the Bering Sea with the Nettie H. on Sept. 13, 1993. I am appealing to you to do whatever you can to provide safer working conditions, minimize risk and reduce injuries in the industry. It is unacceptable to loose so many fine fishermen. I understand that fishing in the Bering Sea is the most dangerous profession in the world.

I have always believed, along with my son, Pete Soileau, that the traditional method of dividing proceeds from the resource by the well-defined share system to be fair. The skipper and crew do the hard, dangerous work and put their lives on the line and should reap their just rewards. However, extending the openings to a longer season, limiting small boats, encouraging conservative response to weather conditions and other factors might help save lives.

Surely there must be some way to preserve the traditional method of dividing the resource and improving the safety as well as save the numbers of fish for the future.

Please, I beg you to do what you can to protect other families from suffering a loss such as ours.

Sincerely,



Muriel M. Soileau
2286 Klondike Road
Conyers, Georgia 30207
404-922-0123



UCB Comments on March 1999
Board of Fish Action to:
*Change Bristol Bay Red King Crab
Season Start Date
from November 1 to October 15
and Implement 30 Day Trawler
Stand-down Prior to Crab Season*

)))

Board of Fish March 1999 Action to:
*Exclude Combination Trawler/Crabbers
From Crab Fisheries*

- was well calculated
- proposed by Alaska Crab Coalition
- knowingly excluded NPFMC
- circumvented established NPFMC/NMFS due process with BOF
- excluded industry who relied upon joint BOF/NPFMC due process
- is contrary to NPFMC decision on crab LLP eligibility (Alternative 9)
- was based in part on false information from proposals submitted by ACC

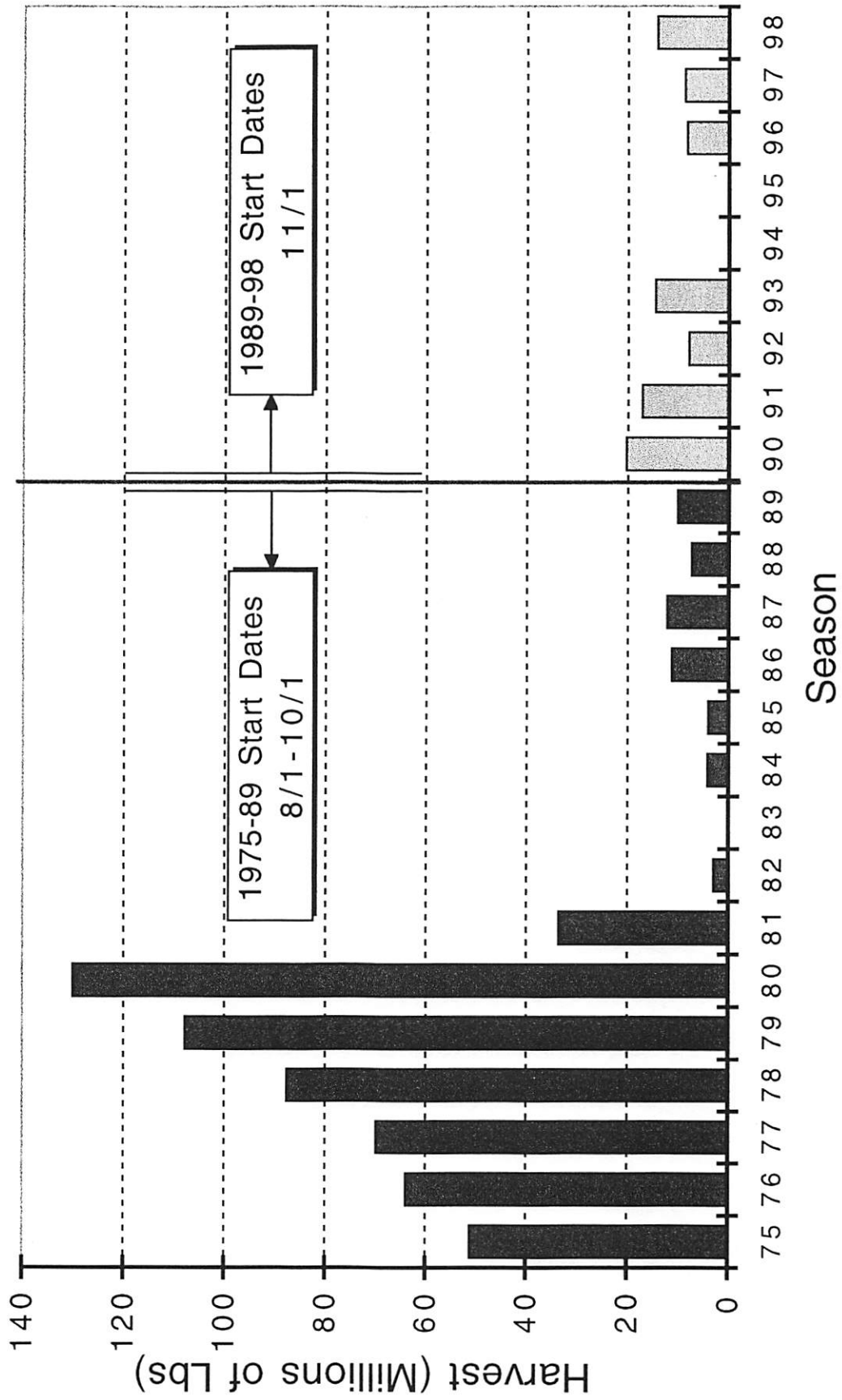
Board of Fish March 1999 Action on
Proposal #287 to Move Back the Bristol Bay Red
King Crab Season Start Date:

- will exclude pollock trawlers who also fish red king crab by creating a seasonal overlap
- will cause harvest of red king crab at less than maximum meat yield
- will result in increased crab dead loss
- will result in losses of revenue to crab processors and community tax bases as well as to combination trawler/crabbers
- is inconsistent with MFCMA, NPFMC crab FMP and BOF regulations

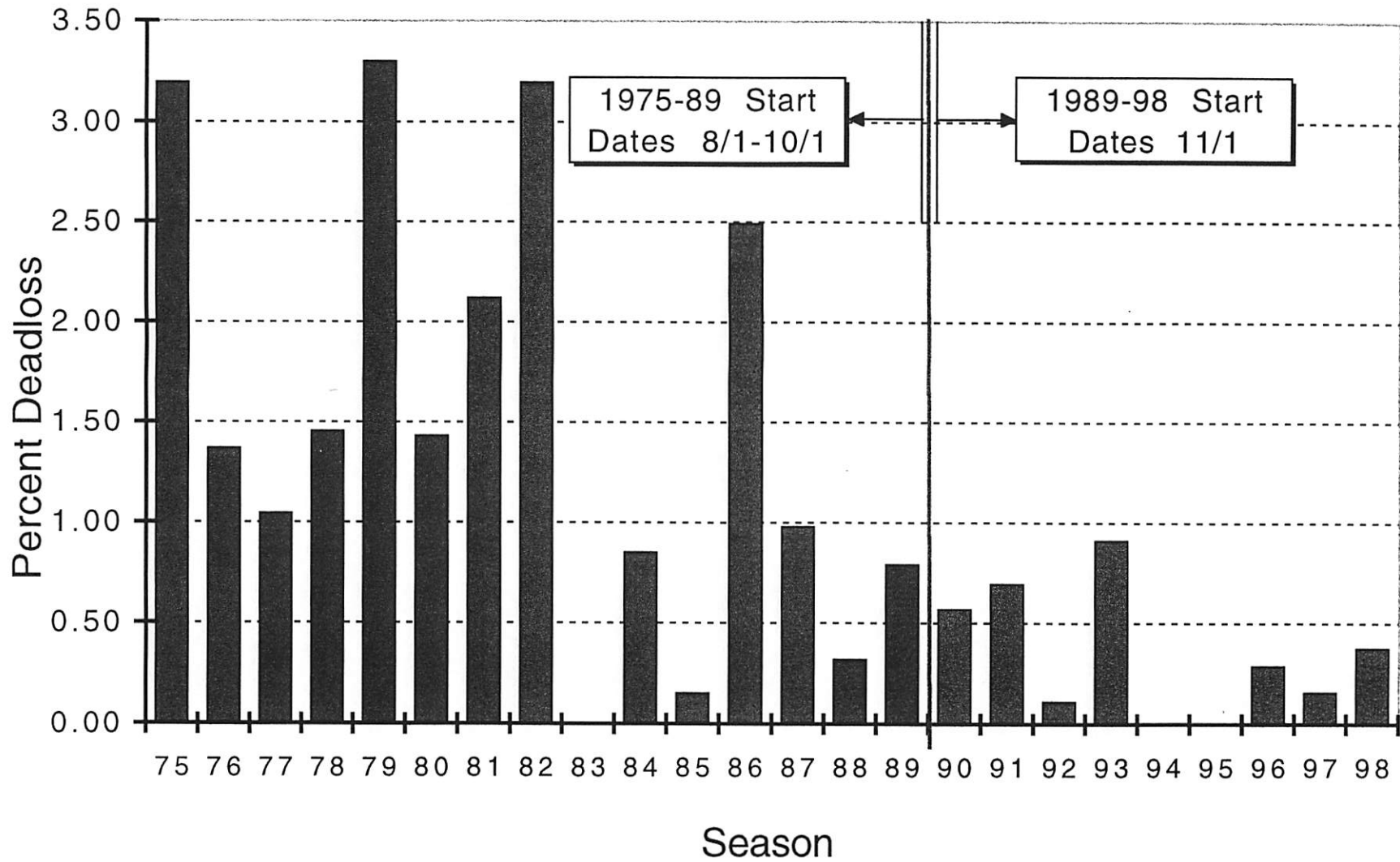
Board of Fish March 1999 Action on
*Proposal #291 to Implement a 30 Day Exclusion on
Trawlers from Fishing Bristol Bay Red King Crab:*

- will exclude pollock trawlers from the Bristol Bay red king crab fishery due to a 30 day stand-down
- is founded upon the BOF's apparent belief that combination trawler/crabbers fishing Bering Sea pollock are prospecting for red king crab
- is total nonsense
- has no factual basis of support
- facts show the contrary is true
- is outside BOF authority

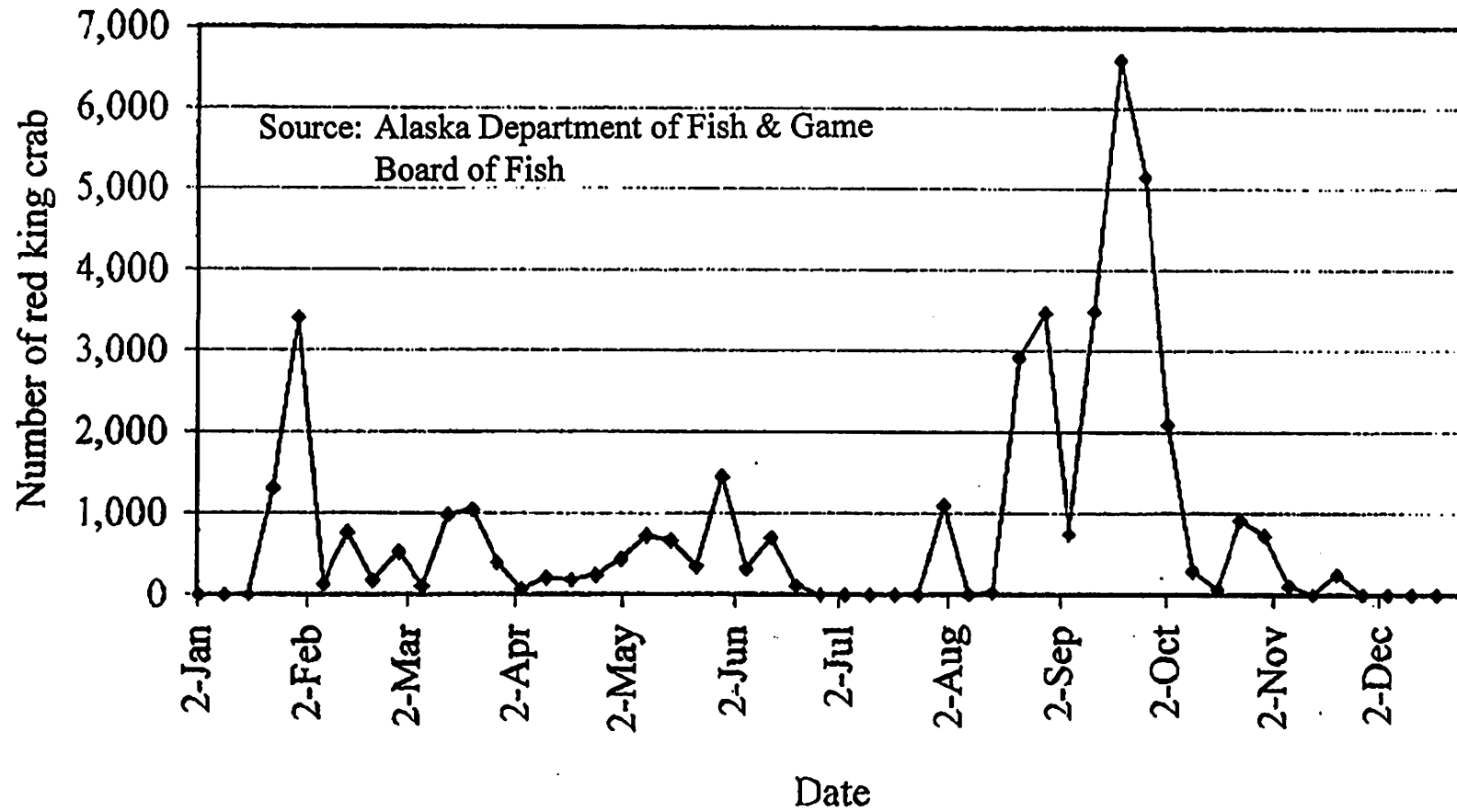
Total harvest (millions of lbs) of Bristol Bay RKC, 1975-1998.



Total percent deadloss from harvest of Bristol Bay RKC, 1975-1998.



Red king crab by catch in selected BS/AI trawl fisheries, 1993, 1996-1998.



Fishery performance of cross over trawl vessels in
Area T red king crab fishery, 1993, 1996-1997.

Source: Alaska Department of Fish & Game, Board of Fish

YEAR	RED KING CRAB VESSELS REGISTERED	TRAWL VESSELS REGISTERED FOR RED KING CRAB	FLEET AVERAGE RED KING CRAB CATCH	AVERAGE RED KING CRAB CATCH FOR TRAWL VESSELS
1993	292	18	50,098	45,364
1996	196	8	42,886	43,309
1997	256	39	34,205	33,620

Cumulative Zone 1 Red King Crab Bycatch (# of crab) in Bering Sea Pollock, Atka Mackerel, and Other Fisheries Category, 1997 and 1998. Source: NMFS Alaska Region

1998 Bering Sea Pollock B Season (# of Red King Crab)

<u>Week Ending Date</u>	<u>Cumulative</u>	<u>Crabs per Week</u>
08/15/98	1,384	-
08/22/98	1,805	421
08/29/98	1,805	0
09/05/98	1,839	34
09/12/98	1,839	0
09/19/98	7,416	5,577
09/26/98	12,051	4,635
10/03/98	13,473	1,422
10/10/98	13,004	-469
10/17/98	12,828	-176
10/31/98	13,409	581

1997 Bering Sea Pollock B Season (# of Red King Crab)

<u>Week Ending Date</u>	<u>Cumulative</u>	<u>Crabs per Week</u>
08/09/97	137	-
08/16/97	137	0
08/23/97	137	0
09/06/97	137	0
09/13/97	137	0
09/20/97	137	0
09/27/97	137	0
10/04/97	137	0
10/11/97	137	0
10/18/97	137	0
10/25/97	137	0
11/01/97	137	0



UCB Requests of NPFMC



- Evaluate BOF Actions for Consistency with BOF/NPFMC/NMFS Shared Management
- Recommend to NMFS that BOF Actions on # 287, # 291 and # 355 be Repealed by NMFS
- Initiate a Full Federal Review of State of Alaska Crab Management
- Evaluate State Compliance or Lack of Compliance with Federal Laws/Regulations on Achieving MSY, Lack of Crab Bycatch Management, Management by Landings Rather Than Catch and Due Process
- Take Appropriate Actions

Mr. Chairman, members of the Council, my name is Gordon Blue, and I am here today on behalf of the Capacity Reduction and Buyback Group. I would like to indicate continued support for further reduction in the number of licenses to be issued under the crab LLP umbrella, and will have a suggestion to make in a few moments that may help to produce this.

Shortly after I arrived here on Wednesday, I was confronted by a gentleman who related some very particular details of my personal business to me (with mixed accuracy), accused me of lying and of costing him a million dollars a year, and threatened to sue me. I was surprised. I thought: "I've almost gotten his attention!"

Almost, because he is wrong on every account, which proves he has NOT been paying attention. So, for his benefit, and while he is still almost listening: "The crab fleet is NEVER going to pay millions of dollars of borrowed money to a bunch of boat owners that fished crab at most 5 days in a three year period - not even if they behave like a bunch of muggers!" That, members of the Council, is recent participation period alternative number 9. Viewed in this cold light of reason, alternative four which has the support of the industry, is a very low bar as well - a boat must have delivered a crab twice, at least once in each of two years, to qualify.

This is not a matter of cussedness on the part of the crab fleet. It is a simple matter of affordability. We have appeared before you during most meetings for the last two years. We have conducted numerous public meetings in widespread locations: Seattle, Anchorage, Wasilla, Kodiak and Dutch Harbor. We studied the fleet, and brought you a list of the vessels, and their histories, and the names and addresses of their owners. We brought you a survey of all the affected vessel owners, conducted by a very reputable firm, which indicated there was sufficient support to pass a 2/3 plebiscite on a properly designed industry funded buyback program. We commissioned outside economists, who described the conditions such a plan must meet, and we studied the history, and the experience of buybacks worldwide. You assisted us, and in September 1997, requested that the Secretary of Commerce work with us to establish such a buyback. We worked with the designate of the Secretary, and helped to design workable regulations, that have been publicly reviewed and are now being prepared for publication. We designed a business plan that would meet the necessary conditions, and brought it to you, with a request for FMP change necessary to accomplish the buyback. Wisely, you created the minimum necessary change, allowing that in the case of retirement of a crab license in a buyback, and only in this case, might a groundfish and a crab endorsement be severed.

Our survey showed that there was a strong differential in value placed on licences by those strongly dependent on crab for income, and those not dependent (the standard was 25% or more of annual income). We asked that you create a division of licenses into "A" and "B" categories, so that this differential might be preserved, and that you consider reducing the number of latent licenses. We provided you with a legal basis for the determination of fairness and equitability based upon economic dependency, and centered squarely in the middle of a long list of options, alternative 4. You established a new recent participation period for LLP licenses, and unwisely, allowed that period to extend beyond the date of your request to the Secretary of Commerce. What perversity! The result was NOT fair and equitable- those excluded were the vessels owned by people too busy, perhaps, to know what you were doing, while those included were insiders to the process, owners of multiple boats in a fishery dominated by single vessel independent owners, who were damaged unfairly by the last-minute inclusion of these privileged insiders. Were you surprised that so many responded? As a participant in the Federal Investment Task Force I had opportunity to study such conditions that have been duplicated in fisheries all over the nation, and

in every case, this mistake has created a rush of capacity to hunt licenses in the fisheries. In this case, it created a cost override on the backs of the legitimate fleet that amounts to 20% of the cost of an industry-funded program. Yesterday Dr. Matulich showed you the clearest possible manifestation of permit hunting behavior, in vibrant color!

This lenience breaks our backs, and the backs of the industry-funded buyback, which necessarily operates on a 10% margin for these fisheries! We brought you letters of support from the Senators of Washington, Oregon and Alaska, and a token of real comittment, a one million dollar appropriation to cover the FRCA cost of a program of up to \$100 million. We brought you letters from the Senators urging that you reduce the number of latent licenses. We brought you a letter from the Governor of Alaska, asking that you reduce the number of latent licenses. We brought you a letter from the Board of Fish, your duly designated manager of the fisheries, asking that you reduce the number of licenses and declaring that the surplus of vessels created conditions of unmanageability, and economic and biological risks to the resource that were unacceptable. We brought you press releases of the Secretary of Commerce, declaring that worldwide, fisheries are endangered by too many boats chasing too few fish - and international agreements brought to end this problem - the very problem declared by the Board of Fish, which you have not adequately addressed. We watched, while the pollock industry moved impatiently ahead, outside the Council process or public review, and created its own ill-considered industry-funded buyback, the American Fisheries Act, and a consequent set of problems that will dominate this Council's working hours for a long time to come, and leave scant room for crab or other management. Any of several things could be accomplished today that will improve this dismal state. **Quite frankly, the cleanest and most fair, is to adopt alternative 4, which cuts across the industry and singles out no sector.**

If you are powerless to accomplish alternative 4, the problem of too much capacity for an industry-funded buyback to handle will continue to ferment, and to produce strange outcomes. Today, the NMFS has indicated that the number of licenses to be issued under the alternative 9 status quo, is less than that indicated in the last study which the Council commissioned from Marcus Hartley. This analysis, which notes in capital letters that "DATA ARE PRELIMINARY AND DO NOT REFLECT ELIGIBILITY DETERMINATIONS," restores the numbers the Council considered last September. Which is the best scientific information available - these numbers or those of Hartley, which are much higher, and agree more nearly with the figures carefully collected and screened by industry? If we were to bet, and you were to pay for the consequences of error, which would you stake? The precautionary approach needs to be applied here as well: choose a responsive management technique. **Please adopt, at minimum, the following modification: IF THE NUMBER OF INTERIM LICENSES RESULTING FROM ELIGIBILITY DETERMINATIONS UNDER ALTERNATIVE 9 IS GREATER THAN THAT PREDICTED IN THE 4/20/99 MEMO OF JESSICA GHARRET to Darrell Brannan, subject "Crab data redux," THEN THE CRITERIA OF ELIGIBILITY FOR LLP CRAB LICENSES SHALL BE ALTERNATIVE 4.**

If you fail in even this most reasonable approach, after deliberations that have lasted eleven years only two feasible options remain: A) immediately adopt a control date of October 7, 1997, the date of your request to the Secretary of Commerce to establish an industry funded buyback for the BSAI crab fisheries, and begin an analysis of the necessary elements of distinction between "A" and "B" licenses resulting from participation before and after that date or, B) take the rather more defiant road advocated by Mr. Alverson, and get ready for crab ITQs.

Lotus cc:Mail for gharrett, jessica

Date: 4/20/99
Sender: Jessica Gharrett
To: Darrell Brannan
cc: Tracy Buck, Chuck Hamel, Phil Smith, John Lepore
bcc: Mukhya Khalsa, Tom Fletcher
Priority: Normal
Subject: LLP crab data redux

Darrell, attached is the revised revision! We fixed the small boat exemption from recency requirements problem, thanks for picking up on that. Again, this file is an EXCEL file with two pages. The first page has NMFS' counts of crab vessels that at this time appear to meet eligibility criteria under the Final Rule; the other page a count of vessels which appear to meet Option 9 recency tests.

John will bring up a few hard copies, mainly for Steve P. and Phil.

Same notes as before:
DATA ARE PRELIMINARY AND DO NOT REFLECT ELIGIBILITY DETERMINATIONS, WHICH WILL BE MADE FOLLOWING THE APPLICATION PERIOD.

1. As annotated, these sheets do not include Norton Sound.
2. Our figures, including those for the Pribilofs, are nearly exact matches with the Board of Fish Reports, and with those you forwarded from the Regional Biologists.
3. We spot investigated more closely some of the discrepancies between your figures and ours under "Original" criteria, and in most cases you appear to have included some vessels for which we only have discard crabs of that species/area.
4. I cannot explain the larger discrepancy in the Pribilof figures, but again, your are the odd-set-out. If it is important to you that we investigate this particular case further, let me know and we can look into it boat by boat next week.
5. We know from Elaine that we are missing some 1997 Adak Brown King Crab fishery tickets and vessels. At this time those additional tickets are not available to us; and any vesels that are not showing as eligible as a result of those tickets are also not on the list.



Jessie Gharrett, Data Manager
NMFS / Restricted Access Mgmt.
(800) 304-4846 #2 or (907) 586-7344
FAX: (907) 586-7354
Jessica.Gharrett@noaa.gov

Prepared: 4/20/1999
 NMFS/AKR/AM

License Limitation Program

NMFS Preliminary Qualifying Crab Vessels and Endorsements under Original Criteria

Owners Residence Designations	Alaska				Other States				All Vessels			
	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total
All Catcher Vessels	11	79	12	102	5	150	74	229	16	229	86	331
All Catcher processors	0	0	1	1	0	0	25	25	0	0	26	26
Grand Total	11	79	13	103	5	150	99	254	16	229	112	357
Owners Residence Designations	Alaska				Other States				All Vessels			
	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total
Endorsements												
BSAI Tanner												
Catcher Vessels	4	69	11	84	3	136	73	212	7	205	84	296
Catcher Processors	0	0	1	1	0	0	25	25	0	0	26	26
Total BSAI Tanner	4	69	12	85	3	136	98	237	7	205	110	322
AI Brown												
Catcher Vessels	0	2	1	3	0	12	8	20	0	14	9	23
Catcher Processors	0	0	1	1	0	0	4	4	0	0	5	5
Total AI Brown	0	2	2	4	0	12	12	24	0	14	14	28
AI Red												
Catcher Vessels	0	5	0	5	0	19	4	23	0	24	4	28
Catcher Processors	0	0	1	1	0	0	1	1	0	0	2	2
Total AI Red	0	5	1	6	0	19	5	24	0	24	6	30
B. Bay Red												
Catcher Vessels	3	73	12	88	0	141	73	214	3	214	85	302
Catcher Processors	0	0	0	0	0	0	25	25	0	0	25	25
Total B. Bay Red	3	73	12	88	0	141	98	239	3	214	110	327
Prib. Blue/Red												
Catcher Vessels	7	39	3	49	3	66	27	96	10	105	30	145
Catcher Processors	0	0	0	0	0	0	2	2	0	0	2	2
Total Prib. Blue/Red	7	39	3	49	3	66	29	98	10	105	32	147
St. M. Blue/Red												
Catcher Vessels	0	36	8	44	0	91	51	142	0	127	59	186
Catcher Processors	0	0	1	1	0	0	13	13	0	0	14	14
Total St. M. Blue/Red	0	36	9	45	0	91	64	155	0	127	73	200

Sources: Preliminary NMFS License Limitation Program Qualification database, derived from ADF&G, CFEC, and NMFS data. State of Alaska Fish Tickets for 1988 - 1998 were provided by CFEC in October, 1998 and 1998 data were updated in February, 1999.

Notes: 1. Vessels qualifying for Norton Sound permits and endorsements are not included.

2. Owner and length class data reflect the best available data as of the date of this document. The Length is the length overall as of June 17, 1995.

Prepared: 4/20/1999
 NMFS/AKR/AM

**License Limitation Program
 NMFS Preliminary Qualifying Crab Vessels and Endorsements under Option 9**

Owners Residence Designations	Alaska				Other States				All Vessels			
	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total
All Catcher Vessels	11	58	10	79	5	127	57	189	16	185	67	268
All Catcher processors	0	0	1	1	0	0	15	15	0	0	16	16
Grand Total	11	58	11	80	5	127	72	204	16	185	83	284

Owners Residence Designations	Alaska				Other States				All Vessels			
	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total	0-59'	60-124'	125'+	Total
Endorsements												
BSAI Tanner												
Catcher Vessels	4	58	10	72	3	123	56	182	7	181	66	254
Catcher Processors	0	0	1	1	0	0	15	15	0	0	16	16
Total BSAI Tanner	4	58	11	73	3	123	71	197	7	181	82	270
AI Brown												
Catcher Vessels	0	2	1	3	0	11	6	17	0	13	7	20
Catcher Processors	0	0	1	1	0	0	2	2	0	0	3	3
Total AI Brown	0	2	2	4	0	11	8	19	0	13	10	23
AI Red												
Catcher Vessels	0	5	0	5	0	18	3	21	0	23	3	26
Catcher Processors	0	0	1	1	0	0	1	1	0	0	2	2
Total AI Red	0	5	1	6	0	18	4	22	0	23	5	28
B. Bay Red												
Catcher Vessels	3	57	10	70	0	122	56	178	3	179	66	248
Catcher Processors	0	0	0	0	0	0	15	15	0	0	15	15
Total B. Bay Red	3	57	10	70	0	122	71	193	3	179	81	263
Prib. Blue/Red												
Catcher Vessels	7	31	3	41	3	59	24	86	10	90	27	127
Catcher Processors	0	0	0	0	0	0	2	2	0	0	2	2
Total Prib. Blue/Red	7	31	3	41	3	59	26	88	10	90	29	129
St. M. Blue/Red												
Catcher Vessels	0	34	8	42	0	86	40	126	0	120	48	168
Catcher Processors	0	0	1	1	0	0	9	9	0	0	10	10
Total St. M. Blue/Red	0	34	9	43	0	86	49	135	0	120	58	178

Sources: Preliminary NMFS License Limitation Program Qualification database, derived from ADF&G, CFEC, and NMFS data. State of Alaska Fish Tickets for 1988 - 1998 were provided by CFEC in October, 1998 and 1998 data were updated in February, 1999.

- Notes: 1. Vessels qualifying for Norton Sound permits and endorsements are not included.
 2. Owner and length class data reflect the best available data as of the date of this document. The Length is the length overall as of June 17, 1995.
 3. Some Fish Tickets for 1997 Adak Brown King Crab Fishery are unavailable at this time.

ALASKA DEPARTMENT OF
FISH & GAME
DIVISION OF COMMERCIAL FISHERIES
JUNEAU, ALASKA

NATIONAL MARINE FISHERIES
SERVICE
ALASKA REGION
JUNEAU, ALASKA

STATE/FEDERAL ACTION PLAN
FOR MANAGEMENT OF
COMMERCIAL KING AND TANNER CRAB FISHERIES
OCTOBER, 1993

PURPOSE: To foster improved coordination and communication between National Marine Fisheries Service (NMFS) and Alaska Department of Fish & Game (ADF&G) with respect to crab management under the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area (FMP). Interagency action groups will implement this coordination.

BACKGROUND: The FMP approved in 1989 establishes a State/Federal cooperative management regime that defers crab management to the State of Alaska with Federal oversight. The Secretary of Commerce defers to the State's regulatory regime providing it is consistent with the FMP, the Magnuson Fishery Conservation and Management Act (Magnuson Act) and other Federal law.

A management goal and specific objectives are identified in the FMP. ADF&G, in consultation with NMFS, recommends to the Alaska Board of Fisheries (Board) appropriate management measure(s) for a given year and geographical area to accomplish the objectives. Three categories of management measures are available for consideration: (1) those that are specifically fixed and require an FMP amendment to change, (2) those that are framework-type measures which the State can change without an FMP amendment but following specified criteria, and (3) measures that are neither rigidly specified nor frameworked in the FMP. The measures in categories (2) and (3) may be adopted as State laws subject to the appeals process outlined in the FMP.

The State is not limited to the measures outlined above. Any other management measures must be justified based upon consistency with the FMP objectives, the Magnuson Act, and other applicable Federal law.

Overall, the FMP has efficiently managed the crab fisheries. The framework approach has worked well for the majority of crab management issues. However, Category 2 management measures have been appealed to the Secretary (specifically, pot limits and registration areas). Members of the industry also have criticized Board actions with respect to Category 2 measures

(setting of guideline harvest levels). In order to avoid future contentious problems, NMFS and ADF&G will adopt this action plan to more formally implement State/Federal cooperation in crab management.

ACTION: Three action groups, described below, will facilitate this joint coordination.

- a) Research Planning Group
- b) Crab Plan Team
- c) State/Federal Policy Group

Research Planning Group

The purpose of this group will be to consider long-term crab research priorities, current research activities, and each agency's particular research interests. The group will include NMFS, ADF&G and university crab biologists as well as other representatives from NMFS/Fisheries Management Division; Alaska Fisheries Science Center and ADF&G/Division of Commercial Fisheries. Some of these individuals also may be members of the Crab Plan Team.

This group will work on the development of a long-term plan for applied crab research which will help foster a healthy exchange of ideas among fishery biologists and managers on particular needs. The plan will focus on development of optimal long-term harvest policies. The plan will be updated annually and will function as a vehicle to coordinate the expenditure of crab funds between ADF&G and NMFS and to seek additional funding for critical research.

The group will meet annually for a one- or two-day period at a time and place convenient for the majority of group members.

Crab Plan Team

The annual development of the preseason guideline harvest levels (GHLs) is a dynamic process dependent on using the most current information available and applying this information via analysis and statistical modeling. Scientists from NMFS and ADF&G are currently involved in this process.

Though individual members of the Plan Team have always participated in the development of GHLs, public perception is that this is an ad hoc process. Due to the timing of the Bering Sea surveys and the openings of the early fall fisheries, only a limited amount of time exists to analyze, discuss, amend and release the GHLs to the public in a timely fashion. To release preseason GHLs that have been reviewed using a Council process, such as that used to establish annual groundfish harvest specifications under the groundfish FMPs, would require that

current season opening dates for the fall fisheries be delayed and/or rescheduled, or the previous year's survey information would have to be used to set GHLS in the current year. The latter option could interfere with the FMP management objective of biological conservation. In addition, the Council would have to schedule a special meeting or allow time during the September meeting to address crab management after the survey information became available.

The purpose of a Plan Team review will be to formally incorporate its input in the GHLS process. The FMP calls for Plan Team input in the preparation of an annual area management report to the Board. This report includes a discussion of the current status of GHLS and support for different management decisions. This report is reviewed by the State, NMFS, and the Council, and available for public comment on an annual basis.

The Plan Team will meet annually to review GHLS in a session that is open to the public.

State/Federal Policy Group

The purpose of the State/Federal Policy Group will be to review and discuss crab management issues prior to Board and/or Council review. This group will include senior staff and legal counsel and will meet annually, or more often if necessary. Many issues may be resolved through interagency agreement. For instance, prior to final Board action, this Policy Group could review whether crab management proposals and petitions are consistent with the FMP and reflect an appropriate and desired management strategy. Also, this group will review FMP amendment proposals. Their recommendations will be forwarded to the Board and the Council, providing guidance as the Board establishes management regulations.

OTHER ACTION:

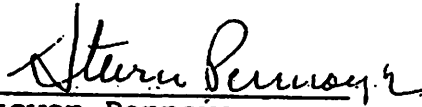
In addition to the above action groups, NMFS and ADF&G will meet annually with crab industry representatives to discuss crab management issues such as, but not limited to, setting of GHLS, stock analysis, current research, and harvest strategies. The location of meetings will alternate between Washington and Alaska. These meetings will provide an opportunity for review of crab management issues and industry input to management agencies.

Council and Board members have agreed to form a Consultation Group composed of a subcommittee of Council and Board members that will meet publicly on an annual basis to focus on crab issues. (These meetings could occur at one of the regularly scheduled Council or Board meetings.) This joint subcommittee could review staff data on the status of crab stocks and fisheries and both public and staff information regarding crab

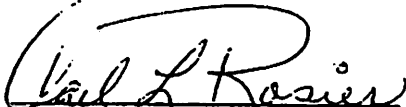
management and then provide guidance to the respective Council and Board on pertinent crab issues. Council and Board representatives would benefit by meeting for the sole purpose of discussing crab-related issues.

Both NMFS and ADF&G agree to jointly request Council and Board concurrence on these action groups and their role in the cooperative management of the king and Tanner crab fisheries in the Bering Sea and Aleutian Islands.

This State/Federal Action Plan for Management of Commercial King and Tanner Crab Fisheries has been approved by:


Steven Pennoyer
Director, Alaska Region
National Marine Fisheries
Service

10/12/93
Date


Carl L. Rosier
Commissioner
Alaska Department of
Fish & Game

10/15/93
Date

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
 Clarence G. Pautzke, Executive Director

Telephone: (907) 271-2809



605 West 4th Avenue, Suite 308
 Anchorage, AK 99501-2252

Fax: (907) 271-2817

DRAFT

**North Pacific Fishery Management Council and Alaska Board of Fisheries
 Joint Committee
 February 2, 1999
 9:00 am - 5:00 pm**

**Aleutian Room
 Anchorage Hilton Hotel
 Anchorage, Alaska**

AGENDA

- | | |
|---|--|
| <p>1. <u>Halibut</u>
 Local area plans
 Charterboat logbook
 Charterboat GHL Committee
 Subsistence</p> | <p>Status report on LAMP proposals and BOF work group activities
 Status report
 Status report
 Status report</p> |
| <p>2. <u>Groundfish</u>
 State fisheries
 Pollock trip limits
 Pollock bottom trawl closure
 Forage fish closure
 DSR retention
 Chinook salmon bycatch
 Groundfish proposals</p> | <p>Status report
 Discuss complementary State action for W/C GOA pollock trip limits
 Conformity of gear definition
 Status of complementary State action
 Status report
 Upcoming Council action
 Review and discussion</p> |
| <p>3. <u>Scallops</u>
 Limited entry</p> | <p>Review alternatives (Council final action in February 1999)</p> |
| <p>4. <u>BSAI Crab</u>
 Crab rebuilding
 CDQ crab fishery
 CRAB license limitation program
 Vessel buyback proposal</p> | <p>Development of bairdi rebuilding plan
 Status report
 Status report
 Status report</p> |
| <p>5. <u>Sustainable Fisheries</u></p> | <p>Report</p> |
| <p>6. <u>Other Business</u>
 American Fisheries Act
 Steller sea lion protection
 Socio-economic Data Collection</p> | <p>Status report
 Status report
 Status report</p> |
| <p>7. <u>Alaskan Ocean Seas Fisheries Research</u></p> | <p>Status report by Dan Ogg</p> |
| <p>8. <u>Next Meeting</u></p> | <p>Schedule and agenda items</p> |

The Committee supported proposal #62 to delay the Cook Inlet subsistence fishery to protect seasonally immature subsistence, but left the following proposals to the BOF's discretion: #65 (pot surveys requirements in Cook Inlet), #394 (extension of cod jig allocation later in the year in South Alaska Peninsula area), and #396 (review cycle for the state bottom fishery).

Regarding proposals to allow seine gear (proposal #64) or sinker gillnet gear for groundfish (proposal #395), the consensus was not to proceed with such proposals, due primarily to salmon bycatch and other entanglement issues associated with such gear. These proposals would likely direct new effort in State waters, which would then require they be addressed under the BOF's new and emerging fisheries policy.

BOF not proceed with proposals #59 or #397. The Committee discussed four proposals to either develop state water fisheries for pollock, or allow the use of seine and/or sinker gillnet gear for existing state water fisheries for groundfish. The general consensus of the Committee was that development of state water fisheries for pollock should not be pursued at this time, due primarily to the following factors: the current changes in pollock management related to the American Fisheries Act and development of co-ops; the necessity of Steller sea lion management measures related to pollock and the critical nature of near shore pollock resources to sea lion recovery; allocational aspects related to development of such fisheries; lack of observer coverage on small vessels; and, potential conflict of such fisheries with the recent bans on bottom trawling for pollock, as the smaller vessels which would participate in this fishery would likely be unable to pull pelagic gear. Because of these issues the Committee unanimously recommended that the

State Water Fisheries

The following is a summary of the discussion:

Staff: Clarence Parize and Chris Oliver (NPFMC); Earl Kuyler, Pete Probasco, Doug Fenzly, and Don Tracy (AD&G); Tim Ragan, Barbara Mahony, and Brad Smith (NMFS); Lauren Sotker (NOAA GC); and approximately eight persons from the public.

BOF members: Dan Coffey, Larry Engel

Council members: Kevin O'Leary, Robin Samuelson, Dennis Austin

The Joint Committee of the North Pacific Fishery Management Council and the Alaska Board of Fisheries met on Thursday, March 4, 1999 with the following persons in attendance:

Thursday, March 4, 1999
Anchorage, Alaska

DRAFT Minutes from the Joint Council/BOF Committee Meeting

805 West 4th Avenue, Suite 308
Anchorage, AK 98501-2252
Fax (907) 271-2817



Richard B. Lauber, Chairman
Clarence G. Parize, Executive Director
Telephone (907) 271-2808

North Pacific Fishery Management Council

4
T-821 P. 04/06 F-321

It also was noted that further consideration of differences between the Board of Fisheries and Council definitions of pelagic trawls will first be taken up by the Council's Enforcement Committee on April 22, before being brought back to the joint committee this coming fall. Concerning a proposed state waters fisheries for Pacific cod near Adak, ADF&G noted that there was no need for a formal state waters fishery since the federal catch quota in the area is rarely taken.

Forage Fish Proposals

The Committee heard staff reports regarding specific forage fish proposals and the more comprehensive ADF&G proposal for a forage fish FMP (proposal #297/5AAC30.168). The Committee also heard from NMFS marine mammal scientists regarding the general role of forage fish in marine mammal diets and on the status of the Cook Inlet Beluga whale population (related to a proposal to the BOF to create a commercial bootigan fishery in and around the mouth of the Susitna River). Based on affirmation that the Council's forage fish prohibition was intended to prevent new forage fisheries, and not to curtail existing fisheries, the Committee recommended moving forward with ADF&G proposal #297/5AAC30.168, based on Alternative 3 (this would allow existing commercial forage fisheries, and prohibit the development of new fisheries), with the clarification that this would not prevent the BOF from reviewing existing commercial forage fisheries within their regular cycle, including herring, based on specification of the following information (these are contained in proposal 297, though #6 and #7 were added by the Committee):

1. Open fishing seasons
2. Open fishing areas
3. Reporting requirements
4. Methods of harvest
5. Amounts to be harvested
6. Biomass estimates
7. 10% maximum exploitation rate
8. Any other conditions deemed necessary by the Commissioner for conservation and management purposes

The Committee suggests that these eight items be included on the Commissioner's permit and that if the department does not have this information the fishery may not open. Regarding specific proposals, the Committee had the following recommendations:

- Proposal #54: the commercial aspect of this proposal is moot in light of #297; the subsistence aspect will be taken up separately by the BOF.
- Proposal #55: has been withdrawn.
- Proposal #79: already voted down by the BOF in January 1999.
- Proposal #80: subsumed by #297.

Demersal Shelf Rockfish

The Committee received a report summarizing recent Council action to require full retention of DSR in the management area 650 (Southeast) by federal fixed gear fisheries. This action was taken to reduce waste and provide better information to managers on total DSR mortality. Pending resolution of legal issues, this program would be in place in year 2000, necessitating complementary action at the State level. The Committee stressed that Council and ADF&G staff need to coordinate to make sure the necessary steps are taken to place this issue in the BOF's 1999-2000 cycle for necessary action.

Chinook Salmon Bycatch

The Committee received a report summarizing recent Council action to incrementally reduce the BSAI chinook salmon bycatch cap for the pollock fisheries. The Committee discussions reinforced the need for more accurate accounting (total enumeration as opposed to sampling extrapolations, for example), noting that recent provisions of the AFA, including co-ops and increased observer coverage, should facilitate better accounting.

License Limitation for Scallop Fishery

The Committee discussed the Council's recent actions which resulted in a total of 9 vessels licensed for the statewide scallop fisheries, and recognized that further conforming actions at the State level may be necessary. Pending action by the Legislature, the BOF may need to address this issue at a later date. BOF members were supportive of the Council's action on this issue.

Crab License Limitation Program

The Committee once again discussed the status of the Council's license limitation program for the BSAI crab fisheries. Among the issues discussed was the fact that the BOF will be considering crab management issues at its upcoming March session, some of which hinge upon the number of vessels expected to be licensed for various crab fisheries. This presents a dilemma for the BOF, where they may have to base some actions on expectations of further Council actions which are possible in April and June of this year (Examples include: pot limit discussions and pre-season closure notice decisions). Alternately, the BOF may have to take provisional actions which could be reassessed following resolution of Council actions later this year.

The Committee also discussed the issue of competing objectives of the Council and BOF relative to crab management; for example, the Council's LLP decision was guided by general concerns over latent capacity (rather than a specific target number of vessels), whereas the BOF and ADP&G managers see a target number of vessels (250) as critical to management objectives. Though this issue was not resolved by the Committee, a suggestion was to try and reconcile a common objective and then pursue management options which might satisfy that objective for both the Council and BOF.

2.0 PROCEDURES FOR FMP IMPLEMENTATION

Implementation of this FMP requires an annual area management report discussing the current biological and economic status of the fisheries, guideline harvest level (GHL) ranges, and support for different management decisions or changes in harvest strategies as outlined on page 2-11. The Board currently receives proposals for king and/or Tanner crab regulation changes every third year, although the schedule may be modified if necessary. Management decision-making for king and Tanner crab stocks currently follows a relatively predictable schedule. The procedure for managing the fishery and how it encompasses research and fishing input is described in detail in Otto (1985) and Otto (1986) with respect to king crabs, and for this FMP, are illustrated in Figure 2.1. The precise scheduling of the various stages of this procedure may vary slightly from year to year.

The Secretary (through the Council and the National Marine Fisheries Service (NMFS) Alaska Regional Office) and the State have established the following protocol which describes the roles of the Federal and State governments:

1. The Council will develop an FMP (and future amendments) to govern management of king and Tanner crab fisheries in the EEZ of the BS/AI, prescribing objectives and any management measures found by the Secretary to be necessary for effective management. The State will promulgate regulations applicable to all vessels registered with the State governing the fisheries in the EEZ that are consistent with the FMP, Magnuson-Stevens Act, and other applicable Federal law. The FMP contains three types of management measures: (1) specific Federal management measures that require an FMP amendment to change, (2) framework type management measures, with criteria set out in the FMP that the State must follow when implementing changes in State regulations, and (3) measures that are neither rigidly specified nor frameworked in the FMP, and which may be freely adopted or modified by the State, subject to an appeals process or other Federal law (see Chapter 8).
2. Representatives from the Council, NMFS, and NOAA General Counsel will participate in the State's development of regulations for management of king and Tanner crabs in the BS/AI area, including direct participation in the Board meeting for the purpose of assisting the State in determining the extent to which proposed management measures are consistent with the FMP, Magnuson-Stevens Act, and other applicable Federal law. However, these representatives will not vote on the various management measures. The Secretary will review measures adopted by the State to determine if they are consistent with the FMP, the Magnuson-Stevens Act and its national standards in accordance with Chapters 9 and 10.
3. The Secretary will issue Federal regulations to supersede in the EEZ any State laws that are inconsistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal law. The Secretary will consider only those appeals asserting that a State law is inconsistent with the Magnuson-Stevens Act, the FMP, or other applicable Federal law (see Chapter 9).
4. The Alaska Department of Fish and Game (ADF&G) will have responsibility for developing the information upon which to base State fishing regulations, with continued assistance from NMFS. In carrying out this responsibility, ADF&G will consult actively with the NMFS (Alaska Regional Office and Northwest and Alaska Fisheries Center), NOAA General Counsel, the plan team, and other fishery management or research agencies in order to prevent duplication of effort and assure consistency with the Magnuson-Stevens Act, the FMP, and other applicable Federal law.
5. The FMP provides that the Commissioner of ADF&G, or his designee, after consultation with the NMFS Regional Administrator, or his designee, may open or close seasons or areas by means of emergency orders (EO) authorized under State regulations. Interested persons may appeal these actions to the Secretary for a determination that the emergency orders are consistent with the Magnuson-Stevens Act, the FMP, and other

applicable Federal law. If the Secretary determines that the State action is inconsistent with the above, the Secretary will issue a Federal regulation to supersede the State EO in the EEZ (see Chapter 10).

6. A special means of access to the BS/AI king and Tanner crab regulatory process for nonresidents of Alaska will be provided through an advisory committee. This Pacific Northwest Crab Industry Advisory Committee (PNCIAC) shall be sanctioned by and operate under the auspices of the Council. This is necessary because State law does not provide for the formation of a Board advisory committee located outside the State. This PNCIAC shall be recognized by the State as occupying the same consultative role on preseason and in-season management measures as all other existing State of Alaska Fish and Game Advisory Committees, no more and no less. The Council shall establish general guidelines and membership qualifications for the advisory group which shall be substantially similar to those guidelines established by the State pertaining to existing advisory committees. Within this framework the advisory committee shall establish its own by-laws and rules of procedure.

The PNCIAC shall be industry funded, but may request staff support from the Council, NMFS, and ADF&G as needed. The PNCIAC shall meet at appropriate times and places throughout the year to review and advise the State and the Council on crab management issues, stock status information, and biological and economic analyses relating to the BS/AI king and Tanner crab fisheries. In addition, the PNCIAC shall report to the Council on any relevant crab management issue by filing reports as appropriate. The Council will also review reports as appropriate from other crab advisory committees that normally report to the Board. The PNCIAC shall review and advise the State on proposed preseason management measures. During the fishing season, the PNCIAC, on the same basis as any other Board advisory committee, shall monitor ADF&G reports and data, may recommend to ADF&G the need for in-season adjustments, and may advise on decisions relating to in-season adjustments and "emergency-type" actions. The PNCIAC may request review of any relevant matter to the Crab Interim Action Committee (discussed below) and may bring petitions and appeals in its own name pursuant to Chapters 9 and 10 of this FMP, as may any other Board advisory committee.

7. A Crab Interim Action Committee (CIAC) shall be established by the Council for the purpose of providing oversight of this FMP and to provide for Council review of management measures and other relevant matters. The CIAC shall be composed of the following members:

Regional Administrator, NMFS, or his designee
Commissioner, ADF&G, or his designee
Director, Washington State Department of Fisheries, or his designee

There are three types of review the CIAC may engage in:

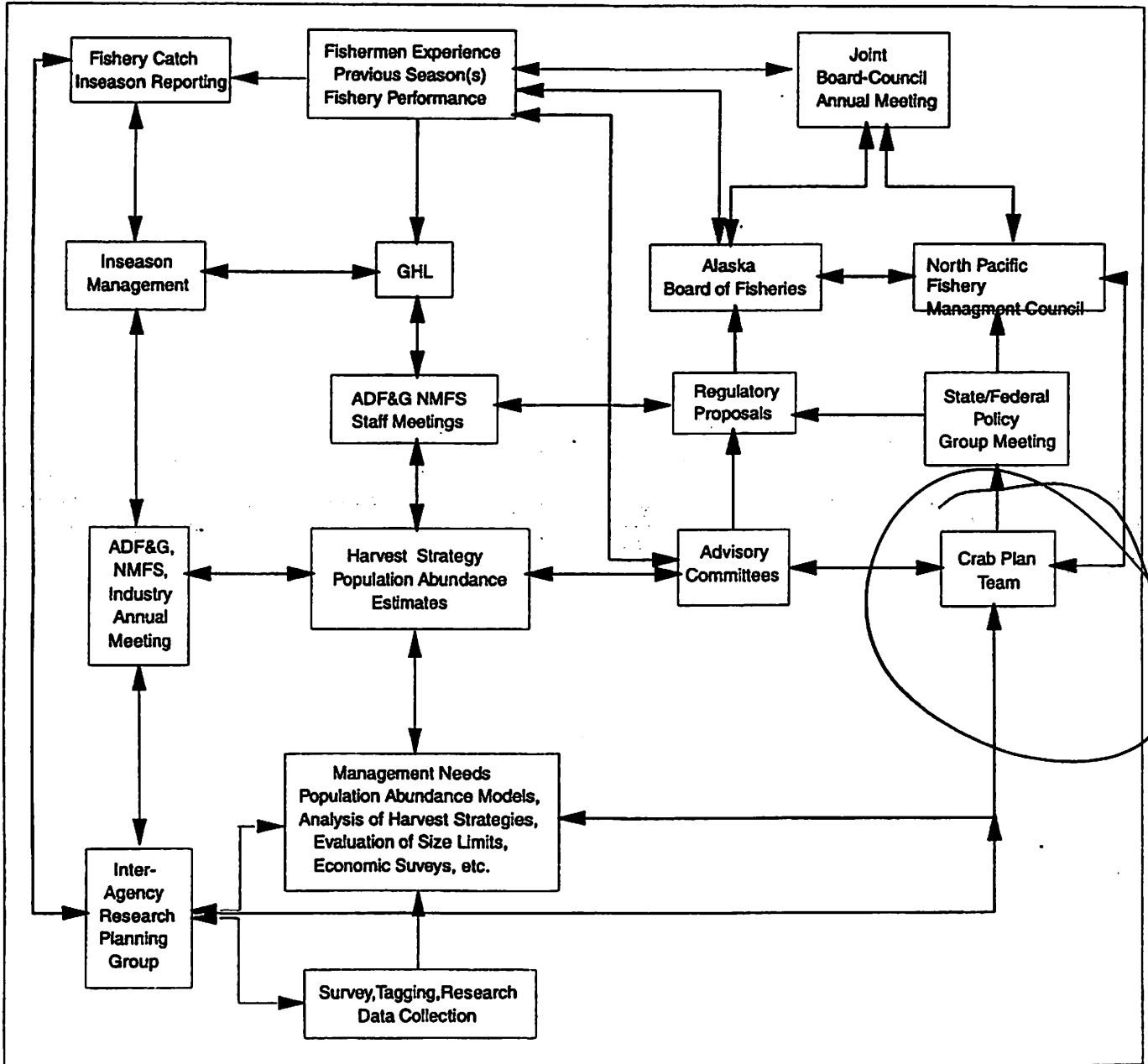
A. Category 1—Appeals of a Preseason Management Decision

In accordance with Chapter 9 of the FMP, any appeal of a preseason management decision that is rejected by the Board and subsequently appealed to the Secretary will be reviewed by the CIAC prior to the appeal being reviewed by the Secretary. The CIAC will have no authority to grant or reject the appeal, but shall comment upon the appeal for the benefit of the Secretary.

B. Category 2—Appeals of an In-season Management Decision

In accordance with Chapter 10 of the FMP, the Secretary will, to the extent possible when reviewing any appeal of an in-season management decision, communicate with the CIAC in advance of making his decision whether to grant or reject the appeal in order to solicit the CIAC's comments on the management decision at issue.

Figure 2.1. Annual cycle of management decision making for king and Tanner crab stocks and its interaction with fisheries and resource assessment. Regulatory proposals are addressed every three years by the Alaska Board of Fisheries.



MEMORANDUM

TO: Council and Board Members

FROM: David Witherell
Fishery Biologist

DATE: January 2, 1998

SUBJECT: Miscellaneous Issues

ACTION REQUIRED

- (a) Status report on overfishing amendments.
- (b) Status report on essential fish habitat amendments.
- (c) Status report on the Council Ecosystem Committee
- (d) Status report on bycatch management proposals.

BACKGROUNDOverfishing Amendments

The Sustainable Fisheries Act made significant changes to the national standards for fishery management plans. Based on the proposed rule to amend 50 CFR part 600, it appears we may need to revise our overfishing definitions to comply with the guidelines for National Standard 1 (optimum yield). Revisions to the guidelines for national standard 1 center on the Magnuson-Stevens Act's definitions of "overfishing," "overfished," and "optimum yield (OY); the requirement for establishment of objective and measurable criteria for determining the status of a stock or stock complex; and the requirement for remedial action in the event that overfishing is occurring or that a stock or stock complex is overfished. In other words, rebuilding plans must be developed for stocks that are deemed overfished based on a fishing rate, or are below a minimum stock size.

The proposed rule for the national standards defined a minimum stock size based on the biomass that would be expected to produce maximum sustainable yield. More precisely, the minimum stock size threshold will be defined as follows: one-half of MSY stock size, or the minimum stock size at which rebuilding to the MSY level would be expected to occur within 10 years if the stock were exploited at the maximum fishing mortality threshold. At first blush, several BSAI crab stocks will likely be declared overfished based on this definition. The crab plan team is scheduled to meet January 6-7 to discuss development of overfishing amendments and rebuilding plans.

We have until October 11, 1998 to submit FMP amendments to the Secretary. As such, an Environmental Assessment/Regulatory Impact Review amendment package would need to be ready for initial review by the Council at its April 1998 meeting, with final action taken in June. This will be a major undertaking, and will require significant staff time from ADF&G to meet this deadline.

MEMORANDUM

NDFMC
PUBLIC NOTICE
B.O.F.

TO: Council and Board Members

FROM: David Witherell
Fishery Biologist

DATE: January 27, 1998

SUBJECT: Bering Sea/Aleutians Crab Management

ACTION REQUIRED

- (a) Receive crab plan team report
- (b) Receive report from Pacific Northwest Crab Industry Advisory Committee (PNCIAC)
- (b) Receive public testimony

BACKGROUND

Crab Plan Team

The Crab Plan Team provides the council with scientific recommendations regarding the conservation and management of king and Tanner crab stocks in the Bering Sea and Aleutian Islands area. The team is composed of biologists, fishery managers, biometricians, and an economist drawn from ADF&G, University of Alaska, NMFS, and the NPFMC. The team remains relatively active, generally meeting two or three times per year. Their next meeting is scheduled for March 5-6. Team chair Peggy Murphy will be on hand to review the Team's activities.

PNCIAC

The Pacific Northwest Crab Industry Advisory Committee provides a special means of access to the regulatory process for non-residents of Alaska. The PNCIAC operates under the authority of the Council, and, under the Crab FMP, occupies the same consultative role on pre-season and in-season management measures as all other existing State of Alaska Fish and Game advisory committees. Chairman Garry Loncon and Secretary Arni Thomson will be on hand to discuss PNCIAC concerns and recommendations.

OTHER

The Alaska Board of Fisheries is accepting proposals to change statewide king crab and Tanner crab shellfish regulations (see attached notice). Proposals are due by April 10, 1998. These proposals will be considered by the Board during the November 1998 - March 1999 meeting schedule.

Crab Plan Team Report

Joint Meeting of the North Pacific Fishery Management Council And the Alaska Board of Fisheries

Anchorage, Alaska
February 3, 1998

The crab plan team has 10 members representing the Alaska Department of Fish and Game (ADF&G), National Marine Fisheries Service (NMFS), the University of Alaska (UAF) and the North Pacific Fishery Management Council (Council). The Council appointed Mr. Al Spalinger to the team as management biologist Mr. Ken Griffin retired.

Joshua Greenberg (UAF, Fairbanks)
Rance Morrison (ADF&G, Dutch Harbor)
Peggy Murphy (Chair, ADF&G, Juneau)
Bob Otto (NMFS, Kodiak)
Doug Pengilly (ADF&G, Kodiak)

Jerry Reeves (NMFS, Seattle)
Kim Rivora (NMFS, AKRO, Juneau)
Tom Shirley (UAF, Juneau)
Al Spalinger (ADF&G, Kodiak)
David Witherell (NPFMC)

The crab plan team met August 28, 1997 and January 6-7, 1998 in Anchorage. Primary tasks addressed by the team include review of: Status of BSAI crab stocks and guideline harvest levels; Crab FMP amendment proposals; Council, Board of Fisheries (Board), and advisory committee meetings; Preliminary Essential Fish Habitat Report; and The draft crab FMP housekeeping amendment. The team also spent considerable time reviewing the proposed National Standard Guidelines and is currently drafting an amendment to the crab FMP redefining overfishing to comply with the Magnuson-Stevens Fisheries Conservation and Management Act.

The team would like to bring attention to the fact the *Chionoecetes bairdi* fishery was closed for the 1997 season due to depressed stock condition. The team decided there is sufficient scientific data to define two stocks of *C. bairdi* in the Bering Sea: a Pribilof Islands stock and a Bristol Bay stock. The plan team will submit this change with the FMP amendment package. The team will also submit a proposal to the Council to consider splitting the prohibited species catch (PSC) for Bering Sea *C. bairdi* among these two stocks and redefine the bycatch zones to correspond with stock distribution. Also, the *C. opilio* stock has apparently failed to realize recruitment of small crab the past two years and significant decline in legal stock abundance is anticipated in the near future. Given status of the *C. opilio* stock, the team concluded they will review the PSC limit and bycatch zone for *C. opilio* in their development of an overfishing definition and rebuilding plan for the stock. If this review indicates a change is appropriate, the team will submit a proposal to the Council for consideration.

In developing overfishing definitions, the team carefully debated interpretation of the proposed National Standard Guidelines. The team was perplexed with the use of the term MSY since in general fishery science had dispelled the notion that maximum yield could be sustained. The team noted it is unfortunate that the concept is given credence. At issue is strict interpretation of the guidelines that OY cannot exceed MSY - should this be the case MSY would decline to zero as the long-term average yield declines. The team submitted comments to NMFS recommending clarification in the guidelines that OY can exceed MSY and that "long-term" and "prevailing" be defined with some bounds on measure of time. The plan team agreed to evaluate multiple approaches to estimate MSY and the MSY control rules given these vague aspects of the guidelines. Additionally, the plan team commented that the 10-year period for rebuilding a stock to the MSY level is unrealistic for BSAI king and Tanner crabs and will encumber development of rebuilding plans regardless of relevant biological and environmental factors.

Definitions of overfishing for each of the 18 stocks of BSAI king and Tanner crabs will differ according to the amount and type of data available. Some crab stocks are not targeted but exploited as bycatch and only have limited records of catch. While data on other crab stocks is extensive including abundance estimates, catch records, tagging, growth and observer data. Details of the different approaches used to define overfishing the stocks and an overview of a general rebuilding plan are covered in the January crab plan team minutes.

The tasks before the plan team to amend the BSAI crab FMP to comply with the revised National Standards are formidable. The plan team recognizes the importance of coordinating this work with the Board of Fisheries regulatory proposal cycle and noted that state management of BSAI crab stocks can be more conservative than mandated by the Magnuson-Stevens Act. The plan team will provide members of the Board of Fisheries copies of the draft FMP amendment package when it is completed in early April. Prior to that time, should any Council or Board members have questions or comments on the proposed FMP amendments, please contact Peggy Murphy, Kim Rivera or David Witherell.

CALL FOR PROPOSALS

THE ALASKA BOARD OF FISHERIES CALL FOR PROPOSED CHANGES IN THE SUBSISTENCE, PERSONAL USE, SPORT, GUIDED SPORT, AND COMMERCIAL FINFISH REGULATIONS FOR THE COOK INLET AREA, AND KODIAK/CHIGNIK MANAGEMENT AREAS, AND STATEWIDE KING/TANNER CRAB SHELLFISH REGULATIONS.

PROPOSAL DEADLINE - APRIL 10, 1998

The Alaska Board of Fisheries is accepting proposed changes to the subsistence, personal use, sport, guided sport, and commercial finfish regulations for the Cook Inlet and Kodiak/Chignik finfish management areas. Finfish includes: salmon, herring, trout, char, burbot, northern pike, whitefish, groundfish, etc. Also, the Alaska Board of Fisheries is accepting proposed changes to all King crab and Tanner Crab and shellfish issues (including all regional fisheries).

To insure that the proposed booklets are distributed well in advance of the board meetings and the fishing season, the board has set a Friday, April 10, 1998 proposal deadline. The Board recognizes this is an early deadline, however, feels the advisory committees, fishermen organizations, public and department staff have benefited by having more time to review the proposals.

Your proposal must be received by any Board Support Section office by close of business on Friday, April 10, 1998. The following offices can officially receive proposals:

Robert Speed
Headquarters
PO Box 25526
Juneau, AK 99802-5526
Phone: (907) 465-4110

Joe Chythlook
Southwest Region
PO Box 1030
Dillingham, AK 99576-1030
Phone: (907) 842-5142

Ann Wilkinson
Southcentral Region
333 Raspberry Road
Anchorage, AK 99518-1599
Phone: (907) 267-2354

Ida Alexie
Western Region
PO Box 1788
Bethel, AK 99559-1788
Phone: (907) 543-4467

Susan Bucknell
Arctic Region
PO Box 689
Kotzebue, AK 99752-0689
Phone: (907) 442-4320

Jim Marcotte
Interior Region
1300 College Road
Fairbanks, AK 99701
Phone: (907) 474-8634

All proposals must contain an original signature, contact telephone number, and address. Proposals must be received in one of the specific offices listed above by the deadline (only being postmarked by that date is not considered as valid timely receipt). You are encouraged to submit proposals at the earliest possible date.

[Note: Proposals received per the above "Call For Proposals" deadline will be considered by the Board of Fisheries during the November 1998 - March 1999 meeting schedule.]

The State of Alaska, Department of Fish and Game complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modification to make a proposal; should contact Bob Speed at (907) 465-4110. (To correspond by text telephone (TDD), call 1-800-478-2028) no later than April 3, 1998 to make any necessary arrangements.

**Draft Minutes of the
Bering Sea/Aleutian Islands Crab Plan Team
Meeting, January 6-7, 1998
Anchorage, Alaska**

Members Present:

Rance Morrison (ADF&G-Dutch)

Peggy Murphy, (Chair, ADF&G-Juneau)

Bob Otto (NMFS-Kodiak)

Doug Pengilly (ADF&G-Kodiak)

Kim Rivera (NMFS-AKRO-Juneau)

Tom Shirley (UAF-Juneau)

Al Spalinger (ADF&G-Kodiak)

Dave Witherell (NPF&C)

The Bering Sea/Aleutian Islands (BSAI) Crab Plan Team met in Anchorage, 8:00 am - 5:00 pm, January 6-7, 1998. Members Jerry Reeves and Joshua Grochberg were unable to participate. Reference papers were distributed to team members prior to the meeting including:

- 1) *Draft Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands (FMP) dated Dec. 24, 1997;*
- 2) *Comments by NOAA General Counsel, Jonathan Pollard, on the Draft FMP dated January 16, 1996;*
- 3) *A packet titled Information and Comments on Revisions to the Crab FMP, 1996 & 1997, compiled December 23, 1997; Federal Register Vol. 62, No. 248, Monday, December 29, 1997, Proposed Rule reopening of public comment period on national standard 1;*
- 4) *A packet titled Information on Overfishing, compiled Dec. 24, 1997;*
- 5) *Environmental Assessment for Amendment 1 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands, date November 20, 1990; and*
- 6) *Environmental Assessment and Economic Analysis for Amendment 44 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 44 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska to Redefine Acceptable Biological Catch and Overfishing, dated January 6, 1997.*

The team meeting was conducted based on the following agenda:

Membership; Approve agenda and last meeting minutes; Announcements.

Status of crab and groundfish FMP amendment proposals.

Annual report assignments.

Appeal of the Board of Fisheries' Bristol Bay red king crab exploitation rate.

Recap of Dec. 1997 Interagency Research meeting.

SSC comments to the team on Tanner and snow crab exploitation rates.

PNCIAC comments to the team on PSC limits, stock status and distribution relative to closure areas.

Status of crab bycatch data collection in the NMFS groundfish observer program.

AKIIN comments on license limitation program data needs.

Final tasks for crab FMP housekeeping update.

Amendments for compliance with the Magnuson-Stevens Fisheries Conservation and Management Act.

The team welcomed their new member Mr. Al Spalinger, Regional Shellfish and Groundfish Management Biologist for Westward region. Al's 18 years of fishery management experience with the Alaska Department of Fish and Game (ADF&G) will be a great asset in making recommendations and evaluating the management, biology, economic and social conditions of crab fisheries.

The team read an Alaska State Chamber of Commerce (ASCC) resolution urging the Governor and Alaska Legislature to support an operating budget for the Alaska Department of Fish and Game (ADF&G) that enables good fisheries management and proper research. This is unique as at the same time the ASCC is supporting privatization of public services in other agencies. Arni Thomson noted that the Unalaska/Dutch Harbor Chamber of Commerce submitted the proposal to the ASCC and several UFA members worked to finalize the resolution. The team recognized these efforts and thanked Mr. Thomson for bringing it to their attention.

The four proposals to amend the crab FMP were not taken up by the North Pacific Fishery Management Council (Council) nor were proposals to the groundfish FMP dealing with crab bycatch. The team was concerned about the lack of emphasis on crab given the status of stocks. The team concluded review of PSC limits and zones would occur in their development of overfishing definitions and rebuilding plans and that they would submit proposals to the Council regarding PSC if appropriate.

In review of upcoming meetings the team noted that the Council/Board Consultation Group meeting, February 3, focuses again this year on groundfish and not crab. The team respectfully refers this group to the State/Federal Action Plan for Management of Commercial King and Tanner Crab Fisheries (October 1993) that outlines the purpose of the joint Council/Board meeting to meet publicly on an annual basis to focus on crab issues.

The team discussed the current format of the SAFE, which is a compilation of multiple reports from ADF&G and National Marine Fisheries Service (NMFS) and a bibliography of the year's reports and papers pertaining to BSAI crabs. The team concluded the SAFE should be reformatted to provide one coherent document that centralizes information on status of BSAI crab stocks and fishery management and fulfills additional reporting requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Critical to the endeavor are funds for an editor and multiple day meeting to complete a first draft. Peggy will draft a letter to the director of the Council from the plan team requesting support for this endeavor.

The appeal of the Board of Fisheries (Board) Bristol Bay red king crab harvest strategy was unanimously denied at their October 14, 1997 teleconference. The Board supported the current exploitation rate and rebuilding program for red king crab noting foundational language in their policy on king and Tanner crab resource management, the Act and its proposed guidelines for national standard 1. The Board acknowledged endorsement of the current strategy by the Council technical committees, NMFS, and the majority of the BSAI crab industry.

The interagency research meeting December 17-19, 1997 provided a forum for highlighting ongoing and impending crab research. Five of the crab plan team members were able to participate in the meeting. This year's discussion topic and action item was crab rebuilding plans. Central to the topic was the infrequency of strong year classes in North Pacific crab stocks. Stock dynamics extend over a long periods of time while for many stocks data series are of short duration. Participants agreed that normative management is appropriate for crab stocks, that is when stocks are below average, low harvest rates are appropriate and when stocks are above average, then greater harvest rates would be applied. Operationally this approach requires thresholds and biological reference points to define when the stock is healthy enough to support a fishery and an exploitation rate schedule keyed to stock size. The group debated objective criteria for these definitions, discussed additional management measures, and marine sanctuaries for king crabs and Tanner crabs. Southeast region intends to continue their current management strategy for king crabs but will manage Tanner crabs more conservatively than in past fisheries if the season length becomes more abbreviated. Central region is developing management plans for both king and Tanner crabs and will propose regulatory language to the Board to close fisheries until management plans are in place. Westward region will update the management plan for Kodiak, Bristol Bay, Pribilof and St. Matthew Islands king crabs and draft harvest strategies for Tanner and snow crabs. In developing rebuilding plans for BSAI crab stocks, the plan team will draw upon the work completed at the interagency research meeting.

During review of guideline harvest levels (GHL) for *Chionoecetes bairdi* and *C. opilio* the SSC voiced concern over the high exploitation rates for these two species given their stock status. A small GHL was estimated for the 1997 *C. bairdi* fishery but ADF&G closed the season for stock conservation. A length-based model has been developed by ADF&G for *C. bairdi* and it will be used to analyze harvest strategies for the stock. The department plans to take *C. bairdi* management plans to the Board for consideration in 1999. Despite apparent recruitment failure of *C. opilio*, exploitation at the current rate impacts a small percentage of the reproductive portion of the stock due to industry preference for larger crabs. The team noted exploitation rates for these two species will be reexamined in development of overfishing definitions and rebuilding plans.

A point was raised at the Pacific Northwest Crab Industry Advisory Committee (PNCIAC) meeting that attainment of the *C. bairdi* prohibited species catch (PSC) in Zone 2 groundfish fisheries could trigger an overfishing condition. As the stock declines the distribution of crabs contracts to a smaller geographic area resulting in disproportional PSC since the *C. bairdi* PSC was defined using distribution of crabs at higher abundance. The plan team interjected concern for this situation throughout the debate of *C. bairdi* PSC. The plan team reviewed trawl bycatch of *C. bairdi* in Zone 2 in 1997 and didn't think the PSC would be reached in Zone 2 in 1998 due to declining PSC in the zone in recent years. They did



UNITED STATES DEPARTMENT
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA D-4
APRIL 1998
Supplemental

March 19, 1998

RECEIVED

MAR 26 1998

N.P.F.M.C

Mr. Richard Lauber
Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, #306
Anchorage, AK 99501

Dear Rick:

At the Joint Meeting of the Alaska Board of Fisheries and North Pacific Fishery Management Council meeting held in Anchorage on February 3, 1998, we indicated that appropriate staff would be meeting to discuss crab management issues. National Marine Fisheries Service (NMFS) and the Alaska Department of Fish & Game (ADF&G) staff met on Monday, March 9, 1998 in Juneau to discuss the current status of the Bristol Bay red king crab stock and its management. The following topics were reviewed and discussed:

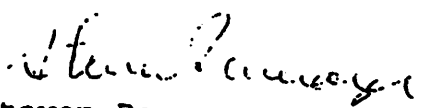
1. Methods of assessing and modeling abundance including the NMFS Bering Sea/Aleutian Islands trawl survey, fishery monitoring, and the ADF&G length-based analysis (LBA) model.
2. Methods of assessing reproductive potential and options for future refinement in these assessment methods.
3. Harvest strategy and historic exploitation rates.
4. The stock rebuilding plan and its premises.
5. The stock's historical and current habitat use and the ecological and environmental conditions.

While minor differences in opinion exist relative to these topics, both staffs were in absolute agreement that low exploitation rates were justified by current stock conditions and necessary to achieve the goal of rebuilding stock abundance under risk-averse management policies. The combined staff also agreed that existing mechanisms in the State/Federal Action Plan for Management of Commercial King and Tanner Crab Fisheries (October, 1993) provide for sufficient coordination of research efforts and scientific review to aid in the development of fishery management policies. These existing interagency mechanisms include a Research Planning Group, the Crab Plan Team, and a State/Federal Policy Group. In addition, NMFS and ADF&G staff meet with industry and the Pacific Northwest Crab Industry Advisory Committee on an annual basis.



We do not believe a need exists to alter current management strategies or policies. NMFS and ADF&G staff will continue to coordinate to address crab research management and policy issues and have reaffirmed the need to meet annually to resolve these issues.

Sincerely,


Steven Pennoyer
Administrator, Alaska Region
NMFS


David Benton
Deputy Commissioner
ADF&G

cc: Alaska Board of Fisheries
PNCIAC
Alaska Fisheries Conservation Group
Alaska Crab Coalition
United Fisherman's Marketing Association

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director

Telephone: (907) 271-2809



605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax (907) 271-2817

MEMORANDUM

TO: Crab Plan Team and Crab Fishery Participants
FROM: David Witherell, NPFMC staff
DATE: July 16, 1998
SUBJECT: Notice of Crab Plan Team Meeting.

A meeting of the BSAI Crab Plan Team has been scheduled for August 19-20 at the Old Federal Building in Anchorage (605 West 4th Avenue). We will start the meeting at 11:00 am on Wednesday, August 19. A draft agenda for the crab team meeting is as follows:

- Introductions, Agenda, Meeting Minutes
- Status of BSAI king (and Tanner ?) crab stocks
- Guideline Harvest Levels for BSAI king (and Tanner?) crab stocks
- Receive report on NPFMC/BOF committee meeting July 29-30
- Receive report on Crab License Limitation Amendment
- Overview of category 2 BOF proposals
- Outline Tanner crab rebuilding plan
- Review proposals to amend the crab FMP and make recommendations 7, 8, 9, 10, 19, 35
- Review scallop and groundfish FMP proposals pertaining to BSAI king and Tanner crabs
- Assemble SAFE document
- Other issues for discussion.

See you there.

CPT Generated Proposals:
- BBKRC Marine Reserve (HPC) - concern for females & juveniles

Buyback plan Comments Mack Heaman

- Fair & equitable

- Fred Creek problem

- Major - strong support from industry, reduce boats

Other possibilities:

- ITPQs Heaman & Greenberg

- Individual decision

- ITPQs - seasons too short

**DRAFT Minutes of the
Bering Sea/Aleutian Islands Crab Plan Team
Meeting, August 19 and 20, 1998**

Members Present:

Peggy Murphy (ADF&G, chair)
Gretchen Harrington (NMFS)
Mark Herrmann (UAF)
Al Spalinger (ADF&G)

Rance Morrison (ADF&G)
Bob Otto (NMFS)
Jack Turnock (NMFS)
Doug Pengilly (ADF&G)
Dave Witherell (NPFMC)

The Bering Sea/Aleutian Islands (BSAI) Crab Plan Team met on August 19-20 in Anchorage. The Team meeting was conducted based on the following agenda:

Introductions, Agenda, Meeting Minutes
Status of BSAI king (and Tanner ?) crab stocks
Guideline Harvest Levels for BSAI king (and Tanner?) crab stocks
Receive report on NPFMC/BOF committee meeting July 29-30
Receive report on Crab License Limitation Amendment
Overview of category 2 BOF proposals
Outline Tanner crab rebuilding plan
Review proposals to amend the crab FMP and make recommendations
Review scallop and groundfish FMP proposals pertaining to BSAI king and Tanner crabs
Assemble SAFE document
Other issues for discussion.

Following introductions and a review of the agenda, several items of news were discussed. First, several new faces were in attendance. Jack Turnock was filling in for Jerry Reeves, who recently retired. Gretchen Harrington filled in for Kim Rivera, who moved over to protected resources division of NMFS. Mark Herrmann has been officially designated to replace Josh Greenberg who is on sabbatical in New England. It was noticed that Al Spalinger was planning to retire in December, so a replacement for him will be forthcoming. As punishment, the team agreed that Al should be heavily burdened with crab team assignments during the next few months. Of note, a new NMFS laboratory opened in Kodiak this month, congratulations to Bob Otto! Other items of interest included notification of the Directors meeting with crab industry on September 29 in Anchorage, an update on response to SSC concerns about the overfishing EA/RIR, a letter from Council member Dennis Austin concerning clarification of Bristol Bay red king crab assessment methodology, and a letter to Jay Johnson regarding the 17.9 million pound MSY estimate for this stock. Regarding the last item, the crab team agreed that GHGs should be able to exceed 17.9 million pounds when stock conditions warrant such a harvest. Rance notified the team that he had received a call from the Governors office seeking information on crab bycatch in groundfish fisheries. In response, Dave drafted a summary paper that was reviewed and approved by the team.

Survey Results

Bob Otto provided a summary of this summers Bering Sea trawl survey. Because the Center intends to reduce survey tow time from 30 to 15 minutes, several extra days of survey time were spent making comparative research tows. Due to the delay, survey data for Bristol Bay red king crab and Tanner crab would not be ready until the last full week of August. Bob made several general observations during his time on the vessel. First,

the water was warmer than usual, and this affected the distribution of a number of species. As with last year, coccolithophores were present over a wide area, and rock sole were encountered north of St. Matthew. White-sided dolphins were observed for the first time in the Bering Sea. Other observations included a large number of 25-30 cm cod, very few small *C. opilio*, and relatively high prevalence of bitter crab disease around St. Matthew.

Guideline Harvest Levels

The team discussed stock status and GHs for species where data were already available. Like last year, the GH for Pribilof Islands king crabs includes both red and blue king crab. A GH of 1.3 million pounds was established based on a 10% exploitation rate of the combined abundance of mature king crab. Abundance of these crab is relatively stable, with blue kings up slightly, and red kings down somewhat. The St. Matthew Island blue king crab stock also appeared stable. A GH for the St. Matthew Island stock was established at 4.1 million pounds based on a 20% exploitation rate of mature males. The fishery for St. Matthew and the Pribilof Islands king crab begins on September 15. The Aleutian Islands brown king crab GH was established at 3.0 million pounds east of 174° and 3.3 million pounds west of 174°. These GHs were based on a slightly more conservative rate than last year, as CPUE from last years fishery declined dramatically during the season. The survey index of Pribilof Islands hair crabs indicated a continuing decay of a large cohort. The GH was established at 400,000 pounds. This fishery can be prosecuted by up to 24 vessels using longlined conical pots. Hair crab is not an FMP species.

LLP and Buyback Program

Chris Oliver provided a summary report on the status of the Council's Groundfish/Crab License Limitation Program and the vessel license buyback program developed by industry. In October, the Council will be considering a plan amendment to further reduce the number of crab licenses originally adopted under Amendment 5. Under that amendment, 365 vessels qualified to fish for BSAI crabs (not including Norton Sound red king crab) based on a two tier qualification. The amendment currently under consideration would add a third tier of qualification, by allowing only those vessels that fished in the year(s) 1995 through February 8, 1998 to get a license. The most restrictive option would issue licenses to only 195 vessels, whereas a more moderate option (fishing any one year between 1995-1998) would issue licenses to 293 vessels. Severability of licenses (groundfish/crab) would be considered for a buyback program only, not for transfers. The team noted that management of this fishery is impacted by the number of vessels participating, particularly for those fisheries regulated by pot limits. The license limitation option chosen by the Council will also determine the need for, or at least shape of, a crab vessel license buyback program. The C.R.A.B. group has prepared a vessel buyback plan, which was distributed, to the entire crab fleet for comment. Once the Council makes a decision on the license program, the buyback plan could be revised and submitted to the Secretary. Chris noted that as currently written, the A:B license designation of the buyback plan is inconsistent with the FMP. The team requested that Mark Herrmann, the team's economist, provide comments regarding the buyback plan. Given the brief time available for review, comments should be considered preliminary. The team reviewed and endorsed the comments that are attached.

Board of Fisheries and FMP Amendment Proposals

The Team looked over the proposals submitted to the Board of Fisheries for consideration at their spring 1999 meeting. The team noted that the following proposals were category 2 measures that will be reviewed for consistency with the FMP: 281, 285, 286, 287, 288, 289, 290, 292, 298, 299, 300, and 301. These proposals address harvest strategies and guideline harvest levels, season dates, and size limits.

ALASKA CRAB COALITION

3901 Leary Way N.W. Ste. 6
Seattle, Washington 98107
206 547 7560
206 547 0130 Fax
Email: acc-crabak@msn.com

DATE: April 23, 1999

MEMO TO: Rick Lauber, Chairman, NPFMC
Steve Pennoyer, Regional Director, NMFS

FROM: Arni Thomson, Executive Director 

RE: AMERICAN FISHERIES ACT POLLOCK COOP ELIGIBLE
CATCHER VESSELS THAT FISHED THE 1999 OPILIO CRAB
FISHERY

This memorandum is to inform you that 16 AFA pollock vessels registered and made deliveries in the 1999 Bering Sea opilio crab fishery. I have confirmed this in response to a request for verification of a list of vessels I submitted to ADF&G on March 17th, 1999. The memo is attached.

Two out of the list of 15 vessels I submitted did not make deliveries, the American Eagle and the Caitlan Ann. **However, there are an additional 3 vessels not on the list, that also made deliveries, making a total of 16 AFA vessels. This is a substantial number of boats, it is 5.3% of the 241 total vessels registered in the fishery.** To the best of my knowledge, the attached list of vessels are all UCB members.

Coincidentally, if these vessels were fishing up to their potential, they could harvest a value of crab equal to the 1999 CDQ allocation. That value is an estimated \$8.5 million of the \$161 million total exvessel revenue of the fishery.

Permit me to remind the Council that this level of participation contradicts the testimony of Brent Paine and Steve Hughes of UCB at the NPFMC on December 14th, 1998, when the Council was adopting an emergency rule to protect the opilio fishery from speculative spillover effects of AFA boats. In response to questions, they stated to the effect that they had "canvassed" UCB members, and that very few of their vessels planned to fish opilio in 1999, that there would be no speculative entrants. They recommended it was unnecessary to implement the emergency rule that would restrict AFA boats to only those that fished opilio crab in 1996 or 1997, from entry into the fishery in 1999. They further claimed that An emergency rule could not be implemented, because there was no list of AFA vessels to use as a basis for the rule. We attach the UCB, NMFS based list of AFA pollock coop boats submitted to the U.S. Senate and the NPFMC list of pollock catcher and catcher processor vessels, used for the Inshore/Offshore 3 analysis, EA/RIR, August 1998.

I also attach a citation from MSFCMA regarding false statements and a transcript of Brent Paine and Steve Hughes testimony to the NPFMC on December 14, 1998.

ALASKA CRAB COALITION

3901 Leary Way N.W. Ste. 6
Seattle, Washington 98107
206 547 7560
206 547 0130 Fax
Email: acc-crabak@msn.com

DATE: March 17, 1999

MEMO TO: Rance Morrison, Earl Krygier, Pete Probasco, ADF&G

FROM: Arni Thomson, Executive Director 

RE: AMERICAN FISHERIES ACT POLLOCK COOP QUALIFIED
TRAWLERS, REGISTERED AND/OR FISHING FOR OPILIO 1999

The ACC office noticed in the ADF&G closure notice of March 12th for the Bering Sea opilio fishery that an estimated 5 pollock coop-qualified trawlers entered the fishery after the closure of the pollock fishery on February 28th.

Based on a current CFEC list and fleet observations of pollock vessels in the fishery, the ACC estimates that there are not 5, but likely 15 AFA pollock coop-qualified vessels in the opilio fishery, seven or eight of which have fished only crab this winter. As you know, this is a very controversial issue, not only within the crab fleet, but it is also a controversial issue at the NPFMC and within Congressional offices in Alaska and Washington. The NPFMC passed an Emergency Rule at its December 1998 meeting, restricting pollock vessels from entering the opilio fishery in 1999, to only those who had participated in the fishery in 1996 or 1997. This would have limited the number of pollock vessels in the fishery to five.

Based on the CFEC Vessel/Permit holders list, the following AFA vessels are likely registered for the fishery. **Could you verify if all these vessels are registered for the opilio fishery?**

VESSEL	ADF&G	VESSEL	ADF&G
AJ	57934	Sunset Bay	35527
Alsea	40749	Vesteraalen	38342
American Eagle	00039		
Anita J	00029		
Arctic Wind	01112		
Argosy	38547		
Caitlan Ann	59779		
Fierce Allegiance	55111		
Flying Cloud	32473		
Half Moon Bay	39230		
Marcy J	00055		
Nordic Fury	00200		
Storm Petrel	39860		

FALSE STATEMENTS PRESENTED TO A COUNCIL, THE SECRETARY OR THE GOVERNOR OF A STATE

Section 307(1)(1) of the Act makes it unlawful “to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information... regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act”. Civil penalties are provided by section 308(a). Criminal penalties are provided by section 309(a). Penalties and punishments are severe.

Testimony of Brent Paine and Steve Hughes
December 14, 1998
11:38 am

Lauren: Mr. Chairman, this is Lauren, I just want to make sure no misconceptions are created. Brent is borrowing my copy of my NMFS Federal Register Guidelines. He didn't have a copy and asked to borrow mine.

Chairman: It's free you know.

Brent Paine: Thank you Mr. Chairman. My name is Brent Paine and I brought my bodyguard Steve Hughes to protect me. I'd like to start out to address some comments on the issue before you which is catcher vessel restrictions and what you're going to do in terms of S1221 in tasking the staff to develop an analysis that will be able to, that you can look in the June Council meeting as well as the initial review in April. And then I have some comments on some of the issues that have come up here today in regards to speculation over-capitalization and emergency rules. I think for the record the advisory panel did a very admiral job in looking at this issue. They spent an awful lot of time on this and their report was very thorough and incorporates many of the concerns that have been expressed today.

Our concerns are basically six or seven fold and I've kind of made it kind of simple. The first concern is who these restrictions should apply to. And I know some of the questions Ms. Behnken asked about trying to figure out should it apply to vessels that are on the list of pollock eligible vessels in the Bering Sea or versus coop vessels. If you look at the language in the Act, it says, "these restrictions should apply to" and I'm reading from sections C of 211, "prevent catcher vessels eligible under sections A, B, and C" those are the three catcher vessel sectors, "from exceeding in the aggregate the traditional harvest levels of such vessels and other fisheries under the authority of the North Pacific Council as a result of fishery cooperatives in the directed pollock fishery."

And I think the key phrase there is the last clause, "as a result of the fishery cooperatives." Our interpretation is meant that Congress was meaning that that if you have a resulting effects of cooperatives, then these sideboards do apply. Our recommendation to you is apply these sideboards to catcher vessels that do coop.

In listening to some of the testimony from some of my members previously for example, the mother ship sector, they didn't receive benefits an increased allocation. In fact, they received a reduction by 1221. Why

would you want to impose additional sidebars or sideboard catcher vessel restrictions on these vessels that have had a reduction in pollock catch if they don't co-op. They historically have fished many fisheries and they need the dependence on those other fisheries. So putting catcher vessel restrictions on them is more of a punitive type of behavior rather than a restrictive type of behavior. So I hope that you don't get into the mode of being punitive here but more rational.

In addition, the second point I'd like to make is what non-pollock fisheries restrictions should apply. And I think those are defined by the fisheries that the pollock boats participate in. And I think the AP did recommend what fisheries those are and I won't go through that. When the catcher vessel restrictions should apply, you've heard testimony from Groundfish Forum and others that they should apply year round. We've always felt that 1221 did rational (inaudible) [Change to 11:42 am tape]

[Break in sequence]

Brent Paine: ... is that you should apply these restrictions just when the pollock fishery occurs. Now we have a little problem because the stellar sea line issue changed those season dates around and I believe the AP addressed that by frame working that motion and you can look at their minutes on that issue.

The amount of catcher vessel restrictions is also an issue that you've been dealing with. The Act says the word "aggregate" and how do you define "aggregate." Because it ties into historic and how do you define historic. Again, I think the AP did recommend a frame work action that will help you with that decision on what those definitions of those terms are going be at your April and June Council meeting so we don't need to take time with this. I guess I'm urging you to look at the AP motion and maybe move it as an option to give the staff direction.

Moving along to this issue of emergency rules for the opilio season for 1999. I think you need to look closely at what Lauren brought out as what authority do you have under the emergency rules statutes or law. Rather than me reading this to you I think you should have the general counsel read this to you because it will give you guidance as to what you can do as a Council under emergency rules and what constitutes an emergency. But just on that point there are some issues.

We don't recommend that you implement emergency rule for closure to S1221 vessels for the opillio fishery. The testimony from the crab industry is correct. There have been roughly between 7 and 3 vessels that fish

opillio that are also fishing pollock. I have canvassed my membership over the last couple of days. I don't see any additional effort into the opillio fishery other than that somewhere 3 and 7 boats historic that have been dependent on the opillio fishery. I think you heard Scott Hovik testify. Those guys don't have a 250 ton criteria that makes them eligible for shore side pollock markets. They historically, the "fury" boats have historically fished pollock and crab. That was their choice because they have been true crabbers even though they have a gantry onboard. So, I don't think there's an emergency.

Secondly, there is no list for 1221 qualified vessels for 1999 so how are you going apply that. The mother ship sector and the shore side catcher vessel sector, there is no official list, or endorsement, or license, or what ever you want to call it for 1999 so you can't apply it to anybody. In addition, co-ops cannot be in effect for those two sectors for 1999 they only go into effect for the year 2000. So, you won't have the effects of a cooperative on the opilio fishery for next year. So I think with that, I would urge you to move the AP recommendation.

I would like to just summarize the theme that's been presented to you today by many of the speakers before me. And that theme is one of speculation and overcapitalization and it's the same theme that people have been preaching to you for the last 15 years at this Council. Obviously the moratorium didn't work. Obviously license limitation didn't work. When are enough people going to have to come up here and say we've got a problem with too much gear in the water? Right now the issue is 1221 and catcher vessels because their fearful that I might go and take some yellow fin sole away from Teresa Kandianes operation, or I might go with my vessels and take crab away from Arni Thomson's operation. I think Kevin asked a great question of the crabber. There might be true crabbers that are preempting longline cod fishermen. So the issue isn't just relative to catcher vessels here. The issue is overcapitalization, and preemption, and speculative entry because of what this Council might do in the future. So, I ask you guys to look at this issue of overcapitalization real seriously for about the fifth time. Thanks, Steve.

Steve Hughes: I'd just like to say I've said enough in the last few days and I hope you're all having a good day.

O'Leary: Brent, I thought I heard you testify, I don't know which meeting it was, I guess it was the special meeting in November we had, that as a result of 1221, the people that were going to be involved or qualified under 1221 didn't have any problem with the reduction in endorsements that were

earned as a result of king crab fishing and incidental catcher tanner crab to the opilio fishery. The numbers that Arni presents us kind of indicates to me that there aren't many participants in the opillio fishery on the part of those vessels. So I don't understand that if that's the case, why you don't, or what the problem is with having an emergency action just to assure the industry that there isn't going to be this speculative effort from this universe of vessels that are qualified but don't really, aren't real opillio crab fishermen.

Council: Steve would like to speak.

Steve Hughes: You know Kevin, we've asked ourselves these same things. I think the answer is paranoia. National Marine Fisheries Services is going to have their hands more than full with emergency measures. The target here recently has been these 33 combination vessels that basically belong to UCB. Let's not make any bones about it, that's the only vessels we're talking about here. And I don't see that effort from our vessels leaving pollock, their pollock markets. These guys have had markets that are long term with shore plans and their mother ships for long, long periods of time. I don't see them leaving that and going into opilio this year any more than they did last year or the year before.

The only real issue here, if you sort through all the nonsense, the only real issue is Bristol Bay red king crab and whether or not vessels that have had a substantial history in Bristol Bay red king crab, by and large are going to be allowed to continue that. And the exception are these, I think properly said, 3 through 7 boats that have some history in opillio. I don't know where these other boats are going to come from.

Council: Other questions? Break.



ALASKA CRAB COALITION

3901 Leary Way (Bldg.) N.W., Suite #6 • Seattle, WA 98107 • (206) 547-7560 • FAX (206) 547-0130

DATE: November 5, 1998

TO: Mr. Rick Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

FROM: Arni Thomson, Executive Director

RE: COMMENT ON AGENDA ITEM C-1, SENATE BILL S. 1221, AND
POTENTIAL IMPACTS ON CRAB FISHERIES MANAGEMENT AND
THE CRAB LICENSE LIMITATION PROGRAM

This Comment provides an analysis of the harvesting and processing shares in the onshore sector of the BSAI pollock industry. This Comment does not concentrate on the offshore sector. The reason is that S. 1221, as enacted in the omnibus appropriations measure for fiscal year 1999, set in motion the means of achieving the original, worthy objectives of the proposal, Americanization and decapitalization of the offshore sector. While one may question the taxpayer subsidy provided for these purposes, the fact remains that it is other aspects of the legislation, i.e., those not originally contemplated and not made the subject of public hearings, that threaten the BSAI crab fisheries with severe, adverse conservation and economic consequences, while at the same time unjustly enriching a relatively small number of individuals and companies. It is the effect of these provisions, relating principally to the onshore component, that is the subject of this Comment.

The seven processing companies and 29 of the affiliated pollock catcher vessels, many of which are owned by the major processors, are also involved in the BSAI crab fisheries. Unless the NPFMC reconsiders and the Secretary concurs, an additional 11 catcher vessels, 7 of which are partners in the mothership, Ocean Phoenix, will also be licensed along with the other 29 (a total of 40), in the NPFMC crab LLP program, in January 2000. (See attachment.)

These vessels represent significant, previously latent fishing capacity. Twenty-nine of these could be eliminated from the crab LLP under the pending Alternative #4 amendment to the LLP. Without adoption of Alternative #4 on a reconsideration vote of the NPFMC, these vessels could become regular participants in the Bering Sea snow crab fishery, the "bread and butter" of the 235-vessel, Bering Sea crab fleet, under the cooperative-related provisions of S. 1221, as enacted in the federal omnibus appropriations measure for fiscal year 1999. When finally invited to participate in an S. 1221 meeting in Washington D.C. on September 17, 1998, the ACC proposed the Alternative #4 landing requirement as a protection measure. However, the parties

involved in the negotiations strongly opposed any significant protections for the BSAI crab-dependent fleet, and subsequently lobbied to undo such protections as had been secured. (See Comment of the Alaska Crab Coalition and the CRAB Group on "Basic Elements of Agreement on S. 1221 - 9/11/98, dated Sept. 16, 1998, also submitted to the NPFMC, Agenda C-1.) **Thus, S. 1221 authorizes quota shares for catcher vessels, and there are no restrictions on transfers to other vessels that would prevent freeing-up the crab LLP qualified pollock catcher vessels to fish in crab and other groundfish fisheries, except as may be provided by the NPFMC with the approval of the Secretary of Commerce in accordance with the new law.**

The following is a summary analysis. It is based on a list of pollock catcher vessels, their owners and major markets, submitted by Brent Paine of United Catcher Boats to the U.S. Senate on September 17, 1998, for the Manager's Amendment to S. 1221, as potentially eligible to be harvesting vessels in the proposed pollock cooperatives and the NPFMC groundfish LLP. The list itself is based on NMFS groundfish catch records for the BSAI, 1995, 1996 and 1997. (See attachment.)

There are seven major shorebased companies effectively identified in S. 1221. They are: Alyeska and Westward Seafoods, UNISEA, Trident Seafoods, Tyson Seafoods, Northern Victor, and Peter Pan Seafoods. The acknowledged major companies are the Alyeska and Westward companies (controlling interest in each held by Maruha), UNISEA and Trident, each having a reliably estimated share of 30% (give or take 1% or 2% for each), of onshore pollock production and marketing (13.5%, each, of the total pollock TAC). **The aggregate processing and marketing share of the three major companies is equivalent to approximately 40% of the total BSAI pollock TAC.** Northern Victor and Tyson share the remaining 8-9%, at an estimated 4% each (and Tyson also has a substantial share of the offshore quota). Peter Pan Seafoods has an estimated share of 1-2% of the onshore pollock production.

The seven onshore pollock companies not only dominate the shorebased pollock industry, but they also have over 60% of the processing and marketing share of the Bering Sea crab industry. In 1998, these companies processed and marketed 175,000,000 pounds of opilio, produced by 158 of the 229 vessels registered in the fishery.

According to the list of pollock catcher vessels (and other reliable industry sources), there are an estimated 77 vessels with "established markets" that catch and deliver pollock to the plants on a scheduled rotation basis during the pollock A and B seasons. UNISEA has 12, Alyeska and Westward have 16 (9 of which are vertically integrated), Trident has 32 (12 of which are vertically integrated), Tyson has 6 (all vertically integrated), and Northern Victor has 8. (See the S. 1221 United Catcher Boats list of vessels, owners, and markets.)

	1998 Pollock	Boats	1998 Opilio	Boats
Unisea	30%	12	12%	30
Alyeska & Westward	30%	16	12%	27
Trident	30%	32	22%	56
Northern Victor	4%	8	2%	7
Peter Pan	2%	3	14%	35
Tyson	4%	6	1%	3
Totals	100%	77	63%	158

In 1998, these 77 vessels and related processing plants will have produced and marketed 365,000 metric tons of pollock (average ex vessel price, \$154/mt) worth an ex vessel value of \$56,210, 000. According to industry estimates, each of the 3 major companies will have purchased and/or produced an estimated 110,000 mt of raw product for \$17 million, to process and market value-added surimi and some fillets.

The average ex vessel revenue, from pollock only, for the 77 vessels, is \$730,000. Add to this a vessel's three-year average catch of other groundfish, an estimated \$100,000 to \$150,000 and the conservative estimate of the average ex vessel revenue for a BSAI pollock trawler is \$830,000 in 1998.

By their own standards, 1998 has been considered a tough year for the pollock industry. However, as a result of S. 1221, and a de facto 42% increase in the shorebased allocation of pollock, to 50% of the TAC, revenue estimates for 1999 look much brighter for the 77 fishing vessels and the related shorebased plants.

Assuming the total TAC remains the same in 1999, and the price does not decline, the inshore component will share 497,800 mt of pollock in a similar ratio, worth an ex vessel value of \$76,538,000. The large plants could each increase their catch and production from 110,000 mt to 150,000 mt, and this would increase their dockside delivery value from \$17 million to \$23 million — a 35% increase in gross revenue for shorebased plants.

Similarly, the 77 catcher vessels could increase their average gross revenue from pollock in 1999 from \$730,000 to an estimated \$994,000 — a 36% increase in gross revenue for shorebased catcher vessels. Add to that their average catch of other groundfish, \$100,000 to \$150,000, and the average vessel revenue for a BSAI pollock trawler could be \$1.1 million in 1999, very similar to the shorebased pollock fleet's three year average gross revenue, an estimated \$1,010,905. (See attachment, ACC presentation to the NPFMC, October 8, 1998, Comparative Economic Analysis of Bering Sea/Aleutian Islands Inshore Trawl Catcher Vessel Revenues Vs. Crab Vessel Revenues, 1995-1997.)

In addition to S. 1221 legislating an increase in the onshore allocation of pollock from 35% to 50% of the TAC and reduced costs and improved profits that can develop from the cooperative structure, the bill also creates windfall profits for all sectors of the pollock industry.

This is clearly illustrated in the bill under (d) **PAYMENTS.—(2)(A)**:

Contained in this section is a payment of \$5,000,000 to Tyson Seafoods, owners of the catcher processors listed in paragraphs 10-14—a negotiated settlement for giving up ½ of 1% of the pollock TAC to the mothership sector in order to secure an industry agreement.

According to reliable industry sources, this negotiated price has established an opening market value for pollock quota shares. Each one per cent of the Bering Sea and Aleutian Islands pollock TAC is valued at \$10 million.

With the onshore pollock allocation now increased to 50%, or a net of 45%, after deduction of 10% for CDQs, the onshore allocation is worth an estimated \$450 million and there is an equal value for the offshore sector.

Industry sources also recognize that with the S. 1221 restriction on entry of new pollock processing companies, in both the onshore and offshore components, a similar or greater value has been added to all the processing companies for processing rights, thereby greatly increasing their financial leverage over non-pollock companies and independently owned fishing vessels. Unfortunately, some may argue that a precedent has been set for limiting processors in other fisheries.

To determine the quota share value (or windfall) at the individual vessel level, one simply divides the 45% onshore allocation by the 77 regular rotation onshore catcher vessels. Each vessel has on average, 0.6 of 1% of the TAC, or a quota share worth an estimated \$4 million to \$6 million. Of course, the larger catcher vessels will have as much as 1% of the TAC, or \$10 million in quota share, and multiple vessel owners will have multiples of \$4 to \$10 million worth of quota shares.

This market value estimate is not without substantiation. The rule of thumb in the halibut/sablefish quota share market is that quota shares run about four times the annual ex vessel value of the vessel. Note the 1999 estimated average gross revenue for the BSAI catcher vessel is about \$1.1 million. And with the beginning of quota share programs, the market value of the shares usually start high, as the ex vessel value of the fish usually increases the first year. As the resource increases, the value of the quota share also increases, provided that the ex vessel price does not decline.

The average Bering Sea crab vessel's revenue of \$500,000 or less for 1998, and a permit value of \$1,000 per foot (worth on average, \$114,000 per vessel) pale in comparison to corresponding values for the average pollock trawlers, 40 of which claim, without justification, economic dependence on Bering Sea crab fisheries. If those vessels succeed in gaining limited entry permits for the Bering Sea crab fisheries, it will be due solely to their political influence and it will be contrary to the provisions of fairness and equity, conservation, and safety in the Magnuson-Stevens Act.

The influx of 40 additional vessels into the BSAI crab fisheries, according to a recent letter from the Alaska Board of Fisheries to the NPFMC on this issue, could render these fisheries unmanageable. Conservation impacts on the fragile resources could be extremely severe, with further serious consequences to all participants. Of course, the pollock catcher vessels would be in an advantageous financial position to weather increased competition for the crab resource and yet another period of decline in the crab fisheries. This could lead to widespread business failures within the traditional crab fleet and displacement by the pollock catcher vessels. Consequences for safety, already the worst among all U.S. fisheries, could be severe. The three major processors will begin to compete aggressively for crab production, accelerating the race for fish, as the industry now anticipates that the BSAI crab fishery is the next target of the onshore pollock companies for processor-dominated cooperatives.

In conclusion, it needs to be said that the only crabs the BSAI pollock trawlers have depended on for economic survival the last fifteen years have been the dead ones they have hauled up in their cod ends, their bycatch allocation, that allows them to prosecute their groundfish fisheries. If these vessels become active in the crab fisheries, it is foreseeable they could bifurcate the fleet on bycatch and pot limit measures, creating a conflict of interest on these and other issues that would further exacerbate conservation and rebuilding programs. This has already been evidenced in the bycatch policies of their representatives at the NPFMC.

REVISED: 11/5/98

LIST OF BERING SEA S. 1221 COOP-ELIGIBLE POLLOCK/GROUNDFISH TRAWLERS, NPFMC APPROVED, ALTERNATIVE #9 FOR THE LICENSE LIMITATION PROGRAM, FOR BERING SEA KING & TANNER CRAB FISHERIES. TOTAL VESSELS: 40

VESSEL NAME	ADF&G	LOA	OWNERSHIP INFORMATION	
AJ	57934	150	Saga Sfds.	WA
ALASKA DAWN	69765	78	William Gilbert	AK
ALDEBARAN	48215	119	Trident Sfds.	WA
ALSEA	40749	124	Halls	OR
AMERICAN EAGLE (OK alt. 4)	00039	120	R. Tynes, J. Wabey	WA
ARCTIC WIND	01112	123	Victor Sfds.	WA
ARCTURUS	45978	119	Trident Sfds.	WA
ARGOSY (OK alt. 4)	38547	124	Halls	OR
BLUE FOX (Attached, NMFS memo)	62892 or 66039 ?	85	Pacific Draggers Inc.	OR
COMMODORE	53843	118	Victor Sfds., J. Hohannesen	WA
DOMINATOR (OK alt. 4)	08668	124	Trident Sfds.	WA
DONA MARTITA (OK alt. 4)	51672	165	Trident Sfds. R. Desautel	WA
ELIZABETH F	14767	81	S. Stutes	AK
FIERCE ALLEGIANCE (OK alt. 4)	55111	167	Westward Sfds.	WA
FLYING CLOUD (OK alt. 4)	32473	124	Trident Sfds.	WA
GOLDEN DAWN	35687	122	Trident Sfds., APICDA	AK
GUN MAR	41312	137	G. Ildhuso, (Ocean Phoenix)	WA
LADY JOANNE (OK alt. 4)	62922	58	David Wilson	AK
LISA MARIE	70221	78	YDFDA	AK
MAJESTY	60650	98	Trident Sfds.	WA
MAR GUN	12110	98	G. Ildhuso, (Ocean Phoenix)	WA
MARCY J (OK alt. 4)	00055	79	H. Jones	AK
MARGARET LYN	31672	87	R. Czesler (Ocean Phoenix)	WA
MARK I	06440	98	E. Pederson, (Ocean Phoenix)	WA
MUIR MILACH	41021	86	D. Fraser	WA
NORDIC FURY	00200	93	M. Stone, S. Hovik	WA
NORDIC STAR	00961	123	C. Swasand	WA
OCEAN HARVESTOR (OK alt. 4)	00101	108	K. Ness (Trident partner)	WA
OCEANIC	03404	122	E. Langesater	WA
PACIFIC FURY	00033	110	M. Stone, (Ocean Phoenix)	WA
ROYAL AMERICAN	40840	105	O. Austneberg,	WA
SEA STORM	40969	123	W. Pereyra	WA
SEA WOLF	35957	143	AK. Boat Co.	WA
SEADAWN	00077	124	F. Yeck	OR
STAR FISH (OK alt. 4)	00012	123	C. Swasand	WA
STARLITE	34931	123	C. Swasand	WA
STARWARD	39197	123	C. Swasand	WA
STORM PETREL	39860	123	Victor Sfds., J. Johannesen	WA
VESTERAALEN	38342	105	E. Pedersen, (Ocean Phenix)	WA
VIKING EXPLORER (OK alt. 4)	36045	125	Trident Sfds.	WA

MAJOR PERMIT HOLDERS: Ocean Phoenix group 7; Swasand/Starbound 4; Trident Sfds 9; Victor Sfds./ Johannesen 3; Sub Total, 23 of 40.

ADDITIONAL COOP VESSELS CURRENT PARTICIPANTS IN BSAI CRAB NOT QUALIFIED UNDER ALT. #9: DONA LILLIANA, GOLDEN PISCES, HALF MOON BAY, POSEIDON, ROYAL ATLANTIC, SUNSET BAY, VANGARD. Sub Total: 7.

Comparative Economic Analysis Of Bering Sea/Aleutian Islands Inshore Trawl Catcher Vessel Revenues Vs. Crab Vessel Revenues

Inshore CV Revenue

Year	Total Pollock Revenue	Pollock Vessels	Other Gfish	Other Gfish Boats	Ave. Pollock Revenue	Ave. Other Gfish Revenue	Total Ave. Gfish Revenue
1995	\$84.9M	84	\$20.4M	104	\$ 1,010,000	\$ 196,000	\$ 1,197,000
1996	\$71.3M	92	\$17M	119	\$ 775,000	\$ 142,857	\$ 917,857
1997	\$71.3M	92 (est.)	\$17M	119 (est.)	\$ 775,000	\$ 142,857	\$ 917,857
Averages					\$ 853,333	\$ 160,571	\$ 1,010,905
					Pollock is 84% of Groundfish Total		

Crab Fleet Revenue (Based On Alt. 4, 245 Vessels)

Year	Total Crab Revenue	Crab Revenue Ave. (Alt.4, 245 Standardized)	# of XO's Fishing Crab	Ave. Crab Revenue of Pollock Vessels	% of Ave. Gfish Revenue	Potential Ave. Loss to Crabber (43 XO's)	Net Ave. Revenue to Crabbers
1995	\$205.6M	\$ 839,184	22	\$60,000 (Bairdi)	5%	\$ 125,295	\$ 713,889
1996	\$130.9M	\$ 534,286	11	\$171,000 (BBKC)	18%	\$ 79,772	\$ 454,514
1997	\$134.7M	\$ 549,796	36	\$110,000 (BBKC)	12%	\$ 82,088	\$ 467,708
Averages		\$ 641,088	Opilio is 73% of Crab Total	\$ 113,667	11.7%	\$ 95,718	\$ 545,370

Actual Crab Vessel Participation Has Ranged From 196-257

References: Economic Status Of The Groundfish Fisheries Off Alaska, NMFS (1997). Alaska Dept. of Fish & Game, Westward Region Shellfish Economic Report (1997).

Crab Revenue Based on Major Fisheries: Bering Sea Opilio and Bairdi, Bristol Bay Red King Crab, and St. Matthews/Pribiloffs Blue and Red King Crab

LIST OF POTENTIAL BERING SEA POLLOCK CATCHER VESSELS FOR COOPERATIVES

VESSEL NAME	OWNER	DELIVERS	MARKET
C - ALYESKA <i>Out on #9</i>	WAATCH, INC	MOTHERSHIP	EXCELLENCE
CALIFORNIA HORIZON	KYDAKA, INC	MOTHERSHIP	EXCELLENCE
MISTY DAWN	KATAHDIN, INC	MOTHERSHIP	EXCELLENCE
PACIFIC CHALLENGER	CHET PETERSON	MOTHERSHIP	EXCELLENCE
PAPADO II	PAPADO, INC.	MOTHERSHIP	EXCELLENCE
ALEUTIAN CHALLENGER	BOB BRESKOVICH	MOTHERSHIP	GA
AMBER DAWN	BURTON PARKER	MOTHERSHIP	GA
AMERICAN BEAUTY	AMERICAN BEAUTY, INC	MOTHERSHIP	GA
OCEAN LEADER	OCEAN LEADER, INC	MOTHERSHIP	GA
C - VANGUARD <i>Out on #9</i>	VANGUARD PART	MOTHERSHIP	GA
- MARGARET LYN	BOB CZEISLER	MOTHERSHIP	OCEAN PH
- MAR-GUM	ILDUSO FISHERIES	MOTHERSHIP	OCEAN PH
- MARK I	CHRIS GARBRICK	MOTHERSHIP	OCEAN PH
- NORDIC FURY	STAN & SCOTT HOVIK	MOTHERSHIP	OCEAN PH
- OCEANIC	EINAR LANGESATER	MOTHERSHIP	OCEAN PH
- PACIFIC FURY	STAN & SCOTT HOVIK	MOTHERSHIP	OCEAN PH
- VESTERAALEN	EINAR PEDERSON, TC	MOTHERSHIP	OCEAN PH
WESTERN DAWN	THOR & STEVE OLSEN	MOTHERSHIP	OCEAN PH
KAREN EVICH		INSHORE (sp)	TRIDENT
NIGHTWATCH		INSHORE (sp)	TRIDENT
OCEAN STORM		INSHORE (sp)	TRIDENT
ALASKA ROSE	ALASKA BOAT COMPANY	INSHORE	ALYESKA
BERING ROSE	ALASKA BOAT COMPANY	INSHORE	ALYESKA
DESTINATION	ALASKA BOAT COMPANY	INSHORE	ALYESKA
GREAT PACIFIC	ALASKA BOAT COMPANY	INSHORE	ALYESKA
MORNING STAR	DAVID STANCHFIELD	INSHORE	ALYESKA
PACIFIC MONARCH	AAS FINANCE LLC	INSHORE	ALYESKA
C - SEA WOLF	ALSAKA BOAT COMPANY	INSHORE	ALYESKA
- ARCTIC WIND	ARCTIC WIND	INSHORE	NV
- COMMODORE	COMMODORE PART	INSHORE	NV
- HALF MOON BAY <i>Out on #9</i>	VESSEL HOLDING INC	INSHORE	NV
- POSEIDON: <i>NO CRAB LLP</i>	POSEIDON & OWNERS	INSHORE	NV
- ROYAL AMERICAN		INSHORE	NV
- ROYAL ATLANTIC <i>no LLP</i>	JOHN JOHANNESSEN	INSHORE	NV
- STORM PETREL	STORM PETREL PART	INSHORE	NV
- SUNSET BAY <i>Out on #9</i>	VESSEL HOLDING INC	INSHORE	NV
- ELIZABETH F	ELIZABETH F INC	INSHORE	PPSF
- LISAMARIE	YUKON-DELTA CDQ	INSHORE	PPSF
WALTER N	ELIZABETH F INC	INSHORE	PPSF
C - ALASKA DAWN	WILLIAM GILBERT	INSHORE	TRIDENT
- ALDEBARAN	ROYAL VIKING INC	INSHORE	TRIDENT
- ARCTURUS	ROYAL VIKING INC	INSHORE	TRIDENT
BLUE FOX		INSHORE	TRIDENT
COLUMBIA	ROYAL VIKING INC	INSHORE	TRIDENT
- DOMINATOR	ROYAL VIKING INC	INSHORE	TRIDENT

C: Denotes pollock cv's moratorium and/or crab LLP qualified to fish Bering Sea crab fisheries

*Historically many vessels have delivered into more than one sector

C- DONA LILIANA <i>NO CRAB LLP</i>	NINA FISHERIES	INSHORE	TRIDENT
DONA MARTITA	NINA FISHERIES	INSHORE	TRIDENT
DONA PAULITA <i>NO CRAB LLP</i>	NINA FISHERIES	INSHORE	TRIDENT
ENDURANCE		INSHORE	TRIDENT
EXODUS	RONALD COWLES	INSHORE	TRIDENT
C- FLYING CLOUD	TRIDENT 50%	INSHORE	TRIDENT
C- GOLDEN DAWN	ROYAL VIKING INC	INSHORE	TRIDENT
GOLDEN PISCES	ELMER MCNABB	INSHORE	TRIDENT
C- LADY JOANNE	LADY JOANNE INC	INSHORE	TRIDENT
LISA MELINDA	LISA-MELINDA FISH	INSHORE	TRIDENT
C- MAJESTY	ROYAL VIKING INC	INSHORE	TRIDENT
MARATHON	PERRY BUCHANAN	INSHORE	TRIDENT
C- MARCY J	MARCY J INC	INSHORE	TRIDENT
MESSIAH		INSHORE	TRIDENT
MISS BERDIE	STANLEY SCHONES	INSHORE	TRIDENT
MS AMY	STAN SCHONES	INSHORE	TRIDENT
PACIFIC RAM	BLUE SEA FISHERIES	INSHORE	TRIDENT
PACIFIC VIKING	ROYAL VIKING INC	INSHORE	TRIDENT
PEGASUS	CAPE LOOKOUT INC	INSHORE	TRIDENT
PEGGY JO	PEGGY DYSON	INSHORE	TRIDENT
PERSEVERANCE	MARCON FISHERIES INC	INSHORE	TRIDENT
PREDATOR	GARY BERNHARDT	INSHORE	TRIDENT
RAVEN	DAVID HAINES	INSHORE	TRIDENT
SEEKER	JAMES SEEVERS	INSHORE	TRIDENT
TRAVELER	REX HOCKEMA	INSHORE	TRIDENT
VIKING EXPLOREK	ROYAL VIKING INC	INSHORE	TRIDENT
ARCTIC I	ARCTIC FISHERIES	INSHORE	TRIDENT
ARCTIC III	ARCTIC FISHERIES	INSHORE	TYSON
C- ARCTIC IV <i>Out on #9</i>		INSHORE	TYSON
C- ARCTIC VI	TYSON SEAFOODS	INSHORE	TYSON
OCEAN ENTERPRISE	TYSON SEAFOOD GROUP	INSHORE	TYSON
PACIFIC ENTERPRISE	TYSON SEAFOOD GROUP	INSHORE	TYSON
C- ALSEA	RONDYS	INSHORE	UNISEA
C- AMERICAN EAGLE	REIDAR TYNES & JW	INSHORE	UNISEA
C- ARGOSY	RONDYS	INSHORE	UNISEA
AURIGA	ALASKA OCEAN SEAF	INSHORE	UNISEA
AURORA	ALASKA OCEAN SEAF	INSHORE	UNISEA
DEFENDER	ALEUTIAN SPRAY FISH	INSHORE	UNISEA
C- GUN-MAR	ILDIUSO FISHERIES	INSHORE	UNISEA
C- NORDIC STAR	ALEUTIAN SPRAY FISH	INSHORE	UNISEA
C- SEADAWN	FY FISHERIES	INSHORE	UNISEA
C- STARFISH	ALEUTIAN SPRAY FISH	INSHORE	UNISEA
C- STARLITE	ALEUTIAN SPRAY FISH	INSHORE	UNISEA
C- STARWARD	ALEUTIAN SPRAY FISH	INSHORE	UNISEA
ALASKA COMMAND	WESTWARD SEAFOODS	INSHORE	UNISEA
B- CATLIN ANN	J&R DOOLEY	INSHORE	WESTWARD
CHELSEA K	JIM THILL	INSHORE	WESTWARD
C- FIERCE ALLEGIENCE		INSHORE	WESTWARD
PACIFIC KNIGHT <i>Out on #9</i>	WESTWARD SEAFOODS	INSHORE	WESTWARD

*Historically many vessels have delivered into more than one sector

PACIFIC PRINCE		INSHORE	WESTWARD
PROGRESS		INSHORE	WESTWARD
VIKING		INSHORE	WESTWARD
WESTWARD I		INSHORE	WESTWARD
CAPE KIWANDA		INSHORE	<u>WESTWARD</u>
CARAVELLE		INSHORE	
CAREFREE		INSHORE	
CELTIC		INSHORE	
COLLIER BROS		INSHORE	
GOLD RUSH		INSHORE	
HICKORY WIND		INSHORE	
OCEAN HOPE 1		INSHORE	
OCEAN HOPE 3		INSHORE	
PERSISTENCE		INSHORE	
ROSELLA		INSHORE	
TOPAZ		INSHORE	
NEAHKAHNE		INSHORE	
SEA STORM		FT	ARCTIC FJORD
FORUM STAR		FT	ARCTIC STORM
TRACY ANNE		FT	ASC
AMERICAN CHALLENGER		FI	ASC
AI		FT	ASC
MUIR MILACH		FT	ASC, HL
OCEAN HARVESTER		FT	ENDURANCE
EXCALIBUR II		FT	STARBOUND
GOLDEN PRIDE			
HAZEL LORRAINE			
LESLIE LEE			
MEGAN HOPE			
U-RASCAL			
	RONDYS		
	WESTWARD TRAWLERS		
	WESTWARD TRAWLERS		
	BEN HOGEVOLL		
	WILLIAM HOFFMAN		
	LOUIS BERNTSEN		
	JAMES SCHONES		
	MICHAEL JONES		
	HICKORY WIND LLC		
	US MARINE CORP		
	US MARINE CORP		
	PERSISTENCE FISH		
	EMILHIAN REUTOV		
	FRANK BOHANNON		
	SEA STORM FISHERIES		
	FORUM STAR		
	TRACY ANNE INC.		
	AMERICAN SEAFOODS		
	SAGA SEAFOODS PART		
	MUIR MILACH, INC.		
	KOKOPELLI FISHERIES		
	KENT LESLIE		
	HL JV		
	LESLIE LEE INC		
	CHRIS FIALA		

(4)
 Total BSAI pollock cv's: 124
 Total BSAI crab qualified pollock cv's: .50
 Total BSAI pollock cv's qualified in the original crab LLP: 46
 Total BSAI pollock cv's qualified under Alt. #9, crab LLP: 40

(30)

From: Jessica Gharrett <Jessica.Gharrett@noaa.gov>
To: acc-crabak@email.msn.com <acc-crabak@email.msn.com>
Cc: epoulsen@u.washington.edu <epoulsen@u.washington.edu>; Tracy Buck <Tracy.Buck@noaa.gov>
Date: Wednesday, November 04, 1998 3:53 PM
Subject: Re:REQUEST FOR MORATORIUM QUALIFICATION INFORMATION ON CRAB

✓ 1. Re the F/V Blue Fox (ADF&G 62892). This vessel was formerly named the F/V Golden Pride. Vessel Moratorium Qualification (VMQ) # 7987 and Vessel Moratorium Permit (VMP) # MP2422 were issued to E.L. McNabb, Jr., (the vessel owner), in March, 1996. The MVQ was endorsed for groundfish with hook, pot, and trawl gear; but not for crab. On June 19, 1996, after examination of evidence submitted and reconsideration of the landings history, RAM reissued to Mr. McNabb the MVQ and MVP with the added crab endorsement; for the renamed vessel, F/V Blue Fox. The vessel was subsequently sold to Pacific Druggers, Inc. and H.B. Lee, Inc. An application to transfer the qualification to the new owners was approved in April, 1996. Those owners also applied for, and received, an MVP # MP3086.

✓ Pacific Druggers, Inc. also owned a different vessel named F/V Blue Fox, ADF&G # 66039. That vessel became qualified for the Moratorium when we approved on April 8, 1996 a transfer of MVQ # 7901 from the original qualifying vessel and its owners (Sea Venture ADF&G # 62426 owned by Matthew Doney and John McLeod) to Pacific Druggers, Inc. for the F/V Blue Fox (ADF&G # 66039). Pacific Druggers, Inc. obtained an MVP # MP3074 for this F/V Blue Fox (issued on April 11, 1996). The qualification and permit were endorsed for groundfish with hook, trawl, and pot gear. The MVQ (# 7901) was transferred to New Life, Inc. for use on the vessel F/V New Life (ADF&G 21845). The F/V Blue Fox was sold to Paul Ward and renamed the F/V Grumpy J. Mr. Ward received another MVQ (# 5179) by transfer from L.G. Fisheries, Inc. and the F/V Lady Grace (ADF&G 16866). On 1/19/98, Paul Ward was issued MVQ (# 5179) and MVP (# MP8261) for the F/V Grumpy J.

2. Re the F/V Swell Rider: VMQ # 4700 originated with the F/V Polar Star (ADF&G # 00043). Owner PSF, Inc. used that VMQ to obtain VMP # MP2290. On 1/6/97 the VMQ was transferred to Todd Marine Leasing, Inc. but still named the F/V Polar Star, and an VMP (# 3393) was issued to the new vessel owner. On 12/2/97 RAM approved a transfer of the VMQ from Todd Marine Leasing, Inc. to William Williams and from the F/V Polar Star to (no named vessel). In 4/98 the F/V Polar Star was purchased by William Williams in a Marshall's sale; also, sometime between 12/97 and 6/98 she was renamed F/V Swell Rider. The F/V Swell Rider was sold by William Williams to Bayshore Mgmt., Inc. and on 6/15/98 the VMQ (#4700) was transferred to that vessel and a new VMP (#8310) was issued to the owner.

REVISED: 12/2/98

LIST OF BERING SEA SB 1221 COOP-ELIGIBLE POLLOCK/GROUNDFISH TRAWLERS, NPFMC APPROVED, ALTERNATIVE #9 FOR THE LICENSE LIMITATION PROGRAM, FOR BERING SEA KING & TANNER CRAB FISHERIES. TOTAL VESSELS: 41

VESSEL NAME	ADF&G	LOA	OWNERSHIP INFORMATION
AJ	57934	150	Saga Sfds. (49% Norway) WA
ALASKA DAWN (OK alt. 4)	69765	90	William Gilbert AK
ALDEBARAN	48215	132	Trident Sfds. WA
ALSEA	40749	124	Halls OR
AMERICAN EAGLE (OK alt. 4)	00039	120	R. Tynes, J. Wabey WA
ARCTIC WIND	01112	123	Victor Sfds. WA
ARCTURUS	45978	132	Trident Sfds. WA
ARGOSY (OK alt. 4)	38547	124	Halls OR
BLUE FOX (Attached, NMFS memo)	62892 or 66039 ?	85	Pacific Draggers Inc. OR
COMMODORE	53843	133	Victor Sfds., J. Johannesen WA
DOMINATOR (OK alt. 4)	08668	130	Trident Sfds. WA
DONA MARTITA (OK alt. 4)	51672	152	Trident Sfds. R. Desautel WA
ELIZABETH F	14767	90	Brekken/S. Stutes AK
FIERCE ALLEGIANCE (OK alt. 4)	55111	166	R. Mezich WA
FLYING CLOUD (OK alt. 4)	32473	124	Trident Sfds. WA
GOLDEN DAWN (CDQ)	35687	149	Trident Sfds., APICDA AK
GOLDEN PISCES (OK alt. 4)	32817	98	Elmer McNabb OR
GUN MAR	41312	172	G. Ildhuso (Ocean Phoenix) WA
LADY JOANNE (OK alt. 4)	62922	58	David Wilson AK
LISA MARIE (CDQ)	70221	78	YDFDA AK
MAJESTY	60650	106	Trident Sfds. WA
MAR GUN	12110	110	G. Ildhuso (Ocean Phoenix) WA
MARCY J (OK alt. 4)	00055	97	H. Jones AK
MARGARET LYN	31672	103	R. Czeisler (Ocean Phoenix) WA
MARK I	06440	98	C. Garbrick (Ocean Phoenix) WA
MUIR MILACH	41021	86	D. Fraser WA
NORDIC FURY	00200	93	Hovik/Stone (Ocean Phoenix) WA
NORDIC STAR	00961	123	C. Swasand WA
OCEAN HARVESTOR (OK alt. 4)	00101	108	K. Ness (Trident partner) WA
OCEANIC	03404	122	E. Langesater (Ocean Phoenix) WA
PACIFIC FURY	00033	110	M. Stone (Ocean Phoenix) WA
ROYAL AMERICAN	40840	105	O. Austneberg, WA
SEA STORM	40969	123	W. Pereyra (50% S. Korea) WA
SEA WOLF	35957	143	AK. Boat Co. WA
SEADAWN	00077	124	F. Yeck OR
STAR FISH (OK alt. 4)	00012	123	C. Swasand WA
STARLITE	34931	123	C. Swasand WA
STARWARD	39197	123	C. Swasand WA
STORM PETREL	39860	123	Victor Sfds., J. Johannesen WA
VESTERAALEN	38342	124	E. Pedersen (Ocean Phoenix) WA
VIKING EXPLORER (OK alt. 4)	36045	125	Trident Sfds. WA

MAJOR PERMIT HOLDERS: Ocean Phoenix group 7, vessel owners are partners in the mothership; Swasand/Starbound 4; Trident Sfds 9; Victor Sfds./Johannesen 3; Sub Total, 23 of 41.

ADDITIONAL SB 1221 VESSELS CURRENT PARTICIPANTS IN BSAI CRAB NOT QUALIFIED UNDER ALT. #9: DONA LILLIANA, HALF MOON BAY, POSEIDON, ROYAL ATLANTIC, SUNSET BAY, VANGARD. Sub Total: 7. (Total SB 1221 Alternative 4 Qualified: 13)

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Analysis

Table 2 reports the percentage of ex-vessel revenue generated by each species group. Three separate size classes were defined for the catcher vessel fleet. Vessels less than 125' length overall (LOA) comprised the smallest class. Vessels from 125' through 155' LOA were grouped to form a mid-sized class. Finally, the largest class consisted of catcher vessels over 155' LOA.

Catch reported in the ADF&G Fishticket, NORPAC, and PacFIN data bases were used to determine the catch of each species. That catch was then priced using PacFIN, ADF&G Commercial Operator Annual Reports (COAR), and ADF&G fishtickets. The resulting values were then used to compare the relative contribution of each species to the catcher vessel's total annual revenues. Those calculations indicate that pollock always accounted for the greatest percentage of revenue. Other groundfish species accounted for the next highest revenue in all cases. The catcher vessels less than 125' LOA earned a higher percentage of their revenue from Pacific whiting than either the larger vessel classes.

Table 2 Contribution of each species group to the catcher vessel's annual ex-vessel value

Size Class	Year	Pollock	Ground fish	Halibut	Shell fish	Shrimp	Other Shellfish	Salmon	Herring	Misc. Finfish	Pacific Whiting
<125'	1991	54%	30%	2%	10%	0%	0%	0%	0%	1%	3%
<125'	1994	71%	19%	1%	8%	0%	0%	0%	0%	0%	2%
<125'	1996	70%	21%	1%	2%	0%	0%	0%	0%	0%	6%
125-155'	1991	62%	33%	0%	5%	0%	0%	0%	0%	1%	0%
125-155'	1994	91%	7%	0%	1%	0%	0%	0%	0%	0%	0%
125-155'	1996	95%	5%	0%	0%	0%	0%	0%	0%	0%	0%
>155'	1991	70%	21%	0%	8%	0%	0%	0%	0%	0%	0%
>155'	1994	86%	7%	0%	7%	0%	0%	0%	0%	0%	0%
>155'	1996	88%	11%	0%	1%	0%	0%	0%	0%	0%	1%

Avg Shellfish
6.6%
2.0%
5.3%

Data Sources: Ex-vessel prices for finfish were taken from PacFIN and Fishtickets, and shellfish prices from Westward region shellfish reports and the COAR data set. Catch data were derived from the ADF&G Fishticket, Norpac, and PacFIN data bases

APPENDIX I

BSAI POLLOCK SECTOR PROFILES

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There are 168 vessels or plants which participated in the 1996 pollock Bering Sea and Aleutian Islands fishery. Of the 168 vessels or plants there are 22 catcher-boats which operated in both inshore and offshore sectors (there are 118 different catcher-boats altogether). The count of the inshore plants (eight) does not include the International Seafoods of Kodiak inshore plant or one inshore catcher processor which harvested small amounts of pollock in 1996. In the inshore sector there are 99 vessels or plants, and in the offshore sector there are 88 vessels (one vessel has multi-country affiliation and is subtracted from 89).

Three foreign countries, Japan, Norway, and South Korea have some degree of foreign-affiliation in plants, catcher vessels or processors as follows:

Country of Ownership	Plants (#)	Inshore		Offshore	
		Catcher-Vessels	Catcher-Processors	Catcher-Vessels	True Motherships
Japan	4	11 ⁴	1 ³	3 ⁴	1
Norway	0	0	18	2	0
South Korea	0	3 ²	3 ³	3 ²	1
Fully US	4 ¹	77	16	41 ⁵	1
Total	8	91	37	49	3

1/ Including two anchored processors in Dutch Harbor.

2/ Includes two vessels with inconclusive parent-company affiliation of South Korea.

3/ Has a vessel with multi-country affiliation.

4/ A vessel was Lost at Sea since 1996.

5/ Includes a vessel with inconclusive partial UK affiliation.

Inshore Sector Processing Plants: Parent-companies that are affiliated with Japan account for 4 of the 8 total plants of the inshore sector, or 50%. There aren't any plants in the inshore sector where the parent company is from Norway or South Korea. The remaining four plants, 50% of the inshore sector, are fully US owned.

Catcher-Boats Overall: There are 118 catcher-boats altogether: 91 in the inshore sector and 49 in the offshore sector. When added this makes 140 vessels, and subtracting 22 for those that operated in both sectors again equals 118 different catcher-vessels. Ownership of catcher-boats by parent companies of Japan account for 14 or about 12%. A little less than 2% of the catcher-boats have ownership by parent companies foreign-affiliated in Norway. There are two to six vessels where the parent company is from South Korea (four of these vessels are inconclusively of South Korea), or less than 5%. The remaining 95 catcher-boats are fully US owned (which includes one vessel with some inconclusive UK affiliation), or about 81%.

Offshore Catcher Processors: Parent-companies that are affiliated with Japan account for one of the 37 catcher processors in the offshore sector, or about 2%. Norway-affiliation includes 18 vessels or about 49%. South Korea includes two to three vessels (because some vessels have ownership by a parent companies of Japan as well as South Korea), or about 5%. There remains 16 catcher processors in the offshore sector which are fully US owned, or 46% of the total.

True Motherships: There are three true motherships operating in the offshore sector. One is fully-affiliated with Japan (33% of the total), one is 10% affiliated with South Korea and 90% US or about 3% of the total, and one is fully US. Ownership by US companies accounts for 63% of the total of offshore motherships.

Table 1. Ownership by Sector in the 1996 Bering Sea and Aleutian Islands Pollock Fishery with Name, Data-Source and Summary Conclusions.

Sector and Plant or Vessel Name	Data-Source:		Ownership Conclusions
	Alaska Report	Lexis-Nexis	
Inshore Plants			
Alyeska Seafoods (Dutch Harbor)	x	x*	50% Maruha (Japan), 43% Wards Cove Packing (US), 6% Marubeni (Japan), 1% Western Alaska (Japan).
Peter Pan Seafoods (King Cove)	x	x*	100% Nichiro (Japan).
Trident Seafoods (Akutan, Sand Pt)		x*	100% US (11% ConAgra, 89% Non-ConAgra).
UniSea (Dutch Harbor)	x	x*	100% Nippon Suisan Kaisha (Japan).
Westward Seafoods (Dutch Harbor)	x	x*	100% Maruha (Japan).
Inshore Anchored Processors			
Arctic Enterprise		x	100% Tyson Seafood Group (US).
Northern Victor	x	x*	100% Northern Victor Partnership (US).
Inshore Catcher Vessels			
ℓ Alaska Dawn		x*	100% Alaska Dawn (US).
ℓ Aldebaran		x*	100% Trident (US).
ℓ Alsea		x	100% Alsea Fisheries-Rondys (US).
Alyeska		x*	25% Nippon Suisan Kaisha (Japan). Sold 1997.
American Beauty **		x*	100% Golden Alaska Seafoods-Nichiro (Japan).
ℓ American Eagle		x*	100% THW Enterprises (US).
ℓ Anita J		x	100% Anita J Fisheries (US).
Arctic 1 **		x	100% Tyson Seafood Group (US).
Arctic 3 **		x	100% Tyson Seafood Group (US).
Arctic 4 **		x	100% Tyson Seafood Group (US).
Arctic 6 **		x	100% Tyson Seafood Group (US).
ℓ Arctic Wind		x*	100% Alaskan Pride Partnership (US).
ℓ Arcturus		x*	100% Trident (US).
ℓ Argosy		x	100% Rondys-Futura Fisheries (US).

* The company confirmed or revised its ownership information, and therefore ownership conclusions are based on the information provided by the company. ** Operated in both inshore and offshore sectors.

Sector and Plant or Vessel Name	Data-Source: Alaska Lexis- Report Nexis	Ownership Conclusions
Inshore Catcher Vessels (continued)		
Auriga	x*	100% Alyeska Ocean (US).
Aurora	x*	100% Alyeska Ocean (US).
Caitlin Ann	x	100% JR Partners (US).
Caravelle	x*	100% Caravelle-Dakota Management (US).
Carefree	x	100% F/V Carefree (US).
Cape Kiwanda	x	100% F/V Cape Kiwanda (US).
Celtic	x	100% F/V Celtic (US).
Chelsea K	x*	100% Ocean Dynasty LP (US).
Collier Brothers	x	100% F/V Collier Brothers (US).
Columbia	x *	100% Trident (US).
C Commodore **	x*	100% Commodore Partnership (US).
Defender	x*	49% Nippon Suisan Kaisha (Japan), 51% (US).
Destination	x*	20% Western Alaska Fisheries (Japan), 51% Wards Cove Packing (US), 29% Austneberg Fisheries (US).
C Dominator	x*	100% Trident (US).
Dona Liliana **	x*	100% Dona Fisheries (US).
C Dona Martita	x*	100% Dona Fisheries (US).
Dona Paulita	x*	100% Dona Fisheries (US).
C Elizabeth F	x	100% Elizabeth F (US).
Endurance	x	100% Endurance (US).
Exodus	x*	100% Exodus Partners (US). Sold 1998.
C Flying Cloud	x*	100% Trident (US).
C Golden Dawn	x*	100% Golden Dawn LLC (US).
C Golden Pisces	x	100% Golden Pisces (US).
Gold Rush	x*	100% Gold Rush LP (US).
Great Pacific	x*	49% Western Alaska Fisheries (Japan), 51% Dall Head (US).

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Sector and Plant or Vessel Name	Data-Source: Alaska - Lexis- Report Nexis	Ownership Conclusions
Inshore Catcher Vessels (continued)		
C Gun-Mar	x	100% Margun Fisheries (US).
Half Moon Bay	x	100% Steuart Fisheries (US).
Hazel Lorraine I **	x	100% JR Partners (US).
Hickory Wind	x	100% Hickory Wind (US).
C Lady Joanne	x	100% Lady Joanne (US).
Leslie Lee **	x*	100% Leslie Lee (US).
Lisa Melinda	x	100% Lisa Melinda Fisheries (US).
C Majesty **	x*	100% Trident (US).
Marathon	x	100% Marathon Fisheries (US).
C Marcy J	x*	100% Marcy J (US).
Miss Berdie	x	100% Miss Berdie (US).
Morning Star	x*	75% Morning Star LP (US), 25% Alyeska Seafoods (see Inshore Plants).
Ms Amy	x	100% F/V Maranatha (US).
C Nordic Star	x	100% Nordic Star Fisheries-Nordtek (US).
Ocean Enterprise **	x	100% Tyson Seafood Group (US).
Ocean Hope 1 **	x	inconclusive.US Marine Corporation(So. Korea).
Ocean Hope 3 **	x	inconclusive.US Marine Corporation(So. Korea).
C Oceanic **	x	100% Oceanic Partners (US).
Pacific Alliance **	x*	66% Maruha (Japan), 44% US.Lost at sea 1997.
Pacific Enterprise **	x	100% Tyson Seafood Group (US).
Pacific Knight	x*	100% Westward Seafoods-Maruha (Japan).
Pacific Monarch **	x*	100% AAS Finance LLC (US).
Pacific Prince **	x	100% JR Partners (US).
Pacific Ram	x	100% Pacific Ram Enterprises-Blue Sea Fisheries (US).
Pacific Viking	x*	100% Trident (US).

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Sector and Plant or Vessel Name

Data-Source:
Alaska Lists-
Report Nexis

Ownership Conclusions

Inshore Catcher Vessels (continued)

Pegasus	x	100% Cape Lookout-North Sea (US).
Peggy Jo	x*	100% F/V Peggy Jo (US).
Perseverance	x	100% Marcon Fisheries (US).
Persistence	x	100% Marcon Fisheries (US).
Poseidon	x*	100% Poseidon Partnership (US).
Predator	x	100% Marcon Fisheries (US).
Progress	x	100% Wards Cove Packing (US).
Raven	x	100% Yaguma Trawlers (US).
Rosella	x	100% F/V Rosella (US).
Royal American	x	100% Haweco (US).
Royal Atlantic	x*	100% Royal Atlantic LP (US).
Sea Storm **	x	50% Oyang (So.Korea), 50% Arctic Storm (US). <i>PEERYRN</i>
Seadawn	x*	100% FY Fisheries (US).
Seawolf	x*	75% Duke Point LP (US), 25% Western Alaska Fisheries-Maruha (Japan).
Seeker	x*	100% F/V Seeker (US).
Starfish	x	100% Aleutian Spray-Startish Group (US).
Starlic	x	100% Aleutian Spray-Startish Group (US).
Starward **	x	100% Aleutian Spray-Startish Group (US).
Storm Petrel	x*	100% Storm Petrel Partnership (US).
Sunset Bay	x	100% Steuart Fisheries (US).
Topaz	x*	100% F/V Topaz (US).
Traveler **	x	100% Leslie Lee (US).
Viking	x	100% Westward Seafoods-Maruha (Japan).
Viking Explorer	x*	100% Trident (US).
Walter N	x	100% Elizabeth F (US).
Western Dawn **	x	100% Western Dawn LLC (US).

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Sector and Plant or Vessel Name	Data-Source: Alaska Lexis- Report Nexis		Ownership Conclusions
Inshore Catcher Vessels (continued)			
Westward I	x*		49.5% Western Alaska Fisheries-Maruha (Japan), 50.5% Horizon Trawlers (US).
Offshore Catcher Processors			
Alaska Ocean	x		100% Alaska Ocean Seafoods (US).
Alaska Victory	x*		100% Fishing Co. of AK-Alaska Victory (US).
Alaska Voyager	x*		100% Fishing Co. of AK-Alaska Voyager (US).
American Dynasty	x	x	100%. RGI US Seafoods-Aker RGI (Norway).
American Empress	x	x*	100%. RGI US Seafoods-Aker RGI (Norway).
American Enterprise		x	100% Tyson Seafood Group (US).
American No. 1		x	100% North Pacific Fishing (US).
American Triumph		x*	100%. RGI US Seafoods-Aker RGI (Norway).
Arctic Fjord		x*	100% ProFish International (US).
Arctic Storm	x	x*	50% Oyang Fisheries (So.Korea), 50%(US).
Browns Point		x	100% Imapiqamiut Partnership-Signature Seafoods-Golden Age Fisheries (US).
Christina Ann (Aleutian Speedwell)		x*	100% RGI US Seafoods-Aker RGI (Norway).
Claymore Sea	x	x*	100%. New Pollock LP-Emerald Resource Mgt. (Norway). RF.
Elizabeth Ann (Snowking)		x*	100% RGI US Seafoods-Aker RGI (Norway).
Endurance	x	x	100% Daerim Corporation (South Korea).
Harvester Enterprise		x	100% Tyson Seafood Group (US).
Heather Sea	x	x*	100%. New Pollock LP-Emerald Resource-Mgt. (Norway). RF.
Highland Light		x*	100% Highland Light Seafoods LLC (US).
Island Enterprise		x	100% Tyson Seafood Group (US).
Kodiak Enterprise		x	100% Tyson Seafood Group (US).
Northern Eagle	x	x*	100%. RGI US Seafoods-Aker RGI (Norway).
Northern Glacier	x	x*	100% Glacier Fish Company (US).

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Sector and Plant or Vessel Name	Data-Source:		Ownership Conclusions
	Alaska Report	Lexis-Nexis	
Offshore Catcher Processors (continued)			
Northern Hawk	x	x*	100%. RGI US Seafoods-Aker RGI (Norway).
Northern Jaeger	x	x*	20%. RGI US Seafoods (Norway), 80% Jaeger Investment (US).
Ocean Peace	x	x*	40% Il Heung (So. Korea); 9% Happy World (Japan). 51% (US).
Ocean Rover		x*	100% American Seafoods-Norway Seafoods-Aker RGI (Norway).
Pacific Explorer	x	x*	100% ASC Alaska-RGI US Seafoods-Aker RGI (Norway).
Pacific Glacier	x	x*	100% Glacier Fish Company (US).
Pacific Navigator		x*	100% ASC Alaska-RGI US Seafoods-Aker RGI (Norway).
Pacific Scout	x	x*	100% ASC Alaska-RGI US Seafoods-Aker RGI (Norway).
Rebecca Ann (Royal King)	x	x*	100% Bering Sea Development Corp-RGI US Seafoods-Aker RGI (Norway).
Royal Sea (Katie Ann)		x*	100% Bering Sea Development Corp-RGI US Seafoods-Aker RGI (Norway).
Saga Sea	x	x*	100%. New Pollock LP-Emerald Resource Mgt. (Norway). RF.
Seattle Enterprise		x	100% Tyson Seafood Group (US).
Seafisher		x	100% Cascade Fishing (US).
Starbound		x	100% Aleutian Spray Fisheries-Starbound (US).
Victoria Ann (Valiant)		x*	100% RGI US Seafoods-Aker RGI (Norway).
Offshore Catcher Vessels			
Ĉ AJ		x*	51% Saga Seafoods LP (US), <u>49% (Norway).</u>
Aleutian Challenger		x*	100% Meddar Corporation (US).
Amber Dawn		x*	100% Amber Dawn Fisheries (US).
American Beauty **		x	100% Peter Pan Seafoods-Nichiro (Japan).

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Sector and Plant or Vessel Name	Data-Source:		Ownership Conclusions
	Alaska Report	Lexis-Nexis	
Offshore Catcher Vessels (continued)			
American Challenger		x	100% American Seafoods-Aker RGI (Norway).
American Enterprise		x	100% Tyson Seafood Group (US).
Arctic 1 **		x	100% Tyson Seafood Group (US).
Arctic 3**		x	100% Tyson Seafood Group (US).
Arctic 4 **		x	100% Tyson Seafood Group (US).
Arctic 6 **		x	100% Tyson Seafood Group (US).
California Horizon		x*	100% Kydaka Corporation (US).
Commodore **		x*	100% Commodore Partnership (US).
Dona Liliana **		x*	100% Dona Fisheries (US).
Excalibur II		x*	100% Excalibur II LLC (US).
Fierce Sea		x	100% Fierce Sea LLC-Lucky Star (US).
Forum Star		x	inconclusive. Forum Star (US, UK).
Ⓒ Golden Pride (now Blue Fox)		x*	100% Pacific Dragger (US).
Hazel Lorraine		x	100% JR Partners (US).
Hazel Lorraine I **		x	100% JR Partners (US).
Leslie Lee **		x*	100% F/V Leslie Lee (US).
Majesty **		x*	100% Trident (US).
Ⓒ Mar-Gun		x	100% Margun Fisheries (US).
Ⓒ Margaret Lyn		x	100% F/V Margaret Lyn (US).
Ⓒ Mark I		x*	100% Mark I (US).
Misty Dawn		x*	100% Katahdin (US).
Ⓒ Muir Milach		x*	100% Muir Milach (US).
Ⓒ Nordic Fury		x	100% Fury Group (US).
Neahkahnie		x	100% Neahkahnie Fisheries (US).
Ocean Enterprise **		x	100% Tyson Seafood Group (US).
Ⓒ Ocean Harvester		x	100% Royal Atlantic LLC (US).
Ocean Hope 1 **		x	inconclusive. US Marine Corporation (So. Korea)

* The company confirmed or revised its ownership information, and therefore ownership conclusions are based on the information provided by the company. ** Operated in both inshore and offshore sectors.

Sector and Plant or Vessel Name	Data-Source: Alaska Lexis- Report Nexis		Ownership Conclusions
Offshore Catcher Vessels (continued)			
Ocean Hope 3 **	x		inconclusive. US Marine Corporation(So.Korea).
Ocean Leader	x*		100% Golden Alaska Seafoods-Nichiro (Japan).
Oceanic **	x		100% F/V Oceanic Fisheries (US).
Pacific Alliance **	x*		66% Maruha (Japan). Lost at sea 1997.
Pacific Challenger	x*		100% Pacific Challenger-Chetna (US).
Pacific Enterprise **	x		100% Tyson Seafood Group (US).
Pacific Monarch **	x*		100% AAS-Finance LLC (US).
Pacific Fury	x		100% Fury Group (US).
Pacific Prince **	x		100% JR Partners (US).
Papado II	x*		100% Popado (US).
Ⓢ Sea Storm **	x*		50% Oyang Fisheries (So.Korea), 50% (US).
Sharon Lorraine	x		100% JR Partners (US).
Starward **	x		100% Aleutian Spray Fisheries-Starfish Group (US).
Tracy Anne	*		100% Tracy Anne (US).
Traveler **	x*		100% F/V Leslie Lee (US).
U-Rascal	x		100% Kodiak Island Charters (US).
Vanguard	x*		100% Futura Fisheries (US).
Ⓢ Vesteraalen	x*		100% Vesteraalen LLC (US).
Western Dawn **	x		100% Western Dawn LLC (US).
True Motherships			
Golden Alaska	x	x*	100% Peter Pan Seafoods-Nichiro (Japan).
Excellence	x	x*	100% Alaska Joint Venture Seafoods (US).
Ocean Phoenix		x	90% Phoenix Processor LP (US), 10% Dongwong Industries (So. Korea).

* The company confirmed or revised its ownership information, and therefore ownership conclusions are based on the information provided by the company. ** Operated in both inshore and offshore sectors.

February 25, 1999

MINUTES OF THE PACIFIC NORTHWEST CRAB INDUSTRY ADVISORY COMMITTEE (PNCIAC) FOR THE MARCH 18 – 26, 1999 BOARD OF FISHERIES MEETING

The minutes are based on two PNCIAC sessions, one on November 20th, 1998 and a reconvened session on January 6th, 1999. Attendance lists for both meetings are attached as is relevant correspondence to the issues discussed.

NOVEMBER 20, 1998:

Place: Seattle, Washington; Leif Erickson Hall

ADF&G sent four staff persons to this meeting prepared to discuss the full PNCIAC agenda. However, only three of the PNCIAC agenda items were completed at this meeting, so the committee had to reconvene on January 5, 1999 to complete its work..

Agency Staff Present: ADF&G: Paul Larsen, Dr. Gordon Kruse, Rance Morrison, Doug Pengilly; NMFS: Dr. Bob Otto; NPFMC: David Witherell; USCG: Captain Vince O'Shea

PNCIAC Present: Garry Loncon, Chair, Royal Aleutian Seafoods; Kevin Kaldestad, crab vessel owner; Clyde Sterling, Peter Pan Seafoods; Phil Hansen, UNISEA; Joe Wabey, crab vessel owner/operator; Rob Rogers, Icicle Seafoods; Gary Stewart, crab vessel owner/operator; Gary Painter, crab vessel owner; Lance Farr, crab vessel owner/operator; Arni Thomson, Alaska Crab Coalition, Secretary; absent, Dave Benson, Tyson Seafoods.

The meeting opened at 9:15 AM with a special presentation by Captain Vince O'Shea regarding a proposal being discussed by USCG and ADF&G to authorize ADF&G to delay the opening of the Bristol Bay king crab season in the event of storm conditions. The decision would follow consultation and be made within 48 hours of the season opening.

A lengthy discussion followed and strong industry opposition was voiced over the costs and uncertainty this proposal would create for dubious safety results. Every vessel captain makes the decision as to his vessel's capability to leave port and begin a fishing trip.

Several attending industry participants advised that the USCG should publish some criteria and guidelines that would outline the conditions under which a season opening would be delayed. Also, industry was concerned with a weather related closure once the season had begun, indicating that in-season closures would create numerous hardships on fishermen and processors..

PNCIAC Motion:

PNCIAC adopted a motion that restricted the authority of determining weather conditions to USCG only and not ADF&G. And such USCG authority be limited to determining season openings and not in-season weather closures. Further, season opening delays be restricted to the Opilio and Bristol Bay Red King Crab fisheries only.

Ken Tippett, speaking on behalf of the industry, expressed appreciation to the USCG for their indispensable service to the industry in the quest for improving the safety of life and vessels at sea.

Rance Morrison, ADF&G then followed with reports on fisheries performance for the fall king crab fisheries. He noted that the Bristol Bay king crab season is exceedingly difficult to manage because there is too much fishing power.

Bob Otto, NMFS then made a presentation on the Status of the Bering Sea Crab Stocks based on the 1998 trawl survey.

Kris Poulsen voiced concerns about the severe depressed status of the Pribilof Islands blue king crab stocks, related to the premature reopening of the fishery after ACC had proposed four year closure for rebuilding.

Tom Casey raised his group's concern that the 15% harvest rate of Bristol Bay king crab is not scientifically justified and that no harm will be done to the stocks from the 20% harvest rate.

PROPOSAL # 304, ADF&G Presentation and Industry Discussion on ADF&G proposed Cost Recovery Observer Program:

The PNCIAC then heard additional information from ADF&G staff on the Cost Recovery Program. ADF&G maintains that the cost recovery approach is the only equitable means to spread out observer program costs and to enable flexible coverage levels on the fleet. ADF&G maintains that observer coverage has declined in recent years as a result of less cp's operating and this has greatly reduced observer data. Data obtained from observers is essential to providing necessary information for proposals deliberated on by the Board of Fisheries.

Doug Pengilly, ADF&G, presented a detailed cost breakdown of the observer program to the PNCIAC. This engendered a lengthy series of industry questions about charter rates, fishery deployments and overall costs as a percentage of the fleet gross revenue.

Pengilly noted that the estimated direct costs for observers is \$1.46 million, plus \$80,000 for administrative costs and \$380,000 to \$530,000 for cost recovery vessel charter costs. The total cost for the program is estimated at \$1.8 - \$2 million dollars. ADF&G is seeking Alaska Legislature authorization for \$2.6 million for the cost recovery observer program. (This will be in addition to the existing

authorization for research and observers in the Bristol Bay king crab test fish program of \$450,000.)

The total cost of the proposed cost recovery observer program, plus the existing Bristol Bay test fish program, is \$3.1 million. The crab industry is in a period of seriously declining opilio resources, the mainstay of the crab industry, which once again threatens industry economic viability. Although the Bristol Bay king crab fishery is improving, the influx of 35 aggressive Bering Sea pollock trawlers provides little or no displacement for the sagging opilio fishery.

Based on the average fleet gross stock for the calendar years 1996 – 1998 of \$160 million, the combined cost recovery and test fish programs represent an estimated 1.9% of the recent three year average gross stock for the fleet, double the ADF&G estimated average .8% of fleet gross stock, based on five and ten year average fleet revenues.

In providing clarifications to the industry, Pengilly noted that the present pay-as-you-go industry funded observer program, including the union scale pay increases, has cost the industry \$1.8 million - \$2.5 million per year.

Industry concerns could be summarized as focusing on excessive administrative costs, charter costs and potential escalating salary costs for observers as State employees. Representatives on the PNCIAC are also concerned that if observers become State employees, they will be utilized as biologists in non-crab related capacities within the Westward Region at the expense of the Bering Sea crab industry. The industry is quite aware that ADF&G, like other State agencies is faced with severe budget related staff reductions due to the financial crisis the decline of oil prices has created for Alaska State government. Although an industry advisory committee has been discussed, ADF&G has made no commitments on this. Thus, the PNCIAC is also concerned that the industry will have no oversight over the annual budget and fishery deployment priorities, with implementation of the cost recovery program. The industry presently has little oversight and input into the research priorities of the Bristol Bay Test Fish Program, although it has expressed interest in this a number of times.

PNCIAC MOTION PROPOSAL #304:

- The PNCIAC continues to support an adequate biological data gathering/observer program in the BSAI crab fisheries. The PNCIAC also supports adequate funding of the ADF&G research and management budget.
- PNCIAC supports continuation of the present industry funded pay-as-you-go observer program that utilizes ADF&G certified contract observers.
- PNCIAC also supports consideration of other alternatives to cost recovery for funding observer programs, such as a lottery (or similar selection system) for random placement of observers on catcher vessels, as needed.

Recess at 1:00 PM.

JANUARY 6, 1999, PNCIAC RECONVENES 9:20 AM:

(See enclosed PNCIAC correspondence dated December 23, 1998 and January 5, 1999.)

Place: Seattle, Washington; Leif Erickson Hall.

ADF&G Westward Region staff, Pete Probasco, Doug Pengilly, Rance Morrison, Donn Tracy and Larry Boyle participated in the meeting via teleconference.

PNCIAC present: Garry Loncon, Chair; Phil Hanson, Joe Wabey; Gary Stewart, Kevin Kaldestad, Clyde Sterling, Lance Farr, Gary Painter, Rob Rogers, Arni Thomson. Dave Benson, absent.

The Chairman opened the meeting with a request of ADF&G as to which proposals they wished the PNCIAC to address as priority issues. Pete Probasco identified proposal numbers: 281, 285 – 289, 291 – 302, 304 and 305, 353 – 359.

Discussion and motions then began on the various proposals.

PROPOSALS AND PNCIAC MOTIONS:

- 281. Postpone recommendation until ADF&G has analysis completed.
- 282. Oppose. Support status quo.
- 283. Oppose. Support status quo. (Unanimous)
- 284. Oppose. Support status quo. (Unanimous)
- 285. Endorse status quo on 3 tiered pot limit system for Bristol Bay.
PNCIAC is concerned that NPFMC is not following Board of Fisheries recommendation to reduce the number of boats in the crab LLP below 250 and thus the Board may reduce pot limits again. See attached related correspondence to Washington and Alaska Senators on NPFMC Emergency Rule, January 8, 1999. (For 7, Opposed, 2)
- 286. Endorse, same as 285. (For 7, Opposed, 2)
- 287. Oppose. Support status quo.
- 288. Oppose. Support status quo. In a related motion, the PNCIAC endorsed a request to the Board of Fisheries for development of a cost benefit analysis to determine, to the extent possible, what the costs and benefits really are of

the 10-15% harvest rate vs. the 20% harvest rate for king crab i.e. the benefits to reproduction and stock abundance of leaving the additional legal size males on the grounds. (Oppose 6, For 3); (Cost benefit motion, For 7, Oppose 2)

289. Oppose. Support status quo. Very little industry support for this and ADF&G does not support the reduced size limit, nor does economic analysis by Matulich.
290. Endorse. Closes a loophole in the definition of Length Overall in vessel Measurement, State of Alaska for pot limits, versus NMFS federal measurement for the vessel moratorium permit.
291. Endorse, provided extending the prohibition on use of groundfish gear from 14 to 30 days applies to all gear types (trawling), and it is not just restricted to pot gear. Trawlers fishing for pollock and/or yellowfin sole are presently allowed to fish with trawl gear in Area T right up to the time of tank inspection. In 1998, 35 pollock trawlers participated in the Bristol Bay king crab fishery. These vessels were trawling for pollock in Area T into the last week of October, when the fishery closed. With the new sea lion habitat protection regulations, it is likely the pollock B season will continue to remain open until the last week in October in the near future and present opportunities to prospect with trawl gear. See attached list of American Fisheries Act pollock trawlers.
292. Endorse. Standardize Pribilofs pot limit with St Matthews pot limit.
293. Endorse the increase in pot storage depth to 150 fathoms in Area O, shelf is narrow in the Aleutians and this will result in less line floating on the surface.
298. Oppose. Support status quo. (Unanimous)
299. Endorse. Open c. bairdi on January 15th when c. opilio fishery opens and also allow retention of bairdi as bycatch specy in the Bristol Bay king crab fishery.
301. Oppose. Support status quo on bairdi closed area.
303. Endorse. Makes sense, saves fishermen on bait costs. (Unanimous)
353. Endorse. Necessary housekeeping measure. (Unanimous)
354. Endorse. ACC clarified that this proposal is not a statewide proposal, but was submitted to apply to the Bering Sea king and tanner crab fisheries only. Rationale is the same as for ADF&G proposal 291—extend groundfish gear prohibition prior to a king or tanner crab season to all gear types. (Unanimous)
355. Postpone comment till ADF&G completes their analysis.
359. Endorse. Makes sense, an idea worth trying. (Unanimous)

393. Oppose. Proposed closure area does not reflect traditional habitat for bairdi. There is already an established bairdi protection zone east of 163 W. longitude in Bristol Bay, which is bairdi habitat. In addition, the entire Bristol Bay area is effectively closed to crab fishing 350 days a year, as the fleet only fishes that area 4-6 days in a year. The opilio fishery takes place around the Pribilofs and northwest of the islands. (Unanimous)

Agenda Change Request 27: Endorse. Addresses industry concerns that opening CDQ fisheries prior to the open access fisheries will have negative market impacts, and fair start implications. See attached correspondence, October 19 and 22nd, 1998 regarding ACR 27. (For 7, Abstain, 2)

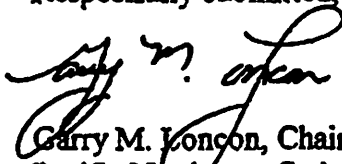
ADDITIONAL PNCTAC MOTIONS ADOPTED RELATIVE TO NPMFC ISSUES:

1. PNCTAC endorsed the NPFMC Emergency Rule adopted at the December 1998 Council meeting that would prohibit American Fisheries Act pollock vessels, who did not fish opilio crab in either 1996 or 1997, from entering the opilio crab fishery in 1999. (Unanimous)
2. PNCTAC adopted a motion opposed to provisions in the American Fisheries Act that: (1) closed fishermen's access to processors and (2) established restrictive market cooperatives. (For 7, Abstain, 2)

At the close of the meeting the PNCTAC moved to reconvene again prior to the Board of Fisheries deliberations to discuss proposals 281 and 355, after ADF&G has completed their analysis and more information is available.

The meeting adjourned at 1:15 PM.

Respectfully submitted,



Garry M. Koncon, Chair
 Pacific Northwest Crab Industry Advisory Committee
 c/o Royal Aleutian Seafoods
 701 Dexter Avenue North, Ste. 403
 Seattle, WA 98109
 206 283 6605 tel
 206 282 4572 fax

12/28

PRINCIPAL MEETING

NAME	BOAT / COMPANY
my Larson	Royal Alaskan Seafords
rdon Kruse	ADF26
IV LEA	Fierce Contender
DANCE MORRISON	ADFG
uss Nelson	NMFS / AFSL
tein Nyhammer	Rollo
ALT CHRISTENSEN	ARCTIC MARINER
tein Nyhammer	Rollo
Ragnvald Sivik	---
IE WITHERELL	NPFMC
Bjornar Gudmundsson	Notarius
Jany Margot	Ballyhoo
Thomas A. Coe	ATCG
Kene Philard	WW
Jany Painter	Trailblazer
Rob Rogers	Iceless Seafords Inc -
Paul Rachev	Eclipse
Francis Bonni's	Alaska Marine Conservation Council
EINAR LANGESATER	OCEANIC
Sigmund Andreassen	Silent Lady
Bjorn Gudjonsson	Autumn Dawn
W. Paul	North Sea
Walter Stalham	KETT
David Wilson	Silent Lady
Levi's Berntsen	Destinations

PNCIAL MEETING ^{2.}

NAME	BOAT / COMPANY
Louis Thomson	Alaska Crab Coalition
Lou Lafene	Pro Dungeness Golden Shamrock
Bob Q. Stob	NMFS Kodiak
Ken Tippott	Alaska Boat Co.
Kris Tanning	Entrance Point
David Malgren	Husky
LANCE FAER	Heleen K
PER FRASERT	NORSEMAN II
Jim Stone	Ocean Hunter
Jim Hamer	Retriever
THOMAS R. PARKS	KATIE K
John Garner	NorQuest Sea
Gordon Bohm	Ocean Cape / Zolotoi
J. Warner	Color Sea
Clyde Sterling	Peter Pan
Ray Chaffetz	YARDMAN KNOT
Shale Brielhas	SILVER DOLPHIN
Mr. Lebron	LADY ANN
JAN Kristiansen	Confidence
Jay Boulder	Valiant
Bob Scottfield	DORIAN METAL FAB.
ROUG WILLIS CROFT	SEA VENTURE
Terri Valstad	P.N.C.I.A.C.
ED GLOTFELTY	Yukon Delta Fish
Robert Anakeris	YDFDA
Robert Hanson	YDFDA
LANCE A. Nylander	Dungeness Gear Works INC
DENNIS DEAUER	F/U PACIFIC SUN

Pacific Northwest Crab Industry Advisory Committee

January 5, 1999

Reminder Notice

Garry M. Loncan
Chairman

To: Committee Members
Interested Parties

RE: PNCIAC Meeting

The Pacific Northwest Crab Industry Advisory Committee will reconvene at 9:00 a.m. Wednesday, January 6, 1999 to complete the agenda set forth during the November 20, 1998 meeting, at the Leif Erickson Lodge, Norma Room, 2245 NW 57th Street, Seattle (in Ballard, WA.)

Representatives from Alaska Department of Fish & Game, will join the meeting via teleconference.

The November 20, 1998 meeting agenda was as follows:

- ADF&G 1999 Budget
- ADF&G Proposed Observer Program
- Status of Crab Stocks
- Proposed Delay in Season Openings
- Tanner Crab Harvest & Rebuilding Strategy
- Status Report, Crab Plan Team Activities
- Review American Fisheries Act, S. 1221
- Review Proposals To Be Presented During The March 1999 Alaska Board of Fisheries Meeting

Attention: Crab Processors
Industry Participants

Please post or fax this important meeting notice to your interested parties. Unless the Committee reconvenes, this will be the only time PNCIAC will have an opportunity to meet to formulate recommendations before the March 1999 Alaska Board of Fisheries meeting.

Pacific Northwest Crab Industry Advisory Committee

Sign-in Sheet
January 6, 1999 - Ballard, WA

Absent:
Dave Benson
Tyson

NAME	VESSEL/COMPANY
Les Ryan	Tide
Lauri Thomson	A.C.C. - Secretary PNCAAC
Gary Loncan	Royal Alutian S/ds
Steve Toomey	F/U Exito
PHIL HANSON	UNI SEA
GORDON KRISTIANSON	ALUTIAN MARINER
Ron Sherin	BARBARA - J
Joe Wabun	Arctic Eerie
Gary Stewart	Polar Lady
Yves Valletat	Mauri Boats
Clyde Steubj	Peter Pan S/ds
Kim Paulsen	North Sea
Ed Paulsen	North sea
Joe E. Fu	Keuteen K
Gary Painter	F/U Trailblazer
Tom Asey	ATCG
Doug Wells	BARAUF
Ron Sherin	BARBARA - J

Pacific Northwest Crab Industry Advisory Committee

23 December, 1998

Meeting, Chairman Statement

Garry M. Loncon
Chairman

RE: PNCIAC Meeting, Wednesday, January 6, 1999

First, all committee members need to plan on remaining until the meeting is adjourned. I anticipate the meeting lasting until around 1:00 PM.

As background information, the November 20, 1998, the committee failed to complete the agenda. Please find attached a letter from Pete Probasco dated December 2, 1998 in response to the November 20, 1998 PNCIAC meeting. Obviously, ADF&G was frustrated with PNCIAC and its failure to hold the meeting together and complete the agenda. I am partially to blame, in that the agenda was too aggressive. Also, see attached my letter response to Pete Probasco dated December 23, 1998.

With respect to the upcoming January 6, 1999 meeting, the primary focus is as follows:

- Review Proposals To Be Presented During The March 18, 1999 Alaska Board of Fisheries Meeting

If ADF&G joins via telephone conference, we will then address:

- Tanner Crab Harvest & Rebuilding Strategy
- Status Report, Crab Plan Team Activities
- ADF&G Proposed Observer Program

The ADF&G Proposed Observer Program is revisited in order to explore alternative funding methods to the cost recovery program that was rejected by PNCIAC during the prior meeting.

Reviewing the American Fisheries Act, remains on the Agenda in the event the committee chooses to discuss or take action relative to recent NPFMC activities.

Pacific Northwest Crab Industry Advisory Committee

October 14, 1998

Meeting Notice

Garry M. Loncon
Chairman

To: Committee Members
Interested Parties

RE: PNCIAC Meeting



The Pacific Northwest Crab Industry Advisory Committee will convene at 9:00 a.m. on Friday, November 20, 1998, at the Leif Erickson Lodge, 2245 NW 57th Street, Seattle (in Ballard, WA.)

Representatives from Alaska Department of Fish & Game are scheduled to be present at the meeting.

The meeting agenda is as follows:

- ADF&G 1999 Budget
- ADF&G Proposed Observer Program
- Status of Crab Stocks
- Proposed Delay in Season Openings
- Tanner Crab Harvest & Rebuilding Strategy
- Status Report, Crab Plan Team Activities
- Review American Fisheries Act, S. 1221
- Review Proposals To Be Presented During The March 1999 Alaska Board of Fisheries Meeting

Attention: Crab Processors
Industry Participants

Please post or fax this important meeting notice to your interested parties. Unless the Committee reconvenes, this will be the only time PNCIAC will have an opportunity to meet to formulate recommendations before the March 1999 Alaska Board of Fisheries meeting.

LAW OFFICE OF
BRUCE B. WEYHRAUCH

whyrock@ptialaska.net

114 So. Franklin St. • Suite 200
Juneau, Alaska 99801
Ph: (907) 463-5566 • Fax: (907) 463-5858

AGENDA D-2
Supplemental
April 1999



April 16, 1999

Via E-Mail and Mail

Mr. Lance Nelson, Assistant Attorney General
Department of Law
1031 W. 4th St.
Suite 200
Juneau Alaska 99501-1994

Re: Bristol Bay King Crab and Alaska Board of Fisheries
File: 4.10

Dear Lance:

Thank you for talking with me last week regarding the Board of Fisheries actions regarding the adoption of proposals 291 and 355 by the Board. As you requested I enclose with the original of this letter some information related to those proposals, which I hope helps round out the record that you probably have from the Board. I am preparing a transcript of the Board's deliberations, and will send you that when it has been completed.

After you have had a chance to review these materials, please give me a call. The following are important points to consider relating to the Board's actions, and some of the documents discussed are included with this letter:

1. An article that appeared in the April 7, 1999 Anchorage Daily News regarding the Board's actions, and which quotes a pollock fishermen who believes he is aggrieved by the actions. This same article was reprinted in the April 9 Alaska Business Digest.
2. A letter sent to the Editor of the ADN from Gordon Blue of the Alaska Crab Coalition, which responds to the ADN article. This letter concisely sets out eight "bullet points" that you asked for providing a substantive basis for the Board's actions. A different version of this letter was

published in the Daily Sitka Sentinel, Monday, April 12, 1999, because the Sentinel reprinted the ADN article.

3. The action which has enraged some pollock fishermen was not "a pretty nasty deal, what a couple of the crabbers did." A statement that was attributed in the article to Cary Swasund of Seattle. It was Board of Fisheries actions taken with regard to different proposals submitted by the Alaska Crab Coalition (ACC) and the Alaska Department of Fish and Game (ADF&G) and Ron Briggs, a crab fisherman from Newport, Oregon. All these (and other) proposals were published in the Official Proposal book as part of the three year cycle of crab regulatory changes, and supported by a broad segment of the industry.
4. At the reasonable request of Mr. Briggs, the board agreed to move the start of the Bristol Bay red king crab two weeks earlier in the year. This action was taken to allow the 250 vessels of the fleet a reduction in the amount of time spent between seasons. In this era of depressed stocks and small quotas, this offers significant economic benefit (with round trip fares to Dutch Harbor to Anchorage in the vicinity of \$600), since nearly all vessels had been faced with the necessity to tie up and send crews home (4 to 7 persons, typically) for a two week period between seasons lasting 7 to 10 days and 4 to 5 days, respectively. This action by the Board was fully noticed before it took action, and brings the Bristol Bay season closer to the St. Matthew/Pribilof season so the vessels do not have to wait around so long between seasons. Also, the weather can be much better, which is an important safety consideration.
5. There are very important technical points regarding the Board's action on Proposal 291. Materials we received from the Board on Proposals 291 and 355 are enclosed.
6. Note that the "fair start" measure adopted by the Board does not stop anyone from fishing groundfish right up to the time they register for crab. (For example, many pot fishermen fish cod for bait, right before the crab season.) The key requirement is that the fishery be pursued outside the area of the crab fishery. NMFS defines Bering Sea pollock fishery in much larger geographic terms than any of the crab management areas. Therefore,

the measure adopted by the Board amounts to a closure, at most, of a portion of the NMFS pollock fishing area, specifically to vessels that wish to participate in the crab fishery. This is elective. In fact, the fair start proposal adopted by the Board is a somewhat weak measure because it does not stop information from being passed on from vessels that have elected to fish for groundfish in the area (foregoing crab), to vessels that elected to fish crab there. In the long term, relevant regulatory agencies may have to address that separate issue.

7. In addition, the fair start measure will facilitate enforcement by Fish and Wildlife Protection (F&WP) because it makes it easier to track and monitor vessels in the area, both by sea and air patrols.
8. A crab vessel switching to fish groundfish with trawl gear during the open tanner season, is not subject to the same gear storage restrictions as pot vessels that leave the crab fishery early, to go fish groundfish with pots. These pot vessels are required to store their gear unbaited, with doors open, and then go to Dutch Harbor to "de-register" from crab before entering the groundfish fishery. It seems that switching over mid-season to groundfish in the Bering Sea tanner crab registration area, leaving baited gear on the grounds, then re-registering for crab, parallels the fair start problem addressed in the Bristol Bay 30-day fair start requirement and illustrates the exempt status of trawlers from registration requirements that have been developed over the years for traditional pot boats. Proposals #354 and #355 submitted to the Board last year by the crab industry were worded to require a stand down both "prior to the season opening date, and or registration for a king or tanner crab fishery" to prevent immediate crossovers, particularly in the opillio fishery. ADF&G deleted the reference to "registration" as unnecessary, in the substitute language developed for the opillio 14-day stand down regulation. In the 1999 tanner crab fishery, apparently one pollock trawl vessel took advantage of this exemption. It began in the opillio fishery, then left the grounds to fish pollock, then re-registered and reentered the opillio fishery three weeks before the closure. F&WP and ADF&G can verify this incident, which sets a new precedent and a possible need for a new regulation.
9. Most of the trawl boats fishing pollock are less than 125 feet in length and only having observers onboard 30% of the time (the same for pot boats fishing groundfish). This would seem to allow greater opportunities for prospecting before the season. Thirty-five of 45 trawlers that fished Bristol

Bay in 1998 were less than 125 feet in length, according to the enclosed CFEC vessel registration list. This means that sixteen percent of the fleet was exempt from the fair start rule.

10. The high catches of the trawlers in the king crab fishery are noted in the letter to the ADN and in the enclosed United Catcher Boats letter (which letter is part of the Board's record). In at least one case, crab harvests by trawlers were three times higher than the average crab pot boat. This figure contradicts the ADF&G comparisons, noted in the Deliberation Materials, with the rest of the crab fleet. This information, again which was part of the Board's record when it deliberated on these proposals, points to strong possibilities of wholesale prospecting by the trawlers - - information that ADF&G cannot show for pot boats.
11. In testimony before the Board, Arni Thomson of the Alaska Crab Coalition clarified that the most productive king crab harvest statistical areas are open to so-called pelagic trawling, although closed by federal regulation to bottom trawling to protect crab habitat. In other words, the primary crab catch area (162-164 degrees and 56-57 degrees) is open to prospecting with pelagic trawl gear, but closed to pot gear (under the prior 14-day fair start regulation). In 1997, the entire Bristol Bay area was still open to bottom trawling at the time of the opening of the king crab season. The yellowfin sole fishery was still in progress, as the king crab caps had not been met. In 1998, the bycatch caps had been caught, and bottom trawling was closed in the area. However, this is a year to year seasonal matter, which further leads to the necessity for the 30-day stand down for trawl gear deployment before prospecting occurs.
12. In looking at the ability of trawlers to use pelagic trawl gear for prospecting, one needs to keep in mind the liberal definition of pelagic gear that NMFS uses. Pelagic trawl gear is virtually any trawl without rollers, bobbins, or chafing gear. It does not have to be an expensive specially designed "pollock pelagic trawl," using the operative industry definition. It can be an inexpensive old style bottom trawl, such as that used very effectively in the developing years of the king crab fishery in Alaska. These were footrope trawls that did not employ rollers, bobbins, or chafing gear. Trawl gear was used as an efficient gear in the early years of the fishery and has been used for many years as the primary gear for estimating crab stock abundance by the NMFS. According to NPFMC information, the pollock industry stated that pelagic gear is routinely used in direct

contact with the bottom, thus it can be used for prospecting. (We understand that the pollock industry is now saying the opposite of this.)

13. ACC's RC 130 with attachments responds to several complaints by trawlers regarding information the Board failed to consider when making the decision. It also contains information that responds to Steve Pennoyer's letter to the Board dated April 9, 1999. It notes fairness on allocative issues as to how trawlers would be affected vs. pot boats on economic issues. Attachments show trawlers vs. pot boats dependence on crab revenue, pollock revenue and other groundfish revenue. This information is drawn directly from the most recent NMFS and ADF&G catch and economic performance reports. Trawlers have other fishery opportunities available, whereas pot boats do not have such opportunities. These materials are also a significant, recent part of the administrative record of the NPFMC.
14. The Board's decision on "fair start" is not "allocative." The Board action is a Crab FMP Category 3 measure, "gear placement and removal." As such, it does not require North Pacific Council (NPFMC) oversight as do Category 2 measures. However, the Board did address several Magnuson-Stevens Act (MSFCMA) National Standards when it deliberated on this measure. There are significant conservation and development purposes underlying the decision. The intent of "fair start" is to eliminate pre-season prospecting. The necessity to eliminate preseason prospecting arises from the extreme shortness of the season (4-5 days). Prospecting before the season can greatly increase the profitability for the season and thus there is a very real incentive for doing it. But prospecting can create an unmanageable fishery.
15. The "fair start" proposal was submitted to the Board by ACC over a year ago to address crab prospecting on fishing grounds. The proposal that was adopted by the Board was developed in response to ADF&G's Proposal that would have restricted groundfish gear from 14 to 30 days to further deter prospecting and unfair competitive advantages for boats in the king crab fishery. The ACC responded to ADF&G by proposing a 30-day prohibition on all groundfish gears in the Bering Sea king and tanner crab fisheries.
16. The Board's action in effect implements a 30 day prohibition for pot and trawl gear (excluding hook and line) in Area T, Bristol Bay King Crab (east of 168 degrees latitude and south of 58 degrees longitude to Saricheff and east to the shores of Bristol Bay). This measure recognizes the efficiency

Mr. Lance Nelson

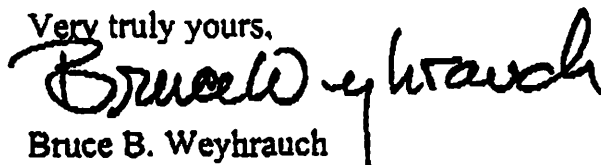
April 16, 1999

Page 6

of trawl gear for catching crab and that 35 of those boats are fishing with pelagic trawl gear immediately preceding the opening of the crab season, but then switching over to crab just before the crab season opening on November 1. In 1998, the fall pollock B season closed October 29, which is about 60 hours before the opening of the king crab season.

Please let me know if you would like additional information on this.

Very truly yours,

A handwritten signature in black ink that reads "Bruce B. Weyhrauch". The signature is written in a cursive style with a vertical line extending downwards from the end of the name.

Bruce B. Weyhrauch

Enclosures

BUSINESS LINE**Pollock fishermen angered by crab rule****UA president's call**

University of Alaska students and employees should lead the fight for increased funding, the school's new president said in his first State of the University speech. Mark Hamilton, a retired general who once led the Army's recruiting efforts, said the university needs more money from Juneau to remain a good education value. "This is a call to action," he told a packed auditorium crowd last week at the University of Alaska Fairbanks. "We cannot get there without informed voices talking to the Legislature." Since he was hired in June, Hamilton has lobbied hard for his proposed budget, which calls for a \$16.3 million increase in state contributions each of the next three years.

**Hamilton****Alyeska does review**

The Alyeska Pipeline Service Co. has begun a review of its tanker vapor control system at the Valdez Marine Terminal. The review, which is expected to take three months, was begun after prob-

UNALASKA — Pollock fishermen are enraged by recent Alaska Board of Fisheries actions excluding them from harvesting Bristol Bay red king crab.

Crabbers lobbied for the changes, which could mean millions of dollars in additional product for them. The crabbers say pollock trawlers had an unfair preseason advantage and the Board of Fisheries merely ended that advantage.

The Fish Board has extended the waiting period from 14 to 30 days before fishermen can launch red king crab pots after ceasing pollock trawling. It also set a new opening date, Oct. 15, two weeks earlier than in the past.

Because this year's final pollock season is expected to open Sept. 15 and last several weeks, the pollock fishermen will be unable to start fishing for the red king crab when that season starts Oct. 15. In the past, the crab season has lasted about five days.

United Catcher Boats hopes federal regulators reject the new rules, said Brent Paine, executive director of the Seattle-based group representing 64 pollock boats, including 28 "crossovers" that also fish crab.

'That was a pretty nasty deal, what a couple of crabbers did.'

— Cary Swasand, Aleutian Spray Fisheries

The state manages crab fishing in federal waters by agreement with the federal government, which retains final authority. The new rules, adopted in Anchorage on March 24, are being reviewed by the National Marine Fisheries Service.

But if federal attorneys uphold the state, United Catcher Boats might sue.

"If it looks like this thing is going to go forward, we're definitely going to look at some kind of relief in the courts. It's too big of an impact," said Paine.

"That was a pretty nasty deal, what a couple of the crabbers did," said Cary Swasand of Aleutian Spray Fisheries in Seattle. "I'm up in arms over this, big time. It's over a million dollars a year they're taking away from me."

The board acted to prevent "prospecting," which gives fishermen the advantage of finding crab before the season

opens. Any prospecting that occurred could speed up the crab fishery, which biologists say is already too fast for good management.

Paine denies that trawl gear is used for prospecting. The Alaska Department of Fish and Game biologist who regulates Bering Sea shellfish, Rance Morrison in Unalaska, also said there's no evidence of such prospecting.

However, the board believes otherwise, said member Dan Coffey of Anchorage.

"There's an absolute risk of that happening," said Coffey, especially because catcher boats are required to have observers on board only 30 percent of the time and can easily prospect undetected.

"We're going to make damn sure that if you survey, your survey is going to be 30 days old before you get back into the fishery."

Morrison said the longer waiting period was recom-

mended by the Alaska Crab Coalition of Seattle, not Fish and Game.

Paine said 35 "crossover" boats are affected, including some operated by traditional crab fishermen who got into pollock during poor crab years. But crabbers complain they don't have that option anymore, thanks to last year's federal American Fisheries Act, which specifies vessels eligible for Bering Sea pollock.

"The American Fisheries Act took away my option to go pollock fishing if the crab stock went away," said crab fisherman Lance E. Farr in a letter to the Board of Fisheries.

Coffey said the opening date was moved forward so there's less dead time following the St. Matthew and Pribilof king crab seasons in September.

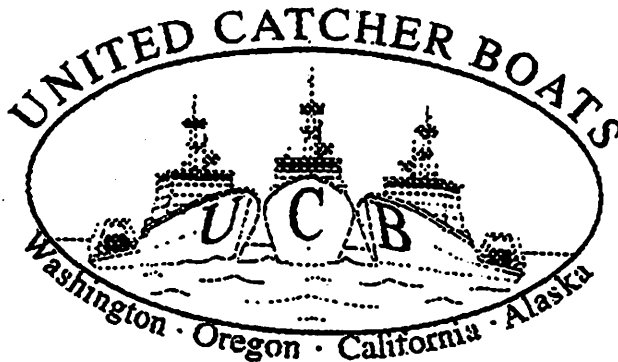
He acknowledged a tradeoff, because the old start gave crab an extra two weeks to grow larger and meatier. But he said the benefits are greater, including less likelihood of storms and fewer crab dying on deck from colder weather later in the year.

— Jim Paulin

RC132

Brent C. Paine
Executive Director

Steve Hughes
Technical Director



March 23, 1999

Mr. Dan Coffee, Chairman
Alaska Board of Fisheries Bering Sea Crab Subcommittee
Captain Cook Hotel
Anchorage, AK

RE: Comments to Committee D and Committee E, Bering Sea Crab Issues

Dear Mr. Coffee,

Thank you for allowing me to present comments on the various proposals before the Board pertaining to Bering Sea crab management. This letter will serve as United Catcher Boats' comments to the proposals reviewed by Committee D and E yesterday.

United Catcher Boats is an association of 63 catcher vessels, of which all trawl in the North Pacific, and 28 presently participate in the Bering Sea crab fisheries. We are combination vessels, most of which pioneered both the crab and groundfish fisheries in the North Pacific. The impacts of the various proposals reviewed yesterday to the vessels in UCB are huge. For example, the 28 vessels that presently fish in the Bering Sea crab fisheries potentially could be excluded from these fisheries. I ask that you and your fellow Board members realize the economic loss to these vessels when considering the following proposals.

Proposal 354 & 355, OPERATION OF OTHER POT GEAR Regarding this proposal, UCB strongly requests the Board to not adopt either proposal for the following reasons:

1. TOO PUNITIVE UCB vessels have historically depended on a number of crab and groundfish fisheries. This action would force our vessels to forgo 30 days of groundfish fishing prior to the opening of a crab fishery. Do you have information that provides you with the cost to the 39 vessels (vessels that currently trawl and crab in the Bering Sea) having to forgo fishing for 30 days prior to a crab opener if they choose to fish crab? Our pollock fishery in the Bering Sea now lasts about 90 days. If we choose to fish both the *opilio* and BB red king crab fisheries, we would have to forgo 60 days of groundfish fishing (primarily Pollock A, B and C seasons). The effect of this action would be this: we would either fish in the pollock fishery or the crab fishery, and no longer would be able to fish in both fisheries. If we forgo 60 days of pollock fishing, this would bankrupt these operations. 39 vessels is over 30% of the current Bering Sea catcher vessel pollock fleet.

2. **HIGHLY ALLOCATIVE** The effect of these proposals would be to reallocate the amount of crab harvested by the vessels that fish for groundfish to the vessels that don't fish for groundfish. Approximately 28 of the UCB member vessels participated in the BB red King crab fishery in 1998. Our average catch was 100,000 lbs., that is a total of 2.8 million pounds of crab, or roughly \$3 million reallocated just from the UCB vessels.

fleet average catch 5100 pounds

3. **PROSPECTING WITH TRAWL GEAR DOES NOT HAPPEN** The proposal author argues that trawl gear can be used to find out where the crab are located prior to the start of the crab fishery. This is ludicrous for the following reasons:

- Crab PSC is a precious thing that constrains the directed groundfish fishery. It is not squandered to prospect for good crab grounds
- Bottom trawl Groundfish fisheries in October are mostly closed due to attainment of the TAC or PSC
- The most productive red king crab grounds are closed to non-pelagic trawling most of the year
- The pollock fishery is allocated 1,970 red king crab and 14,077 bairdi as PSC. NMFS data show that these PSC caps have never been reached, and that in the month of October of 1998, a deminimus amount king crab were taken as bycatch in the pollock fishery.

30% Observer coverage does not apply

4. **BOARD LACKS LEGAL JURISDICTION** We believe the Board of Fisheries does not have legal authority to regulate a federal groundfish fishery. This proposal effectively creates a federal "fair start" regulation that affects the Bering Sea groundfish fisheries, a fishery that is managed by the federal government. In addition, we believe the federal Crab FMP does not provide the authority for the Board of Fisheries to create fair start provisions between groundfish and crab fisheries. We request that the Board request a legal opinion on this issue from NOAA General Counsel.

PROPOSAL 287 FISHING SEASONS FOR AREA T

UCB strongly requests the Board to not adopt either proposal for the following reasons:

1. **HIGHLY ALLOCATIVE** Vessels that normally fish in the BS pollock fishery would be forced to decide between participating in the BB king crab fishery or the BS pollock fishery as the pollock fishery occurs throughout the month of October. For example, the department recently changed the opening date of the BS hair crab fishery to accommodate the vessels that fish crab in other areas (Pribs & St. Mat). UCB vessel owners would appreciate the same accommodation afforded the crab fleet.

2. **REDUCTION IN YIELD** Bob Otto stated at the committee yesterday that the highest yield of meat per crab occurs on or around Nov. 1. By backing the fishery into early October, the fleet is forgoing the maximum yield, or value, per crab. No analysis has been done to provide you with the information needed to determine what this yield loss would be. For us, the attempt to force out vessels who fish pollock from the crab fishery is a poor trade off for fishing on crab with less value.

PROPOSAL 288 HARVEST STRATEGY

UCB vessel owners support the current Department's use of the length-based model. Thus we ask the Board to not support this proposal. Rather, the Board should support department research into the stock/recruit relationship for red king crab.

PROPOSAL 285 & 286 POT LIMITS

BB vessel owners choose to not engage in a "big boat - small boat" allocation battle, as our organization has both big and small vessels.

However, we find it disingenuous that the vessel owners who argue for removal of the crabber/trawler vessels based on the argument that the fishery occurs in too short of a period can argue that effort (pots) not be reduced.

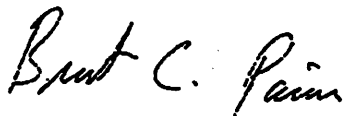
We ask that the Board ask the Department of Fish and Game if they believe that a reduction in the number of pots would result in lengthening the fishery to 6 or more days. In other words, can the Department determine, qualitatively or quantitatively, what the limit of number of pots is to result in a 6-day BB red king crab fishery.

SOME GENERAL COMMENTS

We realize the attempts by the crab vessel owners and their association's to remove from the crab fisheries the vessels that are qualified to fish for pollock in the Bering Sea. This was attempted at the NPFMC level in October 1998 and now at the Board level indirectly through proposals 355 and 287. What is at issue is the overcapitalization of the fleet, something that the Council has attempted to address through License Limitation. The factors involved are determination of: 1) present participation, historical fishing practices and dependence on the fishery (Mag/Stevens Act and National Standards). Alternatives to reduce effort need to be measured against these standards, not indirectly through fair start and season start date proposals that have the effect of indirectly reducing effort and thereby reallocating the harvest.

We ask that the Board know the economic effects of such proposals before acting. Thank you for your consideration of our comments.

Sincerely,



Brent Paine

REVISED: 12/2/98

LIST OF BERING SEA SB 1221 COOP-ELIGIBLE POLLOCK/GROUNDFISH TRAWLERS, NPFMC APPROVED, ALTERNATIVE #9 FOR THE LICENSE LIMITATION PROGRAM, FOR BERING SEA KING & TANNER CRAB FISHERIES. TOTAL VESSELS: 41

VESSEL NAME	ADF&G	LOA	OWNERSHIP INFORMATION
AJ	57934	150	Saga Sfds. (49% Norway) WA
ALASKA DAWN (OK alt. 4)	69765	90	William Gilbert AK
ALDEBARAN	48215	132	Trident Sfds. WA
ALSEA	40749	124	Halls OR
AMERICAN EAGLE (OK alt. 4)	00039	120	R. Tynes, J. Wabey WA
ARCTIC WIND	01112	123	Victor Sfds. WA
ARCTURUS	45978	132	Trident Sfds. WA
ARGOSY (OK alt. 4)	38547	124	Halls OR
BLUE FOX (Attached, NMFS memo)	62892 or 66039 ?	85	Pacific Draggers Inc. OR
COMMODORE	53843	133	Victor Sfds., J. Johannesen WA
DOMINATOR (OK alt. 4)	08668	130	Trident Sfds. WA
DONA MARTITA (OK alt. 4)	51672	152	Trident Sfds. R. Desautel WA
ELIZABETH F	14767	90	Brekken/S. Stutes AK
FIERCE ALLEGIANCE (OK alt. 4)	55111	166	R. Mezich WA
FLYING CLOUD (OK alt. 4)	32473	124	Trident Sfds. WA
GOLDEN DAWN (CDQ)	35687	149	Trident Sfds., APICDA AK
GOLDEN PISCES (OK alt. 4)	32817	98	Elmer McNabb OR
GUN MAR	41312	172	G. Ildhuso (Ocean Phoenix) WA
LADY JOANNE (OK alt. 4)	62922	58	David Wilson AK
LISA MARIE (CDQ)	70221	78	YDFDA AK
MAJESTY	60650	106	Trident Sfds. WA
MAR GUN	12110	110	G. Ildhuso (Ocean Phoenix) WA
MARCY J (OK alt. 4)	00055	97	H. Jones AK
MARGARET LYN	31672	103	R. Czeisler (Ocean Phoenix) WA
MARK 1	06440	98	C. Garbrick (Ocean Phoenix) WA
MUIR MILACH	41021	86	D. Fraser WA
NORDIC FURY	00200	93	Hovik/Stone (Ocean Phoenix) WA
NORDIC STAR	00961	123	C. Swasand WA
OCEAN HARVESTOR (OK alt. 4)	00101	108	K. Ness (Trident partner) WA
OCEANIC	03404	122	E. Langesater (Ocean Phoenix) WA
PACIFIC FURY	00033	110	M. Stone (Ocean Phoenix) WA
ROYAL AMERICAN	40840	105	O. Austneberg, WA
SEA STORM	40969	123	W. Pereyra (50% S. Korea) WA
SEA WOLF	35957	143	AK. Boat Co. WA
SEADAWN	00077	124	F. Yeck OR
STAR FISH (OK alt. 4)	00012	123	C. Swasand WA
STARLITE	34931	123	C. Swasand WA
STARWARD	39197	123	C. Swasand WA
STORM PETREL	39860	123	Victor Sfds., J. Johannesen WA
VESTERAALEN	38342	124	E. Pedersen (Ocean Phoenix) WA
VIKING EXPLORER (OK alt. 4)	36045	125	Trident Sfds. WA

MAJOR PERMIT HOLDERS: Ocean Phoenix group 7, vessel owners are partners in the mothership; Swasand/Starbound 4; Trident Sfds 9; Victor Sfds/Johannesen 3; Sub Total, 23 of 41.

ADDITIONAL SB 1221 VESSELS CURRENT PARTICIPANTS IN BSAI CRAB NOT QUALIFIED UNDER ALT. #9: DONA LILLIANA, HALF MOON BAY, POSEIDON, ROYAL ATLANTIC, SUNSET BAY, VANGARD. Sub Total: 7. (Total SB 1221 Alternative 4 Qualified: 13)

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME**BOARD OF FISHERIES**

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 485-4110
FAX: (907) 485-6094

April 20, 1999

Mr. Clarenc Pautzke
Executive Director
North Pacific Fishery Management Council
605 W. Fourth Ave., Ste. 306
Anchorage, AK 99501-2252

Dear Mr. Pautzke:

Thank you for your April 2 letter requesting information about our recent statewide shellfish meeting. Your request will take some time to fill. Applicable board findings on the proposals you listed are being prepared and currently unavailable. Although we will be unable to fill your request before the April Council meeting, we will try to have it available for you sometime before the June Council meeting. In addition, I strongly recommend the content of your letter be referred to the Joint Protocol Committee of the Board of Fisheries and North Pacific Council for discussion.

I have enclosed a copy of a similar information request we received from the National Marine Fisheries Service, along with my response to that letter.

Again, thank you for your letter. We will do all we can to answer your request in a timely fashion.

Sincerely,



Dr. John White, Chairman
Alaska Board of Fisheries

Enclosure

cc: Richard Lauber, North Pacific Fishery Management Council
Steven Pennoyer, National Marine Fisheries Service
David Benton, Alaska Department of Fish and Game
Diana Cote, Alaska Department of Fish and Game

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME

April 20, 1999

BOARD OF FISHERIES

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

Mr. Stephen Pennoyer
Alaska Regional Administrator
NOAA/NMFS
Box 21668
Juneau, AK 99802-1668

Dear Mr. Pennoyer:

Thank you for your April 9 letter requesting information about our recent statewide shellfish meeting. Your request will take some time to fill. We have recently completed back to back meetings that lasted over 16 days. Board members and staff have returned to their communities and are trying to pick up the pieces after our grueling winter schedule. Your request will be reviewed in consultation with pertinent board members, staff, and the Department of Law, along with a review of the record, as human resources and time allows in the most judicious manner. You have requested a lot of material, and I am aware that it has often taken your staff six to twelve months to pull together the record and process similar requests for the Council. Nonetheless, we will try to have it available for you sometime before the June Council meeting. In addition, I strongly recommend the content of your letter be referred to the Joint Protocol Committee of the Board of Fisheries and North Pacific Council for discussion.

Nevertheless, I am somewhat distressed over the need for providing this information. The "Procedures for FMP Implementation" outlined in the BSAI king and Tanner crab FMP presents appropriate protocol to answer your request.

"2. Representatives from the Council, NMFS and NOAA General Counsel will participate in the State's development of regulations for management of king and Tanner crabs in the BSAI area, including direct participation in the Board meeting for the purpose of assisting the State in determining the extent to which proposed management measures are consistent with the FMP, Magnuson-Stevens Act and other applicable Federal Law. ..."

While a single NMFS staff person was present at the beginning of the shellfish meeting, that individual was new at their job and likely could not have provided the appropriate policy direction raised in your letter. Had the appropriate staff been present and remained through the deliberations, they might have advised the Board regarding the concerns you now present. Additionally, they would have understood the factors the Board considered and debated in developing these regulations; which might have negated the need for your current request in the first place. Waiting for such input until after the meeting concluded increases the work load on

Mr. Steve Pennoyer

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April 20, 1999

our already over-loaded staff, not to speak of frustrating the procedures in the FMP as well as the ability of the Board to perform its functions in an efficient and effective manner.

The apparent lack of interest by NMFS in staffing the Board meetings has been a concern of mine. Both Mr. Benton and I have raised this concern in the past. If the Board's agenda contains issues of concern to NMFS, it is incumbent upon your agency to meet the FMP protocol outlined above.

Again, thank you for your letter. We will do all we can to answer your request in a timely fashion. In the meantime, the record of the board's meeting, including tapes, tape logs, and pertinent documents are available for your inspection and review at the Boards Support Office in Juneau. You may contact Executive Director Diana Cote at 465-4110 to make arrangements.

Sincerely,



Dr. John White, Chairman
Alaska Board of Fisheries

cc: Richard Lauber, North Pacific Fishery Management Council
David Benton, Alaska Department of Fish and Game
Diana Cote, Alaska Department of Fish and Game

Board Committee Members:

1. Ed Dersham * Chair
2. Dan Coffey

Alaska Department of Fish and Game Staff Members:

1. Rance Morrison
2. Wayne Donaldson
3. Forrest Bowers
4. Andy Hoffman
5. Notes: Skip Gish

Fish & Game Advisory Committee Members:

1. Gary Loncon - PNCIAC

Public Panel Members:

1. Jeff Stephan
2. Lu Dochtermann
3. Linda Kozak
4. Steve Hall
5. Doug Wells
6. Tom Casey
7. Mary McBurney
8. Leif Nordbo
9. David Wilson
10. Gary Stewart
11. Kevin Kaldestadt
12. Arni Thompson
13. Lenni Herzog
14. Steve Toomey

Proposals before the committee were: 290, 292, 293, 294, 295, 296, 297, 309, 310, 353, 354, 355, 357, 358, 359, 393, and ACR27

Proceedings were held at the Captain Cook Hotel, Endeavor Room, on March 21, 1999 from 4:38 p.m. to 7:19 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE:

Proposal # 292 - 5 AAC 34.92. LAWFUL GEAR FOR REGISTRATION AREA Q.

Amend this section to provide the following:

a. During a commercial king crab season, the following pot limits are in effect:

1. in the Pribilof District, an aggregate of no more than 75 posts may be operated from a validly registered king crab vessel with an overall length of more than 125 feet, an aggregate of no more than 60 pots may be operated from a validly registered king crab vessel with an overall length of 125 feet or less:

Staff Reports: RC 4, tabs 1 & 30

Staff Comments: RC 4, tab 37, page 20

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal is intended to increase the pot limits in the Pribilof king crab fishery. Support for the proposal said the increase would standardize the pot limits to match those in the concurrent St. Matthew fishery. Also, it was stated the pot limits were established to decrease bycatch and this did not occur because the pots were pulled with less soak time (48 hours needed to affect bycatch). Opposition stated that the fishery was orderly and manageable with the present pot limits and that bycatch was really a function of bait. The department stated the pot limits were established to slow the fishery, which would increase manageability. Additionally, standardization of the pot limits was not necessary since the two fisheries had separate guideline harvest levels and an increase in the Pribilof pot limit might increase the number of large vessels in that fishery which currently fish the St. Matthew fishery. The department opposes the proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: No Consensus

Board Committee Recommendation: Oppose

Regulatory or Substitute Language: None

Proposal # 293 - 5 AAC 35.052(a). KING CRAB STORAGE REQUIREMENTS., and 5 AAC 34.627(a). STORAGE REQUIREMENTS FOR REGISTRATION AREA O. Amend these sections to provide the following:

5 AAC 34.052(a) – Unless other wise specified in this chapter, during the closed season for king crab in a registration area, king crab pots must be removed from the water, except rectangular king crab pots with all bait and bait containers removed and all doors secured fully open, and cone or pyramid king crab pots with all bait and bait containers removed [AND ALL DOORS NOT SECURED CLOSE,] may be stored in waters.....and

34.627(a) – Notwithstanding 5 AAC 34.052, and except as described in (b) of this section, during the closed season for king crab in registration are O, king crab pots must be removed from the water except, [WITH ALL DOORS FULLY OPEN AND] with all bait containers removed,...(b)(2) long-line king crab pots may be stored in waters [50 FATHOMS] 150 fathoms or less in depth.

Staff Reports: RC 4, tabs 6 & 35

Staff Comments: RC 4, tab 37, page 20

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal is intended to allow pot storage with bait and bait containers removed, all doors closed and at depths up to 150 fm. Supporters of the proposal stated doors were damaged during gear retrieval from storage due to the nature of longline gear (which may land correctly or upside down) and drags some distance on the bottom before entering the water column. No bycatch occurs in stored gear and all pots have biodegradable line in them. The area to store gear is limited and gear conflicts can occur between fishers storing longline pot gear, and with other user groups such as halibut fishers. Preemption of fishing grounds may occur. Also, with 100% observer coverage why not try it, although it was stated the level of future observer coverage has not been established. Storage of doors inside of the pots has been done and resulted in no damage during retrieval. The department said that 30% of the harvest comes from 50 to 150 fm therefore any storage in this depth range could increase bycatch. Although, the number of pots per vessel may be increasing, the trend in this fishery is toward less total pots being fished. The department does not support this proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Public support for increased depth of pot storage.

Board Committee Recommendation: Status quo regarding doors secured open, but change legal storage depth to 75 fm.

Regulatory or Substitute Language: See Attached

Proposal # 294 - 5 AAC 34.627(a). KING CRAB GEAR STORAGE REQUIREMENTS FOR REGISTRATION AREA O. Amend this section to provide the following:

Except as described in (b) of this section, during the closed season for king crab in Registration Area O, king crab must be removed from the water except with all doors fully open and with bait containers removed or with doors secured closed and biodegradable twine fully removed and bait containers removed.

Staff Reports: RC 4, tabs 6 & 35

Staff Comments: RC 4, tab 37, page21

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal is addressed in the Proposal 293 discussion.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Public supports this proposal

Board Committee Recommendation: No Action - because of action on Proposal #293

Regulatory or Substitute Language: None

Proposal # 295 - 5 AAC 34.627. KING CRAB GEAR STORAGE REQUIREMENTS FOR REGISTRATION AREA O. Amend this regulation to provide the following:

The new regulation could include the existing requirements of four 5.5 inch escape rings per pot, including biodegradable panels which are 100% cut open in storage and not bait rings. We saw no bycatch with the exemption of an occasional sea urchin when stored gear was picked up before this requirement of tying doors open came about. Our opinion is that there were already adequate steps taken for escapement in stored gear in this long-line fishery.

Staff Reports: RC 4, tabs 6 & 35

Staff Comments: RC 4, tab 37, page22

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal is addressed in the Proposal 293 discussion.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Public Support

Board Committee Recommendation: No Action - because of action on Proposal # 293

Regulatory or Substitute Language: None

Proposal # 297 - 5 AAC 34.627(b). KING CRAB GEAR STORAGE REQUIERMENTS FOR REGISTRATION AREA O. Amend this section to provide the following:

(b) King crab pots may not be stored in the following water (1) from June 1 – August 15, waters east of 169° W. longitude.

Staff Reports: RC 4, tabs 6 & 35

Staff Comments: RC 4, tab 37, page23

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal will allow pot storage east of 169° W. long. All supported the proposal. The department does not oppose the proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Support

Board Committee Recommendation: Support

Regulatory or Substitute Language: None

Proposal # 296 - 5 AAC 34.627(b)(2). KING CRAB GEAR STORAGE REQUIREMENTS FOR REGISTRATION AREA O. Amend this section to provide the following:

May be operated only from a shellfish longline; a buoy is not required for each pot, but each end of the longline must be marked by a cluster of buoys; the buoy closest to the surface or first buoy in the cluster must be marked in accordance with 5 AAC 34.051. This buoy shall have the initials "SL" to identify it as a "shellfish longline"; for purposes of this subsection a "shellfish longline" is a stationary, buoyed, and anchored line with at least 10 shellfish pots attached.

Staff Reports: RC 4, tabs 6 & 35

Staff Comments: RC 4, tab 37, page22

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal would eliminate the flag and pole requirement for longline pot gear and establish new buoy marking requirements. There was public consensus for the proposal. The department has no opposition to the proposal. Additional comments from the Department of Public Safety should be solicited.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Support

Board Committee Recommendation: Support

Regulatory or Substitute Language: None

COMMITTEE D – Statewide Shellfish & Bristol Bay/BSAI King and Tanner Crab

Proposal # 309 - 5 AAC 02.506. SUBSISTENCE SHELLFISH FISHING PERMITS.
Require a permit to take king and Tanner crab in a portion Eastern Aleutian Islands as follows:

5 AAC 02.506. SUBSISTENCE SHELLFISH FISHING PERMITS. In the Eastern Aleutian Islands portion of the area, west of Scotch Cap Light and east of 168° W. long., king and Tanner crab may be taken for subsistence purposes only under the authority of a subsistence crab fishing permit with a harvest report.

Staff Reports: RC 4, tab 36, page 36

Staff Comments: RC 4, tab 37, page 29 & RC 128

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal would establish a permit requirement for the taking of subsistence king and Tanner crab in the Aleutian Islands west of Scotch Cap Light and east of 168° W. long. The department needs information regarding the subsistence use of crabs in the area. A customary and traditional use finding will need to be considered before this proposal is discussed. There was public consensus for the proposal. The department submitted the proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Support

Board Committee Recommendation: Support - Need to establish customary and traditional use findings before acting on this proposal

Regulatory or Substitute Language: None

Proposal # 310 - 5 AAC 02.520. SUBSISTENCE KING CRAB FISHERY, 5 AAC 65.022. WATERS; SEASONS; BAG; POSSESSION, AND SIZE LIMITS; AND SPECIEAL PROVISIONS, AND 5 AAC 77.314. PERSONAL USE KING CRAB FISHERY. Reduce the king crab subsistence, sport, and personal use daily bag and possession limits in a portion of the Aleutians Islands Area as follows:

5 AAC 02.520. SUBSISTENCE KING CRAB FISHERY.

(1) the daily bag and possession limit is six crabs per person except in waters west of the longitude of Scotch Cap Light (166° 44 W. long.) and east of 168° long., where the daily bag and possession limit is one male king.

Staff Reports: RC 4, tab 36, page 36

Staff Comments: RC 4, tab 37, page 30 & RC 128

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal reduces the sport, personal use and subsistence bag and possession limit of king crab. The use of king crab resources is thought to have increased in the area, based on a threefold increase in subsistence salmon permits issued by the department. All input to the discussion was by staff and board members. A customary and traditional use finding will need to be considered before this proposal is discussed. There was board support for the proposal with a subsistence priority. The department submitted the proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: No Comment

Board Committee Recommendation: Support amended proposal

Regulatory or Substitute Language: See Attached

Proposal # 359 - 5 AAC 34.XXX. RECOVERY OF LOST KING CRAB POTS. Create a section to provide the following:

Issuance of a gear retrieval permit. Requirements could be that an Observer be present when permit is applied for; recovery done during daylight hours (time to be set by the Board); vessel empty of all fish; return crab in recovered gear to sea; observer to MCI report that lost gear has been recovered and all regulations have been abided by. The observer would be required to be awake and present at all times during the recovery process.

Staff Reports: RC 4, tabs 1, 2, 3, 27 & 30

Staff Comments: RC 4, tab 37, page 35

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal would allow the retrieval of lost pots only under a gear retrieval permit with an observer present. Statements from the public included why have an observer when the crab can not be kept or sold, why add the cost of an observer to the cost of retrieval of lost gear, observers get in the way of gear retrieval, what if too many vessels want to retrieve gear after fishery and not enough observer are available. The problem is pots ghost fishing which should be removed. Also, exploratory fishing is a thing of the past. Emergency provisions should exist to allow retrieval of other vessel's gear when needed, and that an owner should be able to have one vessel retrieve the gear of another of his vessels.

Industry consensus was a check in/out tank inspection, with radio notification of gear retrieval operations. Committee clarified it could only occur when the fishery is closed. The loop hole of baited gear left on the grounds was addressed by the department and possible implications in the CDQ fishery was noted. The department stated the vessels would be pulling gear out of season and enforcement (FWP) objected to pulling baited gear after a fishery closure without an observer. The department would support the proposal, but only under closely controlled observed circumstances.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Public Consensus without observers

Board Committee Recommendation: Support with provisions for vessel check in, check out, and radio conformation of gear retrieval operations. Also, the vessel under the permit may retrieve gear of another vessel.

Regulatory or Substitute Language: See Attached

Proposal # 353 - 5 AAC 34.053. OPERATION OF OTHER POT GEAR and 5 AAC 35.053 OPERATION OF OTHER POT GEAR.

This is a statewide staff proposal which would prohibit a person or vessel, validly registered for either a commercial king or tanner crab pot fishery, from simultaneously operating commercial, subsistence, sport or personal use pots in any other fishery. A person could however, stop participating in the Tanner or king crab fishery and instead operate commercial pots other than Tanner or king crab pots, if the Tanner or king crab pots are put in storage as required by regulation.

Staff Reports: RC 4, tabs 1, 2, 3, 4, 5, 27 & 30

Staff Comments: RC 4, tab 37, page 31

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This is a housekeeping proposal to bring consistency to king and Tanner crab regulations. After clarification on the operation of pot gear by the board, there was consensus support.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Support

Board Committee Recommendation: Support

Regulatory or Substitute Language: None

Proposal # 290 - 5 AAC 34.825. *LAWFUL GEAR FOR REGISTRATION AREA T*; 5 AAC 34.925. *LAWFUL GEAR FOR REGISTRATION AREA Q*; and 5 AAC 35.525. *LAWFUL GEAR FOR REGISTRATION AREA J*.

This staff proposal would define, in State of Alaska Commercial king and Tanner crab shellfish regulations, for Bristol Bay king crab and Bering Sea king and Tanner crab, the meaning of overall vessel length.

Staff Reports: RC 4, tabs 1, 2, 3, 4, 5, 27 & 30

Staff Comments: RC 4, tab 37, page 19

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This is a housekeeping proposal to provide, in regulation, the definition of the overall vessel length. The federal definition was read by a public member to the committee. This definition is the same as the state proposed definition. There was consensus support

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Support

Board Committee Recommendation: Support

Regulatory or Substitute Language: None

Proposal # ACR27 -

5 AAC 39.690 BERING SEA/ALEUTIAN ISLANDS KING AND TANER CRAB COMMUNITY DEVELOPMENT QUOTA (CDQ) FISHERIES MANAGEMENT PLAN. CDQ fishing immediately before the opening of the commercial fishery.

The intent of this proposal is to prevent CDQ groups from the option of fishing part of their crab CDQ quota prior to the open access fishery.

Staff Reports: RC 4, tabs 7 & 26

Staff Comments: RC 4, tab 37, page 38

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal would prohibit CDQ groups from fishing part of their CDQ allocation prior to the open access fishery. Supporters of the proposal stated fair start issues, possible negative economic impact and product quality concerns. If the CDQ vessels fished snow crab prior to the open access red king crab fishery they would have an advantage with the knowledge of recent crab distribution information (exploratory fishing). Most comments centered around the economic impact of the CDQ fishery putting any amount of crab on the market prior to or during price negotiations (export and exvessel) and that it would most often be a negative impact. The effect of poor quality crab on the market would produce a negative economic on the open access fleet. It was stated that if the preseason aspect of the CDQ fishery had been better publicized then more opposition to the CDQ program would have resulted. The CDQ groups all ready have a guaranteed part of the harvest; if the groups are concerned about post season prices and scratch fishing they can fish during the open access fishery. Opponents of the proposal are for status quo within the guidelines of their public testimony. They also stated it was not in the groups interest to market poor quality crab, that they will be harvesting only 50% of 7.5% maximum and that any advantage to the groups would even out by harvesting picked over crab after the open access fishery. The department is neutral on this proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: No Consensus

Board Committee Recommendation: None - Board Debate

Regulatory or Substitute Language: None

Proposal # 393 - 5 AAC 34.8XX. AREA T CLOSED WATERS FOR KING CRAB; and 5 AAC 34.9. AREA Q CLOSED WATERS FOR KING CRAB; and 5 AAC 35.5XX. AREA J CLOSED WATERS FOR TANNER CRAB.
Close the commercial king and Tanner crab fisheries in portions of the Bering Sea.

The intent of this proposal is to establish a "No Fishing Zone" in a specified area of Bristol Bay and the Bering Sea. Further, the intent of this Proposal is that all commercial fishing activities be prohibited in the "No Fishing Zone".

Staff Reports: RC 4, tabs 1, 3, 4 27, 30, & 34

Staff Comments: RC 4, tab 37, page 36

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal establishes a no commercial fishing zone in parts of the Bristol Bay and Bering Sea king crab registration area. After a brief introduction of the area involved and no public comments in favor of the proposal, it was rejected.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Opposed

Board Committee Recommendation: Opposed

Regulatory or Substitute Language: None

COMMITTEE "D" REPORT TO FULL BOARD

Proposal # 355 - 5 AAC 34.053. OPERATION OF OTHER POT GEAR., AND 5 AAC 35.053. OPERATION OF OTHER POT GEAR. Amend these sections to provide the following:

A person or vessel that operates commercial, subsistence, personal use or sport fishing gears [POTS] in the 30 days immediately before the opening, or prior to registering for a commercial king or Tanner crab fishery in a crab registration area, may not participate in a commercial crab fishery in the crab registration area (where groundfish gear of any kind has been used).

Staff Reports: RC 4, tabs 1, 3, 4, 19 (Federal Requirements), 20 (FMP), 27, 30, & 34

Staff Comments: RC 4, tab 37, page 33

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal would include any fishing gear to the 30 day no operation of pot gear before any king or Tanner crab fishery. There is a perceived problem of trawl vessels having an unfair advantage over crab fishers. The trawl vessels can use (misuse) pelagic gear in the pollock fishery up to the time to register for the crab fishery. Of the pollock trawl vessels participating in both fisheries, NMFS observer data does not indicate an increased bycatch of red king crab in October. The vessels under 125 feet would only have 30% groundfish observer coverage, therefore the opportunity for exploratory fishing is present. Trawl gear is an efficient crab survey method. However, fish ticket data does not show an increase in average catch of those vessels compared to similar length crab vessels. It was noted that the trawl vessels often have to enter the crab fishery with trawl equipment still in place on the deck and that would decrease efficiency. Trawlers were aware of this meeting and are not present. Change language to include only pot or trawl gear, (longline and jig gears are not to be included). Some felt that 30 days was too restrictive and a change of the red king crab season to October 15 would solve the problem. The department is neutral on this proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Consensus - Support for pot and trawl gear, but not on 30 days, some want 14 days

Board Committee Recommendation: Support - for 30 days, and for pot and trawl gear

Regulatory or Substitute Language: See Attached

Proposal # 354 - 5 AAC 34.053. OPERATION OF OTHER POT GEAR., and 5 AAC 35.053. OPERATION OF OTHER POT GEAR. Amend these sections to provide the following:

A person or vessel that operates commercial, subsistence, personal use or sport ~~fishing gears~~ [POTS] in the 14 days immediately before the opening, or prior to registering for a commercial king or Tanner crab fishery in a crab registration area, may not participate in a commercial crab fishery in the crab registration area (where groundfish gear of any kind has been used).

Staff Reports: RC 4, tabs 1, 3, 4 27, 30, & 34

Staff Comments: RC 4, tab 37, page 32

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal would include any fishing gear to the 14 day no operation of pot gear before any king or Tanner crab fishery. The proposal is addressed in the Proposal # 355 discussion.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: No Action

Board Committee Recommendation: No Action - based on action taken on Proposal # 355

Regulatory or Substitute Language: None

COMMITTEE D – Statewide King and Tanner Crab

Proposal # 357 - 5 AAC 34.033. TENDERS FOR KING CRAB; and 5 AAC 35.033. TENDERS FOR TANNER CRAB. Amend these regulations to provide the following:

That tenders are prohibited from carrying pots when a crab season is open, but, before, and after the season is open, even if they have crab on board, a tender can carry pots.

Staff Reports: RC 4, tabs 1, 3, 4, 27, 30, & 34

Staff Comments: RC 4, tab 37, page 34

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal is for SE Alaska, no interest from this committee, there was consensus to refer it to the SE Alaska committee.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Refer to Committee B

Board Committee Recommendation: Opposed

Regulatory or Substitute Language: None

Proposal # 358 - AAC 35.033. TENDERS FOR TANNER CRAB. Amend this regulation to provide the following:

A vessel used to tender Tanner crab may not have Tanner crab gear, or equipment on board the tendering vessel, and use that vessel to take Tanner crab, while the Tanner crab season is open.

Staff Reports: RC 4, tabs 3, 4, 27, 30, & 34

Staff Comments: RC 4, tab 37, page 34

AC Reports: RC 110

Public Comments: RC 69, 85, 102 & 111

Narrative of Pros and Cons: This proposal is for SE Alaska, no interest from this committee, there was consensus to refer it to the SE Alaska committee.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation: Refer to Committee B

Board Committee Recommendation: Opposed

Regulatory or Substitute Language: None

Substitute Language for Proposal 293

5 AAC 34.627 (a)(2) Longline king crab pots may be stored in waters 75 [50] fathoms or less in depth.

Substitute Language for Proposal 310

**5 AAC 65.020 CODE KEY FOR BAG LIMITS, POSSESSION LIMITS, AND SIZE
LIMITS. (b)**

G King crab May not be possessed or retained.

Substitute Language for Proposal 359

5 AAC 34.XXX. RECOVERY OF LOST KING CRAB POTS A permit may be issued by the department for recovery of lost king crab pots to a vessel that has lost pots in a Bering Sea or Aleutian Islands king crab fishery. The permit will specify check-in and check-out procedures when entering and leaving the registration area, district or section where the gear is lost. The vessel must also notify the department by radio or Telex or phone during gear retrieval operations. A vessel may also be permitted to retrieve another vessel's gear only during a closed season and neither vessel may be registered for any pot fishery in the Bering Sea or Aleutian Islands king crab registration areas. For retrieval on another vessel's gear written authorization must be provided when the permit is issued. The authorization must include specific pot identification. Other conditions deemed necessary by the department may be included on the permit.

5 AAC 35.XXX. RECOVERY OF LOST TANNER CRAB POTS A permit may be issued by the department for recovery of lost Tanner crab pots to a vessel that has lost pots in a Bering Sea or Aleutian Islands Tanner crab fishery. The permit will specify check-in and check-out procedures when entering and leaving the registration area, district or section where the gear is lost. The vessel must also notify the department by radio or Telex or phone during gear retrieval operations. A vessel may also be permitted to retrieve another vessel's gear only during a closed season and neither vessel may be registered for any pot fishery in the Bering Sea or Aleutian Islands Tanner crab registration areas. For retrieval on another vessel's gear written authorization must be provided when the permit is issued. The authorization must include specific pot identification. Other conditions deemed necessary by the department may be included on the permit.

MEMORANDUM**STATE OF ALASKA**

TO: Alaska Board of Fisheries
C/o Rance Morrison
Captain Cook Hotel

DATE: March 23, 1999

FILENAME:

TELEPHONE NO: 269-5589

FROM: Captain Al Cain
Operations Commander
Fish & Wildlife Protection
Anchorage

SUBJECT: Pot Storage

The Alaska Department of Public Safety, Division of Fish & Wildlife Protection is opposed to allowing gear storage in waters deeper than presently allowed by regulation in the Aleutian area. Additionally, we are also opposed to allowing pot doors to be closed during storage.

Allowing gear to be stored in deeper waters greatly increased the amount of area we must search by aircraft and vessel to located stored gear and ensure that it is legally stored. It is also very difficult to determine if a pot is fishing or not if the door is closed. A pot with closed doors can be rigged with hanging bait or other decomposing bait that is not detectable after a period of time. The issue of having the doors open makes it clear to us that the pot is not fishing. Often, crab or other animals will enter a pot with the door closed even when not baited. It becomes difficult for us to determine what the fishing status of a pot is when the door is closed.

The present regulations on stored gear are enforceable. Loosening these requirements will diminish our ability to monitor legal storage and possibly result in more pot seizures when the fishing status is unclear.

cc: Colonel John Glass

Substitute Language for Proposal # 355

5 AAC 35.053 (1) OPERATION OF OTHER [POT] GEAR

(1) **except as provided in (a) of this section,** a person or vessel that operates commercial, subsistence, sport, or personal use pots, during the 14 days immediately before the opening of the commercial Tanner crab season in a Tanner crab registration area or, with respect to Registration Area J, in that district of Registration Area J where the fishing with pots occurred, may not participate in the commercial Tanner crab fishery in the Tanner crab registration area, **or with respect to Registration Area J, in that district,** where fishing with pots occurred; a person or vessel that participates in a commercial Tanner crab fishery in a Tanner crab registration area or, with respect to Registration Area J, in that district of Registration Area J, may not operate commercial, subsistence, spot or personal use pots in that registration area, or with respect to Registration Area J, in that district where fishing with pot occurred during the 14 days after the close of the commercial Tanner crab season; a vessel or person may operate other commercial pots in a Tanner crab registration area after putting crab pots in storage, as specified in 5 AAC 35.052, and unless the registration is already invalidated in 5 AAC 35.020(k), after invalidating the vessel's registration by contacting, in person, a local representative of the department:

(a) a person or vessel that operates commercial, subsistence, sport or person use pots, or trawl gear in the Bering Sea District of Registration Area J, during the 30 days immediately before the opening of the commercial *C bairdi* or *C. opilio* Tanner crab seasons in that district, may not participate in the commercial *C bairdi* or *C. opilio* Tanner crab fisheries in that district.

(2) during a commercial Tanner crab fishery, a person or vessel may stop participating in the Tanner crab fishery and instead operate commercial pot other than Tanner crab pots, if the Tanner crab pots are put in storage as specified under 5 AAC 35.052, and the vessel owner or the owners agent contacts a department representative, in person and requests that the Tanner crab registration be invalidated.

COMMITTEE "F" - *Central Region King and Tanner Crab*

Board Committee Members:

1. Russell Nelson (Chair)

Alaska Department of Fish and Game Staff Members:

1. Charles Trowbridge- Commercial Fisheries Division
2. Robert Berceci- Commercial Fisheries Division
3. William Bechtol- Commercial Fisheries Division
4. Linda Brannian- Commercial Fisheries Division
5. James Fall- Subsistence Division
6. Andy Hoffmann – Sport Fish Division

Fish and Game Advisory Committee Members:

1. David Daniels – Valdez AC

Public Panel Members:

The Central Region King and Tanner Crab committee met Monday March 22, 1999 at 3:00 pm. at the Captain Cook Hotel.

RC140

PROPOSALS BEFORE THE COMMITTEE WERE:

Proposal 344. 5 AAC 35.4XX. COOK INLET TANNER CRAB HARVEST STRATEGY; and 5 AAC 35.410. FISHING SEASONS FOR REGISTRATION AREA H. Develop a new management strategy for the Cook Inlet commercial Tanner crab fishery.

Staff Reports: RC44, RC3 Tab 1, and Tab 9 pages 1-10

Staff Comments: RC 3 Tab 5 page 1

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons:

Only department staff were present to discuss this proposal. The proposal was introduced as outlined on page 8 and 10 under Tab 9 of RC 3. Suggested regulatory language was reviewed. Staff also identified RC 104 and 105 which are comparisons of Tanner crab management strategies in relation to state and federal requirements. The proposed harvest strategy was supported by Homer A.C.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: N/A

Board Committee Recommendation: Adopt with substitute language in Attachment 1.

Regulatory or Substitute Language: See Attachment 1.

ATTACHMENT 1
SUGGESTED REGULATORY LANGUAGE FOR
COOK INLET AREA PROPOSALS

PROPOSAL 344

5 AAC 35.XXX Cook Inlet Area Tanner Crab Management Plan This plan establishes the sustained yield stock sizes, abundance thresholds, harvest rates, and other requirements determining the prosecution of fisheries for Tanner crab in the Southern and Kamishak/Barren Islands Districts.

a) In the Southern District the sustained yield stock size (SYSS) is set equal to 2.7 million pounds or an abundance of 1.1 million legal male Tanner crab. The minimum stock size threshold (MSST) is set equal to one-half SYSS or 1.4 million pounds or an abundance of 0.5 million legal male Tanner crab.

1) No fishery will occur if :

A) the abundance of legal male Tanner crab is below MSST

B) the attainment of the guideline harvest level would result in an abundance of legal male Tanner crab less than MSST.

C) the estimated harvest capacity, calculated as the product of the number of registered fishermen, the legal pot limit, and the historical fishery catch per unit of effort, for a fishery of a minimum 12 hour duration would result in exceeding the GHL.

2) In the Southern District guideline harvest levels will be set using the following criteria:

A) If the abundance of legal male Tanner crab is greater than the SYSS, Tanner crab may be harvested at a rate not to exceed 20 percent of the estimated abundance of legal males.

B) If the abundance of legal male Tanner crab is less than the SYSS and greater than MSST, Tanner crab may be harvested at a rate not to exceed 10 percent of the estimated abundance of legal males.

b) For the Kamishak and Barren Islands Districts in combination, the sustained yield stock size (SYSS) is set equal to 3.5 million pounds or an abundance of 1.6 million legal male Tanner crab. The minimum stock size threshold (MSST) is set equal to 1.7 million pounds of legal male Tanner crab or an abundance of 0.8 million legal male Tanner crab.

1) No fishery will occur if :

A) the abundance of legal male Tanner crab is below MSST.

RC140

B) the attainment of the GHL would result in an abundance of legal male Tanner crab less than MSST.

C) the estimated harvest capacity, calculated as the product of the number of registered fishermen, the legal pot limit, and the historical fishery catch per unit of effort for a fishery of a minimum 24 hour duration would result in exceeding the GHL.

2) In the Kamishak/Barren Islands Districts, guideline harvest levels will be set using the following criteria:

A) If the abundance of legal male Tanner crab is greater than the SYSS, Tanner crab may be harvested at a rate not to exceed 20 percent of the estimated abundance of legal males.

B) If the abundance of legal male Tanner crab is less than the SYSS and greater than the MSST, Tanner crab may be harvested at a rate not to exceed 10 percent of the estimated abundance of legal males.

5 AAC 35.405 AREA H REGISTRATION

(b) A Tanner crab vessel must be registered for Registration Area H no later than January 10 [BEFORE THE SCHEDULED OPENING DATE OF THE TANNER CRAB SEASON].

RC140

Proposal 345. 5 AAC 34.310. FISHING SEASONS FOR AREA H; 5 AAC 58.020. FISHING SEASONS; and 5 AAC 77.514. PERSONAL USE KING CRAB FISHERY. Close the Cook Inlet commercial, personal use, and sport king crab fisheries.

Staff Reports: RC 44, RC3 Tab 1, and RC 3 Tab 9 pages 11-12

Staff Comments: RC 3 Tab 5 page 2

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons: Staff presented stock status of red king crab in Cook Inlet and outlined existing emergency order closures for these fisheries. The depressed state of the population necessitates a conservation closure. Suggested regulatory language was reviewed.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: N/A

Board Committee Recommendation: Adopt with substitute language in Attachment 2.

Regulatory or Substitute Language: See Attachment 2

RC140

ATTACHMENT 2
SUGGESTED REGULATORY LANGUAGE FOR
COOK INLET AREA PROPOSALS

PROPOSAL 345

5 AAC 35.310 FISHING SEASONS FOR REGISTRATION AREA H (a) Male king crab may not be taken until a harvest strategy is adopted by the Board of Fisheries.

[EXCEPT BROWN KING CRAB, MAY BE TAKEN ONLY AS FOLLOWS:

(1) FROM 12:00 NOON AUGUST 1 THROUGH MARCH 15

**(2) DURING PERIODS OPENED AND CLOSED BY EMERGENCY ORDER,
ONLY MALE KING CRAB EIGHT INCHES (203 MM) OR GREATER IN
WIDTH OF SHELL MAY BE TAKEN.**

**(B) MALE BROWN KING CRAB MAY BE TAKEN ONLY DURING THE SPRING SEASON FOR
TANNER CRAB UNDER CONDITIONS OF A PERMIT ISSUED BY THE COMMISSIONER].**

RC140

Proposal 346. 5 AAC 34.310 and 5 AAC 35.410. FISHING SEASONS FOR REGISTRATION AREA H, and 5 AAC 35.425. LAWFUL GEAR FOR REGISTRATION AREA H. Establish king and Tanner crab fishing seasons in Kachemak Bay with a 12 pot limit and prohibit groundfish fishing with pots and crab fishing in the same year, except for bait.

Staff Reports: RC 44, RC3 Tab 1, and Tab 9 page 13

Staff Comments: RC 3 Tab 5 page 3

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons: Staff introduced the proposal and reviewed page 13 of RC3 Tab 9. Department staff expressed concern that lengthening the commercial Tanner crab season into late May could result in the harvest of molting or softshell male crab. Constraints on participation and pot limits are allocative.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: N/A

Board Committee Recommendation: No.

Regulatory or Substitute Language: N/A

RC140

Proposal 347. 5 AAC 34.310 and 5 AAC 35.410. FISHING SEASONS FOR REGISTRATION AREA H, and 5 AAC 35.425. LAWFUL GEAR FOR REGISTRATION AREA H. Establish king and Tanner crab fishing seasons in Kachemak Bay with a 12 pot limit.

Staff Reports: RC3 Tab 1, Tab 3, and Tab 9 page

Staff Comments: RC 3 Tab 5 page 4

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons: Presented and discussed with proposal 346.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: N/A

Board Committee Recommendation: No.

Regulatory or Substitute Language: N/A

RC140

Proposal 348. 5 AAC 34.3XX. REGISTRATION AREA H (COOK INLET) KING CRAB HARVEST STRATEGY; and 5 AAC 35.4XX. COOK INLET TANNER CRAB HARVEST STRATEGY. Allow experienced Cook Inlet king and Tanner crab fishermen to assist the department by conducting pot surveys of the Kamishak District prior to the commercial fishery.

Staff Reports: RC 44, RC3 Tab 1, and Tab 9 page 14

Staff Comments: RC 3 Tab 5 page 5

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons:

Staff introduced this proposal and reviewed page 14 of RC 3 Tab 9. The department has the authority to conduct a test fishery, though it lacks the financial resources. The depressed condition king and Tanner stocks prohibits the use of a test fishery to fund this type of research.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation:

Board Committee Recommendation: No.

Regulatory or Substitute Language:

RC140

Proposal 349. 5 AAC 02.225. SUBSISTENCE KING CRAB FISHERY; 5 AAC 55.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; and 5 AAC 77.557. PERSONAL USE KING CRAB FISHERY. Close the subsistence, personal use and sport king crab fisheries in Prince William Sound.

Staff Reports: RC3 Tab 2, Tab 4, Tab 6, and Tab 9 page 33-48

Staff Comments: RC 3 Tab 5 page 6

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons:

Staff reviewed deliberation materials concerning stock status and harvest history. The Valdez and Cordova ACs did not support this proposal. Few people from Valdez travel far enough from town to harvest substantial numbers of king crab, found in southwest PWS. The Valdez AC submitted alternative language to allow limited harvest of golden king crab in a small portion of Knight Island Passage, with reduced gear, season, bag and possession limit. They also want to keep one red king crab per day in Valdez Arm. The Valdez A.C. representative subsequently agreed to remove blue and red king crab from consideration for a fishery and expressed willingness to work with staff to structure any fishery. Staff expressed concern that the public can not differentiate among king crab species. Staff cannot identify a harvestable surplus of red, golden, or blue king crab in PWS. Valdez A.C. representative felt that given the expected low level of effort, a surplus exists for a limited harvest. Staff would not support a non-commercial fishery without a permit requirement and severe restrictions on effort and harvest.

Subsistence Division staff recommended that a harvestable surplus be identified prior to developing a customary and traditional use finding to save time. The board might then delay the CT determination until a harvestable surplus is identified.

Sportfish Division staff indicated that in order to provide opportunity to harvest for food the heirarchy of fisheries would make a subsistence fishery the highest priority followed by personal use and sport. He expressed concern that unless a reasonable opportunity existed, it could be misleading to provide for a sport fishery in regulation.

RC140

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Consensus to reject proposal and support a limited fishery similar to that proposed in Attachment 3.

Board Committee Recommendation: Adopt and reopen when there is a harvestable surplus.

Regulatory or Substitute Language: Attachment 4.

RC140

ATTACHMENT 3
SYNOPSIS OF LANGUAGE SUBMITTED BY VALDEZ AND
COPPER RIVER/PRINCE WILLIAM SOUND ADVISORY COMMITTEES
REGARDING PRINCE WILLIAM SOUND KING AND
TANNER CRAB PROPOSALS.

RC 21

Proposal 349 King crab.

- 1) Reduce season to October 1 through April 30.
- 2) Reduce gear to 2 pots per person and 4 pots per vessel.
- 3) Reduce daily bag and possession limit to 3 male golden king crab, 0 red king crab and 0 blue king crab.
- 4) Implement registration and reporting program.
- 5) BOF make a C&T use determination for king crab in PWS.
- 6) Fishery open:
 - waters north and east of a line from Rocky Point to Granite Point.
 - South of a line from Point Nowell to Herring Point and north of a line from Point Helen to Gage Island and Gauge Island to Point Countess.

Proposal 350 Tanner Crab.

- 1) Reduce season to October 1 to April 30.
- 2) Reduce gear to 2 pots per person and 4 pots per vessel.
- 3) Reduce daily bag and possession limit to 10 male Tanner crab per person.
- 4) Implement registration and reporting program.
- 5) BOF make a C&T use determination for Tanner crab in PWS.
- 6) Sport fishery remain open in waters north and east of a line from Rocky Point to Granite Point.

ATTACHMENT 4
SUGGESTED REGULATORY LANGUAGE FOR
PRINCE WILLIAM SOUND PROPOSALS

5 AAC 02.225. SUBSISTENCE KING CRAB FISHERY. The subsistence taking of king crab is closed until stocks recover and a harvest strategy is adopted into regulation.
[IN THE SUBSISTENCE TAKING OF KING CRAB

- 1) THE DAILY BAG AND POSSESSION LIMIT IS 6 MALE CRAB PER PERSON;
- 2) ALL CRAB POTS USED FOR SUBSISTENCE FISHING AND LEFT IN SALTWATER UNATTENDED LONGER THAN A TWO WEEK PERIOD SHALL HAVE ALL BAIT AND BAIT CONTAINERS REMOVED AND ALL DOORS SECURED FULLY OPEN
- 3) THE MINIMUM LEGAL SIZE IS 5.9 INCHES IN WIDTH OF SHELL FOR BLUE KING CRAB AND 7.0 INCHES IN WIDTH OF SHELL FOR RED AND BROWN KING CRAB]

; 5 AAC 55.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS;
Language will be supplied by Sport fish Division.

5 AAC 77.557. PERSONAL USE KING CRAB FISHERY The personal use harvest of king crab is closed until stocks recover and the Board of Fisheries adopts a harvest strategy. **[IN THE PERSONAL USE TAKING OF KING CRAB**

- 1) THERE IS NO CLOSED SEASON
- 2) THE DAILY BAG AND POSSESSION LIMIT IS 6 MALE KING CRAB
- 3) THE MINIMUM LEGAL SIZE IS 5.9 INCHES IN WIDTH OF SHELL FOR BLUE KING CRAB AND 7.0 INCHES IN WIDTH OF SHELL FOR RED AND BROWN KING CRAB].

RC140

Proposal 351. 5 AAC 34.210. FISHING SEASONS FOR REGISTRATION AREA E. Close the Prince William Sound commercial king crab fishery until a harvest strategy is developed.

Staff Reports: RC3 Tab 2, Tab 4, Tab 6, and Tab 9 page 34-47

Staff Comments: RC 3 Tab 5 page 9

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons: Agreement from the public panel to close the commercial king crab fishery until stocks recover and a harvest strategy is adopted by Board of Fisheries.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Consensus agreement to adopt proposal

Board Committee Recommendation: Adopt with proposed language in Attachment 4.

Regulatory or Substitute Language: Attachment 4.

RC140

ATTACHMENT 5
**SUGGESTED REGULATORY LANGUAGE FOR
PRINCE WILLIAM SOUND PROPOSALS**

PROPOSAL # 351

5 AAC 34.210 FISHING SEASONS FOR REGISTRATION AREA E.

Male king crab may not be taken until a harvest strategy is adopted by the Board of Fisheries. [BE TAKEN ONLY AS FOLLOWS:

- (1) FROM 12:00 NOON OCTOBER 1 THROUGH DECEMBER 20; AND
- (2) FROM 12:00 NOON JANUARY 15 THROUGH MARCH 15.]

RC140

Proposal 350. 5 AAC 02.220. SUBSISTENCE TANNER CRAB FISHERY; 5 AAC 55.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; and 5 AAC 77.558. PERSONAL USE TANNER CRAB FISHERY. Close the subsistence, personal use and sport Tanner crab fisheries in Prince William Sound.

Staff Reports: RC3 Tab 2, Tab 4, Tab 6, Tab 7, and Tab 9 page 16-32

Staff Comments: RC 3 Tab 5 page 7

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons:

Staff reviewed deliberation materials concerning stock status and harvest history. Valdez A.C. representative voiced opposition to total closure of subsistence, personal use, and sport fisheries. Residents of Valdez enjoy fishing for Tanner crab in Valdez Arm and provided this public panel member with considerable input. Valdez residents felt the population in Valdez Arm was large enough to support the PU/sport subsistence fishery. The panel member indicated that the actual number of participants in Valdez is unknown but he thought that use increases during the summer. The Valdez AC has proposed a very limited fishery with a reduced area, season, bag, and gear limits Attachment 3 (RC 21). Staff indicated that they have not identified a harvestable surplus of Tanner crab in PWS. The department would not support a non-commercial fishery without a permit requirement and severe restrictions on effort and harvest.

Subsistence Division staff recommended that a harvestable surplus be identified prior to developing a customary and traditional use finding in order to save time. The board might then delay the CT determination until a harvestable surplus is identified.

Sportfish Division staff indicated that in order to provide opportunity to harvest for food the heirarchy of fisheries would make a subsistence fishery the highest priority followed by personal use and sport. He expressed concern that unless a reasonable opportunity existed, it could be misleading to provide for a sport fishery in regulation.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Recommend continuation of a restricted fishery along the line of Attachment 3.

Board Committee Recommendation: Adopt until a harvestable surplus is found.

Regulatory or Substitute Language: Adopt with substitute language in Attachment 6.

ATTACHMENT 6
SUGGESTED REGULATORY LANGUAGE FOR
PRINCE WILLIAM SOUND PROPOSALS

5 AAC 02.220. SUBSISTENCE TANNER CRAB FISHERY; The subsistence taking of Tanner crab is closed until stocks recover and a harvest strategy is adopted by the Board of Fisheries. [IN THE SUBSISTENCE TAKING OF TANNER CRAB

- 4) THE DAILY BAG AND POSSESSION LIMIT IS 20 MALE TANNER CRAB PER PERSON;
- 5) ONLY MALE TANNER CRAB GREATER THAN 5.3 INCHES IN WIDTH OF SHELL MAY BE TAKEN OR POSSESSED.]

5 AAC 55.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS.
Will be supplied by Sport fish Division.

5 AAC 77.558. PERSONAL USE TANNER CRAB FISHERY. The personal use harvest of Tanner crab is closed until stocks recover and the Board of Fisheries adopts a harvest strategy. [IN THE PERSONAL USE TAKING OF TANNER CRAB

- 1) THERE IS NO CLOSED SEASON
- 2) THE DAILY BAG AND POSSESSION LIMIT IS 20 MALE TANNER CRAB
- 3) ONLY MALE TANNER CRAB 5.3 INCHES OR GREATER IN WIDTH OF SHELL MAY BE TAKEN OR POSSESSED.]

RC140

**Proposal 352. 5 AAC 35.310. FISHING SEASONS FOR REGISTRATION AREA
E. Close the Prince William Sound commercial Tanner crab fishery.**

Staff Reports: RC3 Tab 2, Tab 4, and Tab 9 pages 17-31

Staff Comments: RC 3 Tab 5 page 10

AC Reports: RC 110

Public/Record Comments: RC 69, 85, 102, 111

Narrative of Pro's and Cons:

The public panel member present noted that both the Valdez and Cordova ACs were in support of this proposal. The public panel member was in support of this proposal.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Consensus to adopt.

Board Committee Recommendation: Adopt with language language in Attachment 5.

Regulatory or Substitute Language: Attachment 7.

RC140

ATTACHMENT 7
SUGGESTED REGULATORY LANGUAGE FOR
PRINCE WILLIAM SOUND PROPOSALS

PROPOSAL # 352

5 AAC 35.210 FISHING SEASONS FOR REGISTRATION AREA E.

Male Tanner crab may not be taken until a harvest strategy is approved by the Board of Fisheries [BE TAKEN ONLY FROM 12:00 NOON JANUARY 15 THROUGH MARCH 31].

Board Committee Members:

1. Dan Coffey * Chair
2. Virgil Umphenour * had to attend other committee part way through
3. Russell Nelson

Alaska Department of Fish and Game Staff Members:

1. Rance Morrison
2. Doug Pengilly
3. Gordon Kruse
4. Jie Zheng
5. Donn Tracy
6. Pete Probasco
7. Forrest Bowers
8. Notes: Holly Moore

Fish & Game Advisory Committee Members:

1. Garry Loncon - PNCAC

Public Panel Members:

2. Tom Casey
3. Jeff Stephan
4. Kevin Kaldestad
5. Lief Nordbo
6. Linda Kozak
7. Lennie Herzoy
8. Bill LeBow
9. Arnie Thompson
10. Gerry Merrigan
11. Steve Toomey
12. Dave Jentry
13. Lu Dochterman
14. Gordon Bleu
15. Ron Briggs
16. Ed Poulsen
17. Brent Paine
18. Bob Scofield

Technical Advisor

1. Dr. Bob Otto

pot. limit
of many data
2010 et al.
9:20 limit
30 day into pot

Proposals before the committee were 285, 286, 287, 288, 289, 291

The meeting began at ~ 0930 hrs in the Resolution Room of the Captain Cook Hotel and concluded at ~ 1530 hrs with a half hour lunch break.

PROPOSALS BEFORE THE COMMITTEE WERE:

Proposal # 285 - 5 AAC 34.806. AREA T REGISTRATION; 5 AAC 34.810. FISHING SEASONS FOR REGISTRATION AREA T; 5 AAC 34.825. LAWFUL GEAR FOR REGISTRATION AREA T; 5 AAC 34.827. KING CRAB POT STORAGE REQUIREMENTS FOR REGISTRATION AREA T; 5 AAC 34.840 REGISTRATION AREA T INSPECTION POINTS AND REQUIREMENTS; 5 AAC 34.841. LANDING REQUIREMENTS FOR REGISTRATION AREA T; 5 AAC 34.842. CATCH INFORMATION REPORTING IN REGISTRATION AREA T. Reconsider interim conservation measures implemented for the 1997 and 1998 Bristol Bay (Area T) commercial red king crab fishing seasons.

Staff Reports: RC4 (Tabs 1, 2, 13, 14, 17, 27, 28, 29)

RC4 (Tab 19 "Federal Requirements for SOA management measures under the auspices of the Fishery Management Plan for Bering Sea / Aleutian Islands king and Tanner crabs")

RC4 (Tab 20 "Fishery Management Plan for Bering Sea / Aleutian Islands king and Tanner crabs", *North Pacific Fishery Management Council*)

Staff Comments: RC4 (Tab 37, page 10)

AC Reports: RC110

Public Comments: RC69, RC85, RC102, RC111

Narrative of Pros and Cons:

The Department supports adoption of the additional management option listed in this proposal. Performance of the 1998 season, which had a GHL 15.8 million lb., only lasted five (5) days. During the 1997 fishery when lower pot limits were in, the fishery lasted only four (4) days. Ideally, pot limits should be set, to the extent practicable, to increase season length to at least six (6) days. Approval of this proposal is not expected to result in additional direct cost for a private person to participate in this fishery.

Discussion of proposal 285 was divided into several parts:

- 1) leaving baited gear on the grounds following season closures when less than 24 hours advance notice of the closure is given by the department
- 2) vessel pre-registration for the fishery
- 3) extending pre-announced seasons
- 4) tank inspections 30 hours prior to season openings
- 5) 4-million lb. fishery threshold
- 6) mandatory catch reporting
- 7) pot limits

Public agreed to address items 1-4 first.

Items 1, 2, 3, and 4 -

There was consensus in support of re-adoption of these provisions.

Item 5 - 4 mill lb. threshold

The department stated that adoption of a 4-million lb. fishery opening threshold was primarily an economic/manageability issue, but also that a pre-announced fishery was not necessarily over-harvest risk adverse. Conservation could become an issue under National Standards outlined in the Magnuson-Stevens Fishery Conservation and Management Act. Public commented that the economic issue was due to large fleet targeting a small harvest, and conservation is a concern when stock sizes are low. Safety issues in a short season were also considered. The counter view stated by the public was that if a harvestable surplus existed, the fleet should be allowed an opportunity to harvest it. Management measures, such as lower pot limits, could ameliorate conservation concerns by facilitating management at GHLS below 4-million lb.

There was no consensus on re-establishment of a 4-million lb. fishery opening threshold.

Item 6 -

The department stated that the current voluntary catch reporting program was successful and that mandatory reporting could result in administrative difficulties and data quality and enforceability problems. Staff cited accuracy of reports received during 1996 and 1997 seasons. Public commented that reporting can be used for both inseason management and post-season data analysis, e.g., CPUE modeling. Public also commented that a random fleet sample could be required to report, so managing short of GHLS in St. Matthew blue king crab might be mitigated. Public also suggested mandatory/voluntary use of catch and effort logbooks might be effective for post-season fishery information.

There was consensus in support of continuing voluntary reporting for a) inseason management and, b) post season data analysis.

Item 7 -

The department expressed support for pot limits under the status quo interim regulations, but noted that some adjustment in the GHL thresholds at each tier might be considered to further facilitate inseason management at low harvest levels. Some public expressed support for status quo regulations; others commented that raising GHL thresholds at higher pot limits could result in extended seasons. Public also commented that based on the Dr. Scott Matulich report, the two vessel size-class system should be re-evaluated, and a three vessel size-class pot limit allocation be examined. Other public comments included concern that higher pot limits unfairly disadvantage smaller vessels. The department stated that the two vessel size-class allocation was based on a 1993 economic analysis required by the Federal Fishery Management Plan (FMP) for Bering Sea / Aleutian Islands king and Tanner crabs.

Public also expressed concern over bycatch increasing as a result of more frequent potlifts under lower pot limits, and cited discussion from the Matulich report. The department, citing data from pots sampled by at-sea observers, stated that bycatch during the 1997 and 1998 seasons were at near record lows and highs, respectively, and that bycatch levels within pot soak periods

seen in the fishery are potentially affected by many other variables. Public also commented that bycatch crabs may not escape pots without sufficient soak times. The department stated results of a recent soak study were complicated.

Some public commented that all interests compromised for adoption of 1997 pot limit regulations and that more seasons may provide information necessary for full evaluation of effectiveness. Others emphasized compromise in 1997 by stating that a majority of public opposed lowering pot limits at that time.

Final public comments further addressed bycatch and the merits of extending fishing seasons. Some public suggested revising vessel pot allocations based on recent and historic fishery participation. The department noted the FMP requires pot limits be designed in a non-discriminatory manner.

There was no consensus on re-adoption of the interim pot limit regulations.

The Board committee asked public with pot limit proposals to provide the committee with short, bulletized justification and proposed measures (See Attachments A, B, C, D and E).

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation:

Consensus on Items 1-4, and 6. No consensus on Items 5 and 7.

Board Committee Recommendation:

Support items 1-6; support item 7 as amended (see page 26).

Regulatory or Substitute Language:
See attached for Proposal 285.

Proposal # 286 - 5 AAC 34.825LAWFUL GEAR FOR REGISTRATION AREA T.
Amend this section to provide the following:

(h)(9) [THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY
AFTER DECEMBER 31, 1998]

Staff Reports: RC4 (Tabs 1, 2, 13, 14, 17, 27, 28, 29)

Staff Comments: RC4 (Tab 37, page 11)

AC Reports: RC110

Public Comments: RC69, RC85, RC102, RC111

Narrative of Pros and Cons:

Proposals 285 and 286 were discussed together. Refer to proposal 285 for discussion.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation:

see previous discussion

Board Committee Recommendation:

no action based on action taken on proposal 285

Regulatory or Substitute Language:

none

Proposal # 287 - 5 AAC 34.810. FISHING SEASONS FOR REGISTRATION AREA T.
Amend this regulation to provide the following:

October 10th opening for Bristol Bay red king crab.

Staff Reports: RC4 (Tabs 1, 2, 13, 14, 17, 27, 28, 29)

Staff Comments: RC4 (Tab 37, page 11)

AC Reports: RC110

Public Comments: RC69, RC85, RC102, RC111

Narrative of Pros and Cons:

This proposal seeks to move the opening date of the Bristol Bay red king crab fishery from November 1 to October 10. This will move the opening closer to the Pribilof and St. Matthew fisheries in the Bering Sea. The goal of this proposal is to reduce down time between season and eliminate the cost of mobilizing vessel and processing crews for the Bristol Bay season. This proposal would not impact the department's ability to manage this fishery.

The proposer suggested moving opening date to October 15. There was lengthy discussion on whether to move the start to the 10 or the 15 of October. There was consensus from all but one member of the public to move the date to the 15.

The following were points against the proposal:

1. warmer water temperature causing higher deadloss of harvested crabs
2. market issue, crabs having less meatfill then if the fishery were to commence on November 1
3. fishermen participating in the Bering Sea Korean hair crab fishery would be unable to participate in the Bristol Bay red king crab fishery
4. trawl vessels which have fished in this area will now be excluded from the fishery

The following were points for the proposal:

1. eliminating trawl vessels from 'crossing over' to the Bristol Bay red king crab fishery from the pollock fishery
2. better weather in October could allow for a safer fishery.
3. extra time for vessel maintenance after the season and before the start of Bering Sea *C. opilio* fishery.
4. less down time between the Pribilof/St. Matthew and Bristol Bay red king crab fisheries which in turn would save the fleet and processors money

Discussions included all of the above. It was determined that the Department would work with the Bering Sea Korean hair crab fishers to eliminate the conflict of their fishery with the Bristol Bay red king crab fishery if this proposal were adopted.

One member of the committee representing trawl catcher vessels expressed concern that this proposal will exclude vessels that have historically fished in the Bristol Bay red king crab fishery

after the trawl season. He stated that this would be the case regardless if date was set for the 10 or the 15 of October because the trawl fleet fishes through the end of October.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation:

Consensus from all but one member representing trawl fishers on moving the opening date to October.

Consensus from all but one member on moving the opening date to October 15.

Board Committee Recommendation:

Move opening date to October 15

Regulatory or Substitute Language:
see attached

Proposal # 288 - 5 AAC 34.816. BRISTOL BAY RED KING CRAB HARVEST STRATEGY. Amend this regulation to provide the following:

Reinstate the 20% minimum exploitation rate of mature males in the Bristol Bay red king crab stock because the best scientific information available justifies doing so.

Staff Reports: RC4 (Tabs 1, 2, 13, 14, 17, 27, 28, 29)

Staff Comments: RC4 (Tab 37, page 12)

AC Reports: RC110

Public Comments: RC69, RC85, RC102, RC111

Narrative of Pros and Cons:

This proposal seeks to reinstate, in the harvest strategy, a 20% exploitation rate on mature male red king crabs in the Bristol Bay king crab management area. The Department is opposed to this proposal. The current harvest strategy is based on better science, has been subjected to more rigorous scientific and public review, and is more consistent with state and federal policies on sustainable fishery management than is the fixed 20% harvest rate.

A member of the public submitted a handout containing an October 7 letter to Dr. White from Director Clasby and an August 1998 Department news release which is attached as page 21

Some members of the public expressed that the red king crab stock is now rebuilt and there should be a 20% exploitation rate in place. These members of the public also felt that the current harvest strategy was not in compliance with the Magnuson-Stevens Act requirements that "best available scientific information" be used in development of fisheries management plans. These members of the public cited disagreement among some federal and state scientists on assumptions of the models used in development of the current harvest strategy.

Staff explained the motivation behind and the derivation of the current harvest strategy and exploitation rates. Staff summarized the scientific and regulatory agency forums in which the current harvest strategy had been favorably reviewed. Staff also placed the harvest strategy in the context of Magnuson-Stevens Act National Standards, NOAA precautionary guidelines for implementing fishery management plans, and the BS/AI king and Tanner crab FMP definitions of over-fishing. Staff characterized the current harvest strategy as being consistent with those standards and guidelines whereas a flat 20% exploitation rate may not be.

Discussion followed on whether the stock should now be considered "rebuilt" or if current level was due to only a single cohort. The technical advisor from NMFS clarified that federal scientists can disagree with some scientific aspects of the state's fishery models without indicting the harvest strategy.

Other members of the public opposed this proposal expressing conservation concerns. They stated that everyone would like to catch more crabs but this is a fragile fishery and should be

approached conservatively for a few more years until the stock can be assessed further. Do not want to overfish a rebuilding stock.

The public expressed the need for an analysis of the economic loss due to a reduction of the exploitation rate from 20% to the tiered 10-15% rates. Staff responded that no such economic cost-benefit analysis had been performed; however, analyses had been performed that indicated the current harvest strategy increased harvest over time, reduced fishery closures and provided greater fishery stability than the flat 20% exploitation rate.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation:

no consensus, but majority opposed

Board Committee Recommendation:

oppose

Regulatory or Substitute Language:

none

Proposal # 289 - 5 AAC 34.820. SIZE LIMITS FOR REGISTRATION AREA T. Amend this regulation to provide the following:

Male blue and red king crab 6 inches or greater in width of shell may be taken or possessed.

Staff Reports: RC4 (Tabs 1, 2, 13, 14, 17, 27, 28, 29)

Staff Comments: RC4 (Tab 37, page 12)

AC Reports: RC110

Public Comments: RC69, RC85, RC102, RC111

Narrative of Pros and Cons:

This proposal would reduce the legal commercial size limit for red king crabs in the Bristol Bay fishery from 6.5 inches to 6 inches. The Department is opposed to this regulation. There was consensus on opposing this proposal. Several members of the public expressed the need to look at the discard mortality in this fishery and consider this an option in the future.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation:

oppose

Board Committee Recommendation:

oppose

Regulatory or Substitue Language:

none

Proposal # 291 - 5 AAC 34.8XX OPERATION OF OTHER POT GEAR IN REGISTRATION AREA T. Extend the exclusion period when no pot gear could be fished from 14 days to 30 days prior to the opening of Bristol Bay (AREA T) commercial king crab fishing season as follows:

5 AAC 34.8XX. OPERATION OF OTHER POT GEAR IN REGISTRATION AREA T. In Registration Area T, a person or vessel that operates commercial, subsistence, personal use, or sport pots during the 30 days immediately before the opening of a commercial king crab season in Registration Area T may not participate in the commercial king crab fishery in Registration Area T.

Staff Reports: RC4 (Tabs 1, 2, 13, 14, 17, 27, 28, 29)

Staff Comments: RC4 (Tab 37, page 19)

AC Reports: RC110

Public Comments: RC69, RC85, RC102, RC111

Narrative of Pros and Cons:

This proposal extends the exclusion period when no pot gear could be fished, in the Bristol Bay king crab management area, from 14 to 30 days. The Department proposed to close all of Area T except for a small section to allow for pot cod harvest.

The public that was in favor of this proposal was in consensus that all of Area T should be closed. The Department is neutral on this and had only proposed to leave open the small section of Area T after there had been concerns expressed about that area at an earlier industry meeting.

Concerns were expressed over excluding vessels that fish both the trawl fishery and the Bristol Bay red king crab fishery. There was discussion on whether vessels were considered economically dependent of the Bristol Bay red king crab fishery.

The segment of the public who were in favor of this proposal agreed that this should only pertain to the Bristol Bay king and Bering Sea Tanner crab fisheries. There was consensus to support proposal 291 with an amendment to include all the Area T and trawl gear. It was also decided to support proposal 355 with an amendment excluding Bering Sea crab fisheries. This would not pertain to jig or longline gear.

There was no public consensus on this matter and the Chairman requested all parties submit a short written summary for the record copy of their points for or against this proposal.

POSITIONS & RECOMMENDATIONS

Public Panel Recommendation:

no consensus

Board Committee Recommendation:

adopt as amended

Regulatory or Substitute Language:

See attached for proposal 291.

Move!

Substitute Language for Proposal 285

BRISTOL BAY RED KING CRAB REGULATION CHANGES IF PROPOSAL # 285 IS ADOPTED.

5 AAC 34.806 AREA T REGISTRATION. (b) [THE PROVISIONS OF THIS SUBSECTION-DO NOT APPLY AFTER DECEMBER 31, 1998.]

ADD

(c) an Area T king crab vessel registration becomes invalid 30 hours following the closure of the season in registration Area T.

5 AAC 34.810 FISHING SEASONS FOR REGISTRATION AREA T.

(b)(1) from 4:00 p.m. November 1 until the season is closed by emergency order;
[FROM 12:00 NOON NOVEMBER 1 UNTIL THE SEASON IS CLOSED BY EMERGENCY ORDER, EXCEPT DURING THE 1997 AND 1998 FISHING SEASON]

(3)[THE PROVISIONS OF THIS PARAGRAPH DO NOT APPLY AFTER DECEMBER 31, 1998.] repeal

5 AAC 34.825 LAWFUL GEAR FOR REGISTRATION AREA T.

(d) (repeal)

(e) (repeal)

(h) During the [1997 and 1998]commercial king crab seasons in Registration Area T, the aggregate number of king crab pots that may be operated from a vessel are as follows:

	GHL range (million lb.)	Number of Vessels	Number of Pots	
			Vessels ≤ 125'	Vessels > 125'
(1)	[> 4.0 .<=6.0] <u>> 4.0 .<=8.0</u>	<200	80	100
(2)		200 - 250	60	75
(3)	[> 6.0 <=9.0] <u>> 8.0 .<=12.0</u>	<200	120	150
(4)		200 - 250	100	125
(5)	[> 9.0 .<=12.0] <u>> 12.0 <=16.0</u>	<200	200	250
(6)		200 - 250	160	200
(7)	[> 12.0] <u>> 16.0</u>	>250	200	250

(8) if the number of vessels registered for a fishery with a guideline harvest level under (h) (1) – (6) of this subsection is more than 250 vessels, the pot limit that applies to at least 200, but not more than 250 registered vessels for the guideline will apply, and the closing time for the fishing season may be announced by emergency order before the season begins. [IF THE DEPARTMENT DETERMINES THAT ADEQUATE INFORMATION IS AVAILABLE THAT INDICATES THE GUIDELINE HARVEST WILL NOT BE REACHED, THE COMMISSIONER MAY EXTEND THE SEASON BY EMERGENCY ORDER IN AN ATTEMPT TO REACH THE GUIDELINE HARVEST LEVEL,] REPEAL

(9) (repeal)

(i) [DURING THE 1997 AND 1998 COMMERCIAL KING CRAB SEASONS IN REGISTRATION AREA T] A vessel validly registered to take king crab in Registration Area T may not place king crab gear in or remove king crab gear

from the water during the 30 hours before the scheduled opening date of the commercial king crab fishery in that area.

5 AAC 34.827 KING CRAB POT STORAGE REQUIREMENTS FOR REGISTRATION AREA T.

(c) ...[THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER DECEMBER 31, 1998.] REPEAL

5 AAC 34.840. REGISTRATION AREA T INSPECTION POINTS AND REQUIREMENTS.

(b) ...[THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER DECEMBER 31, 1998.] REPEAL

5 AAC 34.841. LANDING REQUIREMENTS FOR REGISTRATION AREA T.

(d) [DURING THE 1997 AND 1998 COMMERCIAL KING CRAB SEASONS IN REGISTRATION AREA T,
AND] Not withstanding...

(3) repeal.

(e) ...[THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER DECEMBER 31, 1998.] REPEAL

(f) ...[THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER DECEMBER 31, 1998.] REPEAL

5 AAC 34.842. CATCH INFORMATION REPORTING IN REGISTRATION AREA T.

...[THE PROVISIONS OF THIS SECTION DO NOT APPLY AFTER DECEMBER 31,
1998.] REPEAL

Substitute Language for Proposal 287

5 AAC 34.810. FISHING SEASONS FOR REGISTRATION AREA T (b)(1)

(b) Male red and blue king crabs may be taken only as follows:

(1) from 4:00 p.m. October 15 [NOVEMBER 1] until the season is closed by emergency order, [EXCEPT DURING THE 1997 AND 1998 FISHING SEASONS FROM 4:00 P.M. NOVEMBER 1 UNTIL THE SEASON IS CLOSED BY EMERGENCY ORDER.]

Substitute Language for Proposal 291

5 AAC 34.053 OPERATION OF OTHER [POT] GEAR. Unless otherwise specified in 5 AAC 31 – 5 AAC 38,

- (1) A person or vessel that operates commercial, subsistence, personal use, or sport pots during the 14 days immediately before the opening of a commercial king crab season in a king crab registration area may not participate in the commercial king crab fishery in that area, or with respect to Registration Area Q, a person or vessel that operates commercial, subsistence, personal use, or sport pots in the 14 days immediately prior to the opening of the commercial king crab fishery in that district or section, may not participate in the commercial king crab fishery in that district or section or, with respect to Registration Area T, a person or vessel that operates commercial, subsistence, personal use, or sport pots or trawl gear in that registration area in the 30 days immediately prior to the opening of the commercial red king crab fishery in that area may not participate in the Area T commercial red king crab fishery.

In addition, a person or vessel that participates in a commercial king crab fishery in a king crab registration area, or with respect to Registration Area Q, in that district or section of Registration Area Q where the fishing with pots occurred, may not operate commercial, subsistence, personal use, or sport pots in the 14 days immediately following the closure of the commercial king crab season, and with respect to Registration Area T, a person or vessel that participates in a commercial king crab fishery in that king crab registration area may not operate commercial, subsistence, personal use, or sport pots in the 30 days immediately following the closure of the commercial king crab season in that area.

A vessel or person may operate commercial, subsistence, personal use, or sport pots in a king crab registration area after putting king crab pots in storage as specified in 5 AAC 34.052, and unless the registration is already invalidated under 5 AAC 34.020(k), after invalidating the vessel's king crab registration by contacting in person a local representative of the department.

- (2) During a commercial king crab fishery, a person or vessel may stop participating in the king crab fishery and instead operate commercial pots other than king crab pots, if the person's or vessel's king crab pots are put in storage as specified under 5 AAC 34.052, and the vessel owner, or the owner's agent contacts a department representative in person and requests that the king crab registration be invalidated.

~~Submitted During Committee~~
 Dept 5 proposal,

Current GHL ranges for Bristol Bay red king crab tiered pot limit regulations compared to those necessary for minimum 6 day fishery.

<i>option 1</i>		<i>option 2</i>		Management options	
Existing GHL's	GHLS for 6 days	Number of Vessels	Number of Pots		
			Vessels < 125'	Vessels ≥ 125'	
<4.0 million lb.	<4.0 million lb.	Any	-	-	closed
≥ 4.0 < 6.0 million-lb.	≥ 4.0 < 8.0 million-lb.	<200	80	100	inseason
		200 - 250	60	75	inseason
		>250	60	75	pre-announced
≥ 6.0 < 9.0 million-lb.	≥ 8.0 < 12.0 million-lb.	<200	120	150	inseason
		200 - 250	100	125	inseason
		>250	100	125	pre-announced
≥ 9.0 < 12.0 million-lb.	≥ 12.0 < 16.0 million-lb.	<200	200	250	inseason
		200 - 250	160	200	inseason
		>250	160	200	pre-announced
≥ 12.0 million-lb.	≥ 16.0 million-lb.	Any	200	250	inseason

Comments:

The department is willing to continue management under the status quo interim regulations adopted by the Board of Fisheries in August 1997. The department provides this information if the Board wishes to consider expanding the Guideline Harvest Level (GHL) ranges for each pot limit tier to provide greater opportunity for inseason management by allowing for a six (6) day fishery when participation does not exceed 250 vessels. Analysis of catch rates suggest that fishing time may have been extended by up to 1.5 days during recent seasons under tiered pot limits containing the revised thresholds as specified. Increasing thresholds at each pot limit tier as specified may further safeguard against excessive harvests when GHLS are low and effort levels are high, and will help avert the need for pre-announced seasons when 250 or fewer vessels enter the fishery.

TONY KNOWLES, GOVERNOR

SUBMITTED

BERING
COMMITTEE

DEPARTMENT OF FISH AND GAME

COMMERCIAL FISHERIES MANAGEMENT
AND DEVELOPMENT DIVISION

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4210

October 7, 1997

Dr. John White, Chair
Alaska Board of Fisheries
Bering Sea Dental Center
P.O. Box 190
Bethel, AK 99559

John

Dear Dr. White:

The purpose of this letter is to provide a formal department response to two documents written by Mr. Thomas Casey: (1) an oral report that he presented to the Alaska Board of Fisheries in August 1997 titled "1997 Status of the Bristol Bay Red King Crab Stock and an Empirical Justification for a 20% Minimum Exploitation Rate" (Attachment 2), and (2) the appeal of the Board's decision to maintain the 10% exploitation rate dated September 18, 1997 (Attachment 3).

A In overview, I am very disappointed in Mr. Casey's remarks about our stock assessment and the Board-approved rebuilding strategy for Bristol Bay red king crab. In reviewing his two documents, we conclude that Mr. Casey's arguments are riddled with a wide-ranging collection of false statements and misleading remarks. It is not clear to us to what degree this represents a purposeful propagation of erroneous information and to what extent this resulted from genuine misunderstandings of facts on his part, but it appears that a combination of both are involved. In either case, we are irritated that Mr. Casey has chosen a confrontational approach when he could have spent the time to get himself better informed of the facts by accessing our fine technical staff. A

In our view, Mr. Casey fails to muster a credible, coherent argument and we strongly recommend retaining the rebuilding strategy approved by the board in 1996. Mr. Casey's criticisms notwithstanding, we stand firmly behind our length-based analysis (LBA) and harvest strategies analysis of Bristol Bay red king crabs as outstanding examples of state-of-the-art fisheries research. I offer the following facts about these analyses: our lead analyst won Alaska Department of Fish and Game's award for excellence in fisheries research in 1995 for developing the LBA, the analysis went through extensive in-house and external review with flying colors, the analysis was reviewed by the North Pacific Fishery Management Council's Scientific and Statistical Committee where it won remarkable praise, and the analysis and many related publications have passed strenuous review by renowned fisheries experts as this research was published in some of the most prestigious

WMP

Submitted During Committee
October 7, 1997

Dr. John White

2

journals of fisheries science in the world. Routinely, we receive praise from scientists around the world who are striving to apply ADF&G's analytical approaches to their invertebrate fisheries. However extensive these scientific accolades, we are most proud that the vast majority of the Bering Sea crab fishing industry overwhelmingly supported the LBA and the rebuilding harvest strategy for Bristol Bay red king crabs. It seems that the majority of industry members appreciated the department's efforts toward stock rebuilding of this important resource to some semblance of it's former value.

Attached is our point by point reply to comments provided by Tom Casey (attachment 1).

Sincerely,



Robert C. Clasby
Director

Attachments

cc: Alaska Board of Fisheries Members
Laird Jones, Executive Director, Alaska Board of Fisheries
Bonnie E. Harris, Office of the Attorney General
Thomas Casey, Alaska Fisheries Conservation Group

(2)

Page 10, point B. "Bob Otto of NMFS: negligible" - regardless of what Dr. Otto may or may not have said, a one-year catch overage is quite different from a consistent overage taken each year. The one year overage followed two years of closure - a fact that undoubtedly counteracted the overage in 1996.

Page 10, point C. "Rock sole trawlers forego their red king crab cap in the KCSA because there are so many red king crab in the area" - true, but this is why the KCSA was established. King crab are often found in this area in great abundance; this was indicated in our analysis to the Council.

Page 10, point D. "1997 NMFS survey captures 80% more legal males even after 18% exploitation in 1996 fishery" - wrong. It's not 80% and not 18% as stated before.

Page 10, point E. "ESB rises." - true, again this is the point of the rebuilding plan.

Page 11. "So, is the Bristol Bay red king crab explosion a reality or an anomaly?" A collection of misunderstandings or misrepresentations advanced by Mr. Casey. One good year of recruitment, which will not even begin to enter the fishery until 1999, is not a "crab explosion" you can take to market. We noted that the CPUE during this year's test fishery was well below the rate during the 1996 test fishery. This is inconsistent with a large increase in legal males between 1996 and 1997. Also, note that confidence in estimates of numbers of crabs <95 mm CL is very low, and most crabs in the good 1990 year class are small and all are smaller than legal size.

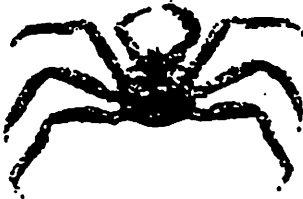
Pages 12-15. It is not clear what points Mr. Casey is attempting to make here.

A Page 16, point 1. "Bristol Bay red king crab stock is recovering much faster than ADF&G anticipated" - not entirely true. First, staff reported to the Board in 1996 that the spawning stock in the late 1980s and early 1990s was slightly improved and this, coupled to favorable atmospheric conditions, might lead to good year classes due to the over lap of stock and environmental effects. In addition, in our rebuilding analysis, under most options the stock increased early on in the rebuilding process due to some good recruitment. Finally, it is unlikely that the 1990 year class will push the stock to the target stock level of 55 million pounds of ESB. Rather, it will be the progeny of this year class that will have a chance to do so. Given that this good 1990 year class will fully mature in the next couple of years, our 50:50 chance of stock recovery in 13 years under the 10% rate seems right in line with observations.

Page 16, point 2. "ADF&G won't admit that. Instead, they are operating in denial of the data" - not true. We have pointed out the stock improvements and Mr. Casey has quoted us on them.

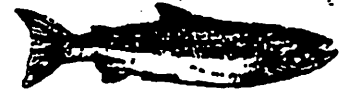
Page 16, point 3. "The 18% exploitation rate in the 1996 Bristol Bay red king crab fishery did no scientifically measurable harm..." - as stated before, in evaluating the NMFS survey, Mr. Casey has misunderstood or misrepresented the NMFS survey data and miscalculated the 1996 exploitation rate. Furthermore, since it is nearly impossible to detect a change in the stock from one season to the next due to poor "statistical power", it would be the exception to be able to scientifically measure such harm.

COMMERCIAL FISHERIES



NEWS RELEASE

ALASKA DEPARTMENT
OF FISH & GAME



STATE OF ALASKA
Department of Fish and Game
Frank Rue, Commissioner

Westward Region
211 Mission Road
Kodiak, AK 99615

Robert C. Clasby, Director
Division of Commercial Fisheries

Contact: James A. Spalinger
Regional Shellfish/Groundfish
Management Biologist

IMMEDIATE RELEASE

Date: August 26, 1998

ATTENTION BRISTOL BAY KING CRAB FISHERMAN

The Alaska Department of Fish and Game and National Marine Fisheries Service have completed analysis of the survey results for Bristol Bay red king crab. Population and biomass estimates for Bristol Bay red king crab have been computed from the survey data using the department's length-based analysis. An overall guideline harvest level (GHL) of 16.4 million pounds for the Bristol Bay red king crab fishery has been established. A total of 3.5% of this GHL will be reserved for the CDQ fishery as follows:

BRISTOL BAY	commercial fishery	15.8 million pounds
BRISTOL BAY	CDQ	0.6 million pounds

The Effective Spawning Biomass is estimated to be 56.3 million pounds. This is above the 55 million pound rebuilding threshold established in the King Crab Management Plan. An exploitation rate of 15% on mature males as prescribed in the management plan resulted in a guideline harvest level of 16.4 million pounds.

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The CDQ harvest projection is based on 3.5% of the GHL. This harvest is estimated to be approximately 600,000 pounds. The actual CDQ harvest level will be based on the total catch from the commercial fishery.

Because the GHL exceeds 12 million pounds, the registration deadline of October 2, 1998 has been waived. The pot limit will be 200 pots for vessels 125 feet or less in overall length and 250 pots for vessels over 125 feet in overall length. The Bristol Bay red king crab fishery will open at 4 PM November 1, 1998. For further details contact the Alaska Department of Fish and Game at 486-1840.

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Measures put in place for the 1997
and 1998 seasons include:

- ⇒ Vessel pre-registration;
- ⇒ 30 hour tank inspection window;
- ⇒ Differential pot limits based on the GHL
and number of vessels registered;
- ⇒ Ability to leave baited gear on grounds if
closure notice less than 24 hours;
- ⇒ Provided ADF&G authority to extend
pre-season announced fishery closures.
- ⇒ Allow MCI vessels to report every 12
hours;

Committee E, Bering Sea Crab Issues

PROPOSAL 287 FISHING SEASONS FOR AREA T

UCB strongly requests the Board to not adopt either proposal for the following reasons:

1. HIGHLY ALLOCATIVE Vessels that normally fish in the BS pollock fishery would be forced to decide between participating in the BB king crab fishery or the BS pollock fishery as the pollock fishery occurs throughout the month of October. For example, the department recently changed the opening date of the BS hair crab fishery to accommodate the vessels that fish crab in other areas (Pribs & St. Mat). UCB vessel owners would appreciate the same accommodation afforded the crab fleet.
2. REDUCTION IN YIELD Bob Otto stated at the committee yesterday that the highest yield of meat per crab occurs on or around Nov. 1. By backing the fishery into early October, the fleet is forgoing the maximum yield, or value, per crab. No analysis has been done to provide you with the information needed to determine what this yield loss would be. For us, the attempt to force out vessels who fish pollock from the crab fishery is a poor trade off for fishing on crab with less value.

PROPOSAL 288 HARVEST STRATAGY

UCB vessel owners support the current Department's use of the length-based model. Thus we ask the Board to not support this proposal. Rather, the Board should support department research into the stock/recruit relationship for red king crab.

PROPOSAL 285 & 286 POT LIMITS

UCB vessel owners choose to not engage in a "big boat - small boat" allocation battle, as our organization has both big and small vessels.

However, we find it disingenuous that the vessel owners who argue for removal of the crabber/trawler vessels based on the argument that the fishery occurs in too short of a period can argue that effort (pots) not be reduced.

We ask that the Board ask the Department of Fish and Game if they believe that a reduction in the number of pots would result in lengthening the fishery to 6 or more days. In other words, can the Department determine, qualitatively or quantitatively, what the limit of number of pots is to result in a day BB red king crab fishery.

Proposal 285

Committee E

Status Quo: 4.0 million minimum GHL, suite of ADF&G management tools, 2-tiered pot limit that varies with changes in GHLS.

Public Members Are Representing a Majority Supporting the Status Quo.

Garry Loncon, Bill LeBow, Ron Briggs, Arni Thomson, Leif Norbo, Tom Casey, Kevin Kaldestad, Ed Poulsen, Gordon Blue, Steve Toomey

Define the Issue:

- ADF&G following 1996 season requested lower pot limits in order to manage lower GHLS, defined as a GHL under 12 million
- August 1997, Special 3-Day BOF meeting resulted in an industry compromise policy
- 1997 policy represented considerable compromise between vessel sizes classes
- ADF&G testified the success rate of managing GHLS in 1997 and 1998
- 1997 and 1998 only seasons policy was in force

Justification For Status Quo:

- Industry relies on management continuity in managing fisheries more years are necessary in order to ultimately judge policy success rate.
- No new information necessitates a change in policy.

Counter Arguments to Further Lowering Pot Limits:

- Lower pot limits diminishes sorting on the ocean floor due to shorter soak times and greater pot lifts.
- During periods of stock rebuilding, lower pot limits will reduce soak times and increase bycatch / handling mortality. Actions that increase bycatch are contrary to policy as set forth in MSFCA and National Standards.
- Dr. Scott C. Matulich's report indicates issues of fairness and inequities among vessel sizes.

Summary:

Dr. Scott C. Matulich's, 1999 report concluded that pot limits, disproportionately distributes the cost of inefficiency across vessel size classes. The report stated that large vessels were more constrained by the pot limits. Matulich suggested a more equitable sharing of planned inefficiency losses would be the creation of a three-level split among vessel sizes. Also, Matulich reported that season elongation is probably not achieved with reduced pot limits, unless much more stringent pot limits are employed. Further to this issue, Dr. Josh Greenberg's 1997 report, page 15 of the Executive Summary stated, "the proposed pot limits fail across almost the entire considered range of possibilities to provide a management tool that achieves inseason management."

Amendment to Pot Limit Proposal 285, Committee E

- Also See RC 84
- This Amendment is a solution to the problem of latent capacity and the potential for very high effort levels in all Bering Sea crab fisheries.
- Active Vessels are dependent upon the crab resource and have displayed this dependence by registering for pots in each of the years 1995, 1996, 1997, and 1998 with exemptions for Replacement Vessels, CDQ Vessels and vessels less than 60' as described in RC 84.
- Latent Vessels are not dependent upon crab, and have displayed this lack of dependence by failing to register for pots in any of the years 1995, 1996, 1997, or 1998.
- This Amendment will affect some AFA qualified crossover vessels, and vessels which departed U.S. fishing waters. The general effect is similar to Alternative 4 under The NPFMC License Limitation Amendments which the Board of Fish recommended as a minimum to the Council.
- On Page 8 of the FMP for Bering Sea/Aleutian Islands crab it states: "Historic data on pot registration and length overall could be used for developing pot limit regulations." This Amendment uses historic data on pot registrations to develop a separate pot limit for latent vessels.
- On the following page, the Status Quo shows the current pot limit in Bristol Bay Red King Crab as well as the Projected Maximum Pots on the grounds under the Status Quo. This table assumes that all 300 licenses allowed under the Current Alternative 9 License Limitation Amendment are active licenses.
- Option 1, on the following page, shows what occurs when 215 vessels are Active out of a fleet of 300 vessels. In order to keep effort low, the Latent vessels must receive a lesser amount of pots. Notice that if less than 200 vessels register for a fishery, there is no Latent capacity. Under this option, as GHL's increase, the Latent Factor of Use increases, allowing Latent Licenses more gear with increasing GHL's.
- Option 2, on the following page, shows what occurs when 245 vessels are Active out of a fleet of 300 vessels. Since there are more Active licenses, the amount of gear on the grounds increases and the Latent licenses must receive fewer pots than in Option 1 to remain near the same levels of gear on the grounds.
- Since Alternative 4, which would result in 245 vessels, is the position the crab industry supports, Option 2 would seem the most reasonable option.
- A simpler way of dealing with the same problem is to allow Latent license 20% of the Status Quo amount of gear. RC 84 better addresses this solution.

STATUS QUO: 300 active pot registrations **TABLE A**

GHL range millions of pounds	Number of Vessels	Pot Limit for ALL pot registrations			Projected Maximum Pots
		≤ 125	>125		
<4.0	Any	0	0		0
4.0-5.9	<200	80	100		16,800
	200-250	60	75		15,750
	>250	60	75		18,900
6.0-8.9	<200	120	150		25,200
	200-250	100	125		26,250
	>250	100	125		31,500
9.0-11.9	<200	200	250		42,000
	200-250	160	200		42,000
	>250	160	200		50,400
>12.0	<200	200	250		42,000
	200-250	200	250		52,500
	>250	200	250		63,000

OPTION 1: 215 active pot registrations **TABLE B**

GHL range millions of pounds	Number of Vessels	Pot Limit for Active registrations		Pot Limit for Latent registrations		Latent factor of use	Projected Maximum Pots
		≤ 125	>125	≤ 125	>125		
<4.0	Any	0	0	0	0	0	0
4.0-5.9	<200	80	100	NA	NA	NA	16,800
	200-250	60	75	30	37.5	0.5	13,703
	>250	60	75	30	37.5	0.5	15,278
6.0-8.9	<200	120	150	NA	NA	NA	25,200
	200-250	100	125	50	62.5	0.5	22,838
	>250	100	125	50	62.5	0.5	25,463
9.0-12.0	<200	200	250	NA	NA	NA	42,000
	200-250	160	200	96	120	0.6	37,128
	>250	160	200	96	120	0.6	42,168
>12.0	<200	200	250	NA	NA	NA	42,000
	200-250	200	250	140	175	0.7	47,145
	>250	200	250	140	175	0.7	54,495

OPTION 2: 245 active pot registrations **TABLE C**

GHL range millions of pounds	Number of Vessels	Pot Limit for Active registrations		Pot Limit for Latent registrations		Latent factor of use	Projected Maximum Pots
		≤ 125	>125	≤ 125	>125		
<4.0	Any	0	0	0	0	0	0
4.0-5.9	<200	80	100	NA	NA	NA	16,800
	200-250	60	75	24	30	0.4	15,561
	>250	60	75	24	30	0.4	16,821
6.0-8.9	<200	120	150	NA	NA	NA	25,200
	200-250	100	125	20	25	0.2	25,830
	>250	100	125	20	25	0.2	28,880
9.0-12	<200	200	250	NA	NA	NA	42,000
	200-250	160	200	16	20	0.1	41,244
	>250	160	200	16	20	0.1	42,084
12	<200	200	250	NA	NA	NA	42,000
	200-250	200	250	20	25	0.1	51,555
	>250	200	250	20	25	0.1	52,605

The tables above represent the pot limit grid that was adopted in 1997 to include provision for differential pot limits based upon vessel length and upon historic pot registrations. In STATUS QUO the number of active pot registrations is the maximum allowed in status quo, LLP alternative 9 in NPFMC documents dated August 21, 1998. (See RC 88). In OPTION 1, the number of active pot registrations is estimated from alternative 8, Table 81, NPFMC documents dated August 21, 1998. (See RC 88). A latent pot registration did not register any pots for BSAI crab of any species in one of the years 1995-1998, the NPFMC recent qualifying period. In OPTION 2 the number of active pot registrations is estimated from alternative 4, Table 81, NPFMC documents dated August 21, 1998. (See RC 88). A latent pot registration did not register any pots for BSAI crab of any species in one of the years 1996-1997, of the NPFMC recent qualifying period. In each Table, pot limits are taken so that the maximum registered pots is similar at 200 or 300 vessels. A total of 300 potential vessel licenses, are assumed in each option.

Alaska Fisheries Conservation Group

Bering Sea Crab Vessel Owners from Alaska, Washington & Oregon

Box 910 Woodinville, WA 98072

(425) 488-7708

Fax (425) 823-3964

Recommendations to the Alaska Board of Fisheries on the 1999 Bering Sea Crab Proposals

- | | | |
|-----|---|---------------|
| 1. | Proposal #304 (State-funded shellfish observer program) | FAVOR |
| | a. Need strong industry oversight board to administer cost-recovery financing and data collection at no more than a 15% observer coverage rate. | |
| 2. | Proposal #305 (Aleutian Islands shellfish observers) | FAVOR |
| | a. 100% observer coverage requirement is cost-prohibitive for catcher-vessels. Suggest 25% coverage in red and brown crab fisheries | |
| 3. | Proposal #295 (Aleutian Islands pot storage) | FAVOR |
| | a. Pots are very expensive to replace or repair. Bycatch minimized with escape rings and open bio-panel | |
| 4. | Proposal # 296 (King crab lawful gear) | FAVOR |
| | a. Longline pot gear preservation issue: flags are commonly damaged by strong currents | |
| 5. | Proposal #359 (Recovery of lost king crab pots) | FAVOR |
| | a. Sensible and safe way to find and recover lost pot gear) | |
| 6. | Proposal #355 (30-days fair start for trawl and pots) | FAVOR |
| 7. | ACR 27 (Pre-season CDQ fishing) | OPPOSE |
| | a. Nullifies fair start philosophy. | |
| 8. | Proposal #393 (No fishing zone) | OPPOSE |
| | a. Insufficient justification | |
| 9. | Proposal #295 (reconsider existing regulations) | FAVOR |
| | a. 4 285 EXCEPT 4-million pound GHF fishery cut-off | |
| | b. Keep 12-million pound threshold for 200/250 | |
| | c. No pot limit reductions | |
| 10. | Proposal #287 (Area T opening date) | FAVOR |
| | a. Better chance to export product in time for Japan's Obon festival (biggest annual market for king crab) | |

- 11. **Proposal # 288 (Area T exploitation rate)** **FAVOR**
 - a. Jie Zheng told the NPFMC's Crab Plan Team on November 30: **"We never said that 20% exploitation rate was an over-fishing definition."**

- 12. **Proposal #289 (Area T size-limit)** **OPPOSE**
 - a. Fleet economics require maximum number of 4L and 3L sections which can only be derived from 6.5-inch size limit.

- 13. **Proposal # 291 (Operation of pot gear)** **FAVOR**
 - a. 30-day pre-season closure enhances opportunity for fair start by discouraging last minute prospecting
 - b. Needs to include pots and trawls, not longlines or jigs (Forrest showed that trawl bycatch of king crab increases dramatically just before king crab season opens)

Attachment E

DATE: 22 March, 1999

TO: Mr. Dan Coffey, Chair; Mr. Virgil Umphenour; Mr. Russell Nelson
Committee E (Bristol Bay King Crab)

FROM: Jeff Stephan, UFMA

SUBJECT: Addendum to Committee E Report
Reduction in Pot Limits For The Area T Red King Crab Fishery
Alaska Board of Fisheries, Anchorage AK, March 18 - 25

The pot limits that were in effect for the 1997 and 1998 Area T red king crab fishery expired at the end of 1998; therefore, the Board must adopt a pot limit for the Area T red king crab fishery at this meeting if there is to be a pot limit in this fishery. It is in the best interest of the Area T red king crab resource, the management of that resource, and the industry for the Board to adopt a reduction of the GHL/pot limit categories that were in place during 1997 and 1998.

I. Resource conservation and management needs for the Area T red king crab fishery indicate that the Board should take action at this meeting to reduce the pot limits that were in effect during 1997 and 1998

- 2 years of information is sufficient time in which to make a reasonable evaluation of the efficacy of the pot limits that were used during 1997 and 1998, and upon which to base a reasonable reduction
- the knowledge and experience from the 1997 and 1998 crab fisheries should be considered and applied to this opportunity to improve the management of the crab fishery
- there is no rational reason to defer action to next year; a meeting next year would require an Agenda Change Request, and unnecessary Board, ADF&G and industry costs

II. The GHL/pot limit categories that were in effect during the 1997 and 1998 Area T red king crab fisheries should be modified

- the use of a lower maximum pot limit is a desirable objective; that is, the use of a 180/225 maximum pot limit may be a consideration to replace the 200/250 maximum pot limit that was in effect during 1997 and 1998
- the use of the maximum pot limit (200/250 in 1997 and 1998) should be triggered at a GHL that is higher than the GHL trigger that was in effect during 1997 and 1998; that is, the 12 Million pound GHL trigger should be raised to 20 Million pounds
- most GHL/pot limit categories that were in effect during 1997 and 1998 should be reduced

III. Conservation and management principles that should be addressed by the Board at this meeting

- management precision is a desirable objective from a resource, conservation, management and business/economic perspective
- a continuing effort to improve management precision is a desirable objective
- a longer season generally provides better management precision than a shorter season
- generally, the smaller the pot limit, the longer the season; and the larger the pot limit, the shorter the season

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- it is a desirable objective to improve the management precision that was realized during 1997 & 1998
- the management precision of 1997 & 1998 can be improved upon with a pot limit that includes reasonable reductions to the GHL/pot limit categories that were in effect during 1997 & 1998
- it is desirable when managers achieve the harvest at, slightly below and very close to the GHL
- responsible conservation and management does not occur when the harvest exceeds the GHL (1997: 100/125 pot limit, GHL=7.0 M lbs., harvest=8.7 M lbs.; NOTE: a smaller pot limit would have kept the harvest closer to the GHL)
- it is a desirable outcome for the industry when managers can manage the harvest at or very close to the GHL
- the industry suffers when the harvest is less than the GHL (1998: 200/250 pot limit, GHL=15.8 M lbs., harvest=14.4 M lbs.; NOTE: a smaller pot limit would have permitted the managers to achieve a harvest level that was closer to the GHL than what actually was achieved)
- the probability of managing the harvest at, slightly below and very close to the GHL is increased when management can better anticipate and measure the daily harvest rate
- managers can better anticipate and measure the daily harvest rate when the daily harvest is lower as a result of a lower pot limit, rather than when the daily harvest rate is higher as a result of a higher pot limit
- A safeguard mechanism (i.e, pot limit level) should be built into the pot limit at the >275 vessel level to avoid a pre-announced closure; this pot limit should be low enough to permit inseason management

IV. Conservation, management and productivity versus political priorities and economic interest

- proponents of the status quo argue that the pot limit is a negotiated agreement, with all sides having given up some political and economic position in 1997 when the current pot limit was adopted
- stock conservation, management precision, resource protection and productivity should be the primary standards in the evaluation of how to adjust the GHL/pot limit categories
- pot limits in the Area T red king crab fishery are more an issue of conservation, management and productivity than a matter of allocation
- political advantage, priorities and economic self interest should be secondary considerations to resource conservation and stock productivity

V. The Matulich Paper should not guide the Board in their consideration of the Area T red king crab pot limits

- much of the Matulich report is conjecture, ^{and} opinion ~~and~~ and not based on, or supported by facts
- much of the Matulich report is contradicted by his own, and ADF&G data, and by ADF&G observations

Attachment E

Committee E/Area T Red King Crab Pot Limit Modification
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Table 1: Options And Status Quo ('97 & '98) For An Area T Red King Crab Pot Limit					
	GHL Range (Million Pounds)	Number of Vessels	Number of Pots		Management Type
			Vessels ≤125 ft.	Vessels >125 ft.	
O P T I O N # 1	< 4.0	Any	40	50	Pre-announced closure
	4.0 to 5.9	<200	80	100	Inseason
		200-250	60	75	Inseason
		>250	60	75	Pre-announced Closure
	6.0 to 8.9	<200	120	150	Inseason
		200-250	100	125	Inseason
		>250	100	125	Pre-announced Closure
	9.0 to 12	<200	160	200	Inseason
		200-250	160	200	Inseason
		>250	160	200	Pre-announced Closure
	12 to 20	<200	180	225	Inseason
		200-250	180	225	Inseason
		>250	180	225	Pre-announced Closure
	>20	Any	200	250	Inseason
	O P T I O N # 2	< 4.0	Any	40	50
4.0 to 7.9		<200	80	100	Inseason
		200-250	60	75	Inseason
		>250	60	75	Pre-announced Closure
8.0 to 15.9		<200	160	200	Inseason
		200-250	150	188	Inseason
		>250	150	188	Pre-announced Closure
16.0 to 19.9		<200	180	225	Inseason
		200-250	180	225	Inseason
		>250	180	225	Pre-announced Closure
>20	Any	200	250	Inseason	
S T A T U S Q U O	< 4.0	Any	0	0	Closed
	4.0 to 5.9	<200	80	100	Inseason
		200-250	60	75	Inseason
		>250	60	75	Pre-announced Closure
	6.0 to 8.9	<200	120	150	Inseason
		200-250	100	125	Inseason
		>250	100	125	Pre-announced Closure
	9.0 to 12	<200	200	250	Inseason
		200-250	160	200	Inseason
		>250	160	200	Pre-announced Closure
>12	Any	200	250	Inseason	