


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke   
Executive Director

DATE: June 13, 1990

SUBJECT: Bering Sea/Aleutian Islands King and Tanner Crab Plan



**ACTION REQUIRED**

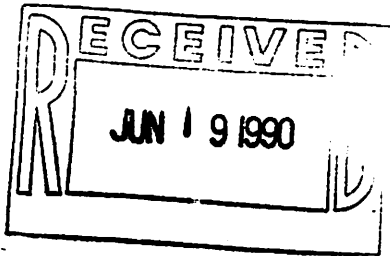
Approve draft overfishing definition amendment for public review.

**BACKGROUND**

On August 23, 1989, revised guidelines were implemented by NOAA for fishery management plans (FMP). These guidelines (a.k.a. 602 Regulations) require that all existing FMPs be amended to include a measurable definition of overfishing. The amendments must be submitted to the Secretary for review no later than November 23, 1990.

The Crab Plan Team met in Kodiak during May 7-8 to prepare the necessary environmental assessment/regulatory impact review (EA/RIR). This document was sent to you by mail. In the analysis the team has indicated its preferred definition which contains several elements depending on data availability and knowledge of the stocks. Alternative definitions include stricter interpretations.

To meet the required amendment deadline, the Council should approve the draft EA/RIR for public review during the summer. Final Council action will be scheduled for the September 24-29, 1990 meeting.



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Don COLLINSWORTH	From	AGENDA D-2
Co. ADEFG	Co.	JUNE 1990
Dept. TOP	Pho.	SUPPLEMENTAL
Fax # 907-586-6595	Fax #	

June 14, 1990

Mr. Don Collinsworth  
Chairman, North Pacific Fishery  
Management Council  
Post Office Box 103136  
605 West Fourth Avenue, Suite 306  
Anchorage, Alaska 99510

Re: Federal Observers on Crab Fishing Vessels

Dear Mr. Collinsworth:

It is our understanding that the North Pacific Council will be reviewing the 1990 data collection program at its meeting in Anchorage later this month, and that the Council will be considering changes to that program for the 1991 fishing year. The undersigned members of the North Pacific fishing industry are writing to request that the federal observer program be extended to include crab fishing vessels.

As you are aware, the federal observer program implemented by the Council for 1990 mandated varying levels of observer coverage, ranging from 30% to 100%, on longline, pot and trawl vessels engaged in the groundfish fisheries under the Council's jurisdiction. The Council's program did not, however, require observers on crab fishing vessels during the 1990 fishing year. This omission was due, at least in part, to the fact that the State of Alaska had just implemented a mandatory observer program of its own on the catcher/processor component of the crab fishery.

The State of Alaska's observer program has now been in place for two years. The state's program is restricted to the 25 or so crab catcher/processors which participate in the Alaska crab fisheries. It does not cover the 400 or so catcher vessels which also engage in the crab fisheries off Alaska. Furthermore, the state program is designed primarily to serve as an extension of the state's enforcement arm. Very little, if any, biological or scientific data has been generated from the program. Other shortcomings in the state program were described in length in testimony to the Council last April and have also been detailed to the Board of Fish. (See attached article from the Alaska

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Commercial Fisherman, dated March 30, 1990.) Those alleged problems include: inadequate qualification standards and training of observers; conflicts of interest by observer contractors; suspected payoffs; substance abuse by observers; inaccurate or nonexistent data collection procedures; and so on.

The value to management of reliable, real time, fishery generated data has already been demonstrated by the 1990 federal groundfish observer program. Only fully qualified and adequately trained observers are capable of collecting such data -- and it is needed in the crab fishery as well as in the groundfish fishery. Crab observers could, for example, collect crab bycatch and handling mortality data which is essential to both crab and groundfish management.

We are not suggesting that the state program on catcher/processors be abandoned. That is an issue for the State of Alaska to decide. We do, however, believe that it is essential to incorporate the crab catcher fleet, which is not included in the state program, into the federal observer program. As far as the catcher/processors are concerned, observer data from that component of the fleet would be useful as well, but under no circumstances should a vessel be required to carry two observers (one federal and one state) at the same time. One solution would be for the state to consider waiving its observer requirement whenever a catcher/processor carries a federal observer. Such coordination of state and federal observer programs is specifically contemplated by § 8.1.3 of the crab FMP.

In our view, it is essential that the Council establish a comprehensive, well-coordinated, centrally managed observer program which is designed to collect the data needed to properly manage all of the fisheries under the Council's jurisdiction. Unless and until the crab fleet is brought within that program, an essential piece of the management puzzle will be missing.

Thank you for your consideration of the points discussed above. Most of the signatories to this letter will be at the June meeting of the Council and available to answer any questions that you might have regarding the points discussed above.

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Sincerely yours,

NORTH PACIFIC FISHING VESSEL  
OWNERS' ASSOCIATION

*[Handwritten signature]*

AMERICAN HIGH SEAS FISHERIES  
ASSOCIATION

*[Handwritten signature]*

MIDWATER TRAWLERS COOP

*[Handwritten signature: Steve Hughes, T.A.]*

ALASKA FACTORY TRAWLER  
ASSOCIATION

*[Handwritten signature]*

ALASKA GROUND FISH DATA BANK

*[Handwritten signature: Chris Blackburn]*

HIGHLINERS ASSOCIATION

*[Handwritten signature: Ronald S.Z.]*

# Board Corrects Weaknesses in State Observer Program

Observers that take gratuities, skippers that offer them, contractors that have a financial interest in the companies to whom they are providing observers, vessel owners that hire their relatives as observers . . . These were only a few of the examples of how the intentions of the state of Alaska's crab offshore observer program have been circumvented that came up during last week's Board of Fisheries discussion of the program and how to improve it.

Since the program, which requires observers on vessels processing crab offshore, was implemented for the red king crab season in Bristol Bay, September 25, 1988, managers within the Alaska Department of Fish and Game have had the opportunity to observe, investigate and evaluate the program and the regulations promulgating it, and they presented to the board their conclusions as the basis for changes they proposed to correct the shortcomings and make the program truly work.

## The Problems

As Alan Quimby of the Alaska Department of Fish and Game's shellfish program recited a list of problems being encountered by program managers with industry, contractors, the observers themselves and even the department, it was clear that lack of standards for what amounts to conflict of interest has undermined the program, made the data collected through it suspect, and provided a fertile bed for corruption.

Quimby had a specific list for the board of the problems. In terms of industry, crab processors have selected their own observers from the lists provided by contractors, rather than asking what's sent them; or they've hired their own family members as observers; or they've changed contractors to get "less experienced, less strict" observers; or they've contracted directly with individuals to be observers rather than used the contractor system. They have offered gratuities to observers to turn their heads. They've put observers ashore before processing and have otherwise denied them access and information vital to their jobs. They've exploited observers' situation . . .

## More Problems

Contractors, too, have created problems for the program by allowing industry to choose among the observers on the list rather than simply assigning an observer to them. They have allowed members of the same families to work in the same fisheries. They've hired members of their own families as observers. They've not trained the observers adequately. They've failed to assure that observers have no conflict of interest because of having a financial interest in a crab processor with taking an observer position or that they themselves have no conflict of interest for the same reason.

In terms of the observers themselves, the program managers have had problems with substance abuse (with an exclamation mark) on the part of observer, with their taking gratuities from industry, for their providing incorrect data through faulty measuring and failing to complete forms. Observers have falsified data and provided incorrect reports. Individuals have contracted directly with processors as observers rather than through contractors. Some of them have been overzealous in their enforcement actions. Others of them have failed to notify the department of improper activities. Some of them have been just plain septic, non-functioning and in the way.

## And Even More

In his litany, Quimby did not spare the department itself from having a part in the weaknesses of the crab observer program. Training and testing of observers is too lenient, he said. Department members have failed to notice bad data. They've established no recertification requirements or time limits. They've allowed observers to be briefed and debriefed in area Fish and Game offices not responsible for the management of that particular fishery. Standards for contractors are inadequate.

(See Observer Problems on Page 10)

(Continued from Page 3)

The department has no adequate means of rescuing an observer from a situation in which he is being intimidated or exploited. The department has allowed catch reports in long-term fisheries to go unreported for several weeks. It has failed to follow up with reliable debriefings of observers on catcher/processors that may be transporting product out of the state. Briefing and debriefing facilities are inadequate. And ADF&G has no means of enforcing gross violations.

## All in All

As it was drafted, said Quimby, the Mandatory Crab Observer Program had two major goals: enforcement and data collection.

The program has had varied success at obtaining its objectives, he said. He pointed to data showing that during the first few months of the program, there had been a tremendous dampening of illegal crab remittance, but that since then this ability has continued to erode. Furthermore, the collection of biological data has been greatly lacking or nonexistent.

"The failures of the program stem entirely from the Department's inability to directly control hiring, training and placement of observers. The Department has only the power to react by decertifying an observer after the problem has occurred. The Observer Coordinator and other staff are spending more time trying to handle conduct problems with observers and contractors than collecting biological data."

Concluded Quimby, the third party contracting for observers is not a desirable program. It should be replaced by a fully funded State or Federal program.