

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver
Executive Director

ESTIMATED TIME
6 HOURS
ALL D-3 ITEMS

DATE: March 30, 2010

SUBJECT: Misc groundfish issues - Initial review of area closures to protect GOA Tanner crab

ACTION REQUIRED

(b) Initial review of area closures to protect GOA Tanner crab

BACKGROUND

In October 2009, the Council initiated an analysis to evaluate proposed area closures for the groundfish fishery to protect Tanner crab. There are four areas proposed for closure, all on the northwestern side of Kodiak Island. Included in the alternatives are options to apply the closures year round or seasonally, and to some or all gear types. Additionally, some vessels may be exempted from the area closures if they meet specific conditions such as using approved gear modifications, or a 100% observer coverage requirement.

The initial review draft analysis was mailed to the Council in late March, and the executive summary is attached as Item D-3(a)(1).

Executive Summary

ES.1 Introduction

This document analyzes proposed area closures to protect *C. bairdi* crab around Kodiak Island. Included in the alternatives are options to apply the closures year round or seasonally, and to some or all gear types. Additionally, some vessels may be exempted from the area closures if they meet specific conditions such as using approved gear modifications, or a 100% observer coverage requirement.

ES.2 Purpose and Need

The purpose of this action is to provide additional protection to Gulf of Alaska (GOA) Tanner crab from the adverse effects of groundfish fisheries, in order to facilitate rebuilding of Tanner crab stocks. This would be achieved by closing areas around Kodiak Island that are important to the Tanner crab stocks. Areas would be closed to some or all groundfish fishing, depending on the vessel's gear type or gear configuration. An alternative in the analysis would allow a vessel to be exempt from the closures if the vessel carries 100% observer coverage. This would provide the Council with a high level of confidence in the assessment of any bycatch caught in the closed area, as a basis for future management action as necessary.

The Council formulated the following problem statement in October 2009, to initiate this analysis:

Tanner crab are a prohibited species bycatch in the Gulf of Alaska (GOA) groundfish fisheries. Directed fisheries for Tanner crab in the GOA are fully allocated under the current limited entry system. No specific conservation measures exist in the GOA to address significant, adverse interactions with Tanner crab by trawl and fixed gear sectors targeting groundfish. Tanner crab stocks have been rebuilding since peak fisheries occurred in the late 1970s. Specific protection measures should be advanced to facilitate stock rebuilding.

ES.3 Alternatives

The alternatives evaluated in this analysis were adopted by the Council in October 2009.

Alternative 1: Status Quo – No action

Alternative 2: Close areas (see description of areas in Section 2.1) to all groundfish (trawl, pot, and longline) fisheries.

Option 1: Year round

Suboption 1: trawl gear

Suboption 2: pot gear

Suboption 3: longline gear

Suboption 4: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms).

Suboption 5: Vessels using pelagic trawl gear would be exempt from closures

Option 2: Seasonally (January 1 – July 31)

Suboption 1: trawl gear

Suboption 2: pot gear

Suboption 3: longline gear

Suboption 4: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms).

Suboption 5: Vessels using pelagic trawl gear would be exempt from closures

Alternative 3: In order to fish in these areas (see description of areas in Section 2.1), require 100% observer coverage on all groundfish (trawl, pot, and longline) vessels

Area closures around Kodiak Island considered in Alternatives 2 and 3

ADF&G Northeast Section

- Statistical Area 525807
- Chiniak Gully (Four corners at 152°19'34" W x 57°49'24" N by 57°29' N x 151°20' W by 57°20' N x 151°20' W by 57° x 152°9'20' W)

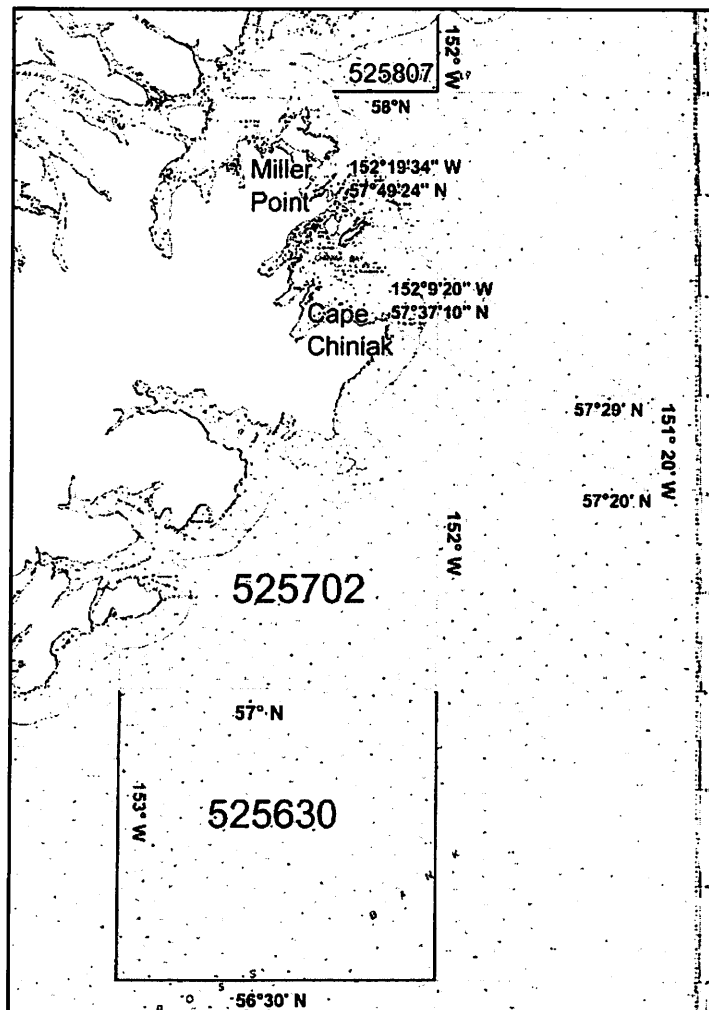
ADF&G Eastside Section

- Statistical Area 525702

ADF&G Southeast Section

- Statistical Area 525630

ES Figure: Area closures around Kodiak Island considered in Alternatives 2 and 3



ES.4 Impacts of the Alternatives

The alternatives were analyzed for their impacts on crab, groundfish and other fish species, marine mammals and seabirds, habitat, and the ecosystem, and for their economic and socio-economic impacts. The impacts on the socio-economic environment are analyzed in the Regulatory Impact Review (Section 6) and the Initial Regulatory Flexibility Analysis (Section 7) and are summarized in the following section.

The proportion of the surveyed abundance of Tanner crab around Kodiak which is taken as bycatch in the groundfish fisheries represents approximately 0.2% of the total abundance of crab. In the Eastside Section, which is identified as an important area for Tanner crab, groundfish bycatch represents a maximum of 0.3% of the Eastside surveyed abundance of Tanner crab, average over 2003-2009. Consequently, groundfish bycatch impacts on the sustainability of Tanner crab in the Kodiak District under the status quo, Alternative 1, are considered as adverse, but are not likely to be significant to the sustainability of the crab population.

Alternative 2, closing the proposed areas to groundfish fishing, would benefit crab stocks by reducing a source of mortality. Benefits to crab would be greatest by closing the areas to nonpelagic trawl fishing, as this gear type is observed to catch most of the crab in these areas. While pot vessels also contribute to the overall Tanner crab bycatch in reporting area 630, and to some extent in the proposed area closures, observed crab bycatch in the pot fisheries occurred predominantly elsewhere in reporting area 630. Pelagic trawl and hook and line vessels account for very little crab bycatch, and closing the proposed areas to these gear types would provide little benefit to the crab stocks.

The impacts of suboption 4 under Alternative 2, which would exempt vessels from the closures if using approved gear modifications, are difficult to assess as proposed gear modifications have not been tested in the GOA. To the extent that they reduce unobserved mortality of crab, or reduce bycatch, they are likely to be beneficial to crab stocks. Alternative 3, which exempts vessels from the closures if they have 100% observer coverage, does not provide any benefit to crab stocks over the status quo, for those vessels that take advantage of the exemption.

The impact of the alternatives on other resource categories analyzed in the EA, including groundfish and other fish species, marine mammals, seabirds, habitat, and the ecosystem, are not expected to be significant. The timing, general location, and overall level of fishing effort in the GOA groundfish fisheries is not expected to change, as the proposed area closures are small and fishing will likely continue to occur in neighboring areas.

ES.4 Management and Enforcement Considerations

The boundaries of the proposed closed areas under Alternatives 2 and 3 are defined by existing ADF&G statistical areas and by polygons defined by latitude and longitude coordinates. Closed areas defined in this manner are easier for both the regulated industry to understand and comply with, as well as enforcement entities to patrol and enforce. The proposed closure areas present no noteworthy enforcement challenges. The proposed closed areas would be principally enforced by using information from VMS units aboard vessels required to carry VMS. NMFS recommends that all vessels with FFPs that are allowed to fish in these closures areas be required to carry VMS at all times while directed fishing for groundfish in these areas. With respect to Options 1 and 2, enforcement of year round versus seasonal closures presents no additional monitoring challenges.

Proposed modified gear requirements under Suboption 4, such as trawl sweep modifications or pot escapement mechanisms, would likely be enforced in the same manner as the existing requirements for tunnel eyes on pot gear and trawl sweeps in the flatfish fisheries of the Bering Sea.

Under Suboption 5, regulations would specifically prohibit operation of nonpelagic trawl (NPT) gear in the closed areas, but would allow pelagic trawl gear. Currently, the only method of enforcing unlawful "bottom trawling" (for pollock only) in areas closed to NPT gear is by using a "trawl gear performance standard" (50 CFR 679.7(a)(14)). Under this standard, it is unlawful to possess aboard a vessel, at any point in time, 20 or more crab of any species, with a carapace width of more than 1.5 inches. Enforcement of this standard on any vessel (observed or unobserved) is difficult, and it is virtually impossible to monitor and enforce on unobserved vessels.

For Alternative 3, NMFS has identified three areas of concern about increasing observer coverage for vessels currently not required to carry 100 percent coverage requirement in the proposed closure areas. The first relates to potential shifts in areas and fisheries observed: observer coverage taken to comply with the 100 percent coverage requirement within these areas would accrue towards the vessel's overall 30 percent coverage requirement for the quarter, management area, and fishery category. This could result in decreased coverage from existing levels in areas and fisheries outside the closure areas. The second concern relates to extrapolation of observer samples inside the closure areas. If disproportionate estimates of incidental catch of Tanner crab from small areas of high crab abundance were extrapolated to unobserved vessels fishing in areas of lower crab abundance, the result could be a higher estimate of incidental catch of Tanner crab for the larger federal reporting area as a whole. Finally, the proposed 100 percent observer coverage requirement being considered by this area closure action is inconsistent with the sample design proposed in the Observer Restructuring action.

ES.5 Regulatory Impact Review

The Regulatory Impact Review is in Section 6 of this document, and describes the economic impacts of the alternatives. Under the closures proposed under Alternatives 2 and 3, groundfish vessels that are subject to the closures will be required to forego fishing in the proposed areas. The impact on these vessels will be proportional to the extent that they rely on the area for target fishing. Based on observer data, the nonpelagic trawl flatfish fishery will be most impacted by the area closures, followed by the pelagic trawl pollock fishery. It is assumed that vessels would be able to fully harvest groundfish TACs despite the proposed area closures. In some areas, however, there may be lower catch per unit effort, which would increase costs for fishers and could result in increased bycatch of crab or other incidental species. The biggest impact for nonpelagic trawl gear would result from the closure of 525702 and 525630, where the central portions of those statistical areas are heavily used fishing grounds; for pelagic trawl vessels, the biggest impact would result from closing 525702. For pot vessels, the proposed area closures have a smaller impact on groundfish fishing because, according to observer data, the area is not as much fished as other parts of reporting area 630. For hook and line vessels, the areas are very little fished, and the impact on vessels would likely be very low. Under Option 2, the seasonal closure, adverse impacts from the area closures on groundfish fishers would be reduced compared to Option 1, as vessels could fish in the areas for the remainder of the year.

The impacts of Alternative 3 are the same as Alternative 2 for all vessels that do not choose to take advantage of the exemption for 100% observer coverage. Vessels exceeding 125 ft LOA already meet the 100% observer coverage requirement; in effect, this alternative would be equivalent to status quo for this category of vessels. Vessels 60-125 ft LOA would be able to count any observed fishing within the closed areas towards their 30% observer coverage requirement. For some vessels that fish extensively within the closed areas, their fishing time may exceed their observer requirement needs, in which case those vessels would either have to incur the daily observer fee, or change their fishing practices to fish elsewhere.

Vessels less than 60 ft that routinely fish in the proposed closed areas are likely to incur the greatest cost. These vessels have no observer coverage requirement, so taking an observer onboard in order to continue fishing in these areas would incur a daily observer fee expense that is not present in the status quo. Additionally, some vessels of this size class may not be equipped to carry an observer physically or safely. Alternatively, these vessels could choose to fish in neighboring areas, and impacts would be similar to Alternative 2.

ES.6 Initial Regulatory Flexibility Analysis

This action could directly regulate all vessels, except those using jig gear, participating in Federal groundfish fisheries around Kodiak Island in the Central Gulf of Alaska. From 2003 to 2009, there were 606 hook and line vessels, 74 nonpelagic trawl vessels, 53 pelagic trawl vessels, and 129 pot vessels with reported Tanner crab bycatch, participating in one or multiple years in the groundfish fisheries in reporting area 630. Of the vessels fishing in reporting area 630, from 2003-2009, with reported Tanner crab bycatch, 294 hook and line vessels, 26 nonpelagic trawl vessels, 12 pelagic trawl vessels, and 97 pot vessels are considered small for RFA purposes. A complete discussion of significant alternatives will be included in this section once the Council has finalized their recommendation to the Secretary of Commerce.

ES.7 Organization of the Document

There are four required components of an environmental assessment. The need for the proposal is described in Section 1, and the alternatives in Section 2. Section 4 discusses the environmental impacts of the proposed action and alternatives. A list of agencies and persons consulted is included in Section 10.2.

Management and enforcement considerations are addressed in Section 5. A Regulatory Impact Review (Section 6) discusses economic impacts of the action, and an Initial Regulatory Flexibility Analysis (Section 7) evaluates the impact of the action on small businesses. Sections 8 and 9 discuss the alternatives with respect to other analytical considerations.

Color figures mapping the distribution of bycatch and groundfish catch are included at the end of the document, in Appendix B Color Figures.

Kodiak Crab Alliance Cooperative

March 29, 2010

Chairman Erick Olsen
North Pacific Fishery Management Council
605 W 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Chairman Olsen,

The Kodiak crab alliance cooperative is a newly formed group of tanner crab fisherman. We urge the Council to move tanner crab protections forward. Over the years we have watched our fishery go from the largest to the smallest, the crab are finally making a comeback. Presently we fully support closures that have been presented to the Council. Looking at the data of present crab populations these areas of potential closure seem to represent the largest and healthiest populations. Areas currently under consideration are a minimum for healthy tanner crab stocks. Expansion of stocks will result in other areas of concern.

We urge the Council to move forward at this time only for the trawl group. Precedent has been set both in the Bering Sea and the Gulf of Alaska for trawl closures. Time and Area closures are a place to begin but we feel these will not address the heart of the matter which from our stand point, is trawl interaction with the bottom and the benthic habitat. Coupled with time and area closures we also feel intensive observer coverage is also needed. One of our concerns is if we get 100% observer coverage after July 31st that it only count for a prorated portion of the 30% requirement in other areas. The affect of protection in one area should not lead to the demise of another area. Due to efficiencies built into other fisheries particularly RFPP there has been a significant increase in bottom time for trawls. As in shallow water flats and the arrow tooth fisheries. These fisheries are where we have more interaction with tanner crab. If efficiencies are built into fisheries to maximize production, then protections should also be built in to protect prohibited species as well.

We understand there are concerns with tanner crab by catch in the pot cod/ directed tanner crab fishery. At present time 80% of the boats that fish pcod are less than 60' and as the observer program is developed in the near future we will be willing to work with all agencies to get the best data possible. However we feel increased observer coverage on the pot cod fleet at this juncture would be more punitive/political and have comparatively little biological significance. The area under consideration has very low pot landings compared to trawl. The majority of the fleet are also tanner crab limited entry permit holders and have a vested interest in the well being of the population.

Kodiak Crab Alliance Cooperative looks forward to working with the Council to give fisherman the ability to fish while also providing solid protections for species that need protection. Kodiak was built on crab and we would like to see it remain a vital facet of Kodiak's future.

Sincerely, interim board of directors,
Frank Miles Alexis Kwachka Luke Lester Ray May

Fax#(907) 271-2817

March 29 2010

To whom it may concern:

My name is John E. Boggs,

I am a Kodiak area, Tanner

permit holder. I am concerned

about the amount of by caught

draggers have in regard to

item agenda D-3. I can

be reached at (907) 486-2801 (message)
machine

D-3 Tanner Crab Bycatch

I support D-3 Something needs to be done to monitor and control Trawler Tanner Crab Bycatch. I was an Observer for ADF&G 1978-1979 and a deckhand on a Kodiak Trawler for 3 years. I witnessed deck loads of Female King Crab and Tanner Crab mixed in with the Pollock and Cod. For eight years I chartered my vessel the Anna D to NMFS to study football field size congregations of female tanner crab called pods. We used a camera sled and an ROV. The females release their eggs from these pods which are often 4 feet high piles of crab. The pods are surrounded by male crab. As the researcher Bradley Stevens said: "One tow by a trawler could wipe out a population" Alaska Fish and Game did a study in the 70s where they towed a net over some tethered king crab in Women's Bay Kodiak to see the effect of Trawling on Crab. Divers discovered the crab were mutilated. No one wanted to discourage bottom fishing in those days. I have fished tanner crab on my own boat since 1985. Having endured years of closures and small quotas I hope something is done by the council. D-3 is a start. Daniel Miller Box 2865 Kodiak, Ak 99615

March 28, 2010

Chairman Eric Olsen
North Pacific Fishery Management Council
Advisory Panel Members

RE: Agenda Item D-3 Tanner Crab Bycatch

Chairman Olsen,

My name is Frank Miles, I'm a 40 yr. resident of Kodiak, AK and I own and operate the 45' combination fishing vessel Lady Lu. My vessel fishes for cod, halibut, and crab. Each year my business employs 6-8 Kodiak resident fishermen, who rely on the year round employment of the fixed gear fleet.

The fixed gear fleet relies on available opportunities in the winter/summer fisheries to stay diversified and adjust to the changes within these fisheries. Diversity is the single biggest factor to our very existence. The recent LLP reduction in the GOA took away many fishers ability to bridge the gap of lean economic periods in the winter and the more lucrative summer fisheries.

The Kodiak Tanner Crab fishery is once again showing signs that it may again play an important role in providing winter opportunities. As an owner of a Kodiak Tanner Crab permit I feel threatened by the expansion of fishing activities and by catch of the GOA trawl fleet. The GOA trawl fleet is towing through identified areas of tanner crab abundance while "gaming" the observer program. This "gaming" has left us with little to no quality data in these areas.

I understand there are concerns with tanner crab by catch in the pot cod fishery as well as the directed tanner crab fishery within these areas. These pot fishers rely on the benefits the tanner crab fishery bring, and are working hard through a proactive approach on gear modifications to minimize tanner crab by catch. I do not support increasing observer coverage for the pot cod fleet. Increasing pot boat observer coverage would be a punitive measure and the industry would gain little to no biological significance. Don't be fooled by the deception, the biggest problem with tanner crab bycatch is within the trawl sector.

I support and urge the council to move forward with **Alternative 2, Option 2, Suboption 1 in conjunction with increased observer coverage from August 1 through December 31.** I feel this is a good start to protecting the rebuilding tanner crab stocks but would like the council to develop crab bycatch limits(CBLs) and broaden the tanner crab savings areas to include areas on the Mainland and westside of Kodiak Island.

Frank Miles

Frank Miles-F/V Lady Lu
Box 2744
Kodiak, AK 99615

Polar Star, Inc.

Patrick J. Pikus, President
P.O. Box 2843 Kodiak, AK 99615
907-486-5258 pikus@acsalaska.net

March 30, 2010

Eric Olson, Chair
North Pacific Fishery Management Council

RE: Agenda item D-3a, Area closures for *Chionoectes bairdi* crab protection in GOA groundfish fisheries.

Dear Chair Olson:

I own and operate the 58-foot F/V Polar Star, which fishes for salmon, halibut, sablefish, p-cod and Tanner crab here in the Gulf of Alaska. I have lived and fished here since 1972, and all of these fisheries are important to my livelihood. The Tanner crab fishery has historically been a vital part of the GOA fisheries; I and many others here in the small boat fleet would like to see the Tanner crab stocks rebuild to the point where we can have a vibrant and successful Tanner crab fishery again.

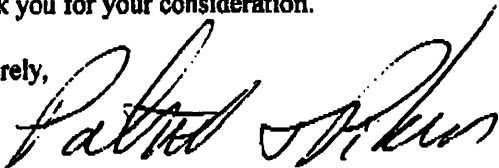
I support Council action to protect areas of high Tanner crab abundance from the detrimental impacts of some of the groundfish fisheries. The document clearly shows that the areas under consideration are areas of relatively high Tanner crab abundance, and are thus important for the rebuilding of the Eastside Tanner crab population. Also, the groundfish fisheries in the proposed closure areas account for a significant fraction of the Tanner crab bycatch in area 630. Thus, it seems logical to me that if there is Council intent to provide protection for Tanner crab, the closures analyzed in this document should move forward to final action.

Looking into the future, my greatest concern is with the potential for greatly increased bottom trawl effort in these areas. The trawl sector is beginning to realize halibut PSC savings from the rockfish pilot program and from more effective fishery management. Also, the trawl sector may save even more halibut PSC after the p-cod sector splits come into effect. Indeed, the document shows that in the 2007-2009 seasons the Central Gulf trawl fleet was able to fish through to the end of the year, primarily for flatfish. We are already beginning to see an increase in bottom trawl effort in these areas, with a concomitant increase in Tanner crab bycatch. As the trawl fleet becomes more efficient, and is able to direct more effort into the flatfish and arrowtooth fisheries, the need becomes greater to provide some protections for Tanner crab, since the majority of Tanner crab mortality comes from the trawl flatfish fishery. The document states that the groundfish caught in these areas could be caught elsewhere.

In conclusion, I support the Council moving forward with area closures to protect the Tanner crab stocks. To do so would demonstrate foresight and help us to rebuild this valuable resource.

Thank you for your consideration.

Sincerely,



Patrick J. Pikus
Polar Star, Inc.

From: Mark Alwert (alwertm@yahoo.com)
To: tcasey@worldnet.att.net;
Date: Tue, March 30, 2010 1:40:55 PM
Cc: swa@ak.net;
Subject: NPMC Meeting in Anch.

Eric Olsen. chairman.

Agenda Item D-3

To whom it may concern. I am a 2nd generation Alaskan fisherman, I've been fishing for near 40 years. I am the owner operator of 2 pot, and longline fishing boats. The F/V Buccaneer a 72 foot boat, and the F/V Katherine. an 86 foot boat. My father (William Alwert) Delivered on the Selief, and later the Provider the first loads of barridi Tanner crab for human consumption, so as a life long participant in Tanner fishing I feel That the right to voice our opinions on the Management of the fishery is of paramount Importance.

The current management of tanners in the gulf of Alaska does some good, but more is needed to insure a long and prospers future to our island community, fellow fisherman, my family, and to the sustainability of our crab resources.

To eliminate all hard on the bottom trawling would be a huge victory benefiting:

all crab species, Kodiak, and the local fishing fleet. To often do we see GREED play to the politics of fishery management, and of late foreign owned companies and canneries. and thus the industry has sold its very soul to foreign investment. As a life long (40 years) fisherman, I see it as my responsibility to be the voice for the resource. The Scallop fishery should be (inpart) a model for Trawl management. The Scallop fleet is allowed only a small amount of crab by catch, and, 100% observer coverage. when caught the fishery in that area is finished till the next year. In the Bering sea the similar caps have been implemented, and a sustainable crab fishery exists today. I feel the Trawl exclusion areas are a step in the right direction, and support them. However I would feel that as a good steward of my fisheries that 100% observer coverage on all trawling in the GoA. Crab number caps, and salmon number caps, implemented with this area closer proposal would greatly benefit the community, and the ocean as a whole.

Please consider whats best for the ocean, and the community. and do not let greed Wu your conscience.

Thank you
Mark and William Alwert.
Alwert fisheries.LLC.
box 1711
Kodiak, Alaska, 99615

**F/V Miss Linda
PO Box 1363
Kodiak, Alaska
99615**

Memo

To: Chairman Eric Olson
From: Aaron F. Sutton, Captain
Date: 3/30/2010
Re: Agenda Item D-3

My name is Aaron Sutton and I am a third generation Kodiak Crab Fisherman. I have been active in the Kodiak Fishing Industry for over twenty years. I'm also the owner/ operator of a sixty-eight foot fishing vessel, The Miss Linda. I have been a Kodiak Tanner Crab permit holder since 2001. My concerns are the tanner crab by-catch by bottom trawlers and the protection of rebuilding the tanner crab population around Kodiak Island and the Alaska Peninsula. The Kodiak tanner crab fishery has become financially vital to our business and our family to help get us through the increasingly lean winter months in Kodiak. With ADF&G's new DLE which includes pot limits and time limits, the Kodiak Tanner Fishery is an extremely manageable fishery. I believe in order to have a sustainable fishery we need to establish tanner crab saving grounds—to keep bottom trawlers out of vital tanner crab habitat. Without fishing restrictions in these areas, I'm afraid that we will never see a full recovery of our tanner crab population.

I support time area closures from January 1st until July 31st with increased observer coverage. I also understand that this tanner crabby by-catch issue is not limited just to bottom trawlers. The pot cod fishery is also contributing to some of the tanner crab by-catch problem, however I'm also a past participant in the pot fisheries and believe that there is a low mortality rate of the tanner crab by-catch and has little biological impact on the tanner crab population. I strongly urge the council to go forward with alternative 2, option 2, sub-option 2. I believe we need to take action before we loose this vitally important resource—AGAIN!!!

March 30, 2010

Chairman Eric Olsen
North Pacific Fishery Management Council Advisory Panel Members

RE: Agenda Item D-3 Tanner Crab Bycatch

Chairman Olsen,

I own and operate a 44 longliner out of Kodiak and primarily target halibut. I have not fished tanner crab since the early days of converting king crab pots and getting a few cents a pound, back in the 1960s. However, tanner crab bycatch, in fact all bycatch is of concern to me. There is far too much unobserved bycatch going on in the GOA, too many stories circulating on the docks to have all of them be untrue. Pictures even.

I support Alternative 2: Option 1: Sub-option: 1. Year around closure to trawlers. No exemption for pelagic trawls, since they frequently "kiss" the bottom with the cod end (at least) and contact with the bottom causes damage to tanner crab and their supportive bottom structure, even if the evidence never reaches the surface.

Roller gear, bobbins, and other sweep modifications simply reduce the recoverable evidence, same as is the case with juvenile pollock excluders. The fact is the trawl is in contact with the bottom causing damage to the bottom structures and certainly to mounded crab. Next thing you know they will want sweep modifications to allow trawler access to otherwise trawl protected areas. Trawl gear is nondiscriminatory, nonselective, and destructive and needs to be tightly regulated.

To include other gear types in the tanner protected areas is simply ridiculous. But were the Council to consider such action, the testing of the efficacy of the Pat Pikus tanner crab escape panels should be undertaken by the appropriate agencies so that some alternatives to outright banning of pot fishing cod in tanner crab sensitive areas can be considered.

To exclude longline gear is preposterous. It has the least impact on tanner crab of any gear type. Action on longline gear would be simply punitive.

Thank you,


Dave Kubiak
F/V Mythos



March 29, 2010

Eric Olson, Chair
 North Pacific Fishery Management Council
 605 W. Fourth Ave.
 Anchorage, AK 99501

RE: Agenda Item D-3 (a) Initial Review of analysis for controlling GOA Tanner Crab Bycatch

Dear Chairman Olson,

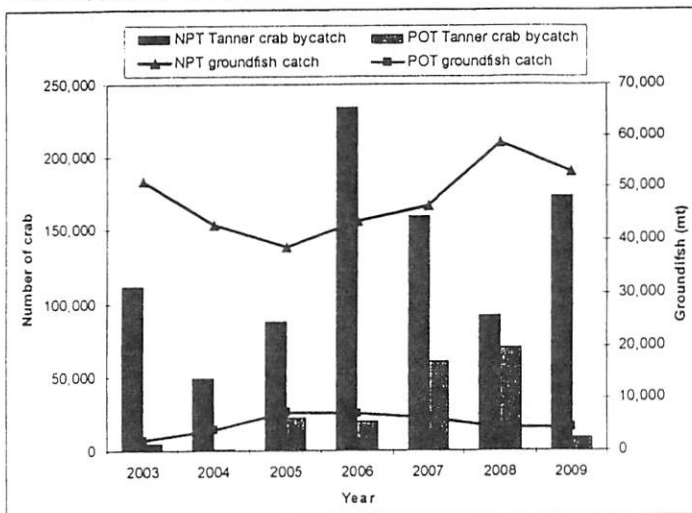
The Gulf of Alaska directed Tanner crab fishery is an important component of a diverse fishing portfolio. The majority of small boat fishermen in Alaskan coastal communities participate in a variety of fisheries in order to maintain a viable business. As many coastal residents experience a decrease in winter fishing options, due in part to the reduction in cod endorsements on LLP permits, the directed Tanner crab fishery represents increasingly significant opportunity for 180 limited entry permit holders. Measures to ensure protection should be advanced through the Council process to facilitate stock rebuilding and maximize potential crab resources. As many pot cod fishermen and a few trawl fishermen hold Tanner crab permits, Kodiak fishermen as a group have a vested interest to mitigate impacts on crab stocks.

The initial review of the proposed area closures for Tanner crab protection in Gulf groundfish fisheries clearly illustrates the importance of the areas selected to analyze for both crab protection and impacts on groundfish fishermen. Tanner crab bycatch in the proposed closures, on observed vessels, represents a significant amount of crab bycatch in area 630. With the Tanner crab stock rebuilding, the proposed areas encompass most of the area in which Tanner crab fishermen currently have had greatest concern. For example, as stated in the document, the proportion of crab inside the area closures in the Eastside Section represented up to 71% of the total Eastside Tanner crab population.

It is important to apply management measures appropriate for different gear groups. In reviewing the alternatives, the Council should consider:

- Volume of groundfish landed in these areas – There are relatively few pot cod fishermen landing a small amount of groundfish compared to the trawl fleet. (Page 18, Figure 8)

Figure 8 Annual bycatch of *C. bairdi* Tanner crab and groundfish catch in reporting area 630, by Federal trawl and pot fishery sectors, 2003-2009



The predominant catch is flatfish harvested with bottom trawl gear. It stands to reason that management measures should focus on the trawl sector given it accounts for the predominant landings from the areas under consideration.

- Impact of different fishing gear – The Council has historically focused crab bycatch and habitat conservation on bottom trawl gear because of the widely acknowledged view that its impacts are considerably greater. Research looking at the condition of areas inside and outside existing year round bottom trawl closures shows significant differences that support this approach for this management decision. In the study they found the open areas to have less epifaunal abundance and diversity and less abundance of biogenic structures. “Evidence exists that bottom trawling has produced changes to the seafloor and associated fauna...” (Stone, R., M.M. Masuda, and P.W. Malecha. 2005.) This is not to say that pot gear does not have a level of impact but measures should fit the need rather than taking a one size fits all approach. AMCC encourages the Council to explore gear modification to cod pots as an appropriate means to reduce Tanner crab bycatch.
- Increasing bottom trawl effort in crab grounds – The Rockfish Pilot Program allows vessels to roll over their unused halibut PSC to other trawl fisheries. This has increased trawling for flatfish in the fall resulting in increased time on the bottom in areas important for crab.

The rockfish pilot program has allowed fishery participants to reduce their catch of halibut PSC, which in previous years has closed down flatfish trawl fisheries in the GOA. Figure 10 illustrates the weeks in the last quarter of the year during which participants have been active in central GOA trawl fisheries, primarily for flatfish, from 2000-2009. Table 12, identifies that bycatch of crab in the non pelagic trawl fisheries in August-December was higher in 2007-9, the years of the program, than in the years immediately previous. (P. 20)

As the Council makes regulatory decisions that create efficiencies for the one fleet (e.g. trawl rockfish), it is important to address unintended consequences for others, such as increasing flatfish trawling in sensitive crab grounds.

For the above reasons, AMCC supports Alternative 2, Option 1 for a year round closure in the selected areas to trawling. If the proposed areas for closure are considered on a seasonal basis, from January 1 – July 31, it would be important to increase observer coverage for vessels currently required to carry observers during the rest of the year. (The issue of observer coverage on currently unobserved vessels is before the Council as you consider changes to the Observer Program.) However, the proposed areas and potential 100% observer coverage in these regions should not take away from coverage and data integrity in other fisheries and areas. To address this concern, the Council could require that only a percentage of the 100% observer coverage requirement would accrue to the vessels' overall 30% requirement for the quarter, management area and fishing category.

Finally, in reviewing the document it is important to consider that the data in all sections of the paper do not account for handling mortality. To date, there is no agreed upon mortality rate calculation for each gear type and this continues to be problematic.

Sincerely,



Theresa Peterson
Kodiak Outreach Coordinator

March 28, 2010

North Pacific Fisheries Management Council:

I am Ronald Blondin. I was born and raised in Kodiak, worked in the canneries when I was younger, and have been a commercial fisherman here for 32 years, fishing everything from Crab, Cod, Halibut, herring and Salmon. With three sons they have been actively fishing with me since they were kids. Now older they all would like to run there own boats one of these days. I have sadly enough, have not been supportive of this. Yes, price and fuel costs are part of it, but mismanagement of our fisheries is another. I am supportive of keeping sensitive areas closed to any bottom trawling. Having not had a King Crab Season since 1982 and our Tanner Crab barely meeting threshold, it is critical that we take precautions now. Many fishermen in Kodiak have known that this, has been going on for years, but have sat back and done nothing. While watching a handful try, with little resolved.

To them I am sorry for not joining in on the fight for this issue sooner. It seems the ones with the bigger wallets always win in this country. I would like to believe that isn't true, and common sense can prevail.

Thank You,

Ron Blondin

F/V Legasea

March 30 2010

Chairman Erick Olson

North Pacific Fishery Management Council

605w ath avenue,suite306

Anchorage, AK 99501-2252

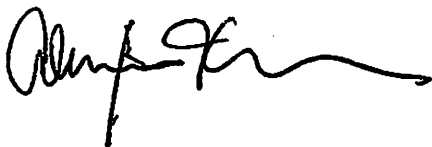
Dear Chairman Olsen,

My name is Alexis Kwachka and I would like to express my concern about tanner crab bycatch around Kodiak Is. I have watched as our local trawl fleet which has increased from small local low horsepower boats into large not so local big horsepower boats.(Bering Sea style) Along with the change in our trawl fleet I have also seen fishery management change as well. We are now trying to catch all manageable tacs to their highest manageable levels. I acknowledge that it is important to harvest enough fish to keep our community healthy and vibrant but I feel we must also be responsible for the unintended interaction with prohibited species and catch of unintended fish.

I feel that the Council should take crab bycatch very seriously and build in protections for crab in all the fisheries that my impact them. Everyone knows where the crab are and we should not fish on them if we are having a negative impact on them. The pictures I showed the Council are an example of what bad looks like. Those pictures were taken June of 2009 on the east side of Kodiak in one of the potential areas for action. Anecdotally I hear of bad tows on the dock but that was the first time I had ever seen it with my own eyes. I personally do not want one fishery to put me out of another.

Tanner crab is a fishery that I am invested in and I feel with the loss of llps will be a very important fishery for the small boat fisherman. The future looks bright and I hope we can keep it looking that way. The time is now for action on crab protections. This fishery will and is a bridge for small boat to make it through the winter. We feel protections will not put trawlers out of business but it will move them off of the gullies where the crab live.

Sincerely, Alexis Kwachka



Dear Eric,

As a fisherman, yourself, you know what a bitch it is making a living commercial fishing anywhere in Alaska or in our case the Gulf of Alaska Bairdi Tanner crab business. My Dad and I own two crabbers and it's become God-awful for us watching the local Kodiak bottom trawlers killing off our beautiful Bairdi crab, which the Japanese market craves year-in and year-out, in their bycatch as they scour the seabed for flatfish and cod. Look, Eric, why can't you folks up there in Anchor Town manage these Kodiak bottom trawlers as well as you manage the scallopers hereabouts? You know that would solve most of our Bairdi bycatch problems for our lifetime. You know, just one crab bycatch management standard, not two. Anyway, thanks for your time, Eric, and keep up the good work. We rely on you guys sorting out facts from bullshit for us and getting to the bottom of our problems and the challenges that eat at us every day at sea. Many of our local families depend on you guys, so thanks again.

Be well, young man,
Mark Alwert & my Dad, Bill,
FV Katherine
FV Buccaneer

RECEIVED
MAR 31 2010

4/10

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D-3 (a) Controlling Tanner Bycatch in GOA

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Frank Miles	F/V Lady Lu
2	Jason Glander	F/V TOPAZ
3	Darby Children	AMCC
4	Walter Sargent	F/V Major
5	JOHN GAUVIN	Best Use Cooperative
6	ALEXIS KWACHKA	KCAC
7	Stephen Taufen	Lu Dochtermann F/V North Pint & Sternbird
8	FREDIE CHRISTIANSEN	OLD HARBOR
9	Bob Krueger	Alaska Whitefish TRAWLER ASSOC.
10	Jeff Stephen	IFWA
11	Jeremie Pikus	F/V Polar Star
12	Julie Bonney	AGDB
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

North Pacific Fishery Management Council
197th Plenary Session – April 8-13, 2010;
Hilton Hotel, Anchorage, AK

Re: D-3 Miscellaneous Groundfish Issues

(1) Initial Review of analysis for controlling GOA Tanner Crab Bycatch

Public Comment of Walter Sargent, F/V Major – Kodiak, AK

Mr. Secretary, Chairman Olson, and Council members,

I'm Walter Sargent of Kodiak, owner of the F/V Major. I helped develop the Kodiak Tanner Crab fisheries in the late-1960's. Currently, I am involved in long-lining halibut and black cod, tendering salmon, and we pot fish and longline P. Cod in the Gulf of Alaska.

I'd like the Council to close certain areas to all trawling, year around, in sensitive tanner crab habitat. In particular, I am asking for these closures in several east side areas as proposed by the Alaska Department of Fish and Game. The ADF&G and fishermen know where the tanners reside, and to allow trawling in these zones is a direct contradiction to bycatch mitigation requirements under the MSA.


Traditional fisheries must be taken into consideration before developing new groundfish programs. Temporary closures will not work. After all, tanner crab was once a traditional fishery of 70 million annual pounds. It is long past time to restore the proper stewardship of these important resources. Therefore, closures on key tanner grounds must be in effect throughout the entire year.

Such closures will benefit everyone as the trawlers will still be able to catch their quotas, the canneries will have to hire more workers to handle the increased crab catches, and the tanner fishermen will actually be out fishing instead of lying idle at the dock.

The small tanner quota we now have has a definite impact on local communities and businesses. This daylight fishery with low pot limits has benefited local villages around the island. It is well managed. However, by protecting tanner grounds and restoring the stocks, the City and Borough will soon receive far more landing taxes and more crew will be employed – all boosting the local suppliers and small businesses, as well.

To me, a tanner crab revival is not a dream. I believe that with proper management and good enforcement, this can become a reality.

Sincerely,



Walter F. Sargent
F/V Major
1830 Mission Road
Kodiak, Alaska 99615

Tel: (907) 486-3371

D-3(a)(1) GOA Tanner crab bycatch

The Council requests staff modify the analysis to include the below revisions (relative to the March 2010 initial review draft), expand the analysis to address enforcement and SSC comments, and release for public review.

Purpose and Need

Tanner crab are a prohibited species bycatch in the Gulf of Alaska (GOA) groundfish fisheries. Directed fisheries for Tanner crab in the GOA are fully allocated under the current limited entry system. No specific conservation measures exist in the GOA to address ~~significant~~, adverse interactions with Tanner crab by trawl and fixed gear sectors targeting groundfish and low observer coverage in GOA groundfish fisheries limits confidence in the assessment of Tanner crab bycatch in those fisheries. Tanner crab stocks have been rebuilding since peak fisheries occurred in the late 1970s. Specific protection measures should be advanced to facilitate stock rebuilding.

Alternatives

Alternative 1: Status Quo – No action

Alternative 2: Close the areas specified below to pot and trawl all groundfish (trawl, pot, and longline)-fisheries

Component 1: Area definition

ADF&G Northeast Section

Option 1: Statistical Area 525807

Option 2: Chiniak Gully (Four corners at 152°19'34" W x 57°49'24" N by 57°29' N x 151°20' W by 57°20' N x 151°20' W by 57° x 152°9'20" W),

excluding state waters

ADF&G Eastside Section

Option 3: Statistical Area 525702

ADF&G Southeast Section

Option 4: Statistical Area 525630

Component 2: Closure timing

Option 1: Year round

Suboption 1: trawl gear

Suboption 2: pot gear

~~Suboption 3: longline gear~~

Suboption 4 3: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms)

Suboption 5 4: Vessels using pelagic trawl gear would be exempt from closures

Option 2: Seasonally (January 1 – July 31)

Suboption 1: trawl gear

Suboption 2: pot gear

~~Suboption 3: longline gear~~

Suboption 4 3: Vessels using approved, modified gear would be exempt from closures (e.g., trawl sweep modifications or pot escape mechanisms)

Suboption 5 4: Vessels using pelagic trawl gear would be exempt from closures

Alternative 3: In order to fish in these areas specified below, require 100% observer coverage on all trawl groundfish (trawl, pot, and longline)-vessels and 30% observer coverage on all pot groundfish vessels less than 125 feet.

Note: Fishing days and observer coverage in these areas would be separate from and not count towards meeting a vessel's overall 30% groundfish observer coverage requirement.

Area definition

ADF&G Northeast Section

Option 1: Statistical Area 525807

Option 2: Chiniak Gully (Four corners at 152°19'34" W x 57°49'24" N by 57°29' N x 151°20' W by 57°20' N x 151°20' W by 57° x 152°9'20" W),

excluding state waters

ADF&G Eastside Section

Option 3: Statistical Area 525702

ADF&G Southeast Section

Option 4: Statistical Area 525630

Note: A combination of alternatives, options, and suboptions may be selected.

Motion

GOA TANNER CRAB BYCATCH (D-3(a)(1))

Alternative 2

Component 1

Option 1: Statistical Area 525807 and the area east of Statistical Area 525807 north of 58 degrees latitude, south of 58 degrees ~~30~~¹⁵ min. latitude and west of 151 degrees 30 min. longitude.