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**KODIAK LONGLINE  
VESSEL OWNERS' ASSOCIATION**



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HALIBUT • SABLEFISH • PACIFIC COD • CRAB

May 15, 1991

Representative Cliff Davidson  
Box V  
Juneau, Alaska 99811

SENT BY FAX: 465-3444

Dear Cliff,

I would like to express the KLVQA support for the House Joint Resolution which relates to the protection of crab, halibut, and salmon in the Bristol Bay area from the trawl fishery.

We firmly believe that the nursery grounds for juvenile halibut stocks which are in the Bering Sea area are in danger of being harmed. The high bycatch of halibut and crab by factory trawl vessels operating in this area should be curtailed. The evaluation and possible expansion of Zone 1 is imperative.

Thank you so much for introducing this resolution. Please don't hesitate to contact the group if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kozak". The signature is written in dark ink and is positioned above the printed name and title.

Linda Kozak  
Executive Director



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

February 20, 1987

Mr. Arni Thompson  
Executive Secretary  
Alaska Crab Coalition  
3901 Leary Way N.W.  
Suite #9  
Seattle, WA 98107

Dear Mr. Thompson:

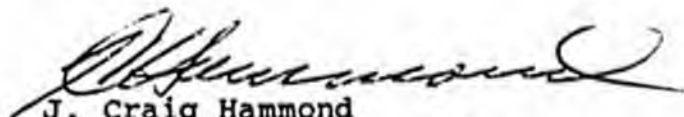
I have reviewed the evolution of the eastern Bering Sea pot zone and have found the following series of events. The original zone came into existence in 1965. The boundaries ran from Cape Sarichef to 55-16N 166-10W, northeastward to 55-28N 165-34W, thence eastward along 55-28N to the Alaska Peninsula. That was a provision of the 1965 U.S./Soviet crab agreement and the U.S./Japan crab agreement concluded in late 1964.

The zone expanded in 1968 when the crab agreements with Japan and the Soviet Union were renegotiated. That change became effective in 1969 and the northern boundary changed from 55-28N to 55-54N.

The final change that I have been able to track occurred in 1975 when the U.S./Soviet fisheries agreement expanded the pot zone to its present configuration. The Japanese agreed to the same configuration but implemented it as a domestic regulation through arrangements that had been concluded at INPFC. Several other concessions were gained at that time that closed nearby areas to trawling during winter months. Those final bilateral arrangements were carried forward in the foreign fishing regulations that implemented the Magnuson Act in 1977.

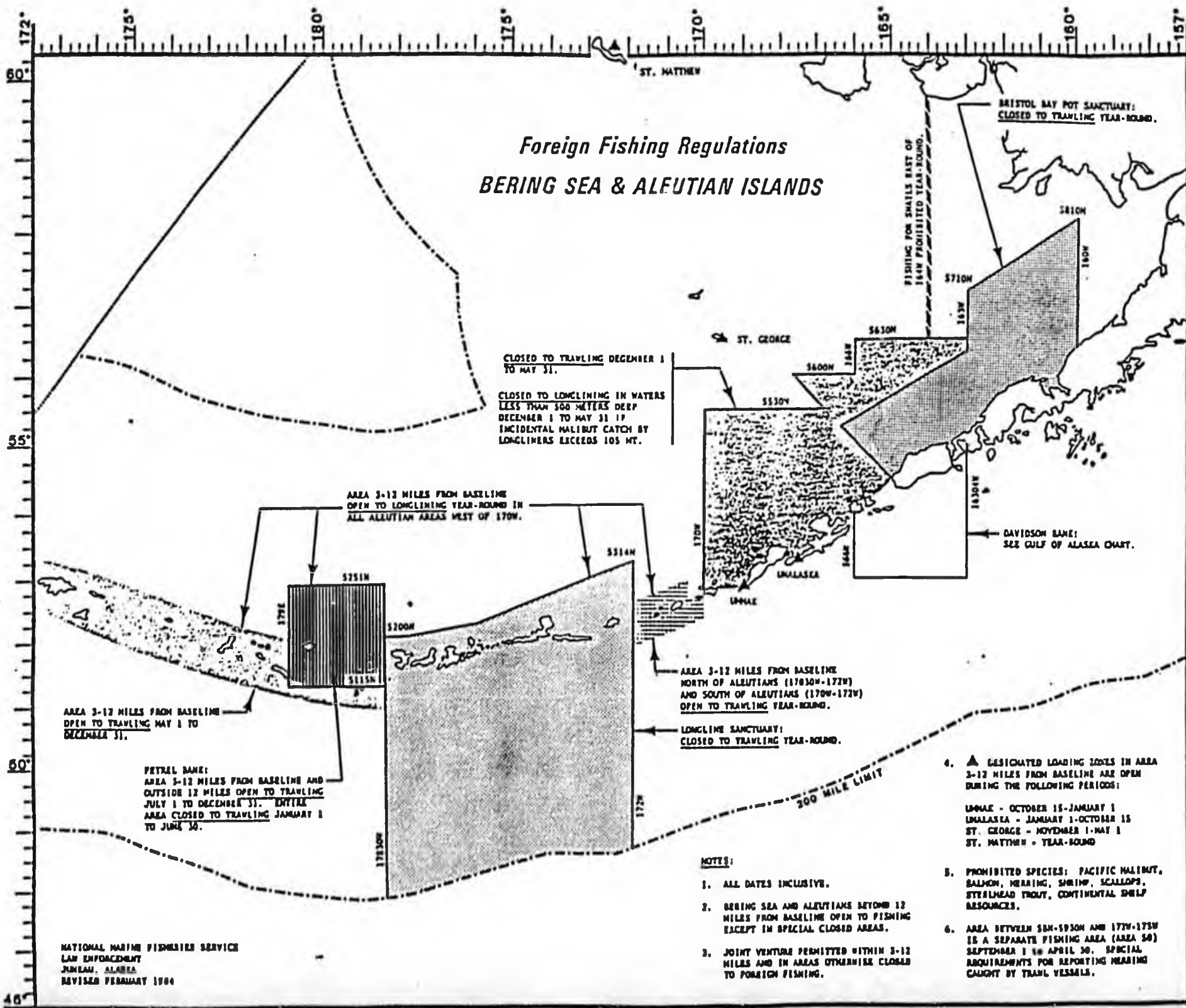
Enclosed are copies of those fishing agreements and chartlets showing the various pot zones.

Sincerely yours,

  
J. Craig Hammond  
Special Agent in Charge



# Foreign Fishing Regulations BERING SEA & ALUTIAN ISLANDS



CLOSED TO TRAWLING DECEMBER 1 TO MAY 31.

CLOSED TO LONGLINING IN WATERS LESS THAN 500 METERS DEEP DECEMBER 1 TO MAY 31 IF INCIDENTAL MALIBUT CATCH BY LONGLINERS EXCEEDS 105 MT.

AREA 3-12 MILES FROM BASELINE OPEN TO LONGLINING YEAR-ROUND IN ALL ALUTIAN AREAS WEST OF 170W.

AREA 3-12 MILES FROM BASELINE OPEN TO TRAWLING MAY 1 TO DECEMBER 31.

PETREL BANK:  
AREA 3-12 MILES FROM BASELINE AND OUTSIDE 12 MILES OPEN TO TRAWLING JULY 1 TO DECEMBER 31. ENTIRE AREA CLOSED TO TRAWLING JANUARY 1 TO JUNE 30.

AREA 3-12 MILES FROM BASELINE NORTH OF ALEUTIANS (17030W-172W) AND SOUTH OF ALEUTIANS (170W-172W) OPEN TO TRAWLING YEAR-ROUND.

LONGLINE SANCTUARY:  
CLOSED TO TRAWLING YEAR-ROUND.

BRISTOL BAY POT SANCTUARY:  
CLOSED TO TRAWLING YEAR-ROUND.

FISHING FOR SHALLS EAST OF 164W PERMITTED YEAR-ROUND.

DAVIDSON BANK:  
SEE GULF OF ALASKA CHART.

4. ▲ DESIGNATED LOADING ZONES IN AREA 3-12 MILES FROM BASELINE ARE OPEN DURING THE FOLLOWING PERIODS:

UMNAK - OCTOBER 15-JANUARY 1  
UNALASKA - JANUARY 1-OCTOBER 15  
ST. GEORGE - NOVEMBER 1-MAY 1  
ST. MATTHEW - YEAR-ROUND

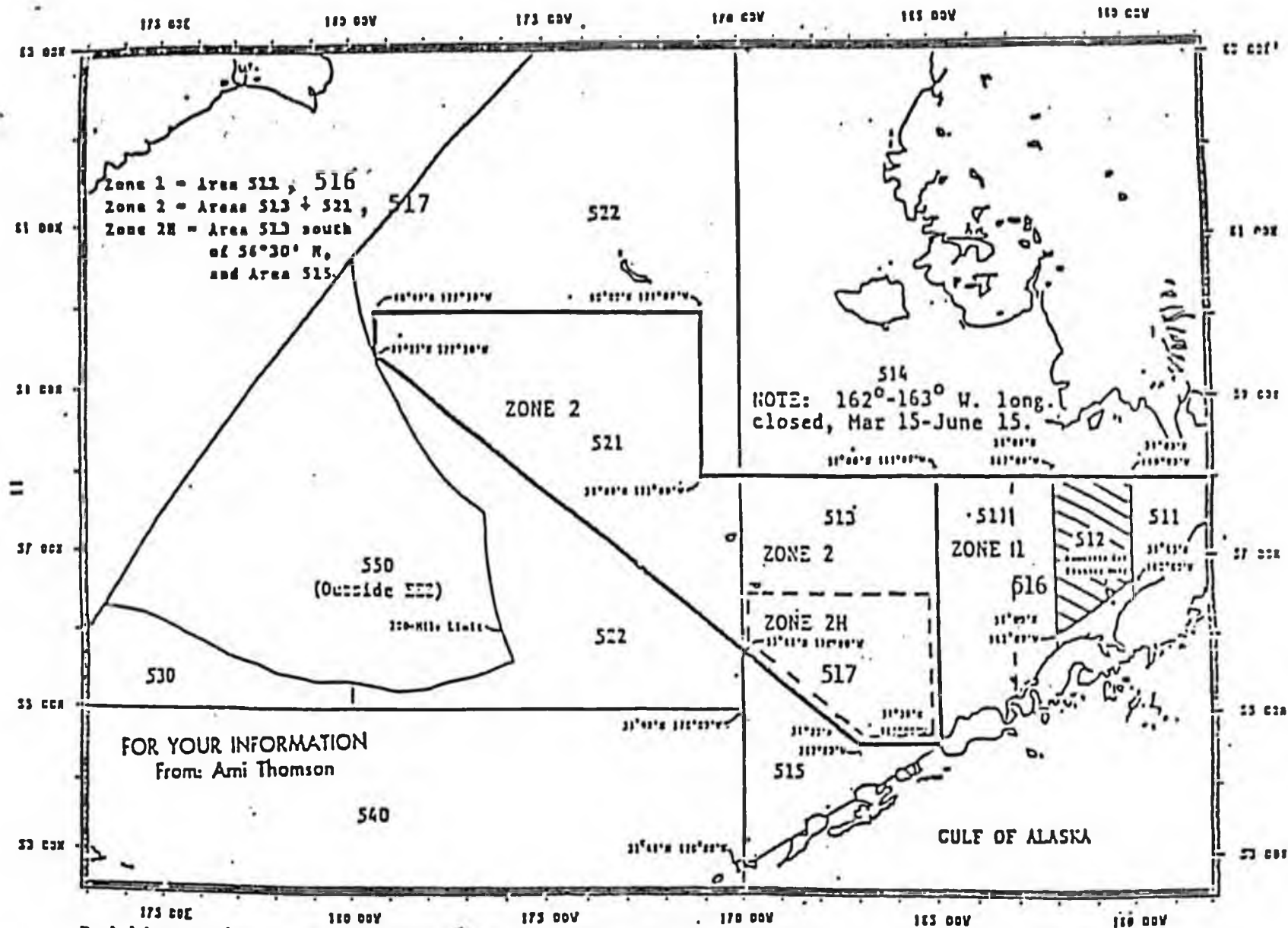
5. PROHIBITED SPECIES: PACIFIC MALIBUT, SALMON, HEARING, SHRIMP, SCALLOPS, STEELHEAD TROUT, CONTINENTAL SHELF RESOURCES.

6. AREA BETWEEN 58N-5930N AND 172W-173W IS A SEPARATE FISHING AREA (AREA 50) SEPTEMBER 1 to APRIL 30. SPECIAL REQUIREMENTS FOR REPORTING HEARING CAUGHT BY TRAWL VESSELS.

**NOTES:**

1. ALL DATES INCLUSIVE.
2. BERING SEA AND ALEUTIANS BEYOND 12 MILES FROM BASELINE OPEN TO FISHING EXCEPT IN SPECIAL CLOSED AREAS.
3. JOINT VENTURE PERMITTED WITHIN 3-12 MILES AND IN AREAS OTHERWISE CLOSED TO FOREIGN FISHING.

NPFMC APPROVED RESTRICTED TRAWL GROUND FISH ZONES AND PROHIBITED SPECIES CAPS  
 IN THE EASTERN BERING SEA, AS ESTABLISHED BY AMENDMENTS 10, 12A AND 16 TO THE  
 BS/AI FMP, 1986 THROUGH 1991.



Red king crab:	200,000 crabs in Zone 1 to close Zone 1.	(Caps apply to JVP and DAP flatfish and groundfish fisheries)
<u>C. bairdi</u> crab:	1,000,000 crabs in Zone 1 to close Zone 1. 3,000,000 crabs in Zone 2 to close Zone 2..	
Pacific halibut:	4,400 mt catch in BS/AI to close Zones 1 and 2H (as modified) 5,300 mt catch in BS/AI to close entire BS/AI	

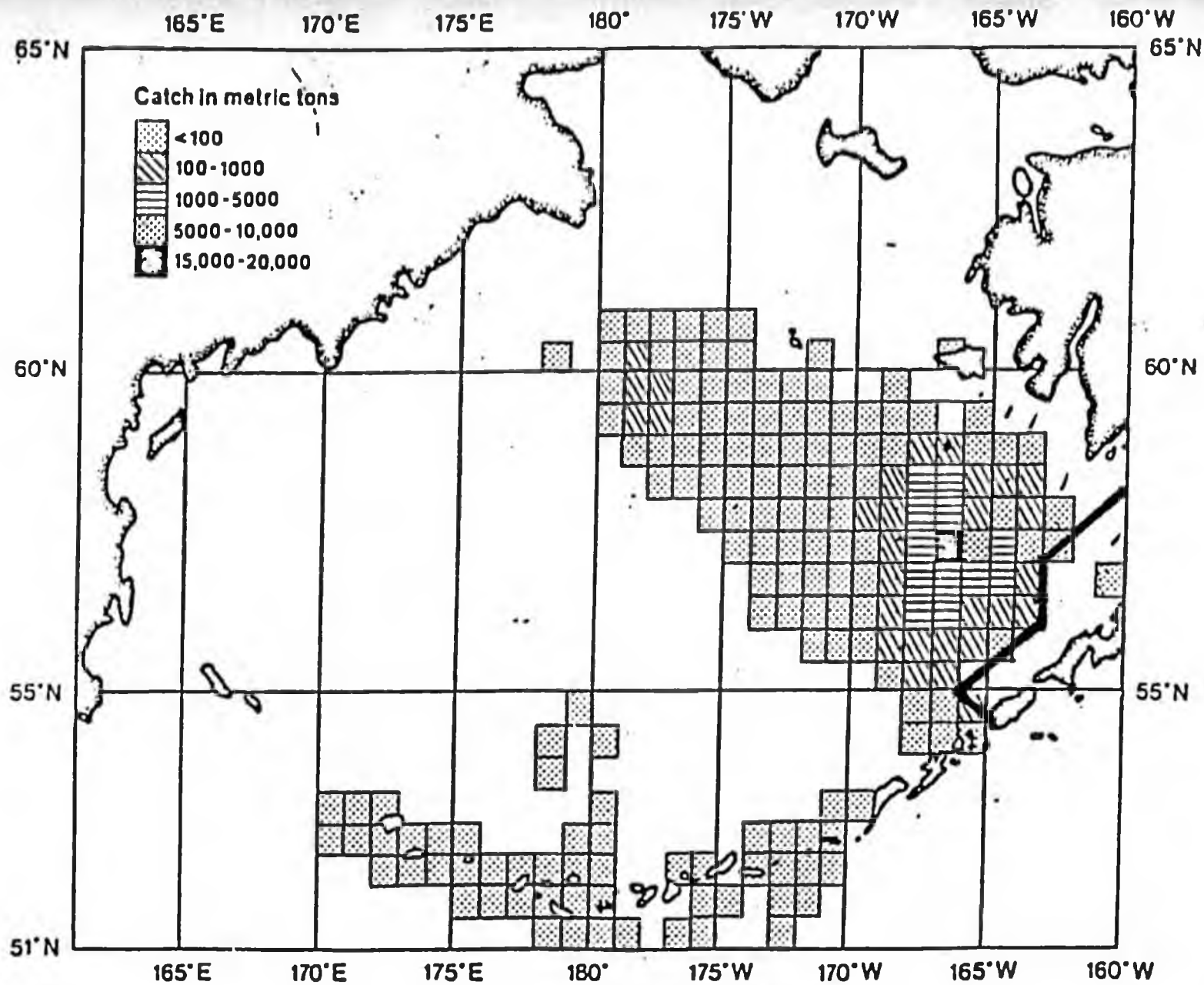


Figure 1. Average annual catches of yellowfin sole by Japan according to blocks of  $\frac{1}{2}^{\circ}$  latitude by  $1^{\circ}$  longitude within the Bering Sea/Aleutian region, 1977-1982.

Alaska Crab Coalition (A.C.C.)

(206) 547-7560  
3901 Leary Way (Bldg.) N.W.,  
Suite #9  
Seattle, WA 98107



DATE: January 18, 1987

TO: Robert W. McVey, Director  
Alaska Region  
National Marine Fisheries Service  
P.O. Box 1668  
Juneau, Alaska 99802

FROM: ALASKA CRAB COALITION  
Arni Thomson  
Executive Director

*Arni Thomson*

RE: COMMENTS ON THE PROPOSED RULE TO IMPLEMENT AMENDMENT 10 TO THE  
FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY IN THE BERING  
SEA AND ALEUTIAN ISLANDS AREA (FMP).

INTRODUCTION:

Since initially petitioning the NPFMC one and a half years ago to take emergency measures to control bottom trawling in the Eastern Bering Sea, the Alaska Crab Coalition has subsequently filed voluminous scientific reports documenting the impact of bottom trawling to Bering Sea crab stocks and in addition, extensive legal arguments emphasizing the priority of conservation over development have been filed. The ACC, formed to address the conservation problem that bottom trawling poses for Bering Sea crab stocks, now represents over 60 Bering Sea crab boats and has been the leading participant in the NPFMC process developing Amendment 10. The primary focus of this comment is to incorporate by reference all documents submitted to the NPFMC regarding Amendment 10, as noted in the ACC comment to the NPFMC, dated September 16, 1986 (enclosure). Subsequent legal and managerial comments developed since that date, are also referenced for the NOAA administrative record.

ALASKA CRAB COALITION COMMENT TO THE NPFMC ON AMENDMENT 10 TO THE FMP  
FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA,  
DATED SEPTEMBER 16, 1986; (ENCLOSURE)

The ACC wishes to incorporate by reference herein to all documents submitted to the North Pacific Fishery Management Council in the above comment on Amendment 10. Particular attention is drawn to the documents listed below:

1. The Impact of Trawling to Bering Sea Crab Stocks, Wes Johnsen Report to the NPFMC, September 24, 1985. This report documents the unobserved mortality ratio to observed bycatch mortality, which could be as high as 15 to 1.
2. Fishery Management Techniques in the Northeast Atlantic, P.T. Hagen & O.A. Mathisen, School of Fisheries and Science, University of Alaska, Juneau, AK, 1984.
3. The Effects of Trawling on Target and Non-Target Species, Susan Blanding, Seattle, WA 1986 (unpublished). A documented literature search.
4. Legal Issues, Theodore G. Kronmiller, Patton, Boggs & Blow, Washington, D.C. September 1986. This legal comment was developed for the ACC expressly for the Amendment 10 Comment of September 16, 1986.

ADDITIONAL COMMENTS ON AMENDMENT 10 TO THE FMP FOR BERING SEA GROUND FISH  
FOR THE NOAA ADMINISTRATIVE RECORD:

The ACC wishes to incorporate by reference to the documents listed below (enclosures), as part of our comment on the proposed rule to implement Amendment 10.

1. Comments on the "EA/RIR" for Amendment 10 to the FMP for Bering Sea Groundfish, Theodore G. Kronmiller, Patton, Boggs & Blow, Washington, D.C. December 1986. This technical review of the EA/RIR notes the references to the adverse impacts of bottom trawling to crab stocks, the need for more stringent measures than those adopted by the Council, the need for a domestic observer program, the causal relationship between trawl restrictions and improved abundance of king crab stocks and the ability of bottom trawlers

to avoid reductions of harvests under the new regulations.

2. Legal Issues, Supplementary Memorandum, Theodore G. Kronmiller, Patton, Boggs & Blow, Washington, D.C. December 1986. This legal comment was also developed for the ACC expressly for the Amendment 10 Comment. The focus here is on the authority being granted to the Regional Director to make "inseason adjustments" in the Bering Sea groundfish fishery.

3. Comment on Total Allowable Catch (TAC) for Bering Sea and Aleutian Islands Groundfish for 1987: Focus, Objection to Development of Bottom Trawl Fishery for Rock Sole in the Restricted Trawling Zone of the Eastern Bering Sea (Reference: NPFMC Newsletter, 10/03/86, Amendment 10, ACC to NPFMC November 4, 1986 BS/AI FMP, Zone 1)./ This paper focuses on the inadequacies of the existing management structure to deal with the problem of bycatch overage as it can potentially occur without a responsive, 100% coverage, domestic observer program. This paper also questions consideration of a domestic flounder fishery in the recently curtailed Zone 1, that potentially would be of similar tonnage to the existing yellowfin sole fishery in the same area. What is the management rationale for even considering such a devastating fishery in the primary king crab harvest zone before Amendment 10 has attained final approval?

4. The Role of International Agreements in Alaskan Fisheries; Revisions of International Agreements Affecting Alaskan Fisheries; The Growing Role of International Agreements in Alaskan Fisheries; Ronald C. Naab, Fisheries Management Supervisor, NMFS, Division of Enforcement and Surveillance, Juneau, Alaska; Commercial Fisheries Review: October 1968, pp. 46-56, also Sep. No. 825; June 1969, pp. 30-34, also Sep. No. 841; and September 1971, pp. 27-40, also Sep. No. 919. Reference is incorporated herein to these now historic articles that trace the development of international agreements and associated laws affecting the Alaskan area. Mr. Naab imparts a perspective to the reason for development of these agreements, namely, conservation and protection of near shore tra-

ditional species, salmon, halibut and king crab, from interception and depletion in (prior to 1976) international waters by unregulated foreign fleets. These agreements were recognized as essential to controlling and or prohibiting foreign harvesting of species essential to Alaskan fisheries and fishermen. Thus, the MFCMA, adopted in 1976 should be viewed in the light of the 200 mile agreement being a continuation of agreements developed to insure the protection of inshore traditional fisheries, while secondarily encouraging the development of an Americanized groundfish fishery.

Of particular importance to the administrative record of Amendment 10, Naab, in these articles outlines the historic development of the Pot Sanctuary, beginning in 1964, with its beginning as a fixed gear zone for the developing American king crab fishery in the Eastern Bering Sea. At that time, American fishermen had already developed a preference for the selective and least destructive, single line pot gear for harvesting king crab. In 1959, the State of Alaska passed a prohibition on trawling for king crab in State waters. Further bilateral agreements between the U.S. and Japan and the U.S. and the U.S.S.R. in 1967 and 1971 eventually eliminated tangle net fishing for crabs and prohibited foreign trawling in the Pot Sanctuary. The agreements also became the foundation for management of crab stocks as they addressed issues such as quotas, minimum harvest size and the prohibition of the harvesting of females.

Although the EA/RIR on page 7 makes reference to the historic yellowfin sole fishery in the area proposed for total closure in the proposed rule and the economic hardship these fishermen will suffer as a result of the need for relocation. However, no mention is made of the economic hardships bottom trawling for yellowfin sole has imposed on crab fishermen. The area proposed for total closure, along with the restricted Zone 1 area, have historically combined to produce almost 100% of the

Eastern Bering Sea red king crab harvest during the decade of the 1970's.

Of further significance to Amendment 10, Naab in his October 1968 article offers us an historical perspective on regulation in the Pot Sanctuary. Two laws were particularly important to the crab fisheries in this area. In May 1964, the U.S. enacted Public Law 88-308, commonly known as the Bartlett Bill. This prohibited foreign fishing within U.S. territorial waters. This bill formed the basis for negotiating bilateral agreements with the USSR later in the same year and Japan the following year to set up pot fishing areas both in the Eastern Bering Sea and around Kodiak Island. The second important law enacted by Congress, was Public Law 89-658, of October 1966. This established a 9-mile contiguous fishery zone adjacent to the U.S. 3-mile territorial sea. The law provided that the U.S. will have the same jurisdiction over fisheries within this newly created zone as it had within its territorial sea, subject to the continuation of "traditional" fisheries by foreign nations. This law led to further foreign restrictions in the Pot Sanctuary through renewed bilateral agreements in 1967 and 1971.

Reviewing these articles from the perspective of searching for answers to questions about how the regulations concerning development of the Pot Sanctuary came into existence, leads one on a natural course to passage of the 200 mile MFCMA, which is a culmination of these two preceding exclusion agreements. It also raises questions as to why the regulations were relaxed in the development and final approval of the first FMP for the Bering Sea Groundfish Fishery, <sup>in 1981,</sup> which ultimately created the need for development of Amendment 10 to the same plan, six years later.