

HB

538

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 4/25/96

FURTHER:

DATE TURNED INTO OFFICE: 4-29-96

The Resources Committee considered CS FOR HOUSE BILL NO. 538(2d FSH)

Relating to vessels participating in the Bering Sea Korean hair crab fishery; efd.

and recommends:

be replaced with _____ CS _____

adopt previous _____ CS _____

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR^o _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John L. Taylor</i>	<input checked="" type="checkbox"/>				
		<i>Grace</i>	<input checked="" type="checkbox"/>		
		<i>Rick Halford</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>John L. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>F.G./C.F.C.</i>	<i>5/10/96</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



4/20/96

SPONSOR STATEMENT FOR
HB 538
KOREAN HAIR CRAB MORATORIUM

History

In the 1980's, the Alaska Department of Fish and Game (ADFG) conducted an experimental fishery for Korean Hair Crab. Due to many unknown at that time about this extremely fragile species and the delicate habitat in which it exists, the stocks were quickly depleted and the fishery closed.

By 1991, stocks had rebounded and two Alaskan-owned vessels were able to conduct another experimental fishery in the immediate vicinity of the Pribilof Islands. Alaska fishermen, working cooperatively with ADFG, established permit guidelines pertaining to the configuration and size of the pots used, as well as handling techniques to ensure that these delicate animals are not harmed by the fishing effort. To limit the effort, ADFG has ensured the fishery is open simultaneously with other crab fisheries in the Bering Sea.

Problem This Bill Addresses

Recently, however, dramatic declines in harvest guidelines for the other crab stocks has resulted in additional effort entering the Korean Hair Crab fishery. The 15-20 vessels currently participating the fishery have already marginalized the opportunities for the Alaskans who pioneered this fishery. If this fishery, created by Alaskans, is to remain viable, a moratorium must be implemented as soon as possible.

Changes Since Original Bill

The CS modified the original bill by setting aside a five mile zone around the Pribilof Islands for vessels 58 feet or smaller to fish the Bering Sea Korean Hair Crab. This change triggered an adjustment of the findings section and other modifications throughout the bill. The findings now state that this fishery provides for some entry level opportunities for fishermen. To protect our crab resources, there has also been intent language added which requests keeping the 100 percent observer coverage for all vessels engaged in this fishery.

From 1974 Westward to
Shulfish

BERING SEA KOREAN HAIR CRAB

Introduction

The Bering Sea hair crab registration area includes all Bering Sea waters north of 54° 36' North latitude, south of 58° 39' North latitude, and east of the U.S.-Russian Convention Line of 1867 (Figure 1). The area is divided into the Pribilof District (west of 168° West longitude), and the Bristol Bay District (east of 168° West longitude).

Historic Background

Korean hair crab, *Erimacrus isenbeckii*, sold commercially as "kegani" by the Japanese, was fished commercially for the first time by the U.S. fleet in 1978/79. Most of the fishing effort has been concentrated in the waters adjacent to the Pribilof Islands. When interest was first expressed by fishermen and processors in this species the season was opened by emergency order and ran concurrently with the Tanner crab fishery. During the 1980 Board of Fisheries meeting, a year long season was established under the terms of a permit issued by the Alaska Department of Fish and Game. Between 1979 and 1991, the majority of hair crab landed were reported as incidental catch in the Bering Sea Tanner crab fisheries.

1993 Fishery (Spring)

In the spring of 1993, many fishermen who participated in the fall 1992 hair crab fishery around the Pribilof Islands expressed interest in fishing the area east of 168° West longitude. According to the 1992 NMFS summer survey the Area T king crab management area contained a harvestable surplus of 1 million pounds of hair crab. However, the longlining of pots, the standard method to fish the high numbers of small pots traditionally used, was not legal in the Area T management area.

On March 22 an emergency order was issued opening the Area T management area to hair crab fishing from April 1 to May 15 under conditions of a permit. Then on March 26 another emergency regulation was issued allowing the longlining of pots in Area T. Once again, only small, light weight hair crab pots were permitted. Due to concerns over king crab bycatch, 100 percent observer coverage was also required. A total of seven vessels obtained observers and were registered for the Spring hair crab fishery in Area T.

Possibly due to inaccuracies in the survey, or a dramatic shift in crab distribution from when the survey was conducted, few vessels found much evidence of the one million pounds of hair crab reported by the survey to be available east of 168° West longitude. Four vessels delivered a total of 3,038 pounds of hair crab over a two week period. By the third week of

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 538

Revision Date:	Dept. Affected: <u>Fish and Game</u>
Title: <u>Establishment of a moratorium for vessels in the Bering Sea Korean hair crab fishery</u>	BRU: <u>Commercial Fisheries (Limited) Entry Commission</u>
Sponsor: <u>House Special Committee on Fisheries</u>	Component: <u>Limited Entry Program Administration</u>
Requester: <u>House Special Committee on Fisheries</u>	COMPONENT SERIAL NO. <u>0471</u>

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts	00	00	00	00	00	00
1006 GF MMTIA						
Other						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY98) cost: 00

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 This bill establishes a moratorium for vessels fishing Bering Sea hair crab, a rapidly expanding fishery with a limited resource base. There are approximately 33 vessels eligible under the moratorium.

Prepared By:	<u>Roger Keiden</u>	Phone: <u>749-6160</u>
Agency:	<u>Commercial Fisheries (Limited) Entry Commission</u>	Date: <u>3-5-98</u>

Approved by Commissioner:	<u>Frank Rodman</u>	Date: <u>3-5-98</u>
Agency:	<u>Commercial Fisheries (Limited) Entry Commission</u>	

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MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME

TO Amy Daugherty
Assistant to Representative Austerman
Alaska State Legislature

DATE March 6, 1996

FAX NO 465-2444

TELEPHONE NO 465-6112

FROM Earl E. Krygier
EJ Program Manager
Division of Commercial Fisheries
Management & Development

SUBJECT Vessel Moratorium in
the Korean Hair Crab
Fishery

You have requested information regarding state authority to manage hair crab which pertain to the draft bill for a moratorium on vessel permits for the Bering Sea Korean hair crab fishery.

Under the Magnuson Act, a State has the authority to manage vessels outside its boundaries only if a vessel is registered under the laws of that State. An exception to this rule is when the bulk of the fishing occurs in the EEZ and is managed under a federal fishery management plan. Though the Korean hair crab fishery predominantly occurs in federal waters of the Bering Sea, there is no federal fishery management plan.

There has been no interest by the North Pacific Fishery Management Council or the National Marine Fisheries Service to include Korean hair crab within the current federal fishery management plan for king and Tanner crab in the Bering Sea. In the absence of a federal management plan, state regulations will apply to state registered vessels. Any vessel utilizing state facilities (docks, airports, etc.) to mount a operation must be registered under state laws. No Korean hair crab fisherman will remain unregistered, since they would not be access facilities in state waters. Nor would they forego the other fishing opportunities, such as Tanner crab, which requires state registration. I.e., this is not a Mr. Big situation, where he only relied on scallops in the Gulf of Alaska, with fisheries support from the state of Washington.

Additionally, new language is expected to be in the reauthorization of the Magnuson Act which will allow state authority over all vessels fishing in the EEZ, in fisheries which are managed by the state either under delegated authority of a Council or in the lack of a federal plan.

Bering Sea hair crab

Summary of observer data from 1993, 1994, and 1995 Bering Sea Korean hair crab seasons.
 "Total Observed" is for sampling from total fishery.
 "Win 5 nm Observed" is for sampling within 5 nm buffer around the Pribilof Islands (including Walrus and Otter Islands).
 "Percent win 5 nm" is the percent of total within the 5 nm buffer around the Pribilof Islands.
 Win 5 nm statistics obtained by selecting sample pot lift data on basis of 5 nm buffer/region created in MacInfo program using "SW_250" basemap.
 Same goes for "Win 3 nm".

Season	Total Observed				Percent of Total				CPUE Total		
	Potlifts	Ret'd hair	RKC	BIKC	Potlifts	Ret'd hair	RKC	BIKC	Ret'd hair	RKC	BIKC
1993	12,775	45,550	2,491	3,002	100.00%	100.00%	100.00%	100.00%	3.71	0.20	0.24
1994	8,336	27,369	2,775	2,011	100.00%	100.00%	100.00%	100.00%	3.28	0.33	0.24
1995	10,120	33,615	5,612	6,063	100.00%	100.00%	100.00%	100.00%	3.32	0.55	0.60

Season	Win 5 nm Observed				Percent win 5 nm				CPUE win 5 nm		
	Potlifts	Ret'd hair	RKC	BIKC	Potlifts	Ret'd hair	RKC	BIKC	Ret'd hair	RKC	BIKC
1993	2,118	8,330	145	209	17.25%	18.29%	5.82%	6.96%	3.93	0.07	0.10
1994	725	2,191	888	136	8.70%	8.01%	32.00%	6.71%	3.02	1.22	0.19
1995	2,047	7,343	2,778	563	20.23%	21.84%	49.50%	9.07%	3.59	1.36	0.27

Season	Win 3 nm Observed				Percent win 3 nm				CPUE win 3 nm		
	Potlifts	Ret'd hair	RKC	BIKC	Potlifts	Ret'd hair	RKC	BIKC	Ret'd hair	RKC	BIKC
1993	218	943	0	3	1.76%	2.07%	0.36%	0.10%	4.33	0.04	0.01
1994	26	35	20	1	0.31%	0.13%	0.72%	0.05%	1.35	0.77	0.04
1995	185	285	105	12	1.83%	0.89%	1.87%	0.20%	1.54	0.57	0.06

Peroff
 C:\fishery\obs\win5\fishery.xls
 12 Apr 95

Pnblol Hair Crab % by Stat Area					from fish ticket data	
Stat Area	1995		1994		1993	
	Pounds	%	Pounds	%	Pounds	%
685700	4,183	0.20%	-	0.00%	1	0.00%
685730	537	0.03%	-	0.00%	-	0.00%
695631	140,664	6.83%	224,804	18.75%	219,287	9.40%
695632	407	0.02%	-	0.00%	2,485	0.11%
695700	1,083,539	52.60%	295,079	24.61%	1,475,774	63.29%
695730	448	0.02%	-	0.00%	-	0.00%
705630	176,568	8.57%	52,990	4.42%	58,487	2.51%
705701	438,480	21.29%	408,925	34.10%	397,039	17.03%
705702	214,754	10.43%	217,448	18.13%	123,772	5.31%
705730	-	0.00%	-	0.00%	54,970	2.36%
715630	408	0.02%	-	0.00%	-	0.00%
	2,059,988	100.00%	1,199,246	100.00%	2,331,815	100.00%

MEMORANDUM JM**STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION**

TO: Bruce Twomley
Frank Homan
Dale Anderson
Kurt Schelle
Susan Haymes

DATE: February 23, 1996

FILE: BSVESSEL.MEM

PHONE: 789-6160/Voice
789-6170/FAX

FROM: Susan M. Shirley *JMS*
Research Analyst

SUBJECT: Bering Sea Hair Crab
Vessel Participation Data

Attached are three tables on vessel participation in the Bering Sea hair crab fishery. The tables provide basic data which could be useful for developing a limited vessel permit program in this fishery.

Table 1 contains information on number of vessels fished, harvest and estimated gross earnings per vessel in the years 1988 through 1995. The cumulative number of unique vessels fished over time is given in Table 2. To provide some background on participation patterns and turnover of vessels in the fishery, the number of years fished and the years fished by each vessel since 1988 are given in Table 3.

Table 1
Bering Sea Korean Hair Crab Fishery
Total, Mean and Median Pounds and Earnings per Vessel

Year	Vessels	Average Pounds	Median Pounds	Total Pounds	Average Earnings	Median Earnings	Total Earnings	Ex-Vessel Price/Lb
88	1	** harvest and earnings data are confidential **						
89	No fishing							
90	No fishing							
91	6	63,286	6,502	379,715	\$206,249	\$21,190	\$1,237,491	\$3.259
92	17	78,754	30,119	1,338,818	\$165,620	\$63,340	\$2,815,534	\$2.103
93	20	71,713	39,369	1,434,253	\$154,971	\$85,076	\$3,099,421	\$2.161
94	14	135,855	95,499	1,901,969	\$411,640	\$289,362	\$5,762,966	\$3.030
95	21	94,576	102,373	1,986,106	\$236,294	\$254,556	\$4,962,181	\$2.498

Note: Gross earnings estimates and ex-vessel price for 1995 are preliminary

Table 2
Bering Sea Korean Hair Crab Fishery
Number of Unique Vessels Fished During the Given Time Period

Year Combination	Cumulative Unique Vessels
Jan 1, 1996 to Jan 1, 1995	21
Jan 1, 1996 to Jan 1, 1994	23
Jan 1, 1996 to Jan 1, 1993	33
Jan 1, 1996 to Jan 1, 1992	43
Jan 1, 1996 to Jan 1, 1991	45
Jan 1, 1996 to Jan 1, 1988	46

Table 3
 Bering Sea Korean Hair Crab Fishery
 Participation History
 Number of Years Fished and Year Combinations

Years Fished	Total Vessels	Year Combinations	Years							
			95	94	93	92	91	90	89	88
5	3	95-94-93-92-91-	3	3	3	3	3	0	0	0
4	3	95-94-93-92-	3	3	3	3	0	0	0	0
3	2	95-94-93-	2	2	2	0	0	0	0	0
2	8	95-94-	4	4	0	0	0	0	0	0
		95-92-	1	0	0	1	0	0	0	0
		94-93-	0	2	2	0	0	0	0	0
		93-91-	0	0	1	0	1	0	0	0
1	30	95-	8	0	0	0	0	0	0	0
		93-	0	0	9	0	0	0	0	0
		92-	0	0	0	10	0	0	0	0
		91-	0	0	0	0	2	0	0	0
		88-	0	0	0	0	0	0	0	1
Total Unique Vessels = 46		Year Totals	21	14	20	17	6	0	0	1

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March 6, 1996

Representative Alan Austerman
Alaska State Legislature
Juneau, Alaska 99801

RE: House Bill 538

Dear Representative Austerman,

We are writing in support of HB 538. We believe that without this measure, the Korean hair crab fishery will be closed in 1996, as a result of increased participation beyond the level considered safe by the Alaska Department of Fish & Game, who manage this resource. Closing this fishery would harm Alaskan vessel owners and crew members who have pioneered this fishery.

The Korean hair crab resource has a very small guideline harvest level, with about a million pounds harvested each year. It is a winter time fishery, which makes it difficult for many vessels to participate in the harvest. This fishery has been managed by the Alaska Department of Fish & Game with an emphasis on conservation. For several years, the fishery could only be conducted with a special experimental fisheries permit, with the vessel carrying an observer 100% of the time, and the use of special pots. The very fragile nature of the crab is unusual and the handling methods which are required to reduce mortality are very different than that of other crab fisheries.

With the recent decline in the red king crab, bairdi tanner crab and opilio tanner crab stocks, it is apparent that this fishery is already being considered to be an option by Seattle interests. Because the special pots require a substantial investment, it would not be fair to delay action on the moratorium. ADF&G has increased great concern that the fishery is already overcapitalized and any further increase in participation would likely cause them to simply close the entire fishery.

With this in mind, the only option is to ask for an immediate moratorium on entry to the Korean hair crab fishery. We believe this is in the best interest of the resource and those Alaskans who currently participate in and depend on this fishery.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kozak". The ink is dark and the signature is fluid and legible.

Linda Kozak
Special Projects