

SCOMM

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REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2487

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 fisherery.

To: The Honorable Austeren
Alaska House of Representatives

Fax: (907) 465-4956

From: Pat Pletnikoff
F/V Lady Angeline
St. Paul Island, AK
(907) 546-2629

Date: March 7, 1996

Re: H.B. 538 - Hair Crab Fishery - Pribilofs

I understand you held hearings on this matter yesterday. I spoke to your staff about concerns and issues I have regarding this fishery.

The legislation is timely and needed. The proponents of this proposal are correct in that "limited entry" is necessary to protect the resource. The Aleut fishermen of St. Paul and St. George have always recognized this fact. We have always understood that constant attack on any resource will eventually destroy that resource. Conservation and sustained yield must be a guiding principle in resource management. This Bill, is a start. Yet, let's improve on it with input and direction from

② Those most affected and from those who will be most impacted.

The NPFMC along with the State, created the CDA program. As a "important consideration, was the criteria for "disadvantaged communities." Perhaps this criterion was necessary to muster any constitutional challenge. Yet, it was enough to meet "national standards" under the Magnuson Act. Given resource allocations today, it was the right thing to do. Maybe not altogether constitutional, but correct nonetheless. We know People challenge this today, and they will in the future. After all, it's money!

This legislation is 10 years behind the "sustainable" resource base ADFG, with their observer programs, should understand and recognize this. I understand, they do not. And, from what I hear today, they have no realistic idea as to the "sustainable" base today. Does this make any sense? Especially in context of your legislation? There apparently is no scientific criteria or base. Regardless, the hair crab resource is stressed and cannot sustain too much more attack - therefore, even without scientific basis, your legislation

(3)

makes sense. Look at all previous harvest guidelines. Without knowing it, we may have walked into something reasonable for the protection of the hair crab. Protecting any resource is honorable. But, for whom?

The advocates of this legislation are correct for the wrong reasons. They want to protect only their base. Honorable but not correct in this context. This is not a private resource matter. It is coal, timber, oil, etc. The realistic question is, who is most affected, and not economically? Protecting any resource just for economic reasons is not honorable. It is wrong and unjust.

I suggest you add the following to H.B. 538:

1) "Disadvantaged Communities" as spelled out in the NPFMC CDO Criteria and under "National Standards" for resource allocations. I recognize "State" vs "Federal" but, we need to address both. A good guide may be the "Coastal Fisheries Cooperative Management Act" Look at the Atlantic States!

2) The Bill, because it will always be controversial and questionable,

④ Clarify CDQ boats. What is a CDQ Vessel? When does it (boat) qualify? How much should a Community own of the vessel before it is a CDQ vessel? How many qualified residents of a CDQ Community are required on a vessel for the vessel to be CDQ qualified? Let's be realistic! Otherwise, let's create a welfare program instead of a "masked" CDQ effort. It's the old adage, "give a man a fish, he eats for a day, teach him to fish, he earns a living."

Your legislation must address local issues and concerns. Otherwise, it is wrong. I hope you will do this and insure local fisheries are addressed.

Thank you,
Pat Plomin

**Bill & Jean Alwert
FV Buccaneer**

P.O. Box 1711 Kodiak, AK 99615 (907) 486-5511 Fax (907) 486-8356

6 March 96

**Representative Alan Austerman
Alaska House of Representatives
Juneau, AK
By fax (907) 465-4956**

Dear Alan,

Bill, Mark and I oppose HB 538, your Korean Hair Crab Moratorium bill for several reasons.

1. Crabbers need more diverse opportunities to survive nowadays. HB 538 is an attempt to lock up another crab fishery for the benefit of less than twenty people. That amounts to MONOPOLY, not management.
2. The Hair Crab resource is healthy. ADFG sets an annual GHL and enforces it. The stock is not threatened in any way.
3. We want you to fight against limited entry in the crab fisheries, not for it. Pigeon-holing crab fishermen in little boxes is a sure formula for bankruptcy. Change course immediately.

We're upset that you, a Republican, would be promoting this type of special interest, monopoly-oriented legislation. We thought you stood for open competition and innovation in the harvesting of Alaska's crab stocks. Limited entry is socialism in camouflage.

We heard that the Natives intend to testify on HB 538 this evening and support it in exchange for inclusion of a CDQ-provision in HB 538. We bitterly oppose CDQ's and we ask you to do the same.

Please stop acting like a big-government Democrat and kill HB 538.

Sincerely,

Jean E. Alwert

Jean Alwert for herself,
Bill Alwert & Mark Alwert

Bill Alwert by L.P.A

Alan:

*Bice is in Oregon getting his
dental work done. Jeanie*

CENTRAL BERING SEA FISHERMEN'S ASSOCIATION

MEMORANDUM

TO: Representative David Austerman

FROM: Carl Mercurieff/President and Larry Mercurieff/General Manager *SM*
Central Bering Sea Fishermen's Association

RE: House Bill 538
Pribilof Islands Hair Crab Fishery Amendment

DATE: March 13, 1996

This memo is to set forth the policy basis for the Pribilof Islands amendment to House Bill 538, in order to recognize and insure the participation of the Pribilof Islands fishermen in the Bering Sea Korean hair crab fishery during the moratorium period.

The Pribilof Islands fishermen support the moratorium, which will implement important conservation measures aimed at insuring non-depletion of the crab stocks. We testified in support on the bill before the Special Committee on Fisheries February 6, 1996. We agree with the concept of a moratorium which restricts access during the moratorium period to all but those vessel interest who have pioneered the fishery. The bill thereby recognizes and protects those fishing interest responsible for the development of the fishery and insures their continued participation. The Pribilof Island fishermen, the pioneers of the fishery, fall within the fishing interests the bill seeks to protect. As the pioneer and a leading proponent and actor in the protection and proper development of the stocks, the Pribilof Islands fishermen also should be granted the right to participate in the fishery.

St. Paul Island pioneered the Pribilof hair crab fishery in 1979 when they brought in two Bristol Bay bowpickers, at their own expense, to test fish for hair crab. As word of the fishery got out, however, outside interests came in and over fished the stocks in the early 1980's.

The Pribilofs continued to work for the protection and development of the fishery and were responsible for having the area around the Pribilofs declared a no trawl zone to protect the hair crab and king crab stocks, in hopes that the Pribilof Island fishermen could one day actively participate in the fishery.

The Pribilof Islands fishermen have only recently been commercially able to develop a small boat fleet which allows them to participate in the fishery. They are now at the point of being able to enter the fishery that they have done so much to develop and protect. Their efforts in creating the fishery should be recognized and the fishermen should be insured continued access through participation in this fishery. They are as much a part of the fishing interests that the legislation seeks to protect

**KODIAK
VESSEL
OWNERS'
ASSOCIATION**



326 Center Avenue, Suite 202
P.O. Box 135
(907) 486-3781
Fax (907) 486-2470

HALIBUT • SABLEFISH • PACIFIC COD • CRAB

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".

Linda Kozak
Special Projects

FAX TRANSMISSION

KODIAK VESSEL OWNERS' ASSOCIATION

326 Center, #202 - P. O. Box 135

Kodiak, Alaska 99615

(907) 486-3781

Fax: (907) 486-2470

To: Amy
Fax #: 907-465-4956
From: Linda Kozak
Subject: Final Korean Hair Crab Legislation

Date: March 1, 1996
Pages: One, including this cover sheet.

COMMENTS:

Amy, last night your office sent part of the final draft of the legislation. I didn't get all of the pages. If you wouldn't mind asking them to fax the complete one to me.

I also wanted to let you know that I read George's memo regarding federal jurisdiction and yes, we have addressed it. The Magnuson Act will likely have language which will allow fisheries to be managed within the 200 mile limit by the state, if there is no fishery management plan in effect. Senator Stevens insists that this will be in place and Alaska supports it. It will help to resolve the scallop issue. We are expecting a draft of the legislation soon. Hopefully, it will pass this spring.

THANKS again for all of your help. I will be working closely with Joe Kyle. You can contact him with any questions or updates. THANKS AGAIN !!!

DISCUSSION DRAFT

A LIMITED VESSEL PERMIT PROGRAM
FOR THE BERING SEA KOREAN HAIR CRAB FISHERY

Discussion Draft AS 16.43 and AS 16.44

February 21, 1996

Section 1. FINDINGS. The legislature finds that

- (1) effort in the Bering Sea Korean hair crab fishery has reached levels that may threaten the economic welfare of the fishery, the overall efficiency of the harvest, and the sustained yield management of the Bering Sea Korean hair crab fishery;
- (2) Limited Entry under 16.43 will not adequately protect the economic welfare and sustained yield in the Bering Sea Korean hair crab fishery.

CHANGES TO 16.43

Sec. 16.43.090.

Type of Limited Entry Program.

- (a) The commission may implement and administer a specific type of limited entry program in a particular fishery when authorized by statute.
- (b) If the commission determines that controlling effort into a fishery will serve the purposes stated in AS 16.43.010 (a), the commission shall determine the most appropriate form of limited entry program in accordance with this section.
- (c) In determining the most appropriate form of limited entry for a fishery, the commission may consider the nature of the fishery, the nature of the vessel and gear ownership structure in the fishery, existing regulations for the fishery, the ability of the program to help management conserve the fishery resource, the economic benefits of the program, and the incremental costs of implementing, administering, monitoring, and enforcing the program.

- (d) The commission may implement a limited entry permit program under AS 16.43 or a specific alternative program as authorized by statute, or develop draft legislation for an alternative program for the legislature to consider, depending upon the type of limited entry program that is determined to be most appropriate under (b) of this section.

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NEW LAW 16.44

ARTICLE 1. PURPOSE OF THE VESSEL PERMIT LIMITED ENTRY
PROGRAM

Sec. 16.44.010. Purpose and Findings of Fact

- (a) It is the purpose of this chapter to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry into commercial fisheries in the public interest and without unjust discrimination.
- (b) The legislature finds that commercial fishing for fishery resources has reached levels of participation, in many areas and fisheries, that have impaired or threaten to impair the economic welfare of the fisheries of the state, the overall efficiency of the harvest, and the sustained yield management of the fishery resource.

- (c) The legislature finds that the Commercial Fisheries Entry Commission, established under AS 16.43, needs alternative programs for controlling entry into commercial fisheries. The vessel permit limited entry program under AS 16.44 represents an alternative to the limited entry program established in AS 16.43.

ARTICLE 2. VESSEL PERMIT SYSTEM

Sec. 16.44.150. Nature of Vessel Permits

- (a) When the commission finds that the number of fishing operations in a fishery has reached levels which require limitation of entry to serve the purposes stated in AS 16.43.010 (a) and AS 16.44.010(a), and also finds under AS 16.43.090 (a) and (b) that a limited vessel permit program is the most appropriate form of limited entry for the fishery, the commission shall implement a limited vessel permit program.
- (b) In fisheries placed under a limited vessel permit program, only vessels authorized by a vessel permit or an interim vessel permit may be used in the harvest.
- (c) The skipper of a vessel which is participating in a limited vessel permit fishery under this statute, will be required to have an appropriate permit for the fishery issued under AS 16.43.
- (d) A vessel permit constitutes a use privilege which may be modified or revoked by the legislature without compensation. Except as provided in

AS 16.10.333 - 16.10.338, AS 44.81.210, 44.81.225, and 44.81.230 -
44.81.250, this use privilege may not be

- (1) pledged, mortgaged, leased, or encumbered in any way;
 - (2) transferred with any retained right of repossession or foreclosure,
or on any condition requiring a subsequent transfer; or
 - (3) attached, distrained, or sold on execution of judgement or under
any other process or order of any court.
- (e) Each vessel permit is issued for a term of one year and is renewable
annually.
- (f) Failure to renew a vessel permit for a period of two years results in
forfeiture of the permit to the commission.
- (g) A vessel permit is transferable to another holder in accordance with AS
16.44.170.
- (h) A vessel permit conveys a use-privilege which allows the holder to
harvest a particular fishery resource(s) with particular gear(s) in a

particular administrative area(s). Other restrictions on the use-privilege may be imposed under AS 16.44.150 (i), (j), and (k) below.

Under section AS 16.44.250 (d), the commission may further restrict the use-privilege of a specific vessel permit to control the amount of fishing capacity that the holder can use.

- (i) If appropriate for a fishery, the commission may also adopt regulations restricting the use-privilege associated with a vessel permit to a particular vessel.
- (j) A vessel permit holder may use a vessel with a lesser amount of fishing capacity than that allowed under the vessel permit or interim vessel permit, unless explicitly prohibited by regulation under AS 16.44.150(i).
- (k) If the Alaska Board of Fisheries adopts regulations or the Alaska Department of Fish and Game adopts emergency regulations restricting the fishing capacity of individual operations in a fishery; such as regulations governing amounts of gear, vessel length, or vessel size; and these restrictions differ from the fishing capacity constraints placed on a holder's vessel permit, the holder of the vessel permit must comply with the most restrictive of the regulatory constraints. In doing so, the vessel permit holder shall comply with commission and Alaska Board of

Fisheries regulations and Department of Fish and Game emergency regulations.

Sec. 16.44.160. Vessel Permit Annual Fees.

- (a) The Commission shall charge an annual fee for the renewal of vessel permits and interim vessel-permits. The purpose of the fee is to help offset program administration and fishery management costs and to protect the public trust by collecting an annual royalty or rental payment for the exclusive use-privileges. The annual fee shall be established as follows:
 - (1) If the commission can estimate the market value of the vessel permit, the fee in a calendar year for a vessel permit or an interim vessel-permit shall be set equal to one-half of 1% (.5%) of the commission's estimate of the market value in the Spring of the previous year, or
 - (2) If the commission cannot estimate the market value of the vessel permit, the fee in a calendar year for a vessel permit or an interim vessel-permit shall be set equal to one-half of 1% (.5%) of the commission's estimate of the average gross earnings per

vessel in the most recent year that the fishery occurred and average gross earnings estimates are available.

- (b) All fees established under AS 16.44.160(a) shall be rounded to the nearest \$50.
- (c) The Commissioner of Administration shall separately account for annual renewal fees collected under subsection (a) of this section that the commission deposits in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the Commission, and other affected agencies.

Note: This fee structure currently does not distinguish among residents and non-residents. This is due to three reasons. First, it may be more difficult and problematic to define residency if the owner is not a natural person. Second, the state is still under challenge in "Carlson" and even if the State prevails it is somewhat doubtful that a fee differential between residents and non-residents that is larger in absolute terms than that which presently exists (\$500) could withstand legal scrutiny. Third, AS 16.44 might eventually need to be used in fisheries covered under the FCMA which allows no discrimination on the basis of resident status. Note, a royalty is intended to address concerns raised by the Alaska Supreme Court in Johns.

- (a) Vessel permits and interim vessel permits are transferable only through the commission as provided in this section and under regulations adopted by the commission. An involuntary transfer of a vessel permit in a manner inconsistent with the statutes of this state and the regulations of the commission is void.
- (b) Interim vessel permits cannot be permanently transferred to another holder.
- (c) If appropriate for a fishery, the commission may adopt regulations allowing for the emergency transfer of vessel permits and interim vessel permits on an annual basis.
- (d) By regulation, the commission may charge a transfer fee sufficient to offset the administrative costs of transfers. The legislature may allocate monies equal to these transfer fees to the commission.
- (e) The commission may adopt regulations allowing a holder to purchase multiple vessel permits for a fishery, each with a restriction on fishing capacity, and combine those permits into a single permit which allows

for a fishing operation with higher fishing capacity. The commission may adopt regulations allowing for this as long as the fishing capacity of an operation under the combined permit does not exceed the sum of the fishing capacities represented by fishing operations under the individual permits which are combined.

- (f) Upon the death of the vessel permit holder who is a natural person, the rights of the decedent pass as part of the decedent's estate.

ARTICLE 3. INITIAL ISSUANCE OF VESSEL PERMITS

Sec. 16.44.225. Moratorium On New Vessels

In fisheries where the legislature has not established a moratorium, if the commission determines a vessel permit program is the most appropriate form of limited entry in accordance with AS 16.43.090, the commission shall establish a qualification date by regulation and establish a temporary moratorium on the entry of new vessels into the fishery. The purpose of the temporary moratorium is to provide time to develop the detailed regulations for the permanent vessel permit program.

- (1) A temporary moratorium established under this section will last a maximum of three years.
- (2) The current owner of a vessel eligible to participate during the temporary moratorium may be issued an interim vessel-permit for that vessel.

- (3) The commission may adopt regulations restricting the vessels eligible to participate during a temporary moratorium to a subset of those vessels which participated prior to the qualification date.

Sec. 16.44.227. Bering Sea Korean Hair Crab Fishery

A moratorium is established in the Bering Sea Korean hair crab fishery. The legislature establishes the qualification date in the Bering Sea Korean hair crab Fishery as July 1, 1996. Any fishing activity after the qualification date will not be counted when initially allocating vessel permits. The commission shall administer a temporary moratorium on the entry of new vessels into the Bering Sea Korean hair crab fishery which shall begin on the qualification date. The commission shall issue interim vessel permits to the current owners of vessels that participated and harvested crab in the fishery during at least one of the three calendar years prior to the qualification date. This moratorium will end on July 1, 1999 or at the time the commission implements a permanent program or decides not to implement a permanent program, whichever is first.

Sec. 16.44.250 Standard For Initial Issuance Of Vessel Permits

- (a) Following regulations establishing a qualification date for a vessel permit program and a temporary moratorium under AS 16.44.225, the

commission shall adopt regulations establishing who shall be initially allocated vessel permits under the permanent vessel permit program.

The qualification date for the permanent vessel permit program is the same qualification date established for the fishery under AS 16.44.225.

- (b) Qualifying vessels are vessels which meet the participation criteria cited in (b) through (d) below. Vessel Permits shall be issued to applicants who own qualifying vessels at the time of application.
- (c) The commission shall establish a base period to determine qualifying vessels. The base period shall include at least the most recent calendar year prior to the qualification date in which a legal harvest occurred.
- (d) The commission may establish minimum landings or participation thresholds as additional criteria to determine qualifying vessels. If the commission decides to adopt regulations differentiating vessel permits by fishing capacity category under (d) of this section, the commission, at its discretion, may choose to establish different thresholds for each category.
- (e) If necessary to serve the purposes of this chapter, the commission may adopt regulations restricting a vessel permit to a fishing capacity

category approximately equal to that of the qualifying vessel on the qualification date. For purposes of this statute, the commission may measure fishing capacity by vessel length, vessel size, amount of gear that can be used, or any other appropriate measure.

- (f) Whenever possible, the commission shall try to set base periods under (b) of this section, and landings and participation thresholds under (c) and (d) of this section so that the number of operations initially allowed into the limited vessel permit fishery approximates the average size of the fleet during the base period.
- (g) Except as provided in (h) of this section, only applicants who are current owners of qualifying vessels that meet criteria established in (c) through (e) of this section will receive vessel permits.
- (g) If appropriate for a fishery, the Commission may adopt regulations to accommodate applicants who replaced a vessel prior to the qualification date or are replacing a vessel on the qualification date. The participation history of the vessel being replaced may be used to determine whether or not the replacement vessel should qualify, as long as the participation history of the vessel being replaced is not being used for another vessel permit application.

- (h) If during the application process in AS 16.44.260, the commission is unable to determine if an applicant is eligible for a vessel permit before the fishing season, the commission may issue an interim vessel permit for that season.

Sec. 16.44.260

Application For Vessel Permits.

- (a) The commission shall accept applications for vessel permits from current owners of vessels used in the fishery during the base period. The commission could allow additional applicants under AS 16.44.250(g).
- (b) The commission shall establish opening and closing dates, places, and form of application for vessel permits in each fishery. The commission may require the submission of specific verified evidence establishing the applicant's qualifications under AS 16.44.250.

ARTICLE 4 GENERAL PROVISIONS

Sec. 16.44.800. Regulations and hearing procedures

- (a) AS 16.43.110 and 16.43.120 and the regulations thereunder shall govern adjudications under 16.44.

Sec. 16.44.820. Reporting and Licensing Requirements

The commission shall adopt regulations providing for reporting and licensing requirements which are needed to administer, monitor, and enforce limited vessel permit programs.

Sec. 16.44.840. Definition of Administrative Areas

- (a) The commission shall establish administrative areas suitable for defining fisheries for the purposes of issuing vessel permits.

- (b) The commission may modify or change the boundaries of administrative areas when necessary and consistent with the purposes of this chapter.

Sec. 16.44.960. Revocation or Suspension of Vessel Permits

AS 16.43.960 applies to and governs show cause proceedings with respect to use privileges granted under 16.44.

Sec. 16.44.970. Penalties

AS 16.43.970 applies to holders of use privileges granted under 16.44.

Sec. 16.44.975. Public Disclosure

- (a) AS 16.43.975 governs public disclosure under AS 16.44.
- (b) Notwithstanding the provisions of AS 16.05.815 and AS 16.43.975, if the commission implements a vessel permit program under AS 16.44 the commission may release to a vessel owner any information on a vessel's

catch history that is needed to apply for a vessel permit. The commission should provide only the minimum information needed in a form that will reveal as little information as possible concerning individual landings.

Sec. 16.44.900. Definitions

In this chapter

- (1) "commission" means the Commercial Fisheries Entry Commission established under AS 16.43;
- (2) "current owner" means the owner of the vessel at the time of application under 16.44, but does not include any subsequent owner of the vessel due to subsequent transfer;
- (3) "holder" means a natural person(s), partnership, corporation, company, firm, organization, association, trust, or society;
- (4) "legal harvest" means the commercial harvest of the fishery resource by a vessel that had a valid State of Alaska vessel license as required by

AS 16.05.490 and a skipper that held a CFEC permit issued under 16.43 during fishing seasons established by the Alaska Department of Fish and Game in 5 AAC while complying with all other applicable commercial fishing laws and regulations, including reporting requirements;

- (5) "permit" means an interim-use or entry permit issued by the commission authorizing a person to operate gear in a fishery.
- (6) "skipper" means a person who participated in the fishery and operated the gear as a skipper or head of the operation and who held all the requisite permits and licenses at the time the participation occurred.

MEMORANDUM

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 *MS*
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			21	14	20	17	6	0	0	1
Year Totals										

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: 465-2604

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.

Except
From:

**ANNUAL MANAGEMENT REPORT FOR THE SHELLFISH FISHERIES
OF THE WESTWARD REGION, 1993**



Regional Information Report No. 4K94-29

Alaska Department of Fish and Game
Commercial Fisheries Management and Development Division
211 Mission Road
Kodiak, Alaska 99615

July 1994

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

April all vessels had quit fishing due to extremely low catch rates. CPUE for this fishery was 0.25 crab per pot.

Results of observer sampling confirmed inseason reports indicating negligible concentrations of hair crab in the area. During their relatively brief vessel deployments, observers recorded fishing statistics from 249 randomly selected pots. Soak time of sampled pots averaged 3 days and average catch of retainable hair crabs was 0.04 per pot. This was lower than the 0.25 crab per pot reported on commercial fish tickets. A small number of red king crabs, *C. bairdi* and *C. opilio* were also documented in the samples, but overall the CPUE for each species was below 0.1 (Table 1 and Table 2).

1993/94 Fishery

Results of the 1993 NMFS summer trawl survey of the Bering Sea indicated a harvestable surplus of approximately 3 million pounds of hair crab; 0.5 million and 2.5 million pounds east and west of 168° West longitude, respectively. In an attempt to reduce bycatch handling mortality, the Department announced hair crab bycatch retention would be allowed in the Bristol Bay red king and Bering Sea *C. bairdi* fisheries under the terms of a special hair crab bycatch permit. This was consistent with the "keep what you catch" philosophy stressed by the Board of Fisheries when that body ruled to allow *C. bairdi* retention during the red king crab fishery in Bristol Bay.

The directed fishery on hair crab in the Bering Sea west of 168° West longitude, was originally scheduled to open concurrently with the *C. bairdi* Tanner crab fishery scheduled 10 days following closure of the Bristol Bay red king crab fishery. Input from fishermen and industry wanting an earlier opening for the directed hair crab fishery however, prompted ADF&G to open that portion of the Bering Sea west of 168° West longitude to directed hair crab fishing on November 1, concurrent with the opening of the Bristol Bay red king crab fishery.

The directed hair crab fishery was also allowed under conditions of a special permit issued by the commissioner of ADF&G. Conditions of the permit included size and sex restrictions as well as area, time and gear restrictions. Due to concerns over potential bycatch of red and blue king crab around the Pribilof Islands, where the majority of the hair crab biomass was located, 100 percent observer coverage was required on all vessels targeting hair crab.

After the Tanner crab fishery reopened west of 163° West longitude, traditional Tanner pots were allowed in the directed hair crab fishery. The larger gear was permitted to allow comparison of bycatch retention rates of Tanner crab pots with the smaller top loading hair crab pots. The larger gear was, however, limited to the legal aggregate of pots allowed for the Tanner crab fishery, and could not be longlined. Longlining of the smaller hair crab pots was allowed and no pot limits were placed on smaller pots being fished in the directed hair crab fishery west of 168° West longitude.

A total of six vessels elected to forgo fishing red king crab in Bristol Bay and entered the directed hair crab fishery on November 1. Following the closure of the Bristol Bay red king crab fishery, an additional five vessels obtained observers and permits to enter the hair crab fishery. During the month of December one additional vessel using traditional Tanner crab pots, entered the directed hair crab fishery, bringing the total number of vessels participating in this fishery to 12. An additional seven vessels delivered hair crab incidental to *C. bairdi* Tanner crab.

Due to regulations preventing vessels operating pot gear in the Bering Sea during the 14 days prior to the commercial *C. opilio* Tanner crab fishery from participating in the *C. opilio* fishery, all but one hair crab vessel ceased participation in the directed hair crab fishery by January 1, 1994. At that time the total harvest was 1.5 million pounds and the average catch was 3.5 hair crab per pot. A total of 89 landings, including six incidental to other fisheries, have been made since the November 1 opening (Table 1).

Observer bycatch data was compiled from 11 of the 12 vessels that participated in the directed fishery. Results were derived from a total of 5,038 pots examined prior to January 1st. From these samples, the mean soak time was calculated at 2 days, twice the average obtained from observer data collected during the 1992 fall fishery. The typical fishing depth of sampled pots was 35 fathoms.

Comparison of the two separate gear types utilized in the fall 1993 fishery revealed relatively little difference in catch rates of both target and incidental species. A total of 441 pots were sampled for contents on the lone vessel utilizing regulation Tanner crab gear. Catch per pot of legal sized hair crab in the larger pots was 3.9 compared to an average catch of 3.7 crabs per pot in the smaller hair crab pots (Figure 2).

Observations of incidental legal sized red and blue king crabs were rare in both the large and small pot configurations. Average catches of these species were at or below 0.1 animal per pot in samples collected from either gear type (Figure 2). Cumulative numbers of all commercially important species recorded in shellfish observer bycatch are summarized in Table 3.

With the close of the *C. opilio* fishery on March 1, nine vessels reentered the hair crab fishery, which was concentrated in the area around St. Paul Island. There were 41 landings during the 1994 portion of the fishery for a preliminary total of 870,994 pounds. The catch rate averaged three crabs per pot and the average weight was 1.2 pounds.

By the first week of April the percentage of soft-shell crab in the catch was increasing. A daily radio report was initiated with the observers to obtain more information regarding this shell condition. By April 15 the percentage of soft-shell crab in the catch had increased to 20.7 percent, and a fishery closure was announced for April 20.

There were 130 landings made by ten vessels during the 1993/94 fishery. Preliminary results show a total of 1.8 million crabs and 2.2 million pounds for a 1.2 pound average weight. The CPUE was three legal hair crab per pot.

Table 1. Historic Korean hair crab catch statistics, by season, for the Bering Sea.

Year	Vessels	Number of		Harvest ^{a, b}	Pots Pulled	CPUE ^c	Average		Deadloss ^b
		Vessels	Landings				Weight ^d	Length	
1978-79	11	16	2,457	5,211	9,908	1	2.1	111.8	0
1979-80	9	17	25,417	53,914	14,506	2	2.1	114.5	0
1980-81	67	192	1,127,309	2,439,483	172,695	7	2.2	104.8	265,369
1981-82	48	159	466,560	932,584	117,518	4	2.0	103.1	29,749
1982-83	52	161	575,453	1,211,420	84,346	7	2.1	103.2	122,456
1983-84	19	48	200,670	406,538	20,414	10	2.0	-	28,062
1984 ^e	7	26	197,209	396,630	22,392	9	2.0	-	19,436
1985 ^e			CONFIDENTIAL						
1986 ^e			CONFIDENTIAL						
1987 ^e			CONFIDENTIAL						
1988 ^e			NO FISHING						
1989 ^e			NO FISHING						
1990 ^e			NO FISHING						
1991 ^e	7	42	441,533	377,708	44,444	10	0.9	-	0
1992 ^f	9	20	203,758	240,767	38,808	5	1.2	-	11,495
1992 ^g	10	47	1,127,948	1,198,590	125,943	9	1.1	83.1	65,674
1993 ^f	4	5	2,347	3,038	9,345	0.25	1.3	84.4	0
1993 ^{g, h, k}	20	89	1,272,107	1,537,207	372,333	3	1.2	N/A	105,582

^aDeadloss included.^bDefined as catch per pot pull.^cIn pounds.^dIn millimeters.^ePermit fishery.^fSpring fishery.^gFall fishery.^hFishery ongoing.^kIncludes 7 vessels which landed hair crab incidental to *C. bairdi*.

Table 2. Catch per unit effort (CPUE) of selected commercially important species during the spring 1993 Bristol Bay Korean hair crab fishery including total sample catches and estimated total catch in the fishery.

Species total ^b	Total pot ^a sample catch	Catch per unit effort	Estimated fishery catch
Korean hair crab			
retained male ^c	11	.04	413
non-retained male	14	.06	525
female	5	.02	188
C. bairdi			
legal male	33	.13	1,238
sub-legal male	164	.66	6,154
female	23	.09	963
red king crab			
legal male	3	.01	113
sub-legal male	30	.12	1,125
female	33	.13	1,238
C. opilio			
legal male	12	.05	450
sub-legal male	20	.08	750
female	1	.004	38
yellowfin sole	200	.90	7,506
pacific cod	44	.2	1,651

^aTotal pot contents derived from 249 random samples taken on fishing vessels during the fishery.

^bEstimated catch derived from pot sample CPUE $\times$ 9,345 total reported pot pulls during the fishery.

^cAt the time of the fishery, no size limit had been established in regulation for this species.

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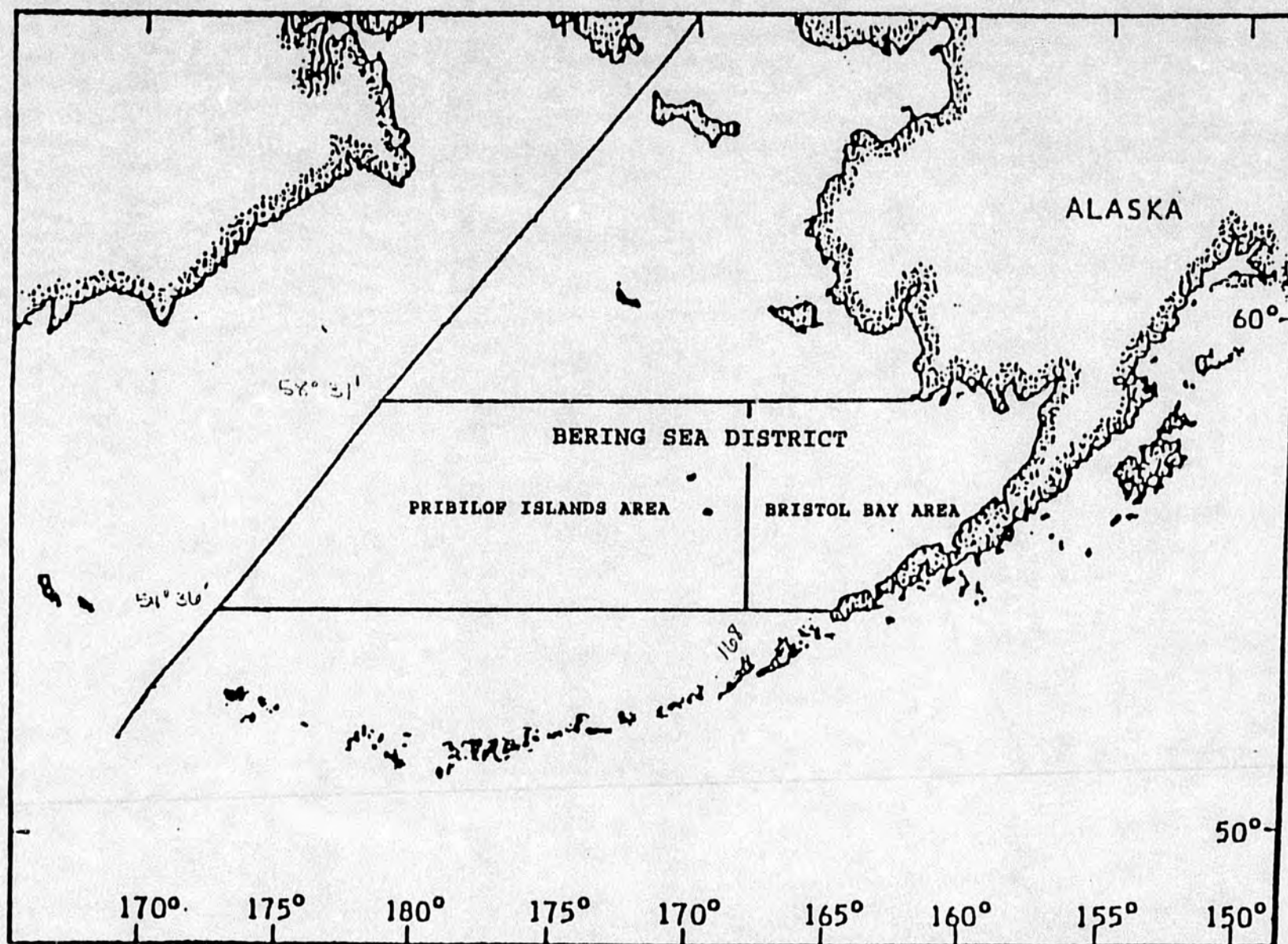


Figure 1. Bering Sea Korean hair crab district and areas.

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.

"W/in 5 nm Observed" is for sampling within 5 nm buffer around the Pribilof Islands (including Walrus and Other Islands).

"Percent w/in 5 nm" is the percent of total within the 5 nm buffer around the Pribilof Islands.

W/in 5 nm statistics obtained by selecting sample pot lift data on basis of 5 nm buffer/region created in MapInfo program using "SW_250" basemap.

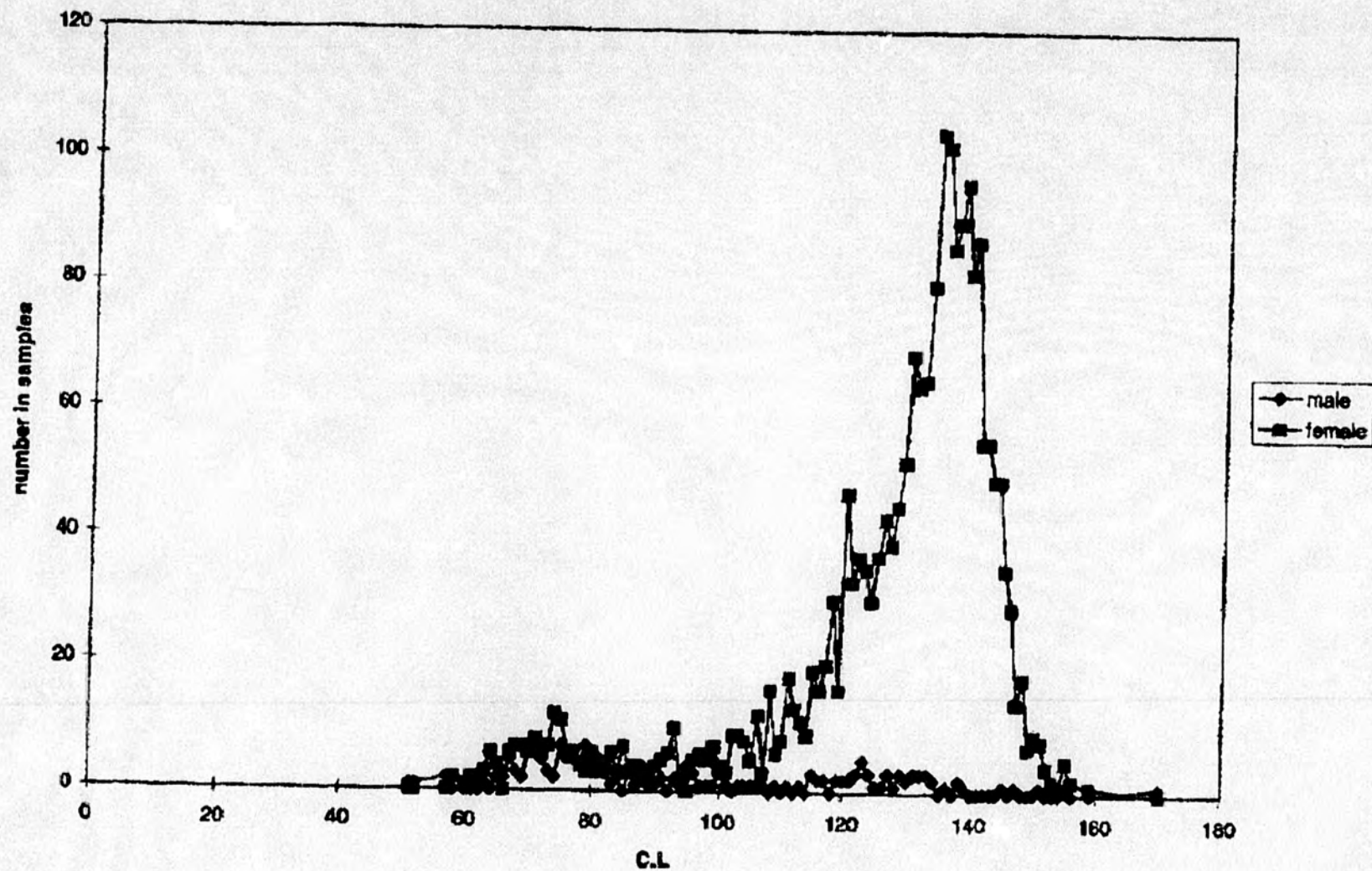
Same goes for "W/in 3 nm".

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	12,275	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	6,083	100.00%	100.00%	100.00%	100.00%	3.32	0.55	0.60
Season	W/in 5 nm Observed				Percent w/in 5 nm				CPUE w/in 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	135	8.70%	8.01%	32.00%	6.71%	3.02	1.22	0.19
1995	2,047	7,343	2,778	553	20.23%	21.84%	49.50%	9.09%	3.59	1.36	0.27
Season	W/in 3 nm Observed				Percent w/in 3 nm				CPUE w/in 3 nm		
	Potlifts	Ret'd hair	RKC	BIKC	Potlifts	Ret'd hair	RKC	BIKC	Ret'd hair	RKC	BIKC
1993	218	943	9	3	1.78%	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%	0.85%	1.87%	0.20%	1.54	0.57	0.08
Pangloss											
c:\observer\haircrab\hairby.xls											
12-Apr-96											

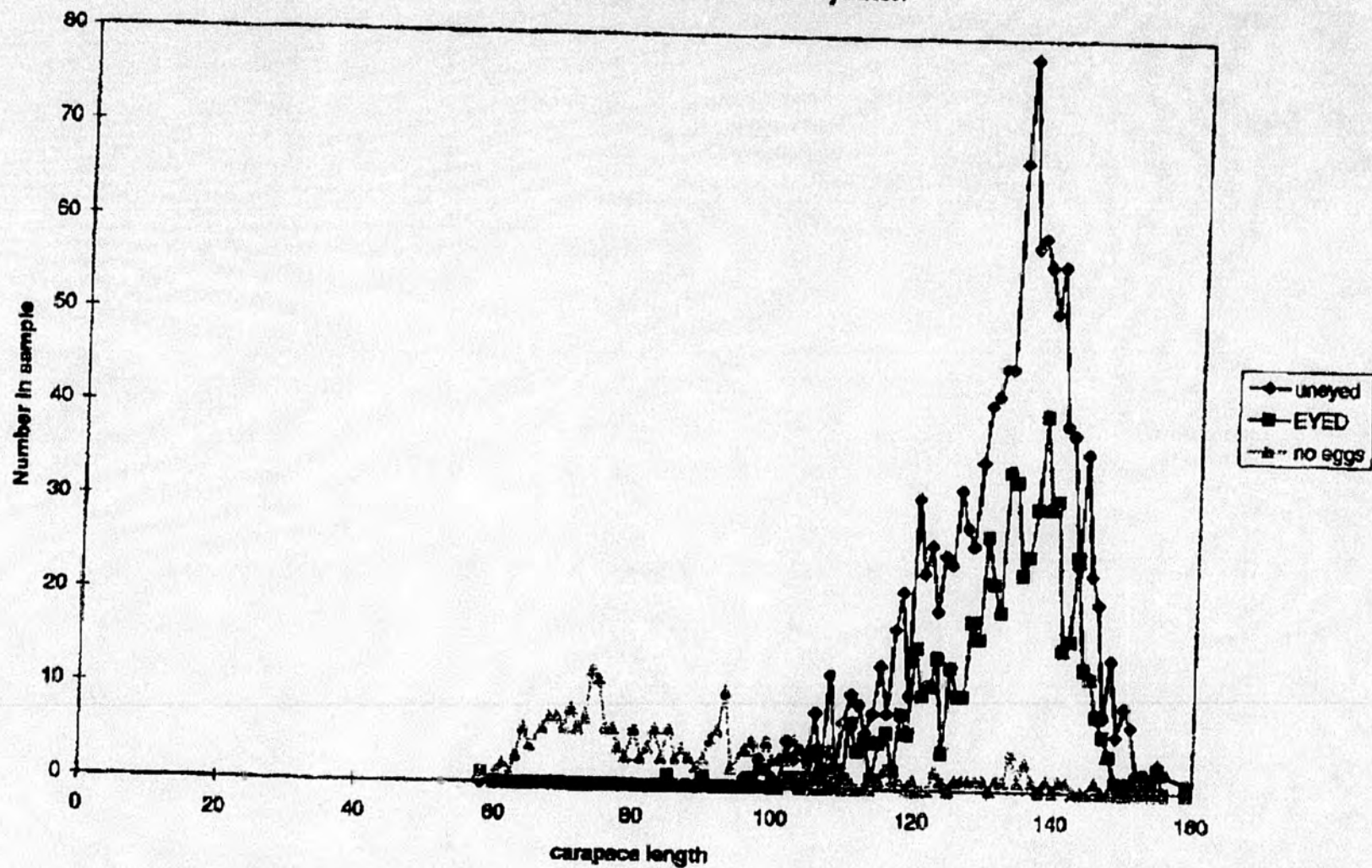
Pribilof Hair Crab % by Stat Area			from fish ticket data			
Stat Area	1995		1994		1993	
	Pounds	%	Pounds	%	Pounds	%
685700	4,183	0.20%	-	0.00%	1	0.00%
685730	537	0.03%	-	0.00%	-	0.00%
695631	140,664	6.83%	224,804	18.75%	219,287	9.40%
695632	407	0.02%	-	0.00%	2,485	0.11%
695700	1,083,539	52.60%	295,079	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%

size freq

size freq in sampled hair crab pots



rkc egg stage

egg development stage, female rkc
in 95 B.S. Korean hair crab bycatch

1995 Bering Sea Hair Crab Fishery

		Number	
		Caught	Marketed
Debris		1	
Hermit crab unident.		136	
Starfish unident.		0	0
	Legal Male	0	
	Sublegal	0	
	Female	109812	
Tanner crab, hybrid		38	0
	Legal Male	149	
	Sublegal	18	
	Female	1	
Shrimp unident.		1	
Flatfish unident.		1	
Halibut		1	
Rock sole		6	
Yellowfin sole		78	
Pacific cod		1232	
Sculpin unident.		1521	
Bigmouth sculpin		3	
Great sculpin		1	
Yellow Irish lord		692	
Sea poacher		1	
Scallop unident.		1	
Snail unident.		607	
Lyre crab		368	
Sea urchin unident.		174	
Sea cucumber unident.		2	
Tunicate unident.		1	
Sea anemone		19	
Octopus		47	
Red King Crab		26	0
	Legal Male	344	
	Sublegal	5242	
	Female	260	0
Blue King Crab		1480	
	Legal Male	4443	
	Sublegal	0	0
	Female	0	
Brown King Crab		1	
	Legal Male	91	0
	Sublegal	2094	
	Female	6890	
Tanner Crab, bairdi		3320	0
	Legal Male	3248	
	Sublegal	139	
	Female	38798	
Korean Hair Crab			
Total pots sampled = 10,120			

Legal males - 33,617
 Sublegal - 3,204
 Females - 1,974
 38,795

1993 BERING SEA KOREAN HAIR CRAB

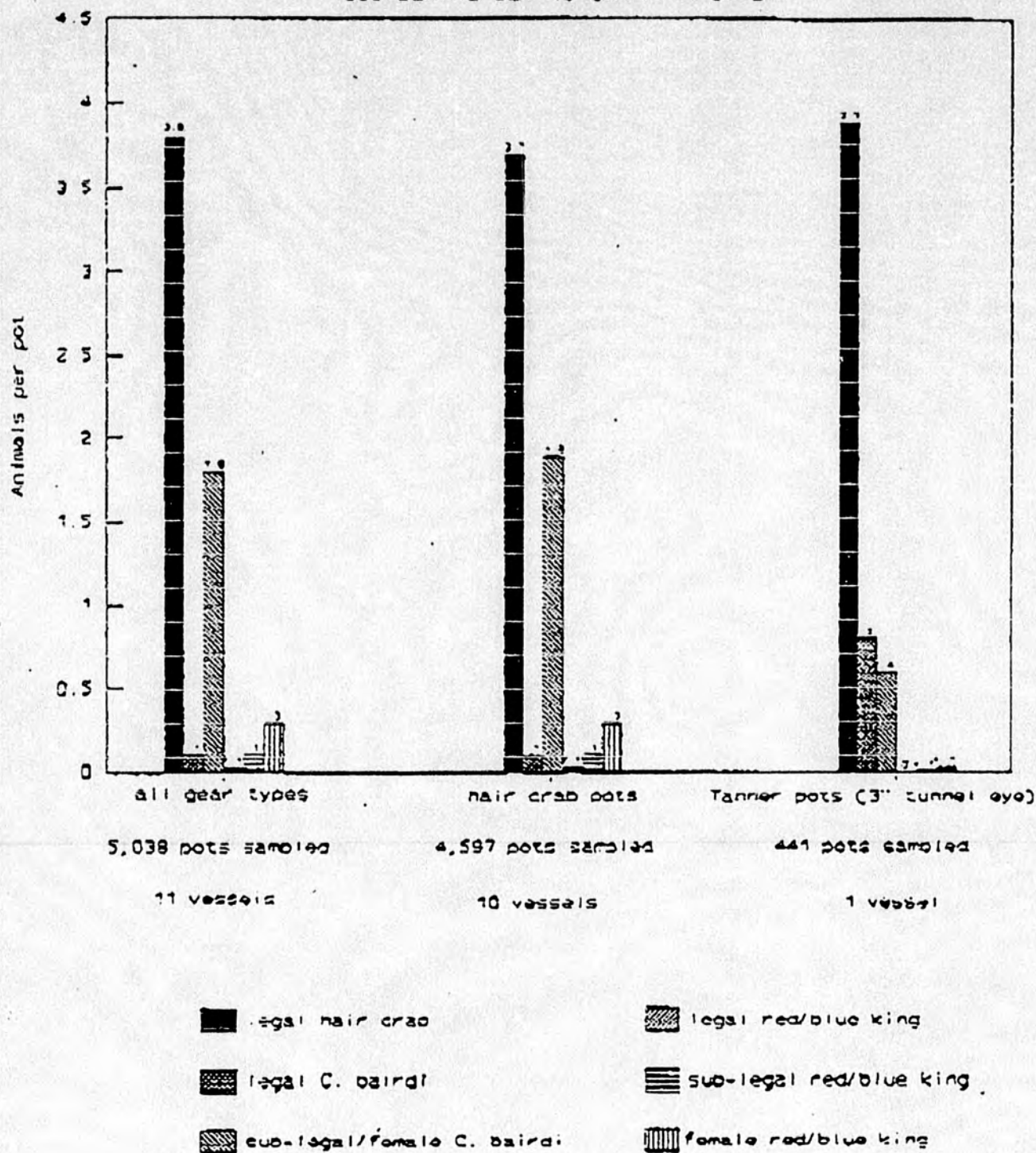


Figure 2.

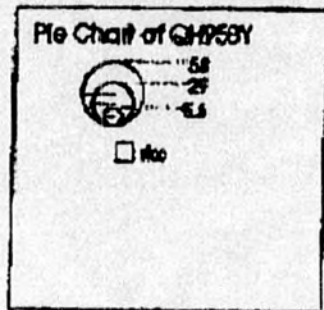
Catches per pot of commercially important species by gear type from the Fall 1993 Bering Sea Korean hair crab fishery.

APR-12-98 FRI 22:41

ADFG SHELLFISH

FAX NO. 9074861824

P. 02/03



1995 B.S. Korean hair crab observer data:
locations of red king crab bycatch relative to 3 nm zone around Pribilofs.

1993 to .01%

2.36%

705701

17.03%



695700

685

63.29%

9.40%

705630

PRIBILOF ISLANDS

695631

685

2.57%

695632

.11%

705600

695600

685

1995 to 0.01%

.02%

.03%

705701
21.29%

695700

.2%
685

52.60%

6.83%

.02%

705630
8.57%

695631

685

695632

.02%

705600

695600

685