

ADVISORY PANEL Motions and Rationale February 6-9, 2024 - Seattle, WA

D2 GOA Tanner Crab Protections

Motion:

The AP recommends that the Council approve a purpose and needs statement and move the Gulf of Alaska (GOA) Tanner crab *Chionoecetes bairdi* protections discussion paper to initial review with the following elements and options for the Council to consider discrete Tanner Crab Trawl ³and **Pcod pot** Closure Areas in the Gulf of Alaska.

Purpose & Need:

Crab stocks in the Central and Western Gulf of Alaska have experienced substantial declines and uneven recruitment events. Tanner crab in the central Gulf of Alaska may be particularly vulnerable to ocean conditions and recruitment mortality. While many sources of tanner crab mortality are beyond our control, bycatch mortality due to trawl fishing ³and **Pcod pot fishing** can be reduced and limited. High-density statistical areas for Gulf of Alaska tanner crab are areas 525630 and 525702 off the east side of Kodiak Island. Tanner Crab biomass in these areas represent the cornerstone of the GOA tanner crab stock and are significant both spatially and temporally. Protecting tanner crab in these areas throughout their life cycle by reducing tanner crab bycatch may result in increased spawning and recruitment as well as enhance the stability and resilience of the Gulf of Alaska tanner crab stock. ~~Reducing tanner crab bycatch is practicable because trawl target species in these areas are available in adjacent areas and elsewhere in the central Gulf of Alaska.~~

The AP recommends the following elements and options be included for initial review:

1. Status Quo
2. Trawl ³and **Pcod Pot Gear** Closure Zones:
 - A) 525702 & 525630
 1. Closed Year-Round
 2. Closed Seasonally, January 1- May 31
 - B) 525702
 1. Closed Year-Round
 2. Closed Seasonally, January 1- May 31
 - C) 525630
 1. Closed Year-Round
 2. Closed Seasonally, January 1- May 31

3. Expand analysis to include a wider range of years (2013-2023)
4. Include updated tables from the discussion paper as it relates to trawl (PTR & NPT) ³and **Pcod pot gear** ground-fish efforts.

⁴5. Separate CV and CP groundfish harvests in statistical areas and CGOA

6. Data/ Surveys of biomass availability for Groundfish stocks in the GOA
7. Data/Surveys of biomass availability for Tanner Crab stocks in the GOA
8. Economic Analysis

A. Value comparison of the directed Trawl Groundfish Catch to directed Tanner Crab catch in the selected statistical areas ⁵and the **Central Gulf of Alaska**.

B. Impacts of displaced fishing effort

⁵C. **Explanation of directed groundfish and tanner fisheries landings by month and how it maintains processing capacity in Kodiak**

²9. **Provide a review of mechanisms that could be used to evaluate whether the closures are meeting the Council’s Purpose and Need, including a discussion of how other Fishery Management Councils have evaluated and managed closures over time.**

⁶10. **Expanded exploration of Monitoring options in the two statistical areas that includes a cost/benefit analysis.**

Amended Main Motion Passed: 15/6

Amendment¹ (strike the last sentence in the purpose and need statement)

Amendment 1 Passed: 20/0

Amendment² (add bullet 9)

Amendment 2 Passed 20/0

Amendment³ (add “**and pot gear**” to purpose and need, #2 and #4)

Amendment to amendment (add **Pcod** in front of **pot** in amendment 3)

Amendment to amendment passed: 20/0

Amendment 3 Passed: 12/7

Amendment⁴ (add bullet 5)

Amendment 4 Passed: 20/0

Amendment⁵ (add language under A and add a C item under bullet 8 Economic Analysis)

Amendment 5 Passed: 21/0

Amendment⁶ (add bullet number 10)

Amendment 6 Passed: 17/4

Rationale in Support of Main Motion

- *AP members noted that advancing this analysis for initial review and exploring the effects of closing these Statistical areas may be a “proactive” approach instead of “reactive”*
- *Areas 525702 and 525630 have the largest concentration of Tanners in the GOA and include crabs in all stages of life and both sexes.*
 - *An average of 49% of all mature female Tanner crab, 47% of all mature male Tanner crab, and 41% of all legal male Tanner crab abundance in the Kodiak District was estimated from statistical areas 525702 and 525630.*
 - *Roughly 30% of total mature Tanner crab abundance was estimated in federal waters in the single statistical area 525702. (GOA Tanner Crab discussion paper pg.16)*
- *AP members felt the likelihood of significant reduction of Trawl sector Tanner Crab PSC through potential closures in these areas of long-term temporal & spatial importance merits consideration. An initial review could explore if these trawl closure areas would allow for additional protection for Tanner crab either year-round or seasonally; and if closure of these areas would provide protection for vulnerable Tanner crab and their habitat. AP members felt this was important because:*
 - *The Non Pelagic Trawl sector operates on the bottom and have the highest associated tanner crab bycatch in these statistical areas. 46% (Page 10 Tanner Crab Discussion paper)*
 - *Pelagic Trawl by regulation is required to remain off the bottom 90% of the time in the GOA but are found to have bottom contact up to 40% of the time (2022 Fishing Effects Model Feb 2023). AP members felt that this warranted initial review for this issue.*
- *The current pelagic trawl gear performance standard has been deemed ineffective in limiting seafloor contact, as stated by OLE and needs revision.*
- *AP members felt that until the Council develops a clear and enforceable PTR performance standard, forwarding initial review of closure of these areas follows the precautionary principle.*
- *AP members noted that tanner crab have biological characteristics that may make them more susceptible to mortality due to interaction with trawl gear (observed or unobserved).*
- *Mature crabs mate and molt beginning in February through mid June.*
- *Juvenile crabs molt multiple times in unpredictable patterns throughout the year associated with growth and triggered by temperature and food availability making them vulnerable more frequently.*
 - *Aggregated or mounding Tanner Crab are extremely vulnerable to fishing impacts.*
 - *Tanner crab migrate between habitats in predictable paths, which should help inform habitat protections.*
 - *The SOA Tanner Crab survey has been ongoing for 38 years and includes data from the summer survey and winter directed fishery. This data along with the winter directed fishery illustrates the presence of Tanner Crab in these areas year-round.*
- *AP members felt that initial review could explore the potential benefits of closures of these areas and that these benefits could include:*
 - *Increased resilience and a more reliable fishing opportunity for directed Tanner Crab participants.*
 - *Recent increased value of the directed Tanner Crab fishery both in revenue and in social importance. AP members noted that:*

- *The Directed Tanner fishery had 135 participating vessels this season.*
- *The majority of revenues generated spread throughout the Kodiak community could be multiplied before leaving this community.*
- *Fishermen went Tanner crab fishing to supplement poor salmon prices and poor seasons in 2023 as well as poor cod prices and low quotas in the GOA.*
- *Kodiak Tanner crabs are in a unique class as far as size and condition and have high market value.*
- *AP members felt that Initial Review could further explore GOA groundfish fisheries' historic dependence on areas 525630 & 525702. Members noted this was important because:*
 - *Retained groundfish catch in these areas was 6% Non-Pollock landings and 11% Pollock of the CGOA landings annually [page 10, table 8 of the January 2024 discussion paper].*
 - *84% of estimated PSC occurs in the shallow water flatfish fishery, 41% for Pollock and 40% for deep water flatfish.*
- *The highest PSC rates are associated with deep water flatfish, shallow water flatfish, pollock, and sablefish. The high ratio of Tanner Crab PSC warrants consideration for year round or seasonal closures for Trawl gears in these areas.*
- *AP Members felt that potential Initial Review could benefit from an expanded set of years that include higher fishing effort, increased landings in the trawl ground fishery, and additional biological information and habitat dependence from a larger set of Tanner crab survey information.*
 - *There was a significant reduction in NPT effort as the flatfish markets declined in the middle of the time series included in the discussion paper. AP members felt this might provide biased information that was inconsistent to typical conditions and fishing effort in the groundfish fisheries.*
- *AP members noted that the majority of written testimony (45 out of 46) was in support of implementing Tanner Crab protection zones in statistical areas in 525702 & 525630.*

Rationale Against Amended Main Motion 1

- *In an ideal world proactive action is always better than reaction – but this is not an ideal world and there is No scientific evidence of a problem*
- *We don't know that other closures are working and there is no goal to review the efficacy of the existing closures- piling more closures on top of existing closures can cause unintended downstream impacts.*
- *Bycatch of tanner crab in the two statistical areas has been less than 10,000 animals for the first half of the year over the last three years compared to a biomass of between 77 and 121 million crabs around Kodiak island- so less than 2 tenths of a percent has been taken as PSC in the stat areas that are being considered for closure.*
- *Council has chosen not to act on this issue more than once in the past and the tanner crab stock has continued to thrive and has grown to the largest biomass present in the area in many years – delivering a one-two week fishery worth over \$40 million to participants according to public comment.*
- *Diversity of product and a volume of product is important to maintain shoreside infrastructure – especially to provide an ability to process pulse fisheries. The AP did not hear from seafood processors in public comment explicitly one way or another.*

- *We heard public comment today from many stakeholders who will be directly impacted by a closure – we heard concerns about losing access to an area that is extremely important to trawl fishing businesses, we heard concerns about the cost of fuel and having to travel further to fishing grounds. And we heard from many stakeholders about their concerns related to safety at sea. Advocates for the action downplayed the safety concerns.*
- *A lot of discussion was presented about the value of the 2-week tanner crab fishery being more important or somehow superior to the value of the trawl fisheries that take place in the same area that would be displaced. If economic motivation for the tanner crab sector is okay for management measures, then economic motivation for the trawl sector is as important. Everyone's business plan is unique and what may not seem valuable to one person could be very valuable to someone else.*
- *Achieving OY is a National Standard and fisheries should be managed to achieve OY - the flatfish fishery has a lot of room to grow.*
- *Pollock and flatfish are an affordable protein and some of this fish ends up being purchased by the USDA for the national school lunch program and goes to foodbanks. Those programs are serving underserved populations around the country as well as in Alaska.*
- *The Council has limited resources available for council floor time and staff time We should focus our limited resources on the actual problems that we have and also focus on the lapp program for pot cod in the Bering Sea.*

Rationale in Favor of Amendment 2

- *The AP heard public testimony during other agenda items this week that was also referenced and discussed around the table during this discussion in regard to the efficacy of static closures and the lack of review mechanisms for establishing whether closure areas are working. The AP heard from multiple testifiers that the current existing crab closure areas may not be the correct boxes, and that other fishery management councils have processes built into closures in order to evaluate whether they are meeting the intended objective.*
- *It was noted that it was an important proactive approach to begin examining how to incorporate those metrics when considering new potential closure areas.*

Rationale in Favor of Amendment 3

- *PTR, NPT, and POT gears all have interactions with Tanner crab and Tanner PSC usage. The Council included all three gear types in their motion for the current discussion paper and the AP recommends that should the Council choose to move this issue forward, then all gear types should be included in a future initial review.*
- *If conservation of tanner crab is the priority of furthering the main motion, then all gear types and user groups should share the burden of conservation.*

Rationale in Favor of Amendment 4

- *While there was significant discussion with Council Staff during the presentation about the confidentiality challenges with the data, AP members noted that it was important to separate out CV and CP to the extent possible should the Council move the item to an initial review analysis. There was indication that Table 3 of the discussion paper would particularly benefit from the separation of CPs and CVs. Since Table 3 combines both CV and CP catch, the proportions of catch from 525630 and 525702 compared to the total CGOA catch for deep water flatfish, shallow water flatfish, and rockfish targets, do not communicate how each sector utilizes the two statistical areas. An AP member noted that CVs utilize those areas while most CPs do not; CVs have higher reliance on those statistical areas and would be disproportionately affected by closures in one or both areas.*

Rationale in Favor of Amendment 5

- *The AP heard public testimony that use of the two statistical areas may fluctuate yearly depending on markets, available TACs, and fish size in those statistical areas but that the statistical areas remain essential to their business plan. Should a value comparison be included in the economic analysis, the AP noted that the values of both trawl groundfish and tanner crab fisheries should be included for not only the selected statistical areas but the CGOA as a whole.*
- *A narrative that expands upon Table 2 in the discussion paper and explains directed groundfish and tanner fishery landings in 525630 and 525702 by gear type and sector would be helpful for understanding how it maintains shoreside processing capacity in Kodiak.*

Rationale in Favor of Amendment 6

- *The Council included monitoring information in their original motion for the discussion paper and AP members felt it was important to include that moving forward to a potential initial review, should the Council choose to do so.*
- *The AP acknowledged that the discussion paper noted the challenges with providing additional monitoring options in the two statistical areas, as well as previous work the PCFMAC completed in 2023 for the Partial Coverage Cost Efficiencies Analysis. While there are budget constraints and potential issues with additional monitoring, AP members felt an expanded exploration of monitoring options was an important element to consider should the Council choose to move forward with an Initial Review analysis.*
- *The AP was concerned that given the level of public testimony about the negative impacts of additional crab closure areas would have on the trawl fishery, a future initial review analysis could potentially be expected to show those same impacts. AP members felt that an initial review for closure areas should also contain other options as a “backup plan” or other solution if future analyses don’t show the benefit the tanner crab fishery expects and at that point it could be too late or complicate the issue to add additional alternatives. During the comment for this amendment, the AP referenced a similar discussion under Agenda Item C2 earlier in the week where users wanted to include additional alternatives to be analyzed for the first time in a potential Final Review draft.*
- *The “cost/benefit analysis” was included to demonstrate the potential costs and benefits of each monitoring item, including who would be responsible for costs.*
- *Tanner crab stocks could benefit from more accurate Tanner PSC accounting and additional monitoring to better understand impacts by fisheries that encounter them.*

Substitute Motion

The AP recommends no further action at this time.

Substitute Motion Failed: 6/15

Rationale in favor of substitute motion:

- *AP members noted that Kodiak Island Waters already have a large amount of spatial closures to both pelagic and non-pelagic trawl.*
- *AP members noted that there is evidence that static time and area closures may not be effective. The AP received public comment and heard testimony from individuals that existing closure areas may not be working.*
 - *Some AP members noted that it may be time to move away from fixed spatial closures. Evidence of this is that despite the fact that current closures have not resulted in a rebound of the king crab stock, nor offered much, if any, protection for the Tanner crab stock in federal waters. Just 1% of the average Tanner crab abundance from the last decade of surveys resides in the federal waters portion of the MBTCPA and only 4% in the entire closure area of 112 nm².*
- *AP members noted that although the Type I and II closures were primarily meant for king crab protections, they indirectly allow protection for Tanners as well. However, despite 1,769 nm² of fishing area being closed for nearly 40 years, the federal waters portion of the Type I and II closure areas holds just 12% of the average total tanner crab abundance.*
- *Amendment 89 to the GOA FMP has required trawl vessels to have non-pelagic gear modifications with elevated sweeps to minimize impacts on crab while participating in the CGOA flatfish fisheries. The AP heard oral testimony from a vessel owner/operator who explained how these gear modifications work to protect crab and that although only legally required to use them while targeting flatfish, some GOA vessels use them for all non-pelagic hauls, including when targeting rockfish, cod, and sablefish.*
- *The partial coverage observer program was created in part to provide better monitoring and accounting for crab PSC. There was discussion that the PCFMAC committee also recently went through the Partial Coverage Cost Efficiencies analysis to determine the best and most cost-efficient way to provide needed observer coverage. An AP member noted that nearly the entire Kodiak fleet participates in the pelagic pollock trawl electronic-monitoring program. It was also noted that the Kodiak trawl industry is actively working on building another EM program for both pelagic and non-pelagic trawl in the Rockfish Program and expects to begin an EFP in 2025 which would further improve monitoring for the trawl fleet.*
- *There was discussion during the presentation that the PSC data from 2020 was a biased outlier due to covid waivers and the lack of a directed cod fishery for all gear types.*
 - *Partial coverage observer waivers were issued in Kodiak which resulted in a high extrapolation of tanner crab PSC for NPT gear. Since there was no directed federal pot cod fishery in 2020, the POT gear rate may have been created by the IFQ sablefish pot fishery, which resulted in an unusually low tanner crab PSC rate in 2020.*

- *The last time the Council considered similar action items for GOA Tanner Crab in 2018, it was ultimately dropped. At that time, the discussion paper also referenced the 2017 “CGOA Crab Protection Measures” discussion paper when it stated, “Tanner crab in the GOA are less affected by the activity of the groundfish trawl fleet than they would be in the absence of those measures. Nevertheless, it is not well understood how important trawl bycatch is relative to other factors in the environment that may be limiting recovery of the stock and resumption of a stable and profitable Tanner crab fishery. Areas south of Kodiak, specifically statistical areas 525702 and 525630 show concentrations of Tanner crab from the ADF&G survey, as well as a relatively high degree of groundfish gear use. Since 2014, however, trawl gear modifications should be associated with reduced impacts to crab and crab habitat throughout the Central Gulf.”*
- *Kodiak Tanner crab abundance appears to be cyclical, but since the 2018 discussion paper was written, there have been three consecutive years of profitable commercial harvest. The majority of the abundance and commercial harvest continues to be from those two primary statistical areas; despite that, both pelagic and non-pelagic trawl vessels continue to operate there. When looking at tanner crab PSC for the last three years, which reflects current operations, compared to the total Tanner Crab abundance of 77.7 million crab to 121.8 million crab around Kodiak island, just 0.008%-0.013% is taken as PSC. This indicates that improved monitoring programs and trawl gear modifications may have fulfilled their intended goal, while static closures have less certain success.*
- *The AP heard from many testifiers that maintaining the availability of fishing areas is critical to their ability to operate their businesses. The two statistical areas of concern are key flatfish and cod grounds, but vessels also harvest pollock and rockfish there. Discussion indicated that pollock catch has decreased in the two statistical areas of concern since 2019 because of those areas, but those small pollock may grow and the trawl fishery will need to be able to harvest them in those areas again.*
- *Testifiers indicated that they often trawl in those two key statistical areas when there are strong northwest winds in the winter that prevent them from fishing elsewhere because those areas are relatively sheltered. Operators with smaller trawl vessels indicated they may be forced to fish in unsafe weather if there were spatial closures.*
- *Testimony also noted that if the statistical areas are closed they may be forced to fish in other places and encounter higher salmon PSC or other bycatch rates. Removing fishing grounds increases the likelihood that vessels can not harvest quota while reducing bycatch.*
- *AP members noted that the predominant A season fishery Area 620 (70,418 mt available TAC) is operating as a race. The fleet could not reach consensus for including 620 due to concerns over decreased processing capacity to harvest the full TAC and vessels needed the ability to function at their own efficiencies. It was noted at the AP that the voluntary agreement that the fleet reached took a week and a half of several meetings, four different agreement drafts, hours of phone calls and disagreements as everyone tried to come together to a plan that would provide the most benefit for everyone. Reaching consensus required a couple vessels giving up significant parts of their typical income to provide additional benefit to the rest of the fleet and processors. It was explained that the need for voluntary agreements perpetuates the inefficiencies and problems that continue to affect GOA trawl fisheries; these issues would only be compounded if the fleet was faced with additional closure areas.*

- *The AP noted and heard public testimony that the data provided in the discussion paper does not show evidence of a problem and while being proactive is important sometimes, furthering this action would likely only provide increased inefficiencies for the trawl fleet, while tanner crab and trawl fisheries have coexisted in these areas for decades. AP members noted that there is only so much time on the AP and Council Agenda and felt there were higher priorities for beneficial actions rather than spending time analyzing outdated static area closures.*
- *In an ideal world proactive action is always better than reaction – but this is not an ideal world and there is No scientific evidence of a problem*
- *We don't know that other closures are working and there is no goal to review the efficacy of the existing closures- piling more closures on top of existing closures can cause unintended downstream impacts.*
- *Bycatch of tanner crab in the two statistical areas has been less than 10,000 animals for the first half of the year over the last three years compared to a biomass of between 77 and 121 million crabs around Kodiak island- so less than 2 tenths of a percent has been taken as PSC in the stat areas that are being considered for closure.*
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- *We heard public comment today from many stakeholders who will be directly impacted by a closure – we heard concerns about losing access to an area that is extremely important to trawl fishing businesses, we heard concerns about the cost of fuel and having to travel further to fishing grounds. And we heard from many stakeholders about their concerns related to safety at sea. Advocates for the action downplayed the safety concerns.*
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- *Achieving OY is a National Standard and fisheries should be managed to achieve OY - the flatfish fishery has a lot of room to grow.*
- *Pollock and flatfish are an affordable protein and some of this fish ends up being purchased by the USDA for the national school lunch program and goes to foodbanks. Those programs are serving underserved populations around the country as well as in Alaska.*
- *The Council has limited resources available for council floor time and staff time We should focus our limited resources on the actual problems that we have and also focus on the lapp program for pot cod in the Bering Sea.*

Motion 2:

The AP requests the Council initiate a discussion paper that would evaluate metrics and mechanisms that could be used to evaluate the effectiveness of current (and future) crab conservation static area closures, as well as the management options for transitioning static closed areas into dynamic closures or reopening existing closure areas around Kodiak Island (Marmot Bay Tanner Crab Area and Type I and II King Crab Areas).

The discussion paper should include the following:

- *The survey abundance of crab and commercially important groundfish within the federal area of each of the closure areas relative to adjacent areas.*
- *Whether restructuring the closure area would provide groundfish fishing opportunities and potentially reduce predation without negatively affecting crab stocks*
- *Whether it would be beneficial to change the size and shape of the closure to better reflect where crab abundance is found within the area.*
- *Comparison of seasonal, annual, and dynamic closures.*
- *A potential experimental design and metrics that could be used to determine whether closures are meeting the intended objectives.*
- **'explore the impacts to king and tanner crab stocks and their habitat if closure zones were modified or opened**

Amendment' passed: 19/1

Amended main motion passed: 18/2

Rationale in favor of Amendment 1 to motion 2:

- *The protection of crab stocks is embedded in the objectives for these closure zones, and this change is intended to incorporate data that informs the Council on the impacts to those crab stocks.*

Rationale in favor of amended main motion 2:

- *According to the BSAI crab FMP (p.129), it was determined that Tanner crab are identified as having more habitat associations and in particular, benthic community associations, across a wider arrange of life stages compared to other major crab stocks.*
- *This supports that static area closures are effective for Tanner crab as they tend to stick close to the areas that they grow up in.*
- *Many of the elements for further exploration in the motion are responsive to concerns and discussions held around the table as well as what was shared in written and public testimony.*