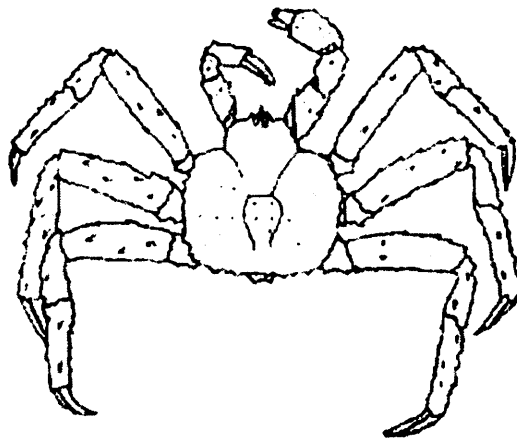


**Preliminary Review Draft**

**ENVIRONMENTAL ASSESSMENT  
for proposed amendment**

**TO THE FISHERY MANAGEMENT PLAN FOR THE BERING SEA AND ALEUTIAN  
ISLANDS KING AND TANNER CRABS and  
TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH OF THE BERING SEA  
AND ALEUTIAN ISLANDS**

**to revise the rebuilding plan for Pribilof Islands blue king crab.**



**Abstract:**

This preliminary draft environmental assessment evaluates six proposed alternative rebuilding measures for the Pribilof Islands blue king crab stock. The Pribilof Islands blue king crab stock remains overfished and the current rebuilding plan has not achieved adequate progress to rebuild the stock by 2014. This revised rebuilding plan considers six alternatives. Four of the alternatives are different closure configurations to restrict groundfish fisheries in the areas of the stock distribution. The fifth alternative considers a prohibited species bycatch cap on the groundfish fisheries. The sixth alternative considers trigger caps and associated area closures in all groundfish fisheries. The impacts of these alternatives on rebuilding the blue king crab stock as well as the environmental and social/economic impacts of these measures are considered in this analysis.

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**September 2010**

## **Executive Summary**

The king and Tanner crab fisheries in the Exclusive Economic Zone (EEZ) (3 to 200 miles offshore) of the Bering Sea and Aleutian Islands (BSAI) off Alaska are managed under the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs (FMP). The FMP establishes a State/Federal cooperative management regime that defers crab fisheries management to the State of Alaska (State) with Federal oversight. State regulations are subject to the provisions of the FMP including its goals and objectives, the Magnuson-Stevens Act, and other applicable Federal laws.

This proposed action is a revised rebuilding plan for the Pribilof Islands blue king crab (PIBKC) stock. The Pribilof Islands blue king crab remains overfished. The purpose of this proposed action is to reduce the risk of overfishing the PIBKC stock by developing an amended rebuilding plan for this stock in compliance with the Magnuson-Stevens Act and the national standard guidelines.

Six alternatives are considered in this analysis. Four of the alternatives consider time and area closures to better protect the PIBKC stock. The fifth alternative considers a prohibited species cap (PSC) on bycatch in groundfish fisheries. The sixth alternative considers trigger caps and associated time and area closures in all groundfish fisheries. Alternatives 2-6 retain all of the current protection measures in place for the PIBKC stock and apply additional measures as described in the specific alternatives and options.

Alternative 1 retains the current Pribilof Islands Habitat Conservation Zone (PIHCZ) trawl closure around the Pribilof Islands. Alternative 2 applies the PIHCZ closure additionally to all groundfish fishing (Option 2a) or to fishing for Pacific cod with pot gear (Option 2b). Alternative 3 proposes to apply the existing State of Alaska (State) crab closure areas to all groundfish fishing (Option 3a) or to fishing for Pacific cod with pot gear (Option 3b). Alternative 4 proposes two closure configurations to cover the distribution of the PIBKC stock. These closures are then proposed to apply to either all groundfish fishing (Option 4a) or to fishing for Pacific cod with pot gear (Option 4b). Alternative 5 proposes a cap on groundfish removals of PIBKC at either the level of the annually specified overfishing limits (OFL) (Option 5a) or the acceptable biological catch (ABC) (Option 5b), calculated in the annual catch limit (ACL) analysis. Alternative 6 proposes a trigger cap on all groundfish fisheries for PIBKC that, if reached, would close that area to fishing (Options 6a-6d). For each of Alternatives 2-6, there is the option of increasing observer coverage, either to all fisheries to which a cap (PSC or trigger) or closure applies (Option 1), or to specific fisheries (Option 2).

Analysis of the impacts of these closure configurations on the rebuilding potential for the PIBKC stock shows limited effect on rebuilding between the ranges of alternative closures. Preliminary review is scheduled for October 2010, with initial review in December 2010.

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OCTOBER 2010 NPFMC MEETING

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### **The Council's Original Intent**

Dr. Fina has accurately captured the NPFMC's original intent for the EDR process, which he describes as a process that the Council wanted to utilize to examine:

- i. Resource conservation, utilization and management problems;
- ii. Bycatch and its associated mortalities, and potential landing deadloss;
- iii. Excess harvesting and processing capacity, as well as low economic returns;
- iv. Lack of economic stability for harvesters, processors and coastal communities; and
- v. High levels of occupational loss of life and injury.

Over the last five seasons, the EDR process has not provided adequate data to the Council in all regards. Yet the Council has been able to form some judgements about most of these issues through public testimony, independent analysis and the efforts of it's own staff to seek quantitative information from other sources.

We generally agree with Dr. Fina's conclusions starting on Page 7, which state in part that "...the starting point for the (EDR revision) process is development of a purpose and need statement defining the Council's objectives for collecting economic data from fishery participants."

This statement may seem confusing at first, because a Purpose & Need Statement was previously developed during the design and implementation of this Program. But Dr. Fina has documented the difficulties and failures associated with the current system, the fisheries world has evolved, and this is an ideal time for the Council to express anew it's long-term analytical needs.

### **Major Conclusions We Have Drawn from the Workshops**

For the last 18 months or so, there have been numerous workshops that at time have included AFSC and NPFMC staffers, as well as PNCIAC-sponsored events and individual sector-level work sessions.

Without recounting here the flaws and redundancies of the current EDR process, the NPCA recommends a process that is consistent with Dr. Fina's recommendations, which should follow these sequential steps:

1. The Council should clearly identify (for staff and industry) its program concerns and analytical objectives; then
2. The staff, working with industry, should develop a list of management variables that can accurately inform the Council about those issues; then
3. The staff, again working with industry, should also review current data collection processes (COAR, fish tickets, etc) to identify existing sources and avoid redundancies; and finally
4. From that process, an informative and accurate EDR can be developed.

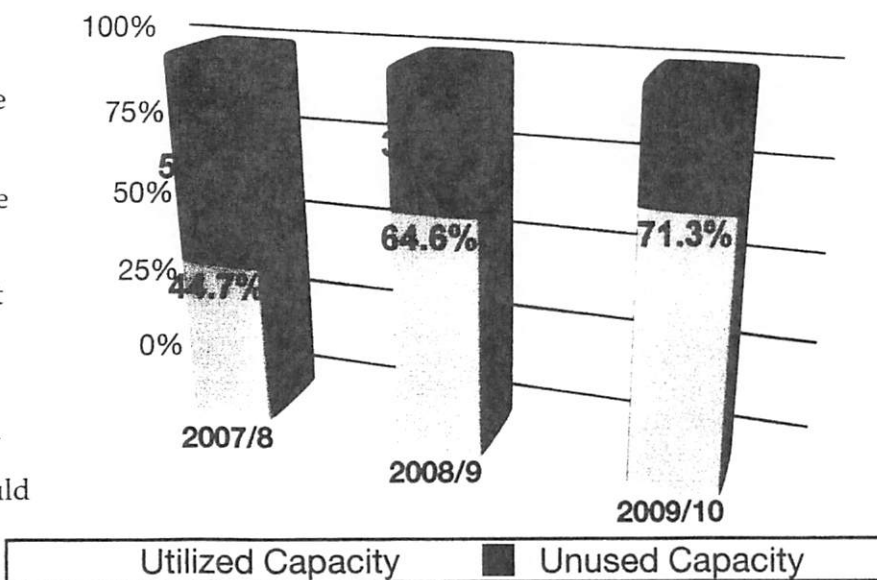
#### **Data Collection Issues Specific to the Processing Sector**

1. It has been well documented by now that the largest problem with shore-based processing sector data collection is that most respondents are reporting from facilities that are well-integrated, multi-species plants. Therefore the collection of most cost-related data falls into the "B" and "C" categories: the resulting data is not very accurate or informative because it is of necessity based on arbitrary assignment of largely indivisible costs (labor, fuel, food, housing).
2. Because of the IFQ/IPQ matching system and the resulting legal requirement for the IPQ holder to purchase the matched IFQ crab based almost completely on a price arbitrators formula or a binding arbitration process, large amounts of price data, as well as attempts to track product costs and sales through the system are meaningless; worse yet, if an analyst does not understand the system then the data can be completely misinterpreted.
3. There are significant management issues that cannot be analyzed by the Council because of a lack of critical data. The original EDR process was supposed to provide data so that the Council could assess "... (E)xcess harvesting and processing capacity, as well as low economic returns...". This is an area that is significant, yet there is little usable data. This is a very important issue to NPCA. For instance, to assess each sector's gains or losses, impacts on communities or performance under the proposed "Emergency Relief from Regional Deliveries" exemption it is critical for the Council to be able to analyze the utilization of available processor capacity in a community or region.

A measure of “processor capacity utilization” is expected to be one of the major Performance Standards for the Emergency Relief agreements. An accurate measure of “processor capacity utilization” can also help the Council understand the impacts of fleet consolidation and season elongation as well. *For instance, in the chart below you can see that fleet utilization of processors capacity in the Northern Region has varied from a low of 45% to a high of 71% over the past three Opilio seasons. At the low-end of the range, Northern Region processors are incurring significant costs that cannot be recaptured later in the season; yet they are still required to pay an ex-vessel price that is largely driven by Southern Region and B,C and CDQ crab sales.*

Another reason that we would like to see this data collected is that throughout the last five years there have been occasional charges that processors are forcing deliveries at an unreasonable rate - again, by measuring the pace of landings expressed as a “processor capacity utilization” metric the Council could actually begin to assess that (unsupported) charge.

**Utilization of Available Processor Capacity**



Now that the industry has transitioned to the program, there are probably similar issues that could be analyzed by the Council - if we were collecting the correct data. We welcome the opportunity to work towards that goal.

**Final Thoughts on Crab Data Collection**

1. Because most shore-based plants are large, multi-species facilities there is only so much “crab specific” data that can be easily collected. We encourage the Council to clearly state its program concerns and analytical needs and we will help identify the most informative and accurate data that can support the Council process.

2. Managers are universally taught that there are usually 4 to 10 variables that quickly tell quantify whether things are going as planned or going off track. We think that that is also the case with this program. The challenge then is to identify the several variables that matter, rather than the long wish list that is currently embedded in regulation (and has resulted in huge amounts of reporting effort with very little relevance to Council analysis).
3. Any change to the EDR process will require a significant regulatory change.



### **The NPCA Generally Agrees with the SSC Recommendations**

The SSC has done a good job developing the OFLs for the major crab species. We generally support their recommendations.

However, we want to again point out to the Council that we have significant concerns about the Opilio model and therefore the Opilio OFLs as well.

The Opilio model has been undergoing significant refinement and it is not yet "stable", in our opinion. We hope that the current collaborative approach to model refinement continues.

It is also worth noting that the Board of Fish is reviewing the Bairdi stock next spring because of what appears to be a long-term decline in size at maturity; and that there is some belief that there is also a hybrid Bairdi/Opilio stock emerging in some areas. All of these issues may require a review of the Councils approach to crab OFLs in the future. In the meantime, we are in support of the SSCs proposed approach to fishing limits.

## NPCA's Primary Concern

The NPCA supports whatever process results in long-term, science-based resource sustainability. If the Alaska Department of Fish & Game's current management system can be tweaked to meet the legal requirements under MSA that is our preferred outcome. If there need to be additional ACL-specific measures incorporated into the FMP, we would like to understand and participate in that process, most likely through the PNCIAC.

To our way of thinking this should not become an issue that gives rise to jurisdictional conflict, nor should it be allowed to become a platform for various interest groups to pursue unreasonable short-term increases or decreases in TAC. We encourage the Council to continue to focus on reasonable, precautionary approaches to sustainable fisheries management.

## Opilio Rebuilding

On August 2nd the PNCIAC sent a letter to the Agency, raising concerns about the legal need and requirements for an Opilio Rebuilding Plan. In part the PNCIAC letter points out that:

**"In its review of the May 2010 Draft Stock Assessment and Fishery Evaluation ("SAFE") Report for the King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands Regions, the PNCIAC noted the statement, on page, 9, that, "The most recent assessment indicates that MMB never declined below the new definition of MSST." Accordingly, it would appear reasonable to conclude that revision of the *opilio* rebuilding plan would be both unwarranted and unwise, because the best scientific information available shows that the stock was never overfished.**

**The PNCIAC believes Congress could not have intended that rebuilding programs be maintained, where the best scientific evidence shows that the stocks have not been overfished. Moreover, the PNCIAC notes that revision of the *opilio* rebuilding plan is a major undertaking with significant consequences. The investment of scientific and administrative resources, and the foregone food production that would otherwise benefit the industry and fishery dependent communities, are significant. The consequences for employment are especially troublesome."**

In response, on August 7th Dr. Balisger replied:

**"Concurrently with Amendment 24, NMFS developed and implemented a stock Assessment model for snow crab. As you highlight in your letter, the most recent draft stock assessment indicates that, retrospectively, the model estimation for mature male biomass did not fall below the current MSST in 1999 or thereafter. The draft stock assessment will be finalized after Council's Crab Plan Team review. The Crab Plan Team will meet in Seattle, Washington from September 3 to 16, 2010.**

In light of these fundamental changes in our understanding of snow crab stock dynamics, we will consider your request and inform the Council and the Pacific Northwest Crab Industry Advisory Committee of our conclusions after the Crab Plan Team meeting."

At this time the NPCA is awaiting the Agency response. If it is determined that an additional rebuilding period is required, we ask that the Council support **Alternative 4, Option 1**; which provides a 70% probability of rebuilding.

Table 2-6 The relative probability of rebuilding, year-end date in crab fishing year for rebuilding (one year above  $B_{MSY}$  definition), and resulting buffer value necessary to rebuild in this time frame for each alternative and

Alternative	Probability of rebuilding	T <sub>TARGET</sub> year-ending date	Buffer value of $F_{OFL}$ <sup>35</sup>
Alternative 1 (no action)	0.646(50% probability)	2014-15	25%
Alternative 2 (T <sub>MIN</sub> )	0.508(50% probability)	2012-13	100%
Alternative 3	0.5(50% probability)	2013-14	58%
Alternative 3-Option 2	0.751 (75% probability)	2013-14	85%
Alternative 3-Option 3	0.91 (90% probability)	2013-14	97%
Alternative 4 (T <sub>END</sub> )	0.646 (50% probability)	2014-15	25%
Alternative 4-Option 2	0.756 (75% probability)	2014-15	53%
Alternative 4-Option 3	0.91 (90% probability)	2014-15	78%
Alternative 4-Option 1	0.864 (70% probability)	2019-20	25%

# PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D-(a) BSAI Crab Issues - TRIS Resolutions

NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
<del>1</del> Mateo Paz-Sordan	City of St Paul
<del>2</del> Steve Minor	NPCA
<del>3</del> Heather McCarty	CBSEA
<del>4</del> Steph Maden <sup>pass</sup>	ADA
<del>5</del> Armi Thompson	A.C.C.
<del>6</del> BRENT PAINK	UCB - Mandout Kentippit
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

## **D-1A – Pribilof Blue Crab rebuilding**

**10 October 2010**

Mr. Chairman, member of the council. My name is Kenneth Tippett. I am fleet manager for Alaska Boat Company. We are agent for not only some AFA shore based trawlers, but also a couple of active crab/pot cod vessels. The preliminary EA for the Pribilof Blue crab needs work. There is no distinction between pelagic and non-pelagic trawl fisheries. Or put another way no separation of the yellowfin sole fishery from the AFA pollock fishery. These last two years the area around the Pribilof Island Habitat Conservation Zone has proven to be an important area to the pollock industry when they have been forced out of other traditional areas when trying to avoid Chinook bycatch. The vessels I manage have periodically been working in some of the areas that are proposed to be closed. Reviewing our deliveries from the last 3 years there was no king crab (red or blue) bycatch on my vessels from the whole of area 513 which encompasses the proposed closure areas. I think you will find that this is probably the case with the rest of the AFA pollock fleet if the pollock trawl catch is separated from the bottom fish fisheries.

Having vessels that participate in the pot cod fishery, even though they don't fish the Pribilofs, I take exception to the way the alternatives were crafted. The B option in Alternative 2, 3 and 4 applies specifically to the pot cod fishery when there is an indication that both the non-pelagic trawl fishery and the hook and line fishery are just as culpable. Figure 15 and 16 showing the location of the blue King crab bycatch by gear type shows extensive long line bycatch in the Habitat conservation zone as well as outside. Note the predominance of the cod longline plots from Fig 16. However, I would suspect this is the observed freezer longline fleet only that targets cod and does not include the small boat unobserved halibut fishery. It should be noted that Figure 16 on page 33 for the years 1995 to 2007 shows only 2 incidents of pelagic trawl blue crab bycatch in the proposed closure areas and Figure 15 for the years 2003 to 2007 show no blue crab bycatch for the pelagic trawl fleet. Also of interest is that even in Fig 17 (page 34) of the blue crab bycatch before the closure of the Pribilof Habitat Conservation zone to all trawl fishing in 1995 there were minimal interactions with Blue crab with pelagic gear in the proposed closure areas. I would suggest that Alternatives 2, 3 and 4 have an option that excludes the AFA pollock trawl fleet (AFA Pollock fleet) from the proposed expanded closure areas.

I support the AP motion striking Alternative 5 from the Analysis. While the analysis should have "bookends" this alternative goes beyond being a bookend. It not only burns all the books but tears down the library as well.

Thank you for your consideration

Ken Tippett

**D-1 (a) Preliminary Review Pribilof Islands blue king crab rebuilding**

*The Council adopts the following problem statement and moves the following recommendations to be incorporated into the initial review draft of the analysis, as specified below.*

**Problem Statement**

*The Pribilof Islands blue king crab stock remains overfished and the current rebuilding plan has not achieved adequate progress to rebuild the stock by 2014. In order to comply with provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) an amended rebuilding plan must be implemented prior to the start of the 2011/2012 fishing season.*

*The directed blue king crab fishery has been closed since 1999 and action has been taken to limit bycatch mortality in other crab fisheries occurring near the Pribilof Islands; however no similar action has been taken for groundfish fisheries. Recent trends in crab bycatch suggest that groundfish fisheries occurring near the Pribilof Islands have the potential to exceed the annual overfishing level and acceptable biological catch for this stock.*

*This action is necessary to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield.*

*remove from com. of closure since 2003*

**Recommendations for the initial review draft**

Remove Alternative 5



Evaluate the current  $B_{MSY}$  estimate to determine if it is a reasonable benchmark for rebuilding under current environmental conditions. The rebuilding plan should be flexible enough to accommodate an improved estimate of  $B_{MSY}$  that may be available from the developing blue king crab assessment model without requiring a plan amendment.