



ALASKA
Bering Sea Crabbers

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North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501

September 27, 2016

RE: Agenda Item B3 (ADF&G Management Report)

Dear Chairman Hull and members of the North Pacific Fishery Management Council,

The Alaska Bering Sea Crabbers (ABSC) is a 501(c)(5) non-profit seafood industry trade association representing nearly 70% of the crab harvesters in the Rationalized Bering Sea/Aleutian Islands crab fisheries. As long-time participants in the king and Tanner crab fisheries, our members have a significant stake in the long-term health of the resource and are actively concerned with future access to the important crab stocks upon which they depend.

We are writing to make you aware of a conflict in management between the North Pacific Fishery Management Council and the Alaska Department of Fish & Game. For the upcoming 2016-2017 season (and beyond), commercial Bering Sea crab fishermen are facing a resource management conflict for *C. bairdi* Tanner crab where the fishery is not overfished and overfishing is not occurring, with scientifically reviewed and approved OFL and ABC limits, but no commercial fishery. This situation is inconsistent with the principles of Federal Fishery Management Plan for BSAI King and Tanner Crab and will result in significant economic harm to directed harvesters, processors, and coastal communities.

ABSC and its members recognize that the Federal King and Tanner Crab FMP establishes a State/Federal cooperative management regime that defers crab management to the State of Alaska with Federal oversight. Within this cooperative management structure, total allowable catch (TAC) levels are Category 2 management measures frameworked within the FMP that the State has the ability change. Attached to this letter is an Emergency Petition that was submitted to ADF&G and the Alaska Board of Fisheries suggesting possible adjustments to the *C. bairdi* harvest strategy (Category 2 measure) that would make it more consistent with Federal management. Presently, the *C. bairdi* fishery will not open for the 2016-2017 season because the 2016 abundance survey indicates that the Tanner crab biomass does not meet the female-only threshold contained in the harvest strategy. This female-only commercial fishery threshold is the only one for Bering Sea crab species and the only one for Tanner crab throughout the State. Other major Bering Sea crab stocks use some form of spawning biomass as the threshold for determining a fishery, which accounts for the biomass of both mature males and females. A female-only threshold is not useful for a commercial fishery designed and executed to harvest only mature males. Because a *C. bairdi* closure lasts at least two years when the threshold is not met means that a fully available commercial fishery will not be open again until the 2019-2020 season. A closure of the commercial *C. bairdi* fishery this season, along with the next couple of years, results in an approximate loss in the range of \$110 to \$135 million in ex-vessel revenue.



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Any FMP developed by the Council must be consistent with the 10 National Standards and other requirements of the Magnuson-Stevens Act. Under the current situation, if a commercial Tanner crab fishery is not opened, National Standard 1 is not being met. Conservation and management measures have been established to prevent overfishing through the Federal stock assessment process, including the identification of OFL, ABC, FMSY, BMSY, MSST, etc., but optimum yield from the fishery is not able to be achieved for this year or on a continuing basis into the future.

Further, National Standard 2 states that conservation and management measures shall be based upon the best scientific information available. It is unclear as to how or why a *C. bairdi* female-only threshold, with the flawed set of years and definition of maturity as outlined in the attached petition, is to be considered the best scientific information available.

Finally, if a commercial fishery is not opened, National Standard 8 is not being met. A complete commercial fishery closure for this season and into the future does not take into account the importance of the *C. bairdi* resource to fishing communities, including the communities of St. Paul, Unalaska, and the Aleutians East Borough. It also works in direct opposition of minimizing adverse economic impacts on such communities.

ABSC and its membership are confounded by a cooperative management process that is currently not in alignment. There is an unfortunate disconnect between the Board of Fisheries 3-year meeting cycle on Bering Sea king and Tanner crab and the annual NMFS survey/Council stock assessment cycle. As the body responsible for Federal oversight of BSAI crab management, ABSC is seeking guidance and help from the Council on possible ways to address this conflicting management, which is happening to the detriment of directed harvesters, processors, and coastal communities, in order to make all aspects of Tanner crab management consistent with the Federal Fishery Management Plan.

Thank you for your time and consideration.

Sincerely,

Ruth Christiansen

Ruth Christiansen, Science Advisor/Policy Analyst
Alaska Bering Sea Crabbers



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Mr. Glenn Haight, Executive Director
Boards Support Section, Alaska Board of Fisheries
P.O. Box 115526
Juneau, AK 99811 via fax (907-465-6094) and email (glenn.haight@alaska.gov)

September 8, 2016

RE: Emergency Petition to the Alaska Board of Fisheries

Dear Mr. Haight,

The Alaska Bering Sea Crabbers (ABSC) is a 501 (c)(5) non-profit seafood industry trade association representing nearly 70% of the crab harvesters in the Rationalized Bering Sea/Aleutian Islands crab fisheries. As long-time participants in the king and Tanner crab fisheries, our members have a significant stake in the long-term health of the Bering Sea ecosystem and are actively concerned with future access to the important crab resources upon which they depend.

Under 5 AAC 39.998 (Petition policy for Category 2 management measures in a Bering Sea/Aleutian Islands king or Tanner crab fishery), ABSC submits this Emergency Petition to ask the Board of Fisheries to consider revising the *C. bairdi* harvest strategy ahead of the upcoming 2016-2017 commercial king and Tanner crab fishing season. This Emergency Petition specifically meets the policy and legal requirement for presenting management information to indicate that the current regulation is inconsistent with federal fishery management.

This Emergency Petition also meets the legal and policy requirements for emergency consideration by the Board of Fisheries. Pursuant to 5 AAC 96.625(f), the issue that ABSC is asking the Board to take up is an unexpected resource situation where a biologically allowable resource harvest will be precluded by delayed regulatory action and this delay will result in a significant and unforeseen impact because the resource will be unavailable in the future. ABSC understands that under AS 44.62.270, State policy provides that emergencies are rarely found to exist. Thus, with this understanding, we represent that the basis for our Emergency Petition has not existed since the time the stock was classified under a new management regime as a Tier 3 management stock. The last three commercial seasons of significantly increasing TACs have given no indication that a concern with the fishery existed. Moreover, survey numbers and biomass data are not available annually until August. Thus, the reason for this Emergency Petition was not foreseeable.

Based upon the above authorities, the factual information below, and Resolution of the Alaska Board of Fisheries Number 2015-277-FB (Standing Delegation of Authority to the Commissioner Regarding Petitions for Emergency Regulations), ABSC asks the ADF&G Commissioner to find that the problem outlined in this Emergency Petition justifies a finding of emergency. We ask the Commissioner to call a special meeting of the Board of Fisheries under the Commissioner's authority (AS 16.05.310) to deal with this Emergency Petition and to adopt the action requested on page 2 of this petition. As set forth in 5 AAC 96.625(f), it is an established board policy to recognize that in rare instances circumstances may require regulatory changes outside a regularly scheduled meeting. Because this Emergency Petition is



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being submitted outside the 30-day period before the upcoming Kenai/Soldotna meeting (October 18-20, 2016), we are asking the BOF to deal with this petition expeditiously. Because the 2016-2017 commercial Bering Sea crab season is scheduled to begin on October 15, 2016, the emergency nature of the Board's consideration of this Emergency Petition is underscored.

This Emergency Petition is also specifically supported by the following groups associated with the Rationalized Bering Sea/Aleutian Islands crab fisheries: the Central Bering Sea Fishermen's Association (CBSFA), the City of St. Paul, and the City of Unalaska.

I. Emergency Action Requested

Specifically, in order to avoid an unnecessary and highly impactful closure to the 2016-2017 commercial season (and beyond) for *C. bairdi*, this Emergency Petition asks that 5 AAC 35.508(a)¹ be amended to read (with new language underlined and in bold):

In the Bering Sea District, the commercial *C. bairdi* crab fishery may open only if an analysis of preseason survey data indicates that the population at the time of the survey is at or above 40 percent of the long-term average **(1982-present)** [(1975-2010)] of mature female crab biomass in **the eastern and/or western portion of the stock of the Eastern Subdistrict.**

II. Biological and Management Basis for Emergency Petition

Based upon data collected from the 2016 National Marine Fisheries Service (NMFS) bottom trawl survey, biomass estimates for Bering Sea Tanner crab indicate a decline in the biomass of mature males and a significant decline in the biomass of mature females for the eastern portion of the stock (biomass estimates for males and females in the western portion of the stock are up and down somewhat, respectively, to what they were last year). In examining this information as it relates to the *C. bairdi* harvest strategy contained in State regulation, ABSC believes that a strict interpretation of the current threshold (found at 5 AAC 35.508(a)) will prevent a 2016-2017 commercial fishing season from opening.

Closer examination of the harvest strategy reveals several areas of concern to harvesters. 5 AAC 35.508(f), provides that in implementing the harvest strategy for Tanner crab, the department shall "consider the reliability of estimates of *C. bairdi* Tanner crab, the manageability of the fishery, and other factors the department determines necessary to be consistent with sustained yield principles and to use the best scientific information available and consider all sources of uncertainty as necessary to avoid overfishing." Based upon this regulatory language, ABSC respectfully requests the BOF and ADF&G consider the following five concerns that underpin this emergency petition.

¹ Similar to that used for *C. opilio* snow crab and Bristol Bay red king crab, in the future ADF&G should establish a *C. bairdi* commercial fishery threshold based upon spawning stock biomass, but that is best left for a future Board meeting. The amended regulatory language indented above is recommended as the best course of action now as an emergency interim approach for the 2016-2017 season.



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First, the current Alaska Department of Fish & Game harvest strategy for *C. bairdi* uses the years 1975-2010 to establish a mature female biomass threshold for opening the directed commercial fishery. However, in October 2012, the Science and Statistical Committee (SSC) of North Pacific Fishery Management Council adopted a range of years used for calculating average recruitment for *C. bairdi* crab. These years are a key component in the status determination (B_{MSY} , OFL, ABC) for eastern Bering Sea Tanner crab as a Tier 3 management stock. Prior to 2012, when *C. bairdi* was a Tier 4 management stock, sufficient life history information, including data on recruitment, was not available. The SSC adopted the years 1982-current for the following reasons:

- These years are thought to best represent the reproductive potential of the current Tanner crab stock;
- Years prior to 1973 are unreliable as they have no direct estimates of recruitment and are based solely on hindcast projections from the stock assessment model;
- The net gear used in the annual NMFS survey became standardized in 1982, thereby resulting in the most consistent set of survey data going forward; and
- A major ecosystem regime shift occurred from 1976-1977. This shift encompassed a large increase in some major groundfish stocks, including Pacific cod, which are known major predators of young Tanner crab. As *C. bairdi* mature and recruit into the fishery five years after spawning, starting the time period with 1982 corresponds to a spawning year of 1977, which aligns with the start of the environmental regime shift and the change in productivity that occurred as a result. The threshold years used in the current ADF&G harvest strategy is inconsistent with federal management and unfortunately, at the time the SSC made the change, no one (federal staff, State staff, Council staff, or the public) thought to check the consistency of the State's harvest strategy. The current harvest strategy, with its threshold based on mature female biomass, recognizes the role of females in reproduction; however, recruitment is considered a measurement/proxy for the spawning potential of a stock, which naturally encompasses the important role females play in the population.

Therefore, to be consistent with federal management and its authority in establishing overfishing and acceptable biological catch levels, the ADF&G harvest strategy for *C. bairdi* needs to be amended.

Second, the female *C. bairdi* threshold for opening the commercial fishery in the current harvest strategy is based on the entire population of Bering Sea Tanner crab, which is inconsistent with the rest of the harvest strategy that divides all other metrics between the eastern and western portions of the population.

Third, the Bering Sea Tanner crab harvest strategy is the only harvest strategy for Bering Sea crab species and only harvest strategy for Tanner crab throughout the State of Alaska that utilizes a female only threshold for opening a fishery. The other major Bering Sea stocks (*C. opilio* snow crab and Bristol Bay red king crab) have some form of spawning biomass (combination of mature males and mature females) as the threshold for determining a fishery. A female only threshold makes little sense for commercial fisheries specifically designed and executed to harvest only mature male crab. Pots for all major Bering Sea crab stocks are purposely designed with specific mesh size, escapement ring size, and escapement ring placement (with these metrics codified in regulation) so as to have negligible impact on the female and juvenile portions of the population. Of the minimal bycatch that is taken during the



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commercial *C. bairdi* fishery, observer data shows that the majority of this bycatch is comprised of sublegal males and not females.

Fourth, the definition for mature female *C. bairdi* crab is inconsistent between NMFS, which conducts the annual trawl surveys, and ADF&G. As part of the annual data collection during the survey, NMFS measures *C. bairdi* and identifies (records) mature females based on visual inspection of the egg clutch found underneath the tail flap. The actual size of maturity ranges from about 65 to 90 mm carapace width. For the purposes of the ADF&G harvest strategy, maturity is defined strictly by length with mature females east of 166° W. longitude being greater than or equal to 85 mm carapace width (5 AAC 35.508(g)(7)(A)) and mature females west of 166° W. longitude being greater than or equal to 80 mm carapace width (5 AAC 35.508(g)(7)(B)). This inconsistency results in a sizable portion of the female population that is considered mature based on visual inspection, but which are not considered as part of the mature population for threshold determination under the ADF&G size definition. NMFS survey data indicates that for both the eastern and western portions of the population, there is a significant under counting of mature female *C. bairdi* crab, especially in the three most recent survey years where approximately 50% of mature females are not counted as mature per the ADF&G harvest strategy definitions (NMFS Tech Memos; 2015 Fig. 60-61, 2014 Fig. 57-58 and 2013 Fig. 56-57). This mismatch in maturity definitions causes less accurate and estimates of female maturity and results in a significantly high level of conservation built into the ADF&G harvest strategy.

Finally, while survey results over the last few years seem to indicate declining abundance, the catch per unit effort (CPUE) for the *C. bairdi* commercial fishery has been strong. Since rationalization, the Bering Sea Tanner crab fishery has been open for 7 of 11 seasons with the most substantial harvest occurring during the last two. Catch per unit effort from the fishery, in terms of average number of retained crabs per pot pulled, has been high and consistent for the eastern portion of the stock and very high and increasing for the western portion. In a historical context, a CPUE ranging from 22-33 in the last two western district commercial seasons (with a TAC of 6.6 and 8.4 million lbs. for 2014/15 and 2015/16, respectively) is as high as observed in the *C. bairdi* fishery for the last 30+ years. Higher average catch rates were seen in the mid-1970s when harvest for the commercial fishery reached 50-65 million lbs.; however, during the high harvest period (25-40 million lbs.) of the early 1990s, the CPUE ranged from 12-20, approximately 40% lower than current catch rates (ADF&G FMR 14-54, Table 2-16). This most recent period of increasing *C. bairdi* TACs and harvest has supported historically high CPUEs, which is indicative of a healthy and robust exploitable mature male resource, especially in the west.

ABSC fully understands, appreciates, and supports the necessity of fishery thresholds and conservative management in times of lower abundance; however, for the multiple reasons outlined above, we believe that a strict interpretation of the harvest strategy is not warranted and that, at a minimum, a commercial season for western Tanner crab should be considered. Even with the observed decline in survey numbers for the eastern portion of stock, Bering Sea Tanner crab is not overfished nor is it subject to overfishing per federal stock assessment definitions, which would make the lack of commercial fishery (based solely on the current State harvest strategy) even more unfortunate. Pending any closure of the commercial fishery when the threshold is not met, the *C. bairdi* harvest strategy (5 AAC 35.508(b)) dictates that after two years of the threshold being achieved, the commercial fishery will automatically be half of what is determined to be available for harvest. Under this regulation, the



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earliest a full commercial fishery for Tanner crab will be available is the 2019-2020 commercial season thereby creating an extremely costly and unnecessary burden for a stock that is neither overfished or experiencing overfishing. For the 2015-2016 season, eastern Tanner crab (EBT) had an ex-vessel value of approximately \$25.6 million and western Tanner crab (WBT) had a value of approximately \$19.7 million (combined ex-vessel value of \$45.3 million). For the 2014-2015 season, EBT had an ex-vessel value of about \$14.6 million and WBT of about \$10.3 million (combined ex-vessel value of \$24.9 million). A complete closure of the Bering Sea Tanner crab fishery will have extremely negative socioeconomic impacts on harvesters, processors, coastal communities, and the State of Alaska when this level of revenue is unnecessarily forgone for the next several commercial seasons.

Thank you for your time and consideration of this highly important issue.

Sincerely,

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Shirley Marquardt, Mayor, City of Unalaska

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cc:

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