

Adak Community Development Corporation

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May 26, 2015

Dan Hull, Chairman NPFMC
605 W. 4th Avenue. Suite 306
Anchorage, Alaska 99501-2252

Re: C-1: Adak RKC /Staff Tasking

Dear Chairman Hull,

The purpose of this letter is to request that a discussion paper be initiated on removing Red King Crab (RKC) in the Adak District of Area O east of 179 West from the BSAI King and Tanner Crab FMP, and allowing the State of Alaska to take full management responsibility for RKC management in that area.

In 2002, the Council did not include the portion of Area O east of 179 West in the Crab Rationalization program for RKC, excluding both the Dutch Harbor District and the Adak District.

In 2014 the Board of Fisheries took actions to set a harvest strategy and a regulatory framework for managing a small state water RKC fishery in Area O east of 179 West. However, state management of a local fishery is hampered by an Aleutian wide OFL.

This year, ADF&G entered into a cooperative agreement with the Aleutian King Crab Research Foundation to fund an exploratory RKC survey in September in the Adak area.

In 2008, under Amendment 24 to the BSAI King and Tanner Crab FMP, the Council removed twelve state-managed stocks (including Dutch Harbor RKC) from the FMP.

Option A: (Preferred) Remove from the FMP the twelve state-managed stocks for which NMFS and the Council find that the State of Alaska has a legitimate interest in the conservation and management and for which there is either no directed fishery, a limited incidental or exploratory fishery, or the majority of catch occurs in State waters.

We believe that RKC in the Adak District of Area O meets those criteria:

- The State has a legitimate interest in conservation and management
- There has been no directed fishery since the 1990's

- The majority of the catch will occur in State water

The May report of the Crab Plan Team recommends: *"The 2015/16 specification is unchanged from the 2014/15 specification (an OFL of 123,867 lbs and an ABC of 74,000 lbs) that was recommended for the 2013/14 season by the SSC as a value that would "be sufficient to allow for bycatch and groundfish prohibited species catch in non-directed fisheries and the proposed test fishery catch."*

There is no survey done in Area O to provide the basis for revising the Aleutian wide OFL. As a tier 5 species, the OFL is a function of average historic catch. With no directed fishery, the 'historic' catch never changes, so the basis for calculating the OFL won't change.

There is no more basis for an OFL that combines Adak RKC with Petrel Bank RKC than there would be for combining Dutch Harbor RKC with Bristol Bay RKC.

ADF&G is the appropriate agency to take full responsibility for management of a small scale RKC in the Adak District in a manner that is calibrated to the local crab abundance.

The analysis in Amendment 24 for the removal of the twelve crab stocks (including Dutch Harbor RKC) was very succinct. It consisted of just 2 pages in section 2.6 of that document (attached).

We request that the Council initiate a discussion paper, focusing on the criteria identified in Amendment 24, to consider removing RKC in the Adak District of Area O from the BSAI Crab FMP.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "dave fraser". The signature is stylized and somewhat cursive, with overlapping loops.

dave fraser
ACDC

2.6 Options for Removal of FMP stocks

Option A: Remove Specific Stocks from FMP (Preferred)

Option A would remove specific stocks from the FMP for which (1) there is no directed fishery; (2) harvest only occurs incidentally during fisheries targeting other crab stocks; (3) harvest only occurs in limited, exploratory fisheries; or (4) the majority of catch occurs in State waters. NMFS and the Council found that the State of Alaska has a legitimate interest in the conservation and management of these stocks and that Federal conservation and management is not necessary. The State would have sole management authority for these species, as they do for hair crab (the hair crab fishery, which occurs in the EEZ, was removed from the FMP). Currently, the FMP defers the management of these fisheries to the State. Therefore, the State already manages these stocks and collects all of the biological information. Except for the EAI Tanner and king crab stock, NMFS or ADF&G do not survey these stocks. Harvest histories of the unsurveyed stocks are sporadic and the harvests from those stocks are managed either as incidental catch in fisheries targeting other crab stocks or as limited, exploratory fisheries. Any future exploratory fishery would be operated by ADF&G commissioner's permit, which means the State determines if and when these fisheries occur, who may participate, observer requirements, and how much is harvested. The EAI Tanner crab fishery is essentially a state-waters fishery because 93% of landings from 1985-2006 were in state-waters statistical areas.

Option A would remove the following 12 stocks from the FMP:

1. EAI Tanner crab
2. WAI Tanner crab
3. EBS grooved Tanner crab (*Chionoecetes tanneri*)
4. EAI grooved Tanner crab
5. WAI grooved Tanner crab
6. BS triangle Tanner crab (*Chionoecetes angulatus*)
7. EAI triangle Tanner crab
8. St. Matthew golden king crab
9. St. Lawrence Island blue king crab
10. AI scarlet king crab (*Lithodes couesi*)
11. EBS scarlet king crab
12. EAI red king crab (Dutch Harbor)

Section 306(a)(3) of the Magnuson-Stevens Act provides for State management authority in Federal waters off Alaska in the absence of Federal management of the species in question. Under Option A, the State of Alaska would continue existing State management for these crab stocks. The existing delegated authority is costly and burdensome for these stocks with limited fishery histories for the following reasons: (1) State personnel are required to comply with the additional Federal management processes; (2) the State needs to meet both state and Federal requirements which are often on different timeframes for management (e.g., public meetings and reports); and (3) the State can not meet the costly assessment requirements needed to develop OFLs for these stocks. Instead, conservative management of the species under exclusive State management would be less costly and less onerous.

Under this option, Federal management would be removed, including the Magnuson-Stevens Act measures, such as the limited access requirements, Essential Fish Habitat (EFH) designation, and status determination criteria. Currently, vessels that intend to participate in these fisheries need a Federal license limitation program (LLP) license with a minor species or AI Tanner crab endorsement. NMFS issued crab LLP licenses with new species endorsements to crab LLP license holders subsequent to removing the LLP requirements for fisheries under the Crab Rationalization Program. NMFS issued an AI Tanner crab endorsement to holders of crab LLP with a BSAI snow and Tanner crab endorsement and

issued crab LLPs with minor species endorsements to all crab LLP license holders. Therefore, the LLP requirement does not limit access to these potential fisheries to historic or recent participants.

Although a Magnuson-Stevens Act requirement, insufficient information is available to determine EFH for grooved Tanner, triangle Tanner, and scarlet king crab (See EFH EIS, NMFS 2005). The EFH designated for golden king crab, Tanner crab, and blue king crab species would not change with the removal of WAI and EAI Tanner crab, St. Matthew golden king crab, and St. Lawrence blue king crab stocks. Additionally, these stocks would continue to benefit from the Federal habitat protection measures for the EFH for these three species.

Option B Status quo – No removal of stocks

Under this option, the current 22 stocks would remain in the FMP and, as required by the Magnuson-Stevens Act, OFLs would need to be established for all FMP stocks. As described under Alternative 1, the current status determination criteria only established an MFMT for these species based on the natural mortality rate set for king and Tanner crabs in 1999. The information necessary to establish an overfishing limit for these stocks is currently unavailable (except for AI Tanner crabs). Additionally, there may be State confidentiality issues that may restrict the reporting of status of these stocks relative to the OFLs because many of these exploratory fisheries are prosecuted by fewer than three vessels or processed by fewer than three processors.

In the future, NMFS and the State would need to ensure that these stocks comply with the new Magnuson-Stevens Act requirement for annual catch limits and accountability measures for all species under the FMP. NMFS is developing guidelines on annual catch limits and accountability measures. FMPs will have to be in compliance with these guidelines by 2010.

2.7 Development of alternatives and those considered and eliminated from detailed study

The CPT concluded in 2003 that an analysis of a new FMP amendment revising the current status determination criteria was warranted since the adoption of the 1998 overfishing definitions under Amendment 7. The plan team designated an interagency workgroup consisting of four members to devise alternative overfishing definitions for crab stocks and to periodically report to both the CPT and the SSC on their progress. Progress by the interagency workgroup has been documented in the reports from the CPT (see minutes from the CPT 9/03, 5/04, 9/04, 5/05, 9/05, 5/06, 9/06) and minutes from the SSC (see SSC minutes 5/04, 10/04, 2/05, 6/05, 10/05, 4/06, 6/06, 10/06). These reports are available on the Council website.

In February 2006, a workshop consisting of interagency and outside crab experts was convened in February 2006 to discuss various biological and model parameterization issues associated with the draft tier system and assessment models. The Workshop Report Crab Overfishing Definitions Inter-agency Workshop (NPFMC 2006c) is available on NPFMC website:

<http://www.fakr.noaa.gov/npfmc/analyses/KTCAM24/OverfishingWksp.pdf>

In April 2006, a review was convened with the Center for Independent Experts (CIE) to provide guidance on the development of the tier system. The CIE report, Review of Overfishing Definitions (CIE 2006), is available on NPFMC website:

http://www.fakr.noaa.gov/npfmc/analyses/KTCAM24/CIE_Overfishing406.pdf