



March 31, 2023

Mr. Simon Kinneen, Chairman
North Pacific Fishery Management Council
1007 West Third, Suite 400
Anchorage, AK 99501

RE: Comment on Agenda Item E1 (Staff Tasking – c-shares)

Dear Chairman Kinneen and Council Members:

The Alaska Bering Sea Crabbers (ABSC) is a trade association representing the majority of independent crab harvesters who commercially fish for king, snow (opilio), and Tanner (bairdi) crab with pot gear in the Bering Sea and Aleutian Islands (BSAI) Crab Rationalization Program. We appreciate the opportunity to comment on Agenda Item E1 – Staff Tasking regarding the crab crew share clarifications document posted.

ABSC recommends the Council proceed with this action with an expanded purpose and need statement and range of alternatives developed at this Council meeting and an initial review analysis in June to include exemptions for years of low TAC or closed crab fisheries and to allow for re-issuance of any suspended or revoked crab c-share quota during the time of Council review and NOAA Fisheries implementation of this action. In addition, ABSC requests NOAA Fisheries give proper notice to c-share holders who have not met the active participation requirement by notifying affected individuals directly and giving them an opportunity to come into compliance over the next season.

C-shares were established for active participants or boots on deck fishermen (e.g., captains and crew), in the Crab Rationalization Program fishery. C-shares provide active fishermen a way to invest in or buy into the fishery. They are an on-ramp for new entrants, which catch share programs work to encourage. For c-shares in the Crab Rationalization Program, there are different participation requirements for initial issues of c-shares versus those who have bought quota since the program started. These participation requirements give initial issues of c-shares more flexibility than newer entrants in the fishery. Initial issues must go on a BSAI crab trip or participate as crew in at least 30 days of fishing in a commercial fishery off Alaska. New entrants with c-shares do not have the flexibility of the added 30 days in any Alaska fishery and must be on a BSAI crab trip. The new entrant participation requirement for c-shares makes it more difficult, if not impossible, for new entrants to keep their c-shares during years of low or closed fisheries when very few boats are fishing, like this year when only about a dozen crab boats out of over 60 fished.

For either type of c-share owner, it has been harder to participate in a BSAI crab trip since 2020 when the COVID pandemic first started in the U.S. and now since the fall of 2021 because of low or closed crab fisheries. The 2021/2022 BSAI crab fishery saw the lowest total allowable catch (TAC) in the history of the rationalized fishery for king, snow, and bairdi crab combined with Bristol Bay red king crab (BBRKC) closed for the first time in 25 years and snow crab down roughly 80%. The 2022/2023 BSAI crab fishery was even worse with BBRKC again closed and snow crab closed for the first time in U.S. history. And the outlook for BSAI crab for the next 6 years or so is not good as seen in the snow crab rebuilding plan work and in crab

stock assessments. Opportunities for c-share holders to make it out on a crab fishing trip may be severely limited for several years to come.

ABSC appreciates that the Council initiated, and NMFS implemented an emergency rule last season to help protect c-share holders affected by the pandemic and that they are now considering a permanent fix to address the situation. However, the disconnect between the duration of the emergency rule and getting to a permanent fix is not happening fast enough to help crew. ABSC requests that the purpose and need statement and the range of alternatives for the permanent fix be expanded to include not only consideration of a pandemic or other unusual circumstances like it but also times of low quota or closed crab fisheries that make it difficult to get out on a crab trip. ABSC offers the following suggested edits to the purpose and need and alternatives provided in the [Council's c-share memo](#) to more fully address the current situation.

Purpose and Need:

The CVC and CPC shares have a participation requirement of one delivery during the previous 4 consecutive years. ~~With the ongoing impacts of the COVID-19 pandemic, now in its third year, some crew members have not been able to comply with the participation requirement. With the unforeseen circumstance of the recent drastic decline of several BSAI crab stocks and the BSS stock and potential fishery closures or low harvest levels taking place on the heels of the COVID-19 pandemic, some crew members have not been able to comply with the participation requirement there will be less opportunity for crew to participate in crab fisheries because of limited numbers of vessels participating in the fishery restricting opportunity or due to pandemic restrictions making it more difficult. This action is needed to protect the crew that have invested in this fishery while balancing the intent of the active participation requirement to reflect "boots on deck" crab fishermen.~~

Alternative 1 - No action

Alternative 2 - Modify the CVC QS and CPC QS recency requirement

Option 1: Restart the recent participation requirement after the pandemic and beginning in 2023/24 only count fishing years where at least 30 BSAI crab vessels fish. Do not count 2019/20, 2020/21, 2021/22, through 2023/2024 toward the recent participation requirement.

Option 2: Give the Regional Administrator the authority to suspend the CVC QS and CPC QS recent participation requirement in years of low BSAI crab quota where few vessels fish or due to other unforeseen circumstances (e.g. a pandemic).

Option 3: Require the same participation requirements for initial issues and new entrants. In other words, within the previous three years, participate in a BSAI crab trip OR participate as crew in at least 30 days of fishing in a commercial fishery off Alaska.

The options under Alternative 2 are not mutually exclusive. Option 1 sets a threshold of 30 vessels, roughly half the size of recent vessel participation before the 2022/2023 season, as a minimum amount of vessels fishing to give c-share holders a reasonable opportunity to get out on a BSAI crab trip to comply with the participation requirements. Paired with Option 3, which equalizes the participation requirement for all types of c-shares holders (new entrants and initial issuees), there should be sufficient opportunity to maintain active participation either through a BSAI crab fishery or through another Alaska fishery.

Finally, we understand that NOAA Fisheries made public announcements and created a website about c-share participation requirements to provide notice to participants. However, we request that if NOAA fisheries has not already done so, that they also send personalized notice to individuals at their address

of record and make reasonable attempts to contact the individual in advance of that person's c-shares being subject to revocation to give them an opportunity to come into compliance over the next season. Not everyone reads websites and newsletters and they might not think it applies to them personally.

Another complicating factor is that if c-share holders are forced to sell their c-share quota in order to avoid revocation, it may impact the quota market for all remaining quota holders in BSAI crab fisheries by devaluing the commodity. In this scenario, not only are crew and new entrants disproportionately harmed by being forced out of a fishery during a crisis, but the entire quota market for all of those remaining could be further negatively affected. To address this, we ask that NOAA Fisheries publicly announce that they do not intend to revoke c-share quota until a permanent solution has been implemented to prevent a forced sale of quota share during a fishery disaster.

ABSC urges the Council and NOAA Fisheries to create policies and regulations that protect our active fishermen and new entrants in the Crab Rationalization Program during times of low or closed BSAI crab fisheries or other unforeseen challenging circumstances, like the pandemic.

Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Goen', with a stylized flourish at the end.

Jamie Goen
Executive Director
Alaska Bering Sea Crabbers
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