

C-4 Crab Arbitration
Council motion
June 9, 2025

The Council recommends releasing the analysis for final action and identifies the following preliminary preferred alternative in **bold**. Additions are in underline and deletions are in ~~strikeout~~. Changes to the options in Alternative 2 remain within the scope of the current purpose and need for this action.

Alternative 1: Status Quo

Action alternatives are not mutually exclusive.

Alternative 2: Changes to the regulations governing the arbitration process.

Options are not mutually exclusive.

Option 1. Remove the requirement that the arbitrator can only select a remedy proposed by one side. Allow the arbitrator to select an independent or compromise remedy based on the facts provided in the arbitration.

Option 2. ~~Allow parties to receive the arbitrator's written report and rationale, as well as a publicly available report providing key rationale (without including confidential information).~~ Require a written report and rationale from the arbitrator to the parties to the arbitration. The report should largely mirror the written report submitted by the Contract Arbitrator to NMFS to avoid external costs.

Option 3. Remove the requirement for a market report.

Option 4. Remove the arbitration option for non-performance after a contract has been established to define BSAI crab price, delivery, or other terms.

Option 5: Streamline the information submitted to NMFS in the Annual Arbitration Organization Report and notifications by removing requirements for information NMFS already has, information that has not changed, and any other information that is no longer necessary.

Alternative 3. IFQ and IPQ application withdrawal.

IFQ and IPQ applications can be withdrawn after being accepted by NMFS at any time before BSAI crab rationalization species TACs are announced and within (option 1: 24 hours and option 2: 48 hours) after BSAI crab rationalization species TACs are announced.