

BSAI Crab Fishery Management Plan Amendment Summaries

March 2023





The fishery management program in the North Pacific is widely considered to be among the best in the world and has resulted in over 40 years of sustainable and profitable fisheries off Alaska. Program policies and measures are developed by the North Pacific Fishery Management Council through the preparation and maintenance of fishery management plans (FMPs) and recommend changes to Federal regulations. The Council frequently recommends changes to its FMPs and to Federal regulations to respond to new scientific information, changes in the environment, changes in policy, and operational changes in the fisheries. The amendments are developed through the Council's open and transparent regulatory process and implemented by the National Marine Fisheries Service (NMFS) Alaska Regional Office.

The existing management program has evolved greatly over time, with the FMPs and regulations being built and modified meeting by meeting, amendment by amendment. To fully appreciate and understand this evolution, Council staff has prepared summaries of each regulatory amendment to the Halibut and Sablefish Fixed-Gear IFQ Program. These summaries provide an overview of the purpose and need, analysis, regulation, and results of each action.

Three previous volumes of amendment summaries have been completed; one for the Bering Sea and Aleutian Islands Groundfish FMP in May 2016, a second for the Gulf of Alaska Groundfish FMP in April 2019, and a third for the Pacific Halibut and Sablefish IFQ program in June 2021.

For more information about the fisheries management in the North Pacific or the Council process, I encourage you to visit the NPFMC website at www.npfmc.org.

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Back cover photo courtesy of Julia Brownlee.



Introduction

Fishery Management Councils

The Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA) assigned Federal fisheries management authority to eight regional councils: North Pacific, Western Pacific, Pacific, Gulf of Mexico, New England, Mid-Atlantic, South Atlantic, and Caribbean. Each council was charged with preparing and maintaining Fishery Management Plans (FMPs) that reflect both the National Standards and determine the management and conservation objectives and

specifications for each region. FMPs delineate regional management priorities and are responsive to unique challenges and concerns of each region while fulfilling the goals defined in the MSA. Under the Magnuson-Stevens Act, the councils are authorized to prepare and submit to the Secretary of Commerce for approval, disapproval or partial approval, an FMP and any necessary amendments, for each fishery under its authority that requires conservation and management. The Council conducts public hearings so as to allow all interested persons an opportunity

to be heard in the development of FMPs and amendments, and reviews and revises, as appropriate, the assessments and specifications with respect to the optimum yield from each fishery.

Fishery Management Plans

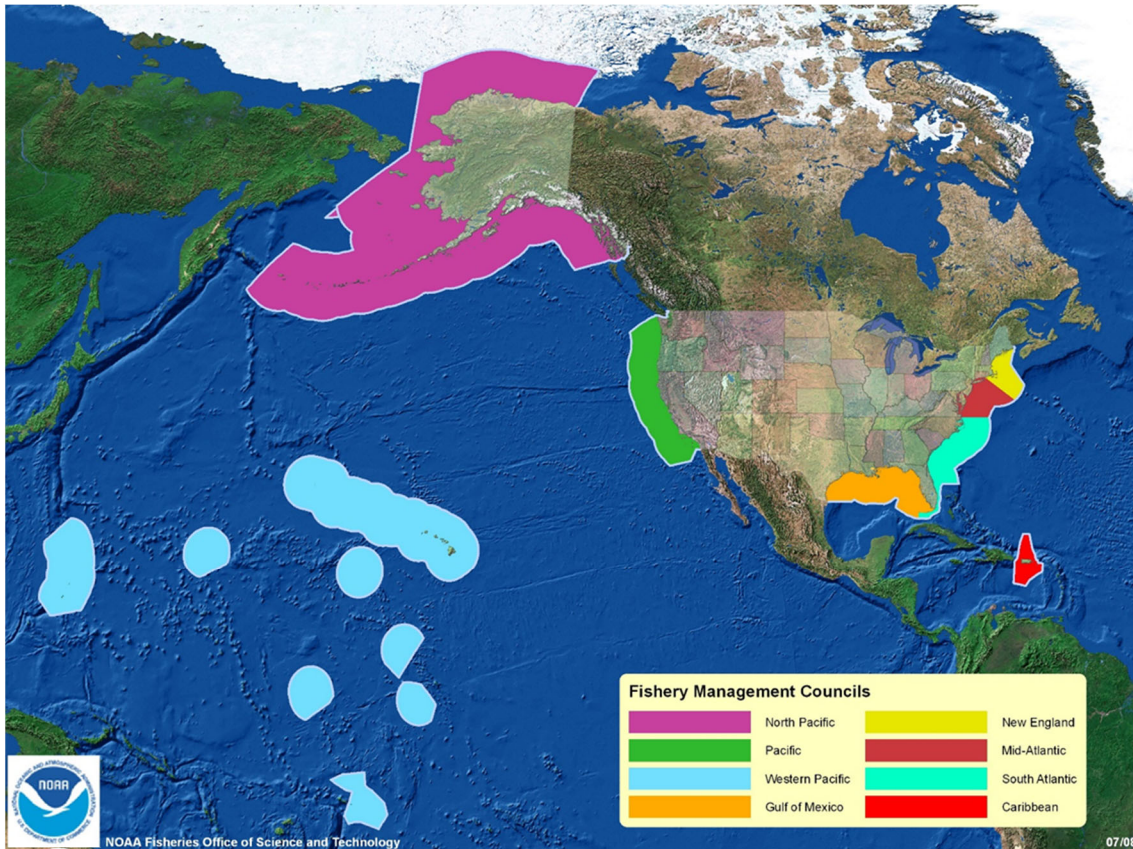
Within the North Pacific there are three distinct Management Areas: Bering Sea/Aleutian Islands (BSAI), Gulf of Alaska (GOA), and Arctic, and the North Pacific Fishery Management Council (NPFMC) manages fisheries relative to the specific management area. While there are similar management objectives, different fishery FMPs for given management areas provide the NPFMC the flexibility to tailor fishery management and conservation strategies to address area-specific challenges. As such, the FMPs prepared and maintained by the NPFMC include BSAI and GOA Groundfish, BSAI King and Tanner Crab, Arctic FMP, and a jointly managed Salmon FMP and Scallop FMP with the State of Alaska.

The BSAI King and Tanner Crab FMP was approved by the Secretary of Commerce in June 1989. Over time, the FMP has been amended many times to meet the changing fishery management needs such as addressing allocation issues, bycatch, and habitat conservation needs. In more recent years, the Council has adopted amendments to streamline catch share programs and address other science and management changes.

To illustrate the evolution of the BSAI King and Tanner Crab FMP, summaries of each amendment were compiled into a comprehensive reference document. This volume is meant to serve as a research tool for a general audience and to illustrate how fisheries management adapts and changes over time. Each amendment summary serves as a guide for understanding the BSAI Groundfish FMP. Each summary can also be used as a stand-alone document to understand a particular issue, or the development of a subject over the course of multiple FMP amendments.

The BSAI King and Tanner Crab FMP amendment summaries consist of five main parts: 1) the date when the action was adopted by the Council, the proposed rule, final rule, and effective date(s) of implementation; 2) purpose and need, a brief background of the reason the action was initiated; 3) regulation summary, which summarizes the regulation as it appears in the FMP; 4) analysis summary; and 5) results, which describes quantified changes that resulted from the amendment, and later FMP amendments that resulted from the action.

Amendments are presented sequentially to show how the FMP has changed over time. While these summaries are meant to be informative at the amendment level, they also demonstrate the prominent role the FMPs play in the national fisheries policy discussion. Each amendment to the BSAI Crab FMP, while addressing a seemingly isolated problem, serves as a case study to inform policy change at the macro level. Each amendment influenced, and was influenced by, a number of other amendments within the FMP. No change happened in isolation, and drawing those connections is critical to understanding the complexity of fisheries management.



Amendments by Council Action Date

Am.	Title	Page
1990		
September		
1	Define overfishing	8

1992		
June		
3	Establish a Research Plan	10

1994		
December		
4	Establish a moratorium on new vessels	11

1995		
December		
6	Repeal the Research Plan	13

1997		
September		
5	Established a vessel License Limitation Program	12

1998		
June		
7	Revised Overfishing Definitions	14
8	Essential fish habitat	15
9	Moratorium Extension	16
October		
10	Sunken vessel provision (LLP changes)	17

1999		
June		
13	American Fisheries Act Implementation	20
October		
11	Harvest strategy for the Bering Sea Tanner crab rebuilding plan	18

2000		
June		
14	Snow crab rebuilding plan	21
15	SMBKC Rebuilding plan	27

2002		
June		
18/19	BSAI Crab Rationalization	25

2005		
February		
12	Identify Habitat areas of particular concern (HAPC)	19
16	Essential fish habitat and protection measures	23

October		
17	PIBKC Rebuilding Plan	24
20	EBS Tanner Crab Stock Split	26

2006		
February		
21	Modify Deadlines for Share Matching and Arbitration	27
25	Allow conversion of North region CVO and PQS to CPO	25

2007		
March		
23	EFH Housekeeping	29

December		
24	Revise Tier System & FMP Stocks	30
26	Exempt C Shares	30
27	Exempt custom processing from use caps	31
28	Establish provision allowing post-delivery transfer of QS	32

2008		
April		
31	Modification to C-Share Requirements	37
33	Federal Loan Program Fee Adjustment	39

October		
34	Revise Crab Sideboard Exemptions	40
32	Extending cooling off period for St. George and revise right of first refusal conditions for St. George (dropped)	38



Amendments by Council Action Date

Am.	Title	Page
2009		
February		
29	Joint amendment implementing the Arctic FMP	35
October		
36	Establish Separate Target Category for Atka Mackerel	39
September		
32	Pacific Ocean Perch Rebuilding Plan	40
35	Authorize collection of permit fees (dropped)	41

2010		
April		
37	Western AI Golden King Crab Regional Delivery Requirement Exemption	43
October		
38	ACL and Accountability Measures	44
39	Modify the Snow Crab Rebuilding Plan	45
December		
41	Emergency Exemption from Regional Delivery Requirements	47

2011		
April		
30	Modify Action to the Arbitration System	36
35	Crab FMP housekeeping	41

Am.	Title	Page
2012		
February		
42	Revise EDRs	48
June		
43	Revise Pribilof Islands Blue King Crab Rebuilding Plan	49
October		
40	EFH Updates	46

2013		
February		
44	Modify Right of First Refusal Provisions	50
45	Modify freezer longline GOA Pacific cod sideboards	

2014		
February		
44	Trailing amendment to the right of refusal provisions	50
December		
46	Housekeeping	52

2016		
June		
47	Exempt Custom Processing from Tanner Crab IPQ Use Caps	53

Am.	Title	Page
2017		
April		
48	Excessive Shares Calculations for CDQ Program	54
49	EFH Update	55

2020		
June		
50	Rebuilding plan for SMBKC	56

2021		
February		
51	Standardized Bycatch Reporting Methodology	57
52	Economic Data Reports Requirements	58



Amendments by Issue

Am.	Title	Page	Am.	Title	Page	Am.	Title	Page	
Administrative			Allocation			FMP Species Categories			
4	Establish a moratorium on new vessels	11	18/19	BSAI crab rationalization	25	3	Establish a research plan	10	
5	Establish a vessel license limitation program	12	21	Modify Deadlines for Share Matching and Arbitration	27	6	Repeal the research plan	13	
9	Moratorium extension	16	26	Exempt C Shares	32	14	Snow crab rebuilding plan	21	
10	Sunken vessel provision (LLP changes)	17	27	Exempt custom processing from use caps	33	15	SMBKC rebuilding plan	22	
13	American Fisheries Act implementation	20	28	Establish provision allowing post-delivery transfer of QS	34	17	PIBKC rebuilding plan	24	
22	Modify CDQ Eligibility	28	31	Modification to C-Share Requirements	37	20	EBS Tanner Crab Stock Split	26	
25	Allow conversion of North region CVO and PQS to CPO	31	33	Federal Loan Program Fee Adjustment	39	37	Western AI Golden King Crab Regional Delivery Requirement Exemption	43	
29	Joint amendment implementing the Arctic FMP	35	41	Emergency Exemption from Regional Delivery Requirements	47	39	Modify the Snow Crab Rebuilding Plan	45	
30	Modify Action to the Arbitration System	36	44	Modify Right of First Refusal Provisions	50	50	Rebuilding Plan for Saint Matthew Island Blue King Crab	56	
32	Extending cooling off period and revise right of first refusal for St. George	38	47	Exempt Custom Processing from Tanner Crab IPQ Use Caps	53	Habitat Conservation			
35	Crab FMP housekeeping	41	48	Excessive Shares Calculations for CDQ Program	54	2	Establish Norton sound super exclusive area registration	9	
36	Authorize collection of permit fees	42	Catch Limits			8	8	Essential fish habitat	15
40	EFH Updates	46	1	Define Overfishing	8	12	Identify habitat areas of particular concern and protection measures	19	
42	Revise Economic Data Reports	48	7	Revised Overfishing definitions	14	16	EFH and protection measures	23	
46	Housekeeping	52	11	Harvest Strategy for the Bering Sea Tanner Crab Rebuilding plan	18	23	EFH Housekeeping	29	
49	EFH Update	55	24	Revise Tier System & FMP Stocks	30	43	Revise Pribilof Islands Blue King Crab Rebuilding Plan	49	
51	Standardized Bycatch Reporting Methodology	57	34	Revise Crab Sideboard Exemptions	40				
52	Economic Data Reports Requirements	58	38	ACL and Accountability Measures	44				
			45	Modify freezer longline GOA Pacific cod sideboards	51				

Common Acronyms

ABC	Acceptable Biological Catch	EIS	Environmental Impact Statement	OFL	Overfishing level
ADF&G	Alaska Department of Fish and Game	EM	Electronic Monitoring	OY	Optimum Yield
ACL	Acceptable catch limit	ESA	Endangered Species Act	PQS	Processor quota shares
AFA	American Fisheries Act	FMP	fishery management plan	PSC	Prohibited Species Catch
AFSC	Alaska Fisheries Science Center	FR	Federal Register	PPA	Preliminary Preferred Alternative
AI	Aleutian Islands	FRFA	Final Regulatory Flexibility Analysis	PRA	Paperwork Reduction Act
AIHCA	Aleutian Islands Habitat Conservation Area	ft	Foot or Feet	PSEIS	Programmatic Supplemental Environmental Impact Statement
AKFIN	Alaska Fisheries Information Network	GHL	Guideline Harvest Level	PSMFC	Pacific states marine fisheries commission
AO	Arbitration organization	GOA	Gulf of Alaska	QS	Quota Share
AOC	Americans ocean campaign	HAPC	Habitat Area of Particular Concern	RFA	Regulatory Flexibility Act
BSAI	Bering Sea and Aleutian Islands	HCD	Habitat conservation Division	RIR	Regulatory Impact Review
CAS	Catch Accounting System	HCA	Habitat Conservation Area	RPA	Reasonable and Prudent Alternative
CDQ	Community Development Quota	HCZ	Habitat Conservation zone	ROFR	Right of first refusal
CEQ	Council on Environmental Quality	IFQ	Individual fishing quota	SAFE	Stock Assessment and Fishery Evaluation
CFR	Code of Federal Regulations	IPQ	Individual processing quota	SMBKC	Saint Matthew Blue King Crab
CP	Catcher/Processor	IRFA	Initial Regulatory Flexibility Analysis	TAC	Total Allowable Catch
CPO	Catcher Processor owner	LAPP	Limited access privilege program	U.S.	United States
CPUE	Catch per unit effort	lb(s)	pound(s)	USCG	United States Coast Guard
CR	Crab Rationalization	LLP	License Limitation Program	USFWS	United States Fish and Wildlife Service
CV	Catcher Vessel	LOA	Length Overall	VMS	vessel monitoring system
CVC	Catcher vessel crew	M	Mortality rate	W	West
CVO	Catcher vessel owner	m	Meter or Meters	WAG	Western Aleutian Golden King Crab
E	East	MRA	Maximum Retainable Amount	WBT	Western Bering Tanner Crab
EAG	Eastern Aleutian Island Golden King Crab	MSA	Magnuson-Stevens Fishery Conservation and Management Act		
EBT	Eastern Bering Tanner Crab	MSST	minimum stock size threshold		
ECC	Eligible Crab Community	MSY	Maximum sustainable yield		
E.O.	Executive Order	mt or t	Metric Ton		
EA	Environmental Assessment	NEPA	National Environmental Policy Act		
EBS	Eastern Bering Sea	NMFS	National Marine Fishery Service		
EDR	Economic Data Reporting	NOAA	National Oceanographic and Atmospheric Administration		
EEZ	Exclusive Economic Zone	NPFMC	North Pacific Fishery Management Council		
EFH	essential fish habitat				



Overfishing, Status Determination Criteria

Council Action
September, 1990

Notice of Availability
November 30, 1990
[55 FR 49673](#)

Final Regulations
March 4, 1991
[56 FR 8985](#)

Effective
February 26, 1991

Purpose and Need

The MSA requires conservation and management measures to prevent overfishing, but does not define overfishing. NOAA guidelines require that each FMP specify an objective and measurable definition of overfishing for included stocks. This amendment established quantitative definitions of overfishing, replacing the qualitative definitions originally included in the FMP.

Analysis

A 28 page EA, dated November 20, 1990, was prepared for this amendment. Four alternatives, including the status quo, were evaluated. The alternative chosen defined overfishing as a constant rate of fishing mortality in excess of F_{msy} . The other alternatives considered included a variable fishing rate, or a constant fishing mortality rate with a MSST set at 10 percent of the long term average biomass. The variable rate alternative was not chosen due to data limitations, the extensive analysis required, and the development of new harvest strategies by the State of Alaska. The threshold alternative was not chosen because it could not be determined if the 10 percent biomass could be estimated for most stocks, and whether this level of reserve would be a conservative measure. (<https://repository.library.noaa.gov/view/noaa/23929>)

Regulation Summary

This amendment defined overfishing as a fishing mortality rate in excess of F_{msy} where the maximum allowable fishing mortality rate is estimated to equal the natural mortality rate (M) of mature male crab. Depending on the data availability for a stock, fishing mortality and the maximum allowable fishing mortality rate was estimated with different methods. For stocks with only historical catch, sporadic inseason catch, effort, and mortality data, the maximum allowable fishing mortality rate was 0.3. Mortality rate estimates are generated from CPUE data. For stocks with historical catch, continuous inseason catch and effort, as well as mortality data, the maximum allowable fishing mortality rate was 0.3. Fishing mortality and cumulative catch were used to estimate the population of legal male crab and fishing mortality rates. Finally, for stocks with historical catch, continuous inseason catch and effort, as well as population dynamics data available, the maximum allowable fishing mortality rate was 0.1. Harvest levels were estimated annually and fishing mortality rates were established prior to the fishery.

Results

This provided clear and objective overfishing definitions that the fisheries could be predictably managed in accordance with. These stock status thresholds have been foundational for the effective management of BSAI crab and other North Pacific Stocks. Overfishing definitions and related biological and management thresholds have been continually updated as new information become available. For the BSAI Crab FMP, these updates were done under Amendments 7, 24, and 38.



2

Establish Norton Sound Super Exclusive Area Registration

Registration

Council Action
NA

Notice of Availability
February 23, 1994
[59 FR 8595](#)

Proposed Rule
March 4, 1994
[50 CFR 671](#)

Final Regulations
May 31, 1994
[59 FR 10365](#)

Effective
June 27, 1994

Purpose and Need

The Norton Sound Red King Crab stock is small relative to most other BSAI crab stocks. Increasing participation by large vessels led to short seasons, unpredictable harvest rates, and overcapitalization in the fishery. To combat conservation concerns driven by unpredictable harvest levels, and to provide harvest opportunity for the smaller vessel that had traditionally participated in the fishery, the State of Alaska declared Norton Sound a superexclusive registration area. However, it was determined that the action was not within the FMP management measures which could be freely modified by the state, and required a federal FMP amendment. Therefore, this action superseded State of Alaska regulations to implement the area.

Analysis

A 69 page EA/RIR/IRFA, dated January 20, 1994, was prepared for this amendment. Three alternatives, including the status quo, were evaluated. The action alternatives were superexclusive registration or exclusive registration. Registration in a superexclusive area would prevent registration and participation in another BSAI crab area during that same registration year. Prior to this amendment, the fishery was nonexclusive and any

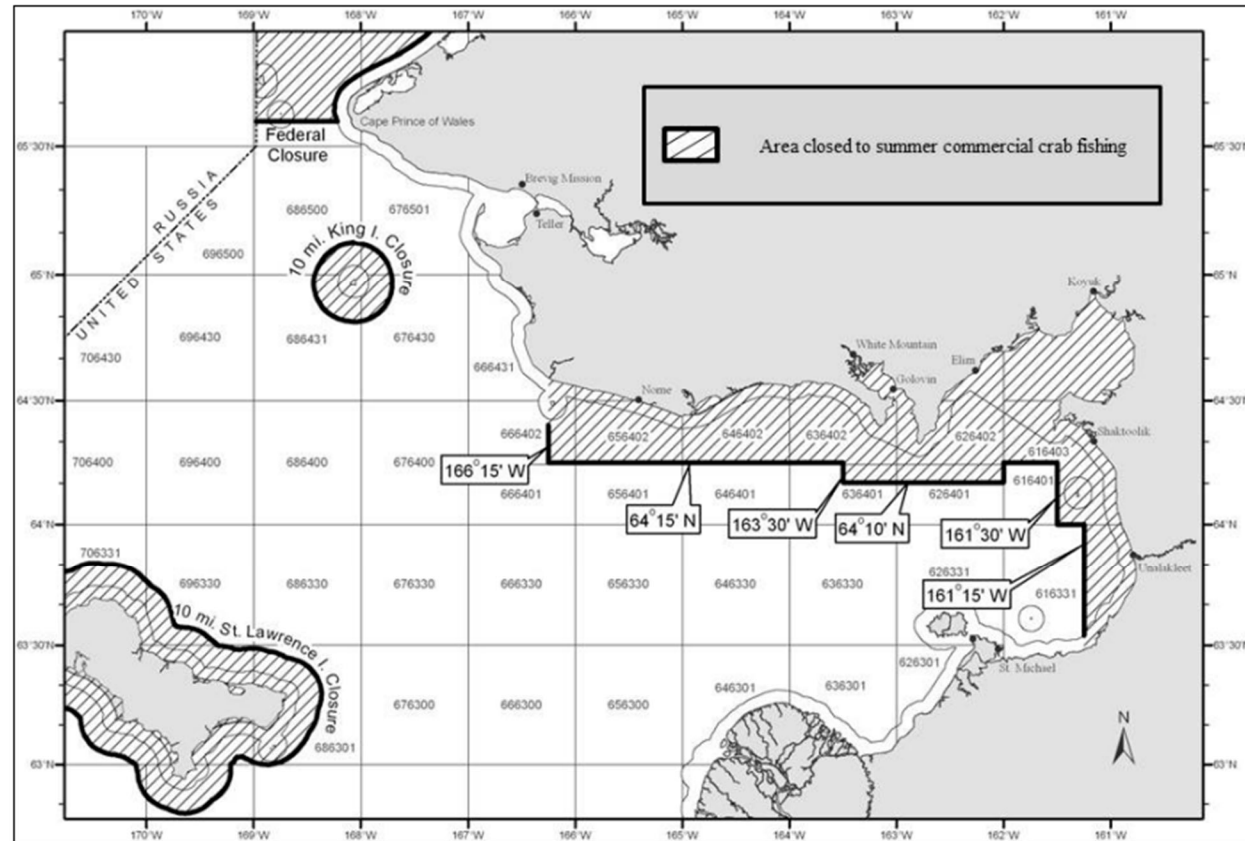
vessel could participate in it regardless of participation in other crab fisheries. (<https://www.fisheries.noaa.gov/resource/document/environmental-assessment-regulatory-impact-review-and-initial-regulatory>)

Regulation Summary

Any vessel registered to fish for red king crab in the Norton Sound superexclusive area could not participate in any other EEZ BSAI crab fishery during that same registration year.

Results

Large vessels sharply reduced participation in the Norton Sound red king crab fishery to maintain participation in larger and more generally more lucrative BSAI crab fisheries. This maintained the Norton Sound fishery as a small boat fishery.



Norton Sound Statistical Areas with waters closed to Norton Sound summer commercial crab fishery designated Red King Crab. ([NSRKC Harvest Strategy](#), ADF&G, 2012)



Research, Observer program

Council Action
June, 1992
revised and re-adopted
December, 1993

Notice of Availability
May 24, 1994
[50 FR 26780](#)

Final Regulations
September 1, 1994
[59 FR 46126](#)

Effective
August 15, 1994

Purpose and Need

The Alaska Board of Fisheries authorized the establishment an observer program for EEZ BSAI crab fisheries in 1988. As implemented by the State, there was concern about the funding structure, management, and data quality of the program. The research plan, implemented concurrently with BSAI and GOA groundfish research plans, provided a way to address these shortcomings.

Analysis

A 39 page EA/RIR, dated March 22, 1994, was prepared. The document analyzed two alternatives, including the status quo. There were three main concerns identified regarding the observer program as implemented without a research program: (1) it may not be equitable, (2) NMFS would have limited authority to manage the program, and (3) direct payment of observer fees could create a conflict of interest which may undermine observer data quality. (<https://repository.library.noaa.gov/view/noaa/18163>)

Regulation Summary

The MSA authorized the Council and the Secretary to establish a North Pacific Fisheries Research Plan which

- (1) required that observers be stationed on fishing vessels and at fish processing facilities, and
- (2) established a system of fees to pay for the cost of implementing the research plan.

The Research Plan contained objectives and elements that included observer employment and contracts, observer duties, data collection and transmission, annual determination of coverage levels by fishery, in-season changes to coverage levels, establishment of an observer oversight committee, coordination between the NMFS groundfish and ADF&G shellfish observer programs, a fee assessment (up to 2 percent of ex-vessel value of harvested fish), and details on fee collection and contingency plans in case of funding shortfalls.

Results

Though the amendment was approved, it was never fully implemented. Instead, implementation was delayed by one year, then replaced with a modified pay-as-you-go system for groundfish fisheries and status quo for crab fisheries. Start-up fees were collected by NMFS in the first year of implementation (1995), but the Council repealed the Research Plan due to various concerns, including the possibility that the fee would not cover the necessary coverage levels. Fees were refunded following the repeal of the Plan. The Council requested redevelopment of fee plan alternatives to evaluate in 2000 and 2001, but ended up addressing observer coverage in BSAI crab fisheries by delegating specification of an observer program to the State of Alaska through Amendment 6.



4

Establish a Moratorium on New Vessels

**Vessel moratorium,
Limited entry, Joint
with BSAI 23/GOA 28**

Council Action
December, 1994
Notice of Availability
May 8, 1995
[60 FR 22542](#)

Proposed Rule*
June 3, 1994
[59 FR 28827](#)
Withdrawal of Proposed Rule
August 23, 1994 ([59 FR 43534](#))

Proposed Rule
May 12, 1995
[60 FR 25677](#)

Final Regulations
August 10, 1995
[60 FR 40763](#)

Effective
September 11, 1995

Purpose and Need

In 1987, concerned with excess harvesting capacity in BSAI and GOA fisheries, the Council examined the problem of overcapitalization. They found that BSAI crab fisheries had developed extensive surplus harvesting capacity beyond what was needed to execute the fishery in a timely manner. This overcapitalization resulted in large economic inefficiencies and a dangerous race for fish. Concluding that allocation conflicts and overcapitalization would worsen under continued open access, limited access management was recommended. Concerned with speculative entry into the fisheries during discussions of management alternatives, the Council considered a tool to prevent expanded participation in the fishery until a long term limited entry solution could be developed and implemented.

Analysis

A 35 page EA/RIR/FRFA dated January 22, 2010 was prepared for this issue. The supplemental analysis outlined the changes from the original moratorium proposal: revision of the qualification period, halibut and sablefish qualification, consideration of current participation, crossovers, and the appeals process. The analysis indicated that the revised moratorium would allow 4,144 unique vessels in the crab and groundfish fisheries, about 1,800 more than the current participant fleet but significantly less than the 15,709 unique vessels that participated in the fisheries since 1978 and had the potential to re-enter if no action was taken. (<https://repository.library.noaa.gov/view/noaa/18158>)

Regulation Summary

This amendment prohibited participation in BSAI Crab fisheries by vessels not issued a moratorium permit by NMFS, or in an exempt vessel category. Generally, vessels that made a legal landing of BSAI crab between January 1, 1988 and February 9, 1992 were eligible for a moratorium permit. Moratorium permits were issued by gear type, had crossover provisions for participation in multiple fisheries with qualifying landings, and were transferable with approval from the Regional Director.

Results

Additional participants in BSAI Crab fisheries were prohibited to prevent continued overcapitalization and speculative entry in the BSAI crab fisheries. This allowed for development of the LLP (Amendment 5) and ultimately, the Crab Rationalization Program (Amendments 18 and 19). However, in order to control participation between the moratorium program and the LLP, the moratorium had to be extended with Amendment 9. This series of actions was required to implement a long term situation to improve economic efficiency while recognizing historical use and dependence on the fishery.



5

Establish a Vessel License Limitation Program

LLP, CDQ, Vessel moratorium

Council Action
September 12, 1997

Proposed Rule
June 16, 1997
[62 FR 32579](#)

Final Regulations
February 19, 1998 (CDQ)
[63 FR 8356](#)
October 1, 1998 (LLP)
[63 FR 52642](#)

Effective
February 19, 1998 (CDQ)
January 1, 2000 (LLP)

Purpose and Need

In 1992, the Council committed to rationalize the groundfish and crab fisheries. This was prompted by concerns that expansion of the domestic harvesting fleet, which was well in excess of that needed to efficiently harvest the OY, may be out of compliance with the MSA and was severely deteriorating the economic benefits derived from the crab fisheries. The Council examined several management alternatives including license limitation and IFQs, and determined that a limited entry program had the most potential to address the immediate overcapitalization problems of the industry. First, the Vessel Moratorium Program, Amendment 4, was implemented to provide industry stability and curtail interim increases in fishing capacity while the LLP was developed. The intent was for the LLP to replace the moratorium program upon implementation. The LLP Amendments also expanded the CDQ program by including CDQ allocations as a percentage of the TAC for groundfish and crab species in the BSAI that were not previously included in the existing CDQ program for pollock, halibut, and sablefish.

Analysis

A final EA/RIR (dated September 1997) and several supplemental analyses considered the status quo and a general license limitation alternative. Out of a comprehensive list of elements and options the Council considered during the debates on LLP, the analysis identified one option for each component of an LLP to create the preferred alternative. A supporting document also analyzed the differences between the vessel moratorium program and the LLP passed by the Council. The vessel moratorium was more liberal in terms of qualification criteria and the areas a vessel could fish. Under the moratorium, a vessel was only required to make one landing of a qualifying species between January 1, 1988 and February 9, 1992, and having met that criteria, the moratorium permit holders could fish groundfish in any federal waters off Alaska. Therefore, because the LLP had dual qualification criteria, many fewer vessels were expected to qualify than did for the moratorium.

<https://repository.library.noaa.gov/view/noaa/18181>

Regulation Summary

This amendment resulted in a suite of changes. First, to receive a BSAI Crab LLP, a vessel must have made qualifying landings during the Vessel Moratorium qualifying period as well as during the moratorium's effective period. The resulting LLP license indicated the vessel length, maximum replacement/rebuilt length, whether it is a C/V or C/P, and what species/areas it was eligible for. LLPs were not transferable for at least 3 years, and a person is limited to holding a maximum of 5 LLPs, unless originally allocated more. Second, the amendment allocated 7.5% of BSAI Crab to a CDQ reserve. It also directed the State of Alaska to develop a plan to allocate the CDQ reserve among CDQ groups. In addition, the amendment limited the number, size, and method of operation of vessels in BSAI Crab fisheries.

Results

The LLP superseded the vessel moratorium program implemented under Amendments 4 and 9, and helped resolve the competing needs of the domestic fisheries that had developed under open access and to close the gap between fishing capacity and the available fishery resources. It replaced the vessel moratorium program, established the crab CDQ reserve, and authorized the State of Alaska to allocate the CDQ reserve among CDQ groups, and to manage CDQ harvesting. The LLP would later be superseded by the Crab Rationalization Program implemented through Amendments 18 and 19.



6

Repeal the Research Plan

Research plan, Observer program

Council Action
December, 1995

Notice of Availability
July 12, 1996
[61 FR 36702](#)

Proposed Rule
August 2, 1996
[61 FR 40380](#)

Final Regulations
November 1, 1996
[61 FR 56425](#)

Effective
January 1, 1997

Purpose and Need

At the time, the Observer Program was managed by NMFS and provided data for fisheries management and science, and compliance monitoring. Observers were hired by private contractors certified by NMFS. Vessel and processing plant owners entered into private negotiations for observer services with the certified contractor of their choice. NMFS's ability to assure observer data integrity was constrained by several features of this program. First, while certified contractors were responsible for assuring that NMFS data integrity standards were met, they also had contractual obligations to the fishing companies. Second, the process of negotiation among harvesters or processors and observer contractors helped control cost, but negatively impacted observer compensation. To address these concerns, the Council requested NMFS to develop the North Pacific Fisheries Research Plan, which would require all fishery participants to pay a fee based on the value of their catch. Collection of this fee was authorized by an amendment to the MSA and was used to fund contracts between NMFS and observer providers for observer services. This removed the direct financial link between the fishing industry and the observer contracting industry.

Analysis

A 53 page EA/RIR/FRFA, dated August 27, 1996, was prepared for this action. Three alternatives, including the status quo were analyzed. The first action alternative would implement the crab observer program as a separate program under the State of Alaska. The second action alternative would create a "pay-as-you-go" observer program conducted through a contractor that arranged independent observer services through subcontractors. (<https://repository.library.noaa.gov/view/noaa/18192>)

Regulation Summary

This amendment removed the reference to the BSAI Crab Research Plan in the FMP when specifying observer program requirements. This reverted BSAI crab observer coverage requirements to a Category 3 measure which delegated specification of the observer program back to the Alaska Board of Fisheries.

Results

The State of Alaska re-developed the BSAI Crab observer program. This action was ultimately withdrawn due to legal concerns from the PSMFC.

Withdrawn

At the December 1997 meeting, the Council was scheduled to take action approving an alternative observer program structure - a Joint Partnership Agreement between NOAA and the PSMFC, which would have established PSMFC as a third party procurement point for observers. This was considered as a replacement for the repealed Research Plan (crab FMP Amendment 3, and groundfish FMP Amendments 27/30), in an effort to address conflicts of interest and other issues in the existing pay-as-you-go program structure. Due to legal concerns of PSMFC, this amendment was not approved by the Council and was never forwarded for Secretarial review. Instead, the existing pay-as-you-go program was extended through the year 2000.



OFL, Status determination criteria

Council Action
June, 1998Notice of Availability
December 1, 1998
[63 FR 66112](#)Final Regulations
March 9, 1999
[64 FR 11390](#)Effective
March 3, 1999

Purpose and Need

The MSA was amended in 1996 by the Sustainable Fisheries Act, which defined the terms “overfishing” and “overfished” to mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the MSY on a continuing basis. Additionally, it required that all FMPs specify objective and measurable criteria for identifying when the fishery was overfished and required conservation and management measures to prevent overfishing and rebuild overfished fisheries. The MSA further required regional fishery management councils to submit amendments that would bring FMPs into compliance by October 11, 1998.

Analysis

An EA, dated February 1, 1999, was prepared for this amendment. Two alternatives including the status quo were considered. The action alternative chosen was more conservative because it treated MSY as a limit rather than a target, and is based on the best available scientific information. (<https://repository.library.noaa.gov/view/noaa/18203>)

Regulation Summary

MSY represents the average of sustainable yield over a period of time, where sustainable yield is a fraction of the total mature biomass for a given year. The BSAI Crab Plan Team estimated MSY from the best scientific information available. However, the scientific information required to determine MSY was not available for several BSAI crab stocks. In these cases, proxy stocks were used to estimate MSY. The MSY control rule for king and Tanner crabs was the mature biomass of a stock, or proxy thereof, exploited at a fishing mortality rate equal to a conservative estimate of natural mortality, M , which was $M=0.2$ for all king crab species and $M=0.3$ for all Tanner crab species. For BSAI crab, the MSY stock size was the average mature biomass observed over the past 15 years, from 1983 to 1997. Overfishing was defined for king and Tanner crab stocks in the BSAI as any rate of fishing mortality in excess of the MFMT threshold for a period of one year or more. MFMT threshold, defined by the MSY control rule, was expressed as the MSY fishing mortality rate, $F_{msy}=M$. MSST was specified as one-half of the MSY stock size. If stock abundance fell below MSST, the stock was considered overfished and the guidelines specified that a rebuilding plan must be prepared for the stock.

Results

This amendment brought the FMP into compliance with the MSA. As a result of the new definitions, several stocks of crabs were considered overfished because the stocks were found to be below MSST. Rebuilding plans would be initially developed for these stocks under Amendments 11, 14, 15, and 17.



EFH

Council Action
June, 1998

Notice of Availability
October 22, 1998
[63 FR 56601](#)

Final Regulations
April 26, 1999
[64 FR 20216](#)

Effective
January 20, 1999

Purpose and Need

The Sustainable Fisheries Act amendment to the MSA also mandated that every FMP include a provision to describe and identify EFH for the fishery. EFH was broadly defined by the Act to include “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”. All eight regional councils were required to amend their FMPs by October 1998 to: (1) identify and describe EFH for species managed under an FMP; (2) describe adverse impacts to that habitat from fishing activities and non-fishing activities; (3) recommend conservation and enhancement measures necessary to help minimize impacts, protect, and restore that habitat; and (4) include conservation and enhancement measures necessary to minimize to the extent practicable, adverse impacts from fishing on EFH. The purpose of this amendment was to provide for improved long-term productivity of the fisheries, to allow NMFS and the Council to be more proactive in protecting habitat areas, and to alert other federal and state agencies about areas of concern. Federal agencies engaging in activities that may adversely affect EFH must consult with NMFS. NMFS must, and the Council may, make suggestions on how to mitigate any potential habitat damage. The Council was required to comment on any project that may adversely affect the habitat of a species covered by an FMP.

Analysis

An EA, dated January 1999, and a background assessment report were prepared for this amendment. Three alternatives including the status quo were considered. The action alternative that was not chosen would have defined EFH only as areas of high concentration for each life stage. The chosen alternative allowed for a broader definition of what constituted EFH. (<https://repository.library.noaa.gov/view/noaa/19209>)

Regulation Summary

This action defined EFH as all habitat within a general distribution for a species life stage, for all information levels and under all stock conditions. A general distribution area is a subset of a species range. For any species listed under the ESA, EFH includes all areas identified as critical habitat. EFH was described in text, tables, and maps. HAPC were identified as living substrates in shallow and deep waters. For BSAI crab, the scientific information available to determine EFH by stock was highly variable. Generally, relatively shallow waters (>50 meters), the Aleutian Islands, Bristol Bay, and the continental shelf and shelf break were designated as EFH.



Crab fishing in Nome Alaska. Photo courtesy of NPFMC.

Results

After this amendment was approved, NMFS was sued by a coalition of plaintiffs (Earthjustice Legal Defense Fund, Center for Marine Conservation, National Audubon Society, and other groups) who alleged that the EFH amendment failed to meet statutory requirements because it did not analyze the effects of fishing on habitat, and did not impose practicable measures to minimize impacts of fishing gear, therefore

violating NEPA. This litigation was ultimately addressed by Amendment 12. Subsequent EFH five year reviews have updated EFH designations for each stock with the best available scientific information.



9

Moratorium Extension

**LLP, Limited entry,
Vessel moratorium**

**Council Action
June, 1998**

**Notice of Availability
September 18, 1998**
[63 FR 49892](#)

**Proposed Rule
November 13, 1998**
[63 FR 63442](#)

**Final Regulations
January 25, 1999**
[64 FR 3651](#)

**Effective
January 19, 1999**

Purpose and Need

The moratorium program implemented under Amendment 4 served as an interim measure to slow significant increases in the harvesting capacity of the groundfish and crab fishing fleets until additional measures, such as the LLP, could be implemented. The LLP was a step toward developing the CR Program with the intent of solving the issue of overcapitalization on a long-term basis, and transitioning the fisheries from an open access management system to a market-based limited access system. Without a moratorium, the Council feared that potentially unlimited new entry into the fishery would exacerbate overcapitalization and hinder the ultimate development of a successful CR Program. The original amendments instituting the vessel moratorium were scheduled to expire on December 31, 1998. The replacement, the LLP, would not be in effect until January 1, 2000. Therefore, regulatory action was necessary to extend the moratorium in order to eliminate the one-year gap between the expiration of the moratorium and the beginning of the LLP.

Analysis

An RIR, dated December 1998, was prepared for Amendment 9. Two alternatives were considered: (1) allowing the vessel moratorium to expire (no action alternative), and (2) extending the program for one year. The analysis determined that although all of the impacts of a one-year lapse between the moratorium program and the LLP were not known, one potentially significant impact could be speculative entry into the affected fisheries by persons who would not qualify to fish under the moratorium program or the LLP. Because allowing new entry would exacerbate overcapitalization and the race for fish, the analysis determined that the no action alternative was inconsistent with the overall intent of comprehensive rationalization. The preferred alternative extended the moratorium for one year, allowing time for NMFS to complete the design and implementation of the LLP. (<https://repository.library.noaa.gov/view/noaa/19125>)

Regulation Summary

This action extended the moratorium program and associated permits implemented under Amendment 4 through December 31, 1999. The regulation also provided that no person could apply for a new moratorium permit after the original moratorium program expiration date of December 31, 1998, unless the application was based on a moratorium qualification that was used as a basis for obtaining a moratorium permit issued on or before that date.

Results

The moratorium established by Amendment 4 and extended by Amendment 9 limited speculative entry into the fisheries while the LLP was being developed and approved, and kept the overcapitalization situation from worsening. The LLP to limit entry into BSAI crab fisheries off of Alaska finally went into effect January 1, 2000, effectively replacing the earlier moratorium program. The LLP to limit entry into the groundfish off of Alaska finally went into effect concurrently under BSAI Amendment 60 and GOA Amendment 58. For general licenses, the base qualifying period established was January 1, 1988, through June 27, 1992, approximately four months longer than the moratorium qualification period, in order to be consistent with the Council's published cutoff date for qualification under the CR Program. The LLP also required an area endorsement for the BSAI or the GOA, to provide for present participation in the fisheries (the qualifying period being January 1, 1992 through June 17, 1995).



10

Sunken Vessel Provision (LLP changes)

LLP, Vessel moratorium

Council Action
October, 1998

Notice of Availability
January 17, 2001
[66 FR 3976](#)

Proposed Rule
March 30, 2001
[66 FR 17397](#)

Final Regulations
September 24, 2001
[66 FR 48813](#)

Effective
October 24, 2001

Purpose and Need

Following the approval of the LLP program, industry members requested that the Council revise several provisions and the qualification criteria, including adding a recent participation criteria for crab. BSAI Amendment 60, GOA Amendment 58, and BSAI Crab Amendment 10 encompassed a package of changes focusing primarily on further capacity reductions and transferability restrictions to tighten up the LLP before implementation.

Analysis

An EA/RIR/IRFA, dated July 1999, was prepared for this amendment. Six proposed actions were analyzed along with the status quo for each alternative. Five changes were adopted. The change that was not approved would have clarified the Council's intent that catch history transfers be recognized, except those occurring after June 17, 1995, and where the owner of the vessel at that time was unable to document a vessel under Chapter 121, Title 46, United States Code. NOAA-GC advised the Council that this action may violate foreign reciprocity agreements listed in the MSA.

Regulation Summary

Five changes were adopted and approved under these amendments: (1) a requirement that the vessel itself would be a specific characteristic of the license and could not be severed and used on another vessel, (2) license designations for the type of gear authorized to harvest LLP groundfish as either trawl, non-trawl gear, or both, (3) removal of the CDQ exemption and thus the requirement that CDQ vessels hold a crab or groundfish license, (4) the addition of a crab recency requirement which required one landing between January 1, 1996 to February 7, 1998 in addition to the general license and area endorsement qualifications, and (5) allowance of limited processing (1 mt) for vessels <60 ft length overall with CV designations. The most significant addition under these amendments was the recent participation requirement of at least one landing in the king and Tanner crab fisheries between January 1, 1996 and February 7, 1998, which applied only to the base qualifying period under the crab LLP.

Results

Amendment 10 finalized implementation of the LLP, reducing the number of licenses that can be used to participate in the overcapitalized crab fisheries; thus, providing further capacity restriction. The LLP would also help define eligible applicants for the later CR Program.



Rebuilding plan, Tanner crab

Council Action
October, 1999

Notice of Availability
March 7, 2000
[65 FR 11973](#)

Final Regulations
June 20, 2000
[65 FR 38216](#)

Effective
June 8, 2000

Purpose and Need

NMFS declared the Bering Sea stock of Tanner crab overfished on March 3, 1999, because the spawning stock biomass was below the MSST defined in Amendment 7 to the FMP. Amendment 7 specified objective and measurable criteria for identifying when all of the crab stocks covered by the FMP were overfished or subject to overfishing. As a result of NMFS's overfishing notification, the Council took action to develop a rebuilding plan within one year, as required under the 1996 amendment to the MSA.

Analysis

A 203-page EA was prepared for Amendment 11, dated June 1, 2000. The action alternative, a rebuilding plan, contained numerous options for harvest strategies, bycatch controls, and habitat protection. The analysis suggested that the most important component of the rebuilding plan was the harvest strategy. The analysis did not indicate that further bycatch reductions or additional trawl closure areas would help to rebuild the population significantly faster. (<https://repository.library.noaa.gov/view/noaa/18127>)

Regulation Summary

The rebuilding plan contained the three components: a harvest strategy, bycatch control measures, and habitat protection measures. The rebuilding plan was estimated to allow the Bering Sea Tanner crab stock to rebuild, with a 50 percent probability, in ten years. The stock would be considered rebuilt when the stock reaches the MSY stock size level for two consecutive years. The revised harvest strategy decreased catches of larger male crab which reduced bycatch and discard mortality of juveniles and females crab. The resultant higher spawning biomass would be expected, under favorable environmental conditions, to produce strong year-classes conditions. Protection of habitat and reduction of bycatch also reduced mortality of juvenile crabs; thus, allowing a higher percentage of each year-class to contribute to spawning.

Results

Amendment 11 satisfied the requirements for a rebuilding plan outlined in the national standard guidelines. The Tanner crab stock remained below MSST from 1997 to 2005 and no Federal fisheries occurred. The stock recovered in 2006, but has had several intermittent closures due to poor recruitment.

Abundance of legal males (millions of crab ≥ 5.5 " from NMFS trawl survey), pre-season guideline harvest levels (millions of pounds), and total catches (millions of pounds, including deadloss) of Bering Sea Tanner crab (*C. bairdi*), 1980-1998.

Year	Abundance (mil. crabs)	GHL (mil. lbs.)	Catch (mil. lbs.)	Catch (mil crabs)
1980	31.0	28 - 36	36.6	14.7
1981	14.0	28 - 36	29.6	11.8
1982	10.1	12 - 16	11.0	4.8
1983	6.7	5.6	5.3	2.3
1984	5.8	7.1	1.2	0.5
1985	4.4	3.0	3.1	1.3
1986	3.1	0	0	0
1987	5.9	0	0	0
1988	14.3	5.6	2.2	0.9
1989	33.6	13.5	7.0	2.9
1990	45.1	72.3	64.6	27.3
1991	35.1	32.8	31.8	12.9
1992	41.8	39.2	35.1	15.3
1993	20.6	19.8	16.9	7.2
1994	15.4	7.5	7.8	3.4
1995	10.0	5.5	4.2	1.9
1996	9.2	6.2	1.8	0.7
1997	3.4	0	0	0
1998	2.2	0	0	0
1999	2.0	0	0	0

Note: abundance through 1988 included Pribilof area Tanner crab.

Chart excerpt from the Environmental Assessment.



12

Identify Habitat Areas of Particular Concern and Protection Measures

EFH, HAPC

Council Action
February 2005

Notice of Availability
February 6, 2006
[71 FR 6031](https://www.federalregister.gov/documents/2006/02/06/71-fr-6031)

Proposed Rule
March 22, 2006
[71 FR 14470](https://www.federalregister.gov/documents/2006/03/22/71-fr-14470)

Final Regulations
June 28, 2006
[71 FR 36694](https://www.federalregister.gov/documents/2006/06/28/71-fr-36694)

Effective
July 28, 2006

Purpose and Need

As a result litigation by environmental groups on Amendment 8 (EFH), the court upheld NMFS' approval of the EFH FMP amendments under the Magnuson-Stevens Act, but ruled that the EAs prepared for the amendments violated the National Environmental Policy Act (NEPA). The court ordered NMFS to complete new and thorough NEPA analyses for each EFH FMP amendment in question. In addition, the court order also required NMFS and the Council to consider the identification of specific HAPCs and associated management measures, with any regulations promulgated by August 13, 2006. This action was to determine whether and how to amend the Council's FMPs to identify and manage site-specific HAPCs. HAPCs are subsets of EFH that are particularly important to the long-term productivity of one or more managed species, or that are particularly vulnerable to degradation. HAPCs identified as a result of this would receive additional habitat protection to further minimize potential adverse effects of fishing on EFH. HAPCs may be identified based on one or more of the following considerations: ecological importance, sensitivity, stress from development activities, and rarity of the habitat type. The Council required that each HAPC site should meet at least two of those considerations, with one being rarity.

Analysis

A 283 page EA/RIR/RFA analysis, dated April 2006, was prepared in support of this action. Alternatives for 3 actions, seamounts, GOA corals, and AI corals were analyzed.

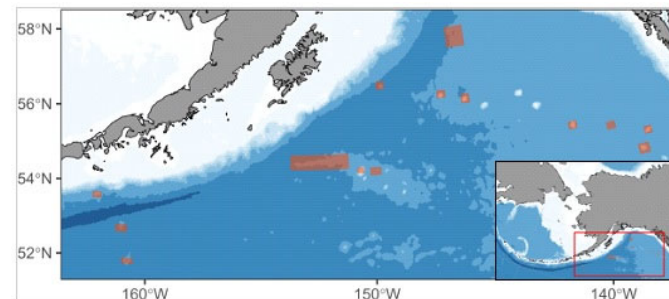
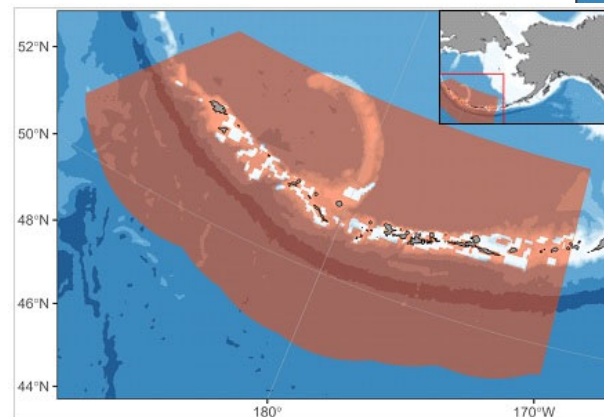
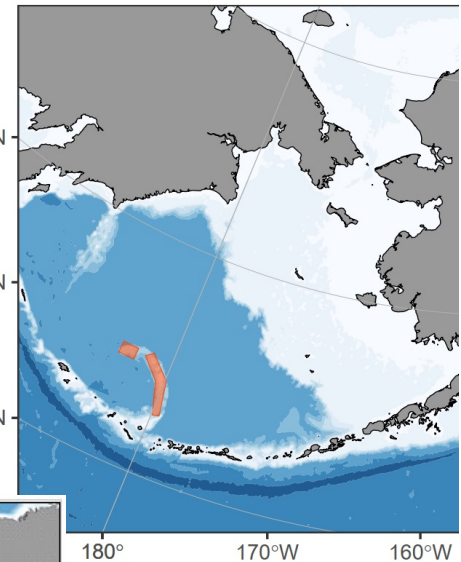
<https://repository.library.noaa.gov/view/noaa/19779>

Regulation Summary

This action added fishing closures and gear restrictions to HAPC in the BSAI and GOA. These included the Aleutian Islands Coral Habitat Protection Areas, Aleutian Islands Habitat Conservation Area, and the Gulf of Alaska Coral Habitat Protection Areas. Fishing with all bottom contact gear, including pots, by federally permitted vessels in Alaska Seamount Habitat Protection Areas was prohibited. For the Bowers Ridge Habitat Conservation Zone, fishing with nonpelagic trawl gear in the HCAs and fishing in the HCZ with mobile bottom contact gear was also prohibited. To ensure all directed fishing for pollock was conducted with pelagic trawl gear that met the trawl performance standard, this revision prevented potential opportunistic use of nonpelagic trawl gear for pollock harvest in any CDQ trawl fishery. Finally, this action required VMS transmission while a vessel is operating in the Aleutian Islands subarea or while a vessel is operating in the GOA with mobile bottom contact gear on board.

Results

This action reflected the Council's commitment to consider new HAPCs in response to the AOC. Daley litigation which challenged whether FMPs minimized adverse effects of fishing on EFH to the extent practicable. This action was also consistent with the EFH EIS because it addressed potential impacts that are discussed in the EIS, even though the EIS indicated that new management measures were not necessarily required under the MSA. This protected important fish habitat from bottom contact gear, and also reduced potential crab bycatch in the groundfish fisheries.



Maps that show the conservation zones and habitat protection areas affected by Amendment 8.



AFA, Sideboards

Council Action
*June, 1999*Notice of Availability
November 27, 2001
[66 FR 59225](#)Proposed Rule*
December 17, 2001
[66 FR 65027](#)Final Regulations*
December 30, 2002
[67 FR 79691](#)Effective
January 29, 2003

Purpose and Need

In October 1998 the U.S. Congress passed the AFA to achieve the following primary objectives: (1) remove excess capacity in the offshore pollock sector through the retirement of nine factory trawlers; (2) establish U.S. ownership requirements for the harvest sector vessels; (3) establish specific allocations of the BSAI pollock quota; (4) identify the specific vessels and processors eligible to participate in the BSAI pollock fisheries; (5) establish the authority and mechanisms by which the pollock fleet can form fishery cooperatives; and, (6) establish specific measures to protect the non-AFA (non-pollock) fisheries from adverse impacts resulting from the AFA or pollock fishery cooperatives. In addition, the AFA included provisions for the Council to enact measures as necessary to further protect non-AFA fisheries from adverse impacts resulting from the AFA and pollock fishery cooperatives. Relevant to the Crab FMP, these Amendments contained various protective measures developed by the Council which limit the pollock industry's participation in CR Program fisheries.

Analysis

The original EA, dated January 18, 2000, for these Amendments, and the emergency rule, is 355 pages. (<https://repository.library.noaa.gov/view/noaa/19221>) The EA focused on alternatives for establishing sideboard limits for the AFA harvesters and processors, and also examines alternatives for the structure of inshore sector co-ops (the relationship between harvest vessels and the shore plants to which they deliver pollock). Primarily, the alternatives covered a wide range of options for determining the amount of the sideboard limits for each sector, whether such sideboards are applied at the sector level vs. individual vessel/plant level, and whether and to what extent there may be exemptions from the sideboards. The analysis also examined the ownership structure of the pollock industry to determine the entities and companies to which sideboards were applied. Implementation and monitoring aspects of the various alternatives are also considered. The EIS, 811 pages dated February 2002, further examined these issues as well as the prescribed measures of the AFA, including the specific sector allocations and limited entry aspects of the AFA. (<https://repository.library.noaa.gov/view/noaa/19128>)

Regulation Summary

Regulations established the sector allocations of pollock, defined the eligible vessels and processors, defined the vessel/processor co-op linkages, made allocations of the pollock TAC among each co-ops, and defined the sideboard amounts of crab and non-pollock groundfish that can be harvested and processed by the AFA operators in the BSAI and GOA.

Results

Under regulations implementing the AFA, a vessel is ineligible to participate in any BSAI crab fishery unless that specific vessel participated in a specific crab fishery during certain qualifying years. The AFA was fully implemented in 2000 via the emergency rules, with permanent implementing regulations in the following years. After program implementation, there was still interest in continued considerations relating to sideboards for crab and groundfish, recalculation of existing sideboard amounts, and consideration of further exemptions from sideboards. These actions were developed, in part, through Amendment 34 which slightly relaxed some crab related sideboards. Another indirect impact of the AFA is that other fisheries began to advocate for co-op style management, through Congressional mandate or the Council process. This was evident in the eventual cooperative structure of the CR Program under Amendments 18 and 19.

***Correction: April 9, 2003**
[\(68 FR 17314\)](#)

Proposed Rule: August 25, 2003
[\(68 FR 51147\)](#)

Final Rule: February 10, 2004
[\(69 FR 6198\)](#)



Rebuilding plan, Snow crab

Council Action
*June, 2000*Notice of Availability
September 29, 2000
[65 FR 58501](#)Final Regulations
January 4, 2001
[66 FR 742](#)Effective
December 28, 2000

Purpose and Need

NMFS declared the Bering Sea stock of snow crab overfished on September 24, 1999, because the spawning stock biomass was below the MSST as defined in Amendment 7 to the FMP. NMFS notified the Council once it was determined that the stock was overfished. In response, the Council took action to develop a rebuilding plan within one year.

Analysis

A 134 page EA for Amendment 14, dated December 2000, was prepared for the action. There was only one primary alternative examined in addition to the status quo. However, the action alternative, a rebuilding plan, contained numerous options for harvest strategies, bycatch controls, and habitat protections. The analysis suggested that the most important component of the rebuilding plan was the harvest strategy. The analysis did not indicate that further reducing bycatch or adding additional trawl closure areas would help to rebuild the population significantly faster. (<https://repository.library.noaa.gov/view/noaa/18132>)

Regulation Summary

The rebuilding plan contained three components to improve the status of this stock:

- (1) a harvest strategy,
- (2) bycatch control measures, and
- (3) habitat protection measures.

The rebuilding plan was estimated to allow the Bering Sea snow crab stock to rebuild to the Bmsy level, with a 50 percent probability, in seven to ten years. The stock would be considered rebuilt when the stock reached the MSY stock size. The revised harvest strategy intended to increase spawning biomass by reducing harvest of larger male crab, which would also result in lower discard mortality for juveniles and females crab. Higher spawning biomass would be expected to produce good year-classes when environmental conditions are favorable. Protection of habitat and reduction of bycatch reduced mortality on juvenile crabs, thus allowing a higher percentage of each year-class to contribute to spawning.

Results

Amendment 14 fulfilled the requirements of a rebuilding plan as required by the MSA and outlined in the national standard guidelines to rebuild the overfished stock. The snow crab stock remained low for some time after the rebuilding plan was implemented, but the stock rebuilt in 2011. The stock was declared overfished again in October 2021, and a rebuilding plan was implemented in 2023 per Amendment 53.



15

St. Matthew Blue King Crab Rebuilding Plan

Rebuilding plan, Blue king crab,
St. Matthew

Council Action
June, 2000

Notice of Availability
August 29, 2000
[65 FR 52405](#)

Final Regulations
December 6, 2000
[65 FR 76175](#)

Effective
November 29, 2000

Purpose and Need

NMFS declared the St. Matthew blue king crab overfished on September 24, 1999, because the spawning stock biomass was below the MSST as defined in Amendment 7 to the FMP. The Council then took action to develop a rebuilding plan within one year.

Analysis

A 102 page EA, dated December 6, 2000, was prepared for Amendment 15. There was one action alternative examined in addition to the status quo. The action alternative, a rebuilding plan, contained numerous options for harvest strategies, bycatch controls, and habitat protections. The analysis suggested that the most important component of the rebuilding plan was the harvest strategy. The analysis did not indicate that further reducing bycatch would help to rebuild the population much faster. (<https://repository.library.noaa.gov/view/noaa/19384>)

Regulation Summary

The rebuilding plan approved by the Council in June 2000 contains the following three components to improve the status of this stock: a harvest strategy, bycatch control measures, and habitat protection measures. The rebuilding plan estimated to allow the St. Matthew blue king crab stock to rebuild to the B_{MSY} level, with a 50 percent probability, in about six years. The stock would be considered rebuilt when the stock reached the MSY stock size level for two consecutive years. The revised harvest strategy, which reduced exploitation rate, was intended to increase spawning biomass, because larger male crab would be conserved and fewer juveniles and females would die due to discarding. This larger spawning biomass would be expected to produce good year-classes when environmental conditions are favorable. Protection of nearshore habitat for egg bearing females was accomplished through a prohibition of crab fishing within three miles of St. Matthew Island, Hall Island, and Pinnacle Island. Reduction of bycatch reduced mortality on juvenile crabs; thus, allowing a higher percentage of each year-class mature and to contribute to spawning.

Results

Amendment 15 accomplished the requirements outlined in MSA and the national standard guidelines to rebuild the overfished stock. The St. Matthew blue king crab stock has remained at low levels, and the fishery remains closed. As the timeline of this rebuilding plan has been exceeded, a revised rebuilding plan was by the Council in 2020 through Amendment 50.



EFH, HAPC

Council Action
February 2005

Notice of Availability
February 6, 2006
[71 FR 6031](#)

Proposed Rule
March 22, 2006
[71 FR 14470](#)

Final Regulations
June 28, 2006
[71 FR 36694](#)

Effective
July 28, 2006

Purpose and Need

In the spring of 1999, a coalition of seven environmental groups and two fishermen's associations filed suit in the United States District Court for the District of Columbia challenging NMFS' approval of EFH FMP amendments prepared by the Gulf of Mexico, Caribbean, New England, North Pacific, and Pacific Fishery Management Councils (American Oceans Campaign (AOC) et al. v. Daley et al., Civil Action No. 99-982-GK). The focus of this litigation was whether NMFS and the Councils had adequately evaluated the effects of fishing on EFH and taken appropriate measures to mitigate adverse effects. In September 2000, the court upheld NMFS' approval of the EFH FMP amendments under the Magnuson-Stevens Act, but ruled that the EAs prepared for the amendments violated the National Environmental Policy Act. The court ordered NMFS to complete new and thorough NEPA analyses for each EFH FMP amendment in question.

Analysis

A 1124 page EIS, dated April 2005, was prepared in support of this action. Six alternatives, including the status quo, were analyzed. They included: (1) eliminating EFH descriptions, (2) maintaining current EFH descriptions, (3) revising existing EFH descriptions with the best available scientific information, (4) revising EFH descriptions only for areas with conclusive data, (5) revising EFH using an ecoregion approach, and (6) revising EFH descriptions in only the EEZ with the existing methodology. (<https://repository.library.noaa.gov/view/noaa/17391>)

Regulation Summary

This action identified and authorized protection measures for EFH and HAPCs for the crab FMP. Descriptions of EFH in the FMP were revised based on the best available scientific information, and areas with important habitat features for the sustainability of managed stocks were protected. Protection measures included the closure of specified areas to certain fishing gear types for all federally permitted vessels. Federally permitted vessels are those named on either a Federal fisheries permit or a Federal crab vessel permit operating within the EEZ or State of Alaska waters.

Results

This was the first of a number of amendments to bring the EFH sections of FMPs up to date and into compliance with revisions to the MSA.



Blue King Crab, Pribilof, Rebuilding Plan

Council Action
October, 2003Notice of Availability
December 18, 2003
[68 FR 70484](#)Final Regulations
April 5, 2004
[69 FR 17651](#)Effective
March 18, 2004

Purpose and Need

On September 23, 2002, NMFS declared the Pribilof Islands stock of blue king crab overfished because the 2002 abundance estimate of 4.5 million pounds of spawning biomass was below the MSST of 6.6 million pounds. In accordance with MSA requirement, the Council took action to develop a rebuilding plan within one year.

Analysis

A 101 page EA, dated March 16, 2004, was prepared in support of this action. Three alternatives were considered, Alternative 1, status quo management of this fishery, Alternative 2, a rebuilding plan which allows for some directed harvest prior to the stock being rebuilt, and Alternative 3, a rebuilding plan which allows for no directed harvest prior to the stock being rebuilt. Options under each alternative included a range of thresholds for opening the fishery, a range of harvest strategies for the directed fishery, and conservative time periods above the designated threshold for opening the fishery. The analysis suggested that the most important component of the rebuilding plan was the harvest strategy, and the option adopted included lower harvest rates at low biomass levels, and incorporated a threshold female biomass. The analysis did not indicate that further reducing bycatch would help to rebuild the population much faster. (<https://repository.library.noaa.gov/view/noaa/18139>)

Regulation Summary

The rebuilding plan approved by the Council in October 2003 contained a harvest strategy to improve the status of this stock. The rebuilding plan is estimated to allow the Pribilof blue king crab stock to rebuild to the B_{MSY} level, with a 50 percent probability, in about nine years. The stock would be considered rebuilt when the stock reaches the MSY stock size level for two consecutive years. The revised harvest strategy was intended to result in more spawning biomass, because a greater number of larger male crab would be conserved and fewer juveniles and females would die due to discarding. This higher spawning biomass would be expected to produce good year-classes under favorable environmental conditions.

Results

Amendment 17 met the requirements of a rebuilding plan outlined in the national standard guidelines and MSA. However, the Pribilof blue king crab stock has remained at low levels, and the fishery has been closed. This necessitated the preparation of an amended rebuilding plan, Amendment 43, when the rebuilding timeline was not achieved under Amendment 17. The stock is expected to remain at low levels until favorable environmental conditions result in increased recruitment.



3 pie cooperative,
IFQ, IPQ, CR program

Council Action
June, 2002
**through May 2003*

Notice of Availability
September 1, 2004
[69 FR 53397](#)

Proposed Rule
October 29, 2004
[69 FR 63199](#)

Final Regulations
March 2, 2005
[70 FR 10173](#)

Effective
April 1, 2005
corrected June 8, 2005

Purpose and Need

Vessel owners, processors, and coastal communities had all invested in the crab fisheries, but capacity in these fisheries far exceeded the available resources. The BSAI crab stocks are highly variable and had suffered significant declines in the preceding years. Although three of these stocks were under rebuilding plans, the continuing race for fish frustrated conservation efforts. Harvesting and processing capacity had expanded to accommodate highly abbreviated seasons, and significant portions of that capacity operated in an economically inefficient manner or were idle between seasons. Problems facing the fishery included; (1) resource conservation, utilization and management problems, (2) bycatch and its associated mortalities, and potential landing deadloss, (3) excess harvesting and processing capacity, as well as low economic returns, (4) lack of economic stability for harvesters, processors and coastal communities, and (5) high levels of occupational loss of life and injury. The problem facing the Council was to develop a management program which slowed the race for fish, reduced bycatch and associated mortality, provided for conservation to increase the efficacy of crab rebuilding strategies, addressed the social and economic concerns of communities, maintained healthy harvesting and processing sectors and promoted efficiency and safety in the harvesting sector. There was an emphasis on achieving equity between the harvesting and processing

sectors, including healthy, stable and competitive markets.

Analysis

A 1,003 page EIS, dated August 2004, and a 23 page FRFA, dated February 2005, were prepared in support of this action. Four alternatives, including the status quo, were analyzed. These included a "Three-pie voluntary cooperative" with harvester, processor, and crew QS allocations, an IFQ program, and a Cooperative program. (<https://repository.library.noaa.gov/view/noaa/19194>) (<https://repository.library.noaa.gov/view/noaa/18141>)

Regulation Summary

This action rationalized 9 of the largest BSAI crab fisheries. Quota was allocated to the harvesting sector based on the LLP program (Amendment 5). Both CV and CP shares were issued. Quota was also allocated to individual crew holding a State of Alaska Interim Use Permit, which was in most cases the captain. Finally, the processing sector was issued processor quota shares (PQS) that must be matched to the majority of quota issued to the harvesting sector through contracted deliveries. PQS was based on processing history in the fisheries, and served as a way to protect the historical investment of processors. Additionally, QS was given a regional designation as well as provisions limiting transfer to ensure the historical pattern of deliveries to remote communities including those in the Pribilof Islands continued under rationalization.

Results

This amendment rationalized most BSAI crab fisheries, ending the race to fish and improving safety in a dangerous fishery. There was significant controversy surrounding the program at the time of implementation due to the dramatic change in management. Over time, the CR Program has matured into an effective and stable management regime. However, the number of participants has dramatically decreased compared to the pre-rationalized fisheries.



Tanner crab, WBT, EBT, QS, PQS

Council Action
October 2005

Notice of Availability
February 27, 2006
[71 FR 9770](#)

Proposed Rule
March 21, 2006
[71 FR 14153](#)

Final Regulations
June 7, 2006
[71 FR 32862](#)

Effective
July 7, 2006

Purpose and Need

Under the BSAI crab FMP, the State of Alaska, through ADF&G, has management authority for certain aspects of the BSAI crab fisheries defined in the FMP (category II measures), including adjustment of district and subdistrict boundaries for the purposes of managing distinct stocks of crab. Through their management of Bering Sea Tanner (BST) crab (*C. bairdi*), ADF&G determined that two geographically separate Tanner crab stocks inhabit the Bering Sea grounds that have historically supported the fishery. ADF&G determined that these two distinct stocks, one east of 166° W longitude and the other west of 166° W longitude, should be managed separately. The Alaska Board of Fisheries approved a management plan that directed ADF&G to manage the Bering Sea District *C. bairdi* as two separate stocks, east (EBT) and west (WBT). Implementing this management plan required corresponding amendments to the FMP and federal regulations.

Analysis

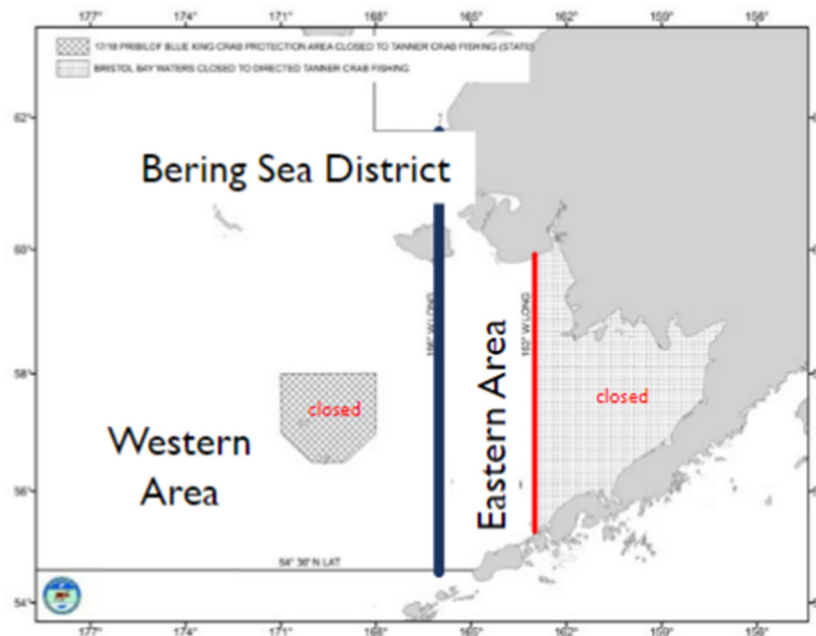
A 48 page EA, dated July 2005, and an 11 page FRFA, dated May 2006, were prepared in support of this action. Three alternatives, including no action, were considered for the allocation of both IFQ and PQS. (<https://repository.library.noaa.gov/view/noaa/18150>)

Regulation Summary

This action allocated QS and PQS and the resulting IFQ and IPQ for two newly separated Tanner crab fisheries, one east of 166° W. longitude and the other west of 166° W. longitude. For each share of BST QS held, one share of EBT QS and one share of WBT QS was issued to the holder. Similarly, for each share of BST PQS held, one share of EBT PQS, and one share of WBT PQS was issued. The original BST QS and PQS was eliminated.

Results

The Bering Sea Tanner crab fishery was split into two fisheries based on distinct stock compositions. Holders of Bering Sea Tanner crab QS were re-issued equivalent shares split between the now distinct EBT and WBT fisheries. These two stocks have been continued to be managed separately since the implementation of this amendment.



Map of Tanner (*C. Bairdi*) and Snow crab (*C. opilio*) Distribution. Under this amendment there exists two Tanner crab fisheries: one east of 166° W. longitude and the other west of 166° W. longitude.



Crab arbitration, IFQ,
IPQ

Council Action
February, 2006

Notice of Availability
March 31, 2006
[71 FR 16278](#)

Proposed Rule
April 20, 2006
[71 FR 20378](#)

Final Regulations
July 14, 2006
[71 FR 40030](#)

Effective
August 14, 2006

Purpose and Need

Under the CR Program, NMFS issues harvester IFQ that must be matched with processor IPQ. Matching IFQ and IPQ shares is done through an arbitration process with a strict process and timeline to ensure fairness to all parties in the negotiation. However, the original arbitration timeline developed under Amendments 18 and 19 was not always practicable to participants given the annual management cycle of the CR Program fisheries. The objective of the action was to provide participants with a reasonable and reliable opportunity to fully use the arbitration system by linking the timing for initiating share matching and a binding arbitration proceeding to the issuance of IFQ and IPQ rather than a fixed date.

Analysis

A 10 page FRFA, dated June 2006, was prepared in support of this action. (<https://repository.library.noaa.gov/view/noaa/18154>)

Regulation Summary

This action set the timing for share matching and initiation of binding arbitration based on the issuance of IFQ and IPQ, including a five-day (120 hour) assessment period for negotiated commitments. For a period of five days (120 hours) after the issuance of IFQ and IPQ, unaffiliated harvesters holding Class A IFQ and holders of IPQ can voluntarily agree to commit their respective shares. After the five-day (120-hour) assessment period, holders of uncommitted Class A IFQ can unilaterally commit that IFQ to any holder of uncommitted IPQ. During the 10-day period beginning five days after the issuance of IFQ and IPQ, any holder of committed Class A IFQ can unilaterally initiate a binding arbitration proceeding with the IPQ holder to which the IFQ were committed. An IFQ holder may not initiate a binding arbitration procedure after this 10 day period, which combined with the assessment period is 360 hours after the issuance of IFQ and IPQ for a fishery.

Results

This aligned the timing of arbitration more realistically with the stock assessment and issuance schedule of crab IFQ. The CR Program with its three-pie system with IFQ and IPQ share matching was complex and required tweaks such as this, and Amendment 30, to get all of the elements operating smoothly together.



CDQ, MSA (Dropped)

Council Action
*No Action was taken*Proposed Rule
October 2006

Purpose and Need

On July 11, 2006, the President signed the Coast Guard and Maritime Transportation Act of 2006 (Coast Guard Act). Section 416 (a) of the Coast Guard Act revises section 305(i)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) by replacing all of the existing language in this section with new language. The MSA amendments addressed all aspects of management and oversight of the CDQ Program, including the purpose of the CDQ Program; allocations of groundfish, halibut, and crab to the CDQ Program; allocations of quota among the CDQ groups; management of the CDQ fisheries; eligible communities; eligibility criteria for participation in the CDQ Program, limits on allowable investments; the creation of a CDQ administrative panel; compliance with State of Alaska reporting requirements; a decennial review and allocation adjustment process; and other aspects of program administration and oversight by the State and NMFS, on behalf of the Secretary of Commerce.

Analysis

No formal analysis was conducted; however, there was extensive correspondence regarding MSA amendments addressing all aspects of management and oversight of the CDQ program during MSA regulatory changes.

Results

The Council's action at the October, 2006 meeting was to receive a overall report on the implementation of the MSA amendments to the CDQ Program provisions made through the 2006 Coast Guard Act. The 2006 MSA revision, called "Fishery Conservation and Management Amendments of 2006" made a number of changes related to the establishment of ACLs, SSC function, the environmental review process, rebuilding provisions, catch share programs and various aspects of the CDQ program.



EFH

Council Action
*March, 2007*Notice of Availability
November 13, 2007
[72 FR 63871](#)Proposed Rule
November 21, 2007
[72 FR 65539](#)Final Regulations
February 19, 2008
[73 FR 9035](#)Effective
March 20, 2008

Purpose and Need

There was concern about the adverse effects of fishing on EFH within the AI region, including the Aleutian Islands Habitat Conservation Area (AIHCA). This action amended the FMP to prohibit the use of certain bottom contact fishing gear in designated areas of the AI to reduce the effects of fishing on corals, sponges, and hard bottom habitats. The AIHCA closed most of the Aleutian Islands fishery management area to bottom trawling (279,114 square nautical miles). The intent of the AIHCA was to protect bottom habitat in those areas that had not been historically fished, while providing continued fishing opportunities in currently used areas for vessels using bottom trawl gear. The proposed open area near Agattu Island was selected based on historic fishing patterns and evidence suggesting that it was an area without the presence of coral or sponge habitat. The closed area near Buldir Island was based on the location of coral and sponge habitat, suggested by fishermen and documented in NOAA groundfish surveys.

Analysis

A 74 page EA/RIR, dated February 2008, was prepared in support of this action. Two alternatives, including the status quo were analyzed. The action alternative would make minor modifications to the boundaries of the AIHCA. (<https://repository.library.noaa.gov/view/noaa/19144>)

Regulation Summary

This revised the coordinates for the AIHCA near Agattu Island and Buldir Island. These new boundaries allowed for nonpelagic trawling near Agattu Island and prohibited nonpelagic trawling near Buldir Island. The coordinates were also modified for the Buldir and Semichi areas. The Semichi area includes the waters near Agattu Island opened to nonpelagic trawling. Because the action divided the Buldir Island open area into two areas to allow for the closure area, the action added the West Buldir to the list of areas opened to nonpelagic trawling.

Results

Minor modifications based on updated information and testimony from industry were made to the boundaries of the AIHCA. This resulted in relatively minor changes to groundfish fishing patterns as the protected areas had a limited history of fishery use. The newly designated area was, and could continue to be used by vessels fishing WAG. The related amendment to the crab FMP was an updated map of the AIHCA.



Status determination, OFL, Overfishing

Council Action
December 2007

Notice of Availability
March 19, 2008
[73 FR 14766](#)

Final Regulations
June 16, 2008
[73 FR 33925](#)

Effective
June 6, 2008

Purpose and Need

OFLs were implemented under Amendment 7 to the FMP in 1998 which recommended review of the definitions after 5 years, or after significant environmental change. Amendment 24 established status determination criteria in compliance with the MSA and the national standard guidelines by updating the overfishing definitions to reflect current scientific information and accomplished the following: (1) provided an FMP framework for definition values to facilitate use of the best available scientific information as it evolves, (2) provided a new tier system that accommodates varying levels of uncertainty of information and takes advantage of alternative biological reference points, and (3) defined the status determination criteria and their application to the appropriate component of the population.

Analysis

A 214 page EA, dated May 30, 2008, was prepared for this action. Three alternatives, including the status quo were considered. The action alternatives were either a Five-Tier System or a Six-Tier System to implement the status determination criteria. (<https://repository.library.noaa.gov/view/noaa/18159>)

Information available	Tier
B, B_{MSY}, F_{MSY} , and pdf of F_{MSY}	1
B, B_{MSY}, F_{MSY}	2
$B, F_{35\%}, B_{35\%}$	3
B, M, B_{MSY}^{Proxy}	4
Stocks with no reliable estimates of biomass or M.	5

Current 5-tier System and criteria to determine tier status.

Source: BSAI King and Tanner Crab SAFE Introduction

Regulation Summary

The five-tier system is used to determine the status of the crab stocks and whether

1. overfishing is occurring or the rate or level of fishing mortality for a stock or stock complex is approaching overfishing, and
2. a stock or stock complex is overfished or a stock or stock complex is approaching an overfished condition.

For tiers 1 through 4, F is reduced as biomass declines by stock status level, with increasingly conservative management buffers for more data limited stocks. Tier 5 stocks have only historical retained catch data available. The OFL was specified in terms of an average catch value over a historical time period, unless the Scientific and Statistical Committee recommended an alternative value based on the best available scientific information. The five-tier system accommodates varying levels of information, incorporating new scientific information and provides a mechanism to continually improve the stock status determination criteria. This action also deferred the management of 12 stocks to the State of Alaska by removing them from the FMP. These stocks met one or more of the following criteria; no directed fishery existed, only limited incidental or exploratory fishery existed, or the majority of catch occurred in State waters. Finally, this action required annual assessments for the 10 federally managed stocks.

Results

The required update to the status determination in the BSAI Crab FMP was completed through this action. This clearly defined the process for determining the status of stocks with greatly varying levels of information available. Later on, Amendment 38 would further update the status determination criteria to incorporate ABC control rules and ACLs.

Stocks in the BSAI King and Tanner Crab FMP

Norton Sound red king crab (NSRKC)

Aleutian Is. golden king crab (AIGKC)

Pribilof Is. golden king crab (PIGKC)

Western Aleutian Is. red king crab (WAIRKC)

EBS snow crab

Bristol Bay red king crab (BBRKC)

EBS Tanner crab

Pribilof Is. red king crab (PIRKC)

Pribilof Is. blue king crab (PIBKC)

Saint Matthew blue king crab (SMBKC)



MSA

Council Action
October 2006Notice of Availability
February 5, 2007
[72 FR 5255](#)Proposed Rule
February 15, 2008
[73 FR 8838](#)Final Regulations
May 23, 2008
[73 FR 29979](#)Effective
June 23, 2008

Purpose and Need

The MSA 2006 reauthorization and Coast Guard Act and Maritime Transportation Act of 2006 (Coast Guard Act) established statutory requirements that required FMP and regulatory amendments for alignment. This included allowing conversion of PQS and QS issued to eligible entities into catcher processor owner (CPO QS) which reduced the operating costs associated with a historical business model, and complied with the Program's arbitration system. The Congressional mandate required Issuing IPQ to Blue Dutch when the Bristol Bay red king crab and/or snow crab TACs reach the threshold established in the Coast Guard Act complied with the congressional mandate.

Analysis

A 17 page RIR, dated December 2007, was prepared in support of this action. Two alternatives, including the status quo, were analyzed. The action alternative would combine harvester and processor QS for use aboard an eligible CP under certain circumstances. (<https://repository.library.noaa.gov/view/noaa/18161>)

Regulation Summary

Section 417 of the Coast Guard Act (Pub. L. 109-241) contained a provision mandating the Secretary of Commerce to issue PQS for the Bristol Bay red king crab and the Bering Sea snow crab fisheries to Blue Dutch, LLC. This action specified in regulations the statutory thresholds for annually issuing IPQ to Blue Dutch and prohibited the transfer of the PQS units issued under the provisions of the Coast Guard Act. The eligible entity can combine North PQS and North CVO QS and exchange these shares for newly created converted CPO QS, combine its North CVO QS for Bristol Bay red king crab or snow crab with its North PQS for that fishery and exchange these shares for converted CPO QS on an annual basis, and can also combine its North PQS for Bristol Bay red king crab or snow crab with its North CVO QS and exchange these shares for converted CPO QS on an annual basis. The individual entities eligible for these provisions, with certain restrictions, are Yardarm Knot, Inc., Blue Dutch, LLC, and to a more limited extent Trident Seafoods, Inc.

Results

This allowed entities and their affiliates, who were initially allocated North CVO QS and North PQS, to annually combine those shares into converted CPO QS for use on CPs. This allowed the named entities to transition a portion of their operations to a CPs. The potential impact of the action is also limited because an eligible entity may choose not to convert all of its shares. The potential scope of conversion could be limited since all entities eligible to use the provision would continue to hold either CVO QS or PQS that are required to be used in the North region (i.e., that could not be converted to converted CPO QS). Since not all shares could be converted, the potential to gain efficiencies through share conversion would be limited.



Regional delivery,
Share matching, C
shares

Council Action
December 2007

Notice of Availability
March 21, 2008
[73 FR 15118](#)

Proposed Rule
March 31, 2008
[73 FR 16830](#)

Final Regulations
June 20, 2008
[73 FR 35084](#)

Effective
July 21, 2008

Purpose and Need

The Council created a C share QS pool (comprised of three percent of the total harvest share pool) at implementation of the CR Program which was intended to benefit captains and crew active in BSAI crab fisheries. To provide stability to processors and regions that support crab processing in the CR Program, the Council also created processor share and regional landing requirements, applicable to catch landed using harvest shares under the program. For the first three years of the CR Program, the Council exempted C shares from share matching and regional landing requirements to allow time for C shareholders to adapt to the new management. The Council had intended to evaluate the application of processor share matching and regional landing requirements to C shares after 18 months of fishing under the CR Program. The application of processor share and regional landing restrictions could improve community protections, but would complicate use of C shares and could diminish the value of these shares to their holders. The value of C shares was also expected to be reduced by their inclusion in the arbitration program, which is necessitated by the application of processor share landing requirements.

Analysis

A 46 page RIR/FRFA, dated May 2008, was prepared in support of this action. One action alternative was analyzed which would indefinitely exempt C shares from regional and processing share landings requirements. The status quo option would require that C shares undergo the same share matching and regional delivery requirements applied to A and B shares. (<https://repository.library.noaa.gov/view/noaa/23932>)

Regulation Summary

This action permanently exempted C share QS from requirements for delivery to specific processors, delivery within specific geographic regions, and participation in the crab arbitration system to resolve price disputes.

Results

This action removed sunset date for the C share exemption from regional delivery, share matching, and arbitration requirements. This allowed status-quo operation in the fishery to continue. Amendment 31 would later continue the Council's effort to refine the rules pertaining to C shares.



PQS, IPQ, Use caps,
Community protections

Council Action
December 2007

Notice of Availability
September 11, 2009
[73 FR 52806](#)

Proposed Rule
September 19, 2008
[73 FR 54346](#)

Final Regulations
May 28, 2009
[74 FR 25449](#)

Effective
June 29, 2009

Purpose and Need

A provision of the CR Program are IPQ use caps which are intended to help prevent the excessive consolidation of crab processors. However, the extended fishing seasons facilitated by the CR program extended the duration of related processing activity and resulted in lower delivery rates, particularly in remote areas, limiting the ability of some processors to achieve production efficiencies. Allowing concentration of processing in fewer facilities, by exempting custom processing at a plant from the IPQ use cap of the plant owners, could increase processing efficiency. Additionally, there was concern that the existing processing caps could prevent the full harvest of the TAC in the event a processor could not operate. Exemption of custom processing from facility use caps could also provide for contingencies in the event of a facility breakdown or other emergency.

Analysis

A 73 page RIR/FRFA, dated June 2008, was prepared in support of this action. The status quo and one action alternative with several options was analyzed for each element of the action. These included a custom processing cap exemption, facility processing caps, and provisions to protect the community of PQS origin. (<https://repository.library.noaa.gov/view/noaa/23219>)

Regulation Summary

Amendment 27 clarified that IPQ holders who hold at least a 10 percent or greater direct or indirect ownership interest in a processing facility would not be considered as using IPQ when that IPQ crab was (1) received by an IPQ holder at their facility under a custom processing arrangement; (2) limited to specific crab fisheries; (3) received and processed at specific types of processing facilities; or (4) was IPQ crab that was derived from PQS earned from processing in specific communities where crab has been historically delivered. In addition, limits were placed on the amount of IPQ crab that could be processed at a facility for the AI golden and red king crab fisheries.

Results

Increased flexibility was given to processors to have their PQS processed in other locations. This flexibility is regularly used by CR program participants to optimize economic efficiency. This action was similar to Amendments 37 and 41 in that it provided a structured exemption from CR Program protections measures to allow for full utilization of BSAI crab resources as the fisheries consolidated.



IFQ/IPQ transfers

Council Action
December 2007

Notice of Availability
November 25, 2008
[73 FR 71598](#)

Proposed Rule
December 12, 2008
[73 FR 75661](#)

Final Regulations
August 14, 2009
[74 FR 41092](#)

Effective
September 14, 2009

Purpose and Need

Under the CR program, harvesters receive annual allocations of crab IFQ. Any harvest in excess of an IFQ allocation is a punishable regulatory violation. However, precisely estimating catch at sea during the fishery is difficult and can result in unintentional overages. The inability to address overages at delivery made it difficult to harvest smaller amounts IFQ efficiently. A provision allowing for post-delivery transfer of IFQ to cover overages reduced the number of violations, allowing for more complete harvest of allocations, and a reduction in enforcement costs, without increasing the risk of overharvest.

Analysis

A 44 page RIR/FRFA, dated April 2009, was prepared in support of this analysis. Two alternatives, including the status quo, were analyzed. (<https://repository.library.noaa.gov/view/noaa/18165>)

Regulation Summary

This amendment allowed post-delivery transfers of BSAI crab IFQ and IPQ to cover overages. To accommodate this change, a new definition of “fishing trip” was added, as well as prohibitions against beginning a fishing trip without any quota onboard a vessel and having a negative IFQ or IPQ balance at the end of the crab fishing year.

Results

This amendment gave the BSAI crab fishing fleet more flexibility to conduct harvests in an efficient manner and nearly eliminated inadvertent violations arising from the difficulty of estimating exact catch at sea when cleaning up small quantities of IFQ. This integrated well with the complex fishery cooperatives that had been developed to share QS pools among harvesters operating under agreements.



**FMP boundaries,
Arctic**

**Council Action
February 2009**

**Notice of Availability
May 26, 2009
[74 FR 24757](#)**

**Proposed Rule
June 10, 2009
[74 FR 27498](#)**

**Final Regulations
November 3, 2009
[74 FR 56734](#)**

**Effective
December 3, 2009**

Purpose and Need

In 2009, the Arctic FMP was implemented which established MSA compliant federal fisheries management in the Arctic Management Area and clarified fisheries management authorities in the U.S. Arctic EEZ. This provided protection for the sensitive Arctic ecosystem and marine resources by preventing commercial fisheries from developing in the Arctic without a sufficient management framework and scientific information, including the implications of fishing on target species and related ecosystem components. However, there was geographic overlap between the newly developed Arctic FMP and the BSAI Crab FMP in the Northern Bering Sea that required resolution.

Analysis

A 385 page EA/RIR/ FRFA, dated August 2009, was prepared in support of this action. 4 Alternatives, including the status quo, were analyzed. All of the action alternatives initially closed the Arctic Management Area to commercial fishing, but dealt with geographic overlap of the Arctic and BSAI crab FMPs differently. Alternative 1 took no action, Alternative 2 modified the crab FMP to eliminate overlap, Alternative 3 allowed the red king crab fishery to occur in historical areas of the Chukchi Sea, and Alternative 4 codified differential treatment of crab in the Arctic FMP. (<https://repository.library.noaa.gov/view/noaa/18166>)

Regulation Summary

The northern boundary of the Crab FMP was moved southward from Point Hope to the Bering Strait to remove conflicting management authority with the Arctic FMP. Additionally, this FMP amendment implemented the Arctic FMP, and corrected regulatory references to the Arctic and Crab FMPs.

Results

The geographic authority of the Crab FMP was slightly reduced. While there was a small historical red king crab fishery that had occurred in the Arctic Management Area, it was not occurring and there was limited interest in developing it at the time this amendment was implemented. The Arctic FMP that superseded management of the area did continue to allow for subsistence harvests of crab.



Crab arbitration, IFQ, IPQ

Council Action
April 2011

Notice of Availability
July 25, 2011
[76 FR 44297](#)

Proposed Rule
August 10, 2011
[76 FR 49423](#)

Final Regulations
November 4, 2011
[76 FR 68358](#)

Effective
December 5, 2011

Purpose and Need

A major element to the CR Program is corresponding IFQ and IPQ that must be matched annually. To allow for fair negotiations between harvesters and processors, a rigorous arbitration process was put in regulation. As part of this, market reports and non-binding formulas in support of share matching were required to be developed annually for each CR program fishery, even if it would not be open. This requirement added to the cost of arbitration by needlessly requiring participants to contract for the production of documents that would not be useful. An amendment that allowed participants to avoid this requirement when a fishery is unlikely to open saved on the costs of the arbitration system.

Analysis

A 47 page RIR/FRFA, dated October 2011, was prepared in support of this analysis. Two alternatives, including an action alternative and the status quo, were analyzed. (<https://repository.library.noaa.gov/view/noaa/18169>)

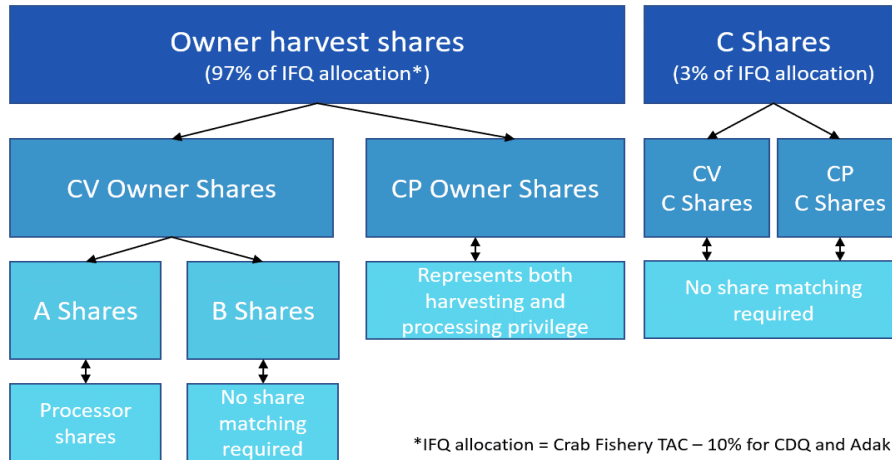
Regulation Summary

This amendment modified four aspects of the arbitration system to improve its effectiveness by

- 1) allowing arbitration organizations (AOs) to mutually agree to establish contracts that would forgo the preparation of market reports and non-binding price formulas for CR Program fisheries that are unlikely to, and do not open;
- 2) changed the timeline for release of the non-binding price formula for the WAG and EAG fisheries to allow time for the release and use of the most current Commercial Operators Annual Report data;
- 3) required publicly available information used in the market report and allowed AOs to mutually agree to modify the timing for release of the market report in each CR Program fishery; and
- 4) clarified the authority of the AOs, market analyst, formula arbitrator, contract arbitrators, and third-party data provider to adopt additional arbitration system procedures that are not in conflict with arbitration system regulations.

Results

This action addressed inefficiencies in the crab arbitration system that were consistently noted by harvesters and processors as the CR program matured. This has been particularly helpful for chronically depressed crab stocks such as SMBKC that have not had a commercial fishery for many years where required annual preparation of arbitration materials would be a needless expense.



Primary elements of the CR program. The Binding arbitration system serves to disseminate market information to facilitate negotiations, coordinate the matching of Class A IFQ held by harvesters to IPQ held by processors, and create a process to resolve terms of delivery. Source: NPFMC



**C-shares, Leasing,
Active participation**

Council Action
April, 2008

Notice of Availability
December 15, 2014
[79 FR 74058](#)

Proposed Rule
December 24, 2014
[79 FR 77427](#)

Final Regulations
March 26, 2015
[80 FR 15891](#)

Effective
May 1, 2015

Purpose and Need

Owner on board requirements and leasing prohibitions on C shares were scheduled to go into effect after the third year of the CR program. There was concern that these may be burdensome to active captains and crew given fleet fishing patterns in which vessels may not be active in all fisheries some years due to fishing plans or stock status. These included requirements for participation in a fishery during the 365 days preceding an acquisition of C shares. Additionally, C shareholders in a cooperative were already exempt from owner on board requirements and leasing prohibitions. Revisions to the participation requirements were necessary to establish reasonable participation requirements for C shareholders and to ensure that C shareholders remain practicably active in CR Program fisheries. A revision to the requirements for active participation addressed this problem by providing long-term participants with the opportunity to acquire QS.

Analysis

A 57 page RIR/IRFA, dated March 2015, was prepared for this action. Two action alternatives were considered for C share eligibility requirements, and two action alternatives were considered for C share recent participation requirements. (<https://repository.library.noaa.gov/view/noaa/18171>)

Regulation Summary

The eligibility requirements to acquire C share QS by transfer were temporarily expanded to include U.S. citizens with at least 150 days of sea time as part of a harvesting crew in any U.S. commercial fishery who received an initial allocation of C shares, or participated in at least one delivery of crab from a CR program fishery in three of the five crab fishing years prior to the start of the CR Program. Minimum participation requirements were established for C share QS holders to be eligible to receive an annual IFQ allocation that required at least one delivery in a CR Program fishery in the three crab fishing years preceding the crab fishing year for which the holder is applying for IFQ, or having received an initial allocation of C shares and participated in 30 days of State of Alaska or Alaska federal commercial fisheries in the three crab fishing years preceding the crab fishing year for which the holder is applying for IFQ. Minimum participation requirements for C share QS holders to be eligible to retain their C share QS and an administrative process for revocation of an individual's C share QS if they fail to satisfy the minimum participation requirements were also established. A regulatory mechanism to ensure that three percent of the TAC for each CR Program crab fishery is allocated as IFQ to holders of C share QS was added, and the prohibition on leasing C share IFQ was removed. In addition, this action implemented a regulatory amendment to the CR Program that established an earlier deadline for filing annual IFQ, IPQ, and crab harvesting

cooperative IFQ applications, which increased the amount of time NMFS suspends the processing of IFQ and IPQ transfer applications; shortens the amount of time in which to appeal an initial administrative determination to withhold issuance of IFQ or IPQ; and provides that an applicant's proof of timely filing for IFQ, IPQ, or cooperative IFQ creates a presumption of timely filing. Finally, this revised the reporting period and due date for CR Program RCR Ex-vessel Volume and Value Reports.

Results

These actions helped fulfill the Council's intent that C share QS are held by individuals who are actively participating in the CR Program fisheries while recognizing the change in practicable fishery participation resulting from rationalization and the status of BSAI crab stocks. This action, along with Amendment 26, helped address concerns that had been identified with C shares as the CR Program matured.



ROFR, Community protections (Dropped)

Council Action
October, 2008

The council took no further action

Purpose and Need

During the first two years of the CR program, most IPQ was subject to a 'cooling off' period limitation which required the landings made using these shares to be processed in the community where the shares were earned. Additionally, before IPQ could be transferred or used outside of a community, the community has a ROFR, unless that IPQ has been processed outside of the community for three consecutive years. The effectiveness of these community protection measures was limited in St. George due to unavoidable circumstances, including a federally declared disaster. Processing history was generated in St. George, but no crab had been processed there in the first year of the CR program. As a result, the two year "cooling off" period was set to expire June 30, 2007, with expiration of the three year ROFR following on June 30, 2008, if IPQ designated for St. George was not used in the community in the 2007/2008 season. In order to fulfill the original intent of the community protection measures, the Council initiated an analysis to evaluate extending the time period for community protection measures for St. George.

Analysis

A 48 page RIR/IRFA, dated October 2008, was prepared in support of this action. Two action alternatives were analyzed that would have restarted the ROFR timeline with a new one or two year cooling off period. (https://www.npfmc.org/wp-content/PDFdocuments/catch_shares/Crab/STGeorge908.pdf)

Regulation Summary

No regulatory action was taken and the proposed amendment was not implemented

Results

The Council was advised by a representative of the ROFR holder that this issue was settled through agreements reached with both holders of PQS subject to the proposed action. As a result, no Council action was needed or taken to address this matter.



QS, C shares, Cost recovery

Council Action
April 2008Notice of Availability
June 1, 2009
[74 FR 26183](#)Final Regulations
September 1, 2009
[74 FR 26183](#)Effective
August 24, 2009

Purpose and Need

The CR Program included a loan program to assist with captains and crew purchasing crab QS. In order to comply with federal loan surety statutes, the Crab FMP had required that 133 percent of the actual fishery direct costs must be collected through cost recovery, with 25 percent of the fees collected set aside for loan subsidization. Increasing crab TACs and exvessel values decreased the proportion of direct management costs down to near 3 percent of the exvessel value of the CR program fisheries. Once direct costs were below the 3% MSA cost recovery cap, more than 100 percent of the management costs to fund the mandatory 25 percent would be set-aside for the loan program subsidization. Up to 133 percent of the actual management costs, would be collected. In April 2008, NMFS recommended that the Council amend its FMP to avoid collecting LAPP cost recovery fees beyond the amount required to reimburse agency costs and provide for a loan program.

Analysis

A 15 page analysis, dated June 2008, was prepared in support of this action. In addition to the status quo, two action alternatives were analyzed. The first would have removed FMP text requiring assessment of fees for the loan program. The second action alternative would allow NMFS to determine the amount of fees set aside for the loan program. (<https://repository.library.noaa.gov/view/noaa/19382>)

Categorical exclusion applicable (<https://repository.library.noaa.gov/view/noaa/19382>)

Regulation Summary

Amendment 33 did not have implementing regulations, but revised the FMP to not require the assessment of fees to support BSAI crab loan program. This reduced the amount of fees collected under the CR Program to the amount actually needed to finance the Federal loan program for QS purchases. This allows no fees to be collected if none are required.

Results

NMFS reduced the fees collected to match the actual expenses of the loan program. The extra fee revenue has not been needed because there has been a de minimis default rate on the QS loans.



Sideboards, GOA

Council Action
October, 2008

Notice of Availability
March 14, 2011
[76 FR 13593](#)

Proposed Rule
March 28, 2011
[76 FR 17088](#)

Final Regulations
June 20, 2011
[76 FR 35772](#)

Effective
June 20, 2011

Purpose and Need

The CR program provided opportunities for fishermen to optimize their crab fishing patterns and potentially take greater advantage of other fisheries, so the Council included GOA groundfish sideboard limits for non-AFA vessels that qualified for the Bering Sea snow crab IFQ fishery. To protect crab vessels that demonstrated dependence on the GOA Pacific cod fisheries, an exemption from GOA Pacific cod sideboard limits was included in the CR program. However, in the application of the exemption and sideboard limits, some historical participants in GOA groundfish fisheries were prevented from continuing their participation. The permanent sideboard did not allow for participants to opt out of the CR program to remove the restriction. GOA Pacific cod sector splits further complicated apportionment of crab sideboard amounts. Adjusting the GOA Pacific cod sideboard exemption qualifications for non-AFA crab vessels, in addition to including a GOA pollock sideboard exemption, allowed historically dependent GOA groundfish participants to return to pre-rationalized fishing levels while minimally impacting other GOA groundfish fishery participants.

Analysis

A 64 page EA/RIR/FRFA, dated May 2011, was prepared for this action. Two alternatives, including the status quo, were evaluated. (<https://repository.library.noaa.gov/view/noaa/18176>)

Regulation Summary

This action modified the criteria exempting vessels and LLP licenses from the non-AFA crab vessel GOA Pacific cod sideboard limits if their catch history of Bering Sea snow crab from 1996 to 2000 was less than 340.2 mt and their catch history of Pacific cod during the same time period was greater than 680 metric tons. Additionally, this action added an exemption to GOA pollock sideboard limits for non-AFA crab vessels if a vessel landed less than 0.22 percent of all Bering Sea snow crab landings from 1996 to 2000 (550 mt), and made 20 landings of pollock harvested from the GOA from 1996 to 2000.

Results

Vessels that were historically dependent on GOA groundfish fisheries but received sideboard limits through the CR program were able to resume participation at historical levels. A second change to Pacific cod sideboards related to the CR Program was made through Amendment 45.



Combined and implemented with amendment 31: Share matching, QS

Council Action
April 2011

Purpose and Need

Under the CR program, QS holders and PQS holders must annually apply for their allocations of IFQ and IPQ. In some instances, the timeliness of these applications has been disputed which creates uncertainties for the required Class A IFQ and IPQ share matching process. Moving the application deadline to an earlier date for IFQ and IPQ and shortening the appeal period allowed for additional time to resolve any disputes concerning the timeliness and adequacy of applications by NMFS. This could help prevent some potential mismatches of the issued Class A IFQ pool and IPQ pools.

Analysis

A 15 page RIR/IRFA, dated February 2011, was prepared in support of this action. One action alternative and the status quo were analyzed. (https://www.npfmc.org/wp-content/PDFdocuments/catch_shares/Crab/IFQIPQ_211.pdf). Final action took place in April 2011.

Ultimately, the outcome of this analysis did not require and FMP amendment change. However, the Council chose to include the final rule-making in conjunction with Amendment 31, which modified the regulations governing the acquisition, use, and retention of quota share established for captains and crew, known as crew quota share or C shares, under the Crab Rationalization Program (CR Program).

Regulation Summary

In conjunction with other modifications, Amendment 31 included moving the deadline for the cooperative, IFQ, and IPQ applications to June 15th. It also reduced the period to appeal an initial administrative determination denying an allocation of IFQ or IPQ to 30 days and provided that an applicant's proof of timely filing for IFQ or IPQ creates a presumption of timely filing.

Results

In addition to C share changes, Amendment 31 made a number of small adjustments to the CR Program to better avoid administrative challenges. These changes included taking action to move the IFQ, IPQ and cooperative application deadline from August 1st to June 15th. This action also shortened the time to appeal an initial decision to withhold IFQ or IPQ from 60 days to 30 days. These changes allowed increased time for administrative duties as well as helped achieve optimum yield by reducing the potential for stranded IFQ, while maintaining the management program's incentives to prevent overfishing. The actions taken under this analysis were incorporated as a part of Amendment 31.



Dropped

Council Action
October 2009

Purpose and Need

This action would have brought fisheries under the NPFMC into conformance with a NOAA national policy directive (#30-120) which required charging applicants for the costs of processing fishing permit applications. Except for cost recovery implemented under the IFQ and CR Programs, FMPs for Alaska groundfish, crab, scallops, and salmon did not authorize the fee collection to reimburse the federal government for the cost of issuing permits. The Council selected a preferred alternative that recommended that FMPs be amended to require cost recovery for processing applications for all permits that are not already issued in cost-recovered programs or under the halibut subsistence or CDQ programs, as well as exempted fishery permits or prohibited species donation permits.

Analysis

A 65 page RIR/IRFA, dated April 2009, was prepared in support of this action. One action alternative was analyzed, including options to exempt Exempted Fishing Permits and Prohibited Species Donation Permits from the permit fee.

Results

This amendment was dropped because the costs to implement it substantially exceeded the costs presented in the analysis.



Share matching,
WAG, Community
protections

Council Action
April, 2010

Notice of Availability
February 1, 2011
[76 FR 5556](#)

Proposed Rule
February 15, 2011
[76 FR 8700](#)

Final Regulations
June 20, 2011
[76 FR 35781](#)

Effective
June 20, 2011

Purpose and Need

A reliable shore side crab processing facility west of 174 ° W. longitude has not consistently been available. With west designated WAG IFQ required to be delivered in this region of the Aleutian Islands, a processor failure could result in harvesters being unable to legally land their catch. Relaxing the regional landing requirement would allow designated IFQ to be delivered outside the west region when needed, allowing for full utilization of the TAC.

Analysis

A 28 page RIR/FRFA, dated January 2011, was prepared in support of this action. Two alternatives, including the status quo, were analyzed. (<https://www.fisheries.noaa.gov/resource/document/rir-irfa-exemption-west-region-landing-requirement-western-aleutian-islands>)

Categorical Exclusion applicable (<https://repository.library.noaa.gov/view/noaa/19554>)

Regulation Summary

This amendment allowed a waiver of the requirement that west-designated WAG IFQ be delivered west of 174 ° W. longitude under specific circumstances. Entities holding more than 20 percent of the West-designated WAG QS (IFQ or IPQ), and the cities of Adak and Atka, are eligible to apply for an exemption from the West regional delivery requirements. If there is unanimous consent by all eligible entities, and the exemption is granted, then all West-designated Class A WAG IFQ and IPQ holders, even those below the 20 percent ownership threshold, can deliver and receive at processing facilities outside of the West region until the end of that crab fishing year.

Results

In years when processing capacity is not available in AI shore plants, this regional delivery exemption enables fishery participants to deliver elsewhere in order to avoid stranding TAC. This exemption has been applied for and approved in 8 out of the last 10 years. The CR Program had other community and processor protections that became potentially constraining in some circumstances that were addressed by Amendments 27, 41, and 47.



38

ACL and Accountability Measures

ACL, Accountability measures, Overfishing, Rebuilding plan, Status determination criteria

Council Action
October, 2010

Notice of Availability
May 4, 2011
[76 FR 25295](#)

Final Regulations
August 5, 2011
[76 FR 47493](#)

Effective
August 2, 2011

Purpose and Need

The purpose of this action was to reduce the risk of overfishing and maintain healthy BSAI crab stocks that will provide optimum yield over the long term, in compliance with the 2007 amendments to the MSA and the NS1 Guidelines.

Analysis

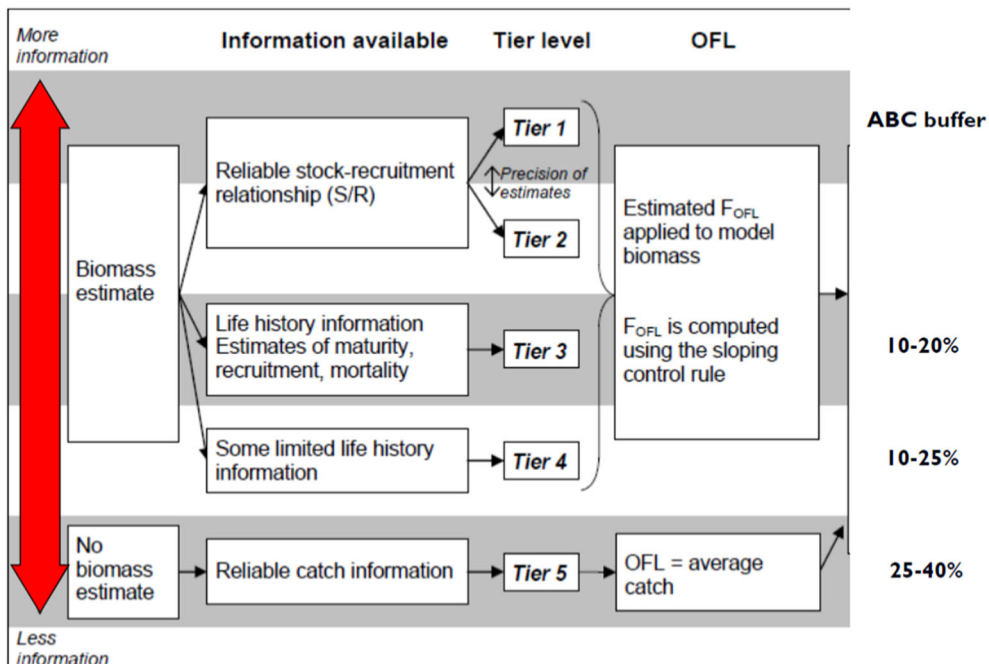
A 491 page EA, dated July 2011, was prepared in support of this action. Four alternatives were evaluated. This EA also analyzed potential environmental impacts for Amendment 39. (<https://repository.library.noaa.gov/view/noaa/18179>)

Regulation Summary

Amendment 38 established a mechanism in the FMP for the Council to establish annual catch limits (ACLs) and accountability measures for crab stocks to account for uncertainty in the overfishing limit and prevent overfishing in accordance with the Magnuson-Stevens Act. This action established ABC control rules in the FMP and set an ACL for each stock equal to the stock's ABC. Annually, the ABC control rule will be used to set the maximum ABC for each crab stock below the OFL set for that stock. This mechanism ensures that the probability of overfishing is less than 50 percent under the maximum ABC. ACLs are to be established based upon an acceptable biological catch (ABC) control rule in the FMP and are to account for the uncertainty in the overfishing limit (OFL) point estimate. This action also implemented accountability measures to prevent catch from exceeding ACLs and to correct overages of the ACL if they do occur. Accountability measures included accounting for ACL overages in the years following an overage. Finally, this action codified an optimum yield range from 0 to less than OFL.

Results

This action amended the FMP's status determination criteria for compliance with the MSA and the National Standards. This amendment occurred concurrently with Amendment 39.



Overfishing control rule for Tier 1-4. Directed fishing mortality is 0 below β .



Rebuilding

Council Action
October 2010

Proposed Rule
May 4, 2011
[76 FR 25295](#)

Final Regulations
August 5, 2011
[76 FR 47493](#)

Effective
August 2, 2011

Purpose and Need

On September 24, 2009, the NMFS Alaska Region notified the Council that the EBS snow crab stock would not be rebuilt by the end of the rebuilding time period, 2009/10, and that a revised rebuilding plan must be developed for that stock and implemented within two years of that notification. This action satisfied that requirement by modifying the rebuilding plan established by Amendment 14.

Analysis

A 491 page EA, dated July 2011, was prepared in support of this action. The status quo and 3 action alternatives with options to establish a rebuilding plan were analyzed. This EA also analyzed potential environmental impacts for Amendment 38. (<https://repository.library.noaa.gov/view/noaa/18179>)

Regulation Summary

This action modified the snow crab rebuilding plan as required by MSA to define when the snow crab stock will be considered rebuilt as “when the estimated biomass reaches the level necessary to produce maximum sustainable yield.” This removed the previous requirement for the stock to produce maximum sustained yield for two consecutive years prior to being declared rebuilt. The Scientific and Statistical Committee recommended that a 1-year threshold is appropriate for snow crab based on its confidence in the biomass estimates provided by the approved stock assessment model.

Results

This action amended the FMP for compliance with the MSA and the National Standards. This amendment occurred concurrently with Amendment 38.



EFH, 5-year review

Council Action
April 2010

Proposed Rule
August 8, 2012
[77 FR 47356](#)

Final Regulations
November 6, 2012
[77 FR 66564](#)

Effective
October 31, 2012

Purpose and Need

A review of EFH components in the Council's FMPs is completed every 5 years, and the EFH provisions should be revised or amended, as warranted, based on the best available information. The 5-year review that concluded in April 2010 evaluated new information on EFH, assessed information gaps and research needs, and identified minor changes in the BSAI Crab FMP that needed to be made.

Analysis

A 662 page EA, dated October 2012, was prepared in support of this action. Two alternatives, including the status quo, were analyzed. (<https://repository.library.noaa.gov/view/noaa/17389>)

Regulation Summary

This amendment updated biological, ecological, and fishery impact information for 5 species of crab covered by the FMP (Red king crab, blue king crab, golden king crab, tanner crab, and snow crab). This information included updates to prey associations, natural mortality, recent fishery information, a discussion of the effects of fishing on spawning and breeding, age/size at maturity, reproductive cycle, depth associations by life history stage, natural mortality, fecundity, reproduction, additions to life history, distribution, and general scientific literature updates.

Results

This amendment made relatively minor changes to the FMP EFH associated content in the BSAI crab species to bring the document up to date based on updates from the 5 year review. No associated regulatory changes were required or made. This EFH review was preceded by an EFH review conducted under Amendment 16, and followed by an EFH review conducted under Amendment 49.



Regional delivery,
IFQ, IPQ, Community
protections

Council Action
December 2010

Notice of Availability
December 13, 2012
[77 FR 74161](#)

Proposed Rule
January 30, 2013
[78 FR 6279](#)

Final Regulations
May 15, 2013
[78 FR 28523](#)

Effective
June 14, 2013

Purpose and Need

As a feature of the CR program, the Council included measures to protect regional and community interests. Among those provisions were regional designations on IPQ and a portion of the IFQ that required associated catch to be delivered and processed in the designated region. Since implementation of the program in late 2005, and except in the case of the WAG fishery, all IFQ crab had been harvested and processed as intended by the CR program. However, icing conditions in the Northern Region had created safety concerns, and delayed or prevented harvesters from making required deliveries to regional shore-based and floating processors. In addition, other unforeseeable events, such as earthquakes, tsunamis, or man-made disasters, could prevent required deliveries to eligible processors in a region. A well-defined exemption from regional landing and processing requirements of Class A IFQ and IPQ could mitigate safety risks and economic hardships that arise out of unforeseeable events that prevent compliance with regional landing requirements. The exemption provides a mechanism for reasonable compensation to all parties directly impacted by the exemption to ensure that the protections intended by the regional designations are maintained.

Analysis

A 92 page RIR/IRFA, dated May 2012, was prepared in support of this action. Two alternatives, including the status quo, were analyzed. (<https://repository.library.noaa.gov/view/noaa/18185>)

Regulation Summary

This action allowed IFQ holders, IPQ holders, and affected communities to jointly apply for and receive an exemption from regional delivery requirements without extensive administrative review by NMFS. Under this rule, both the preseason application and the inseason notice of exemption must be signed by one or more members of the following three groups: (1) Holders of Class A IFQ in a CR Program fishery subject to this rule, (2) holders of the IPQ in a CR Program fishery subject to this rule, and (3) a representative of each of the affected communities. The preseason application process allows the affected parties to enter the crab fishing season knowing the steps that the parties would take to avoid an exemption, the circumstances that would trigger an exemption, the steps they would need to take to obtain an exemption, and any mutually-agreed upon compensatory actions that the parties would take as a result of exercising the exemption. If the parties to a NMFS-approved preseason application conclude during the crab fishing year that circumstances have occurred that justify an inseason exemption under the framework agreement, those applicants must do two things to obtain an exemption. First, they must enter into an exemption contract with each other and, second, they must jointly submit an inseason notice of the exemption to NMFS.

Results

This action provided additional flexibility to CR Program participants in the event processing became limited or unavailable in a region.



Economic data reports, Cost recovery

Council Action
February, 2012Proposed Rule
March 21, 2013
[78 FR 17341](#)Final Regulations
June 17, 2013
[78 FR 36122](#)Effective
July 17, 2013**Purpose and Need**

A comprehensive EDR program was originally included in the CR Program to allow for a better assessment of its economic impacts, as well as to help identify program problems. Council review of the EDR program indicated that substantial portions of the EDR data were inaccurate, and that several elements were redundant with existing data collections. The cost to industry, both directly through data submission, and indirectly through cost recovery funding of program administration, were found to outweigh the benefits of the resultant data. Furthermore, the cost estimates provided in the EDR program analyses were substantially exceeded. To address these problems, the Council amended the EDR process so that the data collected was accurate, informative to the Council, not redundant, and less expensive to report and administer.

Analysis

A 272 page RIR/IRFA, dated February 2013, was prepared for this action. Three alternatives, including the status quo, were considered for each group subject to the EDR requirement (C/Ps, C/Vs, and processors). The two action alternatives made progressively increasing reductions to the amount of economic data collected through the EDR program. (<https://www.regulations.gov/document?D=NOAA-NMFS-2012-0111-0007>)

Regulation Summary

This action reduced the information reporting required for the CR Program Economic Data Reports to only include cost, revenue, ownership, and employment data from CR program C/P, C/V, and processor participants.

Results

This amendment eliminated redundant EDR collections including the requirement for CVs to report their fishing activity, fish ticket numbers, days fishing, days transiting and days offloading, by crab fishery. Additionally, collections of questionable accuracy, such as the cost of staff and labor costs were also stopped. This reduced the burden for industry to prepare EDRs, as well as NMFS/PSMFC administrative costs.



Rebuilding plan, Pribilof Island blue king crab

Council Action
June, 2012

Proposed Rule
August 21, 2014
[79 FR 49487](#)

Final Regulations
December 2, 2014
[79 FR 71344](#)

Effective
January 1, 2015

Purpose and Need

The Pribilof Islands blue king crab stock remained overfished and the existing rebuilding plan implemented under Amendment 17 had not achieved adequate progress to rebuild the stock by its target date of 2014. In order to comply with the MSA, an amended rebuilding plan had to be implemented prior to the start of the 2011/2012 fishing season. This directed blue king crab fishery has been closed since 1999 and action had been taken to limit bycatch mortality in other crab fisheries occurring near the Pribilof Islands under the previous rebuilding plan. However, crab bycatch in the groundfish fisheries near the Pribilof Islands had the potential to exceed the OFL and ABC for this stock. This action was necessary to facilitate compliance with the MSA to end and prevent overfishing, rebuild overfished stocks, and achieve OY.

Analysis

An 83 page RIR/IRFA dated July 2014, and a 202 page EA dated September 2014 were prepared in support of this action. 6 alternatives, including the status quo, were analyzed. (<https://repository.library.noaa.gov/view/noaa/18186>)

Regulation Summary

This action prohibited directed fishing for Pacific cod in the re-designated Pribilof Islands Habitat Conservation Zone (PIHCZ). The FMP amendment also acknowledged that the causes of the continued Pribilof Islands blue king crab stock decline are thought to be predominantly due to environmental changes that inhibit blue king crab reproduction. Additionally, it was re-specified that the stock will be considered "rebuilt" when the stock reaches BMSY in two consecutive years.

Results

In addition to existing prohibitions on trawl gear use in the PIHCZ, this measure prohibited pot fishing for Pacific cod in the PIHCZ to limit bycatch and associated mortality of Pribilof Island blue king crab. While it is expected that these measures will provide important conservation benefits to the stock, it is generally recognized that several years of favorable environmental conditions will also be needed for the stock to recover.



QS transfers, Right of first refusal

Council Action
February 2013

Oct. 2014 trailing amendment

Proposed Rule
October 22, 2015

[80 FR 63950](#)

Final Regulations
January 13, 2016

[81 FR 1557](#)

Effective
February 12, 2016

Purpose and Need

The CR Program includes the allocation of processor IPQ corresponding to a portion of the harvester IFQ pool. IPQ shares were allocated to processors based on processing histories. To protect community interests in historical crab processing patterns, holders of most IPQ were required to enter agreements granting community designated entities a right of first refusal (ROFR) on certain transfers of IPQ. Since implementation, community representatives and fishery participants indicated that some aspects of the ROFR limited its effectiveness, including: (1) the relatively short period of time allowed for exercising and performing under the right, (2) the lapse of the right after three consecutive years of use of the IPQ outside the community or if a community entity elected not to exercise the right on a transaction to which it applied, (3) the requirement that the right apply to all assets involved in a transaction, which could include assets outside the community, (4) the limited protection to community interests by the ROFR, (5) the need for better notices to community entities and NMFS to track use and transfer of IPQ subject to the right, and (6) the need for more flexibility in terms of what the ROFR contract would apply to. Addressing these concerns was intended to improve the effectiveness of the ROFR at protecting crab dependent communities.

Analysis

An 80 page RIR/IRFA, dated January 2016, was prepared for this action. 6 separate actions, including a status quo alternative for each one, were analyzed. (<https://repository.library.noaa.gov/view/noaa/18188>)

Regulation Summary

Amendment 44 removed the ROFR contract term that allows a ROFR to lapse if the IPQ derived from the PQS subject to ROFR was processed outside the community for three consecutive years, and removed the ROFR contract term stating that a ROFR will lapse if an eligible crab community entity fails to exercise its ROFR after it is triggered by a transfer of PQS. This is replaced with a ROFR contract term that requires the recipient of a PQS transfer to enter into a new ROFR contract with an ECC entity of its choosing in the designated region of the PQS. Two new ROFR contract terms were added that require a PQS holder to notify the ECC entity of any proposed transfer of IPQ or PQS subject to ROFR, regardless of whether the PQS holder believes the proposed transfer triggers the right. The second term requires a PQS holder to annually notify the ECC entity of the location at which IPQ derived from PQS subject to a ROFR was processed and whether that IPQ was processed by the PQS holder.

Results

This changed the contract terms that IPQ and PQS could be transferred under to provide additional community protections. This is an important feature of the program because many smaller BSAI communities are economically anchored by crab processing operations.



Purpose and Need

This action removed GOA Pacific cod sideboard limits for eight hook-and-line CPs (freezer longline vessels) that had qualified for the CR Program. These sideboard limits were established by the CR program in 2005. In 2012, as part of the GOA Pacific cod sector split (GOA Groundfish Amendment 83), these Pacific cod sideboard limits were disaggregated to create gear type and operation type limits. Since the eight restricted CPs had limited GOA Pacific cod history prior to the CR program, the resulting hook-and-line CP and pot CP sideboard limits were very small. In 2012 and 2013, NMFS determined that the sideboard amounts were insufficient to support a directed fishery, so the fishery was not opened, eliminating these eight sideboarded FLL vessels from the GOA Pacific cod fishery.

Analysis

A 57 page RIR/IRFA, dated April 2015, was prepared for this action. Two alternatives, including the status quo, were considered.

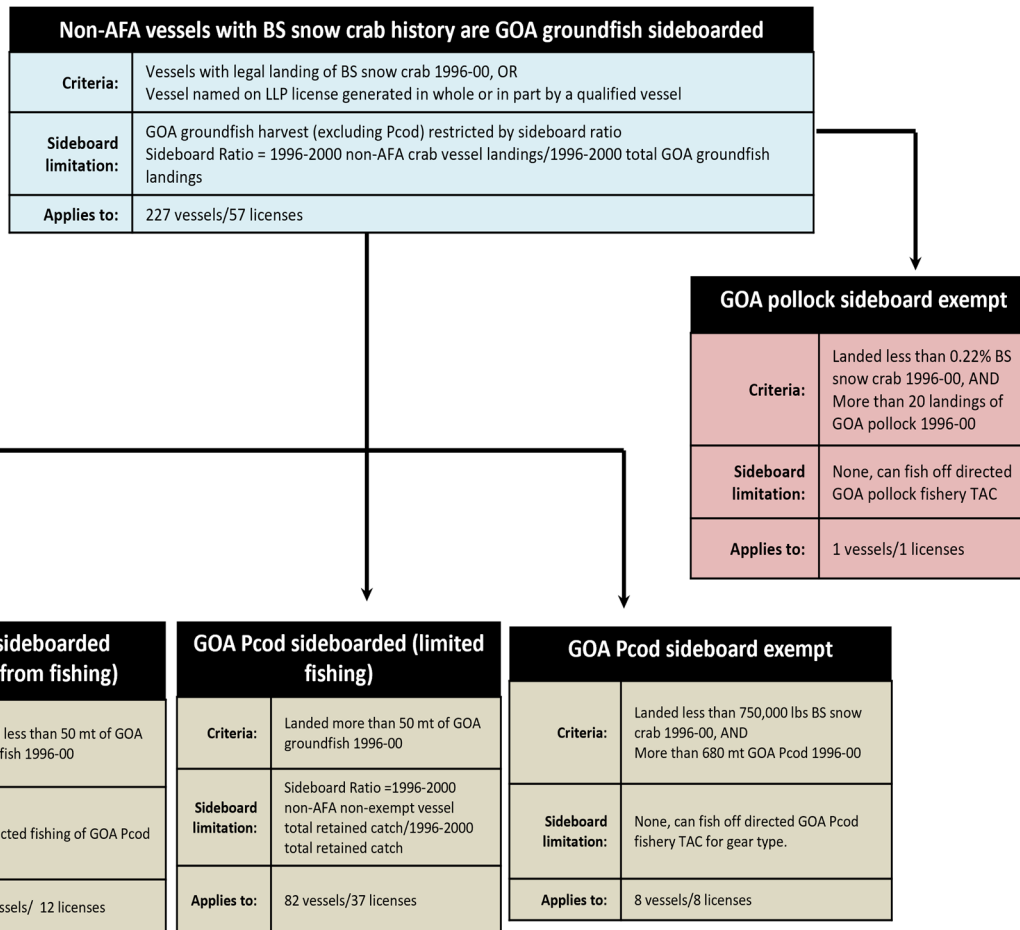
(<https://repository.library.noaa.gov/view/noaa/19117>)

Regulation Summary

This action allows NMFS to remove Pacific cod sideboard limits in the Central and Western GOA if each eligible hook-and-line CP submits a request to remove the specified sideboard limits so they can be fished in a coordinated manner.

Results

This amendment allowed fishing to occur for an allocation of cod that is otherwise too small to support directed fishing without a significant risk of overharvest. This benefited a set of CPs that had generally reduced their participation in crab fisheries after the CR Program, but had expanded their participation in Pacific cod fisheries. After GOA Groundfish Amendment 83, which partitioned the Pacific cod sideboard by sector, these vessels were unable to continue their business model due to CR Program sideboards. This action provided participants in the Central and Western GOA hook-and-line catcher/processor sectors with an opportunity to cooperatively coordinate harvests of Pacific cod through private arrangement to the participants' mutual benefit, which removed the need for the aforementioned sideboards.



LLP, Vessel length, Exemption

Council Action
December, 2014

Proposed Rule
February 12, 2015
[80 FR 7816](#)

Final Regulations
May 5, 2015
[86 FR 25625](#)

Effective
April 27, 2015

Purpose and Need

FMP text regarding LLP requirements for vessels less than or equal to 32 feet in overall length was inconsistent with the Council's intent of the LLP and Federal regulations implementing the LLP. This action aligned the FMP text that establishes the vessel size standards for exempting small vessels from the LLP requirement in the BSAI king and Tanner crab fisheries, consistent with the original intent of the programs, operations in the fishery, and Federal regulations.

Analysis

A 7 page analysis, dated December 2014, was prepared for this issue. The action was categorically excluded from the need to perform an EA as it was not a substantive change. (<https://repository.library.noaa.gov/view/noaa/19782>)

Regulation Summary

This FMP amendment exempted vessels participating in the BSAI king and tanner crab fisheries that are less than or equal to 32 ft. length overall from the requirement to have a groundfish or crab LLP. This is consistent with federal regulations.

Results

This housekeeping action updated the BSAI crab FMP to make it consistent with Federal LLP regulations. There was no substantive change in management or fishery operation that resulted from this action. ADF&G reported that there was no discernable difference in the fleet after we removed the LLP requirement for vessels 32' and under. The same fishing patterns and participants continued in Federal waters both before and after the removal of the LLP requirement for small vessels.



Regional delivery,
WBT, EBT

Council Action
June, 2016

Notice of Availability
September 13, 2016
[81 FR 62850](#)

Proposed Rule
September 13, 2016
[81 FR 65615](#)

Final Regulations
December 20, 2016
[81 FR 92697](#)

Effective
January 19, 2017

Purpose and Need

Tanner crab processing facilities had consolidated to the extent that IPQ use caps began to constrain the ability of the remaining participants to process the entire allocation of EBT and WBT crab. This could have prevented the portion of the *C. bairdi* Tanner crab allocation in excess of the caps (i.e., 10 percent) from being harvested. With processing caps in place, harvesters, processors, and communities could lose potential benefits due forgone crab harvests.

Analysis

A 45 page RIR, dated October 2016, was prepared in support of this action. Two alternatives, including the status quo, were analyzed. (<https://repository.library.noaa.gov/view/noaa/18193>)

Regulation Summary

This amendment allowed EBT and WBT IPQ crab received for custom processing by the three processors currently operating in these fisheries to qualify for a custom processing arrangement exemption and not be applied against the IPQ use caps. All EBT and WBT IPQ crab received under custom processing arrangements at the facilities owned by the three existing EBT and WBT processors (Maruha-Nichiro Corporation, Trident Seafoods, or Unisea Seafoods) are not counted against the IPQ use cap of the facility or the facility owners. The custom processing arrangement exemption allows these processors to custom process crab for unaffiliated IPQ holders who have custom processing arrangements with the processors, thereby allowing harvesters to fully harvest and deliver their EBT and WBT Class A IFQ crab to IPQ holders with a custom processing arrangement at facilities operating in these fisheries.

Results

This allowed all Tanner crab Class A IFQ to be harvested and processed by existing processors and avoided the adverse economic and social impacts created by constraining IPQ use caps. Without this action, only 90 percent of the EBT and WBT Class A IFQ could be processed by the existing processors. This is the most recent amendment addressing processor or community protections that have the potential to constrain harvest with the current field of fishery participants.



CDQ, MSA, Ownership caps

Council Action
*April 7, 2017*Proposed Rule
August 8, 2017
[82 FR 39743](#)Final Regulations
November 9, 2017
[82 FR 52011](#)Effective
December 11, 2017

Purpose and Need

This action revised the AFA Program and the CR Program ownership attribution regulations and the Crab FMP to provide for the different requirements for the CDQ groups mandated by the MSA as amended in 2006.

Analysis

A 36 page RIR, dated April 2017, was prepared to analyze this action. Two alternatives, including no action, were considered. The action alternative would match language in the Crab FMP for determining ownership attribution with the MSA. (<http://npfmc.legistar.com/gateway.aspx?M=F&ID=d8b3e56d-9a0c-436c-8c45-9473322f2ad8.pdf>)

Regulation Summary

The regulations governing the ownership attribution model for CDQ groups to determine excessive share limitations under the AFA and CR Programs are determined using the proportional "individual and collective" rule. This attributes the ownership of harvest or processing privilege of an entity partially held by a CDQ group to the CDQ directly in proportion to the ownership stake. For example, if Company A holds 15 percent ownership of Company B that holds LAP privileges, Company A would be attributed 15 percent of the ownership or use of those privileges. Previously, if a company owned 10% of a LAP privilege, then they were considered to have 100% ownership when determining excessive share limitations.

Results

This action codified the use of the proportional "individual and collective" rule for determining CDQ ownership caps of CR QS by revising regulations and amending the BSAI crab FMP for alignment with MSA requirements. NMFS had already implemented this practice since it was mandated by the amended MSA. Therefore, this amendment did not have substantive impacts.



EFH

Council Action
April 8, 2017

Proposed Rule
March 5, 2018
[83 FR 9257](#)

Final Regulations
July 5, 2018
[83 FR 31340](#)

Effective
May 31, 2018

Purpose and Need

The EFH Final Rule and each of the Council's FMPs state that a review of EFH components should be completed every 5 years and the EFH provisions should be revised or amended, as warranted, based on the best available information. To comply with the EFH Final Rule, the most recent 5-year review of EFH was completed in October 2016 and synthesized in a Final Summary Report presented to the Council. Based on the review, the Council determined that new information was available to update EFH provisions. This review followed the previous EFH review conducted under Amendment 40 to update the FMP with the best scientific information available.

Analysis

A 61 page EA, dated April 2017, was prepared for this amendment, and concurrent amendments for the EFH definitions to other FMPs. For BSAI King and Tanner crab species, two alternatives, including no action, were considered. (<https://repository.library.noaa.gov/view/noaa/18204>)

Regulation Summary

This Amendment revised the FMP by updating the description and identification of EFH, and updating information on adverse impacts to EFH based on the best available scientific information. The EFH descriptions for all managed species and the identification of EFH for those managed species for which new population density or habitat suitability information is available was updated. This action also updated information in the FMP on adverse impacts to EFH based on the best scientific information.

Results

This amendment satisfied the 5 year EFH review requirement which updates the FMP with the best available scientific information. None of the changes required regulatory action or changes to management to address the impacts of commercial fishing on EFH. In most cases, the total area defined as EFH for crab species in the BSAI increased compared to previous descriptions. Federal agencies that conduct, authorize, or fund activities in the area are still be required to consult with NMFS HCD to identify recommended measures, if necessary, to mitigate impacts to EFH that are more than minimal or not temporary. The next EFH review was be conducted in 2023.



Rebuilding plan, SMBKC

Council Action
June 9, 2020

Notice of Approval
July 15, 2020
[85 FR 42817](#)

Final Regulations
November 9, 2020
[85 FR 71272](#)

Effective
October 13, 2020

Purpose and Need

The St. Matthew Island blue king crab (SMBKC) stock was declared overfished on October 22, 2018, because the estimated spawning biomass was below the minimum stock size threshold specified in the crab FMP. In order to comply with provisions of the MSA, a rebuilding plan must be implemented within two years of a stock being declared overfished.

Analysis

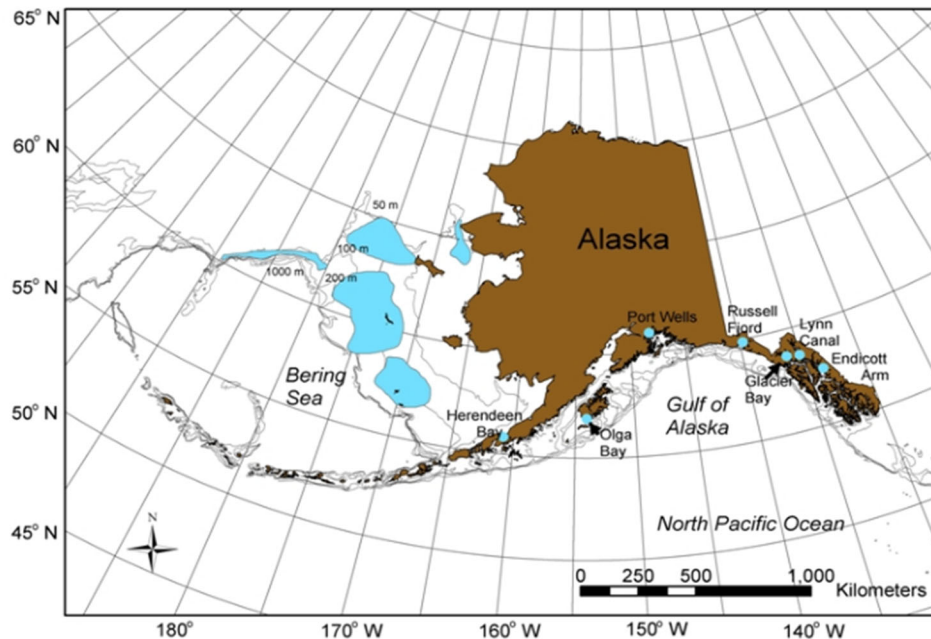
A 64 page EA, dated June 2020, was prepared for this amendment. Two alternatives, including no action, were considered. The action alternative, a rebuilding plan, had the option to allow a directed fishery consistent with the State's harvest strategy during rebuilding or prohibit directed fishing until the stock is rebuilt. (<https://repository.library.noaa.gov/view/noaa/28922>)

Regulation Summary

This Amendment established a rebuilding plan for SMBKC with a target rebuilding time of 25.5 years. The stock will be considered "rebuilt" once it reaches BMSY. A SMBKC directed fishery under the State's harvest strategy is allowed during rebuilding.

Results

This amendment satisfied MSA's requirement to implement rebuilding plans for overfished stocks. This amendment did not establish additional management measures to achieve rebuilding. It was determined average bycatch rates in groundfish fisheries had no constraining effect on rebuilding. Instead, rebuilding will depend on successful recruitment of crab under ecosystem conditions that have recently been very unfavorable, such as warm bottom temperatures, low pre-recruit biomass, and northward movement of predator species, primarily Pacific cod. All of these ecosystem factors have constrained stock growth. While the rebuilding plan does allow for a directed SMBKC fishery to occur, one has not opened since the plan was implemented.



Distribution of blue king crab (*Paralithodes platypus*) in the Gulf of Alaska, Bering Sea, and Aleutian Islands waters (shown in blue).

Source: <https://repository.library.noaa.gov/view/noaa/28922>



SBRM, Monitoring, Observers

Council Action
February 5, 2021

Notice of Availability
June 14, 2021
[86 FR 31474](#)

Final Regulations
September 17, 2021
[86 FR 51833](#)

Effective
September 13, 2021

Purpose and Need

Section 303(a)(11) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that any fishery management plan (FMP) establish a standardized reporting methodology [SBRM] to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority— (A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided.

On January 19, 2017, the National Marine Fisheries Service (NMFS) published a final rule (82 FR 6317) establishing national guidance for compliance with this requirement. As required by 50 CFR 600.1610(b),

Councils, in coordination with NMFS, must review their FMPs and make any necessary changes so all

FMPs are consistent with the guidance by February 21, 2022.

This action was required to establish new management measures, or identify existing management measure that comply with the SBRM requirements.

Analysis

A 23 page analysis, dated February 2021, was prepared for this amendment. The action was categorically excluded from the need to perform an EA as it did not result in a substantive change. (<https://repository.library.noaa.gov/view/noaa/32927>)

Regulation Summary

This Amendment identified Federal Daily Fishing Logbooks or Daily Cumulative Production Logbooks and the State Crab Observer Program as the SBRM for BSAI crab fisheries. This action did not modify regulations or establish new requirements, it labeled the existing measures that were already fully compliant with SBRM requirements.

Results

This action was concurrent with Amendment 17 to the scallop FMP and Amendment 15 to the Alaska Salmon FMP. This series of SBRM amendments did not result in any substantive changes to management, but highlighted the existing measures that complied with all required SBRM provisions.



Economic Data Reports

Council Action
February 5, 2021Notice of Availability
October 6, 2023
[87 FR 60638](#)Proposed Rule
November 1, 2022
[87 FR 65724](#)Final Rule
February 6, 2023
[88 FR 7586](#)Effective
March 8, 2023

Purpose and Need

The Council developed this action beginning in February 2018 and made its final recommendation to NMFS after considerable public input in February 2022. This action removes third party data verification audits and blind formatting requirements from the Bering Sea and Aleutian Islands (BSAI) crab fisheries EDR, the Bering Sea American Fisheries Act (AFA) pollock fishery Chinook Salmon EDR (Amendment 91 EDR), and the BSAI Amendment 80 fisheries EDR, and eliminates the EDR requirements for the Gulf of Alaska (GOA) trawl fisheries. Removing the third party audit requirements reduces costs incurred for NMFS to administer the EDR program and associated cost recovery fees paid by industry while maintaining data quality due to the automated EDR data verification procedures that remain in place. Additionally, enforcement provisions exist for all recordkeeping and reporting requirements, including the EDR program. A detailed explanation of the history of this action and need for this action is provided in the preamble to the proposed rule and not repeated here ([87 FR 65724](#), November 1, 2022).

Analysis

A 72 page RIR, dated December 2022, was prepared for this amendment. Three alternatives, including status quo were analyzed for this action.

1. Status Quo
2. Make revisions, where needed, in the EDR sections of the crab or groundfish FMPs and in the EDR regulations (options are not mutually exclusive):
3. Revise or remove the GOA trawl EDR requirements.

<https://www.fisheries.noaa.gov/resource/document/regulatory-impact-review-amendment-52-fishery-management-plan-bering-sea-aleutian>

Regulation Summary

Amendment 52 removed This third party data verification audits and blind formatting requirements from the Bering Sea and Aleutian Islands (BSAI) crab fisheries EDR, the Bering Sea American Fisheries Act (AFA) pollock fishery Chinook Salmon EDR, and the BSAI Amendment 80 fisheries EDR. This action also eliminates the EDR requirements for the Gulf of Alaska (GOA) trawl fisheries.

Results

This final rule removes or revises regulations at [50 CFR parts 679](#) and [680](#). This final rule removes third-party data verification audits for the Crab EDR, the Amendment 91 EDR, and the Amendment 80 EDR and removes blind formatting requirements for the Crab EDR. This action also eliminates the GOA Trawl EDR requirements. It would also increase the usability and access to the EDR data for Council and NMFS analysts. Without the concern of inadvertently disclosing confidential data, analysts may be more likely to use the EDR data.



For more information, visit our website or contact
the Council office.

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