

**ADVISORY PANEL**  
**Motions and Rationale**  
**December 5-8, 2023 - Anchorage, AK**

**C1 Crab C Share Recent Participation**

**Motion:**

The AP recommends that the Council adopt, as their preferred alternative for final action, Alternative 2, Options 1, 2, and 3. For Option 2, include Suboption 1 with a 25-million-pound threshold and implement via Method 1 (restart). For Option 3, clarify that crew time tendering in Alaska should count towards '30 days of fishing' for active participation.

The AP supports the NMFS recommendation to clarify the definition of a fishing trip.

The AP supports the NFMS recommendation for a regulatory change clarifying that C share holders are exempt from active participation requirements if they hold QS in only closed CR crab fisheries.

***Motion passed 15/0***

**Rationale in Favor of Motion:**

- *This motion supports Alternative 2 which maintains active participation requirements for c-share holders in the BSAI Crab Rationalization Program while building in some flexibility in times of low quota or closed fisheries like the fishery has been experiencing in recent years.*
- *Within Alternative 2, Option 1 restarts the clock and reissues revoked quota, improving fairness for those that could not make a fishing trip in recent years due to COVID or low quotas with few boats fishing.*
- *Alternative 2, Option 2, Sub-option 1 sets a threshold at 25 Mlb combined TAC for Bristol Bay red king crab, snow crab, and Bering Sea Tanner crab, below which active participation is suspended. 25Mlb was selected as the threshold because these combined fisheries have never been below that TAC in the history of the crab fishery until the 21/22 season.*
- *This motion supports implementing Alternative 2, Option 2 via Method 1 which would restart the clock for all c-share holders for all 3 crab species (BBR, BSS, BST) whenever the combined threshold is below 25 Mlb. This would be the most liberal implementation method for c-share holders as well as the least onerous on the agency to implement.*
- *Alternative 2, Option 3 levels the playing field for new entrants to be able to have the same flexibility and requirements to maintain c-shares as initial issues. In other words, both new entrants and initial issues can maintain active participation within a three-year period by either participating in a BSAI crab trip or by fishing in either a federal or state commercial fishery off Alaska for 30 days.*
- *This motion clarifies that tendering should count towards the '30-days of fishing' requirement. Tendering is considered an "operation at sea in support of" fishing, consistent with the definition of fishing in the Magnuson-Stevens Act at 50 CFR 600.10 subparagraph (4).*

- *This action meets the purpose and need and is responsive to public comment – 8 of the 11 written comments asked for some form of relief without identifying a specific alternative.*
- *Retains initial intent of C shares to be transferable as recipients or those who have purchased quota age out of the fishery, but does provide flexibility to face the unprecedented conditions of covid and closed crab fisheries.*
- *Meets National Standard 5 on efficiency, National Standard 6 on variations and contingencies and Nation Standard 8 on sustained participation of communities.*
- *Some discussion as to the necessity of options 1,2 and 3 under alternative 2, but testimony of the organization representing 80% of the C share holders felt it was important to have all three options.*
- *Clarification was provided for rationale that the regulation for clarifying the definition of a “Fishing Trip” as recommended by NMFS reads: “The beginning period of when harvest of crab has commenced and ending when any processed or unprocessed crab has been offloaded or transferred from that vessel.”*
- *The closure of crab season(s) made this situation unavoidable and the motion rectifies the circumstances where quota has been revoked.*
- *This motion is reflective of the motion passed by the PNCIAC that supported active participation of c-share holders and reissuing shares for the time being as we move past covid and the current low stocks for many crab species. The additions of the NMFS recommendation to update the definition of ‘fishing trip’ gets to their point on active participation.*
- *The AP supports the addition of tendering in fishing participation requirements. Tendering is an important diversification for crab boats and also important to participants of salmon fisheries.*
- *When Amendment 31 went into effect, the Council intended that C shares benefit ‘at-sea participants.’ The Crab Rationalization program has 3% QS specifically for active participants in the fishery. If participation requirements were completely removed, C share holders would have no incentive to divest and the shares would remain in the hands of those no longer participating in the fishery. Once the active participation requirements are removed from the program, it would be extremely difficult or impossible to build back into the program; it's important to maintain the ability for those working in the fishery to have access to and maintain their C shares.*
- *A significant “issue” with rationalization programs that is often vocalized by participants in the Council process is that rationalization prevents or excludes the participants who are crew from being able to have a larger stake in the fishery in the future. Keeping the at sea requirements, holds the program to its initial intent.*