

**ADVISORY PANEL**  
**Motions and Rationale**  
**February 6-9, 2024 - Seattle, WA**

**C2 BBRKC Closures**

Motion:

The AP recommends that the Council move this issue on to final action with the following additions to the purpose and need statement and range of alternatives (added language underlined):

The Bristol Bay red king crab (BBRKC) stock has declined and is currently at low levels, resulting in a closure to the directed fishery in 2021/22 and 2022/23. Estimated recruitment has been extremely low during the last 12 years and the projected mature biomass is expected to decline during the next few years. The best available science indicates the cause of the decline is a combination of factors related to continued warming and variability in ocean conditions.

Given the poor recruitment and low stock status of BBRKC, the Council intends to consider management measures focused on reducing BBRKC mortality 'and protecting BBRKC habitat from groundfish fishing in areas that may be important to BBRKC and where BBRKC may be found year-round, which may help increase stock abundance and promote achievement of optimum yield from the directed BBRKC fishery while minimizing negative impacts to affected groundfish fleet operations as well as target and PSC species.

Alternatives:

**Alternative 1:** No action (status quo)

**Alternative 2:** Implement an annual closure of the Red King Crab Savings Area (RKCSA) to all commercial groundfish fishing gears. The existing closure for non-pelagic trawl gear is not changed under Option 1. Option 2 modifies the trigger to close the Red King Crab Savings Subarea (RKCSS) for non-pelagic trawl.

The closure would be in effect:

**Option 1:** If ADF&G does not establish a total allowable catch (TAC) the previous year for the Bristol Bay red king crab fishery.

**Option 2:** If the total area-swept biomass for BBRKC is less than ~~50,000-100,000 mt.~~

**Suboption 1: 50,000 mt**

**Suboption 2: 100,00 mt**

**Option 3:** Except for vessels participating in an approved agreement. The goal of this agreement is to reduce bottom contact and/or reduce crab mortality. These agreements would vary by sector and could include standards, such as using the best available technology to assess bottom contact for pelagic trawl gear. For Pacific cod with pot gear, the standards could include gear requirements that either exclude or allow escapement of crab, observer coverage, and bycatch limits.

Suboptions (apply to either Option):

<sup>2</sup>**Suboption 1:** Exempt hook-and-line gear from the closure

<sup>2</sup>**Suboption 2:** Exempt pot gear from the closure

**Alternative 3:** Implement a closure of NMFS Reporting Area 512 to fishing for Pacific cod with pot gear.

The closure would be in effect:

**Option 1:** If ADF&G does not establish a total allowable catch (TAC) the previous year for the Bristol Bay red king crab fishery.

<sup>4</sup>**Option 2:** If the total area-swept biomass for BBRKC is less than ~~50,000~~ 100,000 mt.

**Suboption 1: 50,000 mt**

**Suboption 2: 100,00 mt**

**Option 3:** Except for vessels participating in an approved agreement. The goal of this agreement is to reduce crab mortality. This agreement could include standards such as gear requirements that either exclude or allow escapement of crab, observer coverage, and bycatch limits.

**Alternative 4:** Implement a seasonal closure from January 15 through June east of 164<sup>th</sup> N longitude north to the boundary of ADFG Area T to all commercial groundfish fishing gears. The same options and suboptions as Alternative 2 apply.

<sup>3</sup>**Alternative 5:** Implement a closure north of the RKCSA (one half of a degree N) to mobile bottom contact gear (pelagic and non-pelagic trawl). **The same options and suboptions as Alternative 2 apply**

<sup>5</sup>**Alternative 6:** Implement a hard cap for BBRKC in area 512 for the pot cod fishery

*Main Motion as Amended Passed: 11/10*

Amendment<sup>1</sup> (add **and protecting BBRKC habitat** to the purpose and need statement)

*Amendment 1 passed: 12/9*

Amendment<sup>3</sup> (strike ~~mobile bottom contact gear (pelagic and non-pelagic trawl)~~ and add **the same options and suboptions as Alternative 2 apply**)

*Amendment 3 passed: 14/7*

Amendment<sup>4</sup> (strike ~~50,000-100,000 mt~~ and add suboptions 1 and 2)

*Amendment 4 passed: 18/3*

**Main Motion as Amended Passed: 11/10**

**Rationale in support of Amended Main Motion:**

- *This motion provides a broader range of alternatives within the existing purpose and need statement and is responsive to PNCIAC's recommendations, as an advisory body to the Council, and to public testimony.*
- *PNCIAC's recommendations speak to allowing for gear innovation while reducing crab mortality and building some flexibility and accountability into the management system. The new Option 3 under Alternatives 2 & 3 with an "agreement" approach captures that.*
- *The new Alternative 4 would create a seasonal protection for molting and mating periods for BBRKC.*
- *The new Alternative 5 would create a closure to trawl gear north of the RKCSA in an area the analysis shows has higher bycatch of crab and could have population level effects.*
- *The primary goal of this action is to help the RKC stock rebuild to levels of higher abundance, and this motion creates a reasonable range of alternatives for a stock that is in crisis.*
- *The AP aims to keep all sectors fishing, including the directed crab fishery, sharing the burden of conservation and helping the red king crab stock rebuild and continue to remove crab predators with minimal impact to habitat and minimizing bycatch.*
- *Considering an area-swept threshold of 100,000 MT may provide a better opportunity for the stock to rebuild to a sustainable level before removing those protections.*
- *The analysis identified that the trawl performance standard is not an acceptable metric to monitor or discourage bottom contact. Option 3 in this motion allows for gear innovations and enforceable technologies providing the pelagic trawl sector the appropriate tools to fish close to the seafloor with limited to no bottom contact.*
- *This motion is responsive to the priorities of protecting females, optimizing mating opportunities, reducing habitat disturbance, and protecting core essential fish habitat for BBRKC.*
- *Support for continued action to address the long-term decline of the BBRKC stock should be a Council priority.*
- *AP members noted that the document states "In summary, it is likely that the action alternatives would provide some benefits to the BBRKC stock,..." and felt that given the analysis, further consideration of alternatives was warranted and this was responsive to the precautionary principle.*

**Rationale in opposition to Amended Main Motion:**

- *Refer to rationale in support for Substitute Motion.*

**Rationale in favor of Amendment 1:**

- *Including habitat in the Purpose and Need statement is responsive to public testimony and provides clarity in addressing concerns over effects on habitat as outlined in the analysis and its conclusions.*
- *Habitat is an important aspect to the health and viability of our fisheries resources and is integrated into fisheries science and management.*
- *BBRKC are known to be present in and to have migratory patterns across the RKCSA. These stocks are at a serious level of conservation concern and this amendment may optimize mating opportunities, reduce habitat disturbance, and protect core essential fish habitat.*
- *During staff presentation it was noted that providing more specificity to the Purpose and Need for habitat protection would decrease the ambiguity in what denotes “reducing BBRKC mortality.” Mortality can be due to habitat degradation or destruction, as much as it can be due to fishing effects and fishing gear interactions.*
- *The analysis highlights the most recent scientific data (per National Standard 2 requiring the use of the best available science) that identifies the area East of the 164 longitude line to be important to BBRKC through all life stages.*
- *Staff commented that specifying habitat in the Purpose and Need would likely not delay final action.*

**Rationale in opposition to Amendment 1:**

- *The Council had the opportunity to include habitat in the Purpose and Need after review of the last Initial Analysis, and made an explicit choice to not include it. The AP motion should be consistent with that choice.*
- *Habitat is addressed in the document as a required component of the analysis, but amending the Purpose and Need changes the focus of this action.*
- *The Essential Fish Habitat process, informed by the Fishing Effects Model, indicates that pelagic trawl, and the other regulated gears, have minimal and temporary impacts on the habitat important for BBRKC.*

**Rationale in favor of Amendment 3:**

- *Modification to the language maintains consistency throughout the alternative set. The added language mirrors the language included in Alternative 2 and 4 by the original maker of the motion.*
- *Having the same options and suboptions apply to Alternative 5 as Alternative 2 maintains consistency and ensures that all gear types are considered for potential closures rather than focusing on a specific gear group.*

**Rationale in opposition to Amendment 3:**

- *Removing predators from the BBRKC grounds is an important conservation measure. The pcod pot fleet can do it efficiently with minimal habitat impact and total footprint of approximately 1/4 square mile.*

**Rationale in favor of Amendment 4:**

- *The Council previously selected 50,000 mt for analysis, and this was included in the current initial review. The Main Motion indicated that a 100,000 mt threshold should be analyzed, and this amendment clarifies that both values should continue to be analyzed..*
- *The amendment had the same effect as the original motion language. Supported in the spirit of compromise to ease concerns of some AP members.*

**Rationale in opposition to Amendment 4:**

- *No rationale provided*

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*The following substitute motion and amendments did not pass the AP:*

Substitute Motion:

~~The AP recommends no further action on this item at this time.~~

*Substitute Motion Failed: 10/11*

**Rationale in opposition to Substitute Motion that failed:**

- *Some AP members felt that tabling the action at this time is not responsive to the urgency associated with protecting the BBRKC stock for the long term.*
- *Although the rationale provided during deliberations spoke to tabling the agenda item, the language of the amendment spoke to taking no further action.*
- *The document states "In summary, it is likely that the action alternatives would provide some benefits to the BBRKC stock..."*

**Rationale in support of the failed Substitute Motion:**

- *There is significant uncertainty highlighted in the analysis regarding the magnitude of benefit to the BBRKC stock from the measures being considered, while at the same time there is very clear information in the analysis that demonstrates increased bycatch of chum, chinook, halibut and herring are likely effects of displaced effort.*
- *There is a large number of ongoing research projects aimed at determining where red king crab are located at all life stages, and there was public testimony that while the RKCSA are important to crab, the borders may need to be updated. Other ongoing research that will inform effective management measures for BBRKC savings include:*
  - *Pelagic Trawl Gear Assessment Project*
  - *Groundfish predation project*
  - *Bristol Bay Cam Sled Project*

- *There is ongoing work on unobserved fishing mortality for all gear types and this will be presented later in the year.*
- *A pot cod LAPP is being considered for the over 60 vessels in the BSAI and supporters indicate that the program will include bycatch mitigation tools*
- *The intent of the Substitute Motion would not be to table the action indefinitely. This action could be reevaluated when ongoing and current research provides results to better understand where red king crab are in the winter and spring and other management actions are implemented.*
- *The Purpose and Need statement states the cause of the BBRKC declines is likely a combination of factors related to continued warming and variability in ocean conditions. Data in the analysis outlines that forwarding the action will not have a measurable benefit to the red king crab stock, and will increase bycatch of other important PSC species. Some AP members felt this was inappropriate at this time given the uncertainty.*
- *Some AP members felt there is no strong scientific evidence in the analysis that demonstrates the alternatives will meet the original Purpose and Need statement and result in crab savings.*
- *Some AP members noted there is evidence that static closures are not effective and the efficacy of the red king crab area for BBRKC at all stages of life history at this time is uncertain; dynamic closures can work if we have good information on crab location*
- *Increasing PSC catch should be avoided, especially for chum and chinook salmon. Some AP members felt the Council has indicated that avoidance and bycatch minimization of salmon species should be prioritized.*
- *There is currently a comprehensive network of static spatial closures for BBRKC protection in Zone 1 and there are significant unknowns about the efficacy of those closures, creating concern on whether perpetuating or adding to a system of static closures is the appropriate management tool.*
- *Analysis is clear that the groundfish fisheries regulated under this action occur during times of the year when BBRKC distribution is not well known. There is no comprehensive understanding of the degree of temporal or spatial overlap between the groundfish fisheries and different life stages of the BBRKC stock.*
- *With the ongoing research of the when and where of BBRKC specific to winter distribution, there is the potential for groundfish fisheries to develop a system to create dynamic spatial closures. Dynamic spatial closures are more responsive to the purpose and need statement of reducing BBRKC bycatch mortality than additional static closures and yield better outcomes for both the groundfish fisheries and BBRKC.*
- *Concern about the importance of area 512 to pot fleet and processors.*

*Amendment<sup>2</sup> (strike suboptions from alternative 2)*  
*Amendment 2 failed: 7/14*

**Rationale in opposition to Amendment 2 which failed;**

- *Bottom contact from different gear types is highly variable. Though all gear types recognized in this paper do have bottom contact, the effects to habitat and crab are not consistent. These sub-options allow Council discretion to use the best available science to determine the importance of gear impact, by sector, or habitat.*
- *Hook and line gear has minimal impact on the seafloor and removal of pacific cod, a known crab predator, provides a benefit to the crab stock. Examination of exemption of that gear from the closure deserves to be included in the analysis.*
- *The Pcod fleet has demonstrated its ability to adhere to voluntary fleet-wide agreements.*
- *The Pcod fleet is currently developing gear intended to exclude crab with promising results.*
- *The Pcod fleet is currently using a hot spot reporting program and is pursuing a more robust reporting system.*

**Rationale in favor of failed Amendment 2:**

- *The addition of habitat to the Purpose and Need statement turns this Agenda item into a habitat conservation issue and as such it is appropriate to eliminate any exceptions for gear types that have bottom contact, not just trawl.*

*Amendment 5 failed: 9/12*

**Amendment<sup>5</sup> (add alternative: Implement a hard cap for BBRKC in area 512 for the pot cod fishery)**

**Rationale in opposition to Amendment 5 which failed:**

- *The pod cod LAPP is the proper place to consider this type of management measure.*
- *AP members noted that the October 2022 discussion paper stated ‘Current management and monitoring of the BSAI Pacific cod pot gear fishery is not conducive to real time PSC reporting or bycatch closures that need to be managed on a fine time-scale’.*
- *Implementing a PSC hard cap for the Pcod pot sector in area 512 is premature given upcoming consideration of Pcod LAPP program scheduled for June 2024. PSC caps are typically an element considered in such programs.*
- *DMRs for the Pcod pot sector are not based on direct research and have been in place since 2008. Reference: October 2022 D2 BBRKC Expanded Discussion Paper, pages 29-30.*
- *These DMRs are over-inflated and need revision. Intent to address the issue at Staff Tasking.*

**Rationale in favor of failed Amendment 5:**

- *Analyzing a BBRKC hard cap for the pot cod fishery in area 512 is appropriate considering significant takes over the last three years, with more than 374,000 animals taken as bycatch. At a 50% DMR, this equates to more than 187,000 dead male and female crab. Even at a 20% DMR, this still equates to almost 75,000 dead crabs.*
- *Because of the conservation concern over BBRKC, all efforts to minimize incidental take of BBRKC should be analyzed. Consideration of a hard cap on RKC is a way to reduce BBRKC mortality in the nearer term, while the process of developing a LAPP for the over 60 pot cod fishery continues.*
- *Although the Council will begin looking at a potential BSAI Pot Cod LAPP, that action would still be 5-6 years away from implementation even if it reaches that point; this amendment addresses how PSC can be minimized in the interim. While cooperative programs provide management tools for operating within a PSC cap, it is possible to voluntarily manage fleet behavior towards a PSC cap even when using extrapolated observer data in a partial coverage monitoring fishery, as the GOA trawl fisheries have done for decades.*
- *A hard cap for the pot cod fishery may incentivize additional gear innovation work for the pot cod fishery as well as spur additional work on discard mortality rates.*