



December 2, 2022

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

RE: Comment on Agenda Item C1 (RKCSA Emergency Request)

Dear Chairman Kinneen and Council Members:

The Alaska Bering Sea Crabbers (ABSC) is a trade association representing the majority of independent crab harvesters who commercially fish for king, snow (opilio), and Tanner (bairdi) crab with pot gear in the Bering Sea and Aleutian Islands (BSAI) Crab Rationalization Program. We appreciate the opportunity to comment on Agenda Item C1 – Red King Crab Savings Area Emergency Request.

We commend the Council and NMFS' staff time to analyze ABSC's emergency action request sent to the Secretary in September of this year, petitioning to close the Red King Crab Savings Area (RKCSA) and Red King Crab Savings Subarea (RKCSS) to all commercial fishing gears for the first half of 2023. Our emergency petition to the Secretary of Commerce and comment letter to the Council in October 2022 under Agenda Item C1 (Crab Specs) and D2 (BBRKC Expanded Discussion Paper) are herein incorporated by reference.

January through June is an important time of the year for Bristol Bay red king crab (BBRKC), as the majority of their molt cycle falls in that timeframe. After molting, soft-shell crab are particularly vulnerable for over two months while their shells harden. The Council's June BBRKC discussion paper explains that *RKC are particularly vulnerable during their molting phase where it takes 74.2 days for the carapace to reach 90% of maximum hardness*. Not only do king crab have to molt in order to mate, but once they do, they remain at a higher risk to fishing-gear related injury or death than they might be during the months when their shells are completely hard. Closing the RKCSA/SS to all fishing activities during the BBRKC molt cycle will provide necessary protections to the portion of the stock that remain within the closed area during that time. Not only is the RKCSA/SS considered essential habitat for BBRKC, but the entire area is within the top 25% core EFH (hotspot, Figure 1) for the stock, as outlined by the EFH maps produced by the fishing effects model. Protecting the female brood stock is an important component towards allowing the population to have success at rebuilding, while also maintaining an adequate abundance of males for fertilization.

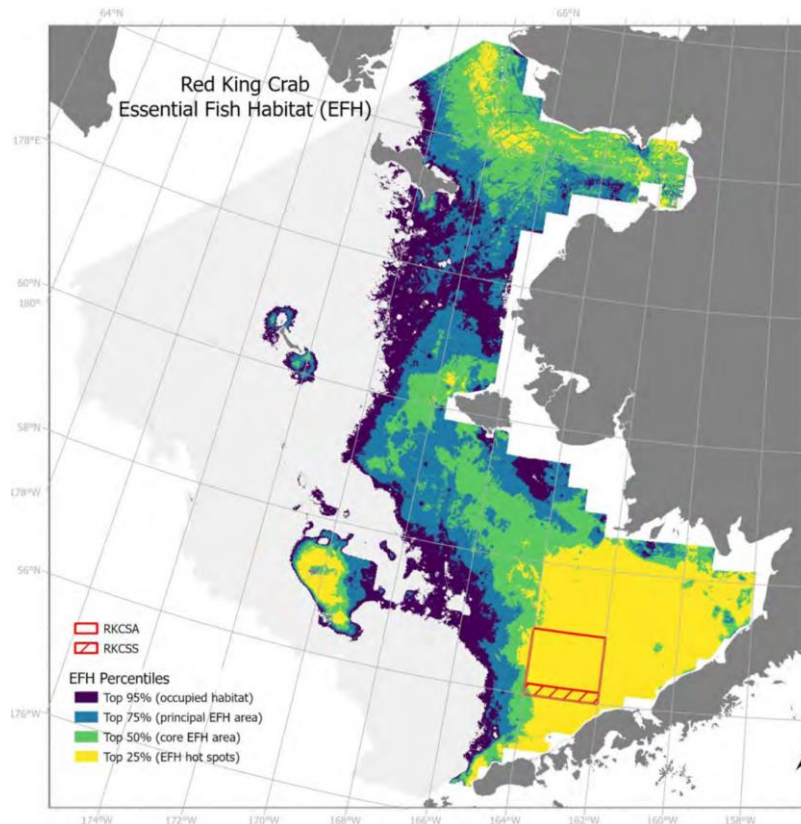


Figure 1. Red King Crab Essential Fish Habitat (EFH) percentiles in relation to the Red King Crab Savings Area (RKCSA) and Red King Crab Savings Subarea (RKCSS) for the 2023 EFH 5-year Review (Laman et al. 2022). (Figure 4-30 C1 RKCSA analysis)

Additionally, male and female BBRKC abundance are at historic low levels. The only two other time periods where BBRKC abundance was at similarly low levels was in the mid 1980's and mid 1990's. During both of these time periods of historically low levels of abundance, the Council took action to implement RKC protection measures, which included designating the permanent closure of the RKCSA to all bottom trawl gear. The main impetus in creating the RKCSA in 1995 was to protect RKC and their habitat, thus the area designation was identified back then as an area of high abundance and important habitat. Today, the RKCSA/SS remains an area of high concentrations of BBRKC year round, although differences in the level of abundance and between the sexes exist. Recent data acquired from tagging studies conducted by the Bering Sea Fisheries Research foundation partnered with the Alaska Department of Fish and Game (ADFG), support the location of the RKCSA/SS and the nearshore trawl closure. Similarly, the ADFG 2022/23 cost recovery fishery, the only fishery-specific data available due to the back to back closures of the directed fishery, detected a high abundance of BBRKC inside the RKCSA (Figure 2).

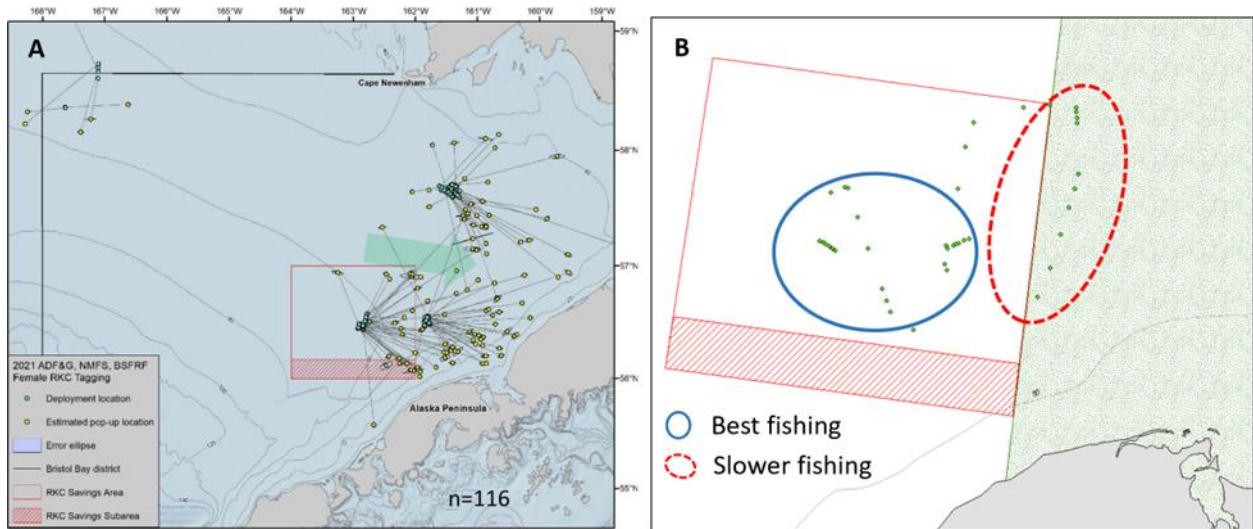


Figure 2. Figure A shows the tagging location and movement vectors of 116 females traveling both inside and out of the RKCSA/SS in Nov 2021 to April/May 2022, while males were tagged further west but had similar trajectories into the RKCSA/SS. Image B depicts fishing effort from the 2022/23 cost recovery fishery identifying higher abundance of male BBRKC inside the RKCSA, similar to what previous directed fishing efforts have also seen. (Images courtesy of ADFG, NMFS and BSFRF)

The Council’s April 2022 BBRKC discussion paper pointed out that pelagic trawl (PTR) gear is in fact on the seafloor 20-60 and 70-90 percent of the time during A-season fishing for PTR catcher vessels and catcher-processor vessels, respectively. The current RKCSA emergency rule analysis concluded that a closure to the RKCSA would provide habitat benefits through reduced bottom contact by trawl (PTR) gear and would therefore provide RKC savings. During the 2022 October Council meeting, the Council identified the BBRKC crab stock as a “priority conservation concern” and recognized that this small, short-term action, is a necessary step the Council could take to provide immediate protections for BBRKC.

Unobserved fishing mortality of BBRKC is occurring in the RKCSA/SS due to interactions with fishing gears, but most troubling is the amount of seafloor contact from PTR gear along with evidence of recent trawling trends presented in the analysis and past EFH analysis, showing an increase of PTR fishing effort inside the RKCSA/SS since 2014. The magnitude of mortality due to pelagic trawling in the RKCSA/SS is unknown; however, the current analysis states that PTR impacts to the seafloor are comparable to non-pelagic bottom trawling (NPT). The RKCSA was intended to be void of bottom contact by trawling in order to provide an area within the Bering Sea that was a refuge for king crab and their habitat. Closure of the RKCSA and RKCSS provides additional protections for conservation of the stock and consistent with the original intent of RKCSA management, which is to restrict bottom contact by trawl gear in the closure area.

Lastly, the emergency action would be short-term and address concerns about potential habitat impacts of trawl gear contact on the seafloor within the RKCSA and associated unobserved mortality of RKC. Immediate action and implementation (through emergency rule) would reduce impacts in the RKCSA due to bottom contact of PTR and other gears (Figure 3). This emergency action, by nature, will not be a long-term fix for BBRKC but would allow immediate benefits to crab in a time when it’s needed most. Crab would likely be saved in the short-term due to the reduction in unobserved mortality from PTR gear contact and this could benefit BBRKC during vulnerable life history stages and further reduce mortality, an important goal of the RKCSA. In addition, this action would stop habitat impacts from fishing in the short-term, allowing habitat to begin to recover. While this emergency action is an

important first step toward improved conservation measures for BBRKC, the Council, scientists and managers must continue to work towards longer-term solutions to help Alaska’s iconic king crab stocks to have a fighting chance to rebuild.

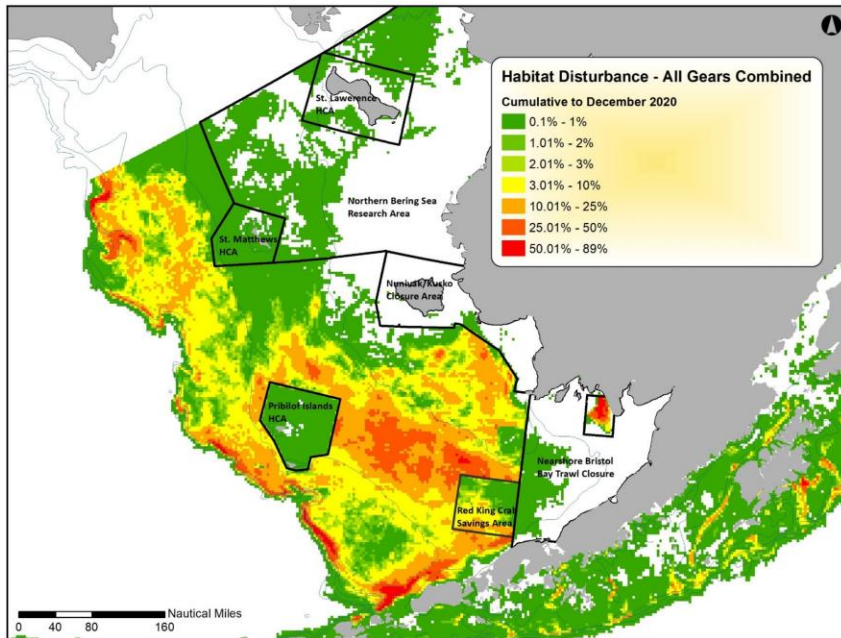


Figure 3. Bering Sea habitat disturbance for all gear types combined through Dec 2020, including high (10-25%) percent of habitat disturbance inside the RKCSA/SS. (EFH fishing effects model 2022)

This emergency action request to close the RKCSA/SS to all commercial fishing gears from January 1, 2023 to June 30, 2023 to protect BBRKC and their habitat at a time of historically low crab abundance meets all three criteria for emergency action under NMFS Procedure 01-101-07 (Aug. 21, 1997). This request meets criteria 1 because the BBRKC stock has recently dropped below a conservation threshold, although a downward population trend has been seen over past years, the harvest control strategy alone has not reversed or slowed the downward trend, a recent and unforeseen circumstance. In addition, this request meets criteria 1 because recently discovered information is available on bottom contact and area swept by pelagic trawl in areas closed to protect crab and crab habitat from impacts of trawl gear on bottom in the RKCSA/SS. This request meets criteria 2 because the continued decline of the mature female BBRKC biomass presents a serious conservation concern in the fishery...[and] because the closure of the fishery represents a serious management concern affecting fishermen, support businesses, and fishing communities. This request meets criteria 3 because BBRKC population abundances are currently at historic low levels which warrants immediate conservation action to protect crab and crab habitat. The BBRKC stock is at a level of “serious conservation concern” according to both state and federal managers. Time is of the essence for protecting this stock. Waiting year(s) to go through the normal rulemaking process adds undue risk to the BBRKC crab stock. Emergency action to implement a closure to the RKCSA/SS in an expedited manner may show results as early as the 2023 NMFS summer bottom trawl survey, far earlier than what could be expected through the normal rule making process.

In closing, the statement on page 93 of the document provides a good summary: “Given what is currently known about the stock status of BBRKC, the intent of the RKCSA, how gear is currently operating in the RKCSA and that crab performance standards may not be working as intended, this analysis concludes that a closure to the RKCSA would provide habitat benefits through reduced bottom

contact by trawl gear and potential RKC savings.” We urge the Council to support NOAA Fisheries minimizing the fishing impacts on important red king crab habitat and crab by closing the RKCSA/SS to all commercial fishing gears from January 1 through June 30, 2023. In addition, we request the Council to initiate action at this meeting on longer-term conservation measures to rebuild BBRKC and their habitat.

Thank you for your consideration.

Sincerely,

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

Jamie Goen
Executive Director
Alaska Bering Sea Crabbers
jamie@alaskacrabbers.org