

December 2, 2022

Chairman Simon Kinneen and Executive Director Dave Witherell  
NPFMC Council Members  
North Pacific Fishery Management Council  
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*cc: Science and Statistical Committee Members; Advisory Panel Members*

**Re: C1: Red King Crab Savings Area Emergency Rule Request - Review**

Dear Chairman Kinneen and Council Members:

The Aleut Community of St. Paul Island (ACSPI), a federally recognized Indian tribe located on the Pribilof Islands, submits the following comments in relation to agenda item **C1: Red King Crab Savings Area Emergency Rule Request – Review**. Bristol Bay Red King Crab (BBRKC) stocks are at a level of serious conservation concern and need help to recover. We are concerned about this issue because our community derives revenue and jobs from the crab fishery due to the activities of the local shore-based processor and service support for the crab harvesting vessels calling at St. Paul Island; the revenues generated are very significant to our small community.

We support the Alaska Bering Sea Crabbers' (ABSC) September 28<sup>th</sup>, 2022 letter request to the Council **to approve a limited, short-term emergency action to close the Red King Crab Savings Area (RKCSA) and Red King Crab Savings Sub area (RKCSS) to all fishing gears from January 1, 2023 to June 30, 2023 to protect Bristol Bay red king crab (BBRKC) and their habitat** at a time of historically low crab abundance. We appreciate the thorough and informative analysis that was provided by Council staff following ABSC's request and have identified that the BBRKC and snow crab stocks as a "priority conservation concern" and this small, short-term action, is a necessary step the Council can take to begin immediate protections for BBRKC.

As the C1 analysis points out, pelagic trawl nets contact the seafloor anywhere from 40-100% of the time, a much higher amount than what has historically been commonly understood. Pelagic trawling results in very little capture of red king crab but, as the analysis notes, has the potential to result in unobserved bycatch and mortality, the degree of severity being poorly characterized. Due to the extraordinary hardship that the closure of BBRKC has and will continue to cause to our community and Tribal members, a precautionary approach to the Council's management of these impacts is warranted at this time.

Unobserved fishing mortality is defined in the Magnuson-Stevens Fishery Conservation and Management Act National Standard 9 Guidelines on bycatch as "fishing mortality due to an encounter with fishing gear that does not result in capture of fish" Fixed gear sectors, like pot and longline, results in minimal habitat impacts in the Eastern Bering Sea at 3% or less, and fixed gear effort in the savings area is minimal. A recent discussion paper presented to the NPFMC in April of this year states that seafloor contact of pelagic gear from the Catcher Processor fleet ranges from 70-90% during the molting and mating season, and upwards of 100% for the remainder of the year. This is a significant increase from estimates previously used by the National Marine Fisheries Service and understood by the public. This new information, combined with the critical status of the BBRKC stock and the significantly increased effort of the pelagic trawl sector within the RKCSA, including during vulnerable times of molting and mating, highlights the gravity of the situation as both unforeseen and recently discovered and requiring emergency action to protect crab and their habitat as was the intention in 1995.

The Council's RKCSA analysis concluded that a closure to the RKCSA would provide habitat benefits through reduced bottom contact by trawl gear and potential RKC savings. Male and female BBRKC abundance are at



historic low levels. The only two time periods where BBRKC abundance was at similar levels was in the mid 80's and mid 90's. During both of these historically low abundance periods, the Council took action to implement RKC protection measures, and precautionary action is again warranted now. For these reasons **we support that the BBRKC stock deserves emergency action under the National Marine Fisheries Service's Policy Guidelines for the Use of Emergency Rules** under the 3 criteria as listed in the C1 action memo.

Additionally, as stated in our D1: BBRKC April 2022 comment there have been many suggested regulatory and non-regulatory actions for crab fisheries management (e.g. ACSPI comment letter for E1 Staff Tasking, October 2021). One such example is to evaluate dynamic or adaptive closed area boundaries that shift periodically based on environmental triggers or scientific data. ADF&G annually reviews an area around the Pribilof Islands to close to crab fishing based on where crab need to be protected and it shifts periodically while the federal Pribilof Islands Habitat Conservation Zone (PIHCZ), implemented in 1995 to protect blue king crab habitat, has remained static.

Thank you for the opportunity to submit these comments and we look forward to continuing to engage on these issues.

Sincerely,

A handwritten signature in blue ink that reads "Amos T. Philemonoff, Sr." The signature is written in a cursive style.

Amos T. Philemonoff, Sr.

President, Aleut Community of St. Paul Island