

# Snow Crab Rebuilding

## Preliminary Discussion of Alternatives for Analysis

Draft for the January 10, 2022 Crab Plan Team Meeting

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## 1 Introduction

Over the last five years, the Bering Sea snow crab (*Chionoecetes opilio*) stock has experienced a dynamic and dramatic pulse upward in stock abundance and biomass, followed by a collapse to an extent generally not seen before. Mature male biomass reached a time-series high in 2018, quota was scaling upward to 45 million pounds for the 2020/21 season, but the current season which will start soon, is set at a historically low quota of 5.6 million pounds.

On October 19, 2021, NMFS notified the Council that Bering Sea (BS) snow crab status has been changed to overfished. The BS snow crab assessment shows that mature male biomass (MMB) is 50,600 metric tons (mt), which is less than the minimum stock size threshold (MSST) of 76,700 mt, therefore the stock is overfished. The stock is not subject to overfishing. Total catch for BS snow crab in the crab fishing year, from July 2020 to June 2021, was 26,200 mt, which is below the overfishing level of 95,400 mt.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that a rebuilding plan be developed and put in place within two years of the stock being declared overfished. The rebuilding plan should specify a time period for rebuilding the fishery, not to exceed ten years. To facilitate development of the BS snow crab rebuilding plan, the Council is scheduled to select alternatives at this meeting. This paper is intended to facilitate the selection of rebuilding alternatives for analysis and ultimately selection of a preferred rebuilding plan by the Council during final action. The paper provides an overview of the Magnuson-Stevens language on rebuilding overfished stocks and National Standard 1 guidelines, current stock status, sources of mortality, and potential rebuilding alternatives and estimated timeline of proposed action.

## 2 Background

### 2.1 Rebuilding Crab Stocks

Rebuilding of overfished stocks is required by the MSA section 304. The National Standard 1 guidelines indicate that once biomass falls below the minimum stock size threshold (MSST), then remedial action is required “to rebuild the stock or stock complex to the MSY level within an appropriate time frame.” Rebuilding should take place in as short a time as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international

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organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem. A stock is considered “rebuilt” when the stock reaches  $B_{MSY}$  for two consecutive years.

A rebuilding plan for any crab stock is incorporated by an amendment to the Crab FMP. If associated regulations that affect other fisheries (i.e. groundfish) are necessary, additional implementation of regulations would be required. Rebuilding plans must consider the following three components to improve the status of the stock: a harvest strategy, bycatch control measures, and habitat protection measures. Not all rebuilding plans will amend current management measures to all three components. In the Saint Matthew Blue King Crab rebuilding plan, it was determined that bycatch in other fisheries had no appreciable impact on the timeline for stock rebuilding, so no regulatory changes to bycatch measures were made.

### **Magnuson-Stevens Language on Rebuilding Overfished Stocks**

Section 304(e)(3) of the MSA requires the Council and Secretary of Commerce (Secretary) to develop and implement a rebuilding plan within two years of receiving notification from the Secretary that a stock is overfished, approaching an overfished condition, or has not made adequate progress towards rebuilding.

The applicable section of the Act is provided below.

#### **(e) REBUILDING OVERFISHED FISHERIES—**

(1) The Secretary shall report annually to the Congress and the Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are overfished or are approaching a condition of being overfished. For those fisheries managed under a fishery management plan or international agreement, the status shall be determined using the criteria for overfishing specified in such plan or agreement. A fishery shall be classified as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become overfished within two years.

(2) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks of fish. The Secretary shall publish each notice under this paragraph in the Federal Register.

(3) Within two years of an identification under paragraph (1) or notification under paragraphs (2) or (7), the appropriate Council (or the Secretary, for fisheries under section 302(a)(3)) shall prepare a fishery management plan, plan amendment, or proposed regulations for the fishery to which the identification or notice applies—

(A) to end overfishing in the fishery and to rebuild affected stocks of fish; or

(B) to prevent overfishing from occurring in the fishery whenever such fishery is identified as approaching an overfished condition.

(4) For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to paragraph (3) or paragraph (5) for such fishery shall—

(A) specify a time period for ending overfishing and rebuilding the fishery that shall—

- (i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and
  - (ii) not exceed 10 years, except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;
- (B) allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery; and
- (C) for fisheries managed under an international agreement, reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.
- (5) If, within the 2-year period beginning on the date of identification or notification that a fishery is overfished, the Council does not submit to the Secretary a fishery management plan, plan amendment, or proposed regulations required by paragraph (3)(A), the Secretary shall prepare a fishery management plan or plan amendment and any accompanying regulations to stop overfishing and rebuild affected stocks of fish within 9 months under subsection (c).
- (6) During the development of a fishery management plan, a plan amendment, or proposed regulations required by this subsection, the Council may request the Secretary to implement interim measures to reduce overfishing under section 305(c)) until such measures can be replaced by such plan, amendment, or regulations. Such measures, if otherwise in compliance with the provisions of this Act, may be implemented even though they are not sufficient by themselves to stop overfishing of a fishery.
- (7) The Secretary shall review any fishery management plan, plan amendment, or regulations required by this subsection at routine intervals that may not exceed two years. If the Secretary finds as a result of the review that such plan, amendment, or regulations have not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks, the Secretary shall—
- (A) in the case of a fishery to which section 302(a)(3) applies, immediately make revisions necessary to achieve adequate progress; or
  - (B) for all other fisheries, immediately notify the appropriate Council. Such notification shall recommend further conservation and management measures which the Council should consider under paragraph (3) to achieve adequate progress

### National Standard 1 Guidelines

Further clarification on stock rebuilding under the Magnuson-Stevens Act for National Standard 1 (NS1) is provided in the excerpt below from the Final Rule on National Standard Guidelines published in the Federal Register on October 18, 2016 (81 FR 71858) and available on the NOAA Fisheries website: <https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines>  
Sec. 600.310 National Standard 1—Optimum Yield.

- (j) *Council actions to address overfishing and rebuilding for stocks and stock complexes—*

(1) *Notification.* The Secretary will immediately notify in writing a Regional Fishery Management Council whenever the Secretary determines that:

- (i) Overfishing is occurring;
- (ii) A stock or stock complex is overfished;
- (iii) A stock or stock complex is approaching an overfished condition; or
- (iv) Existing remedial action taken for the purpose of ending previously identified overfishing or rebuilding a previously identified overfished stock or stock complex has not resulted in adequate progress (see MSA section 304(e)).

(2) *Timing of actions—*

- (i) *If a stock or stock complex is undergoing overfishing.* Upon notification that a stock or stock complex is undergoing overfishing, a Council should immediately begin working with its SSC (or agency scientists or peer review processes in the case of Secretarially-managed fisheries) to ensure that the ABC is set appropriately to end overfishing. Councils should evaluate the cause of overfishing, address the issue that caused overfishing, and reevaluate their ACLs and AMs to make sure they are adequate.
- (ii) *If a stock or stock complex is overfished or approaching an overfished condition.* Upon notification that a stock or stock complex is overfished or approaching an overfished condition, a Council must prepare and implement an FMP, FMP amendment, or proposed regulations within two years of notification, consistent with the requirements of section 304(e)(3) of the Magnuson-Stevens Act. Council actions should be submitted to NMFS within 15 months of notification to ensure sufficient time for the Secretary to implement the measures, if approved.

(3) *Overfished fishery.—*

- (i) Where a stock or stock complex is overfished, a Council must specify a time period for rebuilding the stock or stock complex based on factors specified in Magnuson-Stevens Act section 304(e)(4). This target time for rebuilding ( $T_{target}$ ) shall be as short as possible, taking into account: The status and biology of any overfished stock, the needs of fishing communities, recommendations by international organizations in which the U.S. participates, and interaction of the stock within the marine ecosystem. In addition, the time period shall not exceed 10 years, except where biology of the stock, other environmental conditions, or management measures under an international agreement to which the U.S. participates, dictate otherwise. SSCs (or agency scientists or peer review processes in the case of Secretarial actions) shall provide recommendations for achieving rebuilding targets (see Magnuson-Stevens Act section 302(g)(1)(B)). The above factors enter into the specification of  $T_{target}$  as follows:

(A) *The minimum time for rebuilding a stock ( $T_{min}$ ).*  $T_{min}$  means the amount of time the stock or stock complex is expected to take to rebuild to its MSY biomass level in the absence of any fishing mortality. In this context, the term “expected” means to have at least a 50 percent probability of attaining the  $B_{msy}$ , where such probabilities can be calculated. The starting year for the  $T_{min}$  calculation should be the first year that the rebuilding plan is expected to be implemented.

(B) *The maximum time for rebuilding a stock or stock complex to its  $B_{msy}$  ( $T_{max}$ )*.

(1) If  $T_{min}$  for the stock or stock complex is 10 years or less, then  $T_{max}$  is 10 years.

(2) If  $T_{min}$  for the stock or stock complex exceeds 10 years, then one of the following methods can be used to determine  $T_{max}$ :

(i)  $T_{min}$  plus the length of time associated with one generation time for that stock or stock complex. “Generation time” is the average length of time between when an individual is born and the birth of its offspring,

(ii) The amount of time the stock or stock complex is expected to take to rebuild to  $B_{msy}$  if fished at 75 percent of MFMT, or

(iii)  $T_{min}$  multiplied by two.

(3) In situations where  $T_{min}$  exceeds 10 years,  $T_{max}$  establishes a maximum time for rebuilding that is linked to the biology of the stock. When selecting a method for determining  $T_{max}$ , a Council, in consultation with its SSC, should consider the relevant biological data and scientific uncertainty of that data, and must provide a rationale for its decision based on the best scientific information available. One of the methods listed in subparagraphs (j)(3)(i)(B)(2)(ii) and (iii) may be appropriate, for example, if given data availability and the life history characteristics of the stock, there is high uncertainty in the estimate of generation time, or if generation time does not accurately reflect the productivity of the stock.

(C) *Target time to rebuilding a stock or stock complex ( $T_{target}$ )*.  $T_{target}$  is the specified time period for rebuilding a stock that is considered to be as short a time as possible, taking into account the factors described in paragraph (j)(3)(i) of this section.  $T_{target}$  shall not exceed  $T_{max}$ , and the fishing mortality associated with achieving  $T_{target}$  is referred to as  $F_{rebuild}$ .

(ii) Council action addressing an overfished fishery must allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery.

(iii) For fisheries managed under an international agreement, Council action addressing an overfished fishery must reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.

(iv) *Adequate Progress*. The Secretary shall review rebuilding plans at routine intervals that may not exceed two years to determine whether the plans have resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks (MSA section 304(e)(7)). Such reviews could include the review of recent stock assessments, comparisons of catches to the ACL, or other appropriate performance measures. The

Secretary may find that adequate progress is not being made if  $F_{rebuild}$  or the ACL associated with  $F_{rebuild}$  is exceeded, and AMs are not correcting the operational issue that caused the overage, nor addressing any biological consequences to the stock or stock complex resulting from the overage when it is known (see paragraph (g)(3) of this section). A lack of adequate progress may also be found when the rebuilding expectations of a stock or stock complex are significantly changed due to new and unexpected information about the status of the stock. If a determination is made under this provision, the Secretary will notify the appropriate Council and recommend further conservation and management measures, and the Council must develop and implement a new or revised rebuilding plan within two years (see MSA sections 304(e)(3) and (e)(7)(B)). For Secretarially-managed fisheries, the Secretary would take immediate action necessary to achieve adequate progress toward rebuilding and ending overfishing.

(v) While a stock or stock complex is rebuilding, revising rebuilding timeframes (i.e.,  $T_{target}$  and  $T_{max}$ ) or  $F_{rebuild}$  is not necessary, unless the Secretary finds that adequate progress is not being made.

(vi) If a stock or stock complex has not rebuilt by  $T_{max}$ , then the fishing mortality rate should be maintained at its current  $F_{rebuild}$  or 75 percent of the MFMT, whichever is less, until the stock or stock complex is rebuilt or the fishing mortality rate is changed as a result of the Secretary finding that adequate progress is not being made.

(4) *Emergency actions and interim measures.* If a Council is developing a rebuilding plan or revising an existing rebuilding plan due to a lack of adequate progress (see MSA section 304(e)(7)), the Secretary may, in response to a Council request, implement interim measures that reduce, but do not necessarily end, overfishing (see MSA section 304(e)(6)) if all of the following criteria are met:

- (i) The interim measures are needed to address an unanticipated and significantly changed understanding of the status of the stock or stock complex;
- (ii) Ending overfishing immediately is expected to result in severe social and/or economic impacts to a fishery; and
- (iii) The interim measures will ensure that the stock or stock complex will increase its current biomass through the duration of the interim measures.

(5) *Discontinuing a rebuilding plan based on new scientific information.* A Council may discontinue a rebuilding plan for a stock or stock complex before it reaches  $B_{msy}$  if the Secretary determines that the stock was not overfished in the year that the overfished determination (see MSA section 304(e)(3)) was based on and has never been overfished in any subsequent year including the current year.

(k) *International overfishing.* If the Secretary determines that a fishery is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures (or no effective measures) to end overfishing under an international agreement to which the United States is a party, then the Secretary and/or the appropriate Council shall take certain

actions as provided under Magnuson-Stevens Act section 304(i). The Secretary, in cooperation with the Secretary of State, must immediately take appropriate action at the international level to end the overfishing. In addition, within one year after the determination, the Secretary and/or appropriate Council shall:

- (1) Develop recommendations for domestic regulations to address the relative impact of the U.S. fishing vessels on the stock. Council recommendations should be submitted to the Secretary.
- (2) Develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock. Councils should, in consultation with the Secretary, develop recommendations that take into consideration relevant provisions of the Magnuson-Stevens Act and NS1 guidelines, including section 304(e) of the Magnuson-Stevens Act and paragraph (j)(3)(iii) of this section, and other applicable laws. For highly migratory species in the Pacific, recommendations from the Western Pacific, North Pacific, or Pacific Councils must be developed and submitted consistent with Magnuson-Stevens Reauthorization Act section 503(f), as appropriate.
- (3) *Considerations for assessing “relative impact.”* “Relative impact” under paragraphs (k)(1) and (2) of this section may include consideration of factors that include, but are not limited to: Domestic and international management measures already in place, management history of a given nation, estimates of a nation's landings or catch (including bycatch) in a given fishery, and estimates of a nation's mortality contributions in a given fishery. Information used to determine relative impact must be based upon the best available scientific information.

(1) *Exceptions to requirements to prevent overfishing.* Exceptions to the requirement to prevent overfishing could apply under certain limited circumstances. Harvesting one stock at its optimum level may result in overfishing of another stock when the two stocks tend to be caught together (This can occur when the two stocks are part of the same fishery or if one is bycatch in the other's fishery). Before a Council may decide to allow this type of overfishing, an analysis must be performed and the analysis must contain a justification in terms of overall benefits, including a comparison of benefits under alternative management measures, and an analysis of the risk of any stock or stock complex falling below its MSST. The Council may decide to allow this type of overfishing if the fishery is not overfished and the analysis demonstrates that all of the following conditions are satisfied:

- (1) Such action will result in long-term net benefits to the Nation;
- (2) Mitigating measures have been considered and it has been demonstrated that a similar level of long-term net benefits cannot be achieved by modifying fleet behavior, gear selection/configuration, or other technical characteristics in a manner such that no overfishing would occur; and
- (3) The resulting rate of fishing mortality will not cause any stock or stock complex to fall below its MSST more than 50 percent of the time in the long term, although it is recognized that persistent overfishing is expected to cause the affected stock to fall below its  $B_{msy}$  more than 50 percent of the time in the long term.

## Establishing a Timeline

A rebuilding plan must be consistent with the MSA and NS1 Guidelines on time for rebuilding, specifically rebuilding within a time ( $T_{target}$ ) that is as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by

international organizations in which the United States participates, and the interaction of the overfished stock of fish with the marine ecosystems. The fastest rebuilding time ( $T_{min}$ ), is calculated based on no fishing mortality ( $F=0$ ). If  $T_{min} > 10$  years, then the NS1 Guidelines provide other methods for defining maximum rebuilding time ( $T_{max}$ ).

## Monitoring Requirements

As required under NS1 Guidelines, the Secretary must ensure that progress made under a rebuilding plan is adequate. The NMFS eastern Bering Sea bottom-trawl survey provides data for annual assessments of the status of crab stocks in the BSAI, including BSS, and would continue throughout rebuilding.

Although the Region is responsible for reporting stock status and progress towards the rebuilding level, the BSAI Crab Plan Team reports stock status and progress towards the rebuilt level in the Stock Assessment and Fishery Evaluation (SAFE) Report for the king and Tanner crab fisheries of the BSAI to assist the Region in making this determination. State and federal observer and EM programs monitor bycatch with State coverage of the crab fisheries and federal monitoring of the groundfish trawl, pot and longline fisheries. Estimates of crab bycatch from all commercial fisheries will be reported annually in the SAFE and the BSAI Crab Plan Team will assess that bycatch relative to the expectations and assumptions of the rebuilding plan.

Management measures under the purview of ADF&G and NMFS contain levels of catch and bycatch at levels prescribed in a rebuilding plan. If the combination of catch and bycatch were to approach the maximum level within any given year under the rebuilding plan, harvest can be capped through closure of directed harvest and area restrictions, if necessary, to reduce bycatch.

## Processing for Determining Status of BSAI Crab Stocks

Each crab stock is annually assessed by the CPT and SSC to determine its status regarding whether (1) overfishing is occurring or the rate or level of fishing mortality for the stock is approaching overfishing, (2) the stock is overfished, or the stock is approaching an overfished condition, and (3) the catch has exceeded the ACL. If overfishing occurred or the stock is overfished, the MSA requires the NPFMC to immediately end overfishing and/or develop a plan to rebuild affected stocks. Status determination criteria for crab stocks are calculated using a five-tier system described below that accommodates varying levels of uncertainty of information. The five-tier system incorporates new scientific information and provides a mechanism to continually improve the status determination criteria as new information becomes available. Under the five-tier system, overfishing and overfished criteria and ABC levels for most stocks are annually formulated. The ACL for each stock equals the ABC for that stock. For crab stocks, The Overfishing Level (OFL) equals the maximum sustainable yield (MSY) and overfishing is determined by comparing the OFL with the catch estimates for that crab fishing year. Catch includes all fishery removals, including retained catch and discard mortality. Discard mortality is determined by multiplying the appropriate handling mortality rate by observer-based estimates of discards.

The OFL and ABC for each stock are estimated for the upcoming crab fishing year using a five-tier system, detailed in Table 1 and Table 2. First, a stock is assigned to one of the five tiers based on the availability of information for that stock and model parameter choices are made. Tier assignments and model parameter choices are recommended through the CPT process to the SSC. The SSC recommends tier assignments, stock assessment and model structure, and parameter choices, including whether the information is "reliable," for the assessment authors to use for calculating OFL and ABC.

For Tiers 1 through 4, once a stock is assigned to a tier (SMBKC is in Tier 4), the determination of stock status level is based on recent survey data and assessment models, as available. The stock status level determines the equation (Table 1) used in calculating the  $F_{OFL}$ . Three levels of stock status are specified

and denoted by “a,” “b,” and “c” and the  $F_{MSY}$  control rule assigns  $F_{OFL}$  according to stock status level (Table 1). At stock status level “a,” current stock biomass exceeds the  $B_{MSY}$ . For stocks in status level “b,” current biomass is less than  $B_{MSY}$  but greater than a level specified as the “critical biomass threshold” ( $\beta$ ). In stock status level “c,” the ratio of current biomass to  $B_{MSY}$  (or a proxy for  $B_{MSY}$ ) is below  $\beta$ . At stock status level “c,” directed fishing is prohibited and an  $F_{OFL}$  at or below  $F_{MSY}$  would be determined for all other sources of fishing mortality in the development of the rebuilding plan. *The SMBKC stock is in need of a rebuilding plan, however, because  $B_{2019}/B_{msy}$  is 31% (stock status “b”) according to the approved 2019 BSAI Crab SAFE., directed fishing is permitted during rebuilding.*

**Table 1. Five-Tier System for setting overfishing limits (OFLs) and Acceptable Biological Catches (ABCs) for crab stocks. The tiers are listed in descending order of information availability**

Information available	Tier	Stock status level	$F_{OFL}$	ABC control rule
$B, B_{MSY}, F_{MSY}$ , and pdf of $F_{MSY}$	1	a. $\frac{B}{B_{msy}} > 1$	$F_{OFL} = \mu_A$ =arithmetic mean of the pdf	
		b. $\beta < \frac{B}{B_{msy}} \leq 1$	$F_{OFL} = \mu_A \frac{\frac{B}{B_{msy}} - \alpha}{1 - \alpha}$	$ABC \leq (1 - b_y) * OFL$
		c. $\frac{B}{B_{msy}} \leq \beta$	<i>Directed fishery F = 0</i> $F_{OFL} \leq F_{MSY}^{\dagger}$	
$B, B_{MSY}, F_{MSY}$	2	a. $\frac{B}{B_{msy}} > 1$	$F_{OFL} = F_{msy}$	
		b. $\beta < \frac{B}{B_{msy}} \leq 1$	$F_{OFL} = F_{msy} \frac{\frac{B}{B_{msy}} - \alpha}{1 - \alpha}$	$ABC \leq (1 - b_y) * OFL$
		c. $\frac{B}{B_{msy}} \leq \beta$	<i>Directed fishery F = 0</i> $F_{OFL} \leq F_{MSY}^{\dagger}$	
$B, F_{35\%}^*, B_{35\%}^*$	3	a. $\frac{B}{B_{35\%}^*} > 1$	$F_{OFL} = F_{35\%}^* *$	
		b. $\beta < \frac{B}{B_{35\%}^*} \leq 1$	$F_{OFL} = F_{35\%}^* \frac{\frac{B}{B_{35\%}^*} - \alpha}{1 - \alpha}$	$ABC \leq (1 - b_y) * OFL$
		c. $\frac{B}{B_{35\%}^*} \leq \beta$	<i>Directed fishery F = 0</i> $F_{OFL} \leq F_{MSY}^{\dagger}$	
$B, M, B_{msy^{prox}}$	4	a. $\frac{B}{B_{msy^{prox}}} > 1$	$F_{OFL} = \gamma M$	
		b. $\beta < \frac{B}{B_{msy^{prox}}} \leq 1$	$F_{OFL} = \gamma M \frac{\frac{B}{B_{msy^{prox}}} - \alpha}{1 - \alpha}$	$ABC \leq (1 - b_y) * OFL$
		c. $\frac{B}{B_{msy^{prox}}} \leq \beta$	<i>Directed fishery F = 0</i> $F_{OFL} \leq F_{MSY}^{\dagger}$	
Stocks with no reliable estimates of biomass or M.	5		OFL = average catch from a time period to be determined, unless the SSC recommends an alternative value based on the best available scientific information.	$ABC \leq 0.90 * OFL$

**Table 2. A guide for understanding the five-tier system**

- $F_{OFL}$  — the instantaneous fishing mortality ( $F$ ) from the directed fishery that is used in the calculation of the overfishing limit (OFL).  $F_{OFL}$  is determined as a function of:
  - $F_{MSY}$  — the instantaneous  $F$  that will produce MSY at the MSY-producing biomass
    - A proxy of  $F_{MSY}$  may be used; e.g.,  $F_{x\%}$ , the instantaneous  $F$  that results in  $x\%$  of the equilibrium spawning per recruit relative to the unfished value
  - $B$  — a measure of the productive capacity of the stock, such as spawning biomass or fertilized egg production.
    - A proxy of  $B$  may be used; e.g., mature male biomass
  - $B_{MSY}$  — the value of  $B$  at the MSY-producing level
    - A proxy of  $B_{MSY}$  may be used; e.g., mature male biomass at the MSY-producing level
  - $\beta$  — a parameter with restriction that  $0 \leq \beta < 1$ .
  - $\alpha$  — a parameter with restriction that  $0 \leq \alpha \leq \beta$ .
- The maximum value of  $F_{OFL}$  is  $F_{MSY}$ .  $F_{OFL} = F_{MSY}$  when  $B > B_{MSY}$ .
- $F_{OFL}$  decreases linearly from  $F_{MSY}$  to  $F_{MSY}(\beta-\alpha)/(1-\alpha)$  as  $B$  decreases from  $B_{MSY}$  to  $\beta \cdot B_{MSY}$ .
- When  $B \leq \beta \cdot B_{MSY}$ ,  $F = 0$  for the directed fishery and  $F_{OFL} \leq F_{MSY}$  for the non-directed fisheries, which will be determined in the development of the rebuilding plan.
- The parameter,  $\beta$ , determines the threshold level of  $B$  at or below which directed fishing is prohibited.
- The parameter,  $\alpha$ , determines the value of  $F_{OFL}$  when  $B$  decreases to  $\beta \cdot B_{MSY}$  and the rate at which  $F_{OFL}$  decreases with decreasing values of  $B$  when  $\beta \cdot B_{MSY} < B \leq B_{MSY}$ .
  - Larger values of  $\alpha$  result in a smaller value of  $F_{OFL}$  when  $B$  decreases to  $\beta \cdot B_{MSY}$ .
  - Larger values of  $\alpha$  result in  $F_{OFL}$  decreasing at a higher rate with decreasing values of  $B$  when  $\beta \cdot B_{MSY} < B \leq B_{MSY}$ .
- The parameter,  $b_y$ , is the value for the annual buffer calculated from a  $P^*$  of 0.49 and a probability distribution for the OFL that accounts for scientific uncertainty in the estimate of OFL.
- $P^*$  is the probability that the estimate of ABC, which is calculated from the estimate of OFL, exceeds the “true” OFL (noted as OFL') ( $P(ABC > OFL')$ ).

## 2.2 Stock Status

In the Bering Sea, snow crab are distributed widely over the continental shelf and are common at depths less than ~200 meters. Smaller crabs tend to occupy more inshore northern regions and mature crabs occupy deeper areas to the south of the juveniles (Zheng et al. 2001, as cited in Szuwalski 2020). The eastern Bering Sea population within U.S. waters is managed as a single stock; however, the distribution of the population may extend into Russian waters to an unknown degree.

According to Szuwalski 2020, survey data show spatial gradients by maturity and size for both sexes of snow crab. Larger males have been more prevalent on the southwest portion of the shelf while smaller males have been more prevalent on the northwest portion of the shelf. Females have exhibited a similar pattern. Distributions of crab by size and maturity have also changed temporally. The centroids of abundance in the summer survey have moved over time. Centroids of mature female abundance early in the history of the survey were farther south but moved north during the 1990s. Since the late 1990s and early 2000s, the centroids moved south again, but not to the extent seen in the early 1980s. This phenomenon was mirrored in centroids of abundance for large males. AFSC 2020 includes maps on the

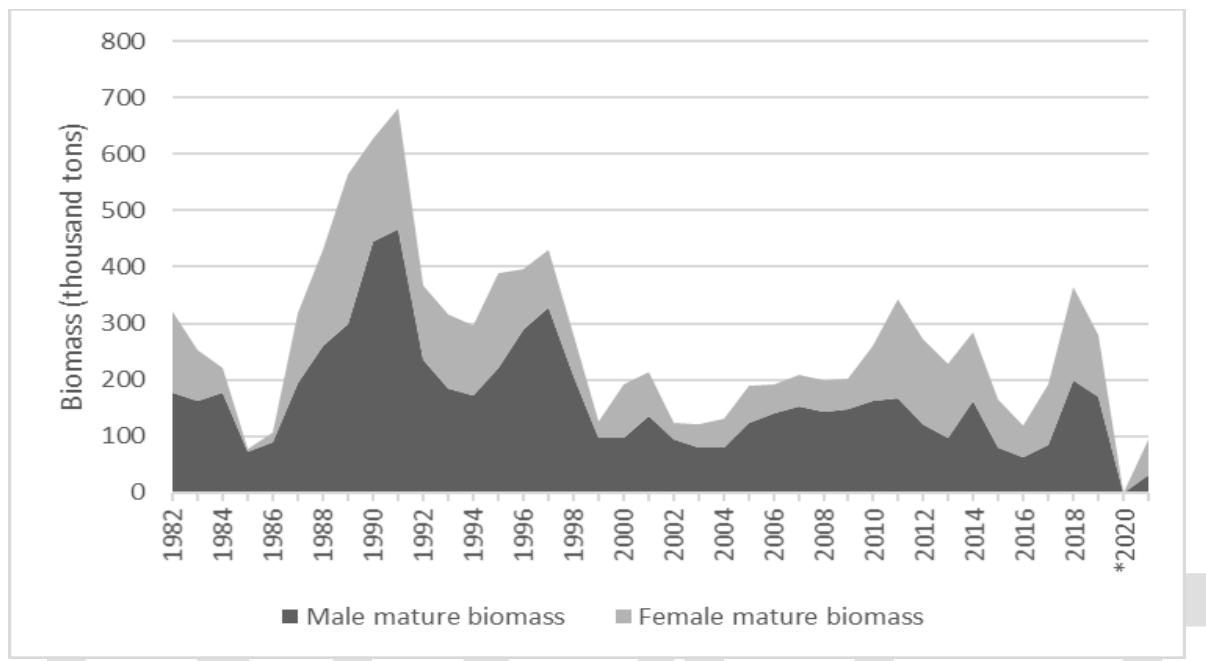
total density of legal, mature, and immature snow crab by sex at each station sampled in the 2019 bottom trawl survey.

Total snow crab mature male biomass has varied considerably since 1990 from a high of 626.7 kt to a low of 93.91 kt in 2021 (Figure 1). Observed MMB in the survey increased from an average of 234.14 kt in the early to mid-1980s to historical highs in the 1990s. The stock was declared overfished in 1999 in response to the total mature biomass dropping below the 1999 minimum stock size threshold. Observed MMB slowly increased after 1999, and the stock was declared rebuilt in 2011 when estimated MMB at mating was above B<sub>35%</sub>. However, after 2011, the stock declined and the observed MMB at the time of survey dropped to an all-time low of 31.66 kt in 2021.

In recent years, MMB was increasing as a large recruitment moved through the size classes, but that recruitment event has since disappeared and the observed mature male biomass at the of the 2021 survey was 62.25 kt, a new all-time low. In addition, several unprecedented events in the snow crab population in the BS have occurred. This is the first time a mass mortality event appears to have occurred for snow crab since the survey began and the biomass of important size categories of crab are at historic lows. For example, the observed biomass of males greater than 101mm carapace width was 12,437 tons in 2021. The second lowest observed of male greater than 101mm carapace width was biomass was 20,520 tons in 2017. When the stock was declared overfished in 1999, the observed male biomass greater than 101mm carapace width was 52,530 tons. Females are also currently at historic lows.

Based on anecdotes from the 2021 survey, variation in catchability as a result of movement into the northern BS cannot explain the disappearance of the 2015 cohort. It is possible the crab moved west off of the shelf, but data are lacking to explore this hypothesis and historical slope surveys generally found very few snow crab.

The updated estimate of MMB using the preferred model (February 15, 2021) was 26.74 kt which placed the stock at 17 percent of B<sub>35%</sub>. Projected MMB on February 15, 2022 from this assessment's chosen model was 50.64 kt after fishing at the OFL, which will place the stock at 33 percent of B<sub>35%</sub>. As a result, the stock was declared overfished.



Source: Eastern Bering Sea Snow Crab SAFE, September 13, 2021

\*The 2020 NMFS summer surveys were canceled in 2020 due to the coronavirus pandemic.

**Figure 1 Observed mature male and female snow crab biomass (1,000t) in the Bering Sea at the time of the survey from 1982-2021**

### 2.3 Sources of Mortality

#### 2.3.1 Natural Mortality

Summary from Cody Szwalski

#### 2.3.2 Directed Fishery

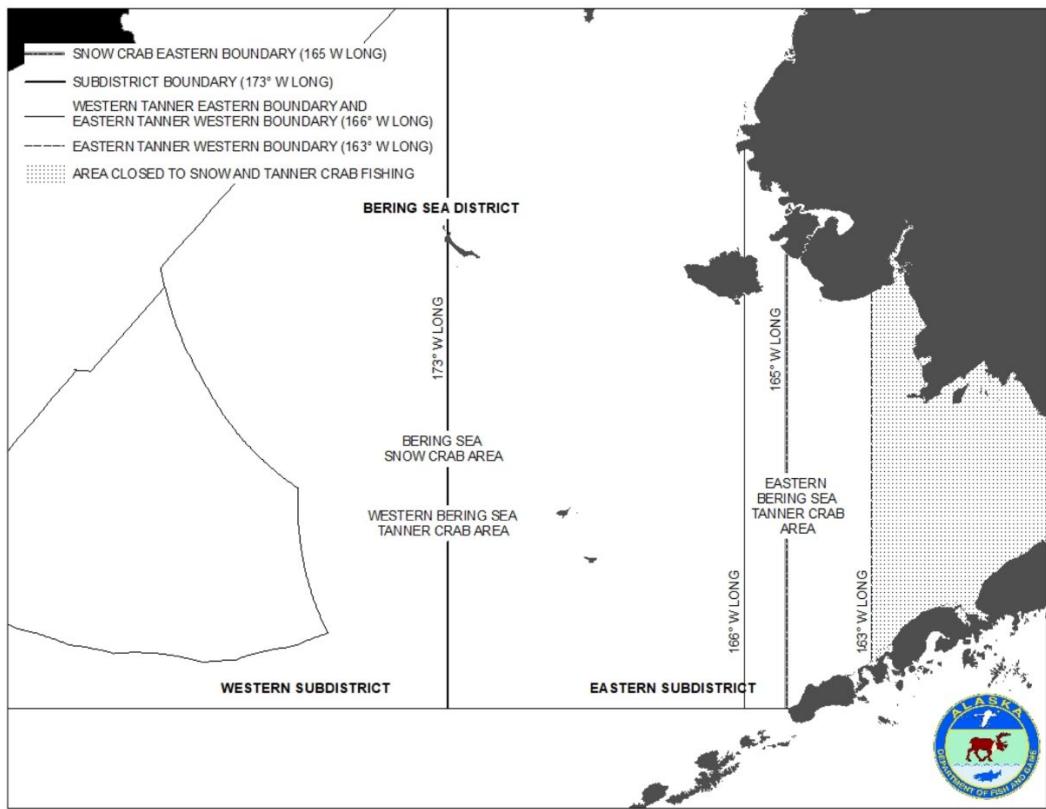
### Management of Directed Fisheries

The directed BSAI crab fisheries are managed under different management areas and seasons than established for the groundfish fisheries. Figure 3 provides the directed snow crab fishery boundary for Western subdistrict and Eastern subdistrict. In contrast, Figure 7 provides the management area defined by the *C. opilio* Bycatch Limitation Zone (COBLZ) which do not line up precisely with the management area define by the directed snow crab fishery. As for season dates for the directed fisheries, ADF&G typically establishes the snow crab season start date for October 15 and, in general, the snow crab fishery ends on May 15 for the Eastern subdistrict and May 31 for the Western subdistrict. In contrast, Federal regulations specify the general groundfish seasons to begin January 1 and end December 31, and the TAC-setting and specifications process are designed around this schedule.

The crab directed fisheries are currently managed according to the “three S’s”—size, sex, and season. These measures help ensure that crab are able to reproduce and replace the ones that are harvested. Only male crab may be harvested. Fishing is not allowed during mating and molting periods (spring). Size limits and seasons for the 2021-2022 snow crab fishery are:

- Snow crab (*opilio*)  $\geq 3.1$  inches (~78mm) carapace width

- Oct 15- May 15 (Eastern subdistrict)/May 31 (Western subdistrict)



**Figure 2 ADF&G management areas**

### State of Alaska's Harvest Strategies

As laid out under the BSAI Crab FMPs State/Federal cooperative management regime, the OFL and annual catch level (ACL)<sup>2</sup> for the Federal crab stocks are recommended to the Council by the Scientific and Statistical Committee (SSC).

The annual harvest levels and other management actions for the FMP crab stocks are determined by ADF&G according to State commercial fishery regulations. These regulations are established by the Alaska Board of Fisheries (BOF) and subject to the constraint that such harvest levels and management actions are consistent with provisions of the FMP, the National Standards of the MSA, and other applicable federal laws.

The FMP list out eight categories of factors the State of Alaska should take into account, to the extent information is available, in developing harvest strategies or setting TACs and GHLs. This includes:

- (1) whether the ACL for that stock was exceeded in the previous year;
- (2) stock status relative to the OFL and ACL;

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<sup>2</sup> Under the Crab FMP, the ACL is equal to the annually recommended ABC level.

- (3) estimates of exploitable biomass;
- (4) estimates of recruitment;
- (5) estimates of thresholds;
- (6) market and other economic considerations;
- (7) additional uncertainty; and
- (8) any additional factors pertaining to the health and status of the stock or the marine ecosystem.

Additional uncertainty includes

- (1) management uncertainty (i.e., uncertainty in the ability of managers to constrain catch so the ACL is not exceeded, and uncertainty in quantifying the true catch amount) and
- (2) scientific uncertainty identified and not already accounted for in the ABC (i.e., uncertainty in bycatch mortality, estimates of trends and absolute estimates of size composition, shell-condition, molt status, reproductive condition, spatial distribution, bycatch of non-target crab stocks, environmental conditions, fishery performance, fleet behavior, and the quality and amount of data available for these variables).

The FMP directs the State to establish an annual TAC for each crab stock at a level sufficiently below the ACL so that the sum of the catch<sup>3</sup> and the State's assessment of additional uncertainty do not exceed the ACL. The State may establish the annual TACs below such a level to account for the other factors identified above. If an ACL is exceeded, the State will implement accountability measures in the fishing season following the overage to account for the overage through a downward adjustment to the TAC for that species by an amount sufficient to remedy the biological consequences of the overage.

Within these parameters laid out in the FMP, the State has further identified a process to establish annual harvest levels for each crab fishery. The process employed by the State begins with a review of stock status indicators derived from the recent assessments, including estimates of BMSY (or its proxy), MSST, critical biomass threshold, and OFL (including a breakdown of the total OFL into subcomponents – estimates of future retained catch, discard mortality in directed fisheries, and non-target fishery bycatch). The State also relies on guidance provided in the annual NMFS stock status notification letter that is prepared for the Secretary of Commerce by the NMFS Alaska Region summarizing stock status relative to overfishing, OFLs for the 10 FMP crab stocks, and special concerns for stocks under rebuilding plans.

Annual biomass estimates in MMB provide a projection of stock status at the time of mating while the OFL estimate is a total catch level that may not be exceeded by the sum of all sources of fishing mortality. The OFL subcomponents provide additional information on the total catch OFL calculation for information relative to the directed fishing mortality estimate.

The State has adopted harvest strategies for the crab fisheries which consist of rules in state regulation for computing TAC from survey and stock assessment data and identifying conditions under which the fishery would not open. Harvest strategy elements may include:

- a stock threshold for opening the fishery,
- rules for setting exploitation rate on abundance/biomass of mature-sized males,

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<sup>3</sup> As used here, the term "catch" refers to all sources of fishing mortality included in the ACL for a given stock. Thus, for a stock with a total catch ACL, "catch" includes each of the three catch components (non-directed fishery discard losses, directed fishery removals, and directed fishery discard losses). For a stock with a retained catch ACL, "catch" includes only the directed fishery removals.

- an exploitation rate dependent on stock index estimated from survey data,
- a cap on legal male exploitation rate, and
- a minimum TAC for fishery opening.

Both State harvest strategy thresholds and stock abundance or biomass estimates for computation of TACs reference stock biomass or abundance at the time of survey. State staff prepare annual assessments describing the requirements, process, and data needed to set TAC in manner that prevents overfishing. These assessments summarize stock status relative to OFL and document how the State sets TAC to account for uncertainty in stock biomass estimates and to ensure total removals remain below OFL. The assessments are internal documents discussed with State, Federal, and Council staff during a series of teleconferences leading up to the announcement of TAC in early October. Details of the State TAC-setting process are publicly reviewed during an annual meeting with the BSAI crab industry after TACs are announced.

For EBS snow crab fishery to open, the preseason survey data must indicate that ESB snow crab is at least 25% of the BMSY. The harvest strategy also includes thresholds for levels of exploitation based on different levels of ESB relative to the BMSY. While the EBS snow crab harvest strategy was developed in 2002 (J. Zheng et al. 2002), ADF&G have applied different versions of population estimates to the harvest strategy overtime. The State of Alaska's Bering Sea snow crab harvest strategy is provided in the Alaska Administrative Code at 5 AAC 34.917 (below).

Section 5 AAC 35.517 – Bering Sea *C. opilio* Tanner crab harvest strategy.

- (a) In the Bering Sea District, the commercial *C. opilio* Tanner crab fishery may open only if the department's analysis of preseason survey data indicates the population of *C. opilio* Tanner crab
  - (1) contains an estimated spawning biomass of at least 25 percent of Bmsy;
  - (2) repealed 6/10/2010.
- (b) If the estimated spawning biomass of *C. opilio* Tanner crab is
  - (1) at least 25 percent of Bmsy, but less than Bmsy, the total allowable catch will be  $(\text{Fmsy} / 3 + (\text{Bt} - 0.25 \times \text{Bmsy}) \times 0.417 \times \text{Fmsy} / (0.75 \times \text{Bmsy})) \times 100$  percent of the estimated mature male biomass or 58 percent of exploited legal males, whichever is less;
  - (2) at or above Bmsy, the total allowable catch will be  $(0.75 \times \text{Fmsy}) \times 100$  percent of the estimated mature male biomass or 58 percent of the exploited legal males, whichever is less.
- (c) In implementing this harvest strategy, the board directs the department to use the best scientific information available and to consider the reliability of estimates of *C. opilio* Tanner crab, the manageability of the fishery, and any other factors the department determines necessary to be consistent with the sustained yield principles.
- (d) For the purposes of this section,
  - (1) "Bmsy" means the population biomass of mature male and female *C. opilio* Tanner crab that could produce maximum sustained yield under prevailing environmental conditions;

- (2) "Bt" means the biomass of mature male and female *C. opilio* Tanner crab in a given year;
- (3) "estimated mature male biomass" means the estimated biomass of all morphometrically mature male *C. opilio* Tanner crab;
- (4) "estimated spawning biomass" means the estimated biomass of all morphometrically mature male *C. opilio* Tanner crab and all morphometrically mature female *C. opilio* Tanner crab;
- (5) "exploited legal males" means 100 percent of the new-shell male *C. opilio* Tanner crab that are at least 102 millimeters (four inches) in width of shell, plus a percentage of old-shell male *C. opilio* Tanner crab that are at least 102 millimeters in width of shell estimated at the time of the survey; the percentage of old-shell male *C. opilio* Tanner crab will be based on the expected fishery selectivity for old-shell verses new-shell male *C. opilio* Tanner crab;
- (6) "Fmsy" means the fishing mortality of the mature male *C. opilio* Tanner crab stock that could produce maximum sustained yield under prevailing environmental conditions.

There are various abundance estimates available for TAC-setting including raw survey area-swept estimates, model-based survey estimates, and model-based population estimates that account for survey selectivity<sup>16</sup>. Because these estimates can vary greatly, the resulting TAC can vary depending which estimates are used as harvest strategy inputs. In a given year, it may be difficult to know which estimate is closer to the true population size.

The snow crab fishery has calculated TAC using a range of the different estimates, which has paralleled with changes to model developments and model performance. Figure 4 lists the history of abundance estimates used in the snow crab TAC-setting process.

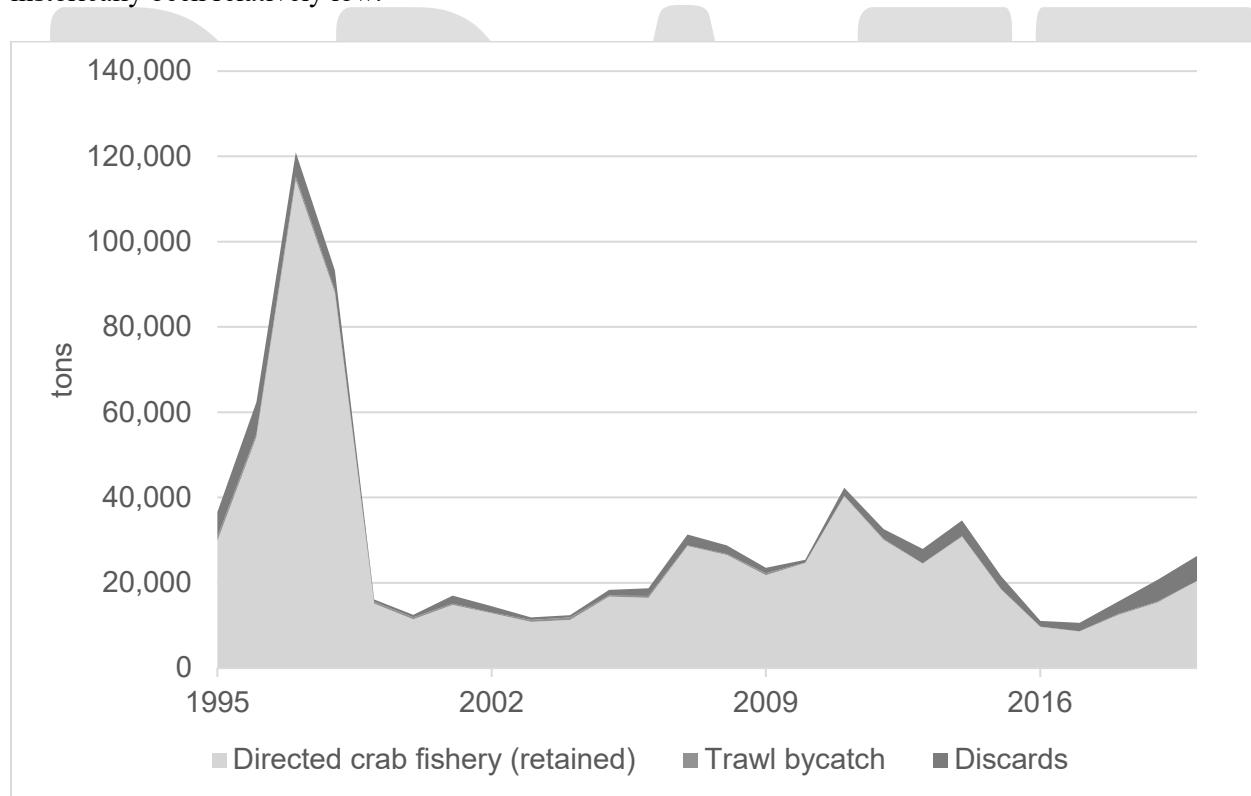
<p>Through 2005/06: <b>(area-swept)</b></p> <ul style="list-style-type: none"><li>• all that was available</li></ul>
<p><u>2006/10 – 2009/10: <b>model survey</b></u></p> <ul style="list-style-type: none"><li>• Approval of snow crab assessment model by CPT/SSC in fall 2006</li><li>• Survey-predicted estimates = population estimates; Q = 1</li></ul>
<p><u>2010/11 – 2012/13 (TAC 54, 89, 66 mil lb): <b>model population (with Q &lt; 1)</b></u></p>
<p><u>2013/14 (TAC 54 mil lb): <b>model survey</b></u></p> <ul style="list-style-type: none"><li>• Trend in model estimates versus area-swept &amp; very low Q</li></ul>
<p><u>2014/15 (TAC 68 mil lb): <b>model observed (area-swept)</b></u></p> <ul style="list-style-type: none"><li>• Trend in estimates of year from subsequent models (retrospective pattern)</li></ul>
<p><u>2015/16 (TAC 41 mil lb): <b>mid-point between model survey and model observed</b></u></p> <ul style="list-style-type: none"><li>• High uncertainty with model estimates</li></ul>
<p><u>2016/17 (TAC 22 mil lb): <b>10% buffer on model survey</b></u></p> <ul style="list-style-type: none"><li>• High uncertainty with model estimates</li></ul>
<p><u>2017/18 (TAC 19 mil lb): <b>model observed (area-swept)</b></u></p> <ul style="list-style-type: none"><li>• High uncertainty with model estimates</li><li>• Fishery performance (declining trend in CPUE, reports from fishery = low performance in historic areas)</li></ul>
<p><u>2018/19 (TAC 27 mil lb): <b>model observed (area-swept)</b></u></p> <ul style="list-style-type: none"><li>• Uncertainty with model estimates</li><li>• Confidence with estimates of MMB and 4 inch males</li></ul>
<p><u>2019/20 (TAC 34 mill lb): <b>model observed (area-swept)</b></u></p> <ul style="list-style-type: none"><li>• Uncertainty with model estimates</li><li>• Confidence with estimates of MMB and 4 inch males</li></ul>

**Figure 3 Historical summary of estimates used for setting snow crab TAC**

Source: Slide 37, ADF&G presentation to the BSAI crab industry, Review of TACs Bering Sea Crab: 2020/21 season  
[http://www.adfg.alaska.gov/static/fishing/PDFs/commercial/bering\\_aleutian/2020\\_bsai\\_crab\\_tac\\_industry\\_meeting.pdf](http://www.adfg.alaska.gov/static/fishing/PDFs/commercial/bering_aleutian/2020_bsai_crab_tac_industry_meeting.pdf)

### Status of EBS Snow Crab Fishery

Over the past five years, the directed fishery for EBS snow crab accounted for 74-87% of fishing mortality. Fishing mortality due to interactions with fishing gear, including discards in crab directed fishing, is estimated every year using the following discard mortality rates: Snow crab discard mortality for the purposes of the stock assessment is estimated at 30% in the directed crab fishery, 80% for trawl gear, and 50% in fixed gear groundfish fisheries. Snow crab catch primarily occurs in the directed fishery and to a lesser extent in the groundfish trawl fisheries as bycatch (Figure 5). Estimates of combined trawl and fixed gear bycatch in recent years are less than 1% of the total snow crab catch. Discard of snow crab in groundfish fisheries has been highest in the yellowfin sole trawl fishery, and decreases down through the flathead sole trawl fishery, Pacific cod bottom trawl fishery, rock sole trawl fishery, and the Pacific cod hook-and-line and pot fisheries, respectively. Fixed gear bycatch in groundfish fisheries has historically been relatively low.



Source: Eastern Bering Sea Snow Crab SAFE, September 13, 2021 (Table 7)  
Trawl bycatch is all bycatch in non-crab fisheries, of which trawl is the largest contributor

**Figure 4. Snow crab observed retained catch, discarded catch, and bycatch, 1995 through 2000**

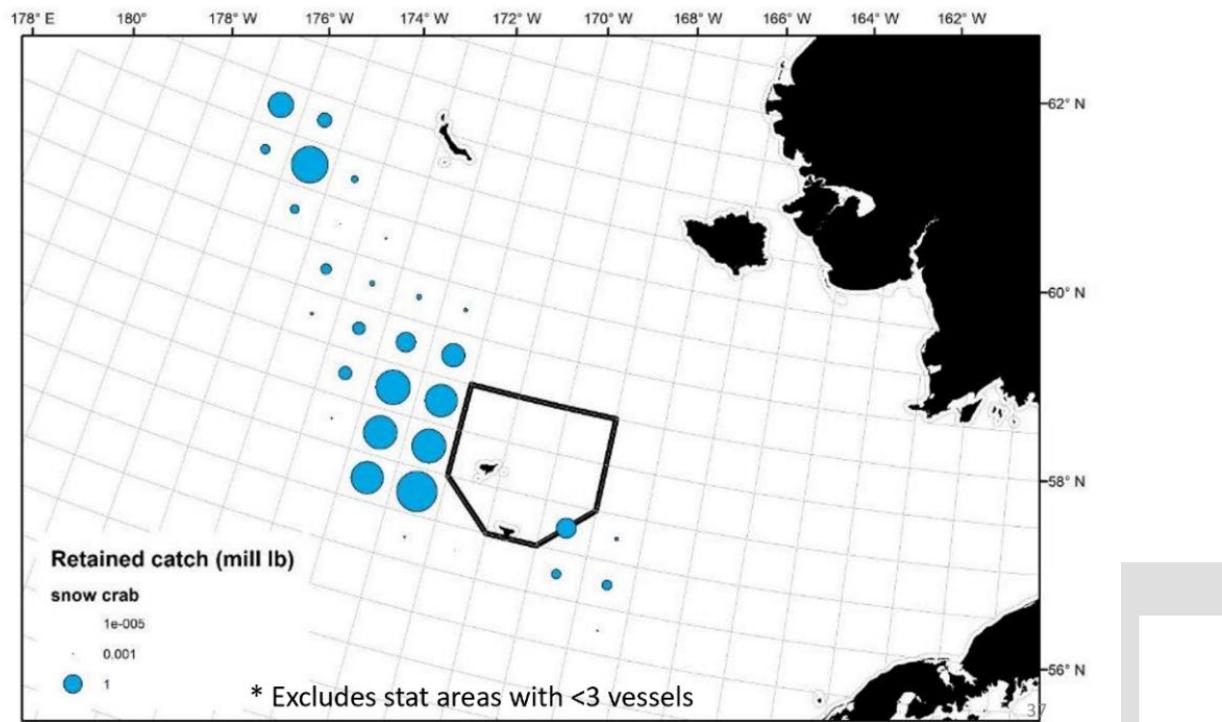
**Table 3 Retained and discarded catch in the directed snow crab fishery and bycatch of snow crab in the other crab fisheries (Update before Feb 2022 Council meeting and add a column showing bycatch of snow crab in the Tanner, SMBKC, and BBRKC fisheries [for 2020 those amounts])**

were 0.4 million kg for Tanner west, 0 million kg in Tanner east, 0 million kg in SMBKC, and .002 million kg in BBRKC)

Year	TAC (millions of pounds)	Retained catch inside COBLZ (mt)	Retained catch outside COBLZ (mt)	Discards (mt)	Discard mortality (mt)
2008/09	63.03	22,350	4,207	5,131	1,539
2009/10	58.55	16,288	5,491	4,262	1,279
2010/11	48.01	16,568	8,046	4,474	1,342
2011/12	54.28	31,980	8,403	3,899	1,170
2012/13	88.89	22,008	8,044	5,565	1,670
2013/14	66.35	19,690	4,796	11,692	3,508
2014/15	53.98	11,450	19,640	16,067	3,920
2015/16	67.95	8,350	10,072	13,115	3,934
2016/17	40.61	5,912	3,872	4,632	1,389
2017/18	21.57	7,782	820	6,318	1,895
2018/19	18.96				
2019/20	27.58				
2020/21	34				
2021/22	45				

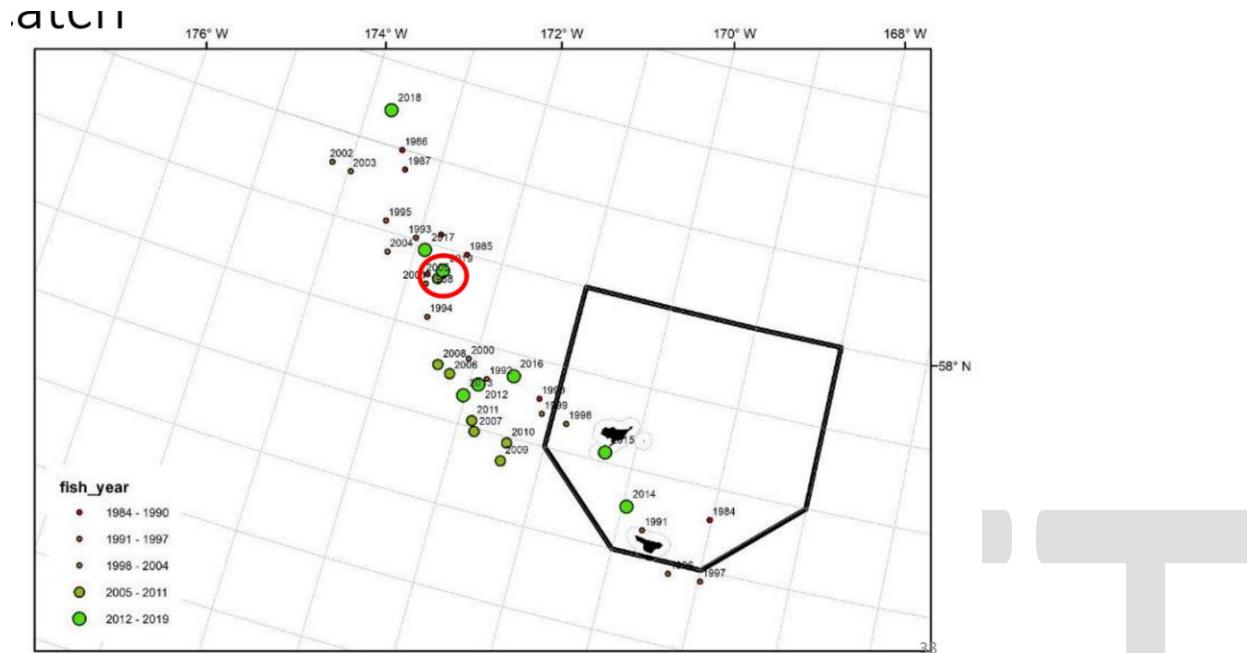
Source: ADG&G

Figure 5 and Figure 6 illustrate the spatial distribution of the directed snow crab fisheries in the BSAI. Figure 5 shows the statistical areas with retained catch from the 2019/20 season (with statistical areas that include at least three vessels) and Figure 6 demonstrates the weighted center of catch over time. The footprint of the crab directed snow crab fishery have remained fairly consistent over time. Snow crab fishing occurs over a wide distribution, typically west of the PIHCZ on and near the shelf edge and north toward St Matt's.



Source: 2019/20 BSAI crab catch and fishery performance presentation to the CPT (Daly and Milani)

**Figure 5      Retained catch of EBS snow crab in the directed fishery, 2019/20** (Update before Feb 2022 Council meeting)

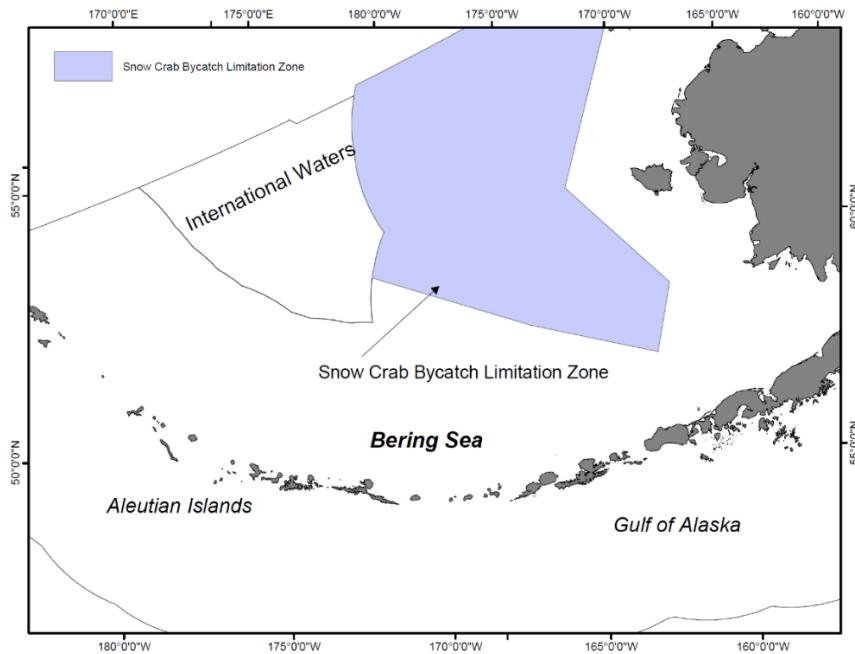


**Figure 6** Weighted center of EBS snow crab catch in the directed fishery for 1984-2019. The 2019/20 fishery is indicated by the red circle **(Update before Feb 2022 Council meeting)**

### 2.3.3 EBS Snow crab bycatch in groundfish trawl fisheries

Crab bycatch management measures exist for the protection of Bristol Bay Red king crab (BBRKC), EBS Tanner crab, and EBS snow crab stocks in the BSAI and include triggered area closures for BSAI groundfish trawl fisheries.<sup>4</sup> Retention of crab bycatch is prohibited, so crab bycatch is also referred to as Prohibited Species Catch (PSC). For BBRKC, snow and Tanner crab, triggered crab PSC limits exist for all trawl fishing within specified areas. Trawl PSC accrues within these areas and these areas are closed to nonpelagic trawl directed fishing for groundfish in the fishery/sector that reaches its specified PSC limit. An area closure for EBS snow crab is triggered if the groundfish trawl fisheries by target/sector reach their allocated PSC limit for the *C. opilio* Bycatch Limitation Zone (COBLZ; Figure 7). PSC limits are based on a calendar year and not a crab year (July 1 – June 30). The limit accrues only for snow crab PSC taken within the COBLZ. No measures are currently in place for any non-trawl gear fisheries, nor are there overall limits placed on bycatch of snow crab species outside of COBLZ.

<sup>4</sup> While the action alternative pertains to the existing triggered area closures described in this section, several fixed-time areas closures exist as well which are relevant to the cumulative impacts of the proposed action. These are described in Section **Error! Reference source not found.**



**Figure 7 C. opilio Bycatch Limitation Zone (COBLZ)**

The crab PSC limits are set each year in December during the harvest specifications process and apportioned across groundfish sectors. To determine PSC limits, stock assessment authors provide NMFS Inseason Management and/or Council staff with the abundance or biomass values necessary to compare to PSC thresholds established in Federal regulations. The total abundance or biomass values are calculated differently for each stock and have produced the abundance/biomass estimates.

Table 2 provides the estimates of abundance for snow crab and the snow crab COBLZ PSC limit from 2008 through 2021. Historically, these estimates were derived from area-swept estimates of the NMFS bottom trawl survey. Presently, they are derived from model-based estimates, whether population totals or survey abundance.

EBS snow crab PSC limits are based on total abundance of snow crab as indicated by the NMFS standard trawl survey. The limit in COBLZ is set annually at 0.1133% of the snow crab modeled abundance estimate from the NMFS standard summer trawl survey minus 150,000 crab, unless a minimum or maximum abundance threshold is reached.

- If 0.1133% multiplied by the total abundance is less than 4.5 million, then the minimum PSC limit will be 4.350 million animals.
- If 0.1133% multiplied by the total abundance is greater than 13 million, then the maximum PSC limit will be 12.850 million animals.<sup>5</sup>

Snow crab bycatch that occurs outside COBLZ does not accrue towards the COBLZ limit.

<sup>5</sup> 50 CFR 679.21(e)(1)(iii)

**Table 4      Snow crab abundance and COBLZ PSC limit, 2008-2021**

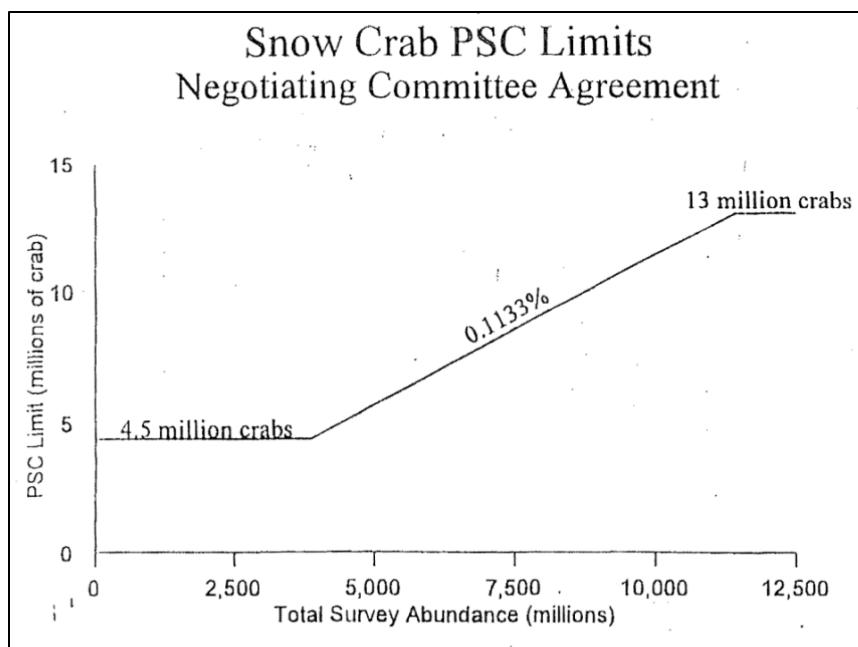
Year	Snow crab abundance estimate (in billions of animals)	EBS snow crab in COBLZ PSC limits (number of animals)
2008	3.3	<b>4,350,000</b>
2009	2.6	<b>4,350,000</b>
2010	3.1	<b>4,350,000</b>
2011	7.5	8,310,480
2012	6.3	7,029,520
2013	9.4	10,501,333
2014	10	11,185,892
2015	9.9	11,011,976
2016	4.3	4,708,314
2017	8.2	9,105,477
2018	8.2	9,120,539
2019	10.7	11,916,450
2020	7.7	8,580,898
2021	1.4	<b>4,350,000</b>

Source: NMFS, Alaska groundfish harvest specifications

Bold text indicates the PSC limit was set to its lowest threshold

Prior to implementation of Amendment 40, snow crab PSC limits did not exist for BSAI groundfish trawl fisheries. The Final Rule for Amendment 40 (62 FR 66829) explains that bottom trawl survey data from 1996 was indicating an abundance of adult males, but females and pre-recruits (males that have not reached legal commercial size) were becoming less abundant. This trend was troubling because it could indicate declining abundance over a longer term. The Council relied on an industry work group to review proposed PSC limits for snow crab. The group met November 6–7, 1996, and came to a consensus on a PSC limit for snow crab. The group negotiated based on the range included in Amendment 37 (0.005% to .25% of the total snow crab population) and past PSC use at different abundance levels.

Based on industry recommendations and Council and Secretary approval, Amendment 40 established a snow crab PSC limit as a rate that fluctuated with snow crab abundance and was applied within the newly defined area of the *C. opilio* Bycatch Limitation Zone (COBLZ). The PSC limit was established as 0.1133% of the total abundance under Amendment 40. However, the rule also included a lower bound (4.5 million animals) and an upper bound (13 million animals). Upon attainment of the snow crab bycatch limit as apportioned to a particular trawl fishery category, the COBLZ would be closed to directed fishing for species in that trawl fishing category, except for pollock with pelagic trawl gear. Snow crab PSC limits were later adjusted under Amendment 57. The amendment package reduced snow crab PSC limits in COBLZ by 150,000 animals. This Amendment 57 limit are the numbers that exist in current regulations.



**Figure 8 PSC limits for EBS snow crab within the COBLZ, as implemented under Amendment 40 (later amended to the current limits as described in Section)**

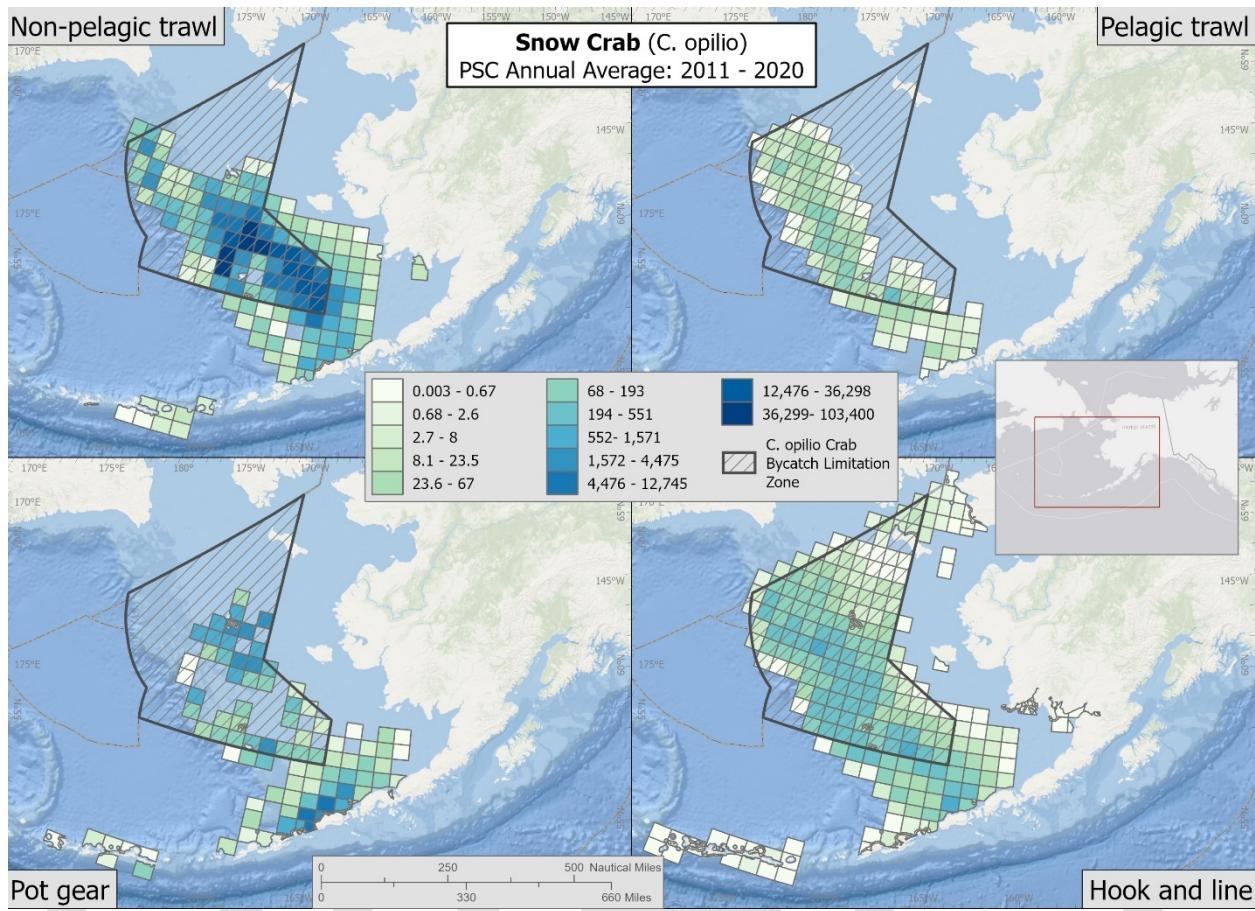
Table 5 provides PSC (number of snow crab) in the BSAI nonpelagic trawl (NPT), pelagic trawl, pot, and hook-and-line fisheries inside and outside the COBLZ from 2012 through 2021.

**Table 5 Snow crab PSC in the BSAI nonpelagic trawl, pelagic trawl, pot, and hook and line fisheries from 2012 through 2021 inside and outside the COBLZ, (# of crabs)**

Year	Non-pelagic trawl PSC (# of crabs)		Pelagic trawl PSC (# of crabs)		Pot PSC (# of crabs)		H&L PSC (# of crabs)		Groundfish total (# of crabs)
	COBLZ	Outside COBLZ	COBLZ	Outside COBLZ	COBLZ	Outside COBLZ	COBLZ	Outside COBLZ	
2012	592,238	30,585	2,578	583	1	16,538	0	29,622	672,145
2013	644,451	43,296	3,568	398	0	14,796	0	18,280	724,788
2014	446,309	34,856	2,811	520	0	85,013	0	20,496	590,005
2015	482,551	6,113	2,906	55	0	121,525	0	16,495	629,645
2016	160,604	5,485	733	151	0	20,039	10	23,069	210,093
2017	150,218	9,125	248	86	1,396	144,362	17	21,969	327,421
2018	1,576,295	5,854	247	30	25	52,738	48	13,776	1,649,013
2019	933,480	7,748	48	21	0	72,390	13	15,819	1,029,519
2020	751,592	27,263	1,657	57	75	142,613	12	11,602	934,871
2021	228,293	14,218	449	73	1	67,763	17	12,635	323,449

Source: NMFS Alaska Region Catch Accounting System, data compiled by AKFIN in Comprehensive\_PSC[Crab\_PSC\_AREA(11-13-20)]

For snow crab (Figure 10), NPT PSC occurs primarily in the southeast portion of the COBLZ, and extends northwest throughout the Zone and to the north, east, and south of the COBLZ. In pelagic trawl gear, snow crab PSC follows a similar spatial pattern but to a much smaller magnitude and does not spread as far around the southeast border of the COBLZ. PSC in pot gear is distributed throughout the southern two-thirds of the COBLZ and beyond the southeast border of the COBLZ along the Aleutian peninsula. Snow crab PSC in HAL gear seems to have the largest spatial distribution, which is likely due to the spatial distribution of effort in the HAL fisheries in these areas.



Source: NMFS Alaska Region Catch Accounting System, data compiled by AKFIN in Comprehensive\_PSC Maps produced by PSFMC.

**Figure 9 EBS snow crab PSC (average annual #crab) by gear type, 2011-2020 (Update figure before Feb 2022 Council meeting)**

Figures 11-14 show that snow crab PSC in trawl gear has been mostly males, a trend that has increased over the past three years. Most of these male crabs have been between 50-99mm carapace width, though during the earlier part of this time series, male crab 75-124mm seemed to make up a larger proportion of the PSC. Male snow crab over 100mm are making up a smaller proportion of the observed PSC over time. The majority of observed females in the snow crab PSC catch are between 50-74mm. Of the total observed snow crab PSC in trawl gear (n=116,443), approximately 40% were male crab >78mm, the legal size limit in the directed snow crab fishery.

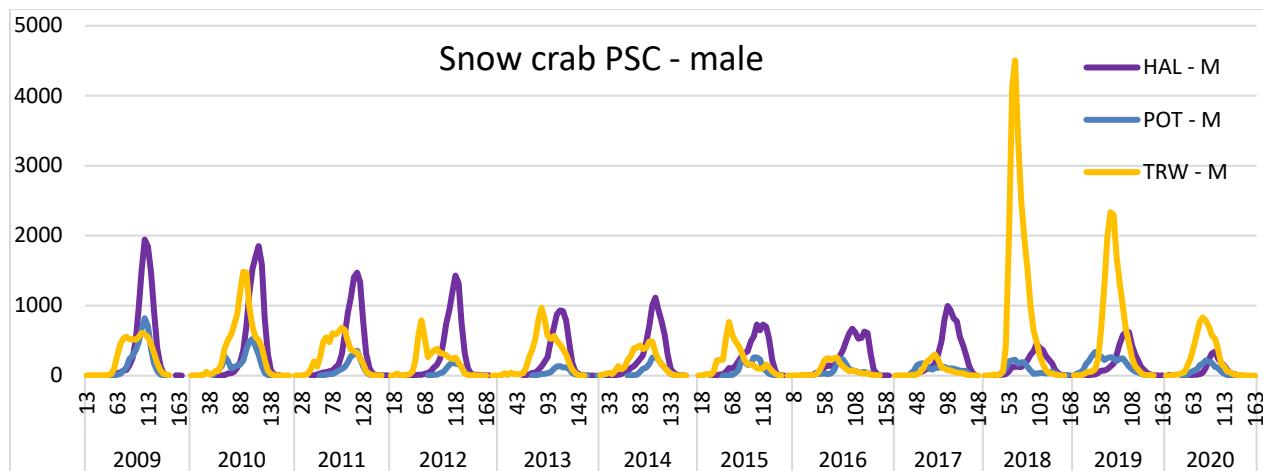


Figure 10 Male snow crab PSC by gear, 2009-2020

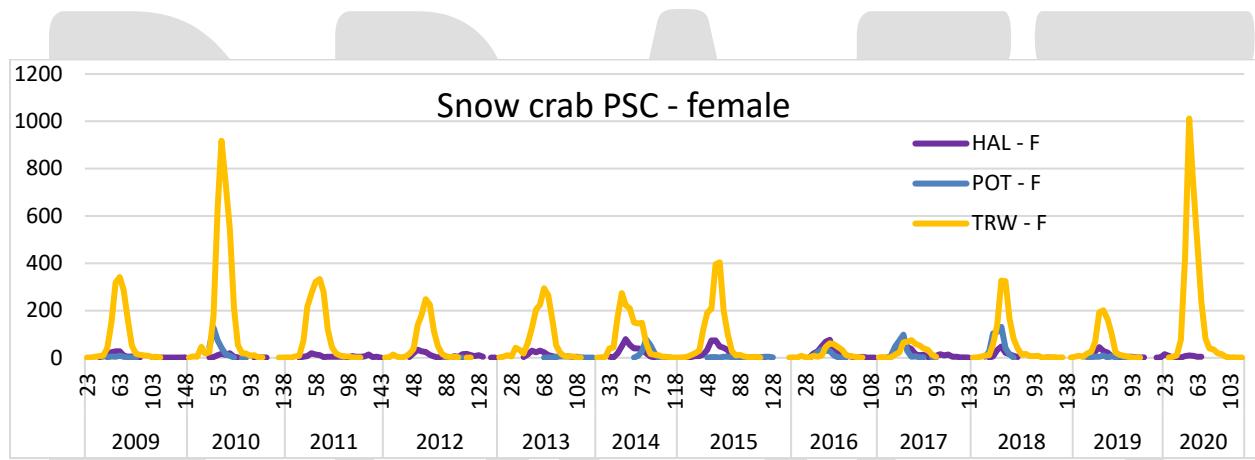


Figure 11 Female snow crab PSC by gear, 2009-2020

Table 3 demonstrate that nonpelagic trawl fisheries accounted for the greatest levels of snow crab in groundfish fisheries from 2012 through 2020. There are no crab PSC limits in place for fixed gear fisheries.

**Table 6** Snow crab PSC usage in COBLZ by gear type and target species from 2012 through 2021 (# of crab) **Include in the next version a column showing average PSC by fishery from 2012-2021.**

Gear type	NAME	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
HAL	Halibut	0	0	0	0	10	17	48	13	12	16
	Sablefish	0									1
NPT	Alaska Plaice - BSAI	2,098	7,257		21,117	2,519	140	5,279	1,925	1,964	13,266
	Arrowtooth Flounder	2,744	8,892	6,459	3,987	2,761	33,442	465	6,205	30,646	1,557
	Atka Mackerel										0
	Flathead Sole	25,684	67,376	79,904	20,802	10,537	30,510	279,286	217,865	197,199	53,071
	Greenland Turbot - BSAI			0	0	117	2,002	78	38	3,008	162
	Kamchatka Flounder - BSAI			0			0	457	1,188	190	0
	Other Flatfish - BSAI										0
	Other Species										0
	Pacific Cod	415	6,712	6,658	4,636	1,869	900	6	45,175	1,567	115
	Pollock - bottom	1,874	1,888	15,300	5,296	190	3,058	4,866	6,006	38,288	3,867
	Pollock - midwater	0									
	Rock Sole - BSAI	0	1,807	8,024	6,107	27,468	19,118	2,454	10,421	18,191	7,830
	Rockfish		73	0	0	17	0	14,408	652	92	487
	Sablefish										0
	Yellowfin Sole - BSAI	559,423	550,446	329,964	420,605	115,127	61,049	1,268,997	644,006	460,446	147,936
POT	Pacific Cod	1					1,396	25		47	1
	Sablefish									28	0
PTR	Flathead Sole										0
	Pollock - bottom	73	140	0	19	51	46	0	0	0	0
	Pollock - midwater	2,505	3,428	2,811	2,887	682	202	247	48	1,657	449
	Rockfish	0						0		0	
	Yellowfin Sole - BSAI										0
<b>Total</b>		594,817	648,019	449,120	485,458	161,347	151,879	1,576,615	933,542	753,336	228,760

Source: AKFIN (12-22-2001)

C indicates confidential data, HAL = hook and line, NPT = non-pelegic trawl, pot = pot gear, PTR = pelagic trawl

### **2.3.4 Unobserved Crab Mortality**

Fishing activities lead to crab mortality in ways that are not directly observed. This includes both post-release mortality of discarded crab as well as crab that are never captured by fishing gear but die due to gear interactions or sustained damages that cause for delayed mortality. Sub-legal crab, females, or non-target crab species caught in the crab directed fisheries or any prohibited species crab caught in the groundfish fisheries is required to be discarded. Some of these crabs may experience delayed mortality due to injuries sustained during capture or release. Generally, this is referred to as discard (or post-release) mortality.

Discard mortality of crab has been studied over the past few decades (Stevens 1990; Stoner et al., 2008) and has resulted in the estimation of discard mortality rates for crab based on the gear type and fishery. NPFMC (2010) includes a thorough history of mortality rate calculations for crab bycatch in groundfish fisheries. In research studies and Council analyses, rates are applied as 20-32% mortality for crab discarded in the crab fisheries (either females or non-target crab species), 50% mortality for fixed gear (pot and HAL gear), and 80% mortality for trawl gear. Discard mortality is accounted for in crab stock assessments. Mortality rates are not applied to trawl-caught PSC when compared to the PSC limits in groundfish fisheries.

Unobserved mortality can also occur when crab is impacted by, but not captured in fishing gear. For instance, crab may actively escape capture from trawl gear, as they can slip under the trawl itself, or over the sweeps, but the damage from the gear results in mortality or delayed mortality due to injuries. The potential for unobserved mortality of crabs that encounter bottom trawls but are not captured has long been a concern for the management of groundfish fisheries in the Bering Sea (Witherell and Pautzke, 1997; Witherell and Woodby, 2005). It is not accounted for in crab stock assessments. In May 2020, the CPT discussed the potential stock impacts from unobserved trawl mortality. A summary of that discussion is provided below.

As described in Hammond, Conquest, and Rose (2013), several major organizations in Alaska have underscored the need for additional research on the unobserved/unaccounted fishing mortality of crab from both crab directed fisheries and groundfish trawl fisheries. A thorough understanding of all sources of mortality is beneficial to analysis of impacts of bycatch on crab stocks.

Relative to discard mortality, unobserved mortality of crab that escape capture is more difficult to study and understand. Mortality rates of crab do not take into account unobserved mortality, and the extent to which crab populations may be affected by unobserved mortality is currently unknown. Rose et al (2013) provided specific estimates of the unobserved mortality rates of crabs swept over by trawl gear common to bottom trawl fisheries in the Bering Sea. This research demonstrated that mortality rates varied by crab species but depended mainly on that part of the trawl system crab encountered. Additionally, reduction of crab mortality rates by altering specific gear designs showed that gear modifications, such as raised sweeps, can mitigate unobserved mortality (Rose et al 2013; Rose et al 2010; Rose, Hammond, and Swanson 2014).

Analysis of the potential impacts of gear interactions with crab would also benefit from an improved understanding of the seasonality and spatial distribution of crab bycatch as well as shell condition of crab that interact with fishing gear (as further explained in Rose et al 2013). Estimation of the portion of crab populations exposed to trawl effort each year, including variability in crab distributions across seasons, would provide information on potential impacts of unobserved gear interactions.

## Sensitivity Analysis

In May 2020, the CPT discussed potential stock impacts from unobserved trawl mortality. In order to understand the potential impacts on theoretical unobserved mortality, the CPT recommended that assessment authors rerun the assessments for BBRKC, Tanner crab, and snow crab with higher assumed levels of bycatch abundance (increases of 50% and 100%)<sup>6</sup> as a sensitivity analysis to inform this analysis.

All sensitivity analysis results from simulation models that held certain biological parameters constant (identical to those determined in the 2019 assessment) while estimating changes in fishing mortality associated with increase in bycatch. The intent was to model theoretical unobserved bycatch mortality by responding to the question, “what effect would different levels of PSC have on the stock?”. Authors noted this is different than the question “how sensitive are the model results to mis-estimating the level of bycatch?” which would be conducted by allowing the biological parameters to vary. For instance, rerunning the models and allowing biological parameters to respond to the change in bycatch levels means the model would compensate by showing higher recruitment (i.e., the model would “make more fish”).

The results from model runs that held biological parameters to their 2019 status demonstrated some commonalities across reports. Based on the simulations, if bycatch mortality is anything less than doubled, there appears to be little change in stock dynamics and biomass trajectories across all species. The simulations all demonstrated a general scaling down of estimated mature male biomass (MMB) at very high percentage increases of bycatch, but little variation in female biomass and immature male biomass likely due in part to the selectivity of the groundfish gear. Unsurprisingly, if some level of bycatch mortality has been unobserved and unaccounted for in the assessments, these reports demonstrate the biggest impact would occur during the period when bycatch was largest. For snow crab, bycatch has been small enough that increasing the bycatch input by 1000% resulted in only a ~2% change in the terminal year of MMB (with largest changes in the mid-1990s through mid-2010). The full results are included in February 2021 Appendix 4 to the Preliminary/Initial Review Draft of an Environmental Assessment/Regulatory Impact Review for a Proposed Amendment to the Fishery Management Plan for the BSAI Groundfish for Crab PSC limits in the BSAI Groundfish Trawl Fisheries and additional CPT discussion is captured in the CPT report from October 2020.<sup>7</sup>

### 2.4 Potential alternatives and timeline

On October 19, 2021, NMFS notified the Council that BS snow crab status has been changed to overfished. The BS snow crab assessment shows that MMB is 50,600 mt, which is less than the MSST of 76,700 mt, therefore the stock is overfished. MSA requires that a rebuilding plan be developed and put in place within two years of the stock being declared overfished. The rebuilding plan should specify a time period for rebuilding the fishery, not to exceed ten years. To facilitate development of BS snow crab rebuilding plan, the Council is scheduled to select alternatives at this meeting.

Potential alternatives include the no action alternative and a rebuilding plan alternative that is consistent with the MSA and NS1 Guidelines on time for rebuilding, specifically rebuilding within a time ( $T_{target}$ ) that is as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish with the marine ecosystems. The fastest

<sup>6</sup> Assessment authors determined an increase of 50% and 100% of bycatch in these simulations were not sufficient to demonstrate significant variation in output. Thus, authors agreed to run the simulations with historical bycatch at 100%, 200%, 500% and 1000%.

<sup>7</sup> <https://meetings.npfmc.org/CommentReview/DownloadFile?p=d2d1e96b-1aa8-4472-949c-ea77945997e6.pdf&fileName=C1%20Crab%20Plan%20Team%20Report%20Sept%202020.pdf>

rebuilding time ( $T_{min}$ ) is calculated based on no fishing mortality ( $F=0$ ). If  $T_{min} > 10$  years, then the NS1 Guidelines provide other methods for defining maximum rebuilding time ( $T_{max}$ ). In the case where  $T_{min} > 10$  years, the one of the following methods can be used to determine  $T_{max}$ : 1)  $T_{min}$  plus the length of time associated with one generation time for EBS snow crab stock, where the generation time is the average length of time between when an individual is born and the birth of its offspring, 2) the amount of time the EBS snow crab is expected to take to rebuild to  $B_{msy}$  if fished at 75% of maximum fishing mortality threshold (MFMT) or, 3)  $T_{min}$  multiplied by two. In situations where  $T_{min}$  exceeds 10 years,  $T_{max}$  establishes a maximum time for rebuilding that is linked to the biology of the EBS snow crab. When selecting a method for determining  $T_{max}$ , the Council, in consultation with the SSC, should consider the relevant biological data and scientific uncertainty of that data, and must provide a rational for its decision based on the best scientific information available. One of the approaches noted above may be appropriate, for example, if given data availability and the life history characteristics of the stock has a high uncertainty in the estimate of the generation time or if the generation time does not accurately reflect the productivity of the stock. For example, for Saint Matthew Island blue king crab based on projections of the rebuilding plan with no directed fishing until the stock is rebuilt, the time with a greater than 50% probability of rebuilding to  $B_{msy}$  at  $F=0$  ( $T_{min}$ ) was 14.5 years. Because  $T_{min} > 10$  years, rebuilding times for the alternatives are evaluated relative  $T_{max}$  as defined in the NS1 Guidelines as “ $T_{min}$  plus the length of time associated with one generation time for Saint Matthew Island blue king crab which was  $T_{max}$  of 28.5 years ( $[T_{min}] + 14$  years).

The no action alternative would not develop a rebuilding plan, and no Federal management response to address an overfished stock would be undertaken. Importantly, taking no action to establish a rebuilding plan for an overfished stock is a violation of the MSA. Directed harvest under this alternative would continue to be defined by the State harvest strategy, unless the threshold falls below the beta threshold level listed in the FMP in which case the directed fishery would be closed regardless of the State's harvest strategy. However, without a rebuilding plan, there would not be a mechanism to necessarily address operational issues that may constrain rebuilding, if they are present.

Under the rebuilding plan alternative, a federal rebuilding plan for Eastern Bering Sea snow crab will be incorporated into the federal regulations and BSAI King and Tanner Crab Fishery Management Plan (FMP) language to reflect the approved rebuilding alternative. The FMP authorizes the State to set preseason TACs and GHLs under State regulations, and seasons or areas are closed when the TAC or GHL is reached. The State must take into account the following factors, to the extent information is available, in developing harvest strategies or setting TACs or GHLs: (1) whether the ACL for that stock was exceeded in the previous year; (2) stock status relative to the OFL and ACL; (3) estimates of exploitable biomass; (4) estimates of recruitment; (5) estimates of thresholds; (6) market and other economic considerations; (7) additional uncertainty; and (8) any additional factors pertaining to the health and status of the stock or the marine ecosystem.

The Council could select for analysis a rebuilding time that is calculated based on no fishing mortality ( $F=0$ ) which would require the FMP language to be amended to reflect a prohibition on directed harvest of Eastern Bering Sea snow crab until the stock is declared rebuilt. This would prohibit the State from setting a TAC or GHL, under the State harvest strategy. The Council could also select for analysis a rebuilding time that is calculated based on allowing the directed fishery to remain open based on the state harvest strategy which the snow crab stock is rebuilding. Under this option, the amended FMP language could either: 1) include a specific formula for opening the Eastern Bering Sea snow crab fishery provided in the current State harvest strategy or 2) state that no change in the harvest strategy should occur that would contribute to departure from the Council's intended rebuilding timeline (see harvest strategy in Section 2).

The Council could also include for analysis a rebuilding time that is calculated based on allowing fishing mortality associated with bycatch only, or fishing mortality associated with some directed fishing. The

Council could also include options to adjust the trawl snow crab PSC limit in the groundfish fisheries, changes to the COBLZ boundary, and/or whether to include PSC outside the COBLZ towards the trawl PSC limit in the groundfish fisheries. However, these additional options to change the trawl snow crab PSC limits or COBLZ if included in the rebuilding plan would add significant more analysis to the EA/RIR.

DRAFT