November 30, 2022

The Honorable Gina M. Raimondo, Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington DC 20230

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

RE: Petition for Emergency Action to Close the Red King Crab Savings Area and Subarea to All Fishing Gear

Dear Secretary Raimondo and Chairman Kinneen:

United Catcher Boats (UCB) is a 501(c)(3) non-profit organization representing the interests of the owners of 71 commercial fishing vessels that participate in the Eastern Bering Sea catcher vessel trawl fisheries (including Pollock, Pacific Cod, and Yellowfin Sole). On behalf of our member vessels, we offer the following public comment in response to the request for emergency action submitted by the Alaska Bering Sea Crabbers, dated September 28, 2022 ("Petition for Emergency Action to Close the Red King Crab Savings Area and Subarea to All Fishing Gear").

UCB recognizes that the ongoing decline in Bristol Bay red king crab stock abundance is deeply concerning, and that closure of the fishery is causing significant hardship in Alaska fishing communities and is depriving family-owned businesses of income. However, it is crucial that the response of managers be based on the best available science and targeted at the causes of decline in order to provide the red king crab population, and the fishery dependent upon it, the best chance at sustainability over the long term. As such, UCB strongly believes the request for emergency action does not meet the Agency's established emergency rule criteria. The request does not address the conservation challenges presented by the ongoing decline in Bristol Bay red king crab abundance. Additionally, it will likely have broad negative impacts on other fisheries.

1. **The Identified Emergency Is Not the Result Of Recent Unforeseen Events or Recently Discovered Circumstances**

Bristol Bay red king crab (BBRKC) has been undergoing a long-term decrease in stock abundance.[1] The abundance estimate calculated for mature female BBRKC in 2021 and 2022, using data from the NMFS Eastern Bering Sea bottom trawl survey, were the lowest two abundances on record since 1995. The directed fishery has been closed for two seasons (2021-2022 and 2022-2023) because the female abundance threshold, established by the Alaska Department of Fish and Game (ADFG) harvest strategy, has not been met. However, the BBRKC stock is not currently overfished nor is it subject to overfishing.

NMFS's October 21, 2022 News Statement on Alaska Crab Stock Declines states, "Recent declines in Bristol Bay red king crab fisheries are part of a 50+ year history of highly variable stock abundance that included previous fishery closures."[2] Additionally, the Council's motion under its D.2 agenda item from October 10, 2022 states "Science indicates changes in the ecosystem and temperature as the primary driver of poor crab recruitment and low abundance."[3] It is clear that declines in BBRKC abundance are not the kind of recent unforeseen event or recently discovered circumstance for which emergency action might be appropriate.

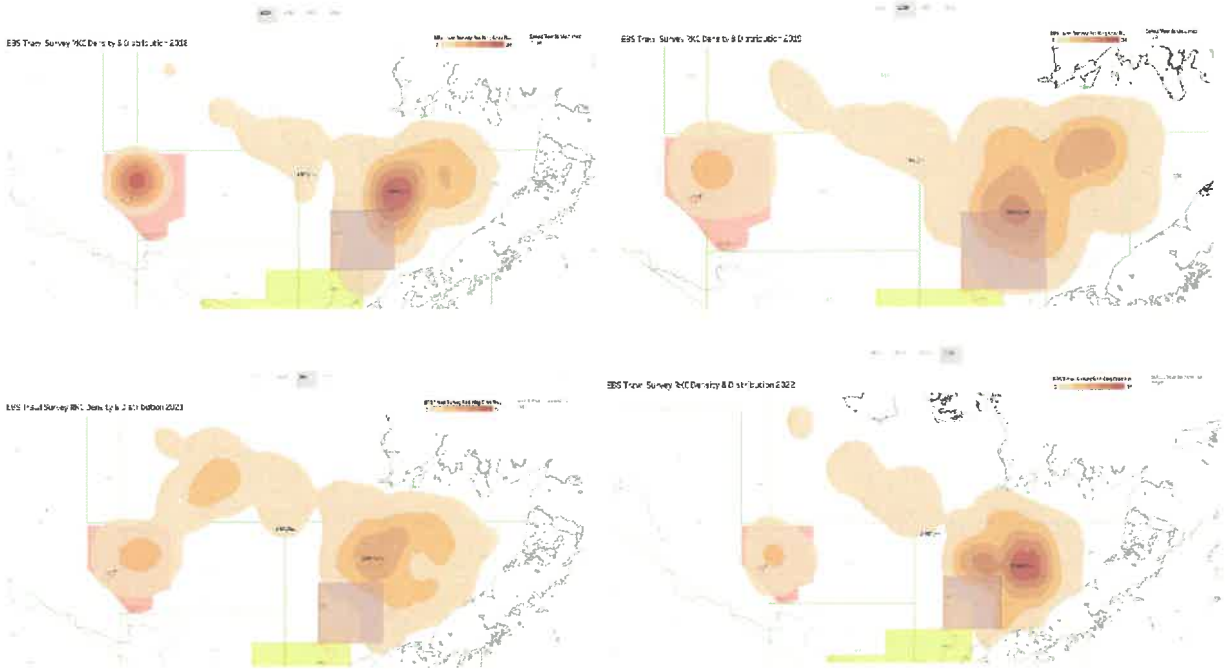
2. **The Requested Action Does Not Address Serious Conservation or Management Problems in the Fishery**

As referenced above, the best available science indicates that changes in the ecosystem and temperature are the primary drivers of poor crab recruitment and continued low abundance. Closing the Red King Crab Savings Area (RKCSA) and Red King Crab Subarea (RKCSS) to the pelagic trawl catcher vessels operated by our members will not address the causes of crab abundance decline nor will it result in a significant increase in the abundance of red king crab over the proposed time period. NMFS's recent statement on the crab declines notes that "Climate change will continue to present challenges to our understanding of marine ecosystems in Alaska and elsewhere. We have a robust science enterprise and management system that will allow us to better prepare and adapt to these changes."[4]

In working to manage incidental catch of BBRKC in its groundfish fisheries, the North Pacific Fishery Management Council (Council) has implemented a range of management measures over the years, including time and area closures, habitat closures, and Protected Species Catch (PSC) limits that are lowered when BBRKC abundance declines. NMFS, the Council, and the State of Alaska have had more than a year since the 2021-2022 fishery closure, and more than a decade since abundance and recruitment declines became evident, to consider these and additional management measures through the deliberative, science-based management process mandated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This robust management system requires careful deliberation and consideration of all the potential factors that may be affecting the population of red king crab whereas the emergency rule petition only provides one potential narrow approach. There are numerous other approaches that the Council, NMFS, and ADFG could examine, including: the adequacy of monitoring in groundfish fisheries with crab bycatch; whether bycatch limits should be extended to other fisheries without existing crab bycatch limits; and whether the existing closure areas established 25 years ago continue to represent areas important to red king crab given significant and ongoing climatic changes. This last potential management suggestion is highlighted by the fact that the most

[1] 2022 Bottom Trawl Survey Results for EBS Crab Stocks (Slides 9-11) PowerPoint Presentation (npfmc.org).
[2] https://www.fisheries.noaa.gov/news/statement-alaska-crab-stock-declines
[3] D2 BBRKC Motion (npfmc.org)
[4] https://www.fisheries.noaa.gov/news/statement-alaska-crab-stock-declines

recent Eastern Bering Sea bottom trawl surveys show that the static RKCSA and RKCSS may no longer represent key habitat for red king crab (see figures below 2018-2022; Source: SeaState, Inc.).



The best available scientific information clearly indicates that the requested emergency rule action would not address climatic conditions affecting red king crab and would not address other management challenges that are known to impact BBRKC.

3. **The Value of Advance Notice, Public Comment, and Deliberative Consideration of Impacts on Participants Outweighs Any Immediate Benefit of Emergency Action**

As detailed above, there are no apparent, immediate benefits to be derived from granting the requested emergency action. Additionally, any conceivable crab conservation benefit must be weighed against the fact that new area-based closures in the Bering Sea will involve significant trade-offs with other species that should be carefully evaluated and deliberated through the Council's rigorous analytical process with any potential management measures established through the MSA's standard rulemaking procedures.

Despite an average of almost 11% of the total catcher vessel Alaskan pollock catch being harvested inside the RKCSA and RKCSS over the last five years, UCB's member vessels have extraordinarily low levels of red king crab incidental catch both in general and within the RKCSA and RKCSS. All of our catcher vessels are fully monitored (100% of their pollock fishing) with either at-sea observers onboard or electronic monitoring (EM) camera systems; thus, all incidental catch of red king crab is reported. Data in the table below shows that incidental red king crab mortality for the shore-based catcher vessel fleet has numbered between 0 to 10 animals total per year across since 2018 (Source: SeaState, Inc.).

Year	CV Pollock Harvest (mt) Outside SA	CV Pollock Harvest (mt) Inside SA		Total (#animals) Red King Crab

			Total Pollock CV Harvest (mt)	(Inside & Outside SA)
2018	202,901	50,164	253,065	10
2019	227,271	35,248	262,519	0
2020	266,261	6,400	272,661	3
2021	250,122	7,661	257,783	2
2022	188,873	22,298	211,171	6
Average	227,086	24,354	251,440	4

The incidental crab mortality for the pollock catcher vessel fleet, as outlined in the table above, pales in comparison to the red king crab mortality incurred by the directed fishery itself, as shown in the table below (Source: D.2 BBRKC discussion paper (npfmc.org)).

Year	No. Retained Male RKC Catch	Total no. (Male and Female) RKC Mortality
2017	997,214	192,769
2018	629,907	300,560
2019	548,516	193,131
2020	455,262	45,512
2021*	6,230	6,201

*ADF&G Cost Recovery Fishery since directed fishery was closed

The emergency petition seeks action that would close 3,900 nm^2 of the Bering Sea to all fishing vessels from January 1, 2023 to June 30, 2023. Closure of this area would cause substantial direct harm to the pollock fishery and the individuals and communities reliant on the pollock resource. Closing the RKCSA and RKSSA to the pollock fleet would reduce the flexibility needed to avoid salmon (and herring). Closing the RKCSA and RKCSS to the pollock fishery would move the fleet into an area that is known to regularly have higher salmon PSC encounters. The fishing decisions of the pollock fleet are largely based on avoiding multiple prohibited species (and having the necessary flexibility to do so), including salmon, which is an ongoing species of priority for the Council. In addition to salmon, flexibility is needed for herring avoidance to prevent a closure of the Summer Herring Savings Area if the herring PSC limit is reached. Closure of the Herring Savings Area would result in increased fishing time for catcher vessels to harvest their pollock allocation. Increased fishing time will result in vessels fishing further into the B season (September and October) at a time of the year when increased Chinook salmon encounters rise dramatically. Finally, the pollock fishery must consider fishing restrictions associated with the Stellar Sea Lion Conservation Area (SCA), which is adjacent to the RKCSA, and other regulatory no-trawl zones. Given the geographic limitations for this sector, if the pollock catcher vessel fishery can no longer access the RKCSA and RKSSA, it would be extremely difficult to find areas to move effort without increasing bycatch of non-target and PSC species. For shoreside pollock catcher vessels, closure of the RKCSA would result in moving fishing effort to areas where Chinook salmon bycatch rates are known to be significantly higher. Moving fishing effort into areas and during times when fishing has not typically occurred could also lead to increased gear conflicts with other sectors and reduced harvests. The Council is the established and appropriate forum for transparent analysis and deliberation of such trade-offs when considering directed and non-directed fishery management measures.

It is also worth noting that broader impacts of all groundfish fishing activity (not just pollock trawl) on crab stock abundance have repeatedly been considered through the Council's regular Essential Fish Habitat (EFH) assessments. The most recent EFH assessment shows the impact of all fishing activities on the red king crab stock are temporary and minimal.[5]

It is clear that the value of advance notice, public comment, and deliberative consideration of impacts on all participants outweighs any immediate benefit that could conceivably be derived from granting the requested emergency action. The requested action fails to meet the Agency's established threshold for emergency action.

Conclusion

The requested emergency action does not meet the established emergency action criteria. Declines in Bristol Bay red king crab stock abundance are alarming and the closure of the fishery is causing serious hardship in Alaskan fishing communities (and beyond) and depriving family-owned businesses of income. It is critical, however, that the response of managers be based on the best available science and targeted at the causes of decline. The requested emergency action will not result in a meaningful increase in the Bristol Bay red king crab population within the statutory time limit an ER can be in place, nor is there any indication that such action will have any meaningful impact on habitat protections, but it will result in substantial negative impacts to other PSC species as well as the pollock fishery.

Sincerely,

Brent C. Paine
Executive Director

[5] https://meetings.npfmc.org/CommentReview/DownloadFile?p=8547b7bb-396d-4288-8bf0-32eaa5f0ee96.pdf&fileName=C6%20EFH%20Omnibus%20Ams%202017%20Final%20EA.pdf p. 56