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ACDC requests ~~that the AP recommend~~ that the Council proceed with developing an EA/RIR analysis of removing the Adak Management District RKC from the BSAI King and Tanner Crab FMP.

### Precedent:

The discussion paper makes it clear that removing RKC stocks in the Adak area from the FMP meets the precedent of the criteria established in Amendment 24:

***Option A: (Preferred)** Remove from the FMP the twelve state-managed stocks for which NMFS and the Council find that the State of Alaska has a legitimate interest in the conservation and management and for which there is either no directed fishery, a limited incidental or exploratory fishery, or the majority of catch occurs in State waters.*

We believe that RKC in the Adak Management District of Area O meets those criteria:

- The State has a legitimate interest in conservation and management, as shown by the BOF actions to create a management plan and ADFG's undertaking a cooperative research survey with the Aleutian King Crab Research Foundation.
- There has been no directed fishery since the 1990's other than limited exploratory research.
- The majority of the catch will occur in State water.

### Rationale:

The FMP for the major Bering Sea and Aleutian crab fisheries represents a marriage of state and federal management with clearly defined roles. One of the primary roles reserved to the federal partner is access limitation. Another federal role has been funding the annual surveys that form the basis of the stock assessments for the major Bering Sea species.

Following Rationalization of the major species, limited access for minor species has been largely abandoned and the federal partner's role began looking like that of an absent parent. After Amendment 24 required specification of OFLs for Tier 5 species, it became clear that a divorce was in order for the minor fisheries that met one or more of the four criteria described in the Amendment 24 analysis, with the state assuming full responsibility.

The Council began a process during Rationalization that has resulted in a rationalized portion of WAIRKC west of 179, and an open access portion to the east. So we have a sort of trial separation that is neither a marriage nor a divorce, where the federal parent isn't providing "child support" in the form of funding for surveys or providing Category I limited access measures, but still wants to impose OFL rules.

## Response to Alaska Bering Sea Crabbers letter

...should not come at the biological expense of the stock ...

For stocks in Tier 5, the overfishing level is specified in terms of an average catch value over an historical time period. For a Tier 5 assessment, the major uncertainties are whether the time period is representative of the production potential of the stock or whether any such time period exists.

While OFL's are legally necessary under federal rules, there is no compelling reason to believe they provide a biological benefit in and of themselves that is absent in state management. If there was such a benefit, then we should be developing FMPs for the crab stocks in the GOA so that OFLs would be required for GOA crab stocks.

...bycatch of this species in the Adak subarea would no longer be monitored by NMFS...

Removing the Adak area from the FMP does not mean that "bycatch of this species in the Adak subarea would no longer be monitored by NMFS." The observer program collects data on non-FMP crab species in the GOA which are posted on the catch accounting website by area, target, gear and week. The observer data will continue to be available to ADFG managers who will be responsible for decisions on whether to allow a directed fishery.

"as long as a specified red king crab biomass threshold is met, a small boat fishery is possible in both State and federal waters."

This is only true within the constraints of an ABC set lower than the OFL (123,867 lbs.) Even if ADFG believed there was harvestable surplus in the Adak area or a portion thereof, if it set a GHM higher than the OFL, the Council must immediately end overfishing.

The problem is that for a fishery that has collapsed there is no good basis for setting an OFL, so for WAIRKC we've ended up with an OFL for the whole area that is driven by the last gasps of the Petrel Bank fishery in the rationalized area.

No one anticipates that there will be funding for a comprehensive survey of the 600 mile stretch of the Aleutians to which a single OFL applies. The best hope to learn whether exploitable amounts of crab are available is through cooperative research projects focused on discreet areas. But that won't provide a basis for a revised area wide OFL that isn't still arbitrary.

...should not come at the economic expense of the rationalized fishery...

Removing the non-rationalized area east of 179 should not have any economic downside to the rationalized Petrel Bank fishery. Initially, the OFL ought to be adjusted to reflect the proportion of the catch from the history period taken in each area, but since 95% of the catch was from the rationalized area that would be a minor adjustment. Absent removing the Adak area from the FMP, if an ABC were set for the entire area, both the rationalized and non-rationalized fleets would be competing for one ABC. This action would remove the chance of an Adak area fishery eroding the TAC available to the rationalized fleet in the Petrel area if the OFL is specific to the Petrel area.

..at no point has it been clearly established whether red king crab in the western Aleutian Islands is comprised of a single population or multiple biologically distinct populations.

Nor, has it been established whether the Dutch Harbor RKC are part of a single population with the WAI RKC or with the BBRKC. Hunt and Stabeno, 2405 does provide some oceanographic current and bathymetric information that suggests that there are greater physical barriers (e.g. Amchitka Pass) to mixing of RKC in the Adak and Petrel areas than between the Dutch Harbor and Bristol Bay areas. Despite similar levels of uncertainty about stock separation, the Council removed the Dutch Harbor area from the FMP.

40 *P.J. Stabeno et al.*

