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November 29, 2016

Dr. Jim Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West Ninth Street
Juneau, AK 99802-1668

Mr. Dan Hull, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RE: Agenda Item C-8, Red King Crab Savings Area Trawl Exempted Fishing Permit

Dear Dr. Balsiger, Mr. Hull, and Council members:

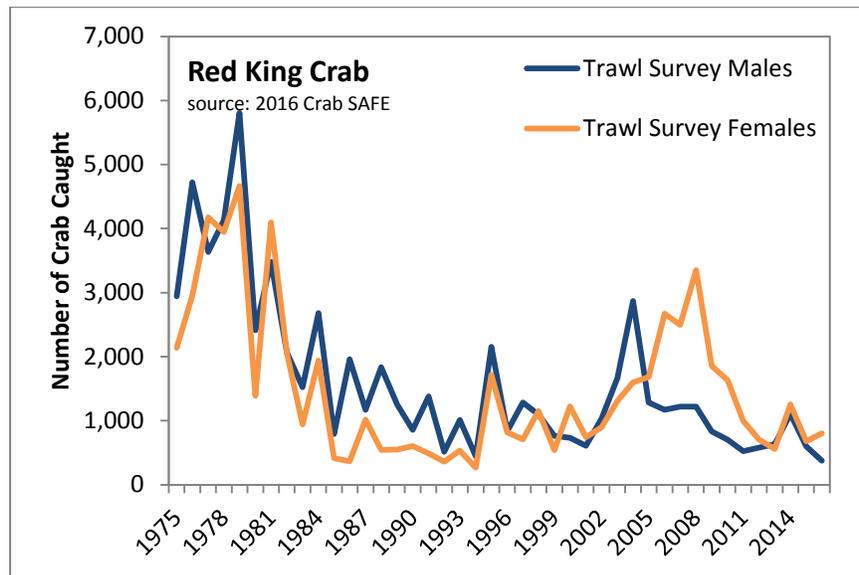
Thank you for considering our comments on the proposed Exempted Fishing Permit (EFP) that would allow bottom trawling in Area 516 and the Red King Crab Savings Area (RKCSA), where it is currently prohibited in order to protect the crab population. Oceana supports research that helps understand the efficacy of protected areas to restoring species populations and habitat quality, and we are encouraged that the industry is motivated towards reducing crab bycatch rates. This proposed EFP, however, will not provide scientifically meaningful information and could negatively affect the diminished crab stocks in the eastern Bering Sea. You should not approve this EFP.

This EFP will not deliver scientifically accurate results about the late winter-spring species composition of the protected areas. A standardized survey would be better suited to answer this question. The EFP would allow Amendment 80 trawl vessels to fish both within and outside the protected areas depending on where they are maximizing their target catches and minimizing crab bycatch. While this experimental design may increase the trawl fleet's targeted catch of flatfish, it is not a scientifically sound way to determine the species composition or compare crab bycatch rates between protected and open trawling areas.

An experimental fishery through essential crab habitat puts depressed crab stocks at risk. Area 516 was established to protect molting, mating, and migrating red king crab, and the RKCSA was established to protect red king crab broodstock and habitat¹. Opening the areas to trawling will inevitably result in newly molted, soft shell crab being killed by trawl gear and in gravid females being caught, damaged, and potentially killed. This would occur while the current stock has seen a decline in both juvenile and mature male red king crab by 21% from the 2015 survey to the 2016 survey². In fact, during last year's trawl survey the agency found the fewest males (> 64 mm carapace length) it has ever caught³. Removing protections of the mating, molting, and migrating red king crabs during a marked decline is not good management.

¹ Amendment 37 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. **Federal Register** / Vol. 61, No. 242 / Monday, December 16, 1996 / Rules and Regulations **65985**

² October 2016 NPFMC meeting, C1 Crab Plan Team Report



The Tanner crab fishery is closed for the 2016/2017 season¹. This fishery has a history of partial and full closures throughout the last two decades³, but if allowed to open under healthy, sustainable stock conditions, can employ over 40 vessels⁴. Tanner crabs are not specifically targeted for protection in the RKCSA or Area 516, but they utilize the areas and may benefit from the RKC protections.

The 2016/2017 snow crab fishery was substantially curtailed. The total allowable catch, set at 21.57 million pounds, is just slightly more than half of last year's allowable catch and is the lowest set in over 40 years³.

Three commercially important crab stocks in the EBS are facing serious declines; an experimental bottom trawl fishery through essential crab habitat is ill-advised.

This EFP has already been submitted (October, 2015) and rescinded (December, 2015) to address failings highlighted by the Council's Scientific and Statistical Committee. The EFP should be rejected for good. If, however, the Council moves forward with the EFP proposal, it must at least take the following steps:

- **Adjust the discard mortality rates (DMR) for trawl-caught crab bycatch to reflect extra handling time.** The EFP asks for an exemption to the obligation to return prohibited crab species to the water quickly in order to collect biological data on every crab caught. This increase in handling time would also increase the already high mortality crabs face as trawl bycatch⁵. Also, because this EFP will be occurring during crab molting, the discard mortality rate of soft shell crabs in trawls will be 100%. The EFP proposal notes that "[s]kippers will try to avoid areas with

³ Stock Assessment and Fishery Evaluation Report for the King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands Regions, 2016 Final Crab SAFE

⁴ Stock Assessment and Fishery Evaluation Report for the King and Tanner Crab Fisheries of the Gulf of Alaska and Bering Sea/Aleutian Islands Area: Economic Status of the BSAI King and Tanner Crab Fisheries off Alaska, 2015

⁵ Stoner, A.W., Rose, C.S., Munk, J.E., Hammond, C.F., Davis, M.W. (2008) An assessment of discard mortality for two Alaskan crab species, Tanner crab (*Chionoecetes bairdi*) and snow crab (*C. opilio*), based on reflex impairment. Fishery Bulletin 106, 337-347.

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molting crab, but there is no specific protocol identified,” which means that there is no additional motivation to avoid molting crab.

- **Adjust the PSC limits, taking into account the adjusted DMR and recognizing past PSC catches.** A goal is to reduce crab bycatch rates, and the past trawl fisheries have caught crab below the PSC limits. The test fishery should be required to ensure that bycatch does not exceed past levels, not the PSC limit. Doing so would maintain and potentially decrease the crab bycatch, as intended. For example, the PSC limit for red king crab in 2015 was 80,161 crabs but only 26% of that was caught⁶. Any amount more than that would mean fishing in the RKCSA and Area 516 increases crab bycatch.
- **Leave the northeast portion of the RKCSA closed to trawling as an experimental control.** Habitat-forming invertebrates offer important structural refuge for commercially valuable crab and fish species, and the northeast portion of the RKCSA has a relatively high density of sponges, observed during the NMFS summer trawl surveys. Keeping a section of the RKCSA closed to bottom trawling will protect this EFH and would also serve as a control area for evaluating the effects this EFP will have on habitat and recovery.
- **Collect biological data on all habitat-forming invertebrates caught.** The RKCSA has been closed to bottom trawling, which has likely promoted the undisturbed growth and recovery of habitat-forming invertebrates such as the aforementioned sponges. All corals, sponges, tunicates, and anemones should be identified to species or lowest taxonomic group, counted, and weighed.

Oceana supports research and adaptive fisheries management, including the evaluation of marine protected areas that can increase the sustainability of fisheries. Reducing bycatch is a fertile ground for research and adaptation, and we appreciate collaborative efforts to do so. Proposals that put at risk declining stocks and do not employ rigorous scientific methodologies are not a good way to achieve those goals. Precautionary management of Bristol Bay red king crab and other Bering Sea crab stocks and their habitats is necessary for the long-term viability of those fisheries. Research for cleaner fisheries and clearer understanding of population dynamics must be environmentally sustainable, scientifically sufficient, and consistent with long-term conservation objectives.

Sincerely,



Susan Murray
Deputy Vice President, Pacific
Oceana

⁶ NMFS. 2016. Bering Sea Aleutian Islands Prohibited Species Catch Report (includes CDQ). NMFS Alaska Region, Sustainable Fishing Catch Accounting.