



# Central Bering Sea Fishermen's Association

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February 2, 2023

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

Transmitted electronically

Re: Agenda Item C1, Snow Crab Rebuilding – Final Action

Dear Chairman Kinneen and Council members:

The Central Bering Sea Fishermen's Association (CBSFA) is the Community Development Quota (CDQ) group for Saint Paul Island in the Pribilofs. Due in part to Saint Paul's proximity to the Bering Sea's crab resources, CBSFA is allocated 20% of the total Bering Sea snow crab that is set aside for the CDQ Program, and has made substantial additional investments in snow crab harvesting and processing quota.

CBSFA supports Alternative 2, Option 2, as the North Pacific Fisheries Management Council (the Council or NPFMC) considers Final Action of the snow crab rebuilding plan. This would allow for a small annual snow crab fishery during the rebuilding process, subject to State of Alaska crab harvest rules.

## Background

In addition to harvesting its CDQ allocation on wholly-owned and partner crab vessels, CBSFA has made considerable investments in crab assets, both processing and harvesting quota. Much of that investment is in snow crab, but CBSFA also owns Eastern Aleutians Golden King Crab, Bristol Bay Red King Crab and Bairdi quota. CBSFA manages its CDQ allocations and the additional quota assets to promote social and economic development in Saint Paul.

With the 87% drop in the snow crab total allowable catch (TAC) from 45 million pounds to 5.6 million pounds announced in October 2021, followed by the total closure of snow crab announced in October 2022, CBSFA will experience a 65% drop in its total revenues. Based on the 2022 stock assessment, the historic decline in snow crab is expected to persist for some time. The BBRKC 2022 survey numbers also remain low, compounding the disaster.

The dramatic drop in CBSFA's revenues continuing into 2022/23 will begin to impact its ability to fulfill CDQ program objectives for Saint Paul Island, including funding many of the community infrastructure, educational, research, and social programs CBSFA supports. In addition, the City of Saint Paul saw an 87% cut in revenue last year and will see another enormous drop this year from lost landing taxes, probably requiring budget cuts for critical services the city government provides to the community.

Without snow crab and red king crab, there may be insufficient crab poundage to keep existing crab processing capacity in various locations engaged. Depending on the duration of the snow crab and red king crab downturns, this could be devastating to communities such as Saint Paul Island that host processing operations.

As processing costs and availability in Saint Paul are affected, it also affects the processing capability for halibut, the other major fishery that takes place around Saint Paul – and has a cascading effect on that fishery and on the community residents who participate in it. The cessation of snow crab processing has damaging consequences that extend to this other major economic and social backbone of the community.

#### Small snow crab fisheries are needed

We support the adoption of Alternative 2, Option 2 at Final Action. Option 2 creates some flexibility in the system to adjust to low snow crab abundance by allowing directed crab fisheries when the State of Alaska harvest strategy permits. The rebuilding plan under Option 2 would use the best available science to move the snow crab stock toward sustainability, while balancing the needs of fishing communities consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

MSA National Standards 4 and 8 are applicable, as well as Section 304(e) of the MSA, which requires consideration of the “needs of fishing communities” and allocations of “both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery,” while action is considered and taken to rebuild the affected snow crab fishery. Since other sectors are allowed up to 4.35 million animals in snow crab bycatch through prohibited species catch limits when the stock is at low levels, the directed crab fishery should be allowed some flexibility, in line with the MSA requirements.

The Council analysis indicates that under any productivity scenario, the median values suggest that rebuilding would be the same under Alternative 2, Option 1 and Alternative 2, Option 2 (six years).

To quote the analysis, “If the speed of rebuilding is the primary metric for benefits to the snow crab stock, Alternative 2, Option 1 and Option 2 provide no difference in rebuilding timeframe metrics. The main driver in speed of rebuilding is likely related to recruitment and the conditions that allow for increased recruitment into the population.”

Not just in Saint Paul, but across Alaska, the directed crab fleet is struggling to keep businesses alive, sustain work for its crews, and maintain market share. Directed fisheries for snow crab – however small – are critical, when scientists and managers believe that is possible. Additionally, maintaining a directed fishery at times of low abundance provides an opportunity to continue gathering essential data that only a pot fishery can collect. Information like catch per unit of effort (CPUE), size and sex composition, and shell condition are extremely informative to scientists, managers, and stock assessment authors. It is especially crucial because this data is collected at a different time of year than the NMFS summer bottom trawl survey, and with a gear more targeted to catching crab.

#### Revisions to draft Environment Assessment since 12/2022

Concerning revisions made to the draft Environmental Assessment for the Snow Crab Rebuilding Plan since the December 2022 Council meeting, CBSFA notes as follows:

- Section 3.6.2.2 (pages 79-80); as indicated in CBSFA’s December 2022 comments, the analysis would benefit from greater information on LKTK for snow crab as well as data on subsistence and current reliance by residents of crab dependent communities on snow crab. In the case of Saint Paul, the Saint Paul tribal government pointed out in its comments at the December 2022 Council meeting that the snow crab resource is important to the tribal members and their livelihoods for a variety of economic, social, and cultural reasons. Similar benefits likely accrue to members of other tribal governments and entities in crab dependent communities.

In its December comments, CBSFA had suggested that this information be sought by outreach to tribal entities for each of the identified crab dependent communities. While the Council has embarked on efforts to improve LKTK data collection and outreach in order to better guide decision-making on actions such as this one, more clearly remains to be done in future iterations and efforts to rebuild the EBS snow crab stock.

- Section 3.6.3 Social Impact Assessment of the EBS Snow Crab Fishery (pages 81-85), CBSFA appreciates the inclusion of relevant MSA national standards such as NS8 and NS4, executive orders, and agency guidance, regarding the equity, community participation, and social and environmental justice considerations towards Alaska Natives, that are involved in the action. CBSFA also finds the description of the Methodology used in characterizing the communities engaged or dependent on the EBS snow crab fishery in 3.6.3.2 to be helpful.

As CBSFA stated in comments submitted under Initial Review of this analysis in December, many of the communities profiled as highly dependent on snow crab are Alaska Native or have large Alaska Native populations. As such, Council of Environmental Quality legal guidance under NEPA calls for consideration of potential disproportionately high and adverse impacts to Indian tribes from agency actions such

as this rebuilding plan, beyond a more general consideration of potential disproportionately high and adverse impacts on minority populations. The trust doctrine requiring the federal government to provide for the well-being of tribal nations and members is also relevant to this action.

CBSFA believes the additional information included in this section will help inform the Council as it balances the various MSA national standards and other legal guidance in making a final decision on this action.

- Section 3.6.3.3.5, page 96: CBSFA appreciates the inclusion of Figure 3-24 on page 96 of the analysis regarding EBS snow crab first wholesale gross revenue information for shore-based processors by community of operation. This additional information helps the Council and the public to understand the economic importance of snow crab processing activity in the various profiled snow crab dependent communities as well as the revenue losses that have resulted from the closure of this key fishery.
- Section 3.6.3.4.1 (page 98 and onwards): CBSFA appreciates the inclusion in the analysis of Table 3-31 concerning the institutional indicators for selected Alaskan communities engaged in the snow crab fishery.

Again, this information provides a valuable reference to the Council regarding the tribal, ANCSA, and CDQ affiliations of the various snow crab dependent communities affected by this action and highlights the need for Council consideration of the relevant MSA national standards and other legal guidance pertaining to Alaska Natives and tribal governments.

- Section 3.6.3.5, the CDQ Section of the analysis, contains new tables 3-35 and 3-36 which show the percent of ownership of snow crab catcher processor, catcher vessel owner, and processor shares among the CDQ groups. CBSFA appreciates the inclusion of this additional information as it highlights both the overall dependence of the CDQ Program as a whole on the snow crab resource, but also provides information regarding the proportional dependence of each group on this resource, while respecting business confidentiality guidelines.

Concerning the narrative for each CDQ group, which provides a summary of the villages represented by each group, as well as their respective investments and dependence on snow crab, CBSFA would like to note that the description for CBSFA on page 112 does not follow the format used for presentation of information about the other CDQ groups regarding what village(s) falls under its umbrella and other demographic information. This information is actually contained in the earlier community information section under Saint Paul Island. To facilitate review by the Council and the public, the CBSFA section therefore would benefit from a reference to the information in Section 3.6.3.4.4.

## Concluding Remarks

To summarize, the impacts of the crab declines have already deeply affected the Bering Sea crab fleet and associated communities, processors, and support businesses. Closures will result in further loss of participants, and further devastate crab-dependent communities, counter to the goals of catch share programs as outlined in NOAA's national policy.<sup>1</sup> We appreciate your willingness to employ flexibility in crab science and management as we work together to rebuild crab stocks.

Thank you for your consideration.

Sincerely,



Phillip Lestenkof, President  
Central Bering Sea Fishermen's Association

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<sup>1</sup> NOAA Catch Share Policy (p.1) states, "The purpose of this policy is to encourage well-designed catch share programs to help rebuild fisheries and sustain fishermen, communities and vibrant working waterfronts, including the cultural and resource access traditions that have been part of this country since its founding."