

MEMORANDUM

To: Phil Zavadil, City Manager

Cc: Jacob Merculief, Mayor

From: Mateo Paz-Soldan

Date: January 12, 2023

Re: Results of December 2022 NPFMC Meeting

The following is a summary of the fishery issues of interest to Saint Paul that took place at the December 2022 meeting of North Pacific Fishery Management Council (NPFMC or Council). Saint Paul representatives physically present at the meetings, “the Team” included Jeff Kauffman and Heather McCarty for CBSFA. Lauren Divine and Chris Tran testified on various issues for the Tribe, and Simeon Swetzof testified on crab agenda items as an individual. I attended the meetings virtually on behalf of the City of Saint Paul.

The link to the December NPFMC newsletter is attached below:

<https://www.npfmc.org/december-2022-newsletter/>

1. Meetings with Alaska Department of Fish & Game:

Ahead of the Council meeting, the Team met with ADF&G representatives virtually to discuss the State and Saint Paul’s respective positions on the crab agenda items. On BBRKC the State representatives were concerned that the Emergency Rule request to expand and close the BBRKC Savings Area seasonally, did not meet the Emergency Rule criteria and moreover that the measures proposed, by displacing industry effort, could result in greater bycatch of other species such as salmon, herring, and halibut.

Concerning snow crab, State representatives were supportive of a Rebuilding Plan that would, if the resource allowed it and based on their own Harvest Strategy, provide for a directed fishery and associated benefits to crab dependent communities.

The City provided written and oral comments on both of these agenda items, (see attached, Testimony on Crab Agenda Items).

2. Red King Crab Emergency Rule:

Concerning the request by Alaska Bering Sea Crabbers (ABSC) made in October for an Emergency Rule on BBRKC, the City’s comments were supportive of this position even though it was considered a long-shot. At the October meeting, the NPFMC had moved to ask for an analysis to be brought in December on the possible impacts of an Emergency Rule before considering whether to support ABSC’s request before the Secretary of Commerce, or not.

After considering the staff analysis submitted before the meeting and hearing public testimony, the NPFMC voted against emergency action that would have closed the BBRKC Savings Area

MPStrategies LLC

411 Windsor Lane
Winchester, VA, 22602

and Subarea to all gear types from January 1 – June 30, 2023. In making this determination, the NPFMC stated its belief that the requested action did not meet Emergency Rule criteria under Section 305 of the Magnuson-Stevens Act (MSA). Specifically, the NPFMC argued that the BBRKC situation was not “unforeseen” and that an Emergency Rule sidestepping the public comment process whose impacts and benefits were unclear, did not outweigh the benefits of a more deliberative public process. The NPFMC was also concerned about impacts of Savings Area closures on other fisheries such as halibut and salmon.

Although the NPFMC declined to support ABSC’s request, it did initiate another, separate, action to consider BBRKC abundance-triggered area closures through a normal rulemaking process. This effort when brought to fruition will hopefully achieve many of the same objectives sought through an Emergency Rule, except in a longer-term, more permanent, manner.

3. Snow Crab Rebuilding Plan:

At the December meeting, the NPFMC undertook Initial Review of a draft environmental assessment (EA) to rebuild the snow crab stocks pursuant Section 304(e)(3) of the MSA. After considering public comments the NPFMC adopted a motion in which it selected a Preferred Preliminary Alternative (Alternative 2, Option 2) supported by the City and other snow crab fishery participants. This PPA will allow for a directed fishery while snow crab is in rebuilding status, if the State of Alaska Harvest Strategy justifies it, and in a manner consistent with the MSA national standards.

The City, in its testimony before the SSC, AP, and NPFMC, did however point out that the Initial Review EA would benefit for more information on relevant legal and statutory guidance as to snow crab dependent Alaska Native populations and communities, similar to what the NPFMC had done for halibut ABM. The NPFMC agreed with many of these observations and in its motion requested that information on the status of fishing-dependent communities through the 2021/22 season and CDQ ownership/participation be included in the next EA to be reviewed during Final Action on this item at the February 2023 meeting.

4. ADF&G Crab Conservation Workplan:

At the December 2022 meeting, the NPFMC and the public reviewed a draft workplan on potential conservation and management actions prepared by ADF&G to respond to the poor condition of the crab stocks. The workplan proposes outlines potential conservation and management actions to improve crab bycatch management reduce bycatch and mortality of BBRKC and snow crab stocks including measures such as: potential area closures; changes to crab management boundaries; and changes to bycatch management. The City expressed its support for this concept during testimony and in individual discussions with State and NPFMC representatives. At the conclusion of discussion on this agenda item, the NPFMC requested that the Crab Plan Team (CPT) add various items from the workplan to their meeting schedule in 2023, starting with the January 17-23, 2023 meeting, and provide guidance to the Council on prioritization of these items.

All for now.