PROPOSAL 255 - 5 AAC 35.506. Area J registration. All full retention of incidentally taken legal male *C. opilio* Tanner crab when a vessel is participating in the *C. bairdi* Tanner crab fishery east of 166° W. long., as follows:

In the Bering Sea District, a vessel operator that is registered to fish for the C. *bairdi* Tanner crab east of 166° W long. may also retain all legal male C. *opilio* Tanner crab taken incidentally during normal eastern C. *bairdi* Tanner crab commercial operations."

What is the issue you would like the board to address and why? Over the past several commercial fishing seasons for C. *bairdi* Tanner crab (2013/2014, 2014/2015, and 2015/2016), vessels targeting eastern C. *bairdi* crab (EBT) between 166° W long. and 163° W long. have been encountering increasing amounts of clean, legal-size male C. *opilio* during the course of their normal fishing operations. Because of the geographic overlap and biological similarity of these two species, vessels targeting eastern C. *bairdi* crab do incidentally harvest C. *opilio* crab as part of their normal fishing operations. Unfortunately, because the eastern boundary limit for retention of C. *opilio* in the directed fishery is at 166° W. long., these vessels are forced to discard all incidentally harvested C. *opilio* crab when targeting eastern C. *bairdi* crab. Regulations that require vessels to discard C. *opilio* crab results in unnecessary and wasteful mortality to the population of C. *opilio* as a whole. National Standard 9 states that "*Conservation and management measures shall, to the extent practicable, (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.*" It is the minimization of bycatch mortality that is of concern. Mortality data from both directed catch and discard amounts (in both the directed fishery and as incidental catch) for a species are incorporated into annual stock assessments and can negatively impact population estimates, future population projections, and future total allowable catch (TAC) amounts. These discards of legal male C. *opilio* crab during the eastern C. *bairdi* crab target fishery results in compounded mortality calculations being incorporated into the C. *opilio* crab stock assessment because of the mortality associated with: 1) when a crab is taken as incidental catch; 2) when a crab is taken as directed catch; and 3) when a crab is taken as both incidental and directed catch. If a vessel operator has an adequate amount of C. *opilio* crab individual fishing quota (IFQ) available, that operator should not be required by regulation to discard *any* incidentally taken legal male C. *opilio* crab.

Additionally, during the 2015/2016 commercial Tanner crab season, an unusually high number of citations were issued to vessels regarding the retention of hybrid Tanner crab. Specifically, vessels targeting C. *bairdi* Tanner crab east of 166 ° W. long. were cited for possessing hybrid C. *opilio* Tanner crab. Because these hybrid crab are considered C. *opilio* crab under current identification guidelines contained in regulation, vessels were in violation as C. *opilio* are not allowed to be retained and possessed east of 166 ° W. long. Vessels that received citations were utilizing the proper eastern C. *bairdi* pot gear and during the course of their fishing operations, crew were taking the time to actively sort the crab. Unfortunately, the mixed physical characteristics of these crab make it extremely difficult to quickly identify hybrid Tanner crab and remove them from the retained catch for eastern C. *bairdi* crab such that these vessels are not retaining any C. *opilio* crab. This point is emphasized in a study by ADF&G and University of Maine researchers in which experts encountered significant difficulty in consistently correctly identifying hybrid C. *opilio* crab. This same study also noted difficulty on the part of observer trainees in correctly identifying hybrid C. *opilio*.

If C. *opilio* crab are not allowed to be retained as incidental catch between 166° W long. and 163° W long. during the directed eastern C. *bairdi* fishery, regulatory discards and their associated mortality will continue. One of the many benefits outlined and achieved with implementation of the Crab Rationalization program was improved resource conservation such that previously depleted stocks have been able to recover to healthy and sustainable levels. Current healthy populations of multiple, overlapping crab stocks now necessitate a re-examination of previous stock boundaries and species retention to provide harvesters with the greatest flexibility so that unnecessary discards and mortality are not mandated in direct opposition to the conservation benefits achieved. This flexibility will provide for increased efficiency in operations for harvesters. Allowing the greatest maximum retention of all legal male crab species harvested will result in fewer pots being hauled throughout the season, which not only lessens the amount of time spent on the water while increasing CPUE, but it has the added benefit of increasing crew safety by decreasing the amount of time spent handling pot gear. Further, this flexibility will work to maximize deliveries of crab to coastal communities, especially to the community of St. Paul. This will result in increased fish taxes, business taxes, and other fees (i.e., fuel sales and supplies), which are a critical source of revenue not only for coastal communities, but for the State of Alaska.

Further, if retention of C. *opilio* as incidental catch between 166° W long. and 163° W long. during the directed eastern C. *bairdi* fishery is not addressed, vessel operators will likely continue to receive unnecessary citations and penalties for possessing hybrid Tanner crab for no conservation benefit. Hybrid Tanner crab are not accounted for in the stock assessment or harvest strategy calculations of either individual Tanner (C. *bairdi* or C. *opilio*) crab species. Because of this, the retention of hybrid Tanner crab can be viewed as a defacto conservation benefit (savings) for true C. *bairdi* and C. *opilio* crab and should not result in punishment. The proposed regulatory change allows for the continued accounting of all crab landed without unnecessarily punishing vessels for the retention of crab that are not even considered as part of either Chionoecetes population.

PROPOSED BY: Alaska Bering Sea Crabbers; Central Bering Sea Fisherman's Association; and the City of St. Paul (HQ-F16-020)

****