

February 2023

**UNITED STATES DEPARTMENT OF COMMERCE**
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 20, 2023

Mr. Simon Kinneen, Chair
North Pacific Fishery Management Council
107 West 3rd Ave., Suite 400
Anchorage, Alaska 99501

Dear Mr. Kinneen:

The National Marine Fisheries Service (NMFS) has denied the Alaska Bering Sea Crabbers' petition requesting NMFS undertake emergency rulemaking under section 305(c)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to close the Red King Crab Savings Area and the Red King Crab Savings Subarea to all fishing gears from January 1, 2023 to June 30, 2023.

We would like to thank the North Pacific Fishery Management Council for reviewing the petition, NMFS's analysis prepared in response to the petition, and public comment, and for the Council's thorough and thoughtful deliberation and recommendation. NMFS agrees with the Council's overall findings and concludes that this request for emergency action does not meet the emergency rule criteria in MSA section 305(c)(1) or NMFS's policy guidelines for decisions under the same (62 FR 44,421, August 21, 1997).

NMFS agrees with the Council that the low abundance and declining trend of mature female Bristol Bay red king crab represent serious conservation and management problems. Our analysis suggests that while the proposed closure would provide some potential red king crab savings and some habitat benefits through reduced bottom contact by trawl gear, there is considerable uncertainty regarding the level of benefit for red king crab. If implemented under MSA section 305(c)(1), the proposed closure would be effective for only a portion of a single fishing season, limiting the potential benefits. Additionally, the analysis identified potential adverse impacts to other prohibited species, as well as economic implications for all impacted sectors. Therefore, we cannot conclude that the proposed emergency regulations would measurably address the low abundance and declining trend of mature female Bristol Bay red king crab or that the immediate benefits of emergency rulemaking outweigh the value of advance notice, public comment, and deliberative consideration of the impacts that would occur through the normal rulemaking process.

We look forward to working with the Council on the action initiated in December to develop management measures focused on reducing red king crab mortality from groundfish fishing during years of lower abundance in areas important to red king crab, and potentially other actions to build more resiliency for Alaska's crab fisheries.

Sincerely,

Jonathan M. Kurland
Regional Administrator

