

**North Pacific Fishery Management Council**  
**C1 Red King Crab Savings Area Emergency Rule Request**  
**December 9, 2022**

The information in the analysis reviewed by the Council indicates the proposed action does not meet the requirements for emergency rulemaking established under NMFS' Policy Guidelines for the Use of Emergency Rules. Thus, the Council does not recommend implementation of emergency rulemaking to close the Red King Crab Savings Area and Red King Crab Savings Subarea to all fishing gears from January 1, 2023, to June 30, 2023.

The proposal submitted to the Secretary of Commerce identified low Bristol Bay Red King crab abundance as the situation creating an emergency in the fishery. The Council evaluated this situation with respect to the emergency rule criteria established in the guidelines and determined that an emergency does not exist because the current situation does not meet criterion 1 and criterion 3 in the guidelines.

For criterion 1, the Council determined the situation did not result from recent, unforeseen events or recently discovered circumstances. While BBRKC abundance is low, the stock is not overfished and overfishing is not occurring, and the stock is regularly assessed so this the decline in abundance is not unforeseen or recently discovered.

For criterion 3, available information does not support a finding that the immediate benefits of emergency rulemaking outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants under the normal rulemaking process. Although the analysis indicates the proposed action could provide habitat benefits through reduced bottom contact by trawl gear and potentially reduced Bristol Bay red king crab mortality, these impacts are identified as uncertain and highly dependent on assumptions that the closure will move trawl and fixed gear fleets into areas with lower crab impacts. The analysis also indicates potentially negative impacts to other prohibited species like salmon, halibut and herring and fleet operations.