56°00′ N.;	164°00′ W.;
57°00′ N.;	164°00′ W.;
57°00′ N.;	162°00′ W.; and
56°00′ N.;	162°00′ W.

This action is necessary to protect declining stocks of red king crab and to prevent an excessive share of red king crab from being taken by the groundfish trawl fisheries early in the fishing season.

The Red King Crab Savings Area (RKCSA), outlined above, was closed to vessels using non-pelagic trawl gear by emergency rule on January 20, 1995 (60 FR 4866, January 25, 1995) to protect declining stocks of red king crab. At that time the Council asked staff to further analyze alternative closure areas that could be implemented permanently under an FMP amendment to provide long-term protection to Bristol Bay red king crab. At its September 1995 meeting, the Council recommended implementation of proposed Amendment 37 to the FMP, an action similar to the emergency rule. This includes a closure of the RKCSA to vessels using non-pelagic trawl gear as well as an increase in observer coverage. The Council further expressed its intent that the closure be implemented in time for the 1996 trawl season, which starts January 20, 1996.

NMFS concurs that crab conservation concerns, as well as excessive red king crab bycatch rates historically experienced by the flatfish trawl fisheries early in the year, warrant timely action in 1996. Therefore, NMFS is implementing a modified version of the Council's recommended action via inseason adjustment authority under regulations at § 675.20(e). NMFS intends to initiate review of the Council's proposed Amendment 37 to the FMP as quickly as possible. If the amendment is approved by NMFS, the Council's preferred action would be effective for 1997 and beyond.

Under the 1995 emergency rule, NMFS required increased observer coverage on vessels fishing for flatfish in Zone 1 as well as on vessels fishing with pelagic trawl gear in the RKCSA. The extra observer coverage on the pelagic trawl vessels was implemented to ensure that the crab performance standard, established for pelagic trawl operators (§ 675.7(n)), could be monitored.

At its September 1995 meeting, the Council recommended that these increases in observer coverage be included as part of the proposed action under Amendment 37. The regulatory authority for inseason adjustment does not allow for increases in observer coverage. Therefore, NMFS is prohibiting the use of all trawl gear in the RKCSA for the effective period in 1996 because requirements for increased observer coverage cannot be implemented under this inseason adjustment to assure that the crab performance standard will be met. Unlike the emergency rule (60 FR 4866, January 25, 1995), the pelagic trawl gear component is unable to fish in the closed area. However, under the proposed Amendment 37 the pelagic trawl gear component would be exempt from a closure of the RKSCA.

Further justification for the inseason adjustment under § 675.20(e)(1)(iv) follows.

Red King Crab Conservation Issues

The number of red king crab in the Bristol Bay area of the Bering Sea is declining. Results of the 1994 and 1995 NMFS crab surveys estimated the number of female red king crab to be below the threshold number established in the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands Area (Crab FMP). The 1994 and 1995 fishery for red king crab was closed in Bristol Bay because of the low abundance of mature female red king crab. No fishery is anticipated for 1996. Due to the closure of the Bristol Bay red king crab fishery, the area east of 163° W. long. was also closed to *C. bairdi* Tanner crab fishing for the 1994–95 season to reduce red king crab bycatch. A similar situation is likely to occur in 1996. Current regulations at § 675.22(a) close Federal statistical area 512 to trawling to protect the red king crab stock. This closure area was designed to protect approximately 90 percent of the mature female red king crab. This measure was based on the distribution of female crab in the mid 1980's. The current distribution of mature female crab shows considerable concentrations between 162° and 164° W. long. and between 56° and 57° N. lat., the area of the RKCSA. As a result, closure of the area encompassed by these coordinates would prevent excessive bycatch of female crab.

Based on NMFS' survey data, the 1994 and 1995 abundance index for legal-sized male Bristol Bay red king crab was 5.5 million and 5.3 million crab, respectively, compared to 7.3 million in 1993. The abundance index for mature female crab declined from 14.2 million crab in 1993 to 7.5 million crab in 1994 and 8.4 million crab in 1995. These numbers are below or equal to the threshold value of 8.4 million crab established pursuant to the crab FMP. These declines were corroborated by the length-based assessment model that was newly developed by the Alaska Department of Fish and Game. The Bristol Bay red king crab stock continues to suffer from a long period of low recruitment and sublegal crab populations are among the lowest on record.

Crab and Halibut Bycatch in the Groundfish Trawl Fisheries

The highest bycatch of red king crab has been from the rock sole/other flatfish fishery category, especially in 1993 and 1994 when the red king crab bycatch in Zone 1 was estimated at 134,000 and 193,000 crab, respectively. During this same period, the bottom trawl pollock fishery caught the next highest amount of Zone 1 red king crab (44,000 and 39,000, respectively). The yellowfin sole and Pacific cod fisheries also took some red king crab. Red king crab bycatch in trawl fisheries tends to be highest during the first few months of the year. The location of the red king crab during this period is coincident with the spawning rock sole. Significantly reduced bycatch rates of red king crab occur in other trawl fisheries throughout the year.

Data from 1990–94 show that between 20 and 45 percent of the groundfish catch in the rock sole fishery has come from within the RKCSA. Between 40 and 70 percent of the red king crab incidental catch in the rock sole fishery is taken within this area.

The RKCSA also accounts for between 10 and 45 percent of the halibut incidental catch in the rock sole fishery. Although closure of the RKCSA to protect red king crab stocks would also reduce halibut bycatch within this area, relocated fishing effort could result in similar or higher halibut bycatch rates in other areas. Fishing effort relocated from the closure area could also result in greater bycatch of *C. bairdi* Tanner crab. This may cause the rock sole roe fishery to attain specified halibut and *C. bairdi* bycatch allowances more quickly, which would close the fishery sooner.

The closure of the RKCSA in 1995 was correlated with a dramatic reduction in red king crab bycatch. In 1992 the rock sole fishery caught approximately 59,000 red king crab, in 1993 166,154 red king crab, in 1994 the fishery took 216,821 red king crab. The rock sole fishery significantly exceeded its red king crab bycatch allowance in both 1993 and 1994. In 1995 through the month of March, the rock sole fishery took only 19,000 red king crab; an additional 1,500 crab were taken later in the year.

Economic Impacts of the Closure

The RKCSA closure could have economic consequences for the rock