Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, Alaska 99501-2252

Dear Mr. Benton:

This letter serves as your official notification under section 304 (e) of the Magnuson-Stevens Fishery Management and Conservation Act that Pribilof Islands blue king crab (Paralithodes platypus) is overfished, according to the criteria in the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crab (FMP). The Alaska Fisheries Science Center (AFSC) has determined that the stock has declined below its MSST. This determination is based on a joint NMFS & Alaska Department of Fish & Game (ADF&G) assessment of stock conditions, which incorporates the 2002 NMFS Eastern Bering Sea trawl survey data. A copy of a memorandum from the Alaska Fisheries Science Center summarizing this finding is attached.

I understand that this is an unusual situation in that we are declaring the stock overfished even though it has been closed since 1999, and even though the stock is protected by existing Council, State of Alaska, and NMFS management measures, their habitat is protected by the Pribilof Islands habitat conservation area, and Pribilof Islands blue king crab are not caught as bycatch in any fishery.

According to the national standard guidelines at 50 CFR 600.310(d)(4)(ii) (see attachment), the Council has two alternatives for remedial action. First, under the guidelines, if the stock is declining due to changes in environmental conditions that affect its long-term productivity, the Council must respecify the MSST. Second, if the stock or stock complex is overfished or if a threshold is being approached, the Council must take remedial action by preparing an FMP amendment designed to rebuild the stock to the maximum sustainable yield level within an appropriate time frame.

Section 304(e) of the Magnuson-Stevens Act states that a council will have one year from notification of the overfished status of a stock to prepare and submit conservation and management measures to rebuild the affected stock. The rebuilding program must be as short as possible, but must not exceed 10 years, unless the biology of the stock or other environmental conditions dictate otherwise.
Sincerely,

James W. Balsiger,
Administrator, Alaska Region

Attachments:

AFSC memorandum
Excerpts from national standard guidelines at CFR 600.310
Environmental Change

(d)(4) Relationship of status determination criteria to environmental change. Some short-term environmental changes can alter the current size of a stock or stock complex without affecting the long-term productive capacity of the stock or stock complex. Other environmental changes affect both the current size of the stock or stock complex and the long-term productive capacity of the stock or stock complex.

(i) If environmental changes cause a stock or stock complex to fall below the minimum stock size threshold without affecting the long-term productive capacity of the stock or stock complex, fishing mortality must be constrained sufficiently to allow rebuilding within an acceptable time frame (also see paragraph (e)(4)(ii) of this section). Status determination criteria need not be respecified.

(ii) If environmental changes affect the long-term productive capacity of the stock or stock complex, one or more components of the status determination criteria must be respecified. Once status determination criteria have been respecified, fishing mortality may or may not have to be reduced, depending on the status of the stock or stock complex with respect to the new criteria.

* * *

(e) Ending overfishing and rebuilding overfished stocks

(2) Notification. The Secretary will immediately notify a Council and request that remedial action be taken whenever the Secretary determines that:

(ii) A stock or stock complex is overfished;

(3) Council action. Within 1 year of such time as the Secretary may identify that overfishing is occurring, that a stock or stock complex is overfished, or that a threshold is being approached, or such time as a Council may be notified of the same under paragraph (e)(2) of this section, the Council must take remedial action by preparing an FMP, FMP amendment, or proposed regulations. This remedial action must be designed to accomplish all of the following purposes that apply:

(ii) If the stock or stock complex is overfished, the purpose of the action is to rebuild the stock or stock complex to the MSY level within an appropriate time frame.