

EMERGENCY ACTION TO CONSIDER A SEASON EXTENSION FOR THE 2020
LIMITED ENTRY FIXED GEAR PRIMARY SABLEFISH FISHERY
– FINAL ACTION

The Pacific Fishery Management Council (Council) took action on September 15, 2020 to add this agenda item to its September 2020 meeting agenda to consider an extension of the season end date for the limited entry fixed gear (LEFG) primary (tier) sablefish fishery from October 31, 2020 to December 31, 2020. The item was added in response to requests from industry representatives, the Groundfish Advisory Subpanel (GAP), and the public for the Council to consider.

Under Agenda Item B.1 and Agenda Item D.2, the Council was informed of industry concerns regarding low attainment of the allocation due to several factors. The industry noted that many LEFG primary tier sablefish vessels also participate in fisheries in Alaska where they encountered fishery delays due to difficulties obtaining observers and other issues related to restrictions associated with the COVID-19 pandemic. The GAP and members of the public requested that the Council consider an extension of the season through December 31, 2020 to provide additional opportunity for tier vessels to maximize attainment of available limits.

In response, the Council is anticipated to consider emergency rulemaking to amend the 2020 groundfish regulations to temporarily allow the 2020 LEFG primary tier sablefish fishery to operate beyond October 31 until December 31.

International Pacific Halibut Commission regulations allow for incidental Pacific halibut landings through noon local time on November 15. In March, the Council approved a trip limit ratio of 200 pounds of Pacific halibut per 1,000 pounds of sablefish plus 2 additional Pacific halibut for the primary sablefish fishery north of Point Chehalis, Washington through October 31 up to an annual maximum of 70,000 pounds. If the Council takes action to extend the primary sablefish fishery through the end of 2020, consideration should be made regarding incidental Pacific halibut bycatch. If incidental landings are allowed through November 15, the Council might revisit the trip limit ratio. The Council will need to consider an analysis of total Pacific halibut mortality north of Point Chehalis associated with this proposed fishery extension to ensure that the annual maximum of 70,000 pounds is not exceeded.

The National Marine Fisheries Service (NMFS) has published policy guidelines for the preparation and approval of emergency regulations under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Agenda Item D.7, Attachment 1). The criteria in the policy guidelines specify a fishery emergency as a situation that:

1. Results from recent, unforeseen events or recently discovered circumstances;
2. Presents serious conservation or management problems in the fishery; and
3. Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

The Council will consider the situation and determine if emergency rulemaking is warranted based,

in part, on the NMFS policy guidelines regarding the justification and criteria for such actions.

Council Action:

- 1. Consider Emergency Action to Extend the Limited Entry Fixed Gear Sablefish Primary Tier Fishery until December 31, 2020.**
- 2. Consider Revisions to Incidental Pacific Halibut Landing Restrictions until November 15, 2020.**

Reference Materials:

1. Agenda Item D.7, Attachment 1 - FR 97-22094: Policy Guidelines for the Use of Emergency Rules.
2. If received, Public Comments are electronic only ([see e-portal](#)).

Agenda Order:

- D.7 Emergency Action to Consider a Season Extension for the 2020 Limited Entry Fixed Gear Primary Sablefish Fishery – Final Action
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Consider Emergency Action to Extend the Limited Entry Fixed Gear Primary Sablefish Fishery for 2020, Including Incidental Pacific Halibut Landing Restrictions

PFMC
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