

EMERGENCY ACTION TO CONSIDER A SEASON EXTENSION FOR THE 2021
LIMITED ENTRY FIXED GEAR PRIMARY SABLEFISH FISHERY
– FINAL ACTION

The Pacific Fishery Management Council (Council) took action on September 8, 2021 to add this agenda item to its September 2021 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, 2021 to December 31, 2021. The Council added this item in response to requests from the public under Agenda Item B.1, Comments on Non-Agenda Item. Under Agenda Item B.1, the Council was informed of industry concerns regarding low attainment of the tier 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 related to restrictions associated with the COVID-19 pandemic. Due to these circumstances, the opportunity to attain their West Coast tier allocations was delayed. Industry requested that the Council consider an extension of the tier season through December 31, 2021 to provide additional opportunity for tier vessels to maximize attainment of available sablefish limits. In response, the Council will consider emergency rulemaking to amend the 2021 groundfish regulations to temporarily allow the 2021 LEFG primary tier sablefish fishery to operate beyond October 31 until December 31.

Additionally, if the Council takes action to extend the primary sablefish fishery through the end of 2021, consideration should be made regarding possible extension of incidental Pacific halibut retention. Current tier fishery regulations provide a trip limit for incidental Pacific halibut in the LEFG primary sablefish fishery north of Point Chehalis, Washington of 225 pounds of Pacific halibut per 1,000 pounds of dressed weight sablefish and up to 2 additional Pacific halibut in excess of the landing ratio per landing, up to an annual maximum of 70,000 pounds. International Pacific Halibut Commission (IPHC) regulations, however, allow for incidental Pacific halibut landings through noon local time on December 7, 2021. Revising the October 31 deadline may allow more opportunity for this portion of the fleet to retain Pacific halibut through December 7.

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 C.9, 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 action 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, 2021.**
- 2. Consider Revisions to Incidental Pacific Halibut Landing Restrictions until December 7, 2021.**

Reference Materials:

1. Agenda Item C.9, Supplemental 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:

- C.9 Emergency Action to Consider a Season Extension for the 2021 Limited Entry Fixed Gear Primary Sablefish Fishery – Final Action Todd Phillips
- 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 2021, Including Incidental Pacific Halibut Landing Restrictions

PFMC
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