



National Marine Fisheries Service, Northwest Region  
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## PUBLIC NOTICE

For Information Contact:  
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FOR IMMEDIATE RELEASE  
June 17, 2011

### PACIFIC COAST GROUND FISH FISHERY Commercial limited entry fixed gear primary sablefish season tier limits

The National Marine Fisheries Service (NMFS) announced an increase in the commercial limited entry fixed gear primary sablefish fishery tier limits for the Pacific Coast groundfish fishery off Washington, Oregon, and California in a previous public notice on June 11, 2011.

The new 2011 tier limits are as follows:

**Tier 1 = 47,697 lb**

**Tier 2 = 21,680 lb**

**Tier 3 = 12,389 lb**

This notice addresses some common questions regarding this increase and provisions regarding moving between the limited entry fixed gear primary fishery, the Limited Entry Fixed Gear Daily Trip Limit Fishery (LEFG DTL) and Open Access Daily Trip Limit Fishery (OA DTL).

#### ***Primary Season vs. LEFG DTL Fishery vs. Open Access Fishery***

A vessel that is eligible to participate in the primary sablefish season may participate in the limited entry fixed gear (LEFG) daily trip limit (DTL) fishery for sablefish once that vessel's primary season sablefish tier limit(s) have been taken, or after October 31, whichever occurs first. Also, if desired, a vessel that is eligible to participate in the primary sablefish season may participate in the open access fishery for sablefish once that vessel's primary season sablefish tier limit(s) have been taken, or after October 31, whichever occurs first.

If a vessel took all of their initial primary season sablefish tier limit(s) before June 10, 2011, and began fishing in the LEFG DTL fishery or the open access fishery for sablefish, then they may return to fishing in the primary fishery and land sablefish against their updated, higher primary season sablefish tier limit(s) after June 10, 2011.

#### ***Single Tier 3 permit holders:***

According to current Pacific Coast Groundfish regulations at 50 CFR 660.232, once sablefish landings against a vessel's tier amount comes within one limited entry daily trip limit (or weekly limit if no daily limit is specified in regulation) of the vessel's aggregate tier limit, that vessel has completed landings against its tier limit, and becomes subject to the LEFG DTL restrictions and trip limits. However, the regulations did not consider the current situation where there is a midseason tier limit increase. Regulations at 50 CFR 660.231 authorize vessels to land an amount of sablefish during the primary season up to the tier limit for each of the permits registered for use with that vessel. Therefore, to afford the opportunity to land an amount of sablefish up to the increased tier limit, permit holders who have a single Tier 3 sablefish endorsed limited entry permit registered to their vessel and their available tier amount (the amount of the tier not yet fished plus the tier increase) is less than the LEFG DTL amount of 2,000 lbs, may take, retain, possess and land their available tier amount. However, this must be done in one fishing trip after which time LEFG DTL limits will then apply, see 50 CFR 660.232(a)(3). This one trip will be the first trip taken following the date of this notice.

#### ***All other Tier permit holders (Tier 1 and 2 and any combinations of Tier permits):***

Vessels which have any combination of limited entry fixed gear primary sablefish endorsed permits, other than a single Tier 3 permit, that landed on or after June 10, 2011, and, because they were unaware of the increase in their tier, made landings against the DTL limits, will now be allowed to take and retain, possess and land their available tier amount (the amount of the tier not yet fished plus the tier increase), upon the

date of this notice. Any landings made by these vessels between June 10, 2011, and the date of this notice will count towards the LEFG DTL limits.

Vessels who were fishing in the primary fishery on June 10, 2011, will continue to land and fish against their tier limits as currently specified in regulation.

Regardless of whether a vessel is switching back into the primary fishery, or is finishing their primary season sablefish tier limit(s), **no vessel may land sablefish against both its primary season cumulative sablefish limit(s) and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour L.t. to 2400 hours L.t.**

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For more information contact: NMFS Northwest Region at 206-526-6140 or visit our website at <http://www.nwr.noaa.gov>, click on "Groundfish & Halibut;"; Washington Department of Fish and Wildlife at 360-249-4628; Oregon Department of Fish and Wildlife at 541-867-4741; or the California Department of Fish and Game at 707-441-5797 (Eureka), 650-631-6789 (Belmont), 831-649-2804 (Monterey), 562-342-7111 (Los Alamitos).

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Any discrepancies between this public notice and the *Federal Register* will be resolved in favor of the *Federal Register*.