



National Marine Fisheries Service, Northwest Region
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PUBLIC NOTICE

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

The National Marine Fisheries Service (NMFS) announces the commercial limited entry fixed gear primary sablefish fishery's tier limits for the Pacific Coast groundfish fishery off Washington, Oregon, and California. These tier limits were recommended by the Pacific Fishery Management Council (Pacific Council) and previously announced in the NMFS public notice for the 2009-2010 fishing years dated February 27, 2009 (NMFS-SEA-09-01). The limited entry fixed gear primary sablefish fishery tier limits for the 2009 season are as follows:

Tier 1 = 61,296 lb
Tier 2 = 27,862 lb
Tier 3 = 15,921 lb

The limited entry fixed gear primary sablefish fishery tier limits for the 2010 season are as follows:

Tier 1 = 56,081 lb
Tier 2 = 25,492 lb
Tier 3 = 14,567 lb

All limits are given in round weight. For dressed weight, divide the round weight amount by 1.6 (e.g., for 2009 $61,296/1.6 = 38,310$; $27,862/1.6 = 17,413.75$; $15,921/1.6 = 9,950$). For more detailed regulations applying to the limited entry fixed gear primary sablefish fishery, see § 660.372 of the Pacific Coast groundfish regulations. The limited entry fixed gear primary sablefish fishery occurs north of 36° N. lat. The primary sablefish season for limited entry fixed gear vessels begins at 12 noon local time (l.t.) on April 1 and ends at 12 noon l.t. on October 31. If a vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1 count against the cumulative limits associated with the permit(s) registered for use with that vessel. For longline vessels operating north of 46° 53.30' N. lat. (Pt. Chehalis, Washington), the Pacific Council will consider incidental halibut limits at its April 4-9, 2009, meeting in Millbrae, California. NMFS will announce those limits in late April, with incidental halibut being available for longline vessels operating off the Washington coast north of Pt. Chehalis starting around May 1, 2009.

A vessel participating in the primary season will be constrained by the sablefish cumulative limit associated with each of the permits registered for use with that vessel. During the primary season, each vessel authorized to participate in that season may take, retain, possess, and land sablefish, up to the cumulative limits for each of the permits registered for use with that vessel. If multiple limited entry permits with sablefish endorsements are registered for use with a single vessel, that vessel may land up to the total of all cumulative limits for the tiers for those permits, unless the permit is registered to more than one vessel during the primary season. If a permit is registered to more than one vessel during the primary season in a single year, the second vessel may only take the portion of the cumulative limit for that permit that has not been harvested by the first vessel to which the permit was registered. The combined primary season sablefish landings for all vessels registered to that permit may not exceed the cumulative limit for the tier associated with that permit.

Visit the NMFS Northwest Region website for current groundfish management regulations, VMS information, and RCA boundary coordinates.

<http://www.nwr.noaa.gov/Groundfish-Halibut/index.cfm>

Groundfish E-mail Group

Subscribe to "wcgroundfish" by visiting the following website:

http://listserver.afsc.noaa.gov/read/all_forums/subscribe?name=wcgroundfish

Up to 3 permits may be registered for use with a single vessel during the primary season; thus, a single vessel may not take and retain, possess or land more than 3 primary season sablefish cumulative limits in any one year. A vessel registered for use with multiple limited entry permits is subject to per vessel limits for species other than sablefish, and to per vessel limits when participating in the daily trip limit fishery for sablefish.

Primary Season vs. 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 daily trip limit (DTL) fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken, or after October 31, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t. If a vessel has taken all of its tier limit except for an amount that is smaller than the daily trip limit amount, that vessel's subsequent sablefish landings are automatically subject to daily and/or weekly trip limits. If a vessel fishes with open access gear before and/or after the primary season and that gear is not the gear for which they have a gear endorsed limited entry permit those landings are subject to the open access limits not the limited entry DTL limits. If a vessel fishes with open access gear during the primary season, and that is not the gear specified on their gear endorsement for their limited entry permit, those landings will count against their tier limit and will be subject to the open access limits.

Closed Areas

The following mandatory closed areas apply to fishermen participating in the primary sablefish fishery: 1) the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA); 2) the Non-trawl Rockfish Conservation Area; 3) Essential Fish Habitat Conservation Areas; 4) a closure around the Farallon Islands; and 5) a closure around Cordell Banks. Three additional areas are voluntary closed areas; they are: 1) the North Coast Recreational YRCA; 2) the South Coast Recreational YRCA; and 3) the Westport Offshore Recreational YRCA. All of these closed areas are defined by latitude and longitude coordinates published in regulation at 50 CFR 660.390 and 50 CFR 660.393. More information on how these closed areas apply to limited entry fixed gear fisheries is available in regulation at 50 CFR 660.382(c) and on our website under "Commercial Non-Trawl Closed Areas" at <http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Groundfish-Closed-Areas/Index.cfm>

Additional Sablefish Fishery Requirements

The following requirements were effective January 2007: (1) permit owners must be onboard the vessel when that vessel is fishing for sablefish in the primary season against that permit's tier, unless the permit owner is grandfathered (i.e., exempt from the owner-on-board requirement.) Each permit shows the permit owner's owner-on-board status, exempt or not exempt; (2) for any request to transfer a sablefish-endorsed permit during the primary season, the transferor must certify the quantity of sablefish landed on the permit to date and the transferee must acknowledge the amount of landings to date; (3) at-sea processing of sablefish is prohibited, unless the vessel and permit owner have previously qualified for an exemption; (4) WA, OR and CA require the federal limited entry sablefish-endorsed permit number to be written on state fish tickets for all primary season sablefish landings. A compliance guide describing these requirements is available on our sablefish permit stacking website: <http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Sablefish-Management/Sablefish-Permit-Stacking.cfm>

Owner-on-Board Requirement

Any person who owns or has ownership interest in a limited entry permit with a sablefish endorsement must be on board the vessel registered for use with that permit at any time that the vessel has sablefish on board the vessel that count toward that permit's cumulative sablefish landing limit. A permit owner is not obligated to be on board the vessel registered for use with the sablefish-endorsed limited entry permit during the primary sablefish season if:

1. The person, partnership or corporation had ownership interest in a limited entry permit with a sablefish endorsement prior to November 1, 2000.
2. The person who owns or who has ownership interest in a sablefish-endorsed limited entry permit is prevented from being on board a fishing vessel because that person died, is ill, or is injured. Exemptions

are not automatic; they must be requested from NMFS and appropriate evidence must be provided to support that request.

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), 510-581-7358 (Belmont), 562-342-7184 (Los Alamitos), 858-546-7167 (La Jolla).

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