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PUBLIC NOTICE

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NMFS-SEA-18-01
FOR IMMEDIATE RELEASE
Jan. 8, 2018

Final Rule to Change Pacific Whiting At-Sea Sector Darkblotched Rockfish and Pacific Ocean Perch (POP) Allocations to Set-Asides, Amendment 21-3 to the Pacific Coast Groundfish Fishery Management Plan

NMFS published a final rule ([83 FR 757](#)) to revise regulations related to Amendment 21-3 to the Pacific Coast Groundfish Fishery Management Plan (FMP). This FMP amendment changes allocations (i.e. “hard caps”) to sector-specific set-asides (i.e. “soft-caps”), within the at-sea sectors of the Pacific whiting fishery, for darkblotched rockfish and POP.

The Final Rule is available at: <https://www.federalregister.gov/d/2018-00135>

Background

Bycatch of rockfish species in the Pacific whiting fishery occurs at very low rates, but sporadically and unpredictably. In recent years, both at-sea sectors have exceeded their initial allocation of darkblotched rockfish (catcher/processor sector in 2011, and the mothership sector in 2014). The latter resulted in an emergency Pacific Fishery Management Council (PFMC) meeting in order to re-open the fishery. The risk of an inseason closure of these sectors due to bycatch remains high, meanwhile the annual catch limit (ACL) of the bycatch species are far from being attained. The PFMC discussed ways to reduce that risk of closure, such as allowing transfer of quota between sectors, but the solutions were deemed too complex to be analyzed and implemented in a timely manner. The current action is intended as an interim solution to address the immediate needs of the at-sea sectors, and was recommended by the PFMC at its September 2016 meeting. Meanwhile, long-term solutions are being reviewed by the PFMC as part of the 5-year review of the trawl rationalization program.

NMFS published a notice of availability for FMP Amendment 21-3 on September 27, 2017 (82 FR 44984), and a proposed rule to implement associated regulations on October 30, 2017 (82 FR 50106), seeking public comment. NMFS received one public comment in support of the proposed action.

This final rule revises the FMP and related regulations so that higher than anticipated harvest of darkblotched rockfish or POP will not require automatic closure of one or both of the at-sea Pacific whiting sectors. This action is intended to reduce the risk of the at-sea sectors not attaining their respective Pacific whiting allocations based on the incidental catch of darkblotched rockfish or POP, when doing so would not exceed the stocks’ respective ACLs. The final rule also allows NMFS to close the at-sea Pacific whiting fishery sectors, via automatic action if certain bycatch thresholds are anticipated to be reached, and before allocations to other fisheries or the ACL are reached. This automatic action authority limits the potential effects of this actions, thereby precluding potential negative equity or biological impacts.