



National Marine Fisheries Service, Northwest Region  
7600 Sand Point Way NE, Seattle, WA 98115  
www.nwr.noaa.gov



## PUBLIC NOTICE

For Information Contact:  
Yvonne deReynier (206) 526-6150

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### **PACIFIC COAST GROUND FISH FISHERY** **Emergency Rule to Set Bycatch Limits for Directed Open Access Fishery**

On May 2, 2005, NMFS implemented an emergency rule to set canary and yelloweye bycatch limits for the directed open access fishery. This rule is scheduled to publish in the *Federal Register* on May 5, 2005.

A new and unanticipated entrant to the directed open access fishery has required NMFS to reconsider the effect of that fishery on the harvest of canary and yelloweye rockfish. Therefore, NMFS has implemented bycatch limits of 1.0 mt of canary rockfish and 0.6 mt of yelloweye rockfish for the directed open access fishery. If either of these bycatch limits is reached, the open access groundfish fishery would be constrained to incidental landings levels, such that fishery participants would be subject to a trip limit of 200 lb per month for all groundfish species, except Pacific whiting, per month.

Open access fishery participants are cautioned that, if these bycatch limits are reached, directed fishing opportunities will be swiftly curtailed. NMFS will distribute public notification of any reduced trip limits as broadly and quickly as possible.

#### **Background**

In mid-April 2005, a representative of a

Seattle-based fishing company contacted NMFS's Northwest Region about the possibility of using its 124.5 ft freezer-longliner vessel to operate off Washington State in the West Coast open access fishery for spiny dogfish, *Squalus acanthias*. Vessel operators were intending to both catch and process dogfish and other groundfish species at sea in May-June 2005. The West Coast open access groundfish fishery is open to any vessel that is otherwise authorized to fish under U.S. Coast Guard safety, registration, and other requirements.

Under the 2005-2006 groundfish fishery specifications and management measures, dogfish is part of the "other fish" complex. There is no limit on the amount of dogfish that may be taken in either the limited entry or open access fisheries (69 FR 77012, December 23,

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

[www.nwr.noaa.gov/1sustfish/gdfsh01.htm](http://www.nwr.noaa.gov/1sustfish/gdfsh01.htm)

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2004.) Longline dogfish fisheries off the northern West Coast are known to incidentally take canary and yelloweye rockfish. NMFS's normal preference would be to coordinate with the Pacific Fishery Management Council (Council) on how to accommodate this new entrant into the West Coast groundfish fisheries while also protecting overfished species. Because the Council does not meet again until June 13-17, 2005, NMFS believes that it must take action to protect overfished species in advance of the June Council meeting.

Under Federal groundfish regulations at 50 CFR 660.314(c), an at-sea catcher-processor shorter than 125 ft in length must carry one NMFS-certified observer for each day that the vessel is used to take, retain, receive, land, process, or transport groundfish. NMFS may also require such vessels to carry additional NMFS staff observers. The new freezer-longliner intending to fish in the open access fishery has made plans to carry and pay for one observer pursuant to § 660.314(c) and has been cooperating with NMFS in its request that the vessel carry an additional West Coast Groundfish Observer Program staff observer. These observers will allow NMFS to monitor the fishing and processing activities of this vessel on a daily basis, providing valuable catch data on this fishery.

The swift availability of observer data from this freezer-longliner allows NMFS to implement canary and yelloweye rockfish bycatch limits for

the directed open access fishery. These limits are intended to protect the canary and yelloweye rockfish OYs from being exceeded and to protect participants in other fisheries from being affected by canary and yelloweye bycatch in the directed open access fishery.

In developing the 2005 harvest specifications and management measures, the Council anticipated 1.0 mt of canary rockfish and 0.6 mt of yelloweye rockfish being taken in the directed open access fisheries. An additional 1.8 mt of canary rockfish and 0.8 mt of yelloweye rockfish are expected to be taken in the 2005 incidental open access fisheries, those fisheries that do not target groundfish but which may take groundfish incidentally. In order to quickly implement protections for canary and yelloweye rockfish, NMFS needed to use the Council's anticipated incidental take amounts of canary and yelloweye rockfish to set open access bycatch limits for those species.

In developing this emergency rule, NMFS consulted with representatives from the three West Coast states and the Council chair and staff. NMFS hopes to discuss this emergency rule, plus any further protections needed for overfished species taken in the directed open access fisheries, with the Council and the public at the Council's June 2005 meeting in Foster City, California. For further information on that meeting, please see [www.pcouncil.org](http://www.pcouncil.org), or contact the Council at 503-820-2280.

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*For more information contact:* NMFS Northwest Region at 206-526-6140 or visit our website at [www.nwr.noaa.gov](http://www.nwr.noaa.gov), click on "Pacific Coast Groundfish;" NMFS Southwest Region at 562-980-4000; 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).

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