



B1 Sobel Letter regarding Emergency Rule
April 2014

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

MAR 20 2015

Samuel Cotten
Commissioner/NPFMC Voting Member
Alaska Department of Fish & Game
1255 West 8th Street
Juneau, AK 99811-5526

Dear Commissioner Cotten:

Thank you for your cosigned letter dated December 18, 2014, on behalf of the State of Alaska and the six voting members of the North Pacific Fishery Management Council (Council) from Alaska. Your letter requested that the National Marine Fisheries Service (NMFS) promulgate an emergency regulation to reduce the limit on the amount of halibut bycatch allowed in the Bering Sea and Aleutian Islands groundfish fisheries by 33 percent for 2015. Your letter specifies that this level of bycatch reduction would be expected to prevent a serious management problem by providing a catch limit of about 960,000 pounds for the eastern and northern Bering Sea directed halibut fishery (Area 4CDE).

We are aware of the economic significance of halibut resources for communities adjacent to Area 4CDE. Your letter describes that the directed halibut fishery in Area 4CDE is primarily prosecuted by a small boat fleet and community development quota groups in western Alaska coastal communities and the Pribilof Islands. We recognize that halibut fishing is the primary source of revenue for residents in these affected communities. NMFS and the Council have adopted a range of management measures over the years to limit halibut bycatch in the Bering Sea and Aleutian Islands groundfish fisheries to the extent practicable in order to maintain adequate harvest opportunities in the directed fishery.

The review of petitions for emergency rulemaking is governed by section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1855(c), and NMFS's Policy Guidelines for the Use of Emergency Rules (March 31, 2008) ("NOAA Emergency Policy Guidelines"). We promulgate emergency regulations only in extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would occur in the time it would take to follow the standard rulemaking process. We must consider whether circumstances warrant forgoing consultation with the Council, advance notice, public comment, and deliberative consideration of the impacts on all participants in the fishery. The Guidelines specify an emergency exists if the situation, among other things, "[p]resents serious conservation or management problems in the fishery" (NOAA Emergency Policy Guidelines at 2).

We considered the petition for emergency rulemaking in light of the IPHC's recommendation for an Area 4CDE catch limit of 1,285,000 pounds at its 2015 Annual Meeting that concluded on January 30, 2015. The IPHC's recommended catch limit maintains the 2014 catch limit for Area

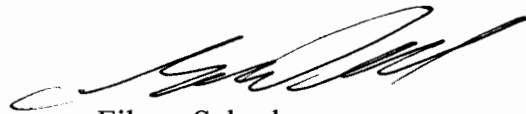


4CDE and provides the same level of directed fishery harvest opportunities for 2015. The IPHC recommended the directed fishery catch limit after considering the negative socioeconomic impacts of significant reductions in the Area 4CDE catch limit and the 2014 halibut stock assessment results. The IPHC also considered new efforts by the North Pacific groundfish fleet to further minimize bycatch in Area 4CDE during 2015. The IPHC determined, and NMFS agrees, that a catch limit of 1,285,000 pounds will provide an adequate harvest opportunity for Area 4CDE directed fishery participants for 2015 and sustain an important source of income and employment for residents of coastal communities in Area 4CDE. Furthermore, the IPHC does not expect this catch limit to have an adverse impact on the health of the halibut resource. The Secretary of State has accepted the IPHC recommendation with concurrence of the Secretary of Commerce. Based on this information, we have determined that an emergency does not exist in the Area 4CDE directed halibut fishery. Therefore, we deny your petition for an emergency regulation.

We support the Council's commitment to take final action to reduce halibut bycatch limits in the Bering Sea and Aleutian Islands groundfish fisheries at its June 2015 meeting. We believe the Council will develop appropriate management measures for the Bering Sea and Aleutian Islands groundfish fisheries through an open, public process that provides the opportunity for input from all affected parties.

If you have any further questions about your petition, please contact Glenn Merrill, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, at (907) 586-7228.

Sincerely,



Eileen Sobek
Assistant Administrator for Fisheries

cc: Alaska members of the NPFMC