

INTERNATIONAL PACIFIC HALIBUT
COMMISSION

Pacific
Halibut Fishery
Regulations

Effective March 30, 1961

REGULATIONS OF THE INTERNATIONAL PACIFIC
HALIBUT COMMISSION ADOPTED PURSUANT TO THE
PACIFIC HALIBUT FISHERY CONVENTION BETWEEN
THE UNITED STATES OF AMERICA AND CANADA,
SIGNED MARCH 2, 1953

Section 1. Regulatory Areas

(a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A (South of Heceta Head) shall include all convention waters southeast of a line running northeast and southwest through Heceta Head Light, as shown on Chart 5802, published in July 1947, by the United States Coast and Geodetic Survey, Washington, D.C., which light is approximately latitude $44^{\circ} 08' 18''$ N., longitude $124^{\circ} 07' 36''$ W.

(c) Area 1B (Heceta Head to Willapa Bay) shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July 1939, by the United States Coast and Geodetic Survey, which light is approximately latitude $46^{\circ} 43' 17''$ N., longitude $124^{\circ} 04' 15''$ W.

(d) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude $58^{\circ} 11' 57''$ N., longitude $136^{\circ} 38' 18''$ W.; thence south one-quarter east.

(e) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude $55^{\circ} 34' 08''$ N., longitude $159^{\circ} 36' 00''$ W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2nd Edition) by the United States Coast and Geodetic Survey.

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

(f) Area 3B South (Shumagin Islands to Cape Sagak, Umnak Island not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and a straight line running southwest by west from Cape Sagak, the southwestern extremity of Umnak Island, at a point approximately latitude $52^{\circ} 49' 20''$ N., longitude $169^{\circ} 07' 00''$ W., and that are south of straight lines running from Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude $54^{\circ} 49' 00''$ N., longitude $163^{\circ} 21' 36''$ W.; thence to Scotch Cap Light at the western end of Unimak Island, which light is approximately latitude $54^{\circ} 23' 48''$ N., longitude $164^{\circ} 44' 30''$ W.; thence to Brundage Head on Unalaska Island, which head is approximately latitude $53^{\circ} 56' 00''$ N., longitude $166^{\circ} 12' 36''$ W.; thence to Cape Aiak on Unalaska Island, which cape is approximately latitude $53^{\circ} 15' 45''$ N., longitude $167^{\circ} 29' 30''$ W.; thence to Cape Sagak. The positions of Cape Kabuch Light, Scotch Cap Light and Brundage Head were determined from Chart 8860, published 1942 (12th Edition), and the positions of Cape Sagak and Cape Aiak were determined from Chart 8861, published in May 1942, revised April 1959, both charts as published by the U. S. Coast and Geodetic Survey.

(g) Area 3B North (Bering Sea and Aleutian Islands west of Cape Sagak) shall include all convention waters which are not included in Areas 1A, 1B, 2, 3A and 3B South.

Section 2. Length of Halibut Fishing Seasons

(a) In Area 1A, the halibut fishing season shall commence at 6:00 a.m. of the 10th day of May and terminate at 6:00 a.m. of the 1st day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(b) In Area 1B, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(c) In Area 2, the halibut fishing season shall commence at 6:00 a.m. on the 10th day of May and terminate at 6:00 a.m. on a date to be determined and announced under paragraph (b) of Section 4 of these regulations.

(d) In Area 3A, the halibut fishing season shall commence at 6:00 a.m. of the 10th day of May and terminate at 6:00 a.m. on a date to be determined and announced under paragraph (b) of Section 4 of these regulations.

(e) In Area 3B South, the halibut fishing season shall commence at 6:00 a.m. of the 25th day of April and terminate at 6:00 a.m. of the 1st day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(f) In Area 3B North, the halibut fishing season shall commence at 6:00 a.m. of the 10th day of April and terminate at 6:00 a.m. of the 1st day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

(g) All hours of opening and closing of areas in this section and other sections of these regulations shall be Pacific Standard Time.

Section 3. Closed Seasons

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in Section 2 of these regulations.

(b) All convention waters, if not already closed under other provisions of these regulations, shall be closed to halibut fishing at 6:00 a.m. of the 1st day of December and shall remain closed until reopened as provided in Section 2 of these regulations, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in these regulations shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged except as provided for in Section 7 of these regulations. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in these regulations referred to as "the Commission," from conducting or authorizing, fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

Section 4. Catch Limits in Areas 2 and 3A

(a) The quantity of halibut to be taken during the halibut fishing season in Area 2 and during the halibut fishing season in Area 3A in 1961 shall be limited to 28,000,000 pounds and 33,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in Section 2 of these regulations, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing season in Area 2 and to the halibut fishing season in Area 3A.

Section 5. Size Limits

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

Section 6. Licensing of Vessels

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in Section 7 of these regulations.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in Section 8 of these regulations, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of Section 9 of these regulations have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of Section 9 of these regulations, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in Section 1 of these regulations must be validated at a port or place within Area 1A prior to each such fishing operation when Areas 1B and 2 are closed to halibut fishing.

(f) The halibut license of any vessel fishing for halibut in Area 3B South or Area 3B North when Area 3A is closed to halibut fishing must be validated at a port or place within Area 3B South prior to such fishing, except as provided in paragraph (g) of this section.

(g) Any vessel already fishing in Area 3B South or in Area 3B North prior to the date of closure of Area 3A may continue to fish in said areas until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (h) of this section when it departs from Areas 3B North and 3B South.

(h) The halibut license of any vessel departing from Areas 3B South and 3B North with any halibut on board when Area 3A is close to halibut fishing, must be validated at a port or place in Area 3B South subsequent to fishing and prior to such departure.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas.

(j) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B South or 3B North from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas, except that a halibut license validated for fishing in Area 3B North prior to the opening of Area 3B South may at the same time be validated for halibut fishing in Area 3B South when the latter area is opened; nor shall a halibut license be validated for departure for halibut fishing in Area 3A from any port or place outside said area more than 5 days prior to commencement of the halibut fishing season in said area.

(k) A halibut license shall not be valid for halibut fishing in more than one of Areas 1A, 1B, 2 or 3A, as defined in Section 1 of these regulations, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(l) A halibut license may be validated for halibut fishing in more than one of Areas 3A, 3B South or 3B North except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (f), (g) and (h) of this section and to any other applicable provisions of these regulations.

(m) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale and as provided in paragraph (p) of this section. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing.

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

(n) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section of these regulations shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(o) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(p) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B South or in Area 3B South and Area 3B North shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B South.

(q) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

Section 7. Retention of Halibut Taken Under Permit

(a) There may be retained for sale on any vessel which shall have a permit as provided in Section 8 of these regulations such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under Sections 2 or 4 of these regulations with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this regulation for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty per cent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) Halibut retained under such permit shall not be filleted, flitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the captain or operator of said vessel and also by the person, firm or corporation receiving the hali-

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

but, and no halibut or other fish shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section of these regulations until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut caught in all convention waters in the year 1961 shall become invalid at 6:00 a.m. of the 16th day of November of said year or at such earlier date as the Commission shall determine.

Section 8. Conditions Limiting Validity of Permits

(a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under Sections 2 or 4 of these regulations must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in Section 7 of these regulations.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of Section 7 of these regulations.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

provisions of Section 9 of these regulations have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of Section 9 of these regulations, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of Section 7 of these regulations.

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under Sections 2 or 4 of these regulations, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of Sections 7 and 8 of these regulations.

Section 9. Statistical Return by Vessels

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under these regulations and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in Sections 7 and 8 of these regulations, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in these regulations, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

(e) The master or operator of any vessel holding a license or permit under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

Section 10. Statistical Return by Dealers

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in Section 7 of these regulations shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of Section 7 of these regulations. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B South or in Area 3B North after the closure of Area 3A unless the license of said vessel has been validated at a port or place in Area 3B South as required in paragraphs (f) and (h) of Section 6 or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

Section 11. Dory Gear Prohibited

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in all convention waters.

Section 12. Nets Prohibited

It is prohibited to retain halibut taken in any convention waters with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under these regulations be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

Section 13. Retention of Tagged Halibut

Nothing contained in these regulations shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

Section 14. Responsibility of Master

Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

Section 15. Supervision of Unloading and Weighing

The unloading and weighing of the halibut of any vessel licensed under these regulations and the unloading and weighing of halibut and other species of any vessel holding a permit under these regulations shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of these regulations.

PACIFIC HALIBUT FISHERY REGULATIONS, 1961

Section 16. Previous Regulations Superseded

These regulations shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of these regulations. These regulations shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to these regulations shall become effective immediately.

WILLIAM M. SPRULES, Chairman
ANDREW W. ANDERSON, Vice-Chairman
WILLIAM A. BATES
HAROLD S. HELLAND
MATTIAS MADSEN
RICHARD NELSON

Approved by THE PRESIDENT OF THE UNITED STATES OF AMERICA,
March 29, 1961

Approved by THE GOVERNOR GENERAL OF CANADA, by Order-in-Council P.C. 1961-463 of March 30, 1961.

