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**Regulations and management
decisions of the Pacific halibut
fisheries, 1993 – 2009**

by

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Abstract

The International Pacific Halibut Commission (IPHC) regulations apply to Pacific halibut fishing in the U.S. and Canada including commercial, sport, and subsistence, or tagged halibut caught by any vessel. Many IPHC regulation changes were made between 1993 and 2009. Some of these include implementation of new regulations for: customary and traditional fishing in Alaska, the Aboriginal fishery in British Columbia, allowing the continuation of the Individual Vessel Quota fishery in British Columbia which was implemented in 1991, and the new Individual Fishing Quota fishery which started in 1995 in Alaska. In addition, regulations were changed to allow for better enforceability of the fisheries. This report reviews IPHC regulation changes, including the rationale for the changes, a brief discussion of state and federal regulations pertaining to the Pacific halibut fisheries, and management decisions from IPHC Annual Meetings between 1993 and 2009. This document is an update of two previous IPHC regulation reports (Skud 1977, Hoag et al. 1993).

Acronyms commonly used in this document:

ADF&G	Alaska Department of Fish and Game
BIA	Bureau of Indian Affairs
CDQ	Community Development Quota
CEY	Constant Exploitation Yield
CFEC	Commercial Fisheries Entry Commission
C&S	Ceremonial and Subsistence (Area 2A treaty Indian tribes)
CSP	Catch Sharing Plan
DFO	Canadian Department of Fisheries and Oceans
FSC	Food, Social and Ceremonial (Canada)
GHL	Guideline Harvest Level
IFMP	Integrated Fisheries Management Plan
IFQ	Individual Fishing Quota
IPHC	International Pacific Halibut Commission
IVQ	Individual Vessel Quota
NOAA	National Oceanic and Atmospheric Administration
NMFS	National Marine Fisheries Service
NPFMC	North Pacific Fishery Management Council
NWIFC	Northwest Indian Fisheries Commission
PFMC	Pacific Fishery Management Council
QS	Quota Share
RAM	Restricted Access Management (a division of NMFS)
VMS	Vessel Monitoring System

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Introduction

The Convention of 1923 provided the first regulatory authority for the Pacific halibut fishery and established the International Fisheries Commission, later known as the International Pacific Halibut Commission (IPHC or Commission). This Convention was revised in 1930, 1937, and 1953 (Bell 1969, Skud 1976) to meet changing fishery needs. When the U.S. and Canada extended their zones of exclusive economic jurisdiction in 1977, the Convention had to be amended to accommodate the provisions of these domestic laws. This amendment to the Convention was effected through a protocol adopted in 1979. Canada did not require additional legislation to implement the 1979 changes but the U.S. did so under the Northern Pacific Halibut Act of 1982 (McCaughran and Hoag 1992). The Convention and the 1979 Protocol are still in effect today.

Through these different authorities, the Commission has developed regulations that are necessary for managing the halibut fishery. The IPHC regulations are discussed at the Commission's Annual Meeting in late January. Proposals to change regulations, comments on management or administrative issues, and recommended catch limits are submitted to the Seattle office prior to the meeting. Since 2000, a formal Proposal Form (Appendix 1) is utilized for these recommendations. This procedure allows IPHC staff, other agency staff, and industry to prepare for discussions on the issues prior to the Annual Meeting. The deadline dates are currently in the fall for regulations and administration proposals and at the end of December for catch limit recommendations. Forms received after the deadline dates are reviewed and acted upon at the Commissioners' discretion. The Commissioners review the recommendations and receive presentations from the staff, the Conference Board (fishing industry advisory board), and the Processor Advisory Group at the Annual Meeting. Decisions are adopted on the last day of the meeting and a news release provides a summary of decisions to the industry. Regulation text is written by interagency staff and is forwarded to the Canadian government (Minister of Foreign Affairs and Minister of Fisheries and Oceans) and the U.S. government (Secretary of State and Secretary of Commerce) for approval prior to the fishing seasons. Once approved, the regulations are implemented by publication in the U.S. Federal Register and in the Canadian Conditions of License and The Canada Gazette.

All domestic allocations among user groups or catch limits within a management area are determined through management councils or other authorized bodies and are implemented by the U.S. and Canadian governments. In the U.S., the management bodies are the North Pacific Fishery Management Council (NPFMC) for Alaska and the Pacific Fishery Management Council (PFMC) for Washington, Oregon, and California, with implementation of the regulations by the National Marine Fisheries Service (NMFS). In Canada, the Department of Fisheries and Oceans (DFO) is the management body and implements the regulations. Examples of allocation programs are the Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) fisheries in Alaska, the Individual Vessel Quota (IVQ) fishery in B.C., the NPFMC Catch Sharing Plan

(CSP) for areas in the Bering Sea, and the PFMC CSP allocation to sport, commercial, and treaty Indian users in Washington, Oregon, and California. The allocation and domestic regulations for the halibut fisheries cannot be in conflict with IPHC regulations, but can be more restrictive.

Substantial changes have occurred in regulations over the years, and summaries can be found in IPHC annual reports and in two technical reports (Skud 1977, Hoag et al. 1993). This report reviews and provides some rationale for changes that occurred between 1993 and 2009.

Regulations: 1993 – 2009

The IPHC regulations apply to halibut fishing including commercial, sport, and subsistence fishing, and to tagged halibut caught by any vessel. The subsistence regulations include treaty Indian fishing off Washington; Aboriginal groups fishing for food, social, and ceremonial purposes off British Columbia; or customary and traditional fishing off Alaska. The interpretation for defining the fishing activity and terms are provided within the regulations.

Once adopted, the regulations are made available to the industry in pamphlet form. The Pacific Halibut Fishery Regulations 2009 is provided in Appendix 2. In comparison to the last review of 1992 (Hoag et al. 1993), new sections have been added to this document, including specific regulations for Areas 4D and 4E, careful release of halibut, fishing in multiple regulatory areas, customary and traditional fishing in Alaska, and fishing for food, social, and ceremonial purposes by Aboriginal groups in British Columbia.

The following sections review the regulation changes by topic, with discussion on background. A summary of regulation changes in chronological order is provided in Table 1.

Regulatory areas and closed areas

The division of Convention waters into regulatory areas, which began in 1932, has undergone a number of changes due to modifications in IPHC management objectives and U.S. government allocation objectives (Hoag et al. 1993). The major regulatory areas (Fig. 1) remained unchanged between 1990 and 2009, though in 1993, Subarea 4D-N (the portion of Area 4D north of 62°30'N) was created to allow exploratory fishing around St. Lawrence Island. The catch limit for Area 4D-N was set at 20,000 pounds and if not taken was available for harvest in Area 4D after August 12. Area 4D-N was abandoned as a distinct region in 1995. Another regulatory area definition change was made when the coordinates of the Cape Spencer light used for the boundary between Areas 2C and 3A were updated in 2003 to agree with the U.S. Coast Guard Light List (see Table 1 for updated position coordinates).

The Chukchi Sea, north of Regulatory Area 4D, is in IPHC jurisdiction. At the request of the industry (specifically the Norton Sound Economic Development Corporation), the Commission adopted an experimental fishery in the Chukchi Sea in 1998, with a 20,000 pound limit. The Alaska Department of Fish & Game (ADF&G), NMFS, and IPHC developed a fishery plan prior to the 1998 fishery and ADF&G provided a summary report at the following IPHC Annual Meeting. No commercial halibut fishery was conducted in the area after the experimental fishery.

In 1991, U.S. fishers in joint operations with foreign fleets began fishing off the Russian coast, outside the jurisdiction of IPHC, and delivering their halibut catch to U.S. ports. These landings included halibut caught with trawl gear and halibut below the minimum commercial size limit, both of which are illegal during commercial fishing in waters under IPHC jurisdiction. It was thought that regulations might be required to control the influx of this fish into the North American market (Hoag et al. 1993). Data collected by NMFS indicated that, in 1992, approximately 1.8 million pounds of halibut were harvested by U.S. vessels in Russian waters. This number, however, dropped rather dramatically to 24,000 pounds in 1993 and stayed at this level through 1995 (William Hines, NMFS Alaska Regional Office, 709 W. 9th St., Juneau, AK; personal communication). It was believed that this decline was a result of fewer vessels fishing.

No Commission regulations were implemented to address direct vessel deliveries to U.S. ports of halibut captured in Russian waters. In addition, importation of halibut below the legal commercial size limit into the United States, often from Russia and Japan and through Canada, was a concern. The amount of halibut imported in this manner was difficult to determine; however, it was believed to be quite substantial, peaking around 5,000 tons in the mid-1990s (Leaman 1999) and decreasing in the 2000s.

Table 1. International Pacific Halibut Commission regulation changes, in chronological order of implementation, for the Pacific halibut fishery from 1993 through 2009.

Year	IPHC Regulation Changes
1993	<p>A subarea was created within Area 4D, called 4D-N, to allow exploratory fishing around St. Lawrence Island in the Bering Sea. A catch limit of 20,000 pounds was allocated to 4D-N, with any unharvested poundage being reverted back to Area 4D after August 12.</p> <p>Although the underage/overage plan for the Area 2B IVQ program was not implemented by IPHC regulations, it was initially adopted by IPHC. The Commission agreed to an increase in the allowable overage from 5% to 10%. This allowed IVQ holders who harvested 10% under or over their remaining quota on the last trip to increase or decrease their quota accordingly the following year. Any over-harvesting of more than 10% is penalized, either by confiscation, fines, or both.</p> <p>New logbook regulations required fishers to record all harvested halibut, including take-home fish, in their logbooks.</p> <p>Fishers were required to use careful handling procedures when releasing halibut. This regulation was implemented to decrease fishing mortality of U32 halibut and those released after fishing period limits are exceeded.</p>
1994	<p>The application of the Area 4 clearance exemptions were changed from persons to vessels. Therefore, only vessels (not persons) that land their entire annual catch in Area 4B, 4C, 4D-N, or 4E are exempted from clearance requirements.</p> <p>New regulations were adopted that require fishers and processors to unload all halibut when fishing period limits are in effect and to record these landings on state fish tickets. This regulation assured full accounting from the commercial fishery of all landings, including overages and fish taken home for personal use.</p>
1995	<p>IPHC had issued a U.S. vessel license for sport charter and commercial fisheries for Area 2A and Alaskan waters. The licensing procedure was modified to issue separate Alaskan and Area 2A licenses instead of one U.S. license for commercial and sport fishing.</p> <p>New vessel licensing procedures for Area 2A were established by the PFMC and implemented by IPHC. IPHC issued a vessel license for Area 2A for only one of three options: 1) directed commercial fishery; 2) incidental catch fishery concurrent with salmon troll fishery; 3) sport charter fishery. The deadline date was April 30 for licenses 1 and 2.</p> <p>Modification to Area 4 vessel clearance regulations included: 1) clearances required at the completion of fishing in Area 4B can be obtained by VHF radio provided there is visual identification of the vessel, as well as in person; 2) clearances after fishing in Areas 4C and 4D can only be obtained in St. Paul or St. George, but can be obtained by VHF with visual identification.</p>

Table 1. (continued)

1995	<p>All commercial halibut must be dressed (gills and viscera removed) prior to being offloaded from the catching vessel.</p> <p>The regulation that restricted the use of automated hook strippers while commercial fishing in all waters was removed. B.C. has more restrictive domestic regulations that do not allow automated hook strippers.</p> <p>The careful release of halibut not retained is required.</p>
1996	<p>Alaska commercial fishers can use the NMFS groundfish catcher vessel logbooks.</p> <p>Area 2A vessel license application deadline dates were established as postmarked by 11:59 PM on April 30 for the directed commercial fishery and by 11:59 PM on March 31 for the incidental commercial halibut fishery during the salmon troll fishery. In both cases, if either deadline date falls on a Saturday or Sunday, it will be the first following weekday.</p> <p>Regulations prohibit fletching or filleting at sea, but authorize “cheeking” of halibut on board freezer vessels fishing in Alaska waters.</p> <p>Modifications to Area 4 clearance regulations: local Area 4A vessels that land all of their catch within Area 4A are now exempt from clearance regulations. Area 4C clearance prior to fishing can be obtained in St. Paul or St. George and at the completion of fishing can be obtained at St. Paul, St. George, Dutch Harbor, or Akutan. St. Paul and St. George clearances can be obtained via VHF radio with visual identification.</p> <p>Regulations changed to allow commercial vessels to fish in more than one Area 4 regulatory area (4A, 4B, 4C, 4D, 4E) during the same trip if the NMFS certified observer regulations are met and fish are identified by regulatory area by the most practical and effective method (tags, segregating catch in hold, other).</p> <p>Multi-area commercial fishing trips (in Areas 2C, 3A, 3B) were allowed by NMFS regulations, but IPHC regulations required fishers to identify fish by area of catch by a practical method. If no observer is present, the vessel cannot have more halibut on board than the IFQ limit of the area currently being fished.</p> <p>Area 2B sport possession limit was changed from two halibut to three.</p>
1997	<p>The commercial halibut fishing log regulations changed so that the log records could be kept with other records on board the vessels. This allowed vessels to keep fishing log information for sablefish and halibut in one logbook.</p> <p>Regulations changed to allow commercial vessels to fish in Area 4 and then in Areas 3A, 3B, or 2C. The regulations for fishing in multiple regulatory areas still apply, such as identifying fish by regulatory area and carrying NMFS certified observers where required. If no observer is present, the vessel cannot have more halibut on board than the IFQ limit of the area currently being fished.</p> <p>IPHC discontinued issuing Alaska commercial vessel licenses.</p>

Table 1. (continued)

1998	<p>Sport charter vessel licenses for Alaska and British Columbia are no longer issued by IPHC.</p> <p>The accepted logbooks for U.S. commercial vessels of 26 feet and over, fishing for halibut, were defined as the IPHC-issued logbook, the NMFS catcher vessel daily fishing logbook, or the Alaska hook-and-line sablefish logbook.</p> <p>The Bering Sea Closed Area was redefined to allow vessels from False Pass to transit and possess halibut on board the vessel in part of Isanotski Strait, between 55°00' N and 54°49' N latitude. Commercial fishing is still not allowed.</p> <p>CDQ fishers in Area 4E were allowed to retain U32 halibut for subsistence use while commercial fishing.</p> <p>IPHC regulations changed to allow the limited retention of dead, trawl-caught halibut for donation to food banks. The Prohibited Species Donation program proposed by Northwest Food Strategies was implemented by NMFS regulations and the Commission recommended a limit of 50,000 pounds to be landed into Dutch Harbor.</p>
1999	<p>Area 2A licensing remained the same, except that the PFMC reviewed their intent for licensing restrictions and decided that vessels licensed for commercial halibut fishing could not be used for halibut sport fishing.</p> <p>Area 4B vessel clearances were modified by adding Adak as a clearance port.</p> <p>Careful release regulations were modified to mirror NMFS regulations so that all halibut not retained had to be released outboard of the roller; however, halibut close to the legal size limit can be brought on board to be measured and, if necessary, returned to sea in a timely manner.</p> <p>The regulation allowing CDQ fishers in Area 4E to retain U32 halibut was modified by adding the provision that CDQ managers provide the Commission with a report by December 1 on methodology of data collections, and total number and weight of U32 halibut retained.</p>
2000	<p>Regulations for the U.S. were changed to make the vessel owner or operator responsible for offloading all halibut from the vessel once the offload commences. Previously the processor or buyer was responsible.</p> <p>The Commission reauthorized the regulations allowing the retention of U32 halibut for subsistence use by CDQ commercial fishers in Area 4E for another two years. Reporting requirements remained the same.</p>
2001	<p>As part of the adopted PFMC catch sharing plan, a new incidental halibut fishery was allowed north of Point Chehalis during the limited entry sablefish fishery. The vessels are required to obtain an IPHC commercial halibut license which permits retention of halibut during the NMFS endorsed limited entry sablefish fishery north of Point Chehalis or the directed commercial fishery south of Point Chehalis. The deadline date for this license is postmarked by 11:59 PM on April 30, or the first following weekday if April 30th falls on a Saturday or Sunday.</p> <p>A regulation was adopted to allow the possession of halibut fillets on board the commercial vessel until 6 p.m. on the calendar day following the offload, if the fillets were from legally-retained, commercially-caught halibut and the vessel was in the same port where the landing occurred. This regulation was not adopted by DFO, so this does not apply to halibut caught in British Columbia.</p>

Table 1. (continued)

2001	<p>The ADF&G longline-pot logbook was added to the list of acceptable logbooks that could be used by U.S. vessels with an overall length of 26 feet and over.</p> <p>Logbook requirements were changed so that the logbook was to be kept on the vessel until after the offload was completed, instead of for five days after the offload. This allowed skippers to take their confidential logbooks with them when skipper changes occurred. Additionally, logbook regulations changed to require vessel name and number; latitude/longitude, or a direction and distance from a point of land instead of just “fishing locality”; and for each location by day or set, record gear hauled, gear lost, and total weight or numbers of halibut retained.</p> <p>Operators of Canadian vessels must mail the log sheets to IPHC within seven days of their final offload. The change from mailing after each fishing trip to after the final offload allowed port samplers to interview and obtain the log sheets throughout the fishing season.</p> <p>In the U.S., vessels were still required to offload all the halibut once the halibut offload commenced. The regulations were clarified to state that the weight be recorded by both the Registered Buyer for the landed IFQ and CDQ pounds and by the first recipient, processor or receiver of halibut from the vessel operator on the state ticket. The clarification was that both reporting requirements were to be met, not one or the other.</p> <p>Area 4 clearance regulations were changed to require the vessel operator’s signature on the clearance form. When clearances were performed via VHF and visual confirmation of the vessel, clearance personnel would complete and sign the form. Nazan Bay on Atka Island was added as an additional port where the Area 4A clearances could be obtained prior to fishing. Clearance can only be obtained when there is no fish on board, so any Area 4B fish would be required to be offloaded first.</p>
2002	<p>The receipt and possession regulation, “no person shall possess any halibut that he/she knows was taken in contravention of these Regulations,” was revised, omitting the word “knows”, as it is not required that the person know that they are in contravention of the regulations to be in illegal possession of halibut.</p> <p>The NPFMC approved a fishery for the customary and traditional use of halibut in Alaska; therefore the Commission passed regulations for this fishery with a season date of January 1 to December 31. The regulation stated that it would not be in effect until NMFS regulations were implemented, which did not occur until May 15, 2003.</p> <p>For Alaskan waters, the regulations were modified to allow fishing vessels carrying crab pots to use halibut heads and carcasses as bait, provided documentation of legal purchase or legally acquiring the bait was on board.</p> <p>Regulations were reauthorized allowing CDQ harvesters in Area 4E to retain U32 halibut, caught while commercial fishing, for subsistence or personal use. The regulations were expanded to include Area 4D CDQ vessels that land all their catch in Area 4D and/or Area 4E.</p> <p>Regulations were adopted to specify which commercial fishing regulations apply to the commercial treaty Indian fishery in Area 2A-1. The regulations that apply included size limit, careful release of halibut, fishing logs, receipt and possession of halibut, and fishing gear. The 72-hour restriction preceding the halibut fishing period was excluded.</p>

Table 1. (continued)

2003	<p>IFQ regulations were changed in 2002 to allow Area 4D CDQ to be fished in Area 4E. In 2003, IPHC catch limit regulations were modified so IPHC and NMFS regulations were not in conflict. The change was that the total allowable catch of halibut taken in Area 4E was equal to the combined annual catch limits specified for Area 4D and Area 4E. IPHC did not consider this a biological concern because Areas 4C, 4D, and 4E are treated as one management unit. Previously, in 2001, a NMFS Enforcement waiver allowed Area 4D and 4E CDQ to be fished in either area regardless of quota share designation.</p> <p>The regulation allowing fillets from legally landed and retained halibut to be possessed on board a vessel in port with a time restriction was revised to specify the “harvesting” vessel and required the vessel operator to retain records that reflected landed, rather than delivered, halibut.</p> <p>The coordinates for the Cape Spencer light used for the Area 2C-3A boundary were updated (58°11’54”N, 136°38’24”W) to agree with the U.S. Coast Guard Light List.</p> <p>Area 4 clearances into and out of Area 4 were changed to allow vessels equipped with NMFS-approved Vessel Monitoring System (VMS) transmitters to be exempted from IPHC clearance requirements if VMS transmitters were installed and operated according to enforcement standards and conditions. The VMS transmitter automatically determines a vessel’s position and transmits it to a NMFS-approved communication service provider.</p>
2004	<p>The adopted catch limit for Area 2B included commercial and sport fisheries and was allocated to user groups by DFO.</p> <p>Tag fish regulations were modified to define the tag as an external tag, and clarified that any fisher at any time could retain a halibut that has an IPHC tag attached. The tag needs to be attached at the time of landing and only commercial licensed halibut vessels can sell O32 tagged halibut. A regulation was added that stated that externally tagged halibut would count against quota shares unless otherwise exempted in state, provincial, or federal regulations.</p> <p>For the U.S. fisheries, the requirement to mark the setline or skate buoys was revised to state that the vessel name could be used in addition to the vessel’s license number or registration number, but not used as the only marking.</p> <p>The regulation referring to the Prohibited Species Donation Program administered by NMFS was revised to state that a person can “retain, possess, and dispose” of halibut from this program. This allowed offal of halibut donated under this program to be used as fish meal and oil.</p> <p>The regulation that made the implementation of the Customary and Traditional Fishing Regulations in Alaska contingent on NMFS’ publication of regulations for this fishery was removed as it was obsolete. Other regulations pertaining to this fishery remain in effect.</p>

Table 1. (continued)

2005	<p>A regulation was passed to allow Area 4C IFQ and CDQ fishing to occur in Areas 4C and 4D. This measure facilitated action approved by the NPFMC. Regulations were changed to allow vessels to clear simultaneously into 4C and 4D.</p> <p>The regulation ensuring that halibut fillets are not allowed on board a commercial vessel was clarified at the request of NOAA Enforcement. The regulation had stated that no person shall possess a filleted halibut or a halibut that had been mutilated, or otherwise disfigured in any manner that prevented determination of the size limit. It was changed to no person shall possess a halibut other than whole or with gills and entrails removed. This did not change the intent of the original regulation and still allows for exceptions (e.g., cheeking and filleting of weighed and recorded IFQ fish).</p>
2006	<p>The Area 2A sport fish possession limits were approved for two halibut (of U.S. origin) in Washington, three daily bag limits in Oregon, and two daily bag limits in California. In Area 2A, the sport possession limit on the water had been the same as the daily bag limits.</p> <p>For the Area 2A commercial fishery, regulations require that the person completing the fish ticket (first recipient, commercial fish processor, or buyer) record on the fish ticket whether the halibut weight is head-on or head-off, or record the corresponding product code.</p> <p>The IPHC regulations recognized fishing by Aboriginal groups for food, social, and ceremonial purposes in Area 2B.</p> <p>In Area 2B, the regulations required that the new British Columbia Integrated Fisheries logbook be completed rather than the Halibut Fishery Logbook. Additionally, the regulation that required completion of the logbook no later than 24 hours after midnight local time for each day fished and prior to offloading was removed, as it was obsolete with the new Integrated Fisheries Management Plan for Groundfish.</p> <p>In Alaska, the regulations allowed the use of the Interagency Electronic Reporting System, eLandings, as an alternative to ADF&G paper fish tickets.</p> <p>An obsolete regulation was removed that required commercial vessel operators to record personal use halibut in the vessel logbook within 24 hours of the offload. This regulation is obsolete as all halibut retained are required to be included in the quota share or fishing period weights.</p> <p>The definition of net weight as gutted, head-off, and without ice and slime was added to the regulations.</p>
2007	<p>The California sport fish possession limits on land and on the water were set as one daily bag limit.</p> <p>For Alaska, the regulation which prohibited the processing or mutilation of sport-caught halibut, that prevents the determination of minimum size or number of fish, was revised. The change limited the application to on board the catcher vessels only, so that halibut on land could be subsequently filleted.</p> <p>For Area 2B, regulations were modified to allow the retention of halibut in sablefish trap gear during the halibut fishing season, provided that harvesters obtained halibut quota shares for the mortality and retention of halibut. This was allowed to assist DFO with the Integrated Fisheries Management Plan for Groundfish and was a three-year pilot program. Later, DFO determined that they should have changed an internal regulation, therefore no retention was allowed in 2007.</p>

Table 1. (concluded)

2007	<p>The deadline date for the CDQ managers to report the amount of U32 halibut retained in Area 4E and 4D CDQ fisheries was changed from December 1 to November 1.</p> <p>Regulations require halibut that are caught in the commercial fishery and are not retained to be immediately released outboard of the roller and returned to the sea with minimal injury. The regulation was revised to allow halibut to be measured on board the vessel to determine if they meet the legal size limit and then be returned to the sea with minimal injury.</p>
2008	<p>Net weight is defined in regulation as gutted, head-off, and without ice and slime. The Commission approved conversion factors that were required to be used if the weight of the halibut included head and ice and slime. The conversion factors, defined by regulation, are a 10% deduction for head and a 2% deduction for ice and slime.</p> <p>The Washington Department of Fish and Wildlife Voluntary Sablefish Logbook was added as an acceptable logbook to be used in Area 2A.</p> <p>A regulation restricting tagging of halibut to IPHC-authorized programs, and by state and federal agencies was passed. Authorization may be received by requesting a permit letter from the IPHC Executive Director.</p> <p>For Alaska, the Commission adopted a sport regulation that no person shall possess on board a fishing vessel, including charter vessels and pleasure craft, halibut that has been filleted, mutilated, or otherwise disfigured in any manner except that each halibut may be cut into no more than two ventral and two dorsal pieces and two cheeks, all with skin on. The change allows enforcement officers to count the number of fish possessed by an angler.</p> <p>Regulations were changed to allow a VMS in place of an observer for fishing in multiple regulatory areas within Area 4, still with the restriction that there is no more halibut on board than the IFQ for the area that is being fished.</p>
2009	<p>The Alaska sport regulation had stated no person shall possess on board a fishing vessel, including charter vessels and pleasure craft, halibut that has been filleted, mutilated, or otherwise disfigured in any manner except that each halibut may be cut into no more than two ventral and two dorsal pieces and two cheeks, all with skin on. At the request of NOAA General Counsel, “fishing vessel” was changed to “vessel” as it was not possible to define which vessel was fishing, and the regulation was therefore not enforceable. Another regulation revision added an exception so that halibut in excess of the possession limit could be possessed on board the vessel for transportation, when the vessel is not carrying fishing gear.</p> <p>The 72-hour no-fishing restriction prior to an Area 2A directed commercial fishery was modified so the restriction applied to all vessels, not just setline vessels. It was also changed to require vessels and skippers fishing the 72-hours prior to a halibut opening to offload their catch or submit to a hold inspection. Without this change, enforcement officers could not tell if the fish on board was caught before or within the 72-hour period.</p> <p>The 2008 regulation modification allowing fishing in multiple Area 4 areas with a VMS was revisited and the regulation was reworded to better reflect the intent of the change.</p>

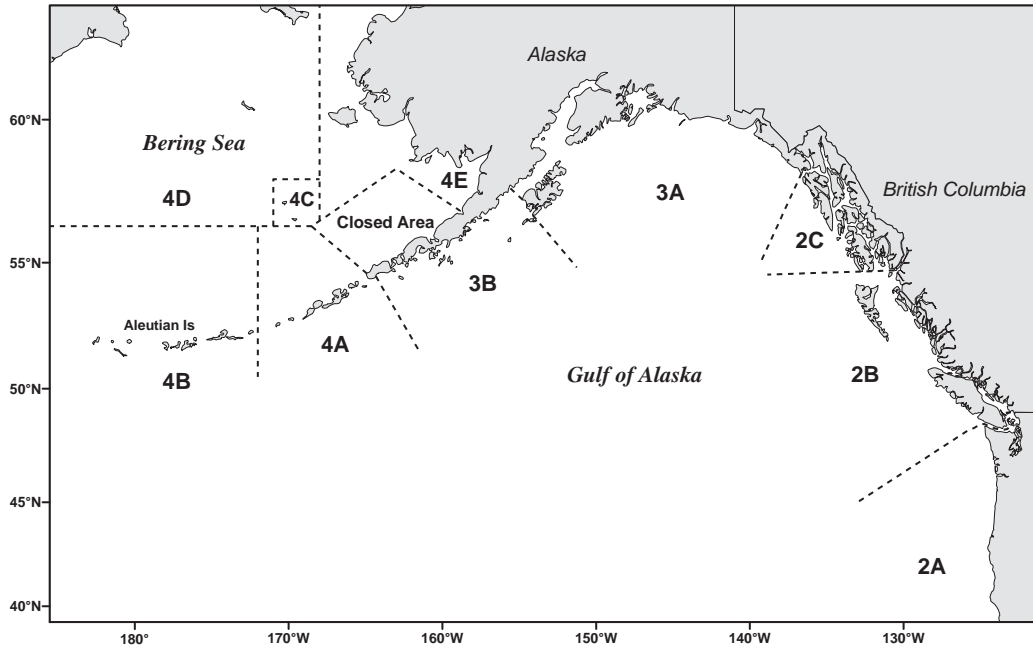


Figure 1. Regulatory areas for the Pacific halibut fishery (excluding treaty-Indian regulatory Area 2A-1).

Catch limits

To manage the halibut fishery, annual catch limits are set by regulatory area. The staff use computer models calibrated with abundance information, other data from the commercial fisheries, and the fishery independent surveys to assess the abundance of halibut coastwide and to determine a biological target for all removals for each regulatory area (Constant Exploitation Yield, or CEY). The staff recommend to the Commission and industry the target removal level for directed fisheries (Estimated Fishery CEY) by regulatory area. At the IPHC Annual Meeting, the Commissioners determine the final catch limits that are implemented in the regulations (Table 2). Detailed information for setting catch limits can be found in IPHC annual reports, Report of Assessment and Research Activities, and scientific reports (<http://www.iphc.int>). Catch limits are set for all of the commercial fisheries for all regulatory areas and all limits are to be caught within specified dates (Table 3).

The Commission initially determines one commercial catch limit for Area 4CDE, as it is considered one biological management unit. A Catch Sharing Plan (CSP) recommended by the NPFMC and adopted by IPHC allocates catch for Regulatory Areas 4C, 4D, and 4E (Appendix 3). Additionally, in Regulatory Areas 2A (Appendix 4) and 2B (Appendix 5), fishery catch limits are established to account for domestic allocation programs among user groups. Since 2004, an allocation program implemented by the Canadian government has divided the combined Area 2B catch limit, set by IPHC, to 88% for the commercial fishery and 12% for the sport fishery. In Area 2A the PFMC CSP (Appendix 6a) allocates the catch limit among commercial, sport, and treaty Indian users (see Appendix 6b for changes to the CSP from 1993 – 2009).

Table 2a. Estimated setline CEY, staff recommended catch limits, and catch limits of Pacific halibut by IPHC regulatory area (in thousands of pounds, net weight), 2001 - 2009.

Regulatory Area	Estimated Fishery CEY									
	2001	2002	2003	2004	2005	2006	2007 ²	2008	2009	
2A ³	1,140 ⁴	1,310	1,290	1,810	1,170	1,490	660	650	500	
2B	9,990 ⁴	11,750	11,320	15,780 ⁵	12,700 ⁵	13,200 ⁵	6,220 ⁵	4,650 ⁵	4,920 ⁵	
2C	8,780	8,500	9,110	17,030	11,800	10,330	4,980	3,920	2,860	
3A	21,890	24,140	34,220	29,980	26,300	24,940	27,630	22,250	20,840	
3B	25,460	28,560	29,190	15,600	10,700	8,570	16,770	14,270	13,200	
4A	9,820	11,960	11,220	3,470	3,400	3,250	5,230	3,510	2,200	
4B	10,060	7,510	7,760	2,810	1,700	1,070	2,560	2,700	2,090	
4CDE	7,630	11,810	13,820	3,390	4,400	3,110	3,850	3,680	1,970	
Total	94,770	105,540	117,930	89,870	72,170	65,960	67,900	55,630	48,580	
Regulatory Area	Staff Recommendations									
	2001	2002	2003	2004	2005	2006	2007 ²	2008	2009	
2A ³	1,140 ⁴	1,310	1,310	1,480	1,330	1,380	1,020	1,000	860	
2B	9,990 ⁴	11,750	11,750	13,800 ⁵	13,250 ⁵	13,220 ⁵	9,720 ⁵	8,060 ⁵	6,960 ⁵	
2C	8,780	8,500	8,500	11,310	10,930	10,630	7,810	6,210	4,540	
3A	21,890	22,630	22,630	25,060	25,470	25,200	26,010	24,220	22,530	
3B	18,500	17,130	17,130	15,600	13,150	10,860	12,830	10,900	11,670	
4A	4,970	4,970	4,970	3,470	3,440	3,350	3,980	3,100	2,650	
4B	4,910	3,440	4,180	2,810	2,260	1,670	1,970	1,860	1,940	
4CDE	4,450	4,450	4,450	3,390	3,990	3,550	3,650	3,890	2,930	
Total	74,630	74,180	74,920	76,920	73,820	69,860	66,990	59,240	54,080	
Regulatory Area	Catch Limits									
	2001	2002	2003	2004	2005	2006	2007 ²	2008	2009	
2A ³	1,140	1,310	1,310	1,480	1,330	1,380	1,340	1,220	950	
2B	10,510	11,750	11,750	13,800 ⁵	13,250 ⁵	13,220 ⁵	11,470 ⁵	9,000 ⁵	7,630 ⁵	
2C	8,780	8,500	8,500	10,500	10,930	10,630	8,510	6,210	5,020	
3A	21,890	22,630	22,630	25,060	25,470	25,200	26,200	24,220	21,700	
3B	16,530	17,130	17,130	15,600	13,150	10,860	9,220	10,900	10,900	
4A	4,970	4,970	4,970	3,470	3,440	3,350	2,890	3,100	2,550	
4B	4,910	4,180	4,180	2,810	2,260	1,670	1,440	1,870	1,870	
4CDE	4,450	4,450	4,450	3,785	3,989	3,550	4,100	3,890	3,460	
Total	73,180	74,920	74,920	76,505	73,819	69,860	65,170	60,400	54,080	

¹ Staff catch limit recommendations revised after Bluebook based on CEY harvest policy.

² Estimated fishery CEY and staff recommendations from coastwide stock assessment with survey partitioning to area as presented in the 2007 Annual Meeting Handout. The closed area stock assessment produced staff recommendations by area in millions of pounds: Area 2A = 1.34; Area 2B = 11.47; Area 2C = 8.51; Area 3A = 26.20; Area 3B = 9.22; Area 4A = 2.89; and 4B = 1.44 and Area 4CDE = 4.10. The Commission determined the 2007 catch limits using recommendations based on the closed area stock assessment.

³ Area 2A includes sport catch and treaty Indian catch.

⁴ With the lower series of Area 2B sport catch estimates (including .887 M lb in 2001), Area 2AB exploitable biomass is 66.71. With 11% of the total in Area 2A, the 2001 setline CEY is 1.12 M lb in 2A and 10.51 M lb in 2B. With a sport catch estimate of 1.58 M lb in 2001, the exploitable biomass for 2AB is 67.62 M lb and the 2001 setline CEY is 1.14 M lb in 2A and 9.99 M lb in 2B.

⁵ Area 2B includes sport catch.

Table 2b. Estimated setline CEY, staff recommended catch limits, and catch limits of Pacific halibut by IPHC regulatory area (in thousands of pounds, net weight), 1993 - 2000.

Regulatory Area	Estimated Setline CEY									
	1993	1994	1995 ²	1996	1997	1998	1999	2000		
2A ³	460	490	520		930	1,050	690	830		
2B	9,810	8,320	9,520		15,990	15,380	11,210	7,850		
2C	10,410	12,660	8,540	Skipped	11,410	15,480	10,490	6,310		
3A	23,130	27,020	16,870	Between	33,550	38,710	24,670	11,940		
3B	4,070	3,580	3,660	Models	11,490	30,990	26,830	18,360		
4A						11,110	8,420	6,420		
4B	Area 4 =	Area 4 =	Area 4 =		Area 4 =	10,210	6,710	6,770		
4CDE	5,590	5,000	5,920		25,290	13,280	9,800	4,130		
Total	53,470	57,070	45,030		98,660	136,210	98,820	62,610		
Regulatory Area	Staff Recommendation									
	1993	1994	1995	1996	1997	1998	1999	2000		
2A ³	460	500	450	520	700	820	690	830		
2B	9,810	9,500	8,500	9,520	12,500	13,460	11,210	9,970		
2C	10,410	12,000	8,500	9,000	10,000	11,800	10,490	8,400		
3A	23,130	26,000	20,000	20,000	25,000	29,570	24,670	18,310		
3B	4,070	4,000	3,700	3,700	9,000	16,300	13,370	15,030		
4A	2,020	1,800	2,000	1,950	3,000	5,640	4,240	4,970		
4B	2,020	2,100	1,600	2,310	3,200	5,700	3,980	4,910		
4CDE	1,520 ⁴	1,500 ⁴	2,300	1,660	2,800	3,000	4,130	4,130		
Total	53,440	57,400	47,050	48,660	66,200	86,290	72,780	66,550		
Regulatory Area	Catch limits									
	1993	1994	1995	1996	1997	1998	1999	2000		
2A ³	600	550	520	520	700	820	760	830		
2B	10,500	10,000	9,520	9,520	12,500	13,000	12,100	10,600		
2C	10,000	11,000	9,000	9,000	10,000	10,500	10,490	8,400		
3A	20,700	26,000	20,000	20,000	25,000	26,000	24,670	18,310		
3B	6,500	4,000	3,700	3,700	9,000	11,000	13,370	15,030		
4A	2,020	1,800	1,950	1,950	2,940	3,500	3,980	4,970		
4B	2,300	2,100	2,310	2,310	3,480	3,500	3,980	4,910		
4CDE	1,720 ⁴	1,500 ⁴	1,660	1,660	2,580	3,500	4,450	4,450		
Total	54,340	56,950	48,660	48,660	66,200	71,820	74,060	67,500		

¹ Average of standard and alternative (conservative) assessments.

² From 1995 on, CEY based on projected rather than lagged ebio.

³ Area 2A includes sport catch and treaty Indian catch.

⁴ Regulatory subarea 4D-N included.

Table 3. (concluded)

2006	3/5-7/18; Restricted 3/22-7/18	Salmon Troll 5/1-11/15 (199) Sablefish 5/1-10/31 (184)	6/28 (10 hrs), 7/12 (10 hrs), 7/26 (10 hrs)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)	3/5-11/15 (255)
2007	3/10-7/30; Restricted 3/19-5/3	Salmon Troll 5/1-11/15 (199) Sablefish 5/1-10/31 (184)	6/27 (10 hrs), 7/11 (10 hrs), 7/25 (10 hrs), 8/8 (10 hrs)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)	3/10-11/15 (250)
2008	3/8-6/3; Restricted 3/17-4/15	Salmon Troll 5/1-11/15 (199) Sablefish 5/1-10/31 (184)	6/11 (10 hrs), 6/25 (10 hrs), 7/9 (10 hrs), 7/23 (10 hrs)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)	3/8-11/15 (252)
2009	3/21-7/15; Restricted 3/21-5/9	Salmon Troll 5/1-11/15 (199) Sablefish 5/1-10/31 (184)	6/24 (10 hrs), 7/8 (10 hrs)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)	3/21-11/15 (239)

¹ 12-hour opening every second day.

² Alternating one day open and one day closed.

³ Alternating two days open and one day closed.

Licenses

For a brief history of licensing procedures from the early days of IPHC until 1992, see Technical Report No. 27 (Hoag et al. 1993). Since 1993, few licensing procedures have changed. However, Area 2A has seen more changes than the other regulatory areas (Table 4).

Table 4. Area 2A vessel licensing changes for the Pacific halibut fishery, 1993 – 2009.

Year	IPHC Regulation Changes
1993	No regulation changes from the previous year.
1994	No regulation changes from the previous year.
1995	New vessel licensing procedures for Area 2A established by PFMC and implemented by IPHC. IPHC issued a vessel license for Area 2A for only one of three options: 1) directed commercial fishery; 2) incidental catch fishery concurrent with salmon troll fishery; 3) sport charter fishery. Deadline date for postmarks by 11:59 PM on April 30 for licenses 1 and 2.
1996	Area 2A vessel license for commercial fisheries have application deadline dates for postmarks by 11:59 PM on March 31 for the incidental commercial fishing during the salmon troll fishery and by 11:59 PM on April 30 for the directed commercial fishery.
1997	No regulation changes from the previous year.
1998	No regulation changes from the previous year.
1999	Area 2A licensing remained the same but PFMC reviewed intent and decided that a licensed vessel for the commercial halibut fishery cannot be used for sport fishing for halibut.
2000	No regulation changes from the previous year.
2001	As part of the catch sharing plan, a new incidental halibut fishery opened north of Point Chehalis during the limited entry sablefish fishery. The vessels are required to obtain a commercial halibut license which is for retaining halibut during the sablefish fishery north of Point Chehalis or directed commercial fishing south of Point Chehalis. Deadline date for postmarks by 11:59 PM on April 30 for both directed commercial and incidental halibut in the sablefish fishery north of Point Chehalis.
2002 - 2009	No regulation changes from the previous year.

In 1993 and 1994 no changes in licensing procedures occurred. Prior to 1995, vessels fishing in the U.S. halibut fisheries, either for commercial fishing or as a sport charter vessel, were required to be licensed through IPHC. In 1995, the licenses for U.S. vessels were separated into two unique licenses, one for fishing in Area 2A and one for the Alaskan regulatory areas.

The 1995 licensing change allowed for an Area 2A vessel license that met new provisions requested by PFMC and provided a more accurate vessel count needed to determine Area 2A fishing period limits for the directed fishery. The new regulations stated that, in Area 2A, a vessel can be licensed for only one of three fisheries: 1) directed commercial fishery; 2) incidental halibut caught in the salmon troll fishery; or 3) sport charter fishery. The PFMC also required that all commercial license applications be postmarked by April 30. In 1996, at the request of PFMC, the Commission changed the application deadline date for the incidental halibut in the salmon troll fishery from April 30 to March 31 because the salmon troll fishery opening was scheduled for May 1. In 1999, licensing requirements did not change, but PFMC stipulated that a vessel in possession of a commercial fishing license was no longer eligible to be used for halibut sport

the incidental halibut catch during the sablefish fishery license option to the existing directed commercial license, and the fact that the incidental halibut catch during the sablefish fishery opens on May 1, the application deadline date remained April 30.

In 1997, IPHC stopped issuing commercial vessel licenses in Alaska because IPHC was able to obtain licensing information from the Alaska Commercial Fisheries Entry Commission (CFEC) and quota share (QS) holder information from NMFS Restricted Access Management Division (RAM). Then in 1998, IPHC stopped issuing sport charter vessel licenses for Alaska and British Columbia. The reason for the discontinuation was that the IPHC license database represented all sport charter vessels that received an IPHC license, not those that actively fished. The ADF&G and DFO were implementing logbooks and/or licensing programs which more accurately reflected the active sport charter fleet and the information could be obtained from these agencies. Dropping IPHC licensing requirements removed the duplicative effort to require vessels to obtain licenses for the same fishery from multiple agencies.

The number of licenses issued (Table 5) by IPHC has varied from year to year depending on catch limits, closures of other fisheries, and discussions of fishery restrictions, to name a few reasons.

Commercial fishing

Fishing periods

The open-access commercial fishery seasons, including the Area 2A directed commercial fishery openings and the 1993 – 1994 Alaska commercial fisheries, ranged from 10 hours to two days (Table 3). The QS fisheries in B.C. (since 1991) and Alaska (since 1995) have ranged from the earliest start date of February 27 (2005), with a median date of March 15, to the latest closing date of November 30 (1991, for Area 2B only). The Area 2A incidental commercial halibut fisheries and the tribal fisheries have varied in numbers of days, but these openings are required to fall within the QS fishery dates for that year.

With the growing interest in halibut aquaculture, some of the commercial halibut industry representatives were concerned that the commercial fishery winter closure would result in loss of markets to cultured halibut. This issue was raised at several Annual Meetings and the Commission was asked to determine if the halibut season could be extended into the winter months. Logistics and the biological issues needed to be researched prior to any change to the fishing season. Two meetings were held on the logistics: an interagency meeting in 1999 (Gilroy and Sadorus 1999) and an interagency and industry meeting in 2003 (Gilroy and Kong 2003). The final evaluation was that a 10.5-month season was more practical than a 12-month season, taking into account the administrative steps needed to change the quota share programs to a full-year fishery, the management of non-target species that are caught as bycatch, potential interceptions of migrating fish, and safety of fishing during the winter months. It would take up to two years to make changes in the Alaskan programs and one year in British Columbia. Since this determination in 2003, the British Columbia halibut commercial fishery has undergone substantial changes and it is likely that they could incorporate a season extension in a shorter timeframe. The Commission staff reviewed the biological issues surrounding the impacts of a winter commercial fishery (Leaman and Clark 1999). A potential problem is that a winter fishery would occur when halibut are on the winter spawning grounds and this could change the long-term distribution of the biomass among regulatory areas. The magnitude and timing of a winter fishery is not known beforehand so it is difficult to determine the effect of the redistribution. In the late 1990s through the mid-2000s, the Commission had extensive discussions on the season extension issue and received several industry proposals and public testimony. To date, the commercial season has not been extended to a 10.5-month fishery.

Table 5. Number of vessels with IPHC licenses, 1993-2009.

Year	Sport Charter			U.S. Commercial			
		Country of Origin		Total	AK	Directed & Incidental Sablefish	Incidental Troll
		U.S.	B.C.			2A	2A
2009	2A sport	140		140		238	132
2008	2A sport	139		139		296	135
2007	2A sport	142		142		225	292
2006	2A sport	140		140		298	224
2005	2A sport	148		148		216	392
2004	2A sport	138		138		215	344
2003	2A sport	127		127		260	323
2002	2A sport	130		130		253	331
2001	2A sport	133		133		320	345
						Directed	Incidental Troll
					AK	2A	2A
2000	2A sport	130		130		268	235
1999	2A sport	126		126		286	284
1998	2A sport	141		141		363	264
1997	AK sport	2158		2,158		428	275
	2A sport	139		139			
	2B sport	15		580			
1996	AK sport	20491	1	2,050	3025 ¹	403	123
	2A sport	135		135			
	2B sport	12	560	572			
1995	AK sport	1936 ²		1,936	3583 ²	352	125
	2A sport	132		132			
	2B sport	8	389	397			
						U.S. Commercial	
1994	AK sport	1702 ³		1,702		5,418 ³	
	2A sport	200		200			
	2B sport		328	328			
1993	AK sport	1283 ⁴		1,283		5,577 ⁴	
	2A sport	202		202			
	2B sport		254	254			

¹693 had both sport and commercial licenses.

²764 had both sport and commercial licenses.

³787 had both sport and commercial licenses.

⁴645 had both sport and commercial licenses.

Note: These are licenses issued, not necessarily number of vessels that fished.

fishing. In 2001, the PFMC CSP that was adopted by IPHC allowed for an incidental halibut fishery during the primary limited-entry sablefish longline fishery north of Point Chehalis, WA (46°53'18"N). Any owners wanting to participate in the incidental fishery were required to obtain a commercial vessel license from IPHC. This changed the Area 2A licensing options to the following: all vessel owners had to choose between a commercial or a sport charter vessel license. Furthermore, if applying for a commercial vessel license, fishers had to choose between a vessel license for 1) incidental halibut retention in the salmon troll fishery; or 2) retention of halibut in the directed commercial fishery (south of Point Chehalis, WA) and/or incidental halibut retention in the primary sablefish fishery (north of Point Chehalis, WA). Even after adding

Fishing period limits

Beginning in 1987, the Commission used methods to control harvest as the fleet capacity increased and fishing periods became shorter. In 1993 and 1994, some Alaska regulatory areas had fishing period limits by vessel class and, in some areas of the Bering Sea, there were single fishing period limits (Table 6). Since 1993, fishing period limits by vessel class have been used for all Area 2A directed commercial fisheries (Table 7). The ratios (Appendix 7) used to determine fishing period limits by vessel class were determined by IPHC staff and an industry work group and were based on the historic fishing performance of each group of vessels (Kaimmer, 1989).

Table 6. Alaska fishing period limits (net weight) for the commercial Pacific halibut fishery by regulatory area, opening, and vessel class.

Vessel class Letter Length(ft)		1993			1994	
		2C (9/8-9/10)	3A/3B (9/8-9/9)	4B (8/26-8/28)	3B-4A (6/6-6/7)	3A-3B/4A-4B (9/12-9/14)
A	0-25	1,700	900	1,300	900	600
B	26-30	2,600	1,300	1,400	1,300	300
C	31-35	4,600	4,000	6,600	4,000	2,700
D	36-40	6,900	5,200	7,700	5,200	3,500
E	41-45	11,100	8,400	9,400	8,400	5,600
F	46-50	15,300	11,800	11,400	11,800	7,900
G	51-55	15,300	17,400	16,900	17,400	11,600
H	56+	20,000	30,000	25,000	30,000	20,000

Incidental halibut catch fisheries in Area 2A

As part of the PFMC CSP, halibut catch has been allocated to incidental commercial halibut fisheries. In 1995, NMFS and IPHC adopted regulations for Area 2A that allowed halibut to be landed as incidental catch to the Chinook salmon (*Oncorhynchus tshawytscha*) troll fishery. The retention ratio in the first year of the program was one halibut to 20 Chinook salmon, and by 2008 it was one halibut to two Chinook salmon plus one “extra” halibut per landing, and the total number of halibut per vessel per landing could not exceed 35. The ratio of halibut to Chinook salmon, as determined by PFMC and implemented by NMFS regulations, increased over the years (Table 8) to allow the halibut catch to get closer to the annual fishery catch limit.

At the onset of this incidental fishery, the CSP stated that any poundage remaining in the incidental halibut catch limit after the May/June salmon troll fishery was to be made available in-season to the directed commercial halibut fishery. Similarly, the CSP stated that if IPHC determined that there was insufficient poundage remaining in the directed commercial halibut catch limit for another directed commercial opening, then the remaining poundage was to be made available to the incidental halibut fishery during the salmon troll season. Table 9 summarizes roll-over events by year from 1995 to 2009.

In 1998, there were three roll-over events between the two commercial fisheries. Following the roll-overs, there was still poundage remaining, although there seemed to be insufficient poundage to reopen the directed commercial fishery following the August 26, 1998 opening. A directed commercial fishery closure for the remainder of 1998 was announced. However, at the PFMC’s September meeting of that year, a decision was made to make the remaining commercial catch limit, originally allocated to the incidental halibut catch during the salmon troll fishery

Table 7. Area 2A non-treaty directed commercial halibut fishing periods and fishing period limits (pounds, net weight) by vessel class (length in feet), 1993 – 2009.

		Year								
		1993	1994		1995				1996	
Fishing Period		7/27	7/6	7/19;8/3	7/5;9/12	7/18;8/1; 8/29	8/15	9/26	7/10	7/24
Vessel Class		Fishing Period Limit (lbs, net weight)								
Letter	Length									
A	0-25	600	170	200	200	200	335	200	250	200
B	26-30	700	210	200	200	210	420	200	315	200
C	31-35	1,100	335	200	200	335	670	250	505	250
D	36-40	2,800	925	350	465	925	1,850	695	1,390	695
E	41-45	3,000	995	375	500	995	1,990	750	1,495	750
F	46-50	3,600	1,190	450	595	1,190	2,385	895	1,790	895
G	51-55	4,000	1,330	500	665	1,330	2,660	1,000	1,995	1,000
H	56+	6,000	2,000	750	1,000	2,000	4,000	1,500	3,000	1,500

		Year									
		1997	1998				1999		2000		
Fishing Period		7/08	7/22	8/12	8/26	9/23	7/7	7/21	7/5	7/19	8/2
Vessel Class		Fishing Period Limit (lbs, net weight)									
Letter	Length										
A	0-25	335	250	200	200	200	295	200	310	200	200
B	26-30	420	315	230	200	200	370	200	390	200	200
C	31-35	670	505	370	200	235	590	200	620	200	200
D	36-40	1,850	1,390	1,202	465	650	1,620	555	1,715	325	230
E	41-45	1,990	1,495	1,095	500	695	1,745	600	1,845	350	250
F	46-50	2,385	1,790	1,310	595	835	2,085	715	2,205	415	300
G	51-55	2,660	1,995	1,465	665	930	2,330	800	2,460	465	335
H	56+	4,000	3,000	2,200	1,000	1,400	3,500	1,200	3,700	700	500

		Year										
		2001				2002			2003			
Fishing Period		6/27	7/11	7/25	8/8	8/22; 9/5	6/26	7/10; 7/24	6/25	7/9	7/23	8/6
Vessel Class		Fishing Period Limit (lbs, net weight)										
Letter	Length											
A	0-25	335	295	225	200	200	405	335	405	445	295	210
B	26-30	420	370	285	200	200	505	420	505	555	370	265
C	31-35	670	590	455	200	200	805	670	805	890	590	420
D	36-40	1,850	1,620	1,250	280	415	2,220	1,850	2,220	2,455	1,620	1,160
E	41-45	1,990	1,745	1,345	300	450	2,390	1,990	2,390	2,640	1,745	1,245
F	46-50	2,385	2,085	1,610	360	535	2,860	2,385	2,860	3,160	2,085	1,490
G	51-55	2,660	2,330	1,795	400	600	3,190	2,660	3,190	3,525	2,330	1,665
H	56+	4,000	3,500	2,700	600	900	4,800	4,000	4,800	5,300	3,500	2,500

		Year								
		2004			2005			2006		
Fishing Period		6/23; 7/14	7/28	8/11	6/29;7/13	7/27	8/10	6/28	7/5	7/26
Vessel Class		Fishing Period Limit (lbs, net weight)								
Letter	Length									
A	0-25	590	210	200	755	670	335	670	755	200
B	26-30	735	265	210	945	840	420	840	945	240
C	31-35	1,175	420	335	1,510	1,345	670	1,345	1,510	385
D	36-40	3,240	1,160	925	4,165	3,705	1,850	3,705	4,165	1,065
E	41-45	3,485	1,245	995	4,480	3,985	1,990	3,985	4,480	1,145
F	46-50	4,170	1,490	1,190	5,365	4,770	2,385	4,770	5,365	1,370
G	51-55	4,655	1,665	1,330	5,985	5,320	2,660	5,320	5,985	1,530
H	56+	7,000	2,500	2,000	9,000	8,000	4,000	8,000	9,000	2,300

Table 7. (continued)

		Year							
		2007			2008			2009	
Fishing Period		6/27; 7/11	7/25	8/8	6/11; 6/25	7/9	7/23	6/24	7/8
Vessel Class		Fishing Period Limit (<i>lbs, net weight</i>)							
Letter	Length								
A	0-25	755	380	250	755	670	200	755	590
B	26-30	945	475	315	945	840	200	945	735
C	31-35	1,510	755	505	1,510	1,345	200	1,510	1,175
D	36-40	4,165	2,085	1,390	4,165	3,705	560	4,165	3,340
E	41-45	4,480	2,240	1,495	4,480	3,985	600	4,480	3,485
F	46-50	5,365	2,680	1,790	5,365	4,770	715	5,365	4,170
G	51-55	5,985	2,995	1,995	5,985	5,320	800	5,985	4,655
H	56+	9,000	4,500	3,000	9,000	8,000	1,200	9,000	7,000

starting August 1, available to the directed commercial fishery for one more fishing period. This decision did not affect the incidental troll fishery, as it remained open. The decision reflected PFMC's original intent to roll-over the entire Area 2A non-treaty commercial catch limit into the directed commercial catch limit after June 30. If any poundage remained after July 31 from the directed commercial fishery, the intent was to allow incidental halibut fishing during the salmon troll season to remain open without dividing the commercial catch limit between the directed and incidental fisheries (deReynier 1998).

In 2001, a second incidental halibut catch fishery was implemented in conjunction with the longline sablefish fishery. The CSP stated that if the Area 2A total catch limit was over 900,000 pounds, the primary limited entry longline sablefish fishery north of Point Chehalis, WA would be allocated any Washington sport allocation poundage in excess of 214,000 pounds. Starting in 2003, the maximum catch limit allowed by the CSP for this fishery is 70,000 pounds, and requires a minimum catch limit of 10,000 pounds to open. This fishery is restricted to vessels that have a NMFS limited-entry groundfish permit with a sablefish endorsement. The catch limit for this incidental fishery has changed over the years (Appendix 4). The first landing restrictions stipulated in 2001 were for 80 pounds of halibut (net weight) to 1,000 pounds of sablefish (round weight) plus two halibut in excess of the 80:1,000 pound ratio. In 2002 and 2003, the landing restrictions changed to 150 pounds of halibut (net weight) to 1,000 pounds of sablefish (net weight) plus two extra halibut. From 2004 to 2008, the landing restrictions were for 100 pounds of halibut (net weight) to 1,000 pounds of sablefish (net weight) plus two extra. In 2009, because of the lower halibut catch limit and the PFMC CSP, the landing restriction decreased significantly to 100 pounds of halibut (net weight) per landing.

The IPHC regulations adopt the catch limits, season dates, and the requirement of vessel licenses for these incidental fisheries as specified in the CSP. The PFMC determines the halibut catch ratios to other species and NMFS regulations implement the ratios. These incidental halibut fisheries close when the halibut catch limits are obtained.

Vessel clearance and vessel monitoring

In an effort to discourage out-of-area fishing, non-local vessels fishing in Area 4 are required to obtain clearance. Vessels are required to clear in at specific ports prior to fishing, and to clear out prior to unloading. Vessel clearance regulations, which have been in place since the 1960s, have been modified over the years (Hoag et al. 1993) to reflect changes in clearance procedures and clearance locations.

Table 8. Pacific halibut to Chinook salmon ratio (number of fish) for the Area 2A incidental commercial halibut fishery during the Chinook salmon troll fishery, 1995- 2009.

Year	Halibut:Chinook Ratio	Maximum halibut per vessel per landing
1995	1:20 ¹	No maximum
1996	1:15 plus one "extra" halibut	20
1997	1:10 plus one "extra" halibut	20
1998	1:8 plus one "extra" halibut	25
1999	1:5 plus one "extra" halibut	35
2000 – 2007	1:3 plus one "extra" halibut	35
2008 – 2009	1:2 plus one "extra" halibut	35

¹ 20 Chinook salmon onboard prior to retaining one halibut.

Table 9. Area 2A catch limit in pounds (net weight) of halibut that rolled-over between the directed commercial and incidental halibut fishery during the salmon troll season, 1995 - 2009.

Year	Roll-Over Actions			Comments
	From	To	Pounds	
1995	May/June Salmon Troll	Directed Commercial	14,105	Directed commercial expanded catch limit taken by September 26.
1996	May/June Salmon Troll	Directed Commercial	8,066	Directed commercial expanded catch limit taken by July 24.
1997	May/June Salmon Troll	Directed Commercial	4,065	Directed commercial expanded catch limit taken on July 8.
1998	May/June Salmon Troll	Directed Commercial	18,244	Pounds made available for the July 22 directed commercial fishery. However, the rolled-over poundage was not taken.
	Directed Commercial	Salmon Troll	18,244	Poundage rolled back into salmon troll fishery beginning August 1 (catch estimates were revised after the season and the actual amount available for roll-over was 17,800 pounds).
	Salmon Troll	Directed Commercial	17,800	Directed commercial fishery reopened August 12 & 26; fishery initially closed with 3,000 pounds remaining. At the request of PFMC, the directed fishery was reopened on September 23 to catch remaining commercial catch limit of 17,800).
1999	May/June Salmon Troll	Directed Commercial	13,490	Directed commercial expanded catch limit was taken by July 21
2000	May/June Salmon Troll	Directed Commercial	3,964	Directed commercial expanded catch limit was not taken by the end of July.
	Directed Commercial	Salmon Troll	< 5,000	Salmon troll expanded catch limit taken by August 21.

Table 9. (continued)

2001	No roll-overs			Regulations did not allow roll-overs from salmon troll to directed commercial fishery.
2002	No roll-overs			Regulations did not allow roll-overs from salmon troll to directed commercial fishery.
2003	No roll-overs			Catch limits in both fisheries were taken.
2004	No roll-overs			Regulations were revisited and it was determined roll-overs could occur to Salmon troll fishery. However, the directed commercial fishery did not take entire catch limit but not sufficient poundage to roll-over to salmon troll fishery.
2005	No roll-overs			Catch limits in both fisheries were taken
2006	No roll-overs			Directed commercial catch limit was taken by July 26; the salmon troll fishery did not take entire catch limit and closed at the end of the season (November 15).
2007	Directed Commercial	Salmon Troll	3,440	Expanded salmon troll catch limit was not taken.
2008	No roll-overs			Directed commercial catch limit was taken by July 23; the salmon troll fishery did not take entire catch limit and closed at the end of the season (November 15).
2009	No roll-overs			Directed commercial catch limit was taken by July 8; the salmon troll fishery did not take entire catch limit and closed at the end of the season (November 15).

The clearance regulations in 1993 remained the same as in 1992, with the exception that Subarea 4D-N was added to the list of areas requiring clearances (Table 10). Persons catching and landing their total annual halibut catch in 4D-N were exempt from clearances.

In 1994, the local exemptions in all areas changed from the individual fisher to the vessel. Instead of a person having to land their total annual halibut catch within an area, a vessel was required to land its total annual halibut catch within an area. This change was to define the vessel as the local entity and allowed individuals to skipper other vessels in other regulatory areas, but still retain their local exemption privileges.

Clearance regulations underwent further modifications in 1995, when the quota share system began in Alaska. Clearances were still required for Areas 4A, 4B, 4C, and 4D; however, clearances specific to 4D-N and 4E were no longer needed as 4D-N had become an obsolete subarea and the entire Area 4E catch limit was allotted to local fishers. While the clear-in ports remained the same, there were modifications to the list of clear-out ports. Area 4B fishers still had to clear out at Nazan Bay (Atka Island) prior to offloading. However, they had the option of contacting the clearance representative via VHF radio, provided the representative could visually identify the

Table 10. Ports where Area 4 clearances ‘To Fish’ and ‘To Depart’ were obtained for each regulatory area, 1993 – 2009.

	Port	To fish (“clear in”)	To unload/depart (“clear out”)	Notes
1993-1994	Akutan	4A, 4C, 4D, 4D-N, 4E	4A, 4C, 4D, 4D-N, 4E	1993 - Fishers catching and landing their total annual halibut catch in one of Areas 4B, 4C, 4E, or 4D-N were exempt from clearances. 1994 - Vessels catching and landing their total annual halibut catch in one of Areas 4B, 4C, 4E,
	Dutch Harbor	4A, 4C, 4D, 4D-N, 4E	4A, 4C, 4D, 4D-N, 4E	
	Nazan Bay	4B	4B	
1995	Akutan	4A, 4C, 4D	4A	Vessels catching and landing their total annual halibut catch in either Areas 4B or 4C were exempt from clearances. Vessels catching and landing their total annual catch in 4D and/or 4E were exempt from clearances if they landed at ports in 4D, 4E, or the Closed Area.
	Dutch Harbor	4A, 4C, 4D	4A	
	Nazan Bay	4B	4B ¹	
	St. George		4C ¹ , 4D ¹	
	St. Paul		4C ¹ , 4D ¹	
1996-1998	Akutan	4A	4A, 4C, 4D	Vessels catching and landing their total annual halibut catch in Area 4A were exempt from clearances. Fishing in multiple Area 4 regulatory areas was permitted provided a NMFS-certified observer was on board and the halibut in the hold were identifiable by regulatory area. If the multiple Area 4 regulatory area fishing regulations were met (as listed above) only one clearance-in prior to fishing anywhere in Area 4 was required and likewise, only one clearance-out
	Dutch Harbor	4A	4A, 4C, 4D	
	Nazan Bay	4B	4B ¹	
	St. George	4C ¹ , 4D ¹	4C ¹ , 4D ¹	
	St. Paul	4C ¹ , 4D ¹	4C ¹ , 4D ¹	
1999-2000	Akutan	4A	4A, 4C, 4D	
	Dutch Harbor	4A	4A, 4C, 4D	
	Adak	4B	4B ¹	
	Nazan Bay	4B	4B ¹	
	St. George	4C ¹ , 4D ¹	4C ¹ , 4D ¹	
	St. Paul	4C ¹ , 4D ¹	4C ¹ , 4D ¹	

Table 10. (continued)

2001-2002	Akutun	4A	4A, 4C, 4D		
	Dutch Harbor	4A	4A, 4C, 4D		
	Adak	4B	4B ¹		
	Nazan Bay	4A, 4B	4B ¹		
	St. George	4C ¹ , 4D ¹	4C ¹ , 4D ¹		
	St. Paul	4C ¹ , 4D ¹	4C ¹ , 4D ¹		
2003-2004	Akutun	4A	4A, 4C, 4D	Vessels that had transmitting vessel monitoring systems (VMS), complied with NMFS VMS regulations, and notified NOAA Office of Law Enforcement of fishing plans were exempted from Area 4 vessel clearances.	
	Dutch Harbor	4A	4A, 4C, 4D		
	Adak	4B	4B ¹		
	Nazan Bay	4A, 4B	4B ¹		
	St. George	4C ¹ , 4D ¹	4C ¹ , 4D ¹		
	St. Paul	4C ¹ , 4D ¹	4C ¹ , 4D ¹		
2005-2008	Akutun	4A	4A, 4C, 4D		Vessels fishing in Areas 4C, 4D, and/or 4E were exempt from clearances if they landed their total annual catch in ports in 4C, 4D, 4E, or the Closed Area. 2008 - Fishing in multiple Area 4 regulatory areas was permitted provided a transmitting VMS was on board and the vessel did not have more halibut on board than the IFQ poundage of the area currently being fished.
	Dutch Harbor	4A	4A, 4C, 4D		
	Adak	4B	4B ¹		
	Nazan Bay	4A, 4B	4B ¹		
	St. George	4C ¹ , 4D ¹	4C ¹ , 4D ¹		
	St. Paul	4C ¹ , 4D ¹	4C ¹ , 4D ¹		
2009	Akutun	4A	4A, 4C, 4D	Regulations pertaining to fishing in multiple Area 4 regulatory areas were reworded to more accurately reflect intent.	
	Dutch Harbor	4A	4A, 4C, 4D		
	Adak	4B	4B ¹		
	Nazan Bay	4A, 4B	4B ¹		
	St. George	4C ¹ , 4D ¹	4C ¹ , 4D ¹		
	St. Paul	4C ¹ , 4D ¹	4C ¹ , 4D ¹		

¹ In person or by VHF with visual confirmation.

vessel. This regulation change came to pass after fishers expressed concerns that the passage into Nazan Bay was hazardous under certain conditions. Non-local vessels in Areas 4C and 4D were now required to clear out in St. George or St. Paul prior to offloading. This clearance could also be done by VHF and visual confirmation. The last change of 1995 was treating Areas 4D and 4E as a unit: 4D vessels fishing in these areas were exempt from clearances if their total annual catch was caught in Area 4D and/or 4E and was landed at ports in 4D, 4E, or the Closed Area (Figure 1; Hoag et al. 1993).

In 1996, Area 4C and 4D clearances changed; clearing in was relocated from Dutch Harbor or Akutan to St. George or St. Paul and could be done in person or via VHF with visual confirmation. Dutch Harbor and Akutan are not within Areas 4C or 4D, so the change was made to have clear-in procedures completed at a port within or closer to Areas 4C and 4D. It was assumed that by requiring the vessel to clear in within the area, the likelihood that it would stay to fish in that area was increased. Dutch Harbor and Akutan were added to the list of ports where 4C and 4D fishers could clear out, though this had to be done in person. Additionally, in 1996, provisions for fishing in multiple Bering Sea regulatory areas were added. A vessel only had to clear in once at any of the clearance ports prior to fishing multiple regulatory areas, provided the vessel followed the regulations governing multiple-area fishing: a NMFS-certified observer had to be aboard and fish in the hold had to be distinguishable by area. The clear-out procedure, prior to offloading after a multiple area fishing trip, could also occur at any of the designated ports.

Adak joined Nazan Bay as an Area 4B clearance location, both to fish and to unload, when a new plant opened on the island in 1999. In 2001, Nazan Bay was added as an Area 4A clearance port for clear-in only. Fishers expressed a desire to fish their Area 4A IFQ on the way back from finishing their Area 4B quota. They felt it would be a hardship to have to return to Dutch Harbor from the western Aleutians only to head back to western Area 4A fishing grounds.

Beginning in 2003, vessels were exempted from Area 4 clearance regulations if they were equipped with a Vessel Monitoring System (VMS) transmitter, complied with NMFS VMS regulations, notified the National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement 72 hours prior to fishing for halibut, and only fished in one regulatory area.

Changes to NMFS regulations in 2005 allowed Area 4C fishers to fish their IFQ and CDQ in Area 4D. To minimize any inconvenience to the fisher, the Area 4D/4E group exemption was expanded to include Area 4C, so that vessels fishing in 4C, 4D, or 4E were exempt from clearances if their total annual catch was landed in 4C, 4D, 4E, or the Closed Area.

Vessels that were fishing with a transmitting VMS and met all VMS regulations were allowed to fish in multiple regulatory areas in 2008 provided that the vessel did not have more halibut on board than the IFQ poundage of the area currently being fished. This regulation pertaining to VMS and multiple regulatory area fishing was reworded in 2009 to more accurately reflect intent.

Over the years, the industry has requested the inclusion of King Cove as a port where clearances can be obtained, but because it is outside of Area 4, it has not been approved. Vessel clearances are done only within Area 4 due to the remoteness and the inability of enforcement to cover the vast area.

Clearances will not likely be required in other areas although it has been discussed at different times. It is more likely that domestic VMS requirements will be expanded to new areas and fisheries. In B.C., domestic regulations require at-sea video monitoring which incorporate VMS systems. These requirements are part of the Groundfish Integrated Fisheries Management Plan (IFMP) implemented in 2006 to meet rockfish conservation needs and improve catch monitoring. The initial three-year pilot program included 100% at-sea and dockside monitoring, with a percentage of the fishing video footage being compared with the logbook data for validation purposes. The program makes individual vessels accountable for all catch, both retained and discarded. The pilot IFMP was extended through 2009 with a review to be completed by DFO.

Logs

Since 1932, log data obtained from fishers have been, and remain, a critical stock assessment tool and are important for other data collection projects (Gilroy et al 1995).

The IPHC regulations define which logbooks are permitted and IPHC receives recommendations for including new logbooks as they become available. The IPHC works with other agencies and the industry to ensure that the necessary data fields are available so halibut and other species can be recorded in one logbook. In 1996, 1997, 1998, 2001, and 2008, IPHC changed regulations to allow additional agency/industry logbooks to be used in the U.S. halibut fisheries. In 2006, British Columbia saw the implementation of Integrated Fisheries Management practices resulting in a regulation change requiring that the Integrated Groundfish Fishing Log be completed instead of the Halibut Fishery Logbook, both of which were provided by DFO.

In 2001, a regulation change stated that a logbook was to be kept on the vessel until completion of the offload, instead of for a few days after the offload. This change allowed the skippers of vessels with multiple skippers to take their confidential logbooks with them when skipper changes occurred on the vessel. That same year, a regulation change allowed vessel operators in Canada to retain their log pages until after their final trip of the season. Prior to this, operators were required to mail in their log sheets to the IPHC within seven days after each fishing trip; the regulation change stated that they be mailed within seven days of their final offload of the season. This modification allows port samplers to collect the logbooks and conduct skipper interviews throughout the season. In 2006, the regulation that required that logbooks be completed no later than 24 hours after midnight local time for each day fished and prior to offloading was removed for Canadian vessel operators. Under the new Integrated Fisheries Management Plan the logbooks are required to be complete prior to landing or selling halibut.

In 2001, logbook regulations changed to require that the following information be recorded: vessel name and number, latitude and longitude or a direction and distance from a point of land (instead of simply a fishing locality), gear hauled, gear lost, and total weight or numbers of halibut retained for each location by day or set. The logbooks already had data fields for the information to be recorded but for enforceability of regulations the specific information required was listed within the regulations.

Starting in 2002, vessels participating in the Washington treaty Indian commercial fishery in Area 2A-1 (Fig. 2) were required to complete an IPHC fishing log.

Receipt and possession or careful release of halibut

Starting in 1993, fishers were required to carefully release halibut that were not retained on board the vessel by immediately releasing halibut outboard of the roller and returning the fish to the sea with a minimum of injury. In 1995, with the start of the IFQ fishery, the Commission changed the careful release regulation to include any halibut caught and released, not only halibut released in excess of fishing period limits. This change was made due to the start of the IFQ fishery and because equipping Alaskan halibut vessels with automatic hook strippers (“crucifiers”) was legalized. Automated hook strippers are common hook-removing devices used in other fisheries, particularly the sablefish (*Anoplopoma fimbria*) fishery. The careful release regulations were again modified in 1999 adding a statement that halibut not retained shall be ‘released immediately outboard of roller’ to mirror NMFS regulations, and in 2007, at the request of NOAA enforcement, the regulation wording was revised to allow halibut to be measured on board the vessel to determine if legal size requirements were met. If the halibut were not legal size they were to be returned to the sea with minimal injury. Although the intent had been for measuring to be allowed, the regulation needed to be re-written to meet the needs for enforcement.

With the implementation of fishing period limits and quota share fisheries, regulations were adopted that required fishers to account for all halibut onboard the vessel, including overages and personal use halibut. A regulation was adopted in 1994 that required the processors to unload all

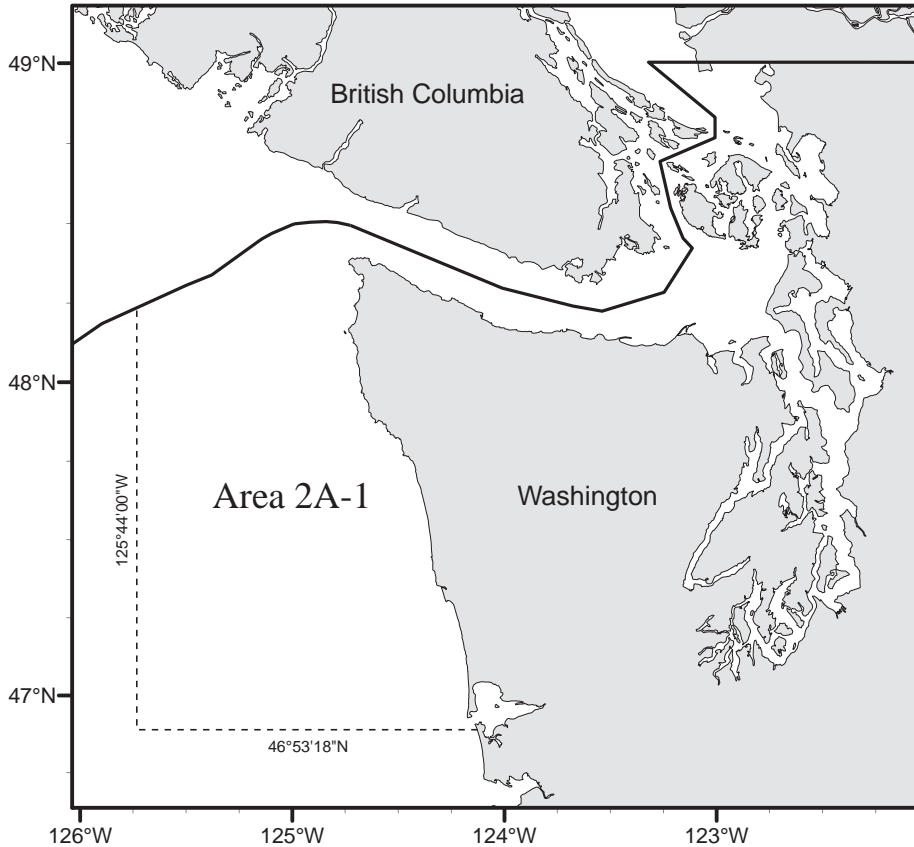


Figure 2. Regulatory Area 2A-1 for the treaty Indian Pacific halibut fishery.

halibut off the vessel when fishing period limits were in effect and record the weight on state fish tickets. The regulations were more explicit starting in 1995, stating the scale weight obtained at the time of offloading of all halibut from the vessel was to be recorded. This was revised again in 2001 in the U.S., to make the vessel owner or operator responsible for offloading all halibut and to record the weight on both the federal catch records and the state fish tickets, not on one or the other. In addition, beginning in 2007, the Interagency Electronic Reporting System (eLandings) could be used as an option to state fish tickets for Alaskan halibut deliveries. For halibut caught in Area 2A, the persons recording the weight on the state fish tickets were required to record whether the corresponding weight on the ticket was with head on or head off. This detail allowed for proper deductions to be taken by the agencies when determining net weight as part of entering the fish ticket records into databases.

There was concern by commercial fishers in Alaska that even after they had accounted for all of their halibut as part of their quota shares, they could not take their personal use halibut back on the vessel for filleting. In 2001, a regulation was adopted that allowed the possession of halibut fillets on board a vessel up to 6 PM on the calendar day following the offload, if the fillets were from legally-retained, commercially-caught halibut and the vessel was in the same port where the landing occurred. The DFO has more restrictive regulations and this is not allowed for halibut caught in B.C. waters.

The initial possession regulation (1978) stated that no person shall possess any halibut that he/she knows to have been taken in contravention of the regulations. In 2002, at the request of the NOAA General Counsel, the regulation wording was revised by removing the “knowing”

aspect, as a person did not need to know they were in illegal possession of halibut to be in illegal possession of halibut.

In 1995, halibut had to have the gills and entrails removed prior to being offloaded from the vessel. This allowed halibut to be sampled for age structures by IPHC staff and, with the longer seasons, fishers would have time to dress the halibut. The industry supported the regulation as this could only improve the quality of the fish. Although this regulation was adopted by the Commission, it was not adopted by the Canadian government as noted later in this document. Although regulations prohibit filleting or fletching halibut on board a vessel, “cheeking” of halibut on board freezer vessels fishing in Alaska has been allowed since 1996.

Halibut catch limits have always been defined in net weight, which is the weight of halibut that are gutted, head-off, washed, and without ice and slime. The definition of net weight was added to the regulations in 2006 and, in 2008, the required conversion factors to be used if the halibut was weighed with head on and with ice and slime, were added. The conversion rates required are a 10% deduction for the head and a 2% deduction for ice and slime.

Fishing gear

Legal commercial fishing gear for halibut is defined in IPHC regulations as hook and line gear; trawl gear has been prohibited since 1944 and pot gear since 1972 (Skud 1977). Setline gear is defined as one or more stationary, buoyed, and anchored lines with hooks attached. The regulations for fishing gear remained unchanged between 1993 and 1994. With the start of the IFQ system, various modifications to the regulations were passed to allow fishers more flexibility in their fishing practices. Between 1987 and 1994, no vessel fishing for halibut could be equipped with, or have on board, an automated hook stripper and no person on board such a vessel could be in possession of halibut. This regulation was removed in 1995 because it was believed that the number of fishing trips targeting multiple species (halibut and sablefish) would increase. The Commission wished to minimize its impact on the prosecution of other fisheries. It was also recognized that the practice of hook stripping did not require a specific piece of equipment but could also be conducted by ‘horning’ the fish with a gaff at the line roller. The Commission focused on educating harvesters about careful release methods rather than continuing an ineffective regulation.

In 1980, the Commission introduced a 72-hour setline closure prior to halibut fishing periods in all regulatory areas (Hoag et al. 1993). By 1993, Areas 4B, 4C, 4D-N, and 4E were exempted from this regulation. With the implementation of the long fishing season, the regulation changed in 1995 and all areas were once again subject to the 72-hour rule. However, in all areas except Area 2A, a vessel could fish within the 72-hour period before the halibut opening if it made a landing and completely offloaded its entire catch of other fish, or submitted to a hold inspection by an authorized officer. In 2009, the 72-hour restriction prior to an Area 2A directed commercial fishery was modified so that the restriction applied to all vessels, not just setline vessels. It was also changed to require vessels and skippers fishing within the 72-hours prior to a halibut opening to offload their catch or submit to a hold inspection. Without this change, enforcement officers could not tell if the fish on board were caught before or within the 72-hour period.

In 1996, the Commission approved a pilot program put forth by the Northwest Food Strategies (later named SeaShare¹) where dead, trawl-caught halibut, landed in Dutch Harbor, could be donated to food banks. Due to legal and technical delays, a three-year test program was not approved by NPFMC until 1998. A provision was added to the 1998 halibut regulations allowing retention and possession, but not sale or barter, of halibut caught by trawl gear as authorized by NMFS’ Prohibited Species Donation regulations. The program was reviewed by IPHC and NMFS in 2000 and was allowed to continue without a sunset date and subject to re-examination every three years (Williams 2008). The NMFS regulations define the required

¹ 600 Erickson Ave. NE, Suite 310, Bainbridge Island, WA; www.seashare.org

quality measures, the processors within the program, and specify the annual total poundage allowed in the Donation Program. Retention of halibut in this trawl fishery was allowed because the vessels involved were unable to sort their catch at sea and halibut were landed dead. Prior to the donation program, these halibut were taken back out to sea and dumped.

In 2002, an addition was made to the regulation that stated that no person shall possess halibut while on board a vessel carrying any fishing pots or trawl nets capable of catching halibut. Industry requested that this rule be modified to allow the use of halibut carcasses as bait. In all Alaskan regulatory areas, it is legal to have halibut heads, skin, entrails, bones, or fins on board a pot-carrying vessel provided that a receipt documenting the purchase or transfer of the halibut parts is on board the vessel.

Prior to 2004, all setline or skate marker buoys carried on board or used by a United States vessel had to be marked with the vessel's name, vessel's state license number, or the vessel's registration number. As there may be multiple vessels with the same name, marking gear solely with the vessel's name was no longer an option starting in 2004. This change was requested by NOAA enforcement.

As mentioned previously, in 2006 DFO implemented the IFMP with 100% accountability of all target and non-target species. In 2007, DFO requested that the Commission regulations allow retention of trap-caught halibut while sablefish fishing in Area 2B to minimize fishing effort and discard mortality. Regulations limiting the catch of halibut to hook-and-line gear were modified to allow retention of halibut captured in sablefish traps in Area 2B. However, DFO regulations stipulate that only bycatch of halibut could be retained and trap gear could not become a targeted fishery gear. Even though IPHC regulations were changed, DFO's regulations required more time to implement and the retention of halibut in traps was not allowed until August of 2008.

Size limit

The Commission has maintained a minimum commercial size limit of 32 inches (81.3 cm) head-on (fork length), or 24 inches (61.0 cm) head-off, since 1973 (Hoag et al. 1993). By 1993, additional regulations concerning size limits had been established and included stipulations that halibut were not to be filleted, mutilated, or otherwise disfigured in any manner that prevented the determination of minimum size. Further, persons on board a vessel fishing for or tendering halibut in Area 2A could not be in possession of head-off halibut. The Area 2A head-on landing restriction was implemented so Commission samplers could collect biological samples (otoliths and fork lengths) at the offload site. Previously, too many halibut heads were removed at-sea, which did not allow for random sampling.

In 2009, the Commission developed terminology for defining halibut removals by size and uses O32 for halibut 32 inches and over in fork length and U32 for halibut under 32 inches. These terms are used in place of the commercially-centric adjectives, sublegal and legal in much of IPHC literature.

Quota share fisheries

While the quota share programs were neither initiated nor managed by IPHC, their impacts on the Pacific halibut fishery regulations warrant a brief discussion of the systems.

The IVQ system for B.C. was developed largely by industry and, as its name suggests, associated quota shares with the fishing vessel. Seventy percent of the initial allocation scheme was based on the vessel's catch history from the years 1986 to 1989 and 30% on the vessel's length (Casey et al. 1995). Quota shares were divided into two blocks, which were allowed to be transferred temporarily to another vessel starting in 1993 and permanently in 1999 (Gilroy et al. 2010). A vessel could fish up to four blocks. At the start of the program, IVQs were given to 435 vessels and by 2009 there were 154 active halibut fishery-licensed vessels.

The Alaskan IFQ system was developed by NPFMC and implemented by NMFS RAM division. Quota shares were issued to fishers rather than associated with vessels. To qualify for an allocation, a fisher had to have owned or leased a vessel that made a fixed gear halibut landing in 1988, 1989, or 1990 (Strickland 1994). Shares were calculated for each regulatory area and were based on a fisher's best five years of landings, between 1984 and 1990. Transfers of shares were allowed; however, fishers were limited to a fixed percentage of an area's total quota. In 1995, 4,830 persons were allocated shares. By 2009, this number was down to 2,855 shareholders (Gilroy et al. 2010).

Both quota share programs are complex and have changed over the years. For more information on the fisheries, refer to the domestic regulations or the following web pages:

<http://www.fakr.noaa.gov/ram/ifq.htm> and

<http://www.pac.dfo-mpo.gc.ca/fm-gp/commercial/ground-fond/index-eng.htm>

Underage and overage quota share plans

With the implementation of quota share fisheries, underage and overage plans were adopted. The goal was to not penalize quota share holders that were slightly over their quota share and allow a small carry-over if they were slightly under their quota share. This was in recognition that length/weight conversion charts are averages and it is therefore difficult to fish to an exact poundage. The initial plan in British Columbia was developed and agreed on by DFO and IPHC in 1992. The IPHC regulations do not define the underage and overage plan as it is implemented by domestic regulations. However, IPHC catch limit regulations allow the plan to exist by stating that the Area 2B fishery will close only when all IVQs assigned by DFO are taken, or by the determined closing date, whichever is earlier. The plan initially allowed quota holders who harvested 5% under or over their IVQ on the last trip to increase or decrease their quota accordingly the following year. A change was made in 1993, increasing the allowance from 5% to 10%. An underage and overage plan in Alaska was implemented with the QS program in 1995 by domestic regulation, and revised in 1999. Again, IPHC regulations allow the underage and overage plan by closing commercial fishing in the Alaskan regulatory areas when all IFQs are taken, or by the determined closing date, whichever is earlier. The IVQ and IFQ underage/overage plans are slightly different and for current year details see Appendix 8.

Retention of tagged halibut

Through 2003, the regulations stated that any vessel at any time can retain a halibut with a Commission tag attached. In 2003, IPHC initiated a research project that used internal Passive Integrated Transponder tags; therefore, in 2004 the retention regulations were changed to define the tag as an external tag. The regulations were further modified so that only legally and commercially-caught, O32, tagged halibut could be sold. In all other cases the tagged fish could be retained for personal use but not sold. Additionally, the regulations were changed to state that any tagged fish must count against quota shares unless otherwise exempted by state, provincial, or federal regulations. In both the Alaska and B.C. quota share programs, legally-caught, tagged halibut do not need to be counted toward quota shares.

In 2003, the Commission staff recommended a regulation change to allow only IPHC-authorized tagging programs, but the Commissioners took no action. This request was again made in 2008 by the industry and the Commission did then adopt a regulation to restrict tagging of halibut to IPHC-authorized programs, and state or federal programs. The permitting process is initiated by way of a request letter to the IPHC Executive Director.

Washington treaty Indian tribes

The treaty Indian tribes consist of 13 Indian tribes in Subarea 2A-1: the Hoh, Makah, Quileute, and Quinault Indian tribes from the Washington coast; and the Jamestown S'Klallam,

Lower Elwha Klallam, Lummi, Nooksack, Port Gamble S' Klallam, Skokomish, Suquamish, Swinomish, and Tulalip Indian tribes from Puget Sound. In 1988, PFMC adopted the CSP which incorporated the tribal fisheries.

From 1988 to 1994, the tribes were granted 25% of the Area 2A catch limit. The tribal allocation was initially for both commercial and ceremonial and subsistence (C&S) fisheries, but in 1992, the C&S fishery received a separate allocation, or catch limit. In 1995 a Federal Court ruling, advocating treaty Indian fishing rights in Area 2A-1, required that PFMC increase the treaty Indian allocation from 25 to 35% of the total Area 2A catch limit. In 2000, the U.S. Federal courts ordered an adjustment in the halibut allocations for the years 2000 through 2007, granting the treaty Indian tribes an additional 25,000 pounds of catch, in excess of the 35% already allocated. In 2008, the tribal allocation reverted back to the framework as stated in the CSP, to the 35% allocation without the additional 25,000 pounds.

Since 2004, the Northwest Indian Fisheries Commission (NWIFC) has adopted a new management plan that apportions the catch limit to tribes or groups of tribes. The new management plan allocates 75% of the catch limit to specific tribes or groups of tribes and is termed “the separately managed fishery” by tribal managers. This fishery opens on the same date as the quota share fisheries and remains open until the catch limit is taken, or by July 30, depending on which comes first. If there is poundage remaining after the July 30 end date, the remaining poundage can be made available in small increments until the entire catch limit is taken. The remaining 25% of the total catch limit is made available to all the tribes and is termed “the joint restricted fishery” by tribal managers. This joint restricted fishery typically opens on the third Monday in March, is subject to daily limits of 500 pounds per vessel, and is managed to last 40 days or until that portion of the catch limit is taken.

From the inception of the tribal fisheries, fishing season dates were set by NWIFC and the fisheries were closed as the catch limits were taken. Beginning in 1996, the same opening and closing dates as the quota share fisheries were imposed upon the Area 2A-1 treaty Indian fishery. This change was made so that no area had an opportunity to open earlier than any other area. Also, regulations were adopted specifying which commercial regulations applied to the commercial treaty Indian fishery, including size limit, careful release of halibut, maintaining a logbook, receipt and possession of halibut, and fishing gear restrictions. The treaty Indian fishery remains exempt from the 72-hour fishing restriction preceding the halibut fishing period.

For a summary of fishing season dates, catch limits and tribal restrictions from 1993 to 2009, see Table 11.

Metlakatla fishery

In southeast Alaska, the Metlakatla fishery, within the Annette Islands Reserve (which include waters within 3,000 feet of the islands) is authorized under the U.S. Department of the Interior Bureau of Indian Affairs (BIA). In 1990, a five-year test commercial halibut fishery was implemented. The halibut fishery management plan was based on fishery management goals determined by the Annette Islands Reserve Coastal Management Plan approved by the Metlakatla Indian Community Council.

In February 1994, prior to the 1995 season, a Memorandum of Agreement between the Community and the BIA was established with two voting members and one supporting biological and socioeconomic staff member. The Reserve fishery plan ensured that the Metlakatla halibut fishery complied with IPHC commercial regulations, including size limits, log and fish ticket requirements, and gear restrictions (Appendix 9). The openings are to occur within the Area 2C commercial fishing opening period, and are generally two days in length, and separated by two weeks (Appendix 10).

The IPHC has a cooperative relationship with the Metlakatla biologists. The Commission is informed of season dates prior to each fishery, and landing and log summaries are provided after each opening. The catch from this fishery is included in the Area 2C commercial catch estimates.

Table 11. Summary of IPHC commercial and ceremonial and subsistence (C&S) fisheries regulations for treaty Indian tribes in Regulatory Area 2A-1, 1993 – 2009.

Year	Fishing Seasons		Catch Limits		Notes
	Commercial	C & S	Commercial	C & S	
1993	3/1 – 10/31	1/1 – 12/31	136,000	14,000	<p>Tribal restriction: Directed fishery: 3/1, 3/8-11 (72 hrs), 3/18-19 (24hrs), 1,800 lbs/vessel limit), and 7/3-19 (250 lbs/vessel/trip limit). Incidental troll fishery: 5/1 – 7/19 (200 lbs/vessel/trip limit increased to 250 lbs/vessel/trip on 6/3). Fishing periods shall begin and terminate at such times as may be set by treaty Indian tribal regulations.</p>
1994	3/1 – 10/31	1/1 – 12/31	176,500	16,000	<p>The 72-hour fishing restriction preceding the opening of a halibut fishing period specified in section 17(8) and (9) shall not apply to United States treaty Indian tribes specified in this section while fishing in subarea 2A-1.</p>
1995	3/15 – 11/15	1/1 – 12/31	171,000	11,000	<p>Tribal restrictions: Fishery: 3/5-8, 3/14-18, and 3/25-26 (30 hrs). Halibut fishing in subarea 2A-1 by members of the United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by the National Marine Fisheries Service and published in the Federal Register.</p> <p>Catch limits expected to be set by independent action by the United States.</p> <p>Tribal restrictions: Unrestricted fishery: 3/16-17 (24 hrs), 3/24-26 (48 hrs), and 3/29-30 (24 hrs). Restricted fishery: 4/21-24 (3,000 lbs/trip). Incidental sablefish and salmon troll: 3/05-6/12 (500 lb limit; reduced to 5 halibut per delivery in May by some tribes).</p>

Table 11. (continued)

Year	Fishing Seasons		Catch Limits		Notes
	Commercial	C & S	Commercial	C & S	
1996	3/15 – 11/15	1/1 – 12/31	168,000	14,000	Tribal restrictions: Unrestricted fishery: 3/17-20 and 3/22-23. Restricted fishery: 3/15-4/7 (500 lbs/vessel/day limit).
1997	3/15 – 11/15	1/1 – 12/31	230,000	15,000	Tribal restrictions: Unrestricted fishery: 3/15-18, 3/21-23, and 3/26-27. Restricted fishery: 3/15-27 (500 lbs/vessel/day limit).
1998	3/15 – 11/15	1/1 – 12/31	272,000	15,000	Tribal restrictions: Unrestricted fishery: 3/15-20. Restricted fishery: Not recognized or prosecuted by all tribes; dates unavailable (500 lbs/vessel/day limit).
1999	3/15 – 11/15	1/1 – 12/31	256,000	10,000	Tribal restrictions: Unrestricted fishery: 3/15-17, 3/20-21, and last opening 4/1-2 (24 hrs and 5,000 lbs/vessel limit). Restricted fishery: 3/15-4/23 (500 lbs/vessel/day limit).
2000	3/15 – 11/15	1/1 – 12/31	305,000	10,500	Tribal restrictions: Unrestricted fishery: 3/15-17 and 3/30-31. Restricted fishery: 3/15-4/15 (500 lbs/vessel/day limit).
2001	3/15 – 11/15	1/1 – 12/31	406,500	17,500	Tribal restrictions: Unrestricted fishery: 3/21-23 and 4/19-20. Restricted fishery: 3/15-4/15 and 4/25-5/11 (500 lbs/vessel/day limit).
2002	3/18 – 11/15	1/1 – 12/31	467,500	16,000	New IPHC regulation restrictions: Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and possession of halibut) and section 19 (fishing gear), except paragraphs (7) and (8) of section 19, apply to commercial fishing for halibut in subarea 2A-1 by the treaty Indian tribes. Tribal restrictions: Unrestricted fishery: 3/18-20, 4/2-3, and 4/30-5/1. Restricted fishery: 3/20-4/19, 5/5-9 (500 lbs/vessel/day limit).

Table 11. (concluded)

Year	Fishing Seasons		Catch Limits		Notes
	Commercial	C & S	Commercial	C & S	
2003	3/1 – 11/15	1/1 – 12/31	456,500	27,000	Tribal restrictions: Unrestricted fishery: 3/1-3 and 4/15-16. Restricted fishery: 3/1-3/31, 4/2-6, and 4/23-30 (500 lbs/vessel/day limit).
2004	2/29 – 11/15	1/1 – 12/31	523,600	19,400	Tribal restrictions: Unrestricted fishery: 2/29-7/30. Restricted fishery: 3/21-4/8 (500 lbs/vessel/day limit), 4/9-19 (250 lbs/vessel/day limit), 4/20-30 (500 lbs/vessel/day limit), 8/11-12, 8/17-20, 8/30-9/1, and 9/6-8 (unknown trip limits).
2005	2/27 – 11/15	1/1 -12/31	452,500	38,000	Tribal restrictions: Unrestricted fishery: 2/27-7/30. Restricted fishery: 3/21-4/30, 5/4-24, and 5/31-6/6 (500 lbs/vessel/day limit).
2006	3/5 – 11/15	1/1 – 12/31	472,000	36,000	Tribal restrictions: Unrestricted fishery: 3/5- 7/30. Restricted fishery: 3/20-4/10 (500 lbs/vessel/day limit); 4/11-7/18 (200 lbs/vessel/day limit).
2007	3/10 – 11/15	1/1 – 12/31	461,000	33,000	Tribal restrictions: Unrestricted fishery: 3/10-7/30. Restricted fishery: 3/19-4/13 (500 lbs/vessel/day limit) and 4/18-5/3 (200 lbs/vessel/day limit).
2008	3/8 – 11/15	1/1 – 12/31	397,000	30,000	Tribal restrictions: Unrestricted fishery: 3/8-6/3. Restricted fishery: 3/17-4/15 (500 lbs/vessel/day limit).
2009	3/21 – 11/15	1/1 – 12/31	303,500	29,000	Tribal restrictions: Unrestricted fishery: 3/21-7/15. Restricted fishery: 3/21 – 5/9 (500 lbs/vessel/day limit).

Subsistence fishing

Halibut has been taken for subsistence or personal use for many years, including prior to the development of the commercial fisheries. The IPHC started to estimate personal use catch as part of total removals in 1991. The first IPHC regulation adopted for this fishery was in 1998 for the ceremonial and subsistence fishing by the treaty Indian tribes in Area 2A-1.

In 1993, the Commission tried to account for personal use halibut that was taken home from commercial trips by requiring the vessel operators to record take-home halibut in their logbooks. The original recommendation was to require that it be recorded on state fish tickets, but the Commission adopted the regulation to have it recorded in the logbooks. These take-home pounds were not accounted for in the commercial catch, so the goal was to try to account for this removal. In 2006, the regulation to record personal use catch in the logbook became obsolete and was removed because all halibut retained from commercial fishing trips were required to be accounted for as part of quota shares in Alaska and British Columbia, or as part of fishing period limits or incidental catch limits in Area 2A.

The NPFMC started to discuss Alaska customary and traditional use (subsistence fishery) of halibut in the 1990s. In 1998, IPHC changed its regulations to allow CDQ fishers in Area 4E to land U32 halibut caught while commercial fishing and retain them for subsistence or personal use. This halibut was accounted for as subsistence and not as commercial catch. NOAA enforcement and IPHC did not have concerns that it would illegally be sold or reach the marketplace due to the isolation of the Area 4E fishery. In 1999, the regulation was modified to require that the CDQ managers report the total weight of halibut from this fishery and the methodology of data collection to the Commission by December 1. This fishery was re-authorized in 2000 for two years. In 2002, the end date was removed and the allowance was expanded to Area 4D. Again, there were no enforcement concerns due to the isolation of the area. In 2007, the reporting date requirement was changed from December 1 to November 1 to allow the removals to be accurately accounted for in the current year's stock assessment.

The NPFMC took final action in October 2000 to define the customary and traditional use of halibut by rural residents and members of federally-recognized Alaska native tribes for non-commercial use, for food and customary trade. At the January 2002 Annual Meeting, in anticipation of future NMFS regulations, the Commission adopted regulations that recognized the customary and traditional use of halibut in Alaska, which were to be put into effect when NMFS regulations were implemented. The NMFS regulations became on May 15, 2002. IPHC regulations allowed the fishery and determined the season while NMFS regulations defined legal users, registration requirements, legal gear, number of hooks, and daily bag limits.

For Area 2B, DFO had regulations that managed the aboriginal groups fishing for food, social, and ceremonial purposes (FSC), previously known as the First Nation's Food Fishery. In 2006, IPHC adopted regulations that recognized this fishery so that IPHC and DFO regulations were not in conflict. Even though regulations exist, the catch accounting overseen by DFO likely does not accurately reflect the removals because the 1993 estimate was carried over through to 2007, with a new estimate for 2008 and 2009.

Sport fishing

The IPHC initially developed sport regulations in the early 1970s and included regulations defining gear, daily bag limits, possession limits, seasons, and license requirements. Sport halibut is defined by IPHC regulations as halibut that is not offered for sale, traded, or bartered. Additionally, halibut caught while sport fishing cannot be on board a vessel when other fish or shellfish that are destined for commercial sale, trade, or barter are on board. More recently, both the U.S. and Canada have developed more restrictive regulations than the Commission sport regulations. In Canada, DFO implements these regulations, and in the U.S., NMFS implements

the regulations adopted by the regional fishery management councils. Furthermore in the U.S., state agencies may have some additional sport regulations.

In Areas 2A and 2B the sport fisheries are managed to a catch limit or allocation and in Areas 2C and 3A, the sport charter fisheries are managed to a guideline harvest level (GHL) defined by NPFMC (Table 12).

Sport regulations in Area 2A are part of the PFMC CSP and are adopted by the Commission. With allocation to all user groups, the CSP has become more complex over the years. In conjunction with the CSP changes in 2006, the sport fish possession limit changed to two halibut (U.S. origin) in Washington, three daily bag limits in Oregon, and two daily bag limits in California. In 2007, the California sport possession limit on land and on the water was lowered to one daily bag limit. The complexity of the Area 2A sport fishery is illustrated in Tables 13a and b, showing two sport divisions with Commission-adopted catch limits and nine sport sub-areas with different seasons, sub-area limits, fishing days, and bag limits.

For Area 2B, the possession limit changed in IPHC regulations from two to three halibut in 1996. Since 2004, the Commission has set a combined sport and commercial catch limit that is allocated to user groups by DFO. The sport fishery is allocated 12% and the commercial fleet 88% of the combined catch limit. In 2008 and 2009, DFO implemented several management measures that were more restrictive than IPHC regulations, including shortening the fishing season, reducing the bag limit to one halibut for part of the fishery, and enacting different possession limits throughout the season (Table 14). The DFO regulation changes were intended to keep the sport harvest close to the sport allocation.

In 2000, NPFMC adopted the GHL program for Alaska to manage the harvest by sport charter (guided) vessels in Areas 2C and 3A. The NMFS implemented this program in September 2003. The NMFS regulations are intended to constrain the fishery to near the GHL and to implement further restrictions in a subsequent year if the fishery exceeds the GHL. When managed to the GHL, the recreational guided harvest decreases if halibut abundance declines by specified increments, but the catch should not increase above the GHL. Starting in 2006, NMFS implemented regulations for the sport charter vessels in Areas 2C and 3A that are more restrictive than IPHC regulations, including no retention of halibut by skipper and crew, reduced bag limits for part of the season, and line limits (Table 14). Even with additional restrictions, the Area 2C sport charter catch has been substantially over the GHL, since 2004.

In 2007, at NOAA General Counsel's request, the Commission revised IPHC regulations for Alaska that prohibited the processing or mutilation of halibut so that it applied on board catcher vessels only and not on land. This regulation allows the determination of number of fish and when applicable if the fish meets the size limit. It was revisited in 2008, and the Commission adopted a sport regulation that no person shall possess on board a fishing vessel, including charter vessels and pleasure craft, halibut that has been filleted, mutilated, or otherwise disfigured in any manner except that each halibut may be cut into no more than two ventral and two dorsal pieces and two cheeks, all with skin on. The change allows enforcement officers to count the number of fish possessed by an angler. In 2009, at the request of NOAA General Counsel, "fishing vessel" was changed to "vessel" as it was not possible to define which vessel was fishing, and the regulation was therefore not enforceable. In addition, it was further revised, at the request of the industry, by adding an exception so that halibut in excess of the possession limit could be possessed on board the vessel for transportation, when the vessel is not carrying fishing gear.

Commission regulations not adopted by governments

Since 1993 there were two occasions when the Commission approved regulations but the governments did not adopt those regulations. Halibut have to be landed or offloaded from the vessel with the gills and entrails removed but, since 1999, the Canadian government has rejected this regulation to allow for the offloading and penning of live halibut. The regulation

Table 12. Sport catch and catch limits (net weight, millions of pounds) for Pacific halibut in Areas 2A, 2B, 2C, and 3A, 1993 - 2009.

Year	Area 2A					Area 2B			
	North of Columbia River		South of Columbia River		Total		Catch		
	Limit	Catch	Limit	Catch	Limit	Catch	Limit	Catch	
1993	0.137	NA	0.088	NA	0.225	0.246	no limit	0.328	
1994	0.011	NA	0.070	NA	0.179	0.186	no limit	0.328	
1995	0.124	NA	0.107	NA	0.231	0.236	no limit	0.887	
1996	0.124	NA	0.107	NA	0.231	0.229	no limit	0.887	
1997	0.167	NA	0.144	NA	0.311	0.355	no limit	0.887	
1998	0.195	0.213	0.169	0.170	0.364	0.383	no limit	0.887	
1999	0.181	0.184	0.157	0.154	0.337	0.338	no limit	0.859	
2000	0.188	0.198	0.163	0.147	0.351	0.344	no limit	1.021	
2001	0.214	0.218	0.227	0.227	0.441	0.446	no limit	1.015	
2002	0.214	0.189	0.262	0.210	0.476	0.399	no limit	1.260	
2003	0.232	0.228	0.262	0.176	0.495	0.404	no limit	1.218	
2004	0.273	0.244	0.297	0.243	0.570	0.487	no limit	1.613	
2005	0.237	0.233	0.266	0.251	0.503	0.484	1.592	1.841	
2006	0.249	0.239	0.276	0.277	0.526	0.516	1.589	1.773	
2007	0.240	0.220	0.268	0.284	0.508	0.504	1.381	1.556	
2008	0.220	0.216	0.251	0.241	0.472	0.457	1.082	1.536	
2009	0.214	0.266	0.196	0.192	0.410	0.458	0.918	1.098	

Year	Area 2C				Area 3A			
	Guideline Harvest				Guideline Harvest			
	Level	Charter	Private	Total	Level	Charter	Private	Total
1993	no limit	--	--	5.265	no limit	--	--	1.811
1994	no limit	--	--	4.487	no limit	--	--	2.001
1995	no limit	--	--	4.511	no limit	--	--	1.759
1996	no limit	--	--	4.740	no limit	--	--	2.129
1997	no limit	--	--	5.514	no limit	--	--	2.172
1998	no limit	--	--	4.702	no limit	--	--	2.501
1999	no limit	--	--	4.228	no limit	--	--	1.843
2000	no limit	--	--	5.305	no limit	--	--	2.258
2001	no limit	--	--	4.675	no limit	--	--	1.925
2002	no limit	--	--	4.202	no limit	--	--	2.090
2003	1.432	1.412	0.846	2.258	3.650	3.382	2.046	5.428
2004	1.432	1.750	1.187	2.937	3.650	3.668	1.937	5.605
2005	1.432	1.952	0.845	2.797	3.650	3.689	1.984	5.673
2006	1.432	1.804	0.723	2.527	3.650	3.664	1.674	5.338
2007	1.432	1.918	1.131	3.049	3.650	4.002	2.281	6.283
2008	0.931	1.999	1.265	3.264	3.650	3.378	1.942	5.320
2009	0.788	1.302	1.244	2.546	3.650	2.564	1.967	4.531

was in place to ensure otolith sampling could be performed, for quality control, and for correct weight deductions. The DFO and Commission staffs worked to ensure that an accurate weight is recorded, the live halibut can be tracked, and that the fish can be sampled when necessary by Commission staff.

At the 2007 IPHC Annual Meeting, the Commission, with the support of its advisory bodies, adopted a sport regulation for the 2007 fishing season to reduce the daily bag limit from two fish to one for guided sport charter fishing in Area 2C from June 15 to July 31, and for Area 3A from June 15 to 30. The reduced bag limit regulation was to be in effect until the U.S. government implemented domestic regulations to achieve halibut mortality reductions consistent with those

Table 13a. Fishing dates, opportunity, size limits, and bag limits for the Area 2A 2009 Pacific halibut sport fishery. No size limits were in effect unless otherwise noted.

Regulatory Area & Region	Fishing Dates	Fishing Days per week	No. of Fishing Days	Daily Bag Limit
WA Inside Waters				
East of Low Point	Apr 23 - Jun 5	5 (Thurs-Mon)	32	1
Low Point to Sekiu River	May 21 - Jul 3	5 (Thurs-Mon)	32	1
WA North Coast (Sekiu River to Queets River)	May 14 - 23	2 (Thurs, Sat)	4	1
	Jun 4, 6	2 (Thurs, Sat)	2	1
WA South Coast (Queets River to Leadbetter Pt.)				
All Depths	May 3 - 12	2 (Sun, Tues)	4	1
	May 17 - Jun 28	1 (Sun)	7	1
Northern nearshore	May 7 - Jun 27	3 (Thurs - Sat)	24	1
	Jul 2 - Sep 27	4 (Thurs - Sun)	52	1
Columbia River (Leadbetter Pt. to Cape Falcon)	May 1 - 29	3 (Thurs - Sat)	13	1
	Aug 7 - Sep 27	3 (Fri - Sun)	24	1
OR Central Coast (Cape Falcon - Humbug Mtn.)				
All Depths	May 14 - Jul 4	3 (Thurs - Sat) ^a	18	1
	Aug 7 - 9	3 (Fri - Sun)	3	1
Less than 40 fathoms	May 1 - Aug 9	7 (Sun - Sat)	101	1
OR/CA (South of Humbug Mtn.)	May 1 - Oct 31	7 (Sun - Sat)	184	1

^aFishing season occurred every other week during June.

Table 13b. 2009 catch limits and preliminary harvest estimates (in pounds, net weight) by subarea within Regulatory Area 2A.

Subarea	Catch limit	Harvest estimate	Over/under
WA Inside Waters	57,393	114,050	56,657
WA North Coast	108,030	102,782	-5,248
WA South Coast	42,739	39,595	-3,144
Columbia River	15,735	12,738	-2,997
OR Cent. Coast	180,088	182,960	+2,872
OR/CA (south of Humbug Mt.) ¹	5,872	5,872	0
Total	409,857	401,340	48,140

¹An estimate is not yet available so the quota is assumed to be taken.

Table 14. Pacific halibut fishery regulation changes to bag limit, possession limit, and season for the sport fisheries in Area 2B and the sport charter fisheries in Areas 2C and 3A, 1993 - 2009.

Regulatory Area and Fishery	Year	Regulation
Area 2B Sport Fishery	2005	Allocation plan of 88/12 adopted for a combined catch limit for commercial/sport fisheries.
	2008	Feb. 1-28: season closed. Mar. 1-31: 1-fish daily bag limit, 3 fish in possession. Apr. 1-May 31: 1-fish daily bag limit, 2 fish in possession. June 1-Oct. 31: 2-fish daily bag limit, 2 fish in possession. Season closed: Nov. 1 - Dec. 31. Area and electronic license limitations in effect.
	2009	Feb 1-28: season closed. Mar. 1 – Aug. 21: 1-fish daily bag limit, 2 fish in possession. Aug. 22 – Dec 31: 2-fish daily bag limit, 2 fish in possession. Area and electronic license limitations in effect. No halibut retention allowed in Pacific Fishery Management Area 121 seaward of 12 nm from shore.
Area 2C Sport Charter Fishery	1993 ¹ - 2005	Feb. 1 – Dec. 31: 2-fish daily bag limit (no size restrictions) and no restriction on retention of halibut by crew.
	2003	Sep. 8: the Guideline Harvest Level program went into effect.
	2006	Feb. 1-Dec. 31: 2-fish daily bag limit (no size limit). May 26-Dec. 31: no retention of halibut by crew.
	2007	June 1- Dec. 31: 2-fish daily bag limit (1 under 32 inches). May 1-Dec. 31: no retention of halibut by crew.
	2008	Feb. 1-May 31: 2-fish daily bag limit (1 under 32 inches). June 1-June 9: 1-fish daily bag limit. June 10 - Dec. 31: 2-fish daily bag limit (1 under 32 inches). Feb 1 - Dec 31: no retention of halibut by skipper and crew
	2009	Feb 1. – June 4: 2-fish daily bag limit (1 under 32 inches). June 5 – Dec. 31: 1-fish daily bag limit Feb 1 – Dec. 31: no retention of halibut by skipper and crew. Feb 1 – Dec. 31: one line per charter angler and no more than six lines per vessel.
Area 3A Sport Charter Fishery	1993 ¹ - 2006	Feb. 1 – Dec. 31: 2-fish bag limit (no size restrictions) and no restriction on retention of halibut by skipper and crew.
	2003	Sep. 8: the Guideline Harvest Level program went into effect.
	2007	Feb. 1 – Dec. 31: 2-fish bag limit (no size restrictions). May 1-Dec. 31: no retention of halibut by crew.
	2008	Feb. 1 – Dec. 31: 2-fish bag limit (no size restrictions). May 24-Sep. 1: no retention of halibut by skipper and crew.
	2009	Feb. 1 – Dec. 31: 2-fish bag limit (no size restrictions) and no retention of halibut by skipper and crew.

¹No restrictions back to 1974.

that would be achieved by IPHC recommendations. The GHGs approved by NPFMC for the charter/guided recreational halibut fishery in Areas 2C and 3A had been exceeded in recent years, which prompted the Commission's decision to propose a reduced bag limit in these areas. Prior to the Annual Meeting, the Commission staff initiated dialogue with NPFMC to determine what control measures would be enacted by the Council to constrain harvest to the GHGs in 2007. The NPFMC indicated that although it was committed to management of this fishery to the GHG limits, it would not be able to complete analyses and develop a regulatory framework to effect control of this fishery until 2008. For this reason, the Commission approved the proposed bag limit reduction. The U.S government (Departments of State and Commerce) did not adopt this regulation, however the Secretary of Commerce assured the Commission that NMFS would implement regulations in 2007 to reduce halibut mortality in Area 2C. Subsequently, NMFS restricted the daily bag limit on sport charter vessels to two halibut per day in Area 2C, with the requirement that at least one of the two fish be no more than 32 inches long. This NMFS regulation was effective on June 1, 2007 and remained in effect for the entire season. Additionally, ADF&G prohibited retention of halibut by charter crew in Areas 2C and 3A. The goal of the NMFS action was to reduce the harvest to the GHG with minimal impact on the sport charter fishery, and to achieve a reduction in catch similar to what was anticipated by the Commission's action.

Action plans from Annual Meetings

In addition to decisions made on regulations at the Annual Meeting, the Commissioners also direct the staff on actions for the following year, including tasks such as completing specific reports, reviewing issues to be presented at the following Annual Meeting, and holding special meetings or workshops within the year. The directions given from the 1993 to 2009 Annual Meetings are provided in Appendix 11.

Acknowledgements

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Appendices

Appendix 1. IPHC regulations proposal submission form.

IPHC Regulations Proposal Submission Form

Proposal Title: _____

Year Proposed For: _____

Submission Information (Please print or type)

Name: _____

Affiliation: _____

Address: _____

City: _____ State/Prov: _____ Postal/ZIP Code: _____

Telephone: _____ Fax: _____ Email: _____

Signature: _____

1. What is the definition and objective of the proposal?

2. Impacts: Describe who you think this proposed change might affect (include fishers, processors, agencies, and the public).

2a. Who might benefit from the proposed change?

2b. Who might suffer hardships or be worse off?

3. Are there other solutions to the problem described above? If so, why were they rejected?

Please attach any other supporting materials. All items submitted by **November 15, 2007** will be considered at the IPHC Annual Meeting. *Remember to include contact information and signature.*

**Pacific
Halibut Fishery
Regulations
2009**

INTERNATIONAL PACIFIC HALIBUT COMMISSION
P.O. BOX 95009
SEATTLE, WASHINGTON 98145-2009
PHONE: (206) 634-1838
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**REGULATIONS RESPECTING THE CONVENTION BETWEEN
CANADA AND THE UNITED STATES OF AMERICA FOR THE
PRESERVATION OF THE HALIBUT FISHERY OF THE NORTH-
ERN PACIFIC OCEAN AND BERING SEA**

1. Short Title

These regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Application

- (1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from, the maritime area as defined in Section 3.
- (2) Sections 3 to 6 apply generally to all halibut fishing.
- (3) Sections 7 to 20 apply to commercial fishing for halibut.
- (4) Section 21 applies to tagged halibut caught by any vessel.
- (5) Section 22 applies to the United States treaty Indian fishery in Subarea 2A-1.
- (6) Section 23 applies to customary and traditional fishing in Alaska.
- (7) Section 24 applies to Aboriginal groups fishing for food, social and ceremonial purposes in British Columbia.
- (8) Sections 25 to 28 apply to sport fishing for halibut.
- (9) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Interpretation

- (1) In these Regulations,
 - (a) “authorized officer” means any State, Federal, or Provincial officer authorized to enforce these regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada’s Department of Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), and the Oregon State Police (OSP);
 - (b) “authorized clearance personnel” means an authorized officer of the United States, a representative of the Commission, or a designated fish processor;
 - (c) “charter vessel” means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator;
 - (d) “commercial fishing” means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than i) sport fishing, ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, iii) customary and traditional fishing as referred to in section 23 and defined by and regulated pursuant to NMFS regulations published at 50 CFR Part 300, and iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

Appendix 2. (continued)

PACIFIC HALIBUT FISHERY REGULATIONS 2009

- (e) “Commission” means the International Pacific Halibut Commission;
- (f) “daily bag limit” means the maximum number of halibut a person may take in any calendar day from Convention waters;
- (g) “fishing” means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area;
- (h) “fishing period limit” means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;
- (i) “land” or “offload” with respect to halibut, means the removal of halibut from the catching vessel;
- (j) “license” means a halibut fishing license issued by the Commission pursuant to section 4;
- (k) “maritime area”, in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;
- (l) “net weight” of a halibut means the weight of halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2% deduction for ice and slime and a 10% deduction for the head.
- (m) “operator”, with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;
- (n) “overall length” of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);
- (o) “person” includes an individual, corporation, firm, or association;
- (p) “regulatory area” means an area referred to in section 6;
- (q) “setline gear” means one or more stationary, buoyed, and anchored lines with hooks attached;
- (r) “sport fishing” means all fishing other than i) commercial fishing, ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, iii) customary and traditional fishing as referred to in section 23 and defined in and regulated pursuant to NMFS regulations published in 50 CFR Part 300, and iv) Aboriginal groups fishing in British Columbia as referred to in section 24;
- (s) “tender” means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;
- (t) “VMS transmitter” means a NMFS-approved vessel monitoring system transmitter that automatically determines a vessel’s position and transmits it to a NMFS-approved communications service provider¹.

Appendix 2. (continued)

PACIFIC HALIBUT FISHERY REGULATIONS 2009

- (2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

¹ Call NOAA Enforcement Division, Alaska Region, at 907-586-7225 between the hours of 0800 and 1600 local time for a list of NMFS-approved VMS transmitters and communications service providers.

4. Licensing Vessels for Area 2A

- (1) No person shall fish for halibut from a vessel, nor possess halibut on board a vessel, used either for commercial fishing or as a charter vessel in Area 2A, unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.
- (2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.
- (3) A vessel with a valid Area 2A commercial license cannot be used to sport fish for Pacific halibut in Area 2A.
- (4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following, but not both
- (a) the directed commercial fishery during the fishing periods specified in paragraph (2) of section 8 and the incidental commercial fishery during the sablefish fishery specified in paragraph (3) of section 8; or
 - (b) the incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 8.
- (5) A license issued in respect of a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.
- (6) The Commission shall issue a license in respect of a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed, written, and signed "Application for Vessel License for the Halibut Fishery" form.
- (7) A vessel operating in the directed commercial fishery or the incidental commercial fishery during the sablefish fishery in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than 11:59 PM on April 30, or on the first weekday in May if April 30 is a Saturday or Sunday.
- (8) A vessel operating in the incidental commercial fishery during the salmon troll season in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than 11:59 PM on March 31, or the first weekday in April if March 31 is a Saturday or Sunday.
- (9) Application forms may be obtained from any authorized officer or from the Commission.
- (10) Information on "Application for Vessel License for the Halibut Fishery" form must be accurate.
- (11) The "Application for Vessel License for the Halibut Fishery" form shall be completed and signed by the vessel owner.
- (12) Licenses issued under this section shall be valid only during the year in which they are issued.

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- (13) A new license is required for a vessel that is sold, transferred, renamed, or the documentation is changed.
- (14) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.
- (15) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in Title 15, CFR Part 904.

5. In-Season Actions

- (1) The Commission is authorized to establish or modify regulations during the season after determining that such action:
 - (a) will not result in exceeding the catch limit established preseason for each regulatory area;
 - (b) is consistent with the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and
 - (c) is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the United States or Canadian governments.
- (2) In-season actions may include, but are not limited to, establishment or modification of the following:
 - (a) closed areas;
 - (b) fishing periods;
 - (c) fishing period limits;
 - (d) gear restrictions;
 - (e) recreational bag limits;
 - (f) size limits; or
 - (g) vessel clearances.
- (3) In-season changes will be effective at the time and date specified by the Commission.
- (4) The Commission will announce in-season actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, and Provincial fishery officials; and the media.

6. Regulatory Areas

The following areas shall be regulatory areas (see Figure 1) for the purposes of the Convention:

- (1) Area 2A includes all waters off the states of California, Oregon, and Washington;
- (2) Area 2B includes all waters off British Columbia;

Appendix 2. (continued)

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- (3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11'54" N. latitude, 136°38'24" W. longitude) and south and east of a line running 205° true from said light;
- (4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41'15" N. latitude, 155°35'00" W. longitude) to Cape Ikolik (57°17'17" N. latitude, 154°47'18" W. longitude), then along the Kodiak Island coastline to Cape Trinity (56°44'50" N. latitude, 154°08'44" W. longitude), then 140° true;
- (5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29'00" N. latitude, 164°20'00" W. longitude) and south of 54°49'00" N. latitude in Isanotski Strait;
- (6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00'00" W. longitude and south of 56°20'00" N. latitude;
- (7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20'00" N. latitude;
- (8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00'00" W. longitude, south of 58°00'00" N. latitude, and west of 168°00'00" W. longitude;
- (9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00'00" W. longitude;
- (10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00'00" W. longitude, and south of 65°34'00" N. latitude.

7. Fishing in Regulatory Area 4E and 4D

- (1) Section 7 applies only to any person fishing, or vessel that is used to fish for, Area 4E Community Development Quota (CDQ) or Area 4D CDQ halibut provided that the total annual halibut catch of that person or vessel is landed at a port within Area 4E or 4D.
- (2) A person may retain halibut taken with setline gear in Area 4E CDQ and 4D CDQ fishery that are smaller than the size limit specified in section 13, provided that no person may sell or barter such halibut.
- (3) The manager of a CDQ organization that authorizes persons to harvest halibut in the Area 4E or 4D CDQ fisheries must report to the Commission the total number and weight of undersized halibut taken and retained by such persons pursuant to section 7, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to November 1 of the year in which such halibut were harvested.

8. Fishing Periods

- (1) The fishing periods for each regulatory area apply where the catch limits specified in section 11 have not been taken.
- (2) Each fishing period in the Area 2A directed commercial fishery² shall begin at 0800 hours and terminate at 1800 hours local time on June 24, July 8, July 22, August 5, August 19, September 2, September 16, and September 30 unless the Commission specifies otherwise.

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- (3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery³ is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS.
- (4) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS.
- (5) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on March 21 and terminate at 1200 hours local time on November 15, unless the Commission specifies otherwise.
- (6) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on November 15.

²The directed fishery is restricted to waters that are south of Point Chehalis, Washington (46°53'18" N. latitude) under regulations promulgated by NMFS and published in the Federal Register.

³The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington (46°53'18" N. latitude) under regulations promulgated by NMFS at 50 CFR 300.63.

9. Closed Periods

- (1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.
- (2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.
- (3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.
- (4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other species of fish during the closed periods.
- (5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut on board.
- (6) A vessel that has no halibut on board may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.
- (7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.
- (8) No person shall retain any halibut caught on gear retrieved referred to in paragraph (6).
- (9) No person shall possess halibut aboard a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

All waters in the Bering Sea north of 55°00'00" N. latitude in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36'00" N. latitude, 164°55'42" W. longitude) to a point at 56°20'00" N. latitude, 168°30'00" W. longitude; thence to a point at 58°21'25" N. latitude, 163°00'00" W.

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PACIFIC HALIBUT FISHERY REGULATIONS 2009

longitude; thence to Strogonof Point (56°53'18" N. latitude, 158°50'37" W. longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00'00" N. latitude and 54°49'00" N. latitude are closed to halibut fishing.

11. Catch Limits

- (1) The total allowable catch of halibut to be taken during the halibut fishing periods specified in section 8 shall be limited to the net weights expressed in pounds or metric tons shown in the following table:

Regulatory Area	Catch Limit	
	Pounds	Metric tons
2A: directed commercial, and incidental commercial during salmon troll fishery	195,747	88.8
2A: incidental commercial during sablefish fishery	11,895	5.4
2B ⁴	7,630,000	3,460.3
2C	5,020,000	2,276.6
3A	21,700,000	9,841.3
3B	10,900,000	4,943.3
4A	2,550,000	1,156.5
4B	1,870,000	848.1
4C	1,569,000	711.6
4D	1,569,000	711.6
4E	322,000	146.0

- (2) Notwithstanding paragraph (1), regulations pertaining to the division of the Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 8 will be promulgated by NMFS and published in the Federal Register.
- (3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken.
- (4) Notwithstanding paragraph (1), Area 2B will close only when all Individual Vessel Quotas (IVQs) assigned by DFO are taken, or November 15, whichever is earlier.
- (5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all IFQs and all CDQs issued by NMFS have been taken, or November 15, whichever is earlier.
- (6) If the Commission determines that the catch limit specified for Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be considered to have been taken unless fishing period limits are implemented.

Appendix 2. (continued)

PACIFIC HALIBUT FISHERY REGULATIONS 2009

- (7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.
- (8) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the Area 4D and Area 4E CDQ fisheries. The annual Area 4D CDQ catch limit will decrease by the equivalent amount of halibut CDQ taken in Area 4E in excess of the annual Area 4E CDQ catch limit.
- (9) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4D directed commercial fishery is equal to the combined annual catch limits specified for the Area 4C and Area 4D. The annual Area 4C catch limit will decrease by the equivalent amount of halibut taken in Area 4D in excess of the annual Area 4D catch limit.

⁴Area 2B includes combined commercial and sport catch limits which will be allocated by DFO.

12. Fishing Period Limits

- (1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.
- (2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut on board said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.
- (3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut on board said vessel and ensure that all halibut are weighed and reported on State fish tickets.
- (4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut on board is ultimately offloaded and reported.
- (5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on
 - (a) the vessel's overall length in feet and associated length class;
 - (b) the average performance of all vessels within that class; and
 - (c) the remaining catch limit.
- (6) Length classes are shown in the following table:

<u>Overall Length (in feet)</u>	<u>Vessel Class</u>
1-25	A
26-30	B
31-35	C
36-40	D
41-45	E
46-50	F
51-55	G
56+	H

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- (7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

- (1) No person shall take or possess any halibut that
- (a) with the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or
 - (b) with the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.
- (2) No person on board a vessel fishing for, or tendering, halibut caught in Area 2A shall possess any halibut that has had its head removed.

14. Careful Release of Halibut

- (1) All halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by
- (a) hook straightening;
 - (b) cutting the gangion near the hook; or
 - (c) carefully removing the hook by twisting it from the halibut with a gaff.
- (2) Except that paragraph (1) shall not prohibit the possession of halibut on board a vessel that has been brought aboard to be measured to determine if the minimum size limit of the halibut is met and, if sublegal-sized, is promptly returned to the sea with a minimum of injury.

15. Vessel Clearance in Area 4

- (1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).
- (2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.
- (3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.
- (4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

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- (5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C and 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.
- (6) The vessel operator shall specify the specific regulatory area in which fishing will take place.
- (7) Before unloading any halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.
- (8) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.
- (9) Before unloading any halibut caught in Area 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.
- (10) Any vessel operator who complies with the requirements in section 18 for possessing halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:
 - (a) the operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the Areas in which the vessel will fish; and
 - (b) before unloading any halibut from Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.
- (11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.
- (12) No halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.
- (13) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).
- (14) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

Appendix 2. (continued)

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- (15) Any vessel that is used to fish for halibut only in Areas 4C or 4D or 4E and lands its total annual halibut catch at a port within Areas 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).
- (16) Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed is exempt from the clearance requirements of paragraph (1) of this section, provided that:
 - (a) the operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR sections 679.28(f)(3), (4) and (5); and
 - (b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800-304-4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

16. Logs

- (1) The operator of any U.S. vessel fishing for halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: the Groundfish/IFQ Daily Fishing Longline and Pot Gear Logbook provided by NMFS; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADF&G) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in Area 2A must use either the Washington Department of Fish and Wildlife (WDFW) Voluntary Sablefish Logbook, or the logbook provided by IPHC.
- (2) The logbook referred to in paragraph (1) must include the following information:
 - (a) the name of the vessel and the state (ADF&G, WDFW, Oregon Department of Fish and Wildlife, or California Department of Fish and Game) vessel number;
 - (b) the date(s) upon which the fishing gear is set or retrieved;
 - (c) the latitude and longitude or loran coordinates or a direction and distance from a point of land for each set or day;
 - (d) the number of skates deployed or retrieved, and number of skates lost; and
 - (e) the total weight or number of halibut retained for each set or day.
- (3) The logbook referred to in paragraph (1) shall be
 - (a) maintained on board the vessel;
 - (b) updated not later than 24 hours after midnight local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;
 - (c) retained for a period of two years by the owner or operator of the vessel;
 - (d) open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and
 - (e) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed.

Appendix 2. (continued)

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- (4) The log referred to in paragraph (1) does not apply to the incidental halibut fishery during the salmon troll season in Area 2A defined in paragraph (4) of section 8.
- (5) The operator of any Canadian vessel fishing for halibut shall maintain an accurate log recorded in the British Columbia Integrated Groundfish Fishing Log provided by DFO.
- (6) The logbook referred to in paragraph (5) must include the following information:
 - (a) the name of the vessel and the DFO vessel number;
 - (b) the date(s) upon which the fishing gear is set or retrieved;
 - (c) the latitude and longitude or loran coordinates or a direction and distance from a point of land for each set or day;
 - (d) the number of skates deployed or retrieved, and number of skates lost; and
 - (e) the total weight or number of halibut retained for each set or day.
- (7) The logbook referred to in paragraph (5) shall be
 - (a) maintained on board the vessel;
 - (b) retained for a period of two years by the owner or operator of the vessel;
 - (c) open to inspection by an authorized officer or any authorized representative of the Commission upon demand;
 - (d) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed;
 - (e) mailed to the DFO (white copy) within seven days of offloading; and
 - (f) mailed to the Commission (yellow copy) within seven days of the final offload if not collected by a Commission employee.
- (8) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

- (1) No person shall receive halibut caught in Area 2A from a United States vessel that does not have on board the license required by section 4.
- (2) No person shall possess on board a vessel a halibut other than whole or with gills and entrails removed. Except that this paragraph shall not prohibit the possession on board a vessel of:
 - (a) halibut cheeks cut from halibut caught by persons authorized to process the halibut on board in accordance with NMFS regulations published at 50 CFR Part 679;
 - (b) fillets from halibut offloaded in accordance with section 17 that are possessed on board the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload⁵; and
 - (c) halibut with their heads removed in accordance with section 13.
- (3) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading⁶.

Appendix 2. (continued)

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- (4) It shall be the responsibility of a vessel operator who lands halibut to continuously and completely offload at a single offload site all halibut on board the vessel.
- (5) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR Part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on federal catch reports: date of offload; name of vessel; vessel number; scale weight obtained at the time of offloading, including the scale weight (in pounds) of halibut purchased by the registered buyer, the scale weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the scale weight of halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of halibut discarded as unfit for human consumption.
- (6) The first recipient, commercial fish processor, or buyer in the United States who purchases or receives halibut directly from the vessel operator that harvested such halibut must weigh and record all halibut received and record the following information on state fish tickets: the date of offload; vessel number; total weight obtained at the time of offload including the weight (in pounds) of halibut purchased; the weight (in pounds) of halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of halibut discarded as unfit for human consumption.
- (7) The individual completing the state fish tickets for the Area 2A fisheries as referred to in paragraph (6) must additionally record whether the halibut weight is of head-on or head-off fish.
- (8) For halibut landings made in Alaska, the requirements as listed in paragraph (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings.
- (9) The master or operator of a Canadian vessel that was engaged in halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports the date; locality; name of vessel; the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut on board the vessel including the pounds purchased, pounds in excess of IVQs, pounds retained for personal use, and pounds discarded as unfit for human consumption.
- (10) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (9) of section 17.
- (11) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (9) shall be
 - (a) retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and
 - (b) open to inspection by an authorized officer or any authorized representative of the Commission.
- (12) No person shall possess any halibut taken or retained in contravention of these Regulations.
- (13) When halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (9).
- (14) It shall be unlawful to enter an IPHC license number on a State fish ticket for any vessel other than the vessel actually used in catching the halibut reported thereon.

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- (15) No person shall tag halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

⁵ DFO has more restrictive regulations; therefore, section 17(2)b does not apply to fish caught in Area 2B or landed in British Columbia.

⁶ DFO did not adopt this regulation; therefore, section 17 paragraph (3) does not apply to fish caught in Area 2B.

18. Fishing Multiple Regulatory Areas

- (1) Except as provided in this section, no person shall possess at the same time on board a vessel halibut caught in more than one regulatory area.
- (2) Halibut caught in more than one of the Regulatory Areas 2C, 3A, or 3B may be possessed on board a vessel at the same time provided the operator of the vessel:
- (a) has a NMFS-certified observer on board when required by NMFS regulations⁷ published at 50 CFR Section 679.7(f)(4); and
 - (b) can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.
- (3) Halibut caught in more than one of the Regulatory Areas 4A, 4B, 4C, or 4D may be possessed on board a vessel at the same time provided the operator of the vessel:
- (a) has a NMFS-certified observer on board the vessel as required by NMFS regulations published at 50, CFR Section 679.7(f)(4); or has an operational Vessel Monitoring System (VMS) on board actively transmitting in all regulatory areas fished and does not possess at any time more halibut on board the vessel than the IFQ permit holders on board the vessel have cumulatively available for any single Area 4 regulatory area fished; and
 - (b) can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the holds, tagging halibut, or by other means.
- (4) If halibut from Area 4 are on board the vessel, the vessel can have halibut caught in Regulatory Areas 2C, 3A, and 3B on board if in compliance with paragraph (2).

⁷ Without an observer, a vessel cannot have on board more halibut than the IFQ for the area that is being fished, even if some of the catch occurred earlier in a different area.

19. Fishing Gear

- (1) No person shall fish for halibut using any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined in the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.
- (2) No person shall possess halibut taken with any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined by the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.
- (3) No person shall possess halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching halibut, except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut

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heads, skin, entrails, bones or fins for use as bait may be possessed on board a vessel carrying pots capable of catching halibut, provided that a receipt documenting purchase or transfer of these halibut parts is on board the vessel.

- (4) All setline or skate marker buoys carried on board or used by any United States vessel used for halibut fishing shall be marked with one of the following:
 - (a) the vessel's state license number; or
 - (b) the vessel's registration number.
- (5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.
- (6) All setline or skate marker buoys carried on board or used by a Canadian vessel used for halibut fishing shall be
 - (a) floating and visible on the surface of the water; and
 - (b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.
- (7) No person on board a vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery shall catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either
 - (a) made a landing and completely offloaded its catch of other fish; or
 - (b) submitted to a hold inspection by an authorized officer.
- (8) No vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery may be used to catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either
 - (a) made a landing and completely offloaded its catch of other fish; or
 - (b) submitted to a hold inspection by an authorized officer
- (9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either
 - (a) made a landing and completely offloaded its entire catch of other fish; or
 - (b) submitted to a hold inspection by an authorized officer.
- (10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either

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- (a) made a landing and completely offloaded its entire catch of other fish; or
 - (b) submitted to a hold inspection by an authorized officer.
- (11) Notwithstanding any other provision in these regulations, a person may retain, possess and dispose of halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NMFS.

20. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

21. Retention of Tagged Halibut

- (1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission external tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.
- (2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut:
 - (a) may be retained for personal use; or
 - (b) may be sold only if the halibut is caught during commercial halibut fishing and complies with the other commercial fishing provisions of these regulations.
- (3) Externally tagged fish must count against commercial IVQs, CDQs, IFQs, or daily bag or possession limits unless otherwise exempted by state, provincial, or federal regulations.

22. Fishing by United States Treaty Indian Tribes

- (1) Halibut fishing in Subarea 2A-1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the Federal Register.
- (2) Subarea 2A-1 includes all waters off the coast of Washington that are north of 46°53'18" N. latitude and east of 125°44'00" W. longitude, and all inland marine waters of Washington.
- (3) Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and possession of halibut) and section 19 (fishing gear), except paragraphs (7) and (8) of section 19, apply to commercial fishing for halibut in Subarea 2A-1 by the treaty Indian tribes.
- (4) Commercial fishing for halibut in Subarea 2A-1 is permitted with hook and line gear from March 21 through November 15, or until 303,500 pounds (137.6 metric tons) net weight is taken, whichever occurs first.
- (5) Ceremonial and subsistence fishing for halibut in Subarea 2A-1 is permitted with hook and line gear from January 1 through December 31, and is estimated to take 29,000 pounds (13.2 metric tons) net weight.

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23. Customary and Traditional Fishing in Alaska

- (1) Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NMFS and published in 50 CFR Part 300.
- (2) Customary and traditional fishing is authorized from January 1 through December 31.

24. Aboriginal Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

- (1) Fishing for halibut for food, social and ceremonial purposes by Aboriginal groups in Regulatory Area 2B shall be governed by the *Fisheries Act* of Canada and regulations as amended from time to time.

25. Sport Fishing for Halibut—General

- (1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.
- (2) Any minimum overall size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.
- (3) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.
- (4) No person may possess halibut on a vessel while fishing in a closed area.
- (5) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.
- (6) No halibut caught in sport fishing shall be possessed onboard a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.
- (7) The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.

26. Sport Fishing for Halibut—Area 2A

- (1) The total allowable catch of halibut shall be limited to
 - (a) 214,110 pounds (97.1 metric tons) net weight in waters off Washington and
 - (b) 195,748 pounds (88.8 metric tons) net weight in waters off California and Oregon;
- (2) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NMFS are estimated to have been taken.
- (3) When the Commission has determined that a subquota under paragraph (8) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

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- (4) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.
- (5) The possession limit on a vessel for halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit on land in Washington for halibut caught in U.S. waters off the coast of Washington is two halibut.
- (6) The possession limit on a vessel for halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for halibut on land in Oregon is three daily bag limits.
- (7) The possession limit on a vessel for halibut caught in the waters off the coast of California is one halibut. The possession limit for halibut on land in California is one halibut.
- (8) Specific regulations describing fishing periods, catch limits, fishing dates, and daily bag limits are promulgated by NMFS and published in the Federal Register.

27. Sport Fishing for Halibut—Area 2B

- (1) In all waters off British Columbia⁸
 - (a) The sport fishing season is from February 1 to December 31;
 - (b) The daily bag limit is two halibut of any size per day per person.
- (2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.
- (3) The possession limit for halibut in the waters off the coast of British Columbia is three halibut.

⁸ DFO could implement more restrictive regulations for the sport fishery, therefore anglers are advised to check the current federal or provincial regulations prior to fishing.

28. Sport Fishing for Halibut—Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

- (1) In waters in and off Alaska⁹
 - (a) The sport fishing season is from February 1 to December 31;
 - (b) The daily bag limit is two halibut of any size per day per person unless a more restrictive bag limit applies in federal regulations at 50CFR 300.65; and
 - (c) No person may possess more than two daily bag limits.
- (2) In Convention waters in and off Alaska, no person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, halibut that has been filleted, mutilated, or otherwise disfigured in any manner, except that
 - (a) Each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with skin on all pieces; and

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(b) halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs.

⁹ NMFS could implement more restrictive regulations for the sport fishery or components of it, therefore, anglers are advised to check the current federal or state regulations prior to fishing.

29. Previous Regulations Superseded

These regulations shall supersede all previous regulations of the Commission, and these regulations shall be effective each succeeding year until superseded.

JAMES BALSIGER, Chair
LAURA RICHARDS, Vice-Chair
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Appendix
Synopsis of U.S. Sport Halibut Regulations for California, Oregon, and Washington

	Area	Area Catch Projection (lb)	Dates	Fishing Seasons		
				Days/Week	Daily Bag	Minimum Size
Puget Sound	East of Low Point West of Low Point & East of Sekiu River	57,393	4/23-6/5 5/21-7/3	5 (Thur - Mon)	1	None
North Coast WA	Sekiu River mouth to Queets River (closed area SW of Cape Flattery)	108,030	5/14 - ** 6/4 - ** **2	2 (Thur & Sat)	1	None
South Coast WA	Queets River to Leadbetter Point (two closed areas W of Westport)	40,230 2,000	5/3 - 5/24 ¹ 5/24 - 9/30 ¹ 5/3 - 9/30 ¹ **	2 (Sun & Tues), 1 (Sun) 3 (Thurs - Sat) ² 4 (Thurs - Sun) ²	1	None
Columbia River ⁵	Leadbetter Point to Cape Falcon	11,014 4,720	5/1 - 7/18 ¹ 8/7 - 9/27 ¹	3 (Thur-Sat) 3 (Fri - Sun)	1	None
Central OR Nearshore ^{3,5}	Cape Falcon to Humbug Mt.	14,407	5/1 - 10/31 ¹	7	1 ⁶	None
Central OR All-depth ⁵	Cape Falcon to Humbug Mt. (closed area over Stonewall Bank)	124,261	5/14 - 5/16 5/21 - 5/23 5/28 - 5/30 6/4 - 6/6 After June 6 ^{**4}	3 (Thur - Sat)	1	None
South of Humbug Mt./CA	South of Humbug Mt., OR/CA waters	41,420 5,872	8/7 - ** ⁴ 5/1 - 10/31	3 (Fri - Sun) 7	1 ⁶ 1	None

** Date to be announced by IPHC and NMFS.

1 Season open until ending date shown or until the quota is attained, whichever occurs first.

2 May be restricted to nearshore waters defined in NMFS regulation.

3 Restricted to waters inside the 40-fathom boundary line.

4 Reopenings will be announced on the NMFS hotline (1-800-662-9825) if unharvested quota remains.

5 Restrictions on groundfish retention apply.

6 Bag limit may change to 2 fish after the Labor Day weekend if announced by IPHC and NMFS.

PACIFIC HALIBUT FISHERY REGULATIONS 2009

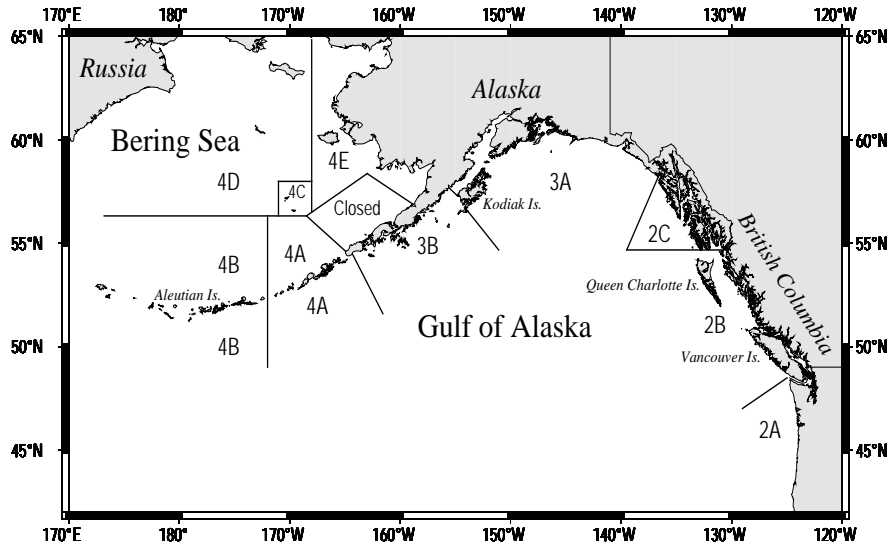


Figure 1. Regulatory areas for the Pacific halibut fishery.

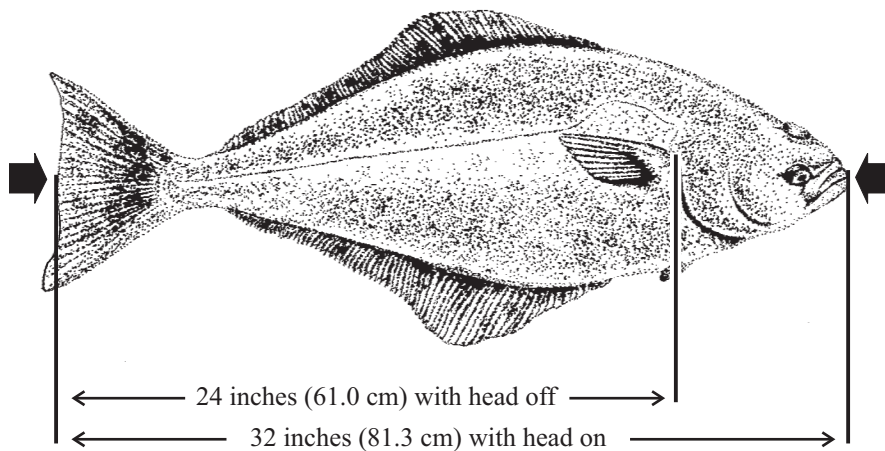


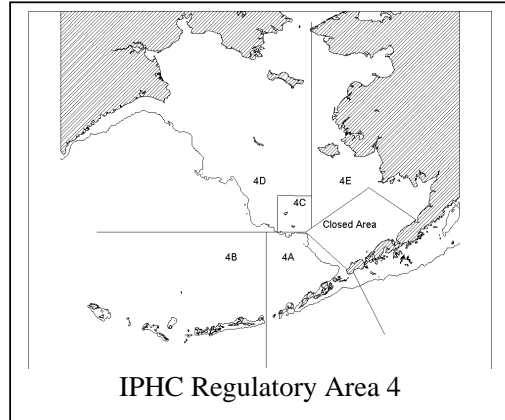
Figure 2. Minimum commercial size.

Appendix 3. NPFMC Pacific halibut catch sharing plan for Area 4.

North Pacific Fishery Management Council

Pacific Halibut Catch Sharing Plan for Area 4

The NPFMC developed a Catch Sharing Plan (CSP) for the Pacific halibut *Hippoglossus stenolepis* in the Bering Sea and Aleutian Islands for allocating the Regulatory Area 4 catch limit established by the IPHC among the five subareas. This Plan was adopted by the Secretary and first implemented in 1996 (61 FR 11337, March 20, 1996) as an interim measure while the International Pacific Halibut Commission (IPHC) further evaluated a new policy of using a biomass-based method for setting catch limits for Areas 4A, 4B, and 4C-E. In 1998, the CSP was amended to remove Areas 4A and 4B to concur with the newly adopted IPHC policy of using an equal exploitation rate strategy for the halibut resource in subareas 4A and 4B where considerable stock separation occurs (63 FR 13001, March 17, 1998). However, there was no biological basis for the distribution of the catch limits among Subareas 4C, 4D, and 4E because of a lack of stock separation between them. Therefore, the IPHC recommended setting a catch limit for the combined subareas. It delayed implementation of the methodology until 1998 to allow the Council to revise the CSP.



The North Pacific Fishery Management Council identified that the historical apportionment of catch limits among Subareas 4C-E was important to achieve the socioeconomic objectives of the halibut Individual Fishing Quota and Western Alaska Community Development Quota programs, which allocate halibut among U.S. fishermen. The Halibut Act authorizes the Council to develop regulations that have allocation of harvesting privileges as the primary objective.

Catch Sharing Plan for Area 4C-E

Area	Percent of Area 4 CEY
Area 4C	Area 4C-E CEY-80,000 + 46.43%
Area 4D	Area 4C-E CEY-80,000 + 46.43%
Area 4E	80,000 + 7.14%

The revised CSP is a framework applied to the annual combined Areas 4C, 4D, and 4E catch limit established by the IPHC. A direct allocation of 80,000 lb is made to Subarea 4E in the revised CSP when the Subarea 4C-E catch limit is greater than 1,657,600 lb. The purpose was to provide CDQ fishermen in subarea 4E with additional harvesting opportunity. The entire subarea 4E catch limit is assigned to the CDQ reserve and subsequently allocated to qualifying CDQ groups. The Council identified that the subarea 4E catch limit had been unreasonably constrained in the years prior to the CSP. The remainder of the combined catch limit is allocated: 46.43 percent to both Subareas 4C and 4D and 7.14% to Subarea 4E.

Area 4C IFQ and CDQ Provision

An IFQ or CDQ holder with an allocation of Area 4C halibut IFQ and CDQ may harvest all or part of that allocation in Area 4D. This provision is based on the Council’s recommendation in December 2004 to allow IFQ and CDQ fishermen in Area 4C additional halibut IFQ and CDQ harvesting opportunities. The framework that allocates the IPHC catch limits among Areas 4C, 4D, and 4E remains unchanged.

Area 4D-4E CDQ Provision

A CDQ group with an allocation of Area 4D halibut CDQ may harvest all or part of that allocation in Area 4E. This provision is based on the Council’s recommendation in December 2001 to allow CDQ fishermen in Area 4E additional halibut CDQ harvesting opportunities. The framework that allocates the IPHC catch limits among Areas 4C, 4D, and 4E remains unchanged.

Appendix 4. Area 2A catch limits allocated by the Pacific Fishery Management Council's catch sharing plan and catch estimates (pounds, net weight), 1993-2009.

Fishery	1993 Catch limit	1993 Catch	1994 Catch limit	1994 Catch	1995 Catch Limit	1995 Catch
Non-treaty directed commercial	225,000	366,000	178,750	182,000	91,052	105,000
Non-treaty incidental commercial with salmon troll fishery	No fishery	No fishery	No fishery	No fishery	16,068 ¹	2,000
Non-treaty incidental commercial with sablefish fishery	No fishery	-	No fishery	-	No fishery	-
Treaty Indian commercial	136,000	138,000	176,500	188,000	171,000	176,000
Treaty Indian ceremonial & subsistence	14,000	16,000	16,000	11,000	11,000	14,000
Sport - North of Columbia River	137,250	149,685	109,037	116,707	123,760	124,910
Sport - South of Columbia River	87,750	96,768	69,713	69,632	107,120	111,288
Total allocation	600,000	766,453	550,000	567,339	520,000	533,198
IPHC research catch		-		8,000		14,000
Total	600,000	766,453	550,000	575,339	520,000	547,198

¹ 14,000 pounds were rolled over to the directed commercial fishery for a total catch limit of 105,052 pounds.

Fishery	1996 Catch Limit	1996 Catch	1997 Catch Limit	1997 Catch	1998 Catch Limit	1998 Catch
Non-treaty directed commercial	91,052	118,000	122,600	148,000	143,617	151,500
Non-treaty incidental commercial with salmon troll fishery	16,068 ²	8,732	21,635 ³	19,000	25,344 ⁴	13,400
Non-treaty incidental commercial with sablefish fishery	No fishery	-	No fishery	-	No fishery	-
Treaty Indian commercial	168,000	168,000	230,000	228,000	272,000	295,600
Treaty Indian ceremonial & subsistence	14,000	15,000	15,000	15,000	15,000	10,000
Sport - North of Columbia River	123,760	128,465	166,530	206,949	195,078	213,000
Sport - South of Columbia River	107,120	100,392	144,235	147,923	168,961	170,321
Total allocation	520,000	538,589	700,000	764,872	820,000	853,821
IPHC research catch		-		18,000		-
Total	520,000	538,589	700,000	782,872	820,000	853,821

² 7,000 pounds were carried over to the directed commercial fishery for a total catch limit of 98,052 pounds.

³ 4,000 pounds were carried over to the directed commercial fishery for a total catch limit of 126,600 pounds.

⁴ 11,900 pounds were carried over to the directed commercial fishery for a total catch limit of 155,517 pounds.

Appendix 4. (continued)

Fishery	1999 Catch limit	1999 Catch	2000 Catch limit	2000 Catch	2001 Catch limit	2001 Catch	2001 Catch limit	2001 Catch
Non-treaty directed commercial	133,108	157,000	138,632	149,000	192,926	193,600	192,926	193,600
Non-treaty incidental commercial with salmon troll fishery	23,490 ⁵	10,000	24,464 ⁶	22,000	34,046	34,100	34,046	34,100
Non-treaty incidental commercial with sablefish fishery	No fishery	-	No fishery	-	47,946	23,200	47,946	23,200
Treaty Indian commercial	256,000	264,000	305,000	312,000	406,500	413,200	406,500	413,200
Treaty Indian ceremonial & subsistence	10,000	10,500	10,500	17,500	17,500	16,000	17,500	16,000
Sport - North of Columbia River	180,804	184,000	188,307	198,044	214,110	219,000	214,110	219,000
Sport - South of Columbia River	156,598	154,286	163,097	146,000	226,972	227,000	226,972	227,000
Total allocation	760,000	779,786	830,000	844,544	1,140,000	1,126,100	1,140,000	1,126,100
IPHC research catch		19,000		-		16,000		16,000
Total	760,000	798,786	830,000	844,544	1,140,000	1,142,100	1,140,000	1,142,100

⁵ 13,490 pounds were rolled over to the directed commercial fishery for a total catch limit of 146,598 pounds.

⁶ 2,400 pounds were rolled over to the directed commercial fishery for a total catch limit of 141,032 pounds.

Fishery	2002 Catch limit	2002 Catch	2003 Catch limit	2003 Catch	2004 Catch limit	2004 Catch
Non-treaty directed commercial	222,700	260,000	222,700	225,000	252,475	226,000
Non-treaty incidental commercial with salmon troll fishery	39,300	41,000	39,300	47,000	44,554	48,000
Non-treaty incidental commercial with sablefish fishery	88,389	65,000	70,000	70,000	70,000	75,000
Treaty Indian commercial	467,500	472,000	456,500	467,000	523,600	521,000
Treaty Indian ceremonial & subsistence	16,000	27,000	27,000	19,400	19,400	38,000
Sport - North of Columbia River	214,110	189,053	232,499	228,003	272,942	244,160
Sport - South of Columbia River	262,001	209,697	262,001	176,307	297,029	242,616
Total allocation	1,310,000	1,263,750	1,310,000	1,232,710	1,480,000	1,394,776
IPHC research catch		13,000		10,000		14,000
Total	1,310,000	1,276,750	1,310,000	1,242,710	1,480,000	1,408,776

Appendix 4. (continued)

Fishery	2005 Catch limit	2005 Catch	2006 Catch limit	2006 Catch	2007 Catch limit	2007 Catch
Non-treaty directed commercial	226,203	232,000	234,960	231,000	227,955	219,000
Non-treaty incidental commercial with salmon troll fishery	39,918	42,000	41,464	40,000	40,227 ⁷	35,000
Non-treaty incidental commercial with sablefish fishery	70,000	68,000	70,000	73,000	70,000	48,500
Treaty Indian commercial	452,500	445,000	472,000	476,000	461,000	471,000
Treaty Indian ceremonial & subsistence	38,000	36,000	36,000	33,000	33,000	30,000
Sport - North of Columbia River	237,257	235,602	249,152	238,670	239,636	220,020
Sport - South of Columbia River	266,122	250,720	276,424	276,975	268,182	284,074
Total allocation	1,330,000	1,309,322	1,380,000	1,368,645	1,340,000	1,307,594
IPHC research catch		16,000		9,000		15,000
Total	1,330,000	1,325,322	1,380,000	1,377,645	1,340,000	1,322,594

⁷ 3,440 pounds were rolled over to the incidental salmon troll fishery for a total catch limit of 43,667 pounds.

Fishery	2008 Catch limit	2008 Catch	2009 Catch limit	2009 Catch
Non-treaty directed commercial	213,674	206,900	166,385	165,200
Non-treaty incidental commercial with salmon troll fishery	37,707	14,200	29,362	11,600
Non-treaty incidental commercial with sablefish fishery	70,000	36,800	11,895	5,100
Treaty Indian commercial	397,000	417,200	303,500	303,300
Treaty Indian ceremonial & subsistence	30,000	30,000	29,000	30,400
Sport - North of Columbia River	220,238	240,027	214,110	266,000
Sport - South of Columbia River	251,381	240,853	195,748	192,000
Total allocation	1,220,000	1,185,980	950,000	973,600
IPHC research catch		7,000		5,000
Total	1,220,000	1,192,980	950,000	978,600

Appendix 5. Area 2B catch limits (thousands of pounds) allocated by the Canadian Department of Fisheries and Oceans and catch estimates (thousand of pounds), 2004 - 2009.

Fishery	2004 Allocation Limit	2004 Catch	2005 Allocation Limit	2005 Catch	2006 Allocation Limit	2006 Catch
Commercial fishery	12,141 ¹	12,087	11,658 ^{2,3}	12,248	11,631	11,950
Sport fishery	1,659	1,613	1,592	2,262	1,589	1,773
Total allocation	13,800	13,700	13,250	14,510	13,220	13,723
IPHC research catch		75		83		54
Previous year carryover ⁴	140		590		80	
Total	13,940	13,775	13,840	14,593	13,300	13,777

¹ 409,000 pounds leased from the recreational sector for a total catch limit of 12,550,000 pounds.

² 292,000 pounds leased from the recreational sector for a total catch limit of 11,950,000 pounds.

³ DFO used 20,000 pounds of commercial wastage to calculate allocations to commercial and recreational sectors but in reality 35,000 pounds of wastage should have been used.

⁴ From the commercial fishery underage/overage program.

Fishery	2007 Allocation Limit	2007 Catch	2008 Allocation Limit	2008 Catch	2009 Allocation Limit	2009 Catch
Commercial fishery	10,089	9,694	7,918	7,683	6,712	6,538
Sport fishery	1,381	1,556	1,082	1,536	918	1,098
Total allocation	11,470	11,250	9,000	9,219	7,630	7,636
IPHC research catch		78		72		99
Previous year carryover ⁵	-37		338		339	
Total	11,433	11,328	9,338	9,291	7,969	7,735

⁵ From the commercial fishery underage/overage program.

Appendix 6a. The Pacific Halibut Catch Sharing Plan for Area 2A.

2009 PACIFIC HALIBUT CATCH SHARING PLAN FOR AREA 2A

(a) FRAMEWORK

This Plan constitutes a framework that shall be applied to the annual Area 2A total allowable catch (TAC) approved by the International Pacific Halibut Commission (IPHC) each January. The framework shall be implemented in both IPHC regulations and domestic regulations (implemented by NMFS) as published in the *Federal Register*.

(b) ALLOCATIONS

This Plan allocates 35 percent of the Area 2A TAC to U.S. treaty Indian tribes in the State of Washington in subarea 2A-1, and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. Allocations within the non-Indian commercial and sport fisheries are described in sections (e) and (f) of this Plan. These allocations may be changed if new information becomes available that indicates a change is necessary and/or the Pacific Fishery Management Council takes action to reconsider its allocation recommendations. Such changes will be made after appropriate rulemaking is completed and published in the *Federal Register*.

(c) SUBQUOTAS

The allocations in this Plan are distributed as subquotas to ensure that any overage or underage by any one group will not affect achievement of an allocation set aside for another group. The specific allocative measures in the treaty Indian, non-Indian commercial, and non-Indian sport fisheries in Area 2A are described in paragraphs (d) through (f) of this Plan.

(d) TREATY INDIAN FISHERIES

Thirty-five percent of the Area 2A TAC is allocated to 13 treaty Indian tribes in subarea 2A-1, which includes that portion of Area 2A north of Point Chehalis, WA (46°53.30' N. lat.) and east of 125°44.00' W. long. The treaty Indian allocation is to provide for a tribal commercial fishery and a ceremonial and subsistence fishery. These two fisheries are managed separately; any overages in the commercial fishery do not affect the ceremonial and subsistence fishery. The commercial fishery is managed to achieve an established subquota, while the ceremonial and subsistence fishery is managed for a year-round season. The tribes will estimate the ceremonial and subsistence harvest expectations in January of each year, and the remainder of the allocation will be for the tribal commercial fishery.

- (1) The tribal ceremonial and subsistence fishery begins on January 1 and continues through December 31. No size or bag limits will apply to the ceremonial and

Appendix 6a. (continued)

subsistence fishery, except that when the tribal commercial fishery is closed, treaty Indians may take and retain not more than two halibut per day per person for subsistence purposes. Ceremonial fisheries shall be managed by tribal regulations promulgated inseason to meet the needs of specific ceremonial events. Halibut taken for ceremonial and subsistence purposes may not be offered for sale or sold.

- (2) The tribal commercial fishery season dates will be set within the season dates determined by the IPHC and implemented in IPHC regulations. The tribal commercial fishery will close when the subquota is taken. Any halibut sold by treaty Indians during the commercial fishing season must comply with IPHC regulations on size limits for the non-Indian fishery.

(e) NON-INDIAN COMMERCIAL FISHERIES

The non-Indian commercial fishery is allocated 31.7 percent of the non-Indian share of the Area 2A TAC for a directed halibut fishery and an incidental catch fishery during the salmon troll fishery. The non-Indian commercial allocation is approximately 20.6 percent of the Area 2A TAC. Incidental catch of halibut in the primary directed sablefish fishery north of Point Chehalis, WA will be authorized if the Washington sport allocation exceeds 224,110 lb (101.7 mt) as described in section (e)(3) of this Plan. The structuring and management of these three fisheries is as follows.

(1) Incidental halibut catch in the salmon troll fishery.

Fifteen percent of the non-Indian commercial fishery allocation is allocated to the salmon troll fishery in Area 2A as an incidental catch during salmon fisheries. The quota for this incidental catch fishery is approximately 3.1 percent of the Area 2A TAC. The primary management objective for this fishery is to harvest the troll quota as an incidental catch during the May/June salmon troll fishery. The secondary management objective is to harvest the remaining troll quota as an incidental catch during the remainder of the salmon troll fishery.

- (i) The Council will recommend landing restrictions at its spring public meeting each year to control the amount of halibut caught incidentally in the troll fishery. The landing restrictions will be based on the number of incidental harvest license applications submitted to the IPHC, halibut catch rates, the amount of allocation, and other pertinent factors, and may include catch or landing ratios, landing limits, or other means to control the rate of halibut harvest. NMFS will publish the landing restrictions annually in the *Federal Register*, along with the salmon management measures.
- (ii) Inseason adjustments to the incidental halibut catch fishery.

Appendix 6a. (continued)

(A) NMFS may make inseason adjustments to the landing restrictions, if requested by the Council Chairman, as necessary to assure that the incidental harvest rate is appropriate for salmon and halibut availability, does not encourage target fishing on halibut, and does not increase the likelihood of exceeding the quota for this fishery. In determining whether to make such inseason adjustments, NMFS will consult with the applicable state representative(s), a representative of the Council's Salmon Advisory Sub-Panel, and Council staff.

(B) Notice and effectiveness of inseason adjustments will be made by NMFS in accordance with paragraph (f)(5) of this Plan.

- (iii) If the overall quota for the non-Indian, incidental commercial troll fishery has not been harvested by salmon trollers during the May/June fishery, additional landings of halibut caught incidentally during salmon troll fisheries will be allowed in July and will continue until the amount of halibut that was initially available as quota for the troll fishery is taken or until the end of the season date for commercial halibut fishing determined by the IPHC and implemented in IPHC regulation. Landing restrictions implemented for the May/June salmon troll fishery will apply for as long as this fishery is open. Notice of the July opening of this fishery will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. Halibut retention in the salmon troll fishery will be allowed after June only if the opening has been announced on the NMFS hotline.
- (iv) A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not in both.
- (v) Under the Pacific Coast groundfish regulations at 50 CFR 660.383, fishing with salmon troll gear is prohibited within the Salmon Troll Yelloweye Rockfish Conservation Area (YRCA). The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.390 and in salmon regulations at 50 CFR 660.405.

(2) Directed fishery targeting halibut.

Eighty-five percent of the non-Indian commercial fishery allocation is allocated to the directed fishery targeting halibut (e.g., longline fishery) in southern Washington, Oregon, and California. The allocation for this directed catch fishery is approximately 17.5 percent of the Area 2A TAC. This fishery is confined to the area south of Subarea 2A-1 (south of Point Chehalis, WA; 46°53.30' N. lat.). This fishery may also be managed with closed areas designed to protect overfished groundfish species. Any such closed areas will be described annually in federal halibut regulations published in the *Federal Register* and

Appendix 6a. (continued)

specifically defined at 50 CFR 300.63(e). The commercial fishery opening date(s), duration, and vessel trip limits, as necessary to ensure that the quota for the non-Indian commercial fisheries is not exceeded, will be determined by the IPHC and implemented in IPHC regulations. If the IPHC determines that poundage remaining in the quota for the non-Indian commercial fisheries is insufficient to allow an additional day of directed halibut fishing, the remaining halibut will be made available for incidental catch of halibut in the fall salmon troll fisheries (independent of the incidental harvest allocation).

(3) Incidental catch in the sablefish fishery north of Point Chehalis.

If the Area 2A TAC is greater than 900,000 lb (408.2 mt), the primary directed sablefish fishery north of Point Chehalis will be allocated the Washington sport allocation that is in excess of 214,110 lb (97.1 mt), provided a minimum of 10,000 lb (4.5 mt) is available (i.e., the Washington sport allocation is 224,110 lb (101.7 mt) or greater). If the amount above 214,110 lb (97.1 mt) is less than 10,000 lb (4.5 mt), then the excess will be allocated to the Washington sport subareas according to section (f) of this Plan. The amount of halibut allocated to the sablefish fishery will be shared as follows: up to 70,000 lb of halibut to the primary sablefish fishery north of Pt. Chehalis. Any remaining allocation will be distributed to the Washington sport fishery among the four subareas according to the sharing described in the Plan, Section (f)(1).

The Council will recommend landing restrictions at its spring public meeting each year to control the amount of halibut caught incidentally in this fishery. The landing restrictions will be based on the amount of the allocation and other pertinent factors, and may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings. NMFS will publish the landing restrictions annually in the Federal Register.

Under Pacific Coast groundfish regulations at 50 CFR 660.382, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) and the Non-Trawl Rockfish Conservation Area (RCA). The North Coast Commercial Yelloweye Rockfish Conservation Area YRCA is an area off the northern Washington coast, overlapping the northern part of North Coast Recreational YRCA. The Non-Trawl RCA is an area off the Washington coast. These closed areas are defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.390. Coordinates for the Non-Trawl RCA are specified in groundfish regulations at 50 CFR 660.393.

(4) Commercial license restrictions/declarations.

Commercial fishers must choose either (1) to operate in the directed commercial fishery in Area 2A and/or retain halibut caught incidentally in the primary

Appendix 6a. (continued)

directed sablefish fishery north of Point Chehalis, WA or (2) to retain halibut caught incidentally during the salmon troll fishery. Commercial fishers operating in the directed halibut fishery and/or retaining halibut incidentally caught in the primary directed sablefish fishery must send their license application to the IPHC postmarked no later than April 30, or the first weekday in May, if April 30 falls on a weekend, in order to obtain a license to fish for halibut in Area 2A. Commercial fishers operating in the salmon troll fishery who seek to retain incidentally caught halibut must send their application for a license to the IPHC for the incidental catch of halibut in Area 2A postmarked no later than March 31, or the first weekday in April, if March 31 falls on a weekend. Fishing vessels licensed by IPHC to fish commercially in Area 2A are prohibited from operating in the sport fisheries in Area 2A.

(f) SPORT FISHERIES

The non-Indian sport fisheries are allocated 68.3 percent of the non-Indian share, which is approximately 44.4 percent of the Area 2A TAC. The allocation is further divided as subquotas among six geographic subareas.

- (1) Subarea management. The sport fishery is divided into six sport fishery subareas, each having separate allocations and management measures as follows.

(i) Washington inside waters (Puget Sound) subarea.

This sport fishery subarea is allocated 23.5 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as all U.S. waters east of the mouth of the Sekiu River, as defined by a line extending from 48°17.30' N. lat., 124°23.70' W. long. north to 48°24.10' N. lat., 124°23.70' W. long., including Puget Sound. The structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. To that end, the Puget Sound subarea may be divided into two regions with separate seasons to achieve a fair harvest opportunity within the subarea. Due to inability to monitor the catch in this area inseason, fixed seasons, which may vary and apply to different regions within the subarea, will be established preseason based on projected catch per day and number of days to achievement of the quota. Inseason adjustments may be made, and estimates of actual catch will be made postseason. The fishery will open in April or May and continue until a date established preseason (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier. The Washington Department of Fish and Wildlife will develop recommendations to NMFS on the opening date and weekly structure of the fishery each year. The daily bag limit is one fish per person, with no size limit.

Appendix 6a. (continued)

(ii) Washington north coast subarea.

This sport fishery subarea is allocated 62.2 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as all U.S. waters west of the mouth of the Sekiu River, as defined above in paragraph (f)(1)(i), and north of the Queets River (47°31.70' N. lat.). The management objective for this subarea is to provide a quality recreational fishing opportunity during May and June. The fishery will open on the first Thursday between May 9 and 15, and continue 2 days per week (Thursday and Saturday) in May as scheduled pre-season, unless there is a quota management closure. If there is no quota management closure in May, the fishery will reopen on the first Thursday in June as an all depth fishery on Thursdays and Saturdays as long as sufficient quota remains. This schedule allows adequate public notice of any inseason action before each Thursday opening. If there is not sufficient quota for an all-depth day, the fishery would reopen in the nearshore areas described below:

- A. WDFW Marine Catch Area 4B, which is all waters west of the Sekiu River mouth, as defined by a line extending from 48°17.30' N. lat., 124°23.70' W. long. north to 48°24.10' N. lat., 124°23.70' W. long., to the Bonilla-Tatoosh line, as defined by a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35.73' N. lat., 124°43.00' W. long.) south of the International Boundary between the U.S. and Canada (at 48°29.62' N. lat., 124°43.55' W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.
- B. Shoreward of the recreational halibut 30-fm boundary line, a modified line approximating the 30 fm depth contour from the Bonilla-Tatoosh line south to the Queets River. Coordinates for the closed area will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

No sport fishing for halibut is allowed after September 30. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the nearshore areas for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline. The daily bag limit in all fisheries is one halibut per person with no size limit.

Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Recreational YRCA are specified in groundfish

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regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

(iii) Washington south coast subarea.

This sport fishery is allocated 12.3 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan. This subarea is defined as waters south of the Queets River (47°31.70' N. lat.) and north of Leadbetter Point (46°38.17' N. lat.). The structuring objective for this subarea is to maximize the season length, while maintaining a quality fishing experience. The south coast subarea quota will be allocated as follows: 10% or 2,000 pounds, whichever is less, will be set aside for the nearshore fishery with the remaining amount allocated to the primary fishery. The fishery will open on the first Sunday in May. The primary fishery will be open two days per week, Sunday and Tuesday, in all areas, except where prohibited. Starting the third week in May, the primary fishery will be open on Sundays only, until the quota for the primary fishery season is reached or September 30, whichever is earlier. If there is insufficient quota remaining to reopen the primary fishery for another fishing day, the remaining primary fishery quota will be added to the nearshore quota. The nearshore fishery takes place, in the area from 47°25.00' N. lat. south to 46°58.00' N. lat. and east of 124°30.00' W. long. During the primary season the nearshore fishery will be open three days per week, Thursday, Friday and Saturday, in addition to any days on which the primary fishery is open. Subsequent to the closure of the primary fishery, the nearshore fishery will continue on Thursdays, Friday, Saturdays and Sundays until the remaining quota is projected to be taken. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the nearshore areas for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline. The daily bag limit is one halibut per person, with no size limit.

Recreational fishing for groundfish and halibut is prohibited within two YRCA's off Washington's southern coast. The South Coast Recreational YRCA and the Westport Offshore YRCA are defined by straight lines connecting latitude and longitude coordinates. Coordinates for these Recreational YRCAs are specified in groundfish regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

(iv) Columbia River subarea.

This sport fishery subarea is allocated 2.0 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 4.0 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as

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provided in section (e)(3) of this Plan). This subarea is also allocated 5.0 percent of the Oregon/California sport allocation or an amount equal to the contribution from the Washington sport allocation, whichever is greater. This subarea is defined as waters south of Leadbetter Point, WA (46°38.17' N. lat.) and north of Cape Falcon, OR (45°46.00' N. lat.). The fishery will open on the first Thursday in May or May 1 if it is a Friday or Saturday, 3 days per week, Thursday through Saturday until 70 percent of the subarea allocation is taken or until the third Sunday in July, whichever is earlier. The fishery will reopen on the first Friday in August and continue 3 days per week, Friday-Sunday until the remainder of the subarea quota has been taken, or until September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution. The daily bag limit is one halibut per person, with no size limit. No groundfish may be taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by groundfish regulations, if halibut are on board the vessel.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45°46.00' N. lat.) to Humbug Mountain, Oregon (42°40.50' N. lat.) and is allocated 92.0 percent of the Oregon/California sport allocation minus any amount of pounds needed to contribute to the Oregon portion of the Columbia River subarea quota. The structuring objectives for this subarea are to provide two periods of fishing opportunity in Spring and in Summer in productive deeper water areas along the coast, principally for charterboat and larger private boat anglers, and provide a period of fishing opportunity in the summer for nearshore waters for small boat anglers. Any poundage remaining unharvested in the Spring all-depth subquota will be added to the Summer all-depth sub-quota. Any poundage that is not needed to extend the inside 40-fathom (73 m) fishery through October 31 will be added to the Summer all-depth season if it can be used, and any poundage remaining unharvested from the Summer all-depth fishery will be added to the inside 40-fathom (73 m) fishery subquota, if it can be used. If inseason it is determined via joint consultation between IPHC, NMFS and ODFW, that the combined all-depth and inside 40-fathom (73 m) fisheries will not harvest the entire quota to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point, WA by NMFS via an update to the recreational halibut hotline. The daily bag limit is one halibut per person, unless otherwise specified, with no size limit. During days open to all-depth halibut fishing, no groundfish may be taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by groundfish regulations, if halibut are on board the vessel.

Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. The Stonewall Bank YRCA is an area off central Oregon, near

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Stonewall Bank, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Stonewall Bank YRCA are specified in groundfish regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each year. The three seasons for this subarea are as follows.

A. The first season opens on May 1, only in waters inside the 40-fathom (73 m) curve, and continues daily until the subquota (8 percent of the subarea quota) is taken, or until October 31, whichever is earlier. Any overage in the all-depth fisheries would not affect achievement of allocation set aside for the inside 40-fathom (73 m) curve fishery.

B. The second season is an all-depth fishery with two potential openings and is allocated 69 percent of the subarea quota. Fixed season dates will be established preseason for the first Spring opening and will not be modified inseason except if the combined Oregon all-depth Spring and Summer season total quotas are estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring fishery each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea subquota for this season. The first opening will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days. The fixed season dates will occur in consecutive weeks starting the second Thursday in May (if the season is 5 or more fishing days) or second Friday in May (if the season is 4 or fewer fishing days), with possible exceptions to avoid adverse tidal conditions. If, following the "fixed" dates, quota for this season remains unharvested, a second opening will be held. If it is determined appropriate through joint consultation between IPHC, NMFS and ODFW, fishing may be allowed on one or more additional days. Notice of the opening(s) will be announced by NMFS via an update to the recreational halibut hotline. The fishery will be open every other week on Thursday through Saturday except that week(s) may be skipped to avoid adverse tidal conditions. The potential open Thursdays through Saturdays will be identified preseason. The fishery will continue until there is insufficient quota for an additional day of fishing or July 31, whichever is earlier.

C. The last season is an all-depth fishery that begins on the first Friday in August and is allocated 23 percent of the subarea quota. The fishery will be structured to be open every other week on Friday through Sunday except that week(s) may be skipped to avoid adverse tidal conditions. The

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fishery will continue until there is insufficient quota remaining to reopen for another fishing day or October 31, whichever is earlier. The potential open Fridays through Sundays will be identified preseason. If after the first scheduled open period, the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 60,000 lb (27.2 mt) or more, the fishery will re-open on every Friday through Sunday (versus every other Friday through Sunday), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. The inseason action will be announced by NMFS via an update to the recreational halibut hotline. If after the Labor Day weekend, the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 30,000 lb (13.6 mt) or more and the fishery is not already open every Friday through Sunday, the fishery will re-open on every Friday through Sunday (versus every other Friday through Sunday), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. After the Labor Day weekend, the IPHC, NMFS, and ODFW will consult to determine whether increasing the Oregon Central Coast bag limit to two fish is warranted with the intent that the quota for the subarea is taken by September 30. If the quota is not taken by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever is earlier. The inseason action will be announced by NMFS via an update to the recreational halibut hotline.

(vi) South of Humbug Mountain subarea.

This sport fishery subarea is allocated 3.0 percent of the Oregon/California subquota, which is approximately 0.62 percent of the Area 2A TAC. This area is defined as the area south of Humbug Mountain, OR (42°40.50' N. lat.), including California waters. The structuring objective for this subarea is to provide anglers the opportunity to fish in a continuous, fixed season that is open from May 1 through October 31. The daily bag limit is one halibut per person, with no size limit. Due to inability to monitor the catch in this area inseason, a fixed season will be established preseason by NMFS based on projected catch per day and number of days to achievement of the subquota; no inseason adjustments will be made, and estimates of actual catch will be made post season.

- (2) Port of landing management. All sport fishing in Area 2A will be managed on a "port of landing" basis, whereby any halibut landed into a port will count toward the quota for the subarea in which that port is located, and the regulations governing the subarea of landing apply, regardless of the specific area of catch.
- (3) Possession limits. The sport possession limit on land in Washington is two daily bag limits, regardless of condition, but only one daily bag limit may be possessed on the vessel. The sport possession limit on land in Oregon is three daily bag

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limits, regardless of condition, but only one daily bag limit may be possessed on the vessel. The sport possession limit on land in California and on the vessel is one daily bag limit, regardless of condition.

- (4) Ban on sport vessels in the commercial fishery. Vessels operating in the sport fishery for halibut in Area 2A are prohibited from operating in the commercial halibut fishery in Area 2A. Sport fishers and charterboat operators must determine, prior to May 1 of each year, whether they will operate in the commercial halibut fisheries in Area 2A which requires a commercial fishing license from the IPHC. Sport fishing for halibut in Area 2A is prohibited from a vessel licensed to fish commercially for halibut in Area 2A.
- (5) Flexible inseason management provisions.
 - (i) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the IPHC Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations.
 - (A) The action is necessary to allow allocation objectives to be met.
 - (B) The action will not result in exceeding the catch limit for the area.
 - (C) If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea.
 - (D) If any of the sport fishery subareas south of Leadbetter Point, WA are not projected to utilize their respective quotas by their season ending dates, NMFS may take inseason action to transfer any projected unused quota to another Oregon sport subarea.
 - (ii) Flexible inseason management provisions include, but are not limited to, the following:
 - (A) Modification of sport fishing periods;
 - (B) Modification of sport fishing bag limits;
 - (C) Modification of sport fishing size limits;
 - (D) Modification of sport fishing days per calendar week; and
 - (E) Modification of subarea quotas.

Appendix 6a. (continued)

- (iii) Notice procedures.
 - (A) Inseason actions taken by NMFS will be published in the *Federal Register*.
 - (B) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishermen should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.
- (iv) Effective dates.
 - (A) Inseason actions will be effective on the date specified in the Federal Register notice or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.
 - (B) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the *Federal Register*. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after of the action in the *Federal Register*.
 - (C) Inseason actions will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.
- (v) Availability of data. The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA.
- (6) Sport fishery closure provisions.

Appendix 6a. (concluded)

The IPHC shall determine and announce closing dates to the public for any subarea in which a subquota is estimated to have been taken. When the IPHC has determined that a subquota has been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled by NMFS as an inseason action, or announced by the IPHC.

(g) PROCEDURES FOR IMPLEMENTATION

Each year, NMFS will publish a proposed rule with any regulatory modifications necessary to implement the Plan for the following year, with a request for public comments. The comment period will extend until after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments. After the Area 2A TAC is known, and after NMFS reviews public comments, NMFS will implement final rules governing the sport fisheries. The final ratio of halibut to chinook to be allowed as incidental catch in the salmon troll fishery will be published with the annual salmon management measures.

<i>Sources</i>	<i>73 FR 12280 (March 7, 2008)</i>
	<i>72 FR 11792 (March 14, 2007)</i>
	<i>71 FR 10850 (March 3, 2006)</i>
	<i>70 FR 20304 (April 19, 2005)</i>
	<i>69 FR 24524 (May 4, 2004)</i>
	<i>68 FR 10989 (March 7, 2003)</i>
	<i>67 FR 12885 (March 20, 2002)</i>
	<i>66 FR 15801 (March 21, 2001)</i>
	<i>65 FR 14909 (March 20, 2000)</i>
	<i>64 FR 13519 (March 19, 1999)</i>
	<i>63 FR 13000 (March 17, 1998)</i>
	<i>62 FR 12759 (March 18, 1997)</i>
	<i>61 FR 11337 (March 20, 1996)</i>
	<i>60 FR 14651 (March 20, 1995)</i>
	<i>59 FR 22522 (May 2, 1994)</i>
	<i>58 FR 17791 (April 6, 1993)</i>

Appendix 6b. Summary of the Area 2A Catch-Sharing Plan developed by the Pacific Fishery Management Council by user group, sub-groups, allocation (as a percentage of the Area 2A total catch limit), and year (1993 – 2009).

User Group	Sub-Groups	Allocation (% of Area 2A Total Catch Limit)	Year: 1993
Treaty Indian	Commercial	25	Allocated to 12 treaty Indian tribes in Subarea 2A-1 (north of Point Chehalis, WA). Commercial fishing allocated 91% of tribal allocation. Permitted from March 1 - October 31, or until catch limit was taken, whichever occurred first. C&S fishery was allocated 9% of tribal allocation; was permitted from January 1 - December 31. Halibut taken for C&S purposes may not be offered for sale or be sold.
	Ceremonial & Subsistence		
Non-Treaty Indian Commercial	Directed Commercial	37.5	Opening dates and duration determined by IPHC at Annual Meeting. Fishing period limits determined by IPHC after license deadline date and prior to each fishing period.
Non-Treaty Indian Sport	North of Cape Falcon, OR	22.9	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) Puget Sound and U.S. waters in the Strait of Juan de Fuca, east of a line from Bonilla Point to Tatoosh Island to Cape Flattery; 2) North WA coast (north of Queets River); 3) Between Queets River (WA) and Cape Falcon (OR).
	South of Cape Falcon, OR	14.6	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) South of Cape Falcon to California border; 2) California (south of the northern California border).

Appendix 6b. (continued)

User Group		Sub-Groups	Allocation	Year: 1994	
Treaty Indian	Commercial	Ceremonial & Subsistence	35	Only change was to the percent allocation of the Area 2A total catch limit.	
	Directed Commercial				
Non-Treaty Indian Commercial			32.5	Only change was to the percent allocation of the Area 2A total catch limit.	
Non-Treaty Indian Sport	Washington/Northern Oregon		19.8	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) WA inside waters (Puget Sound and Straits) – 32.4% of WA catch limit (or 6.4% of Area 2A total catch limit); 2) WA north coast (between Straits and Queets River) – 62.4% of WA catch limit (or 12.4% of Area 2A total catch limit); 3) Southern WA/northern OR (between Queets River and Cape Falcon, OR) – 5.2% of WA catch limit (or 1% of Area 2A total catch limit).	
Non-Treaty Indian Sport	Oregon/California		12.7	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) South of Cape Falcon to California border – 97.4% of OR/CA catch limit (or 12.3% of Area 2A total catch limit); 2) California (south of the northern California border) – 2.6% of OR/CA catch limit (or 0.3% of Area 2A total catch limit).	

Appendix 6b. (continued)

		Year: 1995	
User Group	Sub-Groups	Allocation	
Treaty Indian	Commercial	35	No regulation changes from the previous year.
	Ceremonial & Subsistence		
Non-Treaty Indian Commercial	Directed Commercial	17.5	Allocated 85% of non-Treaty Indian commercial catch limit. Confined to area south of Subarea 2A-1 (south of Point Chehalis, WA). If IPHC determines remaining poundage in catch limit for this fishery is insufficient to allow additional day of directed fishing, remaining poundage made available for incidental catch of halibut in the fall salmon troll fisheries. License application deadline: April 30 (or the first weekday in May if April 30 falls on a weekend).
	Incidental Halibut Catch in Salmon Troll	3.1	New fishery; allocated 15% of non-Treaty Indian commercial catch limit. Incidental halibut catch during May/June salmon troll fisheries off coasts of WA, OR, CA. 1 halibut to 20 Chinook landing requirement; minimum size limit of 32-inches (81.3 cm). A vessel may participate in this fishery or in directed commercial fishery, not both. Poundage remaining in catch limit for this fishery after May/June fisheries made available in-season to directed commercial halibut fishery. IPHC vessel license application deadline: April 30.
Non-Treaty Indian Sport	Washington (north of the Columbia River)	23.8	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: <ol style="list-style-type: none"> 1) WA inside waters (all U.S. waters east of Bonilla-Tatoosh line, including Puget Sound) <ul style="list-style-type: none"> - 28% of WA catch limit (or 6.7% of Area 2A total catch limit). Daily bag limit of one halibut per person with no size limit; 2) WA north coast (all U.S. waters west of Bonilla-Tatoosh line and north of Queets River) <ul style="list-style-type: none"> - 57.7% of WA catch limit (or 13.7% of Area 2A total catch limit). Daily bag limit of one halibut per person with no size limit. 3) WA south coast (waters south of Queets River and north of Leadbetter Point) – 12.3% of WA catch limit (or 2.9% of Area 2A total catch limit). Daily bag limit of one halibut per person with no size limit.

Appendix 6b. (continued)

Non-Treaty Indian Sport	Columbia River	N/A	<p>Waters south of Leadbetter Point, WA and north of Cape Falcon, OR: allocated 2% of WA sport allocation plus 2% of OR/CA sport allocation. Daily bag limit of one halibut per person with 32-inch (81.3 cm) minimum size limit.</p> <p>Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives:</p>
	Oregon/ California	20.6	<ol style="list-style-type: none"> 1) Oregon central coast: If Area 2A TAC is 388,350 lbs or >, this subarea extends from Cape Falcon to Siuslaw River at Florence north jetty and is allocated 88.4% of OR/CA catch limit (or 18.2% of Area 2A total catch limit). If Area 2A TAC is < 388,350 lbs the subarea extends from Cape Falcon to the California border and is allocated 95.4% of OR/CA catch limit (or 19.7% of Area 2A total catch limit). 2) Daily bag limit of two halibut per person: one fish with 32-inch (81.3 cm) minimum size limit and one fish with 50-inch (127.0 cm) minimum size limit. Oregon south coast: If Area 2A TAC is 388,350 lbs or >, this subarea extends from the Siuslaw River at the Florence north jetty to the California border and is allocated 7% of OR/CA catch limit (or 1.4% of Area 2A total catch limit). If Area 2A TAC is < 388,350 lbs, this subarea will be included in the Oregon central coast subarea. Daily bag limit of two halibut per person; one fish with 32-inch (81.3 cm) minimum size limit and one fish with 50-inch (127.0 cm) minimum size limit. 3) California (south of the California border) – 2.6% of OR/CA catch limit (or 0.5% of Area 2A total catch limit). Daily bag limit of one halibut per person; 32-inch (81.3 cm) minimum size limit.

Appendix 6b. (continued)

User Group	Sub-Groups	Allocation	Year: 1996
Treaty Indian	Commercial	35	No regulation changes from the previous year.
	Ceremonial & Subsistence		
	Directed Commercial		
Non-Treaty Indian Commercial	Incidental Halibut Catch in Salmon Troll	3.1	License application deadline: postmark no later than March 31 (or first weekday in April if March 31 falls on a weekend). Allowable incidental catch ratio of one halibut to 15 Chinook, plus an "extra" halibut per landing. Total number of incidental halibut per vessel per landing not to exceed 20 halibut.
	Washington (north of the Columbia River)	23.8	No regulation changes from the previous year.
Non-Treaty Indian Sport	Columbia River	N/A	No regulation changes from the previous year.
	Oregon/California	20.6	No regulation changes from the previous year.
User Group	Sub-Groups	Allocation	Year: 1997
Treaty Indian	Commercial	35	No regulation changes from the previous year.
	Ceremonial & Subsistence		
	Directed Commercial		
Non-Treaty Indian Commercial	Incidental Halibut Catch in Salmon Troll	3.1	Allowable incidental catch ratio of one halibut to 10 Chinook, plus an "extra" halibut per landing. Total number of incidental halibut per vessel per landing not to exceed 20 halibut.
	Washington (north of the Columbia River)	23.8	No regulation changes from the previous year.
Non-Treaty Indian Sport	Columbia River	N/A	No regulation changes from the previous year.
	Oregon/California	20.6	No regulation changes from the previous year.

Appendix 6b. (continued)

User Group		Sub-Groups	Allocation	Year: 1998
Treaty Indian	Commercial			No regulation changes from the previous year.
	Ceremonial & Subsistence		35	
Non-Treaty Indian Commercial	Directed Commercial		17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll		3.1	Allowable incidental catch ratio of one halibut to 8 Chinook, plus an "extra" halibut per landing. Total number of incidental halibut per vessel per landing not to exceed 25 halibut.
	Washington (north of the Columbia River) ^a			Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) WA inside waters (Puget Sound) – 28% of first 130,845 lbs allocated to WA sport fishery and 32% of WA sport allocation between 130,845 and 224,110 lbs. 2) WA north coast – 57.7% of first 130,845 lbs allocated to WA sport fishery and 32% of WA sport allocation between 130,845 and 224,110 lbs. 3) WA south coast – 12.3% of first 130,845 lbs allocated to sport fishery and 32% of WA sport allocation between 130,845 and 224,110 lbs.
Non-Treaty Indian Sport	Columbia River			Allocated 2% of first 130,845 lbs allocated to WA sport fishery and 4% of WA sport allocation between 130,845 and 224,110 lbs. Also allocated 2% of OR/CA sport allocation.
	Oregon/California		44.4	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) Oregon central coast: If Area 2A TAC is 388,350 lbs and >, this subarea extends from Cape Falcon to Siuslaw River at Florence north jetty and is allocated 88.4% of OR/CA catch limit (or 18.21% of Area 2A total catch limit). If Area 2A TAC is < 388,350 lbs the subarea extends from Cape Falcon to the California border and is allocated 95.4% of OR/CA catch limit. 2) Oregon south coast: If Area 2A TAC is 388,350 lbs and >, this subarea extends from the Siuslaw River at the Florence north jetty to California border and is allocated 7.0% of OR/CA catch limit (or 1.44% of Area 2A total catch limit). If Area 2A TAC is < 388,350 lbs, this subarea will be included in the Oregon central coast subarea. 3) California waters: Allocated 2.6% of OR/CA subquota (or 0.54% of Area 2A total catch limit).

Appendix 6b. (continued)

User Group		Sub-Groups	Allocation	Year: 1999
Treaty Indian	Commercial			No regulation changes from the previous year.
	Ceremonial & Subsistence		35	
Non-Treaty Indian Commercial	Directed Commercial		17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll		3.1	Allowable incidental catch ratio of one halibut to 5 Chinook, plus an “extra” halibut per landing. Total number of incidental halibut per vessel per landing not to exceed 35 halibut.
	Washington (north of the Columbia River) ^a			No regulation changes from the previous year.
	Columbia River			Allocated 2% of first 130,845 lbs allocated to WA sport fishery and 4% of WA sport allocation between 130,845 and 224,110 lbs. Also allocated 2% of OR/CA sport allocation.
Non-Treaty Indian Sport			44.4	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) Oregon central coast: If Area 2A TAC is 388,350 lbs and >, this subarea extends from Cape Falcon to Siuslaw River at Florence north jetty and is allocated 88.03% of OR/CA catch limit (or 18.13% of Area 2A total catch limit). If Area 2A TAC is < 388,350 lbs the subarea extends from Cape Falcon to Humbug Mountain, OR and is allocated 95.0% of OR/CA catch limit. 2) Oregon south coast: If Area 2A TAC is 388,350 lbs and >, this subarea extends from the Siuslaw River at the Florence north jetty to Humbug Mountain, OR and is allocated 6.97% of OR/CA catch limit (or 1.43% of Area 2A total catch limit). If Area 2A TAC is < 388,350 lbs, this subarea will be included in the Oregon central coast subarea. 3) South of Humbug Mountain (area south of Humbug Mountain, OR, including California waters): Allocated 3% of OR/CA catch limit (or 0.62% of Area 2A total catch limit).
	Oregon/California			

Appendix 6b. (continued)

User Group		Sub-Groups	Allocation	Year: 2000
Treaty Indian	Commercial		35	Court hearing required 25,000 lbs dressed weight to be transferred from non-treaty Area 2A allocation to treaty allocation in Area 2A each year for eight years (2000 through 2007) for a total transfer of 200,000 lbs.
	Ceremonial & Subsistence			
Non-Treaty Indian Commercial	Directed Commercial		17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll		3.1	If overall quota for the non-Indian commercial fishery has not been harvested by July 31 and the quota for the salmon troll fishery was not harvested during the May/June fishery, landings of halibut caught incidentally during salmon troll fisheries will be allowed effective August 1 and will continue until the amount of halibut that was initially available as quota for the salmon troll fishery is taken or the overall non-Indian commercial quota is estimated to have been achieved. Allowable incidental catch ratio of one halibut to 3 Chinook, plus an “extra” halibut per landing. Total number of incidental halibut per vessel per landing not to exceed 35 halibut.
Non-Treaty Indian Sport	Washington (north of the Columbia River) ^a		44.4	Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) WA inside waters (Puget Sound) – 23.5% of first 130,845 lbs allocated to WA sport fishery and 32% of WA sport allocation between 130,845 and 224,110 lbs. 2) WA north coast – 62.2% of first 130,845 lbs allocated to WA sport fishery and 32% of WA sport allocation between 130,845 and 224,110 lbs. 3) WA south coast – no changes from previous year.
	Columbia River			No regulation changes from the previous year.
	Oregon/California			No regulation changes from the previous year.

Appendix 6b. (continued)

User Group	Sub-Groups	Allocation	Year: 2001
Treaty Indian	Commercial	35	No regulation changes from the previous year.
	Ceremonial & Subsistence		
Non-Treaty Indian Commercial	Directed Commercial	17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll	3.1	If overall quota for the non-Indian commercial fishery has not been harvested during the May/June fishery, additional landings of halibut caught incidentally during salmon troll fisheries will be allowed in July and will continue until the amount of halibut that was initially available as quota for the salmon troll fishery is taken or the overall non-Indian commercial quota is estimated to have been achieved. Landing requirements same as in 2000.
Non-Treaty Indian Sport	Incidental Halibut Catch in the Sablefish Fishery	N/A	New fishery occurring from August 15 to October 31. Occurs only if the Area 2A total catch limit is > 900,000 lbs. The fishery is allocated any poundage in excess of 214,110 lbs from the Washington sport catch limit, provided a minimum of 10,000 is available. If the amount above 214,110 lbs is < 10,000 lbs, then excess will be allocated to Washington sport subareas. The fishery is restricted to area north of Point Chehalis, WA. Landing restrictions of 80 pounds (net weight) of halibut per 1,000 pounds (round weight) of sablefish landed, plus up to two additional halibut. License application deadline: April 30 (or first weekday in May if April 30 falls on a weekend).
	Washington (north of the Columbia River) ^a	44.4	No regulation changes from the previous year.
	Columbia River		No regulation changes from the previous year.
	Oregon/California		No regulation changes from the previous year.

Appendix 6b. (continued)

User Group	Sub-Groups	Allocation	Year: 2002
Treaty Indian	Commercial	35	No regulation changes from the previous year.
	Ceremonial & Subsistence		
Non-Treaty Indian Commercial	Directed Commercial	17.5	No regulation changes from the previous year.
	Incidental	3.1	No regulation changes from the previous year.
	Halibut Catch in Salmon Troll		
	Incidental	N/A	Halibut retention was allowed beginning May 1 through October 31. Landing restrictions of 150 pounds (net weight) of halibut per 1,000 pounds (net weight) of sablefish landed, plus up to two additional halibut.
Halibut Catch in the Sablefish Fishery			
Non-Treaty Indian Sport	Washington (north of the Columbia River) ^a	44.4	No regulation changes from the previous year.
	Columbia River		No regulation changes from the previous year.
	Oregon/California		No regulation changes from the previous year.

Appendix 6b. (continued)

User Group	Sub-Groups	Allocation	Year: 2003
Treaty Indian	Commercial	35	No regulation changes from the previous year.
	Ceremonial & Subsistence		
Non-Treaty Indian Commercial	Directed Commercial	17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll	3.1	Halibut must be landed head on and be no less than 32 inches in length. A designated "C-shaped" yelloweye rockfish conservation area is to be avoided during the salmon troll fishery.
	Incidental Halibut Catch in the Sablefish Fishery	N/A	Maximum of 70,000 pounds can be made available provided previous CSP requirements are met. Landing restrictions same as in 2002. Halibut must be landed with the head on and be no less than 32 inches in length.
Non-Treaty Indian Sport	Washington (north of the Columbia River) ^a	44.4	No regulation changes from the previous year.
	Columbia River		No regulation changes from the previous year.
	Oregon/California		No regulation changes from the previous year.

Appendix 6b. (continued)

User Group		Sub-Groups	Allocation	Years: 2004, 2005
Treaty Indian	Commercial		35	Must fish outside of the Rockfish Conservation Area (RCA) as defined in the Federal Register Vol. 69, No. 86.
	Ceremonial & Subsistence			
Non-Treaty Indian Commercial	Directed Commercial		17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll		3.1	No regulation changes from the previous year.
	Incidental Halibut Catch in the Sablefish Fishery		N/A	Landing restriction of 100 pounds (net weight) of halibut per 1,000 pounds (net weight) of sablefish landed, and up to two additional halibut.
	Washington (north of the Columbia River) ^a			No regulation changes from the previous year.
Non-Treaty Indian Sport	Columbia River		44.4	Allocated 2% of first 130,845 lbs allocated to WA sport fishery and 4% of WA sport allocation between 130,845 and 224,110 lbs. Also allocated from OR/CA sport allocation the number of pounds equal to the WA contribution.
	Oregon/California			Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) Oregon central coast: extends from Cape Falcon to Humbug Mountain, OR and is allocated 95.0% of OR/CA allocation minus pounds needed to contribute to OR portion of the Columbia River subquota. 2) South of Humbug Mountain: Defined as the area south of Humbug Mountain, OR, including California waters. Allocated 3.0% of OR/CA subquota (about 0.62% of Area 2A total catch limit).

Appendix 6b. (continued)

User Group		Sub-Groups	Allocation	Years: 2006, 2007
Treaty Indian	Commercial		35	No regulation changes from the previous year.
	Ceremonial & Subsistence			
Non-Treaty Indian Commercial	Directed Commercial		17.5	No regulation changes from the previous year.
	Incidental			
	Halibut Catch in Salmon Troll		3.1	No regulation changes from the previous year.
	Incidental Halibut Catch in the Sablefish Fishery		N/A	No regulation changes from the previous year.
Non-Treaty Indian Sport	Washington (north of the Columbia River) ^a			No regulation changes from the previous year.
	Columbia River		44.4	Allocated 2% of first 130,845 lbs allocated to WA sport fishery and 4% of WA sport allocation between 130,845 and 224,110 lbs. Also allocated 5.0% of OR/CA sport allocation or an amount equal to the contribution from the WA sport allocation, whichever is greater.
	Oregon/California			Further divided into the following geographic areas, each having separate seasons, catch limits, bag limits, and any other restrictions necessary to achieve allocation objectives: 1) Oregon central coast: extends from Cape Falcon to Humbug Mountain, OR and is allocated 92.0% of OR/CA allocation minus pounds needed to contribute to OR portion of the Columbia River subarea quota.

Appendix 6b. (continued)

User Group	Sub-Groups	Allocation	Year: 2008
Treaty Indian	Commercial	35	Removed outdated language referring to the 25,000 lb annual tribal allocation resulting from the U.S. v. Washington case.
	Ceremonial & Subsistence		
Non-Treaty Indian Commercial	Directed Commercial	17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll	3.1	Allowable incidental catch ratio of one halibut to 2 Chinook, plus an "extra" halibut per landing. Total number of incidental halibut per vessel per landing not to exceed 35 halibut.
	Incidental Halibut Catch in the Sablefish Fishery	N/A	No regulation changes from the previous year.
	Washington (north of the Columbia River) ^a	44.4	No regulation changes from the previous year.
Columbia River	No regulation changes from the previous year.		
Non-Treaty Indian Sport	Oregon/California		No regulation changes from the previous year.

Appendix 6b. (concluded)

User Group	Sub-Groups	Allocation	Year: 2009
Treaty Indian	Commercial	35	Removed outdated language referring to the 25,000 lb annual tribal allocation resulting from the U.S. v. Washington case.
	Ceremonial & Subsistence		
Non-Treaty Indian Commercial	Directed Commercial	17.5	No regulation changes from the previous year.
	Incidental Halibut Catch in Salmon Troll	3.1	No regulation changes from the previous year.
	Incidental Halibut Catch in the Sablefish Fishery	N/A	Because of a lower catch limit, the possession and landing restrictions were changed to no more than 100 pounds (net weight) of halibut per trip.
	Washington (north of the Columbia River) ^a	44.4	No regulation changes from the previous year.
Columbia River	No regulation changes from the previous year.		
Non-Treaty Indian Sport	Oregon/California		No regulation changes from the previous year.

^a At Area 2A TAC levels of up to 550,000 lbs, the catch sharing plan remains the same as in 1997. Above 550,000 lbs, the south coast and Puget Sound will receive a higher portion of the Washington recreational share to facilitate expanded season lengths.

Appendix 7. Vessel classes and relative vessel shares, for general use and for Area 2C, determined by a work group of industry and IPHC staff.

Vessel Class	Vessel Overall Length (ft)	Shares Determined by Work Group	Shares Determined by IPHC for Area 2C
A	1-26	1.0	1.0
B	26 to 30	1.8	1.4
C	31 to 35	3.4	2.5
D	35 to 40	5.2	3.5
E	41 to 45	6.9	5.2
F	46 to 50	14.7	7.6
G	51 to 55	16.8	7.8
H	56 +	25.0	8.6

Appendix 8. Summary of the 2009 underage and overage plans for the British Columbia and Alaska commercial fisheries.

Underage and overage plan for British Columbia IVQ fishery:

1. Licensed halibut vessels landing up to 10% or 400 pounds (whichever is greater) over the vessel's remaining halibut IVQ (i.e., any quota remaining on the vessel's last trip), may keep the proceeds from the overage but will have the equivalent poundage of the overage subtracted from the vessel's IVQ in the following year.
2. Licensed halibut vessels landing more than 10% or 400 pounds (whichever is greater) over the vessel's remaining halibut IVQ (i.e., any quota remaining on the vessel's last trip), may keep the proceeds from the landed weight of the first 10% or 400 pounds (whichever is greater) of overage and must relinquish the remainder to the Crown. Furthermore, any overage in excess of 10% (of the remaining quota on the last trip) will be doubled and deducted from the vessel's IVQ in the following year.
3. Licensed halibut vessels at the end of the season that are 10% or less under the vessel's total IVQ (including any reallocations made during the year) will have the equivalent poundage of the underage added to the vessel's halibut IVQ in the following year.
4. Licensed halibut vessels at the end of the season that are more than 10% under the vessel's total IVQ (including any reallocations made during the year) will have the equivalent poundage of 10% of the vessel's total IVQ added to the vessel's halibut IVQ in the following year and will forgo the remainder.
5. The carryover of underages or overages expires at the end of the year following the underage or overage by the licensed halibut vessel (i.e., IVQ underages and overages cannot be carried over more than one year).

Underage and overage plan for the Alaskan IFQ fishery:

1. Underages of up to 10% of the individual's total annual IFQ account for a current year will be added to that individual's annual IFQ account in the year following upon determination of the underage and will be specific to regulatory area and vessel category.
2. The overage policy was revised for the 1999 IFQ season and has not changed, so it remains the same for the 2009 fishery. Overages up to 10%, as determined by the amount of IFQ available at the time of landing, will not be considered a violation and the entire overage will be administratively deducted by NMFS RAM. An IFQ Cardholder may replenish a deficit IFQ account administratively at any time within the calendar year. Any deficit remaining at the end of the calendar year will be deducted from the IFQ allocation in the following calendar year.
3. Overages that exceed 10%, as determined by the amount of IFQ available at the time of landing, will be considered a violation. RAM will not administratively deduct any amount of the overage, including the amount within the 10%. RAM will set the cardholder's IFQ account to zero. Alaska Enforcement Division will seize the entire overage. NOAA General Council will assess a penalty consistent with the penalty schedule, and pursue forfeiture of the seized overage.
4. The penalty schedule requires seizure or forfeiture of all of the overage above 100% when the catch exceeds 110% of the IFQ balance. The goal of the overage policy and penalty schedule was to substantially reduce the previous incentive to target 110% of the IFQ cardholder's remaining balance.

Appendix 9. Metlakatla Commercial Halibut Test Fishery Regulations, Annette Islands Reserve, 1993¹.

Following is a list of commercial halibut regulations for the 1993 season as adopted by the Metlakatla Indian Community Council:

1. **GENERAL:** Except as provided herein, the following conservation based regulations in U.S. Title 50 of the Code of Federal Regulations, Pacific Halibut fisheries, Part 301, Sections 301.1, 301.2, 301.3, 301.4, 301.5, 301.9, 301.11, 301.16, and 301.17 shall apply to commercial halibut fishing by members of the Metlakatla Indian Community within AIR waters and are incorporated herein.
2. **AREA COVERED:** The area subject to these regulations shall be those waters described in 25 CFR Section 241.2(a) (AIR Waters).
3. **ENFORCEMENT:** These provisions shall be enforced pursuant to MIC Fishing Ordinance No. 677-B by MIC enforcement personnel through management and regulatory control policies and procedures established by the Memorandum of Agreement between the MIC and the BIA dated May 12, 1987.
4. **GEAR:** Commercial fishing for halibut in AIR waters is permitted with hook and line gear only. A maximum of eight setlines or skates will be allowed per commercial fishing vessel.
5. **FISHING PERIODS:** Commercial test fishing periods will be established from February 1993 until that date the Area 2C catch limit is reached as determined by the International Pacific Halibut Commission (IPHC). A maximum of 96 hours of fishing will be scheduled each month.
6. **SIZE LIMIT:** Halibut caught for commercial purposes shall not be less than 32 inches in length with head on or 24 inches with head removed.
7. **LOGS AND DATA COLLECTION:** Harvest data will be obtained from fish tickets and vessel logs, which will be required of each participating fisherman during each fishing period in AIR waters.
8. **RETENTION OF TAGGED HALIBUT:** Halibut bearing an IPHC tag will be made available to MIC enforcement or biological personnel at Annette Islands Packing Company docks, with head and tag intact, for measurement and otolith extraction.
9. **LICENSING OF VESSELS:** All MIC fishermen who participate in the 1993 Commercial Halibut Test Fishery with [*sic*] AIR waters must mark their buoys with their vessel name or U.S. Coast Guard Registration Number for purposes of identification and must have in their possession a current MIC commercial fishing permit and a current MIC commercial fishing vessel permit.

¹ Communiqué from the Office of General Counsel, NOAA, February 23, 1993.

Appendix 10. The Metlakatla commercial halibut fishery openings, authorized by the U.S. Department of Interior Bureau of Indian Affairs, 1993 – 2009.

Year	Opening dates: noon to noon
1993	3/6-8, 3/20-22, 4/10-12, 4/24-26, 5/8-10, 5/22-24, 6/5-7, 6/24-26
1994	2/5-7, 2/19-21, 3/5-7, 3/19-21, 4/29 - 5/1, 5/14-16, 6/1-3, 6/15-17, 7/8-10, 7/22-24, 8/5-7, 8/19-21, 9/2-4
1995	5/26-28, 6/3-5, 6/10-12, 6/16-18, 6/23-25, 6/30 - 7/2, 7/14-16, 7/28-30, 8/11-13, 8/25-27, 9/8-10, 9/22-24, 10/6-8
1996	4/27-29, 5/13-15, 5/25-27, 6/8-10, 6/21-23, 7/5-7, 7/19-21, 8/2-4, 8/9-11, 8/16-18, 8/23-25, 8/30 - 9/1, 9/6-8, 9/13-15
1997	5/2-4, 5/16-18, 5/30 - 6/1, 6/7-9, 6/14-16, 6/20-22, 6/27-29, 7/4-6, 7/11-13, 7/18-20, 8/1-3, 8/8-10, 8/15-17, 8/22-24, 8/29-31, 9/5-7, 9/12-14, 9/19-21, 9/26-28
1998	4/17-19, 5/15-17, 5/29-31, 6/19-21, 7/3-5, 7/18-20, 8/7-9, 8/21-23, 9/4-6
1999	5/22-24, 6/6-8, 6/18-20, 7/9-11, 7/16-18, 7/30 - 8/1, 8/13-15, 8/27-29, 9/3-5, 9/17-19, 10/1-3, 10/15-17, 10/29-31
2000	4/29 - 5/1, 5/13-15, 5/27-29, 6/9-11, 6/23-25, 7/7-9, 7/21-23, 8/4-6, 8/18-20, 8/25-27, 9/1-3, 9/15-17, 9/22-24, 9/29 - 10/1, 10/11-13
2001	5/4-6, 5/18-20, 6/1-3, 6/15-17, 6/29 - 7/1, 7/13-15, 7/27-29, 8/10-12, 8/24-26, 9/7-9, 9/21-23, 10/5-7, 10/20-22
2002	5/10-12, 5/24-26, 6/10-12, 6/21-23, 7/5-7, 7/19-21, 8/2-4, 8/16-18, 8/30 - 9/1, 9/13-15, 9/27-29, 10/11-13
2003	5/2-4, 6/7-9, 6/20-22, 7/4-6, 7/18-20, 8/1-3, 8/16-18, 8/30 - 9/1, 9/13-15, 9/27-29
2004	4/16-18, 4/30 - 5/2, 5/14-16, 5/28-30, 6/11-13, 6/25-27, 7/9-11, 7/23-25, 8/6-8, 8/20-22, 9/3-5, 9/17-19, 10/1-3
2005	4/30-5/1, 5/14-16, 5/28-30, 6/10-12, 6/24-26, 7/8-10, 7/22-24, 8/5-7, 8/19 -21, 9/2-4, 9/16-18
2006	6/10-12, 6/23-25, 7/7-9, 7/21-23, 8/4-5, 8/18-20, 9/1-3, 9/15-17, 9/29-10/1
2007	4/27-29, 5/11-13, 5/25-27, 6/8-10, 6/22-24, 7/6-8, 7/20-22, 8/3-5, 8/17-19, 8/31 - 9/2
2008	5/9-11, 5/23-25, 6/6-8, 6/20-22, 7/11-13, 7/25-27, 8/8-10, 8/22-24, 9/5-7, 9/19-21, 10/3-5
2009	5/8-10, 5/29-31, 6/12-14, 6/26-28, 7/10-12, 7/24-26, 8/7-9, 8/21-23, 9/4-6, 9/18-20

Appendix 11. Decisions and directions given to staff at the IPHC Annual Meeting, in chronological order, from 1993 to 2009.

Year	Annual Meeting Directives from the Commissioners
1993	<p>The Commission staff was asked to review mortality estimates for halibut bycatch, and work with the PFMC to refine bycatch estimates for Area 2A.</p> <p>The government attorneys were asked to investigate the legality of requiring all incidentally caught halibut to be returned to the sea immediately. This was in response to reports of trawl operations not sorting catch until it is landed. The Executive Director was to express to the NPFMC the Commission’s disapproval of a proposal to land some incidentally caught halibut for charitable purposes.</p> <p>The staff was directed to work with other agencies to improve accuracy of accounting of personal use (subsistence) removals and other poorly documented halibut harvests.</p>
1994	<p>Canada submitted a bycatch reduction report that stated that halibut bycatch mortality would be reduced by 50% of the 1991 level by 1997. U.S. regulations provided some bycatch mortality reduction but the Commission recommended continued efforts. The Commission requested that the PFMC develop a plan to estimate and reduce bycatch mortality in Area 2A.</p>
1995	<p>A special bycatch meeting was scheduled for July.</p>
1996	<p>The Commission approved a proposal for limited retention of dead, trawl-caught halibut landed shoreside. Participation was limited to Unisea Seafoods, Westward Seafoods, and Alyeska Seafoods in Dutch Harbor. The one-year pilot program, implemented by NMFS, limited catch to 50,000 pounds, net weight.</p> <p>A special meeting on bycatch issues was to be convened in June.</p>
1997	<p>The staff was directed to evaluate size limits for the sport fishery.</p> <p>A workgroup was formed to evaluate chalky fish and develop a questionnaire for distribution to processors.</p> <p>The Commission was to issue an official logbook in 1998.</p> <p>IPHC staff were to apply to NMFS for an experimental fishing permit for a pilot program for shore-based trawlers in Dutch Harbor to retain otherwise illegal halibut bycatch, up to 50,000 pounds, net weight. The IPHC and NPFMC were to review the application at a joint meeting in April prior to the September pollock fishing season.</p>
1998	<p>The staff was to meet with NPFMC to discuss halibut bycatch and other issues of mutual concern.</p> <p>The Commission allowed for an experimental commercial longline fishery in the Chukchi Sea (north of Area 4D). The plan was to be developed by IPHC, ADF&G, and NMFS and limited to 20,000 pounds net weight of halibut. ADF&G was to provide a summary report to the Commission prior to January 1999.</p> <p>IPHC staff and the Processor Advisory Group were to continue to study chalky fish by way of a questionnaire to all processors.</p> <p>The Commission revisited the 1996 proposal for limited retention of dead, trawl-caught halibut and the concomitant regulation changes. Annual reports of the project were to be provided to the Commission for review.</p>

Appendix 11. (continued)

1999	<p>The staff was to meet with industry and agency representatives to discuss the feasibility of a commercial fishery season extension.</p> <p>The Canadian government agreed to provide sport harvest estimates during 1999.</p> <p>NMFS clarified its policy of observations of offloads and defined the landed weight as the scale weight at the time of offloading. The policy directive was to be made available to the Commission, NMFS field staff, and industry.</p> <p>The Commission staff was to review the issue of landing live halibut.</p> <p>The staff was to review the format, and determine the best way, for industry and agency staff to provide recommendations and proposals to be reviewed by the Commissioners at the Annual Meeting. It was expected that deadline dates would be adopted for regulation and catch limit proposals.</p>
2000	<p>Allowing fillets of retained halibut for personal use by commercial fishers onboard the vessel was discussed. The staff was tasked with determining if a viable and enforceable procedure could be determined and, if so, submitting a proposal at the next Annual Meeting.</p> <p>Live halibut landings, prohibited by IPHC regulations, were discussed. These regulations were subsequently rejected by Canada. The Commission and DFO staffs were to work to ensure that live holding operations in Canada met the Commission's requirements concerning conservation and data capture.</p>
2001	<p>NOAA Enforcement was to review the use of VMS transponders in place of Area 4 clearance procedures. Staff and enforcement were to review if a clearance program was feasible for Area 3B.</p> <p>Landing of live halibut was discussed again. Commission staff was to work with Canadian government authorities to ensure that live fish holding operators in Canada met Commission requirements concerning conservation and data capture of penned halibut.</p> <p>The Commission requested that both governments provide comprehensive aquaculture reports at the Annual Meetings. The industry had proposed the Commission restrict halibut aquaculture, but it was not in the Commission's mandate or jurisdiction and both governments support it.</p> <p>The Commission allowed the posting of chalky fish information on the IPHC webpage to assist industry on tracking occurrences.</p>
2002	<p>Regulations did not change to allow VMS or transponders in place of clearances; however, NOAA Enforcement was to work with vessel operators to provide waivers to clearances, if appropriate VMS was in place.</p> <p>The staff was directed to implement a web-based registry for chalky fish occurrence.</p> <p>The staff was to continue to work with agencies of the two governments to achieve bycatch reductions in halibut mortality.</p>

Appendix 11. (continued)

2002	<p>The governments were to continue to provide annual aquaculture updates. An interagency committee was to be formed to review halibut aquaculture development and advise on the negative impacts on the wild halibut resource and management.</p> <p>The Passive Integrated Transponder tag project was discussed. Staff was directed to complete a peer review of the project prior to implementation.</p>
2003	<p>The staff was directed to form an industry-agency task force to provide a report at the Interim Meeting on recommendations on how a season of up to 12 months could be accommodated.</p> <p>Regulations were not changed to require an IPHC permit to tag halibut or retain halibut for research. The staff was to monitor issues of access to fish for sampling and advise the Commission of any difficulties.</p> <p>Enforcement agencies were to review various buoy marking requirements and were to report to the Commission on potential standardization of marking.</p> <p>The Commission was to continue working with agencies to achieve reductions in the halibut bycatch mortality.</p> <p>The Commission acknowledged comments on aquaculture and the staff was instructed to present guidelines and standards for aquaculture licensing and operation for presentation to the Commission.</p> <p>Local depletion relating to Area 4C and off Vancouver, B.C. was discussed. The Commission staff was to work with DFO and continue research with the Central Bering Sea Fishermen's Association on the issue.</p>
2004	<p>The staff reported on the joint agency-industry meeting that investigated the logistical issues that must be addressed to extend the halibut fishing season. The workgroup agreed that generally a 10.5-month season could be implemented with a one-year lead time, but a 12-month season would be significantly more difficult to implement.</p> <p>The proposal to require an IPHC permit for tagging halibut was not approved. The Commission agreed with the intent but wanted to consider impacts of this regulation on other agency activities. The staff was to review the current permitting process and provide additional information for future evaluation.</p> <p>The Alaska Food Coalition food bank donation program in the Gulf of Alaska was not approved and the staff was asked to provide feedback on the proposal. The proposal was different from the Dutch Harbor donation program as it was for vessels that could sort at sea and involved observers.</p>
2005	<p>There were further discussions on season length and a workgroup was tasked with examining and reporting on the merits and expense of different research to understand the timing and extent of winter migratory movements of halibut among regulatory areas. Research reviewed included pop-up satellite and transponder tagging, as well as an experimental winter fishery.</p> <p>The proposal to recognize First Nations' ceremonial and subsistence fishing in Area 2B was deferred, pending clarification of this regulation.</p>

Appendix 11. (continued)

2006	<p>Live landings were discussed and the staff was asked to work with other agencies on options and provide a recommendation at the next Annual Meeting.</p> <p>The use of electronic logbooks was discussed. When a specific logbook is available for review, it can be presented as an option for acceptance as a defined logbook.</p> <p>The Commission was to request that NMFS finish amending its quota share regulations for the IFQ fishery in Alaska to reference the dates of the halibut season, rather than specific dates of the year.</p> <p>A four-part research program to assist with the understanding of the Bering Sea's stock was approved, including an Eastern Bering Sea shelf survey; expansion of existing programs; analysis of historical trawl surveys conducted by NMFS; and estimation of the catching efficiency of NMFS trawl gear, for halibut. In addition, research projects were to be designed to generate more detailed knowledge of timing of spawning migration of halibut between Areas 2B and 2C.</p>
2007	<p>The Commission approved a one-fish bag limit for sport guided charter fishing in Area 2C from June 15 – July 31, 2007 and for Area 3A from June 15 - 30, 2007. However, the U.S. government did not adopt these regulations. Later, the U.S. government adopted regulations restricting the anglers on a guided sport charter vessel in Area 2C to two halibut per day per person, but at least one of the two fish had to be more than 32 inches. This NMFS regulation was implemented on June 1 through December 31, 2007. For Area 3A, no skipper or crew fish could be retained from May 1- Dec 31, 2007, similar to the regulation which was in place in Area 2C from May 1 – Dec 31, 2006.</p> <p>A stock assessment workshop was planned for 2007 to review the coastwide stock assessment model.</p> <p>A report on the effects of hook straightening and careful release in relation to halibut viability was requested.</p>
2008	<p>Commercial fishing vessels are not allowed to have fishing pots capable of catching halibut on board the vessel. A proposal to allow sport or personal use crab pots on board commercial halibut vessels was not adopted. The IPHC staff, enforcement agencies, and industry agreed to further discuss and review the proposal prior to the 2009 Annual Meeting. A discussion took place, but no industry proposal was submitted the following year.</p> <p>For the 2009 Annual Meeting, the Commission was to request reports from NMFS and Alaska State enforcement agencies concerning enforcement of regulations for the Alaska sport charter fishery.</p> <p>An industry proposal to reduce the commercial size limit for halibut was reviewed. The IPHC staff was directed to review how a reduced size limit would affect assessment, yield, and long-term productivity of the halibut stock.</p> <p>The Commission directed the staff to conduct a workshop in early fall 2008 to review apportionment procedures, with special consideration for migration, updated PIT tag results, and harvest policy.</p>

Appendix 11. (continued)

2008	The Commissioners directed the staff to assemble material reviewing bycatch reduction targets, reduction methodology, progress in other jurisdictions, and update the 1991 IPHC Bycatch Work Group results. This information was to be made available and used in planning for a potential bycatch workshop in 2009.
2009	<p>The Commission was to send a letter to the NPFMC and ADF&G supporting the development of an Alaskan recreational halibut harvest tag or ticket system for accurate and timely catch accounting.</p> <p>The Commission and agency staff were to work with sport representatives to review IPHC Alaska sport regulations and determine if changes were necessary. The Commission, ADF&G, and NMFS staffs were to provide clearer documentation of the Alaska sport regulations.</p> <p>The Commission staff was to monitor the implementation of the NMFS proposed rule of a one-fish bag limit for charter fisheries in Area 2C. In the event of conservation concerns, the Commission was to take extraordinary action at an intercessional meeting to pass IPHC regulations commensurate with the intent to conserve the resource should there be any delay or problem with the implementation schedule of the NMFS regulation.</p> <p>The Commission staff was to send a letter to the NPFMC requesting that their advisory bodies review a proposal to allow the retention of O32 Area 4A IFQ halibut during the Bering Sea sablefish pot fishery. The Commission and the Conference Board requested more background information on the regulation proposal.</p> <p>An industry proposal to reduce the commercial size limit for halibut was reviewed but not adopted. The IPHC staff was to continue investigating how a reduced size limit would affect assessment, yield, and long-term productivity of the halibut stock.</p> <p>The staff was to conduct additional consultation with industry in the late spring of 2009 to review coastwide apportionment procedures and identify preferred methods.</p> <p>The staff was directed to conduct a workshop, for industry and agencies, in the fall of 2009 to examine the estimation of U32 halibut bycatch mortality and the methods by which this mortality is incorporated into the stock assessment and harvest policy.</p>