



IPHC Pacific Halibut Fishery Regulations:

Commercial Fishing Periods (Sect. 9)

PREPARED BY: IPHC SECRETARIAT (30 DECEMBER 2019)

PURPOSE

To specify fishing periods for the commercial Pacific halibut fisheries within the IPHC Pacific Halibut Fishery Regulations: Commercial Fishing Periods (Sect. 9).

BACKGROUND

Each year the International Pacific Halibut Commission (IPHC) selects fishing period dates for the commercial Pacific halibut fisheries in each of the IPHC Regulatory Areas. Historically, the first management measures implemented by the IPHC were to limit periods when fishing was allowed. Biological factors considered in the past when setting fishing period dates included migration and spawning considerations, neither of which is now used as a basis for determining fishing periods. Weather patterns, predicted tides in some fishing areas, whale activity, and business considerations for both fishers and processors have also been factors in the discussions surrounding the setting of fishing period dates.

Overall commercial fishing period

The IPHC's practice is to use the same overall commercial fishing period dates for all IPHC Regulatory Areas. These dates have varied from year to year, and in recent years have allowed commercial fishing to begin sometime in March and end sometime in November for all IPHC Regulatory Areas.

IPHC Regulatory Area 2A: Non-tribal directed commercial fishery (Derby fishery)

Additionally, more restrictive fishing periods are established by the IPHC for the IPHC Regulatory Area 2A non-tribal directed commercial fishery, currently managed as a 10-hr derby fishery.

DISCUSSION

Overall commercial fishing period:

The IPHC Secretariat proposes that the overall commercial fishing period for all IPHC Regulatory Areas be fixed. Fixing the season will allow stakeholders to more efficiently develop business plans and will allow the IPHC Secretariat to more effectively monitor and manage the fishery.

IPHC Regulatory Area 2A: Non-tribal directed commercial fishery (Derby fishery)

For IPHC Regulatory Area 2A, the IPHC Secretariat proposes fishing periods for the non-tribal directed commercial fishery longer than the current 10-hour derby fishing periods. Specifically, the IPHC Secretariat proposes a fishing period of either:

- 1) **2 days** or
- 2) **3 days.**

We suggest that any version of a longer fishing period, from two to three days, would be preferable to the 10-hour derby fishing period currently in use. This change should be made for the 2020 fishing period in the interest of safety and is within the current management structure of this fishery. This decision should be made ahead of and apart from any consideration of more extensive modifications to the management of this fishery as it transitions from the IPHC to Contracting Party (USA) domestic management.

Reasons for longer fishing periods

The IPHC Secretariat sees no compelling reason to retain the current “derby-style” form of the directed commercial Pacific halibut fishery, with its 10-hour fishing periods, but a number of advantages in reducing the concentration of fishing effort and eliminating or reducing the “race to fish” under potentially dangerous conditions. Potential advantages include:

1. Safety. This is the primary reason. The current system offers no flexibility as to when fishing takes place, creating pressure to attempt fishing even in poor weather and dangerous conditions. The U.S. Coast Guard has frequently commented at IPHC meetings in support of moving away from the derby-style fishery for this reason. Based on the experience of other fisheries in both Canada and the USA, we believe that a system offering more flexible fishing opportunities is inherently safer for everyone on the water. **This justification alone should be enough for the Commission to extend the fishing period for 2020.**
2. Reduced discards. The current derby system is essentially a “race to fish,” where fishers have an incentive to set as much gear as possible during the short time available for fishing. This leads to more discards as fishing period limits are reached than would be the case under a system where the fishers had time to more carefully calibrate their effort to applicable limits.

Other than maintaining access to the resource by the commercial Pacific halibut fishery, the IPHC Secretariat does not recommend a particular management system to replace the current form of the IPHC Regulatory Area 2A non-tribal directed commercial Pacific halibut fishery as it transitions to domestic management. The IPHC Secretariat supports a reduction in the concentration of fishing effort, eliminating the race to fish, and improving safety as guiding principles for any initial changes.

Implications of longer fishing periods

Longer fishing periods are expected to allow greater participation of license holders and greater attainment of individual fishing period limits by participating vessels. The primary implication of longer fishing periods is that fewer fishing periods and/or lower fishing period limits may be required in order to maintain the fishery within its allocation under the Pacific Fishery Management Council’s (PFMC) catch sharing plan (CSP).

Along with announcing open dates for the directed commercial fishery, the IPHC announces what the per-vessel fishing period limits will be, by vessel class, in accordance with the Pacific Halibut Fishery Regulations Section 13 (Fishing Period Limits). The IPHC determines the fishing period limits before each fishing period opens, based on the number of vessels in each length class, the average performance of vessels in that length class, and the amount of catch allocated

to (or remaining for) the directed commercial fishery for that year. The IPHC vessel length classes range from A to H, with A being the smallest vessels (25 ft and under) and H being the largest (56 ft and over). The method of scaling fishing period limits among the vessel size classes can be adjusted to include a minimum, or floor, value for the smallest vessels in order to maintain an economically viable fishing opportunity.

In recent years the IPHC set fishing period limits for the first 10-hour fishing period of the year that ranged from 4.64 t (10,225 lb) landed weight¹ for the largest, H-class vessels to less than 0.45 t (1000 lb) for the smallest, A-class vessels. Dependent upon the sector allocation for 2020, the IPHC Secretariat expects that fishing period limits for a first fishing period of either two or three days for 2020 would be similar to those used in 2019, which ranged from 4.64 t (10,225 lb) for larger vessels to 2.05 t (4,525 lb) for smaller vessels. For 2020, the IPHC will be implementing a cost-recovery nominal fee for this license.

Discussion and feedback on this issue to date

1. The IPHC initiated the current sequence of discussions regarding fishing periods in IPHC Regulatory Area 2A with a [letter to the PMFC](#) in May 2017. The PFMC and its advisory bodies engaged in discussion of the issue at their [June](#), [September](#), and [November 2017](#) meetings, including a request for more information from IPHC and the inter-agency production of a matrix of management options for the fishery.
 - a. This discussion and its attendant information and analyses were considered by the Commission at the 94th Annual Meeting ([AM094](#)) in January 2018 ([IPHC-2018-AM094-INF02](#)).
 - b. No recommendations were made by the Commission for the 2018 fishery other than status quo. The PFMC and other parties indicated a willingness to continue discussing potential changes to the management of the fishery.
2. The focus of attention during 2018 was on the possibility of changing the length of the fishing period, and on the IPHC Secretariat's specific proposal for either a 5-day or a 10-day fishing period ([IPHC-2019-AM095-PropA2](#)). Such a change is within the IPHC's mandate and addresses the IPHC's primary concern with the current 10-hour fishing period, the safety of participants in the fishery. It could be undertaken by the IPHC on its own, without requiring changes in the aspects of the fishery managed by the PFMC and the state and federal agencies.
 - a. The IPHC identified its proposal to change the fishing period in letters to the PFMC, which the PFMC discussed extensively at its [September](#) and [November 2018](#) meetings. The PFMC then provided its feedback in a [letter to the IPHC](#) in November 2018, identifying concerns with the proposal and requesting engagement with the IPHC to work through the concerns or otherwise delay action to modify the management parameters of the fishery until its concerns were addressed.
 - b. In [response](#), the IPHC Secretariat noted that the concerns raised by the PFMC were worthy of continued discussion and coordination, but that they did not preclude the implementation of longer fishing periods. In particular, input from stakeholders and agencies regarding economic viability, enforcement concerns,

¹ "Landed weight" is defined as the weight without gills and entrails, head-on, with ice and slime.

and the timing of the fishery would continue to be useful considerations for future modifications to the fishery. The IPHC welcomed the proposal by the PFMC for a workshop to consider additional changes to the IPHC Regulatory Area 2A fishery management structure.

- c. In response to suggestions by the IPHC Commissioners, and the PFMC and its Groundfish Advisory Panel, the IPHC Secretariat sought input from its Regulatory Area 2A license holders on the possibility of a longer fishing period. All 171 license holders from 2016 to 2018 were surveyed, the results of which are provided in the following table:

	All license holders 2016-2018	%
Total license holders (2016-18)	171	
Total respondents	137	80.12
Longer Season?		
Yes	118	86.13
No	19	13.87
Season length?		
Shorter than five days	26	18.98
Five days	35	25.55
10 days	48	35.04
Longer than ten days	28	20.44

Of survey respondents, totaling 80.12% of all license holders over the period 2016-18, there was a clear preference for a longer fishing period (86.13%).

3. Discussion continued during 2019, beginning with an extensive review of [IPHC-2019-AM095-PropA2](#) at the 95th Annual Meeting ([AM095](#)).

- a. At the 95th Annual Meeting ([AM095](#)), the Commission made no changes to the 10-hour fishing period for 2019, but indicated its desire to move to longer fishing periods. The Commission also responded to the PFMC's input and expressed its desire for changes in the management of the fishery, as detailed in the following paragraphs from the AM095 Report:

[IPHC-2019-AM095-R](#), paragraphs 75-80:

75. "The Commission **AGREED** that for IPHC Regulatory Area 2A, fishing periods for the non-tribal directed commercial fishery should be longer than the current 10-hour derby fishing periods, primarily for safety reasons.

76. "The Commission **NOTED** that of the 171 license holders in this fishery from 2016 to 2018, a clear majority (86% of the 80% who responded to the IPHC Secretariat's survey) favoured a longer fishing period with lower individual vessel quotas for each opening. Of those surveyed respondents who participated in the fishery (delivered fish) during those years, 76% favoured one of the longer fishing periods proposed.

77. *“The Commission **NOTED** the suggestion from the PFMC and the NOAA Fisheries West Coast Region office for a workshop to consider future changes to the IPHC Regulatory Area 2A Pacific halibut fishery management structure in a more holistic way, to include all management partners and to take place as early as spring 2019.*
78. *“**NOTING** the indication made to the PFMC in a letter dated 25 January 2019, that the IPHC Secretariat would welcome the opportunity to further address the safety concerns in the fishery, and to examine other potential management options for the fishery such as an IFQ or limited entry, as well as its management responsibilities, the Commission **RECOMMENDED** that this workshop take place, given the desire for the IPHC to move full management of the fishery from the IPHC (an international fisheries management body) to the relevant domestic agencies.*
79. *“**NOTING** the concerns expressed by Canada about the safety issues related to the current management of this derby fishery, the Commission **EXPRESSED** its hope that there will be a proposal for an alternative management approach that addresses safety concerns by the time the Commission reconvenes at next year’s annual meeting. If no resolution is in hand by then, the IPHC expects to re-examine what steps it can take to address the issue, including moving to longer fishing periods.*
80. *“The Commission **ADOPTED** fishing periods for 2019 as provided below, thereby superseding Section 9 of the IPHC Pacific halibut fishery regulations:*
- a. *“All commercial fishing for Pacific halibut in all IPHC Regulatory Areas may begin no earlier than 15 March and must cease on 14 November.*
 - b. *“IPHC Regulatory Area 2A (Non-Treaty Directed Commercial): Retain the 10-hour derby fishery for 2019, 26 June, 10 July, 24 July, 7 August, 21 August, 4 September, 18 September, with additional openings and fishing period limits (vessel quota) to be determined and communicated by the IPHC Secretariat.”*
- b. In response to the Commission’s direction (paragraph [80b](#) above), an additional possible opening date of 27 June 2019, immediately following the first fishing period on 26 June, was included in the [Pacific Halibut Fishery Regulations \(2019\)](#). The possibility of sequential 10-hour fishing periods engendered significant discussion, and, in order to gather the direct feedback of fishery participants, the IPHC Secretariat conducted a survey of license holders during April 2019. The response was 73% in favor of scheduling the first two fishing periods for 26 June and 10 July 2019 (two weeks apart), instead of 26 and 27 June 2019. Informed by the survey response, the IPHC did not establish fishing period limits for the 27 June

- 2019 fishing period and the fishery was not open that day (see [IPHC News Release 2019-009](#)).
- c. The PFMC continued its discussion of the management of the fishery at its [April](#) and [June 2019](#) meetings, noting in particular in its [June 2019 Decision Summary Document](#):
- “The Council committed to working closely with the International Pacific Halibut Commission (IPHC) and stakeholders on transitioning the management of the non-Indian commercial directed halibut fishery from the IPHC to the Council and outlined intentions for the management and structure of the fishery in the near future...”*
- d. Further progress on the transition of the IPHC Regulatory Area 2A fisheries to domestic management is expected to be made at the September and November 2019 PFMC meetings, but the process is not expected to reach implementation before the coming fishing year. Therefore, the IPHC will continue to manage the fishery for 2020.
4. Noting the Commission’s expressed desire to move to a longer fishing period (paragraphs [75](#) and [79](#) above), the IPHC Secretariat proposes 2-day fishing periods for 2020. This action can be taken now in the interest of safety, while the fishery management transition process proceeds during 2020.

Expected outcomes

Should the Commission approve a longer fishing period for 2020, the IPHC Secretariat expects that its implementation will immediately enhance safety for fishery participants, as well as provide valuable feedback and potentially lead to further refinements for subsequent years. For instance, we may find that the dates or the duration of the fishing periods require adjustment in order to stay within allocation or to better meet stakeholder needs.

Sectors Affected: Commercial Pacific halibut fisheries in each IPHC Regulatory Area.

RECOMMENDATIONS:

That the Commission:

- 1) **NOTE** regulatory proposal IPHC-2020-AM096-PropA2, which proposed the adoption of fishing periods for the commercial Pacific halibut fisheries within the IPHC Pacific Halibut Fishery Regulations: Commercial Fishing Periods (Sect. 9);
- 2) **ADOPT** fishing periods for 2020 as provided in [Appendix A](#), thereby superseding Section 9 of the IPHC Pacific Halibut Fishery Regulations and specifying that:
 - a) All commercial fishing for Pacific halibut in all IPHC Regulatory Areas may begin no earlier than **DD MMMM** and must cease on **DD MMMM**; and

- b) The IPhC Regulatory Area 2A non-tribal directed commercial fishery may take place during specific fishing periods of *either 2 or 3 days' duration*, with additional openings and fishing period limits (vessel quota) to be determined and communicated by the IPhC Secretariat.

ADDITIONAL DOCUMENTATION / REFERENCES

[IPHC-2019-AM095-PropA2](#)

APPENDICES

[Appendix A](#): Suggested regulatory language

APPENDIX A SUGGESTED REGULATORY LANGUAGE

9. **Commercial** Fishing Periods

(1) The fishing periods for each IPHC Regulatory Area apply where the catch limits specified in Section 12 have not been taken.

(2) Unless the Commission specifies otherwise, commercial fishing for Pacific halibut in all IPHC Regulatory Areas may begin no earlier in the year than 12:00 local time on **DD MMMM**.

(3) All commercial fishing for Pacific halibut in all IPHC Regulatory Areas shall cease for the year at 12:00 local time on **DD MMMM**.

[2-day option]

(4) The first fishing period in the IPHC Regulatory Area 2A non-tribal directed commercial fishery shall begin at 08:00 on 24 June 2020 and terminate at 18:00 local time 25 June 2020, unless the Commission specifies otherwise. If the Commission determines that the catch limit specified for IPHC Regulatory Area 2A in Section 12 has not been exceeded, it may announce a second fishing period of up to two fishing days to begin on 8 July 2020, and, if necessary, a third fishing period of up to two fishing days to begin on 22 July 2020.

or

[3-day option]

(4) The first fishing period in the IPHC Regulatory Area 2A non-tribal directed commercial fishery shall begin at 08:00 on the 24 June 2020 and terminate at 18:00 local time on the 26 June 2020, unless the Commission specifies otherwise. If the Commission determines that the catch limit specified for IPHC Regulatory Area 2A in Section 12 has not been exceeded, it may announce a second fishing period of up to three fishing days to begin on 8 July 2020, and, if necessary, a third fishing period of up to three fishing days to begin on 22 July 2020.

(5) Notwithstanding paragraph (7) of section 12, an incidental catch fishery is authorized during the sablefish seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. **This fishery will occur between the dates and times listed in paragraphs 2 and 3 of this section.**

(6) Notwithstanding paragraph (2), and paragraph (7) of section 12, an incidental catch fishery is authorized during salmon troll seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. **This fishery will occur between the dates and times listed in paragraphs 2 and 3 of this section.**

12. Commercial Catch Limits

(1) ...

(6) If the Commission determines that the catch limit specified for IPHC Regulatory Area 2A in paragraph (1) would be exceeded in an **additional directed commercial fishing period** as specified in paragraph (4) of section 9...