



## IPHC Closed Area (Section 11)

PREPARED BY: IPHC SECRETARIAT (30 DECEMBER 2019)

### PURPOSE

To consider the intent and purpose of the IPHC Closed Area, as defined in the Pacific Halibut Fishery Regulations (2019) Section 11, which currently excludes directed Pacific halibut fishing, but allows other forms of mortality such as trawling, and propose the removal of the IPHC Closed Area from the IPHC Pacific Halibut Fishery Regulations.

### BACKGROUND

In 1967, the IPHC designated part of IPHC Regulatory Area 4E in Bristol Bay as a separate area – the IPHC Closed Area – closed to Pacific halibut fishing year-round. The justification for the closure was that it was considered to be a nursery area for juvenile Pacific halibut.

In 1990, the IPHC Closed Area was reduced to its current boundaries, as described in Section 11 of the [Pacific Halibut Fishery Regulations \(2019\)](#).

At the time of the closure's implementation in the 1960s, limited trawling occurred in Bristol Bay. Since then, trawling has expanded substantially in the Bering Sea region and now includes Bristol Bay, thereby negating any likely benefits to Pacific halibut of closing the area to the directed fishery only.

At the 94<sup>th</sup> Session of the IPHC Annual Meeting ([AM094](#), January 2018), the Commission considered an updated draft regulatory proposal on the Closed Area from the IPHC Secretariat ([IPHC-2018-AM094-PropA1](#)), including additional information in response to its request from the previous Annual Meeting ([AM093](#)), and made the following comments and requests:

#### [IPHC-2018-AM094-R](#), paragraphs 45-47:

45. *The Commission **NOTED** paper IPHC-2018-AM094-PropA1, which considered the intent, purpose, and effectiveness of the IPHC Closed Area, as defined in IPHC Fishery Regulations (2017) Section 10, which currently excludes directed Pacific “halibut fishing” (i.e. the longline fleet), with the intent of protecting juveniles from extraction.*
46. *The Commission **NOTED** the IPHC Secretariat’s and Conference Board’s indication that the Closed Area is not currently meeting its intended objective of protecting juvenile Pacific halibut while it is open to non-directed fisheries.*
47. *The Commission **DEFERRED** regulatory proposal IPHC-2018-AM094-PropA1, which considered the intent, purpose and effectiveness of the IPHC Closed Area, as defined in IPHC Fishery Regulations (2017) Section 10, **NOTING** that the NPFMC is currently undertaking an Abundance-Based Management process aimed at limiting bycatch. The ABM process should be closely monitored and if considered necessary, the IPHC closed area proposal should be reconsidered at subsequent meetings of the Commission, but no later than in 2020.*

At both the 19<sup>th</sup> and 20<sup>th</sup> Sessions of the Research Advisory Board (RAB) (2018 and 2019), the Board recommended that the Commission consider alternative management regimes for the IPHC Closed Area:

[IPHC-2019-RAB020-R:](#)

10. *The RAB **AGREED** that the IPHC Closed Area (Pacific Halibut Fishery Regulations 2019, Sect. 11) is not currently meeting its intended objective of protecting juvenile Pacific halibut when it is open to non-directed fisheries, and **RECOMMENDED**, in coordination with the NPMFC, that the IPHC Secretariat examine alternative management regimes for the Closed Area, and for these to be presented at the 96<sup>th</sup> Session of the IPHC Annual Meeting (AM096) in 2020.*

This updated regulatory proposal has been prepared in response to the Commission's direction at AM094.

## DISCUSSION

1. That the IPHC Closed Area no longer fulfills its stated purpose has long been recognized by the IPHC, and has been the subject of study and discussion over the years. As noted in Trumble (1998)<sup>1</sup>:

*The existing IPHC closed area in the Bering Sea provides little biological benefit to the halibut resource or fishery.*

*During development of the groundfish fisheries of the Bering Sea by foreign and U.S. vessels, bycatch of halibut occurred throughout the Bering Sea, including the Bering Sea closed area.*

*Other areas of the Bering Sea-Aleutian Islands and Gulf of Alaska with high halibut bycatch had closed to groundfish fisheries, at least seasonally, to foreign groundfish fisheries. All of the Bering Sea and Gulf of Alaska halibut bycatch closed areas subsequently reopened as the groundfish fisheries converted to American fleets.*

*The intent of the IPHC for the Bering Sea closed area, to protect small, immature halibut, was violated when the area opened to U.S. groundfish fisheries, which catch large numbers of these small halibut as bycatch. A large component of the halibut bycatch mortality in the Bering Sea-Aleutian Islands region comes from the IPHC closed area.*

2. The IPHC stock assessment and management analyses include the IPHC Closed Area together with IPHC Regulatory Areas 4C, 4D, and 4E as a single assessment unit. Removing the IPHC Closed Area would not create any new harvest or adjust the harvest recommendations in Regulatory Area 4CDE.

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<sup>1</sup> Trumble, 1998. Evaluation of Maintaining the IPHC Closed Area in the Bering Sea. Int. Pac. Halibut. Comm. [Report of Assessment and Research Activities 1998](#): 243-248

3. In order to be compatible with current domestic management of commercial Pacific halibut fisheries in the other IPHC Regulatory Areas in Alaska, a move by the Commission to open the IPHC Closed Area to directed Pacific halibut fishing should include coordination with the North Pacific Fishery Management Council (NPFMC) and NOAA Fisheries regarding domestic management of access to the fishery. For this reason, the Commission may wish to consider a phased approach to making this change during its discussion at AM096.

## CONCLUSION

1. Retaining the IPHC Closed Area (Section 11 of [Pacific Halibut Fishery Regulations \[2019\]](#)) in its current form, whereby the directed Pacific halibut fishery is prohibited from fishing within the area, will continue to be ineffectual if other fisheries that are known to produce a high proportion of the mortality of Pacific halibut in the Bering Sea continue to be permitted access.
2. This change would be expected to have no meaningful impact on stock, as the stock in that area is already included in the IPHC stock assessment and TCEYs.
3. As there is no benefit to the stock in maintaining the area closed to the directed Pacific halibut fishery, the IPHC Secretariat recommends that the Commission remove the IPHC Closed Area from the Pacific Halibut Fishery Regulations.

**Sectors Affected:** Directed commercial Pacific halibut fishery in Alaska.

## APPENDICES

[Appendix A](#): Suggested regulatory language.

[Appendix B](#): Supporting Documentation regarding the IPHC Closed Area

## RECOMMENDATIONS:

That the Commission:

- 1) **NOTE** regulatory proposal IPHC-2020-AM096-PropA5, which reviewed the intent and purpose of the IPHC Closed Area as defined in the Pacific Halibut Fishery Regulations (2019) Section 11, which currently excludes directed Pacific halibut fishing, but allows other forms of mortality such as trawling, and proposed the removal of the IPHC Closed Area from the IPHC Pacific Halibut Fishery Regulations: Closed Area (Sect. 11);
- 2) **ADOPT** the recommended changes to the IPHC Fishery Regulations as provided in [Appendix A](#);
- 3) **DIRECT** the IPHC Secretariat in regards to further coordination with the North Pacific Fishery Management Council (NPFMC) regarding domestic management of access to the area within the previous IPHC Closed Area boundaries.

## APPENDIX A

### SUGGESTED REGULATORY LANGUAGE

If the decision is made to remove the IPHC Closed Area, the following changes to the Pacific Halibut Fishery Regulations text would be required:

**Section 11:** Remove Section 11, Closed Area, in its entirety, either for 2020, or at some time in the future.

Subsequent Sections would then need to be re-numbered accordingly. Reference to the IPHC Closed Area would also need to be removed from IPHC **Section 7**, paragraphs 6, 8 and 10. IPHC **Section 7** would require additional changes in the descriptions of boundaries depending on whether and how the former IPHC Closed Area is included among IPHC Regulatory Areas.

**APPENDIX B**  
**SUPPORTING DOCUMENTATION REGARDING THE IPHC CLOSED AREA**

This appendix is an updated version of information provided originally at [AM094](#) in document [IPHC-2018-AM094-PropA1](#). Contents:

- 1) Recent considerations by the IPHC and the NPFMC
- 2) Additional references

**1) RECENT CONSIDERATIONS BY IPHC AND THE NPFMC**

Between 2011 and 2013, the Commission reviewed the purpose of the IPHC Closed Area and considered removing it or, conversely, allowing directed commercial longline Pacific halibut fishing in the area. The series of events from this consideration were as follows:

- a) The status and effect of the IPHC Closed Area was discussed at the IPHC's 2011 Interim Meeting (IM087) and the 2012 Annual Meeting (AM088). During the 2012 Annual Meeting, the Commission

*"briefly discussed the current use of the closed area. Dr. Leaman iterated that the staff position is that there is no compelling reason to exclude only halibut fishers when other harvesters are allowed to exploit the area. It was noted that the process of opening the area and allocating catch would require actions by the NPFMC. The Commission decided to write a letter to the NPFMC stating that the IPHC is considering opening the area as soon as 2013, and requires guidance on how to approach it."*

- b) IPHC sent a letter to the NPFMC on 9 August 2012 noting that the IPHC was reviewing the purpose of the IPHC Closed Area and was contemplating potential action to no longer prohibit directed commercial halibut longline fishing in the area. ([Annex I](#))

- c) NPFMC responded in a letter, dated 19 October 2012, stating the NPFMC

*"did not identify any allocative impacts of such an action on its Area 4CDE Catch Sharing Plan and supports incorporating the closed area into Area 4E, should the IPHC choose to do so, with the understanding that such an action would not result in an increase in the commercial catch limit for that expanded area." ([Annex II](#))*

- d) At the IPHC's 2012 Interim Meeting (IM088), the Commissioners discussed the IPHC Secretariat proposal to remove the IPHC Closed Area.

- e) The IPHC Secretariat presented the proposal at the December 2012 NPFMC meeting.

- f) At the IPHC's 2013 Annual Meeting (AM089), the Commissioners did not approve the proposal to remove the IPHC Closed Area, noting

*"The letter to the Commission from the NPFMC that described impacts to current programs in the event that the IPHC Closed Area was opened, was reviewed. Following some discussion, the Commission decided that although this may be considered in the future, opening this area is not a high priority issue at this time."*

At the 92<sup>nd</sup> Session of the IPHC Interim Meeting (IM092, November 2016), the Commission reviewed a draft regulatory proposal from the IPHC Secretariat to remove the IPHC Closed Area, and made the following comments and requests:

*IPHC-2016-IM092-R, paragraphs 66-68:*

66. *The Commission REQUESTED that additional supporting information be provided for consideration at the 93<sup>rd</sup> Session of the IPHC Annual Meeting, including any supporting evidence for the area as a nursery ground and the likely impacts of the directed fishery being allowed access.*
67. *The Commission AGREED that as appropriate, information on other gears which are currently permitted to fish in the IPHC Closed Area (i.e. trawl), and their impact (i.e. bycatch of juveniles), along with information on the history of the lines marking Areas 4CDE, and past considerations by IPHC and the NPFMC.*
68. *The Commission NOTED that the IPHC Secretariat considers Regulatory Areas 4CDE and the IPHC Closed Area to be a single unit for assessment purposes.*

At the 93<sup>rd</sup> Session of the IPHC Annual Meeting ([AM093](#), January 2017), the Commission considered the draft regulatory proposal from the IPHC Secretariat (IPHC-2017-AM093-PropB), as well as the accompanying information paper ([IPHC-2017-AM093-INF03](#)), and made the following comments and requests:

*[IPHC-2017-AM093-R](#), paragraphs 50-53:*

50. *The Commission CONSIDERED a proposal aimed at removing the IPHC Closed Area, as defined in IPHC Regulation 10<sup>2</sup>, which applies to "halibut fishing" only (IPHC-2017-AM093-PropB), but agreement could not be reached and the proposal was DEFERRED until the 94th Annual Meeting of the Commission.*
51. **NOTING** the detailed information gathered and presented to the Commission in support of the removal of the IPHC Closed Area (PropB), as detailed in paper IPHC-2017-AM093-INF03 on the following topics:
  - Past considerations
  - History of boundaries

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<sup>2</sup> Note that the IPHC Closed Area was then described in Section 10 of the Pacific Halibut Fishery Regulations. Following AM094 in 2018, this section was re-numbered as Section 11, which continues to be its designation in the current [Pacific Halibut Fishery Regulations \(2019\)](#).

- *Bycatch*
- *Nursery grounds*
- *Other nearby closed areas*
- *Impacts of allowing directed Pacific halibut fishing*

*the Commission REQUESTED further information be provided on whether the area is a nursery ground for Pacific halibut, by examining juvenile abundance from data sources including but not limited to observer programs and the NMFS trawl surveys, and comparing this information with the impact of the directed fishery operating in nearby areas, as well as the non-directed fisheries currently operating within the Closed Area.*

52. **NOTING** that while the Processor Advisory Group (PAG) provided unanimous support for the proposal, the Conference Board did not, making the following statement on Regulatory Proposal B:

“The Conference Board discussed the idea of the Closed Area as a nursery and felt it should be closed to all other fisheries rather than allowing the longline halibut fleet to fish in the area.”

53. **NOTING** the Conference Board’s comment detailed in para 52, the Commission AGREED that closing the area to fisheries not managed by the IPHC is not permissible under the IPHC mandate and thus, it would not be proposing such a measure at this time, or at any time in the future. Should members of the Conference Board wish to further their proposed course of action, they should take up the matter with the relevant management body, in this case the NPFMC.

As noted by the Commission during its discussion of the IPHC Closed Area at AM094, the development of Abundance-Based Management (ABM) of Prohibited Species Catch (PSC) by the NPFMC is ongoing. At its October 2019 meeting, the NPFMC reviewed the analysis to date and the preliminary draft environmental impact statement (EIS). The NPFMC requested particular revisions to the operating model and the preliminary draft EIS suggested by its Scientific and Statistical Committee, and that the preliminary draft EIS should come back to the NPFMC for another initial review before publishing.

## 2) ADDITIONAL DOCUMENTATION / REFERENCES

[IPHC Technical Report 27](#), 1993. “Regulations of the Pacific Halibut Fishery, 1977-1992.” Stephen H. Hoag, Gordon J. Peltonen, and Lauri L. Sadorus. 50 p.

[IPHC Technical Report 15](#), 1977. “Regulations of the Pacific Halibut Fishery, 1924-1976.” Bernard E. Skud. 47 p.

Trumble, 1998. Evaluation of Maintaining the IPHC Closed Area in the Bering Sea. Int. Pac. Halibut. Comm. [Report of Assessment and Research Activities 1998](#): 243-248.

IPHC Secretariat Regulatory Proposal: IPHC Closed Area (Section 11), 2018. [IPHC-2018-AM094-PropA1](#)

## ANNEXES

Annex I: IPHC letter to NPFMC dated 9 August 2012.

Annex II: NPFMC letter responding to IPHC dated 19 October 2012.

## ANNEX I

## COMMISSIONERS:

JAMES BALSIGER  
JUNEAU, AKDAVID BOYES  
COURTENAY, B.C.RALPH G. HOARD  
SEATTLE, WAPHILLIP LESTENKO  
ST. PAUL, AKMICHAEL PEARSON  
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## INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA

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August 9, 2012

Mr. Eric Olson, Chair  
 North Pacific Fishery Management Council  
 605 West 4th Avenue, Suite 306  
 Anchorage, AK 99501-2252

Dear Eric,

The Commission has been contemplating potential actions on the Closed Area (CA) on the Bering Sea shelf. The CA was created by the Commission in 1967 to protect a nursery area for juvenile halibut from mortality arising through bottom trawling by foreign fishing vessels. Bilateral agreements between the U.S. and foreign governments led to fishery closures which included the IPHC CA. Throughout the late 1960s until the early 1970s, the CA provided significant protection for juvenile halibut, with bycatch mortality dropping to an estimated low of approximately 4.2 Mlb in 1985. However, with the Americanization of the fishery after extension of fisheries jurisdiction in 1977, the bilaterally-based closed areas were reopened and the IPHC's intent of protection for juvenile halibut afforded by the IPHC CA was lost. Mortality on halibut again increased substantially in the 1985-1991 period, reaching a peak of approximately 10.7 Mlb in 1992. Bottom trawling within the CA accounts for a significant proportion of the halibut mortality in the Bering Sea. The CA currently remains open to all fishing except directed commercial halibut longline fishing.

Halibut bycatch mortality is currently managed through Prohibited Species Caps for various directed fisheries, often with time and area specificity, and the IPHC CA plays no meaningful role in the management of bycatch mortality. Therefore, from a halibut assessment and management perspective, the Commission is reviewing the continued purpose in maintaining the current CA in the eastern Bering Sea. As part of this discussion, the Commission is considering how directed commercial halibut fishing within the area of the current CA would be managed under the Council's IQ framework.

Although the Commission has treated Area 4CDE as a single management unit since 1998, the Council uses a Catch Sharing Plan to divide the IPHC catch limit for Area 4CDE into individual catch limits for Areas 4C, 4D, and 4E, for domestic allocation purposes. Should the Commission choose to open the CA, the IPHC staff has recommended it be incorporated as part of Area 4E and, since the data from the CA are already included in the stock assessment and catch limit determination, that there be no changes to the catch limit assigned to Area 4CDE. However, the Commission seeks the Council's comments on whether it perceives a requirement for any action to the Council's Catch Sharing Plan for Area 4CDE, should the CA be opened. The Commission would be grateful to receive your commentary on this issue prior to its Interim Meeting, scheduled for November 28-29, 2012.

Sincerely,

Bruce M. Leaman, Ph.D.  
 Executive Director

cc: IPHC Commissioners



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## ANNEX II

# North Pacific Fishery Management Council

Eric A. Olson, Chairman  
Chris Oliver, Executive Director

Telephone (907) 271-2809



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October 19, 2012

Dr. Bruce Leaman, Executive Director  
International Pacific Halibut Commission  
2320 West Commodore Way, Suite 300  
Seattle, Washington 98199-1287

Dear Bruce:

At its October 2012 meeting the North Pacific Council reviewed your letter of August 9, 2012, in which you requested comments on potential IPHC action to open the closed area on the Bering Sea shelf to halibut fishing. The Council acknowledged several points in your letter, specifically that the closed area no longer provides the intended benefits to the halibut stock because of other management measures in place to limit halibut prohibited species catch (or bycatch) in the area and only prohibits the directed commercial halibut longline fishery from fishing in the area. The Council did not identify any allocative impacts of such an action on its Area 4CDE Catch Sharing Plan and supports incorporating the closed area into Area 4E, should the IPHC choose to do so, with the understanding that such an action would not result in an increase in the commercial catch limit for that expanded area. The Council noted that if the IPHC identifies allocative impacts when it reviews the proposal during its Interim Meeting, then the Council would consider those identified by the IPHC during its December 2012 Council meeting. This timeline would allow for additional Council comments prior to any action by the IPHC at its January 2013 Annual Meeting.

Jane DiCosimo will represent the Council at the 2012 IPHC Interim Meeting to provide additional details as requested on the status of this and other Council actions.

Sincerely,

Chris Oliver  
Executive Director