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## IPHC Fishery Regulations: minor amendments

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### PURPOSE

To improve clarity and consistency in the IPHC Fishery Regulations.

### BACKGROUND

This proposal would make minor clarifying amendments to the existing IPHC Fishery Regulations. The proposed revisions are a result of a review by the Secretariat and consultations with domestic agencies.

### DISCUSSION

Periodically, the IPHC Fishery Regulations are reviewed to ensure they are clear, concise, consistent, and current. The proposed revisions, which are outlined below in detail, are a result of a holistic review performed by the Secretariat, as well as discussions with the domestic agencies. Input from Contracting Parties was sought to streamline the process of adopting the revised regulations at the 99<sup>th</sup> Session of the IPHC Annual Meeting (AM099).

Proposed amendments to the 2023 IPHC Fishery Regulations:

1. Section 3, Definitions would include a definition of the total constant exploitation yield (TCEY). This term is used throughout the regulations, but no formal definition was included in the document.
2. Consistent use of the definition “authorized representative of the Commission”.
3. Consistent use of “non-tribal directed commercial fishery”.
4. Minor edits throughout for stylistic consistency among Sections.
5. [Rev\_1 addition] Unambiguous use of the term “permit”. Withing the IPHC Fishery Regulations, this term will be reserved for permits issued by NOAA Fisheries in accordance with 50 CFR 300 Subpart E. This amendment is conditional on the adoption of [IPHC-2023-AM099-PropA3](#).

**Benefits/Drawbacks:** The benefit is clearer and more consistent regulations that are easier to use. There are no known drawbacks.

**Sectors Affected:** This proposal affects all sectors of the Pacific halibut fishery.

[Appendix A](#) provides details on the suggested regulatory language. Rev\_1 changes are marked with **yellow highlight**.

### ADDITIONAL DOCUMENTATION

None

## RECOMMENDATIONS

That the Commission:

- 1) **NOTE** and **ADOPT** regulatory proposal IPHC-2023-AM099-PropA4 Rev\_1, which recommends changes to improve the clarity and transparency of the IPHC Fishery Regulations.

## APPENDICES

[Appendix A](#): Suggested regulatory language

### APPENDIX A

#### SUGGESTED REGULATORY LANGUAGE

1. Section 3, Definitions would include a definition of the total constant exploitation yield (TCEY).

#### 3. Definitions

- (1) In these Regulations, [...]
  - (u) “total constant exploitation yield (TCEY)” means the mortality comprised of Pacific halibut from directed fisheries and that from non-directed fisheries greater than 26 inches (66 cm) in length;
2. Consistent use of the definition “authorized representative of the Commission”.

#### 19. Logs

- (7) The log referred to in paragraph (5) shall be: [...]
  - (f) submitted to the Commission within seven days of the final offload if not previously collected by a ~~Commission employee~~ **an authorized representative of the Commission**.
3. Consistent use of “non-tribal directed commercial fishery”.

#### 9. Commercial Fishing Periods

- (4) Regulations pertaining to the non-tribal directed commercial fishing<sup>2</sup> periods in the IPHC Regulatory Area 2A will be promulgated by NOAA Fisheries and published in the Federal Register. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this Section.

<sup>2</sup> The non-tribal directed **commercial** fishery is restricted to waters that are south of Point Chehalis, Washington, (46°53.30' N. latitude) under regulations promulgated by NOAA Fisheries and published in the Federal Register.

#### 12. Application of Commercial Fishery Limits

- (1) Notwithstanding the fishery limits described in Section 5, regulations pertaining to the division of the IPHC Regulatory Area 2A fishery limit between the **non-tribal** directed commercial fishery and the incidental catch fishery as described in paragraphs (5) and (6) of Section 9 will be promulgated by NOAA Fisheries and published in the Federal Register.

#### 17. Fishing Gear

- (7) No person on board a vessel used to fish for any species of fish anywhere in IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the **non-tribal** directed commercial fishery shall catch or possess Pacific

halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific 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 IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the **non-tribal** directed commercial fishery may be used to catch or possess Pacific halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific 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.

#### 4. Minor edits throughout for stylistic consistency among Sections.

### 8. Retention of Tagged Pacific Halibut

- (3) Any Pacific halibut that bears a Commission external tag will not count against commercial fishing period limits, Individual Vessel Quotas (IVQ), Individual Transferable Quota (ITQ), Community Development Quotas (CDQ), or Individual Fishing Quotas (IFQ), and are not subject to size limits in these regulations, but should still be recorded in the landing record.

### 12. Application of Commercial Fishery Limits

- (3) Notwithstanding the fishery limits described in Section 5, the commercial fishing in IPHC Regulatory Area 2B will close only when all ~~Individual Vessel Quotas (IVQ)~~ and ~~Individual Transferable Quotas (ITQ)~~ assigned by DFO are taken, or on the date when fishing must cease as specified in Section 9, whichever is earlier.
- (4) Notwithstanding the fishery limits described in Section 5, IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all ~~Individual Fishing Quotas (IFQ)~~ and all CDQ issued by NOAA Fisheries have been taken, or on the date when fishing must cease as specified in Section 9, whichever is earlier.

### 13. Fishing in ~~Regulatory~~ IPHC Regulatory Areas 4D and 4E

- (1) Section 13 applies only to any person fishing for, or any vessel that is used to fish for, IPHC Regulatory Area 4E ~~Community Development Quota (CDQ)~~ Pacific halibut, IPHC Regulatory Area 4D CDQ Pacific halibut, or IPHC Regulatory Area 4D IFQ received by transfer by a CDQ organization provided that the total annual Pacific halibut catch of that person or vessel is landed at a port within IPHC Regulatory Areas 4E or 4D.

### 21. Receipt and Possession of Pacific Halibut

- (8) The master or operator of a Canadian vessel that was engaged in Pacific halibut fishing must weigh and record all Pacific 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 Pacific halibut was purchased; and the scale weight obtained at the time of offloading of all Pacific halibut on board the vessel including the pounds purchased, pounds in excess of IVQs or ITQs, pounds retained for personal use, and pounds discarded as unfit for human consumption. All Pacific halibut must be weighed with the head on and the head-on weight must be recorded on the Provincial fish tickets or Federal catch reports as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at Section 19(2).

#### 5. Unambiguous use of the term “permit”.

### 21. Receipt and Possession of Pacific Halibut

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