North Pacific Fishery Management Council

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MEMORANDUM

TO: IPHC Commissioners

FROM: Dan Hull, Chairman
David Witherell, Executive Director

DATE: November 22, 2017

RE: Update on Council Halibut Management Framework related actions, follow-up from the Joint IPHC/NPFMC meeting in June, and Update on Management Actions.

Halibut Management Framework Actions

The Council last reviewed an updated Halibut Management Framework in October 2016. The framework is available through the NPFMC Halibut Management Committee link: https://www.npfmc.org/halibut-management-committee/. The Framework is an over-arching strategic reference and planning document, and is intended to facilitate improved communication and coordination with the IPHC on halibut management issues. Updates on issues directly related to the Framework are provided below.

Halibut abundance-based PSC management initiative

At its October 2017 meeting, the Council reviewed a discussion paper on the BSAI abundance-based management (ABM) prohibited species catch limit (PSC) approach which was prepared by an inter-agency workgroup, including Council staff, NMFS staff, and IPHC staff. The paper compiled results from topic-specific discussion papers prepared for the Council over the last two years, reviewed a range of potential indices to link halibut PSC to abundance in the Bering Sea, and reviewed potential control rules to establish PSC limits based on the selected index or indices. Following review of the discussion paper, the Council concurred with the workgroup and SSC recommendations to move forward with two indices: the estimates of halibut biomass from the NMFS Eastern Bering Sea annual shelf trawl survey, and from the annual IPHC setline survey in Areas 4ABCDE.

The Council provided further direction on explicit elements and options to consider while developing control rules, including the shape of the control rule, a range of starting points for PSC limits (2,118 mt to 3,867 mt), and the maximum and minimum PSC limits under consideration. The control rule shapes being considered include linear (various slopes and stair-steps), multi-dimensional, and decision tables ("lookup" tables) for using multiple indices to set PSC limits. The Council tasked staff to develop a preliminary analysis using these specific elements and options, with a focus on providing additional description of these types of control rules. The working group will identify the control rule features that best meet the Council's five stated objectives for this action, and provide a qualitative evaluation of the control rules and their performance at varying levels of abundance. The working group will evaluate the difference between establishing a PSC limit that is aggregated across all gear types and then allocated to

gears and sectors, as well as limits that are indexed separately by gear type to establish separate PSC limits. In either case, trawl PSC limits will be apportioned to sectors according to existing proportional allocations.

The Council also directed the NMFS to initiate scoping for preparing an environmental impact statement (EIS) for this action. It is anticipated that the scoping report from the agency will be available when the preliminary analysis comes back to the Council, tentatively scheduled for April 2018.

Halibut discard mortality rates (DMRs) for groundfish fisheries

Accurate estimation of DMRs in all fisheries, bycatch and directed, is essential to our understanding and accounting for halibut discards. Revisions to the current DMRs have been developed by a staff workgroup (including IPHC staff), and have been reviewed by the groundfish Plan Teams and the Council's SSC. Revised DMRs, based upon operational characteristics of various fisheries (rather than by target fisheries), were applied to the groundfish fisheries starting in 2017.

At the October 2017 meeting, the SSC and Council reviewed ongoing work on estimation methods by the Halibut DMR working group as well as the working group's recommended DMRs for the application to the BSAI and GOA groundfish fisheries in 2018. Fishery-specific DMR estimation and application transitioned from fisheries being defined by gear and target species to being defined by vessel and gear operational characteristics causatively linked to halibut mortality. Additionally, DMRs are now based on 3-year annual averages to better incentivize improved handling practices, rather than the previous approach that used 10-year averages to emphasize stability for the fleet. In next year's specification cycle, the working group may explore shifting to a 2-year average consistent with the observer program transition to randomized selection of halibut for viability assessment beginning in 2016.
Some operational groups were combined across region in order to achieve adequate observer samples of halibut viability. For 2018, this will occur for hook-and-line catcher vessels (low sample size in BSAI) and non-pelagic trawl catcher-processors (low sample size in GOA).

In 2018, the working group will explore how variability in annual DMR estimates could impact the incentivizing function of the shortened (3 year) reference period. DMRs from a brief reference period should be much more responsive to improvements in handling practices, but DMR estimates for some fisheries demonstrate high inter-annual variability.

Halibut deck sorting

Amendment 80 cooperatives and other trawl vessels in the Bering Sea are continuing their development, through an exempted fishing permit (EFP), of procedures to allow on-deck sorting of Pacific halibut on non-pelagic trawl catcher processor vessels, as a means of reducing halibut bycatch mortalities. Under the EFP, vessels are allowed to sort halibut removed from a codend on the deck, rather than routing halibut over the flow scale and below deck, and release those fish back into the water after sampling halibut for length and condition, using IPHC halibut mortality assessment methods. All groundfish and halibut harvested must be within existing allocations for groundfish and halibut mortality. In 2017, vessels participating in the EFP began fishing in the deck-sorting mode from the beginning of the calendar year, rather than only in the summer months. The number of boats participating in the EFP in 2017 has increased to 17, up from 12 boats in 2016. It is estimated that through September 15th, deck sorting under the EFP has allowed a halibut mortality savings of 519 mt.

The EFP will be reissued for 2018 and 2019, and NMFS has begun work on developing the regulatory analysis that would specify permanent procedures to allow vessels to select, on a haul-by-haul basis,

whether to sort halibut on-deck. The intention is for the regulatory change to be implemented for the beginning of the 2020 fishing year.

Research Priorities

As you may recall from our joint Council/Commission meeting in June of this year, the Council is required by the Magnuson-Stevens Act to annually submit a list of five-year research priorities to the Secretary of Commerce. The list is developed through review by the Council's Plan Teams and Scientific and Statistical Committee (SSC), which include representatives of the IPHC. The Council provides final approval of these research priorities each June and submits them to NOAA Fisheries, and numerous research and academic institutions, including universities, the IPHC, and entities such as the North Pacific Research Board. Following our joint meeting, Josep Planas of your staff and Jim Armstrong of our staff developed a summary table of overlapping areas of halibut research interest for the Council and Commission, which is attached for your reference.

The Council's five-year research priorities are divided among four categories: (1) Critical – research which supports essential management functions, cannot likely be achieved by other means, or is required by regulation; (2) Urgent – essential for compliance with federal requirements or necessary to decision-making; (3) Important -- provides information to support near-term management goals; and, (4) Strategic – research which is valuable or supports long-term needs, but is not associated with an immediate need or near-term Council action. As indicated in the summary table, several of the Council's research priorities are directly or indirectly associated with the biology or management of the halibut resource, including the following:

#209 Continue to collect guided angler sector data for the halibut fishery - Critical
#211 Benefits and costs of directed halibut catch and halibut PSC utilization - Urgent
#385 Study Pacific halibut PSC, bycatch, and discard behavior in fisheries - Urgent
#492 Investigate factors underlying fishery responses to halibut PSC caps - Urgent
#493 Examine the relative importance of historical closed areas in the vicinity of the Pribilof Islands as juvenile halibut nursery habitat relative to other regions coast-wide – Urgent
#386 Investigate long term effects of fishing on Pacific halibut - Strategic
#387 Determine effects of migration on the Pacific halibut population and management - Important
#388 Study temporal and spatial patterns in size-at-age of Pacific halibut - Urgent
#389 Investigate ecosystem effects and inter-species interactions of halibut - Important
#491 Assess dependence and impacts of halibut management actions on communities - Urgent

Joint Meeting of the NPFMC and IPHC

Pursuant to a goal of the Halibut Management Framework to improve communication between the two bodies, the Council and Commission met all of June 7th, prior to the start of the NPFMC meeting. The agenda included a thorough review of the Council's initiative on abundance-based management of halibut PSC limits in the BSAI, and updates on research and management priorities of the two bodies previously identified in the Halibut Management Framework.

No additions or revisions to existing research and management topics described by the Halibut Management Framework document were identified by the Council as a result of the joint meeting. The Council will continue to inform the IPHC on those topics as further progress is made.

The Council recognizes that joint meetings with the IPHC are valuable for improving communication and collaboration in halibut management, consistent with the authorities and responsibilities of the NPFMC for domestic fisheries management under the Magnuson-Stevens Act and the Halibut Act. As described in the Halibut Management Framework and reaffirmed in June and previous meetings, the Council has determined that scheduling joint meetings with the IPHC based on discussions by the leadership of the two bodies is the most appropriate and beneficial approach. Joint meetings should be issue oriented and focused on progress in management and research by each body that improves our collaborative efforts in management and the ability to achieve our respective management objectives. This process has been followed since the February 2015 joint meeting.

The Council greatly appreciates the continued participation of Commission scientists on the SSC, Plan Teams, the ABM inter-agency working group and other subsidiary bodies. It is important to maintain the long history of interaction among IPHC and NPFMC scientists and managers to continue improving management of the halibut resource.

Management Update

The following sections provide updates on actions taken by the Council to manage halibut fisheries under its authorities pursuant to the Halibut Act. As such, these updates are provided for informational purposes.

CHARTER

Halibut charter management measures for Area 2C and 3A

The Halibut Charter Management Committee met on October 10 in Anchorage, AK to consider the preliminary estimates of charter halibut removals for 2017 in Area 2C and 3A. ADFG presented an informational report demonstrating that Area 3A was an estimated 10.7% over its allocation and (after corrections to discard mortality data) Area 2C was an estimated 0.7% over its allocation. The Charter Halibut Management committee made requests to ADFG staff for the next suite of management measures to be analyzed in each regulatory area. These estimates, which will take into account the most recent season's data on harvest and average size fish, will then be compared to the blue line allocations that will be produced at the IPHC interim meeting. The Charter Halibut Management Committee will meet on Monday, December 4 to make final recommendation on 2018 management measures. Those recommendations will be forwarded to the Council, which in turn, will make its recommendations on management measures to the IPHC at the annual meeting in January.

Charter Halibut Permit (CHP) renewal process

The Council is considering a host of actions related to the charter halibut fisheries in Area 2C and 3A. One action being considered is a renewal process for charter halibut permits (CHP). A NMFS-issued CHP is required to be on board a vessel if any guided recreational anglers are catching and retaining halibut in Area 2C or 3A. In October 2017, the Council recommended release of a Public Review document that analyses the possibility of a CHP annual renewal process in order to provide more accurate information on CHP holders and CHP use. The Council established a preliminary preferred alternative that would require annual submission of CHP holder name, CHP number, registered address, phone number and/ or email address, and CHP ownership structure. Under the Council's preliminary preferred alternative, if a CHP is not registered with NMFS, the CHP would not be valid for use during the applicable fishing year.

The Council also included an option to consider adding questions into the renewal application that would gather information on CHP leasing practices. This issue is currently scheduled to return to the Council for potential final action in April 2018.

Charter Halibut Permit effort caps

In December, the Council will consider a discussion paper taking a first look at the idea of capping effort on CHPs in order to encourage more predictable and somewhat more stable management measure in Area 2C and 3A future years. Effort caps will be considered in terms of the maximum number of trips or angler-trips each CHP can log a year. Possible measures that will be considered include a single or multi-tiered system of trip/ angler-trip caps based on the CHP's previous activity in the charter fishery.

Charter Halibut Permit use caps for an RQE

In December of 2016, the Council took action to recommend the allowance of a non-profit entity to form with the ability to transfer and hold Area 2C and 3A halibut QS. Halibut QS held by an RQE would be annually converted into pounds and added to the available charter allocation, under which annual charter angler management measures are determined. If formed, an RQE could purchase and hold up to five CHPs, similar to any other individual or non-individual entity (with some exceptions).

In December of 2017, the Council will consider a discussion paper that looks at allowing a potential RQE the opportunity to identify and purchase up to 30% of the CHPs in Area 2C and 3A each. The intention of this action would be to provide the charter sector a flexible tool that can influence the size of the sector, which may in turn encourage more predictable and somewhat more stable management measures.

Mixing of halibut from guided and unguided vessels

The Council considered an initial review analysis in October, that would limit the mixing of halibut on a vessel from guided and unguided fishing trips. Mixing of halibut from different types of trips can make it difficult for enforcement to identify compliance with the disparate guided and unguided halibut management measures (e.g. bag limits, size limits, etc.). Mixing of halibut from different types of trips is common in certain types charter operations. For instance, mixing of halibut from guided and unguided trips can occur on a multi-day vessel that acts as a mothership. An operation such as this might provide anglers the opportunity to participate in both guided and unguided halibut fishing using a skiff launched larger vessel. Halibut brought back to the mothership from these separate trips may be difficult for enforcement agents to distinguish from each other.

The Council is considering three alternatives to address this enforcement concern:

1) no action;
2) prohibit the possession of guided and unguided halibut simultaneously on any vessel; and
3) if halibut harvested using sport fishing guide services is possessed with halibut harvested not using sport fishing guide services in IPHC Area 2C or 3A, the IPHC annual management measures for guided sport fishing for the area that the halibut was harvested apply to all halibut onboard the fishing vessel.

After reviewing the initial review analysis and recommendations from its advisory committees, the Council released the document for public review. The Council also revised the purpose and need statement, selected Alternative 3 as its preliminary preferred alternative, and requested several areas of additional information. Final action is scheduled for the February 2018 Council meeting.

Self-guided halibut rental boats

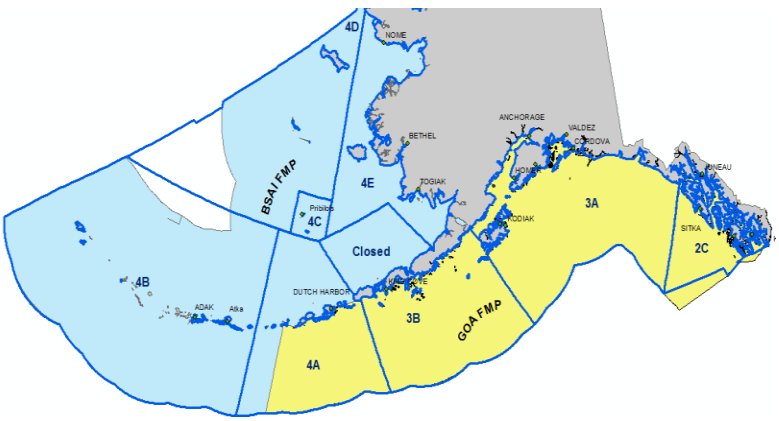
The North Pacific Fishery Management Council has received public testimony requesting that the Council consider ways to address data gaps in self-guided halibut sport fishing in regulatory areas 2C and 3A. Currently, some unknown number of entities are offering opportunities for clients to rent small boats to fish for halibut without a registered guide aboard. This allows the clients to harvest halibut at the unguided limit of two halibut of any size per day, rather than area-specific size and number limits set for guided anglers. Because we are unable to determine the number of entities offering self-guided fishing, or the number of vessels that are available for rent, the impact of these operations is not known.
The Council has requested ADFG and NMFS staff work with Council staff to explore ways to define this sort of self-guided commercial entity, and explore mechanisms to create a registration for motorized rental boats in regulatory areas 2C and 3A that intend to harvest halibut. The intention is to better understand the number and distribution of these operations, and the number of vessels available to assess the potential impacts of this sector to communities, the halibut resource, and other stakeholders.
Council staff intends to present a discussion paper in December 2017 on the status of these efforts.

COMMERCIAL

Halibut retention in sablefish pot gear

The issue of halibut retention in BSAI sablefish pots was first presented to the Council in 2009, when a request to allow retention in Area 4A was forwarded from the IPHC. At that time, the use of pots for sablefish fishing was only allowed in the BSAI, and retention of halibut caught in pot gear was not allowed in any of the Alaska region's state or federal waters. After several years of correspondence between the Council and IPHC and several discussion papers produced on the issue, an action to allow halibut retention in sablefish pots in the overlapping areas of BSAI and Area 4A was tabled in April 2015. At the time, the IPHC did not oppose retention from a biological perspective, but had some concerns about gear conflict and potential disadvantage to vessels that were too small or otherwise unable to switch from longline to pot gear. The IPHC's stance was that retention in Area 4A should be contingent on management measures to cap incidental catch (e.g., maximum retainable amounts (MRA)); this was presented to the Council as a policy choice guided by a desire to preserve the characteristics of the existing IFQ halibut fleet.

The Council tabled further consideration for a number of reasons: (1) it did not feel that it had sufficient data on which to base an MRA (or similar measure); (2) only a small number of vessels were active in the Area 4A sablefish pot fishery, and those vessels were not requesting urgent action on halibut retention at the time; (3) the Council was simultaneously working towards an action to allow longline sablefish pots in the GOA with an option to allow retention of incidentally caught halibut (GOA Am. 101), and the Council did not want to push for the IPHC to allow retention in 4A without first knowing how coordination on the GOA action would resolve.



In April of 2015, the Council was simultaneously considering an action for the use of pot gear to fish sablefish IFQ in the Gulf of Alaska

(GOA) The Council's preferred alternatives in this action would allow sablefish pot vessels in the GOA to retain legal-sized halibut, provided they hold the necessary IFQ. However, this would require both amendments to IPHC regulations as well as U.S. Federal regulations. In November 2015, the Council wrote a letter to the IPHC requesting an amendment to make pot gear legal gear for halibut in IPHC areas overlapping the GOA (see the yellow portion of the map).

In 2016, the IPHC amended its gear regulations to make pot gear a legal gear type for retaining halibut throughout the waters off Alaska (IPHC Area 2C and all parts of Areas 3 and 4), but only as authorized by U.S. Federal regulations. U.S. Federal regulations limit the retention of halibut in pot gear to vessels in the GOA that are fishing for sablefish IFQ. While the intention is this gear would only be used to catch halibut incidentally (i.e., tunnel openings are still required to be no more than nine inches wide), "incidental" is not a term that accurately applies to IFQ regulations. However, in its November 2015 letter to the IPHC, the Council committed to monitor the amount and size of halibut caught in GOA sablefish pots so that it would be equipped with the information necessary to limit retention, should that become an issue in the future. The first year of fishing for sablefish with longline pot gear in the GOA commenced in 2017.

In June 2017, the Council received public testimony that killer whale depredation on longline gear continues to be a challenge in the BSAI sablefish and halibut IFQ fisheries. The Council revived the discussion on halibut retention in Area 4A/BSAI sablefish pot gear, expanding the conversation to consider all of the BSAI. In October, the Council reviewed a discussion paper that outlined the regulatory steps necessary to allow retention of halibut in pot gear in the BSAI sablefish IFQ fishery, and how the Council and IPHC would need to coordinate if the action proposed for consideration would allow fishermen to intentionally catch halibut with pot gear in the BSAI.

After reviewing this discussion paper, the Council requested an initial review analysis that would consider allowing retention of halibut IFQ in BSAI sablefish pot gear, provided there is available IFQ onboard. The action alternative contains an element that would allow fishermen to deploy pots with a wider tunnel opening, which could lead to more effective harvest of legal-sized halibut. The Council would consider whether this action applies to both single and longline pot formats, as well as possible gear retrieval, logbook and VMS requirements. Similar to the GOA, the Council would review the effects of this action three years after implementation. This action is tentatively scheduled to return to the Council in April 2018.

<u>IFQ leasing by CDQ groups</u>

The Council took final action in June 2017 on an amendment to the IFQ Program that would allow CDQ groups the opportunity to lease Area 4B, 4C, and 4D halibut IFQ in years where the catch limits are below certain thresholds. In Area 4B, this option would become available to the groups if the catch limit was 1 million pounds or lower. This option would be available for Area 4C and 4D when the catch limit in Area 4CDE was at or below 1.5 million pounds. Under the Council's recommendations, leased IFQ would be available to vessels less than or equal to 51 feet length overall, subject to the groups' internal management.

The Council's preferred alternative would require operators fishing leased halibut IFQ to following all IFQ use requirement, expect for one. The Council recommended that Area 4D IFQ that is leased by a CDQ group (including catcher vessel IFQ as well as class A IFQ), would have the opportunity to be fished in Area 4E. The IPHC considers the halibut in Area 4C, 4D, and 4E to be a single stock unit for assessment and management purposes. Separation of these areas was a socio-economic decision established in the Council's Catch Sharing Plan for Area 4 (61 FR 11337). Currently Area 4D CDQ has the flexibility to be fished in Area 4E. This flexibility was intended to allow residents in CDQ

communities along the Western Alaska coast to have more near-shore opportunities to harvest their group's CDQ halibut. Thus, a similar exemption for leased IFQ harvested by CDQ resident could provide similar opportunities without compromising the conservation efforts of the stock.

This allowance would require an amendment to IPHC regulations. NMFS has submitted a regulatory proposal to the IPHC on behalf of the Council specifying the changes that are suggested.

Observer program and electronic monitoring

Selection rates for the partial observer coverage program will be higher in 2017 than in 2018, as NMFS has reallocated $1 million in funding to supplement the observer fee assessed to industry vessels participating in partial coverage. The partial coverage fisheries represent approximately 11% of all groundfish fishery catch from Bering Sea/Aleutian Islands and Gulf of Alaska waters; the remainder of the fisheries are all in full coverage, and have at least one observer onboard at all times.

Beginning in January 2018, the Council and NMFS have formally implemented an electronic monitoring (EM) option for fixed gear vessels as an alternative to carrying a human observer, in order to comply with monitoring requirements in the groundfish and halibut fisheries. Fixed gear vessels have the choice, on an annual basis, to opt into the EM selection pool and carry EM equipment for the duration of the fishing year. The Annual Deployment Plan for 2018 specifies that funding is available to support up to 110 vessels, and vessels in the EM stratum have a 30% selection rate for requiring their trips to be monitored. Consistent with the Council's and IPHC's regulatory changes last year, vessels carrying EM may use EM as an alternative to an observer for compliance monitoring when fishing IFQ or halibut CDQ in multiple areas.

The Council is considering several different analyses relating to the observer program and electronic monitoring, including moving vessels under 40 feet out of the 'zero observer coverage' selection pool and into EM coverage, and raising the observer fee in order to increase the overall funding available for EM and observer coverage. The agency is also working on other studies, including analyzing catch and bycatch estimation methods to determine variance, and analyzing the impact of differences in average weights on the final wastage estimates of halibut in the IFQ fishery. Progress on these analyses is expected in 2018.

In October, the Council also initiated two projects to improve catch and bycatch data collected by observers in the GOA. The first changes the definition of a trip to increase coverage rates and improve random selection across trawl and longline catcher vessels delivering to tenders. The second project initiates development of EM for compliance of full retention requirements in the trawl catcher vessel pollock fishery.