



## North Pacific Fishery Management Council

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### MEMORANDUM

TO: IPHC Commissioners

FROM: David Witherell, Executive Director

DATE: October 16, 2018

RE: Update on Management Actions.

### Groundfish Fishery Actions

#### Halibut Abundance-based PSC Management

In October, the Council reviewed a preliminary analysis for a draft EIS/RIR of alternatives for abundance-based management (ABM) of BSAI halibut prohibited species catch (PSC) limits. The analysis centered primarily around a detailed description of the Council's alternatives, elements and options, and a historical analysis of the application of candidate PSC limits from within the alternative set, to show the behavior of control rule features relative to estimated PSC limits. A narrative description was also included of how the three directly regulated BSAI groundfish sectors approach their fishing year in the context of the various constraints they face, including but not limited to halibut PSC limits. This section was included to provide the context necessary to understand interactions between fisheries, and the factors that drive the decisions made during the year by fleet managers and vessel operators in the Amendment 80 sector, the trawl limited access sector, and the hook-and-line catcher-processor sector. The Council made a number of changes to the alternative set based upon the preliminary analysis, staff workgroup recommendations, SSC comments, and stakeholder and Advisory Panel input. The current suite of alternatives are the following:

- Alternative 1: No action
- Alternative 2: Single index used to set trawl and/or non-trawl halibut PSC limit.
  - Option 1: NMFS EBS bottom trawl survey index.
  - Option 2: IPHC Area 4 setline survey index.
- Alternative 3: Primary and secondary indices are used to set trawl and/or non-trawl PSC limit.
  - Option 1: Primary index is EBS trawl survey, secondary index is Area 4 setline survey.
  - Option 2: Primary index is Area 4 setline survey, secondary index is EBS trawl survey.
- Alternative 4: Use two indices (EBS trawl survey and Area 4 setline survey) to set the non-trawl PSC limit in the form of a look-up table.

A range of elements and options are contained within each of the alternatives. Further detail on these are provided in the Council's [motion](#) as well as direction to analysts on standardization of the indices under the different alternatives, and apportionment of PSC limits to sectors.

The Council also moved to form a stakeholder committee that will provide recommendations for the ABM scenarios to be analyzed in the draft EIS/RIR. The Committee will also provide recommendations

on measurable objectives and associated performance metrics to be considered by analysts in evaluating trade-offs among alternatives. This committee will meet to draft these scenarios prior to the February Council meeting with an update on the initial committee meeting provided to the Council in December. The committee is intended to include a range of interested stakeholders from both the directed BSAI groundfish and directed Area 4 halibut fisheries. Final action is tentatively scheduled for October 2019.

### Halibut Deck Sorting

In October, the Council received an update from representatives of the Alaska Seafood Cooperative concerning the ongoing halibut deck sorting Exempted Fishing Permit (EFP) research, which is testing handling methods or reducing halibut mortality in non-pollock groundfish fisheries. The research is intended to explore implementation issues that will be applied in the proposed regulatory amendment to implement voluntary halibut deck sorting on trawl catcher processors when operating in non-pollock groundfish fisheries off Alaska, which is currently under internal development at NMFS. The analysis and proposed rule for the regulatory amendment is anticipated during the spring of 2019.

In addition to reporting on halibut mortality encountered during the EFP, the presentation compared deck sorting performance with previous years, and reported on operational changes introduced in 2018. Additionally, the Alaska Seafood Cooperative has field tested an electronic length measuring board this year, which has potential to speed up data collections, reduce data entry errors, and reduce observer workload relative to current manual data entry methods. Additional work and more trials of the electronic board and chute cameras are planned for 2019.

### Research Priorities

The Magnuson-Stevens Act requires Regional Fishery Management Councils to regularly inform the Secretary of Commerce of their five-year research priorities. The North Pacific Council maintains an extensive list of research needs and interests that is developed through review by the Council's Plan Teams and Scientific and Statistical Committee (SSC), which include representatives of the IPHC. Each June, the Council provides final approval of these research priorities 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 the June 2017 review, the Council expressed a desire to streamline its annual review process, and so, this year, the Council's Plan Teams identified a small number of projects to raise for consideration in developing a "top ten" list of research needs. The SSC reviewed and proposed a final "top ten" list, which the Council subsequently reviewed and endorsed in June 2018. In identifying its top ten research priorities, the Council emphasized the importance of research categorized as "critical ongoing monitoring" so that the "top ten" do not overshadow those projects, which are required in order for the Council to fulfill its mission.

Among the Council's top ten research priorities, two projects apply directly to halibut management issues. These include research topic #182 "Evaluate current and alternative Council PSC/bycatch reduction initiatives", and #491 "Assess dependence and impacts of halibut management actions on communities". These two projects are among at least 14 other Council research initiatives related to halibut management that can be found on the Council's dedicated Research Priorities website (<https://research.psmfc.org/>). The full research priority list includes two new priorities: #691 "Develop comparable measures of net value, total value, and economic impacts for the Area 2C and 3A charter and commercial halibut fisheries." and #692 "Conduct ethnographic research and collect information on the indirect effects of the Area 2C and 3A charter and commercial halibut fishing."

Discard Mortality Rates

Halibut discard mortality rates (DMRs) for in-season management of GOA/BSAI groundfish fisheries in 2019 were recommended by the Council at its October 2018 meeting and are provided in the tables below. Starting in 2016, DMRs have been applied to fisheries defined by operational characteristics causatively linked to halibut mortality rather than being defined by species composition as had been done previously. Additionally, DMRS are based on a shortened reference period (2-3 years instead of 10 years) for consistency with the statistical design of the observer sampling program and to better incentivize improvement in halibut handling practices. As in past years, the estimation process uses weighted averages of halibut mortality (condition data) to expand estimated DMRs from the sample to the haul, trip, and fishery following the sampling hierarchy.

Halibut DMR estimates also come from BSAI CP trawl vessels that participate in the halibut deck-sorting EFP. These DMRs are significantly lower than those for comparable vessels not participating in the EFP, but deck-sorting DMRs only apply to hauls when deck-sorting occurred. For longline fisheries, the EM program could be used in DMR management in the future following the completion of basis studies on “release method” currently being conducted by the IPHC.

Proposed 2019 and 2020 Halibut Discard Mortality Rates for Vessels Fishing in the **GOA**.

Gear	Sector	Groundfish fishery	Halibut discard mortality rate (percent)
Pelagic trawl	Catcher vessel	All	100
	Catcher/processor	All	100
Non-pelagic trawl	Catcher vessel	Rockfish Program	49
	Catcher vessel	All others	67
	Mothership and catcher/processor	All	79
Hook-and-line	Catcher/processor	All	11
	Catcher vessel	All	21
Pot	Catcher vessel and catcher/processor	All	4

Proposed 2019 and 2020 Halibut Discard Mortality Rates for Vessels Fishing in the **BSAI**.

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic trawl	All	100
Non-pelagic trawl	Mothership and catcher/processor	78
Non-pelagic trawl	Catcher vessel	59
Hook-and-line	Catcher vessel	4
Hook-and-line	Catcher/processor	8
Pot	All	19

## **Charter Halibut Fishery Actions**

### Charter Halibut Permit (CHP) Renewal

In April, the Council took final action on an issue that would create an annual renewal process for charter halibut permits (CHPs) in IPHC Regulatory Areas 2C and 3A. This application process would require CHP holders (including Community Quota Entities and U.S. Military Morale, Welfare, and Recreation groups) to submit CHP number, CHP holder name, address, phone number and/or email address, as well as any updates to the CHP ownership structure. The application would also include a question asking whether financial compensation was received from use of a CHP in the preceding year.

The intent of this renewal process is to provide more complete and useful information to evaluate whether changes to the CHP Program are necessary as a result of changes in ownership and participation of CHPs, to facilitate retirement of non-transferable permits when ownership changes, and improve the ability of enforcement agents to ensure valid permits are being used. The CHP renewal application will not be required until the action is approved by the Secretary of Commerce, and the appropriate capacity for collecting this type of information has been implemented.

### Mixing of Guided and Unguided Halibut

The Council initiated an action to limit the simultaneous possession of guided halibut with unguided halibut in IPHC Areas 2C and 3A in the Gulf of Alaska (GOA). Different regulations apply to guided and unguided (i.e., charter and non-charter) halibut fishing trips, which presents difficulties for accountability and enforcement. At the April 2018 meeting, the Council selected a modified Alternative 3 as its preferred alternative. Under Alternative 3, if guided and unguided halibut are onboard the fishing vessel at the same time, the stricter IPHC annual management measures for guided sport fishing would apply to all halibut anglers on board the fishing vessel.

In April Council selected Alternative 3 because it provides some flexibility for charter operations to mitigate impacts of stricter guided restrictions, while also to improving accountability and enforcement by providing regulations that are clear and concise. When both guided and unguided halibut is onboard, vessels must comply with guided sport fishing regulations for bag and possession limits, size restrictions, and carcass retention requirements. The Council did not, however, require compliance with three other regulatory requirements that apply to guided anglers: day-of-the-week closures, recording harvest in a saltwater logbook, and annual limits. The Council did not include these additional regulations for unguided anglers because of their implementation difficulties, enforcement challenges, and the potential for financial harm to multi-day fishing vessels.

### Unguided Halibut Rental Boats

In October, the Council reviewed a discussion paper to explore mechanisms to create a registry for motorized rental boats that are used by unguided anglers to harvest halibut in IPHC regulatory areas 2C and 3A, and initiated an analysis. The Council requested the discussion paper in December 2017, and stated that they were concerned that differences in harvest regulations between guided and unguided sport anglers, and the apparent growth of the rental boat segment of the unguided sector may negatively impact other halibut fishing sectors. The discussion paper provided an overview of existing vessel registration programs, examined patterns in halibut harvest in the unguided, guided, and commercial sectors in recent years, and addressed questions posed by the Council. After review, the Council passed a motion initiating an analysis of alternatives to require registration for non-guided rental vessels in IPHC areas 2C and 3A, and align bag limits between charter anglers and anglers on non-guided rental vessels by applying the charter angler daily bag limit and size limit to recreational anglers.

## **Commercial Halibut Fishery Actions**

### Halibut Retention in BSAI Pot Gear

In October, the Council took final action on an issue that would allow retention of legal-size halibut in pot gear in the Bering Sea and Aleutian Islands (BSAI), provided the operator holds sufficient halibut IFQ or CDQ for the corresponding regulatory area. The purpose of this action is to allow for more efficient harvest of the halibut resource by decreasing wastage of legal-size halibut discarded in the BSAI sablefish pot fishery and to allow for the possibility of reduced whale depredation of halibut off of hook-and-line gear.

This action includes the following elements: 1) an exemption to the 9-inch maximum width of the tunnel opening on pots, 2) VMS and logbook requirements for all vessels using pot gear to fish IFQ/CDQ, and 3) in the event that the overfishing limit for a shellfish or groundfish species is approached, regulations would allow NMFS to close IFQ fishing for halibut as necessary. Additionally, the Pribilof Islands Habitat Conservation Zone would be closed to all fishing with pot gear. To the extent practicable, the Council has recommended that halibut fishermen in the BSAI interested in using pot gear under this action consult with crab fishery participants on appropriate crab escape mechanisms to minimize crab bycatch. Until the action is approved by the Secretary of Commerce and implemented by NMFS, retention of halibut in pots in the BSAI is not permitted. The Council plans to review the effects of allowing retention of halibut in pot gear three years after implementation.

The IPHC has already taken complementary action amending its 2018 regulations to allow for the retention, as well as the possession, of halibut taken with longline or single pot gear if such retention is authorized by NMFS regulations published at 50 CFR Part 679. This broad action taken by the IPHC means that when Federal regulations are changed, no changes to IPHC regulations will be necessary for halibut harvesters to use pot gear.

### IFQ Medical and Beneficiary Transfers

In October, after reviewing the initial draft analysis of the medical transfer and beneficiary lease provisions, the Council approved a preliminary preferred alternative for each issue and added an option to the medical transfer provision. Preliminary preferred alternatives selected for the medical transfer provision would replace the current definition of a certified medical professional with a broader term, "health care provider". This approach is used by the Pacific Council for medical leases in their limited entry fixed gear sablefish primary fishery. A health care provider would be defined as an individual authorized to provide health care services in the State where he or she practices and preforms within the scope of their specialty. Health care providers outside the U.S. that are licensed to practice medicine are included in the definition.

The Council's preliminary preferred alternative defining the use of the medical transfer provision would revise federal regulations to allow the medical transfer provision to be used for any medical reason. This would modify the regulations that currently state that the medical transfer provision may be used in 2 of the 5 most recent years for the same medical condition. That change is more restrictive since it would not allow an individual to use the medical transfer provision repeatedly by having a medical professional attest to different medical conditions on the medical transfer form. The Council did not select a preliminary preferred alternative for the number of years the medical transfer could be used during a defined number of years. It is still considering 2 of 5 years and 3 of 7 years as the number of time the provision could be used. The Council did not include a lifetime limit on the number of years an individual could use the medical transfer provision as part of their preliminary preferred alternative.

An option (Alternative 2, Option 3) was added to the analysis that allows for additional use of the medical transfer provision, but would place limits on the amount of IFQ that could be leased some years. The option allows a QS holder to lease their IFQ up to 4 times during a 7-year period, but the third and fourth time the lease is used, during the 7-year period, only 80% and 60% of the IFQ issued to the QS holder could be transferred, respectively.

The Council's preliminary preferred alternative for the beneficiary transfer provision would include "estate" when referencing surviving spouse and immediate family member at 50 CFR 679.41(k). The Council's motion also identified the U.S. Office of Personnel Management definition of "immediate family member" as its preliminary preferred alternative to define that term.

### IFQ CQE Fish Up in Area 3A

In October, the Council reviewed a discussion paper on whether to allow Community Quota Entities (CQEs) in Area 3A to fish D-class halibut IFQ on C-class vessels. Current regulations that restrict CQE ability to fish "D" class quota on "C" class vessels have, in some circumstances, limited the CQE community's access to fish CQE halibut, particularly in Area 3A. The discussion paper provided an overview of current vessel size restrictions for CQEs across regulatory areas, the original intent of D-class quota shares under the IFQ and CQE programs, CQE participation in Area 3A, and an initial look at potential impacts of the proposed action. After reviewing the document and hearing public testimony, the Council developed a Purpose and Need Statement and alternatives to be analyzed for initial review (available on the Council's website under Agenda Item D1). The alternatives include options to allow CQE communities to fish "D" class quota on "C" class vessels only after specified dates, as well as options to limit the number of years CQEs could participate in this opportunity. The action is intended as a fallback mechanism for CQEs that have unfished D-class quota late in the season to potentially avoid revenue loss, furthering the Council's intent of encouraging CQE communities to secure long-term opportunities to access halibut.

**Status of analytical projects related to the Halibut & Sablefish IFQ Program**

*Updated October 15, 2018*

Name	Description
<b>Recent Final Action</b>	
Halibut retention in BSAI pots	<p>The Council took final action to allow retention of legal-size halibut in pot gear in the Bering Sea and Aleutian Islands (BSAI), provided the operator holds sufficient halibut IFQ or CDQ in the corresponding regulatory area. This action would allow halibut quota holders use pot gear in order to both minimize whale depredation on hook-and-line gear, as well as limiting wastage of halibut required to be discarded in the sablefish pot fishery. The Council's preferred alternative includes an exemption to the maximum 9-inch tunnel opening for those who hold halibut quota, PIHCZ closure for pot gear, authority for NMFS in-season management to close IFQ fishing if a groundfish or crab OFL is approached, monitoring requirements (e.g. logbooks and VMS), and an intent to track participation, crab bycatch, gear specifications and design, potential gear conflicts, and other aspects of the emerging fishery in a 3-yr review.</p> <p>Staff will produce a Secretarial Review Draft document and the action will move into the proposed rule-making stage.</p>

Name	Description	Status / Due Date / Target Date
<b>Projects in Council Review</b> <i>(Council has tasked staff and scheduled review at a future meeting)</i>		
IFQ Medical Lease and Beneficiary Transfer Provisions	<p>In October 2018, the Council identified a preliminary preferred alternative to broaden the definition of medical providers who can certify a medical IFQ transfer. The preliminary preferred alternative would also change the regulatory language to limit the number of years a medical transfer may be used from 2 of 5 years for the same medical condition to 2 of 5 years or 3 of 7 years for any medical condition. The Council is also considering allowing a QS holder to transfer up to 80% and 60% of their IFQ when utilizing the third and fourth transfers, respectively, over a 7-year period. This action may also establish a maximum number of times (years) an individual QS holder may utilize the medical transfer provision over the course of their lifetime, but this option was not selected as part of the preferred alternative.</p> <p>In addition, the Council's preliminary preferred alternative for the beneficiary transfer provision would include "estate" when referencing surviving spouse and immediate family member in regulations, as well as adopting the U.S. Office of Personnel Management's definition of "immediate family member" as its preliminary preferred alternative to define that term.</p>	Public Review draft tasked for <b>February 2019</b>

Name	Description	Status / Due Date / Target Date
IFQ "Fish Up" for CQEs in Halibut Area 3A	The Council will consider alternatives to allow CQEs to fish D-class halibut IFQ on larger C-class vessels (less than or equal to 60' LOA) in Area 3A. This opportunity would only apply after a cut-off date late in the season (either August 15 or September 1), with the purpose of acting as a fallback mechanism for CQEs to avoid revenue loss in cases of unforeseen vessel breakdown or adverse weather conditions.	Initial Review draft tasked for <b>April 2019</b>
Small Sablefish Retention	Potential action to allow vessels fishing sablefish IFQ to discard small fish or to set a minimum size limit for sablefish retention. This line of inquiry is responsive to an increase in the number of small-size sablefish encountered in the fishery. This expanded discussion paper will seek to address a suite of questions about the ability to produce species and gear- specific discard mortality rates, whale depredation, catch accounting, enforcement, and observer coverage.	Expanded discussion paper tasked for <b>April 2019</b>
Eligibility Requirements for QS holders	Consider replacing the Transfer Eligibility Certificate (TEC) as the permit to <u>purchase</u> QS with an active participation requirement (sea-days over a period of years) to <u>own</u> QS that applies to both existing and prospective QS holders. The Council is interested in how such a requirement could promote the original program objective of an owner/operator fleet by restricting the practice of QS holders who go onboard an IFQ vessel but do not actively participate in the work of the fishery, sometimes referred to as "ride-alongs."	Discussion paper tentatively tasked for <b>April 2019</b>

Name	Description
<b><i>Projects yet to be tasked</i></b>	
<b>Discussion Paper:</b> Use of Hired Master Provision	Given the increasing use of hired masters in the IFQ fishery, assemble data on hired master use and describe business arrangements between vessel owners, QS holders, and crew to the extent possible. The Council is scoping for potential modifications to hired master regulations that would promote the original program objective of an owner/operator fleet.
<b>Discussion Paper:</b> QS Transfer Mechanisms	Explore regulatory and non-regulatory options that promote willing transfers of QS from initial QS recipients to hired masters and crew, including but not limited to the Right of First Offer concept used in crab cooperatives. Also scope potential for changes to the Federal loan program that would increase use by individuals looking to purchase QS.
<b>Discussion Paper:</b> Global Examples of IFQ Access Programs	Review existing programs that facilitate access to IFQ-type fisheries for rural communities and new entrants. Consider those programs' successes and failures in their own context, and how they may or may not function in the North Pacific management framework.

**\*\*IFQ Committee is tentatively scheduled to meet in April 2019**