



Stakeholder statements on regulatory proposals

PREPARED BY: IPHC SECRETARIAT (20 NOVEMBER 2018)

PURPOSE

To provide the Commission with a consolidated document containing 'Statements' from stakeholders submitted to the Commission for its consideration at the 94th Session of the IPHC Interim Meeting.

BACKGROUND

During 2018, the IPHC Secretariat made improvements to the [Fishery Regulations](#) portal on the IPHC website (announced via [IPHC News Release 2018-021](#)), which includes instructions for stakeholders to submit statements to the Commission for its consideration. Specifically:

"Informal Statements by stakeholders should be submitted as an email to the following address, secretariat@iphc.int, which will then be provided to the Commissioners as Stakeholder Statements at each Session.

DISCUSSION

[Table 1](#) provides a list of the Stakeholder Statements received by 27 November 2018, which are provided in full in the Appendices. The IPHC Secretariat does not provide commentary on the Statements, but simply provides a collation for the Commission's consideration.

Table 1. Statements received from stakeholders by 27 November 2018.

Appendix No.	Title and author	Date received
Appendix I	Regulation statement by Bill Connor	17 October 2018
Appendix II	Regulation statement by Bill Connor	17 October 2018
Appendix III	Regulation statement by Tony Pettis	19 October 2018
Appendix IV	Regulation statement by Mike Banks	21 October 2018
Appendix V	Regulation statement by John Little	24 October 2018
Appendix VI	Regulation statement by Marc Schmidt	29 October 2018
Appendix VII	Regulation statement by Thomas Germain	6 November 2018

APPENDICES

As listed in [Table 1](#).

APPENDIX IRegulation statement by Bill Connor

From: crfbc@aol.com <crfbc@aol.com>
Sent: Wednesday, October 17, 2018 7:40 AM
To: IPHC Secretariat <secretariat@iphc.int>
Cc: crfbc@aol.com
Subject: Regulation Statement

To the IPHC commission,

I would like to propose a year round fishery for Pacific halibut.

We are experiencing an increasing rise of quota from east coast halibut, it is a year round fisheries and it will continue to erode our frozen markets and fresh markets. This will cause the price of pacific halibut to continue to fall from our current pricing.

By having a year round fishery we will be able to market pacific halibut year round thus saving the frozen fish alternative which we have heard from all processors that it is a losing product form. This has caused a steep price reduction over this season.

Fishing halibut for 40 years I have seen spawning halibut throughout the opened season.

To do nothing and stay status quo we will continue to lose market share and price stability.

Bill Connor

APPENDIX IIRegulation statement by Bill Connor

From: crfbc@aol.com <crfbc@aol.com>
Sent: Wednesday, October 17, 2018 7:49 AM
To: IPHC Secretariat <secretariat@iphc.int>
Subject: Regulation Statement

To the IPHC commission,.

I would like to propose a size limit to halibut marketed in the United states.

With the farmed halibut coming on line, to protect our resource and markets we should have a minimum market size to match the commercial size limit of 32 inches.

This would keep all sales of halibut above board avoiding product from other countries harvesting smaller fish, or farmed fish less than 32 inches from being sold into our markets, undermining our commercial size, and possibly pirated fish from our stocks entering our market place.

Bill Connor

APPENDIX IIIRegulation statement by

From: Tony Pettis <emailtonypettis@gmail.com>
Sent: Friday, October 19, 2018 7:48 PM
To: IPHC Secretariat <secretariat@iphc.int>
Subject: Regulation Statement

This comment is in regards to the IPHC proposal to extend the 2A halibut season to 5 or 10 days.

My name is Tony Pettis. I own and operate the fishing vessel Heidi Sue out of Newport, OR and have been halibut fishing in area 2A for 20+ years.

I believe this is a bad idea for many reasons.

First of all, I believe this would increase the amount of halibut discard when more boats caught their full quota and were required to discard their overage. It could also attract more "new" long longliners that would be more likely to lose gear or waste fish while discouraging professional longliners to take the time to participate in a fishery with reduced quotas that took more time away from other potential fisheries.

In my opinion, the 5 to 10 day season would be the worst possible scenario because the quota would be much lower, but a fisherman would still be required to miss other opportunities in order to fish halibut at a certain time. I would have a difficult decision as to whether or not it would be worth my time away from other fisheries to fish for halibut. This seems like a sad scenario after 20+ years of halibut fishing.

I believe there are two viable options that could improve the 2A halibut fishery.

The first option would be to leave the 10 hour season structure in place but move the season dates at least one month earlier. If the seasons started in mid May, there would be more halibut outside the rca in more areas which would result in higher catch rates, less crowding, and less localized depletion. Another huge benefit to fishing earlier would be fishing before blue sharks arrived. There would be much less shark bycatch and much less lost gear (and wasted halibut) that was bit off by sharks.

Another option would be to set up a IFQ system for 2A similar to Alaska. I along with a small group of other professional longliners from Newport have submitted an IFQ plan that we support. The plan we submitted details the many benefits we see, so I won't go into those details here.

Again, I would like to emphasize that I believe a 5 or 10 day season structure would be the worst possible scenario. The worst of both worlds with the inconvenience of having to cater to a short season and miss out on other fisheries, and much reduced possible reward.

Thank you for your time and consideration.

Tony Pettis
F/V Heidi Sue

APPENDIX IV**Regulation statement by Mike Banks****From:** IPHC Web Form <IPHC_Web_Form@emailconfirmationdelivery.com>**Sent:** Sunday, October 21, 2018 6:50 PM**Cc:** IPHC Secretariat <secretariat@iphc.int>**Subject:** web form: Contact IPHC**Name** Mike Banks**E-mail** mkbanks292@gmail.com**Subject** RE: Directed 2A proposed changes**Message**

We have been involved in the Directed 2A fishery for decades in multiple boats (owner/operator). Twenty to twenty-five years ago the sport guys were organized and were trying to eliminate the fishery in 2A. At one of the IPHC meetings that I attended we agreed that we would let the sport guys go first and get the bulk of their quota, starting near the beginning of May, and the commercial guys would go near the end of June. That eliminated a lot of conflict. It may cause problems to move our start date earlier. Something to consider. Mike Banks 360.590.0954

APPENDIX V**Regulation statement by John Little****From:** IPHC Web Form <IPHC_Web_Form@emailconfirmationdelivery.com>**Sent:** Wednesday, October 24, 2018 4:54 PM**Cc:** IPHC Secretariat <secretariat@iphc.int>**Subject:** web form: Contact IPHC**Name** John Little**E-mail** retiredteacher@hotmail.com**Subject** sport caught halibut**Message** If you really want to be a hero, figure a way for those of us who live on their boat to cut halibut into freezer size pieces on board. Those fillets are mighty big to use when it is time to cook and serve.

APPENDIX VI**Regulation statement by Marc Schmidt**

Name	Marc Schmidt
E-mail	fvreelmagic@gmail.com
Subject	Considerations for small boats in 2A directed commercial fishery
Message	<p>Hello IPHC, I am one of the very few participants with multiple landings in the directed commercial fishery in CA. I have been pursuing this fishery with investments in time, gear, and risk to my vessel and my well being while fishing, or attempting to fish, the derby openers in my 26 ft boat for the last 7 years. I am a huge proponent for a longer period over the current 10hr opener but am greatly concerned the quota for my size class boat (B - 26ft) will get its quota chopped to just a couple or few hundred lbs and not be worth my time. The industry seems to cater to the big boats, which are needed, but it is very frustrating to be trying to make a living fishing when there is no regard for us small boat operations. We need a good payday every once in a while also. I feel there should be the same boat quota for all boat classes for the first (possibly more) open period (say of 1500-3000 lbs) or at the very least a minimum of 1000lbs on the first opener for all boat sizes. I understand the need for reduced quota in additional open periods if we were to see them. I feel a 5 day season is still putting fishermen in a derby situation and 10 to 21 days is getting to be where safety, efficient fishing, and available markets are considered. Thank you for your time, Marc Schmidt F/V Reel Magic Eureka, CA</p>

APPENDIX VIIRegulation statement by Thomas Germain

From: Thomas Germain <tomgermain@hotmail.com>

Sent: Tuesday, November 6, 2018 7:35 PM

To: IPHC Secretariat <secretariat@iphc.int>

Subject: Informal Statement by stakeholder - for the 94th Session of the IPHC Interim Meeting (IM094)

IPHC-2018-IM094-INF02 provides no resolution

The report IPHC-2018-IM094-INF02 – “2018 IPHC Regulatory Proposals referred to a Working Group of IPHC Contracting Parties”. Was created by “Representatives of NOAA Fisheries Alaska Region Office, NOAA Office of Law Enforcement, and NOAA General Counsel met with the IPHC Secretariat as a working group on 25 September 2018 to discuss the deferred regulatory proposals.”

There is an issue with the group that was convened, there is no incentive of any party in the group to come up with a solution that allows the sensible retention of Halibut by Cruising/Live Aboard Vessels. It is not in the groups interest to help resolve the issue but to allow the issue to continue to discriminate against the small number of people affected.

The Working Groups recommendation to not accept any of the proposals, or to recognize the possibility of a combination of these proposals will leave the regulation unchanged. The proposals listed a variety of reasons that the issues need to be addressed.

Reasons listed on the proposals:

1. Current regulations assume that sport fishing vessels return to port each day for processing of their catch. Live-aboard vessels are often operating and fishing in remote areas or where limited port facilities offer no options for proper preservation or shipment of their catch.
2. The current regulations (specifically the Pacific Halibut Fishery Regulations 2017 section 28d) do not allow for proper processing and preservation of the catch on board any vessel. This discriminates against citizens that live on their vessels.
3. It contradicts ADF&G regulations by promoting waste.
4. It is illegal to cut off a portion of a fletch and have it for dinner.
5. It is illegal to buy halibut in town and take it on a cruising trip (unless someone sells whole fletches with skin on) (By the letter of the law, you can not bring it on board while in port tied to the dock)
6. To properly store halibut for long term preservation one needs to cut filets into more than 4 pieces (skin on tends to taint the flesh over time) as “meal size” is approximately 1 lb.

The reason given by the Working Group for its recommendation to not accept any of the proposals is difficulty in enforcement of the daily or possession limit.

The difficulty with enforcement is caused by the federal definition of possession and the fact that it only applies to salt waters. For all other fish in the state of Alaska the definition of Possession Limit is “POSSESSION LIMIT—the maximum number of unpreserved fish a person may have in possession.” This allows processing on board a cruising vessel.

If these proposals were combined and a couple of easy additions made, the enforcement would be much easier than the enforcement of people who catch a limit early in the morning, return to a town/remote cabin and leave their catch at home, return to fish that afternoon. There are a lot more people with the opportunity to break

the law in that manner, as the enforcement is impossible with the regulation only applying to salt water, then there are people who are on extended trips with the proper equipment onboard to process halibut.

I would request that before the Commission walk away from these proposals that they consider that the current regulations do nothing to promote enforcement of the larger potential issues but do discriminate against a few law abiding citizens who care enough to try and get the regulations changed.

Suggestions from the proposals to allow on board processing:

1. No fishing allowed once processing has begun for the day (More enforceable than people living in town making two trips in a day)
2. Photos with date stamps, dates and markings on packages
3. Recording the fish, size, location and date (Already done for multiple other species for season and daily limits)

Additional options:

1. All carcasses must be kept on board until processing is complete
2. No fishing allowed until halibut is completely frozen to a hard condition (easily enforceable and delays fishing enough to protect against cheating the dates on packages)

Please recognize that this is a huge issue for a very small portion of the sport fishing population. This represents a very small portion of the sport fish catch which would have little to no impact to the Halibut resource if it was difficult to enforce.

If the Commission can not accept any form of the proposals, the least that would be a responsible way forward would be to have the Working Group reconvene with representation from some of the people affected by the regulation, maybe some of the people who wrote the proposals.

Tom Germain

tomgermain@hotmail.com