



IPHC Fishery Regulations: minor amendments

PREPARED BY: IPHC SECRETARIAT (07 OCTOBER 2019)

PURPOSE

To improve clarity and consistency in the IPHC Fishery Regulations.

BACKGROUND

This proposal would make minor amendments to the IPHC Regulations. These revisions to the regulations would include:

- Updating and clarifying existing fishery regulations;
- Reordering regulations for clarity and emphasis.

DISCUSSION

Periodically, regulations should be reviewed to ensure they are clear, concise, consistent, and current. These proposed revisions to the IPHC Fishery Regulations are a result of a holistic review. The primary revisions resulting from this review are described below, and will be provided for the 96th Session of the IPHC Annual Meeting (AM096) in detail:

- Updating and clarifying fishery regulations
 1. Section 1, Short Title, would be removed as it is no longer necessary.
 2. The current Section 4, Limits, would be re-titled Fishery Limits. [This section would also be amended in accordance with IPHC-2019-IM095-PropA1, as approved.]
 3. Section 5, Licensing Vessels for IPHC Regulatory Area 2A, would be amended to make it clear that vessels in IPHC Regulatory Area 2A may hold both a license for directed commercial fishing *and* a license for the incidental catch during the sablefish fishery.
 4. Section 7, Regulatory Areas, would be amended to specify that the definition of IPHC Regulatory Areas applies within the IPHC Convention Area.
 5. The table of commercial catch limits would be removed from the current Section 12, Commercial Catch Limits, as this information is available in Section 4, [*Fishery*] Limits and is therefore redundant. Section 12 would be retitled Application of Commercial Fishery Limits.
 6. Section 15, Careful Release, would be amended to include the application of both minimum and maximum size limits, in order to make the section applicable to all fisheries.
 7. Section 18, Receipt and Possession of Pacific Halibut, would be revised to make it clear that IPHC Regulatory Area 2A is included in Paragraph 6 as intended.
 8. Section 20, Fishing Gear, would be amended to allow pots capable of catching Pacific halibut.

9. Section 22, Retention of Tagged Pacific Halibut, would be revised to make it clear that tagged fish do not count against commercial or recreational individual limits.
10. Section 23, Fishing by United States Treaty Indian Tribes, would be amended to remove references to specific fishery sector allocations, as this information is available in Section 4, [Fishery] Limits and is therefore redundant, and to include the Metkalatka fishery in Alaska.
11. References to specific fishery sector allocations would be removed from Sections 27, Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2A and 29, Sport Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E, as this information is available in Section 4, [Fishery] Limits and is therefore redundant.
12. Minor edits would be made throughout for stylistic consistency among Sections.
- Reordering fishery regulations for clarity and emphasis
 1. The sequence of sections would be revised as indicated in the following table, and all sections would be edited as necessary to reflect the new sequence:

Previous Section No.	New Section No.	New Section title
<i>Applicable to all fisheries</i>		
2.	1	Application
3.	2	Definitions
7.	3	IPHC Regulatory Areas
4.	4	Fishery Limits
6.	5	In-Season Actions
15.	6	Careful Release of Pacific Halibut
22.	7	Retention of Tagged Pacific Halibut
<i>Applicable to commercial fisheries</i>		
9.	8	Fishing Periods
11.	9	Closed Area
10.	10	Closed Periods
12.	11	Application of Commercial Fishery Limits
8.	12	Fishing in IPHC Regulatory Areas 4D and 4E
13.	13	Fishing Period Limits
5.	14	Licensing Vessels for IPHC Regulatory Area 2A
16.	15	Vessel Clearance in IPHC Regulatory Area 4
19.	16	Fishing Multiple IPHC Regulatory Areas
20.	17	Fishing Gear
14.	18	Size Limits
17.	19	Logs
18.	20	Receipt and Possession of Pacific Halibut
21.	21	Supervision of Unloading and Weighing
23.	22	Fishing by United States Treaty Indian Tribes
<i>Applicable to Indigenous fisheries</i>		
25.	23	Aboriginal Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

24.	24	Customary and Traditional Fishing in Alaska
<i>Applicable to recreational fisheries</i>		
26.	25	Sport Fishing for Pacific Halibut—General
27.	26	Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2A
28.	27	Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2B
29.	28	Sport Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E
<i>General provisions</i>		
30.	29	General provisions – Superseding Fishery Regulations

Benefits/Drawbacks: The benefit is clearer and more consistent regulations that are easier to use. No known drawback.

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

ADDITIONAL DOCUMENTATION / REFERENCES

None

SUGGESTED REGULATORY LANGUAGE

1. Section 1, Short Title, deleted and other sections re-numbered accordingly.
2. Section 4 re-titled Fishery Limits (to be combined with other changes from IPHC-2019-IM095-PropA1, as approved):

4. Fishery Limits

3. Section 5 re-numbered and revised to read:

14. Licensing Vessels for IPHC Regulatory Area 2A

- (1) No person shall fish for Pacific halibut from a vessel, nor possess Pacific halibut on board a vessel, used either for commercial fishing or as a charter vessel in IPHC Regulatory Area 2A, unless the Commission has issued a license valid for fishing in IPHC Regulatory Area 2A in respect of that vessel.
- (2) A license issued for a vessel operating in IPHC Regulatory Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.
- (3) A vessel with a valid IPHC Regulatory Area 2A commercial license cannot be used to recreationally fish for Pacific halibut in IPHC Regulatory Area 2A.
- (4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following:
 - (a) the directed commercial fishery during the fishing periods specified in paragraph (2) of section 9;
 - (b) the incidental catch fishery during the sablefish fishery specified in paragraph (3) of section 9; or
 - (c) the incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 9.

- (5) A vessel with a valid license for the IPHC Regulatory Area 2A incidental catch fishery during the sablefish fishery described in paragraph (4)(b) may also apply for or be issued a license for the directed commercial fishery described in paragraph (4)(a)..
 - (6) ...
4. Section 7, Regulatory Areas, re-numbered, re-titled, and amended to specify that the definition of IPHC Regulatory Areas applies within the IPHC Convention Area:

3. IPHC Regulatory Areas

The following areas within the IPHC Convention Area shall be defined as IPHC Regulatory Areas for the purposes of the Convention (see Figure 1):

- (1) ...
5. The table of commercial catch limits removed from Section 12 (along with subparagraph [1]), and Section 12 re-numbered, re-titled, and revised:

11. Application of Commercial Fishery Limits

- (1) Notwithstanding the fishery limits described in Section 4, regulations pertaining...
- (2) ...
- (3) Notwithstanding the fishery limits described in Section 4, the commercial fishing in IPHC Regulatory Area 2B...
- (4) Notwithstanding the fishery limits described in Section 4, the commercial fishing in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E...
- (5) If the Commission determines that the catch limit specified for IPHC Regulatory Area 2A in Section 4 would be exceeded...
- (6) When under paragraphs (1), (2), and (5) the Commission has announced a date...
- (7) Notwithstanding the fishery limits described in Section 4, the total allowable catch of Pacific halibut that may be taken in the IPHC Regulatory Area 4E directed commercial fishery...
- (8) Notwithstanding the fishery limits described in Section 4, the total allowable catch of Pacific halibut that may be taken in the IPHC Regulatory Area 4D directed commercial fishery...

6. Section 15 renumbered and revised to read:

6. Careful Release of Pacific Halibut

- (1) ...
- (2) Except that paragraph (1) shall not prohibit the possession of Pacific halibut on board a vessel that has been brought aboard to be measured to determine if the applicable size limit of the Pacific halibut is met and, if not legal-sized, is promptly returned to the sea with a minimum of injury.

7. Section 18 re-numbered and revised to make it clear that IPHC Regulatory Area 2A is included in Paragraph 6 as intended:

20. Receipt and Possession of Pacific Halibut

- (1) ...
- (6) The first recipient, commercial fish processor, or buyer in the United States of America who purchases or receives Pacific halibut directly from the vessel operator that harvested such Pacific halibut must weigh and record all Pacific halibut received and record the following information on State fish tickets: the date of offload; vessel number (State or Federal) or Tribal ID number; total weight obtained at the time of offload including the weight (in pounds) of Pacific halibut purchased; the weight (in pounds) of Pacific halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of Pacific halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of halibut discarded as unfit for human consumption. All Pacific halibut harvested fisheries in IPHC Regulatory Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, must be weighed with the head on and the head-on weight must be recorded on State fish tickets as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at Section 14(2).
- (7) ...

8. Section 20, Fishing Gear, re-numbered and amended to allow pots capable of catching Pacific halibut where applicable:

17. Fishing Gear

- (1) ...,
(a) ...
(b) ...
- (2) ...
(a) ...
(b) ...
- (3) No person shall possess Pacific halibut while on board a vessel carrying any trawl nets capable of catching Pacific halibut.
- (4) ...
(a) ...
(b) ...
- (5) ...
- (6) ...
(a) ...
(b) ...
- (7) ...
(a) ...
(b) ...
- (8) ...
(a) ...
(b) ...
- (9) No person on board a vessel used to fish for any species of fish...
(a) ...
(b) ...
- (10) No vessel used to fish for any species of fish...
- (11) ...

9. Section 22 renumbered and revised to read:

7. Retention of Tagged Pacific Halibut

- (1) ...
- (2) ...
- (3) Any Pacific halibut that bears a Commission external tag will not count against commercial fishing period limits, Individual Vessel Quotas (IVQ), Community Development Quotas (CDQ), or Individual Fishing Quotas (IFQ), and are not subject to size limits in these regulations.
- (4) Any Pacific halibut that bears a Commission external tag will not count against recreational (sport) daily bag limits or possession limits, may be retained outside of recreational (sport) fishing seasons, and are not subject to size limits in these regulations.

10. Section 23, Fishing by United States Treaty Indian Tribes, re-numbered and amended to remove references to specific fishery sector allocations and to include the Metkalatka fishery in Alaska:

22. Fishing by United States Treaty Indian Tribes

- (1) Pacific halibut fishing in IPHC Regulatory Area Subarea 2A-1 by members of ‘United States treaty Indian’ tribes located in the State of Washington shall be regulated under regulations promulgated by NOAA Fisheries and published in the Federal Register.
 - (a) Subarea 2A-1 includes...
 - (b) Section 14 (size limits)...
 - (c) Regulations in sub paragraph (b) of this section that apply to State fish tickets...
 - (d) Section 4 (Licensing Vessels for IPHC Regulatory Area 2A)...
 - (e) Commercial fishing for Pacific halibut in Subarea 2A-1 is permitted with hook and line gear from *[date to be determined separately]* through *[date to be determined separately]*, or until the limit specified in Section 4 is taken, whichever occurs first.
 - (f) Ceremonial and subsistence fishing for Pacific halibut in Subarea 2A-1 is permitted with hook and line gear from January 1 through December 31.
- (2) In IPHC Regulatory Area 2C, the Metlakatla Indian Community has been authorized by the United States Government to conduct a commercial Pacific halibut fishery within the Annette Islands Reserve. Fishing periods for this fishery are announced by the Metlakatla Indian Community and the Bureau of Indian Affairs. Landings in this fishery are accounted with the commercial landings for IPHC Regulatory Area 2C.

11. Sections re-numbered and references to specific fishery sector allocations removed from Sections 27, Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2A and 29, Sport Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E:

26. Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2A

- (1) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NOAA Fisheries are estimated to have been taken.
- (2) When the Commission has determined that a...

28. Sport Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

- (1) ...
- (2) For guided sport fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 2C:
 - (a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one Pacific halibut per calendar day.
 - (b)...
- (3) For guided sport fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 3A:
 - (a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two Pacific halibut per calendar day.
 - (b)...

12. Minor edits throughout for stylistic consistency among Sections.

APPENDICES

None