



IPHC Fishery Regulations:

Commercial Fishing Periods (Sect. 9)

PREPARED BY: IPHC SECRETARIAT (25 OCTOBER 2022)

PURPOSE

To specify fishing periods for the directed commercial Pacific halibut fisheries within the IPHC Fishery Regulations: Commercial Fishing Periods (Sect. 9).

BACKGROUND

Each year, the International Pacific Halibut Commission (IPHC) selects fishing period dates for the directed commercial Pacific halibut fisheries in each of the IPHC Regulatory Areas. Historically, the first management measures implemented by the IPHC were to limit periods when fishing was allowed. Biological factors considered in the past when setting fishing period dates included migration and spawning considerations, neither of which is now used as a basis for determining fishing periods.

These dates have varied from year to year, and in recent years have allowed directed commercial fishing to begin sometime in March and end sometime in November or December for all IPHC Regulatory Areas with the exception of the IPHC Regulatory Area 2A.

DISCUSSION

The IPHC Secretariat proposes that the commercial fishing periods for all IPHC Regulatory Areas be set at AM099 following stakeholder input.

Moreover, should the transition of management authority of the IPHC Regulatory Area 2A non-tribal directed commercial Pacific halibut fishery from the IPHC to the Pacific Fishery Management Council (PFMC) and NOAA Fisheries be completed, the need for setting dates for the 2A derby fishery would no longer be an IPHC consideration and the dates would be set by the Contracting Party within the overall commercial fishing period dates. This will be consistent with the IPHC Convention¹, which states that the Contracting Parties may implement fishery regulations that are more restrictive than those adopted by the IPHC. In this case, Sect. 9(4) will be replaced with a subsection referring to regulations promulgated by NOAA Fisheries and published in the Federal Register.

More information on the transition of management in the IPHC Regulatory Area 2A can be found in [IPHC-2022-IM098-04](#) and [IPHC-2022-IM098-INF03](#). Final action by the PFMC on 2023 non-tribal directed commercial Pacific halibut fishery regulations for NOAA Fisheries implementation is scheduled for 3 November 2022 (see [PFMC November 2022 briefing book](#)).

Benefits/Drawbacks: This proposal clearly indicates that the decision on commercial fishing periods is within the Commission's mandate and the season dates can be changed annually.

¹ The Convention between Canada and the United States of America for the Preservation of the [Pacific] Halibut Fishery of the Northern Pacific Ocean and Bering Sea.

Moreover, it clarifies that more strict fishing periods can be implemented by the Contracting Party.

Sectors Affected: Commercial Pacific halibut fisheries in each IPHC Regulatory Area.

[Appendix A](#) provides details on the suggested regulatory language.

ADDITIONAL DOCUMENTATION

[Appendix B](#) includes a situation summary for the PFMC final action on the 2023 non-tribal directed commercial Pacific halibut fishery regulations for NOAA-Fisheries implementation.

RECOMMENDATIONS

That the Commission:

- 1) **NOTE** regulatory proposal IPHC-2022-IM098-PropA2, which provides the Commission with an opportunity to recall the format of the IPHC Pacific Halibut Fishery Regulations: *Commercial Fishing Periods* (Sect. 9), to be filled at the 99th Session of the IPHC Annual Meeting (AM099) in January 2023.

APPENDICES

[Appendix A](#): Suggested regulatory language

[Appendix B](#): Situation summary for the PFMC Final Action on the 2023 non-tribal directed commercial Pacific halibut fishery regulations.

APPENDIX A SUGGESTED REGULATORY LANGUAGE

9. Commercial Fishing Periods

- (1) The fishing periods for each IPHC Regulatory Area apply where the fishery limits specified in section 5 have not been taken.
- (2) Unless the Commission specifies otherwise, commercial fishing for Pacific halibut in all IPHC Regulatory Areas may begin no earlier in the year than 1200 local time on ~~6-March~~ DD MMMM.
- (3) All commercial fishing for Pacific halibut in all IPHC Regulatory Areas shall cease for the year at 1200 local time on ~~7 December~~ DD MMMM.
- ~~(4) The first fishing period in the IPHC Regulatory Area 2A non-tribal directed commercial fishery² shall begin at 0800 on the fourth Tuesday in June and terminate at 1800 local time on the subsequent Thursday, unless the Commission specifies otherwise. If the Commission determines that the fishery limit specified for IPHC Regulatory Area 2A in Section 5 has not been exceeded, it may announce a second fishing period of up to three fishing days to begin on Tuesday two weeks after the first period, and, if necessary, a third fishing period of up to three fishing days to begin on Tuesday four weeks after the first period.~~
- (4) Regulations pertaining to the non-tribal directed commercial fishing 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.
- (5) Notwithstanding paragraph (4) of this Section, and paragraph (6) of section 12, an incidental catch fishery³ is authorized during the sablefish seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.
- (6) Notwithstanding paragraph (4) of this Section, and paragraph (6) of section 12, an incidental catch fishery is authorized during salmon troll seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.

² The non-tribal directed 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.

³ The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington, (46°53.30' N. latitude) under regulations promulgated by NOAA Fisheries at 50 CFR 300.63. Landing restrictions for Pacific halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.

APPENDIX B

SITUATION SUMMARY FOR THE PPMC FINAL ACTION ON THE 2023 NON-TRIBAL DIRECTED COMMERCIAL PACIFIC HALIBUT FISHERY REGULATIONS

Agenda Item E.2
Situation Summary
November 2022

2023 COMMERCIAL-DIRECTED FISHERY REGULATIONS – FINAL ACTION

The transfer of management responsibilities for the Area 2A non-tribal commercial-directed Pacific Halibut fishery (Directed Fishery) from International Pacific Halibut Commission (IPHC) to Pacific Fishery Management Council (Council) and National Marine Fisheries Service (NMFS) is in its final stages and expected to complete by 2023. As part of the transfer, it was agreed to utilize the September/November Catch Sharing Plan revision process to solicit stakeholder input and consider regulations for the upcoming year. Collaboration with IPHC has been a vital part of the success of the transfer, and their continued support will be essential as the management agencies navigate the management process into the future.

At the September 2022 meeting, the Council adopted for public review a status quo season structure for 2023 described as:

A series of three-day openings, beginning at 8 a.m. on the fourth Tuesday in June and ending at 6 p.m. on the Thursday of that week. Additional three-day openings would occur every other week, Tuesday through Thursday, until the directed fishery allocation is obtained.

Once adopted, the Council-recommended season structure for 2023 will be forwarded to NMFS for consideration.

Council Action:

Adopt Final 2023 Commercial Directed Fishery Regulations for NMFS Implementation.

Reference Materials:

1. If received, Public Comments are electronic only (see [e-portal](#)).

Agenda Order:

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|---|-------------|
| E.2 2023 Commercial-Directed Fishery Regulations – Final Action | Robin Ehlke |
| a. Reports and Comments of Management Entities and Advisory Bodies | |
| b. Public Comment | |
| c. Council Action: Adopt Final 2023 Non-Tribal Commercial Directed Halibut Fishery Regulations for NMFS Implementation | |

PPMC
10/04/22