



Pacific halibut incidental catch in the Washington sablefish fishery: Application deadline

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PURPOSE

To consider the request from three vessel owners for the IPHC Regulatory Area 2A license application deadline (15 March 2020) to be waived as the owners missed the deadline, for different reasons.

TOPICS FOR CONSIDERATION – APPLICATION DEADLINE

IPHC License application deadline

The IPHC Fishery Regulations (2020) state the license deadline for the Incidental Pacific halibut catch in the sablefish fishery in IPHC Regulations as follows Regulation 15(9):

15(9) A vessel operating in the incidental catch fishery during the sablefish fishery in IPHC Regulatory Area 2A must have submitted its “Application for Vessel License for the Pacific Halibut Fishery” form no later than 2359 local time on 15 March, or the next weekday in March if 15 March is a Saturday or Sunday.

As 15 March was a Sunday in 2020, this meant the realised deadline was 16 March 2020. This has been the process in effect since 2014 and was changed (from 30 April) to allow for an earlier season opening.

Each year, the IPHC Secretariat receives requests from fishers to waive the application deadline for various reasons. However, we have not previously granted an extension in any year. The deadline has not been waived nor has the IPHC received a regulatory proposal in-session to change the deadline date in any given year, regardless of the request by some vessel owners each year to waive the application deadline date they missed.

Conclusion: The application deadline date was set to allow for the earlier season start to the incidental catch during the sablefish fishery. This fishery opened on 1 April 2020 with about 1 tonne (2,205 pounds) being landed to date.

IPHC License online application

This is the second year the IPHC license application has been required online. Access to the online form was widely advertised through the following media release and posting on the IPHC website:

<https://www.iphc.int/library/documents/media-releases/iphc-media-release-2020-007-notification-of-iphc-regulatory-area-2a-directed-commercial-and-recreational-license-applications-available-for-submission>

This has been the deadline in effect since 2014 and each year, the IPHC Secretariat receives requests to waive the deadline date for various reasons. However, the deadline has not been waived.

Conclusion: The application availability and deadline date was clearly and widely communicated.

IPHC License application details

In 2020, the IPHC processed and issued 30 licenses for the sablefish fishery compared to 35 in 2019 and 28 in 2018. No licence applications were received after the deadline date in 2020. However, the option to apply for this license was removed shortly after the deadline date.

Conclusion: The number of licences issued in 2020 was similar to the numbers issued in recent years.

COVID-19

The first case of COVID-19 in the U.S.A. was reported in Washington State on 20 January 2020. The stay-at-home order by Governor Inslee was issued on 23 March 2020. On 20 March 2020, all IPHC Secretariat in-person meetings with external stakeholders were cancelled until further notice. Prior to this date, the IPHC Headquarters office was open for business. The IPHC measures and the Governor's order came after the licence application deadline.

Conclusion: COVID-19 measures and responses should not have impacted a vessel owner's ability to meet the deadline date, however individual circumstances are unknown.

Mortality accounting

Mortality estimates are compared to mortality limits set by the Commission at its annual meeting; changes in management measures should ensure the previously set mortality limits are not exceeded.

Conclusion: Management measures can be adjusted, such as license application deadline dates, recognizing that adopted fishery limits still apply.

IPHC Fishery Regulations

The IPHC has the ability to rapidly modify its Fishery Regulations if they are minor in nature and do not require a detailed review of other regulations that may be impacted. In such a case, the IPHC is able to revise and publish its Fishery Regulations within 24 hours. However, the time required for the Contracting Parties' domestic regulatory agencies to review, approve, and publish Fishery Regulations typically takes five weeks (as indicated by relevant domestic agency staff).

Conclusion: To accommodate a change in management measures, the IPHC would take less than 24 hours. However, relevant domestic Contracting Party agencies have indicated they need up to five weeks to publish revised Fishery Regulations. Domestic legal advice is required to determine if those processes could be shortened.

IPHC Secretariat expense

It is anticipated that additional Secretariat HQ staff time would be applied for changes in IPHC Regulations regarding license application deadline(s) and resulting procedures. The cost of this change could be estimated, and estimates updated with actuals.

Conclusion: These costs are anticipated to be low and within the IPHC operating budget.

SUMMARY

It would be difficult to justifiably link the COVID-19 pandemic to the missed application deadline of 15 March 2020, and it has not been the practice to extend application deadlines.

Fishery Regulation amendments: The IPHC is able to modify and publish minor revisions to its Fishery Regulations within 24 hours.

RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IPHC-2020-SS07-04 which outlines considerations relating to a proposal from three vessel owners for the IPHC Regulatory Area 2A license application deadline (15 March 2020) to be waived as the owners missed the deadline, for different reasons.
- 2) **NOTE** regulatory proposal IPHC-2020-SS07-PropA2, which provides the Commission with an opportunity to consider revisions to Sect. 15 of the IPHC Pacific Halibut Fishery Regulations: Licensing Vessels for IPHC Regulatory Area 2A.