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**IPHC Pacific Halibut Fishery Regulations:  
Commercial Fishing Periods (Sect. 9)**

PREPARED BY: IPHC SECRETARIAT (31 AUGUST 2020)

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**PURPOSE**

To outline considerations relating to a regulatory proposal from Canada to extend the 2020 directed commercial fishery fishing period (fishing season) in IPHC Regulatory Area 2B from 15 November 2020, until 20 February 2021. Specifically:

*“DFO has received a request from the Halibut Advisory Board (HAB) industry advisor members (commercial vessel owners, seafood processors and union reps), in conjunction with the Pacific Halibut Management Association of BC (PHMA) have proposed to extend the Pacific Region commercial Pacific halibut season to February 20, 2021 (23:59 hours), for the 2020 season only. They have made this request in order to increase market opportunities and alleviate the impacts caused by the COVID-19 pandemic crisis. Attached is a copy of their request.”*

*“We will need to update Quota Management System with the modified commercial Conditions of Licence for all Groundfish H&L fisheries. Additionally, our quota officers will need to process a large volume of amendment requests in order to authorize folks to fish and land Halibut past Nov. 15<sup>th</sup>, so the more lead time they have for this the better. There’s also some outstanding thoughts on port sampling requirements and perhaps compelling fishermen to land in one versus the other post Nov. 15<sup>th</sup>. Finally there is the need for fishermen to make business plans for their operation.*

**TOPICS FOR CONSIDERATION – 2020 FISHING PERIOD EXTENSION**

***Biological***

The IPHC relies on managing the total mortality on the Pacific halibut stock each year via mortality limits (TCEY) and the use of a reference Spawning Potential Ratio (SPR) which accounts for the effect of all fishing mortality on the long-term reproductive output of the stock. At the relative levels of fishing intensity applied by the Commission, the stock and fishery do not rely on spawning of individual fish comprising the catch prior to harvest for sustainable reproduction. This is in contrast to management systems utilizing effort control (and not managing total mortality), or fisheries where exploitation rates exceed annual biological surplus unless spawning is allowed to occur.

Some fisheries also attempt to avoid specific disruption of spawning aggregations and/or differential harvest of large reproductive individuals which may be made more readily available during the spawning season. The directed commercial Pacific halibut fishery is already known to be primarily comprised of females; therefore, access to the spawning period is unlikely to result in changes to the sex-ratio. Further, IPHC research during the spawning season indicates relatively low catch rates of actively spawning individuals, providing no evidence that spawning would in fact be interrupted.

Conclusion: The best scientific information available suggests that there is no biological basis for assuming an increased risk to the stock by allowing a fishing period extension to 31 December 2020, or to 20 February 2021.

### ***Stock assessment and data availability***

The IPHC's annual stock assessment is conducted in early November each year, based on the data collected in that calendar year, a projection of incomplete mortality estimates from various fisheries through the end of the calendar year and using interim data sources (logbooks and biological sampling) which are completed and updated the following year. Projecting additional mortality for the directed commercial fishery from mid-November through the end of December would result in some additional uncertainty, but likely not a substantial amount or major source of concern.

Conclusion: The stock assessment process can easily adjust to accommodate an extension to the 2020 directed commercial fishing period to 31 December 2020 recognizing any removals after this date would be attributed to 2021 removals.

### ***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. 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). However, recent modifications to domestic regulations took less than two (2) weeks.

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 for this current proposal noting that it would also extend into the 2021 fishing period using 2020 mortality limits. We would need to seek legal advice on how the IPHC Fishery Regulations, and those of Contracting Parties, would be impacted if the fishery is extended to 20 February 2021 and the Fishery Regulations are amended at the 97<sup>th</sup> Session of the IPHC Annual Meeting in January 2021.

### ***Contracting Party coordination***

The IPHC works closely with Fisheries and Oceans Canada, National Oceanic and Atmospheric Administration (NOAA) Fisheries, and U.S.A. state agency staff to coordinate development and implementation of changes to annual fishery regulations.

Conclusion: To accommodate a continuous directed commercial fishing period through 20 February 2021, the IPHC would need to coordinate with domestic agency regulatory processes.

### ***IPHC Secretariat expense***

**Increased costs Canada:** Year-round staffing in Canadian landing ports to allow for representative sampling of the directed commercial landings would be required at additional expense. It is also anticipated that additional Secretariat HQ staff time would be applied for year-round coordination of field Secretariat staff. At this time, the IPHC does not have sufficient funds to cover an expanded duration of the port sampling program from 16 November 2020 until 20 February 2021) without the financial support of additional Contracting Party contributions.

The cost of this change are estimated as follows:

Associated costs for season extension through 20 February 2021 (Canadian fishery only)	
Description	US\$
Field staff (salaries/benefits)	\$ 47,433
Headquarters staff (salaries/benefits)	\$ 7,145
Supplies (miscellaneous)	\$ 1,500
<b>Total</b>	<b>\$ 56,078</b>

**Increased costs USA:** Nil if this change only applies to the Canadian Pacific halibut fishery and all costs for field and HQ staff are paid by Canada. Should this proposal be extended to the USA fishery, we would provide an updated estimate.

*Conclusion:* To accommodate an extended directed commercial fishing period through 20 February 2021, the IPHC would need to update its cost recovery/sharing agreements with each Contracting Party. These costs will increase to meet this change in field logistical needs and we do not have assurance that the additional funds would be available. The IPHC is not in a position to fund these additional expenses within its current operating budget.

### ***Fishery and market effects***

The directed commercial fishery in IPHC Regulatory Area 2B is currently on track with past years landings. As shown by the 31 August 2020 landing report (link below), the directed commercial fishery has landed 68% of its 2020 quota. At the same point in last years' fishery (2019), the percentage landed was slightly higher at 75%.

IPHC Landing Report 2020: as of 31 August 2020 - <https://www.iphc.int/data/landings-2020>

IPHC Regulatory Area	Fishery limits (net weight)		Landings (net weight)		Pct(%) Landed
	Tonnes (t)	Pounds (lb)	Tonnes (t)	Pounds (lb)	
<b>Area 2B (British Columbia)</b>	<b>2,721.55</b>	<b>6,000,000</b>	<b>1,620.98</b>	<b>3,573,660</b>	<b>60</b>
Commercial fishery	2,322.39	5,120,000	1,568.24	3,457,384	68
Recreational fishery	399.16	880,000	52.74	116,276	13

The IPHC also tracks year-to-date directed commercial landing patterns, as provided at the link below. While the landing trend is substantially down coastwide, when looking at IPHC Regulatory Area 2B only, the 2020 trend is slightly lower than previous years and the 3-year average.

<https://www.iphc.int/data/year-to-date-directed-commercial-landing-patterns-ak-and-bc-by-year-with-3-yr-average>

There are many unknowns regarding extending the directed commercial fishery for Pacific halibut to include late-fall and winter months, as there are no historical data on such a fishery:

- The feasibility of winter fisheries is likely to vary substantially among IPHC Regulatory Areas and individual harvesters. Remote locations with more severe weather patterns may have little access to winter fishing due to safety considerations. Smaller vessels may also be at a disadvantage relative to larger vessels during the winter months.
- Fish sales and processing capacity may also be limited and spatially heterogeneous during the winter months.

- Pacific halibut from Russian waters as well as Atlantic halibut (*Hippoglossus hippoglossus*) are already marketed during winter months; however, relative price and therefore fishery value effects on the IPHC-managed fishery are impossible to predict.
- In some cases, individual quotas may have already been filled prior to season extension creating a new opportunity that is not available to all participants, thereby creating an unfair operating environment. The IPHC is not an expert on Canadian law, however if this is to proceed, we recommend legal review on aspects related to creating an unfair advantage for some operators.

Despite these unknowns, individual harvesters would retain the option to fill quotas during traditional fishing periods. Therefore, logistical and market factors will likely lead to different levels of participation and relative importance of winter fishing to individual business plans. If this proposal is not limited to the Canadian fishery, because the IFQ sablefish fishery in Alaska shares fishing period start and end dates with the Pacific halibut fishery, a year round fishing period would provide additional fishing opportunity for that species, if such a link were maintained. This could be especially important as recent sablefish quotas have not been fully achieved due to the current fishing period length. In Canadian waters, the winter integrated longline fishery could reduce discards of Pacific halibut as these fish could be legally retained. This may also reduce costs to these harvesters who currently must cover these discard mortalities with quota with no option to retain these fish to allow for compensation by selling them.

Conclusion: Fishery and marketing effects of an extension of the 2020 fishing period through 20 February 2020 are unknown; however, they are likely to be specific to individual fishing operations and IPHC Regulatory Areas and do not directly impact the IPHC.

#### SUMMARY

**Fishing period extension to 20 February 2021.** There are no substantive biological reasons to avoid an extension to the directed commercial fishery for the Canadian fleet, or for that matter the USA fleet either, other than the financial consequences detailed above. If Contracting Parties were able to commit to covering any additional sampling expenses as ad-hoc payments, then there would be no obstacle for the IPHC Secretariat to implement the change, should the directive be given from the Commission. Allowing for directed commercial fishing through 20 February 2021, in order to accommodate the extraordinary circumstances experienced this fishing period, is feasible.

#### RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IPHC-2020-SS08-PropA1 which outlines considerations relating to a regulatory proposal from Canada to extend the 2020 directed commercial fishery fishing period (fishing season) in IPHC Regulatory Area 2B from 15 November 2020, until 20 February 2021;
- 2) **ADOPT/ NOT ADOPT/ DEFERS** the revised fishing period closing date for the 2020 directed commercial fishery in IPHC Regulatory Area 2B of 20 February 2021.

#### APPENDICES

[Appendix A](#): Suggested regulatory language

**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 14 March.
- (3) All commercial fishing for Pacific halibut in all IPHC Regulatory Areas shall cease for the year at 1200 local time on 15 November, [with the exception of IPHC Regulatory Area 2B which shall cease at 1200 local time on 20 February 2021.](#)