

NMFS comments on IPHC regulatory proposal O

Clarify regulations about use/possession of pot gear while commercially fishing for halibut.

- 1. Clarify if halibut may be targeted with pots in a) federal waters; and b) state waters*

NMFS regulations at 50 CFR 679.42 require a vessel operator who fishes for IFQ sablefish using longline pot gear in the Gulf of Alaska to retain IFQ halibut if:

- (A) The IFQ halibut is caught in accordance with regulatory requirements for fishing for IFQ sablefish. These requirements include 1) having available sablefish IFQ for the appropriate regulatory area, 2) completing a logbook (which reporting the target species for each deployment of pot gear), 3) having an operating vessel monitoring system, and complying with area-specific pot gear marking, 4) deployment and removal requirements; and
- (B) An IFQ permit holder on board the vessel has unused halibut IFQ for the IFQ regulatory area fished and IFQ vessel category.

Fixed gear sablefish and halibut are managed under the IFQ Program in Alaska and these species may only be retained if a person on board the vessel holds sufficient IFQ. The North Pacific Fishery Management Council (Council) did not recommend a limit on the amount of halibut that may be retained on a vessel fishing for IFQ sablefish with longline pot gear in the Gulf of Alaska. The Council did not recommend a limit because:

- halibut can be caught incidentally when fishing for sablefish and requiring retention of IFQ halibut promotes utilization and prevents discards of IFQ species, consistent with the objectives of the IFQ Program; and
- the Council and NMFS do not have sufficient data to determine an appropriate incidental catch rate of halibut in pot gear in the Gulf of Alaska that could be used to establish an appropriate limit.

Although the Council determined that it was not appropriate to limit the amount of halibut that could be retained on a vessel using longline pot gear at this time, it recognized the concern among some stakeholders that vessel operators could target halibut with longline pot gear and potentially disadvantage vessels using hook-and-line gear to catch IFQ halibut. As part of its action in April 2015, the Council requested that NMFS provide an annual report to the Council and the public on the use of longline pot gear for IFQ sablefish in the Gulf of Alaska, including catch and retention of halibut in pots. Further, the Council stated its intent to review the use of longline pot gear for IFQ sablefish in the Gulf of Alaska three years after implementation to determine if the program is meeting its objectives. At the time of its three-year review, the Council will receive information on catch and retention of halibut in longline pot gear and could choose to revise the NMFS halibut retention regulations for longline pot gear if it determines such revisions are necessary.

At the January 2016 Annual Meeting, the Commission recommended revisions to section 19 of the IPHC regulations to authorize longline pot gear for retention of halibut consistent with NMFS regulations. In making its recommendation, the Commission stated its intent to review information on catch and retention of halibut in longline pot gear for sablefish IFQ in the Gulf of

Alaska three years after implementation. Similar to the Council's planned review, the Commission will receive information on halibut catch and retention in longline pot gear for the three prior years and could choose to revise IPHC regulations for use of longline pot gear to retain halibut if it determines such revisions are needed.

The NMFS regulations authorizing longline pot gear apply to all vessels fishing IFQ sablefish in the Gulf of Alaska. Most IFQ sablefish fishing in the Gulf of Alaska takes place in federal waters because the State of Alaska has established several fisheries in state waters with different eligibility and operational requirements. NMFS staff understands that at the present time, fishing for IFQ sablefish in state waters of the Gulf of Alaska is only authorized in two areas: Cook Inlet and the western Gulf of Alaska outside of the State of Alaska's South Alaska Peninsula management area. In Cook Inlet, fishermen may only fish IFQ sablefish in state waters during the sablefish season established by the State of Alaska. In the western Gulf of Alaska, fisherman may fish IFQ sablefish in the authorized areas when the IFQ sablefish season is open. Alaska Department of Fish & Game area managers indicated that very few vessels have historically fished or currently fish for IFQ sablefish in state waters in this area.

Since these are the only two areas in state waters in the Gulf of Alaska where fishing for IFQ sablefish is authorized at this time, they are the only areas in state waters in the Gulf of Alaska where a vessel operator would be authorized to use longline pot gear to fish IFQ sablefish, and would therefore be required to retain legal size halibut caught in pots if anyone on board the vessel holds sufficient IFQ halibut. These vessel operators would be required to comply with NMFS regulations for using longline pot gear in the IFQ sablefish fishery and any applicable State of Alaska regulations. Vessel operators should consult State of Alaska regulations for more information on fishing for sablefish in state waters.