



## Implementation Notes: 2018 Regulatory proposals

PREPARED BY: IPHC SECRETARIAT (26 DECEMBER 2017)

### PURPOSE

To provide the Commission with the required ‘Implementation Notes’ for regulatory proposals received by the IPHC Secretariat for consideration at its 94<sup>th</sup> Annual Meeting, by the deadline of 23 December 2017.

### BACKGROUND

On behalf of the Commission, the IPHC Secretariat has received regulatory proposals for consideration at the 94<sup>th</sup> Session of the IPHC Annual Meeting (AM094), as indicated in the [Table 1](#). In accordance with the process established for handling regulatory proposals, the IPHC Secretariat has developed brief Implementation Notes for each proposal to aid Commissioners in their deliberations. These are provided under the discussion section of this paper and are linked throughout [Table 1](#).

**Table 1.** Regulatory proposals received from Contracting Parties and stakeholders by the proposal deadline of 23 December 2017.

<b>Regulatory proposals for 2018</b>		<b>Sector (Region)</b>
<b>Contracting Party (Agency) regulatory proposals</b>		
IPHC-2018-AM094-PropB1 Rev_1	CDQ Leasing in IPHC Regulatory Area 4 (U.S.A. - NOAA-Fisheries)	Commercial (4)
IPHC-2018-AM094-PropB2	Clarify sport fishing regulations in Regulatory Areas 2C and 3A (U.S.A. - NOAA-Fisheries)	Recreational (2C, 3A)
IPHC-2018-AM094-PropB3	Clarify head-on requirement in Alaska Commercial Fisheries (U.S.A. - NOAA-Fisheries)	Commercial (AK)
<b>Other Stakeholder regulatory proposals</b>		
IPHC-2018-AM094-PropC1	Catch limit proposals (Sect. 11) (Various)	Commercial
IPHC-2018-AM094-PropC2	Preserving catch on private live-aboard vessels (A. Cooper)	Recreational (2C)
IPHC-2018-AM094-PropC3	For unguided sport fishing (P. Phillips)	Recreational (AK)
IPHC-2018-AM094-PropC4	Sport Fishing for Halibut - Cleaning Regulations (S. Riehemann)	Recreational (AK)
IPHC-2018-AM094-PropC5	Elimination of skin-on regulation (J. Shirk)	Recreational (AK)
IPHC-2018-AM094-PropC6	Live-aboard processing exemption (D. Robertson)	Recreational (AK)
IPHC-2018-AM094-PropC7	Eliminate the requirement for a CHP (S. Riehemann)	Recreational (2C)
IPHC-2018-AM094-PropC8	Allow shellfish pots on board (ALFA)	Commercial (AK)
IPHC-2018-AM094-PropC9	Processing halibut greater than four filets (M. Cowart)	Recreational (AK)
IPHC-2018-AM094-PropC10	Halibut length measurement method (R. Yamada)	Recreational
IPHC-2018-AM094-PropC11	Long term storage aboard pleasure vessels (L. Thompson)	Recreational (AK)
IPHC-2018-AM094-PropC12	Long term storage on cruising vessels (W. Cornell)	Recreational (AK)
IPHC-2018-AM094-PropC13	Halibut in Bering Sea pots (J. Kauffman)	Commercial (4)
IPHC-2018-AM094-PropC14	Status Quo Harvest Measures for Guided Anglers in Area 3A (R. Yamada)	Recreational (3A)
IPHC-2018-AM094-PropC15	Trawler Halibut Bycatch Tender boat program (J. Kearns)	Commercial

**DISCUSSION****CONTRACTING PARTY (AGENCY) REGULATORY PROPOSALS**

IPHC-2018-AM094-PropB1 Rev_1	Leasing IFQ to CDQ groups in IPHC Regulatory Area 4 (U.S.A. - NOAA-Fisheries)	Commercial (4)
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**Suggested action:** The IPHC Secretariat has no objection to this proposed modification of the IPHC Fishery Regulations (2017) and thus, recommends adoption.

IPHC-2018-AM094-PropB2	Clarify sport fishing regulations in Regulatory Areas 2C and 3A (U.S.A. - NOAA-Fisheries)	Recreational (2C, 3A)
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**Suggested action:** The IPHC Secretariat has no objection to this proposed modification of the IPHC Fishery Regulations (2017) and thus, recommends adoption.

IPHC-2018-AM094-PropB3	Clarify head-on requirement in Alaska Commercial Fisheries (U.S.A. - NOAA-Fisheries)	Commercial (AK)
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**Suggested action:** For the head-on requirement clarifications coming from both PropA4 and PropB3, the IPHC Secretariat recommends adopting the U.S.A. (NOAA-Fisheries) PropB3 regulatory language for paragraphs (5) and (6) of IPHC Regulation Section 17.

**OTHER STAKEHOLDER REGULATORY PROPOSALS**

IPHC-2018-AM094-PropC1	Catch limit proposals (Sect. 11) (Various)	Commercial
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**Suggested action:** The IPHC Secretariat recommends Commissioners use the harvest decision table, as provided in paper [IPHC-2018-AM094-10](#), as the primary tool to measure the risks of the various catch limit proposals.

IPHC-2018-AM094-PropC2	Preserving catch on private live-aboard vessels (A. Cooper)	Recreational (2C)
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The proposal suggests a new paragraph for Section 28 of the regulations and includes suggested measures to track retained Pacific halibut by logging each catch with location caught, measuring each fish (length or weight), state issued license information of the angler, and photographing of each fish prior to processing.

The IPHC Secretariat has concerns regarding compliance with possession and bag limits in response to this regulatory proposal. The options of logbook or photo documentation do not satisfy these concerns.

**Suggested action:** As this regulation (IPHC Regulation 28(1)(d)) is important for enforcement purposes, the IPHC Secretariat recommends that the Commission does not adopt this proposal at this time. Further discussion with enforcement agencies is required.

IPHC-2018-AM094-PropC3	For unguided sport fishing (P. Phillips)	Recreational (AK)
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This proposal would require logbook-style record keeping and reporting requirements for unguided recreational fisheries in Alaska.

The IPHC Secretariat supports improved recordkeeping and reporting from the non-charter recreational sector. Record keeping and reporting would need to be coordinated with the Alaska

Department of Fish and Game (ADFG), NMFS, and the North Pacific Fishery Management Council (NPFMC).

**Suggested action:** Indicate that the authors should forwarded their proposal to the NPFMC for further consideration.

IPHC-2018-AM094-PropC4	Sport Fishing for Halibut - Cleaning Regulations (S. Riehemann)	Recreational (AK)
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The proposal suggests adding "*unless preserved*" or "*unless preservation facilities are aboard*" to paragraph (1)(d) of Section 28 of the regulations where the required condition of recreational caught Pacific halibut onboard the vessel are detailed.

The IPHC Secretariat has concerns regarding compliance with possession and bag limits in response to this regulatory proposal.

**Suggested action:** As this regulation (IPHC Regulation 28(1)(d)) is important for enforcement purposes, the IPHC Secretariat recommends that the Commission does not adopt this proposal at this time. Further discussion with enforcement agencies is required.

IPHC-2018-AM094-PropC5	Elimination of skin-on regulation (J. Shirk)	Recreational (AK)
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The proposal suggests removing the requirement for skin on all pieces of Pacific halibut in paragraph (1)(d) of Section 28 in the regulations.

The IPHC Secretariat has concerns regarding compliance with possession and bag limits in response to this regulatory proposal. However, it is not the IPHC's intention to require the entire fillet to be with 'skin attached'. As is the case in numerous fisheries globally, a smaller size of naturally attached skin on each piece of Pacific halibut (only require enough skin to determine that the fillets are from a Pacific halibut and which side) is all that is required to determine that a fillet is from a Pacific halibut and whether it is from the ventral (light) or dorsal (dark) side. This is sufficient to enforce the applicable Pacific halibut bag and possession limits.

**Suggested action:** The IPHC Secretariat recommends the following revised regulatory language for IPHC Regulation Section 28(1)(d):

#### **28. Sport Fishing for Halibut—Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E**

(1) In Convention waters in and off Alaska:

...

(d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with a patch of skin on each all pieces that is approximately two (2) inches (~5 cm) square, naturally attached.

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IPHC-2018-AM094-PropC6	Live-aboard processing exemption (D. Robertson)	Recreational (AK)
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The proposal suggests adding "*except pleasure vessels with live aboard accommodations and processing facilities, may process, preserve, maintain and transport halibut on board*" to paragraph (1)(d) of Section 28 of the regulations where the required condition of recreational caught Pacific halibut onboard the vessel are detailed.

The IPHC Secretariat has concerns regarding compliance with possession and bag limits in response to this regulatory proposal.

**Suggested action:** As this regulation (IPHC Regulation 28(1)(d)) is important for enforcement purposes, the IPHC Secretariat recommends that the Commission does not adopt this proposal.

IPHC-2018-AM094-PropC7	Eliminate the requirement for a CHP (S. Riehemann)	Recreational (2C)
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This proposal suggests eliminating the requirement for a Charter Halibut Permits (CHP) for private, crewed vessels that are not available for charter.

CHPs for the recreational fishery in Alaska are not an IPHC Regulation requirement. Any CHP requirements would need to be coordinated with the Alaska Department of Fish and Game (ADFG), NMFS, and the NPFMC.

**Suggested action:** Indicate that the authors should forwarded their proposal to the NPFMC for further consideration.

IPHC-2018-AM094-PropC8	Allow shellfish pots on board (ALFA)	Commercial (AK)
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The IPHC Secretariat supports this regulatory proposal as long as any Pacific halibut caught in the shellfish pots on the trip are tracked and reported.

The Commission may wish to consider whether there should be a limit on the number of shellfish pots onboard during commercial Pacific halibut trips. Suggested regulatory language is included in the proposal, but requires further coordination with Contracting Parties on the description of a shellfish pot.

**Suggested action:** Indicate that the authors should forwarded their proposal to the NPFMC for further consideration, and for the IPHC Secretariat and NOAA-Fisheries to coordinate over the coming year to further clarify the proposal and determine how best to implement it effectively.

IPHC-2018-AM094-PropC9	Processing halibut greater than four filets (M. Cowart)	Recreational (AK)
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The proposal suggests a new paragraph for Section 28 of the regulations and includes suggested measures to track retained Pacific halibut on private live aboard vessels by logging catch record, date stamp photos prior to processing, and labeling of processed packages.

The IPHC Secretariat has concerns regarding compliance with possession and bag limits in response to this regulatory proposal. The options of logbook or photo documentation do not satisfy these concerns. This regulation (IPHC Regulation 28(1)(d)) is important for enforcement purposes.

**Suggested action:** The IPHC Secretariat recommends that the Commission does not adopt this proposal.

IPHC-2018-AM094-PropC10	Halibut length measurement method (R. Yamada)	Recreational
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This proposal suggests revised language for Section 25(2) where fish measurement procedures are detailed. The proposal suggests replacing “over the pectoral fin” with “under the fish”.

The IPHC Secretariat deems this revision unnecessary. Measurements in a straight line ‘over’ and ‘under’ the fish would produce the same value.

**Suggested action:** The IPHC Secretariat recommends that the Commission does not adopt this proposal.

IPHC-2018-AM094-PropC11	Long term storage aboard pleasure vessels (L. Thompson)	Recreational (AK)
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The proposal suggests adding "*possession does not include preserved fish*" to paragraph (1)(d) of Section 28 of the regulations where the required condition of recreational caught Pacific halibut onboard the vessel are detailed.

The IPHC Secretariat has concerns regarding compliance with possession and bag limits in response to this regulatory proposal.

The proposal secondly suggests adding "*halibut*" to paragraph (1)(e) of Section 28 of the regulations where the gear for recreational caught Pacific halibut onboard the vessel are detailed.

The IPHC Secretariat has concerns regarding compliance with current gear restrictions as non-halibut gear may catch Pacific halibut. This regulation (IPHC Regulation 28(1)(d)) is important for enforcement purposes.

**Suggested action:** The IPHC Secretariat recommends that the Commission does not adopt this proposal.

IPHC-2018-AM094-PropC12	Long term storage on cruising vessels (W. Cornell)	Recreational (AK)
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The proposal suggests adding "*processed (frozen or canned)*" to paragraph (1)(d) of Section 28 of the regulations where the required condition of recreational caught Pacific halibut onboard the vessel are detailed. The proposal includes suggested measures to track retained Pacific halibut by logging each catch with date, time, and location caught, measuring each fish (length), state issued license information of the angler, documented proof of the vessel functioning as the angler's domicile, and photographing of each fish prior to processing with date/time stamp and processed fish packages must be marked to correspond to log information and photograph.

The IPHC Secretariat has concerns regarding compliance with possession and bag limits in response to this regulatory proposal. The options of logbook or photo documentation do not satisfy these concerns. This regulation (IPHC Regulation 28(1)(d)) is important for enforcement purposes.

**Suggested action:** The IPHC Secretariat recommends that the Commission does not adopt this proposal.

IPHC-2018-AM094-PropC13	Halibut in Bering Sea pots (J. Kauffman)	Commercial (4)
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The IPHC Secretariat supports this regulatory proposal which is similar to the use of pots in the Gulf of Alaska which started in 2017. IPHC's concern is that any Pacific halibut caught in pots on the trip are tracked and reported.

While this proposal includes suggested IPHC regulatory language, the IPHC Secretariat suggests the following simplified, revised regulatory language for IPHC Regulation Section 19(1), (2):

## 19. Fishing Gear

- (1) *No person shall fish for halibut using any gear other than hook and line gear,*
  - (a) *except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined in the Condition of Licence can retain halibut caught as bycatch under regulations promulgated by DFO; or*

(b) except that a person may retain halibut taken with longline or single pot gear ~~in the sablefish IFQ fishery~~ if such retention is authorized by NMFS regulations published at 50 CFR Part 679.

(2) No person shall possess halibut taken with any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined by the Condition of Licence can retain halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may possess halibut taken with longline or single pot gear ~~in the sablefish IFQ fishery~~ if such possession is authorized by NMFS regulations published at 50 CFR Part 679.

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**Suggested action:** The IPHC Secretariat recommends adopting the above revised regulatory language for Section 19(1), (2), and supports the suggested regulatory language provided in PropC13 for gear marking requirements in Section 19(4).

IPHC-2018-AM094-PropC14	Status Quo Harvest Measures for Guided Anglers in Area 3A (R. Yamada)	Recreational (3A)
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The IPHC Secretariat defers to the NPFMC's Catch Sharing Plan (CSP) and recreational management measures recommended by the NPFMC to IPHC to stay within the CSP. The NPFMC and their advisory body, the Charter Halibut Management Committee, meet in October and December each year to discuss charter halibut management measures in Regulatory Areas 2C and 3A for the upcoming year. This regulation proposal does not need to be forwarded to the NPFMC because they have already considered measures for 2018. In addition, this proposal is within the range of options brought forward by the NPFMC for consideration by the IPHC dependent on the final adopted TCEY.

**Suggested action:** Indicate that the authors should forward their proposal to the NPFMC for further consideration.

IPHC-2018-AM094-PropC15	Trawler Halibut Bycatch Tender boat program (J. Kearns)	Commercial
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The IPHC Secretariat defers to the NPFMC.

**Suggested action:** Indicate that the authors should forward their proposal to the NPFMC for further consideration.