



---

## Comments on IPHC Fishery Regulations or published regulatory proposals

PREPARED BY: IPHC SECRETARIAT (B. HUTNICZAK; 20 DECEMBER 2022 & 20 JANUARY 2023 & 23 JANUARY 2023)

---

### PURPOSE

To provide the Commission with a consolidated document containing comments from stakeholders on IPHC Fishery Regulations or published regulatory proposals submitted to the Commission for its consideration at the 99<sup>th</sup> Session of the IPHC Annual Meeting (AM099).

### BACKGROUND

The IPHC Secretariat has continued to make improvements to the [Fishery Regulations](#) portal on the IPHC website, which includes instructions for stakeholders to submit comments to the Commission for its consideration. Specifically:

*“Informal statements or comments on IPHC Fishery Regulations or published regulatory proposals can be submitted using the form below up until the day before the IPHC Session. Submitted comments will be collated into a single document and provided to the Commissioners at the IPHC Session.”*

Comments may be submitted using the [IPHC Stakeholder Comment Form](#).

### DISCUSSION

[Table 1](#) provides a list of the stakeholder comments which are provided in full in the Appendices. The IPHC Secretariat does not provide commentary on the statements, but simply collates them in this document for the Commission’s consideration.

**Table 1.** Statements from stakeholders received by 5pm on 22 January 2023.

| Appendix No.                 | Author   | Date received   |
|------------------------------|--|-----------------|
| <a href="#">Appendix I</a>   | Elden Hillaire, Lummi Nation Fish Commission Chair   | 1 December 2022 |
| <a href="#">Appendix II</a>  | Samantha Murray, California Fish and Game Commission President                                   | 19 January 2023 |
| <a href="#">Appendix III</a> | Heather Hall, Washington Department of Fish and Wildlife, Intergovernmental Ocean Policy Manager | 20 January 2023 |
| <a href="#">Appendix IV</a>  | Dave Johnson, Puget Sound Anglers Ocean Chapter President  | 20 January 2023 |
| <a href="#">Appendix V</a>   | Kevin Montague, sports fisher  | 20 January 2023 |
| <a href="#">Appendix VI</a>  | Wayne Dey, recreational fisherman  | 20 January 2023 |
| <a href="#">Appendix VII</a> | John Fields, recreational fisherman  | 21 January 2023 |

|                               |  |                 |
|-------------------------------|--|-----------------|
| <a href="#">Appendix VIII</a> | Larry Phillips, Recreational Anglers WA/OR   | 21 January 2023 |
| <a href="#">Appendix IX</a>   | Charles Malmgren, sport fisherman  | 22 January 2023 |
| <a href="#">Appendix X</a>    | Malcolm Milne, North Pacific Fisheries Association   | 22 January 2023 |
| <a href="#">Appendix XI</a>   | Paul A. Mirante, Westport Charter Boat Association and representative for WA coastal charter boat sector on PFMC GAP | 22 January 2023 |

**APPENDICES**

As listed in [Table 1](#).

## APPENDIX I

### Statement by Elden Hillaire, Lummi Nation Fish Commission Chair

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory proposal IPHC-2023-AM099-PropC2

**Submitted comment**

Lummi Nation would like to register initial concern about Proposal C2 due to the uncertainty around the connectivity between the 2A coastal population and the inside waters of the Salish Sea. By setting the TCEY for 2A too high, catch on the coast may lead to decreased densities within inside waters. This could lead to decreased catch rates for the inside tribes which are limited to fishing within their usual and accustomed fishing areas. More work needs to be conducted by IPHC to understand the migration and connectivity of the halibut population between inside waters and the coast of 2A and 2B.

## APPENDIX II

### Statement by Samantha Murray, California Fish and Game Commission President

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory Proposal IPHC-2023-AM099-PropC2

**Submitted comment**

Dear Chairperson Ryall and members of IPHC:

I am writing today on behalf of the California Fish and Game Commission, which supports the subject regulatory proposal submitted by the Makah Tribe to establish a Regulatory Area 2A annual fixed total constant exploitation yield allocation of 1.65 million pounds for Pacific halibut. The proposal is an extension of the previously adopted Makah Tribe request in 2019 (IPHC-2019-AM095-PropC1) which has provided stability to fishery operations while avoiding a conservation risk to the stock.

The California coastline plays a unique part in Pacific halibut management as it is located at the southern extent of the population range with what has been an historically minor contribution to harvest levels when compared to other management areas. While relatively small in volume, this fishery is essential to fishing communities on California's rugged north coast, especially when taking into consideration increasingly limited fishing opportunities for salmon and groundfish.

Beginning in 2020, and continuing in the 2021 and 2022 seasons, high catch events have occurred in the California recreational Pacific halibut fishery mid-season. The events were monitored dockside by California Department of Fish and Wildlife staff, reaching at one point over 250 fish tallied in a single week. In every year prior to 2020, an average of 250 fish would be sampled over an entire six-month recreational season. Additionally, the California recreational fishery required a mid-season closure in seven of the last eight

seasons due to projected quota attainment. These events demonstrate that California's recreational fishery continues to show greater capacity and growth than previously assumed despite being geographically located at the southern edge of the known population range.

The Regulatory Area 2A Catch Sharing Plan currently allocates four percent of the non-tribal allocation to the California recreational fishery. Under a total constant exploitation yield of 1.65 million net pounds, the California allocation equates to approximately 39,000 net pounds annually for the recreational fishery. The California Fish and Game Commission supports the Makah Tribe proposal as a mechanism to ensure that the Regulatory Area 2A Catch Sharing Plan can continue to operate as designed, avoiding significant disruptions to the fishery sectors dependent on the Pacific halibut resource.

Thank you for considering our input on the regulatory proposal. If you have any questions, please contact Executive Director Melissa Miller-Henson or Marine Advisor Susan Ashcraft at [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or (916) 653-4899.

Sincerely,

Samantha Murray, President

cc: Craig Shuman, Regional Manager, Marine Region, California Department of Fish and Wildlife

Marci Yaremko, Environmental Program Manager, Marine Region, California Department of Fish and Wildlife

Susan Ashcraft, Marine Advisor, California Fish and Game Commission

David T. Wilson, Executive Director, International Pacific Halibut Commission

Merrick Burden, Executive Director, Pacific Fishery Management Council

Scott Rumsey, Acting Regional Administrator, West Coast Regional Office, National Marine Fisheries Service

### **APPENDIX III**

#### **Statement by Heather Hall, Washington Department of Fish and Wildlife, Intergovernmental Ocean Policy Manager**

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory Proposal IPHC-2023-AM099-PropC2

**Submitted comment**

Dear International Pacific Halibut Commission:

The Washington Department of Fish and Wildlife (WDFW) would like to express our continued support for an Area 2A TCEY floor of 1.65 M lb. The proposal document submitted by Mr. Patrick Depoe and the Makah Tribe

---

summarizes the justification well (document reference provided in the subject line).

WDFW first thanks the Commission for setting the consistent 2019-2021 2A TCEY. The COVID-19 pandemic affected attainment in those years, particularly in the Washington recreational sector, yet the 1.65 M lb. TCEY was invaluable for the management flexibility and stability it provided to Washington's halibut fisheries. The value of that flexibility and stability remains in 2023 as fishing activity continues to recover.

We note, however, that not all went according to plan for all sectors. The aim of the 2019 proposal was for a stable FCEY of 1.5 M lb. The expectation was that a TCEY of 1.65 M lb would achieve FCEYs above that level because of the work done throughout Area 2 A to reduce discards. However, in 2019, fluctuations in discards unexpectedly dropped the FCEY to 1.49 M lb. Under the Pacific Fishery Management Council's Pacific Halibut Catch Sharing Plan (CSP), this 0.01 M lb drop had the effect of reducing the non-treaty incidental to sablefish sector allocation from 70,000 lb to 50,000 lb. The increase in discards may have been regulatory in nature, caused to a large degree by the shift toward smaller fish that has been seen across many IPHC regulatory areas over the past two years. We understand that discard projections may have again lowered such that a TCEY of 1.65 M lb would again produce a FCEY of 1.5 M lb or greater in 2023. We have appreciated the effort of IPHC staff to help us begin to grasp discard projections and look forward to continuing those discussions to build our understanding of the projection process.

We also emphasize that WDFW's original support for the Area 2A TCEY floor in 2019 was based on the science and an understanding that the level of harvest in Area 2A would not negatively impact the Pacific halibut stock. In reviewing the summary of the data, stock assessment, and harvest decision table document provided for this meeting (IPHC-2023-AM099-11), our confidence in this view has only grown. Table 2 of that document shows that fishing intensity and stock biomass are performing well relative to the IPHC's interim reference points. And the trends within Area 2A appear to be stable or increasing in both the IPHC Fishery-Independent Setline Survey (FISS) and the commercial and tribal weight per unit effort (WPUE) data. While recognizing the uncertainty inherent in stock assessment, the strong capabilities of IPHC and partners in the monitoring of stock status and trends and the fisheries provides us with much confidence that changes in these trends could be detected and addressed if our understanding of the conservation status of the stock or the effect of the Area 2A TCEY floor were to change.

Science is the foundation for sustainable harvest of Pacific halibut. Therefore, while not directly related to this proposal, we also wish to comment on the IPHC Secretariat's consideration of proposed FISS designs. We understand the primary objective of sampling Pacific halibut sufficiently while achieving revenue neutrality for the survey long-term. However, we are concerned by the information provided in IPHC-2023-AM09-10 related to how ongoing sampling reduction in Area 2A would impact the overall understanding of stock trends and distribution. We are particularly concerned about losing information on the distribution of the 2005 year-class and the 2011 and 2012 year-classes. Understanding the migration of halibut into Area 2A and movement of fish between the Salish Sea and Pacific Ocean areas within Area 2 A is of key management interest

to us and our co-managers. WDFW supports additional research on halibut movement and migration. Yet above all, we urge the Commissioners to support a robust exploration of alternative funding avenues for the FISS that would reduce the gaps in sampling coverage as much as possible for Area 2A.

Finally, we reiterate our support for IPHC-2023-AM099-PropC2 and our appreciation to the Commission for providing stability to Area 2A fisheries. The status of the halibut resource justifies doing so again. If you have any questions, please feel free to contact me at Heather.Hall@dfw.wa.gov.

Sincerely,

Heather Hall

Intergovernmental Ocean Policy Manager

#### **APPENDIX IV**

##### **Statement by Dave Johnson, Puget Sound Anglers Ocean Chapter President and Washington Department of Fish and Wildlife advisor for the North Coast, Pacific Fishery Management Council WA Sport Rep**

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory proposal IPHC-2023-AM099-PropC2

**Submitted comment**

I and Puget Sound Anglers Members are in full support of the proposal submitted by the Makah Tribe and Mr. Patrick Depoe for a TCEY floor of 1.65M lbs for Area 2A. Thank You for letting me comment via the internet. I really wanted to be there in person but logistically it is very tough for me this time. Thank You Dave Johnson

#### **APPENDIX V**

##### **Statement by Kevin Montague, sports fisher**

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory proposal IPHC-2023-AM099-PropC2

**Submitted comment**

Please support the halibut quota of 1.65M lbs. for Area 2A.

#### **APPENDIX VI**

##### **Statement by Wayne Dey, recreational fisherman**

**Section of IPHC Fishery Regulations or regulatory**

Regulatory proposal IPHC-2023-AM099-PropC2

proposal reference the  
comment will refer to

**Submitted comment** I support the proposal as written.

## **APPENDIX VII**

### Statement by John Fields, recreational fisherman

**Section of IPHC Fishery  
Regulations or regulatory  
proposal reference the  
comment will refer to** Regulatory proposal IPHC-2023-AM099-PropC1

**Submitted comment** I submitted this proposal and provided comments related to it at the November 2023 Interim Meeting. I am sorry I did not get an opportunity at that Interim Meeting to fully express my concerns about the existing and proposed regulations, and I hope now to emphasize the importance of this proposal.

As I have previously indicated in earlier correspondence, I have enjoyed boating with family and friends for over 35 years in Southeast Alaska. I typically take five or six trips during the summer; these trips are usually four to ten days and may involve going to port for fuel and supplies perhaps one time.

I would certainly hope you can understand my frustration when the regulations:

1. Prohibit legally licensed fisherman from eating legally caught Halibut at any time during these trips. NOAA's proposed revisions do not solve the problem – they would allow consumption of only one quarter section during a whole trip regardless of the number of licensed fisherman.
2. In essence prohibit any retention of useful portions to be kept by any of these licensed fishermen.
3. Do not permit anyone staying on the boat in port to consume Halibut.
4. Do not permit any future guest on the boat to consume any legally caught Halibut from a prior trip.
5. Basically, require a licensed non-resident fisherman to either stay at a lodge or rent a house in order to enjoy catching and consuming Halibut, even though it was caught within the limits proscribed by the regulations.

As I have previously indicated, I have never exceeded nor have any interest in exceeding any limits and would certainly be willing to accept reduced limits if that is, for some reason, necessary to ensure enforcement. I would simply love to continue enjoying rights clearly permitted pursuant to obtaining an Alaska fishing license.

I would close by saying that I and my family fully support and have always respected size and quantity limits as set forth and enforced by Alaska Fish and Game. I have tried and tried to understand what abuse has caused enforcement to target recreational boaters; while we may take home one to three boxes among six to eight licensed fishermen, we regularly note lodge guests loading up planes with many more.

### **APPENDIX VIII**

#### **Statement by Larry Phillips, Recreational Anglers WA/OR**

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory proposal IPHC-2023-AM099-PropC2

**Submitted comment**

I would like to express my support for an Area 2A TCEY floor of 1.65 M lb. Setting the Area 2A floor at this level will be consistent with recent year allocations (2019-2022). The recent year allocations (1.65m lb.) was based on science and an understanding that the level would not negatively impact future recruitment or the existing abundance outside 2A. My understanding is that managers remain confident that the current stock assessment supports a continuation of the current allocation. As the Commission also knows, the recreational halibut fisheries off WA, OR, and CA are extremely popular and, in some cases, the total annual recreational allocation is realized in just a few days. Providing Area 2A with a floor of 1.65 m lb. can help provide some stability and potentially limit in-season emergency closures that can have a significant negative impact of coastal economies. I appreciate your consideration of this important decision.

### **APPENDIX IX**

#### **Statement by Charles Malmgren, sport fisherman**

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory proposal IPHC-2023-AM099-PropC2

**Submitted comment**

I Support a TCEY Floor of 1.65M # for Area 2A Halibut fishery.

Please record me as a strong Yes!

### **APPENDIX X**

#### **Statement by Malcolm Milne, North Pacific Fisheries Association**

**Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

IPHC Fishery Regulations, Mortality and Fishery Limits (Section 5)



**Submitted comment**

The North Pacific Fisheries Association (NPFA) has members who fish halibut throughout Alaska and is a long term member of the IPHC Conference Board. Our members are extremely concerned with the trajectory of the coast wide halibut fishery indices and that we are witnessing the lowest fishery performance/ efficiency in 3 decades. NPFA is urging a precautionary approach in setting the coast wide TCEY for 2023 to address the trend in fishery performance as well as the uncertainties in the modeling. As indicated on slide 50 of IPHC-2023-AM099-11 "Stock is at an unprecedented low population level (actual number/biomass of fish in the water) due to poor recruitment - Low productivity relative to long-term expectations - Less productive response to recent fishing Downward trends, even though fishing intensity has been even lower than we thought Ecosystem/ climate uncertainty remains high" These factors coupled with the high reliance on the 2012 year class in the fishery call for being conservative in our decision making. As the modeling moves even further toward "transparent risk-neutral science" (Slide 28) it becomes more incumbent on the Commissioners to mitigate these risks and uncertainties with precautionary mortality limits. Acknowledging that precaution results in significant hardships across sectors, we suggest a coast wide TCEY around 35 million pounds with a formulaic approach to distribution. Thank you for the consideration. Malcolm Milne

**APPENDIX XI****Statement by Paul A. Mirante, Westport Charter Boat Association and representative for WA coastal charter boat sector on PFMC GAP****Section of IPHC Fishery Regulations or regulatory proposal reference the comment will refer to**

Regulatory proposal IPHC-2023-AM099-PropC2

**Submitted comment**

I support Heather Halls Letter to the I.P.H. C. expressing support for IPHC -2023-AM099-PropC2 and as Heather said "appreciation to the Commission for providing stability to Area 2A fisheries".