



IPHC Fishery Regulations:

Commercial Fishing Periods (Sect. 9)

PREPARED BY: IPHC SECRETARIAT (21 DECEMBER 2022)

PURPOSE

To specify fishing periods for the directed commercial Pacific halibut fisheries within the IPHC Fishery Regulations: Commercial Fishing Periods (Sect. 9).

BACKGROUND

Each year, the International Pacific Halibut Commission (IPHC) selects fishing period dates for the directed commercial Pacific halibut fisheries in each of the IPHC Regulatory Areas. Historically, the first management measures implemented by the IPHC were to limit periods when fishing was allowed. Biological factors considered in the past when setting fishing period dates included migration and spawning considerations, neither of which is now used as a basis for determining fishing periods.

These dates have varied from year to year, and in recent years have allowed directed commercial fishing to begin sometime in March and end sometime in November or December for all IPHC Regulatory Areas with the exception of the IPHC Regulatory Area 2A.

DISCUSSION

The IPHC Secretariat proposes that the commercial fishing periods for all IPHC Regulatory Areas be set at AM099 following stakeholder input.

Moreover, with the transition of management authority of the IPHC Regulatory Area 2A non-tribal directed commercial Pacific halibut fishery from the IPHC to the Pacific Fishery Management Council (PFMC) and NOAA Fisheries (per final rule [87 FR 74322](#) published on 5 December 2022), the IPHC will no longer need to consider setting dates for the 2A non-tribal directed commercial fishery and the dates would be set by the Contracting Party within the overall commercial fishing period dates. This is consistent with the IPHC Convention¹, which states that the Contracting Parties may implement fishery regulations that are more restrictive than those adopted by the IPHC. In this case, Sect. 9(4) will be replaced with a subsection referring to regulations promulgated by NOAA Fisheries and published in the Federal Register.

More information on the transition of management in the IPHC Regulatory Area 2A can be found in [IPHC-2023-AM099-04](#) and [IPHC-2023-AM099-INF03](#). Final action by the PFMC on 2023 non-tribal directed commercial Pacific halibut fishery regulations for NOAA Fisheries implementation took place on 3 November 2022 (see [PFMC November 2022 decision summary document](#)) as follows:

“The Council adopted a 2023 season structure for the directed commercial fishery consisting of a series of three-day openings, beginning at 8 a.m. on the fourth Tuesday

¹ The Convention between Canada and the United States of America for the Preservation of the [Pacific] Halibut Fishery of the Northern Pacific Ocean and Bering Sea.

in June and ending at 6 p.m. on the Thursday of that week. Additional three-day openings would occur every other week (or as soon as practicable), Tuesday through Thursday, until the directed fishery allocation is obtained and, if NMFS implements final regulations transitioning management of the directed commercial Pacific halibut fishery from the International Pacific Halibut Commission (IPHC) to NMFS, administrative edits to the CSP will be made as needed to reflect the final regulations, consistent with [Agenda Item E.2, Supplemental Attachment 1](#), November 2022.”

Benefits/Drawbacks: This proposal clearly indicates that the decision on commercial fishing periods is within the Commission’s mandate and the season dates can be changed annually. Moreover, it clarifies that more strict fishing periods can be implemented by the Contracting Party.

Sectors Affected: Commercial Pacific halibut fisheries in each IPHC Regulatory Area.

[Appendix A](#) provides details on the suggested regulatory language.

ADDITIONAL DOCUMENTATION

None.

RECOMMENDATIONS

That the Commission:

- 1) **NOTE** regulatory proposal IPHC-2023-AM099-PropA2, which provides the Commission with an opportunity to recall the format of the IPHC Pacific Halibut Fishery Regulations: *Commercial Fishing Periods* (Sect. 9), to be filled at the 99th Session of the IPHC Annual Meeting (AM099) in January 2023.

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 ~~6 March~~ **DD MMMM**.
- (3) All commercial fishing for Pacific halibut in all IPHC Regulatory Areas shall cease for the year at 1200 local time on ~~7 December~~ **DD MMMM**.
- ~~(4) The first fishing period in the IPHC Regulatory Area 2A non-tribal directed commercial fishery² shall begin at 0800 on the fourth Tuesday in June and terminate at 1800 local time on the subsequent Thursday, unless the Commission specifies otherwise. If the Commission determines that the fishery limit specified for IPHC Regulatory Area 2A in Section 5 has not been exceeded, it may announce a second fishing period of up to three fishing days to begin on Tuesday two weeks after the first period, and, if necessary, a third fishing period of up to three fishing days to begin on Tuesday four weeks after the first period.~~
- (4) Regulations pertaining to the non-tribal directed commercial fishing periods in the IPHC Regulatory Area 2A will be promulgated by NOAA Fisheries and published in the Federal Register. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this Section.
- (5) Notwithstanding paragraph (4) of this Section, and paragraph (6) of section 12, an incidental catch fishery³ is authorized during the sablefish seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.
- (6) Notwithstanding paragraph (4) of this Section, and paragraph (6) of section 12, an incidental catch fishery is authorized during salmon troll seasons in IPHC Regulatory Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between the dates and times listed in paragraphs (2) and (3) of this section.

² The non-tribal directed fishery is restricted to waters that are south of Point Chehalis, Washington, (46°53.30' N. latitude) under regulations promulgated by NOAA Fisheries and published in the Federal Register.

³ The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington, (46°53.30' N. latitude) under regulations promulgated by NOAA Fisheries at 50 CFR 300.63. Landing restrictions for Pacific halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.