



IPHC Fishery Regulations: minor amendments

PREPARED BY: IPHC SECRETARIAT (27 OCTOBER 2017)

PURPOSE

To improve clarity and consistency in the IPHC Fishery Regulations.

BACKGROUND

This proposal would standardize terminology, and make minor amendments and clarifications to the IPHC Regulations. These revisions to the regulations would include:

- Clarifying terminology;
- Reordering regulations for clarity and emphasis;
- Clarifying the head-on requirement;
- Using international standards for reporting time and date; and
- Updating fishery regulations.

DISCUSSION

Periodically, regulations should be reviewed to ensure they are clear, consistent, and up-to-date as a whole. These revisions to the IPHC Fishery Regulations are a result of a holistic review. The types of minor revisions and standardizations are described in more detail below, followed by a sample of the proposed regulatory language.

- Clarifying terminology
 - In Section 3 (Definitions),
 - Propose adding a definition of “halibut” to mean Pacific halibut (*Hippoglossus stenolepis*). Pacific would be added before halibut for further clarity.
 - Propose adding a definition of “*subsistence*” to mean:
 - Non-commercial, customary, and traditional use of Pacific halibut for direct personal, family, or community consumption or sharing as food, or customary trade. Subsistence fishing includes: i) ceremonial and subsistence removals in the Regulatory Area 2A treaty Indian fishery, ii) the sanctioned First Nations Food, Social, and Ceremonial (FSC) fishery conducted in British Columbia, iii) federal subsistence fishery in Alaska, and iv) U32 (i.e. less than 32 in or 81.3 cm) Pacific halibut retained in Regulatory Areas 4D and 4E by the Community Development Quota fishery for personal use.
- Reordering regulations for clarity and emphasis
 - Regulations would be revised to create a new section early in the regulations to provide the total fishery limits adopted by the IPHC. Previously, the commercial

catch limits were reported in Section 11 of the regulations, the U.S. Treaty Indian Tribes in Section 22, and the U.S. sport limits in Sections 26 and 28. However, the limits for the entire Pacific halibut fishery, including sport, subsistence, and incidental mortality were not reported. This new section would report all limits by IPHC Regulatory Area adopted by the IPHC Commissioners. For example, the new section would report the following:

Regulatory Area	Limit	
	(pounds)	(t)
Area 2A (California, Oregon, and Washington)		
Non-treaty directed commercial (south of Pt. Chehalis)		
Non-treaty incidental catch in salmon troll fishery		
Non-treaty incidental catch in sablefish fishery (north of Pt. Chehalis)		
Treaty Indian commercial		
Treaty Indian ceremonial and subsistence (year-round)		
Sport – Washington		
Sport – Oregon		
Sport – California		
Area 2B (British Columbia) (includes sport catch allocation)		
Area 2C (southeastern Alaska) (combined commercial/guided sport)		
Commercial fishery		
Guided sport fishery		
Area 3A (central Gulf of Alaska) (combined commercial/guided sport)		
Commercial fishery		
Guided sport fishery		
Area 3B (western Gulf of Alaska)		
Area 4A (eastern Aleutians)		
Area 4B (central/western Aleutians)		
Areas 4CDE		
Area 4C (Pribilof Islands)		
Area 4D (northwestern Bering Sea)		
Area 4E (Bering Sea flats)		
Total		

- If a new fishery limits section is created and section references are updated, the IPHC Secretariat suggests moving some sections earlier in the order to reflect their broad application. For example, Sect. 6 (Regulatory Areas) would immediately follow Sect. 3 (Definitions), followed by the new fishery limits section. Sect.4 (Licensing Vessel for Area 2A) would move further back in the document. For 2017, the sections that apply to all Pacific halibut fishing were ordered as follows:
 1. Short Title
 2. Application
 3. Definitions
 4. Licensing Vessels for Area 2A
 5. In-Season Actions
 6. Regulatory Areas
- Clarifying the head-on requirement
 - All IPHC Regulatory Areas are subject to the head-on requirement, including IPHC Regulatory Area 2A. IPHC Regulatory Area 2A has required Pacific halibut to be landed with the head intact since 1991 to assist in collecting data on length and age (from otoliths) from an area where most fish were previously landed head-off and where assessment data needs were not being met (see [IPHC Technical Report 27](#) (p.26)). In 2017, the IPHC expanded the requirement coastwide (with an exception for product frozen at sea in all IPHC Regulatory Areas, except IPHC Regulatory Area 2A). Based on the new regulatory language, some IPHC Regulatory Area 2A stakeholders questioned whether the head-on requirement still applied to them. The following proposed revisions would clarify that the head-on requirement applies to all IPHC Regulatory Areas, including IPHC Regulatory Area 2A:
 - a. Revise the head-on requirement language at Sect. 13(2) to address uncertainty heard from IPHC Regulatory Area 2A processors whether this applies in their area, as follows:

(2) No person on board a vessel fishing for, or tendering, halibut in any IPHC Regulatory Area shall possess any halibut that has had its head removed, except that halibut frozen at sea with its head removed may be possessed on board a vessel by persons in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E if authorized by Federal regulations.
 - b. Remove the option for head-off reporting on the State fish ticket in IPHC Regulatory Area 2A (Sect. 17(7)). This is confusing and unnecessary as the weight of the Pacific halibut must be recorded at the time of the offload with the head intact.

~~*(7) The individual completing the State fish tickets for the Area 2A fisheries as referred to in paragraph (6) must additionally record whether the halibut weight is of head-on or head-off fish.*~~

- Clarify the reporting section of the IPHC Fishery Regulations to state that the scale weight obtained at the time of offloading and reported on the fish ticket should reflect the condition landed (e.g. head-on and either washed or unwashed). This clarification would be applied to Sect. 17 (Receipt and Possession of halibut), paragraphs (5), (6), and (9). For example, Sect. 17(5) would be revised as follows:

(5) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR Part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on Federal catch reports: date of offload; name of vessel; vessel number (State, Tribal or Federal, not IPHC vessel number); scale weight obtained at the time of offloading and in the condition offloaded, including the scale weight (in pounds) of halibut purchased by the registered buyer, the scale weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the scale weight of halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of halibut discarded as unfit for human consumption.

- Using international standards for reporting time and date
 - As an international organization, the time and date format in IPHC Fishery Regulations. For time, all references would be in a 24-hour format (e.g., 11:59 pm would be 2359 hours). For some time references, this proposal would add “local time” for additional clarity. For dates, all references would be in a “DD Month YYYY” format (e.g., January 25, 2017 would be 25 January 2017).
- Updating Fishery Regulations
 - IPHC Regulatory Area 2B sport regulations (Sect. 27(3)) would be updated to reflect current possession limits. The possession limit for Pacific halibut changed from three to two fish sometime before 2013.

(3) The possession limit for halibut in the waters off the coast of British Columbia is ~~three~~ two halibut.

Benefits/Drawbacks: The benefit is more clear and consistent regulations. No known drawback.

Sectors Affected: This proposal affects all sectors of the Pacific halibut fishery.

RECOMMENDATION/S

That the Commission:

- 1) **NOTE** paper IPHC-2017-IM093-PropA4 which outlined minor revisions of the IPHC Fishery Regulations.

ADDITIONAL DOCUMENTATION / REFERENCES

None

APPENDICES

None