



2018 IPHC Regulatory Proposals referred to a Working Group of IPHC Contracting Parties

PREPARED BY: IPHC SECRETARIAT (25 OCTOBER 2018)

PURPOSE

To provide the Commission with an opportunity to consider the report of an ad-hoc working group convened to discuss a group of regulatory proposals deferred at the 94th Session of the IPHC Annual Meeting (AM094) ([Appendix I](#)).

BACKGROUND

As noted in the [Report of the 94th Session of the IPHC Annual Meeting \(AM094\)](#) and detailed in [Appendix I](#), the Commission deferred action on a number of regulatory proposals to an IPHC Secretariat-led working group, to include appropriate Contracting Party agencies, for further study with a view to investigating possible new solutions.

DISCUSSION

Representatives of NOAA Fisheries Alaska Region Office, NOAA Office of Law Enforcement, and NOAA General Counsel met with the IPHC Secretariat as a working group on 25 September 2018 to discuss the deferred regulatory proposals.

The working group reviewed the history of the deferred proposals and the regulatory and enforcement issues associated with them. Noting that enforcement of recreational fishery regulations is the primary issue in each case, the working group was unable to develop new solutions to the problems raised by the stakeholder proponents of the deferred proposals. Members of the working group remain open to new ideas and agreed to continue to solicit input from stakeholders.

The working group prepared an information paper from the meeting for the Commission's consideration, provided as [Appendix I](#). The report includes a background discussion, a summary of existing regulations, and comments of the working group regarding the deferred proposals.

RECOMMENDATIONS

That the Commission:

- 1) **NOTE** paper IPHC-2018-IM094-INF02, which provided the Commission with an opportunity to consider the report of a working group of the IPHC Secretariat and Contracting Party agencies convened to discuss a group of regulatory proposals deferred at AM094.
- 2) **DIRECT** the IPHC Secretariat regarding any additional action to be taken regarding the deferred regulatory proposals.

APPENDICES

[Appendix I](#): Information Paper for 2018 IPHC Regulatory Proposals referred to an ad-hoc working group of IPHC Contracting Party agencies.

APPENDIX I

2018 IPHC Regulatory Proposals referred to a Working Group of IPHC Contracting Party agencies

Background

The 2018 IPHC Annual Meeting (AM094) was held January 22-26 in Portland, Oregon. Among the regulatory proposals submitted by stakeholders, six proposals sought regulatory changes that would affect the processing and / or long-term storage of halibut onboard vessels. The Commission did not take action on these proposals, and instead referred them to an ad-hoc working group. The AM094 report states:

*The Commission **NOTED** that a number of these proposals touched on issues raised by stakeholders in previous years and **DEFERRED** action on the following proposals to an IPHC Secretariat led working group, to include appropriate Contracting Party agencies, for further study with a view to investigating possible new solutions. For IPHC-2018-AM094-PropC2, in particular, the working group could consider annual limits and new technologies among possible solutions.*

*IPHC-2018-AM094-PropC2; Preserving catch on private live-aboard vessels (A. Cooper)
 IPHC-2018-AM094-PropC4; Sport Fishing for Halibut - Cleaning Regulations (S. Riehemann)
 IPHC-2018-AM094-PropC6; Live-aboard processing exemption (D. Robertson)
 IPHC-2018-AM094-PropC9; Processing halibut greater than four filets (M. Cowart)
 IPHC-2018-AM094-PropC11; Long term storage aboard pleasure vessels (L. Thompson)
 IPHC-2018-AM094-PropC12; Long term storage on cruising vessels (W. Cornell)*

Existing Regulations

The relevant regulations for these proposals are found in Section 29 of the IPHC's Pacific Halibut Fishery Regulations (2018). Under the terms of the Northern Pacific Halibut Act, IPHC fishery regulations may be accepted by the United States Secretary of State as annual management measures and implemented as regulations by NOAA-Fisheries (National Marine Fisheries Service (NMFS)). The NMFS regulations are published annually in the Federal Register (50 CFR 300.65).

Section 29 of the IPHC Fishery Regulations (2018) and the relevant paragraphs read as follows:

29. Sport Fishing for Pacific Halibut - IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

- (1) In Convention waters in and off Alaska:
 - (a) The sport fishing season is from 1 February to 31 December.
 - (b) The daily bag limit is two Pacific halibut of any size per day per person unless a more restrictive bag limit applies in Commission regulations or Federal regulations at 50 CFR 300.65.
 - (c) No person may possess more than two daily bag limits.
 - (d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, Pacific halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each Pacific 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 piece, naturally attached.

- (e) Pacific halibut in excess of the possession limit in paragraph (1)(c) of this Section may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs.

Similar regulations are found elsewhere in the IPHC Fishery Regulations (2018) for waters outside of Alaska. For Pacific halibut sport fishing in IPHC Area 2A, Section 27(4), reads as follows:

- (4) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

And for Pacific halibut fishing in the waters off British Columbia, 2018 regulations in Section 28(2) are similar:

- (2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

The current regulations for Alaska waters at Section 29(d), which specify the extent to which a Pacific halibut may be filleted on board a vessel in Alaska waters (2 ventral pieces, 2 dorsal pieces, 2 cheek pieces, with a patch of skin on each piece), were added in 2008. Prior to 2008, regulations for Pacific halibut retention in Alaska waters were worded very similar to the current regulations for the waters of the Pacific West Coast and British Columbia, as indicated above.

Current regulations at Section 29(e), which allow possession of Pacific halibut in excess of the possession limit on vessels that do not contain sport fishing gear, were added in 2009. The effect of this regulation is to allow the transportation of Pacific halibut on Convention waters from one site to another. This often occurs at remote fishing lodges when the lodges transport their clients and preserved fish to a city or town.

Contracting Parties; Comments from the Working Group

As directed, an ad-hoc working group of the contracting party agencies was formed to review the proposals referenced above. As they only impacted USA fishers, Canada was not engaged. The working group consisted of staff from the IPHC Secretariat, NOAA-Fisheries NMFS Sustainable Fisheries staff, staff from the NOAA Fisheries Office of Law Enforcement (OLE), and attorneys from the NOAA Office of General Counsel.

The Working Group noted that regulations restricting the amount of filleting or chunking of Pacific halibut are necessary for the enforcement of bag and possession limits among sport fishermen. Proposals to change or do away with these regulations have been suggested in the past, as well as in 2018. To date, the IPHC has not been presented with a consistent, easily verifiable option that would replace the current regulations and still allow effective enforcement of the bag and possession limits. Contemporaneous information that would be self-reported by the angler prior to processing a Pacific halibut on a vessel, such as logging the angler's fishing license number, the location of the catch, and taking photographs of the fish, raise concerns of compliance and verification that would not be satisfied by the proposal. The Working Group notes that regulations limiting the processing of sport-caught fish on vessels are consistent for all management areas under the jurisdiction of the IPHC. Similar regulations are also common among the State and Provincial agencies for other sport fish species besides Pacific halibut. Given these considerations, the Working Group advises no changes to Section 29(1)(d) and recommends that the Commission not adopt proposals C2, C4, and C9 at this time.

The Working Group also discussed the proposals that would exempt anglers on some vessels from the Pacific halibut possession limits and/or the restrictions on filleting or chunking of Pacific halibut, if the Pacific halibut onboard the vessel is preserved or processed in a manner for long-term storage. Some of the proposals suggest the preserved fish exemption should be specific to live-aboard vessels. In general, the Working Group expressed concerns with creating a separate class of anglers on certain vessels on Convention waters that would not be restricted by possession limits and/or be exempt from the limits on filleting or processing of fish.

The Working Group also notes that possession limits and restrictions on the amount of filleting work in tandem with daily bag limits, and that effective enforcement of daily limits could also be affected by the proposals. Some of the proposals in this group suggest that anglers on vessels with preserved fish could assist with the enforcement of the bag and possession limits by logging their catches and recording photographs of each fish. Again, as indicated above, this raised concern among the Working Group for compliance of the rules and maintaining a consistent method of verification of the logged catches.

For those proposals that seek exemptions for live-aboard vessels, the Working Group expressed further concerns with defining a live-aboard vessel, and verifying the status of the vessel on a continuing basis. Some Working Group members questioned whether the possession limit exemption would apply to all anglers who step aboard a live-aboard vessel.

With respect to Proposals C6, C11, and C12 the Working Group recommends that the Commission take no action on these proposals at this time.