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## IPHC Fishery Regulations: minor amendments

PREPARED BY: IPHC SECRETARIAT (22 OCTOBER 2021)

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### PURPOSE

To improve clarity and consistency in the IPHC Fishery Regulations.

### BACKGROUND

This proposal would make minor clarifying amendments to the existing IPHC Fishery Regulations. The proposed revisions are a result of a review by the Secretariat and consultations with domestic agencies.

### DISCUSSION

Periodically, the IPHC Fishery Regulations are reviewed to ensure they are clear, concise, consistent, and current. The proposed revisions, which are outlined below in detail, are a result of a holistic review performed by the Secretariat, as well as discussions with the domestic agencies. Input from Contracting Parties was sought to streamline the process of adopting the revised regulations at the 98<sup>th</sup> Session of the IPHC Annual Meeting (AM098).

Proposed amendments to the IPHC Fishery Regulations:

1. Section 3, Definitions, (1)(b) would include “*an authorized representative of the Commission.*”
2. Section 3, Definitions would include the following definition of an authorized representative of the Commission: “any IPHC employee or contractor authorized to perform any task described in these Regulations.”
3. Section 8, Retention of Tagged Pacific Halibut, (1)(a) and (1)(b) would include “an authorized representative of the Commission.”
4. Section 11, Closed Periods, (6) and (7) would include “an authorized representative of the Commission.”
5. Section 16, Vessel Clearance in IPHC Regulatory Area 4, (3)-(5) and (7)-(10) would use “*the authorized clearance personnel.*”
6. Minor edits throughout for stylistic consistency among Sections.

**Appendix A** provides details on the suggested regulatory language.

**Benefits/Drawbacks:** The benefit is clearer and more consistent regulations that are easier to use. No known drawbacks.

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

**RECOMMENDATIONS:**

That the Commission:

- 1) **NOTE** regulatory proposal IPHC-2021-IM097-PropA3, which recommends changes to improve the clarity and transparency of the IPHC Fishery Regulations.
- 2) **ADOPT** the recommended changes to the IPHC Fishery Regulations as provided in Appendix A at AM098 in January 2022.

**ADDITIONAL DOCUMENTATION / REFERENCES**

None

**APPENDICES:**

**APPENDIX A:** Suggested regulatory language

## APPENDIX A SUGGESTED REGULATORY LANGUAGE

1. Section 3, Definitions, (1)(b) would include “an authorized representative of the Commission.”

### 3. Definitions

- (1) In these Regulations, [...]
  - (b) “authorized clearance personnel” means an authorized officer of the United States of America, an authorized representative of the Commission, or a designated fish processor;

1. Section 3, Definitions would include the following definition of an authorized representative of the Commission: “any IPHC employee or contractor authorized to perform any task described in these Regulations.”

### 3. Definitions

- (1) In these Regulations, [...]
  - (c) “authorized representative of the Commission” means any IPHC employee or contractor authorized to perform any task described in these Regulations.

2. Section 8, Retention of Tagged Pacific Halibut, (1)(a) and (1)(b) would include “an authorized representative of the Commission.”

### 8. Retention of Tagged Pacific Halibut

- (1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a Pacific halibut that bears a Commission external tag at the time of capture, if the Pacific halibut with the tag still attached is reported at the time of landing and made available for examination by an authorized representative of the Commission or by an authorized officer.
- (2) After examination and removal of the tag by an authorized representative of the Commission or an authorized officer, the Pacific halibut:
  - (a) may be retained for personal use; or
  - (b) may be sold only if the Pacific halibut is caught during commercial Pacific halibut fishing and complies with the other commercial fishing provisions of these Regulations.

3. Section 11, Closed Periods, (6) and (7) would include “an authorized representative of the Commission.”

### 11. Closed Periods

- (6) A vessel that has no Pacific halibut on board may retrieve any Pacific halibut fishing gear during the closed period after the operator notifies an authorized officer or an authorized representative of the Commission prior to that retrieval.
- (6) A vessel that has no Pacific halibut on board may retrieve any Pacific halibut fishing gear during the closed period after the operator notifies an authorized officer or an authorized representative of the Commission prior to that retrieval.

4. Section 16, Vessel Clearance in IPHC Regulatory Area 4, (3)-(5) and (7)-(10) would use “*the authorized clearance personnel.*”

#### **16. Vessel Clearance in IPHC Regulatory Area 4**

- (3) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor, or Akutan, Alaska, from **the authorized clearance personnel.**
- (4) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from **the authorized clearance personnel.**
- (5) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from **the authorized clearance personnel** by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

[...]

- (7) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting **the authorized clearance personnel.**
- (8) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting **the authorized clearance personnel** by VHF radio or in person.
- (9) Before unloading any Pacific halibut caught in IPHC Regulatory Areas 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting **the authorized clearance personnel.** The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.
- (10) Any vessel operator who complies with the requirements in Section 17 for possessing Pacific halibut on board a vessel that was caught in more than one regulatory area in IPHC Regulatory Area 4 is exempt from the clearance requirements of paragraph (1) of this Section, provided that:
  - (a) the operator of the vessel obtains a vessel clearance prior to fishing in IPHC Regulatory Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting **the authorized clearance personnel.** The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and
  - (b) before unloading any Pacific halibut from IPHC Regulatory Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting **the authorized clearance personnel.** The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

5. Minor edits throughout for stylistic consistency among Sections.