

Halibut Retention in Sablefish Pots

Discussion Paper

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1 Introduction

The purpose of this document is to provide information that is useful to the International Pacific Halibut Commission (IPHC) in determining whether to amend its regulatory language to allow, under certain circumstances, the retention of halibut that are incidentally caught when targeting sablefish with pot gear. As a groundfish species, sablefish are managed by National Marine Fisheries Service (NMFS) with direction from recommendations made by the North Pacific Fishery Management Council (Council). The Pacific halibut (halibut) resource is managed by the IPHC.

Pots are currently legal gear for the harvest of sablefish individual fishing quota (IFQ) and community development quota (CDQ) in the Bering Sea and Aleutian Islands (BSAI) management area, but retention of incidentally caught halibut is not allowed when using that gear type in the fisheries off Alaska. Pots are not, at the moment, legal gear for sablefish IFQ in the Gulf of Alaska (GOA); however, in April 2015 the Council recommended that the Secretary of Commerce (Secretary) approve regulations that would permit pot gear to be used in a longline format.¹ As part of that action, the Council recommended that vessels be able to retain legal-sized halibut that are caught incidentally in sablefish pots if the vessel possesses sufficient area-specific halibut IFQ to cover the catch. If implemented in the current regulatory environment, NMFS regulations allowing the retention of halibut in the GOA would be inconsistent with the IPHC’s regulatory definition of legal gear for halibut fishing in IPHC Areas 2C, 3A, and 3B. Historically, both the IPHC and NMFS have sought to harmonize their regulatory language. Thus, if the IPHC is not inclined to amend the definition of legal halibut gear, it is likely that NMFS would not implement the corresponding U.S. Federal regulatory language that authorizes halibut retention in sablefish pots. As a result, any halibut caught in GOA sablefish pots would have to be discarded. If the IPHC amends its regulations to allow the retention of incidentally caught legal-size halibut in the GOA, retention of those halibut would be *required* under U.S. Federal regulations at 50 CFR 679.7(f)(11).

¹ The public review draft of the EA/RIR/IRFA for that Council action is available at <http://npgmc.legistar.com/gateway.aspx?M=F&ID=95e23bb6-64b6-4736-80b8-d40f3dc64787.pdf>. Several supplemental tables are available at <http://npgmc.legistar.com/gateway.aspx?M=F&ID=4f949850-e4b3-41ec-803c-fcb3e53c66e1.pdf>.

In April 2015 the Council also reviewed a discussion paper on potential management measures to allow halibut retention in sablefish pot gear in the BSAI areas that overlap IPHC Area 4A.² Those areas are illustrated in Figure 4. That action would not have affected the part of Area 4A that overlaps groundfish area 610 (Western GOA). Any IPHC action would likely have addressed all of Area 4A, and it would have been up to the Council and NMFS to specify in Federal regulations that the GOA portion was not included. Upon consideration, the Council did not request further analysis of halibut retention in Area 4A, but noted the policy importance of efficiently utilizing the halibut resource and of creating regulations that do not result in unnecessary regulatory discards. Further detail on the Council's perspective in making that decision is included in Section 2.4.3 of this document.

The remainder of this document first describes the management authority for the halibut resource and groundfish species in the GOA and the BSAI (Section 2.1). Section 2.2 illustrates the overlapping regulatory areas used in the management of halibut and groundfish species. Section 2.3 identifies existing IPHC regulations concerning legal gear for the retention of commercially caught halibut. Section 2.4 provides reference information on sablefish pot fisheries off the U.S. West Coast (IPHC Area 2A), Canada (Area 2B), and a BSAI area off Alaska (Area 4A). Where pot gear is permitted for harvesting sablefish, the analysts have provided the best available information on the incidence of halibut in those pots. Halibut retention is not permitted in Areas 2A and 4A, so the best available information comes from discard estimates. However, because those areas substantially differ from the GOA both physically and in how the sablefish fisheries are prosecuted, the analysts do not assert that those halibut data are an adequate predictor of the halibut that would be caught in GOA sablefish pot gear. Section 3 recounts the correspondence on this issue between the IPHC and the Council, dating back to a proposal that was originally submitted to the IPHC in 2008. That history shows that the management bodies responsible for the sablefish and halibut resources have thoroughly considered this action, and have been revisiting to the same decision points over many meetings without identifying a path forward. Finally, Section 4 describes several potential outcomes for the GOA sablefish pot sector, depending on which action the IPHC takes at its annual meeting in January 2016.

2 Background

2.1 Management Authority

The halibut fishery off Alaska is managed by NMFS under the authority of the Northern Pacific Halibut Act of 1982, and in coordination with annual fishery management measures adopted by the IPHC under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea. The IPHC promulgates regulations governing the halibut fishery under the Convention, and the Council may recommend regulations that are not in conflict with approved IPHC regulations. Council recommendations must be approved by the Secretary and implemented by NMFS.

The groundfish fisheries off Alaska, including the sablefish fishery, are managed by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Under the authority of the MSA, the Council developed Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Gulf of Alaska Area (GOA FMP). The Council is authorized to prepare any necessary FMP amendments and submit them to the Secretary for approval. After Council review and Secretarial approval, regulations implementing the FMPs and general

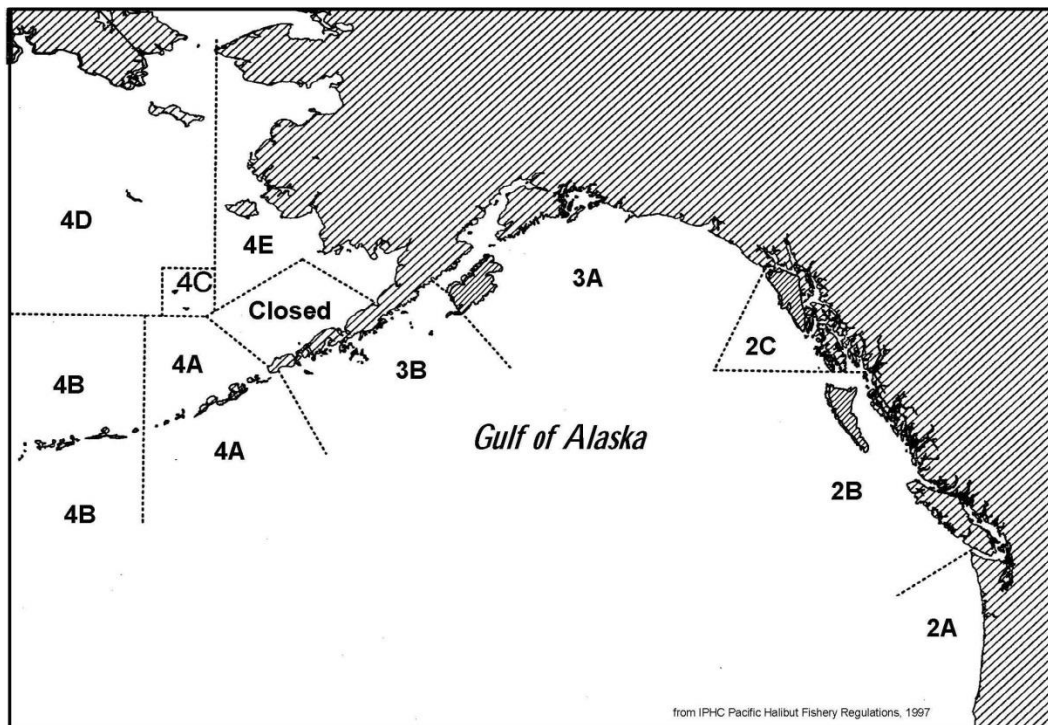
² The April 2015 discussion paper is available at <http://npfmc.legistar.com/gateway.aspx?M=F&ID=c0c34915-8fce-4871-aa70-81a238258938.pdf>. Previous discussion papers on the Area 4A issue (December 2012 and April 2013) are included in that document as appendices.

regulations governing groundfish are implemented by NMFS. Therefore, coordination between the IPHC, the Council, and NMFS is critical when considering complimentary regulatory amendments.³

2.2 Regulatory Areas

Figures 1, 2, and 3 illustrate the management and regulatory areas used by the IPHC to manage halibut, and by NMFS to manage groundfish (including sablefish). Area 2A in Figure 1 is the northern end of the U.S. West Coast; that area includes Washington, Oregon, and California. Area 2B is the west coast of Canada, and Areas 2C, Area 3, and Area 4 are Alaska. Areas 2C, 3A, 3B, and part of Area 4A overlap with the GOA groundfish management area. The rest of Area 4A and the other parts of Area 4 overlap with the BSAI groundfish management area.

Figure 1 International Pacific Halibut Commission management areas



³ The State of Alaska, Alaska Department of Fish & Game (ADF&G), has one primary regulation pertaining to the commercial take of halibut. That regulation states that halibut may not be taken or possessed for commercial use in a way that is inconsistent with IPHC regulation. Therefore, ADF&G might not need to amend its regulations to remain consistent with Council and/or IPHC action on legal gear types for halibut or any corresponding management measures.

Figure 2 NMFS Gulf of Alaska regulatory areas

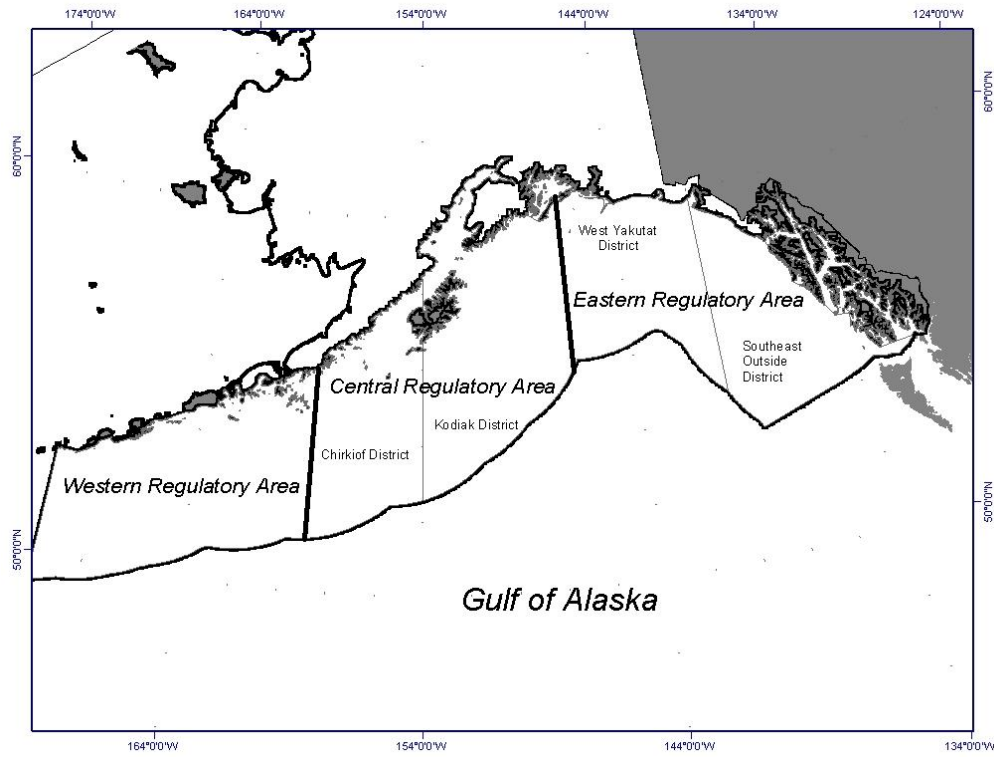


Figure 3 NMFS Bering Sea and Aleutian Islands regulatory areas

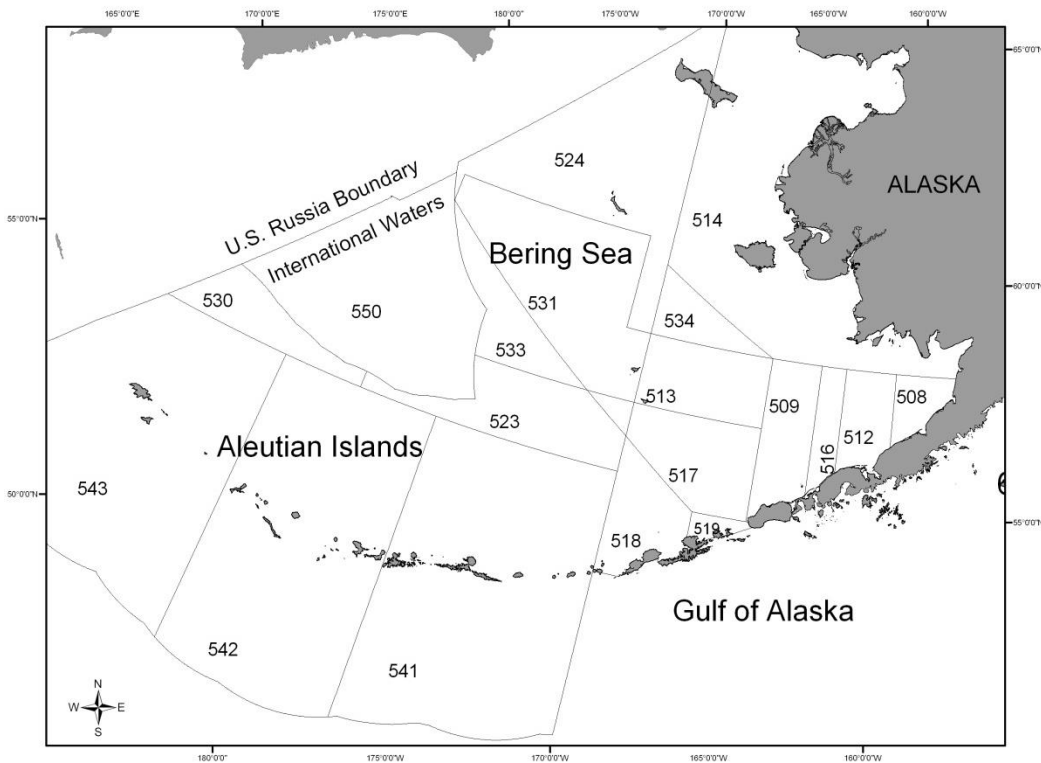
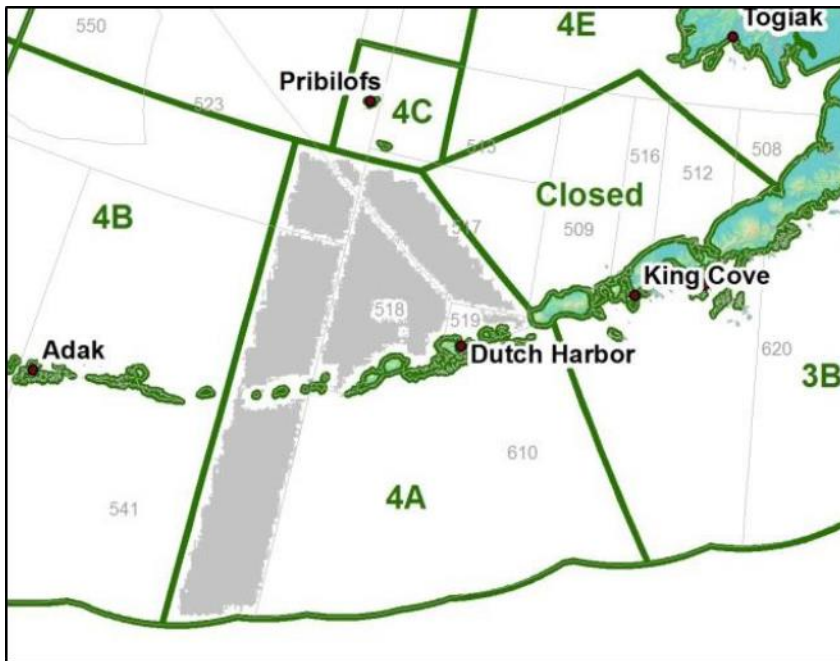


Figure 4 Area of overlap (shaded in grey) between IPHC Area 4A and NMFS BSAI regulatory areas



* 3-digit numbers are NMFS reporting areas

2.3 IPHC Regulations for Fishing Gear

In order for incidentally caught halibut to be retained while fishing with pot gear, pots would have to be included in the definition of legal fishing gear for halibut. Section 19 of the IPHC's regulations defines legal fishing gear for halibut. Paragraphs 19(1) and 19(2) state that no person shall fish for halibut with, or possess halibut taken with, any gear other than hook-and-line gear, *except* for vessels that are licensed to operate in Area 2B (Canada) when using sablefish pot ("trap") gear. Those vessels using sablefish pot gear in Area 2B are limited by the regulations of the Canadian Department of Fisheries and Oceans (DFO).

2.4 Incidence of Halibut in Sablefish Pot Gear

2.4.1 Area 2A (U.S. West Coast)

The Federal groundfish fisheries off the West Coast of the U.S. are regulated by the Pacific Fishery Management Council (PFMC). Halibut bycatch taken in most groundfish fisheries that overlap IPHC Area 2A must be discarded. Two exceptions to the discard requirement exist, but neither applies to pot gear fisheries.⁴

The Northwest Fisheries Science Center's halibut bycatch report for the years 2002 through 2014 provides estimated gross discards and discard mortality for halibut that are incidentally caught in limited entry sablefish fixed gear sectors and the open access fixed gear sector (Jannot et al. 2015, p.46). Table 1 shows selected data from that document which describe halibut bycatch and mortality levels for the pot

⁴ Incidentally caught halibut are allowed to be retained in the salmon troll fishery, and in the Primary Sablefish Fishery (fixed gear) as long as the catch occurred north of Point Chehalis, Washington and the gear being used was hook-and-line longline. Some vessels in the Primary Sablefish Fishery are endorsed to use pot gear, but halibut caught with that gear must be discarded.

gear sectors in particular.⁵ Halibut bycatch is estimated based on data collected by human observers. Somers et al. (2015) report that in 2014 the Limited Entry Sablefish Endorsed fixed gear sector had a total sablefish target catch of 424 mt in pot gear (includes 87 mt in sablefish discards), the Limited Entry Non-Endorsed fixed gear sector caught 4.36 mt of sablefish in pot gear (includes 0.36 mt in sablefish discards), and the Open Access fixed gear sector caught 8.75 mt of sablefish in pot gear (includes 0.41 in sablefish discards). Compared to the 2014 halibut discard estimates shown in Table 1, these data indicate that the incidence of halibut in West Coast sablefish pots occurs at a low rate.

Table 1 Estimated halibut discards (mt) and discard mortality (mt) in West Coast sablefish and open access pot gear sectors

Year	Limited Entry Sablefish (Endorsed)		Limited Entry Sablefish (Non-Endorsed)		Open Access Fixed Gear	
	Estimated Discards (mt)	Estimated Discard Mortality (mt)	Estimated Discards (mt)	Estimated Discard Mortality (mt)	Estimated Discards (mt)	Estimated Discard Mortality (mt)
2002	4.03	0.73	0.02*		0.23**	
2003	0.30	0.05	0.01*		0.39**	
2004	32.60	5.87	0.02*		0.39**	
2005	2.62	0.47	0.01*		0.79**	
2006	15.79	2.84	0.06*		0.92**	
2007	3.94	0.71	0.01	0.00	0.89	0.16
2008	6.62	1.19	0.00	0.00	0.23	0.04
2009	0.85	0.15	0.01	0.00	0.27	0.05
2010	5.13	0.92	0.03	0.01	0.51	0.09
2011	4.08	0.73	0.01	0.00	0.06	0.01
2012	6.22	1.12	0.03	0.01	0.41	0.07
2013	0.00	0.00	0.01	0.00	0.06	0.01
2014	2.03	0.37	0.00	0.00	0.16	0.03

Source: Adapted from Jannot et al. 2015 (Table 25).

Note: Discard mortality is estimated based on an assumed 18% discard mortality rate for pot gear.

* Limited Entry Sablefish (Non-Endorsed) pot sector was not observed; estimates are based on discard rates from observed Open Access fixed gear pot vessels.

** Open Access fixed gear vessels were only observed in California; 2002 through 2006 estimates are based on 2007 and 2008 coast-wide discard rate.

The West Coast IFQ program also includes a pot gear sector. Since the program was implemented in 2011, that sector has recorded halibut discard mortality estimates (in metric tons) of 0.88, 0.51, 0.21, and 0.08 (Jannot et al. 2015).

2.4.2 Area 2B (Canada)

Council staff consulted with staff from Canada’s DFO to better understand the use of sablefish pots in Area 2B, why IPHC regulations allow halibut retention in that area, and the extent to which halibut are taken in the sablefish pot gear fishery.

Since the Canadian groundfish fisheries transitioned to an “integrated management” structure in 2006, fishermen have been able to take a multispecies approach to targeting groundfish. Vessel operators are allowed to retain any commercial species that they encounter, provided that they acquire the appropriate quotas to cover their catch (including discards). The opportunity to retain multiple species on a trip actually spurred a shift away from pots as the predominant gear for targeting sablefish, because hook-and-line gear is more likely to return a mix of marketable species that includes rockfish and halibut. In 1998 the Canadian fishery landed roughly 3,700 mt of sablefish with pot gear and 400 mt with hook-and-line

⁵ Jannot et al. report weights in the round (whole fish), whereas IPHC typically converts weights to headed-and-gutted net weight.

gear. During recent years, fishermen using pot gear accounted for only around 50 percent of the total sablefish catch.⁶

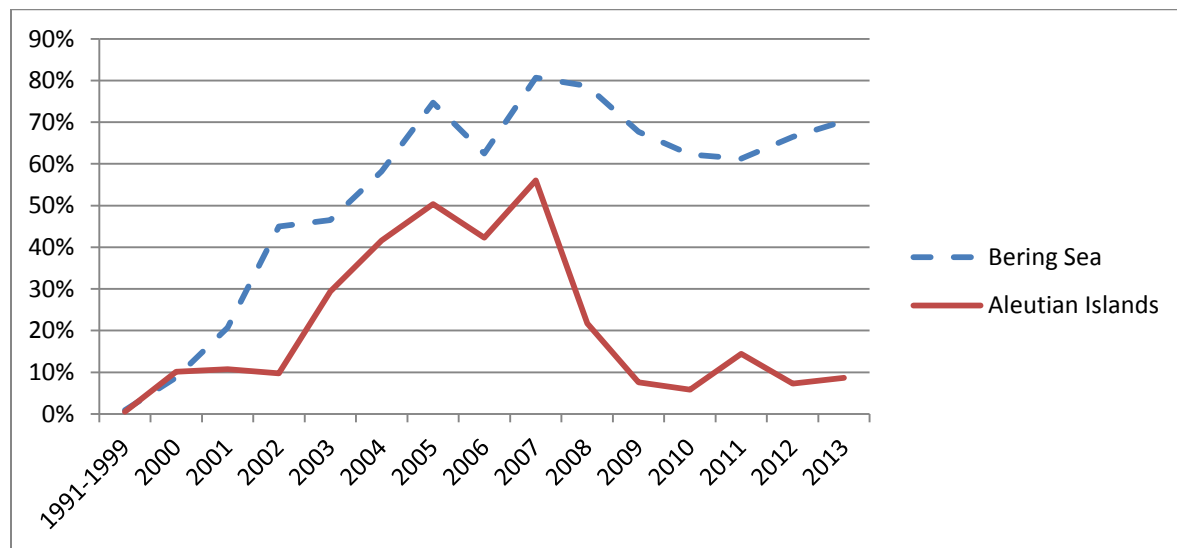
DFO staff noted that sablefish fishermen who continue to use pot gear are those who are actively avoiding the incidental catch of halibut, which would have to be covered with quota purchased on a spot market. To take that approach, pot gear fishermen tend to fish at greater depths and fish later in the year when the seasonal movement of the halibut resource in that area reduces the likelihood that halibut would be encountered. For those reasons, DFO staff did not characterize the rate of halibut in sablefish pots as information that would inform expected incidental halibut catch rates in a GOA sablefish pot fishery.

It is also worth noting that part of Canada’s integrated groundfish management plan requires 100 percent observer monitoring both onboard vessels and dockside, whereas many participants in Alaska’s halibut and sablefish IFQ fishery fall into the partial observer coverage category.

2.4.3 Area 4A (Bering Sea and Aleutian Islands)

As previously mentioned, the sablefish IFQ fishery in the BSAI is prosecuted using both hook-and-line gear and pot gear. The use of pot gear in the BS and AI to target sablefish has significantly changed since pots were established as a legal sablefish gear type for these areas in 1996. The BS has seen a substantial and consistent increase in the percent of the total harvest prosecuted by pots, likely as a response to killer whale depredation (Figure 5). In contrast, the AI saw a large spike between 2004 and 2007, but pot use in the sablefish IFQ/CDQ fisheries has dropped back to historical rates in recent years. Given that an average of two vessels prosecuted the AI sablefish IFQ/CDQ fishery with pot gear from 2009 to 2013 (Table 2), AI “trends” could be the result of one or two vessels leaving the pot fishery, or a small increase in hook-and-line vessel activity during that period.

Figure 5 Percent of sablefish IFQ/CDQ caught in pot gear and all fixed gear in the BS and AI, 1991 through 2013



Source: NPFMC AK Sablefish SAFE, Catch as of October 24, 2014

⁶ A. Keizer, 2015. Personal communication.

Table 2 Sablefish IFQ/CDQ catch (mt) in the Aleutian Islands and the Bering Sea by gear type from 1991-2013

Year	BSAI ^b			Total
	Pot	Trawl	Longline	
1991-1999 ^a	11	262	1,749	2,022
2000	143	316	1,331	1,790
2001	217	375	1,330	1,921
2002	487	307	1,442	2,236
2003	679	225	1,177	2,082
2004	819	308	852	1,979
2005	1283	377	881	2,540
2006	1082	136	1,002	2,221
2007	1511	120	707	2,338
2008	933	257	850	2,040
2009	635	166	1,213	2,014
2010	511	104	1,235	1,849
2011	546	91	1,092	1,729
2012	509	241	1,197	1,948
2013	439	191	1,066	1,696

Source: NPFMC AK Sablefish SAFE, Catch as of October 24, 2014

^a Catches in 1991-1999 are averages.

^b Combined to protect years with confidential harvest information

In contrast to the sablefish fishery, halibut may be retained only with hook-and-line gear in the regulatory areas off Alaska. Therefore, halibut caught in sablefish pot gear must be discarded. The IPHC received a proposal in late 2008 that suggested allowing harvesters with Area 4A halibut quota share to retain incidentally caught halibut in the BSAI sablefish pot fishery. The proposal described perceptions of high killer whale depredation on halibut that were discarded from sablefish pot gear, resulting in presumed high discard mortality and a loss to the halibut resource.

An amendment to allow 4A halibut retention in BSAI sablefish pots would involve overlapping management between the IPHC (authority over defining legal gear types for harvest of halibut in Area 4A) and the Council (authority over the stock assessment and management of the BSAI sablefish fishery) as previously described in Section 2.1. Therefore the IPHC forwarded this proposal to the Council when the Council requested for IFQ proposals for consideration in 2009. Table 5 in the following section describes the correspondence between the IPHC and the Council on this issue over the years, and links to a number of Council discussion papers on the potential impacts of such an action.⁷ In April 2013 the Council sent a letter to the IPHC recommending that it change regulations to allow for the legal retention of halibut incidentally caught in sablefish pot gear in the overlapping Area of 4A and BSAI. The IPHC responded by encouraging the Council to first develop a management measure that would ensure that retained halibut remained at incidental levels.

In response, the Council and NMFS considered the use of a maximum retainable amount (MRA) in the sablefish pot fishery, which is the existing management tool that the Council uses to discourage the directed fishing of a non-target species. An MRA is the maximum amount of a non-target species that

⁷ In addition to the correspondence and Council documents produced over the years, this issue was also an agenda item in a number of Council committee meetings.

may be retained on board a vessel (50 CFR 679.20(e)). The MRA for a particular non-target species is calculated as a percentage of the retained amount of a species that is open for directed fishing (basis species). Setting an MRA allows the retention of a non-target species (incidental species) up to the MRA percentage of the basis species. MRAs are enforceable on an instantaneous basis during a fishing trip (with some exceptions). A vessel must not retain the incidental species in an amount that exceed the MRA. Existing MRAs for Alaska groundfish stocks range anywhere from 1 to 35 percent of the basis species. In the considered action for Area 4A, the basis species would have been IFQ or CDQ sablefish; the incidental catch species would have been retained IFQ halibut (not including sub-legal sized halibut).

Establishing an MRA for halibut in a sablefish fishery would extend the current MRA regulations beyond their traditional application. Currently, an MRA, as applied to both catcher vessels and catcher/processors, affects catch of incidental species that are closed to directed fishing in the *area* being fished. While the halibut IFQ fishery is not closed in Area 4A, halibut IFQ cannot be retained with pot gear. Using an MRA as a tool to ensure that halibut retention remains at incidental levels would require a regulatory amendment.⁸

Applying an MRA to halibut IFQ in Area 4A would also introduce a specific reference to the area where IPHC Area 4A overlaps the BSAI, because the current MRA table specifies the entire BSAI. This action would create provisions for only the area where Area 4A, overlaps the Federal BSAI regulatory area. This distinction could be specified as an exception in the MRA regulation.

If the Council were to use an MRA for Area 4A IFQ halibut caught in sablefish pot gear, the Council would have to develop a basis on which to set the MRA. Based on Federal regulations at 50 CFR 679.20(e)(2)(ii), individual retainable amounts are calculated by multiplying the appropriate retainable percentage for the incidental catch species/basis species combination (set forth in Table 11 to 50 CFR 679 for BSAI), by the amount of that basis species, in round-weight equivalents. The MRA is the sum of the individual retainable amounts.

Since pot gear has been used in the BS and AI sablefish fisheries for nearly the entire duration of the IFQ Program, there is some available information about halibut catch in sablefish pots for these areas. Permit holders record the number of halibut that were discarded on a sablefish trip on fish tickets. Additionally some of the vessels carried observers that sampled length and weight of halibut Prohibited Species Catch (PSC⁹) before it was discarded. Given the small number of vessels that have participated in this fishery, and the fact that only some of those vessels have carried observers, it is necessary for the NMFS Catch Accounting System (CAS) to apply some general methods of estimation and extrapolation in order to arrive at the best available information for understanding previous halibut catch in the BSAI sablefish pot fishery. Table 3 demonstrates the frequency of Area 4A halibut that was sampled by observers between 2008 and 2014. This table also demonstrates that 58 percent of the halibut that were caught and sampled from pots fishing sablefish IFQ were below the legal size limit of halibut able to be retained for commercial sale (32 inches).

⁸ In addition to considering an MRA, the Council's discussion paper on Area 4A/BSAI also considered setting a maximum retainable weight ratio specific to IFQ in Federal regulations. Practically speaking, this tool would operate just as an MRA, the primary difference would be how it would be integrated into existing regulations. Creating a maximum weight ratio specific to IFQ would circumvent the need to make exceptions to how an MRA applies to incidental catch species.

⁹ This is the term for halibut that is prohibited from retention and discouraged from being caught.

Table 3 Number of Area 4A halibut sampled from pot gear by observers between 2008 through 2014, by halibut length

Inches	AI	BS	Grand Total
<32	7	742	749
32-42	26	474	500
42-52	3	38	41
62-72		1	1
Grand Total	36	1255	1291

Source: Comprehensive_Norpac, compiled by AKFIN

Halibut PSC estimates in the CAS are based on total groundfish weight and take into account subarea, target species, and vessel category. Table 4 demonstrates the estimated weight of the halibut PSC discarded in the BSAI sablefish fixed gear fishery. If we were to assume that 42 percent of the halibut catch was of legal size and retained (a rough estimate based on Table 3), Table 4 was updated from the expanded discussion paper to indicate that the pot fishery for sablefish as a whole would have retained halibut weighing from 1.0 to 4.4 percent of the weight of the sablefish harvested between 2009 and 2014.

The percentages in Table 4 are meant to illustrate past harvest behavior of the fleet and provide a starting point for the Council discussion of MRA levels in the BSAI. Several reasons that the Council was considering an MRA for Area 4A/BSAI are discussed below. The Council noted that it might need to include a buffer in the MRA percentages, given the state of available information.

First, the function of setting an MRA in this action would be to discourage increased catch of halibut in the pot fishery for sablefish above an incidental rate. Ideally, the participants would retain all legally-sized halibut for which they have IFQ in order to avoid wastage of the species. In some fisheries, concerns have circulated around the effects of topping-off on a commercially valuable incidental catch species when a vessel's catch rate of that incidental species falls short of the MRA. Because sablefish pots are not an efficient way of targeting halibut exclusively (due to their design), and harvest would be generally operating within IFQ already held,¹⁰ it is not expected that participants would be attempting to top-off on IFQ halibut if they did not achieve the set MRA. Therefore implementing a conservative buffer would not pose this risk; rather it would prevent wastage if the truly incidental catch rate of halibut happened to be high on a given haul.

Additionally, historical halibut catch presented in Table 4 represents sector wide percentages. Even though a sector-wide average represents a low percentage of PSC, an individual vessel may have prosecuted the pot fishery for sablefish and experienced a higher halibut catch rate during a given set or trip. The highest rate of estimated incidental halibut PSC in pot gear fishing for sablefish was 45 percent between 2009 and 2013. The next highest PSC rate was down to 32 percent, with a few more trips clustered around 30 percent. Establishing a significant buffer would minimize future non-compliance. The tighter the MRA is set around the historical levels of catch, the more likely there will be enforcement issues that will need to be addressed.

The decision to use a MRA to discourage increased catch of halibut in the pot fishery for sablefish and limit halibut retention is a policy judgment that balances a desire to efficiently use the halibut and sablefish resources with the desire to establish certain incentives for fishing behavior. Establishing an MRA implicitly means there could still be required discards of halibut, even when permit holders onboard hold sufficient halibut IFQ.

¹⁰ This is true, unless a sablefish IFQ/ CDQ holder attempts to acquire more Area 4A halibut IFQ as a result of this action.

Ultimately, the Council chose not to pursue the Area 4A/BSAI MRA strategy. The Council acknowledged the merits of the potential conservation advantages from allowing halibut retention in Area 4A/BSAI sablefish pots for those participants that held IFQ in both fisheries. The action was not pursued, in part, due to the limited amount of testimony received on this issue and stakeholders' desire to not create a patchwork of different regulations across subareas. This issue would only be reconsidered if Council members or stakeholders actively reinitiated the effort.

The primary difference between the GOA action and the action considered in the overlapping 4A/BSAI region is that since longline pot gear has not been legal for sablefish in the GOA in the recent past, there is no precedent on which to estimate an incidental rate of halibut bycatch. The biomass for the GOA sablefish fishery is estimated to be more than twice that of the BSAI fishery. The total allowable catch for the GOA in 2014 was 10,572 mt, while the catch limit for the BS and AI combined was 3,150 mt. Catch per unit effort is also much greater in the GOA, compared to BSAI. Moreover, there is no way to know how much effort will shift from hook-and-line longline to pot gear in the GOA sablefish fishery once the new regulatory amendment is implemented. Therefore, it might be inappropriate to use catch rates in Area 4A/BSAI sablefish fishery to establish an MRA for the GOA fishery.

Table 4 Halibut PSC as estimated by the CAS in the fixed gear BSAI sablefish IFQ and CDQ fishery 2009 through 2014^a

Year	Gear	Round weight sablefish (lbs)	Round weight of halibut PSC estimate (lbs)	If only 42% of halibut were legal-sized (lbs) ^b	Percent of legal-sized PSC to sablefish weight
2009	Hook-and-line	1,840,380	616,592	258,969	14.1%
	Pot	1,189,166	24,950	10,479	0.9%
2009 Total		3,029,546	641,543	269,448	8.9%
2010	Hook-and-line	1,862,959	456,869	191,885	10.3%
	Pot	704,789	40,589	17,047	2.4%
2010 Total		2,567,748	498,126	209,213	8.1%
2011	Hook-and-line	851,627	25,999	10,920	1.3%
	Pot	1,883,457	197,148	82,802	4.4%
2011 Total		2,735,084	223,147	93,722	3.4%
2012	Hook-and-line	2,049,222	181,388	76,183	3.7%
	Pot	814,746	21,464	9,015	1.1%
2012 Total		2,863,968	202,852	85,198	3.0%
2013	Hook-and-line	1,749,121	128,852	54,118	3.1%
	Pot	652,720	34,615	14,538	2.2%
2013 Total		2,401,841	163,468	68,657	2.9%
2014	Hook-and-line	1,120,028	59,202	24,865	2.2%
	Pot	494,462	11,689	4,909	1.0%
2014 Total		1,614,490	70,890	29,774	1.8%
Grand Total		15,212,677	1,799,328	755,718	4.9%

Source: Comprehensive_PSC and Comprehensive_FT, compiled by AKFIN

^a Halibut PSC is calculated by sub-area and is not broken out by stat area. Therefore this table is not restricted to the over-lapping region of Area 4A and the BSAI, but includes all BSAI sablefish fixed gear activity.¹¹

^b The 42 percent rate of legal retention is based on Table 3 and halibut sampled by observers between 2008 through 2014. There is a slight disconnect in area as the halibut were sampled in Area 4A, while the halibut PSC estimates were calculated for the entire BSAI area.

¹¹ ADF&G/CFEC fish ticket information could be broken out by stat area, to illustrate only the over-lapping region of the BSAI and Area 4A. (This was done in the April 2013 expanded discussion paper in the corrected Table 1: http://www.npfmc.org/wp-content/PDFdocuments/halibut/4AhalibutPots_Table1.pdf.) However, the weight of halibut would be a rough estimate based on the number of halibut reported and an average weight calculated elsewhere. Generally CAS estimates are found to be more robust and therefore despite the incongruent areas we present this table as the best available information.

3 Correspondence between IPHC and NPFMC on Halibut Retention in Pot Gear

Table 5 History of correspondence between the IPHC and the NPFMC regarding proposals for halibut retention in pot gear

Proposal 1) halibut retention in 4A/BSAI sablefish pots

Proposal 2) use of pot gear for sablefish fishery in GOA, and retention of incidentally caught halibut

OCTOBER 2008	PROPSOAL SUBMISSION	IPHC received a proposal from Mr. Jay Herbert in 2008 to allow the retention of incidentally caught halibut in the BSAI sablefish pot fishery, by harvester qualified with Area 4A halibut QS. In his proposal, Mr. Herbert described the pervasiveness of killer whale predation on the halibut that was required to be discarded from pot gear. He noted that during certain times of the year halibut and sablefish may share habitat on the grounds where he pot fishes. Due to whale depreciation, he perceived extremely high discard mortality.
SUMMER 2009	CALL FOR IFQ PROPOSALS	<p>The IPHC asked the Council to comment on Mr. Herbert’s proposal for halibut retention in sablefish pot in Area 4A. A letter was sent from the IPHC along with the proposal. In this letter, Dr. Leaman stated, “<i>The IPHC staff is not opposed to allowing pot gear in Area 4A from a biological point of view. However, if the pot catch of halibut is sufficiently large enough, we would need to determine a pot gear selectivity curve for halibut for our stock assessment in order to account for than removal. Additionally, NMFS/RAM regulations would need to require full retention of halibut if the vessel has halibut IFQ and is using pot gear, similar to the regulation for longline gear. Also, IPHC regulations define legal gear by IPHC regulatory area but IPHC regulatory area s and NMFS sablefish area are not concurrent. NOAA Enforcement would also need to provide feedback on location restrictions and may require that the vessel be transmitting with a Vessel Monitoring System transmitter.</i></p> <p><i>The IPHC staff could not agree to allow pot gear coast-wide or an expansion to this proposal, without an understanding of the magnitude and impact of catch in the pot fishery...</i>” (Attachment 1: IPHC correspondence)</p> <p>Michael Douville submitted a proposal to allow the use of pots in the Gulf of Alaska Southeast area sablefish fishery.</p>
SEPTEMEBER 2009	IFQ COMMITTEE MEETING	<p>IFQ committee convened and reviewed the 2009 call for proposal (a few were considered after this meeting). The committee voted on which of the proposals to advance. These two proposal were among those that advanced:</p> <ol style="list-style-type: none"> 1) “Allow the retention of coincidentally harvested halibut during the Bering Sea sablefish pot fishery” 2) “Allow the use of pots in the Gulf of Alaska Southeast area sablefish fishery”
DECEMBER 2012	COUCNIL MEETING and CORRESPONDENCE	<p>The Council reviewed a preliminary discussion paper about the Retention of halibut bycatch in sablefish pots (4A only). (Link 1: Discussion paper) The Council’s response to this paper was to request an expanded discussion paper, highlighting several key areas of concern. In addition, the Council wrote a letter to the IPHC (dated Dec 14, 2014) providing a status update and an outline of requested coordination. The Council stated they would make a recommend to the IPHC after they received the expanded discussion paper in 2013. It would hope to provide guidance to the IPHC in time for the 2014 annual IPHC meeting. (Attachment 2: NPFMC correspondence)</p>
APRIL 2013	COUNCIL MEETING	

	and CORRESPONDENCE	The Council reviewed an expanded discussion paper on the retention of halibut bycatch in sablefish pots (4A only). (Link 2: Discussion paper ; Link 3: Revised Table) The Council responded to the discussion paper by sending a letter to the IPHC on Set 24, 2013 recommending that it proceed with consideration of making pot gear legal for halibut retention in Area 4A based on this expanded discussion paper. (Attachment 3: NPFMC correspondence) The Council also noted that it may consider the implementation of a discard mortality rate and /or maximum retainable allowance for this fishery and welcomes IPHC comment on these issues.
DECEMBER 2013	CORRESPONDENCE	On December 23, 2013 the Council sent a letter to the IPHC summarizing actions that could affect halibut management in the year 2014. (Attachment 4: NPFMC correspondence) The Council reiterated its recommendation of allowing the retention of Area 4A halibut that are incidentally caught while targeting sablefish using pot gear in the areas of overlap with the Bering Sea and Aleutian Islands sablefish regulatory areas, if the harvester holds both halibut and sablefish IFQ to cover both harvests. This letter also informed the IPHC that the Council was considering a proposed action to allow the use of longline pots in the GOA to harvest sablefish in the IFQ fishery. The letter concluded by stating, “ <i>The Council is seeking input from the IPHC on whether such a gear allowance for halibut is tenable from the perspective of the Commission.</i> ”
FEBRUARY 2014	NEWS RELEASE, COUNCIL MEETING, and CORRESPONDENCE	<p>During the February Council meeting, Dr. Leaman presented a news release from the Halibut Commission 2014 annual meeting. (Link 4: IPHC news release). In this report, the IPHC explains it has reviewed the discussion paper analyzing the potential retention of Area 4A halibut caught incidentally in the sablefish pot fishery in the overlapping Area 4A/ BSAI regulatory areas. “<i>The Commission supported the proposal and agreed that the NPFMC should continue to explore the issue and begin to develop the appropriate regulations. The Commission noted that this may be a good way to address bycatch, but also stressed its desire that removals be limited to incidental catch and not lead to a directed halibut pot fishery. The Commission asked the NPFMC to include in its analysis methods to limit the directed fishing for halibut using pot gear, and to consider appropriate methods for the timing of pot removal and the marking of buoys (such as with radar reflectors).</i>”</p> <p>The Council sent a multi-purpose letter to the IPHC on February 25, 2014 (Attachment 5: NPFMC correspondence). This letter discussed the timing of several halibut- related Council actions, including the halibut retention in pot gear of the 4A/ BSAI sablefish fishery. Based on the IPHC response presented at the February Council meeting, an analysis was initiated by the Council to both create a regulatory amendment for the retention of halibut in sablefish pots as well as considering implementing a discard mortality rate and/ or a maximum retainable allowance, as the requirements for the removal of pot gear would be considered. The intention was to have something for the IPHC to consider for its January 2015 Annual Meeting, in order to determine what corresponding action it may take.</p>
JANUARY 2015	CORRESPONDENCE	The Council’s annual management letter to the IPHC, dated January 6, 2015, among other halibut-related issues, provides a status update on an analysis which considers allowing retention of halibut in 4A/ BSAI sablefish pot gear as well as complimentary management measures (i.e. a discussion of a maximum retainable amount). The letter explains that this analysis will not available for consideration at the January 2015 Annual Meeting, but that the Council anticipates it will available in time for 2016. (Attachment 6: NPFMC correspondence)
MARCH 2015	CORRESPONDENCE	Prior to the April Council meeting, the IPHC provided some clarification as to its position on the actions that would be considered in the upcoming Council meeting (Link 5: IPHC correspondence):

		<p><i>“IPHC has not considered the concept of sablefish pot gear as a legal fishing gear for halibut in the GOA, or the development of a new directed halibut fishery using pot gear. The previous discussion on the use of pot gear during sablefish fishing in the Bering Sea and Aleutian Islands included limiting halibut retention to an incidental fishery only. Authority for the definition of legal gear for halibut retention rests with the Commission; however, the Council could submit a request to allow pot gear as a legal halibut fishing gear for review by the Commission and its advisory bodies at the IPHC Annual Meeting in January 2016. The Commission may approve unrestricted retention, retention with some restrictions, or not approve retention.”</i></p> <p><i>“On agenda item C7, the IPHC supported retention of Area 4A halibut caught incidentally in the sablefish pot fishery in the areas of overlap in the NMFS BSAI regulatory area, if the harvester has both halibut and sablefish Individual Fishing Quota. The Commission staff believes the maximum retainable amount (MRA) or weight ratio as presented in the Discussion Paper meets the IPHC objectives of an incidental fishery. A fleet-wide average prohibited species catch rate based on observations during normal sablefish fishing, with a buffer to minimize discards, seems an appropriate method to determine such an incidental rate. The Commission staff would also support an exempted fishing permit (EFP) that could be reviewed by IPHC and allow for the collection of halibut data, under which the fishery could operate while regulations were developed.”</i></p>
APRIL 2015	COUNCIL MEETING	<p>The Council reviewed an expanded discussion paper on halibut retention in 4A/ BSAI sablefish pots, with a discussion of corresponding management measures. (Link 6: Expanded Discussion Paper PDF) While the Council acknowledged the potential conservation benefits from action, it highlighted several reasons why action should be tabled. Action would be prioritized around the GOA package.</p> <p>The Council reviewed and took action on an analytical package that would allow the use of pot gear for sablefish in GOA. (Link 7: Public Review Draft Analysis PDF; Link 8: Council motion).</p>
NOVEMBER 2015	CORRESPONDENCE	<p>The Council’s Executive Director sent a letter to the IPHC that outlines the purpose of this document. The letter was meant to provide the IPHC with context and a history of discussions on this halibut retention issue (in all areas) as the Commissioners are briefed on the proposal that they will consider at their annual meeting in January 2016. (Attachment 7: NPFMC correspondence)</p>

4 Next Steps

This discussion paper does not necessarily present the Council with decision points that require action at this time. The Council has already indicated its preference for halibut retention in GOA sablefish pot gear for individuals holding appropriate IFQ for both halibut and sablefish. Halibut retention and incidental catch rates would be monitored as participation in this gear sector develops. An MRA, or other analogous management measures, could be developed in the future if NMFS Inseason management or Restricted Access Management reports identify significant levels of incidental halibut catch in this fishery. Should experience in this gear sector warrant further action to limit halibut retention in pots, NMFS would have collected data on catch rates, fish size, and gear selectivity by that point. Those data would allow the Council to make a well-reasoned recommendation on appropriate management measures (i.e., MRA levels).

The next step in the process is for the IPHC to consider the Council's recommendation for GOA halibut retention at its upcoming Annual Meeting in January 2016. If the IPHC supports the Council's preference, it could amend its regulations at Section 19, allowing the use of pots as legal gear for the retention of halibut in the GOA sablefish pot fishery for individuals that also hold the corresponding halibut quota share (Areas 2C, 3A, and 3B).¹²

To facilitate open and efficient communication with the IPHC on this issue, the following describes two alternate courses of action that could occur if the IPHC does not support the Council's preferred alternative for the GOA. First, the IPHC could make no regulatory changes prior to the implementation of a GOA sablefish pot fishery, but could indicate a willingness to revisit the issue once sufficient data on incidental catch rates, gear selectivity, size composition, et cetera are collected to support the specification of an MRA standard. Second, the IPHC could amend its regulations in January 2016 – thus allowing halibut retention in GOA sablefish pots – *under the condition* that the Council set an MRA. As described in Section 2.4 of this document, the fisheries in which sablefish pots are currently used are not known to be reliable proxies for the amount and type of incidental halibut encounter that would be expected in the GOA. Under this scenario, the Council would be setting an MRA based on conjecture; the Council's guiding principles would likely be to set the MRA sufficiently high so as not to create excessive regulatory discards (and discard mortality that would harm the halibut resource), but sufficiently low so as not to encourage the targeting of halibut.

The IPHC's response to the Council's existing recommendation, as expressed in the preferred alternative for GOA Groundfish FMP Amendment 101 (Allow longline pot gear in the GOA sablefish IFQ fishery), will not delay the implementation of a GOA sablefish pot fishery. NMFS Alaska Region Office staff currently projects implementation of those regulations during the 2016 fishing year. If the IPHC does not amend its regulations to allow the retention of halibut in pot gear, any incidentally caught halibut would be discarded (regardless of whether or not the vessel holds sufficient halibut quota share). If the IPHC requires the Council to establish a halibut MRA for the GOA sablefish pot gear sector, that task could be taken on as a trailing amendment. In that case, it is possible that halibut would be required to be discarded until the Council recommends an MRA and the IPHC then amends its regulations on legal gear. The analysts presume a reasonable timeline to complete those tasks would culminate at the IPHC's annual meeting in early 2017.

¹² The IPHC might also consider whether it would take this opportunity to allow halibut retention in sablefish pots for fishermen with quotas in Areas 4A and 4B. It should be noted, however, that the Council has not made such a recommendation. The potential benefit of considering those areas of overlap with the BSAI would be to eliminate the need to revisit this issue if interest among BSAI sablefish fishermen increases in the future. (Section 2.4.3 of this document notes that only a small number of BSAI sablefish participants who use pot gear also hold halibut quota share for Area 4.)

5 Preparers and Persons Consulted

Sam Cunningham	NPFMC
Sarah Marrinan	NPFMC
Michael Fey	AKFIN

Persons Consulted

Kelly Ames	Pacific Fishery Management Council
Jason Jannot	Northwest Fisheries Science Center
Adam Keizer	DFO Canada

6 References

Jannot, J.E., K. Somers, J. McVeigh, N.B. Riley. 2015. Pacific halibut bycatch in the U.S. west coast fisheries (2002-2014). NOAA Fisheries, NWFSC Observer Program, 2725 Montlake Blvd E., Seattle, WA 98112.

Somers, K.A., J. Jannot, Y-W. Lee, N.B. Riley, V. Tuttle, and J. McVeigh. 2015. Estimated discard and catch of groundfish species in the 2014 U.S. west coast fisheries. NOAA Fisheries, NWFSC Observer Program, 2725 Montlake Blvd E., Seattle, WA 98112.

Williams, G. 2015. Incidental catch and mortality of Pacific halibut, 1962-2014. International Pacific Halibut Commission Report of Assessment and Research Activities 2014: pp. 313-336.

7 Attachments

COMMISSIONERS:

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JUNEAU, AK
RALPH G. HOARD
SEATTLE, WA
LARRY JOHNSON
PARKSVILLE, B.C.
PHILLIP LESTENKOF
ST. PAUL, AK
LAURA RICHARDS
NANAIMO, B.C.
GARY ROBINSON
VANCOUVER, B.C.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA

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September 24, 2009

COPY

Mr. Eric Olsen, Executive Director
North Pacific Fishery Management Council
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. *Olsen, Eric*

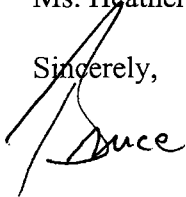
The North Pacific Fishery Management Council's IFQ Implementation Team is reviewing IFQ proposals at the October Council meeting. The Council has been asked by the IPHC to comment on the proposal to allow retention of IFQ halibut in pot gear during the Bering Sea sablefish fishery. Authority for definition of legal gear for the halibut fishery rests with the Commission; however, the Council's input for the next IPHC Annual Meeting in January 2010 would be beneficial.

The IPHC staff is not opposed to allowing pot gear in Area 4A from a biological point of view. However, if the pot catch of halibut is sufficiently large enough, we would need to determine a pot gear selectivity curve for halibut for our stock assessment in order to account for that removal. Additionally, NMFS/RAM regulations would need to require full retention of halibut if the vessel has halibut IFQ and is using pot gear, similar to the regulation for longline gear. Also, IPHC regulations define legal gear by IPHC regulatory area but IPHC regulatory areas and NMFS sablefish areas are not concurrent. NOAA Enforcement would also need to provide feedback on location restrictions and may require that the vessel be transmitting with a Vessel Monitoring System transmitter.

The IPHC staff could not agree to allow pot gear coast-wide or an expansion to this proposal, without an understanding of the magnitude and impacts of catch in the pot fishery. The issues that the Council and Commission should consider include gear conflicts, creation of a new halibut fishery, redistribution of catch by gear, fish quality, and potential for future requests for expansion to winter cod fisheries.

Ms. Heather Gilroy of our staff will be attending the IFQ Implementation Team meeting by teleconference.

Sincerely,



Bruce M. Leaman
Executive Director

cc: Commissioners
Jeff Stephan, Chair, IFQ Implementation Team
Ron Antaya, NMFS

North Pacific Fishery Management Council

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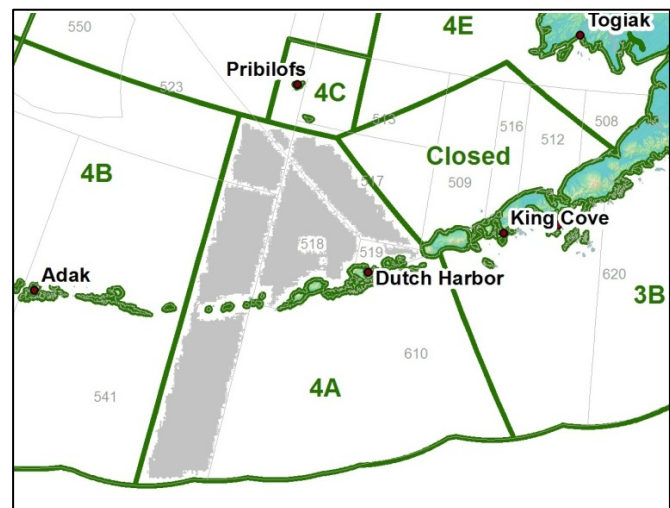
December 14, 2012

Dr. Bruce Leaman, Executive Director
International Pacific Halibut Commission
2320 West Commodore Way, Suite 300
Seattle, Washington 98199-1287

RE: Area 4A halibut retention in sablefish pots

Dear Bruce:

At its December 2012 meeting the North Pacific Council reviewed your letter of September 24, 2009, in which you forwarded a proposal that originally was submitted to the Commission. The proposal recommends that the IPHC consider an action to amend its regulations to allow the retention of Area 4A halibut that are incidentally caught while targeting sablefish in the areas of overlap with the Bering Sea and Aleutian Island regulatory areas using pot gear, if the harvester holds both halibut and sablefish Individual Fishing Quotas to cover both harvests. The Council acknowledged several points in your letter, specifically about potential spatial redistribution of catch that could lead to gear conflicts, deployment of pot gear to increase targeting of halibut, and fish quality.



The Council also noted the need to coordinate the timing of implementation of complementary IPHC and Federal regulations, if the Commission adopts the proposed action. At a minimum, the Council likely would need to recommend that NMFS revise Federal regulations to require mandatory retention of halibut in sablefish (single or longline) pots if the IPHC approves the proposal. The result only would allow this exemption in those areas of the Bering Sea and Aleutian Islands sablefish management areas that overlap with IPHC Regulatory Area 4A, as shown in the figure. The Council requested an expanded discussion paper to address four additional concerns that are listed below, and intends to review this discussion paper prior to making any recommendation to the IPHC on this issue, assuming the IPHC still has interest in pursuing this proposal.

1. Determine whether there is overlap in the spatial and/or temporal distribution of halibut longlining and sablefish pot fishing in the portion of Area 4A to which this proposal would apply.

2. Discuss the potential need for the following regulations:
 - a. Requiring the removal of sablefish pots from the fishing grounds upon completion of the harvest of the vessel's sablefish IFQ, and at the end of the season.
 - b. Requiring radar reflectors or other gear markers at both ends of a longline pot string.
 - c. Prohibiting "pot sharing" while pots are in the water.
 - d. Prohibiting the modification of sablefish pot tunnels.
3. Discuss the physical and market condition of halibut incidentally caught in sablefish pots.
4. Provide a discussion of the experiences and lessons learned by the industry and managers in Areas 2A and 2B from allowing the retention of halibut incidentally caught in sablefish pots, including retention caps.

The December 2012 discussion paper is posted at http://www.fakr.noaa.gov/npfmc/PDFdocuments/halibut/4AhalibutPots_dp_1212.pdf. After its review of additional information to be included in the revised paper in 2013, the Council will provide a recommendation to the IPHC prior to its 2014 annual meeting. Jane DiCosimo will represent the Council at the 2013 IPHC Annual Meeting to provide additional details, as requested, on the status of this and other Council actions.

Sincerely,

A handwritten signature in blue ink that reads "Chris Oliver". The signature is written in a cursive, flowing style.

Chris Oliver
Executive Director

North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director



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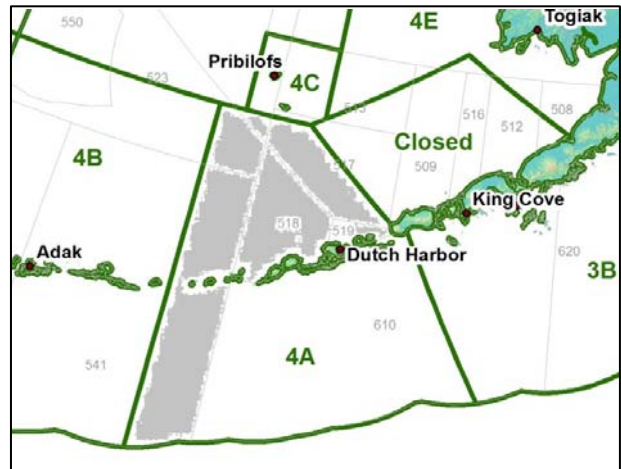
Visit our website: <http://www.fakr.noaa.gov/npfmc>

September 24, 2013

Dr. Bruce Leaman, Executive Director
International Pacific Halibut Commission
2320 West Commodore Way, Suite 300
Seattle, Washington 98199-1287

Dear Bruce:

At its April 2013 meeting the North Pacific Council reviewed an expanded discussion paper, in addition to your letter of September 24, 2009, in which you forwarded a proposal that originally was submitted to the Commission. The proposal recommends that the IPHC amend its regulations to allow the retention of Area 4A halibut that are incidentally caught while targeting sablefish using pot gear in the areas of overlap with the Bering Sea and Aleutian Island regulatory areas, if the harvester holds both halibut and sablefish Individual Fishing Quotas to cover both harvests in the subsection of Area 4A that overlaps with sablefish management areas. The Council unanimously recommended that during its January 2014 meeting the Commission adopt the proposed action.



The Council also noted the need to coordinate the timing of implementation of complementary Federal regulations, if the Commission adopts the proposed action. At a minimum, Federal regulations would need to be amended to identify pots as legal gear for halibut. The Council also may consider implementation of a discard mortality rate and/or maximum retainable allowance for this fishery and welcomes Commission comment on these issues. Your 2009 letter recommended mandatory retention of halibut in sablefish (single or longline) pots if the IPHC approves the proposal.

The Council based its recommendations on a March 2013 discussion paper and a revised table on the amount of halibut caught in sablefish IFQ pots in the affected area. These are posted at, respectively: https://alaskafisheries.noaa.gov/npfmc/PDFdocuments/halibut/4AhalibutPots_ExpandP-413.pdf and https://alaskafisheries.noaa.gov/npfmc/PDFdocuments/halibut/4AhalibutPots_Table1.pdf.

I would like to thank the staffs of the Commission, Fisheries and Oceans Canada, and Pacific Halibut Management Association for their contributions to the paper.

Sincerely,



Chris Oliver
Executive Director

North Pacific Fishery Management Council

Eric A. Olson, Chairman
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December 23, 2013

Dr. Bruce Leaman, Executive Director
International Pacific Halibut Commission
2320 West Commodore Way, Suite 300
Seattle, Washington 98199-1287

Dear Bruce:

The Council has sent to the Commission separate letters that address 1) retention of Area 4A IFQ halibut in IFQ sablefish pot gear, 2) Council comments on the IPHC's Halibut Bycatch Project Team report, and 3) approval of the Halibut Catch Sharing Plan for Area 2C and Area 3A. In this letter I will address additional actions that affect Pacific halibut management in 2014.

Halibut Bycatch Reduction

The Secretary of Commerce approved changes to Pacific halibut bycatch management in the Gulf of Alaska (GOA) groundfish fisheries. Amendment 95 would modify the FMP to: reduce the current GOA halibut PSC limits for trawl and hook- and-line gear groundfish sectors; reduce trawl halibut PSC sideboard limits for American Fisheries Act, Amendment 80, and Central GOA Rockfish Program vessels; and provide two additional management measures associated with halibut PSC accounting for Amendment 80 vessels subject to halibut PSC sideboards and for halibut PSC made by trawl vessels from May 15 through June 30, which would maintain groundfish harvest while achieving the halibut PSC limit reductions intended by this action.

Amendment 95 would establish reduced PSC levels for trawl and hook-and-line gear as follows:

- 7 percent reduction for hook-and-line catcher/processors;
- 15 percent reduction phased-in over 3 years for hook-and-line catcher vessels (7 percent in 2014, an additional 5 percent in 2015, and the final 3 percent in 2016);
- 1 mt reduction for the hook- and-line demersal shelf rockfish southeast outside district; and
- 15 percent reduction phased-in over 3 years for trawl (7 percent in 2014, an additional 5 percent in 2015, and the final 3 percent in 2016).

Both the commercial and charter halibut (directed fishing) sectors are expected to benefit under Amendment 95. Overall the increased first wholesale gross revenue is expected to be about \$2.3 M annually under the full 15 percent reduction in the halibut PSC limit. In Area 2C the increase was estimated at \$1,900 annually. Area 3A increases are estimated at \$1.4 M annually; Area 3B increases are about \$875,000 annually. The charter sector is now tied to the commercial sector under a combined catch limit, and allocations are expected to increase in proportion to the PSC reductions. The commercial groundfish fisheries, which take halibut as PSC while targeting groundfish, were estimated to experience losses of up to \$10M per year by 2016. Seasonal and gear apportionments of halibut PSC limits would continue to be set through the annual GOA groundfish harvest specifications process. A final rule is expected to be implemented by late February/early March 2014.

2013 also marked the first year of the Council’s restructured groundfish observer program, which now places observers on small vessels in the groundfish fisheries, as well as on halibut vessels, and is designed to improve catch and bycatch estimates in all fisheries through a random deployment process. It is my understanding that the Commission will receive a more detailed report on this program at the upcoming annual meeting. The Council is also in the process of considering major management changes in the Gulf of Alaska groundfish trawl fisheries, through its GOA Trawl Bycatch Management initiative. The major focus of this initiative, at this time, is on a system of trawl cooperatives, which would allocate groundfish quotas and PSC limits and create a system of more individual accountability for bycatch. This issue is scheduled for Council review and direction at our April 2014 meeting. In February 2014, the Council will review an expanded discussion paper on halibut bycatch (PSC) limits in the Bering Sea and Aleutian Islands groundfish fisheries and decide on next steps.

Use of pots to retain IFQ halibut

The Council has recommended that the IPHC allow the retention of Area 4A halibut that are incidentally caught while targeting sablefish using pot gear in the areas of overlap with the Bering Sea and Aleutian Islands sablefish regulatory areas, if the harvester holds both halibut and sablefish Individual Fishing Quotas (IFQs) to cover both harvests (see Council letter dated September 24, 2013). The Council also is considering a proposed action to allow the use of longline pots in the GOA to harvest sablefish in the IFQ fishery. The Council will consider the effects of allowing incidentally caught halibut to be retained in GOA sablefish IFQ pots, in cases in which sufficient IFQs are held by the harvester; the analysis will address gear restrictions (such as depth requirements) so as to assure that sablefish are being targeted, rather than halibut. *The Council is seeking input from the IPHC on whether such a gear allowance for halibut is tenable from the perspective of the Commission.*

Fishing in multiple areas

The Council also may consider a regulatory amendment to allow “clean-up” fishing in multiple IFQ areas under the restructured observer program. Current Federal regulations that implement the restructured observer program do not allow the voluntary selection of an observer on a specific fishing trip to collect catch data and monitor fishing location. A discussion of this issue, along with other proposed changes to the observer program, is scheduled for the February 2014 Council meeting. Because regulations that govern halibut IFQ fishing are in both Federal regulations and IPHC regulations, implementation of a proposed change would require a complementary IPHC action for halibut.

Season start dates for sablefish

At its recent December meeting, the Council also received public testimony regarding the season start dates for sablefish, which are linked through Federal regulations to the start of the halibut IFQ season under Federal regulations. Public testimony suggested that the current sablefish IFQ season start dates closer to March 15 are preferred by the fleet, and that the current end dates are precluding full harvest of available sablefish IFQs. A later ending date to the sablefish fishery could enable achievement of the full sablefish quotas in these areas. The Council did not take any specific action on this issue, but did discuss the process by which the sablefish season dates are set, and the link to the halibut fisheries, including potential halibut discard mortality which might be minimized by consideration of alternative start and end dates to the halibut fishery. Action to revise sablefish season start dates could be considered in the 2015/2016 annual harvest specification process, which will occur at the October and December 2014 Council meetings.

IFQ Amendments

Now that two major amendments (GOA bycatch reduction and CSP) to halibut management have been approved by the Secretary of Commerce, several regulatory amendments to the halibut IFQ program are undergoing Secretarial review for implementation in 2015. These include: 1) Establish new minimum vessel ownership criteria for using hired skipper of 12 months and 20% interest; 2) Create a Community Quota Entity (CQE) Program in halibut IFQ regulatory Area 4B (and sablefish Aleutian Islands regulatory area); 3) Allow IFQ derived from D share halibut QS to be fished on (larger) Category C vessels in Area 4B (“Fish-up”); and 4) Allow CQEs to buy small blocks of QS.

Lastly, I also would like to extend the Council’s appreciation for the continued contributions towards stewardship of Pacific halibut and groundfish resources in the North Pacific by you and your staff: Gregg Williams and Heather Gilroy at Council and committee meetings, Dr. Steve Martell on our SSC, Dr. Ian Stewart on the Gulf of Alaska Groundfish Plan Team, and Dr. Bill Clark (*emeritus*) on the Bering Sea/Aleutian Islands Groundfish Plan Team. It is a pleasure working with all of them.

I, of course, will be in attendance at the January 2014 Annual Meeting. Jane DiCosimo also will be available to assist the Commission during its annual meeting.

Sincerely,

A handwritten signature in blue ink that reads "Chris Oliver". The signature is fluid and cursive, with the first name "Chris" being larger and more prominent than the last name "Oliver".

Chris Oliver
Executive Director

North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director



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February 25, 2014

Dr. Bruce Leaman, Executive Director
International Pacific Halibut Commission
2320 West Commodore Way, Suite 300
Seattle, Washington 98199-1287

Dear Dr. Leaman:

The Council reviewed discussion papers on the bycatch of Pacific halibut in directed groundfish fisheries in the Bering Sea/Aleutian Islands in June 2012 and February 2014. The Commission reported on the status of the Pacific halibut stock and the effects of bycatch on the halibut resource and fishery yields at those same meetings. In response to the paper, report, and stakeholder input in February 2014, the Council requested a summary by IPHC staff on the status of the BSAI halibut resource and the impact of halibut prohibited species catch (PSC) in the BSAI trawl and fixed gear groundfish fisheries on halibut stock biomass, the reproductive potential of the halibut stock, and short and long-term halibut yields to all of the directed halibut fisheries in the BSAI areas. The Council would like to request this report at the June 2014 meeting in Nome, Alaska.

The Council also requested a series of industry reports on progress for voluntarily implementing measures in their cooperative and/or inter-cooperative agreements to minimize halibut PSC, including development of effective and verifiable measures for halibut avoidance and individual accountability and use of incentives to reduce PSC. These reports are scheduled for June 2014. A separate timeline will be identified for an analysis to revise Federal regulations to allow deck sorting of halibut on BSAI trawl catcher processors to reduce the halibut discard mortality rate.

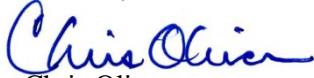
In February, the Council also initiated a regulatory amendment to allow the use of pot gear to retain halibut in Area 4A that are harvested incidentally in sablefish pots in the BSAI when IFQs are held to cover the harvests of both species. The Commission supported the development of the appropriate regulations for this proposed action to redefine legal gear for Area 4A at its January 2014 Annual Meeting. A future analysis would consider methods to limit this allowance to incidental catch and not lead to a directed halibut pot fishery. For this limited fishery, implementation of a discard mortality rate and/or maximum retainable allowance, requirements for removal of pots and marking of buoys may be considered. The Council will determine the schedule for this analysis at its next meeting. It may schedule initial review in December 2014, with final action in February 2015 in order to allow the Commission to consider this information and take action at its January 2015 Annual Meeting. Complementary implementation identifying pots as legal gear in Area 4A in both Federal and Commission regulations would be required.

Note also that the Council will include a similar option to allow halibut retention to minimize bycatch when it considers a proposed action to allow the use pot longline gear in the Gulf of Alaska. Initial review and final action are scheduled for June 2014 and October 2014, respectively. Should the Council adopt that option for the GOA, but the Commission does not take a complementary action during its January

2015 meeting, then that element would not proceed to rulemaking. As always, the staffs of the Commission and Council will coordinate the preparation of these documents.

Again, we will coordinate further at the staff level on all of these issues, but we would like confirmation that someone from your staff will be able to attend the June meeting in Nome to present information (per the first paragraph above) on the impacts of halibut PSC removals on the short and long-term yields of halibut in the BSAI. Thank you in advance for assisting the Council as they address this important issue.

Sincerely,



Chris Oliver
Executive Director

North Pacific Fishery Management Council

Dan Hull, Chairman
Chris Oliver, Executive Director



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January 6, 2015

Dr. Bruce Leaman, Executive Director
International Pacific Halibut Commission
2320 West Commodore Way, Suite 300
Seattle, Washington 98199-1287

Dear Dr. Leaman:

On behalf of our Council, I am submitting our annual management letter which summarizes Council actions, recommendations, or issues which we believe are necessary for IPHC consideration at your upcoming annual meeting.

2015 Halibut Charter management measures

In December 2014, following review of the IPHC's preliminary 'blue line' information, analyses provided by Mr. Scott Meyers of ADF&G, and recommendations from its Halibut Charter Management Implementation Committee, the Council voted unanimously to recommend the following management measures for 2015:

FOR AREA 2C, SOUTHEAST ALASKA:

- one fish daily bag limit, with a reverse slot limit of U40"-O80" (must be less than or equal to 40" or greater than or equal to 80")
- if the final charter allocation is sufficiently higher than the 'blue line' to accommodate a change in the reverse slot limit, adjust the size of the lower limit upward to meet the allocation

FOR AREA 3A, SOUTHCENTRAL ALASKA:

- two fish daily bag limit
- one fish of any size, and maximum size of one fish is 29"
- one trip per day (limit each vessel to one trip per calendar day)
- one day per week closure (prohibition on halibut charter fishing on Thursdays, from June 15 through August 31)
- 5-fish annual limit
- if the final charter allocation is higher than the 'blue line', adjust the maximum size of the second fish upward to meet the allocation

The Council also discussed the very constrained timeline associated with development of annual management measures, given the need for ADF&G sport fish division to analyze potential management measures based on the IPHC interim meeting results and vet those through our Halibut Charter Committee in the short time between the IPHC interim meeting and the Council's December meeting. We did not resolve this issue, but discussed options including use of the previous year's IPHC 'blue line' as

the basis for the initial ADF&G analysis, and continuing to select annual management measure recommendations through the Committee and Council after the IPHC interim meeting.

Status of halibut retention in Area 4A pot gear

Previously the Council recommended that the IPHC approve the proposed allowance of halibut retention in sablefish pot gear in Area 4A . However, prior to approving such allowance, the IPHC requested that the Council develop associated regulatory measures which would result in a coordinated management approach to address some of the IPHC's concerns, most notably maximum retention allowances, or MRAs, which would limit the amount of halibut retention and ostensibly prevent targeting of halibut with pot gear.

Partly due to the press of other priorities, the Council has not yet fully developed those associated regulatory measures, and is currently scheduled to review a preliminary staff analysis in April 2015, at which time they will identify specific alternatives for consideration. We anticipate that the Council's intent with regard to establishment of an MRA, or other regulatory measures, will be available to the IPHC in time for its 2016 annual meeting, thereby providing the IPHC the opportunity to approve halibut retention in Area 4A sablefish pots at that time.

Status of GOA sablefish longline pot gear allowance

Due primarily to concerns with significant killer and sperm whale depredation of sablefish longlines in the Gulf of Alaska (GOA), the Council has developed a regulatory package which would potentially allow the use of pot gear in GOA sablefish fisheries. As part of that process, the Council established a Gear Committee comprised of industry representatives which was active in 2014 in assisting the Council with development of alternatives and options. The Council reviewed an initial analysis in December 2014, refined alternatives at that time, and scheduled this for final action at its April 2015 meeting. The Council's goal is to reduce whale depredation while minimizing concerns with gear conflict and grounds preemption. The alternatives under consideration are summarized below:

- allow pot longline gear in any or all of the following Gulf of Alaska areas – western GOA, central GOA, west Yakutat, and southeast outside
- a limit on number of pots per vessel, ranging from 60 to 400 pots
- potential requirement of gear tracking measures such as pot tags and buoy transponders
- potential gear retrieval requirements to reduce the time pots are on the grounds, including development of an electronic database of pots set, retrieved, or lost
- potential allowance of IFQ halibut retention

Bering Sea/Aleutian Islands halibut PSC (bycatch) reduction package

At its June 2014 meeting the Council passed a motion outlining several alternatives, elements, and options for reducing halibut bycatch (PSC) in the Bering Sea/Aleutian Islands (BS/AI) groundfish fisheries. Part of that motion requested industry sectors to voluntarily reduce halibut bycatch by 10% from current levels. Based on information presented to the Council by NMFS at our December 2014 meeting, it appears that overall halibut mortality was decreased by 3% overall from the preceding five-year average (with significant variations across sectors). Additional industry sector reports, and Council review of an exempted fishing permit (EFP) application to allow deck sorting in certain fisheries, are scheduled for our February 2015 meeting.

In addition to other voluntary measures, deck sorting in particular appears to have the potential for additional reductions in halibut bycatch mortality in 2015 and beyond. At this time the applicant is working with NMFS to expedite internal agency review and approval so that the EFP could be in place in

time for the majority of the relevant 2015 fisheries. The Council is very supportive of progress with regard to deck sorting, and believes that the iterative processes involved in the proposed EFPs will provide an opportunity to maximize benefits of BS/AI bycatch mortality savings, particularly to directed halibut users in Areas 4C/D/E.

At that upcoming February 2015 meeting the Council will be reviewing the staff analysis of the BSAI halibut PSC reduction package, with the intent of taking final action at its June 2015 meeting. Alternatives being considered in that bycatch reduction package include sector-by-sector PSC limit reductions of up to 35% lower than the caps currently in regulation. Other information requested by the Council as part of this analytical package includes:

- levels of catch and bycatch in the existing IPHC closed area
- whether a halibut PSC limit should be applied to the directed sablefish IFQ fishery
- impacts of halibut PSC reduction efforts on chinook and chum salmon bycatch management measures
- potential approaches to establish a biomass-based halibut PSC limit
- review of current protocols for rolling unused halibut PSC between groundfish sectors
- review of subsistence information in Areas 4C/D/E
- fishing practices that reduce halibut bycatch (mortality) in the directed halibut fisheries

The Council motion also recognized the ongoing development of the IPHC's total mortality accounting approach, noting the possibility of adjustments to the elements and options within this package at its February 2015 meeting (where we will also meet jointly with the IPHC Commissioners on February 5).

Observer program improvements

NMFS representatives may provide additional detail to the IPHC on our recently restructured groundfish observer program, but we wanted to highlight a few program improvements in our 2015 annual deployment plan (ADP). These include an overall increase to 24% trip selection probability in the large vessel (partial coverage) trip selection stratum, which is a 50% increase in coverage over the 2014 rate. The small vessel sector (40' to 57.5') will be under a trip selection model as well in 2015, at an overall 12% selection rate. NMFS will not grant conditional releases in the large vessel trip selection pool in 2015, and conditional releases for the small vessel trip selection pool will only be made for life raft capacity situations. These changes in combination increase our overall coverage and improve our data collection efforts relative to bycatch monitoring and other observer program objectives.

Gulf of Alaska trawl bycatch management initiative

In addition to recent reductions in the Gulf of Alaska (GOA) halibut bycatch (PSC) limits, the Council is in the process of developing a more comprehensive trawl bycatch management program in the GOA, aimed at further minimizing bycatch to the extent practicable. In October 2014 the Council passed a motion specifying the alternatives, elements, and options for this program, which centered around a fishery cooperative model with allocations of both target groundfish and PSC species. Several aspects of that program are being analyzed by staff before the Council can finalize the full scope of this initiative, including specific alternatives and elements. This issue will likely be reviewed again by the Council at our October 2015 meeting.

Joint meeting on February 5

On Wednesday, February 5, the Council and IPHC will meet jointly at the Renaissance Marriot hotel in Seattle, beginning at 10 am. An agenda for that meeting has been developed and published, and includes: discussion of the IPHC total mortality accounting framework, including an SSC review of that

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framework; discussion of the Council's BS/AI halibut PSC reduction package, including SSC review of that analysis; improving estimates (and reconciling estimates) of discard mortalities in all fisheries; discussion of potential abundance-based PSC limits; and, identification of areas of mutual interest in research and management. The Council looks forward to meeting with the IPHC on these issues. We also note the availability of our 'Navigating the Council Process' booklet (also posted on our website) which may be of use to those not typically engaged in the Council management process.

Myself, as well as Council Chairman Dan Hull and other Council members will be in attendance at your upcoming annual meeting in Vancouver, B.C., January 26-30. At that time I can provide additional information as necessary on the issues addressed in this letter.

Sincerely,



Chris Oliver
Executive Director

North Pacific Fishery Management Council

Dan Hull, Chairman
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November 20, 2015

Dr. Bruce Leaman
International Pacific Halibut Commission
2320 W. Commodore Way
Suite 300
Seattle, WA 98199-1287

Re: Retention of incidentally caught Pacific halibut in Alaska sablefish pot fisheries

Dear Dr. Leaman:

In 2015, the North Pacific Fishery Management Council (NPFMC) recommended that the Secretary of Commerce approve regulations to allow the use of longline pot gear in the Gulf of Alaska (GOA) sablefish IFQ fishery, largely to counteract whale depredation in these fisheries. The National Marine Fisheries Service Alaska Region office hopes to implement those regulations in time for the 2016 fishing season. One element of the NPFMC's recommendations for the GOA is to allow sablefish fishermen using pot gear to retain incidentally caught legal-size halibut if they possess the necessary halibut quota, as is currently the case when using hook-and-line gear. However, implementation of the halibut retention element is contingent upon the IPHC amending its regulations at Section 19, which do not define pots as legal gear for halibut retention in the GOA areas.

The purpose of this letter is to highlight the Council's action, request consideration of complementary action by the IPHC at its January 2016 Annual Meeting, and to provide context for the different approaches that the NPFMC has taken regarding incidental halibut retention in the GOA and the Bering Sea during recent years. NPFMC staff is preparing a discussion paper that further outlines its recent action for the GOA, a similar action that was considered for the Bering Sea sablefish pot fishery but is not currently being pursued, and an explanation of the NPFMC's intent for these measures. The discussion paper also catalogues the correspondence between NPFMC and IPHC on this issue, which dates back to 2009. This paper will be available for the IPHC's reference prior to your interim meeting in early December. In the meantime I have attempted to capture the basic intent and rationale of the Council in this letter.

The NPFMC's primary intent in recommending the retention of incidentally caught halibut is to avoid a situation where regulations require the discard, and associated discard mortality, of otherwise legally harvestable fish. The NPFMC neither intends nor expects GOA fishermen using longline pot gear to target halibut. In many cases, the NPFMC uses a maximum retainable amount (MRA) limit to cap the amount of a non-target commercial species that may be retained in a particular directed fishery. While the NPFMC emphasized in its public deliberations that its intent is to allow only for the retention of *incidentally* caught halibut, it did not pursue the setting of an MRA for the GOA. The NPFMC determined that, because no sablefish pot gear fishery exists in the GOA, data on the incidence of halibut in this particular gear sector and area that would be necessary to set an MRA do not exist. Under these circumstances, any MRA set for

the GOA sablefish pot fishery would be arbitrary and not in accordance with National Standard 2 of the Magnuson-Stevens Act.

The NPFMC also recently considered recommending incidental halibut retention in sablefish pot fisheries in the area of overlap between the Bering Sea/Aleutian Islands groundfish management area (BSAI) and IPHC Area 4A. In contrast to the GOA action, the NPFMC did consider an MRA as a tool to maintain the incidental nature of halibut retention in the BSAI because the requisite information was available. The NPFMC did not ultimately come to a resolution on the MRA issue because the action was tabled once it was determined that only a small number of sablefish quota shareholders in the BSAI also possessed halibut quota, and that there was in fact minimal interest in such an allowance. In addition to that, the NPFMC choose not to pursue the BSAI action after hearing testimony that stakeholders preferred not to create a “patchwork” of regulations across sablefish fisheries. The Council noted that it might revisit this issue for the BSAI once it has a better understanding of the IPHC’s position on halibut retention in sablefish pots in the GOA.

For purposes of the GOA action taken by the Council in 2015, complementary action by the IPHC to allow pots as legal gear for halibut retention (again, only legal-sized halibut and only if fishermen possess halibut quota) would allow for full implementation of this management measure for the 2016 fisheries. It would be the Council’s intent to monitor this fishery closely, gather data on the incidental catch of halibut, and consider, in coordination with the IPHC, establishing an MRA in the future if it becomes warranted.

Other alternatives include: (1) not allowing retention of halibut, but ideally setting a timeline for future reconsideration after we have collected information on incidental catch rates, gear selectivity, size, etc; (2) allowing retention, but requesting that the Council establish an MRA for halibut retention from the outset. This alternative would likely delay implementation of the program by a year, in order to develop a regulatory MRA standard. The Council would also be guessing as to an appropriate MRA, and would likely attempt to set it sufficiently high as to not create excessive regulatory discards, but sufficiently low as to preclude targeting of halibut.

In summary, the Council believes that we can accomplish the same overall intent by allowing retention at this time, monitoring the incidental catch rates, and establishing an MRA if and when data indicates that limiting retention is warranted. I will be in attendance at your upcoming interim meeting, as well as the 2016 annual meeting, to answer any questions you may have on this issue.

Sincerely,

A handwritten signature in blue ink that reads "Chris Oliver". The signature is fluid and cursive, with the first name "Chris" being more prominent than the last name "Oliver".

Chris Oliver
Executive Director