

NATIONAL MARINE FISHERIES SERVICE (NMFS) PROPOSED CHANGES TO
FEDERAL REGULATIONS AND 2016 PACIFIC HALIBUT CATCH SHARING PLAN FOR
AREA 2A

NMFS is proposing changes to the 2016 Pacific halibut Catch Sharing Plan (CSP) and codified regulations in various sections. This report also includes information regarding inseason actions to modify halibut retention in the sablefish primary fishery.

The proposed changes to the CSP are as follows:

1. Add a statement that all allocations are calculated in net weight. The current CSP does not have this information.
2. Revise inseason notice procedures to remove the Notice to Mariners requirement. These notices are not done for halibut, notice is done through an update to the NMFS hotline.
3. Modify sport fishery closure provisions to reflect that the closure is done after Consultation between NMFS, IPHC, Council, and State managers. The current sport fishery closure provisions do not reflect the current practice.

The proposed changes to the codified regulations at 50 CFR 300 are as follows:

1. Modify Tribal U&A descriptions to account for recent court decisions. NMFS will modify the tribal U&A boundaries to accurately reflect recent rulings in U.S. v. Washington.
2. Remove the coordinates for the 30 fm and 100 fm depth contours and refer to Groundfish regulations. It is best to refer to all coordinates in the groundfish regulations because they are updated regularly and the halibut fishery uses the same closed areas and RCAs, therefore the source coordinates should be the same.
3. Update 300.63(e) to reflect the non-trawl RCA boundary implemented in the 2015-2016 groundfish harvest specifications as the boundary line approximating the 30 fm depth contour, not the 20 fm depth contour.
4. Remove Notice to Mariners notice procedures to match modifications to CSP.

Automatic Action Authority for Inseason Closure of Incidental Halibut Retention in the Sablefish Primary Fishery

The September 2015 NMFS report (Agenda Item I.1.a., NMFS report 2) presented an option to add closure of incidental halibut retention in the sablefish primary fishery to the list of automatic actions in Groundfish regulations in order to allow for closure outside of the Council meeting. This issue was addressed because it was anticipated that the quota for this fishery might be attained. Indeed, in 2015 incidental halibut retention in the fishery had to be closed upon quota

attainment for the first time. The IPHC issued a notice of closure on August 26, 2015. The Council recommended a groundfish inseason action at the September 2015 meeting to align the groundfish regulations with the IPHC's action. NMFS published this inseason action in the Federal Register on October 13, 2015 (80 FR 61318). These events emphasized the need for a mechanism by which the groundfish regulations can be modified inseason to conform to the halibut regulations to close halibut retention

As discussed in September, there is no mechanism outside of a groundfish inseason for modifications to the groundfish regulation regarding halibut retention in the sablefish fishery (for example changing the trip limit). However, in September we proposed that the groundfish regulations could be modified to allow for an inseason quota closure quickly and without a Council meeting, by amending the existing regulation regarding automatic action authority, specifically the groundfish regulations at § 660.60(d). Currently, this provision says automatic actions will be used in the whiting fishery only. It could be amended to add closing halibut retention in the sablefish fishery to the list of actions that may be accomplished through automatic action, for example through creation of a (d)(2): "Automatic actions are used in the sablefish primary fishery to close halibut retention when the halibut quota for this fishery is reached or projected to be reached." In addition to this change, the amount of the halibut quota for the sablefish fishery would be added to 50 CFR 660.231(b)(3)(iv), which currently specifies only the halibut trip limit for the sablefish primary fishery. This change would only allow for a closure of halibut retention in the sablefish primary fishery upon projected attainment of the quota; modification of the landing ratio would still require a groundfish inseason action.

The Council forwarded for public review all of the changes described in the September 2015 NMFS Report. On further review, NMFS determined that the above-described changes to the groundfish regulations may be made through the notice and comment rulemaking for the 2016 annual halibut management measures for Area 2A. The Council may recommend that NMFS take the action required to allow NMFS to conform the groundfish regulations to the IPHC regulations upon a quota closure by the IPHC of halibut retention in the sablefish fishery. This is simply a modification to allow for clear implementation of NMFS' international obligations under the Pacific Halibut Act, and does not require the Council to consider alternatives and select a preliminary preferred alternative.