

PROPOSED FRAMEWORK REGULATIONS AND 2001 MANAGEMENT RESTRICTIONS

Proposed Framework Regulations

To implement the landing ratio or other annual restrictions that provide for management of the incidental halibut harvest in the directed sablefish fishery north of Point Chehalis, the regulations at 50 CFR 300 need to be modified. This is the same section of the regulations which allow the Council to set various landing restrictions each year for the incidental halibut harvest in the salmon troll fishery. The regulations could be modified as follows (new text is underlined):

§ 300.63 Catch sharing plans, local area management plans, and domestic management measures.

Catch sharing plans (CSP) and local area management plans (LAMP) may be developed by the appropriate regional fishery management council, and approved by NMFS, for portions of the fishery. Any approved CSP or LAMP may be obtained from the Administrator, Northwest Region, or the Administrator, Alaska Region.

(a) The catch sharing plan for area 2A provides a framework that shall be applied to the annual Area 2A total allowable catch (TAC) adopted by the Commission, and shall be implemented through domestic and Commission regulations, which will be published in the Federal Register each year before March 15. The Area 2A CSP allocates halibut among the treaty Indian fishery, segments of the non-Indian commercial fishery, and segments of the recreational fishery.

(1) Each year, before January 1, NMFS will publish a proposal to govern the recreational fishery under the CSP for the following year and will seek public comment. The comment period will extend until after the Commission's annual meeting, so the public will have the opportunity to consider the final area 2A total allowable catch (TAC) before submitting comments. After the Commission's annual meeting and review of public comments, NMFS will publish in the Federal Register the final rule governing sport fishing in area 2A. Annual management measures may be adjusted inseason by NMFS.

(2) A portion of the commercial TAC is allocated as incidental catch in the salmon troll fishery in Area 2A. Each year, the landing restrictions necessary to keep the fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the *Federal Register* along with the annual salmon management measures.

(3) A portion of the Area 2A Washington recreational TAC is allocated as incidental catch in the primary directed longline sablefish fishery north of 46°53'18" N. lat. (Point Chehalis, Washington). In accordance with the catch sharing plan, this fishing opportunity is only available in years in which the Area 2A TAC is greater than 900,000 pounds, provided that a minimum of 10,000 pounds is available. Each year that this harvest is available, the landing restrictions necessary to keep this fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register. These restrictions will be designed to ensure the halibut harvest is incidental to the sablefish harvest and will be based on the amounts of halibut and sablefish available to this fishery, and other pertinent factors. The restrictions may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings.

(i) In years when this incidental harvest of halibut in the directed sablefish fishery north of 46°53'18" N. lat. is allowed, it is allowed only by vessels using longline gear and possessing the appropriate incidental halibut harvest license issued by the IPHC.

(ii) It is unlawful for any person to possess or land halibut south of 46°53'18" N. lat that were taken and retained north of 46°53'18" N. lat in the directed sablefish fishery authorized under § 300.63(3)(i).

~~(4)(3)~~ The commercial longline fishery in area 2A is governed by the annual management measures published pursuant to §§ 300.62 and 300.63.

~~(5)(4)~~ The treaty Indian fishery is governed by § 300.64 and tribal regulations. The annual quota for the fishery will be announced with the Commission regulations under § 300.62

Proposed 2001 Management Restrictions

There are a number of regulatory approaches that may be taken to ensure that the incidental nature of the fishery is maintained while allowing opportunity for harvest up to the annual halibut allocation. The most obvious approaches utilize the establishment of a ratio between the amount of halibut landed and the amount of sablefish landed. This ratio can be determined from the number of tier endorsed vessels registering for the IPHC permits to take halibut in the incidental fishery, the allowed sablefish harvest for these vessels, and the available total allowable catch (TAC) for incidental halibut in the directed sablefish fishery. Based on preliminary data, an appropriate ratio in terms of pounds of halibut per pound of sablefish is 0.039 pounds of halibut per pound of sablefish. From this ratio there are a number of ways to construct the regulations.

Regulatory Approach	Concerns/Advantages
Pounds of halibut per pound of sablefish	Halibut are large fish making it difficult to comply with a poundage ratio.
Number of halibut per pounds of sablefish (Ratio)	Regulation has to be based on an assumed average size of halibut in the commercial fishery. Fishers may highgrade to obtain larger halibut. Enforcement will have to be at-sea or dockside. Halibut counts are not recorded on fish tickets.
Set ratios conservatively to minimize likelihood of need for inseason adjustment	If ratios are set conservatively to minimize the need for inseason adjustments, fishers may not be able to take the full amount of harvest allowed.
Set ratio more liberally and ensure conservation goal is achieved through inseason monitoring.	If ratios are based on the average size of commercial halibut, highgrading by fishers may result in harvest in excess of the allocation for the fishery. Some fishers may increase the intensity of their harvest effort to ensure they have an opportunity to retain halibut incidental catch before the end of the season. [A preliminary estimate of the worth of the halibut incidental catch for a Tier 1 vessel might be \$5,800. With stacking, this value could be substantially higher.]
Number of halibut per pounds of sablefish plus a cumulative limit for the season. (Cumulative limit for halibut based on amount of sablefish a vessel can land).	Reduces need for inseason adjustment. Ensures an opportunity for fishers to fully access the available incidental harvest allowed for the fishery. Ensures that regulations can be enforced after the season by auditing fish tickets in the same manner as will likely occur for the directed sablefish fishery. [Number of halibut are also recorded in the IPHC required logbook.]

An example of the annual restrictions for 2001, based just on a landing ratio (no cumulative poundage limit), could be as follows:

- (a) The incidental harvest of halibut in the directed sablefish fishery north of 46°53'18" (Point Chehalis) is allowed by vessels possessing groundfish limited entry fixed gear sablefish permits and the appropriate incidental halibut harvest license issued by the IPHC. ***Incidental harvest is not allowed for vessels fishing under daily trip limit regulations during the primary directed sablefish fishery.***
- (b) In 2001, this fishery will be restricted to a total harvest of 47,946 pounds (21.3 mt).
- (c) To maintain a purely incidental fishery, properly licensed vessels may retain and land 1 halibut for every 480 pounds (round weight) of sablefish landed and up to 2 additional halibut in excess of the 1 per 480 pound ratio per landing. (The additional 2 halibut provide some flexibility in meeting the ratio restriction.) The landing ratio may be adjusted inseason to help ensure access to the incidental harvest without exceeding the halibut allocation.
- (d) South of Point Chehalis Washington, it is unlawful for a vessel to fish for, *take, retain*, transport, *possess, land* or sell halibut caught incidentally in the sablefish fishery (even if the halibut were caught north of Point Chehalis).

PFMC
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