

## 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.
3. Modify sport fishery closure provisions to reflect that the closure is done after joint 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, NMFS may need to modify the tribal U&A boundaries listed, pending the outcome of litigation.
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.

### *Inseason Adjustments for Incidental Halibut Retention in the Sablefish Primary Fishery*

Inseason adjustments for halibut fisheries and for incidental halibut retention in the salmon troll fishery happen very rapidly outside of a Council meeting after joint consultation between NMFS, state management agencies, Council staff, and IPHC. They become effective upon announcement on NMFS' hotlines. Because there is language in the groundfish regulations allowing retention of incidentally caught halibut in the sablefish fishery, effectively closing halibut retention in the sablefish primary fishery to avoid quota exceedance currently requires both a halibut inseason action and a groundfish inseason action. While a halibut inseason action can be done quickly as described above, a change to the groundfish regulation regarding halibut

retention in the sablefish primary fishery currently must go through the groundfish inseason process, which requires a Council meeting and a Federal Register notice to become effective.

In the past, the Council and NMFS have not modified halibut retention in the sablefish fishery inseason, but rather set the landing ratio to ensure the retention opportunity is available throughout the sablefish primary season (April 10-October 31). Inseason action to close the fishery to avoid quota exceedance has been unnecessary, because the quota has not been reached prior to the close of the season on October 31. Council members have expressed concern that the amount of process and time necessary to adopt and implement a groundfish inseason action could be too slow to respond effectively to data showing that incidental halibut retention in the fishery is approaching the quota. Therefore, the Council has asked whether there are options reducing the amount of process and time required for implementing a halibut quota closure in the sablefish fishery. NMFS has evaluated this issue and provides the following option for Council consideration.

While we believe there is no mechanism outside of a groundfish inseason for modifications to the regulation regarding halibut retention in the sablefish fishery (for example changing the trip limit), we do believe the groundfish regulations could be modified to allow for an inseason quota closure quickly and without a Council meeting. NMFS believes closing halibut retention in the sablefish fishery could be addressed through the addition to 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 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. Because this would be a new management tool for the sablefish primary fishery, implementing this tool would likely require a groundfish rule making (proposed and final rule, and a 2 meeting Council process).