



## Pacific Fishery Management Council

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Phil Anderson, Chair | Charles A. Tracy, Executive Director

March 21, 2019

Dr. David Wilson  
Executive Director  
International Pacific Halibut Commission  
2320 West Commodore Way, Suite 300  
Seattle, WA 98199-1278

Re: Area 2A Non-Indian Commercial Directed Fishery Dates

Dear Dr. Wilson:

At its March 2019 meeting, the Pacific Fishery Management Council (Council) received an update on the International Pacific Halibut Commission's (IPHC) annual meeting, including statements from your Assistant Director, Mr. Steve Keith, and U.S. Commissioner Mr. Bob Alverson. Both of their statements included comments regarding the decision to include two consecutive opening dates, June 26 and 27, in the Area 2A non-Indian directed commercial fishery this year. As you know, this action prompted some significant concerns from both state managers and fishermen from Area 2A. First I want to thank you and Mr. Keith for having Mr. Keith attend the Council meeting in person, as this allowed a very reasoned discussion to occur and correct some misunderstandings on the origin of the proposal. This type of exchange helps reinforce the cooperative and collaborative relationship between the Council and the IPHC we have enjoyed for so long.

The Council has some specific safety and enforcement concerns associated with the change to the structure of having two consecutive day 10-hour openings at the beginning of the season. Council member LCMD Scott McGrew from the United States Coast Guard spoke to these concerns on the Council floor and they were also identified in our advisory body statements and public comment (see enclosures). Safety issues were identified by fishermen during public comment with specific reference to their ability to safely pull their gear, return to port, deliver their catch, and return to sea for the second opening. There were also concerns about both on the water and dockside enforcement capabilities expressed by state and Federal law enforcement representatives.

Mr. Keith explained that it was believed fishermen would choose only one of the two days to fish, thereby improving the safety of the fishery. However, it is clear that fishermen view that as foregone opportunity and many will try and fish both days. Overall, we did not receive any comments in support of the proposal. As a result of the safety and enforcement concerns, we

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request that IPHC take inseason action to remove June 27, 2019 from the list of open periods for the Area 2A non-Indian commercial directed halibut fishery.

In a related matter, the Council will have an agenda item for its April meeting to identify the scope and provide direction for planning a workshop to explore issues and ideas for potential changes to the Area 2A commercial directed halibut fishery. As mentioned in our November 16, 2018 letter to you, we would welcome IPHC participation in the workshop.

If you or the IPHC staff have any questions or thoughts regarding the workshop or our request that IPHC remove June 27 from the days available to fish in the 2019 2A directed fishery season, please feel free call upon Ms. Robin Ehlke of the Council staff or the Council's Executive Director, Mr. Chuck Tracy at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip Anderson', with a stylized, flowing script.

Philip Anderson  
Council Chairman

Enclosures:

Agenda Item H.1.c Supplemental EC Report 1 March 2019; Enforcement Consultants Report on the Annual International Pacific Halibut Commission (IPHC) Meeting Report.

Agenda Item H.1.c Supplemental GAP Report 1 March 2019 Groundfish Advisory Subpanel Report on the Annual International Pacific Halibut Commission Meeting Report

CAT:kma

Cc: Council Members  
Mr. Steve Keith  
Mr. Chuck Tracy  
Ms. Robin Ehlke  
Ms. Kathryn Blair

## ENFORCEMENT CONSULTANTS REPORT ON THE ANNUAL INTERNATIONAL PACIFIC HALIBUT COMMISSION (IPHC) MEETING REPORT

The Enforcement Consultants (EC) have reviewed the material associated with Agenda Item H.1 Annual IPHC Meeting Report, and have the following comments.

The EC is opposed to the addition of a 10-hour commercial halibut opener on June 27 due to significant enforcement concerns associated with having two fishing periods on consecutive days (i.e. June 26 and June 27). The Area 2A directed Halibut Fishery is an established limited derby style fishery with well-known regulations and strict gear and landing requirements. Scheduling two 10-hour commercial halibut fishing periods on consecutive days causes the following enforcement concerns:

1. The IPHC Area 2A regulations have been developed to support a stand-alone 10-hour fishing period. There are specific rules that address fishing prior to an opener, conduct during the opener, gear removal prior to a close of an opener, and continuous transit and complete offload of fish following the closure of the fishing period. Enforcement of these rules has been manageable due to the length of time between scheduled fishing periods and the coordination of state and Federal enforcement. The EC considers fishing periods separated by one week or more being enforceable under the current regulatory requirements.
2. Back to back fishing periods with only 14-hours between the closure of one period and the opening of another will significantly impact the ability to enforce both the at-sea and the shoreside component of this fishery. If the proposed back-to-back dates move forward as announced in the 2019 Pacific Halibut Fishery Regulations, there will be limited daylight patrol time available to ensure gear has been removed from the fishing grounds and that any vessels on the water during the closed hours do not have halibut on board. There are also not enough shoreside enforcement personnel available to monitor vessels that fished during the first fishing period, ensuring they complete an offload of all fish before returning to sea to participate in the second fishing period. Vessel Monitoring Systems are not required for the halibut fishery, so that is not a reliable monitoring tool for this fishery.

Enforcement is responsible for ensuring this fishery is orderly and fishers are compliant. There are simply not enough enforcement personnel to effectively monitor both aspects of this fishery simultaneously.

The EC strongly requests that the additional date of June 27 be removed and retain the dates approved by the commission at the IPHC Annual Meeting:

“The IPHC recommended an overall fishing period (season) of 15 March – 14 November 2019 for all commercial Pacific fisheries in Canada and the USA. In IPHC Regulatory Area 2A, the tribal commercial fisheries and the incidental Pacific halibut fisheries will occur within these dates, and the non-tribal directed commercial fishery will consist of 10-hour derby fishing periods, including but not limited to 26 June, 10 July, 24 July, 7 August, 21 August, 4 September, and 18 September.” IPHC-2019-NR004, 2/1/2019

PPMC  
03/09/19



## GROUNDFISH ADVISORY SUBPANEL REPORT ON THE ANNUAL INTERNATIONAL PACIFIC HALIBUT COMMISSION MEETING REPORT

The Groundfish Advisory Subpanel (GAP) received an overview from Mr. Steve Keith, Deputy Director of the International Pacific Halibut Commission (IPHC), and Mr. Bob Alverson and Mr. Steve Joner, GAP members and IPHC Commissioners, regarding the Annual International Pacific Halibut Commission meeting held in February.

### Makah Proposal

The GAP appreciates the efforts of the Makah Tribe for its regulatory proposal to the IPHC that would create a total constant exploitation yield (TCEY) for Area 2A that supports a constant floor level fishery constant exploitation yield (FCEY) of 1.5 million pounds annually. This was designed to reduce the variability and uncertainty for all 2A fisheries. The IPHC approved the change. The GAP supported this proposal in our [November 2018 Report](#).

### Directed 2A Commercial Fishery

Mr. Keith reported the IPHC added a second day to the directed commercial season this year. The derby typically opens for 10 hours on the last Wednesday in June, with subsequent openings every two weeks until the 2A quota is harvested. This year, the first derby opening would occur on Wednesday, June 26. The second 10-hour opening would occur on Thursday, June 27, in an attempt to have a longer fishing period. Subsequent derby openings would follow July 10, July 24, Aug. 7, Aug. 21, Sept. 4, and Sept. 18 per the traditional schedule. Mr. Keith said the Thursday, June 27, derby opening is not set in stone and the IPHC has heard from industry, managers and enforcement that it may not be feasible to do at this time.

Mr. Keith reported the June 26 and 27 days would be 10-hour openings on each day. The GAP noted several problems with this. First, fishermen would not choose one of the two days to fish; they would try to fish both days but there is insufficient time to fish one day, run in, offload, re-bait the tubs, then return to the fishing grounds since the fish could not be retained on board overnight. Bad weather would only complicate this and likely make the fishery *more* unsafe. At the same time, processors would have difficulty offloading all the halibut for the vessels to return to the fishing grounds. Law enforcement advisors in the room also discussed problems related to the proposed two-day opening.

The GAP suggests that, given the hazard to the fleet of back-to-back openings and issues brought up by law enforcement, the season this year remain as it has in the past: one 10-hour opening on the last Wednesday in June, with subsequent openings every two weeks. Eliminate the June 27 day this year, pending a fishery management workshop proposed to be held in June or July this year per the [NMFS report 1](#) under this agenda item.

## Halibut Workshop

The GAP fully supports a workshop to consider changes to the Area 2A directed commercial fishery. We have suggested proposed analyses and changes in our [June 2017](#) and [November 2018](#) statements. To summarize, the GAP suggestions included:

1. **Retain status quo** (the derby fishery);
2. **Move to a quota/catch share-type fishery**;
3. **Instead of a 10-hour opening (derby season), replace it with a 30-day season, 20-day, 10-day or 5-day season.** The GAP understands the permit allocations may be lower under longer seasons – much lower – than they are now to account for potential overages. The current assumption on which the permit allocations are based is that not all the assigned halibut will get caught. A longer opening would likely change those assumptions and therefore decrease the per-permit assignments of halibut pounds. Further, the season may close early if the overall commercial quota is attained; and
4. **Assign the commercial halibut quota to incidental catch in the sablefish fishery.** This issue has been proposed in the Council process in the past but hasn't been considered a high priority. Analysis for all sectors – open access, fixed gear and the tier fishery – should be included.

Additionally, the GAP suggests a hybrid option of numbers 3 and 4:

5. **Allow a smaller 2A quota for the directed fishery with some of the quota going to incidental catch in the sablefish fishery.** For example, the smaller vessels, particularly the open access vessels in Area 2A that target sablefish could have an incidental halibut catch of two fish. The limit would be low enough to discourage targeting while also reducing regulatory discards. Larger vessels that can handle rougher weather could participate in the directed commercial fishery.

The GAP notes [NMFS Report 1](#) suggests tribal, state and federal fishery managers, enforcement, the Groundfish Management Team and the West Coast Groundfish Observer Program staff be involved in the workshop.

**Members of the GAP should also be included**, since GAP members can provide practical recommendations regarding seasons, proposed changes and how different scenarios would directly affect the industry.

PFGC  
03/09/19\*