

## PACIFIC HALIBUT CATCH SHARING PLAN: PROPOSED CHANGES TO REGULATORY ITEMS

The Council's Enforcement Consultants (EC) recommended consideration of regulatory changes to facilitate enforcement of rules pertaining to commercial fisheries that retain Pacific halibut (halibut). These regulatory changes were most recently discussed at the June 2023 Council meeting as part of the [scoping paper](#) developed to provide basic information on topics identified for potential change. This document focuses on the outcome of the June 2023 Council meeting relative to the proposed regulatory changes for non-tribal commercial fisheries that land halibut.

There are three items to consider for regulatory change:

1. Vessel Monitoring System (VMS): require all vessels participating in the non-tribal commercial directed halibut fishery to carry VMS.
2. Fish receiving ticket forms: require all non-tribal commercial landing tickets that report halibut to include the number of individual halibut landed.
3. Seabird avoidance measures: require all vessels participating in the non-tribal commercial directed halibut fishery to deploy seabird avoidance gear.

### **1. Vessel Monitoring System (VMS)**

The EC recommended adding a requirement for vessels participating in the non-tribal commercial directed halibut fishery (DC Fishery) to carry VMS. This would apply to only those vessels that land halibut but do not land groundfish on the same trip, since vessels that fish for halibut in Federal waters and retain groundfish on the same trip must use VMS. Previous Council actions that developed a requirement for VMS were mainly done to increase the Office of Law Enforcement (OLE) ability to enforce fishing activity around restricted areas.

VMS units automatically record a vessel's position (i.e., the vessel's geographic location in latitude and longitude coordinates) and transmit those coordinates to a communications service provider (either once per hour or at least once every 15 minutes, 24 hours a day depending on which Council managed fishery requires the VMS unit). Vessel operators must arrange for a NMFS OLE type-approved communications service provider to receive and relay transmissions to OLE prior to fishing. Currently, any vessel that uses open access gear to take and retain or possess groundfish in the Exclusive Economic Zone (EEZ or Federal waters between 3 and 200 miles) or lands groundfish taken in the EEZ is required to carry an OLE type-approved VMS. Those that fish for groundfish must transmit their position (ping rate) four times per hour. Therefore, vessels that fish for halibut in Federal waters and retain groundfish on the same trip must use VMS. Currently, a total of 1,641 West Coast vessels have a VMS requirement based on Federal regulations; this number can vary daily, due to activations and deactivations for a host of reasons.

Table 1 provides the number of unique vessels that actively fished in the DC fishery and VMS usage. Based on the data collected, it appears that this potential requirement for VMS may apply

to at least 16 unique directed commercial fishing vessels that landed halibut but did not land groundfish.

Table 1. Number of unique vessels that actively fished in the non-tribal directed commercial halibut fishery (2017-2022) and VMS status.

Vessel Status	Number of Vessels
With VMS	165
Without VMS	16
Total	181

Additional considerations include the applicable ping rate that would be required. A ping rate of four times per hour may be most applicable to be consistent with groundfish regulatory requirements that monitor closed areas.

This item would likely be a regulatory amendment of the international halibut regulations codified at 50 CFR [Part 300](#) and West Coast regulations at 50 CFR [Part 660.14](#). In addition, other regulations would likely need to be considered for applicability or changes such as VMS declaration codes, potential exemptions for VMS use, and continuous transit requirements for restricted areas. It's likely collection of information requirements under the Paperwork Reduction Act would be included in this regulatory package.

Below are potential options for Council consideration of requiring VMS on vessels participating in the non-tribal commercial directed halibut fishery:

- Option 1.a. – No action. Status Quo: Require vessels participating in the non-tribal commercial directed halibut fishery to carry VMS only if groundfish are also retained on the same trip.
- Option 1.b. – Action: Require all vessels participating in the non-tribal commercial directed halibut fishery to carry VMS, and implement any regulations associated with a VMS requirement.

A cost/benefit analysis may be needed to fully understand the implications of any action considered, including the burden to the participants to purchase a VMS unit and operating costs compared to the benefit of ease of enforcement and other factors.

## 2. Fish Receiving Ticket Forms

The EC recommended that all non-tribal commercial landing tickets that report halibut be required to also include the number of individual halibut landed. The EC had initially supported the use of logbooks, but suggested in their June 2023 statement to instead consider a requirement for fish receiving tickets to also include the number of halibut landed, not just total poundage. This would apply to the directed fishery, and incidental catch in the salmon troll fishery and the primary sablefish fishery.

Halibut catch in Area 2A non-tribal commercial fisheries, directed or incidental, are linked to some sort of landing limit or ratio to manage the fishery so it remains within its quota and to help ensure that retention is allowed throughout the season. Weekly landing limits, vessel limits per period, and catch ratios per trip are the most common management tools for tempering catch.

Commercial fish receiving ticket forms (also known as fish tickets) are required for all landed catch, but the requirements for what is reported can vary across the states of Washington, Oregon, and California. Specifically, each state requires fish tickets to include the total number of pounds landed, but each state may not require that the number of individual fish also be recorded.

An example of how this recommendation may be expressed is found in the Washington Administrative Code (WAC) 220-352-040: “*Delivery amounts: Number of individuals caught: Deliveries of salmon and sturgeon and all species landed as part of an incidental catch allowance or catch ratio restriction that is expressed in numbers of fish must be reported as counts of individuals*”. Alternate language could be developed to achieve the same purpose, if it was clear on what information was required to report on the forms.

At the time of this report, it was unclear if all three coastal states (Washington, Oregon, and California) required information for non-tribal fish tickets to include the number of individual halibut landed along with the total number of pounds on their state-issued fish receiving tickets. Potential options for Council consideration are:

Option 2.a. – No action. Status Quo: Maintain the current requirements for non-tribal commercial fish receiving tickets for reporting the number of pounds and the number of individual fish for halibut landings

Option 2.b. – Action: Require all non-tribal commercial fish receiving tickets to report the number of pounds AND the number of individual fish for halibut landings.

### **3. Seabird avoidance measures**

The EC recommended adding a requirement for all vessels participating in the non-tribal commercial directed halibut fishery to deploy seabird avoidance gear.

Current groundfish fishing seabird avoidance measures (effective in January 2020) were developed as part of the 2017 Terms and Conditions of the short-tailed albatross biological opinion for the continued operation of the groundfish fishery. The avoidance measures can be found in the West Coast Region’s [compliance guide](#).

The current set of regulations apply to any non-tribal groundfish vessel at least 26 feet in length or longer using bottom longline gear fishing to fish for groundfish in Federal waters (i.e., three nautical miles from shore to 200 nautical miles) north of 36° N. latitude. These vessels must deploy streamer lines while setting gear or set gear at night. This includes vessels in the limited entry fixed gear fishery with a longline endorsement (including primary sablefish and sablefish daily trip limit participants), open access fixed gear fishery using bottom longlines, and shorebased individual fishing quota (IFQ) vessels using bottom longlines (i.e., gear switchers). The regulations do not apply for vessels fishing exclusively in state waters (0-3 nautical miles from shore) or for any vessels fishing south of 36° N. latitude (regardless of how far offshore).

Vessels that fish for halibut but also target groundfish must use streamer lines if they meet the above requirements. Therefore, this recommendation would only apply to those vessels that target halibut in the directed fishery with bottom longline gear that do not retain groundfish in Federal waters above 36° N. latitude on the same trip. Based on vessel landings in Table 2 we anticipate this action would apply to an average of 11 vessels. We assume the vessel length requirement, and all other aspects of the rule (time, area fished) would be included as part of this measure to be consistent with current groundfish fishing regulations.

Table 2. Annual number of permitted directed commercial halibut vessels with halibut landings only, and those that include groundfish landings on the same trip, 2017-2021.

Year	Vessels landing Pacific Halibut with Groundfish	Vessels landing only Pacific Halibut
2017	58	15
2018	55	8
2019	94	5
2020	70	11
2021	78	13
2022	70	12
Average	71	11

Potential options for Council consideration are:

Option 3.a. – No action. Status Quo: Maintain the current regulations for use of seabird avoidance gear. This currently includes vessels participating in the non-tribal commercial directed halibut fishery that also target/retain groundfish.

Option 3.b. – Action: Require vessels participating in the non-tribal commercial directed halibut fishery to deploy streamer lines, when the rules governing the use of seabird avoidance gear in the Pacific Groundfish Fishery are met (vessel length, time, gear, etc.).

A cost/benefit analysis may be needed to fully understand the implications of any action considered, including the burden to the participants to purchase the gear and cost to operate and maintain the gear compared to the benefit of ease of enforcement and other factors.

PFMC  
08/15/23