

PACIFIC HALIBUT CATCH SHARING PLAN: PROPOSED CHANGES TO REGULATORY ITEMS

The Pacific Fishery Management Council's (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 discussed at the June 2023 Council meeting as part of the [scoping paper](#) developed to provide basic information on topics identified for potential change, and were adopted for public review at the September 2023 Council meeting. This document focuses on the proposed regulatory changes for non-tribal commercial fisheries that land halibut.

Additional data and analysis will be needed if the Council decides at this November 2023 meeting to continue investigations on each of these three topics. More specificity is needed on the breadth of the actions, and the required analysis to investigate the impacts of any potential action should also occur before the Council takes final action. This additional work will require staffing resources and time, which may be feasible over the winter and spring of 2024.

There are three items under consideration 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)

Detailed information on this topic was also provided at the [June](#) and [September](#) 2023 Council meetings. The EC recommended adding a requirement for vessels participating in the non-tribal commercial directed halibut fishery (DC Fishery) to carry VMS, due to concerns with their ability to enforce closed area regulations on vessels not carrying VMS. The Groundfish Advisory Subpanel (GAP) supported this requirement in their June and September statements. Under current Federal groundfish regulations, vessels are already required to have VMS if retaining or possessing groundfish, so this rule would apply to the few vessels that participate in the DC fishery and do not land groundfish. Requirements for VMS from previous Council actions were mainly done to increase the ability to enforce fishing activity around restricted areas.

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 at least 16 unique directed commercial fishing vessels that landed halibut but did not land groundfish would be affected by this potential rule change.

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

Based on the proposal by the EC and comments from the GAP, staff has interpreted the proposal for directed halibut vessels to mirror those for the groundfish fisheries. This includes a 15 minute ping rate and the other exemptions and requirements laid out in 50 CFR [Part 660.14](#). If the Council would want to select an alternative ping rate for analysis, they should note that at this November meeting. Regardless of the ping rate, this change would 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](#). It's likely collection of information requirements under the Paperwork Reduction Act would also be needed in this regulatory package.

A cost/benefit analysis may also 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.

Options adopted by the Council for public review in September 2023 included:

- Status Quo: No action. Continue to 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.: Require all vessels participating in the non-tribal commercial directed halibut fishery to carry VMS, both with and without groundfish on board, and implement any regulations associated with VMS requirements as described in the federal Groundfish regulations at 50 CFR [Part 660.14](#)

Because more information is needed at this juncture, the Council should decide, either to continue the investigation of the merits and impacts of the proposal or elect to not pursue the recommendation and take action to adopt 'Status Quo'.

If the Council chooses to continue work on this topic, then the Council should:

1. Specify any differences applicable for DC Fishery vessels not retaining groundfish from current groundfish regulations, such as the ping rate.
2. Identify reasonable schedule to conduct and complete the task for Council consideration.

2. Fish Receiving Ticket Forms

Detailed information on this topic was also provided at the [September](#) 2023 Council meeting. The EC recommended adding a requirement for fish receiving tickets to include the number of individual 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. In September, the GAP agreed with the recommendation and that this would provide information for managers for future actions.

Halibut catch in Area 2A non-tribal commercial fisheries, directed or incidental, use a landing limit or catch ratio as management tool to help ensure that a fishery remains within its quota and to allow retention throughout the season. The directed fishery uses vessel limits (reported in pounds of pacific halibut), the incidental fisheries (salmon and sablefish) use a catch ratio of the amount of target species and the number of halibut landed, either a ratio of the number of halibut per salmon, or the number of halibut per the amount of pounds of sablefish. Given only the incidental fisheries use catch ratios with a specific number on individual halibut, it seems reasonable to require the count of halibut on fish landing tickets in the incidental salmon and sablefish fisheries.

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.

It remains unclear if all three coastal states (Washington, Oregon, and California) require 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.

It also remains unclear if the Council has authority on data requirements for state landing tickets; or if the action item needs to be adjusted to *recommend* the coastal states require the number of individual fish for halibut landings. The Council will need to seek advice on what the most appropriate pathway is to achieve this potential change in requirements.

Options adopted by the Council for public review in September 2023 included:

- Status Quo: No action. 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 1: Require all non-tribal commercial fish receiving tickets to report the number of pounds AND the number of individual fish for halibut landings.

Because uncertainties remain, at this juncture, the Council should decide either to continue the investigation of the proposal or elect to not pursue the recommendation and take action to adopt ‘Status Quo’.

If the Council chooses to continue work on this topic, then the Council should:

1. Identify where the authority lies to require information on state fish tickets.
2. Identify which states already require the recommended information.
3. Identify reasonable schedule to conduct and complete the task for Council consideration.

3. Seabird avoidance measures

Detailed information on this topic was also provided at the [June](#) and [September](#) 2023 Council meetings. The EC recommended adding a requirement for all vessels participating in the non-tribal commercial directed halibut fishery to deploy seabird avoidance gear, to help enforcement of the rule requiring vessels retaining groundfish to use seabird avoidance measures. The GAP also supported the inclusion of this item in their statements from June and September. Vessels retaining only halibut may fish alongside those vessels retaining groundfish and halibut, which adds to the enforcement challenges and requiring participating vessels to conduct business in the same way will likely improve compliance.

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](#), which is a multi-page document outlining what is required, what to do if a seabird is encountered, who to call, how to report an incident, etc.

The rule applies only to specific vessels, in specific areas, under specific conditions, using specific gear, and operating under specific permits. The current set of regulations apply to any non-tribal groundfish vessel 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 it appears this action would apply to an average of 11 vessels.

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

In 2019, NMFS concluded a consultation with the U.S. Fish and Wildlife Service on the effects of the halibut fishery on seabirds, bull trout, and sea otters. The result of that consultation was concurrence by the U.S. Fish and Wildlife Service of NMFS' determination that seabirds, bull trout, and sea otters are not likely to be adversely affected by the proposed action. As it relates to seabirds, this conclusion was based in part on the differences between the operations of the commercial halibut fishery compared to other longline groundfish fisheries, and that halibut gear has a shorter line and sinks faster and halibut fisheries operate over a shorter time.

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.

Options adopted by the Council for public review in September 2023 included:

- Status Quo: No action. Maintain the current regulations for use of seabird avoidance gear. This affects only vessels participating in the non-tribal commercial directed halibut fishery that also target/retain groundfish.
- Option 1: 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, area, etc.).

Because more information is needed at this juncture, the Council should decide either to continue the investigation of the merits and impacts of the proposal or elect to not pursue the recommendation and take action to adopt 'Status Quo'.

If the Council chooses to continue work on this topic, then the Council should:

1. Specify any differences applicable for DC Fishery vessels not retaining groundfish from current groundfish regulations.
2. Identify reasonable schedule to conduct and complete the task for Council consideration.