

Commercial Fishery Regulation Changes: Vessel Monitoring Systems, Seabird Avoidance, and Catch Reporting

Range of Alternatives, Preliminary Preferred Alternative

Actions under consideration

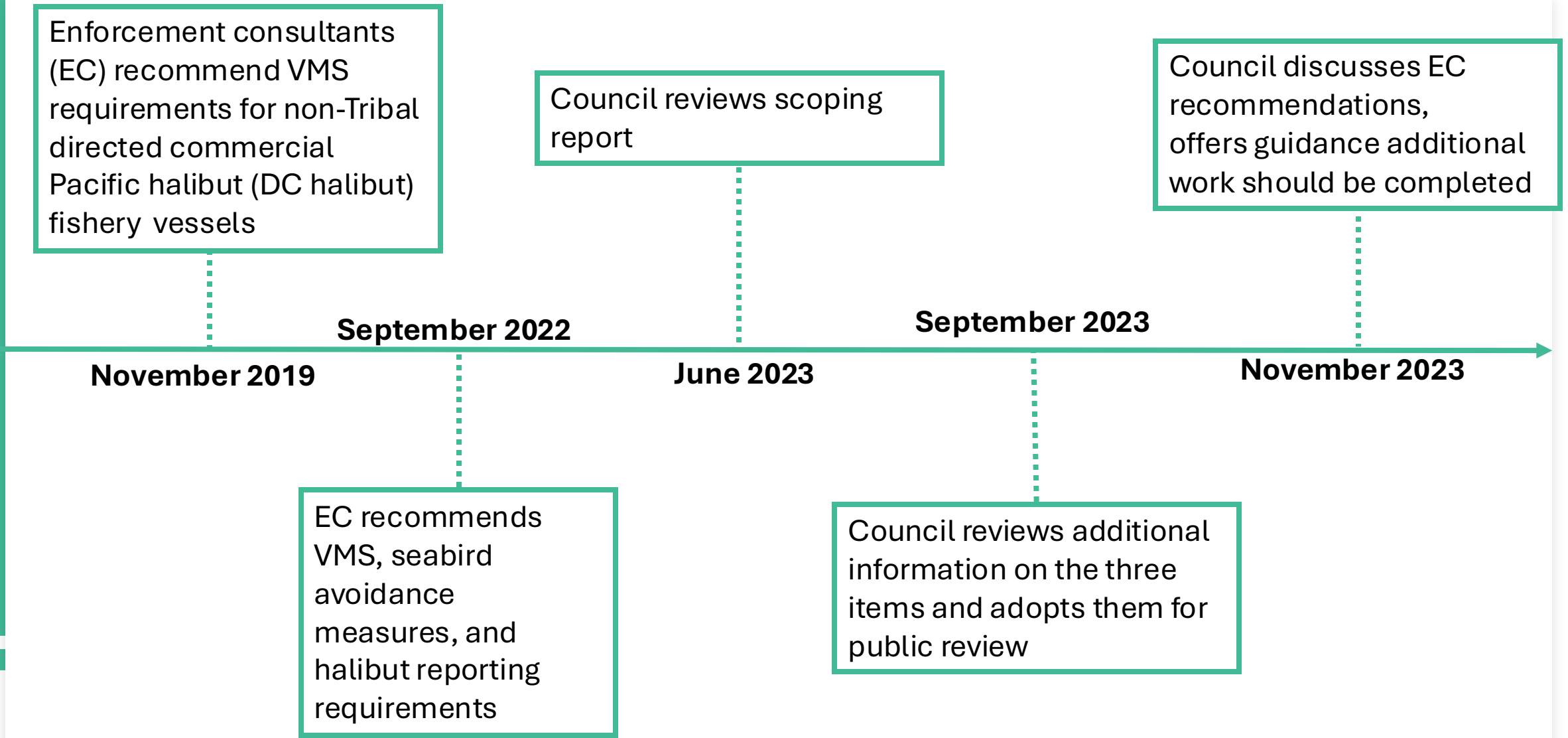
- **Action 1:** Vessel monitoring systems (VMS)
 - Require all vessels participating in the non-Tribal directed commercial Pacific halibut (DC halibut) fishery to carry a vessel monitoring system (VMS) unit
- **Action 2:** Seabird avoidance measures
 - Require all vessels in the DC halibut fishery using bottom longline gear to use seabird avoidance gear (streamer lines) when setting gear
- **Action 3:** Catch reporting
 - Require all fish receiving tickets for landings of Pacific halibut from vessels participating in the DC halibut fishery and only landing halibut to record both pounds and number (count) of fish

Problem Statement

Enforcement Consultants (EC) have noted challenges when enforcing management measures pertaining to the DC halibut fishery. These challenges are

- (1) detecting if vessels only retaining Pacific halibut are fishing near or in closed areas since these vessels are not required to carry VMS
- (2) identifying violations with seabird avoidance gear requirements since vessels participating in the DC fishery and retaining both groundfish and halibut using bottom longline gear are required to follow seabird avoidance measure requirements but only retaining halibut are not, and
- (3) determining if halibut vessel limits or incidental harvest landing restrictions have been exceeded if fish receiving tickets do not list both pounds and number (count) of halibut landed

History of the Action



Materials

- Attachment 1: Draft Initial Regulatory Impact Review/Regulatory Flexibility Act/Halibut Act Document
- Supplemental Attachment 2: Alternatives Summary
- Supplemental Reports
- Public Comment

Council Action



Review and discuss the information provided in Attachment 1

Provide guidance on proposed clarifications and questions described in Supplemental Attachment 2



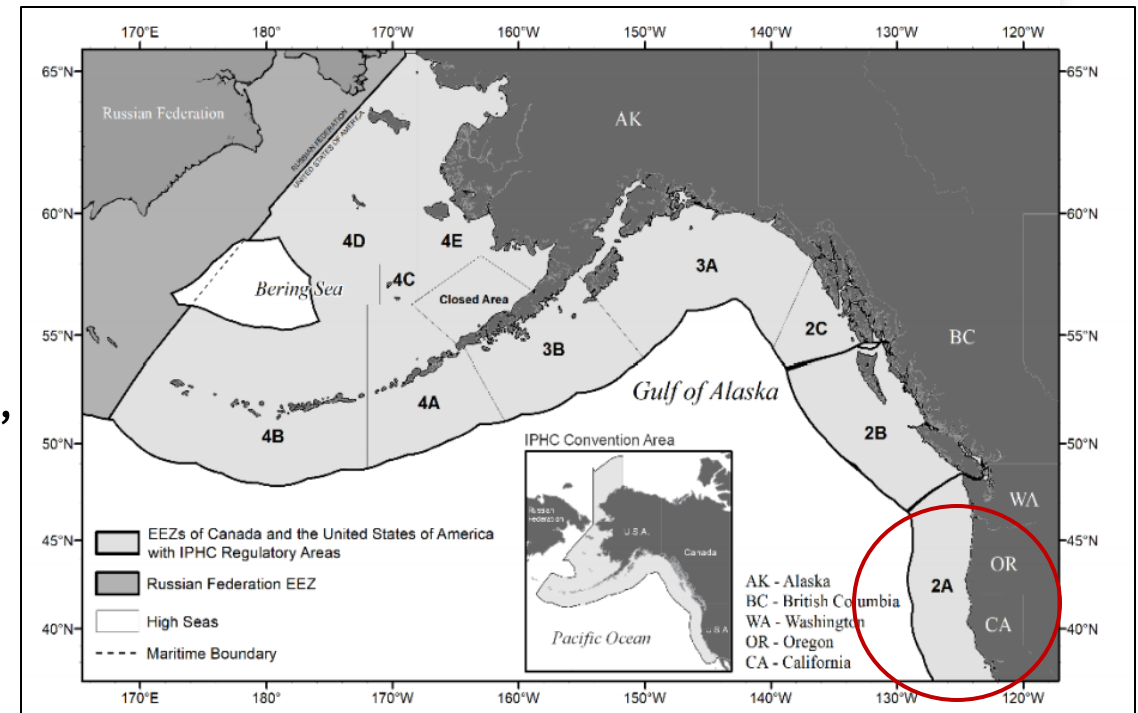
1. Does the problem **statement accurately characterize** the problem the Council is trying to address?
2. Are the **range of alternatives sufficient** to address the problem statement?
3. For any preliminary preferred alternative selected by the Council, **how do the benefits compare to the costs** to industry and management?



Provide a range of alternatives and preliminary preferred alternatives for VMS, seabird avoidance measures, and catch reporting

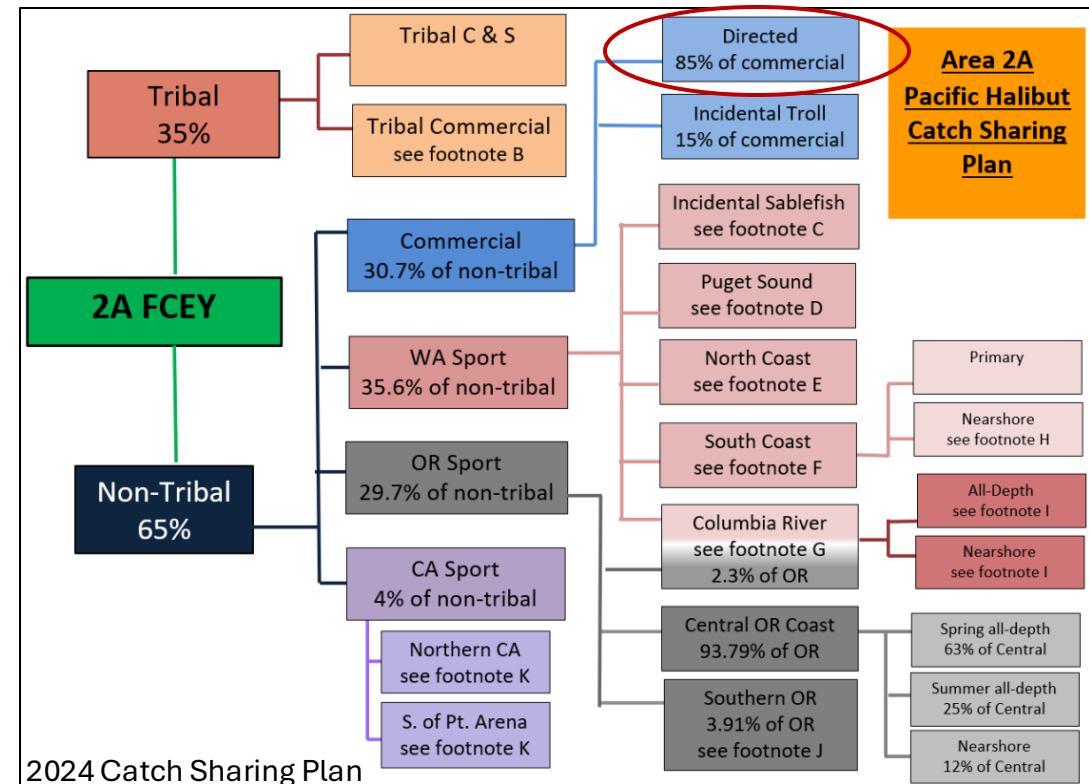
Management Area and Halibut Act

- The Halibut Act states:
 - “The Regional Fishery Management Council...may develop regulations governing the United States portion of **Convention waters**.”
- Convention waters are defined to be waters that:
 - “includes **without distinction areas within and seaward of the territorial sea** or internal waters [i.e. state waters].”
- Fishery occurs in IPHC Area 2A south of Point Chehalis, WA and includes WA, OR, and CA
- Prohibited from fishing in the Non-Trawl Rockfish Conservation Area (RCA)
- **Amendment 32** create specific closed areas for the DC halibut fishery



DC Halibut Fishery Management

- Hook and line gear is the only allowable gear type
- Bottom longline is most common (98% of landings)
- No limit on number of participants
- Permit cost is low (\$32 in 2024)
- Managed through a series of fishing periods based on sub-allocation and vessel class limits
 - 2018 – 2019: three 10-hour periods
 - 2020: five 58-hour periods
 - 2021-2023: three 58-hour periods
 - 2024: five 58-hour periods

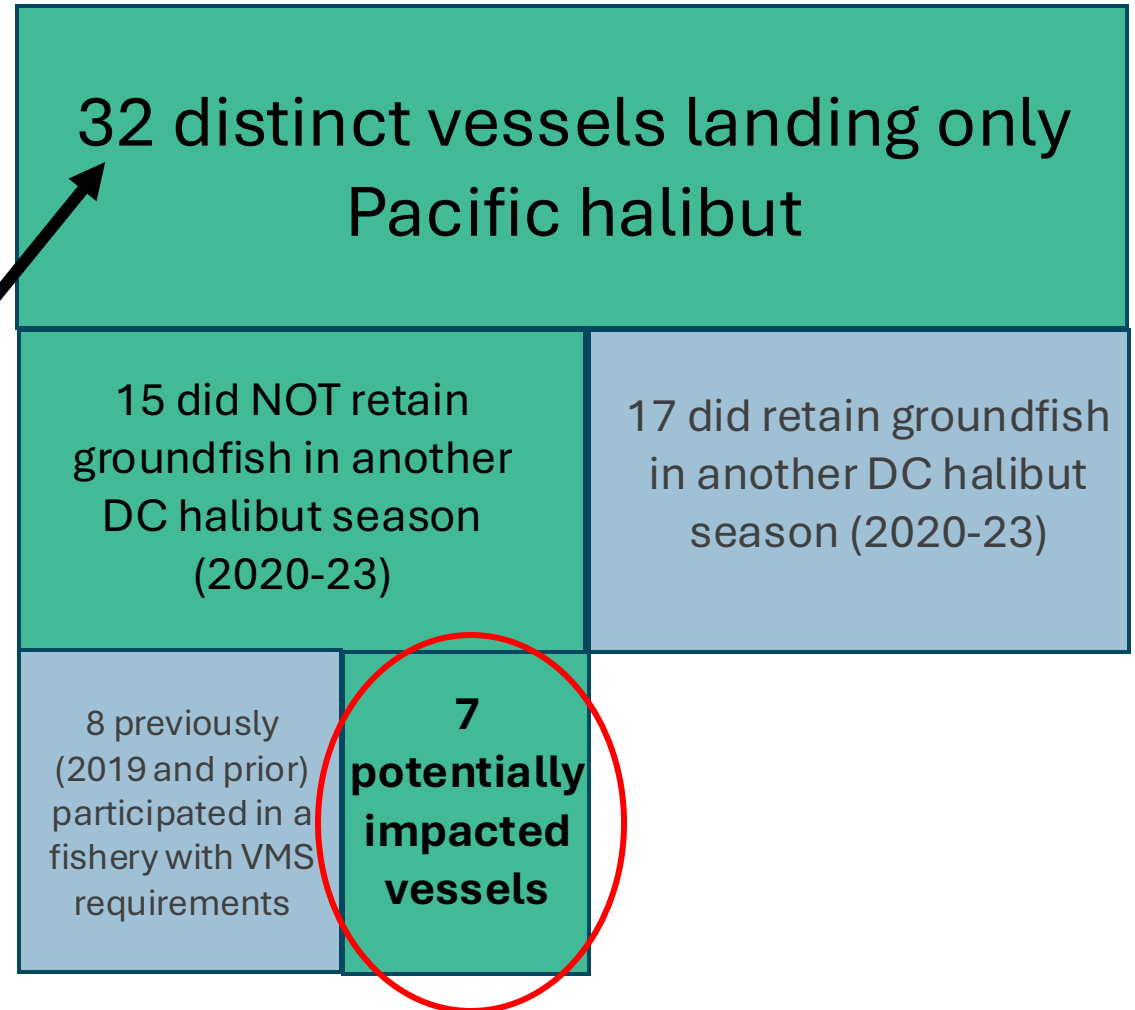


Potentially Affected Entities

Action 1 and 2

- DC halibut fishery vessels not already subject to VMS or seabird avoidance measure requirements (i.e., not also groundfish fishing)

Year	Number permitted	Groundfish and Pacific halibut	Pacific halibut only
2020	207	70	9
2021	190	78	13
2022	202	70	12
2023	148	78	12





Potentially Affected Entities

Action 3

- Dealers receiving Pacific halibut landed without groundfish
 - Federal regulations require Pacific halibut landed with groundfish to report both weight and number of fish
 - State regulations require number of halibut landed incidentally in the salmon troll fishery to be recorded
- From 2020-2023; **9 – 11 dealers**

Action 1. VMS

Problem

- Enforcement has acted on numerous closed-area violations between 2020-2023 during the DC halibut fishery
- Without VMS, enforcement action is contingent on OLE or the Coast Guard being present and able to see the violation occur.



Poor weather conditions in 2023 hampered air operations during most openers

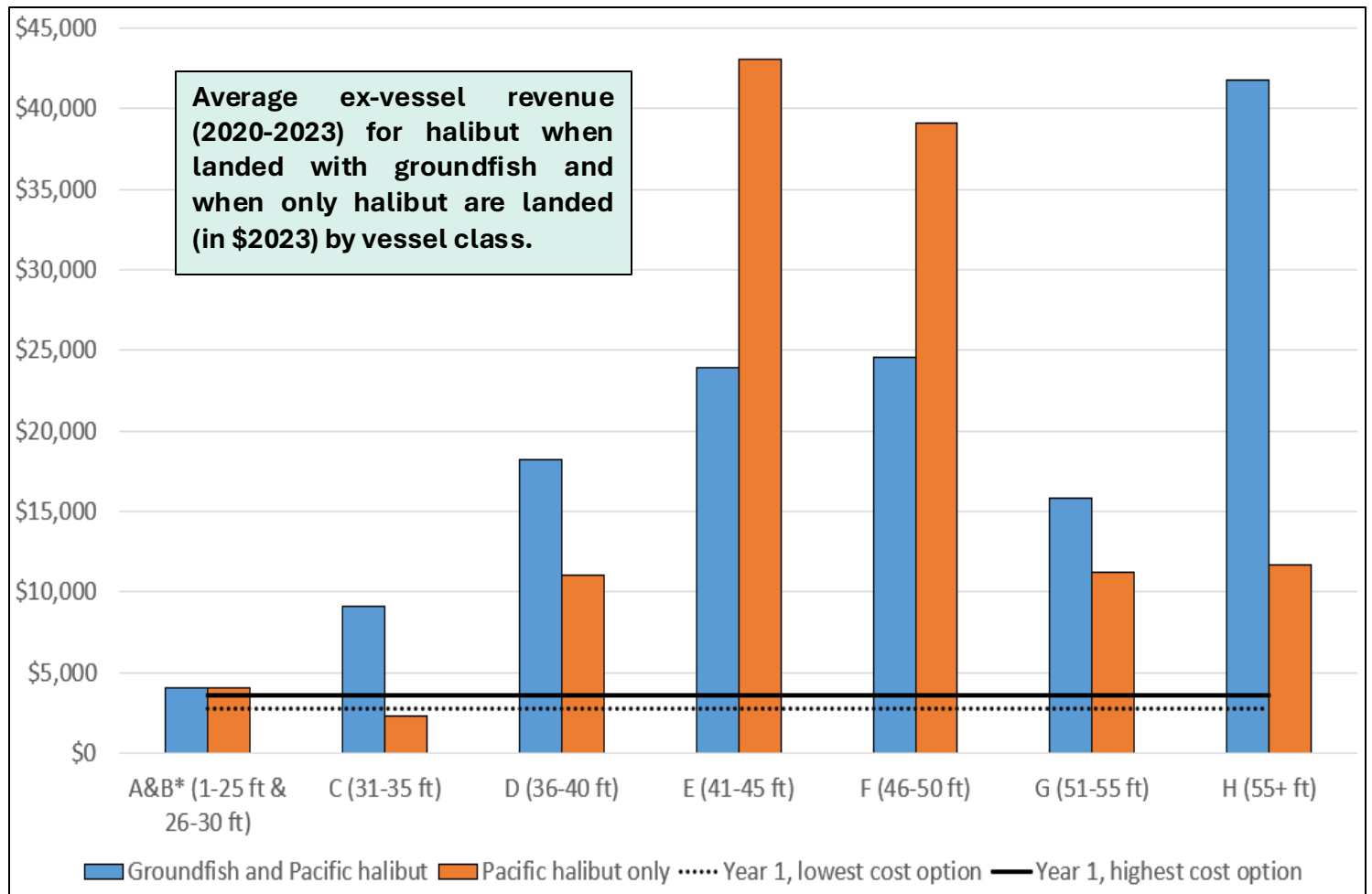
(Source: [2023 Annual Enforcement Report to IPHC](#))

VMS Alternatives

- No Action: Status Quo
- Alternative 1: Require VMS on vessels participating in the DC halibut fishery
 - Component 1. Applicable waters
 - A. EEZ
 - B. Convention waters of IPHC Area 2A (0nm – 200nm)
 - Component 2. VMS ping rate requirement
 - A. Four times per hour (i.e. once every 15 minutes)
 - B. Once per hour
 - Component 3. VMS status requirement (when VMS unit must be turned on and transmitting location)
 - A. 24 hours a day, 365 days a year
 - B. When fishing participating in the DC halibut fishery and fishing during an open period

Impacts of VMS (Alternative 1)

- **Lowest cost combination:** 1-hr ping rate, only on when participating in the DC halibut fishery (3 months/year)
 - Year 1: \$2,765
 - Subsequent years: \$130
- **Highest cost combination:** 15-min ping rate, on year-round
 - Year 1: \$3,570
 - Subsequent years: \$940
- Vessel classes A, B, and C:
 - **Year 1 costs would approach or exceed average ex-vessel revenue** for vessels only landing Pacific halibut
- May deter new entrants
- May make it easier to enter the groundfish fishery



*Vessel classes A and B have been combined to meet confidentiality requirements.

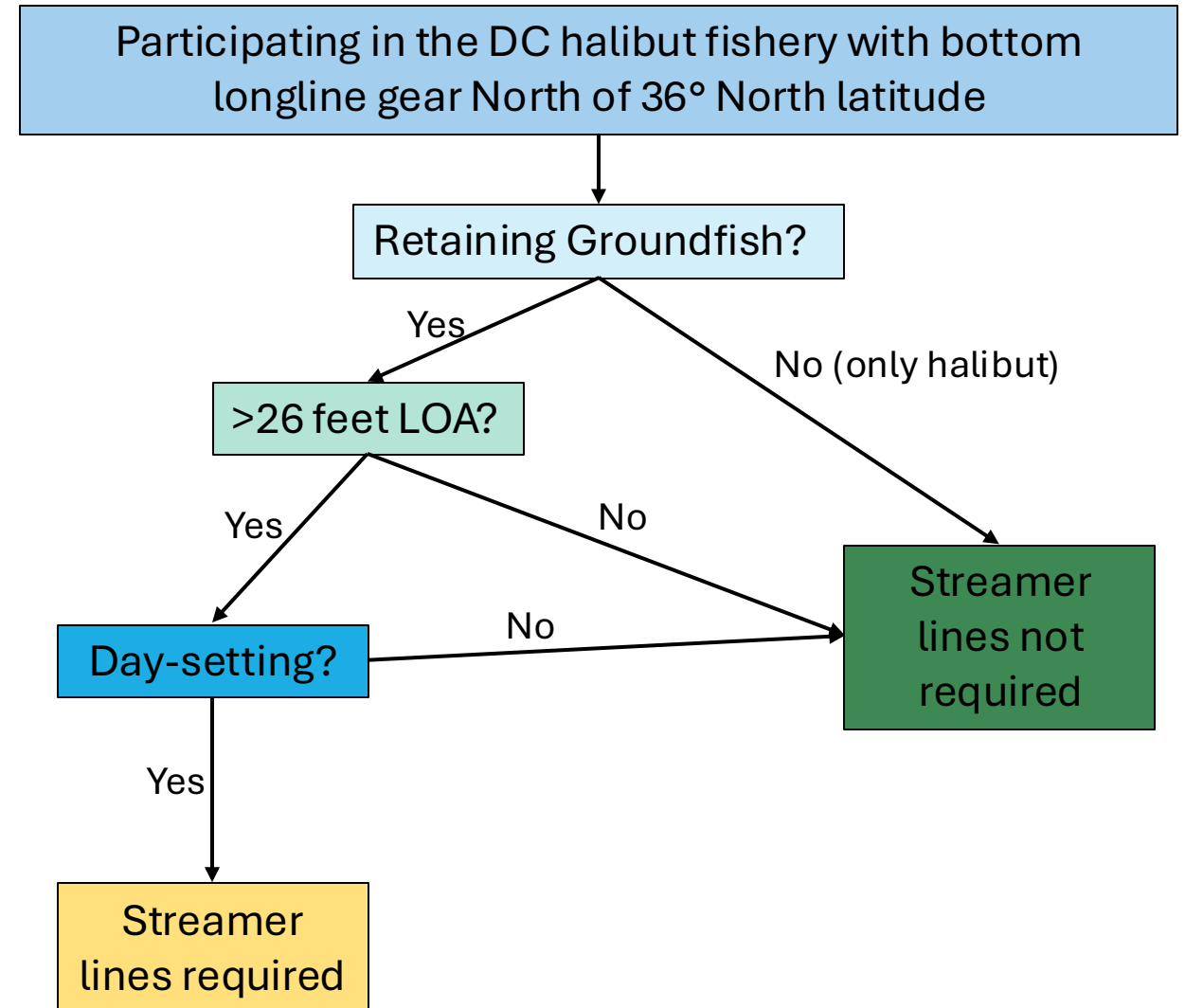
Impacts of VMS (Alternative 1), continued

- **Reduction in enforcement effort** needed to monitor for closed area violations and determine if gear was set in closed areas
- Ensure benefits of applicable closed areas / rockfish conservation areas are not undermined

Action 2. Seabird Avoidance Measures

Problem

- Difficult to identify violations of seabird avoidance gear requirements when **requirements are not consistent among bottom longline vessels**
- Documented violations by vessels that are currently required to use streamer lines:
 - one in 2021, six in 2022, and seven in 2023
- **Requirements for groundfish vessels are a result of two Biological Opinions** conducted by the United States Fish and Wildlife Service (2012 and 2017)



Seabird Avoidance Measure Alternatives

- No Action: Status Quo
- Alternative 1: Require vessels participating in the DC halibut fishery using bottom longline gear to deploy streamer lines when setting gear.
 - Component 1. Applicable waters
 - A. EEZ
 - B. Convention waters of IPHC Area 2A (0nm – 200nm)

Impacts of Seabird Avoidance Measures (Alternative 1)

- 1 individual streamer line: \$207.95
 - Vessels > 26 ft to 55 ft: 1 streamer line
 - Vessels > 55 ft: 2 streamer lines
- Average price per pound (2020-2023): \$6/lb
 - Offset cost of 1 streamer line = 35 lbs
 - Average landings: 500 lbs (class B) to 8,070 lbs (class F)
- Incidental costs: additional structures on smaller vessels, entanglement in gear, time to deploy



Impacts of Seabird Avoidance Measures (Alternative 1), continued

- Reduction in enforcement resources spent determining if a seabird avoidance gear violation has occurred
- Under Component 1a, consistency among participants fishing in the EEZ with bottom longline gear during the DC halibut fishery
 - May result in an inconsistency in state waters under Component 1b
- Indirect benefit to seabirds
- Increased outreach would be necessary
 - May be beneficial under either No Action or Alternative 1



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NEWS

2024 IPHC Area 2A Commercial Pacific Halibut Season Is Set to Open

June 13, 2024

NOAA's Office of Law Enforcement will conduct patrols during the upcoming commercial halibut fishing season.

[Feature Story](#) | [West Coast](#)



State and Federal enforcement personnel inspecting halibut during the 2023 season. Credit: NOAA

The first 3-day commercial directed Pacific halibut fishing season of 2024 in convention waters off the West Coast begins next week. The season opens on Tuesday, June 25 at 8 a.m. and ends on Thursday, June 27 at 6 p.m. NOAA's Office of Law Enforcement, along with our state and federal

More Information

- [Pacific Halibut Fishing on the West Coast](#)
- [Pacific Halibut species profile](#)

Recent News

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West Coast



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[Reestablishing Connections for Fish and Tribes on Oregon's North Santiam River](#)
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FEATURE STORY

[A Boater Drove Through a Pod of Killer Whales. Turns Out a Wildlife Videographer Was Filming.](#)
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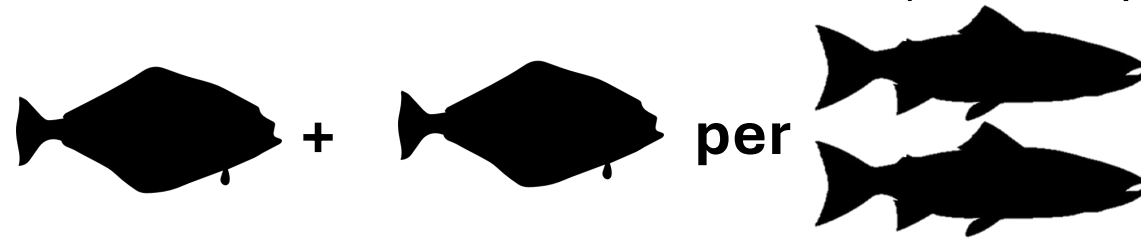


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Action 3. Catch Reporting

Problem

- Initial concerns stemmed from determining if incidental catch allowances in the salmon troll or primary sablefish fishery had been exceeded
 - Salmon: set number of halibut + ratio number limit (ex. 1 + 1 per each 2 Chinook)



- Sablefish: set number halibut + poundage limit (ex. 2 + 150 lbs per 1,000 lbs)



Problem, continued

- Determining if halibut vessel limits or incidental harvest landing restrictions have been exceeded if fish receiving tickets do not list both pounds and number (count) of halibut landed.
- Current reporting requirements for fish receiving tickets include:
 - landed weight of fish (i.e. Pacific halibut) received
 - number and weight of Pacific halibut landed with groundfish (which includes halibut landed in the LEFG primary tier sablefish fishery and in the DC halibut fishery by vessels also fishing for halibut (LEFG or OA).
 - number (count) of Pacific halibut landed incidentally in the salmon troll fishery
- No requirements to record number of Pacific halibut landed in the DC halibut fishery by vessels only landing halibut

Catch Reporting Alternatives

- No Action: Status Quo
- Alternative 1: Require that fish receiving tickets for landings of Pacific halibut from vessels participating in the DC halibut fishery and only landing Pacific halibut include both weight (pounds) and number (count).

Impacts of Catch Reporting (Alternative 1)

- Nine to eleven potentially impacted dealers
- May increase offload times
 - Halibut offloads noted to take an hour or less
- No benefit to management efficiency or accuracy
 - Fishing period limits are set by weight
 - Only pounds are required for catch accounting purposes

Council Action



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Extra Slides

VMS Cost Comparison: Selection of NMFS-Approved VMS Units

Unit	Nautic Alert, Insight X3	Skymate m1600 VMS ¹	Woods Hole Group – Triton Advanced ²	Average
Unit Purchase Cost	\$2,499.00	\$3,000.00	\$2,399.00	\$2,632.67
Monthly cost w/ 15-min ping rate	\$109.99	\$45.00	\$79.00	\$78.00
Year-1 costs w/ 15/min ping rate plan, year round operations (Alt 1, 2A & Alt 1, 3A)	\$3,818.88	\$3,540.00	\$3,347.00	\$3,568.63
Year-1 costs w/ 15-min ping rate plan, operating only when fishing season open* (Alt 1, 2A & Alt 1, 3B)	\$2,828.97	\$3,135.00	\$2,636.00	\$2,866.66
Monthly cost w/ hourly ping rate	\$39.99	\$30.00	\$62.00	\$44.00
Year-1 costs with hourly ping rate plan, year round operations (Alt 1, 2B & Alt 1, 3A)	\$2,978.88	\$3,360.00	\$3,143.00	\$3,160.63
Year-1 costs w/ hourly ping rate, operating only when fishing season open* (Alt 1, 2B & Alt 1, 3B)	\$2,618.97	\$3,090.00	\$2,585.00	\$2,764.66

*Assumes three, three-day fishing periods a year (one a month in June, July, and August). Service providers have indicated costs could be variable if there is a monthly downturn rate, but a deactivation/reactivation approach could also be implemented.

1. Purchase cost may vary depending on the dealer. 15-min ping rate cost is assuming purchase of the gold plan (20,000 characters) and 1-hour ping rate cost is assuming purchase of the silver plan (10,000 characters). One location ping requires 20 characters.

2. Plans are offered at 24 or 96 positions a day. Assumes purchase of 96 positions for 15-min ping rate requirement and 24 positions for hourly ping rate requirement.

Note: The Skymate I1500, Thorium TST A2.0, and Thorium LEO A2.0 VMS are included on the NMFS Type-Approved list but are no longer manufactured so have been omitted. Additional type-approved units include the Addvalue iFleetONE, MetOcean OmniCom, VMS and Global, and Sailor VMS Gold and Gold Plus. Costs for these units are not available at this time.

Current catch reporting regulations

- State regulations require fish receiving tickets to include the number of pounds (accurate weight) of species received (WAC 220-352-040; OR 635-006-0200; CA Title 14 § 197(b)(1)(A)).
- For any halibut landed with groundfish, federal regulations at 50 CFR 660.213(e)(1) and 50 CFR 660.313(f)(1) currently specify that all fish receivers must provide the actual weight and number of Pacific halibut on appropriate electronic fish ticket forms.
 - This includes halibut landed as a part of the incidental limit for the LEFG primary tier fishery and halibut landed in the DC halibut fishery where vessels retain groundfish (LEFG or OA).
- Halibut caught in salmon troll fishery
 - Washington state regulations at WAC 220-352-040 specify that the number of individual halibut caught incidentally in the salmon fishery must be expressed in numbers of fish.
 - Oregon state regulations at 635-006-0212 specify that the number of individual halibut caught incidentally in the salmon fishery must be expressed in numbers of fish (halibut are not retained in the sablefish fishery occurring in Oregon/south of Point Chehalis).
 - California state regulations at Title 14 § 197 specify that *landings receipts and electronic fish tickets will report number of individual fish, as applicable*, and is interpreted to mean number of halibut that count towards an incidental limit must be recorded (California Department of Fish and Wildlife (CA DFW) staff, personal communication).