

North Pacific Fishery Management Council

Dan Hull, Chairman
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.npfmc.org>

January 15, 2016

Dr. Bruce Leaman, Executive Director
International Pacific Halibut Commission
2320 West Commodore Way, Suite 300
Seattle, WA 98199-1287

Dear Dr. Leaman:

In preparation for your upcoming annual meeting, I am writing on behalf of the North Pacific Fishery Management Council (Council) to update you on halibut related issues within the Council arena, and other items for your consideration at your annual meeting in Juneau.

2015 BSAI halibut bycatch action

As you are aware, in June 2015 the Council voted to reduce the halibut PSC (bycatch) limits for groundfish fisheries in the Bering Sea/Aleutian Islands (BSAI) management area. The overall reduction approved by the Council was 21% (total PSC limit of 3,515 mt reduced from 4,426 mt), with a 25% reduction for the Amendment 80 trawl sector, which accounts for the largest proportion of overall halibut PSC usage in the BSAI. This reduction is expected to be implemented and in effect for the 2016 fishing season. Actual PSC usage in 2015, for each sector, will be provided to the IPHC through the NMFS Region's annual management report. We also understand that representatives from the Amendment 80 groundfish sector will provide information to the IPHC regarding their efforts in 2015 to continue bycatch reductions in their sector, and any additional plans for 2016 and beyond (similar to the information they provided to the Council at our December 2015 meeting). In June the Council requested them to provide halibut bycatch management plans in December which include: avoidance practices on the grounds; communication between participating harvesters; data sharing to track performance; use of excluders; deck sorting; performance measurement and assessment at the vessel and company level; and, consequences for substandard performance.

Halibut Management Framework

At the June 2015 meeting the Council also committed to additional efforts to address halibut bycatch, including development of a strategic planning document (Halibut Management Framework) intended to integrate the various management and research activities currently underway, and to improve coordination and communication between the Council and the IPHC. This initiative is intended, in part, to ensure progress on a number of items discussed at our February 2015 joint Council/IPHC meeting in Seattle, WA. At your interim IPHC meeting in December 2015 I provided an overview of the draft Framework document, and the Council reviewed that same draft at its December meeting later that month. The Council also received the IPHC's initial comments on the draft Framework, which were helpful to the Council in providing further direction to staff relative to ongoing development of the

Framework. The Council is scheduled to review the Framework again at its upcoming February 2016 meeting, and their review will benefit from further input provided by the IPHC.

The Council's December motion on the Framework is attached for your reference. The Council took action to (1) identify specific, overarching objectives for the Framework; (2) identify priority research issues; and (3) identify specific actions to improve coordination and communication with the IPHC. The major items of likely interest to the IPHC include identification of priority research issues (which will also be reviewed by the Council's Scientific and Statistical Committee (SSC) at our February meeting), as well as consideration of the Council's interest in pursuing some kind of Joint Protocol Committee with the IPHC, similar to that which exists between the Council and the Alaska Board of Fisheries. The Council is particularly seeking your input on these topics, but welcomes any additional input the IPHC may have which will contribute to our mutual goals relative to halibut and halibut bycatch management. Chairman Dan Hull and I will both be on hand at your annual meeting to provide an overview of the Council's Halibut Management Framework and answer any questions you may have. An updated version of the Framework will be provided prior to your annual meeting, though we urge the IPHC to consider the document to be a work-in-progress which will benefit from further input from the IPHC and halibut stakeholders.

Based on discussions at our December meeting, the Council also formed its own Halibut Management Committee consisting of three Council members (Dan Hull, Simon Kinneen, and Craig Cross) and the three U.S. IPHC Commissioners, in order to better coordinate halibut management issues from a domestic perspective. That Committee will likely hold its initial meeting sometime later this spring. The suggested 'Joint Protocol Committee' would likely be broader in scope, and would include IPHC Commissioners of your choosing, but would be generally aimed at pursuing issues of mutual interest, as were raised in our February 2015 joint meeting or through the Framework discussions.

The Council's December motion also included a request to the IPHC to provide the Council with a presentation on your Management Strategy Evaluation (MSE) process and progress to date, as that initiative could intersect in some ways with the Council's strategic planning document (Framework). The February Council meeting would be an ideal time for the Council to receive such a presentation, in conjunction with our review of the Framework and any further IPHC input on that Framework; however, we are also sensitive to the short time-frame involved between our February Council meeting and your annual meeting.

Abundance-based halibut PSC management

One of the issues discussed at our February 2015 joint meeting, and identified as a priority within our Council's Framework document, is our mutual interest in pursuing some type of abundance-based PSC management approach. IPHC staff took the lead on this issue with Dr. Steve Martell preparing an initial discussion paper which has been reviewed by both the IPHC and the Council (but not the Council's SSC). Following Dr. Martell's presentation in December, the Council passed a motion to form an interagency staff working group to pick up on this initiative by evaluating alternative methods to index halibut PSC limits based on halibut abundance (yield). The Council requests that this workgroup describe potential data and management advantages and challenges provided by alternative methods to index halibut PSC limits based on abundance and to evaluate the effects of various assumptions on an abundance-based approach, such as those related to natural mortality (by size and age), growth rates, size composition of PSC by sector, and the long-term spawning capital of juvenile halibut, with the goal of returning abundance-based recommendations to the Council as soon as possible.

This workgroup is in the formative stages, but the initial plan is for them to incorporate Dr. Martell's conceptual paper into the workgroup's consideration, and to also explore other, potentially simpler

approaches. A report from the workgroup would be vetted through the Council's SSC prior to coming before the Council, with a tentative target of April 2016 for an initial workgroup report. Membership of the staff workgroup includes: Diana Stram (NPFMC), Bruce Leaman (IPHC), Rachel Baker (NMFS Region), Jim Ianelli (NMFS AFSC), Dana Hanselman (NMFS AFSC), and Carey McGilliard (NMFS AFSC).

Retention of halibut in pot gear

At your interim meeting you reviewed a letter from the Council (attached) which requested that the IPHC consider amending IPHC regulations (Section 19) to allow retention of incidentally caught halibut in sablefish pot gear in the Gulf of Alaska (GOA). This is based upon the Council's approval of the use of longline pot gear in the GOA sablefish IFQ fishery, largely to counteract whale depredation in these fisheries. The Council's intent would be to only allow legal-sized halibut to be retained, and only if they possess the necessary halibut quota to cover such retention. The Council does not intend nor expect GOA fishermen to target halibut with pot gear, and our intent is simply to avoid the discard, and associated mortality, of otherwise legally harvestable halibut. We did not set a maximum retainable amount (MRA limit) as we do with some fisheries, because we have no information upon which to base such an MRA. Rather, our intent would be to monitor this fishery closely, gather data on the incidental catch of halibut, and consider (in coordination with the IPHC) establishing such an MRA in the future if it appears to be warranted.

A discussion paper on this issue has been prepared by Council staff, and provided to the IPHC, to help inform your consideration of this request. I will be at your upcoming annual meeting, along with Mr. Sam Cunningham (Council staff) to address any questions you may have on this request.

2016 Charter management measures for Area 2C and Area 3A

After review of information presented by Mr. Scott Meyer from ADF&G, the IPHC's preliminary information for overall 2016 catch levels, and recommendations from our Charter Halibut Management Implementation Committee, the Council is recommending the following management measures for 2016 intended to maintain the charter sector's catch within its specified allocation for Areas 2C (0.847 million lbs) and 3A (1.771 million lbs):

For Area 2C:

*One fish daily bag limit

*Reverse slot limit of U42"-O80" (must be less than or equal to 42", OR greater than or equal to 80")

If the final Area 2C allocation is sufficiently higher than the 'blue line' to accommodate a change in the reverse slot limit, adjust the size of the lower limit upward to meet the allocation. If the final allocation is below the 'blue line', the first restriction added would be a 5-fish annual limit. If further restrictions appear needed, adjust the size of the lower limit downward to meet the allocation.

For Area 3A:

*Two-fish daily bag limit

*Maximum size of one of the two fish is 28"

*One trip per day (use of each charter halibut permit is limited to one charter halibut fishing trip per calendar day. Also limit each vessel to one trip per calendar day)

*4-fish annual limit

*prohibition of halibut charter fishing on Wednesdays, all year.

If the final Area 3A FCEY is halfway between the 2015 FCEY and the 2016 ‘blue line’, this would equate to a charter allocation of 1.84 million lbs. In this case, the annual limit would increase to 5 fish. If the Area 3A charter allocation is the same as 2015 (1.89 million lbs) the maximum size of one of the two fish would increase to 29” and the annual limit would increase to 5 fish. For both regulatory areas 2C and 3A, a requirement would be included to record halibut on the back of the license or harvest record card as an enforcement mechanism for the annual limit. And for both areas, the regulations for GAF remain the same as in 2015.

Other Council actions relative to halibut

Leasing of halibut in Area 4: I would like to note one other action initiated by the Council in June 2015 – development of a discussion paper to examine the possibility of allowing CDQ entities to lease out IFQ halibut, without the owner on board restrictions, in Area 4B and Area 4CDE in years with low directed halibut harvest. The Council believes this is one possible action which could help alleviate the problems faced by halibut fishermen in these areas in recent years of low directed harvest. Based upon their review of that discussion paper in December, the Council initiated a plan amendment analysis which would allow CDQ groups to lease IFQ for use by residents with a CDQ permit, subject to the group’s internal management provisions. The analysis contains a 51 ft. LOA restriction for eligibility, and the analysis will also examine several levels of “low catch limits” under which this flexibility would be triggered. That analysis is tentatively scheduled for review by the Council in June 2016.

Recreational Quota Entity: In December of 2015 the Council reviewed an initial draft analysis of the proposed recreational quota entity (RQE) program, which would allow for a non-profit entity to purchase and hold commercial halibut QS for use by the guided angler (charter) sector. Based on public input, the Council amended the purpose and need statement for this program, as well as some of the alternatives, elements, and options. The current suite of alternatives and options includes a number of restrictions on the amount of QS that could be transferred through the RQE program to be used by, or on behalf of, guided anglers. This analysis is tentatively scheduled for additional review by the Council in April 2016.

Discard mortality rates: Another issue identified during our February 2015 joint meeting, and identified as a priority in the Council’s Framework document, is the issue of reviewing and revising discard mortality rates (DMRs) for halibut in all fisheries (bycatch and directed fisheries). At its recent December meeting, the Council adopted DMRs for the 2016-2017 fishing years, which will be used by NMFS in-season management to determine overall halibut PSC mortality by fishery. A halibut DMR workgroup (including Council staff, Plan Team members, and IPHC staff) is continuing work to review and revise these DMRs, with a discussion paper planned for review by the Council in April 2016, review by the Plan Teams in the fall of 2016, and potential adjustments to the DMRs beginning in 2017.

Deck sorting: Deck sorting of halibut on trawl vessels has been identified by the Council as a promising tool to reduce overall bycatch mortality of halibut. Several experimental fishing permits (EFPs) have been approved by the Council and NMFS in recent years, and efforts are ongoing to continue to develop the necessary protocols to make deck sorting a viable option, including the potential for a future regulatory allowance for deck sorting. At our upcoming February meeting the Council will review results of a 2015 deck sorting EFP, and consider approval of a proposed EFP for 2016.

IFQ program review: Pursuant to requirements of the Magnuson-Stevens Act (MSA), based on the 2007 reauthorization of the Act, the Council and NMFS are required to conduct programmatic reviews of all limited access privilege programs (LAPPs) every seven years. While the halibut/sablefish IFQ program (established in 1995) has been the subject of numerous studies over the years, and numerous amendments and adjustments, this will be the first formal review of the program. Council and NMFS staff are leading the program review, and the Council (as well as the Council's IFQ Implementation Committee) reviewed an initial outline for that program review at its December 2015 meeting. This program review is not anticipated to delve into every possible nuance and detail of the program – rather it is intended to review and evaluate the program relative to the 10 stated (broad) policy objectives which the Council included in its original action; i.e., focus on the present state of the fisheries in relation to the 10 objectives and on changes since the implementation of the program. The Council's SSC will be reviewing a more detailed workplan for the review at its upcoming February 2016 meeting, and the completed review is expected in late 2016.

Halibut in SAFE document: Also during our December 2015 meeting, the Council requested that staff and our Plan Team Chairs coordinate inclusion of halibut as an appendix to our annual stock assessment and fishery evaluation (SAFE) documents, so that information (historical and current) on halibut biology and stock status is readily available to the Council during its annual groundfish specifications process. Related to that, the Council also passed a motion stating its intent that *“the annual groundfish specifications will continue to take into consideration groundfish species’ halibut bycatch rates, the potential effects of groundfish harvest on directed halibut fisheries, and the health of the halibut resource, recognizing a shared responsibility with the IPHC to maintain the viability of halibut commercial, sport, and personal use fisheries, and the communities dependent upon them. The Council will also continue to take into consideration other fisheries’ bycatch and bycatch rates, such as for crab and salmon.”*

Further, the Council requested that the annual Ecosystem Considerations Chapter of the SAFE document include key indicators for halibut, to the extent we are able to identify such indicators. We intend to work with appropriate IPHC staff to incorporate these information requests into our annual SAFE document.

2016 Observer Annual Deployment Plan: The Council and NMFS have approved the 2016 Observer Annual Deployment Plan (ADP), which describes how observers will be deployed in the partial coverage category of the North Pacific Groundfish and Halibut Observer Program (Observer Program). A primary change in 2016 will be differential selection rates based on gear type. In 2016, deployment rates for vessels in the trip selection will be 28% for the trawl vessels; 15% for hook-and-line vessels that are greater than or equal to 40 ft length overall (LOA); and 14% for pot vessels. As in previous years, catcher vessels less than 40 ft LOA, or vessels fishing with jig gear, will not be selected for observer coverage. Additionally, a total of 58 40-57.5 ft LOA hook-and-line vessels have opted-in to the electronic monitoring (EM) selection pool, and will participate in the 2016 EM cooperative research as described in the EM pre-implementation plan, rather than be selected for human observers. In 2016, NMFS will no longer grant any conditional releases or temporary exemptions for insufficient life raft capacity to vessels that are subject to observer coverage. The Final 2016 ADP is posted at:
<http://alaskafisheries.noaa.gov/sustainablefisheries/observers/final2016adp.pdf>.

Gulf of Alaska trawl bycatch management: The Council is moving forward with the scoping of alternatives for a new management program in the GOA groundfish trawl fisheries. The major action alternatives would establish a program around the allocation of prohibited species catch (halibut and Chinook salmon) and/or groundfish quotas to harvest cooperatives. The primary objectives are to provide the fleet and shore-based processors with flexibility to better avoid PSC species and to create more value in the groundfish fisheries. The likelihood of achieving these objectives is enhanced by mitigating the existing “race for fish”. The Council is working towards an initial review of program alternatives in late

2016, with interim reviews on specific topics scheduled for the February and June 2016 Council meetings. The February meeting will focus primarily on the alternatives for cooperative structure and active participation requirements. In June the Council will discuss the effects of PSC limit reductions, community protections, and issues related to the observer program.

The Council will consider further reductions to the existing GOA trawl halibut PSC limit alongside either cooperative structure. The halibut PSC limit could be reduced by 10% to 25% relative to the 2016 limit, and any reduction would be phased in over a two or three year period. Trawl license holders who do not join a cooperative would continue to fish in a Limited Access sector, which would have an *additional* PSC limit reduction of 10% to 30% relative to the amount of halibut PSC that would have been associated with those licenses if they had been enrolled in cooperatives.

Both Chairman Hull and I will be in attendance at your annual meeting later this month, as well as other Council members and staff, and we look forward to further discussion of these issues, or other issues identified by the IPHC to further coordinate our respective management missions relative to the Pacific halibut resource.

Sincerely,

Chris Oliver

A handwritten signature in blue ink that reads "Chris Oliver". The signature is written in a cursive, flowing style.

Executive Director

Attachments: December 2015 Council motion on the Halibut Management Framework
November 2015 Council letter to IPHC on halibut retention in sablefish pots

North Pacific Fishery Management Council

Dan Hull, Chairman
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.npfmc.org>

November 20, 2015

Dr. Bruce Leaman
International Pacific Halibut Commission
2320 W. Commodore Way
Suite 300
Seattle, WA 98199-1287

Re: Retention of incidentally caught Pacific halibut in Alaska sablefish pot fisheries

Dear Dr. Leaman:

In 2015, the North Pacific Fishery Management Council (NPFMC) recommended that the Secretary of Commerce approve regulations to allow the use of longline pot gear in the Gulf of Alaska (GOA) sablefish IFQ fishery, largely to counteract whale depredation in these fisheries. The National Marine Fisheries Service Alaska Region office hopes to implement those regulations in time for the 2016 fishing season. One element of the NPFMC's recommendations for the GOA is to allow sablefish fishermen using pot gear to retain incidentally caught legal-size halibut if they possess the necessary halibut quota, as is currently the case when using hook-and-line gear. However, implementation of the halibut retention element is contingent upon the IPHC amending its regulations at Section 19, which do not define pots as legal gear for halibut retention in the GOA areas.

The purpose of this letter is to highlight the Council's action, request consideration of complementary action by the IPHC at its January 2016 Annual Meeting, and to provide context for the different approaches that the NPFMC has taken regarding incidental halibut retention in the GOA and the Bering Sea during recent years. NPFMC staff is preparing a discussion paper that further outlines its recent action for the GOA, a similar action that was considered for the Bering Sea sablefish pot fishery but is not currently being pursued, and an explanation of the NPFMC's intent for these measures. The discussion paper also catalogues the correspondence between NPFMC and IPHC on this issue, which dates back to 2009. This paper will be available for the IPHC's reference prior to your interim meeting in early December. In the meantime I have attempted to capture the basic intent and rationale of the Council in this letter.

The NPFMC's primary intent in recommending the retention of incidentally caught halibut is to avoid a situation where regulations require the discard, and associated discard mortality, of otherwise legally harvestable fish. The NPFMC neither intends nor expects GOA fishermen using longline pot gear to target halibut. In many cases, the NPFMC uses a maximum retainable amount (MRA) limit to cap the amount of a non-target commercial species that may be retained in a particular directed fishery. While the NPFMC emphasized in its public deliberations that its intent is to allow only for the retention of *incidentally* caught halibut, it did not pursue the setting of an MRA for the GOA. The NPFMC determined that, because no sablefish pot gear fishery exists in the GOA, data on the incidence of halibut in this particular gear sector and area that would be necessary to set an MRA do not exist. Under these circumstances, any MRA set for

the GOA sablefish pot fishery would be arbitrary and not in accordance with National Standard 2 of the Magnuson-Stevens Act.

The NPFMC also recently considered recommending incidental halibut retention in sablefish pot fisheries in the area of overlap between the Bering Sea/Aleutian Islands groundfish management area (BSAI) and IPHC Area 4A. In contrast to the GOA action, the NPFMC did consider an MRA as a tool to maintain the incidental nature of halibut retention in the BSAI because the requisite information was available. The NPFMC did not ultimately come to a resolution on the MRA issue because the action was tabled once it was determined that only a small number of sablefish quota shareholders in the BSAI also possessed halibut quota, and that there was in fact minimal interest in such an allowance. In addition to that, the NPFMC choose not to pursue the BSAI action after hearing testimony that stakeholders preferred not to create a “patchwork” of regulations across sablefish fisheries. The Council noted that it might revisit this issue for the BSAI once it has a better understanding of the IPHC’s position on halibut retention in sablefish pots in the GOA.

For purposes of the GOA action taken by the Council in 2015, complementary action by the IPHC to allow pots as legal gear for halibut retention (again, only legal-sized halibut and only if fishermen possess halibut quota) would allow for full implementation of this management measure for the 2016 fisheries. It would be the Council’s intent to monitor this fishery closely, gather data on the incidental catch of halibut, and consider, in coordination with the IPHC, establishing an MRA in the future if it becomes warranted.

Other alternatives include: (1) not allowing retention of halibut, but ideally setting a timeline for future reconsideration after we have collected information on incidental catch rates, gear selectivity, size, etc; (2) allowing retention, but requesting that the Council establish an MRA for halibut retention from the outset. This alternative would likely delay implementation of the program by a year, in order to develop a regulatory MRA standard. The Council would also be guessing as to an appropriate MRA, and would likely attempt to set it sufficiently high as to not create excessive regulatory discards, but sufficiently low as to preclude targeting of halibut.

In summary, the Council believes that we can accomplish the same overall intent by allowing retention at this time, monitoring the incidental catch rates, and establishing an MRA if and when data indicates that limiting retention is warranted. I will be in attendance at your upcoming interim meeting, as well as the 2016 annual meeting, to answer any questions you may have on this issue.

Sincerely,

A handwritten signature in blue ink that reads "Chris Oliver". The signature is written in a cursive, flowing style.

Chris Oliver
Executive Director

C-8 Halibut Management Framework Council motion December 14, 2015

The Council's halibut management framework is a strategic planning document intended to inform and guide the Council in achieving halibut management objectives. As with other strategic planning documents, the halibut management framework can be revised in the future as needed to help guide the Council. The Council requests the following revisions to the halibut management framework.

1. Halibut Framework Objectives

The Council requests that staff incorporate the following objectives in the framework and as appropriate in ongoing BSAI and GOA management actions considered by the Council.

- Manage halibut bycatch in the groundfish fisheries and harvests in the commercial, guided and non-guided recreational, and subsistence fisheries consistent with the Council's MSA conservation objectives.
- Manage halibut bycatch to balance the objectives of directed users and bycatch users in both the BSAI and the GOA.
- Pursue an abundance based approach to managing halibut bycatch and directed harvests in coordination with the IPHC.
- Provide for the sustained participation of historic participants and fishery dependent communities.
- Maintain monitoring and catch accounting programs for halibut users in the BSAI and GOA in order to provide the data necessary for management needs.

2. Research issues

The Council requests the SSC review research topics identified in the research section of the halibut framework in order for the Council to identify priorities. The Council identifies the following research as preliminary priorities:

- Development of the technical methods to index PSC limits to halibut abundance.
- Natural mortality variability with age/size/density to understand the effects of bycatch, wastage, and discards on the spawning biomass.
- Migration of halibut between areas and associated implications for management decisions.
- Discard mortality rates in all fisheries, as well as overall bycatch estimation in all fisheries.
- An integrated decision-making framework that addresses biological, economic, and social issues.
- Evaluation of potential ecosystem-level impacts of alternative methods to index halibut PSC limits based on yield or spawning potential.

3. Coordination and communication with the IPHC

The Council identifies the following actions as important steps to strengthen communications and coordination with the IPHC, to be incorporated into the halibut framework.

- Identify a dedicated staff member to coordinate halibut management issues and liaise with the IPHC.
- Identify Council meetings when updates from the IPHC are the most appropriate and necessary.
- Periodically review the halibut framework at the Council (e.g., target annually).
- Form a Council committee comprised of the three US Commissioners and three Council members, for the purpose described in the December 2015 draft framework.
- The Council requests the IPHC make a presentation to the Council on the Commission's MSE process and progress to date.
- Pursue formation of a joint Council/IPHC committee comprised of IPHC Commissioners and Council members to pursue issues raised in the framework.