

# North Pacific Fishery Management Council

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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