

# Workplan for the Update of the Pacific Halibut and Sablefish Individual Fishing Quota Management Program Review

*Council Review Draft*

*Prepared for*

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*Prepared by*



P.O. Box 1109140  
Anchorage, Alaska 99511  
Phone: 907-274-5600  
Fax: 907-290-2464  
[www.northerneconomics.com](http://www.northerneconomics.com)

**PROFESSIONAL CONSULTING SERVICES IN APPLIED ECONOMICS AND SOCIAL SCIENCES**

**Principals:**

Marcus L. Hartley, M.S. – President  
Michael Fisher, MBA – Vice President  
Diane Sauer – Office Manager

**Consultants:**

Leah Cuyno, Ph.D.  
Melissa Errend, M.S.  
Joseph Lima, MBA  
Tom Sanborn, MSc  
Don Schug, Ph.D.

**Administrative Staff:**

Terri McCoy, B.A. – Editor



P.O. Box 1109140  
Anchorage, Alaska 99511  
Phone: 907.274.5600  
Fax: 907.290.2464

Email: [mail@norecon.com](mailto:mail@norecon.com)  
[www.northerneconomics.com](http://www.northerneconomics.com)

## Preparers

Team Member	Project Role
Marcus L. Hartley	Author and Principal Economist

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# Contents

<b>Section</b>	<b>Page</b>
<b>Abbreviations .....</b>	<b>iii</b>
<b>1 Introduction and Overview .....</b>	<b>1</b>
1.1 Reformatting the IFQ Reviews .....	2
1.2 Meeting the Requirements of IFQ/LAPP Program Reviews .....	3
1.3 Data to Be Used .....	5
1.4 FMP Amendments, Regulatory Amendments and Emergency Orders Approved After the Publication of the 2016 IFQ Program Review .....	5
1.4.1 Authorize Use of Pots in the Sablefish IFQ Fishery .....	6
1.4.2 Authorize Formation of Recreational Quota Entities.....	6
1.4.3 Allow CDQ Groups to Lease; Remove Obsolete Regulatory Language; and Clarify Vessel Use Caps.....	6
1.4.4 Authorize the Retention of Halibut in Pot Gear in the BSAI; Amendment 118 .....	7
1.4.5 Modify the Medical and Beneficiary Transfer Provisions.....	7
1.4.6 Emergency Rule to Modify Temporary IFQ Transfer Provisions .....	7
1.4.7 Emergency Rule to Temporarily Waive Vessel Use Caps on Halibut IFQs in Areas 4B – 4D .....	8
1.4.8 Fish-Up Provisions for CQEs with Halibut IFQs in Area 3A; and to Adjust Regulatory Language in Temporary Transfer Forms .....	8
1.4.9 Emergency Rule to Temporarily Waive Vessel Use Caps on Halibut IFQs in Areas 4B – 4D .....	8
1.4.10 Emergency Rule to Temporarily Modify Transfers Provisions for Sablefish and Halibut IFQs.....	9
1.4.11 Modify Regulations on Removal of GOA Sablefish Pot Gear Tags and Removal of Notary Requirements on QS Transfer Applications and Temporary Transfers of IFQ .....	9
1.4.12 Emergency Rule to Temporarily Waive Vessel Use Caps on Halibut IFQs in Areas 4B – 4D.....	9
1.4.13 Remove Vessel Use Caps on Halibut IFQs in Areas 4B – 4D While a Long-Term Modification is Considered .....	9
<b>2 Proposed Content of the Written Report and Online Appendix .....</b>	<b>11</b>
2.1 Annotated Proposed Outline of the <i>Written Report</i> .....	11
<b>3 References.....</b>	<b>20</b>

**Tables** **Page**

---

Table 1. Program Objectives and Subjects Reviewed in the 2016 IFQ Program Review ..... 3  
Table 2. Requirements for LAPPs as Specified in the MSA..... 4

**Figures** **Page**

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Figure 1. Number of entities holding QS in the halibut IFQ fishery, 1995 through 2014 ..... 13  
Figure 2. Monthly Harvest by Year Using Simulated Data for Demonstration Purposes Only..... 14  
Figure 3. Annual Halibut TACs and Landings..... 15  
Figure 4. Numbers of Pre-IFQ and Post-IFQ Processors in the Halibut Fishery ..... 17

## Abbreviations

AKFIN	Alaska Fisheries Information Network
CDQ	Community Development Quota
CQE	Community Quota Entity
FMP	Fishery Management Plan
FR	Federal Register
IFQ	Individual Fishing Quota
IPHC	International Pacific Halibut Commission
LAPP	Limited Access Privilege Program
MSA	Magnuson-Stevens Fishery Management and Conservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPFMC	North Pacific Fishery Management Council
QS	Quota Share(s)
RQE	Recreational Quota Entity



# 1 Introduction and Overview

This document summarizes the proposed work plan for updating the Sablefish and Halibut IFQ (Individual Fishing Quota) Program Review that was finalized in December 2016, following presentation of the Draft Program review to the NPFMC in October 2016. Hereafter the original program review will be referred to as the “2016 IFQ Program Review”, while the update which is currently scheduled to be completed in 2024 will be referred to as the “2024 IFQ Program Review.” Similarly, this work plan will hereafter be referred to as the “2024 IFQ Work Plan.”

Workplans are intended to identify the proposed scope of the program review and serve as a starting point for dialogue between stakeholders, policy makers, and the analysts. That dialog may result in workplan modifications to ensure that areas of interest are addressed that were not included in the draft workplan. Workplans are typically presented to the Scientific and Statistical Committee (SSC), Advisory Panel (AP), and North Pacific Fishery Management Council (Council). Based on direction from the Council, after all the advisory bodies receive public comment and provide recommendations to the Council, the workplan may be modified and the preparation of the program review begins.

The 2016 IFQ Program Review was generally considered to be very well done. However, with its total length of 474 pages, 74 tables, and 138 figures, a major goal of the 2024 IFQ Work Plan will be to reformat the report in a way that will allow reviewers to focus on the major elements of the programs and the conclusions and findings of the review, while still facilitating access to more detailed information regarding the program components. Notwithstanding the need to reformat the review, the 2024 IFQ Program Review must also provide a level of detail sufficient to include all of the major programmatic components and demonstrate how the programs are meeting their stated objectives as specified when the programs were approved and implemented.<sup>1,2</sup> In addition, the 2024 IFQ Program Review will incorporate and assess the regulatory changes that have occurred since the 2016 IFQ Program Review.<sup>3</sup> Further, the 2024 IFQ Program Review must:

- 1) assess whether and how the program continues to meet the goals and objectives of the Sablefish and Halibut IFQ Programs as implemented;

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<sup>1</sup> The NPFMC approved the Sablefish and Halibut IFQ Program in 1991, and the Final Rule was published in the Federal Register (FR) on November 9, 1993 (NMFS 1993). The programs were implemented by NMFS and fishing under the IFQ programs began in 1995.

<sup>2</sup> As documented by the NPFMC (2021), and NMFS (2023a) there were 49 Federal Register Notices documenting Final and Emergency Rule changes to the IFQ Programs between the 1993 publication of the Final Rule, and publication of the final draft of the 2016 IFQ Program Review. The 2016 IFQ Program Review is assumed to incorporate all 49 of these FMP and regulatory amendments.

<sup>3</sup> Since June 2016, NMFS (with Council approval) published thirteen additional final and emergency rules the FR that have changed the regulations in these fisheries.

- 2) satisfy the requirements for the review of Limited Access Privilege Programs (LAPPs)<sup>4</sup> as specified in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (NMFS 2007);
- 3) adhere to the review requirements of NMFS' Catch Share Policy as specified in Policy Directive 01-121 (NMFS 2019), and NMFS *Guidance for Conducting Reviews of Catch Share Programs* in provided in NFMFS Procedure 01-121-01 (NMFS 2018f).

## 1.1 Reformatting the IFQ Reviews

In order to enhance access to the critical elements of the 2024 IFQ Program Review, the authors are proposing to develop the review in two component parts: 1) a *Written Report* that would contain high level overviews of the two programs along with summary data and conclusions regarding the stated program objectives with a relatively small number of figures and tables; and 2) an *Online Appendix* which would only be available online and would contain most of the detailed tables and figures from which the conclusions summarized in the *Written Report* would be developed.

**The *Written Report*** will contain high-level overviews of the two IFQ programs with a focus on assessments and conclusions regarding the stated objectives of the IFQ programs (see Table 1), as well as the issue areas examined in the 2016 IFQ Program Review. It is anticipated that the *Written Report* will be no longer than 150 pages. The *Written Report* will provide assessments on individual issues that are: 1) deemed to be of particular importance to the fisheries in the current environment; 2) new assessments that will focus on the regulatory changes that have occurred since 2016; and 3) issues for which findings from the 2016 IFQ Program Review and findings from the 2024 IFQ Program Review differ with the addition of more recent data. Section 2 of this workplan provides a draft outline and a summary of the issues that will be included in the *Written Report*.

**The *Online Appendix*** is envisioned as an information warehouse storing relevant analyses and data tables and figures for the issues/topics that were covered in the 2016 IFQ Program Review, as well as any “new” topics or assessment approaches that are added in the 2024 IFQ Program Review. It is anticipated that the *Online Appendix* will be available through websites of the NPFMC and NMFS Alaska Region (NMFS-AK), along with the *Written Report* and other related documents such as the complete version of the 2016 IFQ Program Review. If formatted for printing it is anticipated *Online Appendix* would be at least 200 pages. The organization of the *Online Appendix* will mirror Section 2 of the *Written Report* in terms of section headings and numbers.

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<sup>4</sup> Limited Access Privilege Programs (LAPP) are defined in the MSA as: a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and includes an individual fishing quota; but does not include community development quotas as described in section 305(i).



## 1.2 Meeting the Requirements of IFQ/LAPP Program Reviews

The 2024 IFQ Program Review will be developed to meet the requirements of IFQ/LAPP Program Reviews established in the MSA and in policy directives from NMFS and will cover the Program Objectives and Issue Areas reviewed in the 2016 IFQ Program Review as listed in Table 1. In addition, the 2024 review will assess the impacts of FMP amendments and/or regulatory amendments that have been implemented since December 2016.

**Table 1. Program Objectives and Subjects Reviewed in the 2016 IFQ Program Review**

Program Objectives	Issue Areas Reviewed
<ul style="list-style-type: none"> <li>• Address the problems that occurred with the open-access management regime to include 1) allocation conflicts, 2) gear conflicts, 3) dead loss from lost gear, 4) bycatch loss, 5) discard mortality, 6) excess harvesting capacity, 7) product wholesomeness, 8) safety, 9) economic stability in the fisheries and communities, and 10) rural coastal community development of a small boat fleet.</li> <li>• Link the initial quota share (QS) allocations to recent dependence on the halibut and sablefish fixed gear fisheries.</li> <li>• Broadly distribute QS to prevent excessively large QS holdings.</li> <li>• Maintain the diversity in the fleet with respect to vessel categories.</li> <li>• Maintain the existing business relationships among vessel owners, crews, and processors.</li> <li>• Assure that those directly involved in the fishery benefit from the IFQ Program by assuring that these two fisheries are dominated by owner/operator operations.</li> <li>• Limit the concentration of QS ownership and IFQ usage that will occur over time.</li> <li>• Limit the adjustment cost to current participants including Alaska coastal communities.</li> <li>• Increase the ability of rural coastal communities adjacent to the BSAI to share in the wealth generated by the IFQ Program.</li> <li>• Achieve previously stated Council goals and objectives and meet the MSA requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Description of Management</li> <li>• Overarching trends and external impacts on IFQ participants</li> <li>• Initial allocation process</li> <li>• Harvesting flexibility, capacity, and consolidation</li> <li>• Crewmember and processor impacts</li> <li>• Owner-operated characteristic of the fleet</li> <li>• Entry opportunities</li> <li>• Community impacts</li> <li>• Vessel safety</li> <li>• Biological management</li> <li>• In-season management</li> <li>• Recordkeeping, reporting, Observer Program, monitoring &amp; enforcement, management, and cost recovery</li> <li>• Native village of Eyak requests for an allocation of QS</li> </ul>

Source: Reproduced with minor edits from NPFMC (2023).

As indicated above, the MSA, as amended in 2007, specifies programmatic requirements for LAPPs and mandates a review of the Allocation Provisions contained within LAPPs. Notwithstanding the fact that the Sablefish and Halibut IFQ programs were approved and implemented a decade before the MSA was amended to include the LAPP Program Review requirements, the 2016 and 2024 IFQ Program Reviews are designed to meet these requirements. Table 2 summarizes the programmatic requirements and mandates for LAPPs as specified in Section 303A of the MSA.

**Table 2. Requirements for LAPPs as Specified in the MSA**

Programmatic Requirements for LAPPs	Mandates with Respect to Allocations Provisions for LAPPs
<p><b>LAPPs must:</b></p> <ol style="list-style-type: none"> <li>1) Contribute to reducing overcapacity if the fishery is overcapitalized.</li> <li>2) Promote fishing safety.</li> <li>3) Promote fishery conservation and management.</li> <li>4) Promote social and economic benefits.</li> <li>5) Include an effective system for enforcement, monitoring, and management of the program, including the use of observers or an electronic monitoring system.</li> </ol>	<p><b>Allocations in LAPPs must:</b></p> <ol style="list-style-type: none"> <li>1) Consider the basic cultural and social framework of the fishery, especially through...               <ol style="list-style-type: none"> <li>a) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing requirements, and</li> <li>b) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors in the fishery.</li> </ol> </li> <li>2) Include measures to assist, when necessary or appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges.</li> <li>3) Ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program.</li> <li>4) Authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.</li> </ol>

Reproduced from Section 303A—Limited Access Privilege Programs in the MSA (NMFS, 2007).

In January 2017 NMFS issued its Catch Share Policy Directive 01-121 which has been renewed as of April 2019 (NMFS, 2019). In April 2017 NMFS issued procedural directive 01-121-01 (NMFS, 2017), which provides *Guidance for Conducting Reviews of Catch Share Programs*. This directive was renewed and republished in December 2018. (NMFS 2018d). The goal of the guidance directive is stated below:

The goal of this guidance is to provide a resource to help ensure the reviews of catch share programs (CSPs) are comprehensive and targeted at meeting statutory requirements; coordinated with stakeholders; carried out in a transparent, efficient, and effective manner; and are conducted by applying consistent standards across the country while allowing necessary regional flexibility.

The guidance then goes on to describe a recommended approach for the review along with a recommended scope of the review. The directive lists the elements that should be contained in the review, which are reproduced below. The 2024 IFQ Program Review will contain these elements:

The review should contain the following eight elements. If an element is determined not applicable for a specific review, the Council should document in its final plan for the review its rationale for not conducting a more formalized analysis of that element. The eight elements are: 1) purpose and need of the review (discuss legal/policy requirements), 2) goals and objectives of the program, the FMP, and the MSA, 3) history of management, including a description of management prior to the program’s implementation, a description of the program at the time of implementation (including enforcement, data collection, and monitoring), and any changes made since the program’s implementation or the previous review (including

an explanation of why those changes were made), 4) a description of biological, ecological/environmental, economic, social, and administrative environments before and since the program's implementation,<sup>5</sup> 5) an analysis of the program's biological, ecological/environmental, economic, social, and administrative effects, 6) an evaluation of those effects with respect to meeting the goals and objectives (i.e., program performance), including a summary of the conclusions arising from the evaluation, 7) a summary of any unexpected effects (positive or negative) which do not fall under the program's goals and objectives, and 8) identification of issues associated with the program's structure or function and the potential need for additional data collection and/or research.

### **1.3 Data to Be Used**

The 2024 IFQ Program Review will use the data for 1992–2022. AKFIN will be the primary source of data for the review. As in the 2016 IFQ Program Review, the years 1992–1994 will be averaged and considered the “baseline” years. While it is anticipated that the table and figures included in the 2016 IFQ Program Review will be updated in the 2024 IFQ Program Review with data from 2016–2022, the focus of the 2024 Review will be on whether more recent data has affected conclusions drawn in the 2016 Review.

To the extent possible, Northern Economics is proposing to use real prices and revenues consistently adjusted for inflation to 2023 dollars. Price and data in the 2016 IFQ Program Review are inconsistent in terms of adjustments for inflation. In several cases there is no indication of whether nominal or inflation-adjusted dollars are reported. In other cases, prices and revenues are reported as being adjusted to different years including 2010\$, 2012\$, 2014\$, and 2015\$. We recognize that in many cases the data reported were from secondary sources, making it difficult to adjust to a consistent dollar value. When this is the case, we intend to reach out to authors of the secondary sources to determine if there is a way to make appropriate adjustments. In all cases we will indicate whether dollar values are nominal, or if they have been adjusted for inflation.

### **1.4 FMP Amendments, Regulatory Amendments and Emergency Orders Approved After the Publication of the 2016 IFQ Program Review**

The final version of the 2016 IFQ Program Review was published in December 2016. Since then, the Council and NMFS have approved thirteen sets of changes to the regulations of the Sablefish and Halibut IFQ programs. These changes—which are listed below—will be a focus area within the 2024

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<sup>5</sup> For subsequent reviews of the program, analyses should discuss changes since the last review and may not need to go back to the conditions prior to implementation of the program.

Review and, to the extent that data are available, the potential effects of these more recent regulatory changes will be assessed.

The Amendments and Emergency Rules approved from December 28, 2016, through July 26, 2023, are listed below, noting that the text is reproduced from FR notices with minor edits for clarity and consistency. As currently envisioned, the *Online Appendix* will include this set of descriptions plus any others that have been issued through the date of the final version of *Online Appendix*.

#### **1.4.1 Authorize Use of Pots in the Sablefish IFQ Fishery**

On December 28, 2016, NMFS issued regulations to implement Amendment 101 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) for the sablefish individual fishing quota (IFQ) fisheries in the Gulf of Alaska (GOA) (NMFS 2016). This final rule authorized the use of longline pot gear in the GOA sablefish IFQ fishery. In addition, this final rule established management measures to minimize potential conflicts between hook-and-line and longline pot gear used in the sablefish IFQ fisheries in the GOA. This final rule also included regulations developed under the Northern Pacific Halibut Act of 1982 (Halibut Act) to authorize harvest of halibut IFQ caught incidentally in longline pot gear used in the GOA sablefish IFQ fishery. This final rule is necessary to improve efficiency and provide economic benefits for the sablefish IFQ fleet and minimize potential fishery interactions with whales and seabirds. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Halibut Act, the GOA FMP, and other applicable laws.

#### **1.4.2 Authorize Formation of Recreational Quota Entities**

On September 21, 2018, NMFS issued regulations that were effective on October 18, 2018, and which authorized formation of a recreational quota entity (RQE) that could participate in the Pacific Halibut and Sablefish Individual Fishing Quota Program in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska (NMFS, 2018a). The RQE is authorized to purchase and hold a limited amount of commercial halibut quota share that will yield additional pounds of recreational fishing quota on an annual basis to augment the amount of halibut available for harvest in the charter halibut fishery. The RQE provides a mechanism for a compensated reallocation of a portion of commercial halibut quota share to the charter halibut fishery. This final rule is necessary to promote social and economic flexibility in the charter halibut fishery and is intended to promote the goals and objectives of the Northern Pacific Halibut Act of 1982 (Halibut Act), and other applicable laws.

#### **1.4.3 Allow CDQ Groups to Lease; Remove Obsolete Regulatory Language; and Clarify Vessel Use Caps**

On October 18, 2018, NMFS issued a final rule that came into effect on November 19, 2018 (NMFS 2018b). The rule includes three actions:

- 1) Allows Western Alaska Community Development Quota (CDQ) groups to lease (to receive by transfer) halibut IFQ in IFQ regulatory areas 4B, 4C, and 4D in years of extremely low halibut commercial catch limits. This action is necessary to provide additional harvest opportunities to CDQ groups and community residents and provide IFQ holders with the opportunity to receive value for their IFQ when the halibut commercial catch limits may not be large enough to provide for an economically viable fishery for IFQ holders.
- 2) Removes an obsolete reference in the IFQ Program regulations.
- 3) Clarifies IFQ vessel use cap regulations.

#### **1.4.4 Authorize the Retention of Halibut in Pot Gear in the BSAI; Amendment 118**

On January 8, 2020, NMFS issued a final rule that implements Amendment 118 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and a regulatory amendment that revised regulations on Vessel Monitoring System (VMS) requirements in the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) (NMFS 2020a). The North Pacific Fishery Management Council (Council) recommended Amendment 118 to the BSAI FMP (Amendment 118) to require the retention of halibut by vessels using pot gear in the IFQ and CDQ fisheries in the BSAI, to prohibit the use of pot gear in the Pribilof Island Habitat Conservation Zone (PIHCZ), to require vessels using pot gear to fish IFQ and CDQ to use logbooks and VMS, and to develop regulations that allow NMFS to limit or close IFQ or CDQ fishing for halibut if a groundfish or shellfish overfishing level (OFL) is approached, consistent with existing regulations for groundfish. In recommending Amendment 118, the Council intended to address whale depredation in the IFQ and CDQ fisheries and to improve harvest efficiency of halibut.

#### **1.4.5 Modify the Medical and Beneficiary Transfer Provisions**

On February 14, 2020, NMFS published this final rule (effective March 16, 2020) to modify regulations regarding the medical and beneficiary transfer provisions of the IFQ Program for the fixed-gear commercial Pacific halibut and sablefish fisheries (NMFS 2020b). This final rule is intended to simplify administration of the medical and beneficiary transfer provisions while promoting the long-standing objective of maintaining an owner-operated IFQ fishery. This final rule makes minor technical corrections to regulations for improved accuracy and clarity. This final rule is intended to promote the goals and objectives of the IFQ Program, the MSA, and other applicable laws.

#### **1.4.6 Emergency Rule to Modify Temporary IFQ Transfer Provisions**

On June 25, 2020, NMFS published an emergency rule (effective June 25, 2020 – December 22, 2020) to modify the temporary transfer provisions of the Individual Fishing Quota (IFQ) Program for the fixed-gear commercial Pacific halibut and sablefish fisheries for the 2020 IFQ fishing year (NMFS 2020c). This emergency rule (in response to Covid 19 restrictions) was intended to provide flexibility to quota share (QS) holders in 2020 while preserving the long-standing objective of maintaining an owner-operated IFQ fishery in future years. This emergency rule did not modify other provisions of

the IFQ Program. This emergency rule was intended to promote the goals and objectives of the IFQ Program, the MSA, the Halibut Act, and other applicable laws.

#### **1.4.7 Emergency Rule to Temporarily Waive Vessel Use Caps on Halibut IFQs in Areas 4B – 4D**

On July 9, 2020, NMFS published this final rule (effective July 8, 2020 – December 31, 2020) to revise regulations for the commercial IFQ Pacific halibut (halibut) fisheries for the 2020 IFQ fishing year (NMFS 2020d). This final rule removed limits on the maximum amount of halibut IFQ that could be harvested by a vessel, commonly known as vessel use caps, in IFQ regulatory areas 4B (Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea). This final rule was necessary because immediate action was needed to ensure allocations of halibut IFQ can be harvested by the limited number of vessels operating in these areas due to travel restrictions and health mandates. This action is within the authority of the Secretary of Commerce to establish additional regulations governing the taking of halibut which are in addition to, and not in conflict with, those adopted by the International Pacific Halibut Commission (IPHC). This emergency rule is intended to promote the goals and objectives of the IFQ Program, the Halibut Act, and other applicable laws.

#### **1.4.8 Fish-Up Provisions for CQEs with Halibut IFQs in Area 3A; and to Adjust Regulatory Language in Temporary Transfer Forms**

On July 21, 2020, NFMS published this final rule (effective on August 20, 2020) that implements regulations for a “fish up” provision in the halibut and sablefish IFQ Program (NMFS 2020e). The rule to allow Community Quota Entities (CQEs) located in IFQ regulatory Area 3A (Southcentral Alaska) holding Area 3A category D halibut QS (i.e., for use on catcher vessel less than or equal to 35 ft (10.7 m) length overall) to have the associated IFQ harvested on category C vessels (catcher vessels less than or equal to 60 ft (18.3 m) length overall) beginning August 15 of each IFQ fishing season. This action also makes a minor change to regulations implementing the IFQ Program to consolidate temporary IFQ transfer forms. This final rule is intended to promote the goals and objectives of the Halibut Act, the Magnuson-Stevens Act, and other applicable laws.

#### **1.4.9 Emergency Rule to Temporarily Waive Vessel Use Caps on Halibut IFQs in Areas 4B – 4D**

On May 26, 2021, NMFS published and issued regulations (effective May 26, 2021, through December 31, 2021) to remove limits on the maximum amount of halibut IFQ that may be harvested by a vessel, commonly known as vessel use caps, in IFQ regulatory areas 4A (Eastern Aleutian Islands), 4B, 4C, and 4D for the 2021 IFQ fishing year (NMFS 2021c). This action was needed to provide additional flexibility to IFQ participants in 2021 to ensure allocations of halibut IFQ could be harvested by the limited number of vessels operating in these areas. This action was within the authority of the Secretary of Commerce to establish additional regulations governing the taking of halibut which are in addition to, and not in conflict with, those adopted by the IPHC. This action was intended to promote the goals and objectives of the IFQ Program, the Halibut Act, and other applicable laws.

#### **1.4.10 Emergency Rule to Temporarily Modify Transfers Provisions for Sablefish and Halibut IFQs**

On March 30, 2021, NMFS issued this temporary rule (referred to herein as “emergency rule”) (effective March 30, 2021 through September 27, 2021) to modify the temporary transfer provision of the IFQ Program for the fixed-gear commercial Pacific halibut and sablefish fisheries for the 2021 IFQ fishing year (NMFS 2021a). This emergency rule was intended to provide flexibility to QS holders in 2021, while preserving the Program's long-standing objective of maintaining an owner-operated IFQ fishery in future years. This emergency rule did not modify other provisions of the IFQ Program. This emergency rule was intended to promote the goals and objectives of the IFQ Program, the MSA, the Halibut Act, and other applicable laws.

#### **1.4.11 Modify Regulations on Removal of GOA Sablefish Pot Gear Tags and Removal of Notary Requirements on QS Transfer Applications and Temporary Transfers of IFQ**

On December 13, 2021, NMFS issued regulations (effective December 13, 2021) to modify recordkeeping and reporting requirements to remove pot gear tag requirements in the sablefish IFQ fishery in the Gulf of Alaska (GOA) and remove requirements to obtain and submit a notary certification on various programs' transfer application forms (NMFS 2021b). This action is intended to reduce administrative burden on the regulated fishing industry and NMFS. This action promotes the goals and objectives of the MSA, the Halibut Act, fishery management plans (FMPs), and other applicable laws.

#### **1.4.12 Emergency Rule to Temporarily Waive Vessel Use Caps on Halibut IFQs in Areas 4B – 4D**

On June 6, 2022, NMFS issued regulations (effective from June 6, 2022 through December 31, 2022) to remove limits on the maximum amount of halibut IFQ that could be harvested by a vessel, commonly known as vessel use caps, in IFQ regulatory Areas 4A, 4B, 4C, and 4D (NMFS 2022). This action was needed to provide additional flexibility to IFQ participants in 2022 to ensure allocations of halibut IFQ could be harvested by the limited number of vessels operating in these areas. This action was within the authority of the Secretary of Commerce to establish additional regulations governing the taking of halibut that are in addition to, and not in conflict with, those adopted by the IPHC. This action was intended to promote the goals and objectives of the IFQ Program, the Halibut Act, and other applicable laws.

#### **1.4.13 Remove Vessel Use Caps on Halibut IFQs in Areas 4B – 4D While a Long-Term Modification is Considered**

On July 26, 2023, NMFS issued this final rule (Effective July 26, 2023) to revise regulations for the commercial individual fishing quota (IFQ) Pacific halibut (halibut) fisheries for 2023 through 2027 (NMFS 2023b). This rule removes limits on the maximum amount of halibut IFQ that may be harvested by a vessel, commonly known as vessel use caps, in IFQ Regulatory Areas 4A, 4B, 4C, and 4D. This action provides additional flexibility and stability to IFQ participants in those Areas while a

longer-term modification of vessel use caps is considered. This action is intended to promote the goals and objectives of the IFQ Program, the Halibut Act, and other applicable laws.



## 2 Proposed Content of the *Written Report* and *Online Appendix*

In general, it is proposed that the 2024 IFQ Program Review will include all of the issues and topics included in the 2016 IFQ Program Review in either the *Written Report* or in the *Online Appendix*. In addition, the 2024 IFQ Program Review will incorporate the regulatory changes that have occurred since 2016. Section 2.1 provides a summary of these regulatory changes.

It is also assumed that the structural organization of both the *Written Report* and the *Online Appendix* in terms of the section headings and the order in which they appear will be quite similar to that of the 2016 IFQ Program Review. The primary difference between the *Written Report* and the 2016 IFQ Program Review will be in the amount of detail that is included. In general, the *Written Report* will consolidate and summarize the topics, data, and findings that were reported 2016 Review, the detail of which will be updated in the *Online Appendix*. The *Written Report* will refer readers to either the 2016 IFQ Program Review, the *Online Appendix*, or other materials that are co-located with these documents.<sup>6,7</sup> An initial outline of the *Written Document* with annotations is provided in Section 2.1

As currently envisioned the *Online Appendix* will be organized topically in the same order as the organization of the *Written Report*. The major difference between the two is that each topic in the *Online Appendix* will be structured as a stand-alone section and is not expected to contain additional verbiage that will contextually link each section to the preceding or following sections.

### 2.1 Annotated Proposed Outline of the *Written Report*

This section provides an annotated proposed outline of the *Written Report*. The *Online Appendix* will follow the same basic outline.

#### 1. Background Information

##### 1.1 Introduction

The introduction will: 1) describe the requirements for program reviews; 2) describe the process used to determine the scope of the 2024 Review; 3) provide a general overview of data used in the review and its limitations; and 4) summarize the organization of the review including the *Written Report*, the *Online Appendix*, and other associated material, and the means by which reviewers can access online material and navigate between various components of the Review.

<sup>6</sup> The NPMFC 2021 publication—*Pacific Halibut and Sablefish Individual Fishing Quota (IFQ) Program; Program Amendment Summaries*—would be a useful document to co-locate with the *Online Appendix*.

<sup>7</sup> It is currently envisioned that footnotes within the *Written Report* will include detailed references to the section and page number (with hyperlinks in the electronic version) to the location of additional information within the *Online Appendix* and the 2016 IFQ Program Review.

## 1.2 Description of Management

This section will summarize the 1) direct and indirect harvest of halibut and sablefish in Alaska and describe the agencies that are responsible for managing these fisheries, along with their roles.

### 1.2.1 Management prior to the IFQ Program

This section will summarize fisheries before IFQs were implemented. The content in the 2024 IFQ Program Review will be expanded relative to the content in the 2016 Review by 1-2 pages. It is anticipated that the additional text will be provided regarding the trends in participation and season lengths from 1980's for both and sablefish and halibut fishery, and in particular note the difficulties experienced by the IPHC managing to catch limits that could be taken in as few as two to three days.

### 1.2.2 Description of the IFQ Program

The section will describe the elements of the two IFQ programs as approved and amended including the goals of the programs, noting where the where the two systems differ.

#### 1.2.2.1 Initial Allocation

This section will describe 1) the initial allocation of Quota Shares (QS); 2) the relationship between QS and IFQs; 3) a brief description of QS issued as compensation to initial QS recipients in the Bering Sea and Aleutian Islands as a result of the Community Development Quota (CDQ) program; and 4) a brief description of the Blocked and Unblocked QS.

#### 1.2.2.2 QS Ownership Caps and IFQ Use Provisions

This section will briefly describe 1) Limits on the amounts of QS that may be owned; 2) limits on the amounts of IFQ that may fished in a year; 3) Area Specifications assigned to QS and IFQs and provisions that allow fishing across regulatory areas; 4) Vessel Classes and related "Fish Up" and "Fish Down" provisions; 4) owner-on-board mandates and hired master use privileges; and 5) Overage/underage provisions and limits establishing acceptable "margins of error" on annual harvested amounts; and 6) recently approved amendments allowing the use of pots in the sablefish and halibut IFQ fisheries.

#### 1.2.2.3 Transferability of QS and IFQs

This section will briefly summarize; 1) Qualifications required to acquire QS by transfer; 2) prohibitions and allowances for QS leasing (i.e. transfers of annual IFQs without QS); 3) the Block Program and associated Sweep-Up provisions. This section will also summarize exceptions to the ownership, transfer, and use provisions in the form of; 4) medical and beneficiary transfers and use; 5) the Community Quota Entity Program; and 6) the Recreational Quota Entity (RQE) program.

## 2. ANALYTICAL SECTION

The analytical section of the *Written Report* in the 2024 IFQ Program Review will summarize findings from the analyses of data that are included in the *Online Appendix*, noting the organization of the *Online Appendix* will mirror the outline of Section 2 of the *Written Report*.

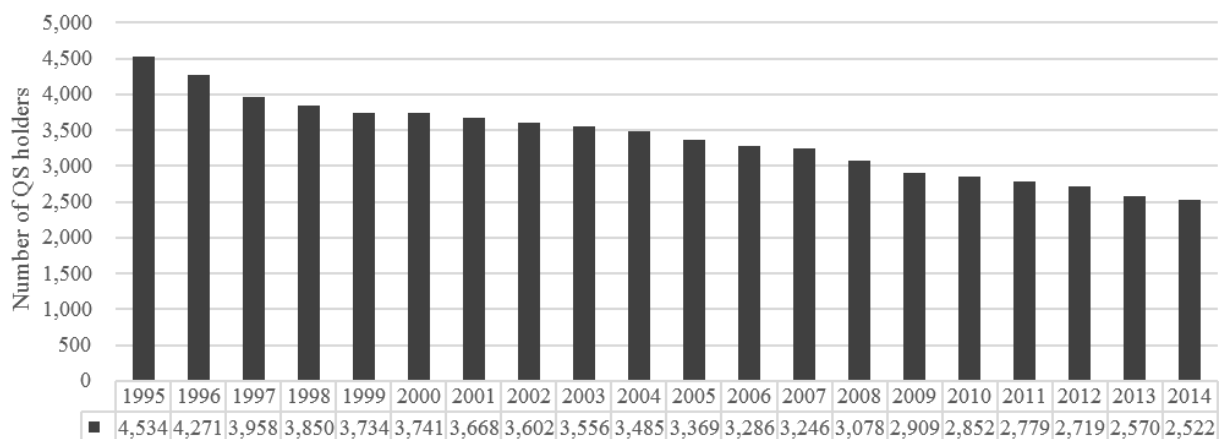
### 2.1 ANNUAL CATCH LIMITS IN ALASKA SABLEFISH AND HALIBUT FISHERY

This section will summarize annual catch limits for the IFQ fisheries. Annual catch limits are generally considered exogenous to the IFQ program rather than something that is directly influenced by the program. Figures 2.1-3 and 2.1-4 from the 2016 IFQ Program Review showing the annual catch limits will be updated and shown in this section along with a written summary of trends and recent influences.

### 2.2 INITIAL ALLOCATION PROCESS

This section will summarize the initial allocation of QS in terms of the initial recipients of QS. Northern Economics is proposing to expand analysis of the initial allocation beyond the single table that reports the numbers of initial recipients in terms of the percentage of Area QS at the time of the initial allocation. Northern Economics proposes to track initial recipients of QS over time in terms of the size of their initial QS allocation. All initial recipients of QS would be sorted from low-to-high by their percentage of the total All-Area QS pool and then assigned to quintiles with each quintile comprising 20% of the initial recipients. Each quintile would be reported in stacked-bar charts similar to Figure 2.3-19 reproduced below. In this case only initial recipients would be reported, and each bar would consist of five stacked segments showing the numbers initial recipients that remain QS owner in year. It is expected, *a priori*, that initial recipients that received larger initial allocation are more likely to remain in the fishery. We would also propose to develop two similar figures that show the percent of All-Area QS held by each quintile over time.

**Figure 1. Number of entities holding QS in the halibut IFQ fishery, 1995 through 2014**



Source Reproduced from Figure 2.2-1 in the 2016 IFQ Program Review.

Northern Economics believes that figures and tables summarizing transfer rates should not be included or discussed in the Initial Allocation section (as in the 2016 IFQ Program Review) but are more appropriately included in Section 2.6 describing entry opportunities.

### 2.3 HARVESTING FLEXIBILITY, CAPACITY, AND CONSOLIDATION

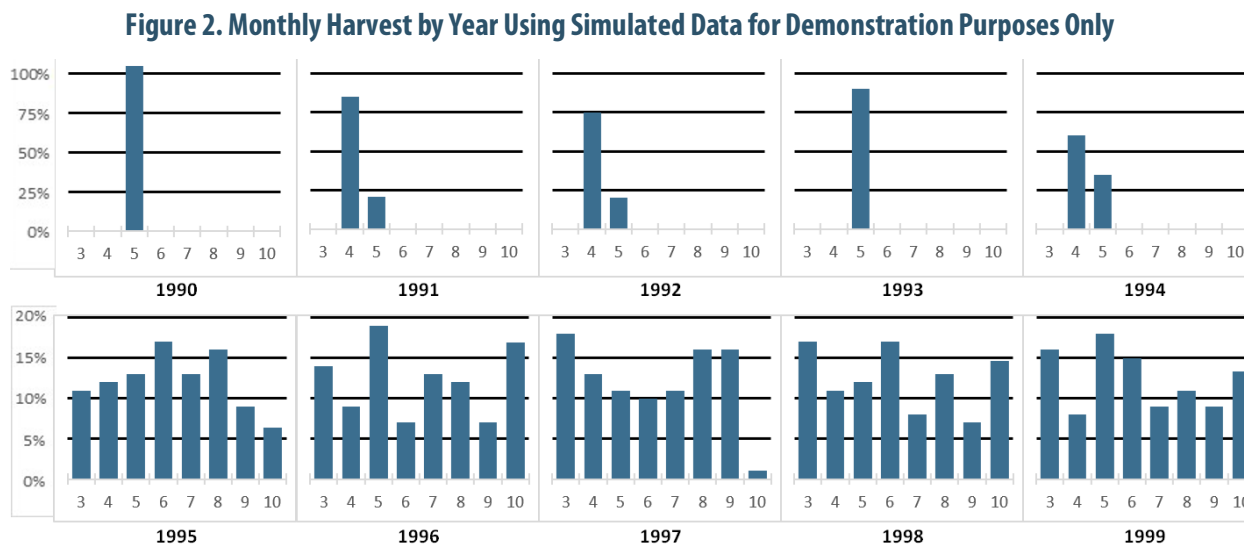
Northern Economics suggests some reorganization of this section; specifically, we suggest a new Sub-Section 2.3.1 on Harvesting Flexibility that will include information on impacts on fishing seasons and annual harvests (previously included in Section 2.1)

#### 2.3.1 Harvest flexibility

This section will summarize data on the data on the fishing seasons, overall harvest levels and utilization of provisions for harvest overages and underages.

##### 2.3.1.1 Fishing Seasons and harvest timing

The IFQ Programs allowed harvesters to choose their preferred time to harvest sablefish and halibut from March 15 – November 15. In addition to simply reporting the number of days utilized per year, the 2024 IFQ Program Review will include figures that summarize distribution of trips by month and the distribution of harvest by month. The figures below provide an example of how harvest by month and year could be summarized in the *Online Appendix* (noting the data shown are fictional representations developed for purposes of demonstration.) Similar figures showing the number of vessel trips by month and year are also proposed.

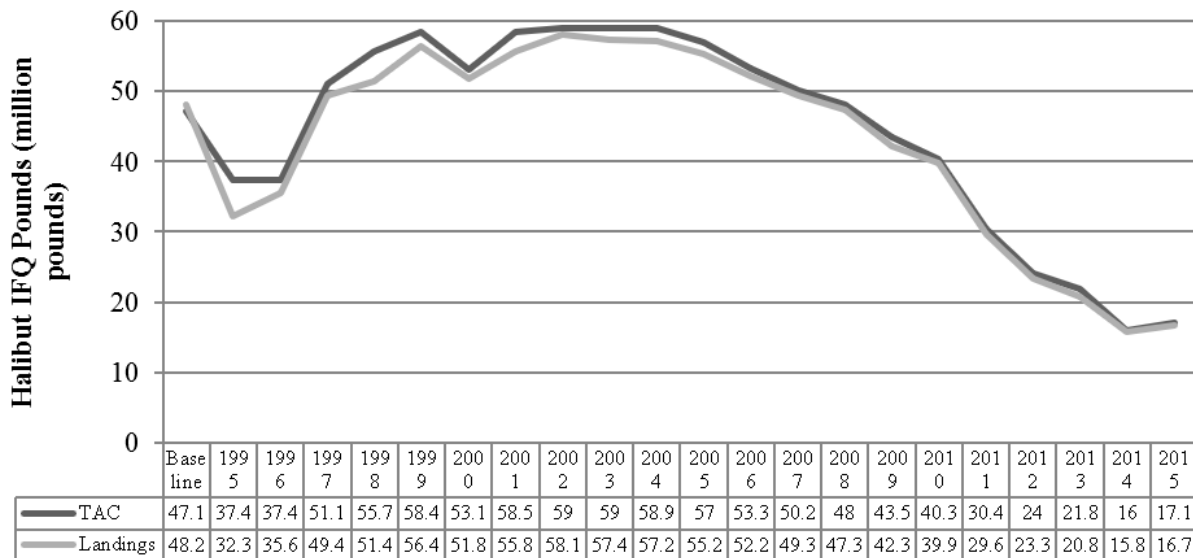


##### 2.3.1.2 Total harvests and Overage/Underage Provisions and Limits

This section would summarize total harvest by area relative to annual catch limits. In addition to fishery wide figures such as the figure for halibut shown below, the *Online Appendix* would include

figures for each management area. With respect to overages and underages, we propose to summarize available information, not only for the fishery as a whole, but also by area and to present the data in figures rather than in tables.

**Figure 3. Annual Halibut TACs and Landings**



Source: Reproduced from Figure 2.1-3 in the 2016 IFQ Program Review.

### 2.3.2 Gear Conflicts

Gear conflicts were addressed qualitatively in the 2016 Review and will be address similarly in the 2024 Review.

### 2.3.3 Allocation Conflicts

The 2016 IFQ Program Review addressed this issue qualitatively, and a similar approach will be used in the 2024 Review.

### 2.3.4 Product Wholesomeness and Markets

This section will report on the NPFMC’s original objective regarding product wholesomeness, which examined the shift to increasing amounts of fresh halibut. Northern Economics proposes to expand this to include an examination of any changes in delivered forms, i.e. what percentage are delivered whole v. headed and gutted, and to examine any changes in exports. The section will also look at ex-vessel prices and compare those with wholesale prices. Finally, this section will summarize changes in total revenues to harvesters as well as total wholesale revenues to processors.

### 2.3.5 Fleet Diversity and Diversification

One of the goals of the IFQ Program as approved was to “maintain the diversity in the fleet with respect to vessel categories.” To this end the 2016 Review summarized the distribution of vessels

within vessel classes, and the 2024 IFQ Program Review will use a similar approach. The 2016 IFQ Program Review also discussed the ability of vessels and vessel owners to diversify their harvest portfolios and concludes that regulatory environment has made it more difficult for vessels to diversify. The 2016 Review did not directly measure diversification of these portfolios and therefore the 2024 IFQ Program Review will add a sub-section that specifically addresses the portfolios of vessels and owners across fisheries.

#### 2.3.6 Harvest Capacity

This section of the 2016 Review examined capacity in terms of the number of vessels participating in the fishery along with vessel lengths. This section of the 2016 Review also included examined fleet consolidation and generated measures of concentration including an assessment of QS ownership Caps, IFQ Use Caps, Gini Coefficients and the Hefindahl-Hrichman Index (HHI). The 2024 IFQ Program Review will include all these measures, and Northern Economics proposes to add an additional measure of vessel utilization across all fisheries to assess whether vessels in the IFQ fishery have excess capacity of the IFQ fleets.<sup>8</sup>

### 2.4 CREWMEMBER AND PROCESSOR IMPACTS

This section of the Review will discuss information that is both available and relevant to assess impacts of the IFQ Programs on Crewmembers and Processors in the Sablefish and Halibut fisheries.

#### 2.4.1 Crewmember impacts

The 2016 Review uses a qualitative assessment to assess crewmember impacts. Northern Economics proposes to augment this discussion with two quantitative measures.

First, we note that the Alaska Department of Labor and Workforce Development (ADOLWD) regularly conducts a survey of registered vessel owners in Alaska and asks them to indicate the number of crewmembers they utilize on their vessel over a range of fisheries that specifically includes sablefish and halibut along with crab, groundfish, herring, miscellaneous shellfish, and salmon. Current ADOLWD reports estimates of the number of persons in each fishery by month back to 2002. We are proposing to include these data in the 2024 IFQ Program Review.

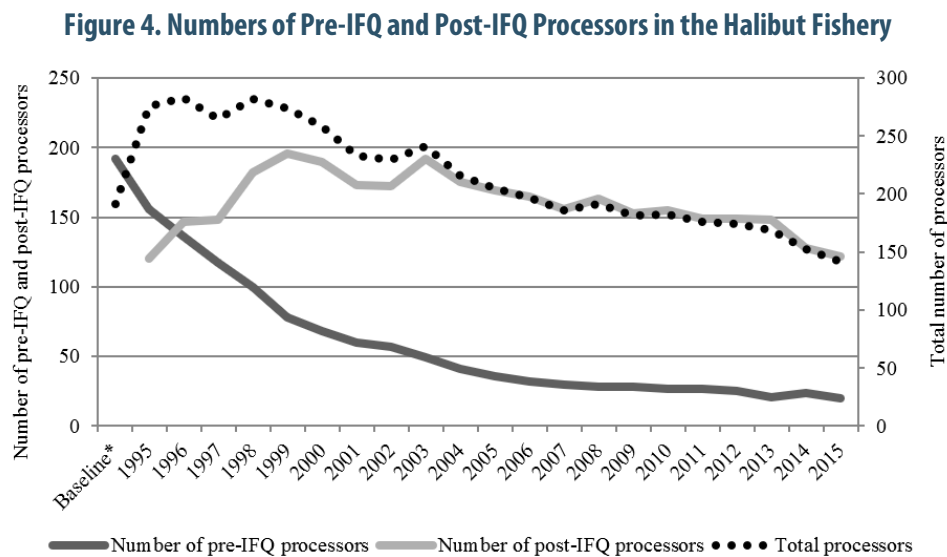
A second measure of crew member impacts will examine and summarize landings data to determine the percentage of trips by year in which multiple IFQ accounts were reported on the same trip. Changes in these percentages may indicate whether more crewmembers are owners of QS and IFQs.

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<sup>8</sup> If a vessel is heavily utilized, it is difficult to state that the vessel has excess capacity. It is likely that for many vessels utilization in the sablefish and halibut fisheries will be relatively low. But when coupled with activities in other groundfish fisheries, salmon fisheries, herring fisheries, and shellfish fisheries, the utilization of vessel participating in the IFQ fisheries may be quite high.

## 2.4.2 Processor impacts

The 2016 IFQ Program Review documents significant declines in the number of processors that were involved in the pre-IFQ fishery relative to numbers involved post-IFQ, as shown in the figure below. While the documented declines are noteworthy it is not clear whether these changes are directly related to the IFQ program or if these similar declines are seen in other fisheries, or if these changes are an artifact of the reporting system used by processors. Northern Economics proposes undertake some high-level testing in this regard. In addition, Northern Economics proposes to augment the measures of processor impacts to include assessment of the number of licensed processors and volume of IFQ landings by community.<sup>9</sup>



Source: Reproduced from Figure 2.4-3 in the 2016 IFQ Program Review.

## 2.5 OWNER-OPERATED CHARACTERISTIC OF THE FLEET

The 2024 IFQ Program Review will generally utilize the same measure employed by in the 2016 Review to assess the owner-operated characteristics of the IFQ Fleets. These include 1) an assessment of catcher vessel QS held by non-individual entities; 2) the use of hired masters, and 3) the amount of QS Leasing that occurs annually in each fishery.

## 2.6 ENTRY OPPORTUNITIES AND TRANSFERABILITY OF QS AND IFQ

Northern Economics proposes to combine summaries of Entry Opportunities and Transferability into a single section.

<sup>9</sup> Confidentiality restrictions will limit the amount of information that can be shown at the community level for the volume of landings, and in many some cases data may need to be aggregated up to the Borough and Census area level.

### 2.6.1 Entry into the Sablefish and Halibut Fisheries

We propose to augment the Figures 2.2-1 and 2.2-2 from the 2016 Review to show both initial recipients and new entrants, noting that Figure 2.2-1 was reproduced as Figure 1 on page 13 above.<sup>10</sup> The *Online Appendix* will include figures that show the overall numbers as well as participation data for both initial recipients and new entrants for each management area. Figures at the management area level will split new entrants into three categories: 1) Entrants into the area that were initial recipients of QS for the fishery (halibut or sablefish) in a different area; 2) Entrants into the area that were initial recipients of QS for the other fishery; and 3) Entrants who were not initial QS recipients for either fishery.

### 2.6.2 Transferability of QS

The 2016 IFQ Program Review provided tables and figures that show annual transfer rates but does not show the cumulative level of transfers that have occurred since the program began. The figures described in the previous section will address this issue. The Transferability section will also discuss medical and beneficiary transfers.

## 2.7 COMMUNITY IMPACTS

The assessment of community impact in the 2024 IFQ Program Review will follow the same general format as used in the Community Impacts section of the 2016 Review. We note here that confidentiality restrictions are likely to preclude reporting the volume of sablefish and halibut landings at the community level as well as the number of processors that are actively engaged in the buying and processing of sablefish and halibut by community.<sup>11</sup> Rather than reporting landings by community the 2024 Review will use the same community categorization methodologies used in the 2016 Review. Specifically, these indicate whether the community is considered rural or urban and whether the community has road access or airport access. The 2024 Review will augment the access indicator with another category indicating whether the community is regularly served by the Alaska Marine Highway System.

Unlike landings data, QS and IFQ holdings data are not constrained by confidentiality restrictions. Therefore, QS and IFQ holdings data will be provided in the *Online Appendix* at the community level by year. The *Written Report* will describe those that have experienced significant changes since implementation. As in the 2016 Review the 2024 Review will provide GIS-based figures summarizing holdings at the community level.

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<sup>10</sup> The 2016 Review does in fact summarize new entries in the fisheries in the manner described but relegates these to a separate appendix beginning on page 273.

<sup>11</sup> The requirement to protect the confidentiality of processors means that data for communities that have fewer than three processors of sablefish and/or halibut cannot be released.



## 2.8 FISHING VESSEL SAFETY

It is anticipated that NIOSH will provide an assessment of fishing vessel safety in the Sablefish and Halibut Fisheries from 1990 forward. In addition, data on the US Coast Guard Search and Rescue cases for the fisheries will be updated.

## 2.9 BIOLOGICAL MANAGEMENT

The information provided on biological management of the sablefish and halibut fisheries will be included in the 2024 review with the table and figures provided in the *Online Appendix* and an overarching summary provided in the *Written Report*. The issues covered will include stock levels and management impacts of stocks and it is expected that some refinements in the presentation of data will be undertaken.

## 2.10 IN-SEASON MANGEMENT

The in-season management of the IFQ Fisheries in the 2024 Review will cover the same set of topics covered in the 2016 Review. These include: 1) Recordkeeping and Reporting; 2) the Observer Program; 3) Monitoring and Enforcement; and 4) Management and Cost Recovery. It is expected that some refinements in the presentation of data will be undertaken.

## 3. KEY FINDINGS AND CONCLUSION

Chapter three of the *Written Report* will summarize the key findings and conclusion of the review. The section will document findings with respect to the programmatic objectives and will also address requirements specified in the MSA and NMFS *Guidance for Conducting Review of Catch Share Programs* (NMFS, 2018f). In additional this section will highlight potential areas of concern found that may be indicated with the updated data and will identify data gaps and areas/topics for which additional research could focus.

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