

## COMMISSIONERS:

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 VICTORIA, WA  
 PETER LESTENKOF  
 SEASIDE, AK  
 JOHN SECORD  
 VANCOUVER, B.C.

## INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA

OF AGENDA B-6  
 FEBRUARY 2004

SEATTLE, WA 98145 2009

TELEPHONE  
 (206) 634-1828

FAX:  
 (206) 632-2983

January 29, 2004

Mr. Chris Oliver, Executive Director  
 North Pacific Fishery Management Council  
 605 W 4<sup>th</sup> Ste 306  
 Anchorage, AK 99501-2252

Dear Chris,

Your letter of January 16, 2004 requested commentary from the International Pacific Halibut Commission on the proposal before the Council that would allow harvest of IPHC Area 4C halibut quotas (IFQ and CDQ) in Area 4D. The Commission discussed this and other issues of interest to the Council at its Annual Meeting in Juneau, and would like to provide the following comments.

1. Areas 4C/4D permeability for IFQ/CDQ fishing.

Commission staff had communicated previously with the proponents concerning a broader suite of suggestions, of which this measure was one (Attachment 1). Staff expressed the conclusion that Area 4C does not constitute a separate production unit and is part of the larger Areas 4C/4D/4E management unit. As such, the staff sees no biological objection to the proposal to make this boundary permeable for quota share fishing, at this time. At the IPHC Annual Meeting, the Commission agreed with the staff view but made no comment on the allocative implications of such a procedure. The Commission did note that while allocation is clearly the purview of the Council, allowing the retention of quota from either Area 4D in Area 4C or vice versa would require amendment of the IPHC regulations, because total allowable removals in each area are specified presently by regulation. Council may recall that the Commission regulations required similar amendment to allow Area 4D quota shares to be harvested in Area 4E. The Commission sees no difficulty in implementing such a regulatory change but advises that this would likely occur, if requested, at the 2005 IPHC Annual Meeting.

2. North Pacific Fishery Management Council Areas 4C/D/E Catch Sharing Plan.

The Commission approved a catch limit for Areas 4C/D/E as a unit (3.785 million lb, Mlb) but also adopted the Council's Catch Sharing Plan for Areas 4C/D/E. Accordingly, the allocation by IPHC Area is: Area 4C 1.72 Mlb, Area 4D 1.72 Mlb, and Area 4E 0.345 Mlb.

3. Gulf of Alaska Rationalization

The Commission wishes to express its support for the Council's initiative on Gulf of Alaska Rationalization. While the Commission recognizes the complex nature of the proposal and its alternatives, the Commission believes that elements of the proposal will lead to reductions

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in halibut bycatch mortality and looks forward to the opportunity to comment on the proposal through the Council process.

4. IPHC Customary and Traditional Fishing regulations

Portions of the IPHC regulations on Customary and Traditional Fishing in Alaska (Section 23) were introduced as an interim measure in 2002, pending the implementation of U.S. subsistence regulations. With the introduction of the latter, the Commission regulations will now also reference NMFS regulations.

5. Requested National Marine Fisheries Service regulatory changes.

The NMFS requested several changes in the IPHC regulations in order to harmonize NMFS and IPHC regulations. The changes approved by the Commission were: to require marking of all buoys on halibut fishing vessels in Alaska with either the vessel state licence number or the vessel registration number; to allow the disposition of the offal from halibut retained under the NMFS Prohibited Species Donation Program; and to add the term 'external' in the definition of IPHC tags that may be retained.

6. Date-specific Quota Share regulations.

The Commission considered a received a report from its working group on the logistics of extending the halibut season beyond its present period of approximately nine months. While the Commission made no decision on an extension at this time, it will request the U.S. regulations governing Quota Shares in the Alaskan halibut fishery be changed from a reference to specific days of the year, to a reference to the beginning of the halibut season. This change will provide both the NMFS and the Commission with the necessary flexibility, should the Commission adopt a longer season in subsequent years.

7. Industry proposals.

The Commission received one industry proposal that does not fall under the Commission mandate and which is referred for your consideration (Attachment 2). The proposal concerns subsistence regulations and catch accounting, as well as record keeping in the recreational halibut fishery.

I will be attending the February meeting of the Council and would be happy to address any questions on these matters during my presentation under Agenda Item B-6.

Sincerely,



Bruce M. Leaman  
Executive Director

cc: IPHC Commissioners

## ATTACHMENT 1

## COMMISSIONERS:

CLIFF ATLEO  
 PORT ALBERNI, B.C.  
 JAMES BALSIGER  
 JUNEAU, AK  
 RICHARD J. BEAMISH  
 NANAIMO, B.C.  
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 SEATTLE, WA  
 ANDREW SCALZI  
 HOMER, AK  
 JOHN SECORD  
 VANCOUVER, B.C.

## INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA

DIRECTOR  
BRUCE M. LEAPP.O. BOX 9504  
SEATTLE, WA 98114TELEPHONE  
(206) 634-1827FAX:  
(206) 632-2983

November 26, 2003

Mr. Phillip Lestenkof, President  
 Central Bering Sea Fishermen's Association  
 P.O. Box 288  
 St. Paul Island, AK 99660

Dear Phillip,

The IPHC staff has discussed your letter of September 19<sup>th</sup> concerning the issues of Area 4C, particularly the continuing low catch rate of halibut. We are aware of the problems in catching the Area 4C catch limit that the Pribilof Islands harvesters have experienced in recent years. As you know, the Commission assesses the Area 4C/D/E as a single unit and adopts the North Pacific Fishery Management Council's catch sharing plan (CSP) for this unit annually. From a biological perspective, the Commission does not regard Area 4C as an independent production unit and we do not believe that recruitment to the area is governed primarily by events in Area 4C. However, fishing effort in this area can impact available yield if the rate of removals exceeds the rate of replenishment through recruitment and other movements of adult fish.

The CSP assigns approximately 46% of the entire catch limit for the Area 4C/D/E unit to Area 4C, even though Area 4C contains only about 5% of the total bottom or fishing ground area of the 4C/D/E unit. When the removals in Area 4C were about 700,000 lbs and the total removals for Areas 4C/D/E were about 1.6 Milbs, the replenishment rate to Area 4C was probably enough to keep up with removals. Now that we have removals in Area 4C of 2.03 Milbs and those from Areas 4C/D/E at 4.45 Milbs, then these replenishment rates do not appear to be sufficient to offset local removals in Area 4C. The larger number of older fish in Area 4D relative to Area 4C also indicates slow mixing of fish in these areas.

Your proposal to extend the Area 4C boundaries raises several issues, as I am sure you aware. We will not comment on the allocative implications because that is outside the Commission's area of responsibility. We would however, offer comments on the other aspects of your proposal.

1. The proposal to extend the Area 4C boundary southward in Area 4A is not one that we would endorse. Such a proposal could create significant allocative issues concerning historical and

- 2 -

future IFQ determinations. It would also invoke a different productivity base for the new area, with implications that are unknown at this time.

2. The proposal to extend the Area 4C boundary westward, to be the same as the western boundary of Area 4D is not entirely clear but we interpret your proposal as allowing Area 4C harvesters to fish in this expanded Area 4C but not allowing Area 4D harvesters to fish inside the previous Area 4C. We agree that the latter would require revisions to the NMFS IFQ regulations, however we also believe that the North Pacific Fishery Management Council would likely require public commentary on any proposal to change the boundaries of Area 4C. A requirement for public commentary might invoke much of the same process as would be required for regulatory amendments. Your proposal appears to encompass having Area 4C CDQ harvesters also fishing outside the present Area 4C boundaries and this would also be likely to trigger a public commentary.
3. We do not perceive any biological impediments to a westward extension of the Area 4C boundary. However, the Commission staff would prefer that Areas 4C/D/E be treated as a single operational unit, since we view this as a single unit from a biological and assessment process. These are allocative decisions that the NPFMC would need to implement and the Commission would also need to provide an analysis of the implications of eliminating the internal boundaries of these areas.

If you wish to have any elaboration on these comments, please let me know. Any future action on your proposal would need to come through the NPFMC. If it were submitted directly to the IPHC, the Commission would supply its comments but refer it to the NPFMC for further action.

Sincerely,



Bruce M. Leaman  
Executive Director



80  
YEARS  
IPHC  
1923 - 2003

## ATTACHMENT 2

**THE BOAT COMPANY**  
 1730 M Street, NW, Suite 204  
 Washington, DC 20036  
 Phone (202) 338-8055 Fax (202) 234-0745  
 www.theboatcompany.com

RECEIVED  
 NOV 3 - 2003  
 I.P.H.C

October 29, 2003

Bruce Leaman, Exec. Dir.  
 IPHC  
 P.O. Box 95009  
 Seattle, Washington 98145-2009

Dear Mr. Leaman:

Attached are several comments / proposals that The Boat Company has (would like to make) on the Halibut fishery in Southeast Alaska (Area 2C).

The Boat Company, an Alaskan not-for-profit corporation operates two vessels (142 ft. and 156 ft. carrying 20 and 24 passengers respectively) which have, since 1960, been conducting 7 / 8 day educational tours during the summer months (mid-May to mid-September) in Southeast Alaska.

As part of its program, it is licensed by the Alaska Department of Fish & Game to conduct guided fishing activities.

On an historical note, this writer in the early 1960's, worked as a deck hand on a scow attached to the Waterfall Cannery of NAKAT, (a family-owned company which if not the largest was one of the largest Salmon packers in Southeast Alaska at the time). Most, if not all, of the fish the company canned came from traps which the government, later in the decade, had the good sense to close down, i.e., before that fishery became too depleted.

Our concerns for the Halibut fishery run in the same vein. Our comments at the moment are not aimed at how that resource is allocated between user groups but rather out of concern for the resource itself.

Toward that end we feel the IPHC and the government agencies involved should require that the users provide a prompt (current) and accurate (no fudging) account of the poundage of all the fish they catch.

For example, our own operation could and probably should be required to report the poundage we have caught at the end of each of our trips.

Our longer-term concerns run to the viability of the fishery. If the IPHC has good numbers to work with, there is less likelihood that it will ever have to severely restrict or even shut the fishery completely. That latter circumstance would cause considerable economic pain for many if not all of us who use that resource.

Sincerely,



Michael A. McIntosh

P.S.: If the funds are not available to provide adequate supervision, some sort of cents-per-pound fee could be established to cover the cost.

West Coast Operations, Conservation and Reservations Office  
 19623 Viking Avenue, NW, Everett, Washington 98203 Tel (360) 697-4242 Fax (360) 697-4454

"Nowhere else on earth is there such an abundance and magnificence of mountain, fjord, and glacier scenery...the Alaska coast is to become the showplace of the earth, and pilgrims, not only from the United States, but from far beyond the sea, will throng in endless procession to see it. In grandeur it is more valuable than the gold or the fish or the lumber, for it will never be exhausted."

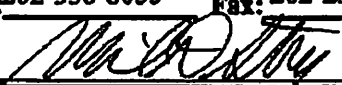
Henry Commel, Chief Geographer, Alaska Harriman Expedition, 1899

# IPHC Regulations Proposal Submission Form

Proposal Title: Catch Record Card for Subsistence Fishing Off Alaska

Year Proposed For: 2004

**Submission Information (Please print or type)**

Name:	<u>The Boat Company</u>		
Affiliation:	<u></u>		
Address:	<u>1730 M Street, N.W., Suite 204</u>		
City:	<u>Washington, D.C.</u>	State/Prov: <u></u>	Postal/ZIP Code: <u>20036</u>
Telephone:	<u>202-338-8055</u>	Fax: <u>202-234-0745</u>	Email: <u>www.theboatcompany.com</u>
Signature:	<u> FOR THE BOAT COMPANY</u>		

**1. What is the definition and objective of the proposal?**

"Accurate reporting of removals is essential to stock assessment and for determining the recommended allowable catch." IPHC (2003). The provisions adopted by the NPFMC and NMFS for estimating the subsistence harvest off Alaska are not adequate and will not provide an accurate estimate of total halibut removals. The IPHC is on record as supporting a catch record card (CRC) system, and should adopt such a system pursuant to its responsibility and authority to manage and conserve the Pacific halibut resource. This is particularly important in Area 2C, where over 7000 SHARCs have been issued.

**2. Impacts: Describe who you think this proposed change might affect (include fishers, processors, agencies, and the public).**

**2a. Who might benefit from the proposed change?**

All users of the halibut resource will benefit from a CRC system because it will provide a much more accurate estimate of subsistence halibut removals than a post-season survey.

**2b. Who might suffer hardships or be worse off?**

A CRC system is a proven means for obtaining a contemporaneous record of halibut harvests, and will not impose any significant burden on subsistence halibut fishers.

**3. Are there other solutions to the problem described above? If so, why were they rejected?**

The Boat Company considered submitting a petition to the NPFMC and NMFS for adoption of a CRC system for the subsistence halibut fishery but rejected this approach because NMFS has already rejected a CRC system and is not likely to revise its position. NMFS appears committed to a post-season survey that relies on the harvester's memory, and does not seem willing to implement the type of reporting procedures that are necessary to obtain an accurate estimate of total subsistence halibut removals.

Please attach any other supporting materials. All items submitted by October 31, 2003 will be considered at the IPHC Annual Meeting. *Remember to include contact information and signature.*

# IPHC Regulations Proposal Submission Form

Proposal Title: Catch Record Card for Sport Fishing Off Alaska

Year Proposed For: 2004

**Submission Information (Please print or type)**

Name:	<u>The Boat Company</u>		
Affiliation:	_____		
Address:	<u>1730 M Street, N.W., Suite 204</u>		
City:	<u>Washington, D.C.</u>	State/Prov: _____	Postal/ZIP Code: <u>20036</u>
Telephone:	<u>202-338-8055</u>	Fax: <u>202-234-0745</u>	Email: <u>www.theboatcompany.com</u>
Signature:	<u><i>M. D. Stuy</i> FOR THE BOAT COMPANY</u>		

**1. What is the definition and objective of the proposal?**

The sport harvest off Alaska in 2002 was estimated at 8.66 million pounds, most of it taken in Areas 2C and 3A. The non-guided component of the estimate is based on a post-season, memory-dependent harvest survey. ADF&G's logbook program for the charter fleet has been discontinued, and NMFS has not identified another method of gathering data on the guided sport harvest. The IPHC should adopt a catch record card (CRC) or similar system to obtain reliable and timely estimates of the sport removals of halibut.

**2. Impacts: Describe who you think this proposed change might affect (include fishers, processors, agencies, and the public).**

**2a. Who might benefit from the proposed change?**

All users of the halibut resource will benefit from having an accurate estimate of sport halibut removals by both the unguided and charter elements of the fishery.

**2b. Who might suffer hardships or be worse off?**

A CRC system is a proven means for obtaining a contemporaneous record of halibut harvests, and will not impose any significant burden on sport halibut fishers.

**3. Are there other solutions to the problem described above? If so, why were they rejected?**

The Boat Company considered submitting a petition to the NPFMC and NMFS for adoption of a CRC system for the sport halibut fishery but rejected this approach because NMFS appears committed to a post-season survey that relies on the harvester's memory, and does not seem willing to implement the type of reporting procedures that are necessary to obtain reliable and timely estimate of total sport halibut removals, particularly in Areas 2C and 3A.

Please attach any other supporting materials. All items submitted by **October 31, 2003** will be considered at the IPHC Annual Meeting. *Remember to include contact information and signature.*

# IPHC Regulations Proposal Submission Form

Proposal Title: Recordkeeping for Sales of Subsistence Halibut

Year Proposed For: 2004

**Submission Information (Please print or type)**

Name: <u>The Boat Company</u>		
Affiliation: _____		
Address: <u>1730 M Street, N.W., Suite 204</u>		
City: <u>Washington, D.C.</u>	State/Prov: _____	Postal/ZIP Code: <u>20036</u>
Telephone: <u>202-338-8055</u>	Fax: <u>202-234-0745</u>	Email: <u>www.theboatcompany.com</u>
Signature: <u><i>Mr. D. [unclear]</i> FOR THE BOAT COMPANY</u>		

**1. What is the definition and objective of the proposal?**

Under the new regulations governing the subsistence halibut fishery off Alaska, persons may "engage in the customary trade of subsistence halibut through monetary exchange of no more than \$ 400 per year." 50 C.F.R. § 300.66(j). However, persons who sell halibut under this provision are not required to keep any record of the amount of halibut exchanged for money, which makes the annual limit unenforceable. Sales of halibut under this provision should be required to be reported on a State of Alaska fish ticket.

**2. Impacts: Describe who you think this proposed change might affect (include fishers, processors, agencies, and the public).**

**2a. Who might benefit from the proposed change?**

All users of the halibut resource will benefit if regulations for the subsistence halibut fishery off Alaska are enforceable and not ripe for abuse.

**2b. Who might suffer hardships or be worse off?**

Halibut subsistence fishers will be required to prepare and submit a State of Alaska fish ticket when they exchange halibut for money, but this is not a significant burden.

**3. Are there other solutions to the problem described above? If so, why were they rejected?**

The Boat Company considered requesting the NPFMC and NMFS to require completion of a State of Alaska fish ticket when subsistence halibut are exchanged for money, but rejected this approach as unlikely to succeed. Concerns regarding abuse of the provision allowing "non-commercial" sales of subsistence halibut were expressed in comments on the proposed rules, but NMFS defended this provision on the ground that \$ 400 was an insignificant amount and the total subsistence harvest was expected to be small.

Please attach any other supporting materials. All items submitted by **October 31, 2003** will be considered at the IPHC Annual Meeting. *Remember to include contact information and signature.*



# IPHC Regulations Proposal Submission Form

Proposal Title: Prohibition on Possession of Subsistence Halibut with Commercial Fish

Year Proposed For: 2004

**Submission Information (Please print or type)**

Name:	The Boat Company		
Affiliation:			
Address:	1730 M Street, N.W., Suite 204		
City:	Washington, D.C.	State/Prov:	
		Postal/ZIP Code:	20036
Telephone:	202-338-8055	Fax:	202-234-0745
Email:	www.theboatcompany.com		
Signature:	<i>[Handwritten Signature]</i> FOR THE BOAT COMPANY		

**1. What is the definition and objective of the proposal?**

NMFS has advised the public that persons engaged in commercial fishing for species other than halibut may harvest subsistence halibut as long as they hold a SHARC and otherwise comply with the subsistence regulations. This poses significant enforcement problems, and opens up an enormous loophole by which commercial longliners and others can retain halibut harvested while commercial fishing. The IPHC should prohibit possession of subsistence halibut on board a vessel with commercial-caught fish.

**2. Impacts: Describe who you think this proposed change might affect (include fishers, processors, agencies, and the public).**

**2a. Who might benefit from the proposed change?**

All users of the halibut resource will benefit if regulations for the subsistence halibut fishery off Alaska are enforceable and not ripe for abuse.

**2b. Who might suffer hardships or be worse off?**

This proposal will not limit persons engaged in actual subsistence fishing for halibut but will preclude commercial fishermen from retaining halibut under the guise of subsistence.

**3. Are there other solutions to the problem described above? If so, why were they rejected?**

The Boat Company considered requesting the NPFMC and NMFS to prohibit possession of subsistence halibut on board vessels with commercial-caught fish, but rejected this approach as unlikely to succeed. The IPHC advised the NPFMC and NMFS of its concern for allowing retention of subsistence halibut by commercial fishermen, but those agencies took no action. The IPHC has adopted a similar prohibition for sport halibut (i.e., Section 24(14)) and should do the same for subsistence halibut.

Please attach any other supporting materials. All items submitted by October 31, 2003 will be considered at the IPHC Annual Meeting. *Remember to include contact information and signature.*

# IPHC Regulations Proposal Submission Form

Proposal Title: Possession Limit for Subsistence Fishing Off Alaska

Year Proposed For: 2004

**Submission Information (Please print or type)**

Name: <u>The Boat Company</u>			
Affiliation: _____			
Address: <u>1730 M Street, N.W., Suite 204</u>			
City: <u>Washington, D.C.</u>	State/Prov: _____	Postal/ZIP Code: <u>20036</u>	
Telephone: <u>202-338-8055</u>	Fax: <u>202-234-0745</u>	Email: <u>www.theboatcompany.com</u>	
Signature: <u><i>Mr. [Signature]</i> FOR THE BOAT COMPANY</u>			

**1. What is the definition and objective of the proposal?**

The NPFMC and NMFS have established a limit on the daily retention of subsistence halibut of 20 fish. There is, however, no possession limit. With no possession limit, the daily retention limit is unenforceable, particularly for multi-day trips. IPHC regulations for sport fishing specify possession limits in addition to daily bag limits (*i.e.*, Section 24(7)-(10)), and the IPHC should set a possession limit for subsistence halibut as well.

**2. Impacts: Describe who you think this proposed change might affect (include fishers, processors, agencies, and the public).**

**2a. Who might benefit from the proposed change?**

All users of the halibut resource will benefit if regulations for the subsistence halibut fishery off Alaska are enforceable and not ripe for abuse.

**2b. Who might suffer hardships or be worse off?**

Legitimate halibut subsistence fishers will not suffer since they are not likely to need to possess multiple daily retention limits. Only potential cheaters will be affected.

**3. Are there other solutions to the problem described above? If so, why were they rejected?**

The Boat Company considered submitting a petition to the NPFMC and NMFS for adoption of possession limits but rejected this approach as unlikely to achieve the desired end in a timely manner. The IPHC advised the NPFMC and NMFS of its concern over the absence of a possession limit for subsistence halibut, but other than initiating analysis of this issue, those agencies took no action.

Please attach any other supporting materials. All items submitted by October 31, 2003 will be considered at the IPHC Annual Meeting. *Remember to include contact information and signature.*

# News Release

P.O. Box 95009, SEATTLE, WASHINGTON 98145-2009

January 26, 2004

## HALIBUT COMMISSION COMPLETES 2004 ANNUAL MEETING

The International Pacific Halibut Commission completed its Eightieth Annual Meeting in Juneau, Alaska, with Dr. James Balsiger of Juneau, Alaska presiding as Chair. The Commission is recommending to the governments of Canada and the United States, catch limits for 2004 totaling 76,505,000 pounds, an increase from a comparable value of 75,990,000 pounds in 2003.

The Commission staff reported on the assessment of the Pacific halibut stock in 2003. There were some significant changes in the assessment, including the first separate assessment of the male and female components of the stock. Lower growth rates of halibut in recent years and different growth rates between the sexes prompted the staff to perform the separate assessments and insure that mortality on the females was not excessive. Staff also undertook the first analytic assessments of Areas 3B, 4A, and 4B. Changes in the rate at which fish, especially males, recruit to the fishing gear will require additional analyses over the coming year, to determine if the existing 32-inch size limit is still appropriate. In addition, over the coming year the Commission staff will continue to investigate a new harvest policy that may result in greater stability in the yield from the fishery and insulate the process of setting catch limits from technological changes in the assessment. A joint industry – Commission working group will address and report on this issue during 2004. The halibut stock is healthy in the central and southern portions of the range (Areas 3A through 2A) but is believed to have declined in Areas 3B through Area 4, and lower catch limits are required in those areas.

### Seasons and Catch Limits

The Commission received regulatory proposals for 2004 from the scientific staff, Canadian and United States harvesters and processors, and other fishery agencies. The Commission will recommend to the governments the following catch limits for 2004 in Area 2A (California, Oregon, and Washington), Area 2B (British Columbia), Area 2C (southeastern Alaska), Area 3A (central Gulf), Area 3B (western Gulf), Area 4A (eastern Aleutians), Area 4B (western Aleutians), Area 4C (Pribilof Islands), Area 4D (northwestern Bering Sea), and Area 4E (Bering Sea flats):

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JAN 28 2004

N.P.F.M.C.

## 2004 Catch Limits

Area	Catch Limit (pounds)
2A Non-treaty directed commercial (south of Point Chehalis)	252,475
2A Non-treaty incidental catch in salmon troll	44,554
2A Non-treaty incidental catch in sablefish longline fishery (north of Point Chehalis)	70,000
2A Treaty Indian commercial	523,600
2A Treaty Indian ceremonial and subsistence (year-round)	19,400
2A Sport – North of Columbia River	272,942
2A Sport – South of Columbia River	<u>297,029</u>
Area 2A total	1,480,000
2B (includes sport catch allocation)	13,800,000
2C	10,500,000
3A	25,060,000
3B	15,600,000
4A	3,470,000
4B	2,810,000
4C	1,720,000
4D	1,720,000
<u>4E</u>	<u>345,000</u>
<u>Area 4 total</u>	10,065,000
<b>Total</b>	<b>76,505,000</b>

The Department of Fisheries and Oceans, Canada will allocate the adopted Area 2B catch limit between sport and commercial fisheries.

The catch limits for Regulatory Areas 4C, 4D, and 4E reflect the catch-sharing plan implemented by the North Pacific Fishery Management Council (NPFMC), which allows the Commission to set biologically-based catch limits for Areas 4A, 4B, and a combined Area 4C-D-E. The catch-sharing plan allows Area 4D Community Development Quota (CDQ) harvest to be taken in Area 4E.

The catch-sharing plan implemented by the Pacific Fishery Management Council (PFMC) for Area 2A was adopted by the Commission and is reflected in the catch limits adopted for the Area 2A fisheries. Area 2A fishing dates for an incidental commercial halibut fishery concurrent with salmon troll fishing seasons and the incidental commercial halibut fishery during the sablefish fishery north of Point Chehalis will be established under United States domestic regulations established by National Marine Fisheries Service (NMFS). The remainder of the Area 2A catch-sharing plan, including sport fishing seasons and depth restrictions, will be determined under regulations promulgated by NMFS. For further information of the depth restrictions in the commercial directed halibut fishery, incidental halibut during the sablefish fishery, and the sport fisheries, call the NMFS hotline (1-800-662-9825).

In Area 2A, seven 10-hour fishing periods for the non-treaty directed commercial fishery are recommended: June 23, July 14, July 28, August 11, August 25, September 15, and September 29, 2004. All fishing periods will begin at 8:00 a.m. and end at 6:00 p.m. local time, and will be further restricted by fishing period limits announced at a later date.

The staff reported to the Commission on a joint agency – industry meeting that investigated the logistic issues that must be addressed to extend the halibut fishing season. The working group agreed generally that a 10.5-month season could be implemented with approximately one year lead time but a 12-month season was significantly more difficult to implement. To facilitate a potential future extension of the commercial halibut season, the Commission will recommend to NMFS that the Quota Share regulations be amended to reference the dates of the halibut and sablefish seasons, rather than specific dates of the year. The Commission conducted extensive discussions on the season extension issue and received several industry proposals and public testimony. After reviewing staff information and proposals from the harvesting and processing sector, the Commission voted on a season similar to 2003. Further, it was agreed to open the season on a Sunday to facilitate marketing. Therefore, the treaty Indian commercial fishery in Area 2A, the Canadian Individual Vessel Quota (IVQ) fishery in Area 2B, and the United States Individual Fishing Quota (IFQ) and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will all commence at 12 noon local time on February 29 and terminate at 12 noon local time on November 15, 2004. The IPHC staff was directed to evaluate March landings including daily landing patterns, fish quality, and fish size. The staff was also instructed to review the possibilities of winter tagging work to further evaluate migratory concerns.

#### Regulatory Changes and Issues

The Commission approved changes to the regulations that define tag fish retention. The changes included defining the tag as an external tag, and clarifying that any fisher at any time can retain a halibut that has an IPHC tag attached. The halibut needs to have the tag attached at the time of landing and it will be made available to the Commission or an authorized officer. Only commercially licensed halibut vessels can sell legal-sized tagged halibut.

For the U.S. fishery, the requirement to mark the setline or skate marker buoys was revised to state that the vessel name could be in addition to a vessel's state license or registration number but not used as the only marking.

The Commission revised the regulation referring to the Prohibited Species Donation Program administered by NMFS to state that a person can "retain, possess, and dispose" of halibut from this program. The change allows the offal of halibut donated under this program to be used as fish meal and oil.

The Commission removed an obsolete regulation that made implementation of the Customary and Traditional Fishing Regulations in Alaska contingent on NMFS' publication of regulations for this fishery. Other regulations pertaining to the Customary and Traditional Fishery in Alaska remain in effect.

## Other Actions

There were several issues discussed that the staff will be continuing to review in 2004, including a hook size study, as the fleet's gear has changed over the last several years, and a review of the 32-inch size limit.

The staff proposal to require an IPHC permit for retaining halibut for research was not approved. The Commission agreed with the intent of the proposal but wished to consider the impacts of this requirement on other agency activities. The Commission asked staff to work with other agency staff to review the current permitting process and provide additional information for further evaluation.

The Commission reviewed the request from the Alaska Food Coalition for a food bank donation program in the Gulf of Alaska. There were some concerns with the proposal, and the staff was directed to provide the Alaska Food Coalition with feedback on the proposal.

The Commission honoured Mr. Lawren Best of Sooke, British Columbia as the second recipient of the IPHC Merit Scholarship. Mr. Best attended the meeting and was presented with a certificate and plaque, as well as the scholarship of \$2,000 (U.S.). The Commissioners expressed their continued support for the scholarship program and commended the Scholarship Committee for their efforts in assessing the candidates.

The Commission noted that halibut bycatch mortality in non-target fisheries was reduced slightly in 2003, continuing the trend initiated by the 1991 Commission agreement to achieve lower bycatch mortality levels. However, the Commission agrees that further reductions are desirable and that current levels of mortality reduce yield to the directed halibut fisheries. The Commission will continue to work with agencies of the two governments to achieve reductions in halibut bycatch mortality.

The recommended regulations for the 2004 halibut fishery will become official as soon as they are approved by the Canadian and United States Governments. The Commission will publish and distribute regulation pamphlets.

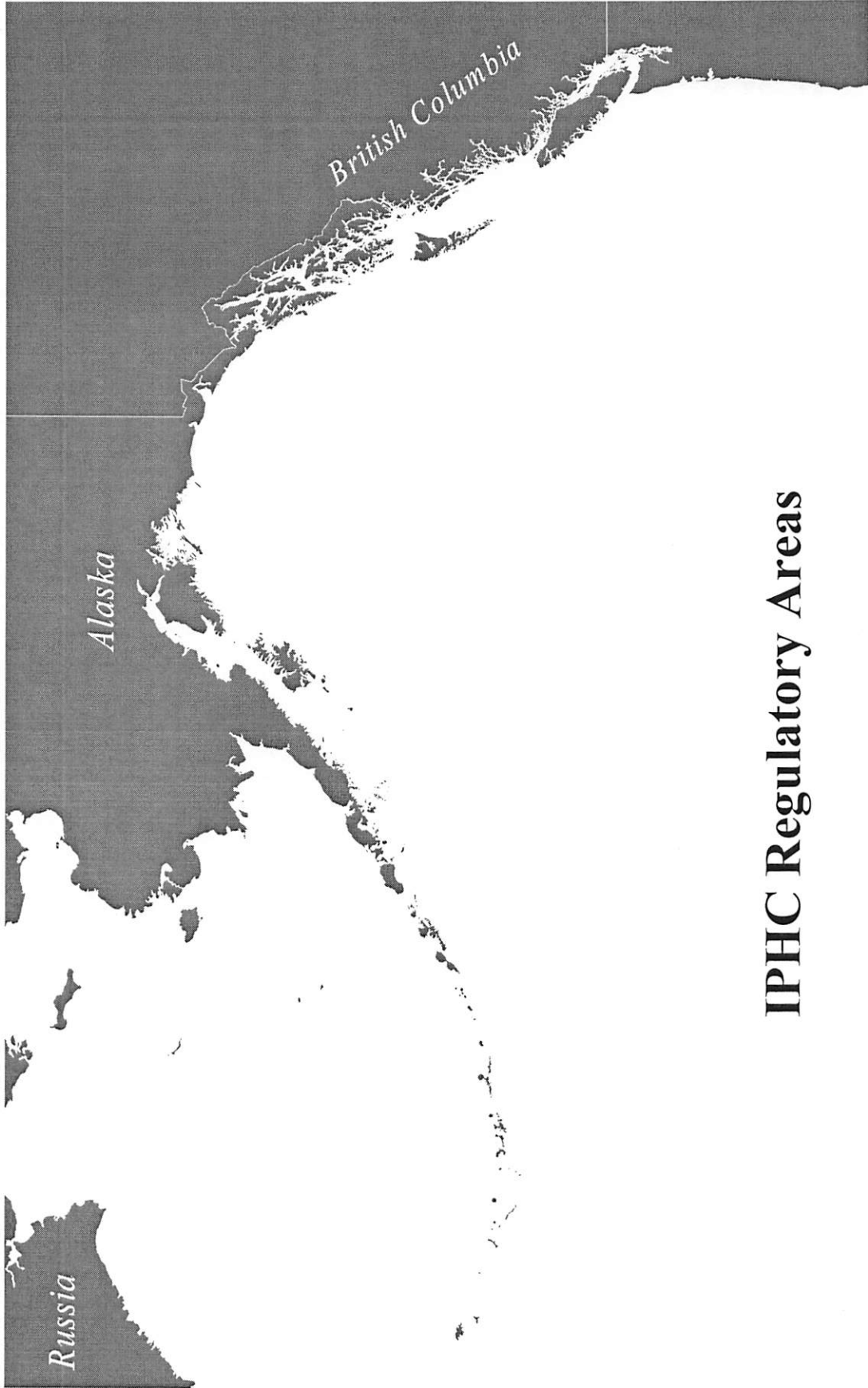
The next Annual Meeting of the Commission is planned for Victoria, British Columbia from January 18 to 21, 2005. The Canadian Government commissioner, Dr. Richard Beamish, was elected Chair for the coming year. The United States Government commissioner, Dr. James Balsiger, was elected as Vice Chair. Other Canadian commissioners are Clifford Atleo and John Secord. The other United States commissioners are Ralph Hoard and Phillip Lestenkof. Dr. Bruce Leaman is the Executive Director of the Commission.

- END -

Bruce M. Leaman, Executive Director  
Phone: (206) 634-1838  
Web: [www.iphc.washington.edu](http://www.iphc.washington.edu)

# 2004 IPHC Annual Meeting

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IPHC  
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## **IPHC Regulatory Areas**



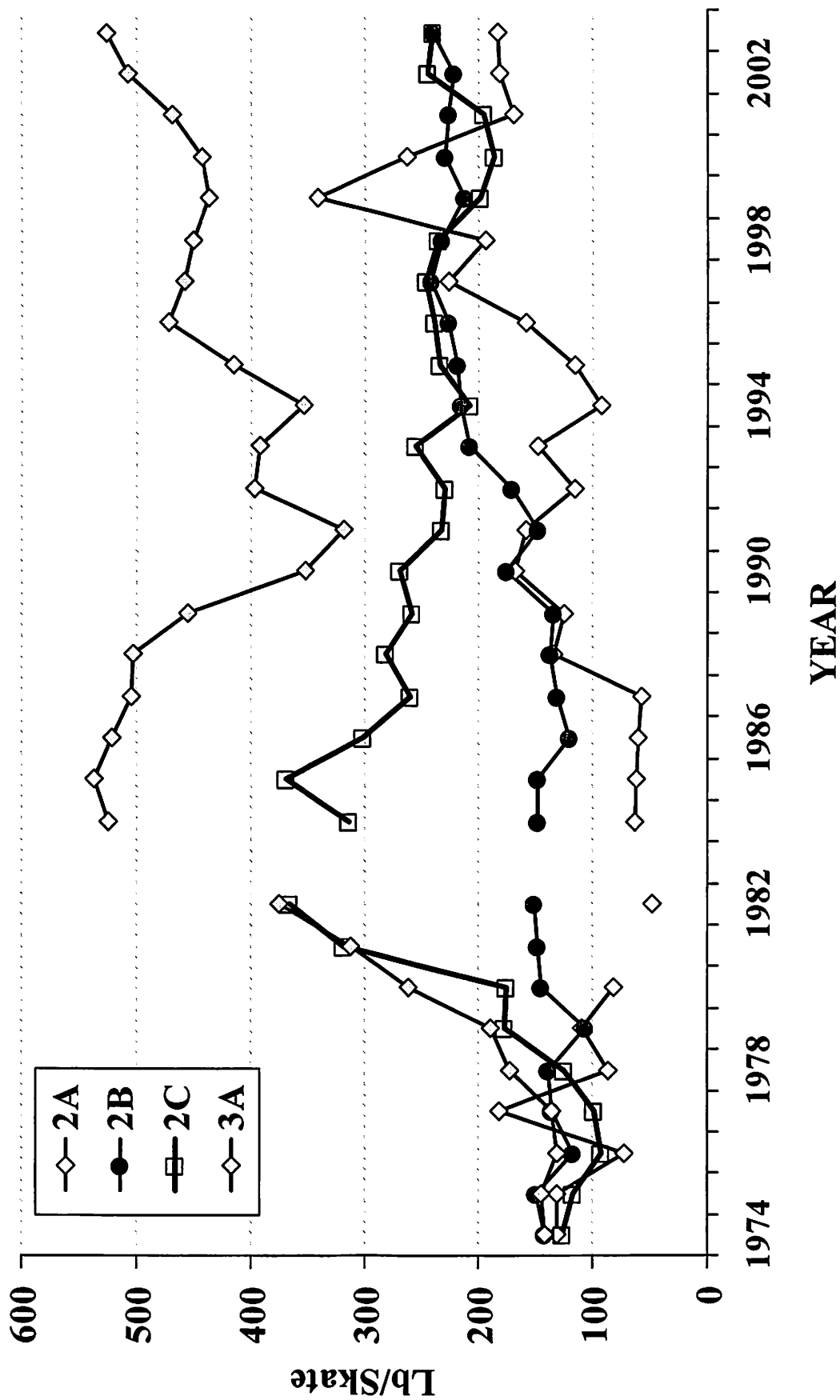
# **Stock Condition Indicators**

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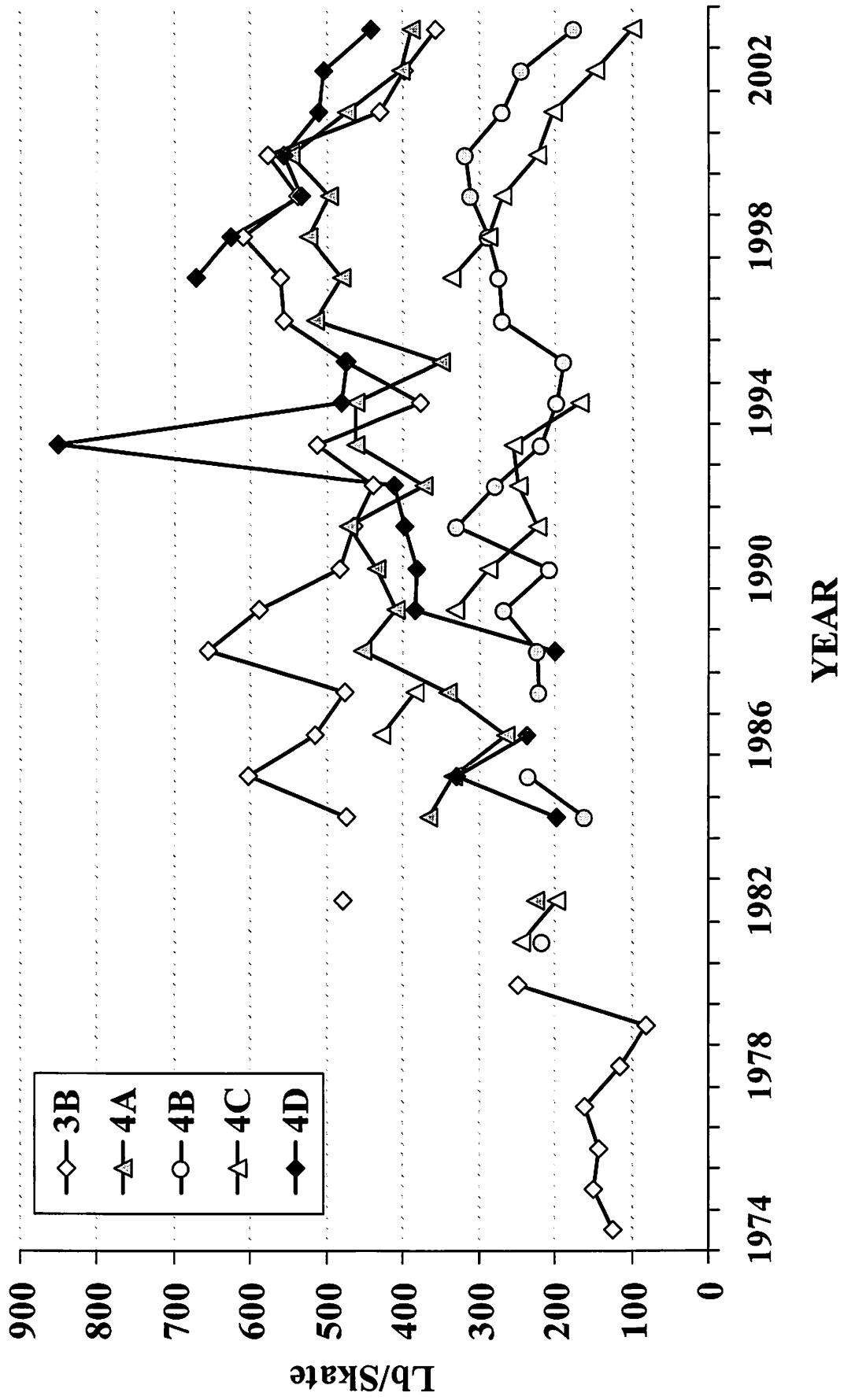
- **Survey CPUE**
- **Commercial CPUE**
- **Analytic assessment**



# Commercial CPUE



# Commercial CPUE



# Catch Limit Concerns

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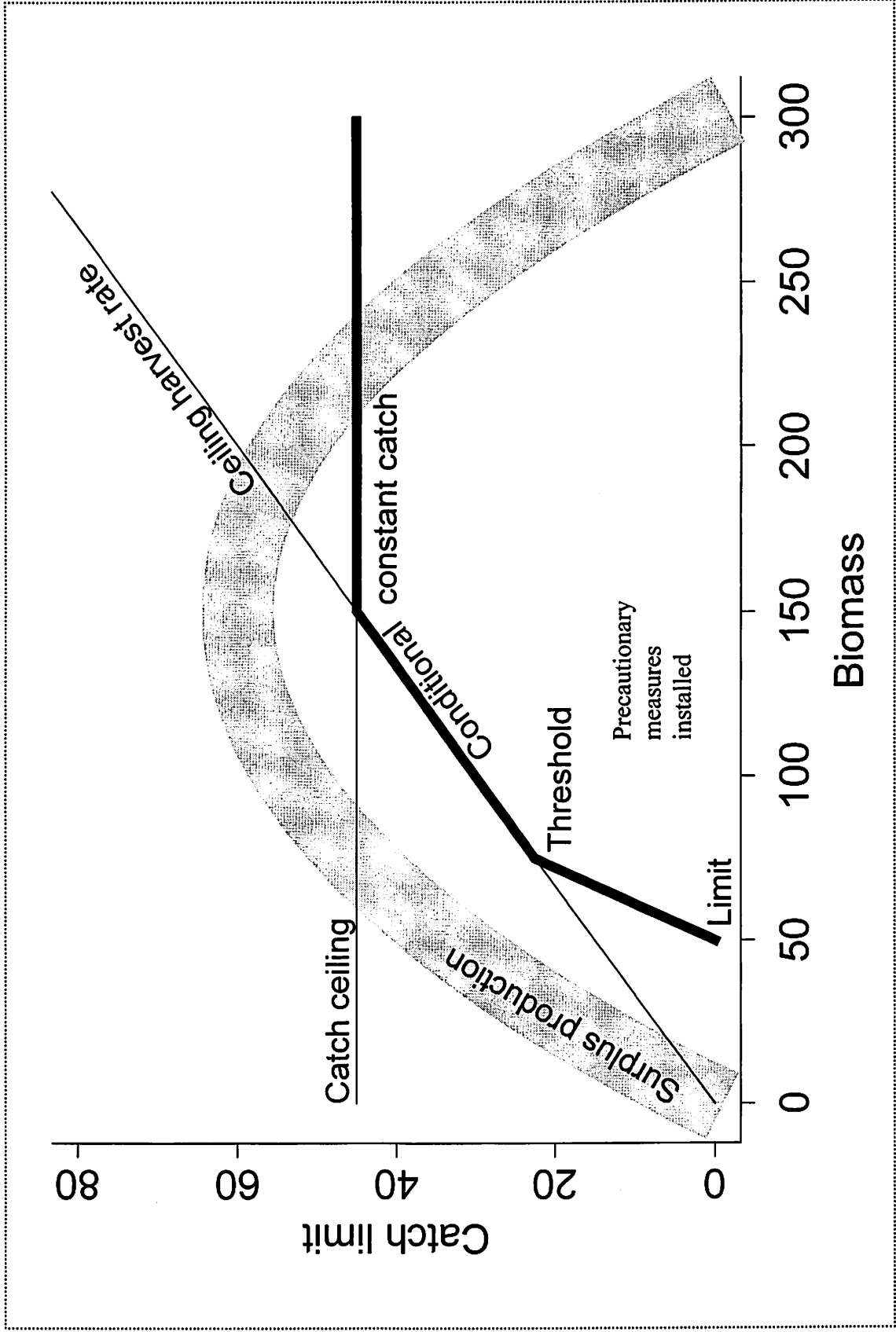
- **Selectivity - growth rate**
- **Area 4 sustainability**
- **Conditional Constant Catch harvest policy**
  - **ceiling harvest rate**
  - **ceiling removals**
- **Analytical precision**

# Yield Recommendations

Regulatory Area	Millions of Pounds	
	2003 Setline Catch Limit	2004 Recommended Setline Catch Limit
2A*	1.31	1.39
2B#	11.75	12.53
2C	8.50	9.03
3A	22.63	25.56
3B	17.13	15.60
4A	4.97	3.47
4B	4.18	2.81
4CDE	4.45	3.39
<b>TOTAL</b>	<b>74.92</b>	<b>73.78</b>

**\*#Includes sport, tribal (only in Area 2A), and commercial fisheries**

# A Conditional Constant Catch (CCC) policy



# Setline Catch Limit Calculation

Reg Area	CEY at 20%	CEY at 25%	Harvest Policy Cap	Other Removals 2003	2003 Catch Limit	Setline CEY 2004	Setline Catch Limit 2004	
2A	1.14	<b>2.11</b>	<b>1.69</b>	0.30	<b>1.31</b>	<b>1.39</b>	<b>1.39</b>	1,3
2B	8.80	<b>16.25</b>	<b>13.00</b>	0.47	<b>12.82</b>	<b>12.53</b>	<b>12.53</b>	2,3
2C	16.00	20.00	<b>12.00</b>	2.97	<b>8.50</b>	<b>9.03</b>	<b>9.03</b>	3
3A	29.20	36.50	<b>35.00</b>	6.52	<b>22.63</b>	<b>28.48</b>	<b>25.56</b>	3
3B	13.00	<b>16.25</b>	n/a	0.65	<b>17.13</b>	<b>15.60</b>	<b>15.60</b>	
4A	<b>4.20</b>	5.25	n/a	0.73	<b>4.97</b>	<b>3.47</b>	<b>3.47</b>	4
4B	<b>3.00</b>	3.75	n/a	0.19	<b>4.18</b>	<b>2.81</b>	<b>2.81</b>	4
4CDE	<b>5.96</b>	7.46	n/a	2.57	<b>4.45</b>	<b>3.39</b>	<b>3.39</b>	4
<b>Total</b>	81.31	107.57	n/a	14.40	<b>75.99</b>	<b>76.70</b>	<b>73.78</b>	

<sup>1</sup> Catch limit for 2A includes commercial, sport, and treaty subsistence; local selectivity

<sup>2</sup> 2004 Catch limit for 2B includes commercial and sport catch; local selectivity

<sup>3</sup> Setline CEY constrained by HP Cap

<sup>4</sup> Catch Limits for Area 4 use 0.2 exploitation rate because of uncertainty about productivity



# Setline Catch Limit Calculation

Reg Area	Exploitable biomass	CEY at 25% (20% in Area 4)	2003 Other Removals	2003 Catch Limit	2004 Setline CEY	2004 Catch Limit Recommendation	
<b>2A</b>	8.45	2.11	0.30	1.31	1.81	<b>1.48</b>	1,3
<b>2B</b>	65.00	16.25	0.47	12.82	15.78	<b>13.80</b>	2,3
<b>2C</b>	80.00	20.00	2.97	8.50	17.03	<b>11.31</b>	3
<b>3A</b>	146.00	36.50	6.52	22.63	29.98	<b>25.06</b>	3
<b>3B</b>	65.00	16.25	0.65	17.13	15.60	<b>15.60</b>	
<b>4A</b>	21.00	4.20	0.73	4.97	3.47	<b>3.47</b>	
<b>4B</b>	15.00	3.00	0.19	4.18	2.81	<b>2.81</b>	
<b>4CDE</b>	30.00	5.96	2.57	4.45	3.39	<b>3.39</b>	
<b>Total</b>	<b>430.45</b>	<b>104.28</b>	<b>14.40</b>	<b>75.99</b>	<b>89.88</b>	<b>76.91</b>	

<sup>1</sup> Catch limit for 2A includes commercial, sport, and treaty subsistence catches

<sup>2</sup> 2003 and 2004 Catch limit for 2B includes commercial and sport catch

<sup>3</sup> Calculated as 2003 catch limit plus 1/3 of the difference between  
2004 Setline CEY and 2003 Catch Limit

# 2004 Adopted Limits

Regulatory Area	Millions of Pounds			
	IPHC Staff Recomm	Conf Bd Recomm	Processor Recomm	IPHC Adopted
2A*	1.48	1.48	1.48	1.48
2B^	13.80	13.80	13.80	13.80
2C	11.31	11.31	11.31	10.50
3A	25.06	26.30	25.60	25.06
3B	15.60	15.60	15.60	15.60
4A	3.47	4.00	3.47	3.47
4B	2.81	3.19	2.81	2.81
4CDE	3.39	4.18	3.39	3.785
<b>TOTAL</b>	<b>76.91</b>	<b>79.86</b>	<b>76.91</b>	<b>76.505</b>

\*^Includes sport, tribal (in Area 2A only) and commercial fisheries

# Miscellaneous Recommendations

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## **Fishing periods and catch sharing**

- **February 29 - November 15 for quota share fisheries (industry-agency task force concluded 10.5 mo season feasible, 12 mo very difficult)**
- **In 2A, a series of 10-h periods for the directed fishery**
- **Endorse Management Councils' catch sharing plans; note PFMC depth restrictions for 2A**

## **License requirements**

- **Retain in 2A to assist Pacific Council & IPHC in setting limits**

# **Miscellaneous Recommendations**

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## **Retention of tagged halibut**

- **Permit any person to retain halibut with external IPHC tag or IPHC permitted tag. Commercially licensed fishing vessels may sell legal-size halibut after presenting tagged fish to IPHC sampler or authorized representative.**

## **Request NMFS change date-specific regulations**

- **Request that NMFS change IFQ quota share regulations to reference season opening or closing dates, rather than specific days of the year.**

# **Miscellaneous Recommendations**

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## **Regulation changes requested by NMFS and adopted by IPHC**

- **Delete vessel name from buoy marking requirements for U.S. (state licence or registration number required)**
- **Allow offal of halibut donated under Prohibited Species Donation program to be disposed of as meal or oil**

# **Miscellaneous Recommendations**

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**Regulation changes requested by NMFS and adopted by IPHC**

- **Clarify definition of IPHC tag - include ‘external’ in definition**
- **Remove preliminary subsistence regs - superseded by newer NMFS regs**

## **Other Issues**

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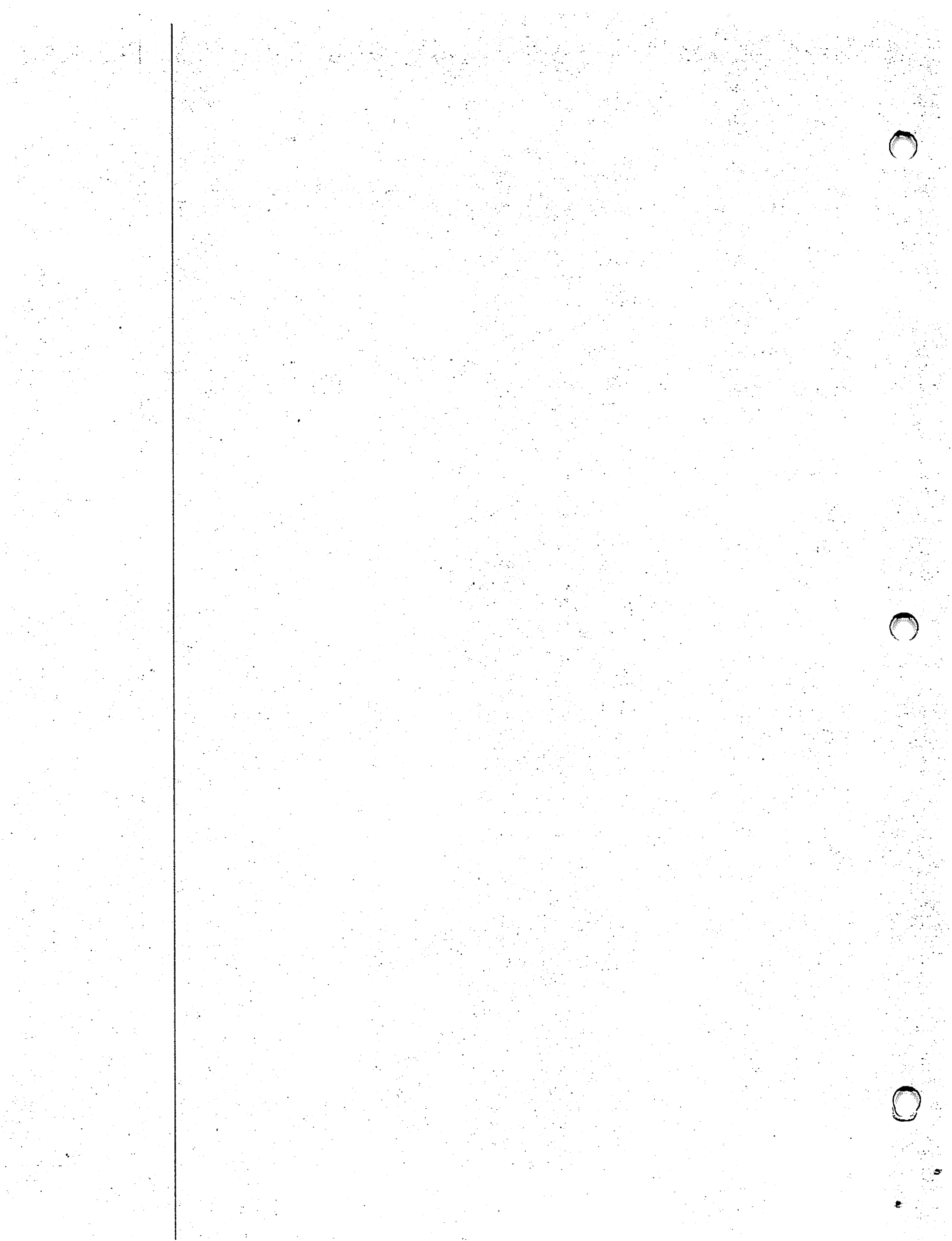
- Industry-staff working group to conduct detailed examination of the implications of various ceiling removals and ceiling harvest rates in the CCC harvest policy**
- Staff will examine the impacts on data used in stock assessment, of changing hook sizes in the commercial fishery**
- Sex-specific assessment and selectivity changes require review of the 32-in. commercial size limit**

# Other Issues

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- **IPHC supports request before the Council to allow harvest of Area 4C IFQ/CDQ in Area 4D. Will require change in IPHC regulations to accommodate potential impacts on enforcement of approved catch limits**
- **IPHC expresses support for Gulf of Alaska rationalization initiative as means to reduce halibut bycatch mortality**





# Catch Limit Recommendation

Millions of Pounds

<b>Regulatory Area</b>	<b>2003 Setline CEY</b>	<b>2003 Setline Quota</b>	<b>2004 Setline CEY</b>	<b>2004 Setline Recommendation</b>
<b>2A*</b>	<b>1.29</b>	<b>1.31</b>	<b>2.11</b>	<b>1.48</b>
<b>2B^</b>	<b>11.32</b>	<b>11.75</b>	<b>16.25</b>	<b>13.80</b>
<b>2C</b>	<b>9.11</b>	<b>8.50</b>	<b>20.00</b>	<b>11.31</b>
<b>3A</b>	<b>34.22</b>	<b>22.63</b>	<b>36.50</b>	<b>25.06</b>
<b>3B</b>	<b>29.19</b>	<b>17.13</b>	<b>16.25</b>	<b>15.60</b>
<b>4A</b>	<b>11.22</b>	<b>4.97</b>	<b>4.20</b>	<b>3.47</b>
<b>4B</b>	<b>7.76</b>	<b>4.18</b>	<b>3.00</b>	<b>2.81</b>
<b>4CDE</b>	<b>13.82</b>	<b>4.45</b>	<b>5.96</b>	<b>3.39</b>
<b>TOTAL</b>	<b>117.93</b>	<b>74.92</b>	<b>104.28</b>	<b>76.91</b>

**\*^Includes sport, tribal (only in Area 2A) and commercial fisheries**

**PUBLIC TESTIMONY SIGN-UP SHEET FOR**  
**AGENDA ITEM** Other B reports

	NAME (PLEASE PRINT)	AFFILIATION
1	Larry Cotter	APIEDA
2	<del>JOHN GARDNER</del>	<del>GRAND OYSTERS FORUM</del>
3	BRENT PAINE & THOMAS SMITH	UCB & MPLA
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

B  
Larry Cotter

## Aleutian Pribilof Island Community Development Association

□ 234 Gold St. • Juneau, Alaska 99801 • (907) 586-0161 • 1-888-9APICDA • Fax (907) 586-0165

□ Unalaska Office: P.O. Box 208 • Unalaska, Alaska 99685 • (907) 581-5960 • Fax (907) 581-5963

January 30, 2004

Mr. Roy Hyder, Chairman  
NPFMC Enforcement Committee  
P.O. Box 103136  
Anchorage, Alaska 99510

Re: VMS

Dear Mr. Hyder:

I am writing to request the Enforcement Committee's and the Council's assistance in solving a problem that affects one of our vessels and several others. APICDA owns 100% of the F/V AP4, a 35 foot combination longline/pot/jig vessel. For one and one-half months we have attempted to purchase VMS equipment so that we can be in compliance with applicable rules and participate in the Pacific cod fishery. We have contacted every vendor, and have been told they have no idea when the VMS equipment will be available. They have also told us there are half a dozen vessels each in Sand Point and King Cove that are on the same wait list. In addition, we understand there is a shortage of parts and associated equipment in Kodiak.

As you are aware, we are not allowed to participate in the Pacific cod fishery without having an approved and operating VMS system on board our vessel. As you may recall, this requirement resulted from Steller sea lion RPAs in an effort to ensure vessels participating in the affected fisheries complied with area closure rules. At the time this rule was being considered, concern was expressed by a number of individuals and entities that there might be shortages of approved VMS equipment and/or breakdowns resulting in lost fishing time and accompanying financial losses to the vessels and companies involved. We were assured this would not be the case.

APICDA owns a software company called OceanLogic. One of OceanLogic's products is a Vessel Verification System, or VVS. The VVS functions similarly to a VMS, except that it does not continuously transmit to a satellite and it is software based instead of hardware based. For these reasons, NMFS Enforcement will not certify our VVS as an acceptable VMS. Be that as it may, our VVS takes a GPS reading every five minutes. This results in an accuracy of 1.1 meters, substantially better than the approved VMS. The VVS is "tamper resistant" to use a NMFS Enforcement phrase, and produces "evidentiary quality" data. NMFS Enforcement has approved the use of our VVS in our Electronic Logbook (the only ELB approved by NMFS in the United States).

Gilda Shellikoff, Chair • Arnold Dushkin, Vice Chair • Justine Gundersen, Sec-Treas

Mr. Roy Hyder  
January 30, 2004  
Page 2

We have requested on numerous occasions, and the Council has been very supportive, that our VVS be approved for use as a backup for VMS so that in cases of unavailable or broken VMS equipment vessels are not prohibited from fishing. This request has been rejected by NMFS Enforcement, presumably because no such problem would ever occur and an alternative was unnecessary.

We are not attempting to secure "VMS" status for our VVS. We are simply restating our request that the VVS be approved for use in bona fide circumstances beyond the control of the vessel when VMS is unavailable. We can think of no reason why this would be viewed as unreasonable. Our product is cheap (\$250), accurate, and of evidentiary quality. It is also immediately available.

Lost fishing time is a big deal. It is a particularly big deal when it is unnecessary. Not only are we and our crew losing money, we are also losing catch history. We respectfully request your committee and the Council's assistance in this matter as expeditiously as possible.

Sincerely,

  
Larry Cotter, CEO

Cc: Members, North Pacific Fishery Management Council