DRAFT FOR FINAL REVIEW

Regulatory Impact Review
For a Proposed Regulatory Amendment to Adjust Vessel Cap Limitations for IFQ Halibut Harvested in IPHC Regulatory Area 4

March 7, 2025

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Abstract: This Regulatory Impact Review (RIR) analyzes the impacts of a regulatory action to modify the halibut Individual Fishing Quota (IFQ) Program to adjust vessel cap limitations for IFQ halibut harvested in International Pacific Halibut Commission regulatory Area 4. This action would not modify any other aspects of the IFQ Program. It is within the authority of the Secretary of Commerce to establish additional regulations governing the taking of halibut under the provisions of the Halibut Act.

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Executive Summary

This Regulatory Impact Review (RIR) analyzes a proposed regulatory action to modify the halibut Individual Fishing Quota (IFQ) Program to adjust vessel cap limitations for IFQ halibut harvested in International Pacific Halibut Commission regulatory Area 4. This action would not modify any other aspects of the IFQ Program. It is within the authority of the Secretary of Commerce to establish additional regulations governing the taking of halibut under the provisions of the Halibut Act.

Purpose and Need

The Council adopted a purpose and need in June 2022, revised in June 2024 as follows:

In recent years, utilization of halibut quota in Area 4 has declined. Fishery conditions including lack of processing capacity, COVID-19 concerns in remote communities from 2020 through 2022, increased killer whale predation, increases in operating costs, and reductions from historical TACs have all contributed to harvests below the TAC in the Area 4 fisheries. The Council concluded the previous vessel use cap was constraining and recommended removing it for five years, from 2023 through 2027, to provide additional flexibility and stability to IFQ participants in Area 4 while a long-term change could be considered. This action is being considered to increase utilization of quota and fishery revenues in Area 4 by providing additional harvest opportunities for vessels that were constrained by the previous vessel use cap while maintaining the Council's objectives for the IFQ program to provide entry level opportunities and support sustained participation by fishery dependent communities.

Alternatives

The Council adopted alternatives in June 2022, which were revised in June 2024. No preliminary preferred alternative has been identified at this time.

Alternative 1: No action

The IFQ Program includes vessel IFQ caps for halibut and sablefish landings intended to prevent large amounts of IFQ from being fished on only a few vessels. The Council included these vessel limitations when initiating the IFQ Program, to protect small producers, part-time participants, and entry-level participants who may otherwise be eliminated from the fisheries because of potential excessive consolidation of harvesting privileges under the IFQ program (NPFMC/NMFS 2016).

The Council has taken multiple, separate, temporary actions related to IFQ vessel caps since 2020 which have, in effect, removed these caps in Areas 4B, 4C, and 4D for IFQ fishing years 2020-2027 and in 4A for 2021-2027. Under the no action alternative, the vessel use caps for IFQ halibut in Area 4 as defined under 50 CFR § 679.42(h)(1) would go back into effect for the 2028 IFQ fishing season. The applicable vessel use caps (discussed more thoroughly in section 3.2.1.4) read as follows:

(h) *Vessel limitations —*
(1) *Halibut.* No vessel may be used, during any fishing year, to harvest more IFQ halibut than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, except that:
(i) In IFQ regulatory area 2C, no vessel may be used to harvest more than 1 percent of the halibut catch limit for this area.
(ii) No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from QS held by a CQE, and no vessel used to harvest IFQ halibut derived from QS held by a CQE may be used to harvest more IFQ halibut than the vessel use caps specified in paragraphs (h)(1) introductory text and (h)(1)(i) of this section.

Vessel use caps currently do not apply to vessels harvesting IFQ halibut in IFQ regulatory Areas 4A, 4B, 4C, and 4D through 2027 fishing years due to Council action in February 2023 and resulting regulations

(88 FR 48137, July 26, 2023). IFQ halibut harvested in regulatory Areas 4A, 4B, 4C, and 4D is also excluded from the calculation of vessel use caps for IFQ regulatory Area 2C, 3A, or 3B during the 2023 through 2027 fishing years. This temporary waiver includes the 50,000 lb limit on IFQ halibut derived from QS held by a CQE which is currently removed through the 2027 fishing season. Under Alternative 1, vessel use caps would not apply through the 2027 fishing season and the previous vessel use caps in Areas 4A, 4B, 4C, and 4D (as defined under 50 CFR § 679.42(h)(1)) would be effective again beginning in the 2028 fishing season and all catch in Area 4 would be included in calculating a vessel's accrual towards the cap.

Alternative 2:

Alternative 2 would create new vessel limitations specific to IFQ regulatory Area 4. Existing vessel caps would remain in place for other IFQ areas. However new vessel caps in Area 4 would be calculated based on the option selected below.

Alternative 2: Create a halibut vessel cap for Area 4 of:

Option 1: a) 4%, b) 5%, or c) 6% of the Area 4 halibut TAC

Option 2: Exclude Area 4A from the vessel cap increase and establish an Area 4B/C/D/E vessel cap of a) 7%, b) 9%, or c) 11% of the Area 4B/C/D/E TAC.

Sub-options: (Can apply to either option)

1. Specify that halibut IFQ held by an Area 4B CQE does not accrue towards the Area 4 vessel cap.
2. This action will be reviewed (a. three or b. five) years after implementation.

Under Alternative 2, Option 1, the vessel limitations as defined under 50 CFR § 679.42(h)(1) would be modified such that, in IFQ regulatory area 4, no vessel may be used to harvest more than 4%, 5%, or 6% of the combined total catch limits of halibut for IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E, depending upon the percentage selected by the Council.

Under Alternative 2, Option 2, the vessel limitations as defined under 50 CFR § 679.42(h)(1) would be modified such that, in IFQ regulatory areas 4BCDE, no vessel may be used to harvest more than 7%, 9%, or 11% of the combined total catch limits of halibut for IFQ regulatory areas 4B, 4C, 4D, and 4E, depending upon the percentage selected by the Council.

Alternative 2 would not change the vessel use limitations that exist outside of Area 4. All landings made outside of Area 4 would be limited by the existing caps and all total landings would apply to the Area 4 cap. This action is not intended to impact the order in which areas are fished; a vessel may operate in Area 2C, Area 3 and Area 4 in any order. Landings in Area 4 up to an amount equal to the difference between the vessel limit that applies inside and outside of Area 4 does not accrue towards the limit outside of Area 4.

Table ES-1 shows the relative timing by Alternative, given the current waiver of caps in Area 4 and the potential caps in pounds if calculated based on the 2025 Area IFQ TACs. The 2025 calculations are provided for reference as the actual limit in pounds would be calculated annually. Note that if Alternative 1 is selected the 0.5% coastwide cap would not apply until 2028 and if Alternative 2 is selected, the implementation date could be before or after 2028 (when the 0.5% coastwide cap would go back into effect).

Table ES-1 Timing of Alternatives and Area 4 halibut IFQ vessel caps

Alternative 1	Areas	current-2027	2028 →	pounds based on 2025 TACs*
	4ABCDE	no cap	0.5% of Total TAC (2C, 3A, 3B, 4A, 4B,4C, 4D and 4E)	70,250
Alternative 2		**current**	**implementation date →**	
Option 1a	4ABCDE	no cap	4% of Area 4ABCDE TAC	104,800
Option 1b	4ABCDE	no cap	5% of Area 4ABCDE TAC	131,000
Option 1c	4ABCDE	no cap	6% of Area 4ABCDE TAC	157,200
Option 2a	4BCDE	no cap	7% of Area 4BCDE TAC	113,400
Option 2b	4BCDE	no cap	9% of Area 4BCDE TAC	145,800
Option 2c	4BCDE	no cap	11% of Area 4BCDE TAC	178,200

*Calculated based on IPHC commercial catch limits as published in IPHC-2025-AM101-R (p. 44-45) accessed Jan 31, 2025 https://www.iphc.int/uploads/2025/01/IPHC-2025-AM101-R-Report-of-the-AM101.pdf

The proposed action would not modify other aspects of the IFQ program; nor would the action apply to the sablefish IFQ fishery. Halibut QS use cap limitations specified at § 679.41(f) and other restrictions on use and transfer of QS remain in place.

Changes to the document from the Initial Review Draft

The following changes have been made to this draft relative to the Initial Review Draft analysis (NPFMC 2024a):

- Data throughout the document have been updated to include most recent available (generally 2025 for catch limits, 2024 for catch history, participation and processing, 2023 for revenue related data).
- Updates to the purpose and need and alternatives.
- There were substantial changes to the alternative 2 option 2 from initial review so much of the analytical content has been expanded based on additional specification in the alternatives. This applies to Section 2.2.2 and 3.3.2.
- Update and reorganization of Section 1.2. History of this Action at the Council.
- Addition of Section 2.3 Alternatives Considered but not Analyzed Further.
- In Section 3.3 Analysis of Impacts: minor changes to Alternative 1 (Section 3.3.1), wholesale changes for Alternative 2 (Section 3.3.2)
- Updates to Section 3.4 Monitoring and Enforcement Considerations, Section 3.5 Affected Small Entities, Section 3.6 Net Benefits to the Nation, and Section 4 Pacific Halibut Act Considerations
- Updates to Section 5 and 6 on contributors and references.
- Addition of section 3.2.1 Recent actions to increase flexibility in the IFQ fishery

Comparison of Alternatives for Decision-making

If Alternative 1 is selected, the current removal of vessel caps in Area 4 will remain in place through the 2027 IFQ season, at which point the vessel use caps as defined under 50 CFR § 679.42(h) will take effect. Alternative 1 provides the most flexibility for vessels in Area 4 in the near term and the least amount of flexibility overall in the long term as it represents the lowest limit of the proposed Alternatives and options.

When the Council took action on the temporary waiver of vessel caps, they deliberated the appropriate length of the temporary removal, concerned that a longer-term interim measure may cement vessel cap

exemptions into the business plans of operators in area 4. The Council agreed that vessel cap limitations are a central component of the IFQ program and extended the exemption through 2027, not to signal that a longer-term adjustment to vessel caps was less of a priority, but rather to provide a longer buffer in the event of unexpected delays in the Council or implementation process. Selecting Alternative 1 may contradict that intent as it will represent a total of eight years (2020-2027) of exemptions of vessel caps in Area 4.

The intention of vessel IFQ caps is to limit IFQ consolidation on vessels and preserve opportunities for smaller operations that would not otherwise participate in the fishery if additional consolidation occurs. However, because vessel caps are calculated as a percentage of overall TAC, recent declines in TAC have led to smaller caps. In the early years of the IFQ Program, the vessel caps were two to three times the amount of the current caps (Figure 3). While the number of vessels required to harvest the entire allocation, given the vessel caps has varied by IFQ Area throughout this time (Table 5), the ability for vessels to operate efficiently under the caps has grown more challenging as the caps themselves have decreased in pounds. Alternative 1 would maintain this most restrictive limit.

Under Alternative 2, Federal regulations implementing the IFQ program at 50 CFR § 679.42(h), would be revised to reflect new vessel limitations for halibut IFQ fishing in IPHC regulatory Area 4. The impacts of Alternative 2 relative to Alternative 1 are likely to be very different in the near term (through 2027) and the long term (2028 and beyond). Due to the current removal of vessel caps in Area 4, every option under Alternative 2 represents a restriction from status quo, if implemented prior to 2028 as it would implement a vessel cap where there currently is none. However, after 2028 (when the current vessel cap removal expires), every option under Alternative 2 option 1 represents a more flexible vessel cap in Area 4 than Alternative 1, while every option under Alternative 2 option 2 represents a more flexible vessel cap in Area 4B and 4CD than Alternative 1, and the same vessel cap as Alternative 1 for area 4A.

The specific limit of each vessel cap under Alternative 2 in any given year will depend on the option selected and the annual Area IFQ TACs. Larger vessel caps will provide increased flexibility to vessels that operate in Area 4 which may be particularly useful given recent decline in TAC utilization (Table 3) and number of communities processing IFQ in Area 4 (Table 19-Table 21). Given the relative dependence of St. Paul processing capacity on crab stocks (NPFMC 2022), and the current low crab TACs it is likely that the lack of halibut IFQ processing in St. Paul will continue and the distance vessels must travel to reach processing will remain farther than in years past (Figure 8). This may also lead to a continued selection of larger vessels to harvest IFQ in area 4 (Figure 10). It is unclear if increasing the vessel caps will increase TAC utilization as even with the removal of vessel caps TAC utilization rates in Area 4 decreased in recent years (Table 3), however larger vessel caps are likely to increase utilization rates relative to more constraining caps.

Allowing larger caps in Area 4 may lead to friction with users in other areas who will be required to operate under the same vessel caps as status quo in an environment of declining TACs (Figure 2). However, the re-implementation of caps in area 4 after numerous years of waivers may help to assuage concerns of operators in other areas who feel that vessel caps are an integral part of the IFQ Program.

Excluding Area 4A from this action under Alternative 2, option 2 could increase the likelihood that vessels that would have otherwise harvested additional quota in 4A would instead travel further into 4B and 4CD to take advantage of the higher caps. It is also possible that those vessels determine it is not rational to operate in Area 4B 4CD. Many of the vessels that operated in 4B or 4CD also operated in area 4A in recent years (Table 6) and of the vessels that took advantage of recent vessel cap exemptions, over half of them participated in Area 4B or 4CD (Table 28). In short, whether excluding Area 4A transfers the effort that otherwise would have occurred in 4A into 4B or 4CD, or eliminates that effort altogether depends on individual, operational choices.

1 Introduction

This Regulatory Impact Review (RIR)[1] evaluates the costs and benefits of a regulatory action to modify the halibut Individual Fishing Quota (IFQ) Program to adjust vessel cap limitations for IFQ halibut harvested in International Pacific Halibut Commission (IPHC) regulatory Area 4. This action would not modify any other aspects of the IFQ Program. It is within the authority of the Secretary of Commerce to establish additional regulations governing the taking of halibut under the provisions of the Halibut Act.

The Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, provides the North Pacific Fishery Management Council with authority to develop regulations, that are in addition to, and not in conflict with, approved IPHC regulations. The IPHC has not adopted regulations that limit or otherwise restrict harvest levels by vessel.

The Halibut and Sablefish IFQ Program is implemented under the authority of the Halibut Act for the management of Halibut fisheries and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for the management of sablefish fisheries. The proposed action alternative is limited in scope to only the management of halibut in the Bering Sea, thus under the authority of the Halibut Act, rather than the Magnuson-Stevens Act.

This document is a Regulatory Impact Review (RIR). An RIR provides assessments of the benefits and costs of the alternatives, the distribution of impacts, and identification of the small entities that may be affected by the alternatives. This RIR addresses the statutory requirements of the Presidential Executive Order 12866, and some of the requirements of the Regulatory Flexibility Act. An RIR is a standard document produced by the North Pacific Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) Alaska Region to provide the analytical background for decision-making.

1.1 Purpose and Need

The Council adopted a purpose and need in June 2022, revised in June 2024 as follows:

In recent years, utilization of halibut quota in Area 4 has declined. Fishery conditions including lack of processing capacity, COVID-19 concerns in remote communities from 2020 through 2022, increased killer whale predation, increases in operating costs, and reductions from historical TACs have all contributed to harvests below the TAC in the Area 4 fisheries. The Council concluded the previous vessel use cap was constraining and recommended removing it for five years, from 2023 through 2027, to provide additional flexibility and stability to IFQ participants in Area 4 while a long-term change could be considered. This action is being considered to increase utilization of quota and fishery revenues in Area 4 by providing additional harvest opportunities for vessels that were constrained by the previous vessel use cap while maintaining the Council's objectives for the IFQ program to provide entry level opportunities and support sustained participation by fishery dependent communities.

1.2 History of this Action

This action was initiated by a Council motion at the June 2022 meeting and updated with a motion at the June 2024 meeting which revised the purpose and need and Alternative 2 option 2. The Council has taken multiple, separate, temporary actions related to IFQ vessel caps since 2020. These temporary actions are

[1] This regulatory amendment is a technical change to a fishery management regulation that does not result in a substantial change to fishing location, timing, effort, authorized gear types, or harvest levels. This approach does not adversely impact conservation and management in the halibut commercial fishery. Therefore, this action is not expected to have a significant impact. This determination is subject to further review and public comment. If this determination is confirmed when a rule is prepared, the proposed action will be categorically excluded from the need to prepare an Environmental Assessment.

not a direct component of the action analyzed in this document, but they provide relevant context to this action and are therefore included in this section chronologically. Table 1 provides a summary of all actions related to vessel caps in the IFQ fishery since 2020.

Special Council meeting May 2020

The Council held a special meeting in May 2020 to review emergency rule requests that were submitted for Council consideration. The Council received two separate letters requesting exemptions from vessel limitations (vessel caps) in the IFQ fishery for the remainder of the 2020 season. The first letter was received April 24, 2020, from the Central Bering Sea Fishermen's Association (CBSFA) requesting a temporary exemption from halibut vessel caps in IPHC regulatory Areas 4B, 4C, 4D and 4E. A second letter was received April 27, 2020, from the Fishing Vessel Owner's Association (FVOA) and the Deep Sea Fishermen's Union (DSFU) requesting to waive vessel caps for halibut in IPHC Regulatory Areas 3 and 4 and Sablefish in the Bering Sea Area and Gulf of Alaska Sub-areas of the Western Gulf, Central Gulf and West Yakutat.

The Council requested the Secretary promulgate emergency regulations under the authority of the Halibut Act and the Administrative Procedure Act, (5 U.S.C. Sec. 553) to remove vessel use cap regulations under 50 CFR Section 679.42(h)(1) for IFQ halibut harvested in IPHC regulatory Areas 4B, 4C, and 4D for the remainder of the 2020 IFQ fishing season. This action did not modify other aspects of the IFQ Program.

The Council determined that due to health concerns and logistical challenges associated with the global pandemic, vessel capacity was uncertain in IPHC regulatory Areas 4B, 4C and 4D and this action would reduce the risk that a portion of the harvest was foregone due to limited vessel capacity. The request for emergency regulations did not extend to vessel caps in other IPHC Areas or the sablefish fishery as requested in one of the stakeholder letters received by the Council. The Council determined that current circumstances do not meet emergency criteria in sablefish or halibut outside of Areas 4B, 4C and 4D because fewer vessels have operated at or near vessel caps in these areas in previous years. Additionally, substantial public comment against waiving vessel caps in sablefish and other halibut Areas, suggested that any action in these areas would benefit from the advance notice, public comment and deliberative consideration of impacts to participants, as afforded under the normal rule making process. The Council was clear that it strongly supports vessel caps in the IFQ Program and this emergency request represents a rare circumstance that does not indicate support to consider changing vessel caps in the future.

Effective July 8, 2020, through December 31, 2020, NOAA Fisheries issued a final rule to revise regulations for the commercial individual fishing quota (IFQ) Pacific halibut (halibut) fisheries for the 2020 IFQ fishing year. This final rule removed 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 4B (Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea) (85 FR 41197, July 9, 2020).

Council meeting February 2021 and February 2022

Similar to May 2020, in February 2021 and February 2022, the Council received written and oral testimony from IFQ stakeholders of Area 4 describing the challenges presented by the vessel cap limitations given the ongoing health and public safety concerns from the pandemic. Stakeholders commented that the obstacles persisted and continued to make fully harvesting Area 4's halibut IFQ a challenge. In particular, local ordinances to reduce viral transmissions were still in place across communities in Alaska, such as the City of Saint Paul.[2] Moreover, stakeholders highlighted that remote communities bordering Area 4, such as St. Paul and Adak were particularly vulnerable to health risks of the virus. In Public testimony, stakeholders highlighted that many residents have pre-existing conditions and there are limited medical facilities and personnel to provide necessary medical attention. Thus Area 4

[2] https://covid19.stpaulak.com/wp-content/uploads/2022/01/CSP_EmergencyOrdinance22-93_SIGNED_17Feb22.pdf

stakeholders requested an exemption from halibut IFQ vessel use caps in Area 4A, 4B, 4C, 4D. This exemption would allow the flexibility for utilizing available vessels and crew that have the capacity and capability to harvest halibut in Area 4.

In response to this public testimony, the Council passed motions in February 2021[3] and February 2022[4] requesting the Secretary promulgate expedited regulations to remove vessel use cap regulations under 50 CFR Section 679.42(h)(1) for IFQ halibut harvested in IPHC regulatory Areas 4A, 4B, 4C, and 4D for the remainder of the IFQ fishing season. NOAA Fisheries issued a final rule to remove limits on the maximum amount of halibut Individual Fishing Quota (IFQ) that may be harvested by a vessel, commonly known as vessel use caps, in IFQ regulatory areas 4A (Eastern Aleutian Islands), 4B (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea) for the 2021 IFQ fishing year effective May 26, 2021 through December 31, 2021 (86 FR 28294, May 26, 2021) and again for the 2022 IFQ fishing year Effective June 6, 2022 through December 31, 2022 (87 FR 34215, June 6, 2022). Both rules were initially published as a proposed rule in the ***Federal Register*** with a 15-day open public comment period.

Council meeting June 2022- initiation of the current action

Individuals and organizations petitioned the Council in April 2022 to consider a range of possible changes to the halibut vessel use caps for IPHC Area 4. These changes would differ from the expedited rules that temporarily removed vessel caps in area 4, in that rather than simply removing caps, may adjust the limits, would be longer-lasting and would proceed through the regular Council/NMFS rulemaking process, thus likely would not be implemented for numerous IFQ seasons. In short, the petitioners noted that a combination of the COVID years and the inherent logistics and economic landscape of Area 4 have led to a reduction in harvesting and processing capacity, and that vessel use caps may cause IFQ and CDQ halibut to go unharvested. Given the consistent requests for vessel cap exemptions, the IFQ Committee discussed Area 4 vessel use caps at their May 2022 meeting.[5] The IFQ Committee recommended that the Council initiate an analysis of modified vessel use caps for Area 4 halibut IFQ and suggested several options.

At the June 2022 meeting, the Council adopted a purpose and need statement and alternatives for analysis that would adjust the vessel cap for area 4 halibut. [6] The status quo alternative would maintain the vessel use cap definition that no vessel may harvest IFQ in an amount greater than 0.5% of the "coastwide" catch limit (sum of Areas 2C, 3AB, and 4ABCD) over the course of a year, regardless of where fishing occurs. The action alternative would either create (Option 1) an Area 4 vessel use cap equal to 4%, 5%, or 6% of the sum of the Area 4ABCD combined catch limit, or (Option 2) an Area 4 vessel use cap equal to 150% of the vessel use cap as determined by the "coastwide" catch limit. This motion is often referred to as the "long term solution". In this motion, the Council included a request that NMFS evaluate options for extending the temporary rule to waive vessel use caps in Area 4 while the Council considers permanent changes to this provision.

[3] https://meetings.npfmc.org/CommentReview/DownloadFile?p=23b13dd3-11c6-4598-bc2f-8e4f053e1b50.pdf&fileName=E%20Motion%20ER%20IFQ%20Vessel%20Use%20Caps.pdf
[4] https://meetings.npfmc.org/CommentReview/DownloadFile?p=9f0eb469-807f-46f5-9a46-096cdb0cabb6.pdf&fileName=E%20Motion%20-%20IFQ%20vessel%20cap.pdf
[5] https://meetings.npfmc.org/CommentReview/DownloadFile?p=9740c230-313e-4c3b-8f1d-1bc58b475009.pdf&fileName=PPT%20D2%20IFQ%20Committee%20Report.pdf
[6] https://meetings.npfmc.org/CommentReview/DownloadFile?p=2b8ebb4c-cea6-48a0-aed0-0c8ec2ff1354.pdf&fileName=D2%20Council%20Motion%20-%20Area%204%20vessel%20cap.pdf

Council meeting October 2022

At the October 2022 meeting, NMFS sustainable fisheries Alaska region provided an update on options to extend the halibut vessel use caps temporary rule.[7] This update suggested that there was sufficient time to propose interim measures to remove vessel use caps applicable to the harvest of halibut IFQ in IPHC regulatory Areas 4A, 4B, 4C, and 4D and proceed through the standard notice and comment rulemaking before vessels in Area 4 may be constrained by halibut vessel use caps in 2023. The Councils and Secretary must, whenever possible, afford the full scope of public participation in rulemaking. In response, the Council initiated the action analyzed in this document, often referred to as the "interim solution." Public testimony supporting this interim solution focused on changing conditions in the area given recent closures of the Bristol Bay Red King Crab and Bering Sea Snow Crab fisheries.

Council meeting February 2023

At the February 2023 meeting, the Council took final action recommending the removal of vessel cap limitations for IFQ halibut harvested in Areas 4A, 4B, 4C and 4D through the 2027 fishing season. If the Council takes subsequent action to modify vessel cap limits in area 4, such action will supersede this removal if implemented before 2027. The Council agreed that vessel caps be removed temporarily to provide relief for areas that have experienced reduced harvesting and processing capacity in recent years; while the Council works on a longer-term solution to adjust vessel caps in Area 4 initiated in June 2022. However, there was discussion regarding how long the temporary removal should be in place, with some Council members preferring the removal last only through 2025. These Council members were concerned about the implications of a longer-term interim measure cementing vessel cap exemptions into the business plans of operators in Area 4. The Council agreed that vessel cap limitations are a central component of the IFQ program and that extending the exemption through 2027 did not signal that the longer-term solution was less of a priority, but rather to provide a longer buffer in the event of unexpected delays in the Council or implementation process. NMFS issued the final rule, effective July 26, 2023, 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 (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea) for 2023 through 2027 (88 FR 48137).

Council meeting June 2024- updating purpose and need and alternative of the current action

The Council completed initial review of the analysis and passed a motion[8] releasing the analysis for public review, revising the purpose and need, and amending Alternative 2, Option 2 to exclude Area 4A from the new vessel cap under consideration and establish an Area 4B/4C/4D/4E vessel cap of 7%, 9%, or 11% of the total Area 4B/4C/4D/4E TAC. The Council clarified that this action is not intended to impact the order in which areas are fished; a vessel may operate in Area 2C, Area 3 and Area 4 in any order. Landings in Area 4 up to an amount equal to the difference between the vessel limit that applies inside and outside of Area 4 would not accrue towards the limit outside of Area 4. This does not change the vessel use limitations that exist outside of Area 4; all landings made outside of Area 4 would still be limited by the existing caps and all total landings would apply to the Area 4 cap.

[7] https://meetings.npfmc.org/CommentReview/DownloadFile?p=3cf56557-cc9c-4f0a-a69c-be9aa53f2fb3.pdf&fileName=B2%20Halibut%20Vessel%20Use%20Caps%20Temporary%20Rule%20Update.pdf
[8] https://meetings.npfmc.org/CommentReview/DownloadFile?p=955e2a83-7a6f-40a9-81e0-6c7695cb09a2.pdf&fileName=C3%20Council%20Motion%20FINAL.pdf

Table 1 History of recent Council actions related to IFQ vessel caps (meetings related to this action highlighted in grey).

Council meeting	Rationale/Purpose and Need	Council Action	Included IPHC Areas	Affected Fishing Years
May 2020 special meeting	Due to health concerns and logistical challenges associated with the global pandemic, vessel capacity was uncertain in IPHC regulatory Areas 4B, 4C and 4D and this action would reduce the risk that a portion of the harvest was foregone due to limited vessel capacity	Request emergency regulations to remove vessel use caps for IFQ halibut	4B, 4C, 4D	2020
February 2021	Unforeseen and adverse impacts on harvesters, processors, and communities as a result of travel restrictions, health mandates, and operational challenges directly attributable to the global pandemic.	Request expedited regulations to remove vessel use cap regulations for IFQ halibut	4A, 4B, 4C, 4D	2021
February 2022	Impacts on harvesters, processors, and communities as a result of travel restrictions, health mandates, and operational challenges directly attributable to the global pandemic.	Request expedited regulations to remove vessel use cap regulations for IFQ halibut	4A, 4B, 4C, 4D	2022
June 2022	In recent years, utilization of halibut quota in Area 4 has declined and conditions including lack of processing capacity, COVID-19 concerns in communities with limited medical infrastructure, increased killer whale predation, increases in operating costs, and reductions from historical TACs have all contributed to fewer vessels participating in the Area 4 fisheries. The council is considering adjusting the vessel cap for Area 4 halibut to recognize these conditions and increase utilization of quota in the region.	Adopted purpose and need statement and alternatives for analysis to consider adjusting the vessel cap for Area 4 halibut. Requested NMFS evaluate options for extending the temporary rule to waive vessel use caps in Area 4 while the Council considers permanent changes to this provision.	4A, 4B, 4C, 4D	Long-term solution
October 2022	To provide continued flexibility to IFQ participants in IPHC Area 4 while the Council analyzes options for a long-term adjustment to the vessel use caps initiated in June 2022. In recent years, utilization of halibut quota in Area 4 has declined and conditions including limited local markets, increases in operating costs, and reductions from historical TACs have all contributed to fewer vessels participating in the Area 4 fisheries.	Adopted purpose and need statement and alternatives for analysis to consider removing vessel cap limitations for IFQ halibut harvested in Areas 4A, 4B, 4C and 4D through the 2027 fishing season	4A, 4B, 4C, 4D	Interim solution 2023-2027
February 2023	As stated above in October 2022 motion initiating the action	Selected preferred Alternative to remove vessel cap limitations for IFQ halibut harvested in Areas 4A, 4B, 4C and 4D through the 2027 fishing season.	4A, 4B, 4C, 4D	Interim solution 2023-2027

Council meeting	Rationale/Purpose and Need	Council Action	Included IPHC Areas	Affected Fishing Years
June 2024	In recent years, utilization of halibut quota in Area 4 has declined. Fishery conditions including lack of processing capacity, COVID-19 concerns in remote communities from 2020 through 2022, increased killer whale predation, increases in operating costs, and reductions from historical TACs have all contributed to harvests below the TAC in the Area 4 fisheries. The Council concluded the previous vessel use cap was constraining and recommended removing it for five years, from 2023 through 2027, to provide additional flexibility and stability to IFQ participants in Area 4 while a long-term change could be considered. This action is being considered to increase utilization of quota and fishery revenues in Area 4 by providing additional harvest opportunities for vessels that were constrained by the previous vessel use cap while maintaining the Council's objectives for the IFQ program to provide entry level opportunities and support sustained participation by fishery dependent communities.	Released the analysis for public review, revised purpose and need, amended Alternative 2 Option 2	Alternative 2 Option 1: 4A, 4B, 4C, 4D, 4E Alternative 2 Option 2: 4B, 4C, 4D, 4E	Long-term solution

1.3 Description of Management Area

This action would affect IPHC Areas 4A, 4B, 4C, 4D and 4E (Figure 1). Halibut in Area 4E is entirely allocated to harvest under the Western Alaska Community Development Quota (CDQ) Program and therefore IFQ Program vessel use caps do not apply. Vessel caps in other IPHC areas or the sablefish IFQ fishery would not be impacted.

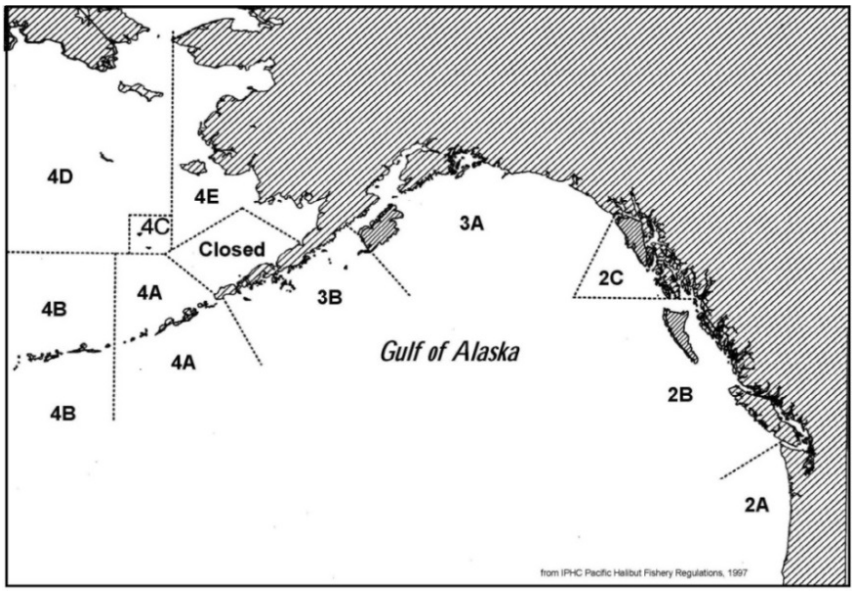

Figure 1 IPHC Regulatory Areas

2 Alternatives

The Council adopted alternatives in June 2022, which were revised in June 2024. No preliminary preferred alternative has been identified at this time.

2.1 Alternative 1, No Action

Under the no action alternative, the vessel use caps for IFQ halibut in Area 4 as defined under 50 CFR § 679.42(h)(1) would go back into effect for the 2028 IFQ fishing season. The applicable vessel use caps (discussed more thoroughly in section 3.2.1.4) read as follows:

(h) *Vessel limitations* —
(1) *Halibut.* No vessel may be used, during any fishing year, to harvest more IFQ halibut than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, except that:
(i) In IFQ regulatory area 2C, no vessel may be used to harvest more than 1 percent of the halibut catch limit for this area.
(ii) No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from QS held by a CQE, and no vessel used to harvest IFQ halibut derived from QS held by a CQE may be used to harvest more IFQ halibut than the vessel use caps specified in paragraphs (h)(1) introductory text and (h)(1)(i) of this section.

Vessel use caps currently do not apply to vessels harvesting IFQ halibut in IFQ regulatory Areas 4A, 4B, 4C, and 4D through 2027 fishing years due to Council action in February 2023 and resulting regulations (88 FR 48137, July 26, 2023). IFQ halibut harvested in regulatory Areas 4A, 4B, 4C, and 4D is also excluded from the calculation of vessel use caps for IFQ regulatory Area 2C, 3A, or 3B during the 2023 through 2027 fishing years. This temporary waiver includes the 50,000 lb limit on IFQ halibut derived from QS held by a CQE which is currently removed through the 2027 fishing season. Under Alternative 1, vessel use caps would not apply through the 2027 fishing season and the previous vessel use caps in Areas 4A, 4B, 4C, and 4D (as defined under 50 CFR § 679.42(h)(1)) would be effective again beginning in the 2028 fishing season and all catch in Area 4 would be included in calculating a vessel's accrual towards the cap.

2.2 Alternative 2

Alternative 2 would create new vessel limitations specific to IFQ regulatory Area 4. Existing vessel caps would remain in place for other IFQ areas. However new vessel caps would be calculated in Area 4.

Alternative 2: Create a halibut vessel cap for Area 4 of:

Option 1: 4, 5, or 6% of the Area 4 halibut TAC

Option 2: Exclude Area 4A from the vessel cap increase and establish an Area 4B/C/D/E vessel cap of a) 7%, b) 9%, or c) 11% of the Area 4B/C/D/E TAC.

Sub-options: (Can apply to either option)

1. Specify that halibut IFQ held by an Area 4B CQE does not accrue towards the Area 4 vessel cap.
2. This action will be reviewed (a. three or b. five) years after implementation.

Under Alternative 2, Option 1, the vessel limitations as defined under 50 CFR § 679.42(h)(1) would be modified such that, in IFQ regulatory area 4, no vessel may be used to harvest more than 4%, 5%, or 6% of the combined total catch limits of halibut for IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E, depending upon the percentage selected by the Council.

Under Alternative 2, Option 2, the vessel limitations as defined under 50 CFR § 679.42(h)(1) would be modified such that, in IFQ regulatory areas 4B, 4C, 4D, and 4E, no vessel may be used to harvest more than 7%, 9%, or 11% of the combined total catch limits of halibut for IFQ regulatory areas 4B, 4C, 4D, and 4E, depending upon the percentage selected by the Council.

Alternative 2 would not change the vessel use limitations that exist outside of Area 4. All landings made outside of Area 4 would be limited by the existing caps and all total landings would apply to the Area 4 cap. This action is not intended to impact the order in which areas are fished; a vessel may operate in Area 2C, Area 3 and Area 4 in any order. Landings in Area 4 up to an amount equal to the difference between the vessel limit that applies inside and outside of Area 4 does not accrue towards the limit outside of Area 4. This does not change the vessel use limitations that exist outside of Area 4; all landings made outside of Area 4 would be limited by the existing caps and all total landings would apply to the Area 4 cap.

Table 2 shows the relative timing by Alternative, given the current waiver of caps in Area 4 and the potential caps in pounds if calculated based on the 2025 Area IFQ TACs.[9] The 2025 calculations are provided for reference as the actual limit in pounds would be calculated annually. Note that if Alternative 1 is selected the 0.5% coastwide cap would not apply until 2028 and if Alternative 2 is selected, the implementation date could be before or after 2028 (when the 0.5% coastwide cap would go back into effect).

Table 2 Timing of Alternatives and Area 4 halibut IFQ vessel caps

Alternative 1		Areas	current-2027	2028 →	pounds based on 2025 TACs*
		4ABCDE	no cap	0.5% of Total TAC (2C, 3A, 3B, 4A, 4B,4C, 4D and 4E)	70,250
Alternative 2			**current**	**implementation date →**	
	Option 1a	4ABCDE	no cap	4% of Area 4ABCDE TAC	104,800
	Option 1b	4ABCDE	no cap	5% of Area 4ABCDE TAC	131,000
	Option 1c	4ABCDE	no cap	6% of Area 4ABCDE TAC	157,200
	Option 2a	4BCDE	no cap	7% of Area 4BCDE TAC	113,400
	Option 2b	4BCDE	no cap	9% of Area 4BCDE TAC	145,800
	Option 2c	4BCDE	no cap	11% of Area 4BCDE TAC	178,200

*Calculated based on IPHC commercial catch limits as published in IPHC-2025-AM101-R (p. 44-45) accessed Jan 31, 2025 https://www.iphc.int/uploads/2025/01/IPHC-2025-AM101-R-Report-of-the-AM101.pdf

The proposed action would not modify other aspects of the IFQ program; nor would the action apply to the sablefish IFQ fishery. Halibut QS use cap limitations specified at § 679.42(f) and other restrictions on use and transfer of QS remain in place.

2.2.1 Alternative 2, sub-option 1

If sub-option 1 is selected, IFQ halibut derived from QS held by a CQE in area 4B would not accrue towards the Area 4 vessel cap. IFQ halibut derived from QS held by a CQE in area 4B would still accrue towards the coastwide vessel cap. Therefore, a vessel that has harvested CQE in area 4B could harvest additional IFQ in Area 4, up to the Area 4 cap. However, that vessel must have headroom under other area caps (including the Area 4B CQE harvests) to harvest IFQ in other areas. Additionally, this sub-

[9] At the time of publication, final 2025 IFQ allocations and vessel use caps have not yet been calculated and will be published, when available, on the NMFS website https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports#ifq-halibutsablefish. 2025 IFQ TACs and vessel use caps in this document represent preliminary estimates calculated based on 2025 IPHC commercial catch limits as published in IPHC-2025-AM101-R (p. 44-45) accessed Jan 31, 2025 https://www.iphc.int/uploads/2025/01/IPHC-2025-AM101-R-Report-of-the-AM101.pdf

option is applicable only to the CQE in 4B, thus QS held by CQEs in other IFQ Areas (the Gulf of Alaska) continue to count toward all vessel caps.

The separate vessel cap for CQEs would still apply (beginning in 2028 when the current removal ends) such that "No vessel may be used, during any fishing year, to harvest more than 50,000 lb. (22.7 mt) of IFQ halibut derived from QS held by a CQE" (50 CFR § 679.42(h)(1)(ii)). Therefore, under sup-option 1, a vessel fishing in area 4 could harvest non CQE derived IFQ up to the cap selected in Option 1 or 2, plus an additional 50,000 lb of IFQ derived from QS held by a CQE in area 4B. However, no vessel could harvest more than 50,000 lb of IFQ derived from CQE QS regardless of the area.

2.2.2 Alternative 2, sub-option 2

Under sub-option 2, the Council can identify a timeline for review of this action of either three or five years after implementation. Whether or not the Council selects this sub-option, this would not preclude the Council from choosing to review the outcome of this action at any time during a regularly scheduled meeting.

2.3 Alternatives Considered but not Analyzed Further

Other alternatives were explored in the Initial Review Analysis (NPFMC 2024) that have been modified from their original construction or are not included as an explicit alternative here.

Alternative 2, Option 2 in the Initial Review would create new vessel limitations specific to IFQ regulatory Area 4 of 150% of the coastwide halibut vessel cap. The coastwide halibut vessel cap is currently defined as one-half percent (0.5%) of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E. Therefore, Alternative 2, Option 2 would calculate the area 4 vessel cap as three-quarters percent (0.75%) of the combined total catch limits. At initial review the Council modified Alternative 2, Option 2 to exclude Area 4A from the vessel cap increase and establish an Area 4B/C/D/E vessel cap of a. 7%, b. 9%, or c. 11% of the Area 4B/C/D/E TAC. This Option is analyzed in this document.

Alternative 2 sub-option 2 in the Initial Review included a possibility that this action will be included in the next halibut/sablefish IFQ Program Review. The Council removed this language from Alternative 2, sub-option 2 at initial review.

3 Regulatory Impact Review

This Regulatory Impact Review (RIR)[10] examines the benefits and costs of a regulatory amendment to modify the Halibut and Sablefish Individual Fishing Quota (IFQ) Program to adjust vessel cap limitations for IFQ halibut harvested in IPHC regulatory Areas 4A, 4B, 4C, 4D and 4E.

The preparation of an RIR is required under Presidential Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993). The requirements for all regulatory actions specified in E.O. 12866 are summarized in the following statement from the E.O.:

> *In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent*

[10] This regulatory amendment is a technical change to a fishery management regulation that does not result in a substantial change to fishing location, timing, effort, authorized gear types, or harvest levels. This approach does not adversely impact conservation and management in the halibut commercial fishery. Therefore, this action is not expected to have a significant impact. This determination is subject to further review and public comment. If this determination is confirmed when a rule is prepared, the proposed action will be categorically excluded from the need to prepare an Environmental Assessment or Environmental Impact Statement.

> *that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.*

E.O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be "significant." A "significant regulatory action" is one that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

3.1 Statutory Authority

Halibut is managed pursuant to the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention), Mar. 2, 1953, 5 U.S.T. 5, and the Protocol Amending the Convention Between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Protocol), Mar. 29, 1979, 32 U.S.T. 2483. The International Pacific Halibut Commission ("IPHC") has been established to assess the status of the halibut resource, and regulate halibut consistent with the Convention, Protocol, and applicable U.S. and Canadian law. As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. § 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention (Halibut Act, Sections 773-773k). The Halibut Act provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Secretary of Commerce may implement regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations, under the authority of Article 1 of the Protocol and sections 773b and 773c of the Halibut Act.

The halibut fishery in the EEZ off Alaska is managed under the IFQ Program developed by the Council and implemented by NMFS consistent with the provisions of the Convention, accompanying Protocol, and the Halibut Act. The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 679 under the authority of section 773c of the Northern Pacific Halibut Act of 1982 (Halibut Act). The proposed action under consideration would amend Federal regulations implementing the IFQ program at 50 CFR 679.42(h).

3.2 Description of Fisheries

This section of the analysis provides background information on the halibut IFQ fishery (with a focus on IPHC Area 4), which is necessary for the subsequent discussion of impacts resulting from the proposed

action alternative. This section includes data on IFQ allocations, harvest, and a description of participating vessels. For Area 4E, all of the catch limit is allocated to CDQ, thus no Area 4E IFQ is harvested. Some background information on IPHC Areas outside of Area 4 is presented for comparison purposes. Further information on the IFQ Program is incorporated into the analysis of impacts in relation to the proposed action.

There are also many sources that can provide more comprehensive and extensive background data on the IFQ Program. The first review of the IFQ Program, presented at the October 2016 Council meeting, provides a comprehensive assessment of the procession of the program, framed around the 10 objectives identified by the Council when it developed the program (NPFMC/NMFS 2016). An updated review of the IFQ Program to evaluate the progress of the program in meeting its management goals since publication of the first review in 2016 was presented at the December 2024 Council meeting (Northern Economics 2024). Additionally, QS transfer data, disaggregated in many ways, can also be found in the NOAA Fisheries Alaska Region Restricted Access Management (RAM) Transfer Report (NMFS 2015). Selected statistics about the fishery were provided in the RAM Report to the Fleet which was produced annually with data through fishing year 2012 (NMFS 2014), and was reprised and updated to a new format in 2022 and has been available annually at the April Council meeting since 2022 (NPFMC 2022, NPFMC 2023, NPFMC 2024).

3.2.1 Background on the Area 4 Halibut IFQ Fishery

In 1991, the Council recommended the IFQ program for the management of the fixed gear halibut and sablefish fisheries off of Alaska (NPFMC & NMFS 1992). The Secretary of Commerce approved the Council's IFQ program as a regulatory amendment in 1993, and the program was implemented by NMFS for the fishing season in 1995. The fundamental component of the IFQ program is QS, issued to participants as a percentage of the QS pool for a species-specific IFQ regulatory area, which is translated into annual IFQ allocations in the form of fishable pounds.

The purpose of the IFQ program is to provide for improved long-term productivity of the halibut and sablefish fisheries by further promoting the conservation and management objectives of the Magnuson-Stevens Act and the Halibut Act, and to retain the character and distribution of the fishing fleets as much as possible. The Council included numerous provisions in the IFQ program with the goal of protecting small producers, part-time participants, and entry-level participants who may otherwise be eliminated from the fisheries because of potential excessive consolidation of harvesting privileges under the IFQ program (NPFMC/NMFS 2016). One of these provisions is vessel limits or IFQ caps for halibut and sablefish landings intended to prevent large amounts of IFQ from being fished on only a few vessels (see section 3.2.1.4 for more specific information on vessel caps). When comparing data presented in this analysis, note that due to recent Council actions, IFQ vessel caps were removed in Area 4A in 2021-2027 and in Areas 4B and 4C/D in 2020-2027 (pending future Council action on this proposed action).

Transfer provisions and restrictions are another aspect of the IFQ program developed by the Council to retain the owner-operator nature of the Catcher Vessel (CV) fisheries and limit consolidation of QS. Only persons who were originally issued CV QS (B and C for sablefish; B, C, and D for halibut) or who qualified as IFQ crew members are allowed to hold or purchase CV QS.[11] Only individuals and initial recipients are eligible to hold CV QS and they are required to be on the vessel when the QS is being fished (with a few exceptions). Since 1998, transfers, or leasing, of CV IFQ has generally been prohibited except under a few specific conditions. Additionally, most IFQ permit holders are required to be onboard the vessel. This requirement is intended to ensure that CV IFQ continues to be held by professional, active fishermen.

[11] To receive IFQ temporarily or QS permanently, individuals must obtain a Transfer Eligibility Certificate (TEC). Persons must have 150 or more days of experience working as a part of a harvesting crew in any U.S. commercial fishery

3.2.1.1 Recent actions to increase flexibility in IFQ Fishery

Since 1998, the temporary transfer, or leasing, of CV IFQ has generally been prohibited with a few narrow exceptions. Transfer provisions and owner onboard requirements are not affected by this action, however recent Council actions to minimize restrictions on IFQ transfers provide important context when viewing data presented in this analysis. In 2020 and 2021, the Council recommended emergency action to allow the temporary transfer of catcher vessel halibut and sablefish IFQ for all individual QS holders for the fishing season. The Council concluded that travel policies, health advisories, and other logistical and operational challenges posed by the ongoing public health emergency presented management problems for the IFQ fisheries and that increased flexibility to temporarily transfer IFQ pounds would reduce the amount of anticipated forgone harvest and would accommodate the wide variety of operational plans that QS owners and vessel operators use to harvest halibut and sablefish. NMFS implemented temporary provisions to allow temporary IFQ transfers in fishing years 2020 and 2021. The Council recommended similar action in 2022 however NMFS denied the request for emergency action on the basis that continued impacts of the COVID-19 pandemic no longer met the criteria for emergency action and that existing medical transfer and hired master provisions provided enough flexibility for participants.

The medical transfer provision is an exception that allows QS holders to temporarily transfer IFQ. The medical transfer provision was initially implemented in 2007 (72 FR 44795, August 9, 2007) and allows a QS holder, not otherwise qualified to hire a master (50 CFR 679.42(d)(2)), to temporarily transfer their annual IFQ to another individual if the QS holder or an immediate family member have a temporary medical condition that prevents them from fishing. The provision was not intended to create an avenue for those chronically unable to participate in the fishery to maintain the benefits of IFQ harvests or otherwise facilitate non-medical transfers of IFQ. To reduce the long-term usage of the medical provision, beginning March 16, 2020, the use of the medical transfer provision was limited to any three years in a seven-year period. Numerous QS holders used the medical transfer provision to transfer QS due to health concerns associated with the COVID-19 pandemic. To address health concerns related to the pandemic a final rule was published in February 2023 and revised regulations at § 679.42 to exclude medical transfers approved in 2020, 2021 or 2022 from counting toward the 3 of the 7-year medical transfer limitation rule (88 FR 12259, February 27, 2023). These exceptions only apply to those three years and will provide additional flexibility for fishery participants to use medical transfers in future years. This rule will become constraining for individuals who have transferred IFQ through the medical provision as early as 2026.

3.2.1.2 Harvest Flexibility

All halibut QS have regulatory area designations, which specify the area in which the IFQ derived from those shares may be harvested. These area designations correspond with the areas illustrated in Figure 1. There is some fishing flexibility within the halibut regulatory areas 4C, 4D and 4E. The IPHC considers the halibut in Areas 4C, 4D, and 4E to be a single stock unit for stock assessment and management purposes. Separation of these areas was a socio-economic decision established in the Council's Catch Sharing Plan for Area 4 (61 FR 11337). Therefore, there has been latitude for the Council to consider exemptions to harvesting halibut allocations across these management areas.

Effective July 22, 2005, in response to reports of localized depletion, decreasing catch per unit effort, and resultant limitations on the optimal utilization of Area 4C IFQ and CDQ, the Council passed an Omnibus (IV) amendment package providing for the harvest of Area 4C IFQ and CDQ in Area 4D (70 FR 43328, July 27, 2005). Therefore, the total amount of permissible halibut harvest for Area 4D is the sum of Area 4D TAC and Area 4C TAC. After the implementation of the 2005 amendment, Area 4C and 4D harvests have been reported together due to this flexibility. Thus, Area 4C and 4D catch limits, harvest and participation data are reported in aggregate in this document.

There is also an exception to allow CDQ Program participants to harvest allocations of Area 4D halibut CDQ in Area 4E. Effective April 2, 2003, NMFS amended the IFQ Program to allow CDQ Program participants to harvest allocations of Area 4D halibut CDQ in Area 4E (68 FR 9902, March 3, 2003). This

action was intended to allow residents in CDQ communities along the Western Alaska coast to have more near-shore opportunities to harvest their group's CDQ halibut. Therefore, the IPHC regulations dictate, the total amount of permissible halibut harvest for Area 4E is the sum of the 4E and 4D CDQ TAC. However, since this exception only affects CDQ halibut, which is not subject to vessel use caps, it is not discussed further in this document.

3.2.1.3 Allocation and Harvest

Halibut IFQ TACS have decreased dramatically since the early years of the IFQ program (Figure 2). While TACS have remained relatively more stable in recent years, interannual variability exists at differing magnitudes in each IFQ Area. In recent years, allocations have generally decreased across areas with catch decreasing more substantially relative to allocations in area 4. To more specifically examine recent trends, Table 3 displays TACs and harvest utilization (% of TAC landed) by IFQ Area since 2015. Allocations (TAC) have decreased over the last 10 years and the percent of allocation harvested has generally declined across all areas. The percent of TAC harvested has dramatically declined in area 4 across the last four years down to 55% in 4A, 31% in 4B and 43% in 4CD in 2024.

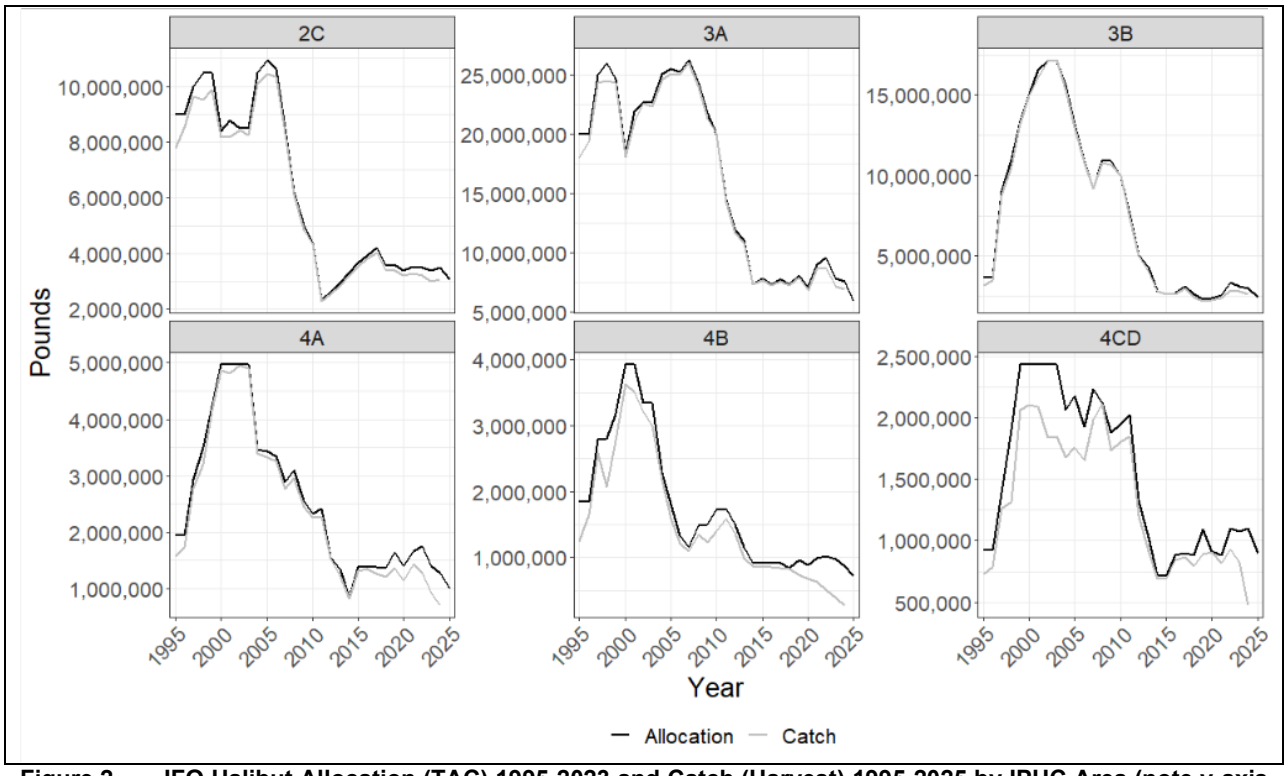

Figure 2 **IFQ Halibut Allocation (TAC) 1995-2023 and Catch (Harvest) 1995-2025 by IPHC Area (note y-axis varies by Area)**

Table 3 **IFQ halibut allocation (TAC) and percent of TAC landed (%) by IFQ Area 2015-2025. Grey shading indicates area and years vessel caps were removed.**

	2C		3A		3B		4A		4B		4CD	
Year	TAC	%	TAC	%	TAC	%	TAC	%	TAC	%	TAC	%
2015	3,679,000	96	7,790,000	99	2,650,000	98	1,390,000	95	912,000	93	715,920	96
2016	3,924,000	97	7,336,000	99	2,710,000	97	1,390,000	97	912,000	94	880,320	96
2017	4,212,000	96	7,739,000	98	3,140,000	96	1,390,000	91	912,000	91	902,400	96

2018	3,570,000	95	7,350,000	98	2,620,000	93	1,370,000	89	840,000	98	880,200	90
2019	3,610,000	94	8,060,000	98	2,330,000	94	1,650,000	83	968,000	76	1,092,000	82
2020	3,410,000	94	7,050,000	97	2,410,000	93	1,410,000	81	880,000	78	919,200	99
2021	3,530,000	93	8,950,000	97	2,560,000	94	1,660,000	86	984,000	63	885,600	93
2022	3,510,000	92	9,550,000	92	3,350,000	86	1,760,000	73	1,024,000	50	1,104,000	84
2023	3,410,000	88	7,840,000	91	3,090,000	91	1,410,000	66	976,000	40	1,080,000	76
2024	3,500,000	88	7,560,000	91	2,980,000	88	1,280,000	55	872,000	31	1,104,000	43
2025	3,070,000		5,890,000		2,470,000		1,000,000		720,000		900,000	

3.2.1.4 Vessel Limits (Caps)

When initiating the IFQ Program, the Council sought to protect small producers, part-time participants, and entry-level participants who may otherwise be eliminated from the fisheries because of potential excessive consolidation of harvesting privileges under the IFQ program (NPFMC/NMFS 2016). For this reason, the IFQ Program includes vessel IFQ caps for halibut and sablefish landings intended to prevent large amounts of IFQ from being fished on only a few vessels. Federal Regulations in 50 CFR § 679.42(h)(1) specify that "No vessel may be used, during any fishing year, to harvest more IFQ halibut than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E." These regulations also specify that "In IFQ regulatory area 2C, no vessel may be used to harvest more than 1 percent of the halibut catch limit for this area." This action does not include a change to limits for vessel use caps in Areas 2C, 3A, or 3B however they are included in sections of this analysis for comparison purposes. Separate vessel use caps are specified for IFQ leased from CQEs: "No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from QS held by a CQE" 50 CFR § 679.42(h)(1)(ii).

Regulations also include an exception specified at 50 CFR § 679.42(h)(3) that "An IFQ permit holder who receives an approved IFQ allocation of halibut or sablefish in excess of these limitations may nevertheless catch and retain all that IFQ with a single vessel. However, two or more IFQ permit holders may not catch and retain their IFQs with one vessel in excess of these limitations."

Because the vessel IFQ cap is specified as a percent of the annual TAC, the number of pounds capped changes annually and varies with the status of the stocks. As TACs have declined since the early 2000s, the vessel limits have declined as well (Figure 3). The coastwide cap peaked in 2002 and 2003 at a high of 295,050 pounds and dropped to a low of 79,772 in 2014. Area 2C caps followed similar trends, peaking at 109,300 pounds in 2005 and declining to 23,300 pounds in 2011. Comparatively, caps have remained relatively stable over the past 10 years although they have declined since 2022.

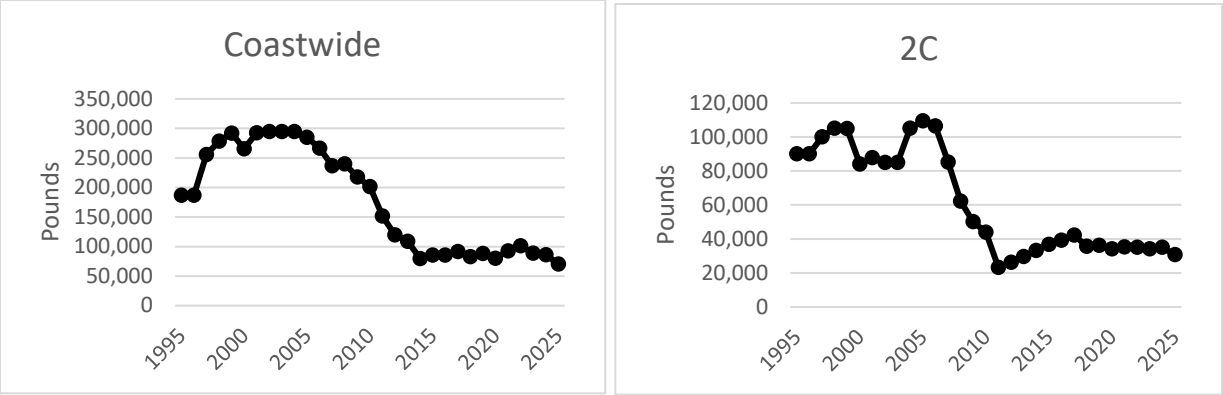

Figure 3 Vessel caps 1995-2025

The proposed action would only adjust vessel limitations in Area 4, however, information regarding caps and vessel harvest patterns in other regulatory areas are provided to help evaluate the proposed action. When comparing data presented in this analysis, note that recent Council actions (and subsequent NMFS regulations) removed IFQ vessel caps in Area 4A in 2021-2027 and in Areas 4B and 4C/D in 2020-2027 (see section 1.2). Table 4 lists halibut total catch limits and vessel use caps for 2013-2025. The vessel cap for all IPHC regulatory areas for 2025 is 70,250 pounds of halibut, which is an 18.8 percent decrease from the 2024 cap.

Table 4 Annual catch limits and vessel use caps for halibut, 2013-2025 (net pounds)

Year	All Areas		Area 2C	
	Total Catch Limit (lbs)	Vessel Cap (lbs)	Area 2C Catch Limit (lbs)	Vessel use cap (lbs)
2013	21,810,800	109,054	2,970,000	29,700
2014	15,954,370	79,772	3,318,720	33,187
2015	17,136,920	85,685	3,679,000	36,790
2016	17,152,320	85,762	3,924,000	39,240
2017	18,295,400	91,477	4,212,000	42,120
2018	16,630,200	83,151	3,570,000	35,700
2019	17,710,000	88,550	3,610,000	36,100
2020[1]	16,079,200	80,396	3,410,000	34,100
2021[2]	18,569,600	92,848	3,530,000	35,300
2022[2]	20,298,000	101,490	3,510,000	35,100
2023[2]	17,806,000	89,030	3,410,000	34,100
2024[2]	17,296,000	86,480	3,500,000	35,000
2025[2]	14,050,000	70,250	3,070,000	30,700

Source: NMFS Restricted Access Management (RAM).
[1] In 2020 vessel caps were waived for vessels fishing in Areas 4B, 4C, and 4D.
[2] In 2021-2025 vessel caps were waived for vessels fishing in Areas 4A, 4B, 4C, and 4D.

As the TACs in individual IFQ Areas change in relation to the coastwide TAC and vessel caps, the vessel caps represent differing proportions of each Area TAC. Figure 4 displays the percent of each area TAC represented by existing coastwide (or Area specific in 2C) vessel cap. Over the past 10 years the coastwide cap has represented roughly between 5-7% of the 4A TAC, 8-10% of the 4B TAC and 8-12% of the 4CD TAC.

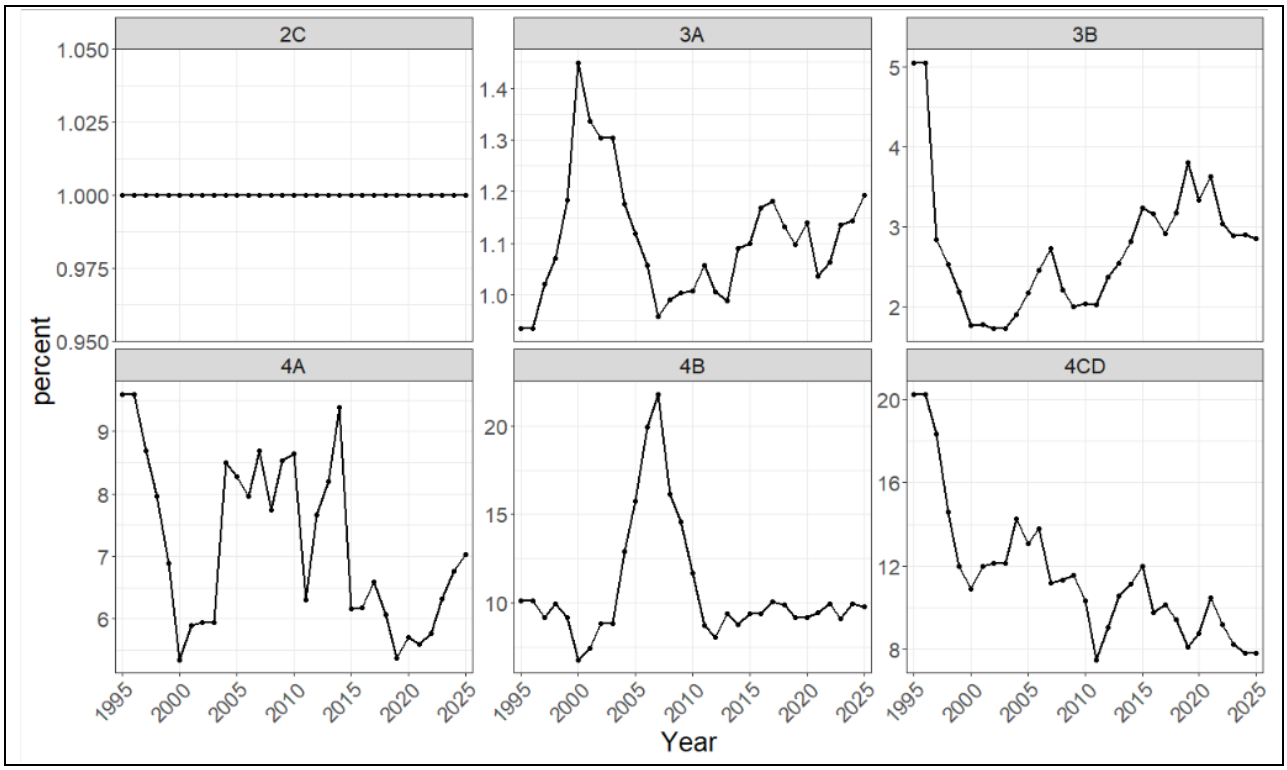

Figure 4 **Percent of Area TAC represented by existing coastwide (or Area specific in 2C) vessel cap (note y-axis differs by area).**

As the cap varies in comparison to the area TACs the number of vessels required to harvest the entire area allocation also varies. When the cap represents a larger proportion of the Area TAC, fewer vessels are required to harvest the entire area allocation, and vice versa. Table 5 displays the minimum number of vessels required to harvest 100 percent of the area allocation given vessel cap limitations (min), the number of vessels harvesting IFQ (active), and the percent of allocation harvested (%TAC) for fishing years 2015-2025. Overall vessel participation has declined dramatically throughout the time series. Area 4 has seen particular declines in vessels in recent years, even when vessel caps have been removed and a large portion of the allocation has been left unharvested.

In all years and all areas that the vessel caps have been in place, the number of vessels harvesting IFQ has exceeded the minimum number of vessels required to harvest the halibut IFQ for each area. While individual vessels may have been constrained by the caps, this suggests that even in years when the entire allocation was not landed, the supply of vessels and vessel use cap were not constraining factors. Area 4B in 2024 had fewer participating vessels than would have been needed to harvest the entire area TAC if the vessel caps had been in place, but even without vessel caps only 31% of the area 4B TAC was harvested in 2024.

Table 5 **Minimum number of vessels required to harvest 100 percent of IFQ in each area under the vessel use cap (min), number of vessels harvesting IFQ (active), and percent of allocation harvested (%TAC). Grey shading indicates years and areas where vessel caps were removed.**

	2C			3A			3B			4A			4B			4CD		
Year	min	active	% TAC	min	active	% TAC	min	active	% TAC	min	active	% TAC	min	active	% TAC	min	active	% TAC
2015	100	439	96%	91	441	99%	31	196	98%	17	67	95%	11	33	93%	9	38	96%
2016	100	431	97%	86	431	99%	32	193	97%	17	69	97%	11	34	94%	11	35	96%
2017	100	422	96%	85	415	98%	35	192	96%	16	65	91%	10	30	91%	10	38	96%
2018	100	400	95%	89	398	98%	32	182	93%	17	67	89%	11	27	98%	11	38	90%
2019	100	403	94%	92	405	98%	27	169	94%	19	63	83%	11	24	76%	13	42	82%
2020	100	376	94%	88	374	97%	30	144	93%	18	58	81%	11	23	78%	12	33	99%
2021	100	361	93%	97	384	97%	28	148	94%	18	59	86%	11	19	63%	10	27	93%
2022	100	368	92%	95	379	92%	34	155	86%	18	59	73%	11	16	50%	11	20	84%
2023	100	338	88%	89	373	91%	35	157	91%	16	51	66%	11	14	40%	13	21	76%
2024	100	317	88%	88	342	91%	35	139	88%	15	37	55%	11	9	31%	13	18	43%
2025	100			84			36			15			11			13		

Source: NMFS Restricted Access Management (RAM) division IFQ landings database sourced through AKFIN.

QS and TACs are allocated by IFQ Area, but many vessels operate in multiple Areas. Table 6 shows the number of vessels participating in each area combination since 2015. For example the top left table shows that in 2024, 317 vessels fished in area 2C, of those 317 vessels, 88 vessels also fished in area 3A, 12 also fished in area 3B…and 228 vessels only fished in 2C. Generally, the number of vessels participating in the fishery have declined across all areas. Few of the vessels participating in Area 4 did not also participate in at least one other IFQ Area fishery. There is no obvious trend of additional vessels participating in Area 4 fisheries in years that vessel caps have been removed compared to previous years, however this may still reflect more participation than would have otherwise occurred if vessel caps had been in place.

Table 6 **Number of vessels making landings in area combinations 2015-2024. Grey shading indicates years and areas where vessel caps were removed.**

2C	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2C	**439**	**431**	**422**	**400**	**403**	**376**	**361**	**368**	**338**	**317**
3A	135	134	132	117	124	110	113	106	102	88
3B	24	26	29	20	22	17	15	17	17	12
4A	11	9	11	8	9	8	9	9	8	6
4B	6	5	3	2	3	3	3	2	2	2
4CD	6	5	5	5	4	4	4	2	3	2
only 2C	304	297	290	282	278	265	248	261	235	228

4A	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2C	11	9	11	8	9	8	9	9	8	6
3A	42	43	39	38	38	33	37	39	33	23
3B	44	47	49	45	43	34	41	41	39	28
4A	**67**	**69**	**65**	**67**	**63**	**58**	**59**	**59**	**51**	**37**
4B	23	23	21	20	18	18	14	12	9	6
4CD	22	22	21	19	17	15	13	14	15	10
only 4A	12	11	9	12	11	10	11	9	8	6

3A	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2C	135	134	132	117	124	110	113	106	102	88
3A	**441**	**431**	**415**	**398**	**405**	**374**	**384**	**379**	**373**	**342**
3B	158	156	154	140	138	120	121	122	128	116
4A	42	43	39	38	38	33	37	39	33	23
4B	20	21	17	17	15	14	13	11	9	7
4CD	21	20	19	17	17	14	14	14	15	8
only 3A	170	163	156	159	162	159	163	163	159	150

4B	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2C	6	5	3	2	3	3	3	2	2	2
3A	20	21	17	17	15	14	13	11	9	7
3B	18	20	19	20	15	13	12	10	9	7
4A	23	23	21	20	18	18	14	12	9	6
4B	**33**	**34**	**30**	**27**	**24**	**23**	**19**	**16**	**14**	**9**
4CD	12	12	11	8	8	8	6	8	6	3
only 4B	7	6	4	3	2	1	1	0	0	0

3B	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2C	24	26	29	20	22	17	15	17	17	12
3A	158	156	154	140	138	120	121	122	128	116
3B	**196**	**193**	**192**	**182**	**169**	**144**	**148**	**155**	**157**	**139**
4A	44	47	49	45	43	34	41	41	39	28
4B	18	20	19	20	15	13	12	10	9	7
4CD	20	18	21	18	17	14	14	14	16	10
only 3B	34	30	27	30	23	19	20	27	23	18

4CD	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2C	6	5	5	5	4	4	4	2	3	2
3A	21	20	19	17	17	14	14	14	15	8
3B	20	18	21	18	17	14	14	14	16	10
4A	22	22	21	19	17	15	13	14	15	10
4B	12	12	11	8	8	8	6	8	6	3
4CD	**38**	**35**	**38**	**38**	**42**	**33**	**27**	**20**	**21**	**18**
only 4CD	10	8	12	12	20	11	9	1	2	6

One method to examine the effects of vessel use caps is to evaluate how many vessels operate at or near the caps. Table 7 displays the number of vessels that have harvested more than 0% 50%, 75%, and 90% of the vessel use cap in each IPHC regulatory area since 2015. Vessels that harvest IFQ in multiple regulatory areas are included in each area and their percentage of vessel use cap is calculated from the total IFQ harvested regardless of area. Vessels are included in each percent threshold for which they qualify (a vessel that harvested 100 percent of the cap is included in the table at 0, 50, 75, and 90 percent).

Generally, of the vessels operating in each area, fewer vessels operate closer to the vessel cap. However across area 4 a larger proportion of the total vessels have been operating closer to the caps and this has increased in recent years when the vessel cap has been removed.

Table 7 Number of vessels harvesting greater than 0%, 50%, 75% or 90% of the vessel cap by area 2015-2024.

	2C				3A				3B			
Year	> 90%	>75%	>50%	>0%	> 90%	>75%	>50%	>0%	> 90%	>75%	>50%	>0%
2015	7	23	55	438	40	64	118	441	35	54	89	196
2016	7	22	56	430	39	63	113	431	36	54	92	193
2017	12	27	58	421	41	64	111	415	41	59	91	192
2018	12	25	60	400	46	73	117	398	43	64	93	182
2019	12	26	57	403	46	65	117	405	38	54	88	169
2020	12	23	58	376	45	66	115	374	35	49	83	144
2021	12	21	62	361	52	77	117	384	40	57	80	148
2022	13	25	65	368	40	68	102	379	33	55	74	155
2023	12	26	55	338	41	60	99	373	37	52	82	157
2024	19	28	64	317	41	63	102	342	36	51	78	139
	4A				4B				4CD			
Year	> 90%	>75%	>50%	>0%	> 90%	>75%	>50%	>0%	> 90%	>75%	>50%	>0%
2015	26	32	45	67	14	20	25	33	14	18	23	38
2016	29	37	50	69	16	21	26	34	16	19	24	35
2017	24	33	46	65	14	19	23	30	15	20	25	38
2018	24	34	46	67	17	20	24	27	11	19	22	38
2019	24	32	46	63	14	15	21	24	15	16	21	42
2020*	21	25	42	58	16	17	20	23	17	18	21	33
2021*	25	30	41	59	13	14	17	19	13	14	18	27
2022*	17	27	38	59	9	12	16	16	11	16	18	20
2023*	18	23	34	51	9	9	12	14	12	14	20	21
2024*	16	17	25	37	7	8	8	9	7	8	12	18

*In 2020-2024 vessel caps were waived for vessels fishing in Areas 4B, 4C, and 4D and in 2021-24 for Area 4A.

3.2.1.5 Vessel Class Categorizations

There are four vessel classes in the halibut IFQ fishery (A through D). These classes correspond to vessel length as shown in Table 8. This action does not modify vessel class categorizations, and those limitations would continue to apply.

Class A shares are designated for vessels that process at sea or catcher-processors (i.e., constitute freezer longliner vessels) and do not have a vessel length restriction. Class B shares were designated to be fished on vessels greater than 60 feet LOA, Class C shares were designated to be fished on vessels greater than 35 feet but less than or equal to 60 feet LOA and Class D shares were designated to be fished on vessels less than or equal to 35 feet LOA. These vessel class designations were intended to maintain the diversity of the IFQ fleets, and the Council intended for the Class D QS to be the most likely entry-level opportunity (NPFMC/NMFS 2016).

Table 8 Vessel length associations by QS class

QS Class	Vessel Length Designation
A	Any length
B	> 60 feet
C	> 35 feet to 60 feet
D	≤ 35 feet

Over the course of the IFQ Program, the Council has lifted some of the constraints on the size of the vessel upon which catcher vessel IFQ may be fished. In January 1996, the Council approved a "fish down" amendment that allowed IFQ derived from larger class QS to be fished on smaller class vessels. The Council intended for this provision to provide flexibility for QS holders to acquire more catcher vessel QS. The Council has also amended the IFQ Program to allow "fishing up" in some halibut IFQ areas – the landing of IFQ derived from smaller class QS on larger class vessels. In 2007, an amendment was implemented to the IFQ Program to allow halibut IFQ derived from Class D QS to be fished on vessels less than or equal to 60 feet in length in Areas 3B and 4C. In 2014, an amendment was implemented allowing halibut IFQ derived from Class D QS to be fished on vessels in the Class C category in Area 4B. The intent of these "fish up" amendments was to alleviate safety concerns and issues with not being able to fully harvest QS allocated to small vessels in western Alaska waters (NPFMC/ NMFS 2016). Table 9 shows the fish up and fish down provisions for IFQ in Area 4.

Table 9 Fish up/down provisions applicable to individually-held halibut IFQ

Area	Fish up	Fish down
4A	No	Yes
4B	D class quota can be fished up on C class vessels	
4C		
4D	No, but no D class quota	

Table 10 shows the breakdown of the QS pool by class in 2025 for Areas 4A, 4B, 4C and 4D. Due to the fish up and fish down provisions, QS allocation by class may not correspond directly to landings by vessel length. Figure 5 shows annual IFQ pounds allocated by category, catch of IFQ pounds and number of vessels participating by vessel length for Areas 4A, 4B and 4C/4D. The data on the length of vessel upon which the IFQ was harvested was taken from the IFQ landings database. For the landings database, this information is sourced from the NMFS Alaska Region database on vessel lengths, which is a combination of data that is self-reported by the vessel owner when they obtain a Federal Fisheries Permit and data from the State of Alaska Commercial Fisheries Entry Commission (CFEC) database. The data in Figure 5 show the fish up and fish down provision are frequently utilized as the pounds of IFQ landed by vessels in the 35-60 foot category is greater than IFQ pounds of class C quota share (QS) allocated.

Table 10 Percentage of 2025 QS pool in each class for Area 4.

	A	B	C	D
4A	4%	59%	30%	7%
4B	6%	77%	15%	3%
4C	0%	40%	22%	38%
4D	8%	83%	9%	

Source: NMFS Restricted Access Management (RAM) division, updated 1/17/2025

Because these QS class categories would continue to apply under this action, even if vessel use caps change there would still need to be different sizes of vessels harvesting the IFQ resulting from the QS. In combination with the "fish up" provisions in place, and the flexibility for A shares to be harvested on any size of vessel, this means that in Area 4A at least 37 percent, Area 4B at least 18 percent, in Area 4C at least 60 percent, and in Area 4D at least 9 percent of the IFQ would need to be harvested on smaller "C class" or "D class" vessels (vessels ≤ 60 feet). These provisions would limit the ability of IFQ to be completely consolidated on a few larger B class vessels. Theoretically, A and B category IFQ could be "fished down" on smaller C or D class vessels if there were adequate vessels available in this size class.

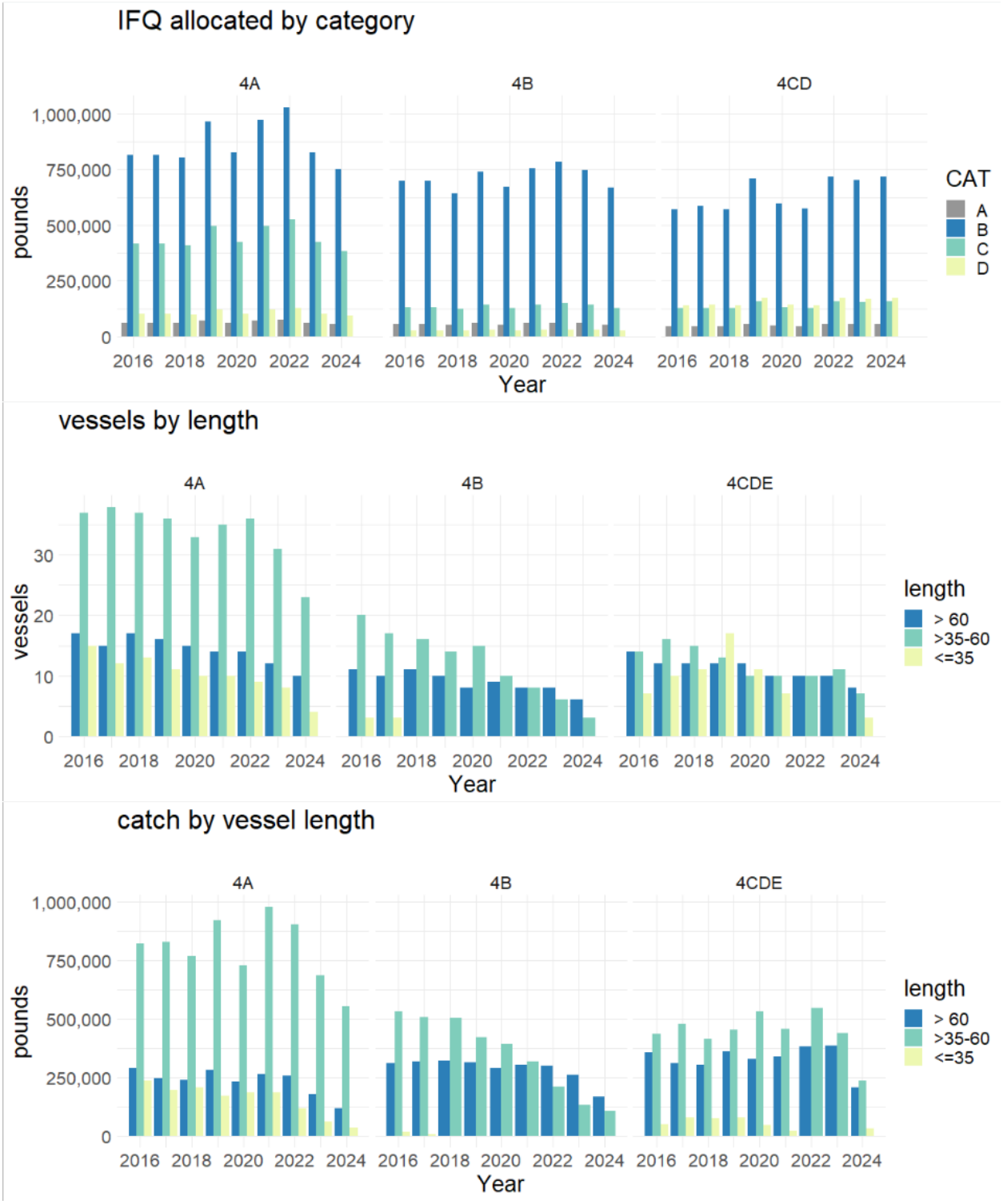

Figure 5 QS allocation by category, IFQ catch and vessel participation by vessel length.

Source: QS holdings NMFS RAM accessed https://www.fisheries.noaa.gov/alaska/commercial-fishing/permits-and-licenses-issued-alaska#individual-fishing-quota-(ifq)-halibut/sablefish-and-cdq-halibut-ifq
Vessel landings, participation: NMFS IFQ landings database sourced by AKFIN.

3.2.1.6 QS use caps

The IFQ Program includes QS use caps intended to prevent excessive consolidation of harvesting privileges. Regulations specify that unless the amount in excess of the following limits was received in the initial allocation of halibut QS, no person other than a CQE representing the community of Adak, AK, individually or collectively, may use more QS than specified by the use caps found at 50 CFR 679.42 (f). Similar to vessel use caps, QS caps are specific to regulatory area. However, unlike vessel use caps, QS use caps are a constant number of QS units rather than a percentage of the TAC. In Area 4, the QS use cap is 495,044 QS units (50 CFR 679.42(f)).

Table 11 details how the QS use cap applies in Area 4 in 2025, displaying the QS use cap, and the QS Pool, TAC, IFQ equivalent to the use cap and the minimum number of people needed to harvest 100 percent of the QS in each area. If QS could be spread out evenly and most efficiently, it would require a minimum of 69 people to land all of the IFQ allocated to Area 4. Realistically, harvesting 100 percent of the quota would require more people than this minimum because of other regulatory constraints as well as numerous practical challenges. For instance, the QS holders identifying persons who are able to harvest their IFQ with the appropriately sized vessel, agreeing to lease arrangements, and processing all of the IFQ transfers. In addition to logistical constraints there are regulatory constraints such as the QS block program that restrict how QS can be consolidated and transferred that would prevent QS from being distributed equally and would increase the number of individuals necessary to harvest 100 percent of the quota.

Table 11 2025 QS pool, IFQ TAC and QS use cap

Area	QS Pool* (units)	QS use cap (1.5% of Area 4 QS pool in units)	Area TAC** (lbs)	QS:IFQ ratio	IFQ equivalent to use cap (lbs)	Minimum number of individuals to harvest 100%
4A	14,586,011	495,044	1,000,000	14.5860	33,940	30
4B	9,284,774		720,000	12.8955	38,389	19
4C	4,016,352		375,000	10.7103	46,221	9
4D	4,958,250		525,000	9.4443	52,417	11

Source:*2024 QS Pool as published by NMFS Restricted Access Management (RAM) division (note annual QS pool has remained constant since 2016).https://www.fisheries.noaa.gov/s3/2024-03/2024QSPoolsandTACs-FINAL.pdf
**2025 IFQ Area TACs are calculated based on IPHC commercial catch limits as published in IPHC-2025-AM101-R (p. 44-45) accessed Jan 31, 2025 https://www.iphc.int/uploads/2025/01/IPHC-2025-AM101-R-Report-of-the-AM101.pdf

While we do not collect data on every individual on a fishing vessel, each IFQ landing requires an individual listed as the "delivered by individual" on the fish ticket. The delivered by individual is the IFQ permit holder, if they are on board. If the IFQ permit holder is not on board, the hired master is listed as the delivered by individual. Table 12 shows the number of individuals listed as the "delivered by individual" in Areas 4A, 4B, and 4C/4D since 2015. These data do not include crew members without IFQ, so they are not a comprehensive tally of individuals who participated in the fishery. The number of individual QS holders delivering IFQ have decreased in all areas in Area 4 since 2019. This may be due to the increased transfer flexibility in recent years (see section 3.2.1.1), however it is notable that in 2024 only 69 total individual QS holders delivered IFQ in area 4, equal to the minimum number of people required to land all of the IFQ allocated to Area 4 in 2025.

Table 12 Number of individual QS holders delivering IFQ.

Year	4A	4B	4C/4D	Total
2015	111	48	45	151
2016	116	49	48	159
2017	109	47	44	152
2018	107	50	46	160
2019	111	43	53	164
2020	78	30	35	106
2021	79	25	30	103
2022	81	28	35	108
2023	70	25	35	101
2024	52	12	23	69

Source: NMFS Restricted Access Management (RAM) division IFQ landings database sourced through AKFIN updated through 12.23.24

3.2.1.7 CDQ Issues

Vessel limitations do not apply to halibut quota apportioned to CDQ reserves. In area 4E, 100 percent of the annual halibut quota is apportioned to the CDQ and in this area there is a fishing trip limit of 10,000 lbs of halibut CDQ harvested through September 1 (50 CFR 679.31(a)(2)(ii)(D)). Since 2018, no vessel fishing Area 4E CDQ has harvested IFQ, so these vessels are not affected by IFQ vessel caps.

In 2018, the Council recommended and NMFS implemented new flexibilities to allow transfer of IFQ to CDQs in times of extremely low halibut abundance (83 FR 52760, October 18, 2018). This provision allows CDQ groups to receive transfers of halibut catcher vessel IFQ (Categories B, C, and D IFQ) in Areas 4C and 4D when the halibut annual commercial catch limit is less than 1.5 million pounds in Area 4CDE and in Area 4B when the annual halibut commercial catch limit is less than 1 million pounds in Area 4B. This measure allows CDQ groups to expand the fishing opportunities for the small boat fleets operating out of the CDQ group's communities and provide IFQ holders with the opportunity to receive value for their IFQ when extremely low halibut commercial catch limits may not be large enough to provide for an economically viable fishery for IFQ holders. These thresholds have not been reached in area 4CDE but in 2025 the area 4B commercial catch limit is 0.9 million pounds so this provision is applicable.

In terms of impacts of this action, it is likely that some or all of the leasing fee would need to be subsidized by the CDQ group. However, in particular, representatives from the CDQ groups CBSFA, NSEDC, and APICDA have all suggested that if available and feasible, their group would likely take advantage of the opportunity. Representatives have emphasized that the opportunity to keep community members employed has distributional benefits to the individuals involved in the fishery that would likely be worth the subsidized expense to the CDQ group.[12] Aligning this provision with an increase in vessel caps would likely create additional flexibilities for vessels owners who rely on the halibut fishery in the Bering Sea.

If a CDQ group does choose to lease IFQ in order to promote additional halibut harvesting opportunities for their residents at times of low halibut catch limits, there are expected to be distributional impacts. Assuming that the groups are acting in the best economic and socio-economic interests of the residents in their communities, this additional opportunity could keep halibut fisheries open to the CDQ fleet, and could keep community members employed in harvesting and secondary service operations and in a culturally important profession.

[12] https://repository.library.noaa.gov/view/noaa/19261

3.2.1.8 Community Quota Entities

In 2002, the Council revised the IFQ Program to allow specific communities to purchase sablefish and halibut QS through the Community Quota Entities (CQE) Program. The Council developed the CQE program in response to concerns about out-migration of QS out of small Gulf of Alaska coastal communities. Eligible communities can form non-profit corporations called Community Quota Entities (CQEs) to purchase catcher vessel QS, and the IFQ resulting from the QS must be leased to eligible community residents annually. An eligible community resident (50 CFR 679.2), for the purposes of the IFQ Program, is a citizen of the United States and maintained a domicile in a rural community (the CQE community) for 12 consecutive months immediately preceding the time when the assertion of residency is made.

In 2014, a CQE Program was implemented for halibut IFQ regulatory Area 4B and the sablefish Aleutian Islands regulatory area, and the community of Adak formed a CQE, the Adak Community Development Corporation (ACDC). When the CQE was established, the Council included a 5-year exemption period on the residency requirement. After the 5-year period, the CQE is required to lease the annual IFQ derived from QS it holds only to an eligible community resident of Adak. The intent of the residency requirement is to tie the potential long-term benefits of QS held by an Aleutian Island CQE to the residents of Adak, however, the additional flexibility was allowed because the number of Adak residents that had landed catch in Adak in the past was minimal, and it provided time for the establishment of the CQE to attract individuals back to the community. The limitation ended March 17, 2019 and the Adak CQE was required to lease the annual IFQ derived from QS only to eligible community residents of Adak. On February 27, 2023, the residency requirement was removed for an additional period of five years with the intent of creating more opportunities for the Adak CQE to fully harvest its allocation (88 FR 12259).

Despite this increased flexibility, harvesting IFQ held by the ACDC CQE has proven challenging and very few vessels have participated in recent years. Table 13 displays the QS units and equivalent IFQ pounds held by the ACDC CQE and the number of vessels that have harvested IFQ. CQEs are not allowed to hold halibut QS in areas 4A, 4C, 4D and 4E (50 CFR §679.42(f)(3)) therefore ACDC is the only CQE affected by this action.

Separate limits on halibut QS use apply to CQEs. These limits are not affected by this action but are discussed here for context. In Area 4B, no CQE may receive an amount of halibut QS on behalf of any single eligible community which is more than 1,392,716 units of halibut QS (108,000 pounds of IFQ in 2025) (50 CFR 679.42(f)(2)) and no individual that receives IFQ derived from halibut QS held by a CQE, including Guided Angler Fish (GAF), may hold, individually or collectively, more than 50,000 pounds (22.7 mt) of IFQ halibut, including IFQ halibut received as GAF, derived from any halibut QS source (50 CFR 679.42(f)(6)). Therefore at least three individuals would be required to harvest the entire allocation of pounds of IFQ derived from the ACDC CQE QS since 2023.

Table 13 QS holdings and participating vessels in the ACDC CQE

Year	QS units	IFQ lbs	Vessels
2015	615,956	60,503	0
2016	678,609	66,657	0
2017	678,609	66,657	0
2018	678,609	61,395	3
2019	1,196,304	124,723	2
2020	1,196,304	113,385	2
2021	1,196,304	126,785	1
2022	1,369,350	151,023	2
2023	1,369,350	143,944	0
2024	1,369,350	128,605	0

3.2.1.9 Communities

Vessels participating in the IFQ halibut fishery in Area 4 are associated with numerous communities. Table 14 shows the number of vessels delivering IFQ in the Area 4 halibut IFQ fishery by community of vessel ownership address. The total number of vessels has declined since 2019 and with that the number of communities represented. A majority of vessels are owned by people in communities in Alaska (with an average of 68 percent of vessels for 2015-2024). In 2024, the largest number of vessels were owned by people in the Alaskan communities of Homer (12 vessels) and Kodiak (6 vessels). Notably, the community of Savoonga declined from 7 vessels in 2021 to no vessels in 2022. The community of St. Paul experienced a similar decline from 8 vessels in 2019 to one vessel in 2020 and zero vessels in 2022 although this bounced back up to two vessels in 2024.

Table 14 Community of Vessel Ownership by Address for Vessels Harvesting Halibut IFQ in 4ABCD, 2015-2024 (number of vessels)

Geography	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Annual Average 2015-2024 (number)	Annual Average 2015-2024 (percent)
Adak	1	1	1	1	1	1	0	1	1	0	0.8	1.03%
Akutan	3	3	1	1	2	0	1	0	1	1	1.3	1.67%
Anchorage	4	4	3	3	3	1	1	1	1	0	2.1	2.70%
Atka	4	3	3	0	0	0	0	0	0	0	1.0	1.29%
Cordova	1	1	1	0	0	0	0	0	0	0	0.3	0.39%
Craig	1	1	1	0	0	0	0	0	0	0	0.3	0.39%
Delta Junction	3	3	3	2	3	3	3	3	3	2	2.8	3.60%
Dutch Harbor	0	1	1	2	1	2	2	2	2	2	1.5	1.93%
False Pass	1	1	1	1	1	1	1	0	0	0	0.7	0.90%
Gambell	0	0	0	0	0	1	0	0	0	0	0.1	0.13%
Haines	0	0	0	0	0	1	1	1	1	1	0.5	0.64%
Homer	11	13	16	18	16	15	16	16	13	12	14.6	18.79%
Juneau	3	2	2	3	1	1	1	2	1	0	1.6	2.06%
Kodiak	10	12	10	10	11	8	7	5	5	6	8.4	10.81%
Petersburg	0	0	1	0	0	0	0	1	2	0	0.4	0.51%
Port Lions	0	0	0	0	0	1	0	1	0	0	0.2	0.26%
Saint George Isl	0	0	0	1	0	0	0	0	0	0	0.1	0.13%
Saint Paul	8	6	9	10	8	1	1	0	0	2	4.5	5.79%
Savoonga	0	0	0	0	9	9	7	0	0	0	2.5	3.22%
Seward	1	1	1	2	1	0	0	1	1	0	0.8	1.03%
Sitka	3	3	3	3	3	2	3	3	2	1	2.6	3.35%
Unalaska	4	3	2	3	3	3	4	2	1	0	2.5	3.22%
Wasilla	3	3	3	3	2	2	1	2	1	2	2.2	2.83%
Wrangell	0	0	0	0	0	0	0	0	1	0	0.1	0.13%
Yakutat	1	1	1	1	1	1	1	1	1	1	1.0	1.29%
Alaska Total	62	62	63	64	66	53	50	42	37	30	52.9	68.08%
All Other States Total	29	29	26	27	26	25	25	23	22	16	24.8	31.92%
Grand Total	**91**	**91**	**89**	**91**	**92**	**78**	**75**	**65**	**59**	**46**	**77.7**	**100.00%**

NMFS Restricted Access Management (RAM) division IFQ landings database sourced through AKFIN.

The number of vessels associated with ownership addresses in a community may not correspond to the amount of QS held by residents of these communities, or the amount of IFQ fished from the vessels in these communities. For example, residents of a given community may hold QS that results in IFQ that is fished on a vessel that is owned by residents outside of that community. The amount of halibut IFQ harvested from vessels in these communities cannot be shown for each community due to limitations on the release of confidential data. However, information on QS holdings by community is publicly available and reported by NMFS RAM[13]. Table 15 through Table 18 show the 2025 QS holdings by community for Area 4A, 4B, 4C and 4D, the IFQ equivalent pounds and the percentage of the proposed vessel use caps by alternative. Area 4A halibut QS is primarily associated with the Alaskan communities of Anchorage, Homer, Kodiak, and Unalaska as well as the states of Washington and Oregon (Table 15). Area 4B halibut is primarily held by the Alaskan communities of Adak and Kodiak as well as the State of Washington (Table 16). In Area 4C, Washington state primarily holds QS, followed by the Alaskan communities of St. Paul Island and Anchorage (Table 17). QS for Area 4D is held predominately in Washington state and the Alaskan communities of Anchorage and Delta Junction (Table 18).

[13] https://www.fisheries.noaa.gov/alaska/commercial-fishing/permits-and-licenses-issued-alaska#individual-fishing-quota-(ifq)-halibut/sablefish-and-cdq-halibut-ifq

Table 15 Area 4A 2025 QS holdings by community

State	Community	Individual QS holders	QS (units)	IFQ equivalent (lbs)*	% of vessel use cap						
					Alt 1	Alt 2.1a	Alt 2.1b	Alt 2.1c	Alt 2.2a	Alt 2.2b	Alt 2.2c
AK		125	9,599,419	658,125	937%	628%	502%	419%	580%	451%	369%
	Akutan	8	273,563	18,755	27%	18%	14%	12%	17%	13%	11%
	Anchorage	13	1,105,406	75,785	108%	72%	58%	48%	67%	52%	43%
	Cordova	5	364,526	24,991	36%	24%	19%	16%	22%	17%	14%
	Delta Junction	1	198,675	13,621	19%	13%	10%	9%	12%	9%	8%
	Dillingham	1	22	2	0%	0%	0%	0%	0%	0%	0%
	Dutch Harbor	8	1,011,039	69,316	99%	66%	53%	44%	61%	48%	39%
	Fairbanks	2	120,159	8,238	12%	8%	6%	5%	7%	6%	5%
	Homer	30	2,391,175	163,936	233%	156%	125%	104%	145%	112%	92%
	Juneau	3	14,450	991	1%	1%	1%	1%	1%	1%	1%
	Kodiak	25	2,594,538	177,879	253%	170%	136%	113%	157%	122%	100%
	Naknek	1	102	7	0%	0%	0%	0%	0%	0%	0%
	Petersburg	3	152,338	10,444	15%	10%	8%	7%	9%	7%	6%
	Port Lions	1	75,181	5,154	7%	5%	4%	3%	5%	4%	3%
	Saint George Island	1	14	1	0%	0%	0%	0%	0%	0%	0%
	Saint Paul Island	2	2,249	154	0%	0%	0%	0%	0%	0%	0%
	Seward	1	139,639	9,573	14%	9%	7%	6%	8%	7%	5%
	Sitka	3	220,202	15,097	21%	14%	12%	10%	13%	10%	8%
	Soldotna	1	117,375	8,047	11%	8%	6%	5%	7%	6%	5%
	Togiak	2	60	4	0%	0%	0%	0%	0%	0%	0%
	Twin Hills	1	10	1	0%	0%	0%	0%	0%	0%	0%
	Unalaska	8	576,849	39,548	56%	38%	30%	25%	35%	27%	22%
	Wasilla	4	190,406	13,054	19%	12%	10%	8%	12%	9%	7%
	Wrangell	1	51,441	3,527	5%	3%	3%	2%	3%	2%	2%
AZ		1	290,182	19,895	28%	19%	15%	13%	18%	14%	11%
CA		3	133,425	9,147	13%	9%	7%	6%	8%	6%	5%
CO		1	100,479	6,889	10%	7%	5%	4%	6%	5%	4%
FL		2	144,907	9,935	14%	9%	8%	6%	9%	7%	6%
IN		1	145,814	9,997	14%	10%	8%	6%	9%	7%	6%
NM		1	69,953	4,796	7%	5%	4%	3%	4%	3%	3%
OR		10	831,625	57,015	81%	54%	44%	36%	50%	39%	32%
TX		1	56,563	3,878	6%	4%	3%	2%	3%	3%	2%
UT		2	223,920	15,352	22%	15%	12%	10%	14%	11%	9%
VA		1	64,547	4,425	6%	4%	3%	3%	4%	3%	2%
WA		35	2,824,141	193,620	276%	185%	148%	123%	171%	133%	109%
	Seattle	17	1,799,779	123,391	176%	118%	94%	78%	109%	85%	69%
WI		1	36,020	2,469	4%	2%	2%	2%	2%	2%	1%

NMFS Restricted Access Management (RAM) division. Seattle includes other cities in the Seattle Metropolitan Statistical Area.
*calculated using 2024 QS Pool as published by NMFS Restricted Access Management (RAM) division (note annual QS pool has remained constant since 2016).

Table 16 Area 4B 2025 QS holdings by community

State	Community	Individual QS holders	QS (units)	IFQ equivalent (lbs)*	% of vessel use cap						
					Alt 1	Alt 2.1a	Alt 2.1b	Alt 2.1c	Alt 2.2a	Alt 2.2b	Alt 2.2c
AK		36	4,480,680	347,460	495%	332%	265%	221%	306%	238%	195%
	Adak	2	1,386,179	107,493	153%	103%	82%	68%	95%	74%	60%
	Anchorage	6	960,303	74,468	106%	71%	57%	47%	66%	51%	42%
	Atka	8	349,066	27,069	39%	26%	21%	17%	24%	19%	15%
	Dillingham	1	370,314	28,716	41%	27%	22%	18%	25%	20%	16%
	Dutch Harbor	2	116,778	9,056	13%	9%	7%	6%	8%	6%	5%
	Fairbanks	1	22,392	1,736	2%	2%	1%	1%	2%	1%	1%
	Haines	1	7,293	566	1%	1%	0%	0%	0%	0%	0%
	Juneau	1	2,368	184	0%	0%	0%	0%	0%	0%	0%
	Kodiak	10	980,026	75,997	108%	73%	58%	48%	67%	52%	43%
	Petersburg	1	2	0	0%	0%	0%	0%	0%	0%	0%
	Sitka	1	219,984	17,059	24%	16%	13%	11%	15%	12%	10%
	Unalaska	2	65,975	5,116	7%	5%	4%	3%	5%	4%	3%
AZ		1	194,682	15,097	21%	14%	12%	10%	13%	10%	8%
CA		4	270,008	20,938	30%	20%	16%	13%	18%	14%	12%
FL		1	239,816	18,597	26%	18%	14%	12%	16%	13%	10%
ID		1	41,459	3,215	5%	3%	2%	2%	3%	2%	2%
OR		6	419,126	32,502	46%	31%	25%	21%	29%	22%	18%
UT		1	17,927	1,390	2%	1%	1%	1%	1%	1%	1%
VA		1	52,353	4,060	6%	4%	3%	3%	4%	3%	2%
WA		25	3,565,609	276,500	394%	264%	211%	176%	244%	190%	155%
	Seattle	14	2,166,534	168,007	239%	160%	128%	107%	148%	115%	94%

NMFS Restricted Access Management (RAM) division. Seattle includes other cities in the Seattle Metropolitan Statistical Area.
*calculated using 2024 QS Pool as published by NMFS Restricted Access Management (RAM) division (note annual QS pool has remained constant since 2016).

Table 17 Area 4C 2025 QS holdings by community

State	Community	Individual QS holders	QS (units)	IFQ equivalent (lbs)*	% of vessel use cap						
					Alt 1	Alt 2.1a	Alt 2.1b	Alt 2.1c	Alt 2.2a	Alt 2.2b	Alt 2.2c
AK		33	2,134,544	199,299	284%	190%	152%	127%	176%	137%	112%
	Anchorage	9	811,978	75,813	108%	72%	58%	48%	67%	52%	43%
	Delta Junction	3	247,891	23,145	33%	22%	18%	15%	20%	16%	13%
	Dutch Harbor	1	47,111	4,399	6%	4%	3%	3%	4%	3%	2%
	Homer	2	19,928	1,861	3%	2%	1%	1%	2%	1%	1%
	Saint George Island	3	32,473	3,032	4%	3%	2%	2%	3%	2%	2%
	Saint Paul Island	12	826,179	77,139	110%	74%	59%	49%	68%	53%	43%
	Seward	1	12,077	1,128	2%	1%	1%	1%	1%	1%	1%
	Wasilla	2	136,907	12,783	18%	12%	10%	8%	11%	9%	7%
CA		1	109,227	10,198	15%	10%	8%	6%	9%	7%	6%
MT		1	28,291	2,641	4%	3%	2%	2%	2%	2%	1%
OR		5	531,377	49,614	71%	47%	38%	32%	44%	34%	28%
UT		1	107,843	10,069	14%	10%	8%	6%	9%	7%	6%
VA		1	23,150	2,161	3%	2%	2%	1%	2%	1%	1%
WA		8	1,081,920	101,017	144%	96%	77%	64%	89%	69%	57%
	Seattle	5	684,660	63,926	91%	61%	49%	41%	56%	44%	36%

NMFS Restricted Access Management (RAM) division. Seattle includes other cities in the Seattle Metropolitan Statistical Area.
*calculated using 2024 QS Pool as published by NMFS Restricted Access Management (RAM) division (note annual QS pool has remained constant since 2016).

Table 18 Area 4D 2025 QS holdings by community

State	Community	Individual QS holders	QS (units)	IFQ equivalent (lbs)*	% of vessel use cap						
					Alt 1	Alt 2.1a	Alt 2.1b	Alt 2.1c	Alt 2.2a	Alt 2.2b	Alt 2.2c
AK		17	1851872	196,084	3	187%	150%	125%	173%	134%	110%
	Anchorage	6	542,412	57,433	82%	55%	44%	37%	51%	39%	32%
	Delta Junction	3	416,424	44,093	63%	42%	34%	28%	39%	30%	25%
	Dillingham	1	122,473	12,968	18%	12%	10%	8%	11%	9%	7%
	Dutch Harbor	1	220,204	23,316	33%	22%	18%	15%	21%	16%	13%
	Juneau	1	213,044	22,558	32%	22%	17%	14%	20%	15%	13%
	Kodiak	1	97,063	10,277	15%	10%	8%	7%	9%	7%	6%
	Seward	1	44,173	4,677	7%	4%	4%	3%	4%	3%	3%
	Wasilla	3	196,079	20,762	30%	20%	16%	13%	18%	14%	12%
CA		1	24,351	2,578	4%	2%	2%	2%	2%	2%	1%
FL		1	23,640	2,503	4%	2%	2%	2%	2%	2%	1%
OR		8	665,293	70,444	100%	67%	54%	45%	62%	48%	40%
UT		1	124,873	13,222	19%	13%	10%	8%	12%	9%	7%
VA		1	134,866	14,280	20%	14%	11%	9%	13%	10%	8%
WA		16	2,133,355	225,888	322%	216%	172%	144%	199%	155%	127%
	Seattle	10	1,340,471	141,935	202%	135%	108%	90%	125%	97%	80%

NMFS Restricted Access Management (RAM) division. Seattle includes other cities in the Seattle Metropolitan Statistical Area.
*calculated using 2024 QS Pool as published by NMFS Restricted Access Management (RAM) division (note annual QS pool has remained constant since 2016).

Table 19 through Table 21 show the communities that have processed IFQ halibut from Area 4A, 4B and 4C/4D from 2015-2024. Due to confidentiality rules, specific landings data cannot be reported for each community. Across area 4, fewer communities are processing halibut IFQ in 2024 than in 2015. In 2015, 10 communities processed Area 4 halibut IFQ. That dropped to a low of four communities in 2023 and bounced back up to eight in 2024. Only three communities processed area 4B IFQ in 2022 increasing to five communities in 2024. Five communities processed area 4CD IFQ in 2024.

Table 19 Communities processing Area 4A IFQ

Community	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Adak	x	x	x	x	x					
Akutan	x	x	x	x	x	x	x	x	x	x
Anchorage										x
Atka	x		x							
Dutch Harbor	x	x	x	x	x	x	x	x	x	x
False Pass	x									
Homer	x	x	x	x	x	x	x	x		x
King Cove	x	x	x	x	x	x	x	x	x	x
Kodiak	x	x	x	x	x	x	x	x	x	x
Sand Point	x	x	x	x	x	x	x	x		x
Seward				x	x		x			x
St Paul	x	x	x	x	x					

Table 20 Communities processing Area 4B IFQ

Community	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Adak	x	x	x	x	x	x				
Akutan	x	x	x	x	x	x	x	x	x	x
Atka	x	x	x							
Dutch Harbor	x	x	x	x	x	x	x	x	x	x
Homer					x		x			
King Cove	x	x	x	x	x	x	x	x	x	x
Kodiak	x	x	x	x	x				x	x
Sand Point		x								x
St Paul			x							

Table 21 Communities processing Area 4C/4D IFQ halibut

Community	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Akutan	x	x	x	x	x	x	x	x	x	x
Anchorage										x
Dillingham							x			
Dutch Harbor	x	x	x	x	x	x	x	x	x	x
False Pass	x									
Homer		x		x	x	x	x			
King Cove		x	x	x	x	x	x	x	x	
Kodiak	x	x	x			x		x	x	x
Sand Point	x			x		x				x
Savoonga			x		x	x	x			
Seward					x		x			
St Paul	x	x	x	x	x					
St George	x	x	x		x					

Source: NMFS Restricted Access Management (RAM) division IFQ landings database sourced through AKFIN, updated 12.23.24

Processor revenue by fishery cannot be reported for individual processors or communities participating in Area 4 halibut processing due to confidentiality rules. Therefore, to demonstrate the relative dependence of processors on the halibut fishery, Table 22 shows the number of processors in the BSAI[14] FMP areas that process halibut and the percent of overall revenue derived from processing halibut in 10% increments. These data are aggregated from fish tickets which are only finalized through fishing year 2023 at this time. The number of processors has declined from 10 in 2013 to 7 in 2023. In 2023, of the seven processors that processed halibut, one derived over 90% of its revenue from halibut while the rest derived less than 10% of revenue from halibut.

Table 23 shows the same processors and the percent revenue derived from crab. Given recent crab fishery closures this information is provided to demonstrate the relative interdependence of processing facilities on these species and potential effects of crab stock declines on halibut processing availability. A majority of halibut processors derive less than 20% of their revenue from crab while one or two processors have been more heavily dependent on crab throughout the time series.

[14] BSAI is an approximation of Area 4 however part of Area 4A overlaps the GOA FMP area.

Table 22 The number of processors processing halibut in BSAI and percent of revenue derived from halibut

% Revenue from halibut	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
<1%	2	2	1	1	1	1	1	3	4	4	4
1-10%	5	5	5	6	6	4	4	3	2	3	2
10-20%			1		1	2	1				
20-30%							1				
30-40%				1							
40-50%									1		
50-60%											
60-70%	1							1			
70-80%		2	1								
80-90%			1		1						
90-100%	2	1	1	2	1	1	1	1	1	1	1
Any	10	10	10	10	10	8	8	8	8	8	7

Table 23 The number of processors processing halibut in BSAI and percent of revenue derived from crab

% Revenue from crab	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
<1%	6	6	6	5	4	3	3	4	5	4	4
1-10%						2	1	1	1	2	1
10-20%	1	1		2	2	1	2	2			1
20-30%	1	1	2		1				1		
30-40%											
40-50%											
50-60%							1				
60-70%											
70-80%											
80-90%		1	1		2	2					
90-100%	2	1	1	3	1		1	1	1	2	1
Any	10	10	10	10	10	8	8	8	8	8	7

3.2.1.10 Ex-vessel Values and Revenue

Halibut prices have fluctuated over the past 10 years. Ex-vessel prices in nominal dollars dropped dramatically in 2020 before increasing in 2021-22 and decreasing again in 2023 (Table 24). Prices in Area 4 generally trended lower than other areas through 2020 however in recent years prices have shown more consistency across IFQ Areas. Prices in Area 4A, 4B, 4C, and 4D declined between 2016 and 2020 falling to the lowest since 2010 in 2020 before rebounding substantially in 2021, rising again in 2022 and dropping in 2023 (Figure 6).

Table 24 Halibut estimated ex-vessel prices 2010-2023

Area	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2C	4.71	6.41	5.99	5.17	6.07	6.33	6.63	5.87	4.87	5.14	3.87	6.33	7.36	5.82
3A	4.69	6.33	5.74	5.1	6.26	6.31	6.6	5.81	4.99	5.19	3.93	6.62	7.36	5.52
3B	4.65	6.34	5.57	4.81	6.09	6.13	6.43	5.61	4.83	4.85	3.83	6.72	7.26	5.27
4A	4.56	6.47	5.32	4.4	5.73	5.99	6.21	5.47	4.28	3.93	3.42	5.91	7.10	4.98
4B	4.24	6.04	5.04	4.2	5.4	5.69	5.74	5.14	4.06	3.95	3.38	5.90	7.11	5.01
4C	3.89	5.69	5.28	4.18	conf	conf	5.45	5.08	3.9	3.77	2.33	5.91	7.16	4.88
4D	4.49	6.4	5.36	4.34	5.67	5.96	6.15	5.37	4.19	3.97	3.48	5.97	7.18	5.03
4E	3.21	4.28	3.91	4.6	2.74	4.67	4.78	5.35	4.45	4.75	4.22	5.78	7.55	7.21
Statewide	4.62	6.29	5.6	4.91	6.03	6.18	6.44	5.68	4.76	4.86	3.79	6.44	7.30	5.45

Source: CFEC and AKFIN 01/21/2025 https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports#ifq-halibut/sablefish.

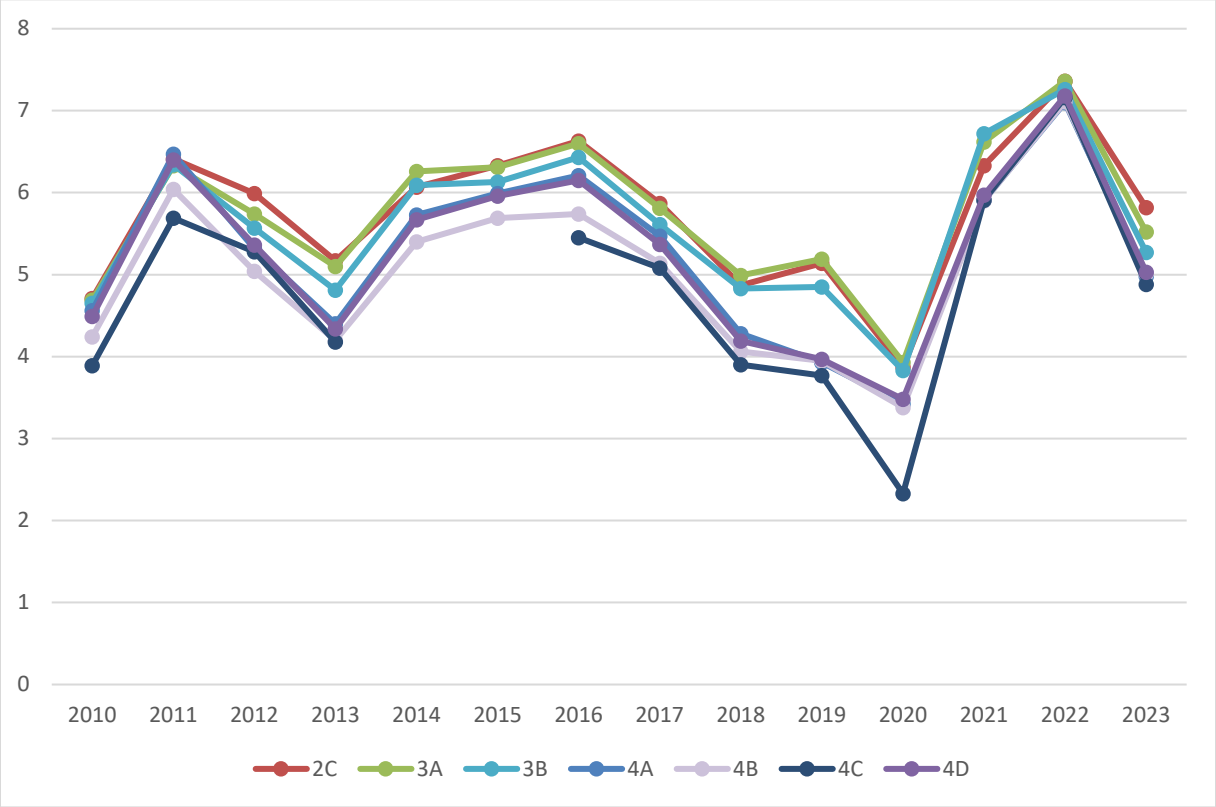

Figure 6 Area 4 halibut estimated ex-vessel prices 2010-2023

Table 25 displays halibut IFQ ex-vessel revenue by IFQ Area from 2014-2023. Area revenue is affected by allocations, percent harvested and prices which have combined to create significant revenue declines in all areas from 2022-2023.

Table 25 Halibut IFQ ex-vessel revenue by IFQ Area adjusted for inflation 2014-2023.

	2C	3A	3B	4A	4B	4CD
2014	$ 26,267,931	$ 62,678,932	$ 21,871,360	$ 6,457,275	$ 6,147,478	$ 4,813,809
2015	$ 28,854,993	$ 63,985,466	$ 21,086,928	$ 10,115,261	$ 6,273,801	$ 5,302,417
2016	$ 32,776,686	$ 63,262,553	$ 21,851,145	$ 10,543,595	$ 6,524,465	$ 6,492,231
2017	$ 27,611,428	$ 56,431,200	$ 20,007,480	$ 9,356,344	$ 6,448,740	$ 6,265,715
2018	$ 22,684,851	$ 48,376,927	$ 15,936,401	$ 7,412,716	$ 6,046,326	$ 4,365,614
2019	$ 23,039,350	$ 53,445,006	$ 14,112,869	$ 6,812,646	$ 4,773,215	$ 4,622,549
2020	$ 17,355,858	$ 36,354,241	$ 12,003,813	$ 5,451,660	$ 3,351,184	$ 4,686,751
2021	$ 25,295,442	$ 71,482,331	$ 19,224,394	$ 10,491,836	$ 4,540,964	$ 7,148,436
2022	$ 26,844,297	$ 73,834,120	$ 24,157,942	$ 10,589,703	$ 4,156,042	$ 8,237,533
2023	$ 19,254,367	$ 43,955,482	$ 16,030,514	$ 5,101,510	$ 2,173,588	$ 5,288,073

3.2.1.11 Whale depredation

The purpose and need for this action states that increased killer whale predation is one of the factors that have contributed to harvests below the TAC in the Area 4 fisheries and public testimony at previous Council meetings supports this assertion. Killer whale interactions with fisheries, including killer whale depredation of catch and feeding on discards, have been well documented (Dahlheim et al, 2022) in both the BSAI and GOA.

While deployed on fixed gear vessels, observers record fishery interactions with marine mammals as part of their standard duties. This may include monitoring for marine mammals during gear setting and/or retrieval, during other on-deck activities, or when alerted to the presence of marine mammals by the vessel crew. These interactions include a wide range of animal-fishery interactions including marine mammals "Feeding on Catch (Not Yet Landed)". When whale depredation is recorded by the observer, additional details of the interaction event are also recorded in the observer comments, including the target species, proximity of marine mammals to the vessel, species of marine mammal, and specific evidence of depredation. Evidence of marine mammal depredation includes the presence of hooked fish heads and/or lips during longline retrieval, damage to collapsible ("slinky") pots, or a sudden decrease in numbers of fish on the gear in the presence of marine mammals (see AFSC 2024 for additional details).

Table 26 shows the percent of observed IFQ halibut hauls where marine mammals were documented feeding on catch (NMFS AFSC Observer Program, data compiled by AKFIN). These data show a decrease in whale depredation across all IFQ areas after 2020. It is important to note that observers have many tasks and responsibilities that may prohibit marine mammal interactions from being observed, and hence the absence of observer documentation does not indicate that depredation did not occur.

Table 26 Percent of observed IFQ halibut hauls where marine mammals were documented feeding on catch

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2C	7%	3%	7%	6%	3%	3%	3%	1%	0%	1%
3A	6%	10%	9%	3%	6%	10%	1%	0%	1%	0%
3B	4%	4%	2%	4%	8%	1%	0%	0%	0%	2%
4A	10%	5%	6%	5%	3%	0%	2%	1%	2%	4%
4B	3%	3%	2%	0%	3%	8%	0%	1%	0%	0%
4CD	7%	10%	3%	10%	1%	5%	4%	0%	0%	1%

3.2.1.12 Recent trends in effort

Much of the public testimony describing the current need for larger vessel caps, cites the need to use larger vessels to operate more efficiently and travel further to fishing grounds and to reach active processors. Figure 7- Figure 10 examine the distribution of effort parameters, by trip in the IFQ halibut fishery in from 2015-2024. This includes up to five years when vessel caps have been waved (shown in green) and 5-10 years with existing vessel caps (shown in red). Many variables can affect these trip characteristics. These data include all trips that landed IFQ halibut to a processor registered as shorebased or buyer/exporter and does not include catcher processors. Boxplots show the distribution of the data each year. The horizontal center line represents the median, the box represents the middle 50% (25% above, and 25% below the median) and the vertical lines represent the lower and higher 25% of scores excluding outliers (shown as circles).

Figure 7 displays trip duration, calculated as the days between fishing start and landed date. Across areas 2C, 3A, 3B and 4A trip duration has remained relatively stable since 2015. In Area 4B median trip duration increased in 2020-2024, the years vessel caps have been waived. Area 4CD shows increased median trip duration in 2022-24, however in 2024 there were more, shorter, trips than in the previous two years. Distance per trip, calculated as the average straight-line distance in nautical miles from the center of the ADFG stat area(s) where fishing occurred and the port where fish were landed is shown in Figure 8. There is minimal change in trip distance throughout the time period in areas 2C, 3A, 3B or 4A, while 4B and 4CD show more variability throughout the years and fewer shorter trips in recent years, 4B starting in 2020 and 4CD since 2022. Pounds per trip show similar trends to trip duration and distance across areas and years (Figure 9). Vessel length metrics by trip show an increase in trips by larger vessels in area 4B since 2021 and in 4CD in 2022-23 (Figure 10).

Many variables and operational decisions affect these effort metrics. A shift towards longer trips, in duration and distance, may be due to the need to make further runs to processing plants, lower abundance and/or aggregation and difficulty finding fish, or other operational choices. A trend towards more pounds harvested by trip may be due to the ability to harvest more pounds per vessel due to the vessel cap waivers, but may also be due to a need to increase efficiency because of increased costs. An increase in vessel length may be related to other effort metrics as it is easier to make longer, further trips and harvest more pounds on larger vessels, but also may be affected by weather that makes it difficult for small boats to operate. These trends may be also be affected by organizational efforts such as those by CBSFA in 2024 to increase participation by the small boat fleet and create landing opportunities in St. Paul despite lack of processing.

Finally, differing trends in these parameters from years with and without vessel caps are not evidence that vessel caps caused these differences and an absence of trends in the data do not imply that vessel caps had no effect. Whether trips generally trended towards longer and farther due to the fact that vessel caps were removed or was a trend that was occurring in the fishery regardless cannot be determined in the data.

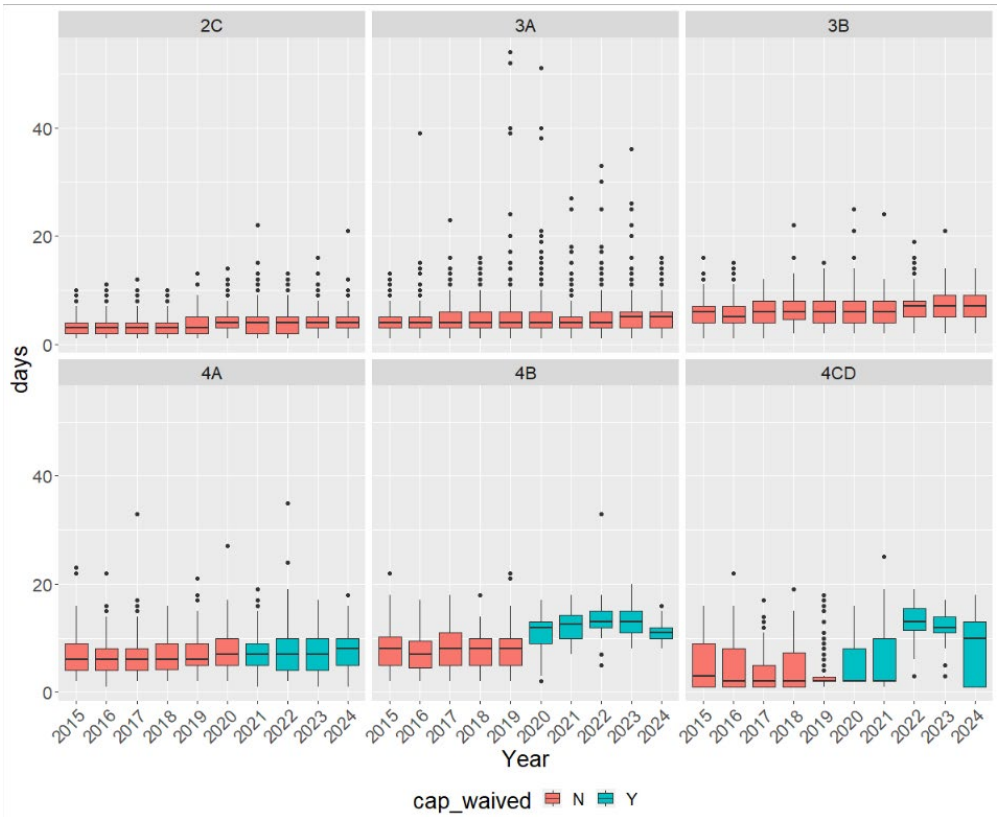

Figure 7 Trip duration by IFQ Area 2015-2024

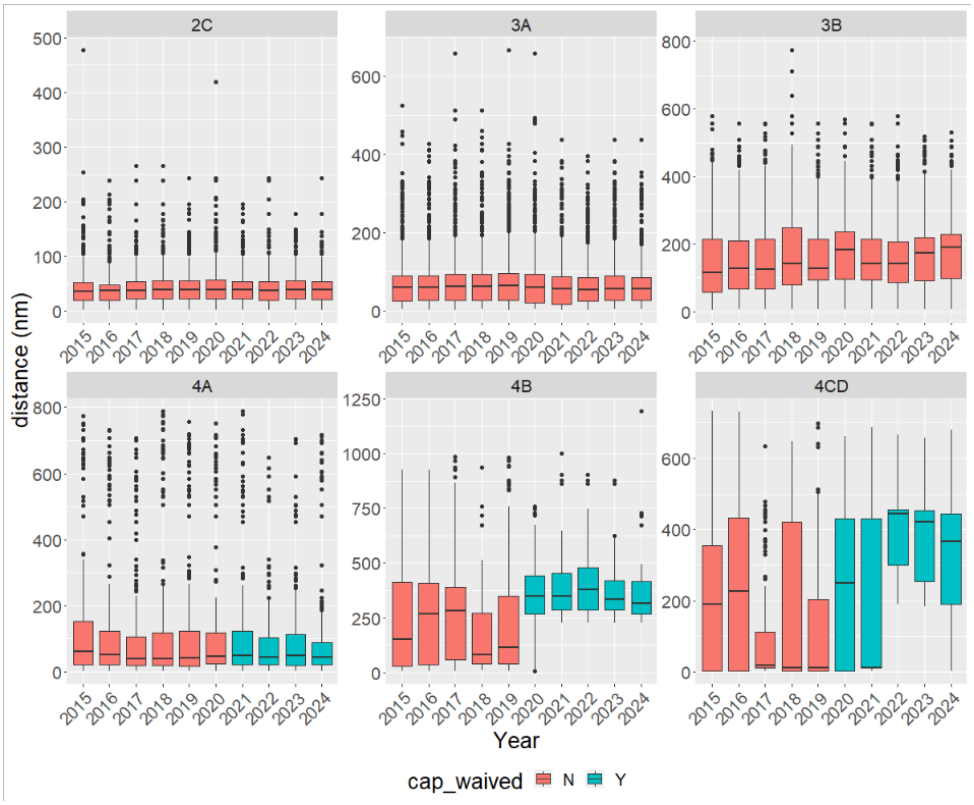

Figure 8 Average distance per trip from stat area(s) fished to port of landing by IFQ Area 2015-2024

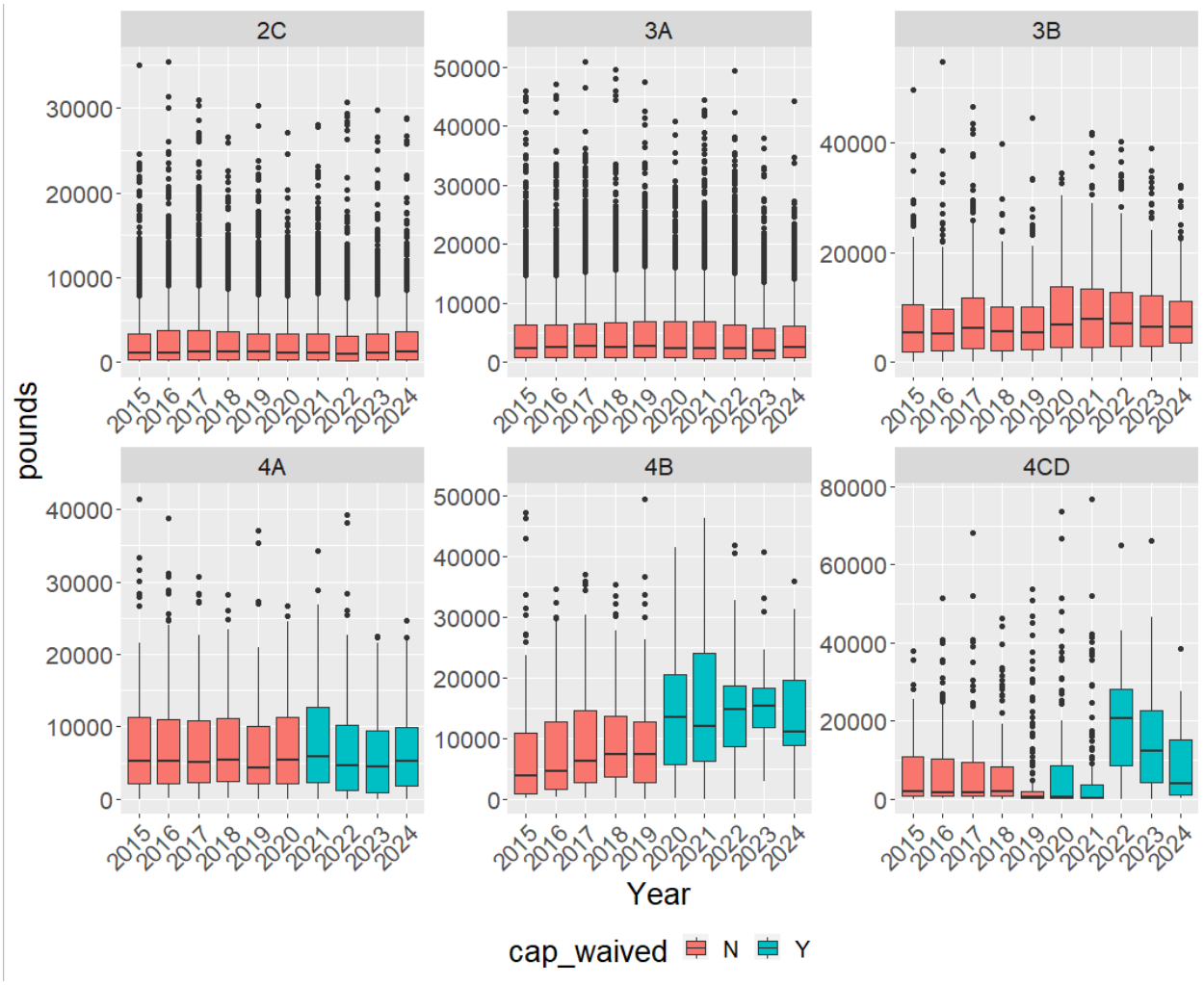

Figure 9 **Pounds of IFQ halibut landed per trip by IFQ Area 2015-2024**

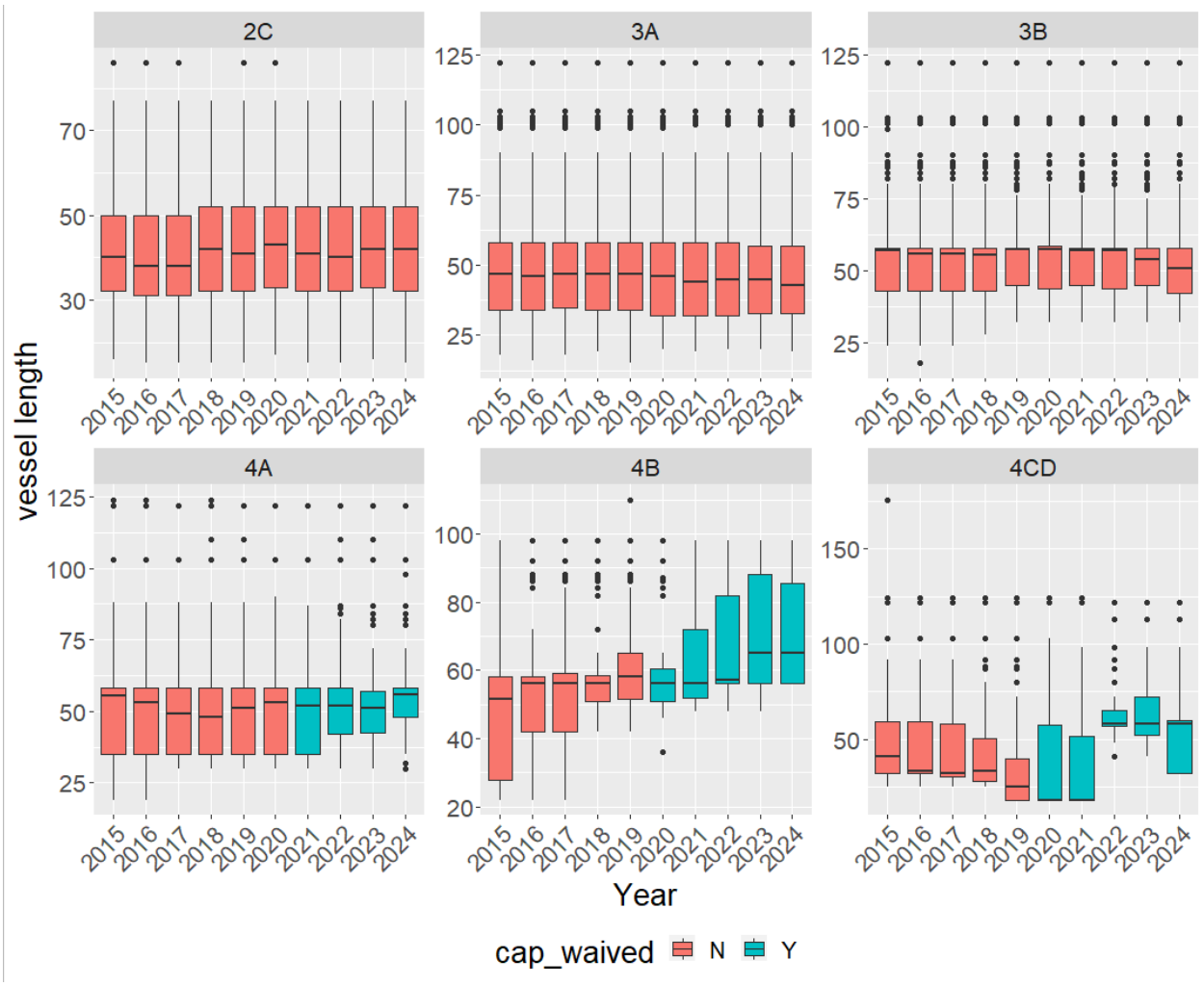

Figure 10 Vessel length per trip by IFQ Area 2015-2024

3.3 Analysis of Impacts:

Vessel caps are one of the provisions the Council included in an effort to protect small producers, part-time participants, and entry-level participants who may otherwise be eliminated from the fisheries because of potential excessive consolidation of harvesting privileges under the IFQ program (NPFMC/NMFS 2016). Restricting the amount of IFQ that can be harvested on a single vessel, necessitates more vessels to fully harvest the annual TAC, while reducing the potential efficiencies of each individual vessel operations. Larger caps allow for more consolidation of landings on individual vessels and more opportunities for increased efficiencies in operations for those vessels, which often provides a competitive advantage to larger vessels. The potential to consolidate landings on a single vessel is also limited by other management measures in the IFQ Program such as QS use caps, vessel class categorizations, owner onboard requirements and transfer restrictions (discussed in section 3.2.1).

Many factors play a role in if and how a QS holder may harvest their halibut IFQ. While this might depend on the vessel IFQ cap for that year, it also depends more broadly on the TAC, the QS that entity holds and the QS use cap. Marginal amounts of remaining quota may not justify the economic costs it would require to harvest, particularly in Area 4. An individual's assessment of the value of fishing IFQ would weigh this potential harvest, taking into account the market price of halibut, against the costs they are likely to incur. These costs include market price of variable costs (e.g. fuel, vessel maintenance, labor)

as well as the opportunity cost of their time in the prosecution of the fishery. In other words, are there other fisheries, including IFQ fisheries in other subareas, that would be more worthwhile to prosecute first? Harvest may also be limited by other external considerations such as weather, availability of processing capacity and infrastructure, and the physical ability of the IFQ holder, particularly if they are required to be onboard.

It is challenging to isolate the evidence of the impacts of vessel IFQ caps, and/or their recent exemptions in area 4 from the impacts of other management, environmental, and market factors in the fisheries. In an exceptionally competitive IFQ fishery, larger vessel caps will likely benefit a few vessels at the expense of the rest of the fleet. It could lead to fewer crew jobs, a negative impact to secondary industries, and possible increased rental fees for walk-on IFQ holders. However, given recent conditions in the IFQ halibut fishery in Area 4 including decreasing TACs, TAC utilization (Table 3), and vessel participation (Table 5) increased costs (NMFS 2024), decreasing processing capacity (Table 19-Table 21), and revenue (Table 25) and increased price volatility (Table 24); the potential increase in TAC utilization afforded by larger vessel caps may outweigh the potential costs.

3.3.1 Alternative 1 (No Action)

If Alternative 1 is selected, the current removal of vessel caps in Area 4 will remain in place through the 2027 IFQ season, at which point the vessel use caps as defined under 50 CFR § 679.42(h) will take effect. Alternative 1 provides the most flexibility for vessels in Area 4 in the near term (through 2027) and the least amount of flexibility overall in the long term (2028 and beyond) as it represents the lowest limit of the proposed Alternatives and options.

Short term impacts (through 2027 fishing year)

Under Alternative 1 there are no vessel cap limitations in Area 4 through the 2027 fishing year. This provides the most flexibility for vessels operating in Area 4, and those vessels when they operate in other areas as no catch from Area 4 is counted against the vessel limitations in other areas. A majority of the vessels operating in Area 4 also operate in other areas (Table 6) and are thus able to accrue landings up to the coastwide cap outside of Area 4. This flexibility may allow for higher utilization of TAC both inside and outside of Area 4.

When the Council took action on the temporary waiver of vessel caps, they deliberated the appropriate length of the temporary removal, concerned that a longer-term interim measure may cement vessel cap exemptions into the business plans of operators in Area 4. The Council agreed that vessel cap limitations are a central component of the IFQ program and extended the exemption through 2027, not to signal that a longer-term adjustment to vessel caps was not a priority, but rather to provide a longer buffer in the event of unexpected delays in the Council or implementation process. Selecting Alternative 1 may contradict that intent as it will represent a total of eight years (2020-2027) of exemptions of vessel caps in Area 4.

Longer term impacts (2028 and beyond)

Under Alternative 1, beginning in fishing year 2028, vessel limitations will return to those as defined under 50 CFR § 679.42(h), representing the lowest vessel caps of any of the alternatives and options. The intention of vessel IFQ caps is to limit IFQ consolidation on vessels, which could reduce the number of vessels needed to prosecute the fishery and subsequently reduce the number of available crew jobs as well as opportunities for new entrants. Maintaining lower vessel caps, in theory, may help preserve opportunities for smaller operations that would not otherwise participate in the fishery if additional consolidation occurs. However, given that TAC utilization in Area 4 has continued to decline dramatically (Table 3) over the last five years when no vessel limitations have been in place, it is unlikely there are smaller operations that would otherwise be participating if vessel caps were in place. It is more

likely that external factors in the fishery such as reductions in local processing capacity (Table 19-Table 21), reduced abundance and TAC (Table 3), and increased operating costs (NMFS 2024) are affecting participation. Reinstating lower vessel caps may not ensure additional opportunity for vessels and crew, particularly in remote Area 4 halibut IFQ fisheries.

If the supply of vessels available to prosecute Area 4 halibut IFQ fisheries is limited such that the entire allocation cannot be spread out amongst available vessels while meeting the more restrictive vessel cap limitations, it is possible that Alternative 1 may increase the likelihood that annual halibut allocation is left unharvested. This may particularly be the case in Area 4 where there is a smaller number of participating vessels and these vessels are closer to the caps relative to Area 2 and 3 (Table 7). The likelihood that the supply of vessels is constrained enough to strand unharvested quota under the Alternative 1 caps depends on many factors. If vessel participation remains steady or continues to decline, there is still a buffer before the number of vessels decreases below the minimum number of vessels required to harvest the full TAC with the Alternative 1 cap in place, except for Area 4B where in 2024 there were not enough vessels participating to have harvested the entire area TAC under the vessel caps associated with alternative 1 (Table 5).

The number of active halibut IFQ processors in Area 4 has declined over recent years (Table 19-Table 21). Vessels harvesting halibut IFQ in Area 4B and 4CD have traveled farther from fishing grounds to processing locations in recent years (Figure 8, Table 19). The length of vessels operating in Area 4CD has also noticeably increased in recent years (Figure 10). Whether these trends are due to limited vessel and processor capacity or the increased flexibility from the temporary removal of regulatory restrictions in recent years is unknown. If these trends continue and vessels need to travel further to reach active processing locations, smaller vessels may be less likely to operate, reducing the overall supply of vessels and changing the demographics or solidifying recent demographics of participation in Area 4.

The number of communities processing halibut from Area 4 has decreased in recent years and the community of St. Paul has not processed IFQ halibut in Area 4 since 2019 (Table 19-Table 21). Trident Seafoods has stated that due to low crab TACs they will not be opening the St. Paul processing facility in 2025 (Resneck 2024).

If the most restrictive vessel caps are implemented under Alternative 1, there could be differential impacts on QS holders depending on their fishing operations, and the availability of vessels in the community where they operate. For example, some QS holders may hold small amounts of quota, or reside in a community where numerous vessels are able to operate and could consolidate their IFQ on those vessels under existing regulations. For these operations, maintaining vessel use caps under Alternative 1 would have minimal impact. Some QS holders in other communities may not be able to find an adequate number of vessels operating out of their community and may have difficulty identifying vessel owners who are able to harvest their IFQ. Maintaining the smallest vessel use caps under Alternative 1 may limit the harvest of IFQ for QS holders who have difficulty finding vessel operators to harvest their IFQ, or who prefer to consolidate their IFQ on one or a few vessels that have traditionally operated out of a given community.

Overall

If Alternative 1 is selected it will represent a total of eight years (2020-2027) of exemptions of vessel caps in Area 4 followed by reimplementing the original vessel caps. This kind of drastic fluctuation from no vessel limitations to the tightest limitations may be difficult for some operations to adapt to. However, it may lead to more predictability and less confusion for stakeholders compared to another adjustment to a new cap level.

The intention of vessel IFQ caps is to limit IFQ consolidation on vessels and preserve opportunities for smaller operations that would not otherwise participate in the fishery if additional consolidation occurs. However, because vessel caps are calculated as a percentage of overall TAC, recent declines in TAC have

led to smaller caps. In the early years of the IFQ Program, the vessel caps were two to three times the amount of the current caps (Figure 3). While the number of vessels required to harvest the entire allocation, given the vessel caps has varied by IFQ Area throughout this time (Table 5), the ability for vessels to operate efficiently under the caps has become more challenging as the caps themselves have decreased in pounds. Alternative 1 would maintain this most restrictive limit.

3.3.2 Analysis of Impacts: Alternative 2

Under Alternative 2, Federal regulations implementing the IFQ program at 50 CFR § 679.42(h), would be revised to reflect new vessel limitations for halibut IFQ fishing in IPHC regulatory Area 4. The impacts of Alternative 2 relative to Alternative 1 are likely to be very different in the near term (through 2027) and the long term (2028 and beyond). Due to the current removal of vessel caps in Area 4, every option under Alternative 2 represents a restriction from status quo, if implemented prior to 2028 as it would implement a vessel cap where there currently is none. However, after 2028 (when the current vessel cap removal expires), every option under Alternative 2 option 1 represents a more flexible vessel cap in Area 4 than Alternative 1, while every option under Alternative 2 option 2 represents a more flexible vessel cap in Area 4B and 4CD than Alternative 1, and the same vessel cap as Alternative 1 for area 4A.

Because the implementation timing of this action is unknown, when comparing impacts of these alternatives, this analysis focuses on those that would occur after the current vessel cap removal has expired and Alternative 1 represents a vessel cap that is more restrictive in Area 4 than those proposed under Alternative 2 (although in area 4A Alternative 1 and Alternative 2 option 2 are functionally identical).

The specific limit in pounds of each vessel cap under Alternative 2 in any given year will depend on the annual Area IFQ TACs. Since future TACs are unknown, analysts compared what the vessel caps would have been under each option given Area IFQ TACS since 2013 (Figure 11). All options for vessel limits under Alternative 2 would be larger than Alternative 1, with options 1a, b and c fluctuating consistently relative to one another and options 2a, b and c fluctuating consistently relative to one another. Since 2013 the Area 4 TACs have fluctuated relatively consistently with the coastwide TAC and generally when the Cap under alternative 1 would have increased or decreased, the caps under Alternative 2 would have also moved in a similar direction. However, looking back over a longer time period and times of higher abundance, this has not always been the case and the magnitude of the difference between caps under alternative 1 and alternative 2 are different (Figure 12). In 2025, each option in Alternative 2 corresponds to caps that are smaller, in pounds, than Alternative 1 represented between IFQ implementation and 2010 (Figure 12).

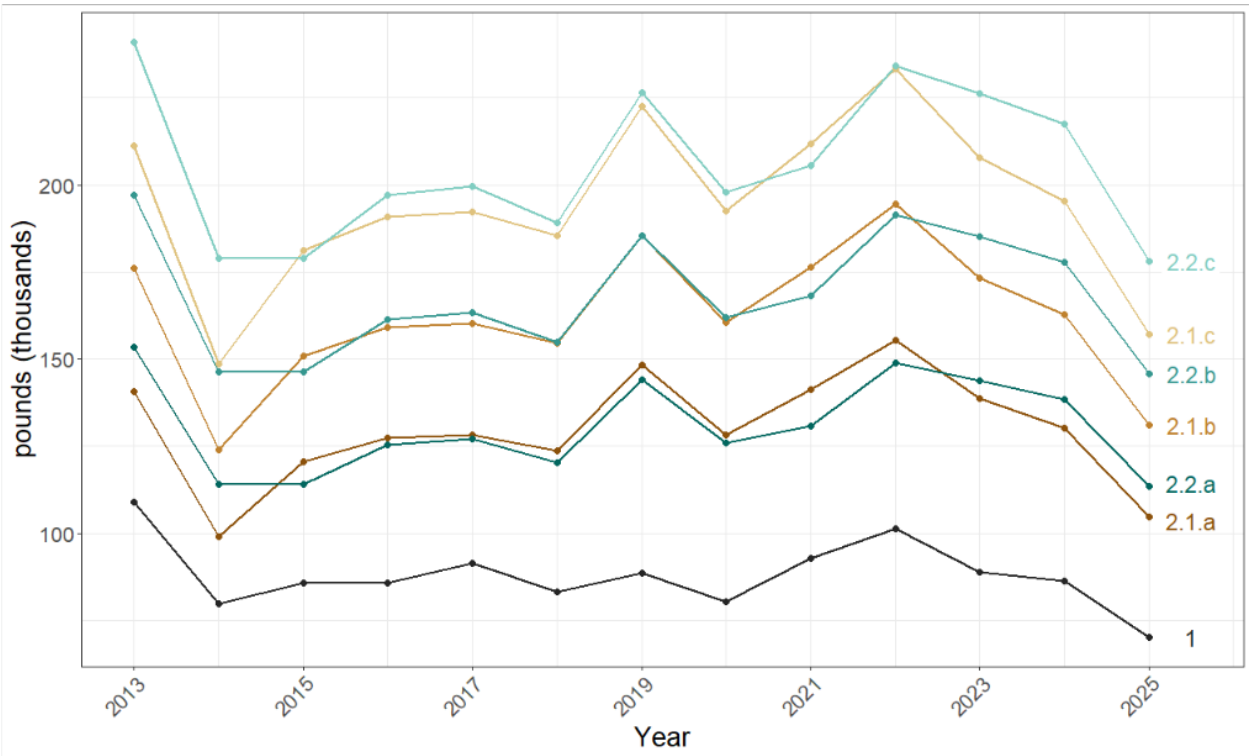

Figure 11 Back-calculated vessel cap lbs by Alternative and option 2013-2025

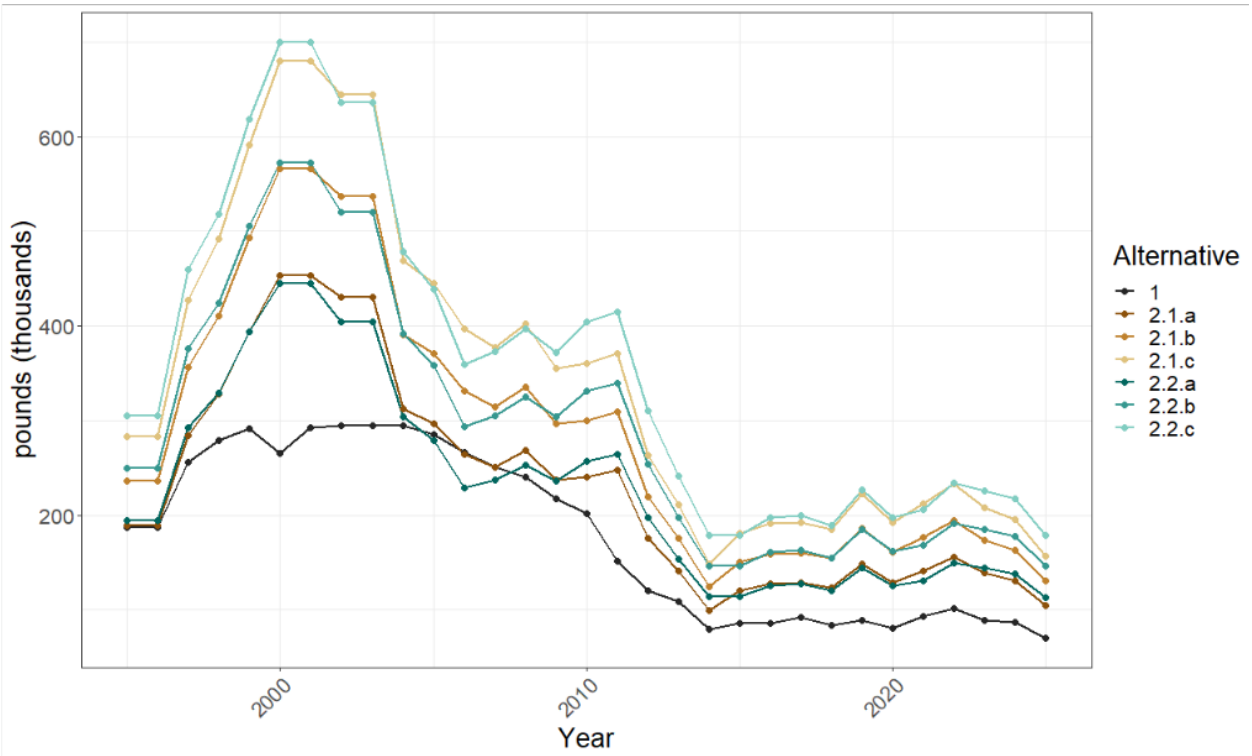

Figure 12 Back-calculated vessel cap lbs by Alternative and option 1995-2025

The marginal differences in caps between Alternative 2 options 1a through c relative to Alternative 1, depend on the percentage selected and the relative changes of coastwide TAC and area 4 TACs. The marginal differences in caps between Alternative 2 options 2a through c relative to Alternative 1, depend

on the percentage selected and the relative changes of coastwide TAC and area 4BCD TACs. To more easily compare the relative differences of these alternatives historically, Figure 13 shows the caps under each Alternative and Option as a percent of the coastwide TAC, Area 4 IFQ TAC and area 4BCDE combined TAC. This same comparison is shown since 1995 in Figure 14.

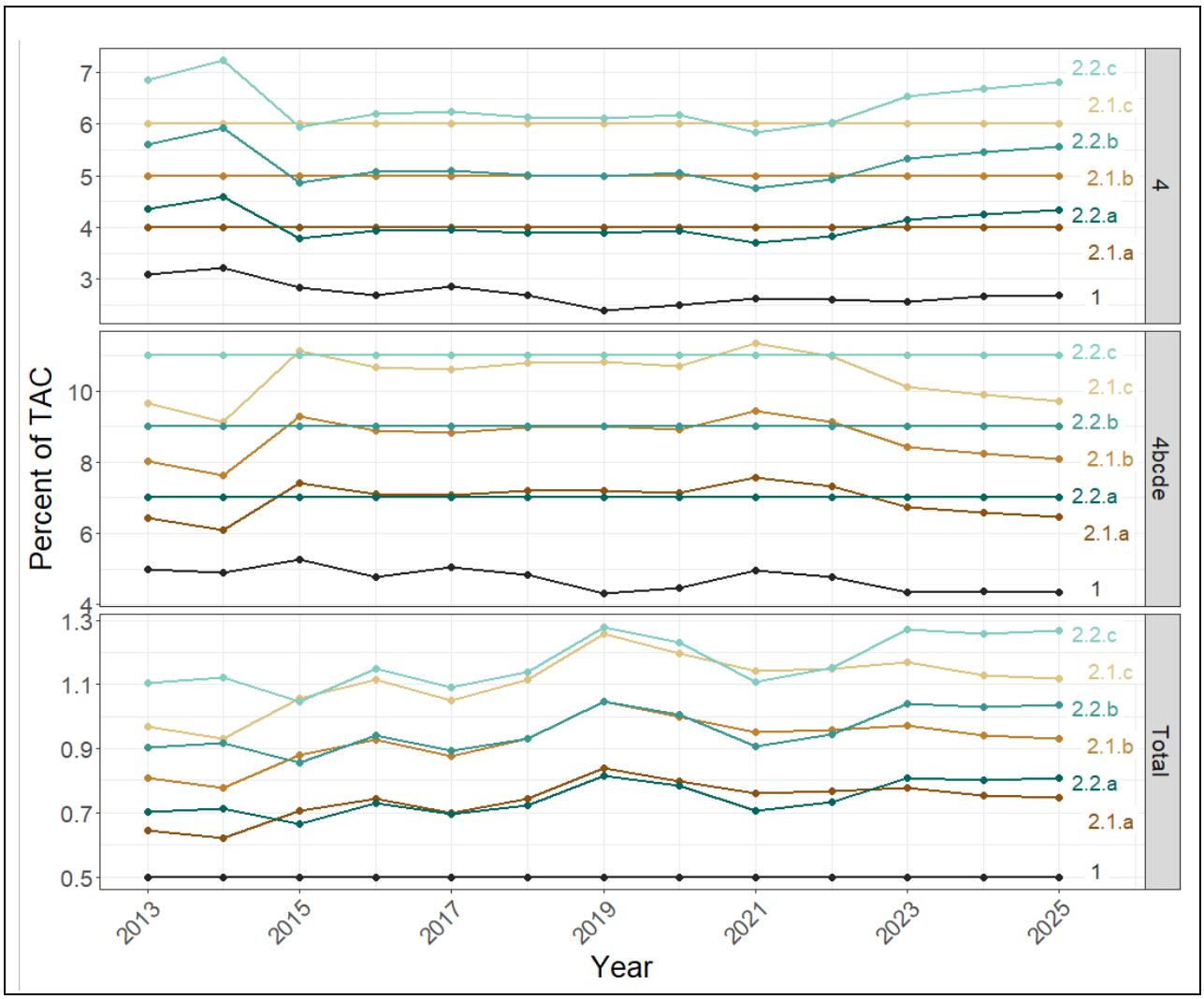

Figure 13 Back-calculated vessel caps by alternative 2013-2025 as percent of Area 4, Area 4BCDE and Total TAC

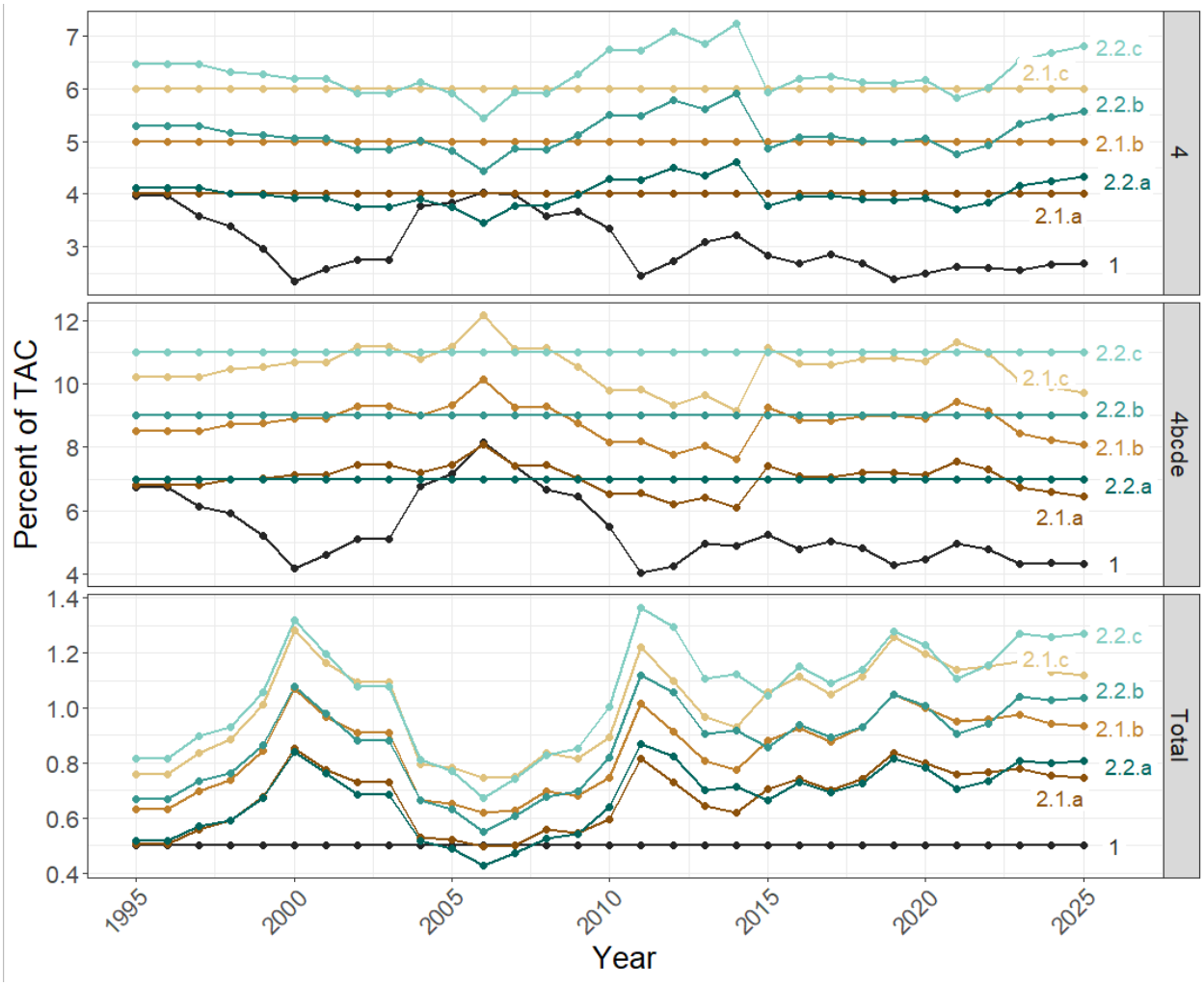

Figure 14 Back-calculated vessel caps by alternative 1995-2025 as percent of Area 4, Area 4BCDE and Total TAC

One potential impact associated with changing vessel caps is the number of vessels that will be required to harvest the total TAC in each area. Table 27 displays this number for Areas 4A, 4B and 4CD since 2015 given back-calculated limits of the proposed caps, as well as the number of vessels that harvested IFQ in each area. Since 2015 the number of participating vessels in each area has been greater than the number required to harvest 100% of the TAC under any of the proposed cap calculations except for Area 4B in 2024 which did not have enough participating vessels to harvest the entire allocation if vessel caps had been in place. Larger caps require fewer vessels to harvest the entire allocation and smaller caps require more vessels to harvest the entire area allocation. The change in minimum vessels for 2025 between Alternative 1 and the least restrictive options would generally cut the number of vessels required for full utilization in half.

Table 27 Number of vessels harvesting IFQ in Area 4A, 4B, 4CD, and minimum number required to harvest all of each Area TAC under potential vessel caps

Area	Year	No. of vessels harvesting IFQ	Minimum no. of vessels to harvest 100% of TAC with cap						
			Alt 1	Alt 2.1a	Alt 2.1b	Alt 2.1c	Alt 2. 2a	Alt 2. 2b	Alt 2. 2c
4A	2015	68	17	12	10	8			
	2016	69	17	11	9	8			
	2017	65	16	11	9	8			
	2018	67	17	12	9	8			
	2019	63	19	12	9	8			
	2020	58	18	11	9	8			
	2021*	59	18	12	10	8			
	2022*	59	18	12	10	8			
	2023*	51	16	11	9	7			
	2024*	37	15	10	8	7			
	2025*		15	10	8	7			
4B	2015	33	11	8	7	6	9	7	6
	2016	34	11	8	6	5	8	6	5
	2017	30	10	8	6	5	8	6	5
	2018	27	11	7	6	5	7	6	5
	2019	24	11	7	6	5	7	6	5
	2020*	23	11	7	6	5	7	6	5
	2021*	19	11	7	6	5	8	6	5
	2022*	16	11	7	6	5	7	6	5
	2023*	14	11	8	6	5	7	6	5
	2024*	9	11	7	6	5	7	5	5
	2025*		11	7	6	5	7	5	5
4C/D	2015	38	9	6	5	4	7	5	4
	2016	36	11	7	6	5	8	6	5
	2017	38	10	8	6	5	8	6	5
	2018	38	11	8	6	5	8	6	5
	2019	42	13	8	6	5	8	6	5
	2020*	33	12	8	6	5	8	6	5
	2021*	27	10	7	6	5	7	6	5
	2022*	20	11	8	6	5	8	6	5
	2023*	21	13	8	7	6	8	6	5
	2024*	18	13	9	7	6	8	7	6
	2025*		13	9	7	6	8	7	6

The removal of vessel caps in Area 4 in the past few years, provides useful information regarding likely harvesting patterns of vessels without the constraints of vessels caps. Table 28 shows the number of vessels that harvested an amount greater than what the proposed caps would have been each year the vessel cap was removed (2020-2024). Two columns are included for Alternative 1, one that represents every vessel that would have been over the cap and one that represents vessels that only harvested in Area 4A that would have been over the cap and had no harvest from Area 4BCDE. This is provided to illustrate the vessels that have utilized the recent exemption that, given recent harvest patterns, would not be included in option 2. Under the most restrictive cap, calculated by Alternative 1, the largest number of vessels that would have exceeded the cap was 16 vessels in 2021 representing total harvest over the cap of over 416,000 pounds (Table 29). No vessels harvested more than the largest cap, calculated under Alternative 2.1c, and only one vessel in 2021 would have been over the cap under Alternative 2.2c, while anywhere from zero to four vessels exceeded other caps calculated under alternative 2. Table 29 displays the total amount of IFQ pounds harvested by vessels that would have exceeded the caps. The pounds harvested that would have been over the Alternative 1 limit represent anywhere from 8%-12% of the annual total Area 4 TAC. These pounds only include landings in excess of what the cap would have been and thus do not account for the potential landings that occurred due to the flexibility afforded by not having to worry about landings approaching the cap (but did not actually exceed what the cap would have

been). The information in Table 28 and Table 29 is based on the analysts' assessment of the landings data and does not represent violations or overages as would be identified by OLE.

Table 28 Number of vessels that would have been over the proposed cap by alternative. Alternative 2.1 includes only vessels that harvested in Area 4 and Alternative 2.2 Area 4BCDE.

Year	Alt 1	Alt 1 (4A only)	Alt 2.1a	Alt 2.1b	Alt 2.1c	Alt 2.2a	Alt 2.2b	Alt 2.2c
2020	11	0	3	0	0	3	0	0
2021	16	4	3	2	0	3	2	1
2022	14	3	4	0	0	4	0	0
2023	15	5	2	1	0	2	1	0
2024	15	7	0	0	0	0	0	0

Table 29 Pounds harvested over the cap by vessels listed in table 27 (c=confidential data).

Year	Alt 1	Alt 2.1a	Alt 2.1b	Alt 2.1c	Alt 2.2a	Alt 2.2b	Alt 2.2c
2020	301,105	28,769	0	0	36,041	0	0
2021	416,745	116,793	c	0	147,729	c	c
2022	400,766	43,987	0	0	70,227	0	0
2023	366,301	c	c	0	c	c	0
2024	248,251	0	0	0	0	0	0

The specific impacts of Alternative 2 depend on the option selected, future TACs and subsequent vessel caps. More general impacts associated with revising the vessel caps in area 4 to higher limits than Alternative 1 and different limits than other IFQ Areas are discussed below.

Larger vessel caps will provide increased flexibility to vessels that operate in Area 4 which may be particularly useful given recent decline in TAC utilization (Table 3) and number of communities processing IFQ in Area 4 (Table 19-Table 21). Given the relative dependence of St. Paul processing capacity on crab stocks (NPFMC 2022), and the current low crab TACs it is likely that the lack of halibut IFQ processing in St. Paul will continue and the distance vessels must travel to reach processing will remain farther than in years past (Figure 8). This may also lead to a continued selection of larger vessels to harvest IFQ in area 4 (Figure 10). It is unclear if increasing the vessel caps will increase TAC utilization as even with the removal of vessel caps TAC utilization rates in Area 4 decreased in recent years (Table 3), however larger vessel caps are likely to increase utilization rates relative to more constraining caps.

Allowing larger caps in Area 4 may lead to friction with users in other areas who will be required to operate under the same vessel caps as status quo in an environment of declining TACs (Figure 2). However, each vessel is operating under the same rules regarding quota allocation and transfer and the low TAC utilization rates in Area 4 relative to other Areas may warrant this increased flexibility. Additionally, while Alternative 2 will increase vessel caps in Area 4, the re-implementation of caps in Area 4 after numerous years of waivers may help to alleviate concerns of operators in other areas who feel that vessel caps are an integral part of the IFQ Program.

Option 2

Under Alternative 2, Option 2, new vessel caps would be calculated for Area 4BCDE but vessel caps in Area 4A would be calculated the same as Alternative 1. Back calculated caps under option 2 in pounds and percent of area TACs are shown earlier in Figure 11 through Figure 14. Excluding Area 4A from this action could increase the likelihood that vessels that would have otherwise harvested additional quota in

4A would instead travel further into 4B and 4CD to take advantage of the higher caps. It is also possible that those vessels determine it is not rational to operate in Area 4B 4CD. Many of the vessels that operated in 4B or 4CD also operated in area 4A in recent years (Table 6) and of the vessels that took advantage of recent vessel cap exemptions, over half of them participated in Area 4B or 4CD (Table 28). In short, whether excluding Area 4A transfers the effort that otherwise would have occurred in 4A into 4B or 4CD, or eliminates that effort altogether depends on individual, operational choices. Regardless, it is likely that selecting Alternative 2, Option 2 would decrease TAC utilization in 4A relative to recent years when harvest in 4A has been exempted from vessel caps. TAC utilization in 4A has been slightly higher than 4B and 4CD, but is still much lower than outside of Area 4 (Table 3). Recent trends in effort do not show clear differences in Area 4A in years with and without the current vessel caps (Figure 7-Figure 10), however the absence of new trends doesn't necessarily mean that these characteristics would have been the same if vessel caps had been in place.

Sub-option 1

If sub-option 1 is selected, IFQ halibut derived from QS held by a CQE in area 4B would not accrue towards the Area 4 vessel cap, however the 50,000lb vessel cap for CQEs would still apply (in 2028 and beyond when the vessel caps go back into effect). Therefore, under sup-option 1, a vessel fishing in area 4 could harvest non CQE derived IFQ up to the cap selected in Option 1 or 2, plus an additional 50,000 lb of IFQ derived from QS held by a CQE in area 4B. However, no vessel could harvest more than 50,000 lb of IFQ derived from CQE QS regardless of the area. The CQE in Area 4B (ACDC) holds QS equivalent to 128,605 lbs of IFQ in 2024 and has only had up to two vessels harvest its IFQ since the temporary removal of vessel limitations in 2020 (Table 13).

Sub-option 1 will provide more flexibility to vessels harvesting IFQ in Area 4 that may also want to harvest Area 4B CQE, which may increase the pool of vessels available to harvest Area 4B CQE. However, it will not provide any additional flexibility to the CQE in Area 4B terms of the number of vessels required to harvest their total QS holdings. This sub-option is applicable only to the CQE in 4B, thus QS held by CQEs in other IFQ Areas (the Gulf of Alaska) continue to count toward all vessel caps. This distinction for CQEs in different IPHC regulatory areas may lead to friction given the disparate regulatory environment faced by different CQEs.

Sub-option 2

Under sub-option 2, the Council can identify a timeline for review of this action of either three or five years after implementation. Selecting a specified review timeline may help alleviate concerns from some stakeholders regarding what may be perceived as a permanent change to a fundamental aspect of the IFQ Program. However, requiring review at a specific date allocates staff resources to that review regardless of Council priorities at that time. This may be particularly constraining to other Council activities in a time of limited staff resources. The next IFQ Program review is scheduled for 2031 and it would likely include a review of any changes to vessel caps as a result of this action. Regardless of whether or not the Council selects this sub-option, the Council may choose to review the outcome of this action at any time during a regularly scheduled meeting.

3.4 Management and Enforcement Considerations

NMFS Restricted Access Management (RAM) division issues annual IFQ permits. Part of this process includes determining vessel use caps based on the TAC published by NMFS. Vessel use caps are enforced at the point of landing. Given the current removal of Area 4 vessel caps under Alternative 1, NMFS Enforcement does not count the Area 4 landings by vessels making qualifying landings above the established cap. Only landings of Area 4 halibut IFQ are excluded from the vessel use cap so this exclusion does not apply to a vessel that only makes landings from Areas 2 or 3. However, if a vessel fishes in Area 4, then moves into Areas 2 or 3, the Area 4 landings are not counted when determining

whether a vessel exceeded the cumulative total cap in those other areas. This enforcement approach will continue through the 2027 IFQ season under Alternative 1, or until implementation of a new cap under Alternative 2. Management and enforcement of vessel caps would become more complex under Alternative 2 because it would require tracking separate limits for separate areas.

Tracking limits separately by area would be implemented through programming changes which would largely be a one-time investment of AKR staffing resources. However, implementing separate vessel limits by area would likely result in additional confusion among IFQ holders which would result in additional AKR staff time spent answering questions for IFQ holders and the public. NMFS staff resources are finite. When workload exceeds the available resources, projects and tasking must be prioritized and lower priority tasks and projects may be delayed to keep higher priority projects moving forward.

NMFS RAM staff have advised that accommodating Alternative 2 by permanently modifying the landings programming would require NMFS developers approximately four weeks of dedicated time to determine the business requirements, modify existing (antiquated) code, and implement the changes to ensure participants could land IFQ without reporting errors.

Vessel clearance requirements for Area 4 are intended to ensure that quota harvested from the area can be properly accounted for and reported. The Area 4 clearance requirements in IPHC regulations at Part 15 are complex, with many different exemptions listed: one such exemption includes maintaining active VMS when fishing in the area. OLE notes broad compliance issues with the check-in and check-out clearance procedures; in 2024, 43% of the fleet that fished in Area 4 had suspected failures to comply with requirements that required investigation. OLE intends to provide input to the business requirements design process to improve check-in and check-out procedures for vessels participating in Area 4.

OLE respectfully suggests that Council could consider requiring VMS for all Area 4 participating vessels who hold FFPs. In 2024, 91% of the fleet had an FFP. The remaining 9% were exempted from the clearance requirements by delivering in the same area they fished. A VMS requirement would significantly reduce noncompliance issues resulting from the overly-complicated and antiquated check-in and check-out process, and largely eliminate inadvertent, and intentional, noncompliance issues with the requirement. This would ensure accurate accounting of quota debited. The majority of IFQ vessels participating in Area 4 have VMS onboard, but many are not required to have it active while fishing. A positive VMS requirement would obviate resulting noncompliance issues, validate landings data for debiting quota, and accurately determine when overages occur due to exceeding vessel use caps under the Action Alternatives. A requirement for VMS when IFQ halibut fishing in IPHC Area 4 would have impacted 5 FFP holders in 2024 that did not otherwise maintain an operable VMS.

Sub-option 1 may require additional complexity in enforcement, however RAM already tracks CQE landings separately, given different vessel limitations for IFQ and CQE.

Any additional programming or process modifications, such as to check-in/out processes, will require additional staff resources to gather requirements and programmer development time. Modifications to the check-in/out process or other similar process improvements are better addressed through the ongoing development of the Integrated Fisheries Application rather than in our legacy software systems. This would mean the timeline for implementing these process improvements would need to be added to the larger development project with a longer timeline. Under Alternative 2, the Agency workload to implement the recommended changes is similar across all the options and sub options with the exception of sub option 2. Sub-option 2 would specify a shorter review time which, if the timing does not align with the statutorily required 7-year review timeline, would add an analytical burden for Agency and Council staff.

Any action to modify the IFQ Program recommended by the Council would be subject to cost recovery under the MSA.[15] The IFQ Program cost recovery was 3 percent in 2020, 2.3 percent in 2021 and 1.9 percent in 2022. In 2023 the IFQ fee percentage was 3.4 percent, however, the MSA limits the fee liability for IFQ fishermen to 3.0 percent of the annual ex-vessel value in dollars, goods, and services regardless of direct program costs. Therefore, under cost recovery regulations, IFQ permit holders who used their permits to make landings of IFQ halibut or IFQ sablefish during the 2023 IFQ Program fishery, or who leased halibut IFQ that was landed as GAF during the 2023 charter halibut fishery, were obligated to pay the regulatory cap of 3.0 percent of the total ex-vessel value from the sale of their IFQ Program fish. NMFS does not anticipate a substantive drop in management costs. Implementing new vessel caps for Area 4 under Alternative 2 will require modifying the landings database programming as well as additional administrative costs that are billable to the halibut and Sablefish cost recovery program.

3.5 Affected Small Entities

Section 603 of the Regulatory Flexibility Act (RFA) requires that an initial regulatory flexibility analysis (IRFA) be prepared to identify if a proposed action will result in a disproportionate and/or significant adverse economic impact on the directly regulated small entities, and to consider any alternatives that would lessen this adverse economic impact to those small entities. This section provides information that NMFS will use to prepare the IRFA for this action, namely a description and estimate of the number of small, direction regulated entities to which the proposed action will apply.

In considering which entities are "directly regulated", the operative phrase in the proposed action under consideration is: "create new vessel limitations specific to IFQ regulatory Area 4." If Alternative 2, option 1 is selected, the universe of entities that might be directly regulated by this action is limited to the vessels that have traditionally harvested halibut IFQ in Area 4A, 4B, 4C, or 4D. If Alternative 2, option 2 is selected, the universe of entities that might be directly regulated by this action is limited to the vessels that have traditionally harvested halibut IFQ in Area 4B, 4C, or 4D. However, this action only directly regulates vessels to the extent that they choose to take advantage of the increased vessel use cap limitation.

The thresholds applied to determine if an entity or group of entities are "small" under the RFA depend on the industry classification for the entity or entities. Under the RFA, businesses classified as primarily engaged in commercial fishing are considered small entities if they have combined annual gross receipts not in excess of $11.0 million for all affiliated operations worldwide, regardless of the type of fishing operation (80 FR 81194; December 29, 2015). If a vessel has a known affiliation with other vessels – through a business ownership or through a cooperative – it is measured against the small entity threshold based on the total gross revenues of all affiliated vessels.

AKFIN provided the analysts with the most recent complete set of gross revenue data by vessel. There is a lag due to the publishing and review schedule for revenue data. Therefore, 2023 represents the most up-to-date set of gross revenue data by vessel. 2023 revenue data exist for 92 vessels that actively participated in the halibut IFQ fishery in Areas 4A, 4B, 4C, and 4D from 2019-2023. 90 of these vessels were considered small entities in 2023. 2023 revenue data exist for 48 vessels that actively participated in the halibut IFQ fishery in Areas 4B, 4C, and 4D from 2019-2023. 46 of these vessels were considered small entities in 2023.

3.6 Summation of the Alternatives with Respect to Net Benefit to the Nation

This section uses qualitative methods to assess the potential net benefit of action on the Nation (relative to the no action baseline). Compared to 'no action', the proposed action in this analysis would revise vessel

[15] Additional information and annual cost recovery reports area available at: https://www.fisheries.noaa.gov/resource/document/individual-fishing-quota-ifq-cost-recovery-reports

limitations in IPHC regulatory Areas 4. Due to the current removal of vessel caps in Area 4, every option under Alternative 2 represents a short-term restriction from status quo, if implemented prior to 2028 as it would implement a vessel cap where there currently is none. However, after 2028 (when the current vessel cap removal expires), every option under Alternative 2 represents a more flexible vessel cap than 'no action' (Alternative 1). Because the implementation timing of this action is unknown, when comparing impacts of these alternatives, this analysis focuses on those that would occur after the current vessel cap removal has expired and 'no action' (Alternative 1) represents a vessel cap that is more restrictive than those proposed under any of the action alternatives (Alternative 2).

The analysis indicates that it is possible that vessel use cap regulations under Alternative 1 may increase the likelihood that some of the annual allocation of halibut IFQ in Areas 4 is left unharvested. This may occur if the availability of vessels is decreased such that the entire allocation cannot be spread out amongst participating vessels while meeting vessel use cap limitations under Alternative 1.

Larger vessel caps under Alternative 2 will provide increased flexibility to vessels that operate in Area 4 which may be particularly useful given recent decline in TAC utilization (Table 3) and number of communities processing IFQ in Area 4 (Table 19-Table 21). It is unclear if increasing the vessel caps will increase TAC utilization as even with the removal of vessel caps TAC utilization rates in Area 4 have decreased in recent years (Table 3), however larger vessel caps are likely to increase utilization rates relative to more constraining caps. Therefore, increasing vessel use caps (under Alternative 2) could lead to a larger total harvest of IFQ in Area 4 than may have otherwise been harvested (under Alternative 1).

This action could lead to possible distributional impacts across crew, processors, and communities. For instance, if consolidation of halibut IFQ on a smaller number of vessels occurs due to this proposed increased flexibility, this would likely decrease the amount of crew needed to harvest the IFQ, resulting in lost jobs and revenue. Additionally, if halibut deliveries shift to different communities such as Dutch Harbor, or Akutan as has occurred in recent years, these communities would benefit from any additional fisheries landing tax associated with increased landing and other communities could lose these revenues. If the operations in these communities would not have otherwise participated due to economic constraints, then this loss in jobs and revenue would also be accrued under no action. When examining data since 2020, it is difficult to assert the counterfactual scenario that may have occurred without this flexibility.

Overall, this action may lead to an increase in the amount of IFQ halibut harvested in Area 4 and therefore product produced and available to consumers producing small net benefits to the Nation.

4 Pacific Halibut Act Considerations

The fisheries for Pacific halibut are governed under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773-773k). For the United States, the Halibut Act gives effect to the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea. The Halibut Act also provides authority to the Regional Fishery Management Councils, as described in § 773c:

> *(c) Regional Fishery Management Council involvement*
>
> *The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 1853(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and*

> *equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges.*

The Halibut Act states that the Council may develop regulations, including limited access regulations, to govern the fishery, provided that the Council's actions are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC). Adherent to the Halibut Act, the proposed action is not in conflict with any existing regulations adopted by the IPHC.

In addition, consistent requirements under the Halibut Act, this action does not discriminate by residents of different states. The proposed action would allow additional flexibility in harvesting IFQ for vessels in Area 4 regardless of home state. Table 14 shows that between 2015 and 2024, on an annual average basis, 68 percent of the vessels participating in the IFQ fishery in Area 4 had ownership addresses in Alaska, while 32 percent of vessels were owned in other states. The proposed change to vessel caps would be available to all those who hold QS in Area 4A (under Alternative 2 option 1), and those who hold QS in Area 4B, 4C, and 4D under (under Alternative 2 option 1 or 2) and vessels that harvest in these areas regardless of the state of origin.

Changing vessel limitations for vessels in Area 4A, 4B, 4C, and 4D is also consistent with limited entry criteria set forth in Section 1853(b)(6) of the Halibut Act. This action would not create a new limited access privilege program, rather it would amend the current Halibut IFQ Program. The proposed action maintains current allocations as determined through multiple types of halibut management programs established through the Council. Additionally, QS use caps in place in the Halibut and Sablefish IFQ Program would still apply to those holding QS, continuing to ensure no particular individual, corporation, or other entity acquires an excessive share of harvesting privileges.

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