

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180****Tolerances and Exemptions for Pesticide Chemical Residues in Food***CFR Correction*

■ In Title 40 of the Code of Federal Regulations, Parts 150 to 189, revised as of July 1, 2018, on page 685, in § 180.601, in the table in paragraph (a), the parts per million of cyazofamid for the commodity “Herb subgroup 19A” is corrected to read “90”.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 1065****Engine-Testing Procedures***CFR Correction*

■ In Title 40 of the Code of Federal Regulations, Part 1060 to End, revised as of July 1, 2018, on page 230, in § 1065.670, paragraph (a) introductory text is reinstated to read as follows:

**§ 1065.670 NO<sub>x</sub> intake-air humidity and temperature corrections.**

\* \* \* \* \*

(a) For compression-ignition engines, correct for intake-air humidity using the following equation:

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 190204057-9057-01]

RIN 0648-B170

**Pacific Halibut Fisheries; Catch Sharing Plan**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA), on behalf of the International Pacific Halibut Commission (IPHC), publishes

as regulations the 2019 annual management measures governing the Pacific halibut fishery that have been recommended by the IPHC and accepted by the Secretary of State. This action is intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC).

**DATES:** The IPHC's 2019 annual management measures are valid March 14, 2019. The 2019 management measures are effective until superseded.

**ADDRESSES:** Additional requests for information regarding this action may be obtained by contacting the International Pacific Halibut Commission, 2320 W Commodore Way, Suite 300, Seattle, WA 98199-1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, Records Officer; or Sustainable Fisheries Division, NMFS West Coast Region, 7600 Sand Point Way NE, Seattle, WA 98115. This final rule also is accessible via the internet at the Federal eRulemaking portal at <http://www.regulations.gov>, identified by docket number NOAA-NMFS-2019-0006.

**FOR FURTHER INFORMATION CONTACT:** For waters off Alaska, Kurt Iverson, 907-586-7210; or, for waters off the U.S. West Coast, Keeley Kent, 206-526-4655.

**SUPPLEMENTARY INFORMATION:****Background**

The IPHC has recommended regulations that would govern the Pacific halibut fishery in 2019, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

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 Secretary of State, with the concurrence of the Secretary of Commerce, accepted the 2019 IPHC regulations as provided by the Halibut Act at 16 U.S.C. 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 Regional Fishery Management Councils may develop, and 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. The NPFMC has exercised this authority most notably in developing halibut management programs for three fisheries that harvest halibut in Alaska: The subsistence, sport, and commercial fisheries. The PFMC has exercised this authority by developing a catch sharing plan governing the allocation of halibut and management of sport fisheries on the U.S. West Coast.

The IPHC apportions catch limits for the Pacific halibut fishery among regulatory areas (Figure 1): Area 2A (Oregon, Washington, and California), Area 2B (British Columbia), Area 2C (Southeast Alaska), Area 3A (Central Gulf of Alaska), Area 3B (Western Gulf of Alaska), and Area 4 (subdivided into 5 areas, 4A through 4E, in the Bering Sea and Aleutian Islands of Western Alaska).

Subsistence and sport halibut fishery regulations for Alaska are codified at 50 CFR part 300. Commercial halibut fisheries off Alaska are subject to the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679) regulations, and the area-specific catch sharing plans (CSPs) for Areas 2C, 3A, and Areas 4C, 4D, and 4E.

The NPFMC implemented a CSP among commercial IFQ and CDQ halibut fisheries in IPHC Regulatory Areas 4C, 4D, and 4E (Area 4, Western Alaska) through rulemaking, and the Secretary of Commerce approved the plan on March 20, 1996 (61 FR 11337). The Area 4 CSP regulations were codified at 50 CFR 300.65, and were amended on March 17, 1998 (63 FR 13000). New annual regulations pertaining to the Area 4 CSP also may be implemented through IPHC action, subject to acceptance by the Secretary of State.

The NPFMC recommended and NMFS implemented through rulemaking a CSP for guided sport (charter) and commercial IFQ halibut fisheries in IPHC Regulatory Area 2C and Area 3A on January 13, 2014 (78 FR 75844, December 12, 2013). The Area 2C and 3A CSP regulations are codified at 50 CFR 300.65. The CSP defines an

annual process for allocating halibut between the commercial and charter fisheries so that each sector's allocation varies in proportion to halibut abundance, specifies a public process for setting annual management measures, and authorizes limited annual leases of commercial IFQ for use in the charter fishery as guided angler fish (GAF).

The IPHC held its annual meeting in Victoria, British Columbia, Canada, January 28–February 1, 2019, and recommended a number of changes to the previous IPHC regulations (83 FR 10390, March 6, 2018). The recommendations also supersede the regulations for catch limits, catch share plan allocations, and charter halibut management measures implemented in 2018 by NMFS in interim final rules for the waters off Alaska (83 FR 12133, March 20, 2018) and for waters off Washington, Oregon, and California (83 FR 13080, March 26, 2018). The Secretary of State accepted the annual management measures, including the following changes to the previous IPHC regulations for 2019:

1. New commercial halibut fishery opening and closing dates in Section 9;
2. New halibut catch limits in all regulatory areas in Section 12 and revisions to the table in Section 4 that specifies the commercial, sport, and Treaty fishing catch limits for all IPHC areas; and
3. New management measures for Area 2C and Area 3A guided sport fisheries in Section 29.
4. Minor revisions and clarifications to regulatory language.

Pursuant to regulations at 50 CFR 300.62, the 2019 IPHC annual management measures are published in the **Federal Register** to provide notice of their immediate regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements. Because NMFS publishes the regulations applicable to the entire Convention area, these regulations include some provisions relating to and affecting Canadian fishing and fisheries. NMFS may implement more restrictive regulations for the fishery for halibut or components of it; therefore, anglers are advised to check the current Federal and IPHC regulations prior to fishing.

#### Catch Limits

The IPHC recommended to the governments of Canada and the United States catch limits for 2019 totaling 29,430,000 lb (13,349.22 mt). The IPHC recommended area-specific catch limits for 2019 that were higher than the catch limits implemented in 2018 in most of its management areas, with exceptions

in Areas 2B and 3B, where catch limits were reduced relative to the 2018 implemented levels. A description of the process the IPHC used to set these catch limits follows.

In 2018, the IPHC conducted its annual stock assessment using a range of updated data sources as described in detail in the IPHC overview of data sources for the Pacific halibut stock assessment, harvest policy, and related analyses (IPHC–2019–AM095–08; available at [www.iphc.int](http://www.iphc.int)). To evaluate the Pacific halibut stock, the IPHC used an “ensemble” of four equally weighted models, comprised of two long time-series models, and two short time-series models incorporating data from 1996 to the present. Each time-series length used data series that are divided either by four geographical regions or aggregated into coastwide summaries. These models incorporate data from the 2018 IPHC survey, the 2018 commercial halibut fishery, the most recent NMFS trawl survey, weight-at-age estimates by region, and age distribution information for bycatch, sport, and sublegal discard removals. As has been the case since 2012, the results of the ensemble models are integrated, and incorporate uncertainty in natural mortality rates, environmental effects on recruitment, and other structural and parameter categories. The data and assessment models used by the IPHC are reviewed by the IPHC's Scientific Review Board comprised of non-IPHC scientists who provide an independent scientific review of the stock assessment data and models and provide recommendations to IPHC staff and to the Commission. The Scientific Review Board did not identify any substantive errors in the data or methods used in the 2019 stock assessment. NMFS believes the IPHC's data and assessments models constitute best available science on the status of the Pacific halibut resource.

The IPHC's data, including the setline survey, indicate that the Pacific halibut stock declined continuously from the late 1990s to around 2011, largely as a result of decreasing size at a given age (size-at-age), higher harvest rates in 2000s, as well as somewhat weaker recruitment strengths than those observed during the 1980s. The biomass of spawning females is estimated to have stabilized near 190,000,000 lb (86,182.55 mt) in 2011. In subsequent years, through 2016, the stock was estimated to have gradually increased. Results from the 2019 stock assessment incorporate recent efforts to expand the setline survey in Areas 2A, 2B, and 2C. In addition, improvements in the setline spatial coverage have helped reduce the uncertainty in the Weight Per Unit

Effort (WPUE) and Number Per Unit Effort (NPUE) indices. Overall, the 2019 spawning biomass is currently estimated to be 199,000,000 lb (90,264.88), which is 43 percent of unfished levels, as defined by the IPHC's interim harvest strategy policy.

The IPHC's interim management procedure strives to maintain the total mortality of halibut across its range from all sources based on a reference level of fishing intensity so that the Spawning Potential Ratio (SPR) is equal to 46 percent. The reference fishing intensity of F46 percent SPR seeks to allow a level of fishing intensity that is expected to result in approximately 46 percent of the spawning stock biomass per recruit compared to an unfished stock (*i.e.*, no fishing mortality). Lower values indicate higher fishing intensity. Additional information on the status of the halibut resource under these catch limit alternatives is provided in the Analysis (see **ADDRESSES**).

The IPHC harvest decision table (Table 3 in Assessment of the Pacific halibut stock at the end of 2018; IPHC–2019–AM095–09) provides a comparison of the relative risk of a decrease in stock biomass, status, or fishery metrics, for a range of alternative harvest levels for 2019. The IPHC adopted catch limits for 2019 totaling 29,430,000 lb (13,349.22 mt) coastwide. This corresponds to a fishing intensity of F47 percent, which is slightly more conservative than the interim reference level of F46 percent. The IPHC noted this more precautionary management approach considers the inherent uncertainties in the stock assessment models, particularly the estimates of the relative strength of the 2011 and 2012 year-classes and the scale of the recent biomass, which was tied to the outcome of additional data collected in 2018 by the expansion of the coastwide setline survey.

If these catch limits are fully harvested in 2019, and other sources of removals from bycatch, personal use, sport, subsistence, and wastage in the commercial fishery in 2019 are similar to those observed in 2018, then the total Pacific halibut removals would be approximately 40,340,000 lb (18,297.92 mt) in 2019. At 40,340,000 lb of total removals from all sources, the IPHC estimates that the spawning stock biomass will decrease over the period from 2020 to 2022 relative to 2019. Specifically, the IPHC estimates that there is an 84 percent probability that the spawning stock biomass will decrease in 2020 relative to 2019, and that there is a 34 percent probability that the decrease in 2020 will be at least

5 percent of the 2019 spawning stock biomass.

This final rule does not establish the combined commercial and recreational catch limit for Area 2B (British Columbia), which is subject to rulemaking by the Canada and British Columbia governments. However, the IPHC's recommendation for the Area 2B catch limit is directly related to the current and future U.S. catch limits established by this final rule and is therefore discussed herein. The IPHC determined the combined catch limit for Area 2B by basing 30 percent of the catch on the target Total Constant Exploitation Yield (TCEY) distribution for Area 2B under the current interim management procedure. The remaining 70 percent of the Area 2B catch limit is based on 20 percent of the total coastwide TCEY, which reflects the recent historical average share that has been assigned to Area 2B. Taken together, the weighted average of these two factors assigns a catch limit of 5,950,000 lb (2,698.87 mt) to Area 2B. The IPHC indicated its intent that this catch limit formula should apply for each year from 2019 through 2022, subject to any substantive conservation concerns. In 2019, the Area 2B catch limit equates to 20.2 percent of the total 29,430,000 lb (13,349.22 mt) coastwide catch limit.

The IPHC recommended an allocation to Area 2A that would provide a TCEY of 1,650,000 lb (748.43 mt) with a combined commercial, subsistence, and recreational catch limit of 1,500,000 lb (680.39 mt). Additionally, the IPHC indicated its intent that this TCEY should apply for a period from 2019 through 2022, subject to any substantive conservation concerns. This fixed allocation is larger than the catch limit that would apply to Area 2A under the adopted fishing intensity of F47 percent and the stock assessment's 2019 coastwide TCEY distribution. To achieve the Area 2A and Area 2B allocations and still maintain the target estimates of coastwide fishing intensity and TCEY, the IPHC recommended catch limits in other IPHC areas in U.S. waters that are intended to maintain total mortality to the adopted fishing intensity of F47 percent.

After the adjustments to Areas 2A and 2B were accounted for, the IPHC apportioned the remaining TCEY to the Alaska regulatory areas after considering the distribution of harvestable biomass of halibut based on the Fishery Independent Setline Survey. The only U.S. area with a reduced catch limit relative to 2018 is Area 3B (– 11.1 percent; see Table 1). Information from the Fishery Independent Setline Survey indicated a lower amount of harvestable biomass of halibut in Area 3B in 2019

relative to 2018. Areas 3A, 4A, 4B, and 4CDE received increases over 2018 levels that ranged from 8.6 percent in Area 3A to 29.1 percent in the combined Areas 4CDE. The IPHC recommended these TCEY, and the resulting catch limits after considering the distribution of the harvestable biomass, the recommendations from the IPHC's advisory boards, and public input received at the annual meeting. After considering this information, the IPHC determined that the 2019 catch limit recommendations are consistent with its conservation objectives for the halibut stock and its management objectives for the halibut fisheries.

The IPHC also considered the Catch Sharing Plan for Area 4CDE developed by the NPFMC in its catch limit recommendation. When the Area 4CDE catch limit is greater than 1,657,600 lb (751.87 mt), a direct allocation of 80,000 lb (36.29 mt) is made to Area 4E to provide CDQ fishermen in that area with additional harvesting opportunity. After this 80,000 lb allocation is deducted from the catch limit, the remainder is divided among Areas 4C, 4D, and 4E according to the percentages specified in the CSP. Those percentages are 46.43 percent each to 4C and 4D, and 7.14 percent to 4E. The IPHC recommended a catch limit for Area 4CDE of 2,040,000 lb (925.33 mt) for 2019.

TABLE 1—PERCENT CHANGE IN CATCH LIMITS FROM 2018 TO 2019 BY IPHC REGULATORY AREA

| Regulatory area       | 2018<br>Catch limit (lb) | 2019<br>Catch limit (lb) | Change from<br>2018<br>(percent) |
|-----------------------|--------------------------|--------------------------|----------------------------------|
| 2A <sup>1</sup> ..... | 1,190,000                | 1,500,000                | + 26.1                           |
| 2B <sup>2</sup> ..... | 6,223,985                | 5,950,000                | – 4.4                            |
| 2C <sup>3</sup> ..... | 4,450,000                | 4,490,000                | + 0.9                            |
| 3A <sup>3</sup> ..... | 9,450,000                | 10,260,000               | + 8.6                            |
| 3B .....              | 2,620,000                | 2,330,000                | – 11.1                           |
| 4A .....              | 1,370,000                | 1,650,000                | + 20.4                           |
| 4B .....              | 1,050,000                | 1,210,000                | + 15.2                           |
| 4CDE .....            | 1,580,000                | 2,040,000                | + 29.1                           |
| Coastwide .....       | 27,933,985               | 29,430,000               | + 5.4                            |

<sup>1</sup> Area 2A catch limit includes sport, commercial, and tribal catch limits.

<sup>2</sup> Area 2B catch limit includes sport and commercial catch limits.

<sup>3</sup> Shown is the combined commercial and charter allocation under the Area 2C and Area 3A CSP. This value includes allocations to the charter sector and charter wastage, and an amount for commercial landings and wastage. The 2019 commercial catch limits after deducting wastage are 3,610,000 lb in Area 2C and 8,060,000 lb in Area 3A.

### Commercial Halibut Fishery Opening and Closing Dates

The IPHC considers advice from the IPHC's two advisory boards when selecting opening and closing dates for the halibut fishery. The opening date for all IPHC areas is March 15, 2019. The Conference Board had requested an earlier date (March 2), while the Processor Board recommended an opening date of March 23, suggesting

that a later opening date facilitates halibut marketing. The IPHC indicated the March 15 date takes into account some unique challenges and uncertainties in the U.S. for meeting critical administrative deadlines this year. The closing date for the halibut fisheries in all areas is November 14, 2019. This date takes into account the anticipated time required to fully harvest the commercial halibut catch

limits, seasonal holidays, and adequate time for IPHC staff to review the complete record of 2019 commercial catch data for use in the 2019 stock assessment process.

In the Area 2A non-treaty directed commercial fishery, the IPHC recommended seven 10-hour fishing periods. Each fishing period shall begin at 0800 hours and terminate at 1800 hours local time on June 26, July 10,

July 24, August 7, August 21, September 4, and September 18, 2019. The IPHC also requested consideration of additional opening and fishing period limits (vessel quota) in Area 2A. The IPHC Secretariat responded by establishing an additional opening on June 27, 2019. This opening would also conform to the same 10-hour, 0800 to 1800 daily schedule as indicated above.

#### Area 2A Catch Sharing Plan

The NMFS West Coast Region will publish a proposed rule for changes to the Pacific Halibut Catch Sharing Plan for Area 2A off Washington, Oregon, and California. A separate final rule will be published to approve changes to the Area 2A CSP and to implement the portions of the CSP and management measures that are not implemented through the IPHC annual management measures that are published in this final rule. These measures include the sport fishery allocations and management measures for Area 2A. The proposed and final rules for the Area 2A CSP will be available on the NOAA Fisheries West Coast Region's website at [http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific\\_halibut\\_management.html](http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html), and also at [www.regulations.gov](http://www.regulations.gov).

#### Catch Sharing Plan for Area 2C and Area 3A

In 2014, NMFS implemented a CSP for Area 2C and Area 3A. The CSP defines an annual process for allocating halibut between the charter and commercial fisheries in Area 2C and Area 3A, and establishes allocations for each fishery. To allow flexibility for individual commercial and charter fishery participants, the CSP also authorizes annual transfers of commercial halibut IFQ as GAF to charter halibut permit holders for harvest in the charter fishery. Under the CSP, the IPHC recommends combined catch limits (CCLs) for the charter and commercial halibut fisheries in Area 2C and Area 3A. Each CCL includes estimates of discard mortality (wastage) for each fishery. The CSP was implemented to achieve the halibut fishery management goals of the NPFMC. More information is provided in the final rule implementing the CSP (78 FR 75844, December 12, 2013). Implementing regulations for the CSP are at 50 CFR 300.65. The Area 2C and Area 3A CSP allocation tables are located in Tables 1 through 4 of subpart E of 50 CFR part 300.

At its January-February meeting, the IPHC recommended a CCL of 4,490,000 lb (2,036.63 mt) for Area 2C. Following the CSP allocations in Tables 1 and 3 of

subpart E of 50 CFR part 300, the charter fishery is allocated 820,000 lb (371.95 mt) of the CCL and the remainder of the CCL, 3,670,000 lb (1,664.68 mt), is allocated to the commercial fishery. Wastage in the amount of 60,000 lb (27.22 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 3,610,000 lb (1,637.47 mt). The commercial allocation increased by 30,000 lb (13.61 mt) or 0.8 percent, from the 2018 allocation of 3,640,000 lb (1,651.08 mt) (including wastage). The charter allocation for 2019 is 10,000 lb (4.54 mt), or 1.2 percent greater than the 2018 charter sector allocation of 810,000 lb (367.41 mt).

The IPHC recommended a CCL of 10,260,000 lb (4,653.86 mt) for Area 3A. Following the CSP allocations in Tables 2 and 4 of subpart E of 50 CFR part 300, the charter fishery is allocated 1,890,000 lb (857.29 mt) of the CCL and the remainder of the CCL, 8,370,000 lb (3,796.57 mt), is allocated to the commercial fishery. Wastage in the amount of 310,000 lb (140.61 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 8,060,000 lb (3,655.95 mt). The commercial allocation increased by about 700,000 lb (317.51 mt) or 9.1 percent, from the 2018 allocation of 7,670,000 lb (3,479.05 mt) (including wastage). The charter allocation increased by 100,000 lb (45.36 mt), or 5.6 percent, from the 2018 allocation of 1,790,000 lb (811.93 mt).

#### Charter Halibut Management Measures for Area 2C and Area 3A

Guided (charter) recreational halibut anglers are managed under different regulations than unguided recreational halibut anglers in Areas 2C and 3A in Alaska. According to Federal regulations at 50 CFR 300.61, a charter vessel angler means a person, paying or non-paying, receiving sport fishing guide services for halibut. Sport fishing guide services means assistance, for compensation or with the intent to receive compensation, to a person who is sport fishing, to take or attempt to take halibut by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a charter vessel fishing trip. A charter vessel fishing trip is the time period between the first deployment of fishing gear into the water from a charter vessel by a charter vessel angler and the offloading of one or more charter vessel anglers or any halibut from that vessel. The charter fishery regulations described below apply only to charter vessel anglers receiving sport fishing guide services during a charter

vessel fishing trip for halibut in Area 2C or Area 3A. These regulations do not apply to unguided recreational anglers in any regulatory area in Alaska, or guided anglers in areas other than Areas 2C and 3A.

The NPFMC formed the Charter Halibut Management Committee as an industry advisory body to provide recommendations for annual management measures intended to limit charter harvest to the charter catch limit. The committee is composed of representatives from the charter fishing industry in Areas 2C and 3A. The committee considered previously analyzed alternatives and also suggested new alternative measures that were analyzed in October 2018. After reviewing an analysis of the effects of the alternative measures on estimated charter removals, the committee made recommendations for preferred management measures to the NPFMC for 2019. The NPFMC considered the recommendations of the committee along with public testimony to develop its recommendation to the IPHC, and the IPHC took action consistent with the NPFMC's recommendations. The NPFMC has used this process to select and recommend annual management measures to the IPHC since 2012.

The IPHC recognizes the role of the NPFMC to develop policy and regulations that allocate the Pacific halibut resource among fishermen in and off Alaska, and that NMFS has developed numerous regulations to support the NPFMC's goals of limiting charter harvests. The IPHC concluded that in Area 3A, with its higher recommended catch limits relative to 2018, management measures should be slightly less restrictive than in 2018. In Area 2C, where catch limits are expected to be very similar to 2018, the IPHC determined that charter management measures should remain the same as 2018. For each management area, the analysis suggests the management measures will achieve the IPHC's overall conservation objective to keep halibut harvests within established catch limits, and will also meet the NPFMC's allocation objectives. The IPHC determined that limiting charter harvests by implementing the management measures discussed below would meet these objectives.

#### Management Measures for Charter Vessel Fishing in Area 2C

The preliminary estimate of 2018 charter removals in Area 2C was below the 2018 charter allocation by about 80,000 lb (36.29 mt) or 10.0 percent, indicating that the 2018 management measures were appropriate and effective

at limiting harvest by charter vessel anglers to the charter allocation. The analysis of alternative management measures indicated that both effort and harvest were projected to increase in 2018 under *status quo* regulations; however, the 10,000 lb (4.54 mt) increase in the charter catch limit, combined with 2018 management measures that resulted in harvests below the allocation, prompted the IPHC to conclude that *status quo* management measures are appropriate, and that management measures adopted for Area 2C in 2018 should carry over to 2019.

Specifically, for 2019 in Area 2C, the IPHC recommended the continuation of a one-fish daily bag limit with a reverse slot limit that prohibits a person on board a charter vessel referred to in 50 CFR 300.65 and fishing in Area 2C from taking or possessing any halibut, with head on, that is greater than 38 inches (96.5 cm) and less than 80 inches (203.2 cm), as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. The projected charter removal under the 2019 recommended reverse slot limit is 833,000 lb (377.84 mt), which is 13,000 lb (5.90 mt) and 1.6 percent above the charter allocation. The IPHC noted that the Area 2C charter halibut harvest has consistently been below the charter allocation for the past several years, and that projected halibut mortality resulting from these management measures are accounted for when the total halibut removals from all sources are calculated.

#### *Management Measures for Charter Vessel Fishing in Area 3A*

The preliminary estimate of charter removals in Area 3A in 2018 exceeded the charter allocation by 77,244 lb (35.04 mt), or 4.3 percent. Starting in 2014, charter vessel anglers in Area 3A have been limited to a two-fish daily bag limit with a maximum size limit on one fish. One effect of the maximum size limit has been that the number of fish harvested per angler has steadily decreased, but the average weight of harvested fish has increased as many anglers opted to maximize the size of retained fish.

This final rule amends the 2018 management measures applicable to the charter halibut fishery in Area 3A. The NPFMC and IPHC considered 2018 information on charter removals and the projections of charter harvest for 2019. After considering 2018 harvest information, the NPFMC and IPHC determined that slightly less restrictive management measures in Area 3A were appropriate to limit charter removals,

including wastage, to the 2019 allocation.

For 2019, the IPHC recommended continuing the following management measures for Area 3A from 2018: (1) A two-fish bag limit with a 28-inch (71.1 cm) size limit on one of the halibut; (2) a one-trip per day limit for the entire season; (3) an annual limit of four fish, with a reporting requirement; and, (4) prohibition on halibut retention by charter vessel anglers on Wednesdays. In addition, the IPHC recommended a prohibition on halibut retention on five Tuesdays from July 16 through August 13. The projected charter harvest for 2019 under this combination of recommended measures is 1,882,000 lb (853.66 mt), 8,000 lb (3.63 mt) below the charter allocation. Each of these management measures is described in more detail below.

#### *Size Limit for Halibut Retained on a Charter Vessel in Area 3A*

The 2019 charter halibut fishery in Area 3A will be managed under a two-fish daily bag limit in which one of the retained halibut may be of any size and one of the retained halibut must be 28 inches (71.1 cm) total length or less. This is the same maximum size limit adopted from 2016 through 2018. This daily bag and size limit will be combined with additional restrictions to limit charter halibut removals to the 2019 allocation.

#### *Trip Limit for Charter Vessels Harvesting Halibut in Area 3A*

As in 2016 through 2018, charter halibut permits and charter vessels are only authorized for use to catch and retain halibut on one charter halibut fishing trip per day in Area 3A. If no halibut are retained during a charter vessel fishing trip, the charter halibut permit and vessel may be used to take an additional trip to catch and retain halibut that day.

For purposes of the trip limit in Area 3A in 2019, a charter vessel fishing trip will end when anglers or halibut are offloaded, or at the end of the calendar day, whichever occurs first. Charter operators are still able to conduct overnight trips and anglers may retain a bag limit of halibut on each calendar day, but operators are not allowed to begin another overnight trip until the day after the trip ends. GAF halibut are exempt from the trip limit; therefore, GAF could be used to harvest halibut on a second trip in a day, but only if exclusively GAF halibut were harvested on that trip.

#### *Day-of-Week Closures in Area 3A*

The NPFMC and the IPHC recommended continuing the day-of-week closure on Wednesdays for Area 3A in 2019. No retention of halibut by charter vessel anglers will be allowed in Area 3A on Wednesdays. To further reduce harvest, retention of halibut is also prohibited on five Tuesdays in 2019: July 16, July 23, July 30, August 6, and August 13. Retention of only GAF halibut will be allowed on charter vessels on Wednesdays and the five closed Tuesdays; all other halibut that are caught while fishing on a charter vessel must be released. The five Tuesday closures is expected to increase the charter halibut harvest by 2.7 percent relative to 2018, when six Tuesdays were closed.

#### *Annual Limit of Four Fish for Charter Vessels Anglers in Area 3A*

For 2019, charter vessel anglers will continue to be limited to harvesting no more than four halibut on charter vessel fishing trips in Area 3A during a calendar year. This limit applies only to halibut caught and retained during charter vessel fishing trips in Area 3A. Halibut harvested while unguided fishing, fishing in other IPHC regulatory areas, or harvested as GAF will not accrue toward the annual limit.

To enforce the annual limit in 2019, each charter vessel angler who is required to have a State of Alaska sport fishing license and who harvests halibut will be required to record those halibut on the back of the fishing license. For those anglers who are not required to have a sport fishing license (*e.g.*, youth and senior anglers), a nontransferable Sport Harvest Record Card must be obtained from an Alaska Department of Fish and Game (ADF&G) office, the ADF&G website, or a fishing license vendor, on which to record halibut harvested aboard a charter vessel. Immediately upon retention of a halibut for which an annual limit has been established, the charter vessel angler must record the date, location (Area 3A), and species of the catch (halibut), in ink, on the harvest record card or back of the sport fishing license.

If the original sport fishing license or harvest record is lost, a duplicate or additional sport fishing license or harvest record card must be obtained and completed for all halibut previously retained during that year that were subject to the annual limit.

Only halibut caught during a charter vessel fishing trip in Area 3A accrue toward the 4-fish annual limit and must be recorded on the license or harvest record card. As noted above, halibut

that are harvested while charter fishing in regulatory areas other than Area 3A will not accrue toward the annual limit and are not subject to the reporting requirement. Likewise, halibut harvested while sport fishing without a guide in Area 3A, harvested while subsistence fishing, or harvested as GAF do not accrue toward the annual limit and should not be recorded on the license or harvest record. Finally, halibut that are caught during a charter vessel fishing trip that bear IPHC external tags are exempt from the annual limit and reporting requirements (see Section 21 of the IPHC regulations).

### Annual Halibut Management Measures

The following annual management measures for the 2019 Pacific halibut fishery are those recommended by the IPHC and accepted by the Secretary of State, with the concurrence of the Secretary of Commerce.

#### 1. Short Title

These Regulations may be cited as the Pacific Halibut Fishery Regulations.

#### 2. Application

(1) These Regulations apply to persons and vessels fishing for Pacific halibut in, or possessing Pacific halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 7 apply generally to all Pacific halibut fishing.

(3) Sections 8 to 21 apply to commercial fishing for Pacific halibut.

(4) Section 22 applies to tagged Pacific halibut caught by any vessel.

(5) Section 23 applies to the United States treaty Indian fishery in Subarea 2A-1.

(6) Section 24 applies to customary and traditional fishing in Alaska.

(7) Section 25 applies to Aboriginal groups fishing for food, social and ceremonial purposes in British Columbia.

(8) Sections 26 to 29 apply to sport fishing for Pacific halibut.

(9) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

#### 3. Definitions

(1) In these Regulations,

(a) “authorized officer” means any State, Federal, or Provincial officer authorized to enforce these Regulations including, but not limited to, the National Marine Fisheries Service (NOAA Fisheries), Canada’s Department

of Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), the Oregon State Police (OSP), and California Department of Fish and Wildlife (CDFW);

(b) “authorized clearance personnel” means an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor;

(c) “charter vessel” outside of Alaska waters means a vessel used for hire in sport fishing for Pacific halibut, but not including a vessel without a hired operator, and in Alaska waters means a vessel used while providing or receiving sport fishing guide services for Pacific halibut;

(d) “commercial fishing” means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than i) sport fishing, ii) treaty Indian ceremonial and subsistence fishing as referred to in section 23, iii) customary and traditional fishing as referred to in section 24 and defined by and regulated pursuant to NOAA Fisheries regulations published at 50 CFR part 300, and iv) Aboriginal groups fishing in British Columbia as referred to in section 25;

(e) “Commission” or “IPHC” means the International Pacific Halibut Commission;

(f) “daily bag limit” means the maximum number of Pacific halibut a person may take in any calendar day from Convention waters;

(g) “fishing” means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of gear anywhere in the maritime area;

(h) “fishing period limit” means the maximum amount of Pacific halibut that may be retained and landed by a vessel during one fishing period;

(i) “land” or “offload” with respect to Pacific halibut, means the removal of Pacific halibut from the catching vessel;

(j) “license” means a Pacific halibut fishing license issued by the Commission pursuant to section 5;

(k) “maritime area”, in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) “net weight” of a Pacific halibut means the weight of Pacific halibut that

is without gills and entrails, head-off, washed, and without ice and slime. If a Pacific halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head;

(m) “operator”, with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(n) “overall length” of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) “person” includes an individual, corporation, firm, or association;

(p) “regulatory area” means an IPHC Regulatory Area referred to in section 7;

(q) “setline gear” means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) “sport fishing” or “recreational fishing” means all fishing other than (i) commercial fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 23, (iii) customary and traditional fishing as referred to in section 24 and defined in and regulated pursuant to NOAA Fisheries regulations published in 50 CFR part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 25;

(s) “tender” means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) “VMS transmitter” means a NOAA Fisheries-approved vessel monitoring system transmitter that automatically determines a vessel’s position and transmits it to a NOAA Fisheries-approved communications service provider.<sup>1</sup>

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

#### 4. Limits

(1) The fishery limits resulting from the IPHC-adopted values and the Contracting Party catch sharing arrangements are as follows:

<sup>1</sup> Call NOAA Enforcement Division, Alaska Region, at 907-586-7225 between the hours of 0800 and 1600 local time for a list of NOAA Fisheries-approved VMS transmitters and communications service providers.

| IPHC Regulatory Area   | Fishery limits (net weight) |                  |
|--|-----------------------------|------------------|
|  | Pounds (lbs)                | Metric tons (t)  |
| Area 2A (California, Oregon, Washington) .....                                   | 1,500,000                   | 680.39           |
| Non-treaty directed commercial (south of Pt. Chehalis) .....                     | 254,426                     | 115.41           |
| Non-treaty incidental catch in salmon troll fishery .....                        | 44,899                      | 20.37            |
| Non-treaty incidental catch in sablefish fishery (north of Pt. Chehalis) .....   | 70,000                      | 31.75            |
| Treaty Indian commercial .....   | 497,000                     | 225.44           |
| Treaty Indian ceremonial and subsistence (year-round) .....                      | 28,000                      | 12.70            |
| Recreational—Washington .....  | 277,100                     | 125.69           |
| Recreational—Oregon .....  | 289,575                     | 131.35           |
| Recreational—California .....  | 39,000                      | 17.69            |
| Area 2B (British Columbia)(includes recreational catch allocation) .....         | 5,950,000                   | 2,698.90         |
| Area 2C (southeastern Alaska) (combined commercial/guided recreational) .....    | 4,490,000                   | 2,036.63         |
| Commercial fishery (3,610,000 catch and 60,000 incidental mortality) .....       | 3,670,000                   | 1,664.68         |
| Guided sport fishery (includes catch and incidental mortality) .....             | 820,000                     | 371.95           |
| Area 3A (central Gulf of Alaska) (combined commercial/guided recreational) ..... | 10,260,000                  | 4,653.86         |
| Commercial fishery (8,060,000 catch and 310,000 incidental mortality) .....      | 8,370,000                   | 3,678.64         |
| Guided recreational fishery (includes catch and incidental mortality) .....      | 1,890,000                   | 857.29           |
| Area 3B (western Gulf of Alaska) .....   | 2,330,000                   | 1,056.87         |
| Area 4A (eastern Aleutians) .....  | 1,650,000                   | 748.43           |
| Area 4B (central/western Aleutians) .....  | 1,210,000                   | 548.85           |
| Area 4CDE .....  | 2,040,000                   | 925.33           |
| Area 4C (Pribilof Islands) .....   | 910,000                     | 412.77           |
| Area 4D (northwestern Bering Sea) .....  | 910,000                     | 412.77           |
| Area 4E (Bering Sea flats) .....   | 220,000                     | 99.79            |
| <b>Total</b> .....   | <b>29,430,000</b>           | <b>13,349.22</b> |

5. Licensing Vessels for Area 2A

(1) No person shall fish for Pacific halibut from a vessel, nor possess Pacific halibut on board a vessel, used either for commercial fishing or as a charter vessel in IPHC Regulatory Area 2A, unless the Commission has issued a license valid for fishing in IPHC Regulatory Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in IPHC Regulatory Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid IPHC Regulatory Area 2A commercial license cannot be used to sport fish for Pacific halibut in IPHC Regulatory Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following:

(a) The directed commercial fishery during the fishing periods specified in paragraph (2) of section 9;

(b) the incidental catch fishery during the sablefish fishery specified in paragraph (3) of section 9; or

(c) the incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 9.

(5) No person may apply for or be issued a license for a vessel operating in the incidental catch fishery during the salmon troll fishery in paragraph (4)(c), if that vessel was previously issued a license for either the directed commercial fishery in paragraph (4)(a)

or the incidental catch fishery during the sablefish fishery in paragraph (4)(b).

(6) A license issued in respect to a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(7) The Commission shall issue a license in respect to a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed "Application for Vessel License for the Pacific Halibut Fishery" form.

(8) A vessel operating in the directed commercial fishery in IPHC Regulatory Area 2A must have submitted its "Application for Vessel License for the Pacific Halibut Fishery" form no later than 2359 hours local time on 30 April, or the first weekday in May if 30 April is a Saturday or Sunday.

(9) A vessel operating in the incidental catch fishery during the sablefish fishery in IPHC Regulatory Area 2A must have submitted its "Application for Vessel License for the Pacific Halibut Fishery" form postmarked no later than 2359 hours local time on 15 March, or the next weekday in March if 15 March is a Saturday or Sunday.

(10) A vessel operating in the incidental catch fishery during the salmon troll fishery in IPHC Regulatory Area 2A must have submitted its "Application for Vessel License for the Pacific Halibut Fishery" form no later than 2359 hours local time on 15 March,

or the next weekday in March if 15 March is a Saturday or Sunday.

(11) Application forms are available from the IPHC Secretariat.

(12) Information on the "Application for Vessel License for the Pacific Halibut Fishery" form must be accurate.

(13) The "Application for Vessel License for the Pacific Halibut Fishery" form shall be completed by the vessel owner.

(14) Licenses issued under this section shall be valid only during the year in which they are issued.

(15) A new license is required for a vessel that is sold, transferred, renamed, or for which the documentation is changed.

(16) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States of America or any of its States.

(17) The United States of America may suspend, revoke, or modify any license issued under this section under policies and procedures in U.S. Code Title 15, CFR part 904.

6. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the catch limit established pre-season for each IPHC Regulatory Area;

(b) is consistent with 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, and applicable domestic law of either Canada or the United States of America; and

(c) is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the governments of Canada or the United States of America.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:

- (a) closed areas;
- (b) fishing periods;
- (c) fishing period limits;
- (d) gear restrictions;
- (e) recreational bag limits;
- (f) size limits; or
- (g) vessel clearances.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major Pacific halibut processors; Federal, State, United States of America treaty Indian, and Provincial fishery officials; and the media.

#### 7. Regulatory Areas

The following areas shall be IPHC Regulatory Areas (see Figure 1) for the purposes of the Convention:

(1) IPHC Regulatory Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) IPHC Regulatory Area 2B includes all waters off British Columbia;

(3) IPHC Regulatory Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11'56" N latitude, 136°38'26" W longitude) and south and east of a line running 205° true from said light;

(4) IPHC Regulatory Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41'15" N latitude, 155°35'00" W longitude) to Cape Ikolik (57°17'17" N latitude, 154°47'18" W longitude), then along the Kodiak Island coastline to Cape Trinity (56°44'50" N latitude, 154°08'44" W longitude), then 140° true;

(5) IPHC Regulatory Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29'00" N latitude, 164°20'00" W longitude) and south of 54°49'00" N latitude in Isanotski Strait;

(6) IPHC Regulatory Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 11 that are east of 172°00'00" W longitude and south of 56°20'00" N latitude;

(7) IPHC Regulatory Area 4B includes all waters in the Bering Sea and the Gulf

of Alaska west of IPHC Regulatory Area 4A and south of 56°20'00" N latitude;

(8) IPHC Regulatory Area 4C includes all waters in the Bering Sea north of IPHC Regulatory Area 4A and north of the closed area defined in section 11 which are east of 171°00'00" W longitude, south of 58°00'00" N latitude, and west of 168°00'00" W longitude;

(9) IPHC Regulatory Area 4D includes all waters in the Bering Sea north of IPHC Regulatory Areas 4A and 4B, north and west of IPHC Regulatory Area 4C, and west of 168°00'00" W longitude; and

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 11, east of 168°00'00" W longitude, and south of 65°34'00" N latitude.

#### 8. Fishing in Regulatory Area 4E and 4D

(1) Section 8 applies only to any person fishing for, or any vessel that is used to fish for, IPHC Regulatory Area 4E Community Development Quota (CDQ) Pacific halibut, IPHC Regulatory Area 4D CDQ Pacific halibut, or IPHC Regulatory Area 4D IFQ received by transfer by a CDQ organization provided that the total annual Pacific halibut catch of that person or vessel is landed at a port within IPHC Regulatory Areas 4E or 4D.

(2) A person may retain Pacific halibut taken with setline gear that are smaller than the size limit specified in section 14, provided that no person may sell or barter such Pacific halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest Pacific halibut in the IPHC Regulatory Area 4E or 4D CDQ fisheries or IFQ received by transfer by a CDQ organization must report to the Commission the total number and weight of undersized Pacific halibut taken and retained by such persons pursuant to section 8, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to 1 November of the year in which such Pacific halibut were harvested.

#### 9. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 12 have not been taken.

(2) Each fishing period in the IPHC Regulatory Area 2A directed commercial fishery<sup>2</sup> shall begin at 0800

<sup>2</sup> The directed fishery is restricted to waters that are south of Point Chehalis, Washington, (46°53.30' N latitude) under regulations promulgated by NOAA Fisheries and published in the **Federal Register**.

hours and terminate at 1800 hours local time on 26 June, 27 June, 10 July, 24 July, 7 August, 21 August, 4 September, and 18 September, unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (7) of section 12, an incidental catch fishery<sup>3</sup> is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between 1200 hours local time on 15 March and 1200 hours local time on 14 November.

(4) Notwithstanding paragraph (2), and paragraph (7) of section 12, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NOAA Fisheries. This fishery will occur between 1200 hours local time on 15 March and 1200 hours local time on 14 November.

(5) The fishing period in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on 15 March and terminate at 1200 hours local time on 14 November, unless the Commission specifies otherwise.

(6) All commercial fishing for Pacific halibut in IPHC Regulatory Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on 14 November.

#### 10. Closed Periods

(1) No person shall engage in fishing for Pacific halibut in any IPHC Regulatory Area other than during the fishing periods set out in section 9 in respect of that area.

(2) No person shall land or otherwise retain Pacific halibut caught outside a fishing period applicable to the regulatory area where the Pacific halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 20, these Regulations do not prohibit fishing for any species of fish other than Pacific halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have Pacific halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any Pacific halibut fishing gear during a closed period if the vessel has any Pacific halibut on board.

(6) A vessel that has no Pacific halibut on board may retrieve any Pacific

<sup>3</sup> The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington, (46°53.30' N latitude) under regulations promulgated by NOAA Fisheries at 50 CFR 300.63. Landing restrictions for Pacific halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.

halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of Pacific halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any Pacific halibut caught on gear retrieved in accordance with paragraph (6).

(9) No person shall possess Pacific halibut on board a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or

within a port in which that Pacific halibut may be lawfully sold.

11. Closed Area

All waters in the Bering Sea north of 55°00'00" N latitude in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36'00" N latitude, 164°55'42" W longitude) to a point at 56°20'00" N latitude, 168°30'00" W longitude; thence to a point at 58°21'25" N latitude, 163°00'00" W longitude; thence to Strogonof Point (56°53'18" N latitude, 158°50'37" W longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to Pacific halibut

fishing and no person shall fish for Pacific halibut therein or have Pacific halibut in his/her possession while in those waters except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00'00" N latitude and 54°49'00" N latitude are closed to Pacific halibut fishing.

12. Commercial Catch Limits

(1) The total allowable commercial catch of Pacific halibut to be taken during the commercial Pacific halibut fishing periods specified in section 9 shall be limited to the net weights expressed in pounds or metric tons shown in the following table:

| IPHC Regulatory Area   | Commercial catch limit—net weight |             |
|--|-----------------------------------|-------------|
|  | Pounds                            | Metric tons |
| 2A: directed commercial, and incidental commercial catch during salmon troll fishery ..... | 299,325                           | 135.77      |
| 2A: incidental commercial during sablefish fishery .....                                   | 70,000                            | 31.75       |
| 2B <sup>4</sup> .....  | 5,100,000                         | 2,313.34    |
| 2C <sup>5</sup> .....  | 3,610,000                         | 1,637.49    |
| 3A <sup>6</sup> .....  | 8,060,000                         | 3,655.99    |
| 3B .....   | 2,330,000                         | 1,056.87    |
| 4A .....   | 1,650,000                         | 748.43      |
| 4B .....   | 1,210,000                         | 548.85      |
| 4C .....   | 910,000                           | 412.77      |
| 4D .....   | 910,000                           | 412.77      |
| 4E .....   | 220,000                           | 99.79       |

<sup>4</sup> IPHC allocates the catch limit to IPHC Regulatory Area 2B as a combined commercial and sport catch limit (5,950,000 pounds). DFO allocates that amount between commercial and sport according to their allocation policy. In addition to the commercial fishery amount, 60,000 pounds has been allocated for research purposes. This amount also excludes any overage/underage adjustments. See section 28 for sport fishing regulations.

<sup>5</sup> For IPHC Regulatory Area 2C, the commercial catch limit adopted by the Commission includes catch (3,610,000 pounds) reported in the table plus estimated incidental mortality from the commercial fishery (60,000 pounds) for a total of 3,670,000 pounds. This total amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NOAA Fisheries by a catch sharing plan (4,490,000 pounds).

<sup>6</sup> For IPHC Regulatory Area 3A, the commercial catch limit adopted by the Commission includes catch (8,060,000 pounds) reported in the table plus estimated incidental mortality from the commercial fishery (310,000 pounds) for a total of 8,370,000 pounds. This total amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NOAA Fisheries by a catch sharing plan (10,260,000 pounds).

(2) Notwithstanding paragraph (1), regulations pertaining to the division of the IPHC Regulatory Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 9 will be promulgated by NOAA Fisheries and published in the **Federal Register**.

(3) The Commission shall determine and announce to the public the date on which the catch limit for IPHC Regulatory Area 2A will be taken.

(4) Notwithstanding paragraph (1), the commercial fishing in IPHC Regulatory Area 2B will close only when all Individual Vessel Quotas (IVQs) assigned by DFO are taken, or 14 November, whichever is earlier.

(5) Notwithstanding paragraph (1), IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all Individual Fishing Quotas (IFQ) and all CDQs issued by NOAA

Fisheries have been taken, or 14 November, whichever is earlier.

(6) If the Commission determines that the catch limit specified for IPHC Regulatory Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 9, the catch limit for that area shall be considered to have been taken and the directed commercial fishery closed as announced by the Commission.

(7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for IPHC Regulatory Area 2A will be taken, no person shall fish for Pacific halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for Pacific halibut fishing.

(8) Notwithstanding paragraph (1), the total allowable catch of Pacific halibut that may be taken in the IPHC

Regulatory Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the IPHC Regulatory Areas 4D and 4E CDQ fisheries and any IPHC Regulatory Area 4D IFQ received by transfer by a CDQ organization. The annual IPHC Regulatory Area 4D catch limit will decrease by the equivalent amount of CDQ and IFQ received by transfer by a CDQ organization taken in IPHC Regulatory Area 4E in excess of the annual IPHC Regulatory Area 4E catch limit.

(9) Notwithstanding paragraph (1), the total allowable catch of Pacific halibut that may be taken in the IPHC Regulatory Area 4D directed commercial fishery is equal to the combined annual catch limits specified for IPHC Regulatory Areas 4C and 4D. The annual IPHC Regulatory Area 4C catch limit will decrease by the equivalent amount of Pacific halibut taken in IPHC

Regulatory Area 4D in excess of the annual IPHC Regulatory Area 4D catch limit.

13. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more Pacific halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for Pacific halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of Pacific halibut to a commercial fish processor, completely offload all Pacific halibut on board said vessel to that processor and ensure that all Pacific halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for Pacific halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of Pacific halibut other than to a commercial fish processor, completely offload all Pacific halibut on board said vessel and ensure that all Pacific halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the Pacific halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

- (a) The vessel's overall length in feet and associated length class;
- (b) the average performance of all vessels within that class; and
- (c) the remaining catch limit.

(6) Length classes are shown in the following table:

| Overall length (in feet) | Vessel class |
|--------------------------|--------------|
| 1-25 .....               | A            |
| 26-30 .....              | B            |
| 31-35 .....              | C            |
| 36-40 .....              | D            |
| 41-45 .....              | E            |
| 46-50 .....              | F            |
| 51-55 .....              | G            |
| 56+ .....                | H            |

(7) Fishing period limits in Area 2A apply only to the directed Pacific halibut fishery referred to in paragraph (2) of section 9.

14. Size Limits

(1) No person shall take or possess any Pacific halibut that:

- (a) With the head on, is less than 32 inches (81.3 cm) as measured in a

straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) with the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person on board a vessel fishing for, or tendering, Pacific halibut in any IPHC Regulatory Area shall possess any Pacific halibut that has had its head removed, except that Pacific halibut frozen at sea with its head removed may be possessed on board a vessel by persons in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E if authorized by Federal regulations.

(3) The size limit in paragraph (1)(b) will not be applied to any Pacific halibut that has had its head removed after the operator has landed the Pacific halibut.

15. Careful Release of Pacific Halibut

(1) All Pacific halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:

- (a) Hook straightening;
- (b) cutting the gangion near the hook; or
- (c) carefully removing the hook by twisting it from the Pacific halibut with a gaff.

(2) Except that paragraph (1) shall not prohibit the possession of Pacific halibut on board a vessel that has been brought aboard to be measured to determine if the minimum size limit of the Pacific halibut is met and, if sublegal-sized, is promptly returned to the sea with a minimum of injury.

16. Vessel Clearance in IPHC Regulatory Area 4

(1) The operator of any vessel that fishes for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any Pacific halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance

personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in IPHC Regulatory Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor.

(8) Before unloading any Pacific halibut caught in IPHC Regulatory Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any Pacific halibut caught in IPHC Regulatory Areas 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in

section 19 for possessing Pacific halibut on board a vessel that was caught in more than one regulatory area in IPHC Regulatory Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel obtains a vessel clearance prior to fishing in IPHC Regulatory Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and

(b) before unloading any Pacific halibut from IPHC Regulatory Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States of America, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(12) No Pacific halibut shall be on board the vessel at the time of the clearances required prior to fishing in IPHC Regulatory Area 4.

(13) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Area 4A and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Area 4B and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for Pacific halibut only in IPHC Regulatory Areas 4C or 4D or 4E and lands its total annual Pacific halibut catch at a port within IPHC Regulatory Areas 4C, 4D, 4E, or the closed area defined in section 11, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a transmitting VMS transmitter while

fishing for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D and until all Pacific halibut caught in any of these areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel complies with NOAA Fisheries' vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and

(b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800-304-4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for Pacific halibut in IPHC Regulatory Areas 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

#### 17. Logs

(1) The operator of any U.S. vessel fishing for Pacific halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of Pacific halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: The Groundfish/IFQ Longline and Pot Gear Daily Fishing Logbook, in electronic or paper form, provided by NOAA Fisheries; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADFG) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in IPHC Regulatory Area 2A must use either the WDFW Voluntary Sablefish Logbook, Oregon Department of Fish and Wildlife (ODFW) Fixed Gear Logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the State (ADFG, WDFW, ODFW, or CDFW) or Tribal ID number;

(b) the date(s) upon which the fishing gear is set or retrieved;

(c) the latitude and longitude coordinates or a direction and distance from a point of land for each set or day;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of Pacific halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be:

(a) Maintained on board the vessel;

(b) updated not later than 24 hours after 0000 (midnight) local time for each day fished and prior to the offloading or

sale of Pacific halibut taken during that fishing trip;

(c) retained for a period of two years by the owner or operator of the vessel;

(d) open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) kept on board the vessel when engaged in Pacific halibut fishing, during transits to port of landing, and until the offloading of all Pacific halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental Pacific halibut fishery during the salmon troll season in IPHC Regulatory Area 2A defined in paragraph (4) of section 9.

(5) The operator of any Canadian vessel fishing for Pacific halibut shall maintain an accurate record in the British Columbia Integrated Groundfish Fishing Log.

(6) The log referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the DFO vessel registration number;

(b) the date(s) upon which the fishing gear is set and retrieved;

(c) the latitude and longitude coordinates for each set;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of Pacific halibut retained for each set.

(7) The log referred to in paragraph (5) shall be:

(a) Maintained on board the vessel;

(b) retained for a period of two years by the owner or operator of the vessel;

(c) open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) kept on board the vessel when engaged in Pacific halibut fishing, during transits to port of landing, and until the offloading of all Pacific halibut is completed;

(e) submitted to the DFO within seven days of offloading; and

(f) submitted to the Commission within seven days of the final offload if not previously collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

#### 18. Receipt and Possession of Pacific Halibut

(1) No person shall receive Pacific halibut caught in IPHC Regulatory Area 2A from a United States of America vessel that does not have on board the license required by section 5.

(2) No person shall possess on board a vessel a Pacific halibut other than whole or with gills and entrails removed, except that this paragraph

shall not prohibit the possession on board a vessel of:

(a) Pacific halibut cheeks cut from Pacific halibut caught by persons authorized to process the Pacific halibut on board in accordance with NOAA Fisheries regulations published at 50 CFR part 679;

(b) fillets from Pacific halibut offloaded in accordance with section 18 that are possessed on board the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload<sup>7</sup>; and

(c) Pacific halibut with their heads removed in accordance with section 14.

(3) No person shall offload Pacific halibut from a vessel unless the gills and entrails have been removed prior to offloading.<sup>8</sup>

(4) It shall be the responsibility of a vessel operator who lands Pacific halibut to continuously and completely offload at a single offload site all Pacific halibut on board the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NOAA Fisheries and codified at 50 CFR part 679) who receives Pacific halibut harvested in IFQ and CDQ fisheries in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such Pacific halibut must weigh all the Pacific halibut received and record the following information on Federal catch reports: date of offload; name of vessel; vessel number (State, Tribal or Federal, not IPHC vessel number); scale weight obtained at the time of offloading, including the scale weight (in pounds) of Pacific halibut purchased by the registered buyer, the scale weight (in pounds) of Pacific halibut offloaded in excess of the IFQ or CDQ, the scale weight of Pacific halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of Pacific halibut discarded as unfit for human consumption. All Pacific halibut harvested in IFQ or CDQ fisheries in Areas IPHC Regulatory 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, must be weighed with the head on and the head-on weight must be recorded on Federal catch reports as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at Section 14(2).

(6) The first recipient, commercial fish processor, or buyer in the United States of America who purchases or

receives Pacific halibut directly from the vessel operator that harvested such Pacific halibut must weigh and record all Pacific halibut received and record the following information on State fish tickets: The date of offload; vessel number (State or Federal, not IPHC vessel number) or Tribal ID number; total weight obtained at the time of offload including the weight (in pounds) of Pacific halibut purchased; the weight (in pounds) of Pacific halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of Pacific halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of Pacific halibut discarded as unfit for human consumption. All Pacific halibut harvested in IFQ or CDQ fisheries in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, must be weighed with the head on and the head-on weight must be recorded on State fish tickets as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at Section 14(2).

(7) For Pacific halibut landings made in Alaska, the requirements as listed in paragraphs (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings in accordance with NOAA Fisheries regulation published at 50 CFR part 679.

(8) The master or operator of a Canadian vessel that was engaged in Pacific halibut fishing must weigh and record all Pacific halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports: The date; locality; name of vessel; the name(s) of the person(s) from whom the Pacific halibut was purchased; and the scale weight obtained at the time of offloading of all Pacific halibut on board the vessel including the pounds purchased, pounds in excess of IVQs, pounds retained for personal use, and pounds discarded as unfit for human consumption. All Pacific halibut must be weighed with the head on and the head-on weight must be recorded on the Provincial fish tickets or Federal catch reports as specified in this paragraph, unless the Pacific halibut is frozen at sea and exempt from the head-on landing requirement at Section 14(2).

(9) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (8) of section 18.

(10) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (8) shall be:

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) open to inspection by an authorized officer or any authorized representative of the Commission.

(11) No person shall possess any Pacific halibut taken or retained in contravention of these Regulations.

(12) When Pacific halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that Pacific halibut was caught, in compliance with paragraph (10).

(13) No person shall tag Pacific halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

#### 19. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel Pacific halibut caught in more than one IPHC Regulatory Area.

(2) Pacific halibut caught in more than one of the IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E may be possessed on board a vessel at the same time only if:

(a) Authorized by NOAA Fisheries regulations published at 50 CFR Section 679.7(f)(4); and

(b) the operator of the vessel identifies the regulatory area in which each Pacific halibut on board was caught by separating Pacific halibut from different areas in the hold, tagging Pacific halibut, or by other means.

#### 20. Fishing Gear

(1) No person shall fish for Pacific halibut using any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in IPHC Regulatory Area 2B using sablefish trap gear as defined in the Condition of Licence can retain Pacific halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may retain Pacific halibut taken with longline or single pot gear if such retention is authorized by NOAA Fisheries regulations published at 50 CFR part 679.

(2) No person shall possess Pacific halibut taken with any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in IPHC Regulatory Area 2B using sablefish trap gear as defined by the Condition of Licence can retain Pacific halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may possess Pacific halibut taken with longline or

<sup>7</sup> DFO has more restrictive regulations; therefore, section 18 paragraph (2)(b) does not apply to fish caught in IPHC Regulatory Area 2B or landed in British Columbia.

<sup>8</sup> DFO did not adopt this regulation; therefore, Section 18 paragraph (3) does not apply to fish caught in IPHC Regulatory Area 2B.

single pot gear if such possession is authorized by NOAA Fisheries regulations published at 50 CFR part 679.

(3) No person shall possess Pacific halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching Pacific halibut,

(a) except that in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, Pacific halibut heads, skin, entrails, bones or fins for use as bait may be possessed on board a vessel carrying pots capable of catching Pacific halibut, provided that a receipt documenting purchase or transfer of these Pacific halibut parts is on board the vessel; or

(b) except that in IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, Pacific halibut may be possessed on board a vessel carrying pots capable of catching Pacific halibut, provided such possession is authorized by NOAA Fisheries regulations published at 50 CFR part 679 as referenced in paragraphs (1) and (2) of this section; or

(c) except that in IPHC Regulatory Area 2B, Pacific halibut may be possessed on board a vessel carrying sablefish trap gear, provided such possession is authorized by the Condition of Licence regulations promulgated by DFO as referenced in paragraphs (1) and (2) of this section.

(4) All gear marker buoys carried on board or used by any United States of America vessel used for Pacific halibut fishing shall be marked with one of the following:

(a) The vessel's State license number; or

(b) the vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All gear marker buoys carried on board or used by a Canadian vessel used for Pacific halibut fishing shall be:

(a) Floating and visible on the surface of the water; and

(b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel used to fish for any species of fish anywhere in IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery shall catch or possess Pacific halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(8) No vessel used to fish for any species of fish anywhere in IPHC Regulatory Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery may be used to catch or possess Pacific halibut anywhere in those waters during that Pacific halibut fishing period unless, prior to the start of the Pacific halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the Pacific halibut fishing season shall catch or possess Pacific halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in IPHC Regulatory Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the Pacific halibut fishing season may be used to catch or possess Pacific halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these Regulations, a person may retain, possess and dispose of Pacific halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NOAA Fisheries.

#### 21. Supervision of Unloading and Weighing

The unloading and weighing of Pacific halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

#### 22. Retention of Tagged Pacific Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a Pacific halibut that bears a Commission external tag at the time of capture, if the Pacific halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the Pacific halibut:

(a) May be retained for personal use; or

(b) may be sold only if the Pacific halibut is caught during commercial Pacific halibut fishing and complies with the other commercial fishing provisions of these Regulations.

(3) Any Pacific halibut that bears a Commission external tag must count against commercial IVQs, CDQs, or IFQs unless otherwise exempted by State, Provincial, or Federal regulations.

(4) Any Pacific halibut that bears a Commission external tag will not count against sport daily bag limits or possession limits, may be retained outside of sport fishing seasons, and are not subject to size limits in these regulations.

(5) Any Pacific halibut that bears a Commission external tag will not count against daily bag limits, possession limits, or catch limits in the fisheries described in section 23, paragraph (7), section 24, or section 25.

#### 23. Fishing by United States Treaty Indian Tribes

(1) Pacific halibut fishing in Subarea 2A-1 by members of 'United States treaty Indian' tribes located in the State of Washington shall be regulated under regulations promulgated by NOAA Fisheries and published in the **Federal Register**.

(2) Subarea 2A-1 includes all waters off the coast of Washington that are north of the Quinault River, WA (47°21.00' N lat.), and east of 125°44.00' W long; all waters off the coast of Washington that are between the Quinault River, WA (47°21.00' N lat.), and Point Chehalis, WA (46°53.30' N lat.), and east of 125°08.50' W long.; and all inland marine waters of Washington.

(3) Section 14 (size limits), section 15 (careful release of Pacific halibut), section 17 (logs), section 18 (receipt and possession of Pacific halibut) and section 20 (fishing gear), except paragraphs (7) and (8) of section 20, apply to commercial fishing for Pacific halibut in Subarea 2A-1 by the treaty Indian tribes.

(4) Regulations in paragraph (3) of this section that apply to State fish tickets apply to Tribal tickets that are authorized by WDFW.

(5) Section 4 (Licensing Vessels for IPHC Regulatory Area 2A) does not apply to commercial fishing for Pacific halibut in Subarea 2A–1 by treaty Indian tribes.

(6) Commercial fishing for Pacific halibut in Subarea 2A–1 is permitted with hook and line gear from 15 March through 14 November, or until 497,000 pounds (225.44 metric tons) net weight is taken, whichever occurs first.

(7) Ceremonial and subsistence fishing for Pacific halibut in Subarea 2A–1 is permitted with hook and line gear from 1 January through 31 December, and is estimated to take 28,000 pounds (12.70 metric tons) net weight.

#### 24. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for Pacific halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NMFS and published in 50 CFR part 300.

(2) Customary and traditional fishing is authorized from 1 January through 31 December.

#### 25. Aboriginal Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

(1) Fishing for Pacific halibut for food, social and ceremonial purposes by Aboriginal groups in Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

#### 26. Sport Fishing for Pacific Halibut—General

(1) No person shall engage in sport fishing for Pacific halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) Any size limit promulgated under IPHC or NOAA Fisheries regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail as depicted in Figure 2.

(3) Any Pacific halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the Pacific halibut.

(4) No person may possess Pacific halibut on a vessel while fishing in a closed area.

(5) No Pacific halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(6) No Pacific halibut caught in sport fishing shall be possessed on board a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.

(7) The operator of a charter vessel shall be liable for any violations of these Regulations committed by an angler on board said vessel. In Alaska, the charter vessel guide, as defined in 50 CFR 300.61 and referred to in 50 CFR 300.65, 300.66, and 300.67, shall be liable for any violation of these Regulations committed by an angler on board a charter vessel.

#### 27. Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2A

(1) The total allowable catch of Pacific halibut shall be limited to:

(a) 277,100 pounds (125.69 metric tons) net weight in waters off Washington;

(b) 289,575 pounds (131.35 metric tons) net weight in waters off Oregon; and

(c) 39,000 pounds (17.69 metric tons) net weight in waters off California.

(2) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NOAA Fisheries are estimated to have been taken.

(3) When the Commission has determined that a subquota under paragraph (8) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for Pacific halibut in that area after that date for the rest of the year, unless a reopening of that area for sport Pacific halibut fishing is scheduled in accordance with the Catch Sharing Plan for IPHC Regulatory Area 2A, or announced by the Commission.

(4) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(5) The possession limit on a vessel for Pacific halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit for Pacific halibut on land in Washington is two daily bag limits.

(6) The possession limit on a vessel for Pacific halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for Pacific halibut on land in Oregon is three daily bag limits.

(7) The possession limit on a vessel for Pacific halibut caught in the waters off the coast of California is one daily bag limit. The possession limit for

Pacific halibut on land in California is one daily bag limit.

(8) Specific regulations describing fishing periods, catch limits, fishing dates, and daily bag limits are promulgated by NOAA Fisheries and published in the **Federal Register**.

#### 28. Sport Fishing for Pacific Halibut—IPHC Regulatory Area 2B

(1) In all waters off British Columbia:<sup>9 10</sup>

(a) the sport fishing season will open on 1 February unless more restrictive regulations are in place;

(b) the sport fishing season will close when the sport catch limit allocated by DFO, is taken, or 31 December, whichever is earlier; and

(c) the daily bag limit is two Pacific halibut of any size per day per person.

(2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a Pacific halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(3) The possession limit for Pacific halibut in the waters off the coast of British Columbia is three Pacific halibut.<sup>9 10</sup>

#### 29. Sport Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In Convention waters in and off Alaska:<sup>11 12</sup>

(a) The sport fishing season is from 1 February to 31 December.

(b) The daily bag limit is two Pacific halibut of any size per day per person unless a more restrictive bag limit applies in Commission regulations or Federal regulations at 50 CFR 300.65.

(c) No person may possess more than two daily bag limits.

(d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, Pacific halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each Pacific halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2

<sup>9</sup> DFO could implement more restrictive regulations for the sport fishery; therefore, anglers are advised to check the current Federal or Provincial regulations prior to fishing.

<sup>10</sup> For regulations on the experimental recreational fishery implemented by DFO, check the current Federal or Provincial regulations.

<sup>11</sup> NMFS could implement more restrictive regulations for the sport fishery or components of it; therefore, anglers are advised to check the current Federal or State regulations prior to fishing.

<sup>12</sup> Charter vessels are prohibited from harvesting Pacific halibut in IPHC Regulatory Areas 2C and 3A during one charter vessel fishing trip under regulations promulgated by NMFS at 50 CFR 300.66.

cheek pieces, with a patch of skin on each piece, naturally attached.

(e) Pacific halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs.

(f) Pacific halibut harvested on a charter vessel fishing trip in IPHC Regulatory Areas 2C or 3A must be retained on board the charter vessel on which the Pacific halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.

(g) Guided angler fish (GAF), as described at 50 CFR 300.65, may be used to allow a charter vessel angler to harvest additional Pacific halibut up to the limits in place for unguided anglers, and are exempt from the requirements in paragraphs (2) and (3) of this section.

(2) For guided sport fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 2C:

(a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one Pacific halibut per calendar day.

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain any Pacific halibut that with head on is greater than 38 inches (96.5 cm) and less than 80 inches (203.2 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail.

(3) For guided sport fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 3A:

(a) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two Pacific halibut per calendar day.

(b) At least one of the retained Pacific halibut must have a head-on length of no more than 28 inches (71.1 cm) as measured in a straight line, passing over

the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. If a person sport fishing on a charter vessel in IPHC Regulatory Area 3A retains only one Pacific halibut in a calendar day that Pacific halibut may be of any length.

(c) A "charter halibut permit" (as referred to in 50 CFR 300.67) may only be used for one charter vessel fishing trip in which Pacific halibut are caught and retained per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first.

(d) A charter vessel on which one or more anglers catch and retain Pacific halibut may only make one charter vessel fishing trip per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first.

(e) No person on board a charter vessel may catch and retain Pacific halibut on any Wednesday, or on the following Tuesdays: 16 July, 23 July, 30 July, 6 August, and 13 August.

(f) Charter vessel anglers may catch and retain no more than four (4) Pacific

halibut per calendar year on board charter vessels in IPHC Regulatory Area 3A. Pacific halibut that are retained as GAF, retained while on a charter vessel fishing trip in other Commission regulatory areas, or retained while fishing without the services of a guide do not accrue toward the 4-fish annual limit. For purposes of enforcing the annual limit, each angler must:

(1) Maintain a nontransferable harvest record in the angler's possession if retaining a Pacific halibut for which an annual limit has been established. Such harvest record must be maintained either on the back of the angler's State of Alaska sport fishing license or on a Sport Fishing Harvest Record Card obtained, without charge, from ADF&G offices, the ADF&G website, or fishing license vendors; and

(2) immediately upon retaining a Pacific halibut for which an annual limit has been established, record the date, location (IPHC Regulatory Area 3A), and species of the catch (Pacific halibut), in ink, on the harvest record; and

(3) record the information required by paragraph 3(g)(2) on any duplicate or additional sport fishing license issued to the angler or any duplicate or additional Sport Fishing Harvest Record Card obtained by the angler for all Pacific halibut previously retained during that year that were subject to the harvest record reporting requirements of this section; and

(4) carry the harvest record on his or her person while fishing for Pacific halibut.

### 30. Previous Regulations Superseded

These Regulations shall supersede all previous regulations of the Commission, and these Regulations shall be effective each succeeding year until superseded.

**BILLING CODE 3510-22-P**

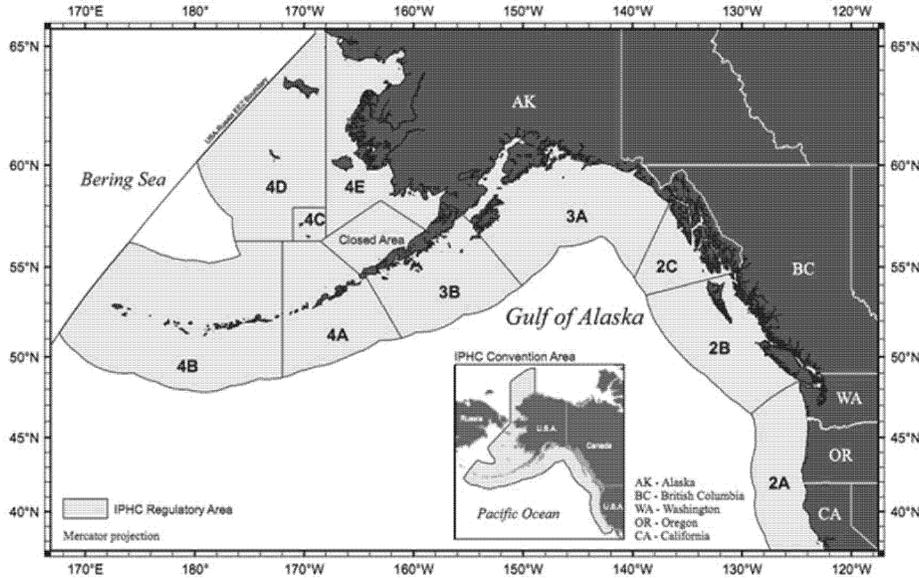


Figure 1. Regulatory areas for the Pacific halibut fishery.

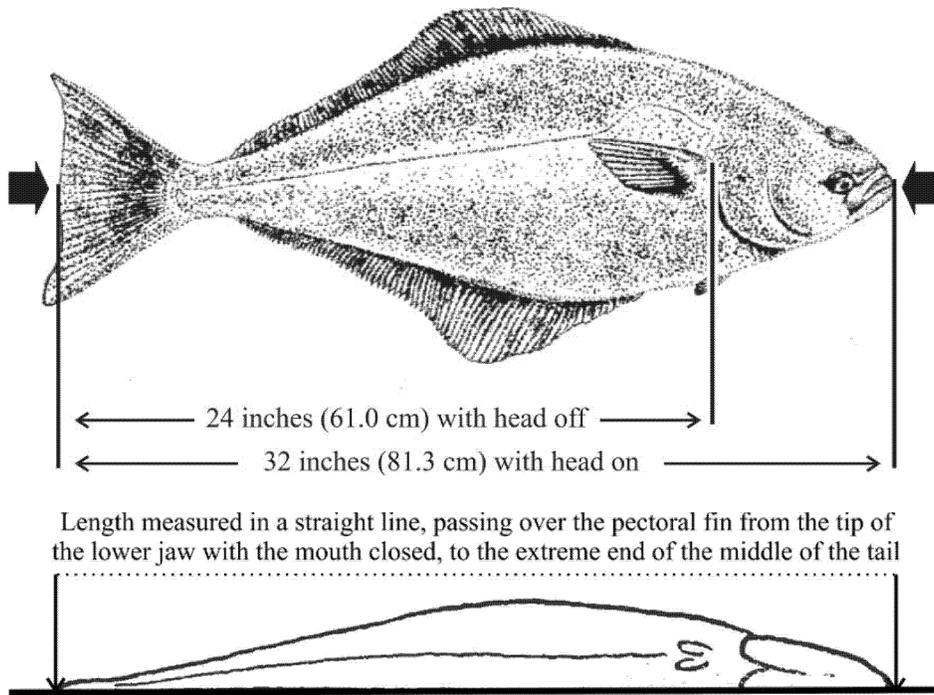


Figure 2. Minimum commercial size.

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**Classification**

*IPHC Regulations*

These IPHC annual management measures are a product of an agreement between the United States and Canada and are published in the **Federal**

**Register** to provide notice of their effectiveness and content. Pursuant to section 4 of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may “accept or reject” but not modify these recommendations of the IPHC. The

notice-and-comment and delay-in-effectiveness date provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553(b) and (d), are inapplicable to IPHC management measures because this regulation involves a foreign affairs function of the United States, 5 U.S.C. 553(a)(1). As stated above, the Secretary

of State has no discretion to modify the recommendations of the IPHC. The additional time necessary to comply with the notice-and-comment and delay-in-effectiveness requirements of the APA would disrupt coordinated international conservation and management of the halibut fishery pursuant to the Convention. Furthermore, no other law requires prior notice and public comment for this rule.

Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this portion of the rule and none has been prepared. This final rule has been determined to be not

significant for the purposes of Executive Order 12866.

**Authority:** 16 U.S.C. 773 *et seq.*

Dated: March 8, 2019.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. 2019-04714 Filed 3-13-19; 8:45 am]

**BILLING CODE 3510-22-P**