December 2007 Council Action

Charter Halibut Interim Measures: Initial Allocation and Future Reallocation between charter sector and commercial sector in Area 2C and Area 3A
Initial Review in April 2008
Final Action in October 2008
Implementation scheduled after Charter Halibut Limited Entry Program

Problem Statement *The absence of a hard allocation between the longline and the charter halibut sectors has resulted in conflicts between sectors and tensions in coastal communities dependent on the halibut resource. Unless a mechanism for transfer between sectors is established, the existing environment of instability and conflict will continue. The Council seeks to address this instability while balancing the needs of all who depend on the halibut resource for food, sport, or livelihood.*

Management Objectives *In establishing this catch sharing plan for the commercial and sport charter halibut sectors, the Council intends to create a management regime that provides separate accountability for each sector. The management of the commercial sector remains unchanged under the plan, and new management measures are provided for the sport charter sector.*

These new measures for the sport charter sector are designed to address the specific need of the sport charter sector for advance notice and predictability with respect to the management tools and length of season that will be used to achieve the allocation allotted to that sector under the plan. In order to achieve the allocation, it is the Council's intent that management tools and season length would be established during the year prior to the year in which they would take effect, an d that the tools selected and season length would not be changed in season.

The Council will evaluate its success in achieving the sport charter sector allocation, and specific needs for predictability, advance notice, and season length each year, and will adjust its management tools as needed. In designing this regime for the sport charter sector the Council recognizes that providing advance notice and predictability may result in a charter harvest that does not precisely meet the sector allocation for that particular year. Therefore, the Council intends to adjust its management measures as needed to ensure that the sport charter sector is held at or below its allocation on average over a rolling five-year period. In meeting its conservation mandate while accommodating the charter industry's need for predictability and stability, the Council will necessarily err on the side of conservation in the selection of management tools and season length, with the result that the sport charter sector may not be able to harvest its entire allocation.

Alternatives for Analysis

Alternative 1. No Action.

Alternative 2. Establish a catch sharing plan that includes sector accountability

Element 1. Initial allocation

Option 1: Fixed percentage.

	Area 2C	Area 3A	based on:
a.	13.1 %	14.0%	125% of the 1995-1999 avg charter harvest (current GHL formula)
b.	17.3 %	15.4 %	125% of the 2001-2005 avg charter harvest (GHL formula updated thru 2005)
c.	11.7 %	12.7%	current GHL as percent of 2004
d.	15.1 %	12.7%	2005 charter harvest

Option 2: Fixed pounds.

	Area 2C	Area 3A	based on:
a.	1.43 Mlb	3.65 Mlb	125% of the 1995-1999 avg charter harvest (current GHL)
b.	1.69 Mlb	4.01 Mlb	125% of the 2000-2004 avg charter harvest (GHL updated thru 2004)
c.	1.90 Mlb	4.15 Mlb	125% of the 2001-2005 avg charter harvest (GHL updated thru 2005)

Option: Stair step up and down. The allocation in each area would be increased or reduced in stepwise increments based on a change in the total CEY. If the halibut stock were to increase or decrease from 15 to 24 percent from its average total CEY of the base period selected for the initial allocation at the time of final action, then the allocation would be increased or decreased by 15 percent. If the stock were to increase or decrease from at least 25 to 34 percent, then the allocation would be increased or decreased by an additional 10 percent. If the stock increased or decreased by at least 10 percent increments, the allocation would be increased or decreased by an additional 10 percent.

Option 3. 50% fixed/50% floating allocation.

	Area 2C			Area 3A		
	50% of:	and	50% of:	50% of:	and	50% of:
a.	13.1 %		1.43 Mlb	14.1 %		3.65 Mlb
b.	15.9 %		1.69 Mlb	15.4 %		4.01 Mlb
c.	17.3 %		1.90 Mlb	15.4 %		4.15 Mlb

Element 2. Annual regulatory cycle

The initial charter allocation would be a common harvest pool for all charter limited entry permit holders. It would not close the fishery when the charter allocation is exceeded. Instead, the allocation would be linked to an annual regulatory analysis of management measures (delayed feedback loop) that take into account the projected CEY for the following year and any overages by the charter industry in the past year(s). This system would work best if there is not a time lag between the overage year and the payback year. The Council will not revisit or readjust the sector split. An allocation overage would trigger the regulatory process automatically, in contrast with current GHL management. Any underages would accrue to the benefit of the halibut biomass and would not be reallocated or paid forward. The Council assumes (and would request) that the International Pacific Halibut Commission set a combined charter and commercial sector fishery catch limit and would apply the allocations between the two sectors that would be recommended by the Council in a type of catch sharing plan to the combined fishery catch limit.

Element 3. Management toolbox.

Tier 1 measures will be utilized by the Council to try to manage the charter common pool for a season of historic length and a two-fish daily harvest limit. Tier 2 measures will be utilized if Tier 1 measures are inadequate to constrain harvest by the charter common pool to its allocation. Due to the delayed feedback loop in implementation of management measures, management measures will, in general, be more restrictive to ensure that the charter sector allocation is not exceeded. In providing predictability and stability for the charter sector, it is likely that charter fish may be left in the water.

Tier 1 management measures include:

- 1 trip per vessel per day
- No retention by skipper or crew
- line limits
- Second fish of minimum size
- Second fish at or below a specific length.

Tier 2 management measures include:

- Annual catch limits
- 1 fish bag limit for all or a portion of the season
- Season closure
  Suboption: seasonal closures on a monthly or sub-seasonal basis

Element 4. Timeline. The current timeline for the proposal is as described below. [Staff should discuss what would be needed to implement February Council action for June (the same year)]

Example scenario 1: 4–year feedback loop

- Charter fishery ends 2007
- October 2008: Council receives ADF&G report on final charter halibut harvest estimates for 2007. If the ADF&G report indicates that an allocation overage occurred in 2007, the Council will initiate the analysis of management measures necessary to restrict charter halibut harvests to its allocations.
- December 2008: Council reviews staff analysis (possibly in the form of a supplement) that updates the previous year's analysis with final 2007 harvest estimates.
- January 2009: IPHC adopts combined catch limits for 2009.
- February 2009: Council takes final action on management measures that would be implemented in year 2010.
- Winter 2009: NMFS publishes the rule that will be in effect for 2010.

Example Scenario 2: 3–year feedback loop

- Charter fishery, with in-season monitoring, ends 2007
- October 2007: Council receives ADF&G report on final charter halibut harvest estimates for 2007. If the ADF&G report indicates that an allocation overage occurred in 2007, the Council will initiate the analysis of management measures necessary to restrict charter halibut harvests to its allocations.
- December 2007: Council reviews staff analysis (possibly in the form of a supplement) that updates the previous year's analysis with final 2007 harvest estimates.
- January 2008: IPHC adopts combined catch limits for 2008.
- February 2008: Council takes final action on management measures that would be implemented in year 2009
- Winter 2008: NMFS publishes the rule that will be in effect for 2009

Element 5. Supplemental individual use of commercial IFQ to allow limited entry permit holders to lease commercial IFQ in order to provide anglers with additional harvesting opportunities, not to exceed limits in place for unguided anglers

A. Leasing commercial IFQ for conversion to Guided Angler Fish (GAF).
   1. A LEP (Limited Entry Permit) holder may lease IFQ for conversion to GAF for use on the LEP.
   2. Commercial halibut QS holders may lease up to 1500 pounds or 10% (whichever is greater) of their annual IFQ to LEP holders (including themselves) for use as GAF on LEPs. A CQE may lease up to 100% of its annual IFQ for use as GAF on their own LEPs.
   3. LEP holder per vessel may not lease more than 200-400 fish.
      Suboption: vessels with LEP w/endorsement for more than 6 clients may not lease more than 400-600 fish.
B. LEP holders harvesting GAF while participating in the guided sport halibut fishery are exempt from landing and use restrictions associated with commercial IFQ fishery, but subject to the landing and use provisions detailed below.
C. GAF would be issued in numbers of fish. The conversion between annual IFQ and GAF would be based on average weight of halibut landed in each region's charter halibut fishery (2C or 3A) during the previous year as determined by ADF&G. The long-term plan may require further conversion to some other form (e.g., angler days).

D. Subleasing of GAF would be prohibited.
E. GAF holders may request NMFS convert unused GAF into IFQ pounds for harvest in compliance with commercial fishing regulations provided the GAF holder qualifies under the commercial IFQ regulations.
F. Conversion of GAF back to commercial sector
    1. GAF holders may request NMFS convert unused GAF into IFQ pounds for harvest in compliance with commercial fishing regulations provided the GAF holder qualifies under the commercial IFQ regulations.
    2. Unused GAF may revert back to pounds of IFQ at the end of the year and be subject to the underage provisions applicable to their underlying commercial QS.
G. Guided angler fish derived from commercial QS may not be used to harvest fish in excess of the non-guided sport bag limit on any given day.
H. Charter operators landing GAF on private property (e.g., lodges) and motherships would be required to allow ADF&G samplers/enforcement personnel access to the point of landing.
I. Commercial and charter fishing may not be conducted from the same vessel on the same day.

Element 6. Catch accounting system

1. The current Statewide Harvest Survey and/or logbook data would be used to determine the annual harvest.
2. A catch accounting system will need to be developed for the GAF fish landed in the charter industry.
3. As part of data collection, recommend the collection of length measurements when supplemental IFQs are leased for use and compare to the annual average length to make sure that accurate removable poundage is accounted for and to allow length measurement information gathered to be used in the formulation of the average weight used in the conversion of IFQs to GAF.

Recordkeeping and Reporting *One of the critical issues for successful implementation of a successful interim management regime for charter halibut operators is to shorten the feedback loop for collection of data regarding charter harvests. The Council has requested that staff include in their report a discussion of options for shortening the feedback loop.*

It is also the intent of the Council in proposing these options that the real time collection of data should not be used for in-season management changes or in-season closures; rather it is the intent of the Council that these options be used to shorten the data collection feedback loop to facilitate the timely advance adoption of management tools designed to achieve the charter sector allocation without in-season changes or in-season closures in order to maintain, to the extent possible, a season of historic length with a minimum two fish bag limit.

Option 1. Electronic Reporting. Each GSM permit holder would be assigned a unique reporting number and would use that number to electronically report the number of halibut caught by clients that day on a daily basis. The electronic reporting would be done either through an Internet website or a dial-in telephone system. As additional verification each client would sign the mandatory logbook next to the entry containing their name, license number, number and type of fish caught, and any other required information. Logbooks would continue to be submitted weekly.

Option 2. Harvest Tag. Uniquely numbered harvest tags would be distributed to each GSM permit holder at the beginning of the season and additional tags would be available throughout the season if needed. The number of harvest tags would be greater than the number of fish allocated to the charter sector for that year (i.e., the tags are not a management tool for restricting or closing charter fishing in-season). When a halibut is landed the harvest tag would be required to be inserted in the jaw and the harvest tag number recorded in the log book entry for the angler license number of the person who caught the fish. When the fish is processed the tag would be removed and mailed in using pre-addressed, stamped envelopes supplied for that purpose. GSM

operators would pay a fee to cover the cost of the envelopes and tags. Harvest tags would preferably be bar coded to enable machine reading, with peel off bar code stickers for placement in the log book.

Option 3. Punch Cards. Each GSM permit holder would be issued a supply of uniquely numbered punch cards with punch outs equal to any daily bag limit for that year or six halibut (whichever is fewer). The cards would issued at the beginning of the season and additional cards would be available as needed (i.e., the cards are not a management tool for restricting or closing charter fishing in-season). Each day every client angler would be assigned a punch card and that punch card number would be entered in the log book next to the license number. As each halibut is landed by a client their respective card would be punched, and at the end of the day the client would sign the punch card in the space provided. The punch card would then be sealed in a supplied stamped and addressed envelope, which would be mailed by the permit holder. GSM permit holders would pay a fee to cover the cost of the punch cards and mailing envelopes. Any log book entry for which a signed punch card is not received would be corrected to read the maximum number of fish printed on a punch card (i.e., the daily bag limit or six fish).