

Motion

Preamble

The Pacific halibut resource is fully utilized. In September 1997, to address allocation issues between the guided sport sector and other users of the halibut resource, the North Pacific Fishery Management Council (Council) adopted guideline harvest levels (GHL) for the guided sport charter sector operating in IPHC Regulatory areas 2C and 3A. These GHLs were intended to stop the open-ended reallocation between the commercial and guided sport sectors. In 2004 (the most recent year for which data is available), the charter fleet exceeded the GHL.

In April 2001, the Council also approved an IFQ program for the halibut charter fleet. This program was enacted to address the allocation issue on a long-term basis. However, a lengthy delay in enacting this program has resulted in a large number of current participants that do not qualify for quota share. This has resulted in controversy and a lack of broad support for the program as well as potential legal vulnerabilities.

A preliminary analysis is currently underway by council staff of alternatives identified at the Council's October, 2005 meeting and intended to bring the guided sport fisheries in Areas 2C and 3A under their respective GHLs. These measures are:

For Area 2C:

- 1 No Action
- 2 One trip per day, no harvest by skipper and crew, and annual limit of 6 fish per person.
- 3 One trip per day, no harvest by skipper and crew, and annual limit of 5 fish per person.

For Area 3A:

- 1 No Action
- 2 One trip per day.
- 3 One trip per day, no harvest by skipper and crew.

In addition, the State of Alaska has announced its intention to institute a halibut reporting requirement in charter boat logbooks with methodology to ensure accuracy, effective for

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2006. The State also intends to introduce a regulation to the Board of Fish to prohibit retention or harvest of fish by skipper and crew members when clients are on board and limit the number of lines fished to the number of clients. This State expects this regulation to be in effect for the 2006 season.

The preliminary analysis of these actions will be before the Council in February 2006, but it appears that the collection of measures currently being considered by the Council and being advanced by the State will provide the ability to hold the charter harvest under the existing GHL.

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In consideration of the potential legal vulnerabilities and other conflicts that have been caused by the delay in promulgation of final regulations, I am making a motion to amend something previously adopted. I move to strike the language adopted on the April 14, 2001 for halibut charter fish management and substitute the following language.

The council tasks staff to develop two alternatives for analysis for the long term management of the halibut charter fishery. The Council will form a stakeholder working group appointed by the chair and including representatives of affected groups to work with staff. The group shall identify common principles and goals and work with Council staff to define two alternatives and limit options for analysis. NMFS and ADF&G staff will assist with data needs. The developed alternatives shall be presented to the Council at its April 2006 meeting.

Alternative #1 would be an allocation based fishery plan. Consideration of elements to be included in the plan should include, but not be limited to:

- A percentage based allocation which would float up and down with abundance in a fashion similar to the commercial longline TAC.
- Subdivision of 2C and 3A into smaller geographic sub-districts, including time certain establishment of LAMP's and super-exclusive registration areas.

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- A detailed set of management measures which will be used to enforce the allocation. The measures analyzed shall include:
 - the measures listed above that will be presented to the Council in February,
 - the measures discussed above that are being pursued by the State.
 - Other annual bag limits,
 - limitations on days fished either by total number of days or by excluding specific days of the week,
 - reduced daily limits including size limitations for 2nd fish, and
 - subtraction of any allocation exceedence from the following year's allocation.
- To limit total number of charter boats, the use of a Federal moratorium or control date of today and/or a State limited entry program with delayed transferability.
- Mechanisms which, if the charter harvest continues to grow, will allow for an orderly and compensated allocation shift from the longline sector to the charter sector. Mechanisms considered should include the use of a charter stamp, which would generate funds to pay for management of the charter fishery and to buy longline shares to be converted into the charter allocation [, AND ALLOCATION OF ONE THIRD OF THE “UNUSED COMMERCIAL HALIBUT QS” FROM AREA 2-C AND 3-A TO THE CHARTER ALLOCATION (*NOTE-This portion of the motion was rendered moot by Council action on the issue later the same day*)].
- Exploration of delegation of some management aspects of the halibut sport fishery, including charters, to the State of Alaska.
- A comprehensive economic analysis of the proposed elements of the fishery plan, including impacts on other affected sectors of the halibut fishery.

Alternative #2 would be a modified IFQ programs. Analysis would include, but not be limited to:

- The elements of the previously proposed (2001) charter IFQ program.

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- A modified IFQ program. Elements considered in such a program would include, but not be limited to, addressing potential legal vulnerabilities that may exist in the 2001 IFQ program. Such approaches might include the “leveling” or Goodhand plan, other effort based mechanisms to update 1998 and 1999 history, new history approaches, an effort based transferable seat (ITS) program, or other options.
- Subdivision of 2C and 3A into smaller geographic sub-districts, including time certain establishment of LAMP’s.
- The use of a moratorium or control date of today.
- **ADD ELEMENTS OR MODIFY AS ADVOCATES OF IFQ’S WISH**
- A comprehensive economic analysis of the proposed elements of the fishery plan including potential impacts on cost of charters to clients, economic impacts on other affected sectors of the halibut fishery, and economic feasibility of cross sector share purchases and leases.