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

Current regulations prohibit the mere possession of a filleted halibut aboard any vessel in the Convention waters in and off Alaska. The purpose of this prohibition is to provide assurance that the daily bag and possession limits are not exceeded.

Last year a proposal was submitted to modify these regulations. In last year’s proposal, the concerns expressed about the current regulations were, in summary, as follows:

a. The regulations provide an unfair competitive advantage to shorebased lodges (which are allowed to fillet halibut) compared to charter boat operations.

b. If a large halibut is caught, it may be impossible to only quarter the halibut prior to vacuum packing and freezing the fish.

c. Individuals living aboard their vessels are technically prohibited from having a filleted halibut at their residences, even if they purchased that filleted halibut at a local grocery store.

d. A person on a multi-day cruise often does not have the freezing capacity to handle a large halibut that can only be quartered prior to freezing.
e. There is a technical problem with the current regulations: They provide an exception from the possession limit for halibut transported on a vessel that does not contain fishing gear, but do not provide an exemption from the provision prohibiting possession of filleted halibut on board a vessel.

At the IPHC Annual Meeting in January of 2010, the Commissioners asked that a workshop be held with a small group of stakeholders to discuss possible solutions that would allow the possession of filleted halibut.

The workshop was held on September 23, 2010, in Juneau, Alaska. Tags, log books, special permits and other suggestions to record the number of halibut in possession aboard the vessel were discussed. With each of the proposals, however, if an operator were dishonest, he or she could still fillet a halibut so that enforcement of the daily bag and possession limits would be difficult. NOAA enforcement clearly would not endorse any proposal that did not allow for verifiability of the number of halibut caught and possessed.

If complete verifiability of the number of halibut possessed is necessary to allow for filleted halibut to be on a vessel, the only possible solution is to have on-board observers or effective electronic monitoring of all halibut filleted and frozen aboard a vessel.

Consequently this proposal supports an exception to the prohibition against possession of a filleted halibut if there is an electronic monitoring system aboard the vessel to observe and record all halibut filleted and frozen on the vessel.

2. Proposed Regulations. (Strikethrough indicates deletion from the current regulations and italics indicates new language.)

(2) In Convention waters in and off Alaska, no person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, halibut that has been of halibut that has been filleted, mutilated or otherwise disfigured in any manner, except that

(a) Each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with skin on all pieces; and

(b) Halibut in excess of the possession limit in paragraph (1)(c) of this section, and the prohibition against filleting in paragraph (2) of this section, may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs; and
(c) A person may possess a filleted, mutilated or otherwise disfigured halibut on board a vessel if the vessel is equipped with a fully functioning electronic monitoring system that includes a camera, a monitor, and digital video recording system for the areas where the halibut are filleted and frozen. The system must have sufficient data storage capacity to store all video data from an entire trip. The video data must be maintained and made available to NMFS staff, or any individual authorized by NMFS, upon request. These data must be retained on board the vessel for no less than 120 days after the date the video is recorded. The system must provide sufficient resolution and field of view to observe the areas where halibut are filleted and frozen.

The proposed changes have the following intent:

The addition to paragraph (2)(b) is a technical amendment that would allow filleted halibut to be transported aboard vessels that have no fishing gear. I do not believe the additions to paragraph (2)(b) change the intent of the current regulation.

The new paragraph (2)(c) creates an exemption from the prohibition against possession of a filleted halibut on board for vessels that have working electronic monitoring systems with the capability to observe and record all halibut filleted and frozen on the boat.

3. Impacts.

3a. Who might benefit from the proposed change?

Obviously, any operator would benefit who seeks to possess a filleted halibut on board the operator’s vessel.

3b. Who might suffer hardships or be worse off?

The intent is that no one is worse off, although not everyone is benefitted. Live aboards, for example, still would be in technical violation of the law if they possessed filleted halibut at their place of residences.²

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

There were various proposals considered to allow the possession of filleted halibut on board vessels. Because none of these proposals could assure verification of the number of halibut harvested, they are not endorsed by NOAA enforcement.
1 Specifically the current regulations state:

(1) In waters in and off Alaska

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

(b) The daily bag limit is two halibut of any size per day per person unless a more restrictive bag limit applies in federal regulations at 50CFR 300.65; and

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

(2) In Convention waters in and off Alaska, no person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, halibut that has been filleted, mutilated, or otherwise disfigured in any manner, except that

(a) Each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with skin on all pieces; and

(b) 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.

(2009 Pacific Halibut Fishery Regulations, Title 28(2).)

2 NOAA enforcement indicated that it was their unwritten policy not to actively enforce the filleted halibut prohibition against people who obviously live aboard their vessel.