

IPHC Regulations Proposal Submission Form

Proposal Title: REDUCE Guided Sport Bag Limit in 2C and 3A

Year Proposed For: 2007

Submission Information (Please print or type)

Name: Jev Shelton

Affiliation: Halibut Coalition

Address: PO Box 22073

City: Juneau State/Prov: AK Postal/ZIP Code: 99802

Telephone: 907-586-2242 Fax: 907-586-2247 Email: jev@gci.net

Signature: 

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

In late October 2006, the Alaska Department of Fish and Game (ADF&G) released final estimates of halibut catch by the guided sport sector in 2005 and preliminary estimates of the 2006 guided sport catch. These estimates indicate significantly increased catches over earlier estimates, resulting in the likelihood that Area 2C CEY and 3A CEY will be exceeded. In an effort to keep the guided sport halibut harvests within the respective Guideline Harvest Levels in future years, this proposal seeks to reduce the bag limit for clients fishing from guided sport vessels in area 2C to one (1) fish/day for the entire season and in Area 3A to reduce the bag limit for clients fishing from guided sport vessels to one (1) fish/day for the month of August.

The late release of this data by ADF&G made addressing the conservation and allocation concerns by the October 30 IPHC Proposal deadline impossible, and resulted in the late submission of this proposal.

In 2000, the U.S. Secretary of Commerce approved Guideline Harvest Levels for Area 2C and 3A guided sport halibut harvests as recommended by the North Pacific Fishery Management Council. The Federal Register implementing this regulation states: *"The GHL establishes a pre-season estimate of acceptable harvest for the guided recreational halibut fishery..."* (Aug. 8, 2003 P.47258.)

The new ADF&G data indicates that in 2C, the guided sport catch in 2005 was 1.952 million lbs. or 36% above the 1.432 GHL set by the Council in 2000. The preliminary 2006 data estimates the 2C guided catch at 2.113 million lbs. or 47% above the GHL. In Area 3A the 2005 guided sport halibut catch was 3.689 million lbs. or 1% over the GHL number of 3.65 million lbs. The preliminary 2006 estimate for 3A is 3.947 million lbs. or 9% over the GHL number.

By unanimous vote at the April 2006 meeting, the NPFMC *"...commits [to] using a combination of Federal and State authority to manage each sector, charter and commercial, to the allocations established by the GHL published in the Federal Register until superseded by the Council's long-*

term guided sport halibut sector plan.” Analysis provided by the Council in 2000 indicates that the proposed bag limit reductions would reduce guided halibut catch in 2C by an estimated 39 to 40%, and the August reduction in 3A would reduce the guided sport catch by an estimated 7-10%. (see table reproduced below P. 159 2000 GHLE EARIR available at (<http://www.fakr.noaa.gov/upfmc/analyses/revGHLEFeb01.pdf>.)

Month	Area 2C		Area 3A	
	1998	1999	1998	1999
May	2	1	5	4
June	12	10	14	13
July	14	14	17	16
August	10	14	7	10
September	1	1	1	2
Total	39	40	44	45

To date, the NPFMC, at the recommendation of ADF&G, has approved prohibiting skipper and crew from retaining fish on charter vessels and a 5 fish annual limit in area 2C. In a recent change of opinion by ADF&G, skipper and crew fish are no longer considered a part of the guided sport catch. The 5 fish annual limit has run into NMFS administrative and budgetary hurdles and will not be implemented without legislative changes and either additional funding or an internal NMFS decision to relocate resources.

The unregulated growth of the charter sector in 2C and 3A is causing conservation concerns due to localized depletion and an inability to accurately predict charter catch. It is also causing a de facto reallocation from the commercial sector. This proposal seeks to slow down the charter halibut catch through a modification of the IPHC bag limit regulations. This regulatory change can be implemented in time for the 2007 season and remain in place until the legal and procedural difficulties associated with Federal/State management can be resolved.

Although the IPHC does not normally become involved in allocation issues, it should be noted that:

- The NPFMC and the Secretary of Commerce have already established the GHLE as an upper limit.
- The NPFMC has gone on record in unanimous support of “*using a combination of Federal and State authority to manage each sector, charter and commercial, to the allocations established by the GHLE published in the Federal Register until superseded by the Council’s long-term guided sport halibut sector plan.*”
- Not taking action is in fact an allocation decision.

- Bag limits are one of the few management tools published in federal regulation with an existing enforcement system and already are in place for the sport halibut fisheries.
- The conservation concerns associated with unregulated growth and localized depletion override the allocation aspects.

2. Impacts: Describe who you think this proposed change might affect (include fishers, processors, agencies, and the public).

2a. Who might benefit from the proposed change?

- The resource through reduced localized depletion and a slower, more accurately evaluated charter catch.
- Commercial fishermen from whom harvest continues to be reallocated under the status quo.

2b. Who might suffer hardships or be worse off?

Some charter businesses who experience a reduced client load because of the bag limit reduction. These impacts will likely be most severe for businesses that focus exclusively on halibut. It should be noted that guided sport businesses may mitigate anticipated impacts through changes to their marketing strategies.

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

In-season closures for the charter sector once the GHL is reached. The charter fleet has long indicated their need for a predictable season. Bag limit reductions allow for a season of historic length with predictable rules. Bag limit changes produce predictable impacts on total harvest, an analysis already conducted by the Council as a potential GHL management measure.

Adding buffers to preliminary charter catch estimates could compensate for uncertainty in charter catch. Such buffers would increase the amount deducted from the commercial catch. The commercial sector has always stayed within its catch limit since IFQ's were implemented. Penalizing the well-managed commercial sector both for overages caused by uncontrolled growth in the charter sector and for uncertainties in estimating charter catch is inconsistent with good management practices and will cause unwarranted economic impact on the commercial fishermen who have purchased quota shares, processors who have capital investments, and communities which rely on raw fish tax revenues. In effect, adding buffers to charter catch estimates would be another, and illogical, allocative action. Buffers would not further the Council's stated goal of managing the charter fishery within the established GHLs, would impose undue economic penalties on commercial users, and certainly would not represent an action that addresses the underlying problem.

Please attach any other supporting materials. All items submitted by October 31, 2006 will be considered at the IPHC Annual Meeting. *Remember to include contact information and signature.*

See ADF&G average weights for sport caught halibut table submitted by ADF&G to the NPFMC's halibut stakeholder committee meeting in October 2006.

See 2000 GHL EARIR @ <http://www.fakr.noaa.gov/npfmc/analyses/rcvGHL14Feb01.pdf>.