

From: North Pacific Fishery Management Council: EA/RIR/IRFA Draft for public review: May 4, 2007. Appendix 1.

APPENDIX I. Development of the Council's GHL policy by year of Council action

1993. The Council began considering management options for the halibut sport fisheries in September in response to a proposal from the Alaska Longline Fishermen's Association (ALFA) in Sitka. The proposal cited the "rapid, uncontrolled growth of the guided halibut charter industry" off Alaska. Because the harvest limits for the commercial longline fishery are set after deducting the estimated harvests by sportfishing (and all other harvests), ALFA was concerned that further growth would result in a reallocation of halibut from the traditional directed longline fishery. They were particularly concerned because the resource is fully utilized and CEYs were projected to decline (ALFA proposal, May 1993).

Based on Council discussion, public testimony, and evidence citing projected continued growth of the charter industry, the Council determined that some type of management program for the halibut charter fishery, including potential limited entry, warranted further consideration. The Council also approved a control date of September 23, 1993 as a potential cutoff date in the event of a moratorium on further entry into the fishery (this control date was never published in the *Federal Register*).

The Council established a Halibut Charter Working Group (Work Group) comprised of staff, three commercial fishery representatives, one non-charter fish representative, and six charter vessel representatives to identify and examine potential management options for the sport fisheries. The Work Group was requested to further develop suitable elements and options for a regional or statewide moratorium on new entry of halibut charter vessels. Although the Working Group did not agree on appropriate management options, it did collect extensive information on the fishery for Council consideration relative to various alternative management options.

1995. The Council had deferred further action because of other priorities but in January, the Council again reviewed the Work Group findings, took public testimony, and discussed further development of management options. The Council formulated a problem statement and specific management options.

Formal analysis, however, was delayed by other tasking priorities for staff and the lack of funding for outside research contracts to acquire the necessary analytical expertise on the sport fisheries. At the end of 1995 and beginning of 1996, Council funding was delayed due to Congressional budget debate. Funding became available in mid-1996.

1996. In June, the Council again discussed the halibut charter issue, and narrowed the options for analysis. The Council decided to focus management options only on the charter fishery (the fastest growing segment based on IPHC and ADF&G reports), thus removing non-charter halibut sport fishery from further consideration. The Council also deleted the alternative for a separate IFQ system for the charter fishery, but retained an option to allow the charter sector to purchase or lease existing commercial IFQs, in the event a cap closed the fishery early. Finally, the Council deleted an absolute poundage cap on the charter fleet, but retained an option for a floating cap expressed as a percentage of the overall available quota. After a research solicitation process, and after reviewing several proposals, a contract was awarded in September to the University of Alaska Institute for Social and Economic Research (ISER).

1997. During initial review in April, the Council added contemporary control date options of April 15, 1997, and the date of final action in September 1997. In September, the Council took

final action on the following two management actions affecting the halibut charter fishery, culminating more than four years of discussion, debate, public testimony, and analysis.

Recordkeeping and reporting requirements. The Council approved recording and reporting requirements for the halibut charter fishery. To comply with this requirement, the Alaska Department of Fish and Game (ADF&G) Sport Fish Division, under the authority of the Alaska Board of Fisheries (BOF), implemented a Saltwater Sportfishing Charter Vessel Logbook (SCVL) in 1998. Information collected under this program includes: number of fish landed and/or released, date of landing, location of fishing, hours fished, number of clients, residence information, number of lines fished, ownership of the vessel, and the identity of the operator. This logbook information is essential for the analysis of charter moratorium options. It complements additional sportfish data collected by the State of Alaska through the Statewide Harvest Survey (SWHS), conducted annually since 1977, and the on-site (creel and catch sampling) surveys conducted separately by ADF&G in both Southeast and Southcentral Alaska.

Guideline Harvest Levels in IPHC Areas 2C and 3A. The Council adopted GHLS for the halibut charter fishery, but only for IPHC Regulatory Areas 2C and 3A. They were based on the charter sector receiving 125% of their 1995 harvest (12.35% of the combined commercial/charter halibut quota in Area 2C, and 15.57% in Area 3A). The Council stated its intent that the GHLS would not close the fishery, but instead would trigger other management options in years following attainment of the GHLS. The overall intent was to maintain a stable charter season of historic length, using State-wide and zone-specific options. If end-of season harvest data indicated that the charter sector likely would reach or exceed its area-specific GHLS in the following season, NMFS would implement the pre-approved options to slow down charter halibut harvest. Given the one-year lag between the end of the fishing season and availability of that year's catch data, it was anticipated that it would take up to two years for management options to be implemented.

Also in September, the Council adopted a framework for developing local area management plans (LAMPs) using the joint Council/Alaska Board of Fisheries protocol. LAMPs would be submitted through the BOF proposal cycle, and portions of the plans pertaining to halibut would ultimately require Council approval and NMFS implementation. One LAMP, for Sitka Sound, has been implemented (final rule published on October 29, 1999).

In December, the NMFS Alaska Regional Administrator (RA) informed the Council that the GHLS would not be published as a regulation. Further, since the Council had not recommended specific management options to be implemented by NMFS if the GHLS were reached, no formal decision by the Secretary was required for the GHLS. Therefore, the analysis never was forwarded for Secretarial review. The Council's intent, however, partially was met by publishing the GHLS as a notice in the *Federal Register* on March 10, 1998. It did not constrain the charter fishery, but did formally announce the Council's intent to establish options to maintain charter harvest at or below the GHLS using 1995 as the baseline year. Following a recommendation in April 1998 to set a revised control date for possible limited entry into the halibut charter fishery, NMFS published a new control date of June 24, 1998, in the *Federal Register*.

1998. After being notified that the 1997 Council analysis would not be submitted for Secretarial review, the Council initiated a public process to identify GHLS management options. The Council formed a GHLS Committee comprised of one Council member representing the charter industry, one BOF member representing the charter industry, two charter industry representatives from Area 2C, two charter industry representatives from Area 3A, one unguided sport representative from Area 3A, and two subsistence/personal use representatives from Area 2C. The Committee's task was to recommend management options for analysis that would constrain charter harvests

under the GHL. It convened in February and April and January 1999. The two subsistence/personal use committee members voluntarily stepped down from the Committee after the first meeting due to travel costs. The Council discussed and approved with modifications the recommendations of the committee and Advisory Panel for analysis in 1998 and again in early 1999.

1999. In April, the Council identified for analysis: (1) a suite of GHL management options; (2) options that would change the GHL as approved in 1997; and (3) area-wide and LAMP moratorium options under all options. Recognizing that (1) reliable in-season catch monitoring is not available for the halibut charter fishery; (2) in-season adjustments cannot be made to the commercial longline individual fishing quotas (IFQs); and (3) the Council's stated intent to not shorten the current charter fishing season resulted in the Council designing the implementing management options to be triggered in subsequent fishing years.

During initial review in December, the Council added: (1) a change in possession limits to the management options that it would consider to limit charter halibut harvests under the GHL; (2) an option to apply the GHL as a percentage of the CEY by area after non-charter and personal use deductions are made, but prior to deductions for commercial bycatch and wastage; (3) an option to manage the GHL as a 3-year rolling average. Lastly, the Council deleted an option to close the charter fishery in-season if the GHL was reached or exceeded. The Council further adopted the restructured options as proposed by staff.

2000. During final action in February, the Council modified Alternative 2 and selected the new alternative as its preferred alternative. The Council's preferred alternative is listed below. The analysis originally was submitted for NMFS review on July 13, 2000. In December, ADF&G staff reported that the SWHS survey estimates of charter harvest were corrected for 1996-98. The Council accepted the corrected estimates and the analysis submitted to the Secretary was revised.

2001. Subsequent drafts were resubmitted to NMFS on February 14 and September 26 in response to NMFS requests for revisions.

2002. The final draft was submitted on March 28. On September 6, the RA notified the Council that its preferred alternative could not be submitted for Secretarial review because the frameworked management options to reduce halibut charter harvests under the GHL likely would require additional public comment under the APA rulemaking process. NMFS identified a preferred alternative to implement a GHL that would set a ceiling level of 1,432,000 lb net weight in Area 2C and 3,650,000 lb net weight in Area 3A, and would require a letter of notification from NMFS to the Council when a GHL is reached or when abundance declined such that the GHL would be reduced.

2003. NMFS issued a final rule to implement a GHL in the two areas (68 FR 47256, August 8, 2003). The GHL established an amount of halibut that may be harvested annually in the charter fishery. This action was necessary to allow NMFS to manage more comprehensively the Pacific halibut stocks in waters off Alaska. It was intended to further the management and conservation goals of the Halibut Act.

2004. Charter halibut harvests were determined to have exceeded the GHLs in both Area 2C and 3A in the first year of the GHL Program.

2005. Upon receiving a report from ADF&G that the GHLs were exceeded in 2004, the Council initiated this analysis in October 2005 to identify management options to lower the charter halibut harvests in the two areas.

2006. Council selected and subsequently rescinded a preferred alternative of 5-fish per year in Area 2C.

2007. NMFS identified a preferred alternative of a two-fish bag limit, with one fish required to be less than 32 inches, for implementation in 2007.

2007. Council revised the suite of alternatives and scheduled selection of a new preferred alternative for Area 2C for implementation in 2008.

UPDATE: Text below added by Halibut Coalition.

2007. June. Council selects two tiered management action for Area 2C charter fishery: four fish annual limit if GHL is 1.432; one halibut daily limit if lower biomass drop dictates a reduced GHL.

2007. December. IPHC releases annual biomass estimates and catch limit recommendations. Area 2C GHL biomass reductions trigger a halibut charter GHL of .931 million pounds.

2008. June. NMFS implements one halibut daily limit for charter clients in Area 2C. Charter plaintiffs file lawsuit in D.C. circuit court requesting preliminary injunction. Judge grants PI and charter fleet operates under two fish bag limit with second fish required to be less than 32 inches.

2008. October. Council adopts Halibut Catch Sharing Plan for charter and longline/setline fisheries in Areas 2C and 3A. Scheduled implementation is 2010.