

**ADVISORY PANEL
Motions and Rationale
February 1-4, 2022 - Anchorage, AK**

D1 CSP Allocation Review

The AP recommends the Council develop a Purpose and Need and initiate analysis on the following alternatives for Initial Review

Alternatives

Alternative 1: Status quo

Alternative 2: Revise the halibut catch sharing plan sector allocations.

Option 1: In Area 3A, revise the charter allocation as follows:

- In Tier 1: From 0 to 9,999,999 lb, increase the charter allocation by (suboption 0% to 3%) of the annual combined catch limit
- In Tier 2: Adjust the allocation and length of the stair-step according to percentage shifts in Tiers 1 and 3. Example, from 10-15.4 million pounds Combined Catch Limit (FCEY) examine a range of 2.25mlb – 2.35mlb as a static charter allocation.
- In Tier 3: Decrease the charter allocation by (suboption 0% to 3%) of the annual combined catch limit
- In Tier 4: Adjust the length of the stair-step according to percentage shifts in Tiers 3 at combined catch limits of up to 25 Mlb
- Tier 5 Remains the same

²**Option 2:** In Area 2C, revise the charter allocation as follows:

- ~~In Tier 1: from 0 to 4,999,999 lb, increase the charter allocation by (suboption 0% to 5%) of the annual combined catch limit~~
- ~~In Tier 2: Adjust the allocation and length of the stair-step according to percentage shifts in Tiers 1 and 3~~
- ~~In Tier 3: Decrease the charter allocation by (suboption 0% to 3%) of the annual combined catch limit~~

¹**If alternative 2 is chosen a sunset date would be implemented that matches the RQE program funding implementation.**

The analysis of both options should maintain the current approach for the transition between tiers to ensure stable allocations for the charter sector (i.e., establishing a fixed charter allocation to avoid a “cliff” drop in charter allocations).

Current halibut CSP allocations:

Table 7 Area 2C CSP allocations to the charter and commercial halibut fisheries relative to the annual Combined Catch Limit (CCL)

Area 2C annual CCL for halibut in net lb.	Charter halibut fishery CSP allocation (% of annual CCL or net lb.)	Commercial halibut fishery CSP allocation (% of annual CCL or net lb.)
0 to 4,999,999	18.30%	81.70%
5,000,000 to 5,755,000	915,000 lb.	Area 2C CCL minus 915,000 lb.
5,755,001 and up	15.90%	84.10%

Table 9 Area 3A CSP allocations to the charter and commercial halibut fisheries relative to the annual Combined Catch Limit (CCL)

Area 3A annual CCL for halibut in net lb.	Charter halibut fishery CSP allocation (% of annual CCL or net lb.)	Commercial halibut fishery CSP allocation (% of annual CCL or net lb.)
0 to 9,999,999	18.90%	81.10%
10,000,000 to 10,800,000	1,890,000 lb.	Area 3A CCL minus 1,890,000 lb.
10,800,001 to 20,000,000	17.50%	82.50%
20,000,001 to 25,000,000	3,500,000 lb.	Area 3A CCL minus 3,500,000 lb.
25,000,001 and up	14.00%	86.00%

Amendment¹ passed 11- 4

Amendment² (to strike option 2) passed 9-7

Main Motion as amended failed 7-9

Rationale in Favor of Amendment 1:

- *Concern was expressed in public testimony regarding the concept of uncompensated reallocations as proposed under the Options contained in the main motion. Inclusion of a sunset date that aligns with the RQE program is intended to mitigate these concerns by maintaining focus on the RQE program as the primary vehicle by which the charter sector can achieve the allocations needed to support and maintain their business model over the long-term. A sunset date that is tied to the RQE program will help to ensure that the Options being recommended here are interim measures while recognizing that program funding is dependent upon actions outside of the Council process in Washington D.C.*
- *A sunset date will not disincentivize continued focus on and implementation of the RQE program. Years of hard work and effort have gone into the development of the RQE program and this will not be abandoned in favor of the Options contained within this motion. It is*

understood that analysts can explore various triggers (e.g., once fees begin to be collected; when RQE begins purchasing quota; when RQE purchases a specific amount of quota) by which to establish a sunset date in an initial review document.

Rationale in Favor of Amendment 2:

- *The CSP Review document finds that Objectives 1 and 2 of the program are being met in both areas 2C and 3A. There is separate accountability for each sector in the combined halibut catch limits, including separate accounting of discard mortality for each sector. Additionally, there are no in-season management or season length changes for either sector, aside from the Covid buffer in 2021 that liberalized bag limits.*
- *The Review document states that Objectives 3 and 4 are partially met in both areas with portions of these objectives being better achieved in Area 2C. For Objective 3, pages 77 and 78 note that prior to the CSP, the Area 2C charter fleet faced in-season management changes but since implementation 2C has had a more predictable process for establishing management measures. 2022 was a less predictable year for charter operations in Area 2C that would have forced day of the week closures for the first time under some FCEYs. For the previous three years the Area 2C catch limits have been negatively impacted by the interim agreement in the IPHC process allocating fixed rates to 2A and 2B to meet national goals. These agreements sunset after 2022 and in the future abundance-based catch limits in all of region 2 will likely provide combined catch limits with less uncertainty for the charter management measures in Area 2C. Page 80 of the Review document shows that Objective 4 is being met as Area 2C has remained near or under its allocation in most years of the CSP, with the exception of an estimated overage of 42.5% in 2021 due to the adopted Covid buffer.*
- *In addition to the four CSP objectives being fully or partially met, there are other opportunities for compensated reallocation that have been better utilized in Area 2C thus negating the need for the inclusion of Option 2 in the proposed initial review analysis. Looking at 2019 and 2020, encompassing the last 'normal' year before the pandemic and a pandemic year, Table 35 on page 103 of the Review document shows over seven times as many pounds of IFQs transferred as GAF in Area 2C than Area 3A and 10 times as many GAF permits issued in 2C as 3A. The GAF metrics on pages 71-72 show most recently that Area 2C was just below 3% of their 10% cap on QS transfers under GAF regulations. This level of use shows some businesses are successfully using the GAF program and that through the program there is still opportunity for compensated growth at the individual business level from year to year. Further, testimony noted possible ways to amend and improve the GAF program to the benefit of the charter sector.*

Rationale in Opposition of Amendment 2:

- *Maintaining the inclusion of Option 2 for Area 2C is important in order for an analysis to look at the allocative component of the CSP wholly for both management areas with the goal of investigating specifically where changes might be useful to address charter sector instability, especially at lower levels of abundance. A program review is not an analysis and prior to an initial analysis it is premature to remove one area from consideration. An initial analysis of the proposed changes contained within each of the Options will fully flesh out in more detail the impacts these proposed Options have on meeting each of the Objectives of the CSP. An analysis that does not include Area 2C will be limited in its information and may miss valuable data*

regarding key differences between charter and commercial operations in this area and why the proposed change under Option 2 may or may not better meet the objectives of the CSP when compared to current CSP provisions. Any analysis of proposed Option 2 will illuminate concerns expressed by the commercial sector in Area 2C.

Rationale in Opposition of Main Motion as Amended:

- *The commercial halibut IFQ sector does not support reopening the subject of uncompensated reallocation under the Halibut Catch Sharing Plan. With the adoption of the RQE program and its subsequent funding mechanism (irrespective of a sunset provision), steps have already been taken by the user groups to address uncompensated reallocation under the Catch Sharing Plan.*
- *Uncompensated reallocation from the commercial sector to the charter sector, as proposed in this motion, will exacerbate the challenges faced in developing the means for new entrants into the commercial halibut sector who have to pay large sums of money for their quota in order for them to achieve meaningful participation in the commercial halibut fishing industry. Uncompensated reallocation will have a negative effect on new and existing commercial halibut fishermen who have an equity stake in the fishery. It will also divide fishermen and communities unnecessarily when RQE program funding has been previously agreed to by the halibut sector.*
- *There are several important occurrences that should increase stock abundance and help stabilize the charter and commercial sectors in regulatory Areas 2C and 3A going forward. The interim IPHC agreement between the US and Canada will be renegotiated at the end of 2022 and will hopefully result in catch limits that are reflective of stock distribution. Stock abundance indices for halibut were up in 2021 and the strong 2012-year class is projected to become increasingly important for both sectors as the halibut mature and recruit into the fisheries. A six-year effort to reduce halibut bycatch in the BSAI was finalized through Council action of the Halibut ABM action and the Council took action to rationalize the BS trawl cod fishery, which included a reduction in the halibut bycatch limit. As the trawl cod sector awaits implementation, voluntary measures by the fleet are producing significant bycatch savings in the interim. All regulatory areas, including 2C and 3A, will be beneficiaries of reduced halibut bycatch from these recent actions.*

Rationale in Favor of Main Motion as Amended:

- *The Catch Sharing Program review is adequate as presented and contains sufficient information to support Council consideration of the proposed allocation changes as presented in this motion.*
- *One of the stated goals of the CSP program review is the evaluation of the program's objectives relative to the current state of the fisheries and determination of whether or not CSP objectives are being met, particularly by current allocation formulas between the charter and commercial sectors. Written and oral public testimony from the charter halibut industry indicates that under the current CSP this sector is facing significant difficulty in maintaining the viability of their business operations, particularly at recent low levels of halibut abundance. Circumstances change and fisheries are fluid, which is part of the reason why program reviews are required by the MSA. Fisheries and fishery conditions are dynamic; therefore, management programs like the CSP should not be expected to be static. Asking for an analysis of options to potentially modify the allocative component of the CSP is a logical next step based on both*

information contained in the program review and stakeholder input. Information contained within an initial analysis will help inform whether an allocative change is warranted recognizing that status quo is always a viable outcome from any analysis.

- *Charter sector comments have highlighted that the management objectives of the Catch Share Plan were originally “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”. This need for advance notice and predictability is not currently being met. Current management processes use the IPHC as the vehicle for adopting annual harvest measures in late January. This results in the charter sector adopting regulations months before season and creates an extremely variable regulatory climate for their clients to book in.*
- *The original CSP was established under a different management paradigm at the IPHC. Previously management was predicated on the “Blue Line”. Today management occurs with shifting allocations as fish are negotiated from one area to another which is often arbitrary to annually observed abundances and spatial distributions of the stock. An interim agreement between US and Canadian Commissioners to reward Canada with US allocation is an example of how management procedures have changed since inception of the CSP and created a new environment for both halibut sectors. Further, many comments noted that the original CSP was established in a period of higher abundance and instituted charter allocations which could support strong businesses, peripheral community economies, and the growth of healthy working waterfronts. The interaction between the current CSP and current abundances of halibut has resulted in a management paradigm that has limited the adaptive capacity of the charter sector and resulted in restrictive regulations despite any observations or triggers of conservation concern or “overfishing”. In some years this has countered the benefits of a thriving charter sector for coastal communities as charter owners and businesses have lost stability, marketability, and profitability. Several comments and testimonies spoke to the needs of the charter sector in years of low Combined Catch Limits (CCLs) and how the management measures imposed on the charter fleet have reduced the sector’s adaptive capacity and the socioeconomic well-being of some charter operators and coastal communities. Additionally, there is the potential in higher levels of CCL for diminished economic returns in the charter sector and dependent communities. An analysis of the proposed options may identify an allocative scheme that can better bolster the resilience of charter operations and dependent communities at lower CCLs and also maximize their profitability at medium and higher CCLs. This would serve to alleviate the problems and conflicts stated in the original CSP.*
- *Commercial halibut stakeholders have noted concern for an open review that could lead to the possibility of large uncompensated reallocations in any level of abundance. For this reason, the proposed initial analysis is limited in scope regarding reallocation or adjustment of the allocative framework of the CSP. The support from the charter sector for initial review and the concerns from the commercial sector over its potential outcomes are intended to be balanced in this motion such that a limited scope is being recommended to inform the Council of ways in which the CSP could be adjusted in order to better meet its stated objectives and to provide maximum benefits for the charter sector and dependent communities. The motion is intentionally limited in its allocative scope and the proposed options are reflective of concerns heard in public testimony that a reallocation from commercial to the charter sector would be one-sided. Specific to Area 3A, language is included for a potential increase over the status quo ratio for the charter sectors (0-3%) at lower abundance as well as language for a potential*

increase over the status quo for the commercial sector at higher levels of abundance. It is recognized that reallocations can be destabilizing, but a thorough analysis with limited ranges, a two-way valve, and temporary nature show compromise at the outset of the analytical process.

- *Uncompensated reallocation is not unique to the Catch Sharing Plan; it can occur (and has occurred) wherever a fishery resource is fully utilized by all participants. The Council, under the MSA, manages its fishery resources for the net benefit to the nation and not just one particular sector. As such, in times of low halibut abundance, it is necessary to examine the management program for the benefit of all fishery stakeholders.*
- *The initial motion included options for both Areas 2C and 3A, which would have given a more complete and thorough analysis and would have highlighted key differences between the two areas. However, the deletion of Option 2 for Area 2C does not remove the validity of the overall motion.*

Motion 2

~~¹In Area 2C and 3A include the following alternative to the existing charter management measure specification process:~~

The AP recommends the Council develop a Purpose and Need and initiate analysis of the following alternatives to the existing charter management measures:

Alt 1: charter management measures identified as per the existing process but in place for two years

Alt 2: charter management measures identified as per the existing process but for implementation in the year following Council/IPHC recommendation

Amendment¹ passed 16-0

Motion as amended passed 9-7

Rationale in Favor of Amendment 1:

- *The amended language was added to provide clarity regarding the intent of the motion.*

Rationale in Favor of Main Motion as Amended:

- *There are two components to the Catch Sharing Plan: management process and allocation. Written and oral public testimony from the charter sector indicates a need for additional predictability/stability in management measures on an annual basis for the benefit of their business operations. Changes to the existing process for establishing charter sector management measures may afford that predictability/stability such that charter operators would be able to book or rebook clients with increased ease given that they would know the guidelines by which they must operate their businesses for the following season. In this way, establishing the same management measures for two years or establishing measures in one year to be implemented the following year is less responsive to changes in halibut abundance but would be more responsive to charter industry requests for predictability and stability and should therefore be analyzed. Analyzing these alternatives would help to meet Objective 3 of the CSP by evaluating its success in achieving the sport allocation and management needs for*

predictability, advance notice, and season lengths each year and adjust its management tools as needed.

- *The alternatives proposed under this motion are intended to address concerns of the charter halibut sector while not affecting the allocative component of the CSP to the detriment of the commercial sector. Allocation concerns are better addressed through GAF or the RQE.*

Rationale in Opposition of Main Motion as Amended:

- *While it makes some sense for this motion to have been proposed separately from the previous motion given that it addresses a different component of the CSP (allocation versus the mechanism for establishing charter management measures), the intent of this motion needs to be considered in concert with the intent of the previous motion. Business stability concerns expressed by the charter sector can likely be addressed through one or both CSP components; therefore, a full analysis of proposed changes to both components is warranted in order for the Council to evaluate the pros/cons of both approaches for addressing the needs/concerns of the charter sector while balancing the needs/concerns of the commercial sector. This motion focused on changes to just one component of the CSP results in a piecemeal approach that presupposes the most appropriate solution prematurely.*