

**Halibut Charter Workgroup  
Moratorium  
Prepared by Kathy Hansen**

This was a moratorium plan in the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for a regulatory amendment to implement management measures under a guideline harvest level and/or moratorium for Pacific Halibut in areas 2C and 3A - February 14, 2001  
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Online at <http://www.fakr.noaa.gov/npfmc/analyses/revGHL14Feb01.pdf>

**ISSUE 5:** Establish a moratorium for the halibut charter industry.

Option 1: Establish an area-wide moratorium

Option 2: Establish a local moratorium

Suboption: Prohibit new charter licenses upon attainment of the  
GHL.

The criteria for an area-wide halibut charter moratorium are:

Years of participation

Option 1: 1995, 1996, and 1997 IPHC and CFEC licenses and 1998 logbook

Option 2: 2 of 3 years (1995-97) plus 1998 logbook

Option 3: 1 of 3 (1995-97), plus 1998 logbook

Option 4: license or logbook in any one year (1995-98)

Owner vs Vessel

Option 1: owner/operator or lessee (the individual who has the license and fills out logbook) of the charter vessel/business that fished during the eligibility period (based on an individual's participation and not the vessel's activity)

Option 2: vessel

Evidence of participation

- mandatory:
  - IPHC license (for all years)
  - CFEC number (for all years)
  - 1998 logbook
  
- supplementary:
  - Alaska state business license
  - sportfish business registration

insurance for passenger for hire  
ADF&G guide registration  
enrollment in drug testing program (CFR 46)

Vessel upgrade

Option 1: license designation limited to 6-pack, if currently a 6-pack, and inspected vessel owner limited to current inspected certification (held at number of people, not vessel size)

Option 2: allow upgrades in Southeast Alaska (certified license can be transferred to similar sized vessel)

Transfers will be allowed

Duration for review

Option 1: tied to the duration of the GHL

Option 2: 3 years

Option 3: 5 years (3 years, with option to renew for 2 years)

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This was a moratorium plan in the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Halibut Charter IFQ or Moratorium Program – March 12, 2001 page 284

Online at:

[http://www.fakr.noaa.gov/npfmc/current\\_issues/halibut\\_issues/CharterIFQ/Section4.pdf](http://www.fakr.noaa.gov/npfmc/current_issues/halibut_issues/CharterIFQ/Section4.pdf)

*I have selected out only certain portions of this section:*

4.3.1 Years of participation

Option 1. Initial issuees who carried clients in 1998 and 1999 and who submitted ADF&G logbooks for an active vessel<sup>31</sup> (as received by ADF&G by February 12, 2000)

Option 2. Initial issuees who carried clients in 1998 or 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000)

Option 3. Initial issuees who carried clients prior to June 24, 1998 and who submitted at least one ADF&G logbook for an active vessel (as received by ADF&G by February 12, 2000)

Option 4. Initial issuees who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC , and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999

Option 5. Initial issuees who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999

Option 6. Initial issuees who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC , and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999

Option 7. Initial issuees who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999

Suboption: Require that initial issuees be currently participating (meeting all legal requirements including filing a logbook) during the season prior to final Council action (currently May-September 2000) and claimed trips must have been under the operation of a person holding a valid U.S. Coast Guard license.

#### 4.3.2 Qualification Based on Owner or Vessel History

Option 1: owner/operator or lessee (the individual who has the license and fills out logbook) of the charter vessel/business that fished during the eligibility period (based on an individual's participation and not the vessel's activity)

Option 2: vessel's history during the qualification period

#### Evidence of participation

- mandatory:  
IPHC license (for all years)  
CFEC number (for all years)  
ADF&G logbooks
- supplementary:  
Alaska State business license  
sportfish business registration  
insurance for passenger for hire  
ADF&G guide registration  
enrollment in drug testing program (CFR 46)

#### 4.3.3 Vessel upgrade

Option 1: license designation limited to 6-pack, if currently a 6-pack, and inspected vessel owner limited to current inspected certification (held at number of people, not vessel size)

Option 2: allow upgrades in Southeast Alaska (certified license can be transferred to similarly sized vessel)

#### 4.3.4 Transfers

Any limited entry program will include allowances for transfers of permits. The recommendation of the Halibut Charter Work Group was to allow transfers of vessels with or without the associated moratorium permit. This is similar to the way the groundfish and crab moratorium worked, and similar to how the current license limitation program works. Such transfers would be subject to the upgrade restrictions discussed above.

In the case of the charterboat fishery, two types of transfers may need to be accommodated: (1) transfers in the traditional sense - from one owner/operator to another, and (2) 'temporary' transfers of the permit from one vessel to another in the event of vessel breakdowns, for example. This type of transfer would be unnecessary if the permits are owner-specific, as opposed to vessel-specific.

#### 4.3.5 Duration for review

Option 1: tied to the duration of the GHF

Option 2: 3 years

Option 3: 5 years (3 years, with option to renew for 2 years)

#### Other provisions

Several other provisions were also considered as part of a moratorium. These included the concept of requiring a minimum number of days fished or a minimum number of pounds of halibut caught to qualify for a permit. This concept was rejected by the committee because they felt it would be difficult to separate salmon from halibut effort. However, the ADF&G logbooks break out effort, harvest, area fished for bottomfish (halibut) and salmon, and will allow analysts to determine if a skipper fished for halibut on any given charter trip and where fish were caught. The logbooks list the number of days that halibut were caught on a charter. This does not necessarily mean the entire trip targeted halibut, it would only prove that halibut were caught. It is also possible that a charter could have gone fishing with the intent of targeting halibut, but did not record any landings. That trip would not likely count towards qualification. Yet with some simplifying assumptions about what constituted a halibut trip in 1998, it may be possible to determine if the minimum number of days fished or the minimum number of halibut needed for qualification were harvested.

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This came from the document sent by Jane on the GULF MEXICO CHARTER VESSEL/HEADBOAT PERMIT MORATORIUM page 28-30

### MORATORIUM ON CHARTER VESSEL/HEADBOAT PERMITS (Section 6.0)

#### **A. Duration of the Moratorium**

Proposed Alternative: Establish a 3-year Moratorium on the issuance of charter/headboat (for-hire) vessel permits, unless sooner replaced by a comprehensive limited access system. Effective the date that this Amendment is implemented.

#### **B. Gulf Permits and Endorsements**

Proposed Alternative: Create a new charter/headboat (for-hire) vessel permit for the Gulf EEZ with endorsements for reef fish, coastal migratory pelagic and dolphin/wahoo (if FMP is implemented). A vessel decal for the permitted vessel will be required. All

permits and/or endorsements will be permanently numbered (this is so the permits/endorsements can be tracked through history).

### **C. Initial Eligibility Requirements for Permits and/or Endorsements**

Proposed Alternative: Provide a fully transferrable permit and endorsements to the following:

1. Individual/charter vessels who held valid permits on March 29, 2001, or who held a valid permit during the preceding year, or had applied for such permits received in the NMFS office by March 29, 2001 (03/29/01).

2. Any person who can demonstrate to NMFS they had a charter/ headboat(for-hire) vessel under construction prior to 03/29/01 with copy of contract and/or receipts for expenditures of at least \$5,000.00.

3. Provide for Historical Captain Permits as follows:

Any U.S. Coast Guard licensed captain, who can demonstrate to NMFS, they were licensed by the USCG and operated, (as a Captain), a for-hire fishery permitted vessel prior to 03/29/01, but did not have a fishery permit issued in their name, and who must qualify for the permit within 90 days of implementation of the final rule for this amendment and who must demonstrate at least 25% of their earned income came from recreational for hire fishing in 1 of the last 4 years ending with 3/29/01. They will be issued a letter of eligibility to be replaced by permit/endorsements to be used only on a vessel that they operate as a captain.

### **D. Permit and Endorsement Transfers During the Moratorium**

Proposed Alternative: All permits/endorsements will be fully transferable with or without the vessel but without any increase in the passenger capacity, as established by the U.S. Coast Guard safety certificate.

### **E. Vessel Passenger Restriction on Permit Transfers**

Proposed Alternative: All permits/endorsements will be fully transferable with or without the vessel but without any increase in the passenger capacity, as established by the U.S. Coast Guard safety certificate.

### **F. Annual Re-issuance of Permits Not Renewed (or Permanently Revoked)**

Proposed Alternative: Permits not renewed within one year of their expiration (or permanently revoked) will not be reissued by NMFS during the moratorium.

### **G. Appeals Process Under Moratorium**

Proposed Alternative: Individuals or Corporations can appeal to the RA to resolve issues related to the NMFS permit office records that pertain to initial eligibility.