



B2 Charter Halibut Management Measures in Area 2C and 3A for 2020

May 2020 Special Council Meeting

Action Memo

Presenters: Kurt Iverson (NMFS AKR), Sarah Webster, (ADF&G)

Council Staff: Sarah Marrinan

Action Required: Review proposal and comment letters and determine whether to recommend a change to the IPHC.

BACKGROUND

The proposed action

NMFS received the B2 proposal from members of the charter halibut sector in Area 2C and 3A in response to the cancellation of cruise ship sailings, travel restrictions, and impacts of COVID-19. The proposal contains two requests.

The first request seeks to amend the established 2020 charter halibut management measures (e.g. bag limits and size restrictions) for Area 2C and 3A in light of the expected reduction in fishing effort this summer. Specifically, the letter requests two approaches: in Area 2C management measures would be relaxed only when State of Alaska interstate travel restrictions are lifted; in Area 3A, management measures would be relaxed as soon as possible, and would last only while travel restrictions are in place. The 3A proposal suggests that once travel restrictions are lifted, the original management measures would be reinstated. The State of Alaska currently requires a 14-day quarantine period for anyone traveling from outside of Alaska (including the rest of the United States). The requested revisions to the current management measures are included in the following table.

	Current management measures	Proposed management measure changes <i>To be put in place when travel restrictions are lifted</i>
Area 2C	<ul style="list-style-type: none"> One-fish daily bag limit with a reverse slot limit; halibut that is 40 inches or less or 80 inches or more (U40/O80) 	<ul style="list-style-type: none"> One-fish daily bag limit with a reverse slot limit; halibut that is either 45 inches or less or 80 inches or more (U45/O80)

	Current management measures	Proposed management measure changes <i>To be put in place until travel restrictions are lifted</i>
Area 3A	<ul style="list-style-type: none"> A two-fish bag limit, one fish of any size, and one fish with a 26-inch size limit An annual limit of four fish Prohibition on halibut retention by charter vessel anglers on all Tuesdays and all Wednesdays 	<ul style="list-style-type: none"> A two-fish bag limit, with no size restrictions on either halibut No annual limit Retention of halibut is allowed on all days of the week

The second request pertains to charter harvest in 2021, and requests a mechanism be established to roll over any unused 2020 charter allocation in Area 2C and 3A to supplement 2021 catch limits. At the 2020 International Pacific Halibut Commission (IPHC) meeting, the IPHC recommended the combined catch limit for the commercial and charter halibut fisheries to be 4,260,000 lb for Area 2C and 9,050,000 lb for Area 3A. Applying the Catch Sharing Plan (CSP) allocations in Tables 1 through 4 of the subpart E of 50 CFR part 300, the charter fishery was allocated 780,000 lb for Area 2C and 1,710,000 lb for Area 3A. This proposal requests that the difference between these 2020 allocations and the estimated realized yield from the charter halibut fishery in 2020 be made available for the 2021 season.

The regulatory process for changes

Changes to the charter halibut annual management measures would require coordinated effort between the Council, the IPHC, NMFS, ADF&G, and the Secretary of State.

According to the Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, Regional Fishery Management Councils may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations. Through the annual process specified in the CSP, the Council recommends charter management regulations to the IPHC. IPHC then convenes at a scheduled annual meeting in mid-winter and addresses, among other things, halibut catch limits and halibut fishing regulations, including Alaska charter management measures. The IPHC then recommends regulations pursuant to the Convention between Canada and the United States. As provided by the Halibut Act, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject regulations recommended by the IPHC in accordance with the Convention, on behalf of the United States. The proposed regulations are then given effect through U.S. rulemaking.

The proposal's first request, to relax management measures governing the charter halibut fisheries in Area 2C and 3A *would* be in conflict with current IPHC regulations. Thus, implementation of this proposal would follow a similar procedure as above: a Council recommendation to the IPHC; an IPHC

concurrence to hold an intersessional meeting to consider the Council's recommendation; a possible IPHC recommendation for a regulatory change transmitted to the Secretary of State, and upon approval and with the concurrence of the Secretary of Commerce, a rule to give effect to these new regulations as soon as possible.

The second request in the proposal, to allow a rollover of unharvested allocation from 2020 to 2021, also would require IPHC coordination and potentially Council recommendations.

Currently, harvests that are projected but not completely taken are factored into the following year's catch limits through the stock assessments and population dynamics themselves. In that manner, leaving halibut "in the water" in 2020 would have an impact on the harvestable biomass in 2021. A planned increase in quota carried over from the previous year would therefore be double-counting the carryover. However, mortality that is projected for 2020 but not caught is not a simple 1:1 addition to the assessment, due to natural mortality, halibut movement, and updating of the stock trend.

Additionally, the biological benefits from one sector leaving allocation unfished would not necessarily flow to just that sector in 2021. Beyond the impact of the unfished halibut as incorporated into the stock assessment, a more explicit "rollover" of halibut from the charter allocation in 2020 into charter allocations in 2021 could be expressed by either harvesting at a greater intensity in 2021 (but leaving the CSP allocation intact) or through an allocation shift among sectors.

If the rollover constitutes a change in CSP allocations, this could be recommended by the Council and implemented by NMFS through rule-making. If the rollover is addressed by an increase in overall fishing intensity in 2021, this may be achieved by a recommendation from the Council during its December Council meeting to the IPHC for consideration during their annual meeting. Regardless of the methods used to achieve a rollover, it is presumed that this issue would be addressed after the charter season ends and during the normal process for setting annual halibut catch limits, which would provide a better understanding of the full extent of the unharvested charter halibut allocation.

As this action pertains exclusively to halibut, it falls under the authority of the Halibut Act, rather than the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Thus, the Council does not evaluate compliance with the MSA and National Standards in its deliberation. However, the Halibut Act, when discussing the Council's authority, has language that is substantially the same as National Standard 4 of the Magnuson Act, and specifically references consistency with Sec. 303(b)(6) of the Magnuson Act.