

REGULATORY PROPOSAL 2018
Clarify Alaska Sport Fishery Regulations

SUBMITTED BY: UNITED STATES OF AMERICA
(Glenn Merrill, NOAA Fisheries, Alaska Region)

29 OCTOBER 2017

EXPLANATORY MEMORANDUM

For IPHC Regulatory Area(s): 2C 3A

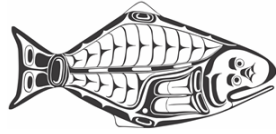
Section 28(1)(f) of IPHC Regulations could be interpreted to require anglers to retain the carcasses of all halibut caught and filleted on a charter vessel in Convention waters in and off Alaska. This reading is based on the word "All" at the beginning of paragraph (f):

(f) All halibut harvested on a charter vessel fishing trip in Area 2C or Area 3A must be retained on board the charter vessel on which the halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.

The term "all" is often used to denote the whole quantity of a particular thing. It was not the intent of section 28(1)(f) to require retention of a whole halibut when no carcass retention requirement applied. The carcass retention requirement applies to size-restricted halibut only and is located in NMFS regulations at 50 CFR 300.65(d)(5):

(5) *Carcass retention requirement for size-restricted halibut.* If a size-restricted halibut is filleted on board the charter vessel, the entire carcass, with head and tail connected as a single piece, must be retained on board the charter vessel on which it was caught until all fillets are offloaded.

Section 28(1)(f) was added to IPHC Regulations in 2015 for consistency with NMFS' implementation of a North Pacific Fishery Management Council action to remove the requirement that a charter vessel guide be on board the same vessel as a charter vessel angler to meet the definition of providing sport fishing guide services (80 FR 35195, June 19, 2015). NMFS intended for section 28(1)(f) to prevent charter vessel anglers without a guide on board the vessel from transferring their catch to another vessel for processing in order to facilitate enforcement of charter angler harvest limits. Therefore, NMFS proposes revising section 28(1)(f) of IPHC regulations to remove the word "all" to clarify that halibut harvested on a charter vessel fishing trip in Area 2C or Area 3A must be retained on board the charter vessel on which the halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.



INTERNATIONAL PACIFIC
HALIBUT COMMISSION

SUGGESTED REGULATORY LANGUAGE

28. Sport Fishing for Halibut—Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In Convention waters in and off Alaska:

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(f) ~~All~~ Halibut harvested on a charter vessel fishing trip in Area 2C or Area 3A must be retained on board the charter vessel on which the halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.

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