



FISHERY REGULATION PROPOSAL 2022

**TITLE: CHARTER MANAGEMENT MEASURES IN IPHC REGULATORY AREAS 2C AND 3A
(SECT. 29)**

SUBMITTED BY:

UNITED STATES OF AMERICA

NOAA-FISHERIES

AFFILIATION: NMFS, ALASKA REGION

USA

All Regulatory Areas All Alaska Regulatory Areas All U.S. Regulatory Areas

2A 2B 2C 3A 3B 4A 4B 4C 4D 4E

The North Pacific Fishery Management Council (NPFMC) recommended the following management measures for charter Pacific halibut fisheries in IPHC Regulatory Areas 2C and 3A for application in 2022, in order to achieve the charter Pacific halibut allocation under the NPFMC Halibut Catch Sharing Plan.

Area 2C recommendations:

Management measures for all allocations shown below include a daily bag limit of one Pacific halibut, combined with a progression of size limits, closed days, and annual limits in the following order:

1. A reverse slot with an upper limit fixed at O80, and a lower limit decreased until the allocation is reached, but no lower than U40, determined from the following table:

| Minimum Charter Allocation (Mlb) | Reverse Slot Limit |
|----------------------------------|--------------------|
| 0.814 | U40 to O80 |
| 0.840 | U41 to O80 |
| 0.856 | U42 to O80 |
| 0.875 | U43 to O80 |
| 0.901 | U44 to O80 |
| 0.930 | U45 to O80 |
| 0.949 | U46 to O80 |
| 0.975 | U47 to O80 |
| 0.992 | U48 to O80 |
| 1.023 | U49 to O80 |
| 1.044 | U50 to O80 |

2. If the allocation is insufficient to maintain at least a U40 on the lower limit, add Monday closures starting September 19th and work consecutively toward the beginning of the season until a lower limit of U40 is reached determined from the following table:

| Minimum Charter Allocation (Mlb) | Monday closures & U40 to O80 rev. slot limit |
|---|---|
| 0.689 | All year |
| 0.689 | Starting May 16 |
| 0.689 | Starting May 23 |
| 0.691 | Starting May 30 |
| 0.694 | Starting June 06 |
| 0.698 | Starting June 13 |
| 0.702 | Starting June 20 |
| 0.709 | Starting June 27 |
| 0.718 | Starting July 04 |
| 0.725 | Starting July 11 |
| 0.735 | Starting July 18 |
| 0.747 | Starting July 25 |
| 0.758 | Starting Aug 01 |
| 0.769 | Starting Aug 08 |
| 0.780 | Starting Aug 15 |
| 0.791 | Starting Aug 22 |
| 0.801 | Starting Aug 29 |
| 0.807 | Starting Sept 05 |
| 0.811 | Starting Sept 12 |
| 0.813 | Starting Sept 19 |

3. If a lower limit of U40 can't be reached after closing all Mondays, add an annual limit of 4-fish (Yield 0.679 Mlb), progressing to an annual limit of 3-fish, as necessary to meet the allocation (Yield 0.648 Mlb); if possible, use any unused allocation to increase the lower limit above U40 until the allocation is reached.
4. If the allocation is not reached by closing all Mondays and a 3-fish annual limit, allow the lower limit to drop until the allocation is reached.

If an annual limit is adopted in Area 2C, implement a requirement for charter anglers to record, immediately upon retaining a halibut, the date, location (IPHC area), and species (halibut) on their harvest record, consistent with the past reporting requirement in Area 3A.

Area 3A recommendations:

Management measures for all allocations shown below include a daily bag limit of two Pacific halibut with one halibut of any size and a maximum size for the second halibut of 28 inches; no annual limit on the number of retained Pacific halibut for charter anglers; Wednesdays closed to Pacific halibut retention all year; one trip per Pacific halibut charter vessel per day; and one trip per charter Pacific halibut permit (CHP) per day.

1. Adjust Tuesday closures to bring the projected harvest within the Area 3A allocation determined from to the following table:

| Minimum Charter Allocation (Mlb) | Tuesday Closures |
|----------------------------------|---------------------------|
| 1.795 | February 01 - December 31 |
| 1.836 | June 07 - August 30 (13) |
| 1.851 | June 07 - August 23 (12) |
| 1.866 | June 14 - August 23 (11) |
| 1.884 | June 14 - August 16 (10) |
| 1.904 | June 21 - August 16 (9) |
| 1.928 | June 28 - August 16 (8) |
| 1.953 | June 28 - August 09 (7) |
| 1.979 | July 05 - August 09 (6) |
| 2.006 | July 12 - August 09 (5) |
| 2.034 | July 12 - August 02 (4) |
| 2.068 | July 19 - August 02 (3) |
| 2.096 | July 26 - August 02 (2) |
| 2.125 | July 26 (1) |
| 2.156 | 0 |

Justification provided:

The NPFMC selected these management measures at its December 2021 meeting, following review of the Alaska Department of Fish and Game (ADFG) analysis of proposed management measures for 2022, and after receiving input from the Charter Halibut Management Committee, which includes stakeholder representatives from both IPHC Regulatory Areas 2C and 3A.

The 2C committee members selected the following harvest measures and their order of application to keep the Area 2C guided recreational fishery within their allocation. As harvest measures impact different business operations differently, the order of harvest measures reflects the committee's best attempt to spread the impacts equitably among the many areas and business models in Area 2C.

Area 2C Charter Halibut Management Committee members highlighted that this is likely to be a particularly challenging year for their 2C operations, especially if the IPHC adopts the Area 2C charter allocation resulting from the interim management procedure's reference TCEY (0.60 Mlb). One member noted that without any adjustments the IPHC International agreement to assign a fixed allocation percentage in Area 2B could potentially impact the 2C reverse slot limit by 3 critical inches.

For Area 3A, Committee members acknowledged management measures would need to be similar to those implemented in pre-pandemic conditions, as the overages in 2021 demonstrated a rebound in angler effort. Measures were chosen to maintain consistency with previous regulations adopted. One member suggested that 28 inches would be the smallest acceptable size for the second fish and that while day-of-the-week closures limited halibut opportunities for operations, this negative impact was relatively equitable across operations in Area 3A. Thus, the Committee recommended adjusting the number of Tuesday closures as needed to fit the projected yield under the adopted catch limits. If the resulting allocation is outside of the range listed, Committee members confirmed they recommend managers use Table 16 and Table 17 to continue to adjust the number of Tuesdays accordingly.

The December ADFG analysis is available on the [NPFMC website](#).

The report from the December Charter Halibut Management Committee meeting is provided in [Appendix I](#) for reference. NPFMC motion on Charter Halibut Management Measures is provided in [Appendix II](#).

The suggested modification to the IPHC Fishery Regulations are provided in red in [Appendix III](#).

APPENDIX I

Charter Halibut Management Committee Report from December 6, 2021

North Pacific Fishery Management Council

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Charter Halibut Management Committee

REPORT

Dec 6, 2021, virtual Zoom meeting

The North Pacific Fishery Management Council's Charter Halibut Management Committee held an online public meeting December 6, 2021 to review the analysis of potential Area 2C and 3A charter halibut management measures for 2022 and provide recommendations to the Council. All meeting materials are posted to the [eAgenda](#).

Committee Members in Attendance:

| | | |
|--------------------------------------|--------------------------|------------------------------------|
| Andy Mezirow (Area 3A), <i>Chair</i> | Mike Flores (Area 3A) | Steve Zernia (Area 3A) |
| Seth Bone (Area 2C) | Kent Huff (Area 2C) | |
| Forrest Braden (Area 2C) | Matt Kopec (Area 3A) | |
| Daniel Donich (Area 3A) | Richard Yamada (Area 2C) | Sarah Marrinan, <i>Coordinator</i> |

Members Absent: Stan Malcolm (Area 2C)

Others in Attendance

| | | | |
|-----------------|-------------------|------------------|------------------|
| Sarah Webster | Doug Duncan | Mason Smith | Bob Powers |
| Kurt Iverson | Kristen Labrecque | Leslie Pemberton | Alicia Miller |
| James Hasbrouck | Karla Bush | Mel Erickson | Leslie Pemberton |
| Tom Gemmell | Jim Martin | Martin Schuster | |

ADF&G Analysis of Management Measure Scenarios for 2022

The Committee receive a presentation of the ADF&G analysis of management options for the Area 2C and 3A charter halibut fisheries for 2022 from Sarah Webster (ADF&G). This report and the corresponding presentation are linked in the eAgenda.

The analysis used the charter allocation that would result from the IPHC's reference Total Constant Exploitation Yield (TCEY) as produced by the interim management procedure and the 2021 charter allocation. For Area 2C the charter allocation under the reference TCEY was **0.60 Mlb** and the 2021 allocation was **0.81 Mlb**. For Area 3A the charter allocation under the reference TCEY was **2.05 Mlb** and the 2021 allocation was **1.95 Mlb**. The report included the analysis requested by the Charter Halibut Management Committee from the Oct 2021 meeting.

Public Testimony

Public testimony was received from Mel Erikson.

Recommended Management Measures for 2022

For Area 2C, the Charter Halibut Management Committee recommends a progression of management measures in the following order as needed:

- 1) A reverse slot with an upper limit fixed at O80, and a lower limit decreased until the allocation is reached, but no lower than U40; Yield of 0.814 Mlb (rounds to status quo 0.81) (Table 6, page 26 in ADF&G analysis of proposed harvest regulations for 2022)
- 2) If the allocation is insufficient to maintain at least a U40 on the lower limit, add Monday closures starting September 19th and work consecutively toward the beginning of the season until a lower limit of U40 is reached; Yield of 0.689 Mlb (Table 9, page 31)
- 3) If a lower limit of U40 can't be reached after closing all Mondays, add an annual limit of 4-fish (Yield of 0.679 Mlb; Table 12, page 40), progressing to an annual limit of 3-fish, as necessary to meet the allocation (Yield of 0.648 Mlb; Table 13, page 44); if possible, use any unused allocation to increase the lower limit above U40 until the allocation is reached
- 4) If the allocation is not reached by closing all Mondays and a 3-fish annual limit, allow the lower limit to drop until the allocation is reached; Yield of 0.583 Mlb at U37O80 (Table 13, page 44)

If an annual limit is adopted in Area 2C, implement a requirement for charter anglers to record, immediately upon retaining a halibut, the date, location (IPHC area), and species (halibut) on their harvest record, consistent with the past reporting requirement in Area 3A.

Rationale and discussion:

The 2C committee members selected the following harvest measures and their order of application to keep the Area 2C guided recreational fishery within their allocation. As harvest measures impact different business operations differently, the order of harvest measures reflects the committee's best attempt to spread the impacts equitably among the many areas and business models in Area 2C.

Area 2C Charter Halibut Management Committee members highlighted that this is likely to be a particularly challenging year for their 2C operations, especially if the IPHC adopts the Area 2C charter allocation resulting from the interim management procedure's reference TCEY (0.60 Mlb). One member noted that without any adjustments the IPHC International agreement to assign a fixed allocation percentage in Area 2B could potentially impact the 2C reverse slot limit by 3 critical inches.

For Area 3A, the Charter Halibut Management Committee recommends:

- A two-fish daily bag limit
- One halibut of any size and a maximum size for one of the two fish is 28 inches
- One trip per CHP per day
- One trip on which halibut is harvested per vessel per day
- Prohibition on halibut charter fishing on Wednesdays, all year
- Adjust Tuesday closures according to Table 16 and Table 17 on page 52 and 53 in ADF&G analysis of proposed harvest regulations for 2022 to bring the projected harvest within the Area 3A allocation.
 - For example, in combination with the other proposed measures:
 - 4 Tuesdays closed would result in a yield of 2.034 Mlb (see Table 17, page 52)
 - 8 Tuesdays closed would result in a yield of 1.928 Mlb (see Table 17, page 52)

For Area 3A, it is unnecessary to include a requirement to record retained halibut on the back of the license or harvest record card as an enforcement mechanism because an annual limit is not recommended for 2022.

Rationale and discussion:

For Area 3A, Committee members acknowledged management measures would need to be similar to those implemented in pre-pandemic conditions, as the overages in 2021 demonstrated a rebound in angler effort. Measures were chosen to maintain consistency with previous regulations adopted. One member suggested that 28 inches would be the smallest acceptable size for the second fish and that while day-of-the-week closures limited halibut opportunities for operations, this negative impact was relatively equitable across operations in Area 3A. Thus, the Committee recommended adjusting the number of Tuesday closures as needed to fit the projected yield under the adopted catch limits. If the resulting allocation is outside of the range listed, Committee members confirmed they recommend managers use **Table 16 and Table 17** to continue to adjust the number of Tuesdays accordingly.

Future Meetings and Other Business

There are two items tentatively scheduled for the February Council meeting that members may wish to discuss (Area 2C and 3A Catch Sharing Plan Allocation Review and the Recreational Quota Entity funding mechanism). The Committee chair will work with staff to identify if there is time for an additional Committee meeting before the February Council meeting and inform Committee members.

The Council has put out a request for another Area 3A representative on the Charter Halibut Management Committee. Appointments will be made during Staff Tasking of the upcoming December Council meeting.

Finally, the Charter Halibut Management Committee thanked two instrumental ADF&G staff members who are moving on. Sarah Webster has been promoted to Fisheries Scientist I at ADF&G and Bob Powers is retiring in March 2022 after ~15 years with ADF&G Sport Fish Division. The Committee thanks these two for their integral role with the Committee and wishes them well on their next endeavors.

APPENDIX II

Council Motion C1 Charter Halibut Management Measures motion from December 6, 2021

**Council Motion
C1 Charter Halibut Management Measures motion
December 8, 2021**

The Council recommends the following management measures for the 2022 charter halibut fishery in Area 2C and Area 3A, based on initial IPHC reference level allocations, resulting from the 2021 IPHC interim meeting.

Area 3A recommendations:

- Two-fish daily bag limit.
- One halibut of any size and a maximum size for one of the two fish is 28 inches.
- One charter vessel fishing trip per CHP per day (use of each charter halibut permit is limited to one charter halibut fishing trip per boat in one calendar day).
- Prohibition on halibut charter fishing on Wednesdays, all year.
- Adjust Tuesday closures according to Table 17 on page 53 in ADF&G analysis of proposed harvest regulations for 2022 to bring the projected harvest within the Area 3A allocation.
 - For example, in combination with the other proposed measures:
 - 4 closed Tuesdays closed would result in a harvest of 2.034 Milb
 - 8 Tuesdays closed would result in a harvest of 1.928 Milb

In 2022, it is unnecessary to include a requirement to record retained halibut on the back of the license or harvest record card as an enforcement mechanism for the annual limit for 2022.

Area 2C recommendations:

A progression of management measures in the following order as needed:

1. A reverse slot with an upper limit fixed at O80, and a lower limit decreased until the allocation is reached, but no lower than U40; Harvest of 0.814 Milb (rounds to status quo 0.81 Milb (Table 6, Page 26)
2. If the allocation is insufficient to maintain at least a U40 on the lower limit, add Monday closures starting September 19th and work consecutively toward the beginning of the season until a lower limit of U40 is reached; Yield 0.689 Milb. (table 9 Page 31)
3. If a lower limit of U40 can't be reached after closing all Mondays, add an annual limit of 4-fish (Yield 0.679 Milb), progressing to an annual limit of 3-fish, as necessary to meet the allocation (Yield 0.648 Milb); if possible, use any unused allocation to increase the lower limit above U40 until the allocation is reached (Table 13, Page 44) .
4. If the allocation is not reached by closing all Mondays and a 3-fish annual limit, allow the lower limit to drop until the allocation is reached; Yield 0.583 Milb at U37/O80.(table 13, Page 44)

If an annual limit is adopted in Area 2C, implement a requirement for charter anglers to record, immediately upon retaining a halibut, the date, location (IPHC area), and species (halibut) on their harvest record, consistent with the past reporting requirement in Area 3A.

APPENDIX III

Suggested Regulatory Language

29. Sport Fishing for Pacific Halibut—IPHC Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

- (1) ...
- (2) For guided recreational (sport) fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 2C:
- (a) ~~No~~no person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one Pacific halibut per calendar day;
 - (b) ~~No~~no person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain any Pacific halibut that with head on is greater than ~~50 inches (127.0)~~ **40 inches (101.6 cm)** [to be adjusted according to Table 6 in the ADF&G analysis of proposed harvest regulations for 2022 to bring the projected harvest within the Area 2C allocation] and less than ~~72 inches (182.9)~~ **80 inches (203.2 cm)** [to be adjusted according to Table 6 in the ADF&G analysis of proposed harvest regulations for 2022 to bring the projected harvest within the Area 2C allocation] as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail;
 - (c) ~~no~~ person on board a charter vessel may catch and retain Pacific halibut on the following Mondays: [to be implemented and adjusted according to Table 9 in the ADF&G analysis of proposed harvest regulations for 2022 if required to bring the projected harvest within the Area 2C allocation]; and
 - (d) ~~charter vessel anglers may catch and retain no more than four (4)~~ [to be implemented and adjusted according to Table 13 in the ADF&G analysis of proposed harvest regulations for 2022 if required to bring the projected harvest within the Area 2C allocation] Pacific halibut per calendar year on board charter vessels in IPHC Regulatory Area 2C. Pacific halibut that are retained as GAF while on a charter vessel fishing trip in other Commission regulatory areas, or retained while fishing without the services of a guide do not accrue toward the 4-fish annual limit.¹
- (3) For guided recreational (sport) fishing (as referred to in 50 CFR 300.65) in IPHC Regulatory Area 3A:
- (a) ~~No~~no person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two Pacific halibut per calendar day;
 - (b) ~~At~~at least one of the retained Pacific halibut must have a head-on length of no more than ~~32 inches (81.3 cm)~~ **28 inches (71.1 cm)** as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. If a person recreational (sport) fishing on a charter vessel in IPHC Regulatory Area 3A retains only one Pacific halibut in a calendar day, that Pacific halibut may be of any length;
 - (c) ~~A~~a “charter halibut permit” (as referred to in 50 CFR 300.67) may only be used for one charter vessel fishing trip in which Pacific halibut are caught and retained per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first;
 - (d) ~~A~~a charter vessel on which one or more anglers catch and retain Pacific halibut may only make one charter vessel fishing trip per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any Pacific halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 2359 (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or Pacific halibut are offloaded, whichever comes first; and
 - (e) ~~No~~no person on board a charter vessel may catch and retain Pacific halibut on any Wednesday, or on the following Tuesdays: [to be adjusted according to Table 17 in the ADF&G analysis of proposed harvest regulations for 2022 to bring the projected harvest within the Area 3A allocation].

¹ Required recordkeeping provisions are addressed in IPHC-2022-AM098-PropB1 Rev_1. If adopted, 29(2)(d) will not be needed.