

**PROPOSAL 400 - 5 AAC 75.003. Emergency Order Authority.** Add regulations to reduce the harvest of fish by charter operators and crew members as follows:

5 AAC 75.003 is amended by adding a new paragraph (4) to read:

**5 AAC 75.003. Emergency Order Authority.**

(4) The Alaska Board of Fisheries recognizes that harvest regulations may need to be modified to attain guideline harvest levels or allocations within the salt water guided fisheries in various areas of the state. If the commissioner determines that the regulations must be modified to attain the salt water guided fishery guideline harvest level or allocation, the commissioner may establish, by emergency order,

(A) that operators and crew members working on a charter vessel in marine waters may not retain fish while clients are on board the vessel; and/or

(B) the maximum number of fishing lines that may be fished from a vessel engaged in sport fishing charter activities in marine waters is equal to the number of paying clients on board the vessel.

**PROBLEM:** In February 2000 the North Pacific Fisheries Management Council (Council) approved guideline harvest level management measures for the harvest of halibut by the sport charter fisheries in International Pacific Halibut Commission areas 2C (Southeast Alaska) and 3A (Gulf of Alaska). In October 2005 Department of Fish and Game (department) staff notified the Council that the charter halibut GHL for area 2C had been exceeded by 22% in 2004. The GHL for area 3A was also exceeded, but by slightly less than 1% in 2004.

During the December 2005 Council meeting Commissioner McKie Campbell told other Council members that he would request the Board of Fisheries to consider proposals at their March 2006 statewide meeting to reduce the halibut harvest within the charter sectors of 2C and 3A. If adopted, these restrictions could go into effect during the 2006 fishing season to slow down the charter harvest until any restrictions adopted by the Council became effective.

The Commissioner has since decided that it would be more effective to implement these restrictions by emergency order rather than by permanent regulations adopted by the Board of Fisheries. He is requesting the Board to delegate their authority to the department to implement these restrictions in specific areas and during specific times as needed.

The specific regulatory language needed to accomplish these harvest reductions is presented above.

**PROPOSED BY:** Department of Fish and Game