

MEMORANDUM

TO: Council, SSC, and AP Members
FROM: Chris Oliver *Chris*
Executive Director

ESTIMATED TIME 4 HOURS all C-10 items

DATE: September 27, 2002

SUBJECT: Halibut Management

ACTION REQUIRED

- (a) Review implementation issues related to Charterboat Guideline Harvest Level and Individual Fishing Quota Program
- (b) Review discussion paper on implementation issues RE April 2002 subsistence actions

BACKGROUND

Charterboat Guideline Harvest Level and Individual Fishing Quota Program

On September 6, 2002, NMFS informed the Council on the status of two preferred alternatives adopted by the Council to limit Pacific halibut harvests in the guided sport fishery (Item C-10(a)(1)). NMFS seeks additional clarification of its February 2000 action to implement a Guideline Harvest Level Program for Areas 2C and 3A and its April 2001 action to incorporate the guided sport sector into the current halibut Individual Fishing Quota program, prior to submittal for Secretarial review.

GHL

NOAA General Counsel has advised NMFS against using the "framework" process for triggering GHL management measures as proposed by the Council and NMFS. Counsel advised that the GHL Program could be approved only if it were changed to conform with the Administrative Procedures Act. This would require an Environmental Analysis/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for each regulatory change. While the framework process could proceed, the Council would be required to prepare an analysis of the proposed measure(s) and all other reasonable alternatives for each regulatory change. Staff previously informed the Council that the inability to predict future guided angler participation (and subsequent harvest) in the halibut fishery constrains the ability to assess the potential impacts of any of the proposed framework management measures, although they recognize the legal requirements to perform the analysis. Counsel also raised concerns regarding data collection methods to adequately monitor several of the proposed reduction measures.

The Council would need to notice the public that it will *reconsider* its February 2000 preferred alternative at a future meeting to comply with legal advice. It would need to restructure the GHF program to incorporate the preparation of all legally required analyses of proposed frameworked measure(s) and all other reasonable alternatives for each regulatory change. Or as noted in the NMFS letter, the Council also may choose to notice its intent to rescind its February 2000 action at a future meeting and proceed with the proposed charter IFQ program due to the additional staff efforts needed to revise the GHF analysis, develop data collection methodology, and rulemaking.

IFQ

In the same letter, NMFS identified concerns it has related to the quality of the Sport Charter Vessel Logbook Program data as identified in a memorandum dated September 21, 2001 from the ADF&G Sportfish Division to Kevin Duffy. To further explore the concerns raised by ADFG staff, Council staff requested that ADFG attempt to determine whether the data quality issues identified in its memo affect the Council's preferred alternative for determining individual allocations to charter vessel owners or lessees (Item C-10(a)(2)). The ADFG analysis is under Item C-10(a)(3). Note that the 2001 ADFG memo compared the logbook program with the Statewide Harvest Survey (postal) and the current analysis examines logbook program halibut reports where they could be verified with creel and/or port sampling interviews. Allen Bingham, ADFG Sportfish Division, will present the report.

The Council is requested to provide direction to staff, prior to submission of the final draft of the halibut charter IFQ analysis to NMFS for review. Note that additional staff work on the development of computer programming changes, data collection, monitoring, and enforcement issues will be needed prior to submission of the final analysis to the Secretary. Additional time for initial allocations and appeals will also be necessary if approved by the Secretary.

Review Subsistence Implementation Issues

In April 2002, the Council unanimously adopted modifications to its original October 2000 action to address concerns identified by the State of Alaska Board of Fisheries about the potential local effects of subsistence halibut fishing on halibut and rockfish populations under Action 1 (Item C-10(b)(1)). It also responded to public testimony by Western Alaska CDQ representatives under Action 2. The preferred alternative also requested NMFS staff to work with the Halibut Subsistence Committee to develop aspects of the proposed community harvest permit program. The committee recommendations are summarized under Item C-10(b)(2).

The purpose of this discussion is to review issues pertinent to the development of regulations that would implement proposed changes to the original subsistence policy proposed by the Council. Jay Ginter, NMFS staff will distribute a discussion paper at the meeting.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA C-10(a)(1)
OCTOBER 2002

September 6, 2002

RECEIVED
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N.P.F.M.C

Mr. David Benton
Chairman, North Pacific
Fishery Management Council
605 West 4th Street
Anchorage, Alaska 99501-2252

Dear Dave,

The Council has recommended two different measures to limit Pacific halibut harvests in the guided recreational fishery (guided fishery). The first program adopted by the Council in February 2000, would establish a guideline harvest level (GHL) and a system of harvest reduction measures for the guided fishery. The second program adopted in April 2001, would integrate the guided fishery into the existing individual fishing quota (IFQ) Program.

A thorough review of recent court decisions regarding the requirements under the Administrative Procedure Act (APA) and recent changes in the data collection methods used by the State of Alaska (State) causes us to request further clarification or action by the Council before we officially consider these programs for approval or disapproval by the Secretary of Commerce. This letter clarifies some of the recent developments that may affect the approval decision, and provides possible suggestions on how to proceed in the implementation of measures to meet the Council's intent.

Guideline Harvest Level

Federal rules implementing the proposed GHL and associated harvest reduction measures may be vulnerable to legal challenge as currently structured. A proposed rule for the GHL was published on January 28, 2002 (67 FR 3867). The proposed rule states that the Council envisioned that "[o]nce NMFS has preliminary data indicating that the level of harvests from a previous season exceeded the GHL, the appropriate harvest reduction measures would be triggered [to be in effect] for the following season." These measures "to reduce guided recreational harvests would be implemented by notification." This notification process would supercede the regular Administrative Procedure Act (APA) rulemaking process. It would minimize potential delays between exceeding the GHL and implementing measures to reduce the guided fishery harvests by establishing a "framework" of measures that are automatically implemented.



NOAA-General Counsel, Alaska Region, has informed us that implementing the harvest reduction measures likely would require the APA rulemaking process. The proposed framework as conceived by the Council and NMFS would expose the agency to an unacceptable risk of a successful legal challenge. The APA requires that any regulatory action provide prior notice and opportunity for public comment before becoming effective. This requirement can be waived only for "good cause."

The harvest reduction measures in the proposed rule likely could not be implemented under the "good cause" exemption of the APA. The APA provides for a "good cause" finding only when the agency finds that notice and opportunity for public comment would be impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). These terms are narrowly defined. Because this "good cause" finding would need to be made at the time the harvest reduction measures are implemented, we cannot guarantee now that a "good cause" finding would exist in every instance the GHL was exceeded and harvest reduction measures triggered. Accordingly, we believe a strong likelihood exists that proposed and final rulemaking would be required when implementing any of the proposed harvest reduction measures.

Case law from courts reflects a discontent for agency actions that do not permit public participation. A recent appellate court case provided additional guidance to Federal agencies when using the "good cause" waiver. This case, *Utility Solid Waste Activities Group v. E.P.A.*, 236 F.3d 749 (D.C. Cir. 2001), warned agencies that the good cause exception to notice and public comment requirements is to be "narrowly construed and only reluctantly countenanced" and used only in emergency situations. The Ninth Circuit Court of Appeals, which includes Alaska in its jurisdiction, has made the same pronouncement in *Independent Guard Ass'n. of Nevada, Local No. 1 v. O'Leary*, 57 F.3d 766 (9th Cir. 1995). In another recent case, *National Resources Defense Council v. Evans*, No. C 01-0421, Aug. 2, 2001, N.D.Cal., the court found that significant agency actions with legal consequences should not be taken out of the realm of public notice and comment. The agency determination to "install" a harvest reduction measure constitutes an action with legal consequences under the APA that should receive public notice and comment.

The proposed rule could be approved only if it were changed to explicitly provide for an opportunity for public comment prior to the implementation of any harvest reduction measures. This would increase the amount of time between when the GHL is exceeded and the implementation of any harvest reduction measures.

Additionally, the APA rulemaking process would require an analysis of alternatives to the proposed harvest reduction measures recommended by the Council under the requirements of the Regulatory Flexibility Act, the National Environmental Policy Act, E.O. 12826 (the Regulatory Impact Review), and other applicable laws. Complying with this APA requirement would substantially change the proposed halibut guided fishery management program from what was originally conceived by the Council.

A second issue which may affect the implementation of the GHM is the inability of existing data collection methods to adequately monitor several of the reduction measures envisioned in the proposed rule. As described in the proposed rule, NMFS envisioned the possible use of data collection methods already employed by the State, including the Statewide Harvest Survey (SWHS), and the Saltwater Charter Vessel Logbook (Logbook). Notwithstanding the State's recent decision to discontinue the Logbook, citing concerns over the statistical reliability of the data, the proposed rule states that "the information collected by the logbook would not alone be sufficient to monitor compliance with the harvest reduction measures. NMFS would require additional information on times and dates of the end of fishing trips, as well as information identifying each individual angler and his or her total harvests aboard guided recreational vessels."

The existing SWHS also does not meet all the monitoring and enforcement data needs required by the GHM program as recommended by the Council. First, the time required to collect and compile data from the SWHS would result in at least a two-year delay when implementing or relieving frameworked harvest reductions on the guided fishery. Second, the SWHS does not collect information necessary to monitor annual harvest limits on individual sports fishermen, which is one of the harvest reduction measures recommended by the Council. Unless NMFS develops a new data collection system, this measure could not be monitored and enforced.

To proceed with either the GHM or Charter IFQ Program, a new data collection system will be required. We do not have an adequate data collection system in place now, nor do we have the specific expertise in designing a recreational fishery data collections system. Therefore, we are preparing a contract to assist us in the development of a data collection system that can gather data from the guided fishery. As noted in the proposed rule "[t]he ability of NMFS to adequately monitor and enforce a program is an important consideration when NMFS decides whether to approve recommendations of the Council."

Appendix 1 to this letter provides an example of the implementation of the GHL under the existing proposed rule structure using the SWHS. Appendix 2 provides an example of the implementation of this rule under APA rulemaking procedures using the SWHS. Appendix 3 provides an example of implementation of this rule under APA rulemaking with a new data collection system that could provide more timely data.

If the Council wishes to proceed with the implementation of the GHL, then NMFS will have to publish a new proposed rule that incorporates APA rulemaking. As described in Appendices 2 and 3, this would cause a significant delay in the implementation of harvest reduction measures when the GHL is exceeded. Similarly, action to remove harvest reduction measures once they are in place would require time consuming rulemaking. These delays compromise the original goal of the program to provide timely controls on guided fishery harvests. Given these factors, the Council may wish to consider rescinding the GHL and proceed with the proposed Charter IFQ Program. As noted in the GHL proposed rule, "[i]f approved by the Secretary, a halibut guided recreational IFQ program would supersede the management of the fishery under the GHL."

Charter IFQ Program

The State has discontinued the Logbook, based on concerns raised in a September 21, 2001, memorandum from the State Division of Sportfish. This memorandum stated that "data from the 1999 and 2000 logbook programs are believed to be artificially inflated and should not be used in any management decision making process" in IPHC Area 3A. Council staff are working with the State for additional clarification of these concerns.

The lack of the Logbook poses three potential problems that the Council may wish to consider. First, the lack of the Logbook further limits the existing data collection systems available for use and increases the need to develop a separate data collection method. Appendix II provides an example of the limits of using the SWHS that may exist under APA rulemaking. Second, the State's concerns over the use of Logbook data collected during one of the years on which initial allocations of quota share would be based could compromise the Council action. Third, the absence of Logbook data may make it difficult to consider "recent participation" during the Secretarial review.

Some of these questions may be addressed through additional clarification by the State of its September 21, 2001, memorandum.

As mentioned in the September memorandum, the State did plan to "provide the results of these additional analyses" to the Council.

Alternatively, the Council may wish to reconsider its proposed method for initial allocation and avoid the use of Logbook data. As currently structured, the Council's motion on Charter IFQ assigns the overall allocation to the guided recreational fleet using data from the SWHS with individual allocations made to vessel operators based on Logbook data. While this method has traditionally been used in IFQ management programs, alternative methods may be used. As an example, using Logbook data the Council could choose to allocate quota share based on the number of years of participation in the fishery rather than the specific individual harvests. While such an allocation method may not reflect past harvests, it may reduce the potential concerns about artificial inflation of data and provide a means to equitably consider recent participation. Other methods for distribution of initial quota share may also exist.

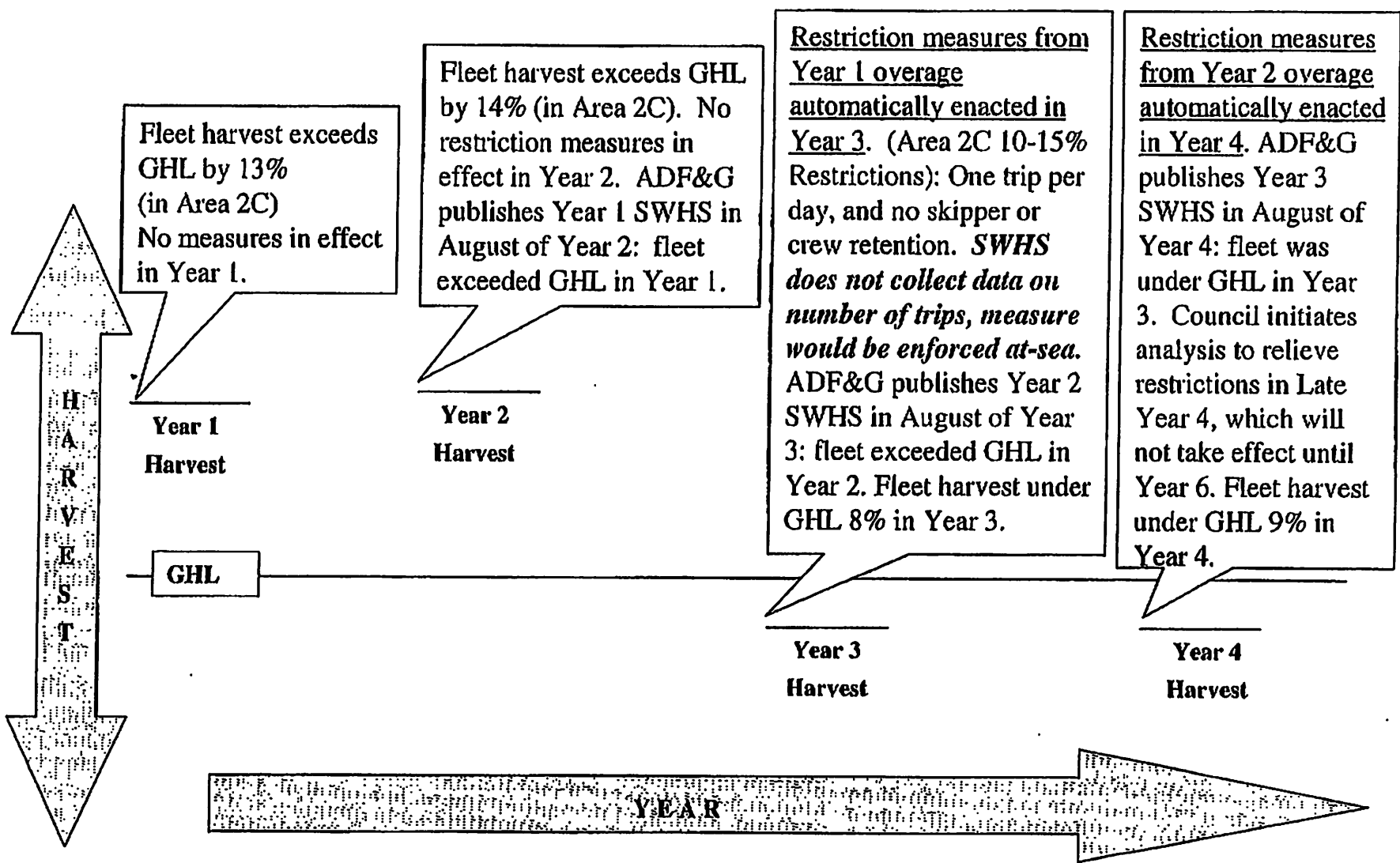
We look forward to working with the Council to address these issues and establish management measures that meet the Council's intent of controlling the harvests in the guided recreational halibut fishery.

Sincerely,

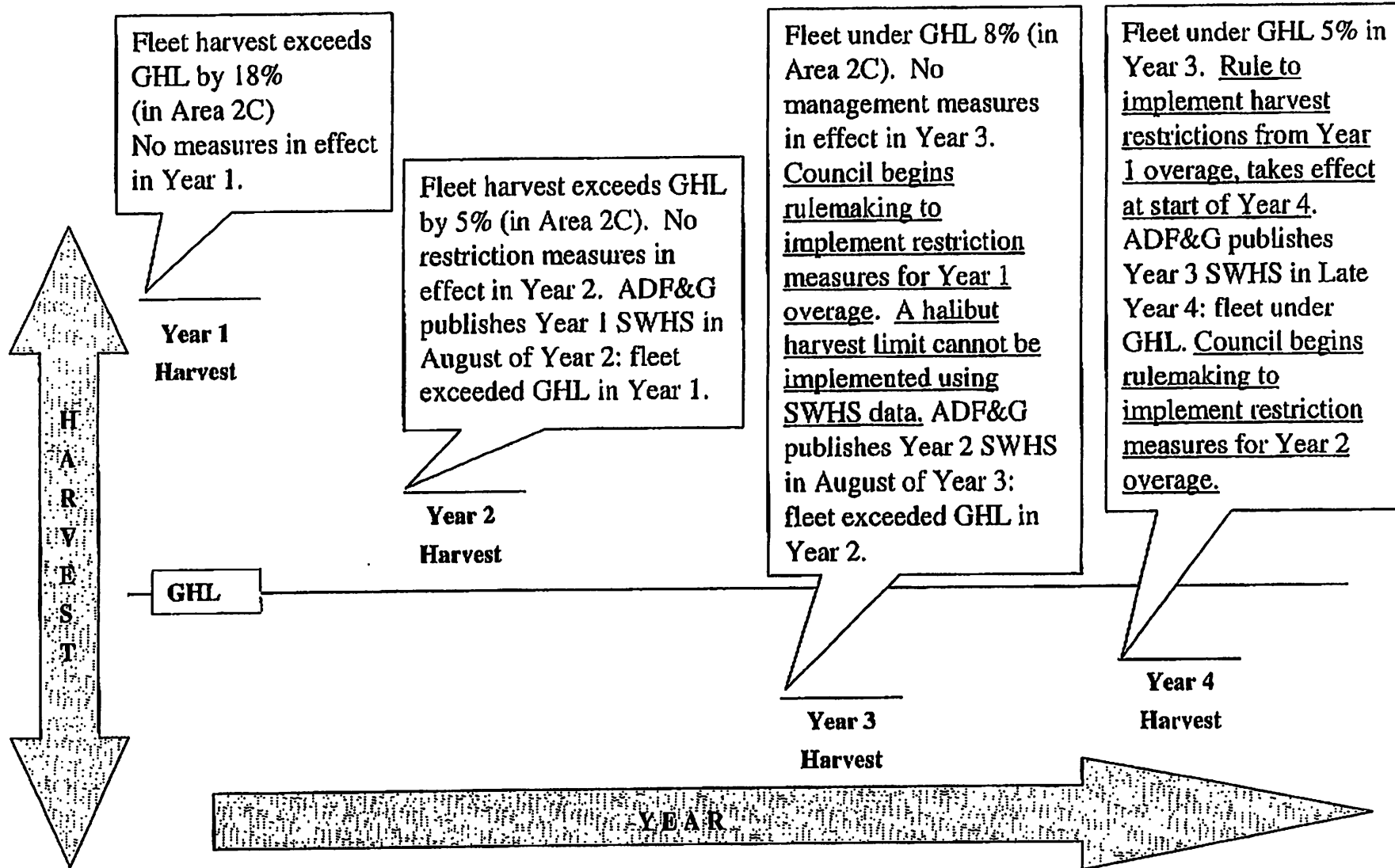


James W. Balsiger
Administrator, Alaska Region

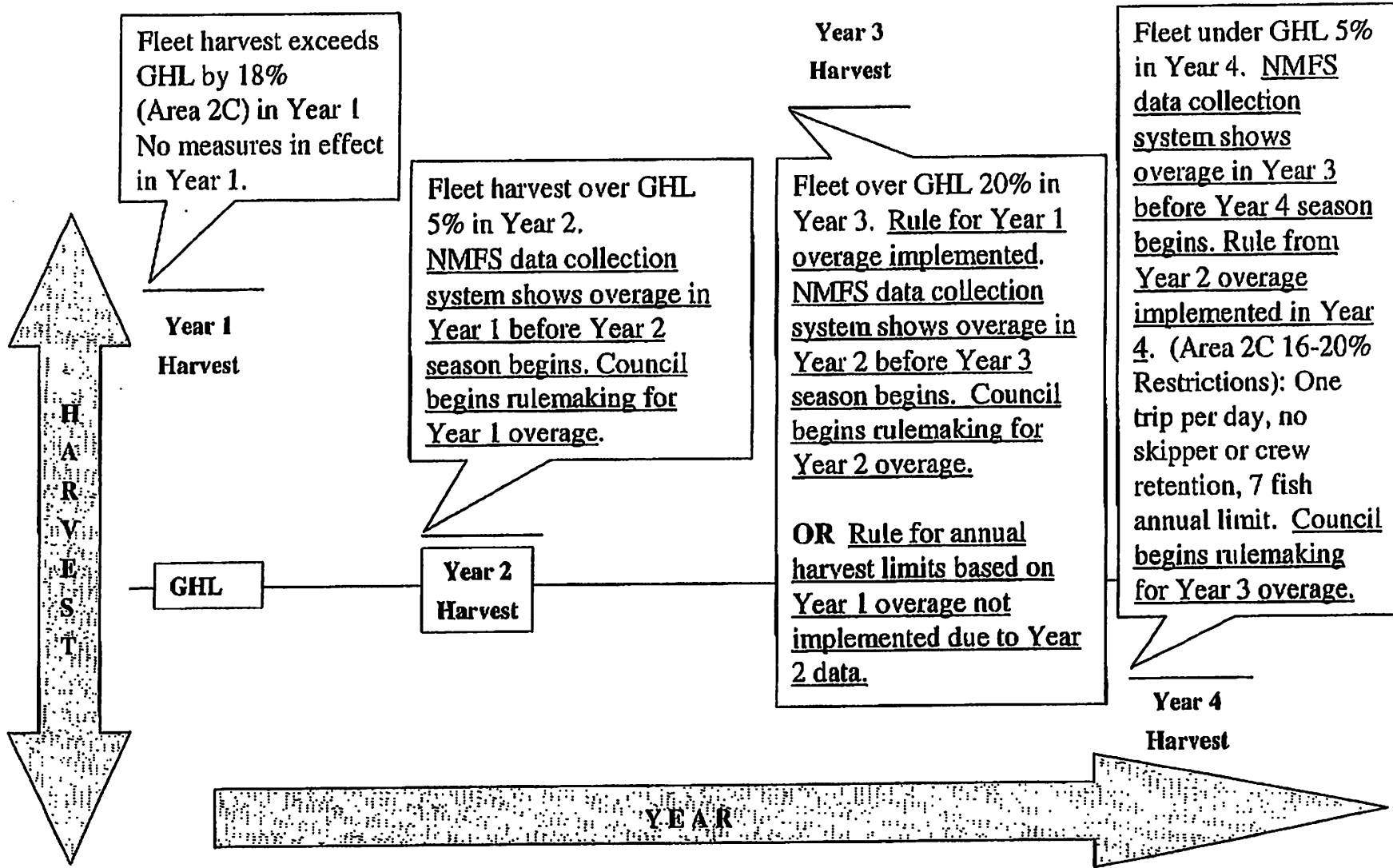
Enclosures (3)
Appendices 1, 2, & 3



Appendix 1: The Potential Effects of Current Proposed Rule Regulations with SWHS Data Collection System



Appendix 2: The Potential Effect of APA Rulemaking using the SWHS



Appendix 3: The Potential Effect of APA Rulemaking with a NMFS Data Collection System

North Pacific Fishery Management Council

David Benton, Chairman
Chris Oliver, Executive Director



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Anchorage, AK 99501-2252

Telephone: (907) 271-2809

AGENDA C-10(a)(2)
OCTOBER 2002

Visit our website: www.fakr.noaa.gov/npfmc

August 13, 2002

Mr. Kevin Duffy
Alaska Department of Fish and Game
P.O. Box 25526
Juneau, AK 99802-5526

Dear Kevin:

In February 2002, ADF&G staff notified the Council of their preliminary analysis of the ADF&G Saltwater Sportfishing Charter Vessel Logbook Program regarding the reliability of reported harvest of Pacific halibut taken by guided sport anglers (memo dated September 21, 2001 from Allen Bingham to you). The analysis suggested that some of the logbook data records are "artificially inflated and should not be used in any management decision making."

Council staff is currently completing the final draft of the analysis to implement an individual fishing quota (IFQ) program for the halibut charter fleet, as recommended by the North Pacific Council in April 2001. Jane DiCosimo has consulted with ADF&G Sportfish Division staff on an approach to determine whether the data quality issues identified in the preliminary analysis affect the Council's preferred alternative for determining individual allocations to charter vessel owners or lessees. The allocation between the commercial and charter sectors was based on the Statewide Harvest Survey and is unaffected by the aforementioned data quality issues. Ultimately, the Secretary of Commerce must be satisfied that the data used to determine the initial distribution of quota shares is not arbitrary or capricious (i.e., that persons are not receiving a greater allocation because they over-reported their harvest of Pacific halibut in their logbook entries when compared with what they reported to on-site survey staff).

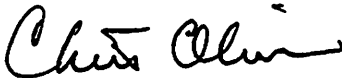
Council and ADF&G Sportfish Division staffs have agreed to the proposed ADF&G research plan outlined below. The elements and summary of the analysis will be limited to 1998 and 1999 only and completed by September 13, 2002.

- Short description of the interview sampling procedures with an identification of pertinent issues that might constrain the comparisons (e.g., voluntary interviews without verification of the accuracy of information in many cases). This description will include the coverage by port and periods of the year (by year).
- Summary of the degree of coverage in terms of what proportion of the log book trips are "matchable" with on-site interview data broken down by port and IPHC area. Coverage includes (1) ports that are not sampled at all so that charter operators who operate out of these ports could not be included in any comparisons described below, as well as a (2) summary of the relative coverage in terms of proportion of trips that would be expected to be intercepted at ports at which on-site sampling did occur.

- Analysis of the non-matching logbook records (i.e., interview data observed for a charter operator with no matching log book data or visa-versa) that are attributable to operators who failed to turn in any logbook records for the year in question (i.e., non-compliant participants).
- Summary of the frequency distribution as well as the average with confidence intervals of the difference between harvest reported via logbook records versus matching on-site interview data summarized by year, IPHC area, and port. Included in this summary will be comparisons for harvest of not only Pacific halibut, but also chinook and coho salmon as well as rockfish and lingcod. The analysis will include an evaluation as to whether any trends are evident in terms of consistent under or over-reporting by individual vessels.
- Evaluation of the results including any conclusions that can be definitively reached (i.e., what does it mean?).
- If feasible the analysis will be limited to vessel-trips for registered guide business that meet the criteria that at least one page of logbook data indicating bottomfish effort was expended in either 1998 or 1999 along with at least one page of logbook data indicating bottomfish was also turned in during 2000.
- Identify whether the logbook definition of catch is completely equivalent to the creel and port survey definitions of catch. For example, do they both address catch verses retained fish in the same manner? Do they handle captain and crew catch in the same manner?
- Report sample sizes, as this will assist in the determination of statistical significance.

The above research plan should be sufficient to determine whether and to what degree the logbook data matches the creel and port surveys. Council staff will then incorporate those results into the final analysis for NMFS review, in preparation for submission to the Secretary. The analysis can be submitted to the Secretary if the individual allocation formula is determined to be appropriate. If the data discrepancy is determined to have led to individual allocations that the Secretary may deem to be arbitrary and capricious, then the Council may wish to consider alternate allocation formulas. A discussion of the research plan and the need for possible future action will be scheduled for discussion at the October Council meeting, when we will receive a status report from NMFS. The assistance of Sportfish Division staff Allen Bingham, Scott Meyer, and Mike Jaenicke is gratefully acknowledged.

Regards,



Chris Oliver
Executive Director

cc: Jay Ginter
Phil Smith
Lisa Lindeman
Rob Bentz
Allen Bingham

MEMORANDUM

State Of Alaska Department of Fish and Game

TO: Kevin Duffy
Deputy Commissioner
Juneau

DATE: September 20, 2002

AGENDA C-10(a)(3)
OCTOBER 2002

THRU: Rob Bentz
Deputy Director
Division of Sport Fish
Juneau

TELEPHONE NO: 465-6187

FROM: Allen E. Bingham
Chief Biometrician
Research and Technical Services
Division of Sport Fish
Anchorage

TELEPHONE NO: 267-2327

SUBJECT: Response to data request letter from
Chris Oliver, North Pacific Fishery
Management Council, his letter to you
dated August 13, 2002

This memorandum summarizes the results of the data and analyses requested by the North Pacific Fishery Management Council (NPFMC) in Chris Oliver's letter to you of August 13, 2002. The following pages of the memo cover each of the bulleted items in the NPFMC letter. The data and analysis as summarized in this memo are complete, and each item has been addressed to the extent feasible given constraints related to the corresponding data sets. We have outlined the nature of the constraints whenever an item could not be completely addressed. An executive summary follows:

Executive Summary

The primary purpose of the requested analyses was to look for meaningful misreporting of Pacific halibut harvest in the logbook program during 1998 and 1999. By necessity, the records used in this analysis were limited to vessel trips with both a logbook entry and an on-site interview for the same day. These matching records therefore did not represent a random sample of all charter trips. In 1998, the matched records made up only 4.8% of trips in IPHC Area 2C and 4.0% of trips in Area 3A; in 1999 the matched records made up 5.7% and 5.0% of trips in the two areas, respectively. The majority of individual vessels were interviewed fewer than ten times per year, and matched records were only available from approximately 30% of charter vessels operating during both years and in both areas. Accordingly, any misreporting of harvest by the remaining 70% of the charter vessels, a group whose membership was determined by circumstance and not design, cannot be evaluated.

Logbook data was not expected to be substantially different from interview data because most charter operators were interviewed within a few minutes of docking, that is, just before or just after being required to record their harvest in their logbooks. The low percentage of trips that were observed and the non-independence of logbook and interview data severely compromise the validity of any conclusions concerning the presence or absence of misreporting of harvest from this analysis.

Although matching logbook and interview data were expected to be similar, a substantial percentage of the records did not agree, particularly in Area 3A. In this area in 1998, the number of halibut reported kept in the logbook did not agree with the number reported in interviews more than half the time. The degree of agreement increased to 69% in 1999.

Even though many records did not agree exactly, the differences were distributed relatively evenly around zero in both areas, and the average differences were not appreciably different from zero. Very few vessels under or over-reported at a statistically significant level. Therefore, there is little evidence to support or deny any appreciable or consistent patterns of under- or over-reporting by individual charter vessel operators during 1998 and 1999 in either region (mostly due to insufficient sample sizes).

Results of this analysis do not necessarily refute the previous comparison of logbook data to the independent data from the Statewide Harvest Survey because logbook and interview data are not independent, and matching interviews represented a very small fraction of logged charter trips.

Feel free to call me and/or Rob regarding any questions you might have in regards to the results summarized in this memorandum.

cc (via email):	Scott Meyer	Mike Jaenicke	Bob Clark
	Rocky Holmes	Dave Bernard	Doug Vincent-Lang
	Kelly Hepler		

INTRODUCTION

This document summarizes the results of the data and analyses requested by the North Pacific Fishery Management Council (NPFMC) in Chris Oliver's letter to you of August 13, 2002. The bulleted items in the NPFMC request are addressed in separate sections that follow this short introduction. The bulleted item is quoted at the beginning of each section for clarity sake. The data and analysis as summarized below are complete, and each item has been addressed to the extent feasible given constraints related to the data sets. We have outlined the nature of the constraints whenever an item could not be completely addressed due to such constraints.

The NPFMC requested that, if feasible, all summaries be limited to vessel-trips for registered guide businesses that meet the proposed Individual Fishing Quota (IFQ) eligibility criteria (i.e., submitted at least one page of logbook data with bottomfish effort in either 1998 or 1999 and at least one page of logbook data with bottomfish effort in 2000). Limiting the analysis to these criteria was not feasible (primarily due to some difficulties in correctly matching logbook data to business license data for 1998).¹ Accordingly the analyses described in this document apply to all logbook records for trips on active² days.

INTERVIEW SAMPLING PROCEDURES AND CONSTRAINTS

- *Short description of the interview sampling procedures with an identification of pertinent issues that might constrain the comparisons (e.g., voluntary interviews w/o verification of the accuracy of information in many cases). This description will include the coverage by port and periods of the year (by year).*

The interview and sampling procedures are summarized separately for the two separate ADF&G management regions that encompass International Halibut Commission IPHC Areas 2C and 3A, followed by a section on the constraints to the comparisons that were common to both regions.

INTERVIEW PROCEDURES IN SOUTHCENTRAL ALASKA (KODIAK TO PWS)

Charter skippers (and non-charter anglers) were interviewed in 1998 and 1999 as part of the Southcentral Halibut and Groundfish Harvest Assessment Project. This ongoing harvest monitoring project describes the sport fishery landings of halibut, rockfish, lingcod, and sharks from major ports in southcentral Alaska. The primary purpose of the interviews was to estimate the spatial distribution of effort and harvest of halibut and other groundfish at each sampled port. Interview data were also used to estimate the proportion of the sport halibut harvest that was cleaned (and carcasses disposed of) at sea. Interview data have also proven useful for evaluating local area management plan (LAMP) proposals.

Interviews were not designed or conducted for the purpose of validating logbook entries. Port samplers had very limited enforcement authority and their primary responsibility was to gather data. If they witnessed a violation, they were instructed to gather evidence and report to the local Fish and

¹ This requested restriction for the analysis was one of the bulleted items in the data analysis request. It is not repeated in the remainder of this document since it was determined to not be feasible.

² The logbook datasets include records for inactive days and trips within days in which the charter vessel fished with clients. The analyses presented in this document did not involve use of inactive records. The previously reported logbook evaluation memorandum (September 21, 2001, memo from Bingham to Duffy) included an evaluation of the inactive records as well (e.g., did vessels report inactivity during days in which they were sampled on-site by creel or catch sampling programs?).

Wildlife Protection Trooper. Port samplers in southcentral Alaska were instructed not to routinely check logbooks, but if a charter operator expressed uncertainty about any answer, the port samplers were told to ask the charter operator what they recorded in their logbook. This was effective at flushing out operators that had not yet recorded data in their logbook or that didn't have a logbook on the vessel. This practice was most prevalent in 1998, the first year of the logbook program.

Charter operators consulted their logbook to provide answers to interview questions only very rarely in 1998 and 1999. Although not recorded, staff estimate this occurred less than 5% of the time. Staff also estimate that in 1998 about 25-50% of the time charter operators in Southcentral Alaska had not yet completed their logbooks at the time of the interview (even though in most cases they were required to). When that was detected, the charter operators were advised to complete the logbook but technicians did not remain with the charter operator to ensure completion.

Sampling Design

One fishery technician was stationed at each of the following ports: Kodiak, Homer, Seward, Whittier, and Valdez. In addition, a single technician covered the Deep Creek and Anchor Point beaches (Central Cook Inlet fishery). Interviews were conducted in the small boat harbors, at boat ramps, and at beach launching sites. The length of the sampling season varied by port (Table 1).

Table 1.-Summary of sampling season for the Southcentral Halibut and Groundfish Harvest Assessment Project during 1998 and 1999.

Year	Kodiak	Homer	Central Cook Inlet	Seward	Whittier	Valdez
1998	5/21-9/07	5/18-9/07	5/18-8/30	6/04-9/07	8/03-9/07	6/25-9/06
1999	5/21-9/07	5/17-9/10	5/17-8/26	5/27-9/06	5/29-9/06	5/27-9/06

Sampling designs also varied by port. Interviews were conducted concurrently with collection of biological data from harvested fish at Kodiak and Whittier. At all other ports, interviews were conducted only two randomly selected days per week. Three landing sites were sampled in Kodiak (two boat harbors and U.S. Coast Guard boat ramp). The Kodiak technician chose the first site to sample at random and then rotated through the sites during each shift, staying long enough at each to interview returning anglers and sample available fish. At Homer, Seward, and the Deep Creek beach, the harbors and beach were too large for the technician to contact all returning boats. In these cases, the harbors and beach were divided into three to five sections and each section was sampled systematically such that equal sampling effort was expended in each section. At these ports, therefore, only about one-third to one-fifth of returning boats were contacted during interview shifts.

Work shifts also varied by port. At all ports except Deep Creek and Anchor Point, sampling was conducted during the late afternoon and evening hours when the majority of boats were returning. Work shifts in the Central Cook Inlet fishery were structured around tides because vessels tend to leave the water 2 hours or more following high slack tide. At other ports, charter vessels that returned to port early because they were half-day charters, or overnight trips, or caught their limit early, or were blown off the water, would have been missed at most ports. The majority of interviews were obtained during the period 1500-2100 hours during 1998 and 1999 (Table 2).

Because only one technician was assigned to each port, the probability of an individual vessel being contacted for an interview was lowest in the ports with the most fishing effort. For example, it wasn't unusual in smaller ports such as Kodiak or Valdez to interview a vessel 10-20 times or more

during a season. But in the larger fisheries such as Homer and Central Cook Inlet, few vessels were interviewed more than a half-dozen times.

Table 2.- Frequency of charter vessel-trip interviews by hour of the day (24-hour clock) and port, for the Southcentral Halibut and Groundfish Harvest Assessment Project during 1998 and 1999.

Year/Hour	Central Cook						Total
	Kodiak	Inlet	Homer	Seward	Whittier	Valdez	
1998							
11	0	1	0	0	0	0	1
12	0	4	0	0	0	0	4
13	0	15	0	0	0	0	15
14	0	32	50	0	1	0	83
15	14	39	71	3	0	0	127
16	47	44	96	12	2	0	201
17	67	14	77	30	1	10	199
18	57	6	51	32	3	23	172
19	53	8	27	14	15	35	152
20	23	28	7	6	4	34	102
21	18	30	0	0	1	22	71
22	2	0	0	0	0	1	3
23	3	0	0	0	0	0	3
Total	284	221	379	97	27	125	1,133
1999							
11	0	16	0	0	0	0	16
12	0	20	0	0	0	0	20
13	0	12	0	0	0	0	12
14	1	19	57	4	0	0	81
15	3	35	69	6	0	0	113
16	5	47	90	25	1	2	170
17	19	34	100	72	16	7	248
18	14	55	53	60	11	45	238
19	12	33	21	61	15	91	233
20	11	20	7	27	16	63	144
21	3	15	0	0	0	33	51
22	2	0	0	0	0	1	3
23	0	0	0	0	0	0	0
Total	70	306	397	255	59	242	1,329

Interview Procedure

Interviews with charter boats were normally conducted within 5 or 10 minutes of when the charter logbook was required to be completed. In most cases this was after the vessel had docked or been pulled up onto the beach, and the clients had been offloaded. In Seward, charter captains were sometimes interviewed at the fuel dock, up to 1 hour after landing fish. Interviews were solicited from captains of any vessel that targeted halibut (regardless of success) or caught halibut while targeting other species. Interviews were done on a voluntary basis, though only a small proportion

of charter operators refused to cooperate. Captains or crew on charter boats were interviewed (rather than clients) to obtain accurate reporting of statistical areas and species. The following information was recorded for each boat-trip:

- Hour of the interview
- Area of the harbor (Kodiak, Homer, Deep Creek, and Seward only)
- User group (e.g. charter, private)
- CFEC vessel license number and boat name (charter only)
- Single or multiple-day trip
- Primary ADF&G groundfish statistical area fished
- Number of anglers that fished (including crew)
- Target species category
- Number of halibut kept, number released, and number of halibut cleaned at sea
- Numbers of lingcod, pelagic rockfish, non-pelagic rockfish, salmon sharks, Pacific sleeper sharks, and spiny dogfish kept and released.

Target categories included halibut only, rockfish only, lingcod only, any combination of halibut or other groundfishes ("bottomfish"), halibut or other bottomfish in conjunction with salmon ("bottomfish and salmon"), or salmon only.

Interview data were recorded in the field on Mark Sense Marine Interview forms (Version 1.0). During the interview the technicians recorded the responses using shorthand codes, then coded the bubbles on the form as time allowed. This facilitated spotting and correcting errors during editing.

Mark Sense forms were scanned and edited at the end of the season. Editing consisted of examining frequency listings and data file printouts for obvious errors and correcting the data files. Following initial editing, each data file was subjected to two more error-checking programs. The first checked for and flagged the following possible data recording and editing errors:

- Incorrect record length
- Record marked for deletion and not deleted
- Data recorded in fields that are supposed to be left blank
- Variables outside of valid range
- Missing data
- Unauthorized user group reported for a particular port
- Number of fish reported kept or released repeated incorrectly
- Apparent bag limit violation
- Impossible statistical area recorded

The second program verified all recorded CFEC vessel license numbers by comparing them to the CFEC license file available on the CFEC web site. Once all possible errors identified by these programs were addressed, the file was ready for analysis.

INTERVIEW PROCEDURES IN SOUTHEAST ALASKA (KETCHIKAN TO YAKUTAT)

Charter skippers and non-charter anglers were interviewed in 1998 and 1999 as part of the Southeast Marine Harvest Studies Project. This ongoing harvest monitoring project describes the sport fishery effort and catch of the five species of Pacific salmon, halibut, rockfish, and lingcod from major ports in southeast Alaska. At the three major ports (Ketchikan, Juneau, and Sitka) and Haines there was a full-scale randomized creel survey conducted, while at five other ports (Craig/Klawock,

Petersburg, Wrangell, Skagway and Yakutat) a more simplified catch sampling program was conducted. The primary purpose of the interviews was to estimate the total effort, harvest and catch of salmon, halibut, rockfish and lingcod at each sampled port. Interview data may prove useful for evaluating future local area management plan (LAMP) proposals.

It is important to reiterate that interviews were not designed or conducted for the purpose of validating logbook entries. Port samplers had very limited enforcement authority and their primary responsibility was to gather data. If they witnessed a violation, they were instructed to gather evidence and report to the local Fish and Wildlife Protection Trooper. Port samplers in southeast Alaska were instructed not to check logbooks.

During sampling in Southeast Alaska fishery technicians on the docks/boat launches attempted to see every possible fish harvested by returning anglers (both charter and private boats). Beyond the need to verify fish species identification, our technicians also were looking for coded wire tagged chinook and coho salmon as well as collecting lengths from harvested halibut and lingcod. Therefore, the fishery technicians conducted the interview directly with the charter operator to collect the information on the effort and catch for that particular trip and visually inspect the harvested fish. The creel samplers are not suspected to have intentionally "prompted" charter vessel operators/skippers to recall their boat's catch/harvest by asking them to check their logbooks.

Sampling Design

At all Southeast Alaska sampled ports, both interviews and biological data were collected at the same time. Creel interviews were conducted in the boat harbors and boat ramps. The number of fishery technicians sampling at the various ports was in part dependent on the sport fishery effort at each individual port, thus there were more fishery technicians at the large ports of Juneau, Ketchikan and Sitka than the smaller ports (Table 3).

At the three largest communities in Southeast Alaska (Juneau, Ketchikan, and Sitka) and Haines, a full-scale creel survey was conducted on a randomized basis at the main boat docks and boat ramps (i.e., fishery exit points). Number of fishery technician conducting the creel surveys ranged from 1 (Haines) to 4 (Sitka and Ketchikan) to 5 (Juneau) in 1998 and 1999 (Table 3). Each sampling day was typically divided into 2 to 4 time periods, and the sampling schedule (day, harbor, and time for sampling) was generated prior to the beginning of each creel survey season. At each of the three full-scale creel survey sites, we also had one additional sampler for increasing sample size of sampled harvested fish (i.e., specifically searching for Coded Wire Tagged salmon and collecting halibut lengths). The extra sampler **did not** collect interview information, such as whether angler was charter or private, CFEC number from charter boats, hours fished, and fish released.

The creel sampling programs at Craig/Klawock, Petersburg, Wrangell, Skagway and Yakutat were scheduled to maximize the chance of interviewing returning anglers, which generally occur in the late morning to late afternoon when the majority of boats were returning. This generally meant that both half-day and full-day charter trips could be sampled; however, charter boats that returned to port earlier in the morning and very late at night would have been missed. Note that at the ports of Haines and Skagway, the CFEC numbers from interviewed charter boats **were not** collected/recorded during the creel interview process. Also, the Haines creel survey ended prior to July 1, so charter activity after July 1 was not sampled. In Yakutat, the ADF&G charter vessel logbook number instead of CFEC number was recorded/collected during creel interviews from charter boats.

Examination of the Southeast creel survey interviews during 1998 and 1999 indicate that nearly all the charter vessel interviews at the various ports occurred between the hours of 1100 and 2000, with the majority occurring between 1400 and 1800 (Table 4).

At all Southeast Alaska ports in which a creel survey or creel sampling program was conducted, not all returning charter boats could be sampled. The reasons for not being sampled included: 1) the charter vessel used a private dock or facility which did not allow creel sampling on the private property, or 2) the charter vessel used a dock or facility which was not selected as one of the sampled major fishery exit points at the port.

Interview Procedure

Interviews with charter boats were normally conducted within 5 or 10 minutes of when the charter logbook was required to be completed. In most cases this was after the vessel had docked and the clients had been offloaded. Interviews were solicited from captains of any vessel that had targeted bottomfish or salmon (regardless of success). Interviews were done on a voluntary basis, though only a small proportion of charter operators refused to cooperate. Captains or crew on charter boats were interviewed (rather than clients) to obtain accurate reporting of fishing areas and species. The following information was recorded for each boat-trip:

- Name of the harbor sampled
- User group (e.g. charter, private)
- Target species category
- Primary creel survey area fished
- Hour of the interview
- Single or multiple-day trip
- Number of rods that were fished
- Number of hours fished (excluding running time and other non-fishing time)
- Number of halibut kept, number released, and number of halibut cleaned at sea (the latter collected in 1999 only in Sitka)
- Number of other bottomfish and salmon kept or released.

Target categories included bottomfish only (any combination of halibut, lingcod, or rockfish) or salmon only. If the boating party had targeted both salmon and halibut on a trip, then a separate interview line was recorded for each targeted species (location, effort, catch and harvest). The CFEC vessel license number was recorded for each charter vessel interviewed, and in many cases the port samplers also recorded boat names for verification.

Interview data were recorded in the field on Mark Sense Marine Interview forms (Version 1.0). During the interview the technicians recorded the responses using shorthand codes, then coded the bubbles on the form as time allowed. This facilitated spotting and correcting errors during editing.

Table 3.-Summary of marine harvest programs (survey period, number of technicians, and docks/ramps sampled) at the nine sampled ports in Southeast Alaska during 1998-1999.

	Year	Ketchikan	Juneau	Sitka	Craig/ Klawock	Petersburg	Wrangell	Haines	Skagway	Yakutat
Type of survey	1998 & 1999	Creel survey	Creel survey	Creel survey	Catch sampling	Catch sampling	Catch sampling	Creel survey	Catch sampling	Catch sampling
Information Collected	1998 & 1999	Interview data and halibut lengths	Interview data and halibut lengths	Interview data and halibut lengths	Interview data and halibut lengths	Interview data and halibut lengths	Interview data and halibut lengths	Interview data and king salmon lengths only	Interview data and king salmon lengths only	Interview data and halibut lengths
Charter vessel CFEC No. collected	1998 & 1999	YES	YES	YES	YES	YES	YES	NO	NO	NO ^a
Sampling Time	1998 & 1999	7-hr periods (early or late shifts)	7-hr periods (early or late shifts)	3-hr periods (early, middle, late)	Optimum periods of day	Optimum periods of day	Optimum periods of day	5-11 hr periods (early or late shifts)	Optimum periods of day	Optimum periods of day
Survey Period	1998 & 1999	4/27-9/27 4/26-9/26	4/27-9/27 4/26-9/26	4/27-9/27 4/26-9/26	4/27-9/13 4/26-9/12	5/04-7/19 5/03-7/11	4/27-6/15 4/26-7/04	5/11-6/28 5/10-6/27	6/9-7/14 6/17-7/28	4/22-9/27 4/15-9/18
Number of Technicians	1998 & 1999	5 ^b 5 ^b	6 ^b 6 ^b	4 5 ^b	1 2 ^c	1 1	1 1	2 2	1 ^d 1 ^d	1 1
Number of docks/ramps sampled	1998 & 1999	10 10	12 12	8 8	2 7 ^b	4 4	4 4	3 3	1 1	2 2

^a In Yakutat, the ADF&G charter vessel logbook number instead of CFEC number was recorded/collected during creel interviews from charter boats.

^b Included one additional sampler for increasing sample size of sampled harvested fish. Extra sampler did not collect interview information, such as whether angler was charter or private, CFEC no. from charter boats, hours fished, and fish released.

^c In 1999, we hired an extra person and began interviewing anglers (private and charter) at five sites in Klawock..

^d Creel sampling in Skagway during 1998 and 1999 was done on an infrequent basis (approximately one day a week).

Table 4.-Frequency of charter vessel-trip interviews by hour of the day (24-hour clock) and port, for the Southeast Marine Harvest Studies Project during 1998 and 1999. The frequencies for the port of Yakutat were not available.

Year/ Hour	Sitka	Juneau	Ketchikan	Petersburg	Wrangell	Craig	Klawock	Haines	Skagway	Total
1998										
9	0	0	0	0	0	0	NA	0	0	0
10	3	0	3	0	0	0	NA	0	0	6
11	34	4	9	1	0	0	NA	0	3	51
12	58	36	65	3	0	0	NA	0	24	186
13	36	41	50	12	0	8	NA	2	6	155
14	69	12	27	6	1	6	NA	3	0	124
15	165	13	70	16	2	10	NA	1	1	278
16	248	35	120	42	3	14	NA	7	1	470
17	193	58	88	31	1	22	NA	2	0	395
18	68	66	52	21	5	17	NA	3	0	232
19	19	46	13	4	3	4	NA	1	0	90
20	6	13	7	0	5	5	NA	0	0	36
21	1	2	1	0	0	0	NA	1	0	5
22	0	2	1	0	0	0	NA	0	0	3
23	0	1	0	0	0	0	NA	0	0	1
Total	900	329	506	136	20	86		20	35	2,032
1999										
9	0	1	1	0	0	0	0	0	0	2
10	2	1	2	0	0	0	0	0	0	5
11	41	2	3	0	0	0	0	0	2	48
12	44	40	23	2	0	2	13	1	26	151
13	31	38	83	4	0	1	19	0	6	182
14	82	22	31	7	2	14	21	0	0	179
15	192	24	99	15	2	19	32	0	0	383
16	408	43	78	32	2	30	20	3	1	617
17	231	61	134	27	2	32	8	5	10	510
18	57	49	40	13	2	12	9	1	0	183
19	21	29	38	3	1	7	0	1	0	100
20	7	21	7	0	2	0	0	1	0	38
21	1	11	1	0	0	0	0	2	0	15
22	0	0	0	0	0	0	0	0	0	0
23	0	0	0	0	0	0	0	0	0	0
Total	1,117	342	540	103	13	117	122	14	45	2,413

Biological data of halibut were recorded on the Alternative Age-Weight-Length forms (Version 1.0). In addition to the total length measurement (down to the nearest 5 mm), the creel area where the fish was harvested and angler type (charter or private) was recorded.

Mark Sense forms were scanned and edited during the season, and then re-edited line-by-line at the end of the season. Editing consisted of examining frequency listings and data file printouts for obvious errors and correcting the data files. During the final re-editing process, the following possible errors were found and corrected:

Marine Interview Forms

- Record marked for deletion and not deleted
- Data recorded in fields that are supposed to be left blank
- Variables outside of valid range
- Missing data
- Number of fish reported kept or released repeated incorrectly
- Apparent bag limit violation
- Invalid creel area recorded

Age-Weight Length forms

- Variables (total lengths, harvest area, angler type) outside of valid range
- Missing data

A program was then run on the marine Interview data to verify all recorded CFEC vessel license numbers by comparing them to the CFEC license file available on the CFEC web site. Once all possible errors identified by these programs were addressed, the file was ready for analysis.

ISSUES THAT CONSTRAIN COMPARISONS BETWEEN ON-SITE SURVEY AND LOGBOOK DATA

The following are issues that constrain comparisons between charter vessel on-site interviews and charter vessel logbook data:

1. Lack of creel or catch-sampling interview data from certain individual charter boats. Charter vessels which would never have been encountered or interviewed by our on-site survey program, include the following charter businesses:
 - a) Operated and made landings only at unsampled ports or remote lodges.
 - b) Operated and made landings at one of the sampled ports but only at an unsampled fishery exit point. The fishery exit point may not have been sampled either because ADF&G was not allowed to sample at a particular private facility or because lack of ability to sample all possible exit points at a given port.
2. Even if a charter vessel did make landings at a sampled fishery exit point at one of the ports which had on-site survey programs, a certain amount of their chartered fishing trips would not have been sampled because they made a landing:
 - a) before or after the survey season at a particular port (see Table 1 and Table 3);
 - b) during the survey season but not on a scheduled on-site sampling day for that particular dock; or
 - c) during the sampling day but not during the scheduled sampling period for that particular dock and day.

3. Data errors in the on-site interview or logbook databases may result in problems with comparing individual records. Sources of error could include the following:
 - a) The ADF&G technician incorrectly recorded the vessel CFEC license number but the incorrect number was still a valid one.
 - b) The charter vessel operator may have made a mistake in recording their charter fishing information on their logbook page. This may have included recording information on the wrong date line of the page, such as recording the information for a trip on Monday incorrectly on the Tuesday line.
 - c) Similarly, on-site survey technicians may have incorrectly recorded the date they interviewed charter vessels.
 - d) The charter skipper recorded the data in a logbook that was not the logbook for the vessel being used. This could easily happen if (1) a business owned more than one vessel, the vessels were not always run by the same skipper, and the skippers kept their logbooks with them instead of with the vessel, or (2) a second vessel was borrowed or leased because the primary (logbook) vessel was down for maintenance.
 - e) During 1998, the charter vessel logbook data booklets had separate data sheets in the back of the booklet for recording of crew and skipper harvest. There is substantive evidence of a widespread failure of operators to record crew and skipper harvest during 1998.
4. Logbook data may not have been recorded for a charter vessel trip due to the following issues:
 - a) The interviewed vessel did not have a logbook checked out to it (operator not aware of or not complying with the requirement).
 - b) The charter skipper neglected to record the trip data.
5. Finally, the comparisons are constrained in that they are not independent measures of the characteristics of interest. In both cases (logbook and on-site) much of the information is reported by the same agents (skippers). As reported above, technicians either were instructed to not inspect logbooks (Southeast Alaska) or did not routinely inspect logbooks (Southcentral Alaska). That said the individuals reporting information either to a technician or in the logbook would be expected to report similar information as performing one act of reporting is likely to be remembered and repeated when reporting again.

As noted above, procedures were used both in the Southcentral and Southeast Alaska survey programs to detect and correct errors made by on-site technicians. However, errors of these types may still exist in the data sets used for comparisons, and hence matching of the data sets may be imperfect due to any remaining errors.

DEGREE OF COVERAGE

- *Summary of the degree of coverage in terms of what proportion of the logbook trips are "matchable" with on-site interview data broken down by port and IPHC area. Coverage in this sense includes (1) ports that are not sampled at all so that charter operators who operate out of these ports could not be included in any comparisons described below, as well as a (2) summary of the relative coverage in terms of proportion of trips that would be expected to be intercepted at ports at which on-site sampling did occur.*

A substantial portion of charter vessels accessed the fisheries via ports not covered by one of the on-site sampling programs. Accordingly, the consistency of logbook data from these ports could not be assessed through comparison with the on-site data. In addition, since the on-site sampling programs did not cover all locations during all hours of the day throughout the season, the percentage of trips actually observed through on-site sampling was quite low.

In International Pacific Halibut Commission (IPHC) Area 3A, 75.5% to 80.6% of all charter vessel trips operated out of ports in 1998 and 1999 that were covered by on-site catch sampling during the dates sampled (Table 5). Coverage³ in IPHC Area 2C was relatively less comprehensive, varying from 57.7% to 60.0% in 1998 and 1999, partially due to not sampling at a number of locations throughout the area. Coverage of trips classified as "Bottomfish"⁴ was relatively less comprehensive than for all trips in Area 2C (at 47.8% to 48.8%), indicating that more than half of all bottomfish trips conducted in Area 2C could not have been directly observed to evaluate the consistency of logbook data recording by operators conducting these trips.

Although coverage rates were relatively high in both IPHC areas, the percentage of all charter vessel trips interviewed during 1998 and 1999 was relatively low (Table 5). During 1998, only 4.8% of all charter vessel trips in Area 2C were sampled (or 1,330 interviews out of 27,516 trips). A slightly greater sampling rate occurred during 1999 in this same area (5.7%). Slightly lower sampling rates were achieved in Area 3A, with 4.0% of the trips sampled in 1998, increasing to 5.0% in 1999.

Coverage rates as defined above relate to vessel-trips that ended in those ports and during those periods of the year with on-site surveys. An appreciable portion of the "covered" vessel-trips that filled out logbooks in 1998 and 1999 were conducted by vessels that were never observed during on-site sampling (Table 5). About 12% of all trips reported in Area 2C that terminated at ports and during periods of the year that were covered by on-site sampling were never observed during on-site sampling within a year. Similarly, about 16-17% of trips reported in Area 3A were classified as "covered" but were never interviewed. Failure to observe vessel-trips that would have been expected to be covered could result from a variety of reasons, including but not limited to: (1) vessels landed at individual access locations (e.g., un-sampled parts of the harbor, small or remote boat launches) and/or periods of the day that were not sampled by the on-site surveys; (2) vessels were operated relatively infrequently so that the probability of observing the trips was so low as to preclude observation; or (3) non-matching of records due to data discrepancies/errors.

³ Coverage was defined as the fraction of vessel-trips that ended at a port covered by one of the on-site surveys within the dates of sampling. Covered trips were not necessarily sampled.

⁴ Defined as a trip with at least one measure of directed bottomfish effort as defined by rods or hours directed at bottomfishing by either the clients or crew.

The preceding results examined coverage in terms of vessel-trips. In terms of unique vessels, 23% to 25% of all vessels operating within each IPHC area where classified as covered but not sampled in either 1998 and 1999 (Table 6). Overall, nearly 68-71% of all active vessels (Table 6) and 95-96% of all trips (Table 5) reported in the logbooks were not observed during on-site sampling in any year.

Table 5.-Summary of the degree of sampling coverage of on-site catch sampling or creel surveys conducted by the Alaska Department of Fish and Game (ADF&G) compared to all saltwater charter vessel logbook trips during 1998 and 1999, summarized by International Pacific Halibut (IPHC) area.

1998						1999					
Trip Type or Type of Coverage	Covered? ^a	IPHC Area				Trip Type or Type of Coverage	Covered? ^a	IPHC Area			
		2C		3A				2C		3A	
		Number of Trips	%	Number of Trips	%			Number of Trips	%	Number of Trips	%
Bottomfish Trip	Not Covered	7,871	52.2	4,223	24.5	Bottomfish	Not Covered	7,790	51.2	3,631	19.7
	Covered	7,199	47.8	13,034	75.5		Covered	7,433	48.8	14,801	80.3
Salmon only Trip	Not Covered	3,601	29.6	756	24.5	Salmon only	Not Covered	3,908	28.0	538	18.3
	Covered	8,564	70.4	2,335	75.5		Covered	10,071	72.0	2,407	81.7
Unknown Trip Type	Not Covered	177	63.0	104	26.1	Unknown	Not Covered	69	35.9	42	15.3
	Covered	104	37.0	294	73.9		Covered	123	64.1	233	84.7
All Trip Types Not Covered		11,649	42.3	5,083	24.5	All Trip Types Not Covered		11,767	40.0	4,211	19.4
All trip Types Covered	Trips by Vessels Never Sampled	3,290	12.0	3,386	16.3	All trip Types Covered	Trips by Vessels Never Sampled	3,639	12.4	3,678	17.0
	Un-sampled Trips by Vessels OBSERVED at Least Once	11,247	40.9	11,439	55.2		Un-sampled Trips by Vessels OBSERVED at Least Once	12,313	41.9	12,678	58.6
	Sampled Trips ^b	1,330	4.8	838	4.0		Sampled Trips ^b	1,675	5.7	1,085	5.0

^a Trips that end at a port that are covered by one of the on-site sampling projects that occurred within the time frame of sampling were classified as "Covered". Covered trips are not necessarily sampled.

^b Sampled trips represent a summary of the number of matched records among the combined on-site and logbook data sets.

NON-MATCHING LOGBOOK RECORDS ANALYSIS

- *Analysis of the non-matching logbook records (i.e., interview data observed for a charter operator with no matching log book data or visa-versa [sic]) that are attributable to operators who failed to turn in any logbook records for the year in question (i.e., non-compliant participants).*

Constraint: Note that the *vice-versa* as described above turns out to be paradoxical in that the opposite of *interview data observed for a charter operator with no matching log book data* would be *interview data observed for a charter operator with matching logbook data*, and by definition these operators are compliant.

For reference, recall that compliance, as measured by the fraction of vessel-trip interviews with corresponding logbook entries for the same day, ranged from 80% to 87% in Areas 2C and 3A in 1998 and 1999 (memorandum from Bingham to Duffy, dated September 21, 2001). The following text describes statistics associated with the records that do not match.

“Non-compliant” vessels were defined as those interviewed that did not have a matching logbook record for that day. Hence, the terms “non-compliance” and “non-matching” are equivalent. Some operators were therefore identified earlier as non-compliant when in fact they simply had “non-matching” records.

In Southcentral Alaska, nearly half of the operators with non-matching records in 1998 never turned in a logbook page for the entire year (Table 7). This rate improved somewhat in 1999 terms of the number of operators, however about 40% of the non-matching vessel-trips were by operators who failed to turn in any logbook pages for that vessel that year. About 35% of the “non-compliant” operators observed in on-site surveys in Southeast Alaska during 1998 failed to turn in any logbook pages. Somewhat fewer operators with non-matching vessel-trips in Southeast Alaska failed to submit any logbook data in 1999.

DIFFERENCE BETWEEN HARVEST REPORTED VIA LOGBOOK AND ON-SITE SAMPLING RECORDS

- *Summary of the frequency distribution as well as the average with confidence intervals of the difference between harvest reported via logbook records versus matching on-site interview data summarized by year, IPHC area, and port. Included in this summary will be comparisons for harvest of not only Pacific halibut, but also chinook and coho salmon as well as rockfish and lingcod. The analysis will include an evaluation as to whether any trends are evident in terms of consistent under or over-reporting by individual vessels.*

Constraint: Harvest information regarding chinook and coho salmon harvest was only consistently collected for the Southeast Alaska on-site projects. Accordingly, comparisons made below for these species are limited to this region.

Since data collected by both of the on-site survey programs did not distinguish between client and crew harvest in terms of data recording, all of the comparisons that follow involve combining the client and crew harvest information as reported in the logbooks.

As identified previously in 1998 substantive evidence exists indicating that operators failed to report crew and skipper harvest due to difficulties associated with the logbook booklets (i.e., separate data sheets for reporting the harvest in 1998). The evidence relates to the proportion of total vessel harvest attributed to the crew or skipper between years. The average percent harvested by the crew and skipper of 4.63% for Pacific halibut in 1999 was substantially larger than the reported percentage of 0.70% in 1998. Similar apparent under-reporting of crew harvest occurred for the other species in which any crew harvest was reported at all (Table 8).

Table 6.-Sampling coverage by ADF&G on-site surveys of unique vessels during 1998 and 1999, summarized by International Pacific Halibut (IPHC) area.

	1998				1999			
	IPHC Area				IPHC Area			
	2C		3A		2C		3A	
Charter Vessel Coverage	Number of Vessels	%	Number of Vessels	%	Number of Vessels	%	Number of Vessels	%
Vessels that Landed Only in Locations or Periods of the Year that were NOT Covered By On-Site Sampling Projects	325	46.4	366	46.4	317	42.7	343	42.7
Vessels that Landed in Locations Covered By On-Site Sampling Projects – BUT NOT Sampled	160	22.9	197	25.0	187	25.2	201	25.0
Vessels That Were Sampled During On-Site Sampling	215	30.7	225	28.6	238	32.1	260	32.3

Table 7.-Percentages of vessel operators and vessel trips that were interviewed but failed to submit any logbook records in 1998 or 1999.

Region	Year	Operators			Vessel-trips	
		No. of Unique Operators with Non-matching vessel trips	Never turned in logbook data		Never turned in logbook data	
			Number of Operators	Percent of Total	No. of Non-matching Vessel-trips	Percent of Total
Southcentral	1998	128	61	47.7	108	50.5
	1999	158	65	41.1	131	42.4
Southeast	1998	131	46	35.1	123	43.6
	1999	125	38	30.4	123	39.6

^a Rates as previously reported (memorandum from Bingham to Duffy, dated September 21, 2001).

Table 8.-Average percentage of reported harvest attributable to harvest by crew or skippers for 1998 and 1999 for Southeast and Southcentral Alaska.

ADF&G Region	Year	Number of Vessel-trips with Crew Information Submitted	Halibut	Rockfish	Lingcod	Chinook	Coho
			Average Percentage of Harvest by Crew	Average Percentage of Harvest by Crew	Average Percentage of Harvest by Crew	Average Percentage of Harvest by Crew	Average Percentage of Harvest by Crew
Southcentral	1998	807	0.92	0.07	0.12	0.00	0.23
	1999	18,393	6.65	2.37	3.81	0.00	3.53
Southeast	1998	268	0.44	0.05	0.15	0.00	0.12
	1999	17,118	2.12	0.63	0.65	0.00	0.76
Total	1998	1,075	0.70	0.06	0.14	0.00	0.14
	1999	35,511	4.63	1.29	1.29	0.00	1.23

PACIFIC HALIBUT

For on-site interviews with corresponding logbook data, there was a generally high level of agreement in the numbers of halibut reported kept, especially in Southeast Alaska (Figure 1 and Figure 2). In Southcentral Alaska in 1998, the number of halibut reported kept in the logbook did not agree with the number reported in interviews more than half of the time. Discrepancies were weighted toward under-reporting the harvest in the logbooks. The degree of agreement improved in Southcentral Alaska in 1999, with 68.6% of the records in agreement.

The average difference in reported harvest of halibut for matched records was not significantly different from zero in Southeast Alaska both in 1998 and 1999 (Figure 3), whereas the difference was significantly different from zero in Southcentral Alaska for 1998 and 1999, with apparent under-reporting suggested for 1998 versus over-reporting for 1999. Although statistically significant, none of the differences were appreciably different from zero (i.e., greater than 0.5 or less than -0.5 fish). Very few individual vessels under- or over-reported at a statistically significant level (at the 95% probability level) (Figure 4)⁵. Only two vessels in Southeast Alaska had statistically significant mean differences in their Pacific halibut harvest for matched records during 1998, whereas no vessels were significantly different from zero for the mean difference in 1999 (Figure 5). Due to the relatively low sampling rate (Table 5) for vessel-trips, the ability to detect consistent under- or over-reporting was not appreciable in that the majority of vessels were interviewed fewer than ten times per year (Table 9).

⁵ Comparisons were limited to vessels which had at least five-matching logbook and on-site records, as any fewer matches had little power to detect significant differences.

Figure 1.-Frequency histograms of the difference (logbook minus interview) in reported Pacific halibut harvest between matched on-site interviews and logbooks during 1998, summarized by ADF&G Region.

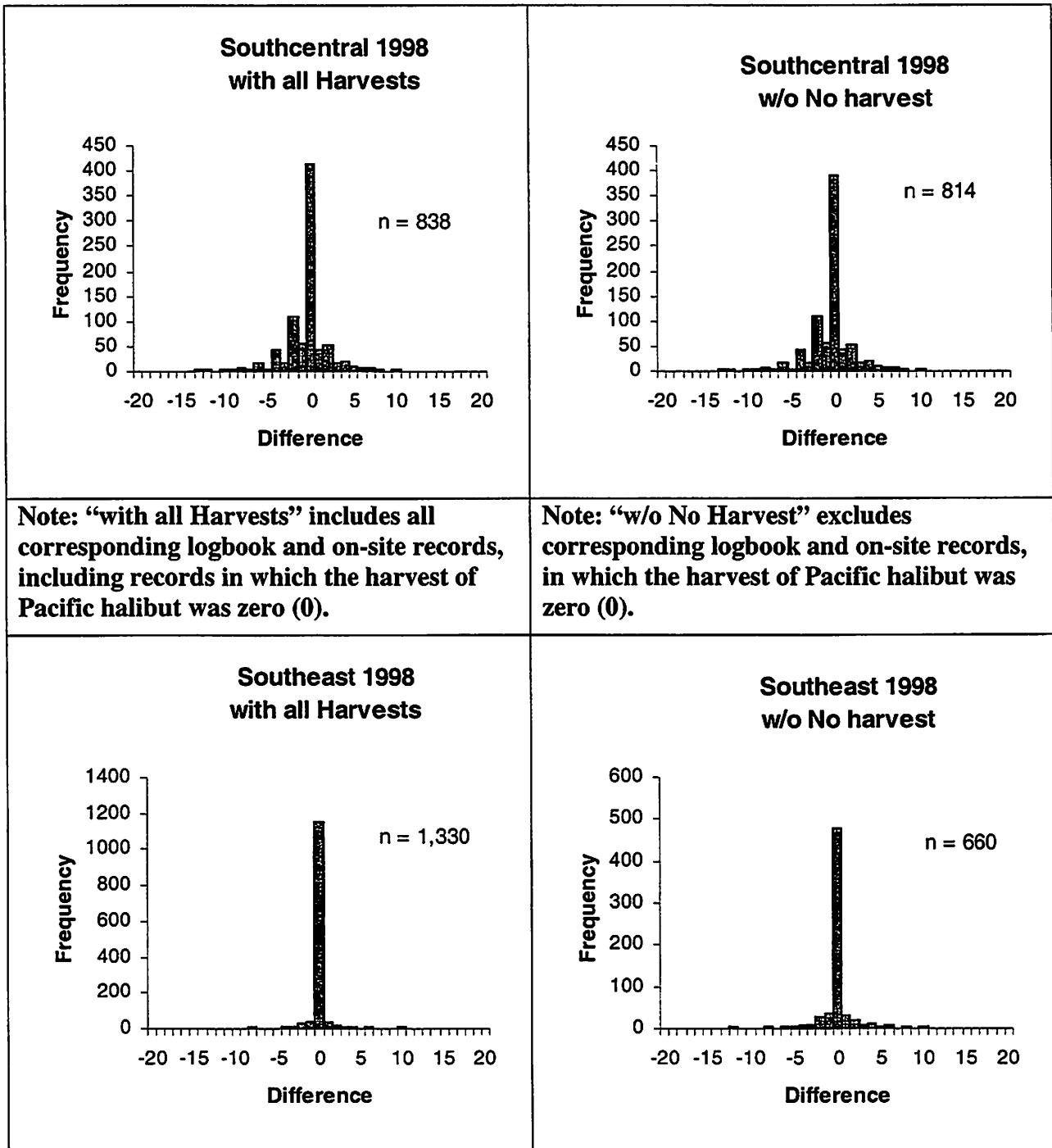


Figure 2.-Frequency histograms of the difference (logbook minus interview) in reported Pacific halibut harvest between matched on-site interviews and logbooks during 1999, summarized by ADF&G Region.

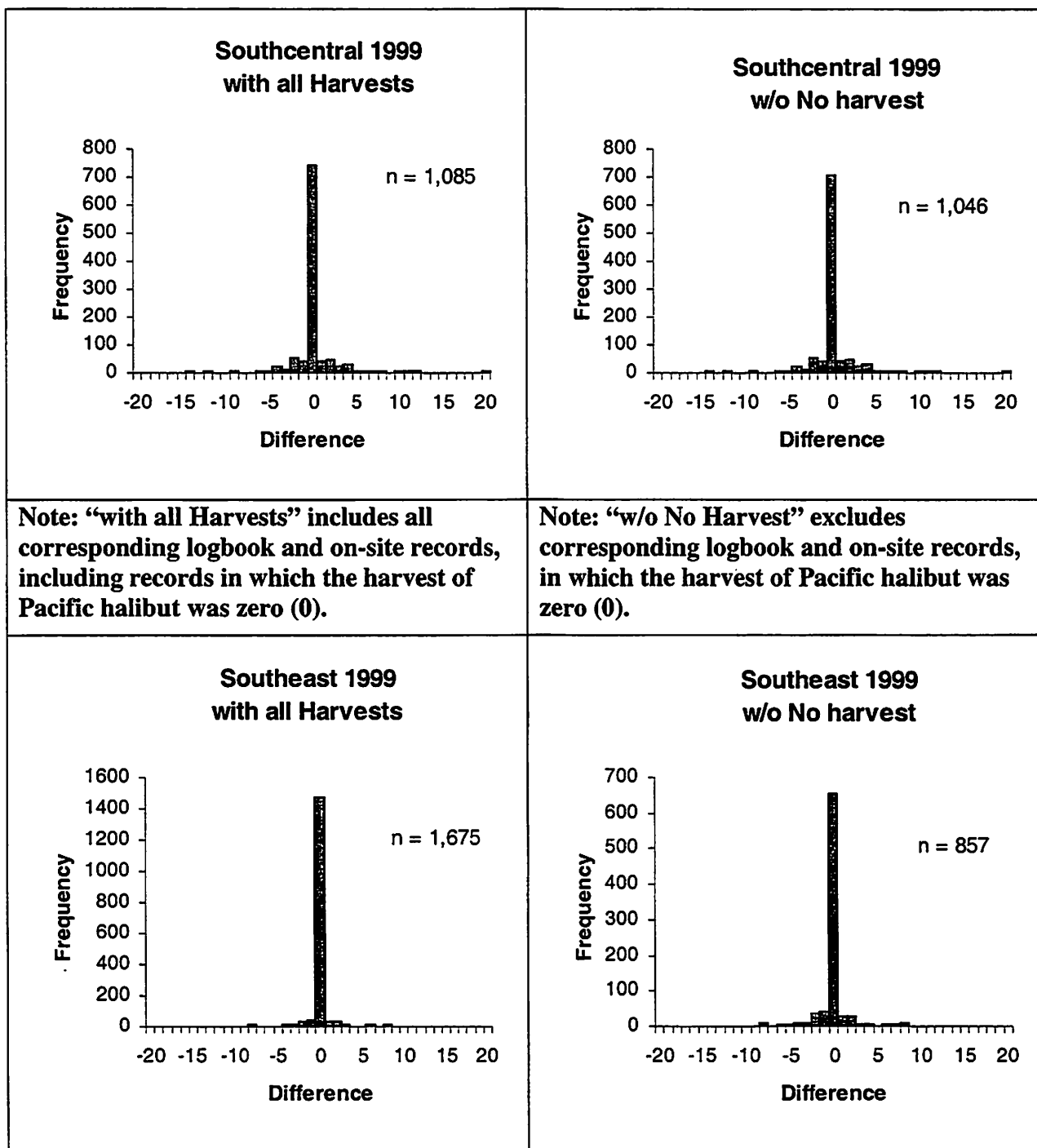


Figure 3.-Averages and 95% confidence intervals of the difference between matched on-site interview information and logbook records comparing individual charter vessel trips for Pacific halibut harvest during 1998 and 1999, summarized by ADF&G Region.

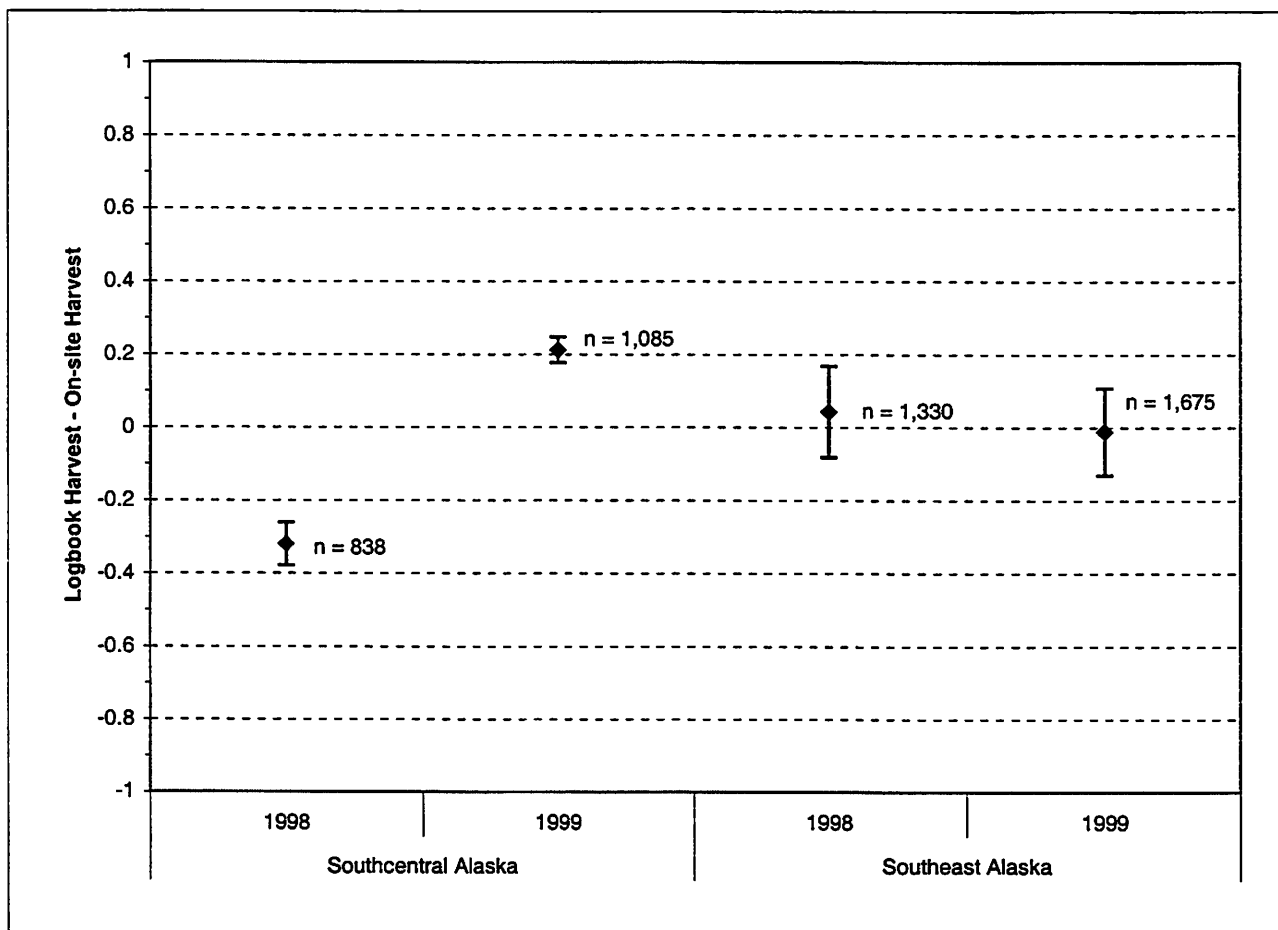


Figure 4.-Averages and 95% confidence intervals of the difference (logbook minus interview) in reported Pacific halibut harvest between interviews and logbooks in Area 3A during 1998 and 1999. Each point represents an individual vessel with at least five (5) matching records and non-zero average difference in reported harvest.

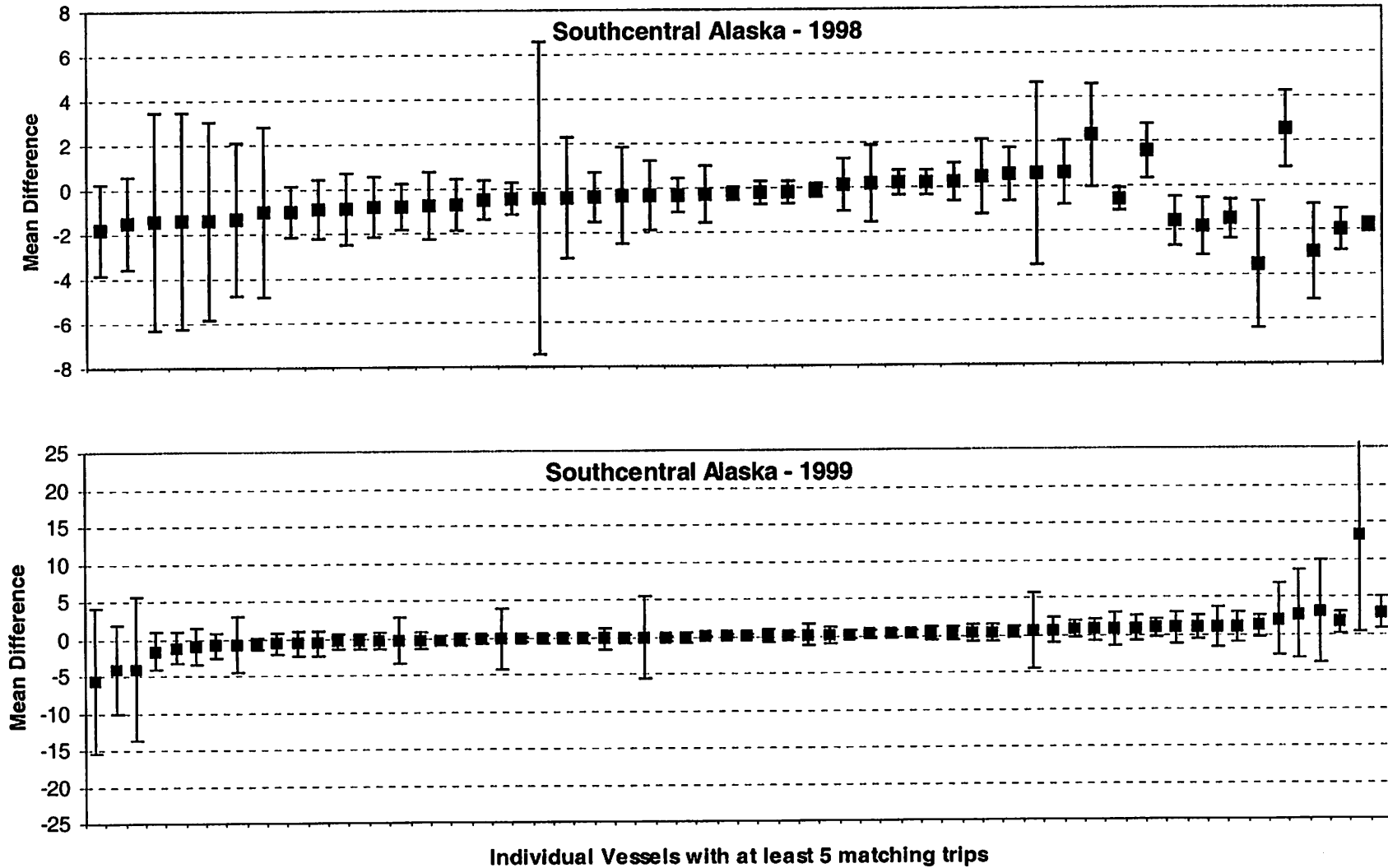


Figure 5.- Averages and 95% confidence intervals of the difference (logbook minus interview) in reported Pacific halibut harvest between interviews and logbooks in Area 2C during 1998 and 1999. Each point represents an individual vessel with at least five (5) matching records and non-zero average difference in reported harvest.

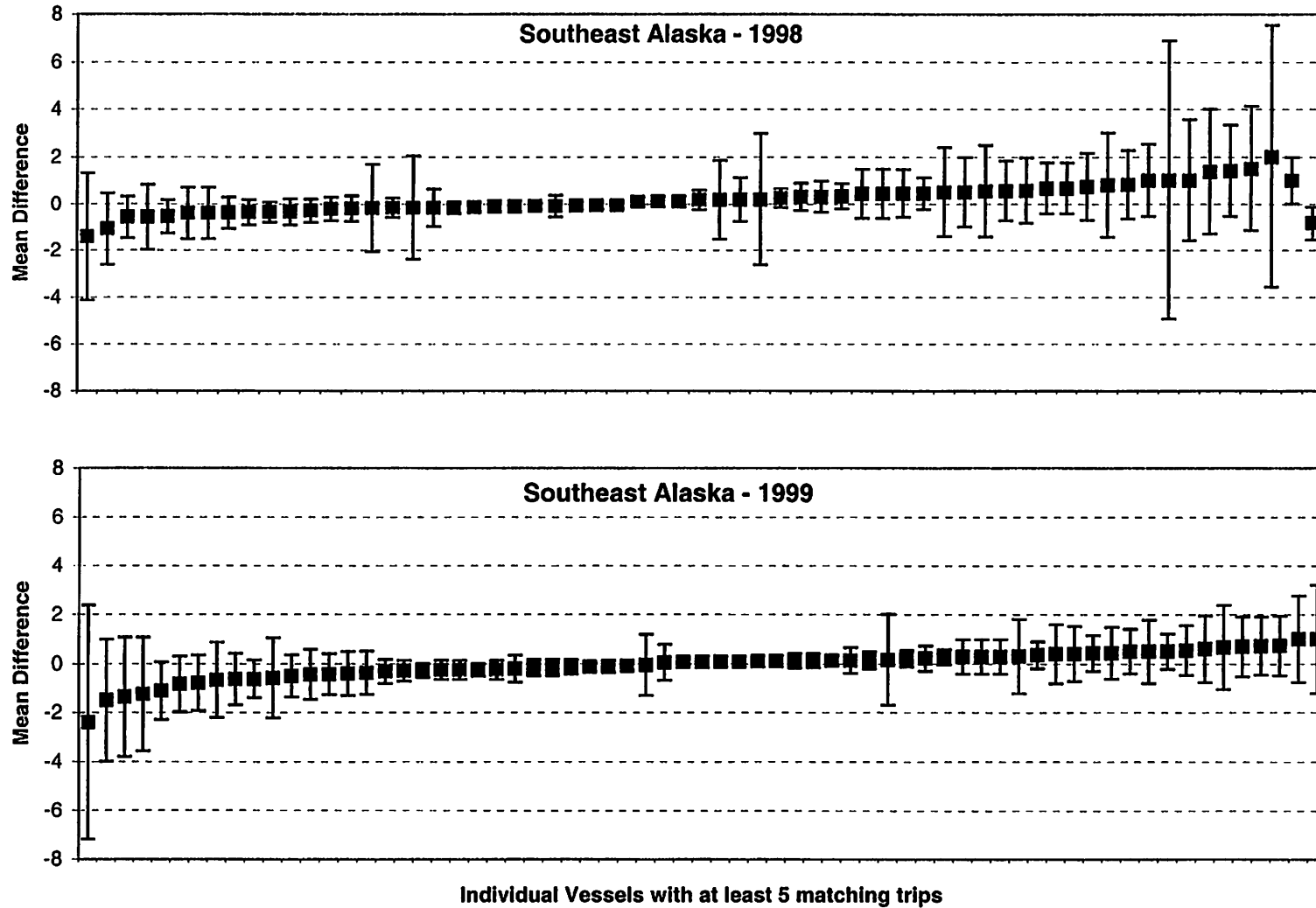


Table 9.-Frequency tabulation of the number of matching records between the logbook and on-site data sets per individual charter vessels for 1998 and 1999 for Southeast and Southcentral Alaska.

Year 1998						
# Matching Records	Southcentral Region			Southeast Region		
	Number of Vessels	%	Cumulative %	Number of Vessels	%	Cumulative %
1	64	28.3	28.3	33	15.3	15.3
2-4	112	49.6	77.9	62	28.7	44.0
5-9	36	15.9	93.8	75	34.7	78.7
10-15	5	2.2	96.0	37	17.1	95.8
16+	9	4.0	100.0	9	4.2	100.0

Year 1999						
# Matching Records	Southcentral Region			Southeast Region		
	Number of Vessels	%	Cumulative %	Number of Vessels	%	Cumulative %
1	69	26.5	26.5	26	10.9	10.9
2-4	109	41.9	68.4	74	31.1	42.0
5-9	67	25.8	94.2	81	34.0	76.0
10-15	8	3.1	97.3	37	15.5	91.5
16+	7	2.7	100.0	20	8.5	100.0

OTHER BOTTOMFISH

As with Pacific halibut, the vast majority of matching records indicate no difference in logbook reported harvest versus interview reported harvest for both rockfish and lingcod in 1998 and 1999 (Figure 6, Figure 7, Figure 8, and Figure 9). In particular the differences in the harvest reported for lingcod were not significantly different from zero for both years and both regions (Figure 10). During 1999 in Southeast Alaska an appreciable and significant apparent under-reporting for rockfish was observed, with the average difference being -0.64 fish (Figure 11).

SALMON

Again the vast majority of matching records indicate that charter vessel operators consistently recorded harvest of chinook and coho salmon on their logbooks (Figure 12 and Figure 13). An apparent slight level of over-reporting was observed in both regions during 1999, with a similarly slight over-reporting observed in Southeast Alaska during 1998 (Figure 14).

DEFINITIONS OF CATCH AND ISSUES OF CAPTAIN/CREW DATA HANDLING

- *Identify whether the logbook definition of catch is completely equivalent to the creel and port survey definitions of catch. For example, do they both address catch verses [sic] retained fish in the same manner? Do they handle captain and crew catch in the same manner.*

The term “catch” is defined in all Sport Fish Division surveys as the sum of the numbers of fish kept and released. The logbook did require operators to report the numbers of fish kept for all five salmon species, halibut, rockfish, and lingcod in 1998 and 1999. The logbook program did not collect

release information for the following fish species: coho salmon (1998 not collected); sockeye, pink, and chum salmon (not collected in 1998 or 1999); and lingcod (not collected in 1998). The creel survey program was designed to collect the numbers all sport fish species (salmon and bottomfish) kept and released, although when creel technicians were extremely busy on the docks doing interviews the number of released pink or chum salmon may occasionally have not been recorded. In Southcentral Alaska the salmon catch information (numbers kept and released) was not collected consistently and is therefore not comparable to the logbook.

The logbook program did not handle the captain and crew catch in the same manner as the creel and port survey program. The logbook program collected captain and crew fishing information (effort and catch) on a separate line from the client's effort and catch. In contrast, the creel survey and port survey interviews merged effort and catch of the captain, crew and clients into one record.

SAMPLE SIZES

- *Report sample sizes, as this will assist in the determination of statistical significance.*

All sample sizes are reported in the various presentations above.

Figure 6.- Frequency histograms of the difference (logbook minus interview) in reported rockfish harvest between matched on-site interviews and logbooks during 1998, summarized by ADF&G Region.

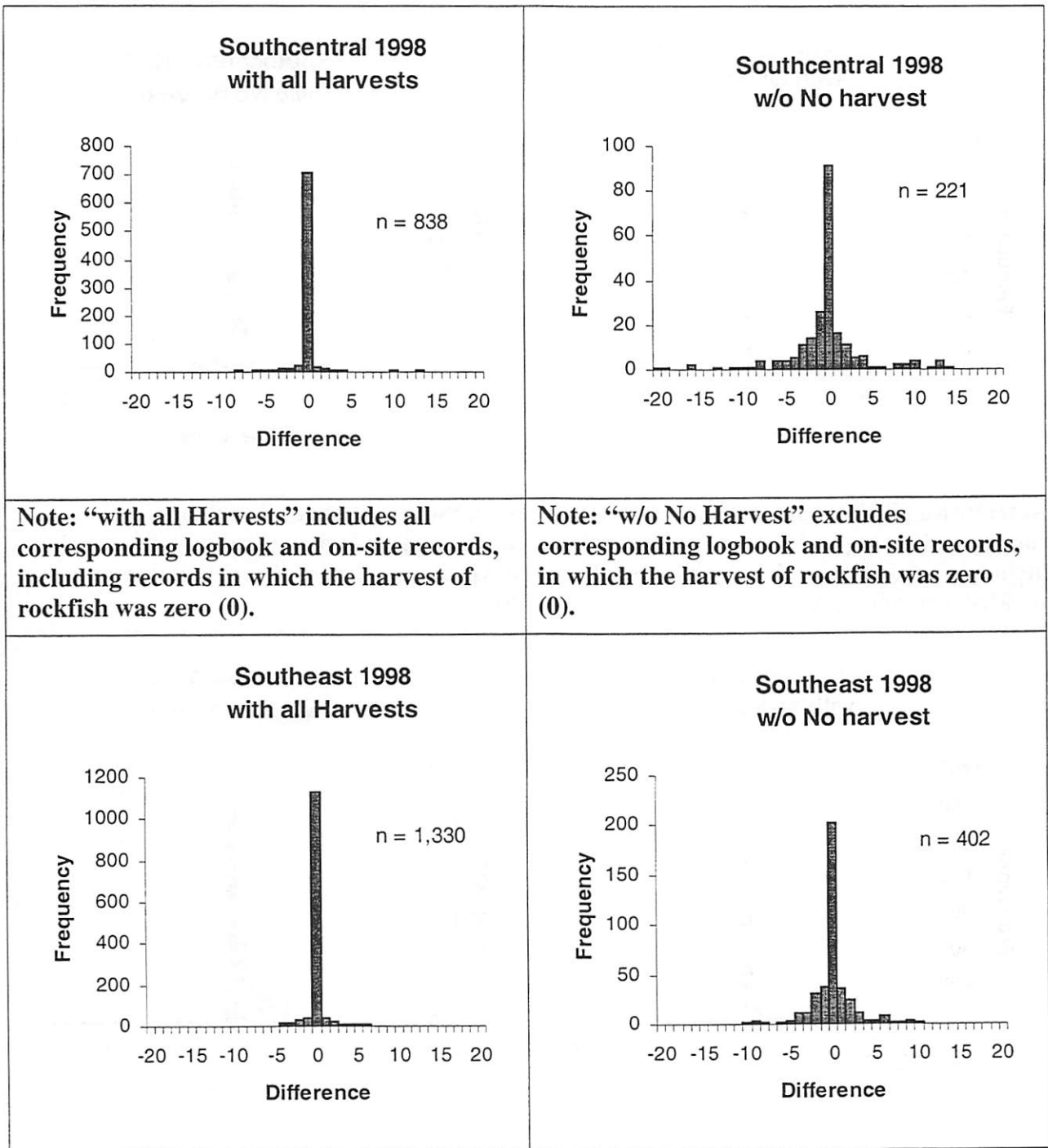


Figure 7.-Frequency histograms of the difference (logbook minus interview) in reported rockfish harvest between matched on-site interviews and logbooks during 1999, summarized by ADF&G Region.

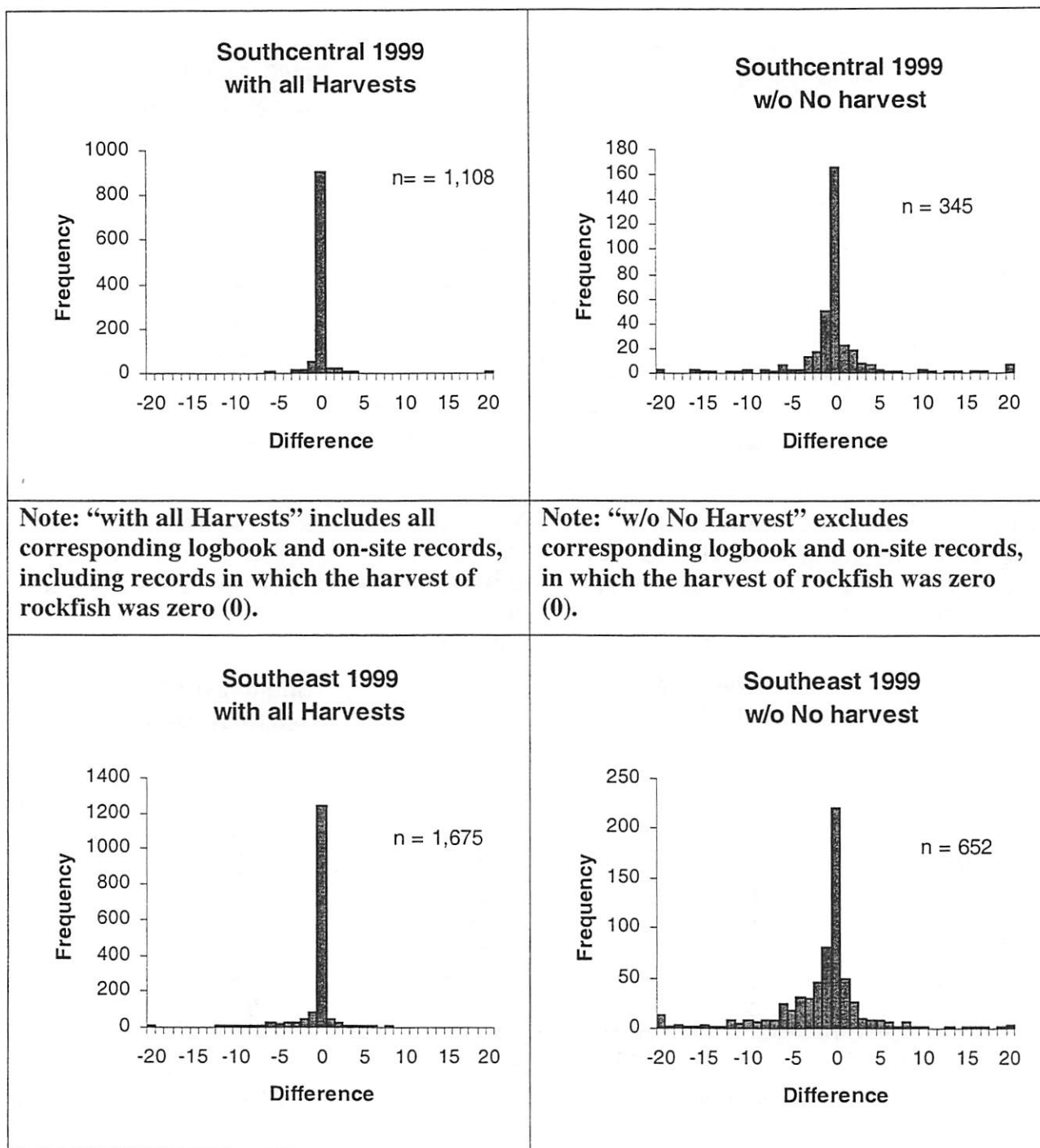


Figure 8.-Frequency histograms of the difference (logbook minus interview) in reported lingcod harvest between matched on-site interviews and logbooks during 1998, summarized by ADF&G Region.

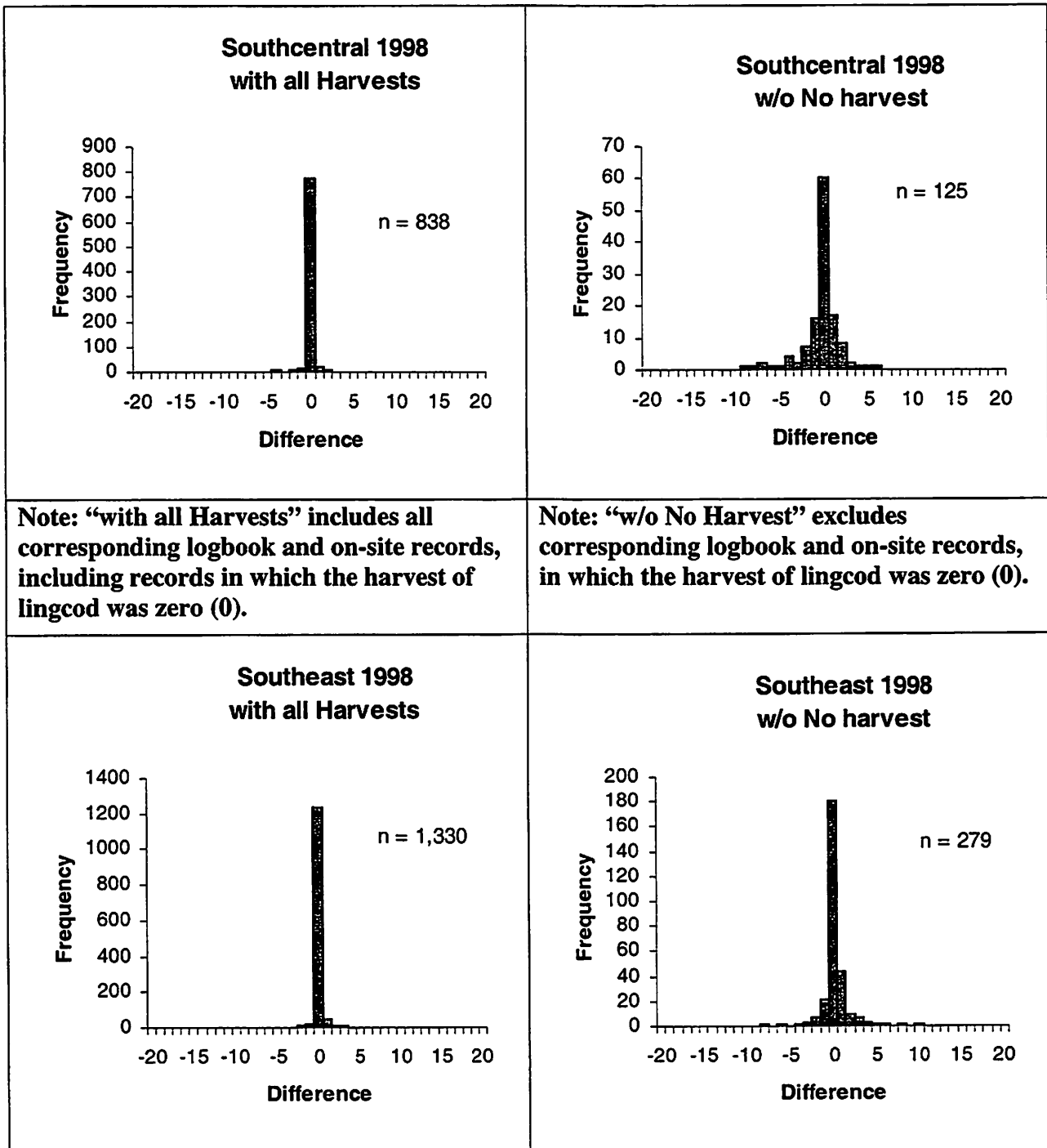


Figure 9.-Frequency histograms of the difference (logbook minus interview) in reported lingcod harvest between matched on-site interviews and logbooks during 1999, summarized by ADF&G Region.

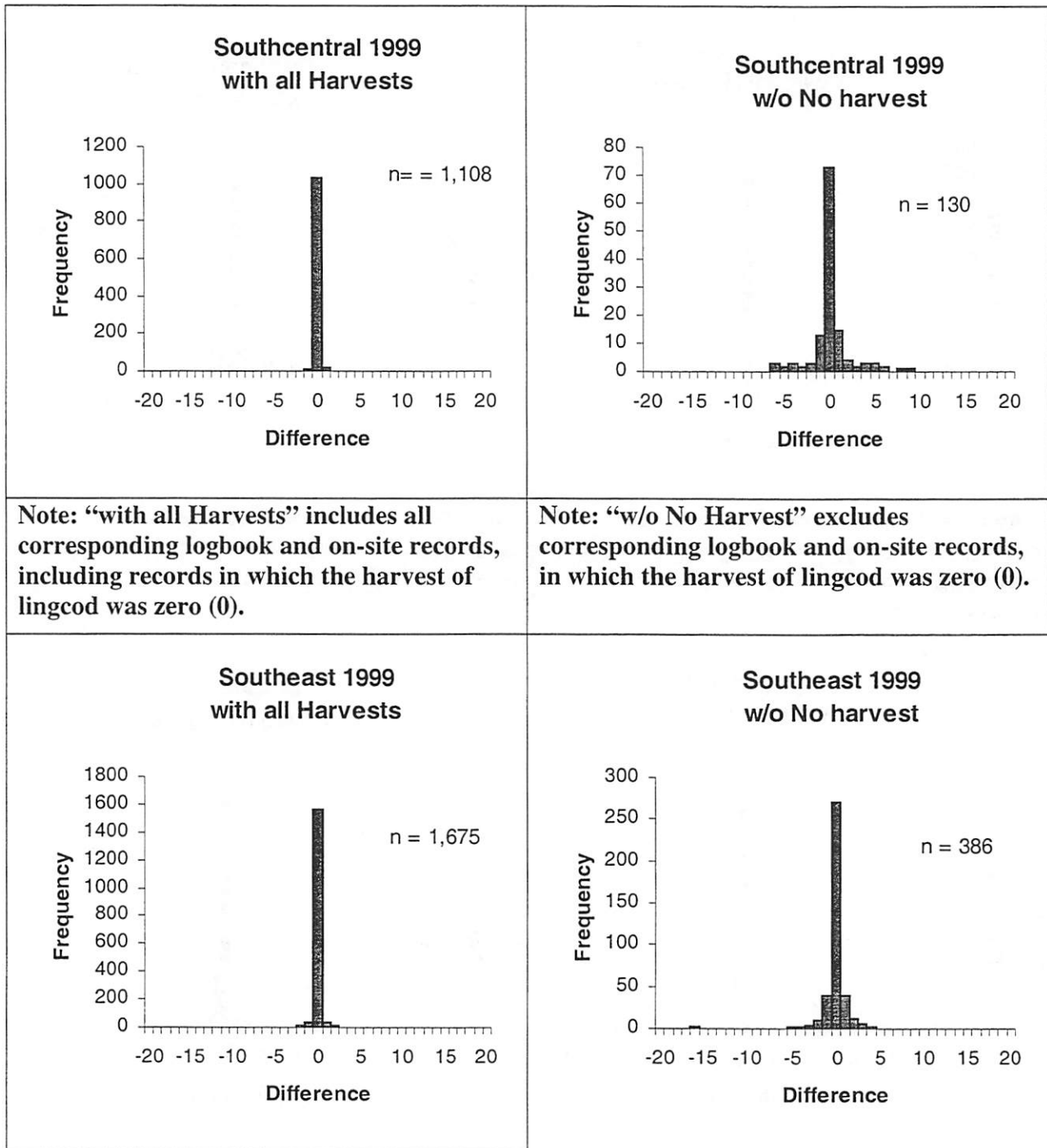


Figure 10.-Averages and 95% confidence intervals of the difference between matched on-site interview information and logbook records comparing individual charter vessel trips for lingcod harvest during 1998 and 1999, summarized by ADF&G Region.

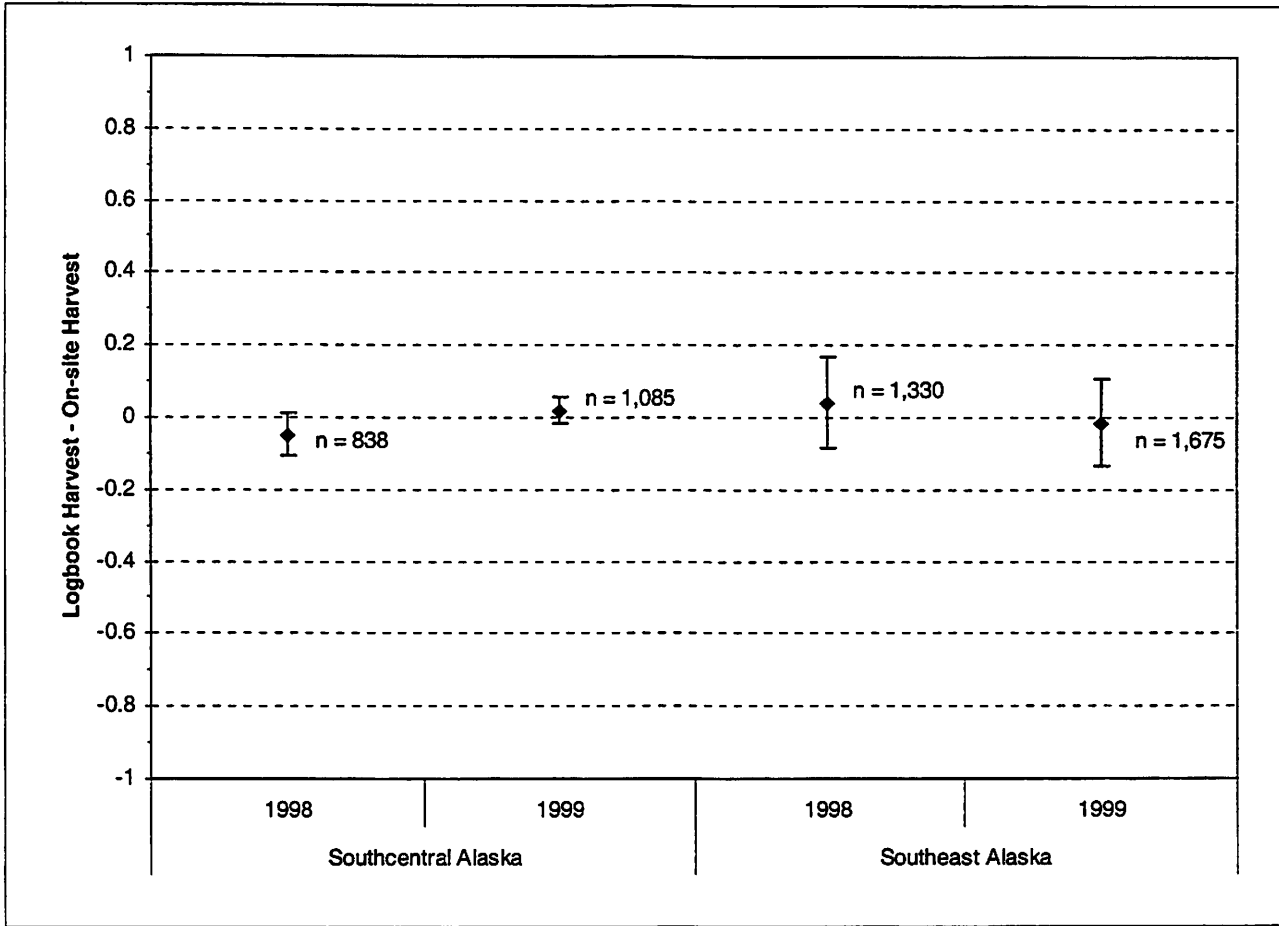


Figure 11.-Averages and 95% confidence intervals of the difference between matched on-site interview information and logbook records comparing individual charter vessel trips for rockfish harvest during 1998 and 1999, summarized by ADF&G Region.

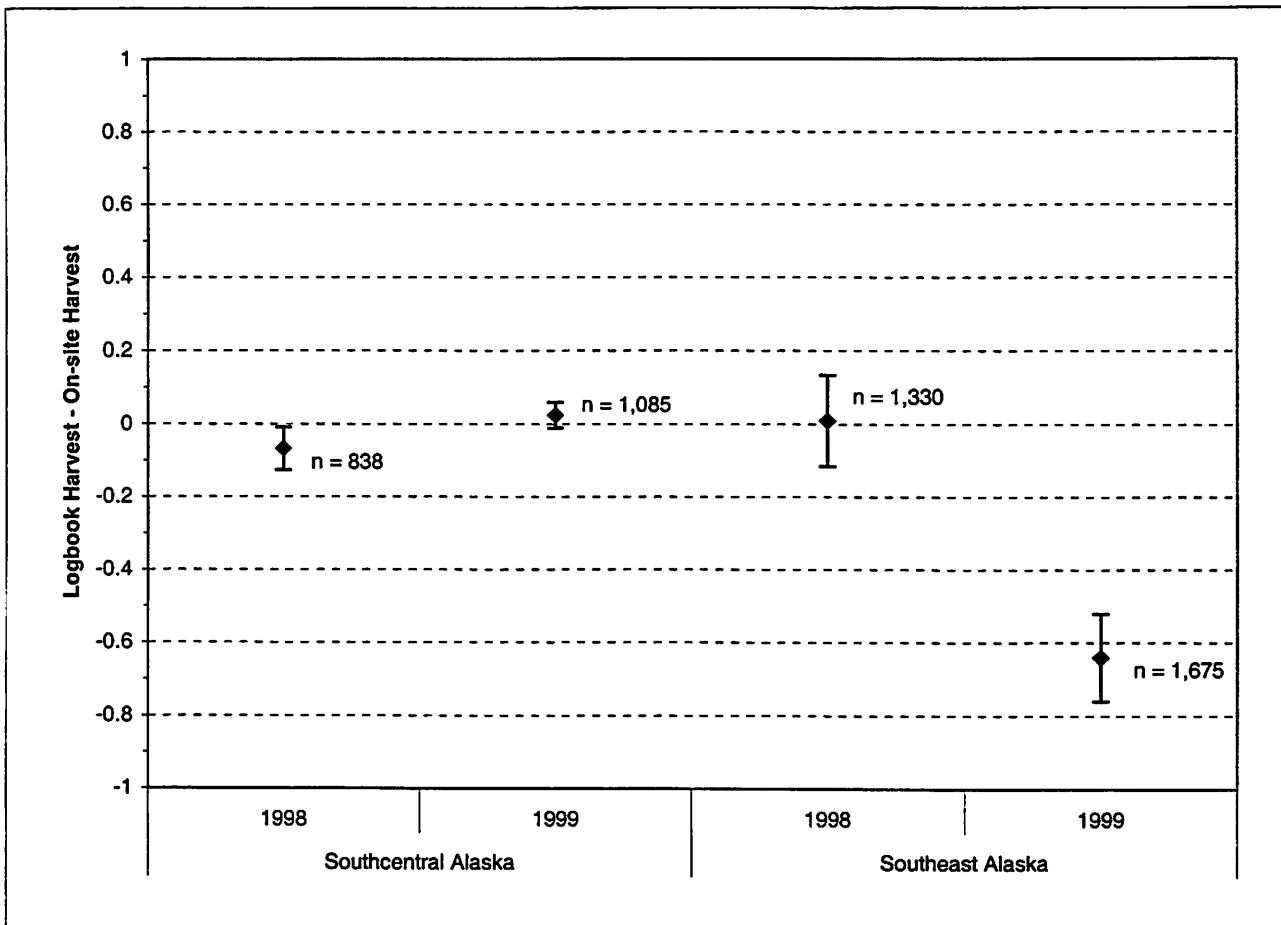


Figure 12.-Frequency histograms of the difference (logbook minus interview) in reported chinook and coho salmon harvest between matched on-site interviews and logbooks during 1998 for the Southeast ADF&G Region.

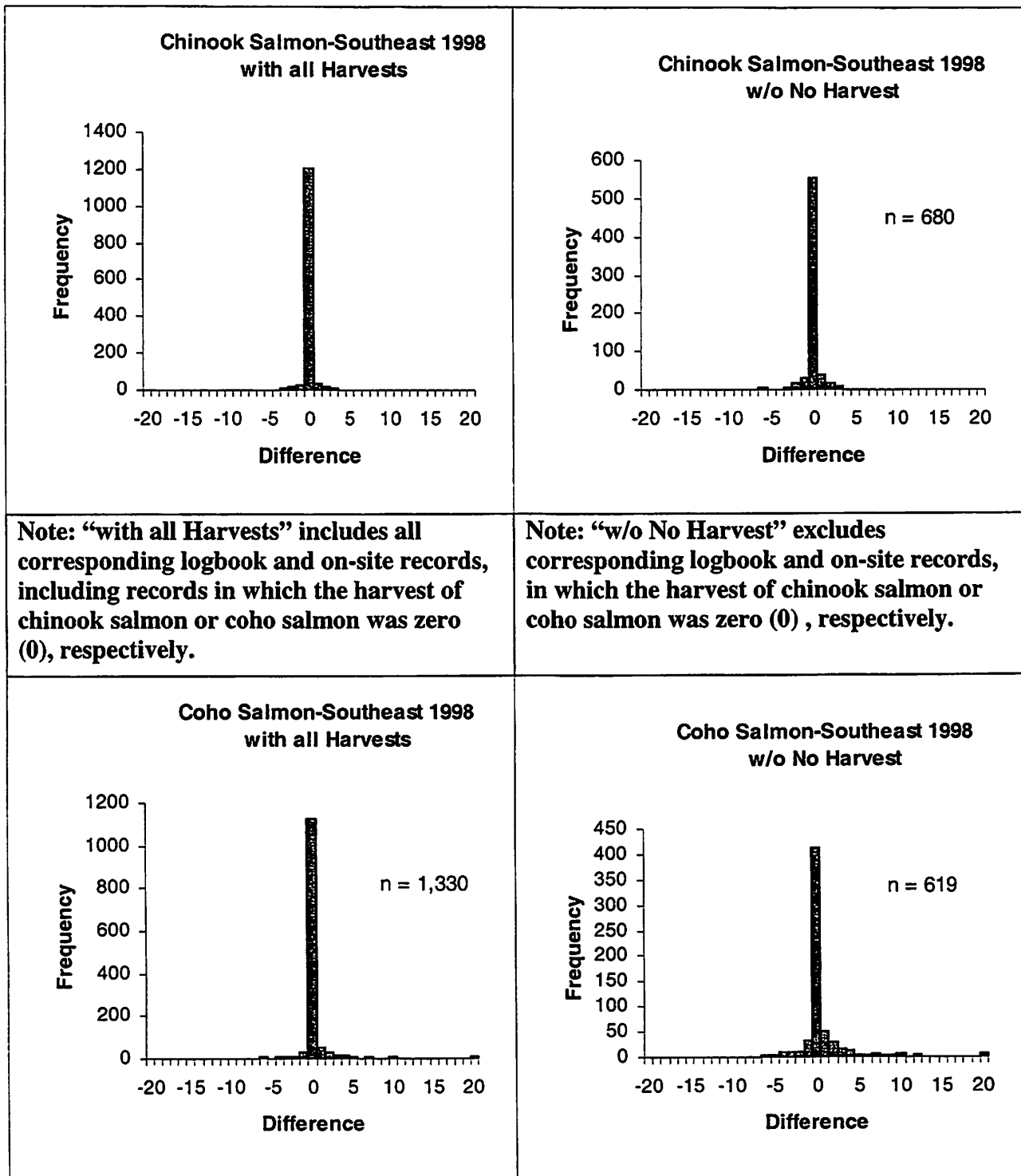
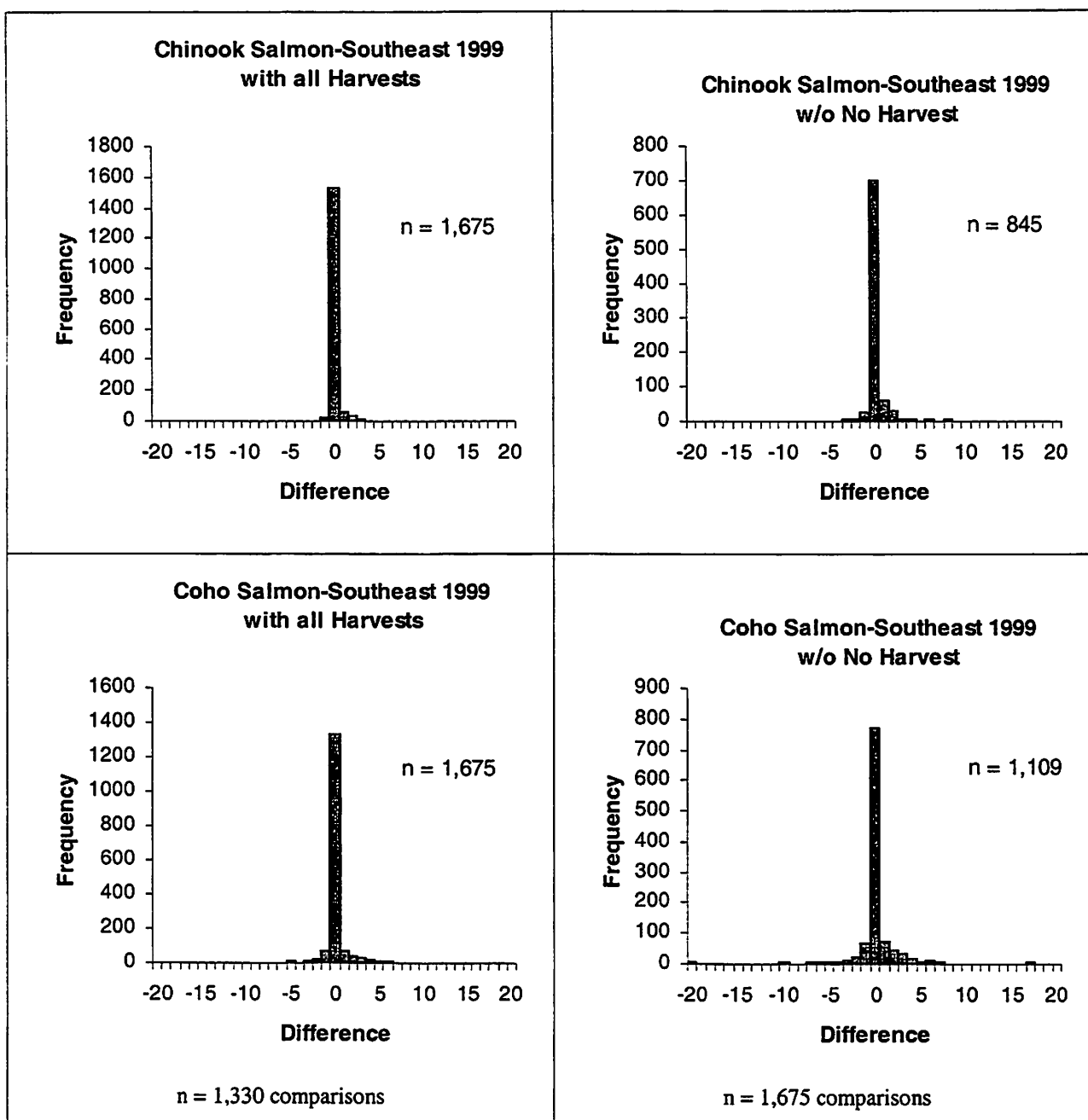
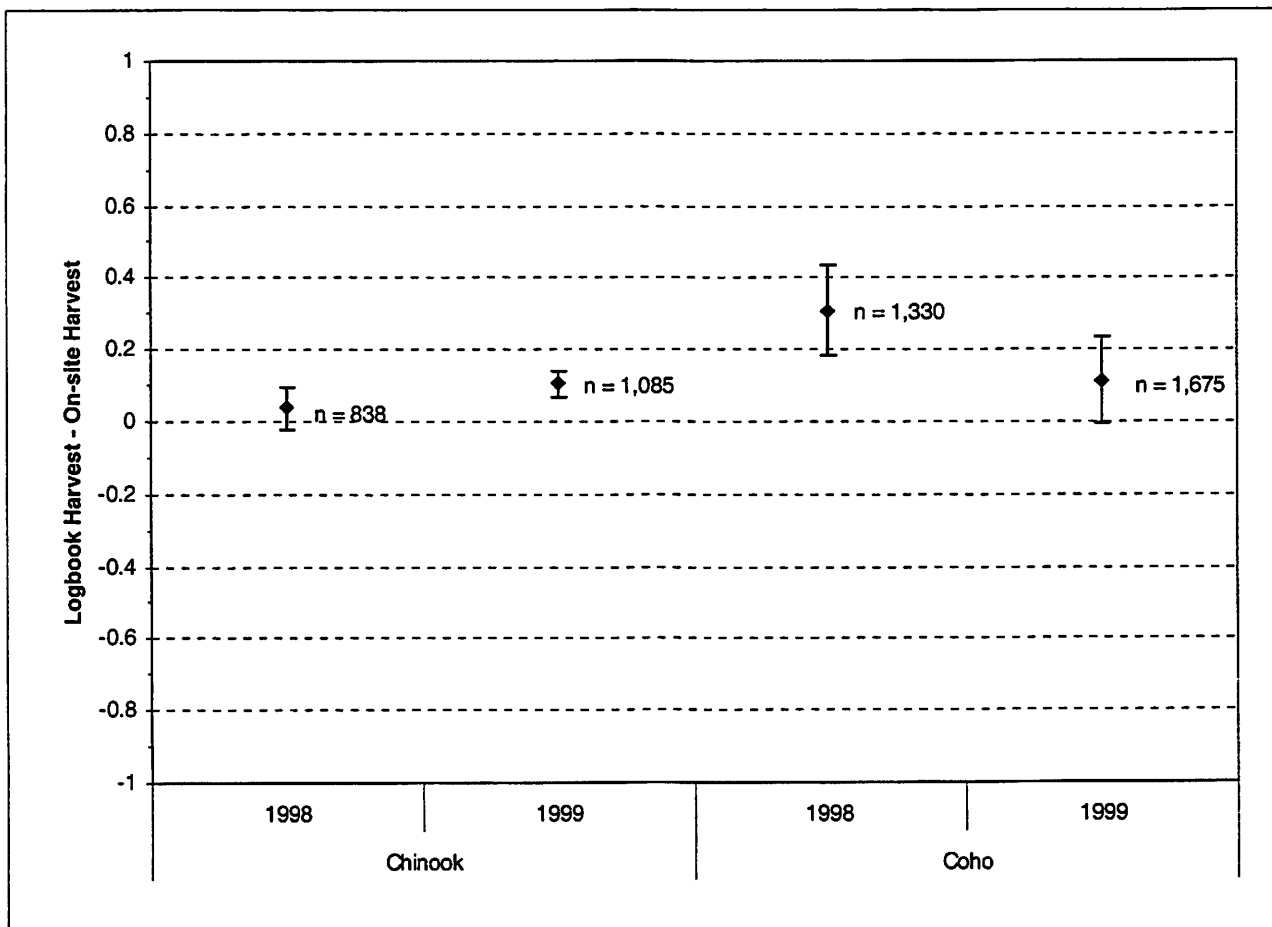


Figure 13.-Frequency histograms of the difference (logbook minus interview) in reported chinook and coho salmon harvest between matched on-site interviews and logbooks during 1999 for the Southeast ADF&G Region.



Note – “w/o No Harvest” excludes any matched record in which the recorded harvest for both logbook and on-site data equaled zero (i.e., no fish harvested on both records).

Figure 14.-Averages and 95% confidence intervals of the difference between matched on-site interview information and logbook records comparing individual charter vessel trips for chinook and coho salmon harvest during 1998 and 1999, in Southeast Alaska.



DISCUSSION AND CONCLUSIONS

- *Evaluation of the results including any conclusions that can be definitively reached (i.e., what does it mean?).*

A previous analysis (September 21, 2001 memo from Bingham to Duffy) looked at the number of on-site interviews for which we could find corresponding logbook entries (matching vessel numbers and dates). These "matching rates" ranged from 80% for Area 2C in 1999 to a high of 87% in Area 3A in 1999⁶. A substantial portion of the non-matching records were for operators that otherwise submitted logbooks during the year in question. In these cases our inability to match interviews with logbooks may have been due to a number of reasons listed previously. Conversely, many of the non-matching interviews were for vessels whose operators failed to turn in any logbooks for the year in question (Table 7). These operators could be classified as completely non-compliant (i.e., observed to conduct charter operations, but never turned in a logbook data sheet). In both Areas 2C and 3A the relative portion of completely non-compliant operators decreased from 1998 to 1999, possibly indicating an improvement in compliance with requirements to fill out and submit logbook data.

In Area 3A in 1998, the number of halibut reported kept in the logbook did not agree with the number reported in interviews more than half the time. The degree of agreement in Area 3A increased in 1999 to 69%. There was a much higher level of agreement in Area 2C both years (Figures 1-2). Average differences in reported levels of harvest for all species compared were not significantly different from zero, or only slightly different from zero (Figures 3, 10-11, and 14).

The appreciable and significant level of under-reporting observed for Pacific halibut (Figure 3) in Southcentral Alaska during 1998 was not observed to be due to any consistent under-reporting by individual operators (Figure 4). As noted in the constraints to matching section of this memorandum, the apparent under-reporting in 1998 may have been exacerbated by the issue of separate data sheets used for recording crew and skipper harvest that were not necessarily consistently used by operators in 1998. The comparatively low levels of crew harvest reported in 1998 in comparison to 1999 support this hypothesis (Table 8). The logbook form was redesigned in 1999 to address this issue (i.e., separate fields added to the primary reporting page for crew and skipper harvest).

As noted in the constraints to matching, it is not remarkable that matched records generally agree with each other (it would be remarkable if they did not match), since the sources of information are not independent measures of the characteristics of interest. It is expected that charter vessel operators that either fill out a logbook book prior to being interviewed are likely to remember their numbers and to report in a similar manner when being interviewed. Similarly, operators that had failed to fill out the logbook (even though they were required to do so) prior to being interviewed, would again be expected to remember their interview-reported data and to record similar information in their logbook. As noted in the section regarding interview and sampling procedures, information collected regarding harvests by charter vessel operators in Southeast Alaska during on-site surveys was generally verified by creel technicians by inspecting the harvest. However, since logbooks were not checked by technicians, then operators who did not fill-out their logbooks prior to being interviewed would again be suspected to record the harvest consistent with that recorded by creel technicians.

⁶ Also recall that matching rates improved to the low-90% level in 2000.

The matching records comparisons of reported harvest by species appear to indicate that, at least during 1999, operators made accurate reports or at least internally consistent reports (i.e., they do not contradict each other)⁷. However, the matched data represent only 4.8% to 5.7% of all trips in Area 2C and only 4.0% to 5.0% of all trips in Area 3A (Table 5)⁸. Note also that the matching records only represent approximately 30% of all vessels reporting trips in these two IPHC areas during 1998 and 1999 (Table 6). Accordingly, the accuracy or consistency of logbook reported behaviors by the remaining 70% of the charter operators cannot be evaluated by comparison with on-site matching data.

During 1998, and especially 1999, a relatively high level of agreement on average was observed between the two types of data (logbook versus on-site survey), for the matching records. Some of the disagreement between matching records may be due to data inconsistencies or errors (e.g., problems with recording crew and skipper data in 1998). There is little evidence to support or deny any appreciable or consistent patterns of under- or over-reporting by individual charter vessel operators during 1998 and 1999 in either region (mostly due to insufficient sample sizes). However, inferences from the matching data only relate to a relatively small subset of active charter vessel operators and their associated trips. Accordingly, broad conclusions regarding the quality of the logbook data that was not representatively "sampled" by matching to on-site surveys should not be made.

In the earlier-reported evaluation of logbook data (as reported in memorandum from Bingham to Duffy, dated September 21, 2001), comparisons of logbook reported harvests were made with independent estimates obtained by the Department's annual mail survey of licensed sport anglers (also known as the Statewide Harvest Survey or SWHS). As opposed to the comparisons between matching logbook and on-site interview data, the logbook and SWHS estimates are independent (since anglers are interviewed by the mail survey as opposed to charter operators). Sampling and non-sampling errors associated with the mail survey exist, and therefore differences between the two sources of information (logbook versus SWHS) would have to be appreciably large so that detection of differences would be likely. Even so, differences were detected in a number of instances, we (partially) repeat some of the conclusions reached earlier:

Harvest of Pacific halibut as reported in the logbook program are generally larger (and in some cases) much larger than the estimated harvest in IPHC area 2C as measured by the SWHS. ... The discrepancy appears to have an increasing trend over the years of comparison (i.e., greater in 2000 than 1999 and greater than 1998).

Similarly for IPHC area 3A ... the Pacific halibut harvest reported in logbooks is substantially greater than the estimated charter/guided harvest from the SWHS, again with an increasing trend in the size of the discrepancy.

⁷ Note that the apparent under-reporting observed for Pacific halibut in 1998 in Southcentral Alaska (Figure 3) indicates that consistent reporting between the two data sources was not observed during that year for the harvest of this fish species.

⁸ Sampled trips from Table 4 are assumed to "at best" be representative of covered -trips conducted by operators that were observed at least once during on-site sampling.

...

Harvest of chinook and coho salmon, and rockfish as reported in the logbook program are generally somewhat larger than the estimated harvest in IPHC area 2C. The logbook reported harvest for lingcod matches with the SWHS estimates for IPHC area 2C.

The reported harvest for each of these species generally matches quite closely with the estimates from the SWHS for IPHC area 3A. Accordingly, the discrepancy noted above for Pacific halibut for IPHC area 3A (i.e., higher reported harvest for the logbook program in comparison to the SWHS estimate) is not repeated for these other species.

Since, as noted above the on-site matching record comparison would only be deemed remarkable if differences were observed (since consistency is expected due to the non-independent nature of data collection), and since the matching data only represents an incomplete and non-representative sample of all charter vessel-trips and the associated vessels, then the matching analysis between on-site and logbook data do not strongly refute the discrepancies identified by comparing the independent SWHS estimates with logbook data.

The purpose of the analyses presented in this document was partially directed at detecting meaningful misreporting of Pacific halibut harvest in the logbook program for years 1998 and 1999 by comparing individual logbook entries with corresponding interviews from on-site creel and catch sampling surveys. The appropriate sampling frame for this analysis is composed of the all the vessel trips in IPHC areas 2C and 3A in those two years. Samples could not be randomly drawn from this frame, nor were matched interviews made independently of logbook entries. These circumstances severely compromise the validity of any conclusions concerning the presence or absence of misreporting of harvest from this analysis.

HALIBUT SUBSISTENCE

The Council approved a motion to modify its previous action defining the **halibut subsistence program** in Alaska to address local area issues identified by the Alaska Board of Fisheries and the Council. A summary of the changes is presented below.

1. Gear restrictions were lifted in Areas 4C, 4D, and 4E to mirror the absence of harvest levels in those areas. Proxy fishing would not be necessary in these areas.
2. Legal size halibut would be allowed to be retained for subsistence use by residents of eligible Area 4C, 4D, and 4E communities while CDQ fishing on their own vessels. Retained subsistence-caught halibut by locally-owned vessels shall be marked while CDQ fishing and would not count against a CDQ allocation. "Locally-owned" will be defined as those vessels landing all their CDQ harvest in Area 4C, 4D, or 4E. "Marking" of subsistence halibut on halibut CDQ trips will be defined in the proposed regulations. Eligible communities include:

Area 4C
Saint Paul
Saint George

Area 4D
Diomedes (Inalik)
Gambell
Savoonga

Alakanuk
Aleknagik
Brevig Mission
Cheformak
Chevak
Clark's Point
Dillingham
Eek
Egegik
Elim
Emmonak
Golovin
Goodnews Bay
Hooper Bay
King Salmon
Kipnuk
Kongiganak
Kotlik
Koyuk
Kwigillingok
Levelok
Manokotak
Mekoryuk
Naknek
Napakiak
Napaskiak

Area 4E
Newtok
Nightmute
Nome
Nunam Iqua
Oscarville
Pilot Point
Platinum
Port Heiden
Quinhagak
Saint Michael
Scammon Bay
Shaktolik
South Naknek
Stebbins
Teller
Togiak
Toksook Bay
Tuntutuliak
Tununak
Twin Hills
Ugashik
Unalakleet
Wales
White Mountain

3. Stacking up to 3 times the number of hooks on a single unit of gear per trip would be implemented in Areas 3A, 3B, 4A and 4B, provided that the subsistence users are on board the vessel. Proxy fishing would not be allowed in these areas.
4. A vessel limit of 30 hooks and 20 fish was recommended to be added to the 30 hooks of gear and 20 fish per day individual limit in Area 2C, excluding the Sitka LAMP area. Stacking of gear and proxy fishing are not permitted. A community harvest permit system would be allowed in eligible Area 2C communities because of these additional restrictions. The Area 2C communities are Angoon, Coffman Cove, Craig, Edna Bay, Elfin Cove, Gustavus, Haines, Hollis, Hoonah, Hydaburg, Hyder, Kake, Kasaan, Klukwan, Metlakatla, Meyers Chuck, Pelican, Petersburg, Point Baker, Port Alexander, Port Protection, Saxman, Sitka (excluding the Sitka LAMP area), Skagway, Tenakee Springs, Thorne Bay, Whale Pass, and Wrangell.

The Council's Halibut Subsistence Committee will work with NMFS to develop criteria for harvest limitations to be placed on community harvest permits to federally recognized tribes and other local governments of eligible communities. The criteria will be defined in the Proposed Rule and reviewed by the Council at a subsequent meeting. The committee will meet in Anchorage in July (date to be announced).

5. A community harvest permit program (but not proxy fishing) will be allowed for eligible subsistence users who subsistence fish for halibut in Area 3A adjacent to the Kodiak road zone and Chiniak Bay, Prince William Sound, and Cook Inlet where the additional restrictions listed below would be implemented. The affected community and Tribes directly affected by the additional restrictions are Chenega Bay, Cordova, and Tatitlik and the Native Village of Eyak and the Native Village of Chanega,, and Native Village of Tatitlik.

Kodiak road zone and Chiniak Bay:

1. 10 hooks
2. 20 fish annual limit

Prince William Sound:

1. 10 hooks
2. No fish annual limit

Cook Inlet:

1. 10 hooks
2. No fish annual limit
3. The Cook Inlet non-subsistence use area southern boundary would be set at the Board of Fisheries recommended latitude/longitude of 59°30.40'N

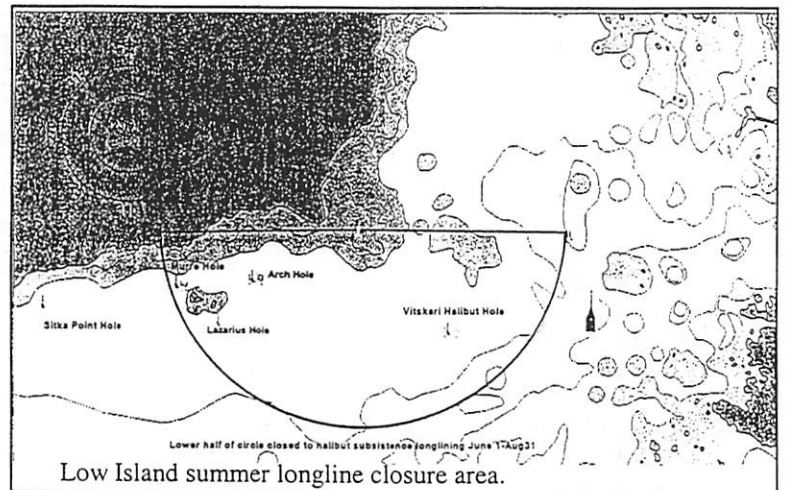
6. In Area 2C Sitka Sound LAMP Area:

During September 1 to May 31

1. 30 hooks/vessel, power hauling allowed.
2. 10 halibut per day/vessel
3. No annual fish limit
4. No proxy system

During June 1 to August 31

1. 15 hooks per vessel, no power hauling, no proxy, no stacking
2. 5 halibut per day/vessel
3. No annual fish limit
4. No longline fishing area four nautical miles south and west of Low Island.



7. NMFS would administer a ceremonial, cultural, or educational harvest permit system for Alaska Native Tribes that are eligible for halibut subsistence to conduct cultural/educational camps and for ceremonial purposes (e.g., death, potlatches). The permit would be limited to a harvest of 25 fish. A qualifying cultural or education program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. A qualifying ceremonial use is one in which the use of halibut is customary and traditional and is related to some act or occasion of cultural significance.
8. NMFS, ADF&G, and IPHC should assist subsistence halibut harvesters as well as other interested groups in gathering annual harvest and other information on halibut, rockfish, and ling cod removals by all user groups.

**Halibut Subsistence Committee
Draft Minutes
July 15, 2002**

Committee members Robin Samuelsen, Jennifer Hooper, with Gabe Sam representing Matt Kookesh attended the meeting in Anchorage. Mike Miller representing Ted Borbridge, Harvey Kitka, Ed McGlashen, and Sky Starkey participated by teleconference. Six members were absent. Agency staff were Jane DiCosimo (NPFMC), Jay Ginter (NMFS), John Lepore (NOAA General Counsel), John Kingeter (NOAA Enforcement), Pete Probasco and Carl Jack (USFWS), Dr. Bruce Leaman (IPHC), and Jim Fall (ADFG Subsistence). The meeting convened at 9:10 am and adjourned at approximately 1 pm.

Jane DiCosimo presented a list of decision points related to issuing community harvest permits which she prepared with Jay Ginter. The committee made the following recommendations:

- issue permits upon request to eligible Tribal-based government entities which would list the community harvesters on the permit application (issue permits to municipal government entity in the absence of Tribes)
- issue permits to eligible Tribes for an IPHC area for which they have a customary and traditional practice of fishing (e.g., this would allow eligible Tribes in closed waters of upper Cook Inlet to be issued permits for open waters of lower Cook Inlet).
- allow multiple harvesters identified by the eligible government entity to be listed on a permit
- allow one permit per eligible Tribal government entity per eligible community
- where an eligible community has more than one eligible Tribe, allow each Tribe one community permit (e.g., this would allow Lesnoi, Native Village of Afognak, Shoonaq in Kodiak to receive community harvest permits)
- allow individual subsistence harvests and a community harvest permit to be fished by the same harvester, but not on the same trip
- permits must be renewed annually through a permit application
- require recordkeeping and reporting by the eligible Tribe as a condition of renewing the permit
- identify a Tribal Foods Coordinator for each permit to be responsible for identifying which designated community harvester(s) may fish for the community on a given day
- the Tribal Foods Coordinator would be responsible for reporting the community's harvest
- gear limits would be identified on the permit
- the longline gear limit would be set equal to the individual gear allowance (30 hooks per 1800 ft skate, 3 skates (90 hooks)) for three harvesters per community per day to address hot spot issues, local depletion, local population of Native communities)
- there would be no limit on the number of harvesters identified in the permit application, but no more than 3 longline gear limits may be fished per day
- there would be no harvest limits identified on the permit
- there would be no cash compensation for trade by individuals, but direct cost reimbursement from the eligible Tribes would be allowed
- there would be no sale allowed for halibut harvested under a community harvest permit
- development of data reporting will be coordinated among NMFS, ADFG Subsistence Division, and the eligible Tribes
- the eligible Tribes wish to demonstrate that self-regulation will work for managing the halibut subsistence fishery

AGENDA C-10(a)
OCTOBER 2002
Supplemental

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 Telephone 907.424.3447 Fax 907.424.3430

September 25, 2002

Mr. David Benton, Chairman
North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501-2252

RECEIVED
SEP 25 2002
N.P.F.M.C

AGENDA ITEM C-10: CHARTERBOAT GHL AND IFQ PROGRAMS

Dear Mr. Benton,

On behalf of the CDFU Groundfish Division, I am writing to express our concern about delays in the implementation of both the halibut charter boat GHL and IFQ programs as described in James Balsiger's letter to the Council.

We encourage the Council to take the necessary actions to move the GHL and IFQ programs forward as expeditiously as possible. Any unnecessary delays are likely to cause further frictions between the commercial, charter boat and other sectors of the halibut fisheries. This is a huge waste of time and energy that could be spent far more constructively by these stakeholders on other more critical fisheries policy issues, and it is likely to disrupt the Council's ability to move forward as well. For instance, the inability to accurately monitor charter vessel catches is likely to put the development of LAMPs in limbo.

It is worth noting that the Alaska Native Subsistence Halibut Working Group has recognized the importance of recording subsistence halibut harvests, and has come forward in a very short period of time, working with NMFS, with recommendations for a data collection system for subsistence halibut harvests. In contrast, even after numerous years of review and analysis and further refinement the ADF&G Sportfish Division seems somehow unable to accomplish the same goal for the charter boat fleet. Perhaps the ANSHWG should be contracted to complete this task for the Council.

Thank you for considering our comments.



Dan Hull
Co-Chairman, CDFU Groundfish Division

17 September, 2002

To: Dave Benton
From: Dave Tyner
Subject: Ninilchik Rural Area & halibut Subsistence

RECEIVED

SEP 19 2002

AGENDA C-10(b)
OCTOBER 2002
Supplemental

Mr. Benton

These comments are in reference to 50 CFR parts 300, 600 & 679. Federal Register Vol. 67, No. 165/Monday, August 26, 2002/ Proposed rules.

My name is Dave Tyner I live in Ninilchik. I'd like to petition the council to have Ninilchik Rural Area as defined on the enclosed map added to the list/table 300.65(f)(1) of rural area's for halibut subsistence. The NPFMC has already found a customary and traditional use of halibut in the Ninilchik area as the Ninilchik Village is listed. I've talked with a member of the Federal Subsistence Board. I was told that under 50 CFR 100.23 (a) the FSB found Ninilchik to be a rural area & as such it is eligible for subsistence use. I've enclosed a copy of my 2002 Federal Subsistence Fishing permit as further proof of the area's eligibility to participate in subsistence fisheries.

I'd like to add that Ninilchik's history goes back to 1847 when Grigorii & Mavra Kvasnikoff moved their family from Kodiak to Ninilchik. Grigorii was a Russian Orthodox missionary from Moscow.

In 1896 a school was built, in 1901 the Russian Orthodox Church was built, 1925 brought a post office to Ninilchik & the 1940's a number of homesteaders settled in the area. So you can see that both native & non-natives have relied on the use of subsistence on the Kenai Peninsula & Cook Inlet area for over 150 years. The people of this area rely on moose, salmon & halibut to fill their freezer before winter.

I've also enclosed a document printed off the Alaska Department of Community & Economic Development web site, on page two under Economy & Transportation, it lists subsistence activities first before commercial fishing, tourism & timber.

With a 2002 census of around 772 people, adding Ninilchik Rural Area to the list/table 300.65(f)(1) of rural areas with a customary and traditional use of halibut should have a minimal impact of the fisheries.

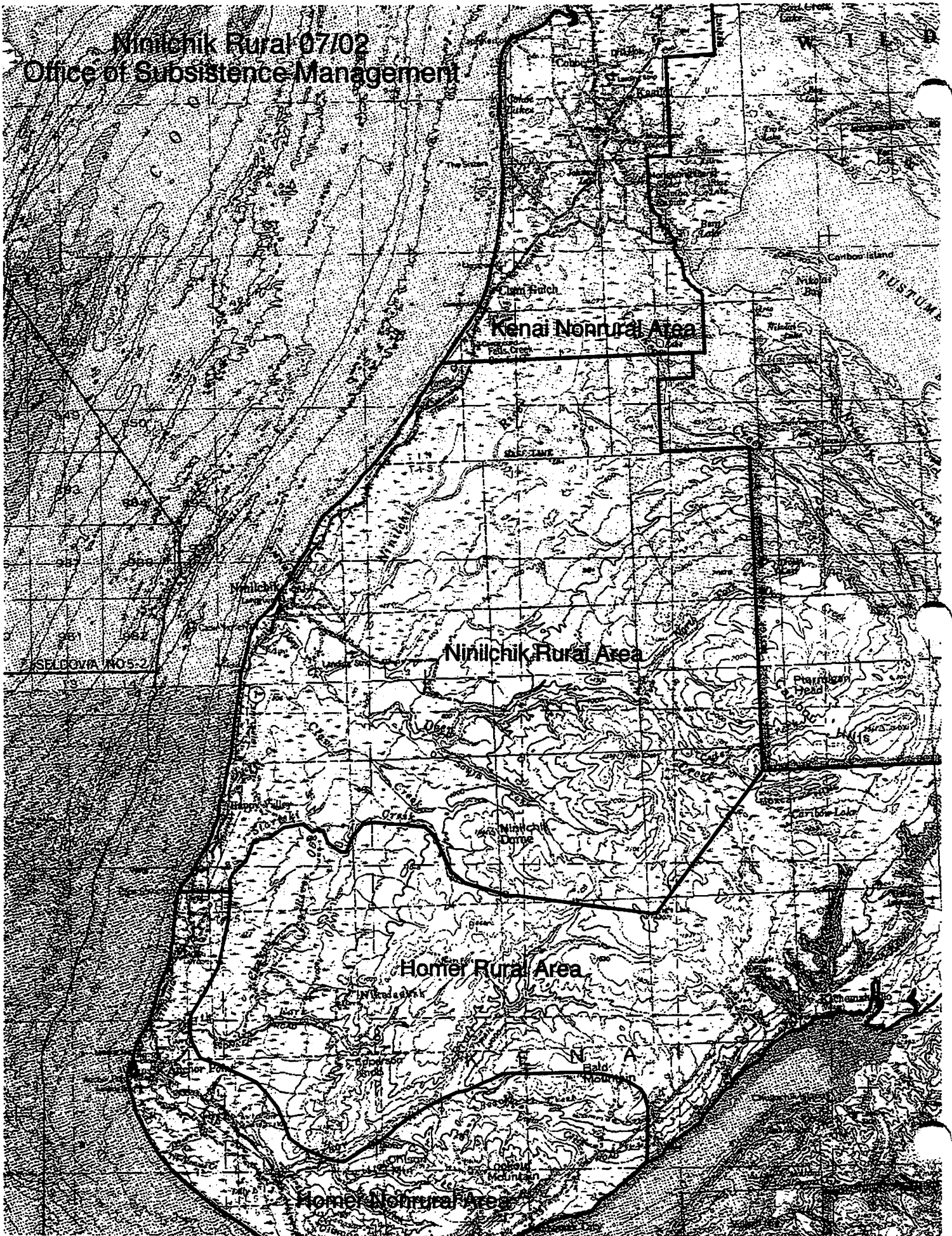
I have read Alaska statute 16.05.258 part of the criteria I beleave the NPFMC used to determine subsistence use, I cannot find anything that would or should keep the NPFMC from adding Ninilchik Rural Area to list/table 300.65(f)(1) as larger communities such as Kodiak are listed & have better economies, chances for employment & better wages then Ninilchik.

I hope the NPFMC will act on this petition by adding the Ninilchik Rural Area to list/table 300.65(f)(1) during the upcoming NMFS meeting in October.

Thanks for your time. Dave Tyner

Dave J. Tyner
P.O. Box 39151
Ninilchik Ak
99639

Ninilchik Rural 07/02
Office of Subsistence Management



**ALASKA
Community
Information
Summary**


 CIS
Index

 Department of
Community and
Economic
Development


 DCED
Home



Ninilchik

For Photos of Ninilchik click here

Current Population: 772 (2000 U.S. Census)

Incorporation Type: Unincorporated

Borough Located In: Kenai Peninsula Borough

Taxes: Sales: 2% (Borough), Property: 7.5 mills (Borough), Special:

Location and Climate

Ninilchik lies on the west coast of the Kenai Peninsula on the Sterling Highway, 38 miles southwest of the City of Kenai, and 188 road miles from Anchorage. It lies at approximately 60d 03m N Latitude, 151d 40m W Longitude. (Sec. 34, T001S, R014W, Seward Meridian.)

Ninilchik is located in the Homer Recording District. The area encompasses 207.6 sq. miles of land and 0.0 sq. miles of water. Winter temperatures range from 14 to 27; summer temperatures vary from 45 to 65. Average annual precipitation is 24 inches.

[Topographic
map of
Ninilchik
area](#)

TopoZone.com

History, Culture and Demographics

The Peninsula was historically used by Dena'ina Indians for fur-farming and fishing. In 1847, Grigorii and Mavra Kvasnikoff moved their large family from Kodiak to Ninilchik. Grigorii was a Russian Orthodox missionary from Moscow, and Mavra was a Russian-Sugpiaq from Kodiak - the daughter of Efim Rastorguev, a Russian shipbuilder, and Agrafena Petrovna, a Sugpiaq from Kodiak. The Transfiguration of Our Lord Russian Orthodox Church was constructed in 1846. By 1880, the U.S. Census found 53 "Creoles" living in Ninilchik. They subsisted on hunting, fur trapping, fishing, gardening and gold panning. All nine original Native founding families of Ninilchik are descendants of the Kvasnikoffs. In 1896, a school was built, and in 1901, the Russian Orthodox Church was redesigned and constructed at its current site. A post office was established in 1925. The 1940s brought a number of homesteaders to the area. In 1949, Berman Packing Company began fish canning operations. In 1950, the Sterling Highway had been completed through Ninilchik.

A federally recognized tribe is located in the community: Ninilchik Traditional Council. 16.6% of the population are Alaska Native or part Native. Ninilchik is a traditional Native village, although the majority of the population are non-Natives. The village association is actively involved in local issues, and is a leading advocate for the senior center. There is a strong Russian Orthodox following, and an historical Church is

located in Ninilchik.

During the 2000 U.S. Census, there were 762 total housing units, and 442 of these were vacant. 415 of these vacant housing units are used only seasonally.

Facilities, Utilities, Schools and Health Care

The majority of homes use individual water wells or have water delivered. Two-thirds of all residences have individual septic systems and full plumbing; others use outhouses. The school operates its own well and water treatment facility. Many homes in this area are used only seasonally. The village has requested funding to construct a piped sewer system for homes in the Old Ninilchik Subdivision. Lots are too small for both individual wells and septic systems.

Electricity is provided by Homer Electric Association.

There is one school located in the community, attended by 210 students.

Local hospitals or health clinics include Ninilchik Health Clinic. Auxiliary health care is provided by Ninilchik Community Ambulance Assoc. (567-3342/567-1020); South Peninsula Hospital in Homer or Central Peninsula Hospital in Soldotna.

Economy and Transportation

Subsistence activities, commercial fishing, some tourism, and timber harvests from Native lands occur in Ninilchik. The economy of the surrounding Kenai area is diverse: oil and gas processing, sawmills, commercial and sport fishing, government, retail businesses and tourism-related services provide employment. 49 residents hold commercial fishing permits in Ninilchik.

The Sterling Highway provides access to Anchorage and beyond. A State-owned 2,400' dirt/gravel airstrip is located in Ninilchik. Homer also offers an airport, harbor/docking facilities and State Ferry access. Boats are launched from Deep Creek beach.

Organizations with Local Offices

Chamber of Commerce - Ninilchik Chamber of Commerce, P.O. Box 39164, Ninilchik, AK 99636, Phone 907-567-3670, Web: <http://alaskan.com/bells/ninilchik.html>

Village Corporation - Ninilchik Native Association, Inc., 701 West 41st Ave. #201, Anchorage, AK 99503, Phone 907-562-8654, Fax 907-344-8634, E-mail: nnai@ptialaska.net, Web: <http://www.geocities.com/Heartland/Hills/4416/links.htm>

Village Council - Ninilchik Traditional Council, P.O. Box 39070, Ninilchik, AK 99639, Phone 907-567-4394, Fax 907-567-3308, E-mail: nintribe@ptialaska.net, Web: <http://www.ninilchiktribe.org>

Regional Organizations

Borough - Kenai Peninsula Borough, 144 North Binkley Street, Soldotna, AK 99669, Phone 907-262-4441, Fax 907-262-8616, E-mail: admin@borough.kenai.ak.us, Web: <http://www.borough.kenai.ak.us>

School District - Kenai Peninsula Schools, 148 N. Binkley St., Soldotna, AK 99669, Phone 907-262-5846, Fax 907-262-9645, E-mail: dpeterson@kpbsd.k12.ak.us, Web: <http://www.kpbsd.k12.ak.us>

Native Housing Authority - Ninilchik Traditional Council, P.O. Box 39070, Ninilchik, AK 99639, Phone 907-567-4394, Fax 907-567-3308, E-mail: nintribe@ptialaska.net, Web: <http://www.ninilchiktribe.org>

Regional Native Health Corporation - Southcentral Foundation, 4501 Diplomacy, Suite 200, Anchorage, AK 99508, Phone 907-265-4900, Fax 907-265-5925, E-mail: ktgottlieb@citci.com


Regional Development - Kenai Pen. Econ. Dev. District, P.O. Box 3029, Kenai, AK 99611, Phone 907-283-3335, Fax 907-283-3913, E-mail: barbelovsky@kpedd.org, Web: <http://www.kpedd.org>

Ninilchik history time line:

- 1841 First buildings constructed in Ninilchik for settlers
- 1842 First settlers arrive at Ninilchik but leave before winter
- 1847 Grigorii and Mavra Kvasnikoff move family to Ninilchik
- 1851 Oskolkoff sons move with mother and stepfather to Ninilchik
- 1867 U.S. purchases Alaska from Russia
- 1896 Russian village school built
- 1901 Russian Orthodox church dedicated at current site on hill
- 1911 American teacher Alyce Anderson arrives, starts English school
- 1912 Mt. Katmai eruption brings thick layer of ash to Ninilchik
- 1925 first Ninilchik post office
- 1929 first airplane lands in Ninilchik
- 1949 Berman Packing Co. fish cannery begins local operation
- 1950 Sterling Highway completed through Ninilchik
- 1951 new Ninilchik School built at current site beside the highway
- 1959 Alaskan Statehood: local family fish traps abolished
- 1964 March 27 big Alaska earthquake shakes Ninilchik and other areas
- 1967 Sterling Highway paved through Ninilchik
- 1982 new post office built at current site on Kingsley Road
- 1990 major eruption of Mt. Redoubt brings ashes to Ninilchik
- 1995 Ninilchik High School girls basketball team wins State championship
- 1996 November: Elementary school fire
- 1997 Ninilchik High School girls basketball team wins their 2nd State championship

[Visit a page with related history, culture, and religion links](#)

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Federal Subsistence Fishing Permit

2002

Waters under Federal Jurisdiction in the Cook Inlet Area

OMB Clearance Number 1018-0075
Expires: 05-31-2003

Permittee's Name (Last, First MI) <u>TYNGE DAVID JAMES</u>	Permit # FFSC200200003
Mailing Address <u>P.O. Box 39151 NINILCHIK AK 99639</u>	Community of Primary Residence <u>NINILCHIK</u>
City, State, Zip Code	Telephone Number(s) <u>507-3318</u>
	AK Drivers License # or other acceptable ID <u>0530260</u>
<p>I have received the permit conditions and understand that failing to comply with reporting requirements may make me ineligible to receive a subsistence permit during the following calendar year. I will return the permit by October 31, 2002.</p>	
<p>Subsistence permit holders are encouraged to contact the Issuing Office prior to fishing as open areas and seasons may be changed by in-season emergency actions. All the telephone numbers can be found in the current Federal Subsistence Fishing Regulations.</p>	
<p>*A knowingly false statement on any part of this permit may be grounds for revocation of the permit. Also, you may be punished by fine or imprisonment* (U.S. Code, title 18, section 1001)</p>	
<p>x <u>David J. Tyne</u> <u>17 June 02</u> Permittee Signature (not valid until signed) Date</p>	
<p>x <u>Kay M. Sommers</u> <u>6/17/02</u> Issuing Officer/Agent (not valid until signed) Date of Issue</p>	
<p>Federal Contact Telephone Number: <u>262-9863</u></p>	

Federal Subsistence Harvest Report Due by October 31, 2002

Month/Day	Location	Record Number of Fish Harvested							
		Sockeye	Coho	Chinook	Chum	Pink	Dolly Varden	Lake Trout	Steelhead/Rainbow Trout
6/20	Russion River	3							
6/22	" "	2							

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information: This information collection is authorized by the Alaska National Interest Lands Conservation Act and regulations promulgated thereunder. It is our policy not to use your name for any other purpose. The information that you provide will be used by the Federal Subsistence Board to meet the needs of Subsistence users. All names and identifying information will be removed when we compile the results and only summary information will be reported. This information is maintained in accordance with the Privacy Act. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned clearance number 1018-0075. We estimate that it will take you about 15 minutes to fill in the form and record your harvest. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222 Arlington Square, Washington, D.C. 20240. (1018-0075). Thank you.

Federal Subsistence Halibut Regulations: Part 2

A Discussion of Issues Pertinent to Drafting Proposed Regulations Implementing Changes to the Halibut Subsistence Policy Adopted by the North Pacific Fishery Management Council

October 6, 2002

Jay J. C. Ginter

Sustainable Fisheries Division, Alaska Region
National Marine Fisheries Service
Juneau, Alaska

Subsistence fishing and hunting is well known in Alaska as a customary and traditional practice of Alaska Natives and non-Natives especially in rural areas with limited alternative food resources. As a means of survival long before the present, subsistence is inextricably woven into the cultural fabric of Alaska Natives and the rural lifestyle. The current regulatory regime which governs fishing for Pacific halibut in and off of Alaska, however, currently does not recognize the harvesting of halibut for subsistence purposes.

In October 2000, the North Pacific Fishery Management Council (Council) acted to change this by adopting a policy that would provide for a subsistence halibut fishery, recognize the fishery as distinct from commercial and sport fisheries, and control its conduct. In taking this action, the Council stated that its purpose was:

...to allow the continued practice of long-term customary and traditional practices of fishing halibut for food for families in a non-commercial manner for non-economic consumption.

In April 2002, the Council unanimously adopted modifications to its original (i.e., October 2000) action to address concerns identified by the State of Alaska Board of Fisheries about the potential local effects of subsistence halibut fishing on halibut and rockfish populations. The Council also adopted modifications to its original policy regarding retention of subsistence halibut with Community Development Quota Program (CDQ, i.e. commercial) halibut taken in certain areas of the Bering Sea.

The purpose of this paper is to review issues pertinent to the development of regulations that would implement the original subsistence policy proposed by the Council as amended by its subsequent action earlier this year. Specifically, this paper will compare and contrast the two actions, and discuss regulatory and implementation details that would be needed to carry out the

Council's intent. Some clarification of the Council's intent may be necessary if it is not correctly represented in this paper. This would assist staff in drafting proposed rules to implement the changes recommended by the Council.

Background

Management of the Pacific halibut fishery in and off of Alaska is based on an international agreement between Canada and the United States—the “Convention between United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea,” signed at Ottawa, Canada on March 2, 1953, and amended by the “Protocol Amending the Convention,” signed at Washington, D.C., March 29, 1979. This Convention, administered by the International Pacific Halibut Commission (IPHC), is given effect in the United States by the Northern Pacific Halibut Act of 1982 (Halibut Act). Generally, fishery management regulations governing the halibut fisheries are developed by the IPHC and recommended to the U.S. Secretary of State. When approved, these regulations are published by NMFS in the *Federal Register* as annual management measures. For 2002, the annual management measures were published March 20, 2002 at 67 FR 12885.

The Halibut Act also provides for the Council to develop halibut fishery regulations, including limited access regulations, in its geographic area of concern that would apply to nationals or vessels of the U.S. (Halibut Act section 773(c)). Such an action by the Council is limited only to those regulations that (a) are in addition to and not in conflict with IPHC regulations, (b) must be approved and implemented by the Secretary and (c) any allocation of fishing privileges must be fair and equitable and consistent with other applicable Federal law. This is the authority under which the Council acted in October 2000, to adopt its original subsistence halibut policy.

I presented a discussion paper to the Council in June 2001, similar to this one, which assessed regulatory and implementation aspects of the proposed action. The Council clarified several issues that were key to the drafting of the proposed rule document. Later that year NMFS issued contracts for consultations with the Alaska Native Subsistence Halibut Working Group and for technical advice on estimating subsistence halibut harvests.

In January 2002, the IPHC adopted regulatory language (in section 23 of the IPHC regulations) that recognized customary and traditional fishing for halibut in Alaska. The IPHC also expanded the allowance to retain short halibut taken with commercial halibut harvested under the CDQ Program in Areas 4D and 4E. Council, NMFS, and NOAA GC staffs continued to meet to discuss various implementation issues, in particular, monitoring and enforcement, and to refine the draft proposed rule. NMFS also conducted consultations with affected Alaska Native representatives pursuant to Executive Order 13175. Table 1 summarizes key events leading to publication of the proposed rule.

The subsistence halibut proposed rule package was submitted to NMFS headquarters on May 30, 2002, and published in the *Federal Register* on August 26, 2002 beginning on page 54767. A

30-day comment period on the proposed rule started that day and ended September 25, 2002. About 12 letters of comment have been received.

Table 1: Selected Events in the Development of the Subsistence Halibut Proposed Rule

October 2000	Council adopted original subsistence policy.
June 2001	NMFS consulted with Council to clarify intent of its October 2000 action.
July 2001	First draft of proposed rule regulatory text; internal review.
August 2001	Issued contracts to RurALCAP for consultations with Alaska Native Subsistence Halibut Working Group and to Robert J. Wolfe and Assoc. for consultations and report on alternative methodologies for estimating subsistence halibut harvests.
September 2001	Revised draft of proposed rule regulatory text and draft preamble.
November 2001	<ul style="list-style-type: none"> –Meeting with Alaska Native Subsistence Halibut Working Group –Meeting with IPHC staff to discuss potential regulatory changes –Meeting with consultant Robert Wolfe
January 2002	<ul style="list-style-type: none"> –IPHC meeting; adoption of regulatory language recognizing customary and traditional use of halibut for subsistence off Alaska and expanding allowance to retain short halibut taken with CDQ halibut in Area 4D and 4E. –Revised draft of proposed rule notice; continued internal review.
February 2002	<ul style="list-style-type: none"> –Meeting with Council’s Subsistence Halibut Committee –Discussions with Council staff, Region, Enforcement and GCAK staffs, and consultant Robert Wolfe regarding implementation.
March 2002	<ul style="list-style-type: none"> –Revised draft proposed rule notice twice more; continued internal review. –Meeting with Southeast Alaska Intertribal Fish & Wildlife Commission. –Received final revisions of analysis from Council staff.
May 2002	<ul style="list-style-type: none"> –Completed Alaska Region internal review of draft. –Submitted proposed rule package to headquarters.
June-July 2002	Proposed rule package under review in NMFS, NOAA and DOC
August 2002	<ul style="list-style-type: none"> –Proposed rule published August 26, 2002 at 67 FR 54767. –Comment period ended September 25, 2002.

The Council incorporated in its original action in October 2000, a request to the State of Alaska Board of Fisheries to review the Council action during the Board's normal 2000-2001 cycle, and present recommendations to the Council in June 2001. The Board complied with this request, and at that Council meeting, recommended specific restrictions on subsistence gear and harvest limits for the Kodiak road zone and Chiniak Bay, Prince William Sound, Cook Inlet, and Sitka Sound. In light of its recommended restrictions in some areas, however, the Board recommended use of the State's proxy system to allow subsistence halibut fishermen to harvest halibut for other qualified persons. The Board also recommended redefinition of the southern boundary of the non-subsistence or non-rural area in Cook Inlet. Finally, the Board recommended more liberal measures for subsistence in the Bering Sea (IPHC Area 4).

In response, the Council initiated an analysis of the Board's recommendations and other alternatives, including the no action alternative. During initial review of this analysis in December 2001, the Council expanded the range of some of the elements and options by adding an alternative and a separate action to allow for the retention of legal sized halibut in certain areas. The Council's preferred alternative selected in April 2002 (see attached), is compared with its original subsistence action in October 2000. This comparison is between the Council's recommended policy of October 2000, as published in the proposed rule August 26, 2002 (67 FR 54767), and its recommended policy of April 2002. Rules implementing the Council's original October 2000 action would be changed by rules implementing its April 2002 action, assuming both are fully approved by the Secretary of Commerce

Comparison of April 2002 and October 2000 Actions

The basic provisions of its October 2000 action regarding the definition of "subsistence," eligibility criteria, and customary trade would not be changed by the Council's action in April 2002. The principal effect of the Council's action in April 2002, would be to increase restrictions on the amount of longline gear that may be used for harvesting subsistence halibut and the catch limits of halibut in some areas. Further, new provisions of the April 2002 action would include relaxing constraints on mixing commercial CDQ halibut with subsistence halibut in some areas of the Bering Sea, providing for community harvest permits to mitigate additional proposed restrictions in Areas 2C and 3A, and ceremonial, cultural and educational permits.

1. Authorized areas of subsistence halibut harvest. The Council's original action would allowed subsistence halibut fishing in any area in and off of Alaska except for the four non-rural areas of Anchorage, Valdez, Juneau, and Ketchikan. These non-rural areas were defined by the Council and in the proposed rule to coincide with the non-subsistence marine waters of existing non-subsistence hunting and fishing areas used by the State of Alaska. These areas are defined in the proposed rule, and in Figures 1 through 4 (attached).

In April 2002, however, the Council adopted the Board's recommendation to relocate the southern boundary of the non-rural area in Cook Inlet further south to an east-west line at 59°30.40' N. latitude (see Figure 5). The effect of this action would be to prohibit subsistence

halibut fishing in all of Cook Inlet north of this new southern boundary line. Subsistence halibut fishing could occur in rural areas south of this line including the area currently open to subsistence fishing for State-managed groundfish fisheries.

2. **Gear restrictions.** The proposed rule implementing the Council's original action would allow subsistence halibut fishing only with setline gear and hand-held gear of not more than 30 hooks including longline, handline, rod and reel, spear, jigging, and hand-troll gear. The 30-hook limit on setline or longline gear would apply in any rural area, and to each authorized subsistence fisher. By contrast, the Council's action in April 2002 would change this general rule to be more liberal in some areas and more restrictive in others as described in Table 2.

Table 2: Proposed Subsistence Gear Restrictions

IPHC Area	Council Action of April 2002
2C Outside of Sitka Local Area Management Plan (LAMP) Area	<ol style="list-style-type: none"> 1. The 30-hook limit per <u>vessel</u> would be added to (or replace?) a 30-hook limit per <u>person</u>. 2. Gear stacking and proxy fishing would be prohibited.
2C Inside Sitka LAMP Area	<ol style="list-style-type: none"> 1. <u>June 1 through August 31</u>: the hook limit would be 15 per vessel; no power hauling or stacking allowed; no longline gear allowed within 4 nm south and west of Low Island; no proxy fishing. 2. <u>September 1 through May 31</u>: the hook limit would be same as outside LAMP; power hauling allowed, but no proxy fishing.
3A	<ol style="list-style-type: none"> 1. <u>Generally</u>: no more than 3 times the 30-hook limit per vessel per trip, provided at least 3 authorized subsistence fishers are on board. 2. <u>Inside Kodiak road zone, Prince William Sound, Cook Inlet</u>: no more than 10 hooks per person.
3B, 4A, and 4B	No more than 3 times the 30-hook limit per vessel per trip, provided at least 3 authorized subsistence fishers are on board.
4C, 4D, and 4E	No gear limits (other than legal gear for halibut).

3. Harvest restrictions. The proposed rule implementing the Council's original action would allow up to 20 fish per day to be harvested in rural areas by each authorized subsistence fisher. Implementing the Council's April 2002 action would change this harvest limit in only two IPHC Areas, but a distinction would be made in Area 2C between the Sitka LAMP area and the remainder of Area 2C, as indicated in Table 3. In Area 2C, outside the Sitka LAMP area, the daily limit of 20 fish per day per authorized fisher would be replaced by a 20-fish per day vessel limit. Hence, regardless of the number of authorized subsistence fishers on board a vessel in Area 2C, no more than 20 fish per day could be harvested on that vessel. Inside the Sitka LAMP area, the harvest limit would change seasonally from 5 fish per day per vessel during the summer months (June, July, August) to 10 fish per day per vessel during the remainder of the year. In Area 3A, the original basic limit of 20-fish per day per person, would be limited further only within the Kodiak road zone and Chiniak Bay. In these areas, an annual limit of up to 20 fish per authorized fisher would apply. Elsewhere, in IPHC Areas 3B, 4A, and 4B, the Council recommended no change from its original 20-fish per day rule, and in Areas 4C, 4D, and 4E, no subsistence harvest limits would apply as was originally recommended in October 2000.

Table 3: Proposed Subsistence Harvest Restrictions

IPHC Area	Council Action of April 2002
2C Outside of Sitka Local Area Management Plan (LAMP) Area	A daily harvest limit of up to 20 fish per <u>vessel</u> would be added to (or replace?) the daily 20-fish per <u>person</u> limit.
2C Inside Sitka LAMP Area	1. <u>June 1 through August 31</u> : A daily harvest limit of up to 5 fish per vessel. 2. <u>September 1 through May 31</u> : A daily harvest limit of up to 10 fish per vessel.
3A	A daily harvest limit of up to 20 fish per authorized subsistence fisher, except in Kodiak road zone and Chiniak Bay where an annual harvest limit of up to 20 fish per person would apply.
3B, 4A, and 4B	No change from original limit of 20 fish per day per authorized fisher.
4C, 4D, and 4E	No change; no limit

4. Special provisions for mixing subsistence and commercial harvest. The standard rule is that subsistence halibut could not be retained on board a vessel with commercial or sport halibut. In its original action in October 2000, the Council provided an exception to this rule to allow CDQ fishermen in Areas 4D and 4E to retain halibut for subsistence use that are less than the 32 inch legal size for commercial halibut (i.e., "short" halibut) while they are CDQ fishing. The IPHC regulations (at sec. 7) also allow a person to retain short halibut in an Area 4D or 4E CDQ fishery if the person or vessel lands their entire annual halibut catch at a port within these areas.

In its April 2002 action, the Council expanded on this exception by allowing legal-sized halibut (32 inches long or greater) also to be retained for subsistence use while CDQ fishing without counting against a CDQ allocation. This allowance could be exercised only by residents of eligible communities in Areas 4C, 4D, and 4E, and such mixed subsistence and CDQ halibut could be done only on a vessel that lands its entire annual halibut catch at a port within these areas. The eligible participants would be residents of all of the communities in Areas 4C, 4D, and 4E that are listed in the proposed rule as having customary and traditional uses of halibut.

Hence, to use this provision to retain halibut for subsistence and commercial CDQ purposes on the same vessel, a person would have to (a) be authorized to fish for subsistence halibut, (b) be authorized to fish for CDQ halibut, (c) use a vessel that lands its entire annual halibut catch at a port within IPHC Areas 4C, 4D, or 4E, and (d) be a resident of one of the subsistence-eligible communities in these areas. Note that not all CDQ communities may be listed as subsistence-eligible communities.

The Council did not recommend an exception for subsistence halibut of any length to be retained and landed together with commercial halibut harvested under the IFQ program. No IFQ allocations are made in IPHC Area 4E, but IFQ allocations are made in Area 4C and 4D. Therefore, no exception to the standard rule would be made for retaining and landing on the same vessel legal sized halibut as subsistence and commercial halibut if the fishermen on board possess unused IFQ. For example, a resident of Saint Paul who is commercial fishing for halibut under the IFQ program would not be allowed to bring any fish home to his family unless it first was counted against his IFQ account. He could, however, fish for halibut under the CDQ program and bring home a legal size halibut without first counting that fish against the CDQ allocation for his community.

In summary, subsistence halibut and commercial halibut (i.e., halibut harvested under the CDQ or IFQ rules) must not be retained at the same time on board the same vessel, except in IPHC Areas 4C, 4D, and 4E. The exception recommended by the Council in April 2002, would allow retention of "short" and legal sized halibut on the same vessel with commercial CDQ halibut (but not IFQ halibut) only in Areas 4D and 4E. In Area 4C, only legal sized halibut could be retained on the same vessel for subsistence with CDQ halibut; not "short" halibut. This is summarized in Table 4 below by comparison with the Council's October 2000 action.

Table 4: Comparison “Short” and Legal Sized Halibut Exceptions

IPHC Area	Council action of October 2000	Council action of April 2002
4C	No exception; subsistence halibut and CDQ halibut must <u>not</u> be retained on same vessel.	May <u>not</u> retain “short,” but may retain legal sized halibut with CDQ harvests on same vessel if resident in an Area 4C community that is also eligible for subsistence halibut.
4D	May retain/land “short” halibut with CDQ harvests on same vessel.	May retain “short” and legal sized halibut with CDQ harvests on same vessel if resident in an Area 4D community that is also eligible for subsistence halibut.
4E	May retain/land “short” halibut with CDQ harvests on same vessel.	May retain “short” and legal sized halibut with CDQ harvests on same vessel if resident in an Area 4E community that is also eligible for subsistence halibut.

Subsistence halibut that are retained with commercial CDQ halibut would be required to be distinguished by some form of marking that would be specified in the implementing rules.

5. Community harvest permit (CHP). In April 2002, the Council adopted a CHP policy that would apply to those parts of IPHC Areas 2C and 3A where the Council proposed changes would impose gear and harvest limit constraints on subsistence fishing that would be more restrictive than originally recommended in October 2000 (see Tables 2 and 3). Specifically, a CHP would apply only in IPHC Area 2C outside of the Sitka LAMP and in those parts of Area 3A that are within the Kodiak road zone and Chiniak Bay, Prince William Sound, and Cook Inlet, but not within any non-rural area in which any subsistence halibut fishing would be prohibited. The CHP was suggested to and adopted by the Council as an alternative to a proxy fishing system to mitigate more restrictive gear and harvest restrictions in Area 2C (except in the LAMP area) and the three parts of Area 3A.

Based on recommendations of the Council’s Halibut Subsistence Committee from its meeting in July 2002, a CHP would be issued only on request of an Alaska Native tribal entity that has customary and traditional uses of halibut in the applicable areas (2C and 3A) or a government entity representing a community that has customary and traditional uses of halibut in these areas, if no tribal entity exists in the community. A CHP would be specific to the community in Area 2C or 3A in which the requesting tribal entity or community has customarily and traditionally harvested halibut and where additional restrictions are imposed. In addition, the Committee intended for only one CHP to be issued per tribal entity or community government. In cases

where there is more than one eligible tribal entity in a community, however, each eligible tribe in the community could request and receive a separate CHP.

In IPHC Area 2C, for example, 19 Alaska Native tribes (as defined in the proposed rule) would be eligible to receive a CHP to harvest subsistence halibut in rural parts of Area 2C. This includes five Alaska Native tribes located in the non-rural areas of Ketchikan and Juneau. An additional 14 rural communities in Area 2C also would be eligible to receive a CHP because these communities do not contain an eligible Alaska Native tribe. Hence, the maximum number of CHPs that could be issued in any one year in Area 2C would be 33 (19 + 14). The 14 eligible rural communities without Alaska Native tribes include:

Coffman Cove	Edna Bay	Elfin Cove
Gustavus	Hollis	Hyder
Meyers Chuck	Pelican	Point Baker
Port Alexander	Port Protection	Tenakee Springs
Thorne Bay	Whale Pass.	

In IPHC Area 3A, the number of eligible Alaska Native tribes and communities would be fewer than in 2C, because eligibility would be limited to those tribes or communities that would conduct subsistence halibut fishing only in the areas of the Kodiak road zone and Chiniak Bay, Prince William Sound, and Cook Inlet where additional gear and harvest constraints would apply under the Council's April 2002 action. In Area 3A, however, all the affected communities contain an eligible Alaska Native tribe; no other communities without Alaska Native tribes would be affected. Specifically, these include:

Native Village of Chanega in Chanega Bay	Native Village of Eyak in Cordova
Kenaitze Indian Tribe in Kenai-Soldotna	Village of Salamatoff in Kenai-Soldotna
Lesnoi Village in Kodiak City	Native Village of Afognak in Kodiak City
Shoonaq' Tribe of Kodiak in Kodiak City	Native Village of Nanwalek in Nanwalek
Ninilchik Village in Ninilchik	Native Village of Port Graham
Seldovia Village Tribe in Seldovia	Native Village of Tatitlek in Tatitlek.

In its application for a CHP, a tribal or community government would list the individuals that would actually perform the community harvesting. These individuals would then be the only persons authorized to harvest subsistence halibut for that tribe or community under the CHP issued to it. The individuals authorized to harvest under a CHP also could be registered to harvest subsistence halibut for themselves, however, individual subsistence harvests and those under a CHP would not be allowed on the same fishing trip or vessel. The CHP would be valid for only the year in which it is issued, but it could be renewed annually on application to NMFS.

Subsistence halibut harvesting under a CHP could be performed with any of the gear that would be legal for such harvesting. Longline or set-line gear would be limited to no more than 30 hooks per skate for each permitted person on board a vessel using such gear. No more than three

skates or 90 hooks total per vessel could be used if three or more permitted persons were on board the vessel. No limit would be imposed on the number of harvesters identified on a CHP or on a vessel conducting fishing under a CHP, but no more than 90 hooks could be used at any one time per CHP, assuming at least three CHP harvesters are on board the harvesting vessel. No harvest limits would apply to subsistence fishing under a CHP and none would be identified on the CHP.

A tribal foods coordinator also would be named on each CHP. The tribal foods coordinator would be responsible for the conduct of subsistence fishing under the CHP on which she or he is named. This responsibility would include identifying which designated harvester may fish under the CHP each day and all record keeping and data reporting of subsistence harvests under the CHP. Compliance with applicable rules and reporting requirements could be taken into consideration in renewing a CHP in following years. CHP halibut harvesters could be reimbursed their CHP harvesting costs by the permitted tribal entity but monetary compensation of the harvesters or sale of the fish harvested under a CHP would be prohibited.

6. Ceremonial, cultural, and education harvest permits. Any Alaska Native tribe listed in the subsistence implementing rules could request from NMFS and receive a ceremonial or cultural permit, or an educational permit. Either permit would limit the permit holder to a harvest of no more than 25 fish per ceremonial or cultural event related to some occasion of cultural significance, or for educational purposes, per course. An educational permit issued for an educational purpose would be required to have instructors, students, minimum attendance requirements, and standards for successful completion of the educational course.

Issues that Require Clarification

1. Authorized areas of subsistence halibut harvest. The rationale and intended effect of expanding the non-rural or non-subsistence area in Cook Inlet is not clear. The Council's original action in October 2000, established non-rural areas in which subsistence fishing would be prohibited as being the same as the non-subsistence areas defined by the State (Figures 1-4). In April 2002, however, the Council adopted a change in the definition of the non-rural area in Cook Inlet, and not to the other non-rural areas, for reasons unique to that area (Figure 5). In making this recommendation to the Council, the Board indicated its concern for potential bycatch of groundfish north of the recommended southern boundary that may exceed existing State limits of subsistence harvest of groundfish. This concern could be addressed, however, with less restrictive measures than a complete prohibition of subsistence fishing in the expanded non-rural area. This suggests that other concerns may exist about subsistence halibut fishing in this area. The Council may wish to provide additional rationale for its proposed expansion of the Cook Inlet non-rural area with respect to other problems that could be resolved by this action.

Would the problem resolved by this action be one of potential gear conflict with commercial and sport halibut fishermen or a concern about subsistence harvests causing localized depletion of halibut within the new area of Cook Inlet that would be closed to subsistence fishing under the

April 2002 action, or some other reason? Can potential gear conflicts and localized depletion be presumed as problems in addition to bycatch in this expanded area?

2. Gear restrictions. In April 2002, the Council recommended making the gear restrictions in IPHC Areas 2C and 3A more restrictive than originally proposed. Generally, for Area 2C, outside of the Sitka Sound LAMP area, the Council stated that a vessel limit of 30 hooks and 20 fish would be added to the 30-hook and 20-fish per day individual limit. For Area 3A, outside of the special areas of Kodiak, Prince William Sound and Cook Inlet, the hook limit would be up to three times the personal hook limit or a total of 90 hooks per vessel provided at least three eligible fishers were on board the vessel. In taking this action the Council indicated its concern for the allocation of the halibut resources in these areas which are likely to be heavily used by subsistence fishers in addition existing commercial and sport halibut fishers.

The Council recommended further gear restrictions inside of the Sitka Sound LAMP area of Area 2C and inside the special areas of Kodiak, Prince William Sound and Cook Inlet. During the summer months inside the LAMP area, the hook restrictions on longline gear would decrease to 15 per vessel, no power hauling would be allowed, and longline gear for subsistence fishing would be prohibited within 4 nautical miles south and west of Low Island. Seasonally more restrictive hook limits on subsistence halibut longline gear inside the LAMP area is understood to respond to the localized depletions concerns for which the LAMP was originally created. The ban on power hauling of longline gear and on the use of longline gear near Low Island, however, is not apparent.

- *Is it correct to assume that the Council intends for its recommended 30-hook and 20-fish per day vessel limit to replace or substitute for the personal limit, or does the Council literally mean for these limits to be added? If substitution is intended, then the hook limit for longline gear would simply change from 30 per eligible fisher to 30 per vessel, regardless of the number of eligible fishers on board. If these restrictions are to be additive, however, then what additional circumstance does the Council intend to prevent?*
- *Given the 5-fish per day vessel limit inside the LAMP area during the summer, how would a restriction on efficiency by prohibiting power hauling limit the harvest of subsistence halibut?*
- *Likewise, with regard to Low Island, how will the limiting of one type of subsistence gear, and not others, curtail the harvest of the five-fish limit in this area? What is unique about the proposed Low Island area that warrants closing it to longline gear during the summer?*
- *In the Kodiak road zone and Chiniak Bay, Prince William Sound and Cook Inlet areas, the more restrictive hook limits (10 per person) are presumed designed to limit total halibut removals in areas already heavily used by commercial and sport halibut fishers. Is this correct?*

- *The marine waters of the Kodiak road zone apparently are well defined in State regulations, but the Council's intent for the definition of Cook Inlet and Prince William Sound is less clear. What would be the seaward boundaries of these areas in which the 10-hook limit would apply?*

3. Harvest restrictions. The Council has recommended various daily harvest limits in terms of numbers of halibut per eligible fisher and per vessel. In only one area, the Kodiak road zone, the Council recommended an annual harvest limit per eligible fisher. Implementation of this annual harvest limit could be difficult and costly because the relatively small area in which it would apply is adjacent to an area to which a different limit would apply. The marine waters of the Kodiak road zone apparently extend only one mile offshore of the northeastern part of Kodiak Island from Craig Point to Saltery Cove. The 20-fish annual limit could be easily avoided by going more than one mile offshore.

What intent is served by the recommended annual limit of 20-fish per person within a one-mile-wide band of water adjacent to the shore?

4. Special provisions for mixing subsistence and commercial harvest. The Council's April 2002 action would relieve restrictions on retaining subsistence and commercial halibut at once on the same vessel. This regulatory relief would apply to "short" and legal-sized halibut retained for subsistence while fishing for commercial CDQ halibut in three IPHC Areas (4C, 4D, and 4E), except for Area 4C. In this area, only legal-sized halibut—not "short" halibut—would be allowed to be retained as subsistence along with commercial CDQ halibut.

- *Did the Council intend to treat Area 4C differently from Areas 4D and 4E regarding this provision; if so, why?*
- *Is it correct to assume that this allowance to mix subsistence and commercial CDQ halibut harvests on the same vessel would apply only to a vessel that lands its entire annual halibut harvest in the same area? That is, for example, would a vessel exercising this allowance in 4C have to be able to demonstrate that it landed all of its halibut in 4C and not in 4D or 4E, or would total annual landings in any one of these areas allow the mixing of subsistence and commercial CDQ halibut in another of these areas?*

5. Community harvest permit (CHP). The Council's recommended CHP program is designed to substitute for the proxy system recommended by the State Board of Fisheries. The Council tasked its Subsistence Halibut Committee to meet to develop detailed implementation guidelines for the CHP program. The Committee met in July 2002. Assuming that the Council adopts the Committee's report and recommendations without change, the following statements are presumed to be correct unless otherwise stated by the Council:

- *The CHP is intended to be available primarily to eligible Alaska Native tribal entities or to a non-Native community government only in the absence of a tribal entity in that*

community. In this case, a community that has a tribal entity would not be eligible as a community to get a CHP.

- *Criteria for CHP eligibility for any community that does not have an eligible Alaska Native tribal entity will not include population size or remoteness.*
- *A monetary reimbursement of a harvesting costs to a CHP harvester by her or his tribal or community government entity would not count toward his annual \$400 customary trade limit.*
- *A CHP for Area 2C could be used anywhere in that area outside of the LAMP area but, in Area 3A, a CHP could be used only within the Kodiak road zone, Prince William Sound or Cook Inlet.*
- *The geographical boundaries of the marine areas of the Kodiak road zone, Prince William Sound, and Cook Inlet (especially their seaward boundaries) would be defined consistent with existing definitions of these areas in State regulations.*

6. Ceremonial, cultural, and education harvest permits. The Council's recommended ceremonial and cultural permit and educational permit appear to be a potentially valuable tool to provide for special ceremonial, cultural, and educational uses of subsistence halibut, especially in those parts of Areas 2C and 3A where subsistence harvests would be constrained. Outside of these areas, however, the proposed standard daily limits of 20 fish and 30 hooks per eligible harvester may make the special provisions of these recommended permits unnecessary. For example, any two eligible harvesters who take 40 subsistence halibut could use those fish for any non-commercial purpose, including ceremonial, cultural or educational purposes.

- *Does the Council intend to have the ceremonial, cultural, and educational permits made available throughout all IPHC Areas in and off of Alaska or only where special restrictions would apply in Areas 2C and 3A?*
- *Does the Council intend to have one permit for ceremonial and cultural purposes and another permit for educational purposes as is indicated by different criteria for each purpose?*
- *Would ceremonial, cultural and educational permits be available for harvesting subsistence halibut inside the Sitka LAMP area at any time?*

Attachment

Council's Preferred Alternative Adopted in April 2002

Modify the previous action on halibut subsistence:

Part 1: Areas 4C, 4D, and 4E - Eliminate Gear Restrictions

Part 2: A: In Areas 3A, 3B, 4A and 4B - allow stacking of a maximum of 3 times the number of hooks on a single unit of gear per trip, provided that the subsistence users are on board the vessel. Proxy fishing is not allowed.

B: In Area 2C, excluding the Sitka Sound LAMP area - 30 hooks and 20 fish per day is the individual and vessel limit. Stacking of gear and proxy fishing is not allowed.

Part 3: Add to part 3 (A), (B) and (C) and part 4 (Area 2C including Sitka) (below) - a community harvest permit program. Community harvest permits may not be used in the Sitka Sound LAMP area. The Council Halibut Subsistence Committee will work with NMFS to develop criteria for community harvest permits to federally recognized tribes and other local governments of rural communities that have been recognized by the Council in October 2000 as having customary and traditional use of halibut. The criteria will be defined in the proposed rule and reviewed by the Council at a subsequent meeting.

Part 3 (A): In Area 3A, Kodiak road zone and Chiniak Bay:

1. 10 hooks
2. 20 fish annual limit
3. No proxy system
4. Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel.

Part 3 (B): In Area 3A, Prince William Sound:

1. 10 hooks
2. No fish annual limit
3. No proxy system
4. Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel.

Part 3 (C): In Area 3A, Cook Inlet:

1. 10 hooks
2. No fish annual limit
3. No proxy system
4. Allow stacking of a maximum up to 3 times the number of hooks on a single unit of

- gear provided that the subsistence user(s) are on board the vessel.
5. The Cook Inlet non-subsistence use area southern boundary would be set at the Board of Fisheries recommended latitude/longitude of 59°30.40'N.

Part 4: In Area 2C Sitka Sound LAMP Area:

During September 1 to May 31

1. 30 hooks/vessel, power hauling allowed.
2. 10 halibut per day/vessel
3. No annual fish limit
4. No proxy system

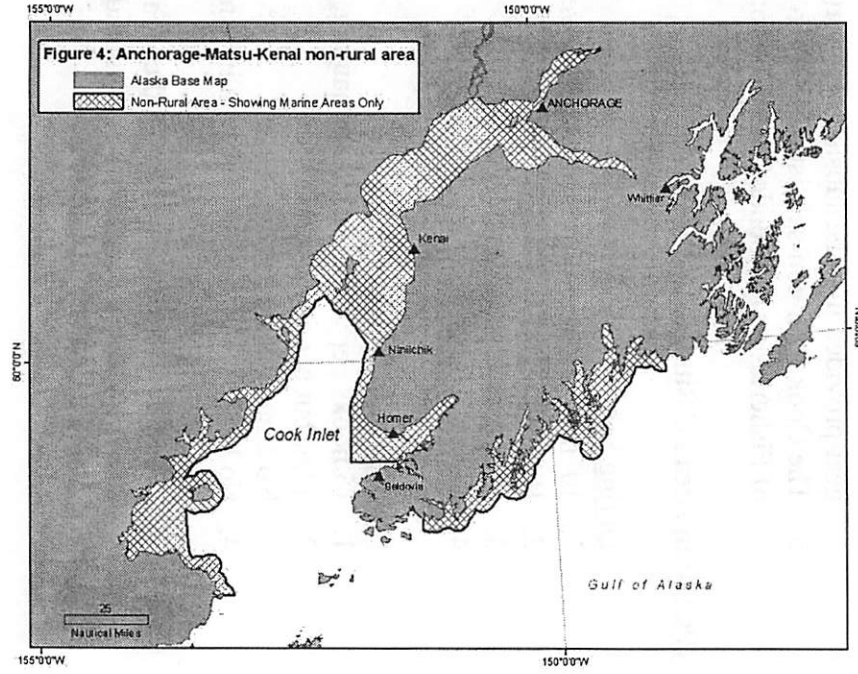
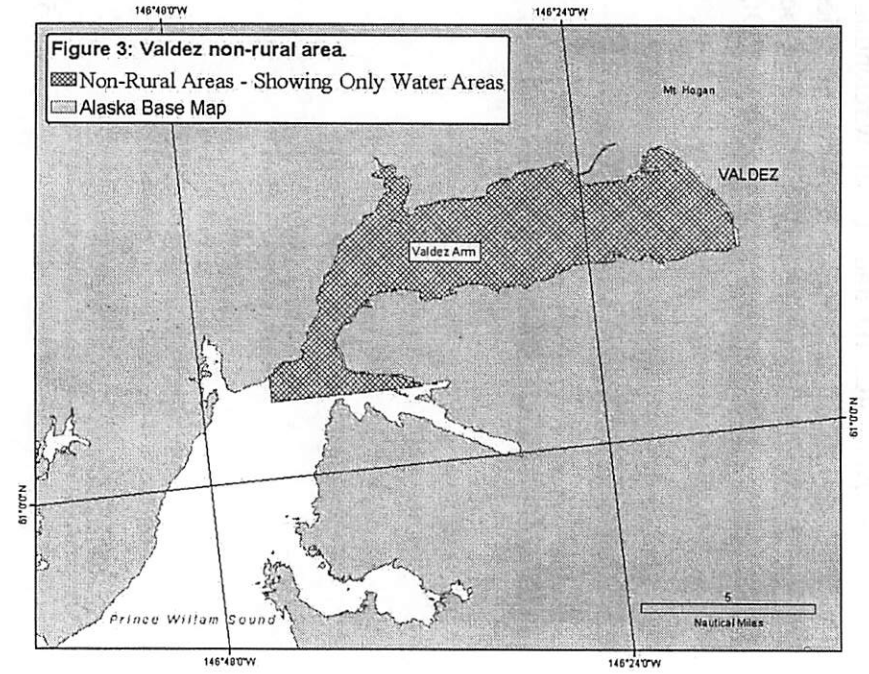
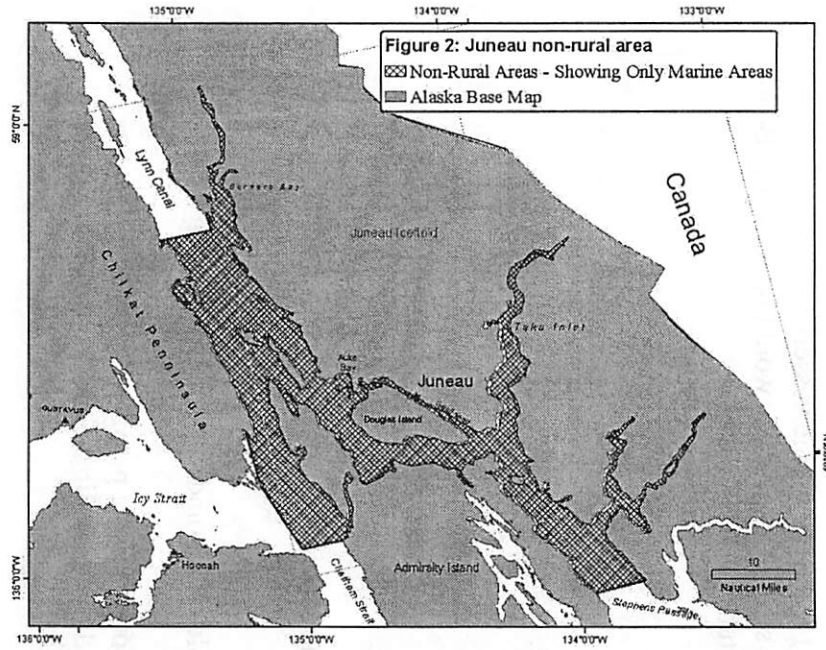
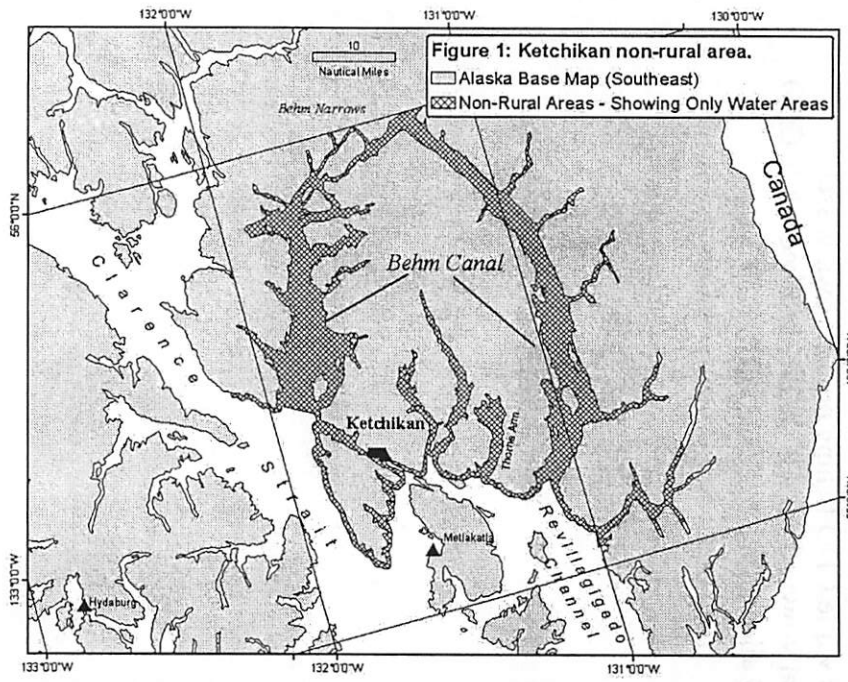
During June 1 to August 31

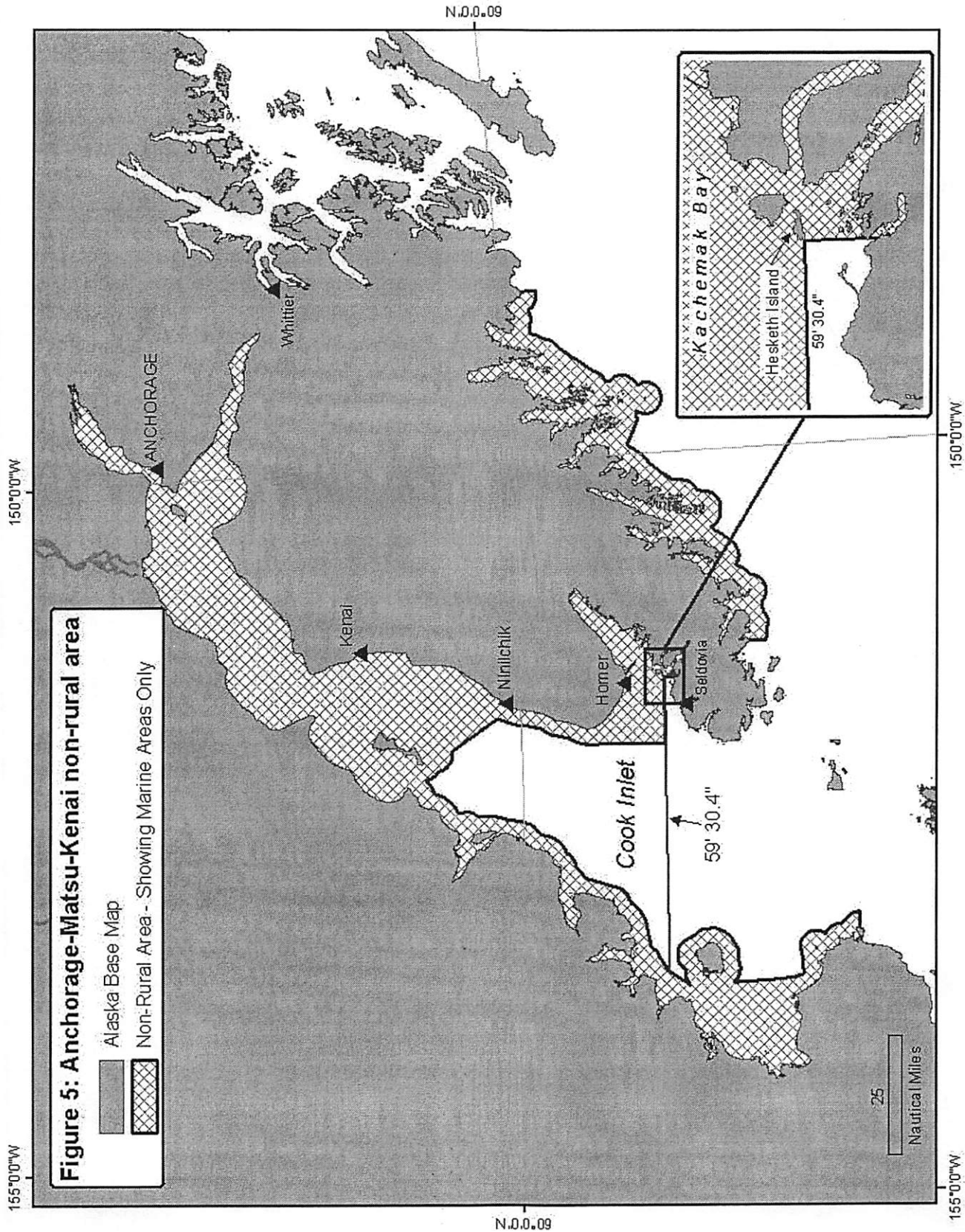
1. 15 hooks per vessel, no power hauling, no proxy, no stacking
2. 5 halibut per day/vessel
3. No annual fish limit
4. No longline fishing area four nautical miles south and west of Low Island

- Part 5: Adopt a ceremonial, cultural and educational harvest permit system modeled after USFWS existing system as recommended by the Halibut Subsistence Committee.**

In addition:

For Areas 4C, 4D, and 4E, allow retention of legal size halibut for subsistence use by residents of qualifying Area 4 communities while CDQ fishing on their own vessels. Retained subsistence-caught halibut by locally-owned vessels shall be marked while CDQ fishing and would not count against a CDQ allocation.





PUBLIC TESTIMONY SIGN-UP SHEET FOR
AGENDA ITEM C-10 (a) Halibut GH/IFQ

PLEASE SIGN ON THE NEXT BLANK LINE.
LINES LEFT BLANK WILL BE DELETED.

	<i>NAME</i>	<i>AFFILIATION</i>
1.	Cora Crome	PROA
2.	Tom Gemmell	Halibut Coalition
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PUBLIC TESTIMONY SIGN-UP SHEET FOR
AGENDA ITEM C-10 (b) Halibut Subsistence

PLEASE SIGN ON THE NEXT BLANK LINE.
LINES LEFT BLANK WILL BE DELETED.

	NAME	AFFILIATION
1.	<i>Sky Starkey</i>	<i>Native Subs. Hal. Working Group</i>
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