AGENDA C-1(a-d)
DECEMBER 2006

MEMORANDUM

TO: Council and AP Members

FROM: Chris Oliver
Executive Director

DATE: November 30, 2006

SUBJECT: Charter Halibut Management

ESTIMATED TIME
14 HOURS
All C-1 items

ACTION REQUIRED

(a) Status report on 2005 and 2006 GHLs and committee report, and action as necessary.
(b) Review discussion paper on 5-fish limit, and committee report, and action as necessary.
(c) Review discussion paper on Halibut Act proposed amendment and committee report, and action as necessary.
(d) Review separate accountability issue and committee report, and action as necessary.

BACKGROUND

A plethora of Council, State, and Federal actions are proposed to enhance management of the charter halibut fisheries in Southeast (Area 2C) and Southcentral (Areas 3A) Alaska. Some of these proposed actions are independent of each other, but are on overlapping timelines. Some may be unnecessary if others are implemented. A summary of the different initiatives to the charter halibut issue will be presented by Phil Smith, NMFS RAM Division.

Charter Halibut Guideline Harvest Levels In October 2006, ADF&G Sportfish Division reported that the charter halibut guideline harvests levels were exceeded in 2005 and 2006, in addition to a previous report that both limts were exceeded in 2004, as well. There has been some confusion as to whether skipper and crew caught halibut were included in the calculation of the GHL and in the State's GHL status reports. The Council used the ADF&G Statewide Harvest Survey (SWHS) as the data source for determining the GHLs. The SWHS queries sportfish license holders as to their sportfish harvests. Some license holders are private anglers, some are charter anglers, and some are captains and crew on charter boats. They were asked if the harvest was taken on a charter boat, but were not explicitly asked whether the angler was acting as captain or crew at the time of harvest. If they responded affirmatively that they were on a charter boat when the fish was harvested, then it is counted as charter harvest. If they responded negatively (e.g., harvest was gifted to client(s) or viewed as personal use), then those harvests are counted as non-charter harvests. So, we know that the SWHS includes captain and crew fish, but we do not know *to what degree* those harvests are reported as such.

On May 24, 2006, ADF&G prohibited charter boat operators, guides and crew members from retaining any species of fish while paying clients are on board the vessel operated in salt water. This action was necessary for curtailing halibut harvests in Southeast Alaska, excluding the Yakutat area, because the GHL has been exceeded (Item C-1(a)(1)). ADF&G staff originally did not correctly account for a reduction in charter harvest as a result of the State's emergency order in its projection methodology of 2006 charter harvests. Those estimates are forwarded to the IPHC, for its determination of commercial fishery quotas. A revised report was issued in late November (Item C-1(a)(2)). Additional agency correspondence on this matter is under Item C-

1(a)(3). The Charter Halibut Stakeholder Committee addressed this issue at its October 2006 meeting, and provided general comments and requested additional data under (Item C-1(a)(4)). The SSC may review the ADF&G methodology of the projections at this meeting. Doug Vincent-Lang, ADF&G, will be available to discuss this with the Council.

GHL Preferred Alternative for Area 2C

During final action to select a preferred alternative for GHL management measures in April 2006, NMFS staff noted that the analysis to implement a 5-fish daily limit in Area 2C did not explicitly incorporate recordkeeping and reporting requirements for an annual limit, which are outlined in the proposed rule for implementing the GHLs [67 FR 3867] (Item C-1(b)(1)). By agreement between the staffs of the Council and NMFS, the Council submitted the analysis to NMFS for review in June 2006, with the understanding that NMFS staff would augment the recordkeeping and reporting section of the analysis while this issue was pending before the Council.

At the June Council meeting, the Council discussed a letter dated June 1, 2006 from NMFS, which reported that current Federal and State laws do not allow the use of State reporting documents by Federal enforcement personnel for the Council's preferred alternative to implement a 5-fish annual limit for charter anglers in Area 2C (Item C-1(b)(2)). Instead, NMFS determined that the proposed limit would require a Federal charter vessel halibut angler permit and a charter vessel halibut logbook. The costs for implementing Federal reporting are substantial ($600,000), and redundant to State reporting requirements. In the letter, NMFS staff recommended that the Council reconsider this action once these costs have been more fully evaluated. This report was distributed prior to the meeting and is also under (Item C-1(b)(3)). The Charter Halibut Stakeholder Committee addressed this issue at its October 2006 meeting and passed a motion that recommended "the moratorium/limited entry program is the tool that is necessary first." The complete motion is in the attached minutes. Jason Gasper, NMFS SF, will summarize the discussion paper.

Proposed amendment to the Halibut Act

At the last several Council meetings, ADF&G Commissioner McKie Campbell has reported on the State's efforts in support of amending the Northern Pacific Halibut Act of 1982. Such an amendment is intended to provide delegation of limited authority for States to regulate recreational fishing for halibut, upon such recommendation by the appropriate regional council and Secretary of Commerce. Such delegation would require a recommendation by a Council to the Secretary, based on a Council analysis and NMFS rulemaking. The Stakeholder Committee adopted the following motion. Jay Ginter, NMFS SF, will summarize the potential effects of amending the statute, as addressed in his discussion paper (Item C-1(c)(1)).

> "The Charter Halibut Stakeholder Committee believes that state delegation is a potentially valuable tool that would work with some of the options of the permanent solution and the moratorium the Stakeholder Committee and Council is working on. However, we do not support state delegation being used as a stand alone solution in place of the moratorium and permanent solution the Stakeholder Committee and Council are working on. The Council needs to complete its obligation to the charter sector and commercial sector for a long term permanent solution. The Committee recommends that any delegation of authority exclude the allocation between sectors and that this remain the responsibility of the Council, and that any delegation be for the charter sector only, and that the Council retains oversight of any delegation granted to the state."

Separate Accountability

In February 2006, Alaska Longline Fishermen's Association (ALFA) submitted a proposal entitled "Separate Accountability" to the Council, as part of public testimony on the initial review draft of the Charter GHL analysis. Under the proposal, the IPHC would separately manage the charter and commercial halibut

allocations in Areas 2C and 3A. It aims to remove the economic penalty placed on the commercial sector for overages of the GHL incurred by the charter sector. The proposal recommended that the Council send a letter to the IPHC so that it would set a combined charter and commercial Constant Exploitation Yield (CEY) for Areas 2C and 3A and replace the deduction of charter harvests from the Total CEY with an allocation to the charter sector equal to the GHLs in each area. In April 2006, the Council reviewed a staff discussion paper (Item C-1(d)(1)), which concluded that without restrictive measures that constrained the charter fisheries to their respective GHLs, the proposal could result in overharvests of the CEYs. In April, the Council scheduled this second look at the issue so that any Council recommendation could be forwarded to the IPHC in time for the Commission's January 2007 annual meeting.

Region 1-Southeast News Release

(Released: May 24, 2006)

Back to Main EO/NR Page
Back to Previous Page

SPORT FISHING OPERATORS, GUIDES AND CREW PROHIBITED FROM RETAINING FISH FOR 2006

Juneau â€" The Alaska Department of Fish and Game announces that sport fishing charter operators, guides and crew are prohibited from retaining any fish species while paying clients are on board the vessel. This regulation change will become effective at 12:01 A.M. Friday May 26, 2006. The regulation is:<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

- A sport fishing guide and sport fishing crew member working on a charter vessel in the salt waters of Southeast Alaska, excluding the Yakutat area may not retain fish while clients are on board the vessel.

These regulations apply in all marine waters of Southeast Alaska, excluding Yakutat and are being implemented as a means to curtail halibut harvest by sport fishing charter clients. The halibut GHL for Southeast Alaska, excluding the Yakutat area was exceeded in 2004 and based upon preliminary data exceeded again in 2005. Based upon this information the department agreed to take action through the Board of Fisheries to prohibit charter boat guides and crew from retaining any species of fish while paying clients are on board the vessel in the salt waters of Southeast Alaska.

This action will effectively reduce the 2006 halibut harvest by sport fishing charter clients within Southeast Alaska.

For more information about the sport fisheries in Southeast Alaska, contact the nearest ADF&G office or visit: http://www.sf.adfg.state.ak.us/statewide/EONR/index.cfm

END

For additional information contact Charlie Swanton, SE Regional Management Coordinator, (907) 465-4297.

SPORT FISHING
Emergency Order

ALASKA DEPARTMENT OF FISH & GAME

Under Authority of AS 16.05.060

Emergency Order No. 1-R-01-06

Issued at Juneau, Wednesday May 24, 2006

Effective Date: 12:01 A.M. Friday, May 26, 2006

Expiration Date: 11:59 P.M. Sunday, December 31, 2006 unless superseded by subsequent emergency order.

EXPLANATION: This emergency order prohibits charter boat operators, guides and crew members from retaining any species of fish while paying clients are on board the vessel operated in salt water. This action is necessary for curtailing halibut harvests in Southeast Alaska, excluding the Yakutat area because the guideline harvest level (GHL) has been exceeded.

REGULATION

The provisions of 5 AAC 47.036 (c) are added by this emergency order. Under this emergency order, the following provisions are effective beginning12:01 A.M. May 26, 2006 through 11:59 P.M. December 31, 2006:

5 AAC 47.036 Prohibitions.

(c) A sport fishing guide and sport fishing crew member working on a charter vessel in the salt waters of Southeast Alaska, excluding the Yakutat area may not retain fish while clients are on board the vessel.

McKie Campbell
Commissioner

By delegation to:

Charles O. Swanton
Regional Management Supervisor
Division of Sport Fish

JUSTIFICATION:
The halibut GHL for Southeast Alaska, excluding the Yakutat area was exceeded in 2004 and based upon preliminary data exceeded again in 2005. Based upon this information, the Department and North Pacific Fishery Management Council discussed options for curtailing the halibut harvest by the guided sport charter industry at the December 2005 meeting. It was recognized that federal action would not be timely enough to reduce the harvest of halibut by charter clients during the 2006 season. The Department agreed to take action through the Board of Fisheries to prohibit charter boat guides and crew from retaining any species of fish while paying clients are on board the vessel in the salt waters of Southeast Alaska, excluding the Yakutat area. This action will effectively reduce the 2006 halibut harvest by sport fishing charter clients within Southeast Alaska.

DISTRIBUTION:
The distribution list for this emergency order is on file at the Region 1 Office of Alaska Department of Fish and Game, Division of Sport Fish, P. O. Box 240020, Douglas, AK 99824, (907) 465-4297.

CHARTER HALIBUT HARVESTS IN IPHC AREAS 2C AND 3A

AREA 2C THE CHARTER HALIBUT GHL ADOPTED BY THE COUNCIL IN FEBRUARY, 2000 IS 1.432 MILLION POUNDS, NET WEIGHT.

Year	No. Fish	Avg. Net Wt.	Biomass	Deviation from GHL
1999	52,696	17.8	0.938	-34%
2000	57,208	19.8	1.132	-21%
2001	66,435	18.1	1.202	-16%
2002	64,614	19.7	1.275	-11%
2003	73,784	19.1	1.412	-1%
2004	84,327	20.7	1.750	22%
2005	102,206	19.1	1.952	36%
2006[1]	105,651	20.0	2.113[2]	47%
2006[3]	107,238	19.0	2.035	42%

AREA 3A THE CHARTER HALIBUT GHL ADOPTED BY THE COUNCIL IN FEBRUARY, 2000 IS 3.650 MILLION POUNDS, NET WEIGHT.

Year	No. Fish	Avg. Net Wt.	Biomass	Deviation from GHL
1999	131,726	19.2	2.533	-31%
2000	159,609	19.7	3.140	-14%
2001	163,349	19.2	3.133	-14%
2002	149,608	18.2	2.723	-25%
2003	163,629	20.7	3.382	-7%
2004	197,208	18.6	3.668	1%
2005	206,902	17.8	3.689	1%
2006[1]	216,551	18.2	3.947	9%
2006[3]	225,798	17.6	3.968[4]	8%

[1] Projected based on traditional method based on linear trends in SWHS estimates.
[2] 86,000 pounds were estimated to have been saved due to an emergency order disallowing skipper and crew retention in Area 2C. These savings are not reflected in this projection. Instead, a recommendation has been made to IPHC to deduct these from the total recreational harvest projection.
[3] Projected based on extrapolation of reported logbook harvest through Aug. 15.
[4] An additional 0.469 M lb were harvested by skipper and crew.

STATE OF ALASKA

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DEPARTMENT OF FISH AND GAME

DIVISION OF SPORT FISH

November 15, 2006

Dr. Bruce Leaman
International Pacific Halibut Commission
P.O. Box 95009
Seattle, WA 98145-2009

Dear Bruce:

Confusion has recently risen regarding the fate of halibut that were "saved" as a result of an emergency order that the Department issued in 2006 for Area 2C prohibiting retention by charter skippers and crew. In essence the question is: Did the 2006 harvest projections that we provided to the International Pacific Halibut Commission (IPHC) in a letter dated October 23, 2006 reflect a reduction in harvest that resulted from this prohibition?

Recall that the recreational harvest projections we annually provide to the IPHC are based on historic fishery performance which, in turn, is based on a historically stable management regime (that is, a 2 fish daily/4 fish in possession limits for all participants). In 2006, this stable management regime was changed in Area 2C as a result of our management action to prohibit harvest by skipper and crew. This management action reduced harvest below what it would have been if skipper and crew were allowed to retain fish, as evidenced by very few halibut reported harvested by skipper and crew in Area 2C logbooks. As a result, we are revising our projection of recreational halibut removals for IPHC Area 2C to include the harvest reduction resulting from our management action. Since we did not modify the management regime for Area 3A, that projection is unchanged.

The revised projection of recreational halibut removals in Area 2C is 172,223 halibut representing 3.033 M lb net weight. This is a reduction of 4,226 halibut (4% of the charter harvest) or about 84,000 pounds, which is our best estimate of the harvest reduction that occurred as a result of our emergency order in Area 2C.

Recall that the original Guideline Harvest Limits were based on harvest estimates from the Department's postal survey. We suspect that the postal estimates and resultant projections of charter harvest contain some, but likely not all, skipper and crew harvest. There are cases when a guide, or another client, gives a portion of their catch to a client who does not catch their limit or who is too sick to fish. In these cases, the clients who received the halibut may report their harvest as chartered. On the other side, we have found instances of large annual catches by households that was reported as non-chartered who we knew contained guides. Bottom line, it is impossible to determine the exact disposition of the skipper and crew harvest in the postal survey. Thus, we suggest that the commission apply this deduction to the overall recreational harvest projection for Area 2C. We suspect that the harvest reduction due to prohibitions on

retention by skipper and crew will be reflected in both categories in the 2006 final postal survey estimates that we will provide the commission next year.

We understand the impact this has on all users, and apologize for any confusion this may have caused.

As always, please feel free to call us if you have any questions.

Sincerely;

(sent via email)

Doug Vincent-Lang
Special Assistant

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA

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November 20, 2006

Mr. Doug Vincent-Lang
Special Assistant
Alaska Department of Fish and Game
Division of Sport Fish
P.O. Box 110024
Juneau, AK 99811-0024

Dear Doug:

Thanks for you letter of November 15 which provides your revised projection for the Area 2C sport harvest in 2006. The ongoing debate about the effect of the skipper/crew fish prohibition has certainly caused much confusion, not only about the estimates of harvest but also the validity of the projections supplied to us by the ADF&G staff.

In your letter, you suggest that a revised projection for Area 2C of 3.033 Mlbs (net), representing a reduction of about 4%, or 84,000 lbs, is the appropriate number for the Commission to use. We realize the difficulty in estimating this reduction given the postal survey data but your letter provides no details on this estimate. As I explained when we discussed this by phone, we need to see how this correction was derived in order to assess its merits and incorporate it into our assessment and catch limit setting process. Your letter does not provide either methodology or data to support this change and it is therefore difficult to assess its validity. Doug, could you please send us the additional material that we need to conduct such an assessment? It would be particularly valuable if you could provide it prior to December 15th, to allow us opportunity to review and incorporate any changes.

We understand the State has been recently requested by the SSC of the North Pacific Fishery Management Council to make a presentation of the method used to estimate charter halibut removals, including the accounting of skipper/crew fish. I anticipate you will be discussing the reduction at that time as well.

Sincerely,

Bruce M. Leaman
Executive Director

cc: IPHC Commissioners

CHARTER HALIBUT STAKEHOLDER COMMITTEE

Minutes
Anchorage, Alaska
October 16 - 18, 2006

Dr. Dave Hanson, Chair
Seth Bone
Bob Candopoulos
Ricky Gease
John Goodhand
Kathy Hansen
Kelly Hepler
Dan Hull
Larry McQuarrie
Rex Murphy
Chaco Pearman
Greg Sutter
Joe Kyle

The committee convened on Monday, October 16, 2006 at approximately 1 pm in the North Pacific Fisheries Research Board Large Conference Room. All members were present, except for Joe Kyle and Seth Bone (absent on Monday).

Status of the GHL Doug Vincent-Lang, ADF&G, presented the status of the 2005 and projected 2006 estimates of charter halibut harvests and the area guideline harvest levels. The 2005 harvests had increased in both areas. The Area 2C and Area 3A GHLs were exceeded by 36 percent and 1 percent, respectively. Two preliminary in-season estimates for 2006 were provided for review; a final estimate will be provided at the end of the 2007 season. The Area 2C GHL was projected to be exceeded by more than 40 percent and the Area 3A GHL was projected to be exceeded by approximately 8 percent in 2006. Different survey methods resulted in different average weight estimates, which drove the different estimates of removals. An additional half million pounds caught by skipper and crew were not counted in these estimates because those harvests were not used to determine the GHLs. The higher 2005 and 2006 estimates reflect a real increase in anglers and operators taking more anglers, particularly in Area 2C.

Committee members requested harvest estimates and average weights by port. Members noted differences in the 2006 season. Some noted that the average weight of halibut had decreased on their boats. Southeast operators reported increased competition from commercial setline gear, perhaps due to the increased price of fuel. Higher winds occurred this summer at Homer, resulting in fewer clients and more operators chartering closer to Homer. Dave Hanson asked ADF&G staff to provide additional data for trips and anglers to gauge what might be driving increased harvest. At the end of the meeting, additional data were provided, but they were not reviewed in committee.

Five-fish Limit Jason Gasper summarized NMFS' recommendations regarding the Council's April GHL action to implement a 5-fish limit in Area 2C. NMFS has requested that the Council reconsider the annual limit after reviewing details of administrative and enforcement costs. These include:

- An angler specific catch record linked to multiple vessels would be required by the Office of Law Enforcement (OLE);
- Federal use of the State charter logbook and angler license is the most cost effective and least burdensome method to enforce the limit;
- Use of State logbook and angler license would require a State legislative change to its confidentiality statute and authorization from the State to allow release of data to allow enforcement of State regulations by the NOAA Office of Law Enforcement;
- A Federal reporting program would be required if current or future State recordkeeping and reporting tools, laws, or authorities granted to OLE do not meet OLE requirements;

- Implementation of the annual limit would require an increase in NMFS staff resources or a redirection of staff from current management programs;
- Enforcement of the 5-fish annual limit would require a substantial increase in enforcement staff or a large reduction in the time spent enforcing other management regulations;
- Implementation of other management measures (e.g., charter moratorium program) may be slowed down because of the large amount of staff time required to draft regulations and implement the annual limit;
- The annual limit is not expected to lower charter halibut harvest to the GHL and in the future, if harvest falls below the annual limit, removal of the regulation would require proposed and final rulemaking; and
- The effectiveness of the annual limit may be undermined if the State does not issue an EO prohibiting the harvest of halibut by skipper and crew.

The Committee discussed the NMFS recommendation for the Council to reconsider rescinding its previous action. Members noted that proposed regulations would place an economic burden on operators for regulating clients' annual harvests. Kevin Heck, OLE, described cost sharing between State and Federal enforcement agencies. Congress allocated monies to the States for enhancing fisheries enforcement. NMFS administers the monies through a biennial joint enforcement agreement. Most of the funds are spent on dockside enforcement. Over $1 million is allocated annually to the State of Alaska.

The Charter Stakeholder Committee recognizes that the halibut charter industry is growing more rapidly than originally projected. It believes that the moratorium/limited entry program needs to be the highest priority for action. The discussion paper on a five fish annual limit raises legitimate issues. The committee is most concerned that a review of the annual limit will slow down the moratorium/limited entry program process. In addition, an issue not raised in the discussion paper is that the multi-day/repeat client operator will bear the brunt of this management tool. The committee strongly suggests that the State proceed with legislation that allows sharing of data and cross deputizing of NOAA OLE officers and Alaska state troopers. The committee believes that the moratorium/limited entry program is the tool that is necessary first.

Status of pending legislation Doug Vincent-Lang summarized four pending State legislative proposals to address charter halibut management issues.

- Data sharing/confidentiality issues (would allow sharing of State logbook data with NOAA);
- A freshwater/saltwater charter stamp ($5 - $10) for guided anglers (aimed to fund an orderly transfer in allocation between commercial and charter halibut and salmon sectors). This compensated reallocation proposal would require a regulatory amendment to allow the State to hold halibut QS. Stamp revenue would be directed into a dedicated Fish and Game fund and could be used for halibut and/or salmon;
- The State is seeking delegated authority under an amendment to the Halibut Act to manage the recreational halibut fisheries;
- The State is pursuing limited entry (legislation not yet drafted) and will hold its own stakeholder meeting in mid-November. The committee was concerned that a State limited entry system could replace the proposed Council moratorium.

The Committee was encouraged by the State's plans to meet with charter industry to limit effort in the charter halibut fisheries. This led to the next report, which detailed how the Halibut Act could be amended to allow delegation of authority to manage the recreational halibut fishery, within guidelines recommended by the Council(s).

Proposed Halibut Act amendment Jay Ginter, NMFS, summarized his paper on proposed amendment to the Halibut Act to provide authority to State governments to manage Pacific halibut sport fisheries. Under a proposed amendment, the Secretary could provide executive authority to the State, after such recommendation by the appropriate Council(s). The Council(s) would analyze alternatives to revise the halibut regulations to provide such authorization. While NMFS is not proposing the language itself or such an amendment, staff has provided the language for the State to review. A 60 day advance notice is proposed to allow for review for potential inconsistencies by NOAA, so that sufficient time is available for the Federal government to substitute its own action. Once the Board of Fisheries adopts an action from its "toolbox," then NMFS would review the action for 60 days to determine if the tools are appropriate. A joint meeting of the Council and Board could frontload the review.

Kelly Hepler, ADF&G, reported that the State of Alaska does not intend to seek authority for setting sector allocations; that decision would remain with the Council. Delegation would encompass the management tools for implementing regulations that would limit harvest to such allocations. The committee questioned whether non-guided recreational fisheries should be included in the delegated authority, and it was noted that this statutory change would also affect Washington, Oregon, and California, which do have non-guided angler allocations. The North Pacific Council could limit its delegation of authority to only managing the charter fishery to stay within its allocations, while the Pacific Council may wish to delegate management of both guided and non-guided fisheries to the States in accordance with its catch sharing plan.

The committee and staffs agreed that the Federal and State agencies should develop a close working partnership to assure consistency of State and Federal regulations, so that rescinding the delegation of authority is not necessary or required. Any appeals to the Federal government that State statutes, regulations, or actions are not consistent with the Halibut Act must first go through NMFS administrative review.

The Charter Halibut Stakeholder Committee believes that state delegation is a potentially valuable tool that would work with some of the options of the permanent solution and the moratorium the Stakeholder Committee and Council is working on. However, we do not support state delegation being used as a stand alone solution in place of the moratorium and permanent solution the Stakeholder Committee and Council are working on. The Council needs to complete its obligation to the charter sector and commercial sector for a long term permanent solution.

The Committee recommends that any delegation of authority exclude the allocation between sectors and that this remain the responsibility of the Council, and that any delegation be for the charter sector only, and that the Council retains oversight of any delegation granted to the state.

Moratorium Jane DiCosimo, NPFMC, reviewed the moratorium alternatives and issues, as adopted by the Council in June 2006. The Council's June motion includes committee and staff recommendations. She reviewed staff recommendations for streamlining options. The committee accepted staff recommendations for revising language under Alternative 2 issues and options, including clarifying comments in the footnotes.

In reviewing the moratorium discussion paper, Ms. DiCosimo pointed out that data does not exist to differentiate between inspected and uninspected vessels, which are referenced under Alternative 2, Issues 7 and 12. Issue 7 was intended to implement different limits on the number of clients that may be taken charter fishing (as an endorsement to the proposed charter moratorium limited entry permit) for inspected (6-packs) and uninspected (larger) vessels. Specific committee recommendations to requests for clarification by staff are identified below.

Issue 7

Given the lack of information on inspected and uninspected vessels, the Council will need to provide additional direction regarding how they want to define how many clients a vessel will be allowed to carry. In response, the Committee recommended that references to inspected and uninspected vessels be deleted from Issue 7 and that the analysis consider setting a permit endorsement equal to the highest number of clients, but not less than 4. The committee noted that such endorsements could increase latent capacity above "typical" levels of clients per vessel, but would address some aspect of latency by not automatically granting all 6-pack permits a 6-client endorsement (for example, a Southeast operator that could take 6 clients, usually took 2 clients, but occasionally took 4 clients would get a permit endorsement of 4 clients). That permit would have a permanent endorsement of 4 clients. The committee questioned whether to allow more clients (rods) than were used, but concluded that a future share-based system would still allocate a share of the fishery based on historical participation, except for those proposed to be allocated to community entities.

Issue 8

The Council has been requested to state its intent regarding whether stacked licenses are permanently joined together, or if they can be separated and moved to other vessels with the characteristics they were initially issued. The committee recommended that stacking of permits be allowed, and that stacked permits be separable. The committee concurred with the staff conclusion that stacking permits would reduce the number of vessels that may carry clients, but it would not reduce the total number of clients that could be carried. The committee recommended that each stacked permit must meet the minimum trip threshold to remain valid each year, and that a business may not hold more than 1 permit beyond the capacity of the vessel on which it will be assigned to discourage stacking and hoarding of permits that may be needed by the fleet. Only permits could be stacked and unstacked. An endorsement can not be separated from its permit.

Issue 10

- *The Council may wish to clarify how the minimum landing criteria is defined. Two options have been identified as the possible meaning of this option.*

  1) *A permit would be issued to the business owner* ***for each vessel that met the minimum requirement*** *of 1, 5, 10, or 20 bottomfish logbook trips in 2004 or 2005, and participation in the year prior to implementation; or*
  2) *Each business that reported a minimum of 1, 5, 10 or 20 bottomfish logbook trips during 2004 or 2005, and had participation in year prior to implementation, would be issued a permit* ***for each vessel they currently own and operated*** *during the qualifying year(s).*

The committee clarified that under either approach, the permit would be issued to "the registered business owner." The committee recommended a blending of the two approaches above, such that the business would be subject to the minimum number of bottomfish trips (summed for all vessels), but each individual vessel would not need to meet the threshold. For example, a business could have 3 vessels with 6, 10, and 8 trips, respectively (total trips = 24). This would result in the business receiving 1 permit under a 20 trip minimum; 2 permits under a 10 trip minimum; and 3 (only three vessels in the example so only 3 permits could be issued) permits under a 5 trip minimum.

The committee agreed that a minimum threshold of 1 trip was too low to qualify a business owner into the limited entry program; however, there was not consensus to recommend deleting it in committee since that would greatly reduce the number of eligible permit holders; instead, the decision was deferred to the Council. It noted that its blended approach would result in additional permits being issued for vessels that were used to replace an inoperable vessel during a season or

those used to augment its fleet during peak periods. It discussed whether the Council should adopt a certain trip threshold for a business' first vessel, and a lower threshold for each vessel beyond its first.

Committee members expressed concern about situations in which owners replaced vessels during the qualifying years and that some history could be lost as vessels are transferred. Staff explained that the key to understanding the proposed limited entry program is that qualification accrues to the owner of the business that submitted the logbook, and not to the vessel. Qualification for a permit is derived from activities of a specific vessel. The nexus is the logbook record of each vessel operated by a business. Once a permit is issued to the business that operated a vessel, the permit is independent of that vessel and may be used on any vessel. Therefore, a business owner would be granted one permit if s/he filed the minimum number of logbooks required for: 1) Vessel A in 2004 and year prior to implementation; or 2) Vessel A in 2005 and year prior to implementation; or 3) Vessel A in 2004 and Vessel B in the year prior to implementation; or 4) Vessel A in 2005 and Vessel B in the year prior to implementation.

The committee also noted that some businesses employ replacement vessels (when the main vessel fails) for which businesses filed separate logbooks. Those businesses would earn a permit for these replacement vessels; those permits could later be transferred to another business or increase the capacity of the original business. This could be mitigated by applying minimum eligibility criteria to reduce latent capacity under Issue 10.

- *It is assumed that the one year of ADF&G halibut/bottomfish logbook activity refers to the owner and not the vessel.* The committee concurred.

Issue 11

This alternative also does not address how the minimum activity is calculated. For a business that owns a single vessel it is obvious. The vessel and the business each have the same number of trips and that number must be equal to or greater than the minimum number selected under Issue 10. However, if a business owns three vessels, must all three vessels meet the minimum trip requirement in Issue 10, or does just the business need to meet the minimum trip requirement? Does the trip requirement change if the permits are "stacked" as allowed under Issue 8? The committee recommended that the same method for determining minimum trip activity under Issue 10 be applied under Issue 11.

Issue 12

- *The Council may want to reconsider its use cap alternative (relative to differentiating between inspected and uninspected vessels) since it cannot be analyzed. If the Council elects to proceed with the alternative as written, NOAA Fisheries will need to collect vessel class information, perhaps as part of their permitting process, to enforce the proposed caps.* The committee recommended that references to inspected and uninspected vessels under Issue 12 be deleted, and that use cap options of 1, 5, or 10 permits be analyzed for all vessels.

- *Should the Council proceed with the alternative as written, the Council must state its intent regarding whether the use cap options for permits on uninspected vessels are mutually exclusive or additive with the use cap options for the inspected and uninspected (>100gt) vessels. In other words, if Option 3 is selected for both types of vessels, can an owner hold 10 uninspected vessel permits and 3 inspected vessel permits? Or must the owner choose which type of vessels they want to operate and be limited by the 10 uninspected vessel permits or the 3 inspected vessel permits?* This point is moot under the committee recommendation to delete the inspected and uninspected categories.

Nicole Kimball, NPFMC, reviewed the discussion paper on community options (Alternative 2, Issue 13). The Committee responded to questions posed in the paper. The committee recommended that any gifted (Options 2 or 3) permits should not be transferable (i.e., sold). Permits provided from the non-renewed pool under Option 3 would return to that pool if unused by a community. The Committee discussed adding an option to issue permits to only those communities with no current charter operators, in order to minimize competition with existing businesses. However, the committee did not recommend adding an explicit option, as it is already included in the range to be analyzed.

The Committee made the following recommendations on Alternative 2, Issue 13, Options 1 – 3:

Option 1

- The Committee recommended that CQEs be subject to the same overall use caps as any other permit holder (use caps are selected in Issue 12). The Committee also recommended eliminating the 'inspected' and 'uninspected' permit designations, thus, the staff assumption would not be relevant.
- The Committee recommended that the overall use caps for CQEs (see above) be inclusive of any permits purchased under Option 1 or received under Option 2 and/or Option 3.

Option 2

- The intended beneficiary of the provision is the CQE representing the community; therefore, delete "on behalf of a community resident."
- The language is recommended to be revised as follows: "A CQE representing a community, in which 5 or fewer active charter businesses terminated trips in each of the years 2004, 2005, and prior to implementation, may request a limited entry permit..."
- Change the definition of "active" charter business from 20 or more bottomfish trips to mirror the preferred alternative selected under Issue 10 (i.e., 1+, 5+, 10+, or 20+)
- Apply separate use caps for gifted permits (Area 2C – 3 permits; Area 3A – 5 permits).
- Upon verification that the CQE is qualified, NMFS would distribute the requested permit to the CQE, without further qualification.
- The halibut charter permit issued to a CQE would be designated for the area (Area 2C or 3A) in which the community represented by the CQE is located.
- The halibut charter permit issued to a CQE would be endorsed for six clients (i.e., 6-pack).
- The CQE is not allowed to sell the permit.
- Requested permits must be used within the first full season after receiving the permit or it is not renewed by NMFS. CQEs can re-apply for permits in the future.

Option 3

- Amendment 66 communities that qualify under Option 3, but do not qualify under Option 2, should not be given a higher priority for receiving non-renewed permits under Option 3.
- Apply Option 2 community eligibility criteria to Option 3 (require 5 or fewer charter businesses per community; change definition of 'active' business to mirror minimum activity (trips) in Issue 10, Option 1).
- A non-renewed halibut charter permit could only be issued to a CQE located in the IPHC area for which the permit is originally designated. Provide more information in analysis of potential communities in Area 2C that regularly charter in Area 3A and may want an Area 3A permit.
- A non-renewed halibut charter permit issued to a CQE would be limited to 6 clients.

• Communities that qualify under Option 3, but do not qualify under Option 2, will be subject to the same use cap specified in Option 2.

• The CQE is not allowed to sell the permit.

• Requested permits must be used within the first full season after receiving the permit or it is not renewed by NMFS (permit returns to the 'non-renewed permit pool'). CQEs can re-apply for permits in the future.

Allocation/Share-based Systems Jane DiCosimo reviewed the Council's June 2006 suite of alternatives and options for an allocation and share-based system. Staff recommended reorganizing the alternatives into separate: 1) allocation and 2) share-based systems (permit endorsements or quota share program) actions, which could either build on or replace the limited entry permit program in the first analysis. The committee concurred with this approach to streamline the decision making process; however, the committee recommended that the allocation and share-based systems be provided in the same analysis. The committee recommended additional streamlining of options, which are described below.

Jonathan King, NPFMC contractor, summarized a paper on six discussion points associated with the allocation/permit endorsement alternatives. The points included availability and quality of charter halibut data; the committee did not provide recommendations on this topic. The remaining five topics, and committee recommendations, are described below.

Alternative 2 Issue 1 - Sector Allocation Formulas Under the committee's recommendation for a revised Action 2, Alternative 2 to set an allocation between the charter and commercial sectors[1], a preliminary analysis using 2004 data predicted that some options would result in the charter halibut sector receiving more allocated halibut than they currently use. However, the 2005 data reveals that it is unlikely that any of the allocation formulas would result in allocations higher than current usage in Area 2C and that some of the allocation formulas would leave industry in that sector substantially short (up to one-third short) of current usage levels. Options 1a, 1b, and 2a would still allocate more halibut than current usage levels in Area 3A. However, early 2006 estimates indicate a jump in halibut consumption in Area 3A over 2005 levels. If harvest growth continues at this elevated pace the estimates of how long the sector in Area 3A would have "extra" halibut would shorten.

Alternative 2 Issue 1 - Sub-Area Allocations. The committee suggested that some geographical areas are not abundant in halibut during parts of the sportfishing season. Operators in these areas would not have access to halibut if sub-area boundaries or restrictions prevented them from fishing in certain areas, particularly in Juneau.

Alternative 2 Issue 3 – Mechanisms to Increase Charter Sector Allocation. The committee proposed a new funding mechanism for an orderly, compensated transfer of allocation from the commercial to the charter sector. This could be included as a variant of Option 3. It would involve pre-season leasing of underage allocations (up to 10% of individual allocation) by individual commercial halibut IFQ holders to a regional association. A regional association would self-assess fees that the State would collect.(The association administers the funds after the Legislature directs the funds back to the association. Any unused transferred allocation could be returned to the commercial sector (through either: 1) a pro-rata basis to all who pledged; 2) on a "first come/first served" basis; or 3) by lowest bid). Some preferred this proposal to the State charter stamp, because the latter involves species other than halibut. Economic arguments in favor of it accrue from fishermen voluntarily pledging part of their allocations rather than an uncompensated transfer, and the ability to forecast the need for a reallocation to compensate those who

[1] Alternative 2, Issue 1 in the Council's June 2006 suite of alternatives.

pledge their 10%. Some members suggested that the Council could decide to reallocate 10% of every IFQ holding and to have the charter sector compensate them, although is would not be expected that every QS holder would voluntarily forego his/her 10%. This proposal is linked with Issue 2 Option 2 to allow overages/underages to be transferred across sectors. And the regional association model could also be applied to permanent QS transfers from individual commercial QS holders to increase the charter sector allocation (rather than just between commercial QS holders and individual charter operators under a QS program).

Agency staff expressed some initial reservations with the proposal. The underage and overage provisions of the commercial IFQ program are intended to balance accounts by the end of the season to stay under the quotas. Transferring underages (in total or in parts) could result in the commercial quotas being exceeded if overages are not balanced by underages within a year. Staff noted that a reduction in commercial harvests will shift a greater burden on remaining landings to cover the commercial IFQ fees; these fees will not be attached to charter harvests under either permit endorsements or a QS program. But this shift in fee structure would occur under any shift in allocation away from the commercial sector. Staff suggested that it would be simpler to allow leasing up to 10% of an individual's IFQ holding to a regional association, although it would raise policy issues regarding leasing of commercial IFQs.

Alternative 2 Issue 4 - Proposed Finance Mechanisms. The committee concurred with the staff recommendation to move this issue to an appendix, since it was unlikely that the Council would select a funding mechanism in its preferred alternative and provisions would not be promulgated into Federal regulation. However, it viewed the options as integral to the Council's selection of a preferred alternative. It requested an expanded analysis of the potential role of an organization equivalent to the regional salmon marketing associations. The committee felt that such an organization could play an important role in the compensated transfer of halibut between the commercial and charter sector, noting the example self-taxing in the British Columbia sport halibut fishery. It also requested expanded discussion of the use of the 10 percent underage used by most commercial operators as a potential source of halibut which could be leased to the charter sector. The committee requested a deeper discussion of the temporal aspect of short-term/long-term leasing and permanent sales between sectors and potential passenger stamp.

Alternative 3 Issue 2 - Permit Classes The committee was concerned about the amount of latent capacity that could remain under some of the limited entry options that have very low thresholds (e.g., 1); even the highest threshold of 20 trips per year is much lower than an average charter business runs. The committee requested analysis of the amount of latent capacity reduction that might occur under the permit class issue. Permit classes could be dropped later in the Council process if it is determined to be ineffective.

The committee noted that the first analysis is intended to limit new entry and that mechanisms to reduce latent capacity would be achieved under share-based alternatives in the second analysis. The committee noted numerous avenues capacity could be increased under a limited entry program: vessels could increase capacity by increasing number of clients, hours per day and half day trips can be expanded to 2 full days either by the initial recipient or to a second generation permit holder. The committee noted that clients guided by full day operators typically catch bigger fish and requested that ADF&G provide the number of operators fishing half days by port, with a description of this phenomenon.

Some members disagreed that increasing growth is coming from operators with latent or infrequently used capacity, and instead much of the growth is coming from moderately established permit holders taking 35 to 45 trips per season. Analysis of both issues would speak to the efficacy of permit classes as a method of controlling effort.

Alternative 3 Issue 3 - Share-Based Permit Assignments The committee agreed that the angler-day option would be more effective than a combined trips/rods option, or trips or rods singly. Therefore, it

recommended that the Council delete the rod and trip options from the analysis and focus on angler or "client-days" as an alternative to the QS program. The committee debated the definition of a "client day." Several members argued that it would be better to call it a "halibut limit opportunity" rather than an angler day. Others said that it was important that the point at which an angler-day was "utilized" was when "bait touched the water" even if no halibut were harvested. An earlier trigger would result in wasted angler-days when trips became cancelled before reaching the fishing grounds because of bad weather. The committee noted that a half day trip is also the equivalent of one "client day."

Alternative 3 Issue 6 - Communities The committee recommended removing all of the language under this issue, as it pertains wholly to community eligibility. Community eligibility is anticipated to be developed in the limited entry analysis. The committee recognized that it is necessary to keep the issue as a placeholder at this point, since options will need to be developed to determine how to assign permit endorsements to permits held by CQEs under Alternative 3. (Note that the community provisions necessary under the allocation/quota share analysis will be better understood once the Council selects a preferred alternative in the moratorium/limited entry analysis.)

Alternative 4 Issue 1 – QS recipients The committee accepted staff recommendation to revise Issue 1 so that eligibility to receive QS is linked to a limited entry permit. The committee agreed with the staff interpretation that data tied to the original recipient; upon transfer, would be linked to the current holder of the permit.

Other Topics The committee recommended that the analysis discuss the interplay between the unguided and charter sectors and growth trends in the overall charter sector. The argument here was that if charter restrictions become too onerous, it may force individuals to the unguided sector and the amount taken by this sector would still be taken "off the top" when the IPHC performs its annual calculations. Thus, the permanent solution may be less than permanent if the growth in the unguided sport sector creates similar problems to those by the charter sector.

Separate Accountability Jane DiCosimo summarized the ALFA proposal for the Council to recommend that the IPHC deduct the GHLs instead of charter removals to calculate the commercial halibut quotas. She identified the key points as outlined by the agencies in the April 2006 staff discussion paper. The Council is scheduled to consider the proposal again in December 2006. The committee reaffirmed its previous recommendation that the proposal is premature and is part of the long term solution.

State delegation The committee tentatively supports delegation of some authority for managing halibut to the State of Alaska, but has concerns about how broad the authority might be. Specifically, the committee recommends that allocation decisions should be reserved by the Council. The committee further commented that it would not support delegation of limited authority to the State if it meant that Council action on the proposed moratorium, allocation, and share-based systems would be discontinued.

Subarea allocations The State has proposed setting charter halibut allocations by subareas. Doug Vincent-Lang distributed hand-outs at the beginning of the meeting for committee members to review. Four major areas are proposed by each IPHC area. In Area 2C, the four subareas are: Northern Southeast Inside, Northern Southeast Outside, Southern Southeast Inside, Southern Southeast Outside. In Area 3A, the four areas are: Cook Inlet, Prince William Sound, Kodiak, and Yakutat. The intent is that areas with less client effort and charter businesses (e.g., Kodiak) would not be closed down due to harvests in areas with more client effort and charter businesses (Cook Inlet).

The Committee has many reservations with using sub-areas, but would like to see more text and tables on how the State would propose to use subareas in the Council's proposed allocation and share-based systems. The goal would allow local solutions to local problems/issues, such as local depletion, but it also

could generate competition and conflict between communities where there currently are none. The committee requested that ADF&G staff provide data of businesses, vessels, anglers, harvests by proposed subareas to determine how effort would be allocated. The committee asked if subareas could be based on State statistical areas.

Next Meeting The committee would like to convene to review the draft moratorium analysis (tentative dates are January 29-30, 2007 in Anchorage) as its sole agenda item.

Staff Jane DiCosimo, Nicole Kimball, Jay Ginter, Jason Gasper, Phil Smith, John Lepore, Kevin Heck, Doug Vincent-Lang, Allen Bingham, Scott Meyer, Gregg Williams, Jonathan King (Northern Economics)

Public Bryan Bondioli, Ed Hansen

Dated: January 15, 2002.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 011206293–1293–01; I.D. 101501A]

RIN 0648-AK17

Pacific Halibut Fisheries; Guideline Harvest Levels for the Guided Recreational Halibut Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement a guideline harvest level (GHL) and a system of harvest reduction measures for managing the harvest of Pacific halibut in the guided recreational fishery in International Pacific Halibut Commission (Commission) areas 2C and 3A off Alaska. The GHL would establish an estimated amount of halibut harvests that may be taken annually in the guided recreational fishery. The system of harvest reduction measures would provide for a number of management measures to take effect incrementally in the event that harvests exceed the GHL. This action is necessary to allow NMFS to manage more comprehensively the Pacific halibut stocks in waters off Alaska. It is intended to further the management and conservation goals of the Northern Pacific Halibut Act of 1982 (Halibut Act).

DATES: Comments on the proposed rule must be received by February 27, 2002.

ADDRESSES: Comments must be sent to Sue Salveson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the Environmental Assessment/ Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/ RIR/IRFA) prepared for this action are available from the North Pacific Fishery Management Council at 605 West 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

SUPPLEMENTARY INFORMATION:

Background

The Commission promulgates regulations governing the Pacific halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979). The Commission's regulations are subject to approval by the Secretary of State with concurrence of the Secretary of Commerce (Secretary) (16 U.S.C. 773b). Additional management measures may be developed by the North Pacific Fishery Management Council (Council) to allocate harvesting privileges among U.S. fishermen. The Halibut Act provides NMFS with authority to implement such allocation measures through regulatory amendments approved by the Secretary in consultation with the Council. In addition to the IPHC regulations, the commercial halibut fishery off Alaska is managed under the halibut Individual Fishing Quota (IFQ) Program implemented in 1995.

Each year the Commission staff assesses the abundance and potential yield of Pacific halibut using all available data from the commercial fishery and scientific surveys. Harvest limits for 10 regulatory areas are determined by fitting a detailed population model to the data from each area. A biological target level for total removals in a given area is then calculated by multiplying a fixed harvest rate, presently 20 percent, to the estimate of exploitable biomass. This target level is called the "constant exploitation yield" (CEY) for that area in the coming year. Each CEY represents the total allowable harvest (in net pounds) for that area, which cannot be exceeded. The Commission then estimates the sport and personal use, subsistence harvests, wastage, and bycatch mortalities for each area. These are subtracted from the CEY and the remainder may be set as the catch quota for each area's directed commercial fixed gear fishery. Allocations to the guided recreational fishery are thus unrestricted within the CEY and represent an open-ended allocation to the guided recreational fishery from quota available to the commercial halibut fishery. Hence, as the guided recreational fishery expands, its harvests reduce the pounds available to be fished in the commercial halibut fishery and, subsequently, the value of quota shares (QS) in the IFQ Program.

The Council has discussed the expansion of the halibut guided recreational fleet since 1993, when the rapid increase in guided recreational vessel effort in some small Alaskan communities, such as Sitka, gave rise to concerns about localized depletion of the halibut resource and the potential reallocation of greater percentages of the CEY from the IFQ fishery to the guided recreational vessel fishery. In 1995, the Council developed the following six-point problem statement to direct its analysis of issues attending the guided recreational halibut fishery:

The recent expansion of the halibut charter industry may make achievement of Magnuson-Stevens Act National Standards more difficult. Of concern is the Council's ability to maintain the stability, economic viability, and diversity of the halibut industry, the quality of the recreational experience, the access of subsistence users, and the socioeconomic well-being of the coastal communities dependent on the halibut resource. Specifically, the Council notes the following areas of concern with respect to the recent growth of halibut charter operations:

1. Pressure by charter operations may be contributing to localized depletion in several areas.

2. The recent growth of charter operations may be contributing to overcrowding of productive grounds and declining harvests for historic sport and subsistence fishermen in some areas.

3. As there is currently no limit on the annual harvest of halibut by charter operations, an open-ended reallocation from the commercial fishery to the charter industry is occurring. This reallocation may increase if the projected growth of the charter industry occurs. The economic and social impact on the commercial fleet of this open-ended reallocation may be substantial and could be magnified by the IFQ program.

4. In some areas, community stability may be affected as traditional sport, subsistence, and commercial fishermen are displaced by charter operators. The uncertainty associated with the present situation and the conflicts that are occurring between the various user groups may also be impacting community stability.

5. Information is lacking on the socioeconomic composition of the current charter industry. Information is needed that tracks: (1) the effort and harvest of individual charter operations; and (2) changes in business patterns.

6. The need for reliable harvest data will increase as the magnitude of harvest expands in the charter sector.

In September 1997, the Council took final action on two management actions affecting the halibut guided recreational fishery, culminating more than 4 years of discussion, debate, public testimony, and analysis. First, the Council

approved recording and reporting requirements for the halibut guided recreational fishery. To implement this requirement, the Alaska Department of Fish and Game (ADF&G) Sport Fish Division, under the authority of the Alaska Board of Fisheries, instituted a Saltwater Charter Vessel Logbook (Logbook) in 1998. Information collected under this program provides fishery scientists and managers with the number of fish landed and/or released, the date and primary location of fishing, the hours and number of lines fished, the number of clients and crew fishing, the ownership of the vessel, and the identity of the vessel operator.

The logbook collects such information as the Council and ADF&G determined at the time to be essential for managing the guided recreational fishery harvests of halibut. It complements additional sportfish data collected by the State of Alaska (State) through the Statewide Harvest Survey (Harvest Survey), conducted annually since 1977, and the on-site (creel and catch sampling) surveys conducted separately by ADF&G in Southeast and Southcentral Alaska.

For the second management action in September 1997, the Council recommended GHLs for the halibut guided recreational fishery in Commission regulatory areas 2C and 3A. The GHLs were based on the guided recreational sector receiving 125 percent of its 1995 harvest. This amount was equivalent to 12.76 percent and 15.61 percent of the combined commercial/guided recreational halibut quota in areas 2C and 3A, respectively. The Council stated its intent that guided recreational harvests in excess of the GHL would not lead to a mid-season closure of the fishery, but instead would trigger other management measures to take effect in years following attainment of the GHL. The overall intent was to maintain a stable guided recreational season of historical length, using area-specific harvest reduction measures. If end-of-season harvest data indicated that the guided recreational sector likely would have reached or exceeded its area-specific GHL in the following season, NMFS would implement measures to slow down guided recreational halibut harvest. Given the 1-year lag between the end of the fishing season and the availability of that year's harvest data, management measures in response to the guided recreational fleet's meeting or exceeding the GHL would take up to 2 years to become effective. However, the Council did not recommend specific management measures to be implemented by NMFS if the GHL were reached.

In December 1997, the NMFS Alaska Regional Administrator informed the Council that the GHL could not be published as a regulation without specific management measures to give it effect. Further, because the Council had not recommended specific management measures by which to limit harvests if the GHL were reached, no formal approval decision by the Secretary was required for the Council's proposed GHL policy, and it was not forwarded for review.

After being notified that its 1997 GHL policy recommendation would not be submitted for review, the Council initiated a public process to identify GHL management measures. The Council formed a GHL Committee to recommend alternative management measures for analysis that would constrain guided recreational harvests below the GHL. In April 1999, the Council identified the following for analysis: (1) a suite of GHL management measure alternatives; (2) alternatives that would change the GHL as approved in 1997; and (3) area-wide and local area management plan moratorium options under all alternatives. Several factors influenced the Council to recommend a program in which the implementation of harvest reduction measures would be triggered in fishing years subsequent to a year in which the GHL was achieved or exceeded. Among these factors were (1) the unavailability of reliable in-season catch monitoring for the halibut guided recreational fishery; (2) the impracticality of making in-season adjustments to the commercial IFQ fishery; and (3) the undesirability of shortening the current guided recreational fishing season, which the Commission's annual halibut regulations have typically set between February 1 and December 31.

In February 2000, after 7 years of discussing the halibut guided recreational fishery, the Council took final action and voted 10-1 to recommend a redefined halibut guided recreational GHL and a system of management measures, the essential design of which was forged by representatives of both the commercial halibut fishery and halibut guided recreational fleet. As part of this action, the Council also recommended expediting review of a proposal to integrate the halibut guided recreational fisheries in Commission Regulatory Areas 2C and 3A into the existing commercial IFQ Program. The Council reviewed the analysis for that proposal in February, 2001, and, at its meeting the following April, it took final action to recommend implementation of halibut guided recreational IFQs. If approved by the Secretary, a halibut guided recreational IFQ program would supersede the management of the fishery under the GHL proposed in this action.

The GHL

The GHL establishes a pre-season estimate of acceptable annual harvests for the halibut fishery in Commission areas 2C and 3A. To allow for limited growth of the guided recreational fleet while approximating historical harvest levels, the GHLs would be based on 125 percent of the average of 1995-99 guided recreational harvest estimates as reported by the ADF&G's Harvest Survey. By weight, the GHLs would equate to 13.05 percent of the combined guided recreational and commercial quota in area 2C or 1,432,000 lb (649.5 mt) net weight; and 14.11 percent of the combined guided recreational and commercial quota in area 3A or 3,650,000 lb (1,655.6 mt) net weight.

The GHL would be responsive to annual reductions in stock abundance. In the event of a reduction in either area's halibut stocks, as determined by the Commission, the area GHL would be reduced incrementally in proportion to the stock reduction. The reductions in the GHL would be made using percentages based on the average harvests from 1999 to 2000, as a reflection of recent harvest levels.

For example, should the halibut stock in area 2C fall 15 percent or more below its 1999-2000 average, the area 2C GHL would be reduced by 15 percent, from 1,432,000 lb (649.5 mt) to 1,217,200 lb (552.1 mt). Should the area stock abundance fall a further 10 percent or more, the GHL would also be reduced by an additional 10 percent from 1,217,200 lb (552.1 mt) to 1,095,480 lb (496.9 mt), and so on with further 10 percent reductions in abundance. As abundance returns to its pre-reduction level (the 1999-2000 average), the GHL would be increased by commensurate incremental percentage points to its initial level of 125 percent of the average of 1995-99 guided recreational harvest estimates.

In the case of increases in stock abundance, the GHL would never exceed its initial level of 1,432,000 lb (649.5 mt) in Area 2C and 3,650,000 lb (1,655.6 mt) in Area 3A. Setting the GHL at 125 percent of the 1995-1999 harvest estimates would allow for limited growth of the guided recreational fishery, but would effectively limit further growth at this level. NMFS invites public comment on this feature of the proposed action.

Harvest reduction measures

The GHL will not institute in-season actions to reduce guided recreational harvests. Instead, measures to reduce guided recreational harvests would be implemented by notification in following years. NMFS specifically requests that the public provide comments on this method of implementing management measures to reduce halibut harvest. The ADF&G typically publishes data on a given year's halibut guided recreational harvests from the ADF&G's Logbook program and Harvest Survey, respectively, in February and August of the following year. Given this delay between a given year's harvests and the issuance of logbook and harvest survey reports of the data from those harvests, measures to reduce guided recreational harvests would also be delayed to ensure the accuracy of data indicating that harvests exceeded the GHL.

NMFS would reduce harvests incrementally, based on the percentage at which the previous year's harvests exceeded the GHL. For example, a reduction in the daily "bag limit" or number of halibut a sport angler may harvest each day would be triggered and implemented only as the final tool when the GHL is exceeded by greater than 50 percent. This measure, like the others for harvests over 20 percent, would be implemented in the second year following the year of overharvest. For purposes of this limitation, daily bag limit means the amount of halibut that may be harvested per calendar day, or as specifically defined for waters in and off Alaska, the period from 0001 hours, A.l.t., until the following 2400 hours, A.l.t. (See 50 CFR 679.2 Definitions, Daily reporting period or day.)

In this system of harvest reduction measures, "harvest" means the catching and retaining of fish and, in the context of prohibiting harvests by a vessel's skipper and crew, is intended only to preclude retention by a vessel's skipper and crew and not to prevent a vessel's crew from assisting clients in fishing for and catching halibut.

The system recommended by the Council is as follows.

AREA 2C MANAGEMENT TOOLS

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.
10-15 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut.
16-20 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than seven halibut harvested on a guided recreational vessel during the calendar year.
21-30 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than six halibut harvested on a guided recreational vessel during the calendar year.
31-40 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than five halibut harvested on a guided recreational vessel during the calendar year.
41-50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year.
More than 50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year; Between the dates of August 1 and August 31, no person may retain more than 1 halibut per day harvested aboard a guided recreational vessel.

AREA 3A MANAGEMENT TOOLS

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.
10-20 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut.
21-30 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than seven halibut harvested on a guided recreational vessel during the calendar year.

AREA 3A MANAGEMENT TOOLS—Continued

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
31-40 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than six halibut harvested on a guided recreational vessel during the calendar year.
41-50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than five halibut harvested on a guided recreational vessel during the calendar year.
More than 50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year; Between the dates of August 1 and August 31, no person may retain more than 1 halibut per day harvested aboard a guided recreational vessel.

How the System of Harvest Reduction Measures Would Work

No guided recreational halibut harvest reduction measures would be implemented if the total guided recreational harvest in the area (2C or 3A) remains at or below the GHL for that area. However, if the GHL is exceeded in a given year, appropriate harvest reduction measures would be imposed in following years to reduce harvests incrementally by the percentage at which the previous year's harvests exceeded the GHL. For example, if harvests in Area 2C in 2002 exceeded the GHL by 15 percent, halibut guided recreational harvests in that area would be restricted in 2003 by prohibiting harvests by skipper and crew and by prohibiting a guided recreational vessel from concluding more than one fishing trip during which halibut are harvested during a single 24-hour period.

In years when harvests exceed the GHL by an amount greater than 20 percent of the GHL, harvest reduction measures would be implemented in two phases. First, measures designed to achieve a reduction of up to 20 percent in guided recreational harvests would be implemented for the fishing year following the overage. Second, measures designed to achieve greater than 20 percent reductions in harvest (e.g., annual limits and a one-fish bag limit in August) would be implemented 1 year later to allow for verification from the Harvest Survey of the percentage by which guided recreational harvests exceeded the GHL. For example, if guided recreational harvests in 3A were exceeded in 2002 by 35 percent, in 2003, harvests would be restrained by prohibiting harvests by skipper and crew and by prohibiting a guided recreational vessel from concluding more than one fishing trip during which halibut are harvested during a single 24-hour period. In the following year, 2004, once NMFS has data verifying that the GHL was exceeded by 35 percent, harvests would be further restrained by imposing an annual limit of six fish on each individual angler fishing from a guided recreational vessel.

The reason for the delay in implementing the harvest reduction measures is to not over-react to an overharvest until such time that NMFS has all data verifying the extent of overharvest, and so that, if necessary, either NMFS can institute greater or lesser reduction measures or the Council can recommend that measures currently in place be removed.

Once 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. The Administrator, Alaska Region, NMFS (Regional Administrator) would announce such measures by notification in the **Federal Register** prior to the start of the annual sport halibut fishing season.

The proposed system of harvest reduction measures was developed by the Council using its best estimates of which measures would have the least effect and which the greatest effect. At present, no single management measure can be accurately projected as reducing harvests by a certain percentage. For this reason, the measures more likely to reduce harvests substantially are reserved for curtailing harvests that greatly exceed the GHL. The experience of managing the guided recreational fishery under this system would likely give the Council and NMFS more certain data in the future by which to determine the extent of each particular management measure's ability to reduce harvests. Therefore, at the end of a sport halibut fishing season during which harvest reduction measures were in effect, the Council would review such measures to evaluate their efficacy in preventing further harvests in excess of the GHL or the appropriateness of lifting such management measures. This review accomplishes two goals: the first is to evaluate whether the overharvest is likely to continue in the subsequent years and the second is to evaluate whether any additional refinements are needed for any restrictions currently in place. If the Council, in consultation with NMFS, determines that restrictions should be lifted or refined, NMFS will undertake rulemaking to implement them, so long as the agency approves of such possible changes. Rulemaking will be undertaken in accordance with the requirements of applicable law.

Implementation Issues

NMFS is working with the Council and the ADF&G to resolve a number of recordkeeping and reporting issues essential to NMFS' ability to monitor compliance with the proposed harvest reduction measures. As noted above, in 1998 the ADF&G instituted its saltwater charter logbook program in response to the Council's initial recommendations for managing the halibut guided recreational fishery. The logbook provides one means by which NMFS may monitor compliance with harvest reduction measures in the field during the fishing season. However, NMFS' access to data derived from the logbook is limited by Alaska Statute 16.05.815 of the State's fish and game regulations, which requires that information provided to the State in compliance with its regulations be kept confidential and may not be released. This confidentiality provision prevents NMFS from accessing logbook data for enforcement purposes once logbooks have been submitted to the State and may prevent NMFS from accessing the information for such purposes prior to its submission to the State.

Moreover, 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 ADF&G sportfishing license currently requires an angler's up-to-date information on catches of species that are managed under annual limits. Adequate monitoring of an annual limit on halibut harvests would require that halibut harvested aboard guided recreational vessels be added to this list. The ADF&G sportfishing license would then provide an additional means of monitoring compliance with harvest reduction measures in the field. NMFS may also require post-season data collection on annual limits for enforcement purposes, in which case an additional collection-of-information requirement would need to be put in place either as part of the logbook or by an alternative means.

Adequate recordkeeping and reporting requirements and monitoring capabilities are imperative to the enforceability and, hence, the success of the proposed GHL program in managing harvests by the guided recreational fishery. As explained above, NMFS is working with the ADF&G and State to resolve these recordkeeping and reporting issues. The ability of NMFS to adequately monitor and enforce a program is an important consideration when NMFS decides whether to approve recommendations of the Council.

Currently, there are no new collections of information associated with this proposed rule. As detailed above, NMFS is working with the State of Alaska to obtain the information necessary to enforce this rule. Nevertheless, if such efforts fail or necessary information if otherwise unavailable, NMFS may implement future collections of information in accordance with applicable law if necessary to monitor compliance.

Classification

The Council prepared an IRFA for this action that assesses potential impacts on small entities for purposes of the Regulatory Flexibility Act (RFA). According to 1999 ADF&G logbook data, 397 guided recreational businesses operated in Area 2C, and 434 in Area 3A. All 831 guided recreational businesses could be considered small entities for purposes of the RFA. The proposed action also would impact an estimated 4,000 permit holders and 860 registered commercial halibut buyers participating in the commercial halibut IFQ Program, many of which are small entities. Also classified as small entities under the RFA are the many small government jurisdictions with fewer than 50,000 residents that are home to commercial halibut fishermen and guided recreational vessel owners and operators.

The Council identified the following issues in its discussion of the expansion of the halibut guided recreational fleet: (1) possible localized depletion of halibut because of fishing pressure by charter operations; (2) overcrowding of productive grounds and declining harvests for historic sport and subsistence fishermen in some areas; (3) economic and social impact on the commercial fleet by an open-ended reallocation from the commercial fishery to the charter industry, if projected growth of the charter industry occurs; and (4) effect on community stability as traditional sport, substance, and commercial fishermen are displaced by charter operators.

The Council also considered a moratorium on the further entry in the charter fisheries. The moratorium alternatives and options included years of participation, owners versus vessels, evidence of participation, vessel upgrades, transfers, and duration for review. However, the Council rejected the moratorium because, based on the number of qualifying vessels under various options, it was unlikely that a moratorium would constrain the charter harvest. In addition to the moratorium and the no action alternative, the Council considered alternative GHL levels.

The GHL alternatives reviewed by the Council represent trade-offs between the commercial and guided recreational fisheries. The GHL is designed to limit the amount of halibut that may be taken in the guided recreational fishery. The Council also considered not regulating harvests in the guided recreational fishery. However, the Council rejected this as failure to regulate could erode the harvest share available to commercial halibut fishermen, many of whom are also small entities.

The proposed GHL, which allows the charter industry to grow, represents a balance between the status quo's impact on small commercial entities and the impact of more restrictive alternatives on small recreational entities.

As this is a new rule applicable to a previously unregulated group, there are no duplicative or overlapping rules associated with this proposed rule.

This action does not contain federalism implications, as that term is defined in E.O. 13132. This proposed rule has been determined to be not significant for the purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: January 19, 2002.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 300 is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for 50 CFR part 300 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*

2. Section 300.61 is amended by adding "Guided recreational vessel", "Guideline harvest level", and "Harvest" in alphabetical order as follows:

§ 300.61 Definitions.

* * * * *

Guided recreational vessel means a vessel and operator used for hire by a recreational angler for harvesting halibut.

Guideline harvest level means a level of allowable fish harvest by the recreational halibut guided recreational vessel fishery.

Harvest means the catching and retaining of fish.

* * * * *

3. In § 300.63, paragraph (f) is added to read as follows:

§ 300.63 Catch sharing plans, local area management plans, and domestic management measures.

* * * * *

(f) *Guideline harvest levels.* (1) The annual guideline harvest levels for areas 2C and 3A are as follows.

(i) *Area 2C.* (A) The guideline harvest level for area 2C will be 1,432,000 lb (649.5 mt).

(B) In years of low abundance of halibut stocks in area 2C, as determined by the Commission, the guideline harvest level will be reduced:

(*1*) By 15 percent when the halibut stock abundance falls at least 15 percent below its 1999-2000 average; and

(*2*) After the initial 15 percent reduction, by further 10 percent increments as stock abundance declines by additional 10 percent increments below its 1999-2000 average.

(C) *Area 2C harvest reduction measures.* The appropriate annual harvest reduction measures for area 2C, identified in the table below, will take

effect pursuant to paragraph (f)(3) of this section when the Administrator, Alaska Region, NMFS, determines that harvests from the previous year exceeded the GHL for that year by the corresponding percentage.

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
(*1*) Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.
(*2*) 10-15 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut.
(*3*) 16-20 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than seven halibut harvested on a guided recreational vessel during the calendar year.
(*4*) 1-30 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than six halibut harvested on a guided recreational vessel during the calendar year.
(*5*) 31-40 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than five halibut harvested on a guided recreational vessel during the calendar year.
(*6*) 41-50 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year.
(*7*) More than 50 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year; (*iv*) Between the dates of August 1 and August 31, no person may retain more than 1 halibut per day harvested aboard a guided recreational vessel.

(2) *Area 3A.* (i) *GHL.* The guideline harvest level for area 3A will be 3,650,000 lb (1,655.6 mt).

(ii) In years of low abundance of halibut stocks in area 3A, as determined by the Commission, the guideline harvest level will be reduced:

(A) By 15 percent when the halibut stock abundance falls at least 15 percent below its 1999-2000 average; and

(B) After the initial 15 percent reduction, by further 10 percent increments as stock abundance declines by additional 10 percent increments below its 1999-2000 average.

(C) *Area 3A harvest reduction measures.* The appropriate annual harvest reduction measures for area 3A, identified in the table below, will take effect pursuant to paragraph (f)(3) of this section when the Administrator, Alaska Region, NMFS, determines that harvests from the previous year exceeded the GHL for that year by the corresponding percentage.

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
(*1*) Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.
(*2*) 10-20 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut.
(*3*) 21-30 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than seven halibut harvested on a guided recreational vessel during the calendar year.
(*4*) 31-40 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than six halibut harvested on a guided recreational vessel during the calendar year.
(*5*) 41-50 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than five halibut harvested on a guided recreational vessel during the calendar year.

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
(6) More than 50 percent	(*i*) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (*ii*) No operator or crewmember aboard a guided recreational vessel may retain halibut; (*iii*) No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year; (*iv*) Between the dates of August 1 and August 31, no person may retain more than 1 halibut per day harvested aboard a guided recreational vessel.

(3) *Implementation.* (i) As soon as practicable after receiving data on annual harvests in the halibut guided recreational vessel fishery, the Administrator, Alaska Region, NMFS, will publish a notification in the **Federal Register** announcing the harvest reduction measures (if any) to be imposed for the succeeding year, pursuant to paragraphs (f)(1)(i)(C) and (f)(2)(ii)(C) of this section.

(ii) At the conclusion of a guided recreational halibut fishing season during which harvest reduction measures have been in effect, the North Pacific Fishery Management Council will review such measures to evaluate their efficacy in preventing further excess harvests and will recommend that NMFS adjust those measures as necessary to ensure that the following season's harvest levels do not exceed the GHL.

4. In § 300.65, paragraph (c) is added to read as follows.

§ 300.65 Prohibitions.

* * * * *

(c) Any harvest reduction measure issued under § 300.63(f).

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BILLING CODE 3510–22–S

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

June 1, 2006

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Stephanie,

At its last meeting in April 2006, the Council voted unanimously to limit the harvest of Pacific halibut by each recreational angler on a charter vessel to five fish per year in regulatory area 2C (southeast Alaska). When the Council took this action, we noted that the analysis for this action did not address how this annual bag limit would be implemented and enforced through Federal regulations. We indicated also that we would report at the Council's June 2006 meeting on how we would implement the five-fish limit if it were formally proposed to and approved by the Secretary of Commerce (Secretary). This letter is a summary of that report.

In brief, we have determined that the proposed five-fish limit would require a Federal charter vessel halibut angler permit and a charter vessel halibut logbook. This determination is based on our understanding of the Northern Pacific Halibut Act (Halibut Act) and data sharing agreements between the State of Alaska and NOAA Fisheries. We have not yet performed an in-depth analysis of this Federal permit and logbook concept to estimate Federal staffing and other implementing costs. These costs, however, could be substantial. We recommend that the Council reconsider the proposed five-fish limit in October 2006 once these costs have been more fully evaluated. We will develop a complete implementation plan that could be included in the economic impacts analysis for this proposal. If the Council chooses to proceed with its April 2006 action, the corresponding rulemaking process will provide additional opportunity for public comment.

Discussion

The Halibut Act implements the Convention Between the United States and Canada for the Preservation of the Pacific Halibut Fishery of the Northern Pacific Ocean and the Bering Sea (Convention). This law also gives the Council discretionary authority to develop regulations governing United States halibut fishermen in and off of Alaska which are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC). To be implemented, such Council-developed regulations must be approved by the Secretary. This authority is well known to the

Council as it has been exercised frequently in the past (e.g., the Area 4C, 4D, and 4E Catch Sharing Plan, Individual Fishing Quota and Community Development Quota Programs for halibut, and the Subsistence Halibut Program).

In addition, the Halibut Act preempts the State of Alaska (State) from regulating fishing for halibut in Convention waters. Although neither the Convention nor the Halibut Act specify that State regulation of halibut is preempted, the Convention and the Halibut Act amount to a pervasive scheme of Federal regulation to the exclusion of all State laws that are not identical to Federal regulations (see memorandum to the Council from NOAA General Counsel dated December 4, 1995). Hence, the Council's proposed annual limit of five halibut per charter vessel angler in IPHC Area 2C, developed as a means to limit the charter vessel harvest of halibut in this area, appears to be within the Council's authority under the Halibut Act. If the Council's action is approved by the Secretary, NOAA Fisheries would implement it with Federal regulations.

This annual bag limit for halibut would be similar in some respects to the State's annual bag limit for king salmon taken by non-residents. Our preference would be to rely as much as possible on existing State sport licensing and charter vessel reporting requirements to minimize the paperwork burden on anglers and charter operators, and the bureaucratic burden on NOAA Fisheries. Unfortunately, this would not allow adequate enforcement of the proposed five fish annual limit for the following reasons:

- At any point, a Federal officer should be able to determine whether a charter vessel angler has taken his or her halibut limit by checking the record of harvest on the sport fishing license or permit. Recording this information on a State sport fishing license would not allow a Federal officer to make this determination because Federal officers are not authorized to inspect State sport fishing licenses. In addition, a State fishing license is not required for anglers under the age of 16 or anglers 60 years or older with a permanent identification card.

- Recording halibut catch limit information in the State saltwater charter logbook also would prevent Federal enforcement "after the fact" because State confidentiality rules do not allow the State to give logbook information for specific charter vessels to NOAA Fisheries.

- Federal regulations need to be enforced by Federal enforcement officers. This responsibility can not be delegated, contracted, or transferred to the State because the Halibut Act allows for no State regulation of halibut fishing unless such regulation was identical to Federal regulation. Moreover, the Federal Government cannot require the State to enforce a Federal regulation.

The Conceptual Plan

Because of these limitations on the State for regulating halibut fishing, we have concluded that a Federal charter vessel angler permit and a Federal charter vessel operator logbook for halibut would be required. The concept we have developed to date

would require each charter vessel client who intends to catch halibut to obtain a Federal charter halibut permit. This permit would have a unique number, a place to record basic identification information, and a place to mark or record the catch and retention of each of five halibut. Each charter vessel operator would be required to know that each halibut fishing client has a permit and how many halibut each permitted client has already caught before fishing begins. The charter vessel operator also would be responsible for recording in the Federal charter halibut logbook the number of halibut previously harvested by each angler at the start of a fishing trip and the number of halibut harvested by each angler during the fishing trip. The charter vessel operator would be responsible to ensure that none of his or her clients exceed the five fish catch limit while fishing onboard his or her vessel.

Each charter logbook would be submitted to NOAA Fisheries at the end of each fishing season. The logbook data would be electronically scanned for matches of charter halibut permit numbers. An angler's charter halibut permit number would be compared with logbook records to determine whether a charter angler exceeded his or her five fish annual limit. In this event, the angler likely would be contacted by a NOAA enforcement officer.

The concept of a Federal charter vessel angler permit for halibut and charter vessel logbook has yet to be more fully developed. Nevertheless, this plan could be more burdensome for the affected anglers and charter vessel operators than was envisioned by the Council. In addition to the new recordkeeping and reporting requirements, NOAA Fisheries likely would have to absorb certain costs for producing the charter halibut permits and logbooks, distributing them, and recording information reported. NOAA Enforcement also would likely incur additional costs associated with data analysis and enforcement of the regulation. As stated above, we have not yet developed a firm estimate of these costs in personnel or operation, but it could be substantial.

We recommend that the Council reconsider this action at a subsequent meeting once the full costs of implementing the five-fish limit are identified. Alternatively, the Council could hold this action in abeyance until it has developed its long-term management plan for the guided sport halibut sector. This would allow the Council to combine its efforts to address both short and long term solutions to the charter and commercial halibut allocation issues. We stand ready to assist the Council in this effort in any way possible.

Sincerely,

for Robert D. Mecum
Acting Administrator, Alaska Region

Discussion Paper:
Implementation of an Annual Limit for Charter Anglers in Area 2C

October 2006

Lead Agency National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Alaska Regional Office
Juneau, Alaska

Responsible Official Robert D. Mecum
Acting, Regional Administrator
Alaska Regional Office

For Further Information Jason Gasper
National Marine Fisheries Service
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Abstract: In April 2006, the North Pacific Fishery Management Council (Council) adopted the GHL preferred alternative to limit the harvest of halibut to 5-fish per angler fishing from a charter vessel in Area 2C. At its June 2006 meeting, the National Marine Fisheries Service (NMFS) indicated the costs for implementing the annual limit were likely high and requested that the Council reconsider the annual limit after it provides a more detailed estimate of programmatic costs. This discussion paper addresses the NMFS request by providing a detailed summary of the costs associated with implementing the annual limit, and includes a description and estimate of costs associated with using a Federal or State of Alaska recordkeeping and reporting system. This paper found that using the State of Alaska reporting system was the most cost effective and least burdensome method. However, the cost and time burdens associated with the harvest limit are substantial. As a result NMFS recommends that the Council reconsider the action to implement the annual limit.

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Table of contents

List of figures

List of tables

Executive summary

In an effort to bring the harvest of Pacific halibut by charter anglers closer to the guideline harvest level (GHL), the Council voted unanimously at its April 2006 meeting in Anchorage, Alaska to adopt the GHL preferred alternative to limit the harvest of halibut by each angler fishing from a sport charter vessel to 5 - fish per year in regulatory Area 2C. In making the motion for this action, the State of Alaska (State) representative, Commissioner of Fish and Game McKie Campbell, asserted that he intended to exercise State emergency order (EO) authority to impose a prohibition on the harvesting of fish by skipper and crew aboard charter vessels. Hence, the Advisory Panel (AP) of the Council recommendation for the 5-fish annual limit in Area 2C was supported, but the prohibition on skipper and crew harvests was deemed unnecessary by the Council because of the State's intention to issue an EO.

Detailed information about administering and enforcing the five-fish limit was not available at the April 2006 Council meeting. Ms. Salveson, the National Marine Fisheries Service's (NMFS) representative to the Council, indicated NMFS would need to explore whether State sport fishing licenses could be used to enforce the annual limit. As a result, the Council requested that NMFS provide a report outlining administration and enforcement issues during its June 2006 meeting in Kodiak, Alaska.

NMFS, in consultation with the National Oceanic Atmospheric Administration Office of Law Enforcement (NOAA OLE) notified the Council through a letter and presentation at the June 2006 meeting that the annual limit would require Federal recordkeeping and reporting tools, including a Federal angler permit and charter vessel logbook. Detailed information about the implementation costs associated with a Federal reporting program was not available. However, because of the scope of the program, enforcement and administrative costs were thought to be substantial. As a result, the Council supported the development of a discussion paper to consider administrative and enforcement costs.

Several approaches may be taken to implement the Council's action and satisfy NOAA OLE requirements. The following two approaches are discussed here in detail: (1) utilization of the State charter logbook and angler licensing information; and (2) implementation of a Federal halibut logbook and angler catch card using either hard copy or electronic reporting methods. A summary of these options is provided below.

Use of State charter logbook and angler license

The information provided in the 2006 Saltwater Charter Logbook and Vessel Registration (SCVL) and angler sport fishing licensing requirements would meet NOAA OLE information requirements. However, the logbook, sport fishing license, and State issued catch card would need to be modified to allow charter guides and anglers to record the harvest of halibut prior to the most current fishing trip. To accommodate this information, the SCVL would require charter guides to enter historical halibut catch for each angler in the logbook. In addition, State license regulations would need to be modified to require anglers or the charter guide to record harvested halibut on the back of the angler's sport fishing license or the angler harvest card at the time when harvesting a halibut.

Although State recordkeeping and reporting requirements meet Federal information needs, current State statute and administration policy prevent NOAA OLE from accessing SCVL or angler license information. Federal access to these sources of information would require the following regulatory and administrative changes:

(1) The State of Alaska legislature would need to amend the State confidentiality statute to allow NOAA OLE and NMFS access to confidential angler and operator information.

(2) NOAA OLE would need to be deputized by the State of Alaska Commission of Public Safety. NOAA OLE needs the authority to inspect logbooks, angler licenses, or catch cards

Federal recordkeeping and reporting requirements

A Federal logbook and angler catch card program could be implemented using written hard copy or electronic media. The written option would require charter guides complete a Federal logbook and anglers would be required to obtain a Federal catch card. The charter logbook would be serially linked to the angler catch card to allow a comparison of individual angler catch across several charter vessels. This is necessary to allow an end of season audit in which anglers who caught more than five fish would be "flagged" for further enforcement action.

Electronic reporting of charter logbook information could be used in conjunction with the ADF&G angler license or Federal catch card and ADF&G logbook. Logbook information for each individual angler could be electronically reported to NMFS by linking the serialized number from the angler sport fishing license, permanent identification card, disabled veterans license, or Federal catch card with harvest information in the logbook. This information could be reported by the charter operator using an internet website or via a telephone

Costs and preferred method

Federal use of the State charter logbook and angler license is the most cost effective and least burdensome method to enforce the annual limit. The largest cost associated with the use of State recordkeeping and reporting tools is that associated with enforcement. To adequately enforce the 5-fish annual limit, NOAA OLE would need four enforcement officers at a cost to the agency of $600,000 annually. In addition, NMFS would need to hire a part time staff person to coordinate with the State, assist in the preparation of cases, and update the database as required. This method would also not impose any additional time burden on charter clients or charter guides than what currently occurs in the fishery.

Conclusions

- Use of State recordkeeping and reporting tools is the most cost effective and least burdensome method for charter guides and charter anglers. However, Federal use of the State reporting has several associated issues:
    - Use of the State charter logbook and angler license would require the State to change confidentiality law (legislative change) and authorize NOAA OLE to enforce State sport fish regulations.
    - A Federal reporting program would be required if, after the annual limit was promulgated, State recordkeeping and reporting requirements, laws (i.e., confidentiality laws), authorities granted to NOAA OLE, are changed such that they do not meet the requirements to enforce the annual limit. The State may change its logbook and angler license requirements at any point in time, including a change to the information requirements for charter operators and anglers. These changes may result in State reporting tools not meeting information requirements as stated in Federal regulation.

- Implementation of the annual limit would require an increase in NMFS staff resources or a redirection of staff from current management programs. Staff resources are fully allocated to current management activities. A redirection of current staff resources would reduce the agency's ability to meet current management objectives.

- Implementation of other management measures (e.g., charter moratorium program) may be slowed down because of the large amount of staff time required to draft regulations and implement the annual limit.

- The annual limit is not expected to lower charter halibut harvest to the GHL and in the future, if harvest falls below the annual limit, removal of the regulation would require proposed and final rulemaking process.

- The effectiveness of the annual limit may be undermined if the State does not issue an EO prohibiting the harvest of halibut by skipper and crew. During a charter trip, and prior to offloading halibut, anglers fishing from a charter vessel may receive halibut "gifted" to them from skipper and crew. Gifted fish would not count towards an angler's annual limit.

1.0 Introduction

1.1 Purpose of this discussion paper

The purpose of this discussion paper is to provide the North Pacific Fishery Management Council (Council) with an estimate of costs associated with implementing the 5-fish annual limit proposed for charter anglers[1] operating in Area 2C (Southeast Alaska). This discussion paper provides an overview, cost estimate, and time burden estimate associated with implementing recordkeeping and reporting requirements necessary to insure the regulation is enforceable, if promulgated. Several recordkeeping and reporting methods are discussed in this paper. These methods include Federal use of existing Alaska Department of Fish and Game (ADF&G) charter logbook and angler licensing information, and a Federal charter logbook and angler licensing program with options for written or electronic reporting.

1.2 Background

In October 2005, the Council reviewed the estimated halibut harvest of the guided sport charter fishery in 2004. These estimates were produced by the ADF&G, Sport Fish Division. The data indicated that the Guideline Harvest Level (GHL) had been exceeded by 22 percent in International Pacific Halibut Commission (IPHC) Area 2C and by less than 1 percent in IPHC Area 3A (Southcentral Alaska). The 2004 GHLs equate to 1,432,000 lb (net weight) for Southeast Alaska and 3,650,000 lb for Southcentral Alaska. In response to the GHL overage, the Council created a GHL Committee and initiated an analysis (EA/RIR/IRFA)[2] of alternative actions that would lower charter boat halibut harvests to or below the GHLs. Council staff prepared an EA/RIR/IRFA that was reviewed by the GHL Committee and the Council in February 2006, and acted on by the Council in April 2006. The analysis considers several management measures including trip limits, skipper and crew harvest restrictions, and the 5-fish annual limit for charter anglers.

In an effort to bring the harvest of Pacific halibut by charter anglers closer to the GHL, the Council voted unanimously at its April 2006 meeting to support its GHL preferred alternative which is to limit the harvest of halibut by each angler fishing from a sport charter vessel to five fish per year in regulatory Area 2C. In making the motion for this action, the State of Alaska (State) representative, Commissioner of Fish and Game McKie Campbell, asserted that he intended to exercise State emergency order (EO) authority to impose a prohibition on the harvesting of fish by skipper and crew aboard charter vessels. Hence, the Advisory Panel (AP) of the Council recommendation for the 5-fish annual limit in Area 2C was supported, but their recommended prohibition on skipper and crew harvests was deemed unnecessary by the Council. The Council did not support the AP recommendation to constrain charter vessel harvests in regulatory area 3A (Central Gulf of Alaska) because the anticipated charter vessel harvests of halibut in that area are expected to be at or below the GHL, and Campbell indicated State EO authority could be used to limit skipper and crew harvest, if necessary.

In addition to the annual limit and ban on harvest by skipper crew, the Council also considered a motion to limit charter operators in Area 2C to one trip per day. This management measurement was expected to reduce charter halibut catch by approximately 0.5 to 1.2 percent. The motion to consider a trip limit failed, leaving only two options; the GHL measure to limit each angler fishing from a charter vessel to 5-fish per year, and the State's ban on skipper and crew harvest. The expected effect from the 5-fish annual

[1] For the purpose of this discussion paper, the term "charter angler" refers to any licensed angler fishing from a charter vessel when paying clients are on board.
[2] Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA)

limit was an approximate 13 percent reduction in charter halibut harvested in Area 2C (Council 2006). A prohibition on skipper and crew retention without the annual limit would have reduced halibut harvest between 3.3 percent and 4.5 percent of the GHL. However, skipper and crew harvest of six or more fish during the calendar year may be eliminated through the 5-fish annual limit. Thus, the impact of the five-fish annual limit with a ban on harvest by skipper and crew in place would be reduced because a portion of the anglers affected by the annual limit are likely skipper and crew. The effect of a 5-fish annual limit combined with the elimination of crew and skipper harvest is largely unknown because of data limitations.

Detailed information about administering and enforcing the five-fish limit was not available at the April 2006 Council meeting. Ms. Salveson, National Marine Fisheries Service's (NMFS) representative to the Council, indicated NMFS would need to explore whether State sport fishing licenses could be used to enforce the annual limit. As a result, the Council requested that NMFS provide a report outlining administration and enforcement issues during its June 2006 meeting in Kodiak, Alaska. NMFS, in consultation with the National Oceanic Atmospheric Administration Office of Law Enforcement (NOAA OLE) notified the Council through a letter and presentation at the June 2006 meeting that the annual limit would require Federal recordkeeping and reporting tools, including a Federal angler permit and charter vessel logbook.

NMFS' determination that a Federal reporting program would be needed was based on several issues: (1) the Northern Halibut Act of 1982 (Halibut Act) requires NMFS to enforce and administer Pacific halibut regulations; (2) the Halibut Act does not allow NMFS to delegate, contract, or transfer enforcement responsibility to the State; (3) State confidentiality statute prevents the transfer of charter halibut logbook and angler information (including fishing license information) from the State to NMFS or NOAA OLE; and (4) anglers are not required to show Federal enforcement officers their State fishing licenses because NOAA OLE is not authorized[3] to enforce State sport fishing regulation.

When NMFS presented the letter at the June Council meeting, detailed information about the implementation costs associated with a Federal reporting program was not available. However, because of the scope of the program, enforcement and administrative costs were thought to be substantial. This discussion paper addresses that request by providing an overview of the costs and issues associated with several alternative implementation strategies for the 5-fish annual limit.

1.3 Entities regulated under the proposed limit

Regulations for the proposed annual limit would be directed at anglers fishing for halibut and charter operators offering guided halibut services in Area 2C. The annual limit was directed at anglers paying for charter services to fish for halibut. However, under this interpretation of the annual limit, crew and skipper could continue to harvest halibut and provide those halibut to the anglers. The regulation could be promulgated to enforce the annual limit on anglers (charter angler) fishing from a vessel in which at least one angler on-board the vessel hired a guide to offer halibut fishing services. This definition is inclusive of skipper and crew harvesting halibut from the vessel. The Council took no action on the skipper and crew harvest option in the EA/RIR/IRFA largely because the State indicated its intent to issue an EO banning such harvest.

If the State's EO to ban skipper and crew harvest in Area 2C had not been issued, skipper and crew would be allowed to retain their bag limit of halibut and give those halibut to clients as a gift. This action would

[3] To enforce State law, NOAA OLE would need authorization (deputization) from the State Commissioner of Public Safety.

allow charter anglers to obtain more halibut than the annual limit by allowing skipper and crew to give halibut to charter anglers.

The annual limit regulations would also require charter operators (guides and businesses) to be responsible for compliance with all Federal recordkeeping and reporting requirements. These recordkeeping and reporting requirements are outlined in detail in Section 2.0 of this discussion paper.

1.4 Enforcement considerations

The annual limit would substantially increase Federal enforcement and administrative costs in Area 2C. In 2004, approximately 67,800 licensed anglers, distributed over 624 charter vessels, fished from a charter vessel[4] in Area 2C. Of these anglers, approximately 9 to 16 percent[5] (6,000 to 11,000 anglers, including skipper and crew) harvested six or more halibut that year (Figure 1). Given that the daily bag limit for halibut is two fish, anglers harvesting five fish or more would have fished at least three days. Data limitations prevent estimating the distribution of multi-day anglers who operate from lodges, remote communities, or are crew members; however, because these lodges offer multi-day angling trips, a portion of the clients likely caught more than five halibut.

Providing enforcement to lodges and multi-day fishing charters presents a unique set of logistical issues for NOAA OLE. Lodges may have a single charter vessel or a group of charter vessels operating in remote areas that are only accessible by airplane or boat. These remote fishing operations increase the enforcement costs for several reasons: (1) travel time to and from the enforcement area is increased; (2) enforcement activities may require several days to adequately cover an area; and (3) angler patterns such as fishing locations, the timing for the departure and arrival of new clients, and daily fishing schedule are poorly understood. It is important that NOAA OLE has adequate staff and enforcement tools to overcome these issues to ensure the annual limit is perceived as credible (i.e., they may get caught if in violation) by anglers.

[4] This estimate does not include anglers under the age of 16 or those that have a State-issued Permanent Identification Card (60 years of age of older).

[5] Variability estimates are approximate confidence intervals that incorporate the variability in estimating the original proportions, but do not incorporate the variability associated with estimating the total number of chartered anglers. Moreover, because these estimates are derived from only single angler household responses to the ADF&G Statewide Harvest Survey, it is assumed that single angler households have similar harvest characteristics as multiple angler households.

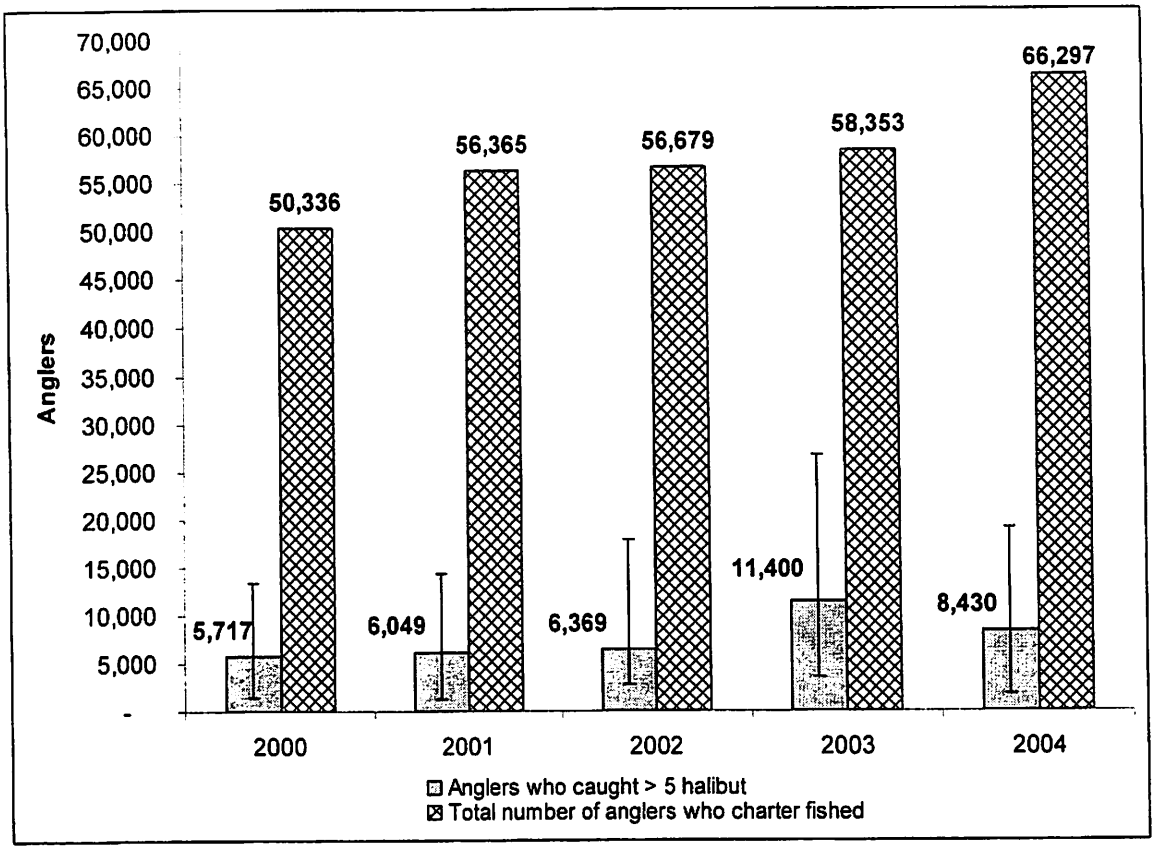

Figure 1. Total number of charter anglers (hatched bars) versus anglers estimated to have harvested six or more halibut. Ninety-five percent confidence intervals are provided for the estimate of anglers who caught more than six fish. Note that variability estimates are provided in the form of approximate confidence intervals that incorporate the variability in estimating the proportion of anglers who caught six or more fish. The 95 percent confidence intervals do not incorporate the variability associated with estimating the total number of chartered anglers and thus do not completely incorporate all variability.

The credibility of an enforcement effort depends on several factors, including the likelihood of detecting a violation, the swiftness of the enforcement response, and the perception that enforcement actions are real[6] (Iannuzzi 2002). Moreover, deterrence-based enforcement is most successful when a well developed compliance program is designed to identify and correct violations, establish an enforcement presence, collect evidence needed to support enforcement actions, and help target enforcement activities (Rechtschaffen and Markell 2003). In the case of the charter fishery, detection of a violation for the annual limit would be heavily reliant on reporting requirements for charter anglers and operators, and the ability of enforcement to enforce regulations in remote areas. Without sufficient documentation of a

[6]The enforcement actions discussed in this paper are largely dependent on a deterrence enforcement model, which is commonly employed by NMFS. A deterrence enforcement model relies on the assumption of rational choice which means that individuals choose among alternatives rationally to maximize satisfaction of their preferences (Mallow 2003). The normative enforcement model is also commonly discussed in the literature. This model relies on people complying with the law because they have a sense of obligation to follow social norms (Mallow 2003; Rechtschaffen and Markell 2003). Assuming a deterrence-based enforcement model is used, an enforcement action may be perceived as real if the actor for which the enforcement activity is being directed perceives a chance of receiving a sanction for a violation.

violation, cases will not be prosecuted, which may reduce the credibility and effectiveness of the regulation.

These issues were addressed in a June 2006 NOAA OLE memo and during a meeting between NOAA Fisheries, Council Staff, NOAA OLE, ADF&G, and NOAA General Counsel. In the memo and at the meeting, NOAA OLE indicated the following criteria must be met for the annual limit to be enforceable:

- NOAA OLE would need the ability to check for compliance at-sea, dockside, and through a post season audit of angler catch. To meet these needs, a harvest record indicating the number of halibut harvested would be needed for each angler, as well as a vessel specific record of each anglers catch (serially matched to an angler's catch card) that would be submitted to NOAA OLE on a regular basis throughout the fishing season. A vessel-specific record would be needed to track the charter operators involved with violations. The angler harvest record would be used during dock-side or at-sea enforcement and to provide a record of angler-specific halibut harvest for the charter guide.

- Use of State recordkeeping and reporting tools would require NOAA OLE to obtain the necessary authority to inspect State recordkeeping tools (i.e., charter logbook and sport fishing license). Because of State statutory law, the Federal government cannot obtain charter logbook or angler license information at the resolution necessary for enforcement. Moreover, NOAA OLE is not authorized by the State to enforce State regulations, and thus cannot require an angler to show his or her license to an enforcement agent.

- NOAA OLE would need the ability to audit charter logbooks at the end of a charter fishing season. This audit would reveal anglers that exceeded the 5-fish annual limit, including anglers who fished on multiple charter vessels.

Section 2.8.4 of the draft EA/RIR/IRFA for the 5-fish annual limit presents a discussion on recordkeeping and reporting requirements (Council 2006). Included in this discussion is a summary from a meeting held between representatives from NOAA Fisheries, ADF&G, Alaska Department of Public Safety, and the United States Coast Guard (USCG). The summary reported that the charter industry has unique characteristics that may increase regulatory compliance for the GHL (Council 2006):

> *...there are characteristics of the recreational fishery that suggest a different and lesser level of enforcement may be needed to ensure an adequate level of compliance with the program. Several characteristics of the fishery differentiate it from other fisheries and work to the advantage of regulators.*
>
> *a) The recreational charter fishery operates in the public eye. Requiring operators to prominently post GHL control measures... onboard charter vessels would help promote compliance. The State could further support by requiring those businesses selling sport fishing licenses to do the same.*
>
> *b) The recreational charter fishery is highly competitive. While there are some operations in isolated locations, many boats tie up and operate in close proximity to other charters. It is reasonable to expect that those operators who are following the rules would be quick to notice another operator who wasn't following the rules.*
>
> c) *...because of the nature of Coast Guard license requirements, inferring a trust and responsibility to the licensee, as well as the double jeopardy implications, charter operators*

would likely have a higher rate of compliance with GHL measures than might otherwise be expected.

These points are useful for augmenting enforcement efforts, but all may in part rely on the enforcement effort being perceived as credible by charter operators and the angling public[7]. It is unlikely that point (a) above could be mandated due to the additional enforcement required to insure posting occurred on all charter boats, and the logistical and enforcement complexity of insuring vendors post the regulation. However, anglers could be made aware of the regulation by posting the information on their fishing license and catch/harvest cards. Point (b) would likely be most effective in areas with multiple charter vessel operators from different lodges in close proximity, or clients with knowledge of the regulation to pressure the guide to comply. However, many clients harvesting more than five fish would be operating from remote lodges where few, if any, neighboring lodges exist. Thus, multi-day charters and isolated lodges violating the annual limit would likely be unaffected by peer pressure unless clients were aware of the regulation and NOAA OLE was able to detect violations.

Studies suggest that tourists (e.g., charter clients) expect their guides (e.g., charter guides) to be a source of accurate and honest information; especially in situations where information is complex or often changes (e.g., the regulatory environment; Gasper *et al.* 2006; Cohen 1985). In this regard, guides are able to control some of the information clients receive about their surroundings, including information that is specific to the guide's expertise (i.e., regulatory information; Cheong and Miller 2000). Because clients often receive regulatory information from charter operators, they are likely to pressure operators only if they have prior knowledge of the regulation or the operator has communicated the regulation to clients.

The ability of a client to receive regulatory information is further limited if they are staying at a remote lodge. Because clients receive most services from a lodge (including the purchase of their sport fishing license), regulatory information from outside the lodge is limited to those sources which the client has independently sought (e.g., Internet or regulation booklet), or indirect sources (e.g., community store or bar). Thus, the ability of clients to place regulatory pressure on a guide is limited by their knowledge of the regulation.

As a result, any program to institute the annual limit must meet the previously mentioned enforcement needs. In particular, ***the proposed 5 - fish annual limit would not be enforceable without the ability to verify the number of halibut harvested by clients fishing on multiple charter vessels.*** This is necessary because clients may fish from several vessels during a fishing season and that charter operators may be held responsible for an angler violation (Section 1.5). To ensure recordkeeping and reporting requirements are adequate for enforcement, NOAA OLE would need an on-board record of angler harvest and an angler specific record of harvest. These recordkeeping tools provide legal documentation about the number of halibut harvested during a guided fishing trip and the number of halibut previously harvested by a charter angler.

Type of information required by NOAA OLE

To enforce the annual limit, NOAA OLE would need harvest information for each charter angler, angler contact information, charter guide contact information, and vessel identification information. NOAA OLE would need to know the number of halibut harvested for each charter angler and each charter trip taken by an angler. This would require NOAA OLE to determine the halibut harvested for each angler,

[7] This assumes that economic incentives to violate the 5-fish annual limit are minimal. In some situations, compliance may be more costly than the penalty associated with violation, or the level of risk for being caught is low.

the charter operator (guide and business), the number of halibut harvested by each angler, angler contact information, port of landing, and vessel identification number (USCG or Department of Motor Vehicle Registration).

1.5 Charter operator responsibilities

Charter operators (guide) may be held responsible by NOAA OLE if charter anglers exceed their annual halibut limit. Enforcement action may be taken on a charter guide and charter angler if the annual limit is exceeded. The nature of the violation and the final regulations would determine how the enforcement action is carried out. The Halibut Act provides for enforcement action on a charter guide at 773(i)(c) who has charter anglers in violation of the halibut regulations:

> *If any officer authorized to enforce this subchapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 773e of this title, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel...*

The International Halibut Commission (IPHC) regulations specify the regulation at Section 25(18):

> *The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.*

The definition of an operator is specific at Section 3(1)(m)

> *"Operator", with respect to any vessel, means the owner and/or master or other individual on board and in charge of that vessel.*

In addition to the IPHC regulations, the USCG also has the authority to revoke operating licenses if a charter operator fails to comply with all Federal regulations. Thus, violation of the GHL regulation would constitute a violation of Federal regulation, which may result in enforcement action by the USCG.

NOAA OLE would have the authority to take enforcement action on the charter angler or operator depending on the infraction. Charter operators would be solely responsible for charter logbook recordkeeping and reporting requirements, as well as requirements associated with the distribution of angler catch cards. The situation associated with the violation would determine the action taken by NOAA OLE. A detailed discussion about recordkeeping and reporting tools is found in Section 2.0.

2.0 Implementation options

Several approaches may be taken to implement the Council's action and satisfy NOAA OLE requirements. The following two approaches are discussed here in detail: (1) utilization of the State charter logbook and angler licensing information; and (2) implementation of a Federal halibut logbook and angler catch card using either hard copy or electronic reporting methods. In summary the alternatives presented in this paper are as follows:

- **Federal use of the State reporting tools.** NMFS and NOAA OLE would use the State charter logbook and angler licensing system to meet enforcement requirements.

- **Federal recordkeeping and reporting tools:** NMFS and NOAA OLE would develop and implement a Federal logbook and angler catch record to meet enforcement requirements. Two methods could be used to implement a Federal logbook:

    - **Written logbook:** A written logbook similar to the current ADF&G charter logbook would be submitted to NMFS by charter operators. Anglers would use a written catch record.

    - **Electronic logbook.** Logbook information would be electronically reported to NMFS and NOAA OLE. Anglers would use a written angler catch record.

2.1 Federal use of State recordkeeping and reporting tools

2.1.1 Description of the current program

Saltwater charter logbook

In order to operate a saltwater charter vessel in Alaska, guides and business owners are required by law (AS 16.40) to register as a business and/or guide with the ADF&G. Sport fishing guides are required by statute (AS 16.40.260) to obtain a guiding license from ADF&G before guiding activities begin. The guide license requires a guide to report their general contact information, Alaska sport fishing license number, first aid certification, and USCG license number. Businesses are required under AS 16.40.260 general contact information to ADF&G, their current State occupational business license number, and evidence of liability insurance. The business must also obtain a charter logbook for each vessel that provides charter guide services.

Guides and businesses license with the State using one of three methods: (1) they can obtain the forms online and mail it to the State. The State then mails back the signed license documents, logbook and vessel identification sticker to the applicant; (2) they may license in person at any ADF&G office. When obtaining a license at an ADF&G office, the applicants (or designated agent) obtain the logbooks, signed registration information, and vessel identification stickers in person; and (3) they may fax license information to the State and obtain the documents, vessel identification sticker, and signed license information through the mail or ADF&G office. Guides receive a temporary license until a permanent wallet sized card is issued by the State. The SCVL is issued to the business and is unique to each vessel operated by the business.

Under the authority of AS 16.40.280 and 5 AAC 75.076, ADF&G has utilized the Saltwater Sport Fishing Charter Vessel Logbook (SCVL) since 1998 to assess charter fishing activities. In general, the SCVL collects information about the number of chartered anglers on board, number of fish harvested and caught, date of landing, location of fishing effort, amount of fishing effort, vessel ownership (business under which the vessel is registered), and operator. Under the 2006 SCVL program, logbooks are vessel specific and are issued to the sport fishing business (or designated representative), which in some situations may not be the vessel operator. A business that has registered with the ADF&G and has obtained a State general business license is considered a sport fishing business.

The 2006 SCVL requires vessel operators to enter trip and catch information after the completion of each sport fishing trip[8]. For charter fishing activity occurring between April 1, 2006, and October 1, 2006, charter operators are required to return completed logbook pages to ADF&G on a weekly schedule provided with the SCVL. Fishing activity that occurs prior to April 1, 2006, or after October 1, 2006, is to be received by ADF&G or postmarked before January, 15, 2007. Mandatory reporting of catch and effort information is required for all species of salmon, lingcod, pelagic rockfish, yelloweye rockfish, non-pelagic rockfish, salmon shark, and halibut caught in Alaskan waters.

The SCVL has been used by the State to collect information on halibut catch for all years except 2002 through 2005. Versions of the SCVL prior to 2006 did not differentiate catch for each angler. In 2006, the State modified the SCVL to account for an individual angler's catch and harvest information, including halibut. For each trip a charter angler takes in 2006, the SCVL links halibut catch to a specific charter angler by using a serialized number associated with the angler's sport fishing license or PID. Thus, the current SCVL logbook provides information about a charter angler's catch, fishing effort, location of catch and port of offload, contact information for the vessel owner and operator who guided the charter angler, the charter business to which the vessel is registered, type of trip (e.g., multi or single day), and date fishing occurred. However, halibut catch data cannot be tracked to individual anglers under 16 years of age because they do not need to obtain a sport fishing license and do not have a unique identifying number. These anglers are denoted as "youth anglers" in the charter logbook.

Sport fishing license

The ADF&G sport fishing license can be used to link a charter angler's catch information with personal contact information. Before sport fishing, all anglers 16 and over and less than 60 years of age are required to obtain a sport fishing license at an ADF&G office, online, or through a license vendor. The sport fishing license requires anglers to report their physical and mailing address, drivers license number, sex, and personal identifying features (i.e., height, hair color, weight, and eye color). This information is used by enforcement when issuing a citation. Space is provided on the back of the fishing license to report the number of fish with an annual limit harvested.

Anglers may obtain a permanent identification card (PID) or Disabled Veteran License (DVL) in lieu of an annual sport fishing license. Anglers qualifying for a PID must be Alaska residents 60 years of age or older. Once issued, the PID or DVL is valid for the life of the angler and the card is unique to each angler (as identified by a serialized number). To qualify for a DVL, an angler must be an Alaska resident and veteran with 50 percent or more disability. Anglers with a PID, DVL, or under the age of 16 are required by regulation to obtain a harvest card from the ADF&G if they harvest any fish species with an annual limit. The harvest card requires anglers with a PID or DVL to record their license number and have their card on person while fishing. Youth anglers are only required to record their name and age on the harvest card.

2.1.2 Federal use of the State logbooks and angler licenses

Information needs

As discussed in Section 1.3, enforcement of the annual limit requires documentation of halibut harvested for individual anglers fishing on multiple charter vessels. The information provided in the 2006 SCVL

[8] SCVL defines a trip as an outing with one group of clients. For multiple day trips, the logbook is to be completed after each day fished. State regulations require charter guides to complete the logbook prior to offloading passengers or fish.

and angler sport fishing licensing requirements would meet NOAA OLE information requirements. However, to better meet enforcement needs, the logbook, sport fishing license, and State issued catch card could be modified to allow charter operators and anglers to record the harvest of halibut prior to the most current fishing trip. To accommodate this information, the SVCL would require charter operators to enter historical halibut harvest for each angler in the logbook. In addition, State license regulations would need to be modified to require anglers or the charter guide to record harvested halibut on the back of their sport fishing license or the angler harvest card at the time when harvesting a halibut.

Recording a charter angler's historical harvest in the SVCL prior to the start of fishing activities would allow documentation of an angler's catch prior to harvesting halibut. This documentation would allow the charter operator to document the number of halibut indicated on a client's catch card prior to the start of a trip. If a client misreported the number of halibut on his or catch card, recording of the client's historical harvest would provide documentation that the charter operator was not aware that the client misreported halibut on the catch card (assuming the charter operator didn't misreport the number in logbook). Without documentation in the logbook about a charter angler's prior harvest as indicated on the catch card, a charter operator may be cited (as allowed in the Halibut Act) for a charter angler harvesting more than their annual limit because the angler misreported the number of halibut harvested.

The discrepancy between the number of halibut reported and the number of fish actually harvested by the angler would also be demonstrated during a post season audit of logbook information. In this situation, a charter angler may have caught an annual limit of halibut on a previous trip. The charter operator with anglers exceeding the limit could be cited for the violation. Even with charter operator recording the number of halibut previously harvested, there is still opportunity for charter anglers to misreport halibut on the back of the angler license. One method to reduce this misreporting by charter anglers would be to require that charter operators record the number of halibut harvested on the back of an angler's license or catch card. If misreporting occurred, post season auditing may discover on which vessel the misreporting occurred and the charter operator could be cited for misreporting and potentially a violation of the annual limit. However, requiring the charter operator record information on the back of the angler license at the time of landing could be burdensome given all the other activities occurring on the vessel.

Although State recordkeeping and reporting requirements meet Federal information needs, current State statute and administration policy prevents NOAA OLE from accessing SCVL or angler license information. Federal access to these sources of information would require the following regulatory and administrative changes:

(1) **The State of Alaska legislature would need to amend the State confidentiality statute to allow NOAA OLE and NMFS access to confidential angler and operator information.** Without this information, NOAA OLE cannot seize angler license information and logbooks for inspection and evidence, enter logbook and license data in Federal court, or perform post season audits of data to pursue violators (Table 1). NMFS would also need access to angler and charter operator registration and logbook information to provide the necessary program support (e.g., database management). A memorandum of understanding between the State, NOAA OLE, and NMFS would also likely be needed to allow data sharing.

(2) **NOAA OLE would need to be deputized by the State of Alaska Commission of Public Safety**. NOAA OLE needs the authority to inspect logbooks, angler licenses, or catch cards (Table 1). Without this authority, anglers and charter operators are not obligated to show their license information to a Federal enforcement officer.

Table 1. Summary of NOAA OLE enforcement actions and their applicable State laws.

Enforcement Method	Enforcement Action	Current Federal Authority	State law prohibiting Enforcement Action
At-sea and dockside inspection	Inspect State sport fishing license, or Permanent Identification Card	None	State confidentiality/ NOAA OLE not deputized by State
	Inspect State charter logbooks	None	State confidentiality/ NOAA OLE not deputized by State
	Seize license or logbook as evidence	None	State confidentiality
	Enter licenses or logbooks into Federal court	None	State confidentiality
End of season audit of logbooks	Review logbooks (electronic databases) maintained by the State	None	State confidentiality

If the previously discussed legal and administrative issues are resolved, NMFS and NOAA OLE could use the information from the SCVL, guide and business registration, and angler license database to identify and pursue cases. Once a violation was identified, NOAA OLE would use the serialized angler license number to obtain information (including PID and DVL information) about the individual angler from the ADF&G license database, and the logbook to identify the charter operator and vessel (including the registered business). Anglers and charter operators would be contacted about their violation, and enforcement would take appropriate action.

Federal regulations implementing the annual limit would describe the type of information the charter operator and client are required to record. The State logbook and angler sport fishing license would be used to fulfill these information needs as outlined in Federal regulation. However, Federal regulations cannot just refer to the completion of the State logbook and angler license as fulfilling Federal reporting requirements. Regulations must describe the type of information to be recorded in the State logbook. For example, in the commercial fishery, regulations at 50 CFR 697.5 describe information that is to be reported for the commercial fishery.

The State may change its logbook and angler license requirements at any point in time, including a change to the information requirements for charter operators and anglers. These changes may result in State reporting tools not meeting the information requirements for enforcing the annual limit. Moreover, changes to State law may also prevent NOAA OLE from accessing information essential to enforcement or change the authorities granted to NOAA OLE to enforce the annual limit. In either situation, NOAA OLE would not be able to enforce the annual limit using State reporting tools and a Federal logbook program would be necessary.

Data retrieval and timing

Angler and charter information is currently received by two ADF&G sections: the Research and Technical Services (RTS) section receives charter operator and business registration and logbooks; and ADF&G Administration Services (Licensing) receives angler licenses. The time associated with transcribing this information into electronic format is specific to each reporting tool:

- ***Sport fishing license.*** The ADF&G licensing section issues and receives angler licenses from vendors, online purchases, and anglers obtaining a license at an ADF&G office. Generally, licenses sold to vendors take the longest to process; resulting in at least a two to three month delay before they are electronically available. There are several reasons for this delay: (1) vendors are required to send carbon copies along with the license fees to ADF&G within two weeks after the last day of a month. As a result, an angler's license purchased at the beginning of the month will not be received by Licensing until the middle of the following month; (2) mailing of the licenses generally requires two days to a week before they are received by ADF&G; (3) ADF&G must process the license fees and enter the angler information into a database. This process generally requires no less than two months and may take longer during the summer when a greater number of anglers are purchasing licenses and hunting season begins in the fall;[9] and (4) vendors do not always submit their licenses to ADF&G as required by regulation. This may increase the amount of time beyond the estimated two to three months when an angler's information is available electronically.

- ***Charter logbook information.*** Charter operators currently send hard copies of logbook information to the RTS division on a weekly basis for a technician to enter and verify. Periodic transmission of the data would result in a time delay between when the data were reported, transcribed into the ADF&G database, verified by ADF&G, and electronically packaged and transmitted to NMFS. Because of this time delay, NOAA OLE would likely not receive logbook data sooner than two to three months after the end of the charter fishing season (September). This is likely not a problem because NOAA would need the complete charter season's of data to run a comprehensive audit of angler harvest.

Construction and maintenance of a Federal database would be required to store and easily access angler and charter logbook information from each ADF&G section. Two data retrieval methods could be used: (1) periodic transmission of data from the State to NMFS, or (2) "real time" access to the State database. Under either option, the information would be subject to Federal and State confidentiality requirements, both of which would prevent public access to individual charter operator or angler information.

Periodic transfer of data from ADF&G to NMFS would be the simpler of the two options. Periodic transfer of information would require ADF&G to package the information and send it to NMFS via an FTP site or through a simple data storage device such as a CD or jump drive. The data would likely be sent annually after the end of the charter fishing season. This information could then be transferred to a secure NMFS database where select NOAA OLE and NMFS staff could access it for enforcement purposes.

Real time access to angler licensing and logbook data would reduce the amount of time between reporting and data availability. The advantage to the real time data is that NOAA OLE could have access to the logbook and angler information as it is entered and verified in the ADF&G database. However, information would also not likely not be electronically available until the charter fishing season was over because of the time required by ADF&G personnel to transcribe and verify the logbook, and enter angler license, charter operator, and business data. Real time data access would eliminate the time required by ADF&G to package the charter data and the delay between when data are electronically available to ADF&G and when they are available for use by NMFS and NOAA OLE. This delay is likely small and thus reduces the need for real time access.

The complexity of the database would be dependent on the data retrieval method used. The database would need to accommodate angler contact license information (sport fishing license, PID and DVL),

[9] Personal communication 9/5/2006; ADF&G licensing section.

charter operator and business registration information, and logbook information. A periodic data transfer would require a Federal database and workstation to be created, with an annual data update from the State. Real time access would require ADF&G to develop a method to access and query State information. A Federal database would not be needed for real time access; however, close coordination with the State would be required to insure the information obtained from the State database was adequate to meet NOAA OLE needs, and address any technical issues. Creation of a real time access database would likely impose a large cost on ADF&G to develop the necessary web interface and query structure to meet Federal needs.

For specific cases, NOAA OLE could obtain scanned logbook information within a month of when a charter angler took a charter trip. Prior to entering logbook information, the State scans and files all logbook forms. While these scanned images cannot be used to audit logbook information, they can be used to follow up on specific cases. To access these data, NOAA OLE would need to request specific logbook pages, angler information, and charter operator information from the State. The recall of specific logbook forms would require NOAA OLE to know the charter vessel and the approximate date the infraction occurred.

In conclusion, real time access does not provide a large benefit over periodic data transfers. The additional complexity of real time access would require substantial State programmer time and likely Federal programmer involvement to make sure the program meets Federal needs. As a result, a periodic data transfer is the simplest method and meets NOAA OLE enforcement needs.

2.2 Implement a Federal charter logbook and angler catch card

A Federal logbook and angler catch card program could be implemented using written hard copy or electronic media. Each type of media has benefits and tradeoffs. In general, the quick transmission of data facilitated by electronic media allows easy inseason access by NOAA OLE and decreased administrative costs by reducing the hours required to transcribe data. However, compared with written media, electronic reporting requires the agency to develop technically complex reporting systems (i.e., advanced databases) and relies on users to utilize technology for reporting (i.e., phone and Internet portals). The advantage to written methods is that they are familiar to the charter fishery and provide onboard documentation of angler catch. The two reporting methods are discussed in detail below.

2.2.1 Written media

- Under this option, NMFS would issue a logbook to charter operators and an angler catch card to charter anglers. The charter logbook would be serially linked to the angler catch card to allow a comparison of individual angler catch across several charter vessels. This is necessary to allow an end of season audit in which anglers who caught more than five fish would be "flagged" for further enforcement action. This option would require the following implementation tools:

- ***Angler catch card:*** Charter anglers would be required to obtain a Federal catch card to record halibut harvest. At a minimum, the catch card would record personal contact information for the angler, the date each halibut was harvested, and the vessel from which each halibut was harvested (USCG or State registration number).

- ***Method of distribution of the angler catch card to individual anglers:*** Charter anglers would be required to obtain an angler catch card before the harvest of their first halibut while on a charter fishing trip. Charter anglers in Alaska are a diverse group that may consist of residents, angler who came to Alaska on a fishing trip, or tourists who decided to take a fishing trip as part of an

overall vacation experience. For these reasons, these anglers are going to have limited ability to obtain a catch card in certain situations. For example, passengers off a cruise ship may not have ready access or knowledge about Internet websites to obtain a license (they did not come to Alaska to fish). Whereas, a resident angler, or angler who traveled to Alaska on a fishing vacation would likely have access to an Internet website to register for a catch card prior to their trip.

To best meet the needs of anglers, two distribution options are required for the angler catch card: online registration or through the charter operator at the time the trip is taken. Online registration would require an angler to log into a NMFS site, provide the necessary information, and print the angler permit or have it mailed. Distribution of an angler catch card at the start of a charter trip would require a charter operator (business or guide) to obtain the cards at a NMFS office, over the Internet, or through the mail. Charter operators would be required by regulation to distribute the angler catch cards if the charter angler has not obtained one from the Internet. Operators would be required to mail carbon copies of the catch card registration to NMFS on a weekly basis. Failure to mail the carbon copies would result in enforcement action.

Charter operators would be required to provide NMFS with contact and business information for the angler catch card. This information would be used to track operators who fail to meet recordkeeping and reporting requirement. Registration information recorded for the charter logbook could be used by a charter guide to obtain angler catch cards. However, businesses wanting to obtain the catch card would need to register separately either through a NMFS internet site, fax, or mail.

- ***Charter logbook:*** Charter guides would be required to record each charter angler's catch in a logbook. Information recorded in the logbook includes the unique angler catch card identification number, number of halibut previously harvested by a charter angler while charter fishing (as recorded on the angler catch card), and the number of halibut harvested on the current charter fishing trip. To maintain consistent reporting between State and Federal regulation, and allow dockside enforcement, charter operators would be required to record harvest and angler information before offloading fish or anglers.

- ***Distribution of the charter logbook to charter guide:*** Charter guides would be required to register for a logbook either through a NMFS website, fax, or at the NMFS Regional Office. After registering, charter operators would obtain a unique registration number and charter logbook from a NMFS office. An online registration system may be used to reduce the registration time burden on charter operators. Guides would be able to enter new or retrieve historical personnel information, electronically send that information to NMFS, and NMFS would mail the operator a logbook.

  Charter guides would be issued unique Federal logbooks that may be used on multiple vessels. This distribution method is different from the State logbook program in that the State requires the business owner responsible for the vessels to register for the logbook. The State logbook is thus unique to each vessel. The Federal logbook would be designed to respond to enforcement needs, which include adhering to the regulations promulgated in the Halibut Act (vessel operator liability for angler violations). Guides would be required to report in the logbook vessel information including the USCG and State of Alaska registration number, vessel name, business the guide is working under, and daily catch information.

- ***Data transcription***: After logbooks and angler catch cards are received by NMFS, they would be processed, transcribed into an electronic database, and filed. NMFS personnel or contracted

experts would be needed to manually enter and verify data, recover missing records, and fix data discrepancies.

- ***Data access***: A database interface that provides NMFS and NOAA OLE with easy access to angler and charter operator information would be required. This interface would allow quick and easy access to reported information and post season auditing. Post season auditing would reveal anglers who harvested more than five halibut, charter vessels who did not submit logbook pages, and errors in the data.

- ***Data security and disaster recovery***: Security measures and a backup and recovery plan should be built into the database structure to insure database integrity. This approach may involve the use of multiple servers as well as incorporating firewall and security software into the data design.

- ***Web interface for charter operators***: A web-based interface would allow charter operators to access personal information, and register for angler catch cards and logbooks. This interface would reduce administrative costs by allowing the charter operator to electronically enter registration information, rather than relying on NMFS personnel to transcribe hard copy information.

- ***Web interface for charter anglers***: Anglers could obtain a halibut catch card through the Internet. Anglers providing information electronically would eliminate the need for agency staff to transcribe angler information or handle written hard copy information, and follow up on non-legible or incomplete information.

- ***NMFS coordination with ADF&G:*** Coordination between NMFS and ADF&G would be required to insure that conflicting reporting requirements are avoided and mitigated. Conflicting regulations may reduce the ability of charter operators to report information, or may encourage misreporting of information if an excessive burden is placed on the charter industry. For example, conflicting reporting periods, and time when logbook sheets are to be submitted to an agency may increase the burden on charter operators and reduce compliance.

Data Retrieval and Timing

To make logbook information available for enforcement purposes, NMFS staff would need to transcribe written charter logbook into an electronic database. Because the information requirements for the Federal logbook program are less than the State program, the amount of time to enter Federal data will likely be less. If logbook pages were submitted on a weekly basis, data transcription would likely take a maximum of three months to complete. This time delay could be reduced if additional NMFS staff were hired or logbooks were sampled using statistical methods (e.g., random or systematic). Completion of the registration information for businesses would require one to two months and would largely be completed before the end of the charter fishing season.

The Federal catch card would also need to be transcribed into electronic format. Currently, approximately three months are required for the State to receive and transcribe angler license information into electronic format. The Federal catch card would like require 2 months to transcribe because of the time delay before receiving license information and the similarities to the angler contact information required by the State license.

2.2.2 Electronic reporting

Electronic reporting of charter logbook information could be used in conjunction with the ADF&G angler license or Federal catch card and ADF&G logbook. Electronic reporting has an advantage over paper reporting because it may make data available sooner for enforcement purposes, provides automation of some verification processes, and eliminates the need to transcribe hard copy information into electronic form. Electronic reporting would eliminate the delay caused by mailing and transcribing logbook information, but would still require hard copy information to be mailed to NMFS for verification and enforcement purposes.

Logbook information for each individual angler could be electronically reported to NMFS by linking the serialized number from the angler sport fishing license, PID, DVL, or Federal catch card with harvest information in the logbook. This information could be reported by the charter operator using an Internet website or by telephone. Because reporting would be required at the dock before fish or anglers are offloaded, charter operators would generally not have internet access at the dock or on their vessel. Thus, electronic information would need to be communicated via telephone.

A telephone Interactive Voice Reponses (IVR) system for the proposed charter halibut IFQ program was evaluated in 2005 (Wostmann and Associates 2005). An IVR system allows data reporting by telephone using specialized software and hardware that interprets speech and/or touchtone prompts, synthesizes speech or replays recorded prompts, and records information to a database, accessed through a workstation. The IVR system for the annual limit would be very similar to the charter halibut IFQ program in that it would need to account for all halibut caught by charter anglers in Area 2C.

Under an electronic reporting program, charter operators (guides) would report angler halibut harvest by telephone prior to offloading anglers or fish. Charter operators would call a toll free number which connects to an IVR system in the NMFS Regional Office. The IVR system would prompt charter operators to provide their registration number linked with a charter operator's personal information. The operator would then be prompted to enter the following trip information: USCG (if available) and State DMV vessel number; serialized angler number from a sport fishing license, PID, or DVL; number of halibut harvested; port of landing; date harvested; and the anglers' previous halibut harvests as recorded on their catch card or angler license. As the program matures and technical issues are resolved, information reporting requirements may change. These changes would likely improve the performance of the system and ease of use.

Electronic reporting would not preclude charter operators from completing a written Federal logbook for enforcement purposes. Dockside enforcement would require NOAA OLE to have logbook information available immediately after charter anglers disembark from their fishing trip or fish are offloaded. Information reported electronically may not be immediately available for NOAA OLE because of the time required to verify the data and potential technical issues (i.e., cell phone service). These issues make it difficult for NOAA OLE to verify data at the dock and cite the angler and/or charter operator for an infraction, including failures to follow recordkeeping and reporting requirements. Enforcement efforts could be further complicated if charter operators experience technical issues associated with electronic systems, including telephone coverage problems.

Because electronic reporting would also require a written logbook, the previously discussed requirements in Section 2.2.1 would apply. These issues include a distribution method of the written charter logbook and angler catch card; database and web requirements; data security and disaster measures; and NMFS coordination with ADF&G. Electronic reporting would eliminate the need to transcribe most logbook information. However, data verification processes would still be required and data transcription would be

needed for operators in areas with limited cell phone service. If the electronic system proves to be being able to provide the information necessary for enforcement, the written logbooks would be discontinued. However, given the complexity of the sport fishery (i.e., large number of vessels and charter anglers in remote areas) and that IVR systems are new to NMFS, it is unknown if the written logbook could be eliminated.

Electronic reporting of the Federal angler catch card is not considered in this analysis because of the time required for charter operators to enter angler data through an IVR system, electronic difficulties with entering a large amount of data, enforcement requirement for a hard copy angler catch license, and the large amount of time required to enter each anglers personal contact information.

3.0 Cost estimates for recordkeeping programs

All proposed options would require four additional enforcement officers. These enforcement officers would check for failures to record retained halibut, incomplete information in the logbook, inaccurate information in the logbook, failure to record a halibut on an angler catch card or State fishing license, and violation of the annual limit. These enforcement officers would be based in Juneau, Sitka, and Ketchikan. **The expected cost for four additional enforcement officers is approximately $600,000, annually.**

3.1 Federal use of State charter logbook and angler license

Federal use of the State logbook and angler license would require additional staff time. Federal staff would be required to coordinate with ADF&G and respond to agency needs. A part time NMFS or NOAA OLE staff person would be required to process and query operator, business, and angler information. This person would also provide assistance to NOAA OLE with the collection of evidence, administrative correspondence, preparation of cases, and maintaining the database by working closely with NMFS programmers and ADF&G staff as needed. The expected annual cost for a GS- 9 part time NMFS staff person is approximately $50,000 (Table 2).

Programmer time would also be required to build and maintain a Federal database. Periodic data transfers would be the simplest database format, with programmer time required to construct and maintain the Federal database and workstation structure. Construction and maintenance of this database would likely be minimal, requiring one to two weeks of programmer time annually. The estimated cost for NMFS programmer time is $2,500 to $5,000, annually. Cost associated with "real time" access to the ADF&G database is unknown. These costs would largely depend on how efficiently the ADF&G database meshes with the Federal database and if a simple secure internet portal could be used to access ADF&G data. ADF&G would absorb much of the costs with real time access.

Federal use of State charter and angler recordkeeping and reporting tools would require ADF&G administrative support. To meet Federal data needs, ADF&G would need to provide adequate staff time to query charter operator and angler information, package this information, and send it to NMFS annually. ADF&G staff time would also be required to coordinate with the NMFS and NOAA OLE to develop a transfer methodology and provide ongoing support to NMFS staff. Moreover, additional ADF&G staff time may be required to respond to NOAA OLE request for scanned logbook pages and angler license information before the information is transferred to a NMFS database. ADF&G would need to respond to requests for scanned logbook pages on a case by case basis.

A secure Internet portal may reduce NMFS programmer time. An Internet portal would allow designated NMFS and NOAA OLE employees to logon to an ADF&G site or sites to access charter logbook and

angler data. This option would result in ADF&G incurring programmer costs associated with implementing the portal and necessary query structure. The extent of these costs is largely unknown because the data query and programming structure have yet to be determined. The Internet portal would also likely require a high level of coordination between the agencies and would be more programmer intensive than a periodic data transfer.

Table 2. Summary of cost estimates for implementing the annual limit using existing State resources.

Position	Time Requirements	Cost	Purpose
GS 9 NMFS staff	Part time	$50,000	Coordinate Federal data needs and respond to public
Programmer	One to two weeks	$2,250 - 5,000	Develop and maintain data base
Enforcement	Four officers	$600,000	Enforcement requirements for the limit
Total Federal Cost		**$652,500 - 655,000**	
ADF&G Costs	Additional administrative time	Unknown	

3.2 Federal charter logbook and angler catch card

3.2.1 Written media

State staffing levels can be used as benchmark from which Federal staffing levels for the logbook and angler catch card programs can be estimated. Currently, ADF&G employs a minimum of three full time technicians to enter and scan logbook data, and several[10] technicians to enter angler license information.

Additional NMFS staff would be required to administer the catch accounting program. Staff resources are currently fully allocated to existing management programs. Implementation of the GHL catch accounting program would require staff resources to be increased or redirected from current management programs. It is unlikely that sufficient staff resources could be redirected from current activities without severely hindering NMFS' ability to implement current and future management programs.

The State logbook program currently collects effort information in addition to angler-specific catch information for several species. The Federal program would only require angler-specific halibut harvest information and would thus require less data entry than the State program. Similarly, the scope of the Federal catch card would be much smaller than the ADF&G sport fishing license because Federal licenses would only be issued to anglers fishing for halibut from a charter vessel and different license choices would not be available. Given these staffing requirements, the GHL catch accounting program would require one full time GS - 9 NMFS position at $100,000 annually and one full time GS - 7 position at $75,000 annually to distribute logbook and angler catch cards, collect data, enter logbook and angler catch card data into a database, respond to public inquiries, query the database for potential violations, coordinate with programmers, and provide support to NOAA OLE as needed (Table 3).

[10]. Because of the wide rage of data entry responsibilities for ADF&G licensing technicians, an accurate estimate of the technician time for only angler licenses was not available.

Programmers would be needed for two phases of the GHL program: initial start up and annual maintenance. The initial start up of the program would require approximately one month of programmer time to design and implement the databases, design a web interface for the distribution of the angler catch card to the public, design a database workspace for NOAA OLE and NMFS, create multiple data storage areas and security arrangement, and provide technical assistance. The estimated programmer cost for initial startup is approximately $10,000 if a NOAA Fisheries employee is used and $20,000 if the project is contracted to a consulting firm (Table 3).

The database and web interface would also require ongoing programmer time for maintenance and support. After the initial set up, a programmer will likely be needed to perform the following functions:

- Guarantee system functionality (e.g., reboot servers, troubleshoot problems, restore from backup servers, reconfigure settings);
- Install hardware and system upgrades; and
- Develop, test, and employ database modifications based on agency staff feedback.

The frequency and number of these services would likely diminish as the program aged and problems were resolved. As a result, costs will decrease as the program matures and stabilizes (Wostman and Associates 2005). Given these variables, it would likely require approximately two weeks of annual programmer time to meet programmatic needs. The annual cost (minus the first year) would be approximately $5,000 if a NOAA programmer is used or $10,000 if the work is contracted (Table 3).

Other costs

Implementing the program would accrue costs associated with producing the angler catch card and charter logbook, and software costs associated with maintaining the database. A detailed explanation of these costs is provided below:

- *Charter logbook production.* Based on historical use, approximately 600 to 1,500 charter operators will be required to have a logbook in Area 2C. An accurate estimate for printing costs is difficult to obtain because the design of the Federal logbook has not been determined. However, because the Federal logbook requires less information than the State logbook, it would likely be smaller and less expensive. The estimated cost for the Federal logbook is between $2,000 and $5,000 if they are half the cost of the State logbook and between 700[11] and 1,500[12] logbooks are needed (based on registered charter vessels) (Table 3). The upper end may be limited by future moratorium action.

- *Angler catch card production.* In 2004, approximately 51 percent (~34,000) of the 66,000 anglers who fished from a charter vessel in Area 2C harvested one or more halibut (Figure 1). The number of anglers who targeted halibut without any harvest is unknown. We assumed that a Federal angler catch card would be very similar to the current ADF&G fishing license which

[11] This estimates assumes some logbooks may be destroyed or lost and some inactive charter anglers may obtain a logbook.

[12] The estimate assumes that the number of active charter vessels will increase from the 624 reported in 2004 (NPFMC 2006) that some logbooks may be lost or destroyed, charter operators may require multiple logbooks, and non active charter boats may obtain a logbook. The cost estimate also assumes Federal charter logbook will cost about 3 dollars per logbook (roughly half of the cost for a state logbook). The amount of information required for the Federal logbook will be much less, thus requiring a much smaller logbook. If the cost of the logbook is equal to the state, the cost estimate increases to between $5,000 and $10,000. The design of the logbook is unknown at this time and for this reason the exact cost is difficult to estimate.

costs approximately $1.00 for a booklet of 50 licenses[13]. Assuming between 50,000 and 66,000 licenses are needed, the annual estimated cost is between $1,000 and $1,400 (Table 3).

- *Software and hardware.* Software and hardware would be required to provide the structure and necessary backup and security protection for the database. Because details associated with the design of the database have not been finalized, these costs are unknown.

[13] Estimate based on the cost of 2006 ADF&G sport fishing license as provided by the ADF&G licensing.

Table 3. Summary of cost estimates if the Federal logbook and angler catch card using written media is implemented.

Position	Position classification	Cost	Purpose
One GS - 9 NMFS management staff	Full time	$100,000	Distribute logbooks and angler catch cards; collect data; transcribe data; respond to public inquiry; coordinate with programmers and NOAA OLE
One GS – 7 NMFS staff	Full time	$75,000	
NMFS or contracted programmer	One month	$10,000 if NMFS employee used; $20,000 if contracted	Initial design and setup of database, workstation, and web interface
	Two weeks	$5,000 if NMFS employee used; $10,000 if contracted	Ongoing maintenance and modification of database
Four enforcement officers	Full time	$600,000	Enforcement requirements for the annual limit
Other Costs	NA	$3,400 to $6,000 and unknown software cost	Angler catch card and charter logbook production, hardware and software purchase
Total			
Initial set up (first year)		$788,400 – $801,000+	
Annual costs		$783,400 – $791,000	

3.2.2 Electronic reporting

Electronic data reporting requires the development of a large technical infrastructure, including the purchase of hardware and software, training of staff, and technical support for the charter industry. Readers are directed to the IVR feasibility study by Wostmann and Associates (2005) for the charter halibut IFQ program. This discussion paper will provide a brief overview of costs associated with the program.

The cost estimates for the electronic reporting are derived from Wostmann and Associates (2005), and are subject to the conditions indicated in their discussion paper. These costs were estimates for an IFQ program, not the proposed annual limit. However, the author believes the IFQ cost estimates may be transferred to the proposed annual limit. If electronic reporting is instituted for the annual limit, NMFS would need to obtain formal bids, which may vary from the provided estimates.

The report provided by Wostmann and Associates (2005) outlined three options for electronic reporting:

- **Option 1** - Develop and support the IVR system using in-house NMFS resources, including technical support to charter operators through the Information Resource Office (IRO) at NMFS.

- **Option 2** - Hardware and phone lines would be purchased, configured, and hosted by NMFS. NMFS would hire a contractor to design and develop the IVR system as well as train NMFS

developers and support staff to maintain the system. NMFS would provide technical support for charter operators through the IRO.

- **Option 3** – Contract out the development, hosting, and technical support for the system to an IVR hosting service.

The costs associated with each option can be broken down into several elements: phone service costs, IVR hardware and software platform costs, IVR development software, development, maintenance and support, and hosting (Table 4). The details for these options are discussed in the charter halibut IFQ feasibility study (Wostmann and Associates 2005). In brief, the attributes associated for each element are as follows:

- **Phone costs** - The IVR system would require an estimated eight analog or digital phone lines. In addition to an installation fee, the phone line service would have an annual fee and 6 month "vacation" fee when the lines are not in use (winter months). A third of the of the annual fee is associated with using a T1 line for the digital phone service. This cost could be reduced if analog lines were used.

- **IVR software and hardware** - This cost estimate includes the use of multiple servers and the voice handling and prompt software to operate the phone system.

- **Development costs** - These costs include training time for NOAA Fisheries staff, development of the systems, documentation of the system parameters, and testing and tuning of the system.

- **Maintenance and support** - Ongoing help desk and administration staff would be needed to perform system maintenance (e.g., generate and review performance reports), install software upgrades, respond to calls from charter operators, and insure the system is operating properly.

- **Hosting fees** - Outsourcing of IVR services provides complete hosting of the IVR system, including phone service, software and hardware, and maintenance and support. The advantage to IVR hosting is that a hosting firm can provide the necessary technical experience and infrastructure to insure high system quality.

Table 4. Summary of IVR costs as estimated by Wostmann and Associates (2005). Initial costs represent the total costs for the first year of implementation.

		Phone service ($)	IVR software and hardware	Initial development	Maintenance and support	Hosting Fees
Option 1	Initial Cost	$6,270	$10,000 - $20,000	3 – 6 months NMFS programmer time ($30,000 – $60,000)	Minimum one part time NMFS staff person ($50,000) Programmer time highly variable: $5,000 - $30,000	$0
	Annual Cost	$4,500	Variable	NA	Minimum 1 part time NMFS staff person ($50,000) Programmer time highly variable: $5,000 - $30,000	$0
Option 2	Initial Cost	$6,270	$10,000 - $20,000	Contracted: $54,000 - $97,000	Minimum 1 part time NMFS staff person ($50,000) Programmer time highly variable: $5,000 - $30,000	$0
	Annual Cost	$4,500		NA	Minimum 1 part time NMFS staff person ($50,000) Programmer time highly variable $5,000 – $30,000	$0
Option 3	Initial Cost	$0	$0	Contracted: $51,000 - $100,000 NMFS staff 1-2 months $8,000 – $16,000	$0	$108,075
	Annual Cost	$0	$0	NA	$0	$108,075

Wostmann and Associates recommended that NMFS pursue Option 2 to implement the IVR system for the charter halibut IFQ program. In summary, the recommendation by Wostmann and Associates was based primarily on cost:

> *Although the system may be less expensive to get online initially, through a service provider, the ongoing service fees are significant and within three years will likely exceed the overall cost of developing and maintaining the system in house. The uncertainty that an outsourced solution will receive funding in future years is another consideration... NMFS will have more flexibility to*

modify and enhance the system without being dependent on contracted resources from the solution provider to implement changes in the future.

As discussed in Section 2.2.2, NOAA OLE requires written logbooks in addition to the electronic reporting. Thus, in addition to electronic reporting costs under Option 2, the costs for written media would apply. A reduction in administration time associated with transcribing logbook data would occur under the electronic reporting system. However, administrative staff would still be required to transcribe angler catch card data unless the State fishing license database was used. NMFS estimates that one GS - 9 ($100,000) and one part time GS - 7 ($37,500) employee could administer the electronic and written data systems. These administrative costs would be in addition to enforcement costs, and costs associated with producing and distributing the charter logbook and angler catch card. Use of the ADF&G angler license would eliminate the angler catch card and associated staff time required to transcribe catch card information, and would thus eliminate the need to hire a part time GS-7 employee.

Providing an accurate estimate of the cost associated with the electronic reporting is difficult because the amount of programmer time is unknown. NMFS does not have experience with telephone IVR systems, but does have experience administering electronic reporting systems for the IFQ fishery and electronic reporting systems administered between the ADF&G, Pacific States Marine Commission, and NMFS. Based on this experience, electronic reporting of the annual limit would likely require a large amount of programmer time that may range from one to six months depending on the scope of the final system.

The annual cost for electronic reporting (with a written logbook and angler license) under Option 2 is less than the written option due to the elimination of hiring a full time GS-7 employee. The annual cost of the electronic reporting method is between $749,000 and $778,000 without consideration of additional programmer time. However, the initial cost of an electronic reporting system is much higher than the written method because of the technical requirements and the need purchase hardware and software. The estimated initial cost for electronic reporting is between $816,000 and $891,000. This cost may vary substantially depending on the amount of NMFS programmer time required to maintain and modify the database and web-interface.

Electronic reporting also may not function in all areas of Southeast Alaska because of limited cell phone coverage. Thus, a small number of charter operators would likely need to use written logbook in areas with poor phone coverage. Moreover, as previously discussed, enforcement would still require written logbooks on board each vessel to provide onboard evidence if the vessel is checked dockside or at sea.

4.0 Time burden for charter operators and charter anglers

All the time burden estimates provided in this section are considered approximate. It is difficult to estimate the amount of time required to complete Federal recordkeeping requirements because the recordkeeping tools and associated regulations have not been developed. Thus, the estimates provided below are largely based on the required time to complete State recordkeeping and reporting requirements. The author believes this comparison is reasonable because Federal recordkeeping and reporting would be very similar to State requirements, with directly comparable duplication in many situations.

4.1 Federal and State written media

The amount of time required to complete a Federal logbook would be in addition to the time required to meet State recordkeeping and reporting requirements (Table 5). Charter operators spend an estimated 1 to

2 minutes per angler to record angler information in the State logbook[14]. Thus, a charter with six charter anglers would spend 6 to 12 minutes recording angler information for the State logbook. A Federal logbook program would likely add 1 to 2 minutes to the time required to complete the State charter logbook. Combined, the Federal and State program would result in a charter operator spending approximately 2 to 4 minutes per angler, and approximately 12 to 24 minutes per six anglers to complete the logbooks. These estimates are approximate because the exact design of the Federal logbook is unknown and the time required to enter State logbook information may vary depending on the number of charter anglers, number of areas fished, and number of species of fish caught.

When registering for a State charter logbook, charter operators are required to present license and contact information (State business, vessel, and USCG) to the State before obtaining a charter logbook or guiding. At a minimum, a Federal program would require a charter operator to provide similar contact information as required by the State. We estimate it would take the charter guide approximately 3 to 6 minutes to report the required information to NMFS annually (if NMFS cannot use State reporting). This time would be in addition to an estimated 6 to 10 minutes required to report personal information to the State when registering for a guide license. Thus, a combined 9 to 12 minutes per vessel would be required to complete State and Federal requirements on an annual basis. Charter operators registering online who have the previous year's registration information stored in the NMFS database would likely require substantially less time to complete the registration process.

Charter anglers fishing for halibut would be required to register for an angler catch card using either an online system or written hard copy obtained from their charter operator. The amount of information required for the online form would be identical and would have very similar time requirements. Charter anglers registering online would be required to print their angler catch card, and maintain that angler catch card on their person while fishing. Charter anglers are expected to spend approximately 3 to 5 minutes completing the online or written form. This time requirement would be in addition to the estimated 3 to 5 minutes required to complete a State angling licenses. Combined, charter anglers would spend approximately 6 to 10 minutes completing State and Federal angler licenses. Moreover, duplicate information would be required by State and Federal licenses.

Charter businesses wanting to obtain a Federal catch cards to distribute to anglers would be required to register online, through the mail, or at NMFS office. This registration would require operators to submit contact information for their business and is estimated to take approximately 6-10 minutes to complete. This would be in addition to the 6-10 minutes required to complete State licensing requirement. Thus a business may spend a total of 12 to 20 minutes reporting information to NMFS and the State.

4.2 Electronic media

The amount of time required to complete the IVR reporting requirement would be largely dependent on the amount of data required, the amount of time required to connect to the IVR system through the phone, and the construction of the final voice or touch tone scripts. Because of these factors, a precise estimate of the time required to meet Federal reporting requirements is not possible.

Electronic reporting would require charter operators to spend time recording information in the written Federal and State logbook as well as utilizing the IVR system. As previously discussed, the estimated amount of time to complete the State and Federal logbook is approximately 2 to 4 minutes per angler (Table 5). An electronic IVR system would likely add an additional 2 to 3 minutes per angler to the time

[14] The estimated time burden required to complete a State charter logbook was based on input from ADF&G RTS and two charter operators.

required to complete a Federal and State logbook. Thus, charter operators would spend approximately 4 to 7 minutes per angler and 24 to 42 minutes per six anglers in order to meet Federal recordkeeping and reporting requirements.

The amount of time needed to meet State and Federal recordkeeping requirements could be reduced if enforcement is able to meet its needs without the written Federal logbook program. Removal of the written Federal logbook program would result in 3 to 5 minutes per angler being spent completing State and Federal reporting requirements. Thus, for six anglers, charter operators would be expected to be a total of 18 to 30 minutes completing electronic logbook information, which is a reduction from the 24 -47 minutes expected for all reporting methods, and slightly more than the written Federal logbook method. Charter operators would still be subject to the registration requirement as discussed for the written logbook program.

Table 5. Time burden estimates for the State and Federal logbook, electronic reporting and initial registration for each recordkeeping method. The columns and the rows of the table indicate the time burden for each recordkeeping method when considered as a single group.

	Burden measure	State logbook	Federal logbook	Electronic reporting
State logbook	Per angler	1 – 2	NA	NA
	Six anglers	6 - 12		
Federal logbook	Per angler	2 - 4	1 - 2	
	Six anglers	12 - 24	6 - 12	
Electronic reporting	Per angler	3 - 5	3 - 5	2 - 3
	Six anglers	18 - 30	18 - 30	12 -18
Charter registration	Annual	6 - 10	3 - 6	Registered under Federal logbook
All methods	Per angler	4 – 7 (does not include registration)		
	Six anglers	24 – 42 (does not include registration)		

Under the electronic reporting system, anglers fishing for halibut would be required to obtain an ADF&G sport fishing license as well as a Federal catch card. Thus, the time burden estimates provided for the written media apply.

5.0 Summary of costs and time burden

The use of state recordkeeping and reporting tools is the most cost effective method to enforce the annual limit. The estimated annual cost for this method is between $652,500 and $655,000 (Table 6). This cost is approximately $97,000 to $123,000 less than the electronic reporting method and $131,000 to $136,000 less than written methods. The State recordkeeping and reporting method also has the lowest time burden associated with completing the logbook and angler requirements. The reduced time requirement is largely due to the time required to complete the Federal logbook program in addition to State recordkeeping and reporting requirements. Electronic reporting has the highest time burden estimate because State and Federal written reporting requirements would need to be completed in addition to electronic reporting.

Electronic reporting does have the advantage over other reporting methods in that NOAA OLE would obtain electronic logbook information within a month. However, angler information from either the catch card or State licensing would need to be transcribed before being electronically available. As a result, angler contact information would not be available for two to three months because of the time required to transcribe angler licenses. The use of electronic information would initially cost more than all other options; however, because of a reduction in administrative costs associated with transcribing logbook information, annual costs would be lower than the written method. The amount of time required recovering initial capital investment in hardware and software was not determined for this paper.

Table 6. Summary of the cost and time burden on charter operators and anglers for each recordkeeping and reporting option.

Reporting Method	Requirements	Cost	Time Burden*	Delay until information is available to NMFS
State charter logbook and angler license	Part time Federal GS -9 Programmer time: one to two weeks Four enforcement officers	$652,500 – $655,000	Charter operator: 1 – 2 minutes per angler Angler: 3 – 5 minutes	2 – 3 months after end of charter fishing season (September)
Federal charter logbook and angler license				
Written option	Full time GS 9 Full time GS 7 One month - two weeks programmer time Other costs Four enforcement officers	Initial year: $789,000 – $801,000 Annual: $783,000 – $791,000	Charter operator: 2-4 minutes per angler Angler: 6 – 10 minutes	3 months after end of charter fishing season (September)
Electronic option	Software and hardware Initial development Ongoing programmer time Full time GS -9 Part time GS 7 Enforcement Distribution of angler catch cards and logbooks	Initial year: $816,000 – $891,000 Annual: $749,000 – $778,000	Charter operator: 4-7 minutes per angler Angler: 6 – 10 minutes	Logbook data available almost immediately (< 1 month): Angler licenses information would require 2 to 3 months after the end of the charter season for transcription

* Burden estimates for Federal reporting methods include the estimated time for charter operators to complete the State logbook.

State logbook information would not be available to NMFS and NOAA OLE for 4 to 6 months after the end of the charter fishing season (September). However, scanned logbook pages would be available much sooner. NOAA OLE could use the scanned logbook pages for specific cases where the charter vessel is identified and angler information was previously obtained. Angler information from ADF&G licensing would not be available for at least two months. For these reasons, scanned logbook information would likely only be useful for dockside and at-sea enforcement where NOAA OLE has made previous contact with a charter operator and charter anglers. NOAA OLE could not use the scanned logbook information to electronically audit anglers and charter operators.

6.0 Summary

- **To enforce the annual limit, an angler-specific catch record, linked to multiple vessels is required by NOAA OLE.** To meet this need, an angler specific catch record and charter logbook are required. This system of recordkeeping and reporting allows NOAA OLE to track

anglers across multiple vessels, perform a post season audit on angler catch, and enforce the Halibut Act.

- **Federal use of the State charter logbook and angler license is the most cost effective and least burdensome method to enforce the annual limit.** Use of the State recordkeeping and reporting system would eliminate the potential for duplication between State and Federal recordkeeping requirements, offers the lowest cost to the agency, and requires the least amount of time burden on charter anglers and operators. Use of the State logbook would also eliminate potential Paperwork Reduction Act (PRA) issues associated with the large amount of duplication if Federal reporting tools are used. The nature of these issues would need further exploration if Federal reporting tools are used.

- **Use of the State charter logbook and angler license would require a State legislative change to confidentiality law and authorization from the State to allow enforcement of State regulations by NOAA OLE.** State confidentiality law prevents NMFS and NOAA OLE from obtaining charter logbook and angler license information. In addition, because NOAA OLE is not authorized to enforce State regulations, they cannot require charter anglers and operators to show recordkeeping instruments to a Federal enforcement agent.

- **A Federal reporting program would be required if current or future State recordkeeping and reporting tools, laws, or authorities granted to NOAA OLE do not meet NOAA OLE requirements.** If the required changes are made to State law and NOAA OLE is granted the necessary authorities as previously discussed (Section 1.4), the State may still change its logbook and angler license requirements in the future, including changes to the information and reporting requirements for charter operators and anglers. Moreover, the State could make future changes to its law which may prevent NOAA OLE from accessing information essential to enforcement or change the authorities granted to NOAA OLE to enforce the annual limit. These changes would result in NOAA OLE not being able to enforce the annual limit using State reporting tools and a Federal logbook program would be necessary.

- **Implementation of the annual limit would require an increase in NMFS staff resources or a redirection of staff from current management programs.** NMFS staff is currently fully utilized on existing management activities. As a result, NMFS would need to redirect staff from current management activities or fund additional staff. It is unknown if funding for additional NMFS staff could be obtained. A redirection of staff time from current management activities would substantially reduce NMFS ability to complete current management functions.

- **Enforcement of the 5-fish annual limit would require a substantial increase in enforcement staff or a large reduction in the time spent enforcing other management regulations.** NOAA OLE estimates that four enforcements officers at an annual cost of $600,000 would be required to enforce the annual limit. If additional funds are not obtained, enforcement would not able to adequately enforce the annual limit. If enforcement staff time was redirected to enforce the annual limit, other management programs may suffer from a reduction in enforcement effort. Moreover, a reduction in enforcement effort directed at the annual limit would reduce the effectiveness of the regulation.

- **Implementation of other management measures (e.g., charter moratorium program) may be slowed down because of the large amount of staff time required to draft regulations and implement the annual limit.** If the Council continues to support the annual limit, significant NMFS staff time would be required for its implementation. As a result, other management

measures such as the moratorium may be slowed down because NMFS staff would be occupied with implementing the GHL measure.

- **The annual limit is not expected to lower charter halibut harvest to the GHL and in the future, if harvest falls below the annual limit, removal of the regulation would require proposed and final rulemaking.** The proposed annual limit was approved by the Council in response to an overage of the GHL in Area 2C. While the annual limit is expected to reduce halibut harvest by approximately 13 percent to 14 percent of the 2004 harvest, it would not have lowered halibut harvest to the GHL. Moreover, if the charter the industry is below the GHL in the future, it would not be possible for NMFS to remove the annual limit from regulation quickly. Other charter management measures currently under consideration by the Council may provide permanent harvest solutions that meet the needs of the charter industry.

- **The effectiveness of the annual limit may be undermined if the State does not issue an EO prohibiting the harvest of halibut by skipper and crew.** Charter anglers fishing from a charter vessel may receive halibut "gifted" to them from skipper and crew. Gifted fish would not count towards an angler's annual limit.

Persons consulted

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Providing Authority to State Governments to Manage Pacific Halibut Fisheries

Discussion Paper on the Potential Effects of Amending the Northern Pacific Halibut Act of 1982

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Unlike the fisheries for many other marine species in the United States, Pacific halibut (*Hippoglossus stenolepis*) are managed exclusively under Federal regulations. Although this species is commonly found within the boundaries of Alaska, Washington, Oregon, and California (States), State responsibility and authority to manage Pacific halibut fisheries is virtually non existent. This has caused difficulty in managing sport fishing which for all other species is governed typically by State governments. The need to integrate regulations for sport halibut fishing with existing State regulatory regimes for recreational fisheries has raised the prospect of changing the existing Federal statutory authority to allow for greater authority for the States. This paper discusses the effect of such a potential statutory change.

Background

The fisheries for Pacific halibut are governed under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773-773k). For the United States, the Halibut Act gives effect to the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention) signed at Ottawa, Canada on March 2, 1953, as amended by the Protocol Amending the Convention signed at Washington, DC March 29, 1979.

In brief, the Convention is an agreement between Canada and the U.S. concerning the conservation and management of Pacific halibut. The Convention requires that all fishing for Pacific halibut within Convention waters—which include State waters—comply with the Convention and regulations of the International Pacific Halibut Commission (IPHC). The Convention gives the IPHC broad authority to adopt regulations to develop and maintain Pacific halibut abundance. Annually, the IPHC makes regulatory recommendations to Canada and the U.S. which, in the U.S., are published in the *Federal Register* as Federal regulations. Further, the Convention states that Canada and the U.S. may establish additional regulation governing halibut fisheries that are more restrictive than those adopted by the IPHC.

The Halibut Act implements the Convention in the U.S. and gives the Secretary of Commerce (Secretary) general responsibility to carry out the Convention and the Halibut Act. The Halibut Act also provides authority to the Regional Fishery Management Councils, established under Sec. 302(a) of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), to:

"...develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with, regulations adopted by the [IPHC]" (Halibut Act, Sec. 773c(c)).

Pacific halibut are found only within the jurisdictions of the Pacific Fishery Management Council and the North Pacific Fishery Management Council. Hence, this special authority to develop halibut regulations extends only to these Regional Councils. The Halibut Act further requires that any regulations developed by these Regional Councils be implemented only with the approval of the Secretary. This requirement for Secretarial approval of Council-developed regulations is similar to the development of other fishery management policies and regulations that are authorized under the Magnuson-Stevens Act. Under both statutes, the implementation of a Secretary-approved proposal is done by Federal regulations.

Although the Regional Council development of regulations is similar for halibut under the Halibut Act and other species under the Magnuson-Stevens Act, a significant difference between these statutes exists in their treatment of State government authority. The Magnuson-Stevens Act expressly neither extends nor diminishes the jurisdiction of any State government, with certain exceptions (Magnuson-Stevens Act, Sec. 306(a)). The Halibut Act, however, provides no authority to State governments for the direct regulation of halibut. In a memorandum dated December 4, 1995, NOAA General Counsel determined that together, the Convention, the Halibut Act, and the development of Federal regulations developed by the IPHC and Regional Councils constitute "...a comprehensive and pervasive regulatory scheme that completely occupies the field of Pacific halibut fishery regulation..." (page 3). Although States may have some indirect effect on the regulation of halibut fisheries, are represented on both Regional Councils, and may be able to have regulations identical to Federal regulations, the States have no direct regulatory authority over the halibut fisheries.

The Sport Fishing Problem

In Alaska, as in most other states, the State has principal authority and responsibility for the management of sport fisheries. Sport fisheries include recreational guided (including charter boat or for-hire fishing) and non-guided independent angling. Most guided and non-guided sport fishing is done in near-shore waters within State jurisdiction, and therefore is governed by State laws and regulations. Sport fishing for halibut is the only exception for the reasons explained above. The basic sport fishing rules for halibut in Alaska—that limit anglers to using single line gear with no more than two hooks, a daily bag limit of two fish, and an 11 month season from February 1 through December 31—

are regulations developed by the IPHC (Sec. 25(1) and (2)) and published in the *Federal Register* most recently on March 3, 2006 (71 FR 10850). In addition, sport halibut fishing regulations developed by a Regional Council and approved by the Secretary under authority of the Halibut Act would be published as Federal regulations either in the annual management measures published in the *Federal Register* or in the Code of Federal Regulations (CFR). In Convention waters off the States of Washington, Oregon, and California, Federal sport fishing regulations developed by the Pacific Fishery Management Council appear at Sec. 25(4) pursuant to the Catch Sharing Plan for IPHC Area 2A (50 CFR sec. 300.63). For the Convention waters off Alaska, sport halibut fishing regulations developed by the North Pacific Fishery Management Council appear in the CFR at 50 CFR sec. 300.65(c), which currently include only non-restrictive guideline harvest levels for the sport halibut fishery in IPHC areas 2C and 3A.

The State of Alaska, also is involved, and has an interest in the management of sport halibut fisheries, despite having little or no statutory authority. The State requires licenses of sport fishermen (with certain exceptions) and performs the survey work on which estimates of sport halibut fishing mortality are based. These estimates are used by the IPHC as one component of its forecast of halibut stock abundance and estimates of allowable harvests. In addition, the State has authority over the sport harvest of all other species, and fishing for halibut may result in the catching of other species (and vice versa). Finally, the distinction between Federal and State management of sport fishing for halibut is largely transparent to the affected public who is governed by State licensing requirements and, when fishing for virtually all other species, State regulations.

The differences between State and Federal authority over the management of sport halibut fisheries becomes more pronounced when implementing regulatory changes and collecting data necessary for the monitoring and enforcement of Federal regulations. In Alaska, the State's regulatory process is substantially briefer and more quickly concluded than the Federal regulatory process. At the State level, a proposed regulatory change is developed within local citizen advisory committees and brought to the State's Board of Fisheries (Board) which may adopt it after public notice of the proposal and 30-day comment period. After adoption by the Board, a proposal generally is given a technical and legal review by the Alaska Department of Fish and Game and the State's Attorney General and filed with the State's Lieutenant Governor for publication in the State's Administrative Journal, the regulatory change becomes effective 30 days after filing. This process may take as little time as two months. Alternatively, the Board may adopt emergency regulations that are effective immediately upon filing, with an opportunity for public comment provided prior to making the regulation permanent. The Commissioner of Fish and Game also may implement certain temporary changes, including closure of a fishing season, immediately through emergency orders. An emergency regulation usually takes several days because a publicly noticed Board meeting must be arranged, but may take as little as one day if the Board is already scheduled to meet on another matter or if the Board delegates its authority to the Commissioner of Fish and Game. At its quickest, the emergency order process can be accomplished within a matter of hours.

The Federal process by comparison is more cumbersome by design to maximize public involvement and analysis of alternatives to the proposed regulatory change. This process is prescribed by numerous Federal laws and executive orders. It involves Regional Council analysis of the problem to be addressed and alternative solutions that assess and compare potential environmental and socio-economic impacts. Public concerns about the proposed action are addressed to the Regional Council during its review of the draft analysis. A Regional Council recommendation for a regulatory change is then made to the Secretary. After technical review by the National Marine Fisheries Service and legal review by NOAA General Counsel, the proposed changed is published for additional public comment. Public comment on the proposed rule is considered before the Secretary will approve (or disapprove) the action and, if approved, publish the change as a final rule. This process may take from one to several years to accomplish.

The significance of these differences between the State and Federal regulatory procedures is that the Council is much more limited in its reaction time to the latest information about sport fishing effort and harvest rates that may be detrimental to other halibut fisheries or the halibut resource. Moreover, the desired Federal policy may have to be implemented by regulations that parallel or duplicate existing or similar State regulations. This is because Federal law enforcement is authorized to prosecute only violations of Federal regulations, and the Secretary can not rely on State regulations to implement a Federal policy that is consistent with all other applicable Federal laws. Hence, although it may be more responsive, the State regulatory process cannot be used to manage sport halibut fisheries because the Federal government "completely occupies the field of Pacific halibut fishery regulation" under the Halibut Act.

Proposed Statutory Change

The Alaska Department of Fish and Game has sought to remedy this problem by proposing a change to the Halibut Act that would explicitly provide for a delegation of limited authority to the State of Alaska to regulate recreational fishing for halibut. The proposed change would add a new paragraph (d) to 16 U.S.C. sec. 773c which would read as follows:

(d) Delegation of Authority to States

(1) A state may regulate recreational fishing for halibut in the United States portion of Convention waters in and contiguous to that state, provided that the—

(i) Secretary approves a recommendation by the Regional Fishery Management Council having authority for the geographic area covered to authorize the state to regulate recreational fishing for halibut;

(ii) state's regulations are consistent with the Convention and with regulations adopted by the Commission and that Council; and

(iii) state's regulations do not discriminate against residents of different states.

(2) For purposes of this section, state regulations will be deemed consistent with regulations of the Commission and the Regional Fishery Management Council if they are as restrictive or more restrictive than the regulations of the Commission or Council

or will otherwise restrain catch to a level equal to or lower than that allowed under regulations developed by the Commission or Council.

(3) Each state adopting any regulation under this section shall provide a copy of the regulation to the Secretary prior to the date the regulation becomes effective. If the Secretary determines that any state regulation is not consistent with the requirements of this section, the Secretary shall promptly notify the Governor of the state, the Commission, and the Council concerned of such determination, and shall provide a reasonable opportunity for the State to correct any inconsistencies identified in the notification. State regulations shall remain in force until changed unless superseded by regulations of the Secretary. If after notice and opportunity for corrective action, the state does not correct the inconsistencies identified by the Secretary, the Secretary shall promulgate regulations explicitly superseding the state regulations, and such regulations shall remain in effect until the Secretary determines that the State has corrected the inconsistencies.

Discussion of Proposed Change and Suggested Refinements

The draft proposed statutory text above is essentially the same as that discussed by State of Alaska and NOAA staff in June 2006. It appears differently, however, because it is rearranged in separate paragraphs to facilitate this discussion.

The basic design of this statutory change would be to allow a State government to respond quickly and efficiently to changes in the management needs of a recreational fishery for halibut that, except for the Halibut Act, would occur under the State's jurisdiction. The specific authority delegated to the State could be as broadly or as narrowly defined as the appropriate Regional Council and the Secretary specifies. For example, a Regional Council may wish to limit State regulatory authority to, say, sport hook or catch limits in certain areas. Alternatively, a Regional Council may wish to grant broad regulatory authority including time and area closures, gear restrictions, harvest or bag limits, and limited access criteria. A Regional Council also could make no recommendation for delegation of recreational halibut fishing authority to the State.

A critical feature of this proposed statutory language is that delegation of authority would be from the Secretary to a State, based on a recommendation from a Regional Council. Secretarial review and approval of a delegation recommendation is necessary because the Secretary is charged with the general responsibility to carry out the Convention and the Halibut Act under section 773c(a). Because approval of any recommended delegation of authority to a State would be at the discretion of the Secretary, withdrawal of the delegation also would be at the discretion of the Secretary. Secretarial review and approval of a Council recommendation also would be consistent with section 773c(c) of the Halibut Act which authorizes Regional Councils to develop regulations, including limited access regulations, and be implemented only with the approval of the Secretary.

For these and other reasons stated below, the drafted proposed statutory text should be changed as follows:

- In paragraph (d)(1)(ii) and (d)(1)(iii), "state's regulations" should be more specifically stated as the "state's recreational halibut fishing regulations." This additional text would clarify that only a State's sport halibut fishing regulations; not other types of regulations are pertinent to a delegation of authority.

- In paragraph (d)(2), a consistency determination should be with "...**approved** regulations **developed by** the Commission **or** the Regional Council...." The bolded text should be added for consistency with sections 773b and 773c of the Halibut Act which speak to the approval of regulatory recommendations made by either the IPHC or a Regional Council, respectively. Also, this language would clarify that consistency would be required only with approved regulations and not those that may be under development by either the IPHC or a Regional Council. The edited paragraph would read as follows (with added text in **bold** and deleted text in [brackets]): *"(2) For purposes of this section, state regulations will be deemed consistent with **approved** regulations **developed by** [of] the Commission **or** [and] the Regional Fishery Management Council if [they] **the state regulations** are as restrictive or more restrictive than the **approved** regulations **developed by** [of] the Commission or Council or will otherwise restrain catch to a level equal to or lower than that allowed under **approved regulations developed by the** Commission or Council [regulations]."*

- In paragraph (d)(3), a minimal time period should be allowed for Secretarial review of state regulations to make the consistency determination required in the preceding paragraph. Thirty days may be a reasonable review period. Review by the IPHC during this period also would be desirable for biological conservation purposes. Hence, the draft text in this paragraph should be changed to read as follows (with added text in **bold**): *"(3) Each state adopting any regulation under this section shall provide a copy of the regulation to the Secretary **and the Commission at least 30 days** prior to the date the regulation becomes effective."*

- Also in paragraph (d)(3), the draft proposed statutory text should include explicit authority for the Secretary to withdraw delegation if a State's regulation is determined to be not consistent under paragraph (d)(2). This authority may be implied by the initial delegation authority in paragraph (d)(1). However, without an explicit withdrawal authority, one could argue that only a superseding Federal regulation—developed by a Regional Council and approved by the Secretary—could obviate a state regulation from having effect if it is determined to be inconsistent under paragraph (d)(2). Hence, this paragraph should have the bold text added to read as follows: *"State regulations shall remain in force until changed unless superseded by regulations of the Secretary **or withdrawal of the authority delegated by the Secretary**. If after notice and opportunity for corrective action, the state does not correct the inconsistencies identified by the Secretary, the Secretary **may withdraw the delegation to the state or** [shall] promulgate regulations explicitly superseding the state regulations, and such*

regulations shall remain in effect until the Secretary determines that the State has corrected the inconsistencies."

The Practical Effects of the Proposed Statutory Change

The overall effect of this proposed change would be to delegate to the States of Alaska, Washington, Oregon or California authority to implement certain regulations to manage the sport halibut fisheries within the respective states without going through the normal Council development and Secretarial review and implementation process currently required by the Halibut Act. If this Halibut Act amendment is adopted by Congress and signed into law by the President, its practical effect would be to allow a Regional Council to recommend broadly or narrowly defined authority to be delegated to one or more specific States.

Presumably, such a delegation action would be initiated at the Regional Council level in the same manner as other regulatory amendments are initiated, at the request of the public or a participating Council member or agency. The action to delegate would be a Federal action for which certain laws would require an analysis of alternatives and a public process for the review and adoption of a Regional Council's recommendation to the Secretary. After the Council submitted such a recommendation to the Secretary for review and approval (or disapproval), NMFS would publish the delegation recommendation in the *Federal Register* for additional public comment. If approved, the delegation recommendation would be codified in Federal regulations at 50 CFR part 300 which would specify the authority delegated to the State. Sections 300.60 through 300.66 of this part currently implement provisions of the Halibut Act.

Although this process would be similar to that used currently to make fishery management plan amendments and regulatory amendments, it would not be governed by the Magnuson-Stevens Act. For the reasons stated above, management of the Pacific halibut resource is governed by the Halibut Act and not the Magnuson-Stevens Act. Hence, the Secretary would not be bound by the procedures and time limits in section 304 of the Magnuson-Stevens Act or other provisions of that statute. A Regional Council recommendation to delegate authority, however, would have to comply with other Federal statutes such as the National Environmental Policy Act, Regulatory Flexibility Act, Executive order 12286 and others that require various analyses or assessments and the Administrative Procedure Act that requires prior notice and opportunity for public comment on Federal regulations.

The specific types of regulations that may be delegated under this authority may be as broadly or as narrowly prescribed as a Regional Council wishes to make them. Delegation of regulatory authority also may stipulate a specific withdrawal or sunset date or it may continue in effect until changed. Sport fishing regulations generally fall into one or more of a few categories of regulations based on the activity being restricted or controlled. Regulations typically control how much fish may be caught and retained, when and where fishing may occur, what types of fishing gear may be used, or who may do the fishing. Recordkeeping and reporting requirements necessary to monitor the

harvest of a recreational fishery also may be delegated to a State, along with any fees that may be necessary to cover administrative costs.

A Council could, for example, recommend delegation of recreational fishing bag limit or gear limit regulations to a State that are applicable to Pacific halibut fishing only in certain IPHC areas or sub-areas thereof. Alternatively, the recommended delegation could be more broad and comprehensive. The only limit to the range of regulatory authority that could be delegated to a State under the proposed statutory change would be that it not conflict with IPHC- or Council-developed and approved regulations. A conflict would occur if a State regulation were less restrictive than IPHC or Council policies. For example, a conflict would occur if a delegation recommendation or a State regulation allowed the use of more than two hooks per angler or, in Alaska, sport fishing in January. Likewise, a delegation recommendation or a State regulation likely would be considered in conflict with an approved Council policy if it substantively changed the Individual Fishing Quota program or charter vessel fishing guideline harvest level. Such changes would have to be developed by the North Pacific Fishery Management Council and not by delegated State regulation. In addition, State delegated regulations would not usurp or conflict with the authority of the IPHC under the Halibut Act provided that a State's regulations served to implement the approved allocation policies of a Regional Council.

The Secretarial and IPHC review of a particular regulatory action by a State is not contemplated by the proposed statutory change to be lengthy or formal. Paragraph (d)(2) of the proposed text would state (including the recommended changes) that:

"...state regulations will be deemed consistent with approved regulations developed by the Commission or the Regional Fishery Management Council if the state regulations are as restrictive or more restrictive than the approved regulations developed by the Commission or Council or will otherwise restrain catch to a level equal to or lower than that allowed under approved regulations developed by the Commission or Council."

The phrase "deemed consistent with" implies that a formal review and approval process by the Secretary and the IPHC of a delegated State regulatory action would not occur unless that action is found to be inconsistent. If an inconsistency were found and, the State was unwilling to make its action consistent, then a formal Federal regulatory process would be required to correct it or the Secretary could rescind the delegated authority. Neither one of those Federal actions would be desirable. Hence a commitment to cooperation among the Regional Council, State, NMFS, and IPHC is necessary. Alternatively, to require a formal Federal review process, including public review, for every State regulatory action could defeat the purpose of a timely response to fishing patterns that the delegation is designed to achieve. Therefore, the formal Secretarial and public review process of the delegation is "frontloaded" by going through the normal Federal rulemaking process in first establishing the delegation. Subsequent actions by the State receiving the delegation would not be encumbered by formal Federal review.

Nothing in the delegation process would prevent a Regional Council from revisiting its delegation to a State from time to time to determine whether any changes to it should be made. Indeed, a Regional Council may require a State to provide regular reports on its management of the recreational halibut fisheries. In addition, a Regional Council should include in its delegation recommendation a system for dealing with public claims of inconsistency between a State regulation and approved regulations developed by the IPHC or the Regional Council.

Conclusion

This discussion of a prospective amendment to the Halibut Act does not argue for or against passage of the proposed statutory change. The potential pros and cons of the statutory proposal also are not addressed. Instead, this paper looks at the proposed amendment (as it currently is worded) from the perspective of the existing Halibut Act and Federal regulatory procedures. In summary, the contemplated amendment would provide authority to delegate management of recreational fishing for halibut to State fishery management agencies, providing State regulations are consistent with existing IPHC- and Council-developed regulations. The intent of this change would be to allow States to more quickly respond to recreational fishing trends and more responsively tailor recreational fishing regulations than currently is possible through the existing process of IPHC or Council development of regulations implemented by the NMFS. This also could allow Councils to more efficiently achieve their allocation policies that divide the halibut resource between the commercial and recreational sectors.

In brief, this discussion finds that the proposed statutory amendment text should be changed slightly to clarify (1) precisely what State and Federal regulations are affected, (2) to provide for a minimum review period of State regulatory changes under the delegation, and (3) to provide explicit authority to withdraw delegation in the event that the potential or actual effects of State regulations are found to be inconsistent with IPHC- and Council-developed regulations.

The discussion also finds that implementation of this delegation would require a Council recommendation to the Secretary to make or change the delegation of regulatory authority to a State. This procedure for making this recommendation would be similar to current procedures for implementing Council-recommended policies. The Secretary's action to approve and implement a Council recommendation to delegate authority to a State would be a Federal action that would require the usual analysis of alternatives and implementation by Federal regulation. Once the delegation is made, however, the State regulatory process would not be further affected by Federal intervention unless a State regulation was found to be inconsistent. Using this procedure, a Council could design its delegation recommendation to be as narrow and focused or as broad and comprehensive as it deems necessary. It could also change the delegation at any time by making a subsequent recommendation to the Secretary.

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Revised: 9/25, 9/26, and 10/31/2006

Separate Accountability Proposal for Pacific Halibut Fisheries
Discussion Paper
NPFMC Staff
April 6, 2006

Introduction In February 2006, Alaska Longline Fishermen's Association (ALFA) submitted a proposal entitled Separate Accountability to the Council as part of public testimony on the initial review draft of the Charter GHL analysis. The proposal would separately manage the charter and commercial halibut allocations in Areas 2C and 3A. It aims to remove the economic penalty placed on the commercial sector for overages of the GHL incurred by the charter sector. The proposal recommended that the IPHC set a combined charter and commercial Constant Exploitation Yield (CEY) for Areas 2C and 3A and replace the deduction of charter harvests from the Total CEY with an allocation to the charter sector equal to the GHLs in each area.

On March 29, 2006, ALFA revised the proposal to incorporate two changes after discussions with International Pacific Halibut Commission (IPHC), NOAA Fisheries Service, and Council staffs (Attachment). The revised proposal recommends that: 1) the IPHC set combined charter and commercial catch limits for Areas 2C and 3A; and 2) the Council use the GHLs as the charter sector allocations within the combined catch limit, with the remainder to be allocated to the commercial sector. The effect of the revised proposal is the same as in the original proposal. Charter GHL overages would not reduce the commercial catch limit. The impact of this proposed procedure on the halibut resource is proportionate to the magnitude of any GHL overage.

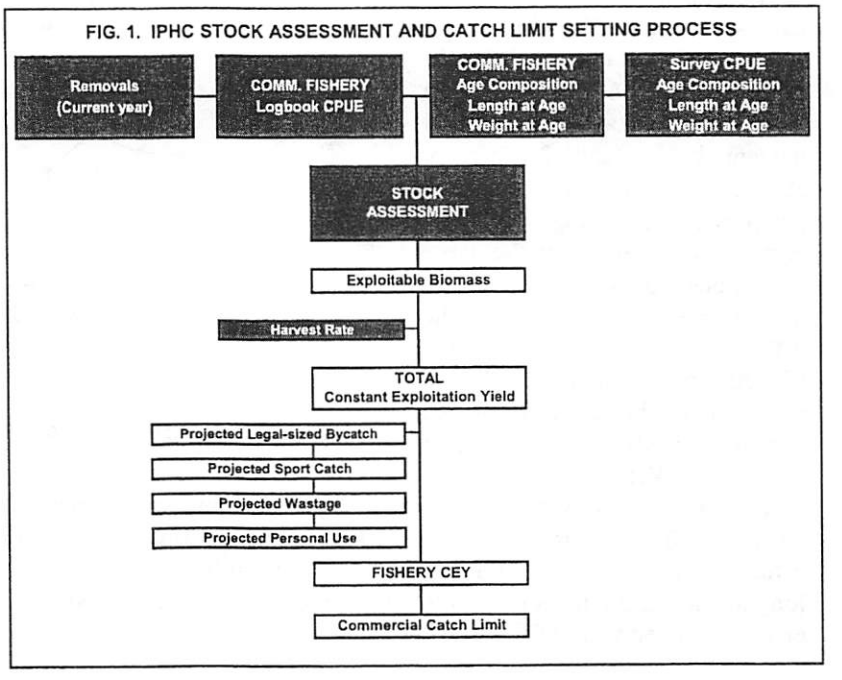
Background A brief review of the current IPHC process for determining how the commercial catch limit is set is necessary to understand the impacts of the proposal. The commercial catch limit is indexed to total CEY, minus other removals, and adjusted by other Commission considerations and policies (e.g., the slow up-fast down process) (see Figure 1). To apply IPHC terminology:

Exploitable Biomass x Harvest Rate = Total CEY.

Total CEY – Other Removals = Fishery CEY.

Fishery CEY x Policy considerations = Fishery Catch Limit.

All non-commercial projected removals for the next year are deducted "off the top" of the Total CEY and reduce the remainder available to be set as the Fishery CEY, which is then available to be set as the (commercial) catch limit, factoring in the Commission's "slow-up, fast down" and other harvest policies. If actual removals are less than projected for any sector, then the stock benefits in future years. If they are higher, then the stock is marginally reduced.



IPHC staff uses the total reported harvest for all sectors in the estimation of population abundance (exploitable biomass). As such, an overage (or underage) of the GHL is simply part of the total harvest. It is

not treated separately or differently than the rest of the harvest by that sector. The same would hold true if one of the groundfish fisheries exceeded its halibut Prohibited Species Catch bycatch limit. Only the actual removal is used in the computations.

IPHC staff uses the estimate of removals from the most recent year available for projecting subsistence, wastage, and bycatch removals for the next year. Charter and non-charter sport harvest deductions are based on projections by ADF&G Sport Fish Division staff. Different methods are employed for Areas 2C and 3A. In Area 2C, the projected sport halibut harvest for the next year is based on the recent five-year average of the ratio between the final SWHS estimate and the respective in-season creel survey estimates for Ketchikan, Craig, Juneau, and Sitka, while the projections for the Petersburg/ Wrangell and Glacier Bay areas were based on the most recent three-year data due to a more limited database. The projected harvest for Haines/Skagway area was generated by applying the most recent five-year average of the Haines/Skagway proportion of the total Area 2C to the projected 2005 harvest for all Area 2C areas except Haines/Skagway. The respective charter/private proportions within each of the SWHS areas, based on the average proportion of the final 2003-2004 Statewide Harvest Survey (SWHS) estimates, were applied to determine the number of fish harvested within each user group. Average weight estimates of halibut harvested by charter and private anglers for the current year were then applied to each of those projected harvests and summed to generate the overall Area 2C projection of harvested biomass. In the past, Juneau average weights were applied to the harvest in Glacier Bay as a surrogate since no sampling occurred there. But because of the commencement of a catch sampling program in Gustavus and Elfin Cove in 2002, the Gustavus/Elfin Cove average weight is now being applied to Glacier Bay harvests. Juneau average weights were still used as the surrogate for Haines/Skagway harvests. For most of Area 3A, the number of fish taken by each user group in each of six subareas was based on a linear projection of the most recent five harvest estimates from the SWHS. Estimates for eastern and western Prince William Sound, corresponding to mean weights from Valdez and Whittier, are only available since 2001. Therefore, the projections for these two areas are only based on the last four years.

On average, the projections have been sufficiently accurate (± 3% over the long term), although the variance of the projections relative to the final number have been high (Table 1). Preliminary harvests for Area 2C during 1995-2004 were lower than final SWHS estimates by 6.7 percent on average, with a range of 25 percent below and 20 percent above. From a resource perspective, the average margin of error is acceptable but the large excursions around this average are undesirable. In pounds, the difference ranged between 631,000 below and 421,000 lb above the final estimate. Projected harvests for Area 3A were higher than final SWHS estimates by 2.1 percent on average, with a range of 15 percent below and 24 percent above. In pounds, the difference ranged between 863,000 lb below and 1,015,000 lb above the final estimate. Figure 2 depicts these data graphically. The effects of using the actual GHL in the proposal, in lieu of a projection, would have a resource-neutral effect, as long as the management measures can keep the charter harvest within a range around the GHL comparable to the error associated with ADF&G projections.

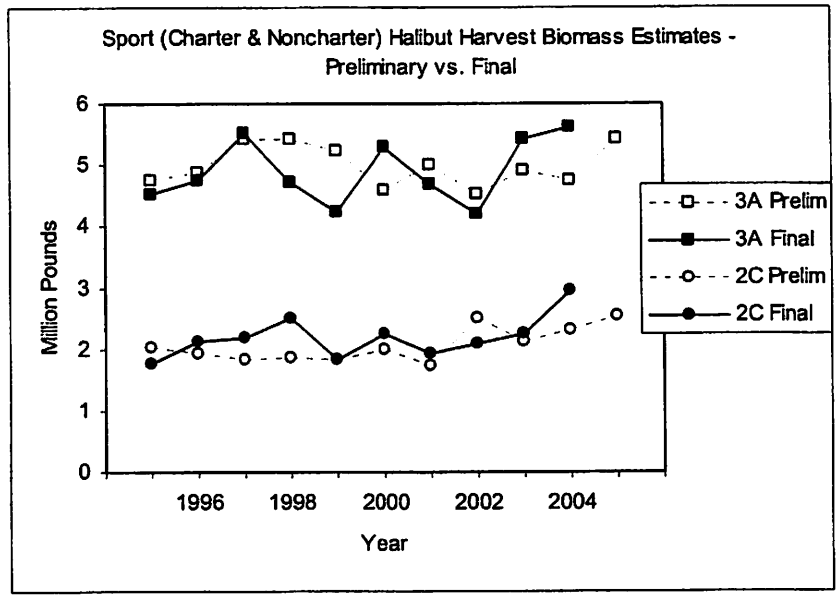


Figure 2. Comparison of projected and final sport halibut estimates

Table 1. Comparison of Preliminary (season's end) versus final estimates of sport harvest by ADF&G, 1995-present.
Error and error% are relative to the final, i.e., error is (pred-final)/final. Source: ADF&G

	Area 2C				Area 3A			
Year	2C Prelim	2C Final	Error (M lb)	Rel Error (%)	3A Prelim	3A Final	Error (M lb)	Rel Error (%)
1995	2.010	1.760	0.250	14.2%	4.750	4.511	0.239	5.3%
1996	1.910	2.130	-0.220	-10.3%	4.871	4.740	0.131	2.8%
1997	1.830	2.170	-0.340	-15.7%	5.415	5.514	-0.099	-1.8%
1998	1.870	2.500	-0.630	-25.2%	5.407	4.702	0.705	15.0%
1999	1.830	1.843	-0.013	-0.7%	5.243	4.228	1.015	24.0%
2000	1.978	2.258	-0.280	-12.4%	4.596	5.305	-0.709	-13.4%
2001	1.733	1.925	-0.192	-10.0%	5.016	4.675	0.341	7.3%
2002	2.511	2.090	0.421	20.1%	4.511	4.202	0.309	7.4%
2003	2.125	2.258	-0.133	-5.9%	4.897	5.427	-0.530	-9.8%
2004	2.306	2.937	-0.631	-21.5%	4.743	5.606	-0.863	-15.4%
2005	2.544				5.437			
Average				-6.7%				2.1%
Min				-25.2%				-15.4%
Max				20.1%				24.0%

Proposal The ALFA proposal suggests that removing the direct effect of GHL overages on the commercial sector: 1) facilitates the development of a long term plan by allowing the Council to focus on measures appropriate for the charter sector without worrying about spill-over effects on the commercial sector; and 2) promotes stability by noticing all parties that the Council intends to adhere to the GHL number during the interim, and implement post-season restrictions, as necessary. The proposal would reduce the impact of overages associated with the GHL, which are currently charged directly to the commercial sector and cause a reallocation and economic impacts. It would better align the catch limit setting process for the two sectors.

The proposal addresses specifically: 1) how the charter sector could be brought into the IPHC process for setting catch limits, rather than having the projected removals taken "off the top" as occurs under the current IPHC process; and 2) how to remove the economic penalty currently paid by the commercial sector for charter GHL overages and distribute any resulting penalty to future yield across all managed sectors.

By taking the charter sector out of the "other removals" in the IPHC process, a GHL overage does not directly reduce the commercial catch limit. Instead, it will be accounted in the total removals for that year and reduce the exploitable biomass available for all sectors in the subsequent year.

Under the proposal, a combined commercial and charter Fishery Catch Limit would be set by the IPHC (see Figure 3). Any GHL overages would be resource neutral if the combined catch limit is not exceeded. The commercial fishery has under-harvested its allocations in Areas 2C and 3A by around 200,000 to 300,000 lb each year. This continued underage may buffer any resource impacts associated with GHL overages as the combined catch limit would not be exceeded unless the GHL overage was very large. However, a policy of combined management is undesirable because it removes accountability by each sector. In addition, the Council is considering changes to the commercial IFQ program that may reduce some of those underages through a "use it or lose it" provision for completely inactive IFQ permits under proposed Omnibus V regulations.

The current use of the ADF&G projection methodology in year 1, followed by the use of final SWHS estimate in year 2, affects commercial halibut fishermen in two ways. First, 100 percent of the projected harvest directly reduces the commercial quota. Second, if the final estimate is higher than the projection, then the over harvest reduces the biomass available to everyone in future years and the yield associated with this biomass reduction is lost to the commercial fleet; however, the actual harvest and thus the difference between the projection and the actual harvest, will not be known for another year. Conversely, GHL underages benefit the commercial fleet, but the GHLs will increasingly be constraining under projected growth in harvests. IPHC staff could simulate this effect in the assessment model, but the effort is time-consuming and a qualitative examination results in the same conclusion. Fishery overages are miniscule compared with halibut biomass in each area, and the downstream effects to the populations are minor.

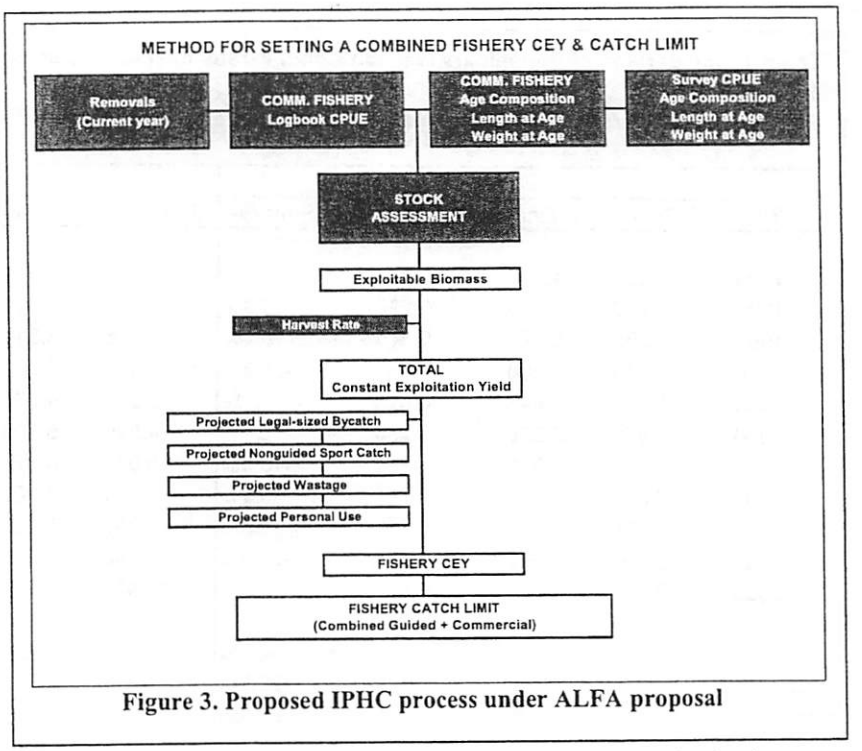


Figure 3. Proposed IPHC process under ALFA proposal

The ALFA proposal would eliminate this impact on the commercial fleet by using the actual GHL in lieu of a projection as the charter sector allocation as part of a combined charter-commercial catch limit. ALFA has suggested, based on previous IPHC work, that unharvested (i.e., "banked") halibut would generate an additional 10-20% yield (spread over several years). Using Area 2C, for example, a 313,000 lb difference occurred between the projection and final estimate for 2004. The final 2004 number was supplied in the fall of 2005 so the yield available to the commercial fleet in 2006 was the final estimate for 2004. The effect of harvesting, and not banking, the extra 313,000 pounds is a yield loss of 32-64,000 pounds. Nevertheless, the IPHC staff responded that if the GHL is used as the removal quantity, then a higher than intended fishing mortality is being exerted. The IPHC recommends the best estimates of removals be used in all cases and, in this situation, the fixed GHL is not the best estimate. In the scenario described by ALFA, if the GHL is used as the preliminary estimate and the final is higher, then the target harvest rate would be exceeded, going against the IPHC harvest policy. And by the same argument above, there would be further loss of yield from fish that were not left in water and captured due to use of the GHL as the removal estimate (which is clearly low).

Table 2 compares the current IPHC process for 2003-2006 with the proposal to set a combined catch limit and not deduct charter harvests "off the top." For the proposal, Other Removals is shown but this ONLY includes legal bycatch mortality, unguided sport harvest, subsistence (as was known at that time), and commercial fishery wastage. Finally, the combined commercial and charter CEY is calculated after subtracting Other Removals from the Fishery CEY. The combined Catch Limit would result from additional Commission considerations and may be different from the combined CEY (the table assumes that the IPHC made the same adjustments between Fishery CEY and Catch Limit for the proposal as under the under the status quo.

For Area 2C, the commercial quota would have been increased by 67,000 lb (worth approximately $200,000) in 2003; 305,000 lb ($900,000) in 2004; 124,000 lb in 2005 ($370,000); and 203,000 lb ($600,000) in 2006.
For Area 3A, the commercial quota would have been decreased by 708,000 lb (worth approximately -$2,100,000) in 2003; 93,000 lb (-$280,000) in 2004; 503,000 lb in 2005 (-$1,500,000); and 233,000 lb (-$700,000) in 2006.

Table 2. Commercial halibut catch limits under status quo and ALFA proposal.

		STATUS QUO				PROPOSAL				
YEAR	AREA	TOTAL CEY	OTHER REMOVALS	FISHERY CEY	COMM. CATCH LIMIT	OTHER REMOVALS (-charter)	COMB. FISHERY CEY	COMB. CATCH LIMIT	GHL	COMM. CATCH LIMIT
2003	2C	12.000	2.890	9.110	8.500	1.391	10.609	9.999	1.432	8.567
	3A	40.000	5.780	34.220	22.630	2.838	37.162	25.572	3.650	21.922
2004	2C	12.000	2.970	9.030	10.500	1.233	10.767	12.237	1.432	10.805
	3A	35.000	6.520	28.480	25.060	3.255	31.745	28.325	3.650	24.675
2005	2C	14.900	3.120	11.800	10.930	1.544	13.356	12.486	1.432	11.054
	3A	32.900	6.610	26.300	25.470	3.453	29.447	28.617	3.650	24.967
2006	2C	13.730	3.400	10.330	10.630	1.765	11.965	12.265	1.432	10.833
	3A	32.180	7.240	24.940	25.200	3.823	28.357	28.617	3.650	24.967

ADF&G issues The proposal suggests that ADF&G projection methodology may change as a result of proposed GHL measures. In both areas, ADF&G first estimates the number of fish harvested and then multiplies by the current year's average weight. The number of fish harvested is estimated as follows.

In Area 3A, harvest is estimated from a simple linear projection of the past 5 years of mail survey estimates. This is done separately for charter and non-private sectors. There are no precise in-season indicators of harvest from the port sampling program. If management restrictions go into place, we would likely project the harvest as usual then adjust the projection for the anticipated reduction due to the regulation change. Even after the final harvest estimate becomes available, we won't be able to tell how much of a change in harvest was due to regulation changes versus year-to-year variation. For example, a restriction on crew harvest could be accompanied by an increase in client harvest, for a net increase in charter harvest overall.

In Area 2C, harvest is estimated from a projection of the ratio of creel survey and mail survey estimates for the past several years. In some subareas of 2C the recent 5-year time series is used, in other subareas 3 years is used, and in some subareas a different method is used all together. Methods differ by subarea based on the amount of available data. But at least for most of 2C, in-season harvest data from the creel survey is available that should reflect a change in harvest due to changes in regulations. Thus, methods shouldn't have to change significantly.

IPHC issues Earlier concerns regarding the original proposal have been resolved as a result of rewording in the revised proposal. Under this revised proposal, the IPHC would adopt a combined catch limit for charter and commercial fisheries at its January annual meetings. The IPHC would provide this combined catch limit to the Council for it to further allocate between the sectors. The IPHC's expectation would be that the Council and NMFS would manage each fishery to achieve their respective catch limits, as adherence to the allocations by each sector is most important from a resource perspective.

The IPHC staff is comfortable with post-season changes in the management of the charter fishery, to be implemented for the subsequent year. Council staff has identified that it takes a year to identify a GHL overage, another year to propose and analyze necessary management measures, and then two additional years to implement and measure the fishery performance to assess the adequacy of the measures. The IPHC staff does not believe this time frame is sufficiently responsive for effective management of the charter allocation. From the IPHC's perspective, effective management requires more responsive implementation of remedial measures, in order to ensure conservation. The Council is exploring mechanisms to shorten this delay.

From the IPHC's perspective, a formal catch sharing plan or catch management plan is the most desirable allocation process, but the necessity of such a plan is clearly a decision for the Council. The IPHC already follows

three Council catch sharing plans: 1) the NPFMC CSP for commercial fisheries in Areas 4C/D/E; 2) Pacific Fishery Management Council Area 2A multiple sector CSP (Washington, Oregon, and California); and 3) Area 2B multiple sector CSP (British Columbia), and has frequently recommended this approach to the Council for commercial/charter allocation issues. The success of the other CSPs is due to pre-season and in-season management measures that adequately restrict the harvests to their respective allocations. Area 2A, for example, has in-season monitoring for all but one of its sport fisheries (the remaining fishery has an accounting system that results in year-end data). Area 2B does not yet have an in-season catch accounting that is acceptable to the IPHC, but the Department of Fisheries and Oceans is currently developing such a plan.

Until a CSP is adopted, the IPHC would consider a written request from the Council to have the IPHC approve a combined commercial and charter fishery catch limit, with the understanding that this would be an interim approach while the Council works on a longer term solution. The IPHC could also consider adopting an allocation division of this catch limit, at the direct request of the Council.

IPHC staff has suggested that, under a combined commercial/charter catch limit, commercial wastage would be removed from the "other removals" deduction and be made a part of the commercial fishery allocation, so that the charter sector does not "pay" for commercial wastage. However, that wastage would need to be deducted subsequently from the commercial share of the combined limit, in order to arrive at an operating catch limit for the commercial sector. This may lead to a similar determination of charter wastage as well.

Council issues The proposal refers to "separate accountability," but the Council should consider how this proposal increases accountability for the charter sector because as presented, there is no direct accountability if the charter sector exceeds its GHL. The commercial sector, by virtue of its catch accounting system, cannot exceed its catch limit. The proposal eliminates the direct penalty to the commercial sector, but it does not replace it with a direct penalty to the charter sector due to process of post-season management under which the charter fishery is managed. Any overage simply gets factored into a slightly reduced biomass, a higher than intended harvest rate, and a lower total CEY in subsequent years, for which all sectors then pay any penalty. The effect of the proposal is to "charge" GHL overages (and underages) to the halibut biomass (and all users), rather than directly to the commercial sector (although with a fixed GHL, only the commercial sector share of the combined catch limit would change in response to changes in catch limits).

The effect of this biomass reduction cannot be simulated simply, because of numerous fluctuating model parameters. However, the overage amounts were small (200,000 – 300,000 lb) compared with exploitable biomass (e.g., age 8+ fish, estimated at 60 Mlb in Area 2C in 2005). Even over 20 or 50 years, "extra" removals of this magnitude likely would not have a significant impact on the Area 2C halibut population, or adjacent areas.

The Council should consider whether the proposed approach of using the GHL as an allocation within a combined fishery catch limit (with an implicit acceptance that the GHL can be adhered to using post-season management measures) is an improvement over the status quo of deducting projected harvests either now or under a permanent solution (note theses issues are the same whether under a GHL or a percentage allocation, while individual charter fishing quotas would be more directly managed). The Council should consider whether it is confident that it can manage the charter allocations with post-season management so that they would not be exceeded. If the GHL is not equivalent to the actual harvest, then this proposal would create a procedure which has embedded in it, an incorrect amount of charter harvest and could systematize the *potential* for overharvest if corrective or remedial management measures are not adopted.

Lastly, NOAA General Counsel staff has advised that the Council should confirm that the administrative record has adequately noticed the public that the GHL was and continues to be intended as an allocation such that the existing record would satisfy a Council recommendation to use the GHL as the amount to use within the combined commercial/charter catch limit in a catch sharing plan.

Acknowledgments
Gregg Williams, Dr. Bruce Leaman, Dr. Steven Hare, IPHC and Scott Meyer, ADF&G Sportfish Division

Halibut participation, effort, and harvest by sector in Area 2C 1995-2005

	Commercial				Charter						Anglers	
Year	QS holders	Vessels	Total landings	Million lb harvested	Licensed businesses	Active vessels	Total trips	Ave. trip/ vessel	Number harvested	Million lb harvested	Sportfish licenses	Halibut Clients*
1995	2,125	1,105	3,077	7.79	na	na	na	na	49,615	0.986	90,940	na
1996	1,895	1,029	3,327	8.53	na	na	na	na	53,590	1.187	94,677	na
1997	1,741	993	3,617	9.64	na	na	na	na	51,181	1.034	98,265	na
1998	1,685	836	3,118	9.66	na	569	15,541	27	54,364	1.584	97,079	55,922
1999	1,623	840	3,451	9.90	387	591	15,700	27	52,735	0.939	100,801	56,173
2000	1,582	816	3,037	8.19	412	634	20,241	32	57,208	1.132	105,245	72,803
2001	1,536	733	2,738	8.17	386	627	18,965	30	66,435	1.202	103,341	69,222
2002	1,511	713	2,758	8.43	351	567	15,085	27	64,614	1.275	106,561	52,809
2003	1,466	706	2,755	8.24	353	590	16,948	29	73,784	1.412	105,827	59,498
2004	1,413	678	2,792	10.09	365	624	19,111	31	84,327	1.75	121,858	67,803
2005	1,384	672	2,956	10.46	381	654	na	na	102,206	1.95	na	na

Halibut participation, effort, and harvest by sector in Area 3A 1995-2005

	Commercial				Charter						Anglers	
Year	QS holders	Vessels	Total landings	Million lb harvested	Licensed businesses	Active vessels	Total trips	Ave. trip/ vessel	Number harvested	Million lb harvested	Sportfish licenses	Halibut Clients*
1995	2,753	1,145	2,971	17.98	na	na	na	na	137,843	2.85	103,274	na
1996	2,515	1,104	2,952	19.37	na	na	na	na	142,957	2.82	106,291	na
1997	2,338	1,076	3,273	24.28	na	na	na	na	152,856	3.41	106,385	na
1998	2,242	899	2,919	24.61	na	503	17,650	35	143,368	2.99	106,809	94,611
1999	2,156	892	3,074	24.31	454	545	19,823	36	131,726	2.53	112,215	89,449
2000	2,098	839	2,571	18.07	456	570	25,180	44	159,609	3.14	114,131	132,604
2001	2,049	802	2,582	21.07	452	560	23,818	43	163,349	3.13	116,236	132,306
2002	2,017	746	2,546	22.56	405	491	18,573	38	149,608	2.72	118,317	91,092
2003	1,964	712	2,551	22.28	405	499	18,592	37	163,629	3.38	116,111	90,178
2004	1,897	696	2,594	24.60	427	532	22,600	43	197,208	3.67	126,260	116,670
2005	1,842	670	2,650	25.05	450	567	na	na	206,902	3.69	na	na

* an increasing number of sportfish lienses are sold over the internet

Sources:

1) Charter and Clients: ADF&G

2) Commercial: NMFS RAM Division

Prepared by Jane DiCosimo 12/5/2006

Sport harvests of halibut in Area 2C 1995-2006 in millions of pounds

	Commercial						Sport						Bycatch Mortality			Personal Use /	Wastage				
Year	Quota	Removals	Change from '95	Price ($/lb)	ex-vessel value ($M)	% comb. charter+ commer.	Guided sport GHL	Guided sport removals	Change from '95	% comb. guided+ commer.	Unguided Sport	Change from '95	Legal sized fish	Sub-legal fish	Change from '95	Subsis-tence	Legal sized fish	Legal sized fish	Change from '95	TOTAL	Change from '95
1995	9.00	7.79				89%		0.99		11%	0.77		0.36			0	0.14			10.03	
1996	9.00	8.53	10%			88%		1.19	20%	12%	0.94	23%	0.34		-4%	0	0.19		34%	11.19	12%
1997	10.00	9.64	24%			90%		1.03	5%	10%	1.14	49%	0.26	0.10	-46%	0	0.04	0.14	-71%	12.35	23%
1998	10.50	9.66	24%			86%		1.58	61%	14%	0.92	20%	0.22	0.14	-38%	0.17	0.05	0.18	-63%	12.92	29%
1999	10.49	9.90	27%			91%		0.94	-5%	9%	0.90	18%	0.23	0.12	-43%	0.17	0.07	0.16	-48%	12.50	25%
2000	8.40	8.19	5%	$2.72	$22.28	88%		1.13	15%	12%	1.13	47%	0.23	0.12	-43%	0.17	0.04	0.13	-70%	11.15	11%
2001	8.78	8.17	5%	$2.27	$18.55	87%		1.20	22%	13%	0.72	-6%	0.22	0.12	-44%	0.17	0.04	0.16	-73%	10.80	8%
2002	8.50	8.43	8%	$2.22	$18.72	87%		1.28	29%	13%	0.81	6%	0.18	0.16	-37%	0.17	0.03	0.11	-75%	11.18	11%
2003	8.50	8.24	6%	$2.97	$24.48	85%		1.41	43%	15%	0.85	11%	0.17	0.17	-34%	0.17	0.03	0.10	-79%	11.14	11%
2004	10.50	10.09	30%	$3.04	$30.67	85%	1.43	1.75	77%	15%	1.19	55%	0.15	0.21	-28%	0.628	0.03	0.28	-81%	14.31	43%
2005	10.93	10.46	34%	$3.17	$33.16	84%	1.43	1.95	98%	16%	0.85	10%	0.14	0.20	-30%	0.677	0.04	0.23	-69%	14.55	45%
2006	10.63	10.34	33%	$3.72	$38.46	83%	1.43	2.11	114%	17%	1.00	31%	na	na	na	na	na	na	na	na	na

Sport harvests of halibut in Area 3A 1995-2006 in millions of pounds

	Commercial						Sport						Bycatch Mortality			Personal Use /	Wastage				
Year	Quota	Removals	Change from '95	Price ($/lb)	ex-vessel value ($M)	% comb. charter+ commer.	Guided sport GHL	Guided sport removals	Change from '95	% comb. guided+ commer.	Unguided Sport	Change from '95	Legal sized fish	Sub-legal sized	Change from '95	Subsis-tence	Legal sized fish	Legal sized fish	Change from '95	TOTAL	Change from '95
1995	20.00	17.98				86%		2.85		14%	1.67		4.75			0.097	0.55			27.89	
1996	20.00	19.37	8%			87%		2.82	-1%	13%	1.92	15%	2.42		-49%	0.097	0.63		13%	27.25	-2%
1997	25.00	2.43	-86%			42%		3.41	20%	58%	2.10	26%	1.15	1.58	-76%	0.097	0.07	0.67	-87%	11.51	-59%
1998	26.00	24.61	37%			89%		2.98	5%	11%	1.72	3%	1.49	1.36	-69%	0.074	0.16	0.58	-72%	32.97	18%
1999	24.67	24.31	35%			91%		2.53	-11%	9%	1.70	2%	1.60	1.29	-66%	0.074	0.10	0.42	-82%	32.02	15%
2000	18.31	18.07	0%	$2.55	$46.07	85%		3.14	10%	15%	2.17	30%	1.21	1.51	-75%	0.074	0.03	0.42	-95%	26.62	-5%
2001	21.89	21.07	17%	$2.07	$43.62	87%		3.13	10%	13%	1.54	-7%	1.70	1.40	-64%	0.074	0.03	0.40	-94%	29.35	5%
2002	22.63	22.56	25%	$2.17	$48.96	89%		2.72	-4%	11%	1.48	-11%	1.18	1.10	-75%	0.074	0.02	0.48	-96%	29.63	6%
2003	22.63	22.28	24%	$2.88	$64.17	87%		3.38	19%	13%	2.05	23%	1.36	1.43	-71%	0.074	0.09	0.61	-84%	31.28	12%
2004	25.06	24.60	37%	$2.95	$72.58	87%	3.65	3.67	29%	13%	1.94	16%	1.52	2.08	-68%	0.28	0.07	0.67	-88%	34.83	25%
2005	25.47	25.05	39%	$3.09	$77.41	87%	3.65	3.69	30%	13%	1.98	19%	1.32	1.81	-72%	0.404	0.08	0.57	-86%	34.91	25%
2006	25.20	24.91	39%	$3.70	$92.16	86%	3.65	3.95	39%	14%	2.14	29%	na	na	na	na	na	na	na	na	na

1) Guided, 1999-2006: ADF&G table dated Nov. 20, 2006 titled "Charter Halibut Harvests in IPHC Area 2C and 3A"
2) Unguided 1999-2004: Scott Meyer (ADF&G), worksheet titled "2C-3A_HarvestTables.xls"
3) Unguided 2005-2006: ADF&G letter to IPHC dated Oct. 23, 2006
4) All other categores, 1999-2005: IPHC Bluebooks
5) All other categores, 2006: Gregg Williams, pers. Commun.IPHC Bluebooks

Prepared by Jane DiCosimo 12/5/2006

Phil Smith
NMFS
RAM DIV.

Approaches to the Charter Halibut Issue

Phil Smith, Restricted Access Management
Alaska Region, NOAA Fisheries (NMFS)

Fish Expo - Seattle, Washington
November 2006

NOAA Fisheries

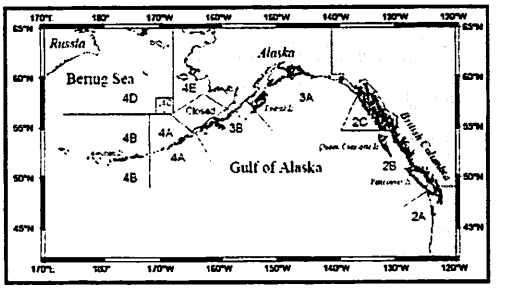
Background - What is the Issue?

- The Pacific halibut (*Hippoglossus stenolepsis*) resource is managed by the International Pacific Halibut Commission (IPHC), an organization established by treaty in 1923
  - 3 US and 3 Canadian Commissioners
  - International staff based in Seattle at UW
- IPHC does the research and is responsible for conservation
- Each country then allocates between user groups (e.g., sport, commercial, charter, personal use, subsistence)

Background (Cont'd)

- Under the federal North Pacific Halibut Act, which implements the treaty, allocation in Alaska is accomplished by recommendation of the North Pacific Fishery Management Council to the
  - Secretary of the US Department of Commerce (NOAA Fisheries, or NMFS), who
  - Prepares and adopts regulations to implement Council recommendations
- As part of IPHC annual process, a commercial Catch Limit (CL) is set for each management area

Background (Management Areas)



Background - IFQ Program

- The Individual Fishing Quota (IFQ) program governs participation in the commercial halibut fishery
- After the annual CL is set, QS holders receive their annual IFQ permit
  - The permit authorizes harvest of a specific number of pounds of fish of a specific species in a specific administrative area
- Amount of IFQ that is issued to a person depends on the amount of QS s/he holds, relative to the QS held by all QS holders in the administrative area (i.e., the Quota Share Pool - "QSP"), as follows

$$QS/QSP \times CL = IFQ$$

Background - The Issue

- The Commercial CL is set by IPHC after determining the biologically "safe" level of total mortality, and then accounting for removals due to:
  - natural mortality
  - bycatch mortality
  - sport, personal use and subsistence removals
- So, as other uses increase, amount available for commercial CL is lowered
- Growth in charter sector has led commercial users to express concern over the "open-ended reallocation" of fish from commercial to recreational users

Background - TimeLine

Council has taken actions over the years; in

- ✓1993 - Council established a Charter Working Group
- ✓1995 - Council reviewed possible harvest restriction measures
- ✓1997 - Council recommended a Guideline Harvest Level (GHL) based on a 125% of 1995 charter harvests and recordkeeping requirements
- ✓1997 - NMFS rejected GHL without harvest restriction measures if GHL were to be exceeded
- ✓1997 - Council appointed a GHL Committee and began developing harvest restriction measures

Background - Timeline (Cont'd)

- ✓2000 - Council approved revised GHLs (125% of 1995 - 1998 charter harvest) and harvest restriction measures
- ✓2000 - Council appointed Charter IFQ Committee and "fast tracked" development of analysis with moratorium and IFQ alternatives;
- ✓2001 - Council approved incorporation of charter sector into the commercial IFQ program (in April, and again on reconsideration in October)
- ✓2001 - State reported concerns with accuracy of logbook data
- ✓2002 - State reported on logbook data issues and discontinued logbook for halibut
- ✓2003 - NMFS implemented GHL program, but rejected harvest restriction measures

Background - Timeline (Cont'd)

- ✓2003 - NMFS contracted for recommendations on new charter harvest reporting system (including logbooks)
- ✓2003 - Council reviewed State report on data quality; SSC opined that logbook data were adequate as basis for initial issuance, so Council submitted analysis to NMFS
- ✓2004 - Council resubmitted analysis for NMFS review in response to NMFS review comments
- ✓2004 - Further Progress within NMFS was delayed by Crab Rationalization imperative
- ✓2004 - NMFS began development of Proposed Rule
- ✓2005 - NMFS staff revised analysis and submitted it, proposed rule, and other documents for HQ review

Background - Timeline (Cont'd)

- ✓2005 - Dr. Hogarth contacted Council, asked if it still wanted IFQ alternative
- ✓2005 - Council voted to rescind its action to recommend the IFQ program
- ✓2005 - Council adopted intention to establish a Moratorium and appointed a Stakeholder's Committee
  - Provide guidance to moratorium development
  - Provide recommendations for long-range solutions
- ✓2006 - other alternatives discussed at Council and stakeholder meetings
- ✓2006 - Council will consider Moratorium alternatives at December 2006 meeting in Anchorage (week of December 4)

Status of Charter Harvest

Area 2C: GHL = 1.432 million pounds

Year	Charter Harvest *	% of GHL
2004	1,750,000 pounds	22% over GHL
2005	1,952,000 pounds	36% over GHL
2006	2,113,000 pounds	47% over GHL

Area 3A: GHL = 3.650 million pounds

Year	Charter Harvest *	% of GHL
2004	3,668,000 pounds	1% over GHL
2005	3,689,000 pounds	1% over GHL
2006	3,947,000 pounds	9% over GHL

* 2006 harvests projected, based on linear trends in Salt Water Harvest Surveys

Approaches to a Solution

Moratorium on New Guides (Limited Entry)

Summary	Comment
• Issue Charter Licenses to current participants (~800) • Eligibility based on guiding in 2004 or 2005 + year before implementation • Licenses would be transferable • Accommodation for small communities under consideration	• Council reviewing options in December; final action tentatively planned for April 2007 • Proposed Rule: spring or summer of 2008 • Final Rule: winter of 2008 • Application period, permits issued, in 2009 • Would limit number of businesses (and, thus, the total number of possible anglers in the sector)

Approaches to a Solution (Cont'd)

Data Sharing Authority

Summary	Comment
• Technical amendment of Alaska Statutes to authorize ADFG to share charter log book data with Council and NMFS for program implementation and enforcement purposes • Authority already exists with respect to commercial fish ticket data	• Depends on state (and new Administration) to approve the concept, propose legislation, and have it introduced • Earliest possible passage would be mid-2007

Approaches to a Solution (Cont'd)

Delegate Some Management Functions

Summary	Comment
• ADFG proposal to amend the Halibut Act to allow delegation of some management functions • Limited by Council recommendations and by limits set by IPHC • Purpose would be to allow ADFG to use in-season management tools to constrain charter harvests and keep them below GHL levels	• Will require concurrence from new Governor and support of AK Congressional Delegation • Unclear when authority might be obtained • Statutory change would begin Council review process; could be up to three years before delegation authority is codified and contracts prepared

Approaches to a Solution (Cont'd)

Compensate Commercial Sector (#1)

Summary	Comment
• ADFG proposal to develop a freshwater and saltwater "Charter Stamp" to be paid by charter clients • Use some of the proceeds to retire quota from the "commercial pool" and shift it into the "charter pool" • Establish state entity (similar to aquaculture associations) to manage funds, purchase quota	• Will require concurrence from new Governor • Unclear when authority might be obtained (could be controversial) • Presupposes some sort of separate accountability for charter sector (set "CL") • Would require change to commercial IFQ program • Several years before it could be implemented

Approaches to a Solution (Cont'd)

Compensate Commercial Sector (#2)

Summary	Comment
Other compensation plans • Revive IFQ plan (allow private market to provide for compensation and transfer • Allow authority to hold commercial IFQ and lease it back to commercial sector if unused • Allow commercial sector to lease up to 10% of annual allocation to charter sector	• Will require concurrence from new Governor • Unclear when authority might be obtained (could be controversial) • "Devil is in the details" • Will be several years before any such authority is in place and functioning

Approaches to a Solution (Cont'd)

Compensation Cost Estimates

Area	Pounds Over GHL	Quota Value *	"Lease" Value**
2C	681,000	$10,215,000	$681,000
3A	297,000	$4,455,000	$297,000

* Estimated value of permanent transfer of 681,000 (2C) and 297,000 (3A) pounds of halibut Quota from one party to another (conservative at $15/pound)

** Estimated value of seasonal "lease" of 681,000 (2C) and 297,000 (3A) pounds of halibut IFQ (conservative at $1/pound)

*** Cost to clients to recoup necessary funds to permanently transfer quota from commercial to recreational sector (total value ÷ total clients)

Approaches to a Solution (Cont'd)

Limited Entry Program (State)

Summary	Comment
• Using a renewed State of Alaska Limited Entry Act (and, presumably for halibut, some delegation from the Council/Secretary) devise a limited entry program with transferable effort ("client days" or "rod days" etc.) features	• Will require concurrence from new Governor • Unclear when authority might be obtained (could be controversial) • "Devil is in the details" • Will be several years before any such authority is in place and functioning

Approaches to a Solution (Cont'd)

Limited Entry Program (Federal)

Summary	Comment
• System would be built on the Moratorium program (Moratorium license holders would be eligible) • Essentially a "trailing amendment" to the moratorium program • Allow for effort controls similar to state proposal • Could move directly to an IFQ system similar to the program adopted in 2001	• Could take several years to develop the plan (would no doubt be controversial) • "Devil is in the details" • Will be several years before any such authority is in place and functioning

Conclusions

- A solution to the problem of "open-ended reallocation" of halibut from the commercial sector to the guided recreational sector has not been found
- The State and the Council are attempting to address the problem using a variety of approaches
- A current approach that appears to be going forward is the imposition of a Moratorium on new charter businesses
- Those who are interested should pay attention to developments at the Council and at the State level (including the Alaska legislature)

Contacts

North Pacific Fishery Management Council
(Anchorage local number) 271-2809
www.fakr.noaa.gov/npfmc

NMFS, Sustainable Fisheries Division
1-800-304-4846 (press "3"), or
(Juneau local number) 907-586-7228
Web Site: www.fakr.noaa.gov

NMFS, Restricted Access Management
1-800-304-4846 (press "2"), or
(Juneau local number) 907-586-7344
Web Site: www.fakr.noaa.gov
E-mail: RAM.Alaska@noaa.gov

Halibut participation, effort, and harvest by sector in Area 2C 1995-2005

	Commercial				Charter						Anglers	
Year	QS holders	Vessels	Total landings	Pounds harvested	Licensed businesses	Active vessels	Total trips	Ave. trip/ vessel	Number harvested	Pounds harvested	Sportfish licenses	Halibut Clients*
1995	2,125	1,105	3,077	7,787,000	na	na	na	na	49,615	986,000	90,940	na
1996	1,895	1,029	3,327	8,534,000	na	na	na	na	53,590	1,187,000	94,677	na
1997	1,741	993	3,617	9,638,000	na	na	na	na	51,181	1,034,000	98,265	na
1998	1,685	836	3,118	9,660,000	na	569	15,541	27	54,364	1,584,000	97,079	55,922
1999	1,623	840	3,451	9,896,000	387	591	15,700	27	52,735	939,000	100,801	56,173
2000	1,582	816	3,037	8,192,000	412	634	20,241	32	57,208	1,132,000	105,245	72,803
2001	1,536	733	2,738	8,170,000	386	627	18,965	30	66,435	1,202,000	103,341	69,222
2002	1,511	713	2,758	8,432,000	351	567	15,085	27	64,614	1,275,000	106,561	52,809
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2005	1,384	672	2,956	10,460,000	381	654	na	na	na	na	na	na

Halibut participation, effort, and harvest by sector in Area 3A 1995-2005

	Commercial				Charter						Anglers	
Year	QS holders	Vessels	Total landings	Pounds harvested	Licensed businesses	Active vessels	Total trips	Ave. trip/ vessel	Number harvested	Pounds harvested	Sportfish licenses	Halibut Clients*
1995	2,753	1,145	2,971	17,978,000	na	na	na	na	137,843	2,845,000	103,274	na
1996	2,515	1,104	2,952	19,366,000	na	na	na	na	142,957	2,822,000	106,291	na
1997	2,338	1,076	3,273	2427600	na	na	na	na	152,856	3,413,000	106,385	na
1998	2,242	899	2,919	24,606,000	na	503	17,650	35	143,368	2,985,000	106,809	94,611
1999	2,156	892	3,074	24,311,000	454	545	19,823	36	131,726	2,533,000	112,215	89,449
2000	2,098	839	2,571	18,066,000	456	570	25,180	44	159,609	3,140,000	114,131	132,604
2001	2,049	802	2,582	21,071,000	452	560	23,818	43	163,349	3,132,000	116,236	132,306
2002	2,017	746	2,546	22,560,000	405	491	18,573	38	149,608	2,724,000	118,317	91,092
2003	1,964	712	2,551	22,282,000	405	499	18,592	37	163,629	3,382,000	116,111	90,178
2004	1,897	696	2,594	24,602,000	427	532	22,600	43	197,208	3,668,000	126,260	116,670
2005	1,842	670	2,650	25,053,000	450	567	na	na	na	na	na	na

* an increasing number of sportfish lienses are sold over the internet

Sources:

1) Charter and Clients: ADF&G

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Prepared by Jane DiCosimo 12/4/2006

Sport harvests of halibut in Area 2C 1995-2006 in millions of pounds

	Commercial						Sport						Bycatch Mortality			Personal Use /	Wastage				
Year	Quota	Removals	Change from '95	Price ($/lb)	ex-vessel value ($M)	% comb. charter+ commer.	Guided sport GHL	Guided sport removals	Change from '95	% comb. guided+ commer.	Unguided Sport	Change from '95	Legal sized fish	Sub-legal sized fish	Change from '95	Subsis-tence	Legal sized fish	Legal sized fish	Change from '95	TOTAL	Change from '95
1995	9.00	7.79				89%		0.986		11%	0.765		0.356			0	0.138			10.03	
1996	9.00	8.53	10%			88%		1.187	20%	12%	0.943	23%	0.342		-4%	0	0.185		34%	11.19	12%
1997	10.00	9.64	24%			90%		1.034	5%	10%	1.139	49%	0.26	0.1	-46%	0	0.04	0.142	-71%	12.35	23%
1998	10.50	9.66	24%			86%		1.584	61%	14%	0.917	20%	0.218	0.143	-38%	0.17	0.051	0.18	-63%	12.92	29%
1999	10.49	9.90	27%			91%		0.939	-5%	9%	0.904	18%	0.233	0.12	-43%	0.17	0.072	0.162	-48%	12.50	25%
2000	8.40	8.19	5%	$2.72	$22.28	88%		1.132	15%	12%	1.126	47%	0.23	0.12	-43%	0.17	0.042	0.134	-70%	11.15	11%
2001	8.78	8.17	5%	$2.27	$18.55	87%		1.202	22%	13%	0.723	-6%	0.22	0.121	-44%	0.17	0.037	0.155	-73%	10.80	8%
2002	8.50	8.43	8%	$2.22	$18.72	87%		1.275	29%	13%	0.814	6%	0.18	0.16	-37%	0.17	0.034	0.11	-75%	11.18	11%
2003	8.50	8.24	6%	$2.97	$24.48	85%		1.412	43%	15%	0.846	11%	0.167	0.174	-34%	0.17	0.029	0.101	-79%	11.14	11%
2004	10.50	10.09	30%	$3.04	$30.67	85%	1.432	1.75	77%	15%	1.187	55%	0.149	0.205	-28%	0.628	0.026	0.276	-81%	14.31	43%
2005	10.93	10.46	34%	$3.17	$33.16	84%	1.432	1.952	98%	16%	0.845	10%	0.14	0.2	-30%	0.677	0.043	0.234	-69%	14.55	45%
2006	10.63	10.34	33%	$3.72	$38.46	83%	1.432	2.113	114%	17%	1.004	31%	na	na	na	na	na	na	na	na	na

Sport harvests of halibut in Area 3A 1995-2006 in millions of pounds

	Commercial						Sport						Bycatch Mortality			Personal Use /	Wastage				
Year	Quota	Removals	Change from '95	Price ($/lb)	ex-vessel value ($M)	% comb. charter+ commer.	Guided sport GHL	Guided sport removals	Change from '95	% comb. guided+ commer.	Unguided Sport	Change from '95	Legal sized fish	Sub-legal sized fish	Change from '95	Subsis-tence	Legal sized fish	Legal sized fish	Change from '95	TOTAL	Change from '95
1995	20.00	17.98				86%		2.845		14%	1.666		4.754			0.097	0.554			27.89	
1996	20.00	19.37	8%			87%		2.822	-1%	13%	1.918	15%	2.421		-49%	0.097	0.627		13%	27.25	-2%
1997	25.00	2.43	-86%			42%		3.413	20%	58%	2.100	26%	1.15	1.58	-76%	0.097	0.074	0.671	-87%	11.51	-59%
1998	26.00	24.61	37%			89%		2.985	5%	11%	1.717	3%	1.49	1.362	-69%	0.074	0.155	0.58	-72%	32.97	18%
1999	24.67	24.31	35%			91%		2.533	-11%	9%	1.695	2%	1.595	1.292	-66%	0.074	0.101	0.421	-82%	32.02	15%
2000	18.31	18.07	0%	$2.55	$46.07	85%		3.14	10%	15%	2.165	30%	1.21	1.513	-75%	0.074	0.03	0.421	-95%	26.62	-5%
2001	21.89	21.07	17%	$2.07	$43.62	87%		3.132	10%	13%	1.543	-7%	1.7	1.401	-64%	0.074	0.032	0.398	-94%	29.35	5%
2002	22.63	22.56	25%	$2.17	$48.96	89%		2.724	-4%	11%	1.478	-11%	1.18	1.104	-75%	0.074	0.023	0.484	-96%	29.63	6%
2003	22.63	22.28	24%	$2.88	$64.17	87%		3.382	19%	13%	2.046	23%	1.364	1.426	-71%	0.074	0.091	0.614	-84%	31.28	12%
2004	25.06	24.60	37%	$2.95	$72.58	87%	3.65	3.668	29%	13%	1.937	16%	1.52	2.084	-68%	0.28	0.067	0.672	-88%	34.83	25%
2005	25.47	25.05	39%	$3.09	$77.41	87%	3.65	3.689	30%	13%	1.984	19%	1.32	1.81	-72%	0.404	0.078	0.568	-86%	34.91	25%
2006	25.20	24.91	39%	$3.70	$92.16	86%	3.65	3.947	39%	14%	2.141	29%	na	na	na	na	na	na	na	na	na

1) Guided, 1999-2006: ADF&G table dated Nov. 20, 2006 titled "Charter Halibut Harvests in IPHC Area 2C and 3A"
2) Unguided 1999-2004: Scott Meyer (ADF&G), worksheet titled "2C-3A_HarvestTables.xls"
3) Unguided 2005-2006: ADF&G letter to IPHC dated Oct. 23, 2006
4) All other categores, 1999-2005: IPHC Bluebooks
5) All other categores, 2006: Gregg Williams, pers. Commun.IPHC Bluebooks

Prepared by Jane DiCosimo 12/4/2006

Halibut Charter Allocation Issues Discussion Paper

Presentation to

North Pacific Fishery Management Council

Jonathan King

December, 2006

northerneconomics

Six Discussion Topics

northerneconomics

- **Availability and Quality of Charter Halibut Data**
- **Alternative 2's Sector Allocation Formulas**
- **Sub-area Allocations**
- **Finance Mechanisms for a Compensated Transfer**
- **Permit Classes**
- **Share Based Permit Systems**

Availability and Quality of Charter Halibut Data:

Issues with Methods to Award Halibut Charter Share

northern economics

Method	Proxy Data	Allocation per Qualifying Year	Effort-Based Transferable Seat Program (Share System)	Collect New Data
Positive Aspects	• Based On Previously Collected Data • Addresses Longevity Issue • Proxy Data May Be Representative of Past Success. • Data biases have been discussed.	• Based on Previously Collected Data • Addresses Longevity Issue	• Provide more complete control of overall effort. • Recognizes the halibut charter fleet harvests multiple species	• New data collection techniques may address old bias issues (theoretically). • Includes all current operators. • Ability to design a system which can work with other management components
Negative Aspects	• Will include businesses who did not catch halibut but reported bottomfish effort • Will exclude businesses who failed to Report bottomfish Effort, even if they were not required to (caught salmon while targeting halibut). • Magnitude of these Effects is Unknown.	• Does not include or reward business success. • May be less desirable to successful industry members. • May be more vulnerable to cheating.	• Data may not be available (To be clarified).	• Potential time delay in collecting data. • Does not inherently address the longevity issue. • May be vulnerable to cheating depending on the type of data collected. • New biases may be unknown.

Sector 2 Allocation Formulas

northern economics

Option	As Written in Alternative	Full Meaning	Approximate Amount	
			Area 2C	Area 3A
1a	125% of average harvest of 2000-2004, translated to percentage	The charter industry's percentage is equal to 125% of the Charter Industry's Harvest from 2000-2004 translated into a percentage of the combined charter/commercial catch during the same period.	16.37%	15.92%
1b	equal to the 1995-99 GHL, translated to percentage	The charter industry's percentage is equal to the 1995-1999 GHL translated into a percentage of the combined charter/commercial catch during the same period	13.05%	14.11%
1c	percentage of combined 2004 commercial/charter catch	The charter industry's percentage is equal to their percentage of the combined 2004 commercial/charter catch.	14.70%	12.90%
1d	Convert current GHL into percentage based on 2004	The charter industry's percentage is equal to the current GHL on a percentage basis using 2004 combined commercial/charter harvest.	12.10%	12.90%
2a	Update GHL to 2000-2004	The charter industry's allocation would be an updated GHL reflecting 2000-2004 biomass estimates and IPHC allocations.	1.693 Mlbs	4.011 Mlbs
2b	Equal to the 1995-1999 GHL	Keep the GHL at its current level.	1.432 Mlbs	3.650 Mlbs

Allocation Formulas Continued

northern economics

Option	Area 2C (Mlbs)			Area 3A (Mlbs)		
	Actual 2004 Harvest	2004 Amount Under Allocation	Surplus/Deficit to 2004 Harvest	Actual 2004 Harvest	2004 Amount Under Allocation	Surplus/Deficit to 2004 Harvest
1a	1.750	1.962	0.212	3.668	4.464	0.796
1b	1.750	1.564	-0.186	3.668	3.956	0.288
1c	1.750	1.762	0.012	3.668	3.617	-0.051
1d	1.750	1.432	-0.320	3.668	3.650	-0.018
2a	1.750	1.693	-0.057	3.668	4.011	0.343
2b	1.750	1.432	-0.318	3.668	3.650	-0.018

Allocation Updated with 2005 Numbers

northern economics

Option	Area 2C (Mlbs)			Area 3A (Mlbs)		
	Actual 2005 Harvest	Under Allocation	Surplus/Deficit to 2005 Harvest	Actual 2005 Harvest	Under Allocation	Surplus/Deficit to 2005 Harvest
1a	1.952	1.962	0.010	3.689	4.464	0.775
1b	1.952	1.564	-0.388	3.689	3.956	0.267
1c	1.952	1.762	-0.190	3.689	3.617	-0.072
1d	1.952	1.432	-0.520	3.689	3.65	-0.039
2a	1.952	1.693	-0.259	3.689	4.011	0.322
2b	1.952	1.432	-0.520	3.689	3.65	-0.039

- Area 2C would not immediately have "extra" unutilized halibut.
- Early indications are that growth in Area 3A in 2006 was greater than the historical averages. If the increase in the rate of growth is a long-term trend then the paper's overestimates how long the additional halibut allocated by some allocation measures would last.

Sub-Area Allocations

northern economics

- **Area vs. Sub-Area Management**
  - Potential for increase enforcement, monitoring and management costs.
- **Unit Market Effects**
  - Transfer rules could affect market conditions and fishing pressure.
- **Sub-Area Definitions**
  - Methodology of Sub-Area definition matters
- **Sub-Area Growth Rates**
  - Sub-area allocations can be tailored to local growth rates. However, this aspect could be controversial.

Proposed Finance Mechanisms (I)

northern economics

- **State Charter Passenger Stamp**
  - Positive example already exists in the funding of new state hatcheries. However, ADF&G staff have indicated that there could be legal barriers.
- **Private Entity Purchase with Lease Back Provision**
  - A major alternative to a state-supported financing system. Can it overcome the free rider problem? Committee suggested a regional marketing association format.
- **Business Improvement Districts**
  - Public BID is likely infeasible. A private BID would likely work and that makes this option similar to other options under discussion.

Proposed Finance Mechanisms (II)

northern economics

- **Compensated Transfer of Unused Allocation**
  - More of an attribute than a program unto itself.
  - 2006 consumption estimates raise doubts about amount left to transfer back.
- **State Bond Sale**
  - Debt instruments need to be combined with a revenue source.
- **Federal Funding**
  - Direct funding unlikely.

Permit Classes

northern economics

- **Permit Classes designed to weed out the marginal players**
  - Stakeholder committee members asked for an analysis of the potential for options to reduce latent capacity and an analysis of what type of business in the industry was actually generating growth.
- **Possible transfer permits to underdeveloped communities.**

Share Based Permit Assignment (I)

northern economics

- **Neither Option 1 (Trips) or Option 2 (Rods) provide a complete control on effort.**
  - If the number of trips are controlled then increase the number of rods on boards.
  - If the number of rods are controlled increase the number of trips or take more passengers than can fish at any one time.
  - Stakeholder committee suggesting deleting these options in favor of the angler day option.

Share Based Permit Assignment (II)

northern economics

- **Option 3 (Angler Days) may provide a higher level of control than rods or trips separately.**
- **Angler days could form the basis of a share-based program or could be a limit unto themselves.**
  - Yearly number of angler days deriving from a number of angler day shares.
  - A set number of angler days based on history (a cap based on data).
- **Stakeholder committee member raised several questions about this system.**
  - Would this system result in pressure to target more species or would there be greater overall control on pressure?
  - Would the system force charter anglers into the unguided sector?

NORTH PACIFIC COUNCIL MORATORIUM ALTERNATIVES
Charter Halibut Stakeholder Committee Recommendations for Revisions
October 18, 2006

Problem Statement. The Pacific halibut resource is fully utilized and harvest by the guided sport sector is demonstrating steady growth. To provide long term stability of the guided sport sector and lessen the need for regulatory adjustments, which destabilize the sector, the Council is embarking on development of a new management framework. In the interim, to address allocation issues between the guided sport and commercial sectors the guided sport sector is operating under a guideline harvest level (GHL). Harvest data indicate that the GHLs in Area 2C have been exceeded and are near levels established for Area 3A. This has resulted in a renewed effort to find a long-term solution. The Council has formed a stakeholder committee of affected user groups to consider management options and formulate recommendations for Council consideration in developing a management plan for the guided sector. Some of the past options under consideration include limiting entry or awarding quota share based on past involvement in the fishery. To address the potential against the rush of new entrants into the guided sport fishery, the Council is considering establishing a moratorium on the guided sport sector.

ALTERNATIVE 1. NO ACTION.

ALTERNATIVE 2. IMPLEMENT A MORATORIUM ON ENTRY INTO THE CHARTER SECTOR USING A CONTROL DATE OF DECEMBER 9, 2005.

Features of the proposed moratorium (limited entry) program

1. **Permits**[1] may be held by U.S. citizens or U.S. businesses with 75 percent U.S. ownership of the business[2]. Businesses may receive multiple permits due to charter halibut activity by vessels owned by the business. ~~Currently licensed businesses~~ Initial permit recipients may be "grandfathered" below the U.S. ownership level and above proposed use caps until any change in ownership of the business occurs[3].
2. **Permit would be designated for either Area 2C or Area 3A.**
3. **Permit would be issued to** ~~registered~~ licensed **guide business** ~~operator~~owner.
4. **Permit applicant** would be required to sign affidavit attesting that all legal requirements were met.[4]
5. **Transfers** of permits (permanent) would be allowed up to use caps
6. **Leasing** of permits (annual) would not be allowed
7. **Permit Endorsement for Number of Clients on Board**

   ~~6 clients~~ highest number on any trip in 2004 or 2005 (but not less than 4)

   ~~uninspected (6-packs) vessels~~ ~~inspected vessels (but not less than 4)~~

   ~~new construction (uninspected or inspected vessels)~~ ~~uninspected >100 gross tons ("Super T")~~

   ~~constructive loss~~ ~~constructive loss~~
8. **Permits** may be stacked up to use caps[5]
9. **Evidence of participation** - ADF&G logbook entry with bottomfish statistical area, rods, or boat hours.
10. **Qualifying years** - Require ~~business~~ client activity for bottomfish effort as reported in ADF&G logbook in 2004 or 2005 and participation in year prior to implementation ~~(unless unavoidable circumstance occurred)~~, with

    Option 1. a minimum number of bottomfish trips[6] (1, 5, 10, or 20) to demonstrate bottomfish activity

    Option 2. "unavoidable circumstances"[7] clause that would be adjudicated on a case by case basis through the NOAA Fisheries Appeals Division.

---

[1] Through initial issuance and transfers

[2] Military (Morale, Welfare, and Recreational) boats are exempted, but harvests still count against the GHL.

[3] Transferred permits would not be grandfathered below the US ownership cap, even upon sale of a business, but would be grandfathered above the use cap upon sale of the entire business (see Issue 12)

[4] The only tangible evidence is the ADF&G logbook, which requires meeting all State legal requirements.

[5] A business can use, for example, two 6-pack license endorsements on one ~~"Super T"~~ vessel.

[6] The minimum number of bottomfish trips would apply for each business (summed for all vessels), but each vessel does not meet to meet the threshold. For example, a business could have 3 vessels with 6, 10, and 8 trips, respectively, which would result in the business receiving 1 permit under a 20 trip minimum; it would receive 2 permits under a 10 trip minimum, and 3 permits if under a 5 trip minimum.

[7] To address medical emergencies, military exemptions, and constructive losses on a case by case basis.

Option 3. under construction as of December 9, 2005 and must have at least 1 year of ADF&G halibut/bottomfish logbook activity from 1998-2005.[8]

11. Permit holder must annually renew permit and have minimum activity[9] equal to preferred alternative under Issue 10. Option 1[10]

Option. Except under "unavoidable circumstances" clause that would be adjudicated on a case by case basis through the NOAA Fisheries Appeals Division

12. Use caps, with grandfather[11] provision

~~*uninspected vessels:*~~		~~*inspected and uninspected (< 100 gt) vessels*~~[5]**:**
Option 1.	1 permit	~~Option 1. 1 permit~~
Option 2.	5 permits	~~Option 2. 2 permits~~
Option 3.	10 permits	~~Option 3. 3 permits~~

13. Community provisions for Area 2C and 3A communities previously identified under GOA FMP Amendment 66

Use caps on permits held by CQEs:

- Overall use caps for CQEs are the same as those selected for every other permit holder under Issue 12. Overall use caps are inclusive of all permits held by the CQE, whether purchased or applied for and received under Options 2 and/or 3.
- Separate use caps apply to permits requested and received by CQEs (applicable under Option 2 and/or Option 3):
  Area 2C – use cap of 3 permits per qualified community
  Area 3A – use cap of 5 permits per qualified community

Option 1. A Community Quota Entity (CQE)[12] may purchase limited entry permits.
~~Area 2C use cap of 5 permits per community~~
~~Area 3A use cap of 10 permits per community~~

Option 2. A CQE, representing a community ~~which has <10~~ in which 5 or fewer active[13] charter businesses ~~with their primary place of business in the community~~ terminated trips in the community in each of the years 2004. 2005 and prior to implementation, may request limited entry permits~~on behalf of a community resident~~.

---

[8] Staff requests clarification whether Option 3 is intended to address an individual whose situation could be addressed under Option 2, unavoidable circumstance due to reservist activation.

[9] The minimum activity threshold must be met for each permit held by a business. For example, if a business holds three permits and operates three vessels, all three vessels must meet the minimum trip requirement selected in Issue 10, Option 1. In addition, if several permits are stacked and used on one vessel, each permit must meet the minimum trip requirement (e.g., If the requirement to maintain a permit is 20+ trips, and three permits are stacked on one vessel, the vessel must make at least 60 trips in order for all 3 permits to remain valid.)

[10] Permits could not be renewed if allowed to lapse (due to holder's inaction or because minimum activity was not met). Non-renewed permits would be available for communities under Issue 13, Option 3.

[11] A business whose permit is endorsed in excess of the use cap maintains that exemption for those permits that remain in its control after other permits are sold, but those sold permits lose that grandfather status in perpetuity. Grandfathered permits that are sold in total when a business owner sells his entire business/fleet maintain that grandfathered status. Grandfathered status refers to permits, not to vessels.

[12] As defined in Federal regulations and GOA FMP Amendment 66.

[13] 'Active' is defined as ~~20 or more charter bottomfish trips per year~~ it is defined under Issue 10. Option 1 (e.g., at least 1, 5, 10, or 20 charter bottomfish trips).

Requested permits must be used within the first full season after receiving the permit or it is not renewed by NMFS. CQEs can re-apply for permits in the future.

~~Area 2C – use cap of 3 permits per qualified community~~

~~Area 3A – use cap of 5 permits per qualified community~~

Option 3. A CQE, representing a community in which 5 or fewer active[11] charter businesses terminated trips in the community in each of the years 2004, 2005 and prior to implementation, may request non-renewed limited entry permits ~~(as defined~~ provided under Issue 11~~)~~ on a "first come, first served" basis.[14]

Requested permits must be used within the first full season after receiving the permit or it is not renewed by NMFS (permit returns to 'non-renewed permit pool'). CQEs can re-apply for permits in the future.

[14] These permits would derive from a much more limited (perhaps none) pool of vacated limited entry permits by permit holders who did not renew them (see Issue 11).

COMMISSIONERS:

CLIFF ATLEO
PORT ALBERNI, B.C.
JAMES BALSIGER
JUNEAU, AK
RALPH G. HOARD
SEATTLE, WA
PHILLIP LESTENKOF
ST. PAUL, AK
LAURA RICHARDS
NANAIMO, B.C.
GARY ROBINSON
VANCOUVER, B.C.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA

AND THE UNITED STATES OF AMERICA

AGENDA C-1
Supplemental
DECEMBER 2006

TELEPHONE
(206) 634-1838

FAX:
(206) 632-2983

December 1, 2006

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, AK 99501

Dear Stephanie:

The recent publication of the recreational harvests of halibut in IPHC Regulatory Areas 2C and 3A in 2006 by the Alaska Department of Fish and Game has, with other removals, indicated that the Total Constant Exploitation Yield (CEY) established by the Commission for these areas has been exceeded. Exceeding the Total CEY for an IPHC regulatory area requires that the Commission undertake conservation actions to restrain the total removals within this Total CEY. The achievement of the Commission's conservation mandate is dependent on adherence to catch limits and total yield.

While the Commission regularly undertakes actions to restrain total removals within the Total CEY, the potential regulatory actions take on a different character if: a) there is a need for Commission conservation actions, and; b) domestic agencies have adopted targets or limits for recreational fisheries that have been exceeded. Under such conditions the Commission could adopt regulations that address both the need to restrain total removals and the needs of either contracting party to achieve domestic management targets for recreational fisheries, e.g. different seasons, bag limits, or different combinations of bag limits and seasons for each regulatory area, etc.

The IPHC staff notes the difficulty experienced by the Council in achieving its goal of adhering to the adopted GHL levels. The staff wishes to apprise the Council of the potential to use the Commission regulatory framework to supply the Council with tools that may either be incorporated in, or substitute for, domestic regulations until they are developed. This is not without precedent. For example, it would be similar to the IPHC actions concerning sublegal halibut retention in Areas 4D and 4E, or concerning interim regulation of the commercial fishery while the domestic Alaskan IFQ regulations were being developed. Both of these actions were implemented in furtherance of Council goals. The Commission and its staff understand clearly that any changes in IPHC regulations for recreational fisheries should be accomplished only through joint discussion with the NPFMC and National Marine Fisheries Service (NMFS), and not through unilateral action by the Commission. Further, in the absence of a specific request from the Council to the contrary, the Commission regulations would apply uniformly to all recreational fishery sectors.

At the 2006 IPHC Interim Meeting, the Commissioners directed the staff to undertake discussions with NPFMC and NMFS to determine if these agencies wish to explore the use of Commission recreational fisheries regulations to effect both the Commission's conservation mandate and the domestic allocation goals for Areas 2C and 3A. Should these agencies support such action, the Commission would consider a proposal to change its recreational fisheries regulations at the upcoming IPHC Annual Meeting on January 16-19, 2007 in Victoria, B.C.

The alternative to an action by the IPHC concerning recreational fishing regulations is to continue with the present Commission process of ensuring adherence to the Total CEY by subtracting the projected recreational harvest from the Total CEY for each regulatory area, and adopting catch limits for the commercial IFQ fishery based on the remaining CEY. In effect, if the recreational fishery exceeds domestic limits, there is a transfer of yield from the commercial fishery to the recreational fishery.

I and Gregg Williams of the IPHC staff will be attending your December meeting, and will be available to discuss this with the Council.

Sincerely yours,

Bruce M. Leaman
Executive Director

cc: Commissioners

PAGE #1

Public Testimony Sign-Up Sheet

Agenda Item C-1 (a-d) Charter Halibut Mgmt

SEPARATE ACCOUNTS, GHL, 5-fish Limit

	NAME (PLEASE PRINT)	AFFILIATION
1	~~Hjtt~~ Norvell	Charter
2	MATT Hockema	CHARTER
3	Jim Norris	Hemlock Ridge Charters
4	Dave Goldstien	PWS ECO Charters
5	~~EVER PROSECUTED~~	Sun'aQ Tribe KODIAK AREA NATIVE ASSN
6	DON BREMNER	SOUTHEAST - INTERNICAL
7	Peter Karwowski	Magic Waters Charters
8	Bob Alverson/Sarah Knutsen/Crowley	IVOA-Seattle -
9	Chad Kiesel	Charter
10	Bert Bergman	Seafood Producers Coop
11	Sky Starkey	AK Native Subsistence Halibut WG
12	Steven Floyd	AF&G Advisory Committee
13	RICHIE DAVIS	SEAFOOD PRODUCERS CO-OP
14	Ricky Gease	KRSA
15	Bob Havard	Sport Fishing/charter
16	Rope Allensworth	Seafood Producers Co-OP
17	Carter Hughes	S.E AK Fisherman, Hal IFQ holder
18	Walt Pasternak	2-C, 3-A Halibut fisherman
19	GREG SUTTER	ALASKA CHARTER ASSOC.
20	JEFF MORROW	
21	Gale LaDuke	Commercial Fisherman
22	[illegible] BONDURANT	Charter
23	~~Denise Hawks~~/LESLIE Pemberton	Charter and Commercial IFQ holder
24	George Eliason	commercial fish
25	MATT KOPEC	WHITTIER MARINE CHARTERS

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

Public Testimony Sign-Up Sheet

Page 2

Agenda Item C-1 (a-d) Charter Halibut

GHL Separate Accountability 5 fish limit

	NAME (PLEASE PRINT)	AFFILIATION
1	Mark Clemens	Seward Charter Assoc.
2	BUTCH SIMMS	CHARTER OPERATOR
3	PETE WEDIN	" "
4	KEITH KALKE	" "
5	STEVE ZERNIA	
6	Rawley Longworth	
7	Dan Hull	CDFU
8	Bill Lindow	Commercial fisherman
9	Ken L. Larson	SANTY CHARTER
10	David [redacted] PINGUEL	CH
11	David Polushkin	K-Bay fishing Assoc
12	Yakov Reutov	K-Bay Fisherman's Assoc.
13	Sherry Kolander	Sport
14	[illegible]	CHARTER
15	Tom Ohaus	Charter Sitka Charterboat Owners Asso
16	Nick Nekeferoff	Fisherman 2C, 3A
17	Tim Henkel	P. S. F. U. (union)
18	Tina McNamee	Charter
19	John Goodhand	Valdez-Whittier Charter Assoc.
20	Linda Behnken	ALFA
21	DAN FAZEY	HALIBUT COALITION
22	Rhonda Hubbard	3A IFQ Holder
23	Kathy Hansen	SEAFA / Stakeholder
24	MARIE RIDGWAY	Angler
25	Jeff Siepkin	APMA

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Public Testimony Sign-Up Sheet

Agenda Item C-1(a-d) Halibut Charter

	NAME (PLEASE PRINT)	AFFILIATION
1	Chris Holland	F/V Point Omega
2	Curt Herschleb	F/V Salmo
3	Carl Hughes	Charter
4	Anne Pullnow	Sitka fishermen
5	Mark Vinsel	United Fishermen of Alaska
6	Peggy Parker	HALIBUT ASSN of N.W. AMERICA
7	MIKE BOWEN	Halibut fisherman 3A
8		
9		
10		
11		
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

C-1(a-d)

Alaska Charter Association
PO Box 478, Homer, AK 99603
www.alaskacharter.org

"To Preserve and Protect the Rights and Resources of Alaska's Sport Fishermen"

December 06, 2006

Economic Study, GHL, Separate Accountability, State Delegation of Authority

Madame Chair and Council Members thank you for this opportunity to speak on behalf of the Alaska Charter Association. I am Greg Sutter, president of ACA, and owner/operator of Captain Greg's Charters in Homer, Alaska.

We are at a very important juncture with the halibut issue. In light of the recent halibut charter catch data provided by the Alaska Department of Fish and Game, the importance of completing a comprehensive social-economic study cannot be more evident than now. This Council and all parties involved must be able to truly assess the social-economic impacts and multiplier effects before any further restrictive action is taken. Hence, this study should be balanced and conducted so that it parallels both the commercial and charter sectors. The study should be ordered now and conducted by an organization approved by NMFS to help eliminate any perceived biases.

The ACA strongly urges this Council not to adopt the recent recommendations of its AP Council to reduce the bag limit to one fish per day in area 2C and in 3A during August. These measures are extremely draconian in nature and simply are not warranted for several reasons. The biggest and most glaring reason is that the GHL was never designed to go up with abundance, only down. With this huge inequity how can the GHL be perceived as "fair and equitable?" I do not know one charter operator who thought the GHL was "fair and equitable." Ask yourselves, "Would a commercial fisherman is SE want to be held to a GHL structured like the charter GHL?"

And had the GHL been allowed to float with abundance, as most other fishery plans do, the apparent overages in 2C would not have been so significant. If recency was adopted and the GHL reflected the 2000-04 averages, no overages would have occurred in area 3A and would have been greatly reduced in area 2C.

The amount of allocation was extremely low, one of the lowest in the country, and without proper forecasting for the future. Since the adoption of the GHL by NMFS in 2003, beginning in its first full year and every subsequent year, there were overages in the GHL. Hence, it was a system with a flawed design created by a previous Council and this council inherited it. We can make a temporary adjustment to address the inequities existing in the current GHL.

I would like to refer to Jane DiCosimo's tables dated 12/05/06. Please look at the section under "Sport" and the "% combined guided and commercial" column. This highlights were the GHL would be on a percentage basis if it were allowed to float. If we had adopted the 2000-2004 averages to account for recency and applied them, area 2C would not have any significant overages and area 3A would have remained under the GHL.

I would also like to refer to Chris Oliver's memorandum dated 09/28/05 which illustrates management measures if overages occur. As you can see the only time it mentions a one fish bag limit

is when an overage is in excess of 50% and it recommends a one fish bag limit during August only, not the entire season as the AP is recommending. Their recommendations are too extreme, especially in light of the fact that the GHL was flawed at the very beginning. It should have been tied to abundance and not designed to immediately put charters in an overage position and face immediate and potential cuts.

From a charter operator's perspective, the socio-economic ramifications would be devastating. For example, if the bag limit for halibut is cut in half, it will be devastating to charter businesses as well as related tourism businesses in Alaska. I'm sure our sport fish processors dependent on vacuum packing sport caught fish do not want to see their business face a potential fifty percent cut? Would you? Also, the public perception of this Council's action would be that this Council places a higher priority and value on bycatch and wasted fish over the public's desire to access the fishery on a charter boat; I hope this Council is not perceived this way.

The ACA strongly believes that the bag limit for halibut for all recreational/sport anglers should remain the same whether they choose to fish on a charter boat or any other boat. Their access should only be limited by the abundance of the resource. Anglers on charter boats do not consider themselves anything but recreational/sport anglers and should be treated accordingly.

We also feel it is premature to incorporate the Separate Accountability proposal. We agree with the Stakeholder's position. We do believe that all sectors should be held accountable not only for their catches but their resulting wastage and bycatches through True Accountability. However, neither True nor Separate Accountability should be considered by this Council until a permanent solution is reached and in place.

The ACA does encourage the State of Alaska to continue to explore the option of its proposed delegation of authority. If approved by this Council, we do want the State of Alaska to cooperate and participate with NMFS to collect and help provide data for the newly proposed National Data program for recreational/sport fishing.

The ACA does recognize the importance that both sectors have to the general well-being and the economy of the State of Alaska. Both sectors involve the catching of fish, but the charter sector is more closely related to the tourism industry. The tourism industry has the potential to become ever increasingly important to Alaska. We should look towards the future. Tourism should be encouraged, not discouraged.

UNITED FISHERMEN OF ALASKA

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November 29, 2006

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Ave, Ste 306
Anchorage, AK 99501
By Fax: (907) 271-2817

RE: Charter Halibut Fisheries

Dear Ms. Madsen,

UFA is alarmed that the 2006 Charter Halibut catch exceeds the Guideline Harvest Level for area 2C and 3A by such an extent that it has put the state's total halibut catch beyond the Constant Exploitation Yield established by the International Pacific Halibut Commission. Crossing this threshold jeopardizes the sustainability of the halibut stocks, and calls for immediate action by this Council.

UFA offers the following recommendations:

1. United Fishermen of Alaska (UFA) requests that the council continue its support of the Halibut Charter stakeholder panel process, and ensure that staff time and skills are available to allow the stakeholder panel to proceed without delay in their work due to any lack of staff resources.

2. We ask that this council direct the IPHC to impose a bag limit on the charter industry.

United Fishermen of Alaska is the largest statewide fishing industry trade association, representing 33 Alaska commercial fishing organizations and hundreds of individual independent fishermen. UFA member groups and individual fishermen members participate in fisheries throughout the state and its offshore waters. Many of UFA's professional fishermen members and members of our groups are diversified into multiple fisheries, including halibut Individual Fishing Quota (IFQ) shares, much of which has been purchased. The halibut fishery has the largest representation for a single fishery amongst UFA's individual members.

UFA has long been a strong supporter of the Magnuson-Stevens Act, the regional fishery management councils and the NPFMC in particular. UFA's support of the NPFMC was earned by the serious attention given to science based management by this Council. In turn, this Council has helped Alaska fishermen by ensuring the sustainability of the fish we depend on by not permitting overfishing to occur.

Alaska halibut, as well as salmon and pollock, have been certified as sustainable by the Marine Stewardship Council (MSC). UFA strongly believes that the Alaska label has stood for sustainability far longer than the term has been popular, far longer than the MSC has existed, from the fisheries management changes implemented with Alaska's Constitution upon becoming a state. The label we are most concerned with is the Alaska label. Recognition of Alaska and the NPFMC's leadership in effective sustainable fisheries management has resulted in a premium market niche for Alaska's fisheries. Consumers are becoming more aware and discerning in their seafood choices, associate "Alaska" with "sustainable", and are willing to pay a premium.

A November 25, 2006 article in the Los Angeles Times noted this movement, under the headline:
"Not enough fish in the sea - As ocean seafood populations plummet, catching is mostly unhindered -- only Alaska is willing to self-police...
"At the first hint of a decline in salmon numbers, the Alaska Department of Fish and Game is quick to shut down coastal fishing grounds and order fishermen to pull in their nets and lines.
State officials do this without protest from fishermen. Rather, they work together, to protect not just a prized fish, but an economic bonanza and a leading source of private-sector jobs in the state..."

The article noted the shift towards sustainable seafood choices by major retailers Wal-Mart, McDonald's, Darden Restaurants (Red Lobster) and the Compass Group, America's largest food-service provider to corporate and university cafeterias.

Our reputation for sustainable halibut, salmon and pollock are now the calling card for all of our fisheries, and we have a very short window of opportunity to gain market differentiation in the complete range of Alaska's fisheries before foreign producers elbow us out of our markets with farmed or irresponsibly harvested seafood, as they were able to do with salmon.

Alaska's commercial fishermen depend on responsible and sustainable management from state and federal agencies, and know the benefits of cooperating in these efforts. It is extremely distressing that this reputation and market advantage has been put in jeopardy through excessive harvest by the charter halibut fishery businesses.

According to ADF&G estimates, the amount of charter overage projected for 2006 will cause the total commercial and sport catch to exceed the Constant Exploitation Yield (CEY) established by the International Pacific Halibut Commission. Crossing this threshold jeopardizes the sustainability of the halibut stocks, and immediate action is called for.

A letter to the Council from NOAA Acting Regional Administrator Robert Mecum shows the revised 2005 sport charter halibut harvest exceeded the Council's Guideline Harvest Level (GHL) in regulatory area 3A by 1 percent and in area 2C by 36 percent. Recent estimates of 2006 halibut harvest project this overage to 8-9% in area 3A and 42-47% in area 2C.

The overage in area 2C represents up to 680,000 lbs, or approximately $2.7 million dollars in ex-vessel value to fishermen, and the overage in Area 3A represents 300,000 lbs. or $1.2 million dollars in ex-vessel value.

The monetary value lost to commercial harvesters is huge, but is overshadowed by the fundamental fact that the rampant and unchecked growth of the charter halibut fishery is putting the good name of Alaska fisheries management, this council, and Alaska seafood at risk. This is now a conservation

issue. Past history of the conflict between commercial, sport, and charter fisheries for halibut allocation is moot and now must take a back seat to the overriding concern that the allowable harvest set by international commission is being exceeded.

If a commercial fishery were operating unchecked and exceeding allowable harvest by even a much smaller amount, it would be promptly addressed through immediate corrective regulation, or stopped altogether until suitable management measures could be brought into play. It would be unheard of for a commercial fishery to exceed their harvest by taking fish from another sector, without compensation, and we expect this council to use every tool at their disposal to stop this now.

We appreciate the unanimous intention of the NPFMC to address this issue for the long term through formation of a stakeholder committee to work on a suitable plan, and the dedication to hold the charter halibut fishery to its GHL as expressed at the council's April 2006 meeting through the following unanimous motion:.

"The Council compliments the Stakeholder Committee on its work and encourages it to continue. As part of its plan to develop long-term solutions, the Council urges the Committee to consider a package of a modified GHL that moves with abundance, some form of separate accountability, and the provision of the proper management tools to management agencies so that each sector of the halibut fishery can be managed not to exceed its allocation. ***In the meantime, the Council commits [to] using a combination of Federal and State authority to manage each sector, charter and commercial, to the allocations established by the GHL published in the Federal Register until superseded by the Council's long-term guided sport halibut sector plan."***

We appreciate the intention of Alaska Department of Fish and Game to curb the charter overharvest through the emergency order that prohibited crew and skipper catch in area 2C, but this did not make enough difference. We also appreciate the necessity of the charter moratorium included in the December 2005 motion, but locking in the number of operators also does not address the overharvest. You heard from numerous charter operators who opposed the IFQ a year ago, that their businesses need to book clients a full year in advance, which was a strong argument against in-season closures once the allowable catch has been reached. The only option left on the table that can still allow charter businesses to conduct charters for 2007 that are already booked, while making a meaningful correction in the overharvest, is to reduce the charter bag limit.

We are open to other ideas that will address the charter overharvest with clear and immediate effect for the 2007 season. We look forward to continued work at the stakeholder panel through our representative Kathy Hansen. We also look forward to continued positive press for Alaska's responsible and sustainable fisheries management, as a selling point for Alaska seafood.

We need your action today to make this happen.

Sincerely,

Mark Vinsel
Executive Director

Actions to be Initiated at the December 2006 Council Meeting in Response to the Halibut Carter Overages of The Federal GHL In Areas 2C and 3A.

1. In Area 2C, reduce the bag limit on charter vessels to 1 halibut per day for the 2007 season.
   - This action can be accomplished by the Council through an emergency rule or giving equally high priority to a regulatory amendment.
   - This action can also be accomplished by the International Pacific Halibut Commission, with the concurrence of the Council, as part of the IPHC's efforts to address conservation concerns associated with CEY overages and the volatile nature of the charter catch.

2. In Area 3A, restrict the take of halibut by charter skippers and crew for a sufficient length of time to offset the GHL overage.
   - This action can be taken by ADF&G using the commissioners EO authority.

3. Provide stability to **both** charter and commercial sectors during the interim period.
   - On parallel tracks, complete action on the halibut charter moratorium and analyze a management approach to maintain charter harvest within an allocation using either a federal catch sharing plan or by delegating authority to the State. Both approaches should contain separate accountability. Final action on the moratorium, allocation, and management approach should be completed in 2007 as it is anticipated federal legislation may be introduced in 2007 to allow transfer of this type of authority to the State.

Bryan Bondioli
Captain B's Alaskan C's Adventures
p.o. box 66
Homer, Ak. 99603
907-235-0629

Good Morning Madam Chair members of the Council,

I would like to start by saying that separate accountability, true accountability, or any other adjustment in accounting is premature and should not be considered until incorporated as part of a permanent long term solution.

I would also like to point out that the basis for a long term solution that will work is a starting point which is fair and equitable to ALL user groups. The GHL, as it is, is bad public policy.....it always has been and always will be. How are you going to ever create good policy when you begin with bad policy?

As we all know, there has never been a biological reason for any of this. It is extremely disconcerting to think that even if there were a true conservation reason, that the resource managers would seek to cut the smallest user group first. It seems fair and equitable to me that if you are protecting the resource, you would seek reductions from the largest user groups FIRST.

The GHL from the beginning has NEVER provided adequate room for the growth and maturation of the infant charter industry. It was born and groomed based solely on an economic basis and in the absence of acceptable, much less comprehensive socio-economic data has never respected the highest and best use of the resource.

From the point of it's inception, the GHL has been opposed by every entity from the state of Ak. To the entire charter sector. The only support ever has been from the commercial sector and participants within the Council process. Again....BAD Public POLICY.

The development and implementation of the GHL has been and still is arbitrary and capricious. It is based on questionable data, at best, and again for no biological or conservation reason.

2006 may be the first year we even have some potentially accurate data and should be viewed as the starting point from which we move into the future. A rotten egg will never get unrotten, a bad program will not create a good one. The only way to get rid of the stink is to throw it out and start with a fresh one.

I have here in my hand two sets of data reflecting history within the unguided sector. Both sets of data were provided by ADFG and both sets of data were received within the last month or so. Let's take for example 2004, since it is the most recent year

which is complete in both sets. Let's look at the number of clients category, that should be the easiest to calculate. Area 2C (from stakeholders data) shows slightly over 72,ooo clients and the data sheet provided at this meeting shows almost 68,000 clients. Area 3A (stakeholders data0 shows nearly 120,000 clients and this most recent chart shows 116,600 plus clients> This is a variation of 4000 clients.

This is not evaluating ratios, extrapolating, or projecting anything. This is not complex mathematics. This category is count up the boxes that have something written in them and there's Still a significant error. This is the quality of data you are willing to use to crush the smallest, least impactual user of the resource in order to endorse and arbitrary and capricious GHL.

Thank you for your time.

COMMENTS FOR THE NPFMC RE: HALIBUT MANAGEMENT
December 7, 2006

Madame Chair and Council Members:

Thank you for the opportunity to speak before you.

By way of introduction, my name is Leslie Pemberton. I am co-owner of Puffin Fishing Charters. We have operated out of Seward since 1994 and own 5000 pounds of halibut IFQ in Area 3A.

My intent is to address management tools only with regard to the charter GHL in Area 3A.

The 2006 GHL in Area 3A was exceeded. The impact of this as a "conservation concern" may be arguable in light of the fact that the preliminary Catch Limit proposed by the IPHC for Area 3A is 700,000 pounds greater for 2007 than in 2006, despite the GHL overage. This implies that neither a biological emergency nor a financial emergency for the commercial fleet resulted. Therefore, one could argue that no emergency management tools are actually needed for Area 3A in 2007.

However, the GHL was exceeded and will continue to be exceeded until management tools are in place. Per the Federal Register of January 2002, which established the Charter GHL, stepwise management tools were also proposed. Although these tools were ultimately jettisoned, their intent remains significant:

- **An overage of less than 10 percent was to trigger the stipulation that no charter vessels complete more than one trip in a 24-hour period.**
- **An overage of 20% would trigger the additional stipulation of no retention of halibut by captain or crew, which it appears the State may implement by emergency order for 2007.**

It was to require a 50% overage before a one-fish bag limit in August was to be implemented. However, this is now being advocated as the primary "emergency" intervention for Area 3A in response to an overage of only 10%.

A one-fish bag limit will have a very deleterious impact on the charter fishery. Although the average charter catch is only 1.2 fish, it is imperative that we be able to sell the *opportunity* to catch two halibut.

What may accomplish this same end and potentially be employed via the IPHC for the 2007 season is a minimum size regulation for retention of sport-caught halibut. Because of market differences, it may not need to mirror the 32-inch minimum of the commercial industry, but an appropriate minimum size regulation could effectively result in a smaller bag limit without impacting opportunity.

In summary, if an immediate management intervention beyond prohibition of retention of crew fish is deemed necessary in Area 3A for 2007, which is questionable, I would request the Council consider, or propose to the IPHC for consideration (if that is the more appropriate regulatory pathway), a minimum size retention in August 2007 in lieu of a lowered bag limit for Area 3A.

Thank you for your consideration.

AGENDA C-1(b)(1)
December 2006 (pg 31

Harvest reduction measures

The GHL will not institute in-season actions to reduce guided recreational harvests. Instead, measures to reduce guided recreational harvests would be implemented by notification in following years. NMFS specifically requests that the public provide comments on this method of implementing management measures to reduce halibut harvest. The ADF&G typically publishes data on a given year's halibut guided recreational harvests from the ADF&G's Logbook program and Harvest Survey, respectively, in February and August of the following year. Given this delay between a given year's harvests and the issuance of logbook and harvest survey reports of the data from those harvests, measures to reduce guided recreational harvests would also be delayed to ensure the accuracy of data indicating that harvests exceeded the GHL.

NMFS would reduce harvests incrementally, based on the percentage at which the previous year's harvests exceeded the GHL. For example, a reduction in the daily "bag limit" or number of halibut a sport angler may harvest each day would be triggered and implemented only as the final tool when the GHL is exceeded by greater than 50 percent. This measure, like the others for harvests over 20 percent, would be implemented in the second year following the year of overharvest. For purposes of this limitation, daily bag limit means the amount of halibut that may be harvested per calendar day, or as specifically defined for waters in and off Alaska, the period from 0001 hours, A.l.t., until the following 2400 hours, A.l.t. (See 50 CFR 679.2 Definitions, Daily reporting period or day.)

In this system of harvest reduction measures, "harvest" means the catching and retaining of fish and, in the context of prohibiting harvests by a vessel's skipper and crew, is intended only to preclude retention by a vessel's skipper and crew and not to prevent a vessel's crew from assisting clients in fishing for and catching halibut.

The system recommended by the Council is as follows.

AREA 2C MANAGEMENT TOOLS

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.
10-15 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut.
16-20 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than seven halibut harvested on a guided recreational vessel during the calendar year.
21-30 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than six halibut harvested on a guided recreational vessel during the calendar year.
31-40 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than five halibut harvested on a guided recreational vessel during the calendar year.
41-50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year.
More than 50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year; Between the dates of August 1 and August 31, no person may retain more than 1 halibut per day harvested aboard a guided recreational vessel.

AREA 3A MANAGEMENT TOOLS

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.
10-20 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut.
21-30 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than seven halibut harvested on a guided recreational vessel during the calendar year.

AREA 3A MANAGEMENT TOOLS—Continued

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
31-40 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than six halibut harvested on a guided recreational vessel during the calendar year.
41-50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than five halibut harvested on a guided recreational vessel during the calendar year.
More than 50 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; No operator or crewmember aboard a guided recreational vessel may retain halibut; No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year; Between the dates of August 1 and August 31, no person may retain more than 1 halibut per day harvested aboard a guided recreational vessel.

How the System of Harvest Reduction Measures Would Work

No guided recreational halibut harvest reduction measures would be implemented if the total guided recreational harvest in the area (2C or 3A) remains at or below the GHL for that area. However, if the GHL is exceeded in a given year, appropriate harvest reduction measures would be imposed in following years to reduce harvests incrementally by the percentage at which the previous year's harvests exceeded the GHL. For example, if harvests in Area 2C in 2002 exceeded the GHL by 15 percent, halibut guided recreational harvests in that area would be restricted in 2003 by prohibiting harvests by skipper and crew and by prohibiting a guided recreational vessel from concluding more than one fishing trip during which halibut are harvested during a single 24-hour period.

In years when harvests exceed the GHL by an amount greater than 20 percent of the GHL, harvest reduction measures would be implemented in two phases. First, measures designed to achieve a reduction of up to 20 percent in guided recreational harvests would be implemented for the fishing year following the overage. Second, measures designed to achieve greater than 20 percent reductions in harvest (e.g., annual limits and a one-fish bag limit in August) would be implemented 1 year later to allow for verification from the Harvest Survey of the percentage by which guided recreational harvests exceeded the GHL. For example, if guided recreational harvests in 3A were exceeded in 2002 by 35 percent, in 2003, harvests would be restrained by prohibiting harvests by skipper and crew and by prohibiting a guided recreational vessel from concluding more than one fishing trip during which halibut are harvested during a single 24-hour period. In the following year, 2004, once NMFS has data verifying that the GHL was exceeded by 35 percent, harvests would be further restrained by imposing an annual limit of six fish on each individual angler fishing from a guided recreational vessel.

The reason for the delay in implementing the harvest reduction measures is to not over-react to an overharvest until such time that NMFS has all data verifying the extent of overharvest, and so that, if necessary, either NMFS can institute greater or lesser reduction measures or the Council can recommend that measures currently in place be removed.

Once 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. The Administrator, Alaska Region, NMFS (Regional Administrator) would announce such measures by notification in the **Federal Register** prior to the start of the annual sport halibut fishing season.

The proposed system of harvest reduction measures was developed by the Council using its best estimates of which measures would have the least effect and which the greatest effect. At present, no single management measure can be accurately projected as reducing harvests by a certain percentage. For this reason, the measures more likely to reduce harvests substantially are reserved for curtailing harvests that greatly exceed the GHL. The experience of managing the guided recreational fishery under this system would likely give the Council and NMFS more certain data in the future by which to determine the extent of each particular management measure's ability to reduce harvests. Therefore, at the end of a sport halibut fishing season during which harvest reduction measures were in effect, the Council would review such measures to evaluate their efficacy in preventing further harvests in excess of the GHL or the appropriateness of lifting such management measures. This review accomplishes two goals: the first is to evaluate whether the overharvest is likely to continue in the subsequent years and the second is to evaluate whether any additional refinements are needed for any restrictions currently in place. If the Council, in consultation with NMFS, determines that restrictions should be lifted or refined, NMFS will undertake rulemaking to implement them, so long as the agency approves of such possible changes. Rulemaking will be undertaken in accordance with the requirements of applicable law.

Implementation Issues

NMFS is working with the Council and the ADF&G to resolve a number of recordkeeping and reporting issues essential to NMFS' ability to monitor compliance with the proposed harvest reduction measures. As noted above, in 1998 the ADF&G instituted its saltwater charter logbook program in response to the Council's initial recommendations for managing the halibut guided recreational fishery. The logbook provides one means by which NMFS may monitor compliance with harvest reduction measures in the field during the fishing season. However, NMFS' access to data derived from the logbook is limited by Alaska Statute 16.05.815 of the State's fish and game regulations, which requires that information provided to the State in compliance with its regulations be kept confidential and may not be released. This confidentiality provision prevents NMFS from accessing logbook data for enforcement purposes once logbooks have been submitted to the State and may prevent NMFS from accessing the information for such purposes prior to its submission to the State.

Moreover, the information collected by the logbook would not alone be sufficient to monitor compliance with

S.E. Alaska Inter-Tribal Fish and Wildlife Commission
P.O. Box 20161
Juneau, Alaska 99802
December 7, 2006

Testimony of Don Bremner

Opposition to proposed amendment of the Halibut Act of 1982 to provide authority to the State governments to manage Pacific Halibut Fisheries

On December 4, 2006 the Alaska Native Subsistence Halibut Working Group adopted a Motion to oppose the proposed action of amending the Halibut Act of 1982 to transfer halibut management authority to the State of Alaska for the following reasons;

1. There's no history of rural or Alaska Native representation or participation at State decision-making levels on Boards and Commissions responsible for fish and game management in Alaska.

2. There is still a rural and urban divide in Alaska regarding subsistence resources, and this divide is detrimental to rural villages and Tribes.

3. There is still a divide and difference of subsistence definitions, uses, and fishing locations with the State of Alaska. The State has been pressing for more and more non-subsistence use areas in the State at the expenses of subsistence users.

4. There is built within the State government institutionalized discrimination towards rural villages and Alaska Natives.

5. Finally, the State of Alaska is still out of compliance with ANILCA of 1980 regarding subsistence in Alaska, which should by itself be prima facie evidence that the State is not, and will not fairly protect the subsistence halibut rights of rural villages and Tribes.

6. By amending the Halibut Act of 1982 circumvents the Magnuson-Stevens Act, which is designed to protect coastal fishing villages.

We request that the Council not support or approve the State proposal. It will be at the expense of rural villages and Alaska Natives.

There has been no Federal or State consultation with rural villages or Alaska Natives regarding this proposal.

We are here also to speak against the separate accountability proposal for the following reasons;

1. The rural villages and Tribes have not been consulted regarding this issue, and we claim that the public notice process has not been followed for the Council to take action regarding this proposal.

2. The proposal addresses overages that will be subtracted from the total biomass available for harvest by all user groups, including subsistence.

3. The proposal as written addresses allocations between sport ands commercial fish with no reference to how subsistence volumes will be addressed when the two allocations go over their total allowable catch, other than the penalty being placed on the total biomass available in future years for all user groups, including subsistence.

4. We are not speaking for subsistence allocations at this time, but, if the Council locks itself into combined allocations under this separate accountability proposal, then the Council must consider allocating the by-catch wastage poundage to the subsistence fishery volume for future years as a result of the negative impacts of the growing sport and commercial fisheries.

Conclusions:

1. We ask that the Council not abrogate your authority under the Magnuson-Stevens Act, which is designed to protect our rural commercial fishing villages.

2. We request the Council not support moving to amend the Halibut Act of 1982 to accommodate the State proposal.

3. We ask the Council not support the separate accountability proposal as written until it is also approved that the current and future subsistence volumes of up to 17.5 % of the total TAC is protected for future subsistence growth.

4. We request that if either of the State or separate accountability proposals are adopted by the Council, you also adopt by motion to automatically make subsistence a priority use, in addition to approving our recommended volumes for future growth.

Madam Chair and members of the North Pacific Fisheries Management Council:

My name is Carter Hughes and I am a salmon troller from South East Alaska and hold halibut IFQs that I have purchased. I have fished out of Pelican and Sitka for 18 years, selling my product in these communities. I am a member of the Alaska Trollers Association, Seafood Producers Coop, and ALFA. I testify before you today as an individual with serious concerns about the status of the halibut fishery. With the CEYs in areas 2C and 3A having been exceeded, in the case of 2C by 500,000 pounds, and abundance declining, immediate measures are needed for the 2007 season. Furthermore, a long-term solution containing separate accountability for the charter fleet will be necessary. Last April the Council stated its commitment to holding the charter sector to its GHL. This is more important than ever, as there now exists a conservation concern in area 2C, which is entirely the result of the charter overage. I will focus this testimony on what I believe to be the most expedient means of holding the charter sector to its GHL for the next season so that the halibut fishery is not further eroded by exceeding its CEY.

As I understand it, there are three regulatory bodies that have the potential to manage the halibut fishery so that it is held to its GHL, the Alaska Department of Fish and Game, the International Pacific Halibut Commission, and the NPFMC. Of these three groups I believe there are two that can effectively impact the halibut fishery for the 2007 season, the IPHC and the Council. The Council can request the IPHC to take regulatory action to constrain the charter harvest to its GHL. Or the Council can pass a measure by emergency order that will reduce the charter harvest. Judging from some of the discussion I've heard that implies reluctance on the Councils part to issue an emergency

order, I suggest sending a request to the IPHC to take action so that such measures may be discussed next January. I don't see there being much hope for implementing changes for the next season by delegating authority to ADF&G.

Delegating authority to ADF&G may have a useful role in the mid to long-range picture of solving this problem. If the process were started some of the legislative issues might be solved by 2008. I support further exploration of this approach, as long it does not take priority over immediate and effective action for the 2007 season. Even if ADF&G were to get management authority for the up coming season, regulations they developed would have to go through the Board of Fish, another significant hurdle. Given the conservation concern in area 2C and the 29% quota reduction being suggested by the IPHC I believe that either a request to the IPHC or an emergency order from the NPFMC are the most likely means to achieve effective management of the charter fishery in the near future.

The tool most likely to affectively constrain the charter fishery to its GHL is a one fish bag limit. This limit should be in affect for the entire year in 2C and the month of August in 3A. There are other tools that may be utilized such as prohibition of halibut retention by skipper and crew or annual harvest limits. A logbook program that requires regular submission of data would be useful in conjunction with the mentioned tools, especially if in season management was used to apply or remove constraint measures so that the GHL could be more accurately met. There are models in existence that the Council could look to such as the Federally managed catch sharing program in Washington or the king salmon management plan in S.E. Alaska. However, these options should be looked at as

part of the mid range to long-range solutions to this problem. Again the fastest and most likely method of dealing with the 2007 season is implementing the one fish bag limit through an emergency order or a request to the IPHC.

Ultimately, it will be necessary to have a hard line partition between the charter and commercial user groups with separate accountability for the two groups. This must be accompanied by a compensated reallocation program such as charter IFQs or a stamp program that pools cash such as suggested by Commissioner Campbell a year ago. The halibut fishery in S.E. Alaska is no longer stable. Only one of the industries whose income is derived from halibut harvest has controls in place. IFQs were put in place to stabilize the commercial fleet. However, stability, both biological and economic is at risk and will continue to be so under the status quo.

"The Council compliments the Stakeholder Committee on its work and encourages it to continue. As part of its plan to develop long-term solutions, the Council urges the Committee to consider a package of a modified GHL that moves with abundance, some form of separate accountability, and the provision of the proper management tools to management agencies so that each sector of the halibut fishery can be managed not to exceed its allocation.

In the meantime, the Council commits using a combination of Federal and State authority to manage each sector, charter and commercial, to the allocations established by the GHL published in the Federal Register until superseded by the Council's long-term guided sport halibut sector plan."

The motion was seconded by Roy Hyder, and carried without objection. NPFMC April 2006

Clarion Hughes
C-1

Good afternoon, I am Bob Howard, resident of Homer.

In principal I am opposed to limiting public access to the halibut fishery by setting a GHL that is not responsive to the growing guided sport fishing demand.

My principal belief is that the halibut resource is owned by the American people and they have first right to the resource. Within the public, those requiring subsistence have first priority, those that show up to sport fish have second priority. The fish remaining after those needs are met should be available for commercial harvest.

The issue before this council is not a biological issue, rather it is an economic political issue. The biomass is in healthy condition.

There are two competing interests, charter and commercial. Both of these industries exist to serve the American people.

The Charter industry served about 215,000 recreational anglers this past season causing exceedance of the anticipated catch identified in the GHL for the third consecutive year. Please note that the GHL was exceeded in both 2C and 3A from the first day of implementation in 2004. It is woefully inadequate to account for the growing industry.
I refer to the handout.
The hand out shows that had the GHL been put into place in 1995, and we track a running balance of the fish allocated vs. fish caught, today there would be 610,000 pounds on balance in 2C and 5,530,000 pounds on balance in 3A.

The GHL is a policy number. IT is a soft cap, not a hard cap. The current GHL is not responsive to increasing demand and needs to be increased to allow growth in guided sport fishing industry to its maturity.

This body was created in law to manage the fishery, and when necessary, allocate the fishery in a "fair and equitable" manner between the competing sectors.
This is your responsibility under the Halibut Act.

You must do this with a full understanding of the comprehensive economic impacts associated with allocation across the entire halibut fisheries industry.

I suggest you need to allocate on the basis of "highest and best use" of the fishery for the American people. The economic impacts are a key element to this determination.

Please set allocations using the best tools available to you. The methodology must be transparent and defensible before this body, or any other body that should challenge your decisions.

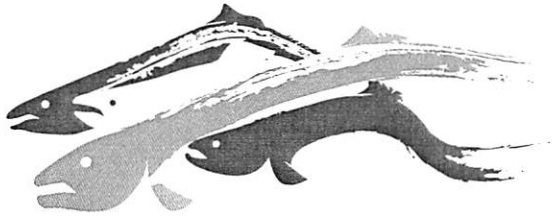
Sport harvests of halibut in Area 2C 1995-2006 in millions of pounds
Analysis of harvest vs the current GHL being applied for the period

Year	Guided GHL	Guided Sport Removals	Annual Diff	Running balance
1995	1.43	0.99	0.44	0.44
1996	1.43	1.19	0.24	0.68
1997	1.43	1.03	0.4	1.08
1998	1.43	1.58	-0.15	0.93
1999	1.43	0.94	0.49	1.42
2000	1.43	1.13	0.3	1.72
2001	1.43	1.2	0.23	1.95
2002	1.43	1.28	0.15	2.1
2003	1.43	1.41	0.02	2.12
2004	1.43	1.75	-0.32	1.8
2005	1.43	1.95	-0.52	1.28
2006	1.43	2.11	-0.68	**0.6**

Sport harvests of halibut in Area 3A 1995-2006 in millions of pounds
Analysis of harvest vs the current GHL being applied for the period

Year	Guided GHL	Guided Sport Removals	Annual Diff	Running balance
1995	3.65	2.85	0.8	0.8
1996	3.65	2.82	0.83	1.63
1997	3.65	3.41	0.24	1.87
1998	3.65	2.98	0.67	2.54
1999	3.65	2.53	1.12	3.66
2000	3.65	3.14	0.51	4.17
2001	3.65	3.13	0.52	4.69
2002	3.65	2.72	0.93	5.62
2003	3.65	3.38	0.27	5.89
2004	3.65	3.67	-0.02	5.87
2005	3.65	3.69	-0.04	5.83
2006	3.65	3.95	-0.3	**5.53**

Authored by Bob Howard, Homer, AK



KENAI RIVER SPORTFISHING
ASSOCIATION

December 6, 2006

Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Chair Madsen and Council Members:

Kenai River Sportfishing Association appreciates the opportunity to participate in the Halibut Charter Stakeholder Committee and to provide comments here today. From my perspective as a committee member, I believe we are working deliberately through the tasks set forth by the council and have made good, albeit slow, progress to date.

In October the committee put forth a comprehensive set of recommendations to the Council for this December meeting. I support the committee's work and recommendations, including the following:

1. make a moratorium/limited entry program the highest priority for action on the path leading to a permanent solution;

2. take no action on the proposal for Separate Accountability as it is premature to consider this before the framework of a permanent solution is in place;

3. support changes to the Halibut Act which would allow for state delegation authority as a potentially valuable tool that would work with some of the options of the permanent solution and the moratorium the Stakeholder Committee and Council are working on;

4. encourage legislative changes by the state of Alaska to allow sharing of data and cross deputizing of Federal and State law enforcement officers; and

5. ensure the Council completes its obligations to the charter and commercial sector for a long-term permanent solution and that any delegation of its authority exclude allocation decisions.

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Significant issues still need attention and careful examination –

- the availability and reliability of data and its collection remains an area of ongoing concern;
- staffing and fiscal responsibilities associated with enforcement do not have clear demarcation, and fiscal concerns have already prompted the reconsideration of the five-fish annual bag limit for charter anglers;
- if there is a delegation of authority from the Council to the state, who bears the financial costs with such management;
- and as yet there is no comprehensive socio-economic data and analysis of either the commercial or recreational halibut fisheries – with no real comprehensive economic information upon which to define the best use of the halibut fishery resource, both sectors are left to define apples of worth for the commercial sector and oranges of worth for the recreational sector.

And then, once a mechanism is chosen and in place for orderly and compensated shifts in allocation between these groups, the initial allocative set point from which to start still needs to be decided upon. Finding the right middle ground – not too high, not too low, but just right, is a real challenge to come. Until the final decision on that initial allocative set point is made, many interim steps are yet to come.

My last comment is on the GHL and a proposal for a one halibut per day bag limit. In regards to the first major interim decision made by the council – the setting the GHL for the Halibut Charter fleet – it was decided upon as a soft cap, as a guideline.

I find it interesting that in a recent letter pertaining to the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), eight Regional Fishery Management Councils' Chairs and Executive Directors write that one of the most significant provisions being considered is the requirement for setting annual catch limits and attendant penalties for overages. Citing the issue has been discussed extensively, the letter states:

> In particular, penalties for exceeding any "specified catch limit" can be merely punitive when the specified limit was a policy based limit (such as an OY [optimum yield], a sector limit, or a geographic area harvest guideline) and the biologically based overfishing threshold total catch limit was not exceeded...[A discussion paper] provides additional detail supporting the consensus Council Chairs position that the catch overage penalty provision not be included in legislation, largely because the overage is adjusted for in the subsequent stock assessment.

Yes, the GHL as set forth in the first interim decision has proven to be inadequate to accommodate the growing demands of the guided sport fishery. Thus an interim decision to prohibit skipper and crew fish was first enacted as the least punitive measure. The next step up on the punitive scale decision tree was consideration of a five fish annual harvest limit for anglers on halibut charters. This idea has lost agency support as being too expensive to implement.

So what justification can there be in limiting anglers to one halibut per day. It is the most punitive of all measures, the most draconian action short of simply banning recreational sport fishing for halibut altogether. The discussion paper by Council staff for Separate Accountability states that:

> The fishery overages are miniscule compared with halibut biomass in each area and the downstream effects to the population are minor.

It is obvious that this is not a breach of a biological threshold but instead an argument in the allocative arena. If there is unanimous support among Fishery Management Councils that it is simply wrong to create legislation that has harsh, punitive penalty provisions for overages not associated with biological overfishing thresholds, why then would it be OK for this Council, either by its own action or in support such an action by the IPHC, to enact such a penalty provision on the recreational angler with a one fish per day provision.

We won't get to the end destination of creating orderly and compensated shifts in allocation between these two sectors by gutting the viability of the halibut charter industry. The bag limit for halibut by all recreational sport anglers needs to remain the same as it has been historically – at two fish per day.

Again, I appreciate the opportunity to participate in the Halibut Charter Stakeholder Committee and to provide comments here today. I thank you for your time and attention.

Respectfully,

Ricky Gease, Executive Director
Kenai River Sportfishing Association

The Halibut Charter Fleet is basically a cottage industry that affords an annual net income of about $20,000 (if it is a good year) for a year of hard work. Most charters are small privately owned businesses like mine. I must find winter employment every year to provide enough income to support my family throughout the year.

I have only one request, and that is for the Halibut Charter fleet to be treated fairly and equally. I want the same increases in the Charter GHL that has been granted to the Commercial Fleets IFQ's over the past 10 years. Then I want to see that share of Halibut turned over to the Alaska Department of Fish and Game for them to manage. I do support a yearly limit on Halibut per angler. Each angler buys a Halibut Stamp, similar to a King Salmon Stamp. The funds from the sale of the Halibut stamps will be used to buy commercial IFQ's that are for sale on the open market. These purchases of Commercial IFQ's will be added to the present GHL.

We should start out with the Charter Fleet that is presently in operation. The charter fleet should abide by the moratorium that was established in December of 2005. There should be no further charter operators entered into the fleet until sufficient data or fish is available to support an increase in the charter fleet. The state of Alaska should set limits and regulations governing the charter fleet. New charter operators should be allowed to enter the charter fleet when the State of Alaska deems it feasible and in the best interest of a sound fishery. New entries should be added via a lottery that is open to all citizens of the USA, including present operators that want to expand their fleet. The citizens of the USA should own this resource and the State of Alaska should be the guardian of the resource.

Captain John Norris, Hemlock Ridge Charters of Alaska

PWS Eco-Charters
P.O. Box 735
Whittier, Alaska 99693-0735

December 6, 2006

Dear North Pacific Fisheries Management Council members,

First, I'd like to endorse comments you will hear from the Alaska Charter Association (ACA) regarding the GHL, the moratorium and other matters pertaining to the halibut charter industry.

On a more general note, I'd ask the Council to resist the temptation to segregate the charter industry from the rest of the recreational/ sport halibut fishery. The two are integral to each other and reflect the same fishery. In other words, logic and fair treatment would dictate that any restrictions placed on the charter fleet should also be placed on the recreational/sport angler (i.e. one fish limits, 5 yearly fish limits, etc.).

Finally, I trust that the Council is able to look at the whole "pie", i.e. subsistence, recreation/sport (including charters) and commercial and create a fair and equitable distribution of our halibut resource. Ultimately, fair means to move resource from one "piece of the pie" to another needs to be established. I would especially hope the North Pacific Fisheries Management Council can facilitate the growing needs of the recreation/sport halibut fishery, which now is becoming more and more of an attraction to our tourists.

Respectfully,
Dave Goldstein
Owner
Prince William Sound Eco-Charters

Agenda C-1 a-d

FVOA members recommend the following

C-1a FVOA supports for the 2007 season the AP recommendation for both area 3a and 2c, which would take the IPHC up on their offer to assist the NPFMC on this conservation concern of exceeding the CEY's in both regulatory areas due to the unexpected increase in charter activity. At the very least for area 3a the Council should request ADF&G to impose the crew and skipper restrictions that ADF&G developed for 2c for the 2006 season.

Halibut Act- The Members of the FVOA recommend that the council during 2007 develop a paper that looks at the pros and cons of granting authority on sport management to the State of Alaska versus the development of a Catch Sharing plan.

Separate Accountability – The members of the FVOA support inclusion of this study of a hard cap option. The separate accountability provision is based on the GHL and there seems to be limitations with a GHL versus a hard allocation.

Madame Chair and Council Members,

I am in favor of moving forward with the moratorium subject to a Sunset clause in 3 to 5 years. The comprehensive economic evaluations of both the recreational and commercial fisheries must define the best use of the halibut fishery resource. There must be a fair and equitable allocation between sectors, not a pittance distribution for the guided sector. The seven other Fishery Management Councils allocate between 25% - 55% of the resource to the recreational sectors (guided and unguided) as compared to North Council's 10%.

The North council needs to support Dr. Hogarth's directive to "revitalize our recreational fisheries program" and Pres. Clinton and George Bush's Executive Order 12961 "to increase recreational fishing opportunities." North Council Proposals are in direct conflict of these objectives.

I am against Separate Accountability, but would be in favor of True Accountability – each sector being responsible for their bycatch and waste (Rex Murphy's proposal). Nothing should be done at this time regarding this agenda item- This could be considered under a Federal Management Plan as mandated by the Magnason-Stevens Act, and policies considered under the Halibut Act must follow Magnason-Stevens. The National Standards states that management measures shall A) minimize bycatch and B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. The problem in the Commercial Sector is that to do so might negatively impact their bottom line! As a consequence, the resource suffers.

I oppose any allocation scheme that assigns a private sector any part of the Public Resource including IFQ's or seat based plans. As long as any possibility exists for IFQ or seat based plans, we will continue to have the problem of padded logbooks in anticipation of something for nothing!

The GHL is a soft cap. It is a guideline-nothing more. Conversion to a Hard Cap would require Public notification and comment. At the very least, the GHL should incorporate 125% of the 2001-2005 average, then float with total allowable catch until a permanent solution is promulgated (this will address recency). The Halibut Coalition and ALFA want to jump on a 1 fish limit. The Discussion Paper by the No Council staff for Separate Accountability states that "Fishery overages are miniscule compared with halibut biomass in each area and the downstream effects to the population are minor" – not exactly the need for a knee jerk reaction by the council. There is no biological need
for limitation.

The Stakeholders Committee has been working hard to find a permanent solution. Meanwhile, the Halibut Coalition and ALFA keeps throwing up roadblocks - Separate Accountability, 1 fish limit. If the by-catch were lowered by 5% each year and that poundage assigned to the Charter sector, we probably would not have to be here today. The Charters have compromised with a Moratorium – the Longliners have offered nothing – Where's the good faith? The **Moratorium is moving forward**- no limitations should be placed on the Charters until the net affect of that program can be evaluated.

Donna Bondioli
Captain B's Alaskan C's Adventures
Alaska Charter Association
PO Box 66, Homer, AK 99603

To:
North Pacific Fisheries Management council
Re:
One fish limit for Charters

From:
Inua - The Spirit of Alaska
Homer, Alaska

Dear Council members:

Once again the business community is forced to defend our position on why we should be allowed to rely on a public resource to survive in business, when that is exactly what the commercial halibut fleet has done since the beginning. The Halibut coalition is pushing forward with a proposal to limit the charter boats to one fish, all the while taking the vast majority of halibut being caught. Even with recreational and sport caught halibut being critical to the economies of coastal communities throughout south-central and southeast Alaska, there is once again an attempt to wreak havoc on our businesses, so that a minority may make ever more money. As a business owner for 17 years, relying almost solely on people visiting Homer to fish, I can tell you first hand how a one fish limit will affect this town. Countless jobs will be lost and economies will suffer greatly, as people will turn elsewhere to spend the fishing dollars. As if that weren't bad enough, have you considered what will become of the other species of targeted fish stocks should this pass? Salmon, Ling cod, all types of rock fish will be devastated as charters look for ways to sell their trips. As fisheries managers you should be very concerned with the negative ramifications of such a decision. The business community as a whole has every right to benefit from this resource in a fair manner, and we should be able to rest assured that councils such as this will look out for the best interests of both the fish stocks they are appointed to protect, along with the people who depend on them.

Sincerely,

William Lovett

INUA "The Spirit of Alaska"

North Pacific Council December 3, 2006

Dear North Pacific Council,

I am a sport fisherman who has enjoyed two trips to Sitka to fish with an excellent charter boat operator. I planned to make more trips, and to take my son and invite other relatives on future trips. The opportunity to catch halibut, and to bring halibut home for the freezer, is a very important part of my choice to go to Sitka to fish. You should know that I, and I'm sure many other sport fishermen, will reconsider our plans if the Council adopts the proposal to allow only one halibut per day. The impact on charter boat operators is likely to be significant. I have come to know the operator I fish with as a friend. I admire his way of life and his commitment to the Sitka community. While I don't know much about economics, or about the contribution of charter boat operators to the stability of towns like Sitka, I would guess they are important - we fishermen spend a lot of money when we're there and most of the money we pay for the trip most likely gets spent locally and spreads around the town. It seems pretty important to keep the charter boats in business. I'd like to ask you not to put them at risk by dropping the limit of halibut. If you have to strike a balance, as I'm sure you do, strike it in favor of the charter boat guys and their families.

Charles L. Graham
2040 Mill Road
Moscow, ID 83843

December 2, 2006

North Pacific Council:
The Cove Lodge is one of nine sport fishing operations in Elfin Cove, Alaska. As owner operators, we want to ensure your deliberations concerning the reduction of halibut creel limits also take into consideration the tremendous economic impact to the sport fishing businesses, the communities in which they operate, the businesses which serve this industry, and to the broader area of tourism in Alaska.

A recent study, out of the University of Alaska, Anchorage, stated 2005 revenues of $4.5-$5.2 million, from Elfin Cove lodges. This was in support of 1500 clients. From our experience, the vast majority of these clients come to Alaska to catch Halibut. At the end of the day, when asked to choose between halibut and other species to pack for their journey home, most will choose halibut. To reduce the number of halibut they are allowed to catch will weigh heavily on their decision as to where they will fish, with Alaska coming up short. I cannot overstate the negative impact a reduced limit will have on our business. While I am not authorized to speak for other lodges in our community, I cannot see how their business would fare differently.

As mentioned above, the impact of your decisions go much further than the charter fishing industry. The nine lodges in Elfin Cove provide local residents with employment opportunities, and local businesses with customers. Moreover, the lodges create an economy of scale which enables the community to achieve reliable utilities at a reasonable cost, transportation, and other services that may not be practical for such a small community without a sustaining industry. Of the 1500 clients served in Elfin Cove, virtually all come from outside of Alaska. Most fly in and out of Juneau, where they spend time on either side of their trip to Elfin Cove. Many clients spend additional time visiting other locations in Alaska as part of an extended trip. These clients spend a lot of money on food, lodging, sightseeing, transportation, equipment and apparel, etc., that provide for the livelihood of many local businesses in the services sector.

Elfin Cove is small, but is representative of many communities in rural Alaska that feature sport fishing for halibut as a prime attraction. In aggregate, these many small entities become substantial. Sport fishing in Alaska is big business, it can affect a vast number of people, either positively or negatively. Let's not forget that when we talk about communities, businesses and industries, we are really talking about people. Your decisions will affect the lives of hundreds or thousands of people, not just the two owners who operate the Cove Lodge in Elfin Cove.

As you move forward in your deliberations regarding the halibut resources, please give proper consideration and ensure a proper balance of the effect your decision may have on all businesses that have a strong dependency on the halibut's future.
Thank you for your attention.

Respectfully,
Charlie Fannin
Secretary and Vice President
Cove Lodge Inc.

Richard E. Castle
1500 Oliver Road, Suite K, #301
Fairfield, California 94534
(925) 250-4871 , punndick@aol.com

December 1, 2006

North Pacific Fishery Management Council
Anchorage, Alaska

Dear North Council:

I was reviewing proposed changes in the catch limit for Charters for the State of Alaska. I have had the privilege of enjoying the sport fishing in your State over the past 15 years. Not only is Alaska beautiful, but sport fish are abundant. Fishing Alaska is probably 3 times more expensive than anywhere else I go. There are lots of legitimate reasons for that including a short season, expensive airfare, many remote locations requiring full service to the customers and the added cost of fuel to these remote locations for the boats. Often seaplane rides are required to get to the fishing areas. I've spent that money in Alaska because its worth it.

Over the years, the limits have been tightened and the value of the trip is moving towards marginal. Reducing the halibut limit, in my case as well as lots of other people, would probably be the last straw and likely perhaps the end of the Charter Fishing business in Alaska.

Alaska is unique, and the preservation of the fish populations is critical to both Alaska and the various people earning a living from their presence. On the other hand, Sport Fishing is not the industry that threatens fish populations. The important Commercial Fishing Industry in today's modern world has the capability of harvesting huge and excessive quantities of fish. Its not their fault, it's the improved technology and equipment they have available to them. Improved preservation of the catch and transportation of these large harvests allows them no limit to what they can accomplish to feed the hungry mouths of people around the world.

To prevent diminishing the fish populations, these Commercial Fishermen are subject to strict regulations that I'm sure can be frustrating to them at times. The result is they point their finger at the Sport Fishermen and put pressure on the council to give the Charter Industry similar restrictions. The truth is that in most areas, Sport Fishing has little or no affect on the fish populations. The one exception may be in the immediate area around large cities where the Charter

Boats are servicing large groups of tourists on a daily basis and there are a much greater density of Charter Boats fishing in close to town.

All Fishermen are concerned with the health of the Fish populations and their ability to breed and multiply. Allowing them to survive in adequate numbers to maintain those populations affects everyone in the long run. We are all glad that government regulations monitor and control the harvest. At the same time, the motivation can't be political or based on local jealousies. The regulations need to hit the heart of what is necessary to preserve the Industry in Alaska for everyone.

Sport Fishing limits are already pretty restrictive. Its certain that Sport Fishermen have no ability to deplete the resource in any but very specific locations, and even then I have to question whether they are the problem.

I'm sure that Sport Fishing adds a great deal to the economy of Alaska. Although expensive, it is enjoyed by thousands of Americans. Going to a more restrictive catch limit on the sport fish will in my opinion dry up the Charter Industry in Alaska. I'm sure I speak not only for myself, but many others, when I say I would not spend the money if the catch limits were reduced any further.

Respectfully,

Richard E. Castle
Sport Fisherman

The Halibut Charter Fleet is basically a cottage industry that affords an annual net income of about $20,000 (if it is a good year) for a year of hard work. Most charters are small privately owned businesses like mine. I must find winter employment every year to provide enough income to support my family throughout the year.

I have only one request, and that is for the Halibut Charter fleet to be treated fairly and equally. I want the same increases in the Charter GHL that has been granted to the Commercial Fleets IFQ's over the past 10 years. Then I want to see that share of Halibut turned over to the Alaska Department of Fish and Game for them to manage. I do support a yearly limit on Halibut per angler. Each angler buys a Halibut Stamp, similar to a King Salmon Stamp. The funds from the sale of the Halibut stamps will be used to buy commercial IFQ's that are for sale on the open market. These purchases of Commercial IFQ's will be added to the present GHL.

We should start out with the Charter Fleet that is presently in operation. The charter fleet should abide by the moratorium that was established in December of 2005. There should be no further charter operators entered into the fleet until sufficient data or fish is available to support an increase in the charter fleet. The state of Alaska should set limits and regulations governing the charter fleet. New charter operators should be allowed to enter the charter fleet when the State of Alaska deems it feasible and in the best interest of a sound fishery. New entries should be added via a lottery that is open to all citizens of the USA, including present operators that want to expand their fleet. The citizens of the USA should own this resource and the State of Alaska should be the guardian of the resource.

Captain John Norris, Hemlock Ridge Charters of Alaska

NPFMC

December 1, 2006

Dear Council Members,

For whatever it is worth, seems like fisheries mismanagement has poisoned the beautiful state of Alaska like many others along the west coast. The problem does not lay within sport fisherman it lies within the huge amounts of fish being harvested by commercial fisherman. As the mega ships sit back and rack in millions in revenue they are depleting a resource that is critical to the economy in small towns like Homer. I personally would not travel to Alaska to catch one fish a day and I know several friends who feel the same. We travel to Alaska ever year to fish and spend a lot of money with both fishing guides and local businesses, not to mention the revenue we help generate for fish and game. Please consider the fiscal impact your decision will have on the small communities that are dependent on our out of state dollar.

Sincerely,
Greg Farmanian

sport fisherman
1584 Parkview St.
Manteca, Ca. 95337

November 28, 2006

Dear NPFMC,

As a charter boat operator I would like to express my opposition to restrictions on the retention of halibut by the charter fleet. We in Alaska have an opportunity to manage a fishery well before commercial fishing irreparably harms the resource. I disagree with any solution that presumes the commercial fleet has a primary interest in the fishery. We have done that with pigeons, deer and buffalo with poor success.

At every level commercial harvest has had to be restricted. There is no question that the sport fishery provides Alaska with far more revenue per fish than the commercial fishery could ever do, especially as we see the fishing done by more and more boats from out of state. Ban any fishing that wastes halibut; restrict large fish and ban J hooks for any bottom fishing. Most importantly, recognize the economic impact of the sport fishery and reduce the commercial harvest.

Sincerely,

Lauren Burch
Alaska Top Dog Charters
Craig, Alaska

Captain B's Alaskan C's Adventures

From: "tabbas" <tabbas1@gci.net>
To: <ashtikan@ptialaska.net>
Sent: Monday, December 04, 2006 7:15 AM

Please submit comments pertaining to the proposed IFQ and moratorium issues at the North council meeting in Anchorage.

I'm about to slip through the cracks on the proposed moratorium and IFQ programs and I suspect I'm not the only one.

I recently started a charter business (last June) and conducted 15 charters during the summer and fall of 2006. All of the proposed qualifying dates are from 1998 - 2005. It doesn't seem right that I would be forced to close up shop and sell off my boat and gear simply because I didn't participate during the "Data collection years". Wouldn't it make more sense to include all current and active charter businesses?

Just another thought about commercial usage I've noted through observing the plan evolve- It seems that all parties are assuming that commercial fisherman have some sort of priority over other users. It should be noted that they are not the only people with livelihood at stake in the fishery.

Thank you,

Tommy Abbas
Devilfish charters
4011 Shady LN
Juneau AK 99801
907-523-0845

December 1, 2006

North Pacific Council:

I am the current Chairman of the Community of Elfin Cove Non-profit Corporation. The community of Elfin Cove has a substantial stake in your deliberations. I want to impress upon the council the devastating consequences of some of the actions being considered. The very existence of our community will depend upon your decisions. We are committed to working with the council to create a viable plan for the resource and the communities affected.

Elfin Cove's economy is almost exclusively dependent upon the fishery that surrounds us. Our economy includes a long tradition of commercial fishing, subsistence fishing and more recently commercial charter sport fishing. The later has emerged as a factor in our community beginning in the 1980's. Since that time commercial charter fishing has become a cornerstone of the economic activity on par with commercial fishing. Elfin Cove has been largely successful in supporting both the commercial fishing and commercial charter fishing in ways that promote mutual respect for each user group. There is a general understanding here that the community relies on all forms of access to the fisheries resource and that pitting one user group against another is neither productive, nor in the longterm, in the best interests of the community and its members.

Here are several considerations I would like to offer to the council:

1. The plan must be forward looking. A plan that attempts only to solve a perceived problem of the moment will surely be inadequate in the future. Not only are the halibut at risk, so are the livelihoods of the individuals and communities that depend upon this resource. It is my belief that to date the council has not adequately addressed the economics involved in this issue. There must be an accurate and comprehensive assessment of the current economic impact. Not only does the process need to address past use but must also look carefully to future use. Simply because a traditional use has been in place does not mean that this use will be viable or relevant in the future. This statement is directed at all user groups. On many levels the debate comes down to how best to manage the resource 10, 20 or 50 years from now. Economics and world economies will largely determine the what is the best use of the resource. I encourage a more careful study of the economic aspect of the deliberations.

2. Managing one species (halibut) in isolation from other species in the biomass is neither acceptable science nor good policy. Restricting access to halibut will cause a shift in pressure to other species both in terms of predation and from harvest. The importance of this species inter-dependence is evidenced in the rock fish/ling cod dependency. The unintended consequences here could be dramatic.

3. How the halibut fishery is currently being conducted has changed dramatically in area 2C. We now have many families that are participating in both commercial

and commercial sport charter endeavors. Perhaps more importantly from our community's perspective is the fact that improvements in equipment, transportation of product, and the mobility of individuals have all had a negative impact on the economy of Elfin Cove. Most of the longliners and charter operators plying the waters of Cross Sound and Icy Straight are not residents of the immediate area and provide little in the way of direct support to the communities. We understand that more IFQ's are moving from other areas to 2C just as tourism pressures as a result of primarily cruise ships and live aboard operations increase the charter impact. There needs to be a clear understanding of not only which user group benefits from access to the resource but who are the individuals that are benefiting. The later has changed dramatically in the last 20 years. The plan needs to be very clear about who the individuals are that will benefit from the new plan. Few of the proposals address this critical aspect opting to speak only of user groups. This is not how Alaska conducts its business.

4. Several proposals include substantial restrictions on limits for commercial sport fishing. The likely result of such limits will do nothing short of kill the sport fishing charter industry in 2C. Drastic restrictions on the 2C charter sport user group are particularly shortsighted and ignore the economic realities for small communities such as Elfin Cove. The sport fishing tourism industry is a highly competitive industry with an extremely fickle clientele. If there are to be reductions in limits for the individual angler such reductions must be weighed against the potential detrimental economic impact. Simply focusing on meeting a GHL target through fiat is simply not good policy.

5. Communities such as Elfin Cove are in the process of creating comprehensive economic development plans. How the halibut resource is managed plays a large part in how this community must conduct its planning. We have seen little in your deliberations that address the needs of small coastal communities such as Elfin Cove. We would ask that you carefully consider the potential of communities such as Elfin Cove to be part of the solution to the halibut management concerns before you. We feel we have a great opportunity before us given the halibut resource that surrounds us. We also believe that to date your process has not focused on what small communities such as Elfin Cove can offer in terms of support for management of this resource.

Thank you for the opportunity to participate in this process.

Respectfully submitted,
Gordon Wrobel, Chairman
Community of Elfin Cove Non-profit Corporation

Kathy Hansen
SE AK Assn

Jeremy C Hansen
2551 Vista Drive A-102
Juneau, AK 99801
907-586-5648

North Pacific Fishery Management Council
Stephanie Madsen, Chair
605 W 4th Ave., Suite 306
Anchorage, AK 99501-2252

RE: Halibut Charter Issues C-1

Dear Stephanie Madsen, Chair

I am a 23 year old who owns one block of 2C quota shares that I purchased in 2005. I assumed that the Council would take action to protect my halibut IFQ shares. As a young person living in Alaska, I don't have the resources yet to retain the shares with the erosion from the charter fleet overage of 2005 & 2006. The income is necessary to make my payments. I have heard "entry level" is an important issue but this doesn't allow it.

At the April meeting the Council stated, *"In the meantime, the Council commits to using a combination of Federal and State authority to manage each sector, charter and commercial, to the allocations established by the GHL published in the Federal Register until superseded by the Council's long-term guided sport halibut sector plan."*

What More Do I need to Say!

Thank you, I hope you will do something to restrain the charter harvest.

12/03/06

Jeremy C. Hansen

Summary of the 2006 Saltwater Charter fleet's kept and released for Pacific halibut and all species of rockfish, for IPHC Areas 2C and 3A, for data entered through **11/15/2006.**

Numbers of fish kept and released ARE **TOTALS FOR ALL ANGLER-TYPES**: clients, crew, **and 'unknown'** angler types TOTALED TOGETHER

SUB-TOTALS by IPHC Area across all weeks for data below:	Halibut Kept	Halibut Released	Rockfish Kept	Rockfish Released
IPHC Area 2C	11008 ~~184,492~~	5165 ~~86,340~~	10647 ~~189,918~~	33959 ~~53,948~~
IPHC Area 3A	26044 ~~518,266~~	37925 ~~641,619~~	79085 ~~157,132~~	20350 ~~40,124~~

IPHC Area	GROUPED Port of Landing LEGEND: OTHER=port of landing known but not located in one of the grouped ports of landing, OTHER-UNKNOWN=port of landing recorded currently unknown as to specific location) OTHER-KODIAK=port of landing known and located in SWHS area Q=Kodiak area, but not in the city of Kodiak	"Reporting Week"	Businesses Reporting	Vessels Reporting	Halibut Kept	Halibut Released	Rockfish Kept	Rockfish Released
2C	KETCHIKAN	5= 1 JAN - 7 MAY	9	10	6	0	42	40
2C	KETCHIKAN	6= 8 MAY - 14 MAY	21	29	39	8	57	47
2C	KETCHIKAN	7=15 MAY - 21 MAY	27	34	50	14	83	56
2C	KETCHIKAN	8=22 MAY - 28 MAY	37	53	80	31	136	45
2C	KETCHIKAN	9=29 MAY - 4 JUN	49	69	178	37	208	118
2C	KETCHIKAN	10= 5 JUN - 11 JUN	65	91	439	211	361	119
2C	KETCHIKAN	11=12 JUN - 18 JUN	62	88	377	159	515	138
2C	KETCHIKAN	12=19 JUN - 25 JUN	63	93	653	198	459	109
2C	KETCHIKAN	13=26 JUN - 2 JUL	67	96	1,029	402	676	155
2C	KETCHIKAN	14= 3 JUL - 9 JUL	66	98	710	299	524	235
2C	KETCHIKAN	15=10 JUL - 16 JUL	69	100	849	373	591	141
2C	KETCHIKAN	16=17 JUL - 23 JUL	70	102	858	428	533	166
2C	KETCHIKAN	17=24 JUL - 30 JUL	70	101	871	238	544	186
2C	KETCHIKAN	18=31 JUL - 6 AUG	69	98	949	327	648	233
2C	KETCHIKAN	19= 7 AUG - 13 AUG	70	97	805	307	541	171
2C	KETCHIKAN	20=14 AUG - 20 AUG	63	95	860	241	616	186
2C	KETCHIKAN	21=21 AUG - 27 AUG	62	87	754	238	503	150
2C	KETCHIKAN	22=28 AUG - 3 SEP	55	76	356	156	238	60
2C	KETCHIKAN	23= 4 SEP - 10 SEP	50	68	310	117	288	38
2C	KETCHIKAN	24=11 SEP - 17 SEP	37	52	141	25	177	23
					10,314	**3,809**	**7,740**	**2,416**
2C	CRAIG/KLAWOCK	6=24 APR - 14 MAY	10	13	94	65	95	92
2C	CRAIG/KLAWOCK	7=15 MAY - 21 MAY	7	7	64	31	74	29
2C	CRAIG/KLAWOCK	8=22 MAY - 28 MAY	9	15	238	156	170	12
2C	CRAIG/KLAWOCK	9=29 MAY - 4 JUN	10	20	268	171	243	80
2C	CRAIG/KLAWOCK	10= 5 JUN - 11 JUN	12	32	612	349	471	72
2C	CRAIG/KLAWOCK	11=12 JUN - 18 JUN	15	41	938	372	476	104
2C	CRAIG/KLAWOCK	12=19 JUN - 25 JUN	25	59	1,143	454	1,191	167
2C	CRAIG/KLAWOCK	13=26 JUN - 2 JUL	28	65	1,431	606	1,258	258
2C	CRAIG/KLAWOCK	14= 3 JUL - 9 JUL	26	59	1,176	647	1,321	215
2C	CRAIG/KLAWOCK	15=10 JUL - 16 JUL	26	66	1,715	942	2,031	286

Preliminary Logbook Data

2C	CRAIG/KLAWOCK	16=17 JUL - 23 JUL	32	70	1,626	693	1,486	250
2C	CRAIG/KLAWOCK	17=24 JUL - 30 JUL	25	61	1,536	672	910	250
2C	CRAIG/KLAWOCK	18=31 JUL - 6 AUG	27	63	1,555	401	1,024	197
2C	CRAIG/KLAWOCK	19= 7 AUG - 13 AUG	29	65	1,545	364	1,041	245
2C	CRAIG/KLAWOCK	20=14 AUG - 20 AUG	26	56	1,277	212	690	91
2C	CRAIG/KLAWOCK	21=21 AUG - 27 AUG	17	42	680	200	586	135
2C	CRAIG/KLAWOCK	22=28 AUG - 3 SEP	9	22	248	35	300	27
2C	CRAIG/KLAWOCK	23= 4 SEP - 10 SEP	6	6	59	24	147	35
2C	CRAIG/KLAWOCK	24=11 SEP - 17 SEP	5	5	58	78	198	60
					16,263	**6,472**	**13,712**	**2,605**
2C	PETERSBURG	7=8 MAY - 21 MAY	9	10	19	22	4	4
2C	PETERSBURG	8=22 MAY - 28 MAY	10	12	24	29	4	2
2C	PETERSBURG	9=29 MAY - 4 JUN	12	14	167	79	11	0
2C	PETERSBURG	10= 5 JUN - 11 JUN	14	16	202	132	19	5
2C	PETERSBURG	11=12 JUN - 18 JUN	15	19	255	281	70	33
2C	PETERSBURG	12=19 JUN - 25 JUN	15	18	254	319	12	10
2C	PETERSBURG	13=26 JUN - 2 JUL	13	16	351	415	19	14
2C	PETERSBURG	14= 3 JUL - 9 JUL	12	14	345	479	25	2
2C	PETERSBURG	15=10 JUL - 16 JUL	15	17	339	515	21	0
2C	PETERSBURG	16=17 JUL - 23 JUL	13	16	330	484	38	34
2C	PETERSBURG	17=24 JUL - 30 JUL	9	12	248	269	16	4
2C	PETERSBURG	18=31 JUL - 6 AUG	13	16	329	347	14	10
2C	PETERSBURG	19= 7 AUG - 13 AUG	12	15	296	488	16	2
2C	PETERSBURG	20=14 AUG - 20 AUG	12	15	304	490	64	36
2C	PETERSBURG	21=21 AUG - 27 AUG	11	13	214	250	4	12
2C	PETERSBURG	22=28 AUG - 3 SEP	5	5	29	33	0	4
2C	PETERSBURG	23= 4 SEP - 17 SEP	13	13	75	33	105	116
					3,781	**4,665**	**442**	**288**
					4365	5118	686	695
2C	WRANGELL	7=24 APR - 21 MAY	9	9	35	9	26	30
2C	WRANGELL	8=22 MAY - 28 MAY	5	5	32	12	0	4
2C	WRANGELL	9=29 MAY - 4 JUN	4	4	9	2	1	11
2C	WRANGELL	10= 5 JUN - 11 JUN	5	5	27	4	0	0
2C	WRANGELL	11=12 JUN - 18 JUN	5	5	27	0	0	0
2C	WRANGELL	12=19 JUN - 25 JUN	4	4	17	1	2	4
2C	WRANGELL	13=26 JUN - 2 JUL	5	5	30	54	33	30
2C	WRANGELL	14= 3 JUL - 9 JUL	6	6	55	43	29	19
2C	WRANGELL	15=10 JUL - 16 JUL	6	6	66	76	15	38
2C	WRANGELL	16=17 JUL - 23 JUL	8	8	71	61	30	8
2C	WRANGELL	17=24 JUL - 30 JUL	6	6	46	39	17	24
2C	WRANGELL	18=31 JUL - 6 AUG	4	4	46	44	13	102
2C	WRANGELL	19= 7 AUG - 13 AUG	5	5	70	90	52	40
2C	WRANGELL	20=14 AUG - 20 AUG	6	6	48	15	22	40
2C	WRANGELL	21=21 AUG - 17 SEP	5	5	5	3	4	17
					584	**453**	**244**	**367**
2C	SITKA	5= 10 APR - 7 MAY	9	9	14	1	3	1
2C	SITKA	6= 8 MAY - 14 MAY	36	46	183	63	224	173
2C	SITKA	7=15 MAY - 21 MAY	54	82	975	333	1,315	361

P/W combine

2C	SITKA	8=22 MAY - 28 MAY	68	104	1,315	344	1,757	698
2C	SITKA	9=29 MAY - 4 JUN	78	126	1,794	316	2,733	763
2C	SITKA	10= 5 JUN - 11 JUN	85	135	2,128	560	3,903	562
2C	SITKA	11=12 JUN - 18 JUN	91	150	1,763	575	3,624	604
2C	SITKA	12=19 JUN - 25 JUN	99	153	2,367	662	3,750	732
2C	SITKA	13=26 JUN - 2 JUL	94	154	2,234	568	3,817	491
2C	SITKA	14= 3 JUL - 9 JUL	80	133	1,688	412	3,724	298
2C	SITKA	15=10 JUL - 16 JUL	82	137	2,513	507	4,252	522
2C	SITKA	16=17 JUL - 23 JUL	93	145	2,451	417	3,509	662
2C	SITKA	17=24 JUL - 30 JUL	93	149	2,426	367	3,485	570
2C	SITKA	18=31 JUL - 6 AUG	92	153	1,702	334	3,172	597
2C	SITKA	19= 7 AUG - 13 AUG	92	151	2,497	422	3,261	651
2C	SITKA	20=14 AUG - 20 AUG	80	135	2,190	342	4,594	823
2C	SITKA	21=21 AUG - 27 AUG	77	130	1,324	185	3,395	406
2C	SITKA	22=28 AUG - 3 SEP	65	109	973	138	1,996	286
2C	SITKA	23= 4 SEP - 10 SEP	48	65	294	57	752	59
2C	SITKA	24=11 SEP - 17 SEP	17	22	93	22	209	36
					30,924	**6,625**	**53,475**	**9,295**
2C	JUNEAU	5= 24 APR - 7 MAY	7	7	2	0	4	0
2C	JUNEAU	6= 8 MAY - 14 MAY	10	13	0	0	0	0
2C	JUNEAU	7=15 MAY - 21 MAY	16	20	8	8	13	0
2C	JUNEAU	8=22 MAY - 28 MAY	20	25	37	39	2	0
2C	JUNEAU	9=29 MAY - 4 JUN	25	33	116	89	131	8
2C	JUNEAU	10= 5 JUN - 11 JUN	27	38	189	108	202	65
2C	JUNEAU	11=12 JUN - 18 JUN	30	39	202	145	95	6
2C	JUNEAU	12=19 JUN - 25 JUN	36	50	313	325	280	26
2C	JUNEAU	13=26 JUN - 2 JUL	39	51	328	241	220	21
2C	JUNEAU	14= 3 JUL - 9 JUL	41	55	370	270	214	75
2C	JUNEAU	15=10 JUL - 16 JUL	39	52	276	146	246	22
2C	JUNEAU	16=17 JUL - 23 JUL	38	54	461	516	102	26
2C	JUNEAU	17=24 JUL - 30 JUL	40	55	405	323	81	4
2C	JUNEAU	18=31 JUL - 6 AUG	38	49	437	248	23	59
2C	JUNEAU	19= 7 AUG - 13 AUG	43	58	417	408	37	0
2C	JUNEAU	20=14 AUG - 20 AUG	43	59	418	181	177	2
2C	JUNEAU	21=21 AUG - 27 AUG	34	51	258	215	178	18
2C	JUNEAU	22=28 AUG - 3 SEP	26	37	156	89	211	5
2C	JUNEAU	23= 4 SEP - 10 SEP	20	30	59	11	38	0
2C	JUNEAU	24=11 SEP - 17 SEP	17	20	23	0	23	1
					4,475	**3,362**	**2,277**	**338**
2C	ELFIN COVE	7=8 MAY - 21 MAY	9	18	158	252	331	299
2C	ELFIN COVE	8=22 MAY - 28 MAY	6	14	176	133	245	236
2C	ELFIN COVE	9=29 MAY - 4 JUN	8	17	228	237	299	497
2C	ELFIN COVE	10= 5 JUN - 11 JUN	11	21	257	268	308	281
2C	ELFIN COVE	11=12 JUN - 18 JUN	11	22	279	311	511	463
2C	ELFIN COVE	12=19 JUN - 25 JUN	11	22	317	275	395	439
2C	ELFIN COVE	13=26 JUN - 2 JUL	10	21	329	295	271	260
2C	ELFIN COVE	14= 3 JUL - 9 JUL	9	19	272	267	374	200
2C	ELFIN COVE	15=10 JUL - 16 JUL	8	18	230	171	255	386

2C	ELFIN COVE	16=17 JUL - 23 JUL	8	17	286	190	243	94
2C	ELFIN COVE	17=24 JUL - 30 JUL	9	18	264	220	269	147
2C	ELFIN COVE	18=31 JUL - 6 AUG	9	18	282	231	379	235
2C	ELFIN COVE	19= 7 AUG - 13 AUG	12	21	229	145	293	271
2C	ELFIN COVE	20=14 AUG - 20 AUG	11	21	195	154	327	233
2C	ELFIN COVE	21=21 AUG - 27 AUG	9	19	146	156	165	133
2C	ELFIN COVE	22=28 AUG - 3 SEP	9	17	200	223	379	161
2C	ELFIN COVE	23= 4 SEP - 17 SEP	7	11	40	37	135	171
					3,888	**3,565**	**5,179**	**4,506**
2C	GUSTAVUS	9=15 MAY - 4 JUN	9	14	116	186	21	49
2C	GUSTAVUS	10= 5 JUN - 11 JUN	8	13	307	480	41	4
2C	GUSTAVUS	11=12 JUN - 18 JUN	9	15	234	491	27	0
2C	GUSTAVUS	12=19 JUN - 25 JUN	11	17	257	479	4	0
2C	GUSTAVUS	13=26 JUN - 2 JUL	11	17	353	619	2	24
2C	GUSTAVUS	14= 3 JUL - 9 JUL	12	18	300	467	10	11
2C	GUSTAVUS	15=10 JUL - 16 JUL	13	17	325	402	35	32
2C	GUSTAVUS	16=17 JUL - 23 JUL	13	20	297	498	0	0
2C	GUSTAVUS	17=24 JUL - 30 JUL	14	21	396	742	2	0
2C	GUSTAVUS	18=31 JUL - 6 AUG	13	20	391	504	0	16
2C	GUSTAVUS	19= 7 AUG - 13 AUG	10	16	330	381	0	0
2C	GUSTAVUS	20=14 AUG - 20 AUG	12	19	346	344	5	14
2C	GUSTAVUS	21=21 AUG - 27 AUG	11	16	246	304	35	10
2C	GUSTAVUS	22=28 AUG - 3 SEP	10	15	194	229	16	14
2C	GUSTAVUS	23= 4 SEP - 17 SEP	6	6	85	98	4	0
					4,177	**6,224**	**202**	**174**
2C	OTHER	5= 1 JAN - 7 MAY	8	8	46	29	25	2
2C	OTHER	6= 8 MAY - 14 MAY	12	15	74	14	26	46
2C	OTHER	7=15 MAY - 21 MAY	29	40	162	82	48	317
2C	OTHER	8=22 MAY - 28 MAY	42	76	527	515	331	517
2C	OTHER	9=29 MAY - 4 JUN	50	95	921	397	456	622
2C	OTHER	10= 5 JUN - 11 JUN	53	117	1,543	497	1,058	643
2C	OTHER	11=12 JUN - 18 JUN	57	133	2,076	821	1,631	1,602
2C	OTHER	12=19 JUN - 25 JUN	75	154	2,306	1,077	1,417	1,391
2C	OTHER	13=26 JUN - 2 JUL	76	158	2,826	1,546	1,397	1,078
2C	OTHER	14= 3 JUL - 9 JUL	80	159	3,003	1,699	2,321	726
2C	OTHER	15=10 JUL - 16 JUL	78	161	3,175	1,621	2,020	1,168
2C	OTHER	16=17 JUL - 23 JUL	79	167	2,931	1,399	1,834	842
2C	OTHER	17=24 JUL - 30 JUL	79	159	2,982	1,021	1,839	674
2C	OTHER	18=31 JUL - 6 AUG	80	160	2,676	1,159	1,534	820
2C	OTHER	19= 7 AUG - 13 AUG	74	154	2,941	970	1,637	1,418
2C	OTHER	20=14 AUG - 20 AUG	78	153	2,656	1,008	2,089	754
2C	OTHER	21=21 AUG - 27 AUG	59	125	2,222	726	2,072	533
2C	OTHER	22=28 AUG - 3 SEP	53	102	1,294	681	869	418
2C	OTHER	23= 4 SEP - 10 SEP	47	72	698	361	498	282
2C	OTHER	24=11 SEP - 17 SEP	32	61	621	367	274	117
					35,680	**15,990**	**23,376**	**13,970**
3A	YAKUTAT	2=1 APR - 16 APR	6	6	44	15	37	12

3A	YAKUTAT	3=17 APR - 23 APR	4	5	25	10	9	11	
3A	YAKUTAT	4=24 APR - 30 APR	5	5	38	16	37	20	
3A	YAKUTAT	5= 1 MAY - 7 MAY	5	5	66	30	44	0	
3A	YAKUTAT	6= 8 MAY - 14 MAY	5	5	31	8	23	19	
3A	YAKUTAT	7=15 MAY - 21 MAY	7	8	59	23	20	16	
3A	YAKUTAT	8=22 MAY - 28 MAY	6	7	98	22	169	0	
3A	YAKUTAT	9=29 MAY - 4 JUN	6	7	99	39	92	66	
3A	YAKUTAT	10= 5 JUN - 11 JUN	7	9	190	39	151	53	
3A	YAKUTAT	11=12 JUN - 18 JUN	6	8	269	108	35	48	
3A	YAKUTAT	12=19 JUN - 25 JUN	6	9	176	33	55	5	
3A	YAKUTAT	13=26 JUN - 2 JUL	7	11	341	125	229	85	
3A	YAKUTAT	14= 3 JUL - 9 JUL	7	11	309	96	237	156	
3A	YAKUTAT	15=10 JUL - 16 JUL	7	11	219	143	318	105	
3A	YAKUTAT	16=17 JUL - 30 JUL	5	10	123	57	263	23	
3A	YAKUTAT	18=31 JUL - 6 AUG	6	9	75	7	172	53	
3A	YAKUTAT	19= 7 AUG - 13 AUG	7	12	198	9	275	23	
3A	YAKUTAT	20=14 AUG - 20 AUG	8	11	237	21	445	6	
3A	YAKUTAT	21=21 AUG - 27 AUG	8	12	136	16	234	14	
3A	YAKUTAT	22=28 AUG - 3 SEP	7	10	168	4	398	2	
3A	YAKUTAT	23= 4 SEP - 10 SEP	8	12	156	12	187	0	
3A	YAKUTAT	24=11 SEP - 17 SEP	7	11	159	15	468	0	
					3,216	**848**	**3,898**	**717**	
3A	VALDEZ	6= 1 JAN - 14 MAY	10	10	111	77	25	0	
3A	VALDEZ	7=15 MAY - 21 MAY	10	11	236	97	162	9	
3A	VALDEZ	8=22 MAY - 28 MAY	15	15	310	221	158	0	
3A	VALDEZ	9=29 MAY - 4 JUN	16	17	448	438	194	0	
3A	VALDEZ	10= 5 JUN - 11 JUN	18	19	344	446	145	6	
3A	VALDEZ	11=12 JUN - 18 JUN	18	19	592	474	165	56	
3A	VALDEZ	12=19 JUN - 25 JUN	22	24	836	720	276	24	
3A	VALDEZ	13=26 JUN - 2 JUL	29	32	1,185	1,477	520	17	
3A	VALDEZ	14= 3 JUL - 9 JUL	24	27	1,268	1,115	1,162	61	PWS
3A	VALDEZ	15=10 JUL - 16 JUL	26	28	999	1,364	301	4	
3A	VALDEZ	16=17 JUL - 23 JUL	32	35	609	590	253	63	
3A	VALDEZ	17=24 JUL - 30 JUL	30	34	795	503	373	16	
3A	VALDEZ	18=31 JUL - 6 AUG	35	38	571	474	249	97	
3A	VALDEZ	19= 7 AUG - 13 AUG	35	38	473	402	196	17	
3A	VALDEZ	20=14 AUG - 20 AUG	35	39	266	133	139	2	
3A	VALDEZ	21=21 AUG - 27 AUG	31	33	164	32	77	0	
3A	VALDEZ	22=28 AUG - 3 SEP	27	30	107	20	52	11	
3A	VALDEZ	23= 4 SEP - 17 SEP	11	11	30	1	26	0	
					9,344	**8,584**	**4,473**	**383**	
3A	WHITTIER	6= 1 MAY - 14 MAY	8	8	65	49	42	5	
3A	WHITTIER	7=15 MAY - 21 MAY	10	10	90	42	124	47	
3A	WHITTIER	8=22 MAY - 28 MAY	9	9	130	117	93	3	PWS
3A	WHITTIER	9=29 MAY - 4 JUN	10	10	214	187	114	11	
3A	WHITTIER	10= 5 JUN - 11 JUN	6	6	73	40	24	1	
3A	WHITTIER	11=12 JUN - 18 JUN	14	14	183	149	139	0	
3A	WHITTIER	12=19 JUN - 25 JUN	16	16	282	229	82	0	

3A	WHITTIER	13=26 JUN - 2 JUL	13	13	368	226	203	26
3A	WHITTIER	14= 3 JUL - 9 JUL	15	15	335	262	290	50
3A	WHITTIER	15=10 JUL - 16 JUL	13	13	214	183	69	7
3A	WHITTIER	16=17 JUL - 23 JUL	14	14	284	300	103	9
3A	WHITTIER	17=24 JUL - 30 JUL	16	16	434	390	122	19
3A	WHITTIER	18=31 JUL - 6 AUG	12	12	226	135	128	2
3A	WHITTIER	19= 7 AUG - 13 AUG	13	13	213	139	98	4
3A	WHITTIER	20=14 AUG - 20 AUG	12	12	135	123	81	0
3A	WHITTIER	21=21 AUG - 27 AUG	13	13	129	50	88	2
3A	WHITTIER	22=28 AUG - 3 SEP	9	9	141	136	98	2
3A	WHITTIER	23= 4 SEP - 10 SEP	5	5	63	12	13	0
3A	WHITTIER	24=11 SEP - 17 SEP	6	6	95	24	59	0
					3,674	**2,793**	**1,970**	**188**
3A	SEWARD	2=1 JAN - 16 APR	9	11	123	158	106	2
3A	SEWARD	3=17 APR - 23 APR	5	6	32	34	92	0
3A	SEWARD	4=24 APR - 30 APR	7	8	136	131	109	2
3A	SEWARD	5= 1 MAY - 7 MAY	14	16	210	125	123	24
3A	SEWARD	6= 8 MAY - 14 MAY	19	25	526	577	292	28
3A	SEWARD	7=15 MAY - 21 MAY	27	41	888	726	622	43
3A	SEWARD	8=22 MAY - 28 MAY	32	52	1,839	1,677	1,008	192
3A	SEWARD	9=29 MAY - 4 JUN	41	61	2,253	1,929	1,343	383
3A	SEWARD	10= 5 JUN - 11 JUN	29	50	1,739	1,833	775	258
3A	SEWARD	11=12 JUN - 18 JUN	43	70	2,773	1,501	1,656	283
3A	SEWARD	12=19 JUN - 25 JUN	50	80	3,529	2,070	2,785	416
3A	SEWARD	13=26 JUN - 2 JUL	59	89	4,408	2,657	4,277	1,091
3A	SEWARD	14= 3 JUL - 9 JUL	63	92	4,660	2,891	5,932	605
3A	SEWARD	15=10 JUL - 16 JUL	71	102	4,276	2,192	4,415	743
3A	SEWARD	16=17 JUL - 23 JUL	66	97	2,038	541	2,116	347
3A	SEWARD	17=24 JUL - 30 JUL	72	104	3,759	1,013	3,730	739
3A	SEWARD	18=31 JUL - 6 AUG	77	114	3,654	1,414	4,968	1,301
3A	SEWARD	19= 7 AUG - 13 AUG	74	108	4,140	1,298	5,645	1,084
3A	SEWARD	20=14 AUG - 20 AUG	71	105	1,870	767	2,842	754
3A	SEWARD	21=21 AUG - 27 AUG	58	83	2,060	980	1,919	259
3A	SEWARD	22=28 AUG - 3 SEP	35	54	1,836	1,080	1,795	259
3A	SEWARD	23= 4 SEP - 10 SEP	25	36	538	476	384	49
3A	SEWARD	24=11 SEP - 17 SEP	12	15	324	223	83	0
					47,611	**26,293**	**47,017**	**8,862**
3A	HOMER	0= 1 JAN - 31 MAR	17	17	67	144	74	26
3A	HOMER	1= 1 APR - 9 APR	10	10	64	126	8	2
3A	HOMER	2=10 APR - 16 APR	7	7	21	36	0	0
3A	HOMER	3=17 APR - 23 APR	20	22	346	507	40	50
3A	HOMER	4=24 APR - 30 APR	17	19	249	264	76	33
3A	HOMER	5= 1 MAY - 7 MAY	33	34	624	1,101	132	44
3A	HOMER	6= 8 MAY - 14 MAY	43	48	933	1,462	114	23
3A	HOMER	7=15 MAY - 21 MAY	57	62	1,835	3,076	158	35
3A	HOMER	8=22 MAY - 28 MAY	78	88	2,820	4,335	450	141
3A	HOMER	9=29 MAY - 4 JUN	86	97	3,781	6,853	559	203
3A	HOMER	10= 5 JUN - 11 JUN	84	93	4,763	11,082	624	284

3A	HOMER	11=12 JUN - 18 JUN	95	109	6,624	15,040	379	138
3A	HOMER	12=19 JUN - 25 JUN	97	110	7,500	18,392	348	74
3A	HOMER	13=26 JUN - 2 JUL	105	118	8,007	17,099	845	405
3A	HOMER	14= 3 JUL - 9 JUL	104	121	9,058	17,330	1,090	224
3A	HOMER	15=10 JUL - 16 JUL	111	128	8,372	12,622	511	138
3A	HOMER	16=17 JUL - 23 JUL	105	121	11,709	20,702	395	123
3A	HOMER	17=24 JUL - 30 JUL	109	123	7,569	10,319	702	307
3A	HOMER	18=31 JUL - 6 AUG	104	121	8,105	10,843	689	146
3A	HOMER	19= 7 AUG - 13 AUG	92	106	5,059	4,648	364	154
3A	HOMER	20=14 AUG - 20 AUG	84	99	5,740	8,331	339	73
3A	HOMER	21=21 AUG - 27 AUG	75	83	3,260	3,645	225	44
3A	HOMER	22=28 AUG - 3 SEP	59	66	2,108	1,418	348	125
3A	HOMER	23= 4 SEP - 10 SEP	51	54	1,795	1,079	113	18
3A	HOMER	24=11 SEP - 17 SEP	29	31	936	512	8	5
					101,345	**170,966**	**8,591**	**2,815**
3A	CENTRAL COOK INLET	4=1 JAN - 30 APR	6	8	105	42	0	0
3A	CENTRAL COOK INLET	5= 1 MAY - 7 MAY	49	60	1,408	1,601	0	0
3A	CENTRAL COOK INLET	6= 8 MAY - 14 MAY	56	67	1,860	1,676	0	0
3A	CENTRAL COOK INLET	7=15 MAY - 21 MAY	84	110	3,762	4,647	10	10
3A	CENTRAL COOK INLET	8=22 MAY - 28 MAY	96	123	5,249	6,432	15	0
3A	CENTRAL COOK INLET	9=29 MAY - 4 JUN	89	115	4,550	5,565	6	0
3A	CENTRAL COOK INLET	10= 5 JUN - 11 JUN	80	103	4,292	6,555	2	2
3A	CENTRAL COOK INLET	11=12 JUN - 18 JUN	85	108	4,761	7,598	0	0
3A	CENTRAL COOK INLET	12=19 JUN - 25 JUN	84	109	5,832	9,014	0	0
3A	CENTRAL COOK INLET	13=26 JUN - 2 JUL	89	117	4,592	5,731	16	136
3A	CENTRAL COOK INLET	14= 3 JUL - 9 JUL	90	113	6,578	9,460	20	0
3A	CENTRAL COOK INLET	15=10 JUL - 16 JUL	89	119	4,796	5,919	8	48
3A	CENTRAL COOK INLET	16=17 JUL - 23 JUL	89	115	8,170	9,158	16	140
3A	CENTRAL COOK INLET	17=24 JUL - 30 JUL	81	100	4,999	6,249	17	2
3A	CENTRAL COOK INLET	18=31 JUL - 6 AUG	78	98	4,797	5,052	33	6
3A	CENTRAL COOK INLET	19= 7 AUG - 13 AUG	63	81	2,738	2,314	7	51
3A	CENTRAL COOK INLET	20=14 AUG - 20 AUG	59	74	2,494	2,311	0	8
3A	CENTRAL COOK INLET	21=21 AUG - 27 AUG	52	66	2,077	1,589	0	0
3A	CENTRAL COOK INLET	22=28 AUG - 3 SEP	38	42	1,269	1,432	0	0
3A	CENTRAL COOK INLET	23= 4 SEP - 17 SEP	20	23	303	224	0	0
					74,630	**92,569**	**150**	**403**
3A	KODIAK	6= 1 APR - 14 MAY	9	9	91	21	82	36
3A	KODIAK	7=15 MAY - 21 MAY	8	8	86	13	36	68
3A	KODIAK	8=22 MAY - 28 MAY	16	16	155	79	162	95
3A	KODIAK	9=29 MAY - 4 JUN	11	11	200	140	201	79
3A	KODIAK	10= 5 JUN - 11 JUN	12	12	243	238	180	82
3A	KODIAK	11=12 JUN - 18 JUN	17	18	399	417	146	87
3A	KODIAK	12=19 JUN - 25 JUN	19	20	371	627	266	70
3A	KODIAK	13=26 JUN - 2 JUL	17	17	625	403	490	210
3A	KODIAK	14= 3 JUL - 9 JUL	22	22	586	402	1,058	376
3A	KODIAK	15=10 JUL - 16 JUL	24	24	764	550	538	115
3A	KODIAK	16=17 JUL - 23 JUL	17	17	474	271	47	0
3A	KODIAK	17=24 JUL - 30 JUL	27	27	794	576	431	337

3A	KODIAK	18=31 JUL - 6 AUG	22	22	798	301	515	114
3A	KODIAK	19= 7 AUG - 13 AUG	25	25	666	208	380	142
3A	KODIAK	20=14 AUG - 20 AUG	27	28	822	523	378	113
3A	KODIAK	21=21 AUG - 27 AUG	22	22	627	371	820	150
3A	KODIAK	22=28 AUG - 3 SEP	17	17	579	247	765	262
3A	KODIAK	23= 4 SEP - 10 SEP	16	16	343	182	266	70
3A	KODIAK	24=11 SEP - 17 SEP	13	13	317	138	629	512
					8,940	**5,707**	**7,390**	**2,918**
3A	KODIAK-OTHER	6= 17 APR - 14 MAY	6	8	45	4	69	16
3A	KODIAK-OTHER	7=15 MAY - 21 MAY	6	8	120	116	50	20
3A	KODIAK-OTHER	8=22 MAY - 28 MAY	9	12	132	67	44	127
3A	KODIAK-OTHER	9=29 MAY - 4 JUN	15	19	250	285	112	39
3A	KODIAK-OTHER	10= 5 JUN - 11 JUN	17	21	345	557	86	105
3A	KODIAK-OTHER	11=12 JUN - 18 JUN	22	30	518	1,164	99	74
3A	KODIAK-OTHER	12=19 JUN - 25 JUN	21	32	750	1,219	136	204
3A	KODIAK-OTHER	13=26 JUN - 2 JUL	22	33	576	1,071	423	295
3A	KODIAK-OTHER	14= 3 JUL - 9 JUL	28	37	443	799	364	108
3A	KODIAK-OTHER	15=10 JUL - 16 JUL	26	36	652	753	467	523
3A	KODIAK-OTHER	16=17 JUL - 23 JUL	22	28	434	529	94	50
3A	KODIAK-OTHER	17=24 JUL - 30 JUL	26	33	613	1,007	187	181
3A	KODIAK-OTHER	18=31 JUL - 6 AUG	28	39	587	808	508	213
3A	KODIAK-OTHER	19= 7 AUG - 13 AUG	32	45	748	907	672	357
3A	KODIAK-OTHER	20=14 AUG - 20 AUG	31	42	829	820	478	349
3A	KODIAK-OTHER	21=21 AUG - 27 AUG	31	42	812	751	445	239
3A	KODIAK-OTHER	22=28 AUG - 3 SEP	32	41	581	545	183	408
3A	KODIAK-OTHER	23= 4 SEP - 10 SEP	27	35	415	366	112	118
3A	KODIAK-OTHER	24=11 SEP - 17 SEP	16	19	162	166	25	62
					9,012	**11,934**	**4,554**	**3,488**
3A	OTHER	7=17 APR - 21 MAY	7	7	2	2	39	3
3A	OTHER	8=22 MAY - 28 MAY	5	5	84	57	3	0
3A	OTHER	9=29 MAY - 4 JUN	7	7	93	50	83	4
3A	OTHER	10= 5 JUN - 11 JUN	4	5	81	144	12	0
3A	OTHER	11=12 JUN - 18 JUN	11	13	205	213	91	16
3A	OTHER	12=19 JUN - 25 JUN	13	16	219	226	65	18
3A	OTHER	13=26 JUN - 2 JUL	13	14	219	162	73	8
3A	OTHER	14= 3 JUL - 9 JUL	12	16	171	124	49	227
3A	OTHER	15=10 JUL - 16 JUL	13	15	136	157	101	75
3A	OTHER	16=17 JUL - 23 JUL	12	13	183	158	46	56
3A	OTHER	17=24 JUL - 30 JUL	17	17	228	153	20	61
3A	OTHER	18=31 JUL - 6 AUG	17	18	265	182	66	19
3A	OTHER	19= 7 AUG - 13 AUG	16	20	163	131	15	44
3A	OTHER	20=14 AUG - 20 AUG	25	30	194	154	50	3
3A	OTHER	21=21 AUG - 27 AUG	18	22	175	94	101	4
3A	OTHER	22=28 AUG - 3 SEP	16	19	225	185	223	38
3A	OTHER	23= 4 SEP - 17 SEP	5	5	79	39	9	0
					2,722	**2,231**	**1,046**	**576**