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September 26, 2018

The Alaska Charter Association represents over 200 vessels that provide fishing access to guided recreational anglers, and we appreciate the opportunity to comment on the issues being considered by the North Pacific Fishery Management Council. ACA members have a wide range of business models and geographic locations around the state. We thank all the Council members for their consideration and we also thank the Council staff for their work for sustainable fishery management.

We offer the following recommendations on Agenda Item:

C2 – Mixing Guided – Unguided Halibut

The first alternative under consideration is the status quo. The second alternative would prohibit the possession of guided and unguided halibut simultaneously on any vessel. Under the third alternative, if any halibut harvested using sport fishing guide services is possessed with halibut harvested not using sport fishing guide services in Area 2C or Area 3A, the IPHC annual management measures for guided sport fishing for the area that the halibut was harvested apply to all halibut onboard the fishing vessel.

ACA Position

Support Alternative 1 – Status Quo

ACA would like to continue discussions on alternative enforcement methods, other than those proposed, that would have less economic impact to floating lodges, motherships and other potentially affected operations. The use of zip tie halibut tags for identification of guided caught halibut may still have merit for those operations that mix guided and unguided halibut. Most of charter record keeping is based on the honor system, so why should a tagging system be less trusted.

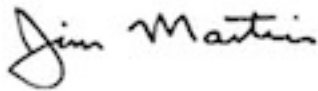
The analysis mentions a “benefit” to the guided sector allocation, as there would be a decrease in unguided removals, which are taken off the top before the total allowed catch is set under the Catch Sharing Plan. The analysis fails to mention that the assignment of unguided to guided

removals will increase the guided catch by 100% for each pound of fish, versus only approximately 18% under the Catch Sharing Plan for every unguided fish removed.

Defining floating lodges, or for that matter a “floating dock” that many land based lodges use to process guided and unguided catches, as “fishing vessels” would also have further consequences not mentioned in the analysis. On Convention waters, fishing vessels are limited to a possession limit of two daily bag limits as well as skin and carcass requirements if there is a size restriction on the halibut. The economic impacts on floating lodges have not been analyzed under this broader definition. ACA recommends possibly adopting the US Coast Guard definition for a “vessel” as a watercraft capable of being used as a means of transport on water (more liberally defined as needing to have a means for propulsion).

The vaguely identified risk of misidentifying guided versus unguided catch created by anecdotal enforcement reports do not rise to the level of taking any action. While realizing it may take enforcement addition time to enforce, it does not warrant the potential economic impact to businesses that have operated under existing regulations for many years. Ultimately all fish are being accounted for, so taking no action will not negatively impact the halibut resource.

Respectfully,

A handwritten signature in cursive script that reads "Jim Martin".

Jim Martin
Executive Director
Alaska Charter Association

Written Comments

Submitter: Timothy J. and Murtie A. Comer, Owners of Alaska Sea Otter Sound Lodge, LLC in area 2C

Web site: www.SeaOtterSoundLodge.com Email: Tim@SeaOtterSoundLodge.com

Item Agenda: C2 Mixing of Guided and Unguided Halibut

Date of information: September 25, 2017

Brief description of background and interests: We are the owners of a quality self-guided/full guided fishing lodge in 2C under a DNR lease. We are in a fixed location, in Sea Otter Sound, 50 miles north of Craig, having been there for 18 years. There are only 2 lodges in Alaska that operate as a guided and self-guided lodge under a DNR lease. We have 10 JetCraft 19' skiffs with half canvas, forward helm powered with a 60 HP Yamaha. Our guide boat is a 1999 24' Skagit Orca with a 300 HP Yamaha. For all purposes under Fish and Game enforcement, we are a shore based facility, operating under shore based laws and do not belong in the category of open sea or off shore floating fishing lodges.

Comments

After analyzing the Initial Review Draft, I can see where a navigable floating lodge offering guided/unguided could pad their full guided client's boxes with unguided sized halibut and claim it was self-guided to enforcement officers. Per the Initial Review Draft document, enforcement officers are burdened with time and cost in locating these vessels. I understand the difficulty in enforcing halibut catches in off shore vessels that operate as both guided and unguided fishing bases when the log books do not have to be finalized until the end of the multi day trip on the floating lodge vessel. These experiences are real, as the enforcement officers have experienced them. Enforcement officers have no experience or enforcement issues with floating lodges under DNR leases, only assumptions. I hope to erase those assumptions with facts. There only 2 floating lodges in Alaska under DNR leases that offer self-guided and full guided halibut fishing.

My wife and I own Sea Otter Sound Lodge in SE Alaska (SeaOtterSoundLodge.com) under a DNR submerged tidelands lease. We have been in our location for 18 years. Trip Advisor says we are 5 stars, our guests say we are 5 stars and we having a waiting list though 2019. DNR has said that there are 6 floating lodges in 3A and 2C that could provide halibut fishing services. I know of 5 of them. 3 of them are on log floats that have seen better days. They are in 2C. The only other floating lodge that provides quality guided and unguided halibut fishing is Clover Bay Lodge. The picture in the Initial Review Draft is of their lodge. Clover Bay Lodge is owned by the Morin family and has been in that location under a DNR lease and Forest Service permit for 34 years. Both of our lodges operate as a shore based facility. We are anchored for the duration of our lease. We would not

jeopardize years of work and hundreds of thousands of dollars by violating our lease with DNR and moving from our location. Last year my wife and I invested \$1,00,00.00 in a new lodge building. Most of that was life savings. Our lodge building is supported by satellite buildings with waste water treatment and potable water storage facilities. We have DEC wastewater permits, potable water permits and, I was told by DEC, the only remote lodge with a food service permit. We could not move and also maintain a living environment in our lodge. Our guided services are less than 10% of our business but still critical to long time guests that are not able to go out in a small boat and catch a halibut. Most of our guide boat operations act as a one day or half day within the 5-day self-guided fishing trip. Our lodge averages 30 of these charters per year with most being half day charters. Every charter is put in the log book the day of the charter. The catch is processed, vacuum packaged and put in a rack with the fisherman's name on it in our walk-in freezer. The catch can easily be verified with the log book along with the 'fishing rack' pictures that are always taken.

Our lodge, being in a fixed location, is the eyes and ears of our Fish and Game office in Craig, 50 miles to the south of us. We work closely with John Ryan in the Craig office. John's email is John.Ryan@alaska.gov.

From Ketchikan to Juneau, there are many land based lodges that operate as self-guided and guided. How are we, operating under a DNR submerged tidelands lease, any different than they are? We are not. We are in a fixed location, permanently anchored for the term of our lease. Sea Otter Sound Lodge is well known, favorably, to NMFS enforcement, Alaska Fish and Game and the US Coast Guard. There are only 2 of us operating in SE Alaska. Both quality operations. My position is that fixed location lodges under DNR submerged tideland leases (not permits) should not be included in any new regulatory impacts.

Anecdotal

There is curiosity in the charter fishing industry about the impact on halibut from self-guided lodges. I can only speak for us, but I have heard similar from the Morin family at Clover Bay Lodge. In a 5-day fishing trip, 2 guests to a room and boat, these guests will catch a 25 pound and a 50-pound halibut, maybe. Along with their salmon, ling cod, yellow eye and black bass, they go home extremely happy. So, in 10 fisherman days, they catch 2 halibut. We have 300 guests every summer. 30% are fishermen. When fishing is slow, they still catch fish. 70% are fish catchers. They do not work a spot, change out leaders or lures and sometimes knock their partners fish off with the net. But they still have a blast, go home with fish and great memories of Alaska.

Kindest Regards,

Tim & Murtie Comer

Pertinent excerpts from the Initial Draft Review

2.6 Methodology for analysis of impacts (page 13)

Based on anecdotal accounts, OLE personnel have encountered multi-day fishing vessels at sea that have mixed guided and unguided halibut onboard. In some cases, where their suspicion was aroused, they were unable to verify that all guided halibut onboard was harvested and retained in compliance with the IPHC Annual Management Measures.

2.7.5 Guided and unguided halibut vessel (page 20)

To estimate the number of floating lodges that could provide both guided and unguided halibut fishing in Area 2C and Area 3A, the analysis relies on estimates provided by Alaska Department of Natural Resource (ADNR). ADNR requires a permit for any floating facility for any length of time on tide/submerged lands, which would include floating fishing lodges that provided guided and unguided halibut fishing services. **Based on estimates from ADNR, there are six floating lodges that have permits on file which could provide halibut fishing services.**

2.7.5.1 Multi-day guided fishing vessels (page 20)

charter vessel operator could ignore the more restrictive guided angler rules and claim that some or all of the fish were taken by anglers who fished without a guide. The saltwater logbook does not provide an adequate tool for verification or enforcement because the logbook is required to be completed at the end of the guided vessel fishing trip, which in the case of multi-day vessels can be when the halibut is transferred from the smaller vessel to the larger vessel or when the halibut is transferred off the larger vessel (depending upon which vessel the halibut was harvested from). **In the latter situation, mixing can occur on the larger vessel for a number of days before the logbook is completed.**

2.7.5.2 Floating lodges (page 21)

Practices vary, but a floating lodge can be a large vessel at anchor, an anchored barge with structures built on it, or an anchored large platform with a lodge on top. Smaller vessels typically deploy from these floating lodges. Fishing is conducted from smaller vessels that come and go from the float house daily or multiple times a day. Some of the small vessels may engage in unguided fishing trips (self-guided, employee or compensation trips) while some of the vessels may engage in fully guided trips. **When the small vessels return from fishing to the floating lodge, they offload harvested halibut. The halibut is mixed on the floating lodge where it is not always possible for enforcement personnel to determine which halibut were harvested by guided or unguided anglers. (?)** (In 2.7.5.1 it is said that catches could not be verified because the log book was not required to be completed until the end of the multi day fishing trip. On DNR lease lodges, log books are filled out daily, after each trip.) Charter halibut bag and possession limits apply on floating lodges in Alaska because the IPHC Annual Management Measures at Section 28 indicate that sport fishing measures apply “in Convention waters in and off Alaska.



September 26, 2017

Chairman Dan Hull
North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, AK 99501
Npfmc.comments@noaa.gov
RE: C2 Mixing Guided and Unguided Halibut

Dear Chairman Hull,

The Southeast Alaska Guides Organization (SEAGO) is a non-profit dedicated to the sustainability of the guided sport fishing industry in Southeast Alaska. We work to promote the tradition of sport fishing in Southeast Alaska through reasonable regulations that ensure the long-term sustainability of our members' businesses and fish resources. SEAGO appreciates the opportunity to work together with Council staff to identify businesses and business structures potentially affected by the proposal at hand. We write today to weigh in on the Council's initial review of options for closing the regulatory gap caused by the mixing of guided and unguided halibut on the same vessel.

The overarching question on this issue is whether a new tool, utilizing either of the proposed action alternatives, would benefit the Office of Law Enforcement (OLE) more than it widens the divide between guided and unguided sport fishing. SEAGO would like to support effective changes in regulations which make OLE and our captains' jobs easier. However, the policy implications involved here may overshadow any on-the-water enforcement benefits. There remains a small, but unknown number of vessels mixing guided and unguided halibut for the purpose of illegally retaining guided catch at unguided halibut limits. It is not in the interest of operators, managers, or OLE to act without supporting information if the resulting policy fails to address the targeted bad behavior.

The existing regulatory structure encourages business owners to diversify the opportunities which they provide to clients, be it guided, unguided, or a mixture of guided clients who also want to fish unguided. Within that structure, SEAGO supports sustaining and creating jobs for captains and guides. SEAGO is aware of over a dozen businesses which would be *directly* affected by the action alternatives, and has heard operators opine that this policy may drive owners away from the heavily regulated guided operations to avoid future enforcement concerns, increasing unguided catch, creating enforcement problems, and decreasing business opportunities. SEAGO therefore stresses that the Council, Council staff, and the public require adequate data and reflection on underlying policies before the Council takes further action on this issue.

SEAGO has an additional request for clarification regarding floating docks with processing facilities, as the analysis of terminology for the action alternatives fails to clarify whether these are targeted by the action alternatives. Per the North Pacific Halibut Act

definitions, these docks are floating support facilities anchored or tethered to shore in Convention waters, which include territorial waters of Alaska. Strictly interpreted, this regulatory change could negatively impact every business which uses or operates a floating processing dock tethered to land which serves both guided and unguided vessels.

In submitting this comment letter, SEAGO stresses our support for OLE and our understanding of the need to close regulatory gaps, streamline vessel inspections, and provide a clear answer to operators' questions. We look forward to continuing conversation on this issue with OLE, the Council, and Council staff.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Weinstein', with a long horizontal line extending to the right.

Samantha Weinstein
SEAGO, Executive Director
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Southeast Alaska Fishermen's Alliance

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September 26, 2017

North Pacific Fishery Management Council
605 West 4th Ave, Ste 306
Anchorage, AK 99501

Dear Chairman Hull and Members of the North Pacific Fishery Management Council,

Re: C2 Mixing of Guided and Unguided Halibut

Southeast Alaska Fishermen's Alliance (SEAFA) considers this an important issue for the Council to address and work on. SEAFA would support either Alternative 2 or Alternative 3 as an improvement over the status quo. Table 5 provides a good concise look at the pros and cons of each alternative.

We support the Sub-option 3 which clarifies that floating lodges are included in this action as well as using the descriptor of a fishing vessel which is defined in regulation in this action.

Thank you for this opportunity to comment on this proposal.

Sincerely,

Kathy Hansen
Executive Director