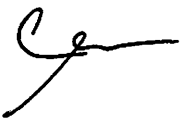


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: September 17, 1997

SUBJECT: Halibut Charterboat Management

ESTIMATED TIME 12 HOURS (all C-4 items)

ACTION REQUIRED

Final decision on management alternatives.

BACKGROUND

The Council last addressed this issue in April when you reviewed the analyses of alternatives prepared by Council staff and ISER. At that meeting you requested that staff prepare a condensed version of the analysis, concentrating on general, directional impacts, as opposed to quantitative impact projections. That document was mailed to you and provided to the public in early August. A copy of the Executive Summary is included in your notebook as Item C-4(a)(1). Council staff, along with ISER, has already presented the details of the analyses to the Council. You are also aware, through the SSC review and your own review, of the data deficiencies and limitations of that analysis. The primary alternatives being considered, and some summary thoughts on each, are reiterated below:

Alternative 1 - Status Quo

If no action is taken, future increases in catch by the guided sport sector will continue to be at the expense of the commercial fleet. The current (1995) ratio for these two sectors is 9% guided sport/91% commercial. While continued growth of the charter fleet is expected, it has leveled off in recent years, relative to growth rates seen in the late 1980s and early 1990s. Severe data limitations regarding participation in the charter fleet will continue under status quo, though the State of Alaska may be implementing recordkeeping and reporting requirements which will fill that void.

Alternative 2 - Implement recordkeeping and reporting requirements

The lack of data on the socio-economic composition of the guided sport fishery was one of the specific problems identified by the Council early on - it also proved to be a major impediment to staff in analyzing the other management alternatives identified by the Council. Successful future management of these fisheries will necessitate collection of this type of information. The Council needs to be aware that initiatives at the State level are underway to collect the relevant information on all guided sport fisheries, including halibut.

Alternative 3 - Explicit allocations between commercial and charter fisheries (the 'cap' alternative)

Under this alternative, the quota from a given IPHC area would be explicitly divided between the guided sport fishery and the commercial fishery (after deductions for bycatch, subsistence, deadloss, and unguided sport fisheries). A further subdivision of the 'charter' quota, among ADF&G management zones, could be accomplished based on historical proportions. Most of the quantitative economic analysis performed was relevant to this alternative, though the results of those analyses should be taken as directional indicators rather than absolute projections of economic costs and benefits. The possible alternatives for where the cap should be set cover a very wide range, but assuming a mid-point of that range some general conclusions can be drawn. In the near term, a cap on the charter fleet would actually be at some expense to the commercial fleet, as the charter sector is not projected to take their cap, resulting in fish left on the table relative to status quo. In the longer term, as the guided sport sector grows into their cap, it would be constraining on their catch, resulting in relative benefits to the commercial fisheries. Benefits to one sector are generally offset by losses to the other, though the relative impacts to the charter sector of a cap appear to be greater than the impacts to the commercial sector, as any loss (or gain) represents a much greater proportional change due to their smaller baseline percentage of the harvest.

Implementation of a cap has its own set of considerations, including potential in-season monitoring and enforcement to effect such a cap. Information on other commercial/recreational fisheries allocations around the U.S. indicates that such allocations, where made, are effected by imposition of catch and effort limits designed to achieve a target catch, but that the recreational fisheries are not closed in-season. While it is technically a federal level responsibility, it is unclear whether such a management alternative could, or would, be implemented under State management authority. The major factors which will determine whether, and to what extent, a cap is restrictive to the charter fleet (and beneficial to the commercial sector) are: (1) future biomass and quota levels for the halibut resource, and (2) actual growth rate experienced in the charter fleet.

Alternative 4 - Establish a moratorium on further entry in the charter fleet

Data limitations preclude us from making definitive projections of the impacts of a moratorium, including how many vessels/persons would qualify. Information collected during the study, as well as testimony provided to the Council, indicate that overcrowding/overcapitalization is only a problem in certain high-traffic areas. A moratorium could be implemented only on selected geographic areas. Based on 'hard' evidence, such as IPHC permits and Alaska business licenses for example, the estimated number of qualifiers is far greater than the number actively participating in any given year, and such a moratorium would do little to address the current problems identified in the fishery, certainly in the near term. A more stringent set of qualification criteria would likely pare this number down somewhat, but criteria such as minimum landings will be difficult, if not impossible, to implement due to data limitations.

In the event the Council does wish to proceed with a moratorium, two critical issues need to be considered in determining the moratorium provisions: (1) consideration of whether it is the vessel's participation history or a person's participation history which will count - using a vessel's history in the case of this fishery may grant moratorium rights to many persons no longer in the fishery, and conversely may not grant rights to persons currently in the fishery; (2) moratorium versus license limitation - a temporary moratorium might be structured much differently than if this is intended as a permanent limited entry program.

Written comments on this issue are included under Item C-4(a)(2).

EXECUTIVE SUMMARY

E.0 SUMMARY AND COMPARISON OF IMPACTS

This summary describes the findings of the previous analyses conducted by Council staff and ISER. These analyses, summarized in Chapters 1 through 6 of this document, dealt separately with the projected impacts to the halibut charter fleet and the commercial longline fleet. Each alternative being considered will be dealt with separately, and in combination with other alternatives where applicable. This Executive Summary also addresses other considerations which apply to Council consideration of regulations to manage the guided halibut sport fishery including NEPA, EO 12866, EO 12962, National Standards, the Halibut Act, other Magnuson-Stevens Act provisions, the Coastal Zone Management Act, and the Regulatory Flexibility Act.

A primary purpose of this revised, and condensed, document is to provide the reviewer with a more concise, readable document, including a de-emphasis of quantitative impact projections. Quantitative projections have not been eliminated from the document, but should be considered as indicators of directional change, not as point estimates of expected values. This is particularly true where monetary impacts are estimated for the charter sector, as the precision of operational data for that sector is lacking. Most of the quantitative projections made are relative to Alternative 3 - establishing a cap on catch by the guided halibut sport fishery, though some quantitative assessments are made relative to the impacts of a moratorium on charter vessels. The quantitative projections in this analysis, while not intended to be absolute predictors, do support the intuitive expectations of the analysts as directional indicators of impacts.

E.1 ALTERNATIVE 1 - STATUS QUO

While this alternative would impose no additional regulations or management regimes on the guided halibut sport fishery, 'status quo' in this case is nevertheless depicted as a dynamic situation; i.e., the status quo is defined as the fishery in the years 1998-2008, in the absence of any additional management measures, but including our best estimates of halibut biomass changes, unguided sport removal, and growth and catch by the charter fleet. Continued growth in the charter industry is likely, though that growth has slowed in recent years and is a function of client demand for fishing trips rather than available halibut quota. Increases in *catch* (harvest) by the charter sector in recent years are far less than increases in the number of IPHC *permits* issued, for example. In any case, further growth in the catch of halibut by the charter sector will result in a defacto reallocation from the commercial setline quotas. Based on recent and substantial increases in the overall available halibut quota, projected increases in catch by the charter fleet are easily absorbed by the additional fish available in the near term (3-4 years into the future) - the percentage of the quota available to the commercial sector will decline, while the absolute poundage resulting from that percentage will still be higher than in recent years.

In 1995 the guided halibut fisheries accounted for 9% of the combined guided sector/commercial sector, with the commercial sector taking 91%. The guided sport sector's share could rise to 14% by the year 2008, based on current TAC projections and assuming the current (lower) growth rate for that sector. The guided sport sector currently (1995 numbers) is estimated to generate \$29 million annually in direct trip related expenditures, with an additional \$23 million in personal income and 715 FT jobs generated in Alaskan communities. 'Rule of thumb' indicators estimate that every 1 million pounds of guided sport caught halibut represent \$11.5 million in visitor expenses, \$8.7 million of Alaska personal income, and 278 annual jobs in Area 2C. For Area 3A, these figures are \$9.6 million in visitor expenses, \$8 million in personal income, and 239 annual jobs per million pounds harvested.

The lack of reporting requirements associated with the status quo alternative would result in a continued lack of information regarding the effort, catch, and location of catch by individual operators and the fleet as a whole. Reasonable estimates of overall catch by this sector, including the percentage by guided operations and the

percentage of resident vs non-resident catch, would continue to be collected through ADF&G mail surveys, creel surveys, and port sampling. The need for more specific information, particularly on a regional and local basis, must be weighed against the costs of collecting that information and the reliability of that information. Pending legislation by the State of Alaska for licensing and guiding requirements would, if approved, result in the collection of much of this missing information. This initiative may possibly negate the need for additional reporting requirements at the Federal level. This initiative may also be taken up via the ADF&G/BOF process in the absence of legislative action.

E.2 ALTERNATIVE 2 - IMPLEMENT REPORTING REQUIREMENTS

One of the specific problems identified by the Council is the lack of information on the socio-economic composition of the current charter industry. While total catch is estimated through mailback surveys, creel surveys and port sampling, the effort and catch of individual charter operations, lodges, and outfitters is relatively unknown, as are their changes in business patterns over time. The current system is also based on a relatively small sample of anglers and is subject to sampling error. The recent expansion of harvest and effort exacerbates the need for this information. Chapters 3 and 4 of this document, and the associated Appendices, provide much of the heretofore lacking information on the socioeconomic structure of the charter industry; however, the existing records and reporting requirements make it difficult to project, for example, who and how many operations would qualify for a proposed moratorium on further entry into this fishery. This issue is discussed in further detail in Section E.4 below. For management purposes, the level of effort (including share of trip and rod time devoted to halibut), harvest rate, and location of harvest would be the most important pieces of information on the guided halibut fishery that a reporting requirement could provide.

The level of effort would include the number of trips, the rods fished per trip, and the number of rod hours spent fishing for halibut. Such information would allow for calculation of the load factor for the fleet, as well as the percent of time targeting halibut as opposed to other species. This type of information would be helpful in determining the impacts of a moratorium, and if collected by specific geographic locations, would be critical in the development of management policies to deal with local depletion or congestion issues.

One of the alternatives before the Council is to implement reporting requirements to fill out federally mandated catch reports for all retained and discarded catch for all species on each trip. This may provide a better estimate of total catch, and certainly catch by individual operators, and it would also provide a more concrete record of participation levels by individual operators. However, implementation of this alternative alone (without a moratorium on further entry) may provide incentives for over reporting of both participation and overall catch, as operators attempt to build harvest records in anticipation of future limited entry. Conversely, in conjunction with a cap on the overall catch by the charter fleet, this alternative could provide incentives for under reporting, as operators collectively attempt to extend the overall season length for the charter fishery. A combination of reporting requirements and a moratorium may be the most likely set of alternatives to provide a reliable information base of catch and effort, though catch reporting may still be overestimated if operators anticipate further limited entry, such as IFQ programs for the fishery.

While the costs of a mandatory logbook program would not likely impose significant financial burdens on the guided halibut operations, it would take time, and needs to be weighed against the quality and necessity of the information collected. There would be additional costs to the agency for collecting the data, compiling the information, and monitoring the quality of the information submitted.

Current catch estimates provided by ADF&G creel and mail surveys are based on information provided by the client, as opposed to the charter operator. These estimates are believed to provide fairly reliable estimates of overall catch, and have recently been adjusted to differentiate between guided and non-guided anglers, as well as between residents and non-residents (since 1993). In 1995 the Alaska Board of Fish adopted statewide requirements for guide registration, which became mandatory in 1996. These files are only available for 1996,

and are likely incomplete indicators since many operators were unaware of the requirements. However, they should prove very useful in the future, providing information on: numbers of employees of each operation; CFEC vessel license numbers; homeport of vessel; area of operation; and whether the operations for fresh or saltwater or both. However, this requirement would not satisfy the issue of catch reporting or individual participation levels.

At the time of the Board's action, it also created a Task Force to make recommendation regarding the orderly development of the Alaskan guide/charter industry. The Task Force first identified issues for consideration, including the following: guide/charter definitions; requirements and standards; guide/charter restrictions; guide/charter reporting; statewide licensing; and, participation. The fruition of their efforts has been the creation of a statewide licensing proposal for sport fishing guides, charters, and outfitters. A bill (HB 19) has recently been (re) introduced in the Alaska Legislature which would establish such a licensing system, including reporting requirements which would likely answer many of the questions of concern to both the Council and the Board of Fish. This bill has passed the House, is currently in the Senate Resources Committee, and must pass the Legislature by the spring of 1998 or it dies.

The BOF has recently indicated that they intend to implement reporting requirements for these fisheries, likely at their January 1998 meeting. The specific requirements of the Board's program will be determined by the Board and ADFG, but would likely be largely consistent with the information sought by the Council. Input to this process could be provided to the State by Council staff. Notwithstanding this initiative at the State level, Council staff developed the prototype logbook/trip report forms presented for Council review in Chapter 4.

E.2.1 Conclusions

1. Current licensing and reporting requirements provide reasonable estimates of total harvest, and harvest by region, by the charter sector, but do not provide adequate information on harvest and participation levels of individual operators, which may be critical for micro-management measures at the regional or local level.
2. New requirements must be weighed within the context of potential reporting biases, which depend to some extent on the whether such requirements are in conjunction with the other alternatives being considered - a moratorium and/or cap on the catch of the charter sector.
3. The need for real-time logbook and reporting requirements to monitor catch in-season depends on (1) whether a cap is implemented and (2) the choice of how that cap is effected - either in-season monitoring or setting of the season up front based on projected effort and harvest levels.
4. Potential licensing and reporting requirements pending implementation by State of Alaska may provide the information currently lacking, thereby negating the need for additional federal requirements.

E.3 ALTERNATIVE 3 - ANNUALLY ALLOCATE THE TAC BETWEEN GUIDED SPORT AND COMMERCIAL FISHERIES

The 'cap alternatives' are where the majority of quantitative estimates are made by the analysts. These quantitative estimates should be considered by the reviewer to be indicative in nature, and are intended to illustrate the direction of impacts and the nature of the interplay between impacts to the commercial and guided sport sectors. For example, most of the cap alternatives will result in fish left on the table in the early years of the projections, while they will eventually become constraining to the guided sport sector in the later years. Once constraining, the result will be benefits to the commercial fishery (relative to the status quo) at some expense to the guided sport fisheries. While these impacts tend to be offsetting in their absolute magnitude, the relative

impacts to the guided sport sector are generally greater when measured proportional to the overall harvests of each sector under an explicit quota allocation that is constraining to the charter fleet.

E.3.1 Impacts to the Guided Halibut Sport Fishery

Chapter 3 detailed the economic significance of the guided halibut industry to Alaska maritime communities. In 1995 an estimated \$29 million in visitor expenditures was attributable to halibut charters and this generated \$23.5 million in personal income to residents of these communities as well as the equivalent of 715 annual average jobs. The significance per pound of halibut harvested (net weight) varied by region. For example in Area 2C the total visitor expenditures attributable to 1 pound of charter harvested halibut was \$11.45 (\$5.73 in charter vessel revenues and \$5.73 in related visitor spending while in the community) and the personal income generated in the community was \$8.73. As noted throughout this document, these estimates are intended as indicators of the economic significance of this fishery, not as definitive point estimates.

In the event of a quota which reduced the charter harvest, the net economic impact per pound and in the aggregate for the community would be less than these estimates due to the substitution by some anglers of other charters targeting other species or other activities within the halibut charter communities. The net economic impact for the entire state of Alaska would also be less by the same logic. Residents precluded from halibut charters due to the quota would divert their expenditures to other businesses within the state and although the charter industry would lose revenues, other industries would gain. Only the loss of non-resident charter clients would be a net loss to the state since many of them precluded from charter trips would choose to substitute activities outside Alaska.

There is some possibility, depending upon the method by which a quota were imposed, that the price of a charter would increase in response to a reduction in the supply of charter trips relative to the client demand. If that were to occur there would be an increase in revenues to charter operators from their remaining business that would partially offset the loss in revenue from the loss in the total number of charter clients served. Although this would reduce the net negative economic impact of a quota, the size of this effect, assuming a demand curve for charter trips that is relatively elastic (-2), would not be large enough to totally offset the loss from the reduced number of clients. Using this consumer response assumption, the net economic impact of a quota would always be negative.

Taking the above discussions into account, additional, simplifying 'rules of thumb' were developed to estimate the loss in benefits which would occur if a cap resulted in a shortfall of catch by the guided sport sector. For every million pounds of halibut they did not catch due to a cap, there is a loss in personal income of \$4 million and 132 jobs for Area 2C, and \$2.7 million and 82 jobs in Area 3A. This is in addition to loss of direct revenues from charter trips.

These net economic impact rules of thumb are applicable to any level of loss of harvest to the charter fleet as a result of a quota. In general the likelihood of a negative net economic impact due to a quota increases over time due to the expectation that in the absence of a quota the guided sport fishery will continue to grow. For most alternatives being considered, there is initially a period of years before the quota is binding on the charter industry and during that time the quota excess would go unharvested (resulting in a loss to the commercial fishery relative to the status quo).

The loss in net economic value to the charter industry from a quota is primarily the loss in consumer surplus for those clients precluded from a halibut charter due to the quota. (Although clients who still take charter trips would also lose consumer surplus if the price of a trip increased, this loss would just be offset by the gain in producer surplus [profits] that charter operators would gain from the higher price of a charter trip.) The loss in consumer surplus depends not only on the number of client trips foregone, but most importantly on the willingness to pay of those clients who were precluded from trips. Studies suggest a large range among consumers in their willingness to pay for a halibut and the method of quota imposition would largely determine which clients would not get to take a trip. The range of possible loss of net economic value (consumer surplus) is thus quite large and current information precludes its estimation in this case. For illustrative purposes a low measure of loss of consumer surplus based on those with the least willingness to pay prevented from making a trip under a quota, and a higher measure based on the client with the average willingness to pay prevented from making a trip were presented. The former varies with the size of the quota restriction while the latter does not. The range per pound of halibut is quite large, and overlaps the range of net economic value gain resulting from a quota calculated for the commercial fishery.

E.3.2 Option to allow purchase/lease of IFQs

One of the options being considered by the Council is to allow charter operators to purchase or lease IFQ from the existing commercial fleet in the event of a cap constraint which curtails their fishing season. While the Magnuson-Stevens Act prohibits the implementation of new IFQ programs until the year 2001, amendments to the existing IFQ program are allowed. The option being considered here would be an amendment to the regulations regarding who may purchase IFQ. Restrictions on leasing would also need to be adjusted to allow for this option. Finally, the provisions of the block amendments may have to be adjusted to make necessary IFQ amounts available for purchase or lease by charter operators. As stated, the alternative would allow lease (IFQ) or purchase (QS) - in the case of the charter fishery, an annual lease may be the most practical option, due to the nature of the charter industry and the more feasible economic implications of leasing compared to purchasing.

A quantitative analysis of this option would necessitate, at a minimum: (1) a detailed examination of QS/IFQ markets; (2) willingness to pay estimates at the charter operator and charter client level; (3) examination of QS/IFQ blocks by vessel category, compared to expected season lengths and expected trips beyond the closure date; and, (4) more detailed 'breakeven' analyses relative to the economics of charter operations. Information and time constraints put this level of analysis beyond the scope of this document; however, some basic qualitative assessments, combined with industry and public input will likely provide the Council with adequate information to make a determination regarding this option.

In general, a charter operator would choose to purchase or lease IFQ only if he were operating in a profitable manner to start with, and only if he could expect to obtain a net profit on trips for which IFQ were required. Using a simplified example, and assuming 6 clients at 1.35 fish per client at 20 pounds average weight and a lease price of \$.70 per pound of halibut, a charter operator's cost per trip would increase by \$114, or about \$20 per client. Under this example, the operator would have to be able to make a profit on an additional trip taking into consideration the additional cost of \$114 and the fact that it would be difficult to charge a higher price. Under some circumstances this would be the case but it is difficult to generalize because different operators have different motivations for being in the business, and the timing of the additional trip influences profitability. The client's willingness to pay that additional fee would be critical in assessing overall impacts of this option. The difference between leasing and purchasing is an important consideration for this fishery. It would make little sense for a charter operator to purchase the permanent QS, when the necessity for that QS may change from year to year. Leasing IFQ on an annual, as needed, basis probably makes the most sense in this case, though even the leasing option leaves some uncertainties for the operator, in terms on knowing how much to lease, and at what point in the season.

The amount of halibut IFQ necessary will depend on the level of the cap set and the subsequent timing of the fishery closure. At a given percentage of the overall quota, the amount of IFQ necessary for each charter operation will likely change from year to year and will not be known until the start of each fishing season. If the closure is effected via in-season monitoring of catch, then the amount of IFQ needed will not be known until late in the season, and it may be difficult for charter operators to find appropriate amounts of IFQ for lease. A closure effected by setting pre-season closure dates would enable charter operators a better planning horizon in terms of how much IFQ might be necessary to cover their expected fishing trips.

The logistics of this option will be a critical issue in determining its practicability; for example, the agency's ability to verify qualification, and approve and execute transfers between commercial and charter fishermen, as well as between charter operations, on a real-time basis will affect the viability of this option. It may be that QS/IFQ lease and purchase will have to be made well in advance of anticipated trips, thereby dictating that the decision of whether to make such a lease/purchase be made prior to full knowledge of the potential bookings later in the season. It is also impossible to ascertain whether the necessary QS/IFQ will be available for lease/purchase by the charter operator, in the appropriate amounts. This difficulty would be exacerbated if attempting to make the desired lease/purchase on short-term notice.

In theory, the alternative for lease/purchase of IFQ by charter operators would enable them to mitigate the impacts of a cap by allowing them to fish beyond the closure date. Whether such an option would work as intended, in practice, is less certain and could not be answered definitively until implemented.

E.3.3 Impacts to the Commercial Sector

In general, it appears that under almost all of the alternatives, the commercial fleet is made worse off with the imposition of allocation percentages (caps) on the guided sport fishery, in the early years of the program (at least through the year 2000). This results primarily because of the large increase in biomass and therefore large increases in projected quotas under the status quo. Because of the large increases, allocations based on proportions from years with lower catch totals will allocate more to the guided sport fishery than they would likely catch, at least through the year 2000, and in many cases through the year 2004.

There are a few selected alternatives whereby the commercial sector may be made better off. In general, allocating by IPHC areas rather than statewide will be more beneficial to the commercial fleet. Further applying quotas using 1994 as a base will increase catches for the commercial fleet relative to using 1995 as a base. Finally, and quite obviously the smaller the allocation percentage; i.e., 105% v. 140%, the better the commercial fishery will fare.

There are some important counter-intuitive conclusions as well. First, vessel owners in Areas 3B, and 4 will be made better off if guided sport catch in 2C and 3A continue to grow. This a result of potential price increases resulting from overall decreases in coastwide commercial TACs. These regions have very small guided sport fisheries, and therefore will see only very small changes in total quantities harvested even under quite large allocations to the guided fleet. Most of the harvest impacts of the allocation will be felt only in areas 2C and 3A.

The distributional effect will tend to some extent to drive the impacts of any allocation toward a neutral outcome over the commercial fleet as a whole, particularly as the relative share of the Western TACs increase. As an example of this, assume a large allocation to the guided sport fishery on a statewide basis. In the easterly IPHC areas, quotas will be reduced from status quo levels significantly, while out west, the changes are much smaller. Overall there is significant reduction in the total quantity harvested by the commercial fleet. This is likely to produce a "price effect" resulting in higher prices per pound for all halibut sold, regardless of origin. In 2C and 3A the higher prices will make up for some of the lost revenue due to the quantity decrease, but in areas 3B and 4, the higher prices may actually increase the total revenue relative to the status quo.

E.3.4 Administration, Monitoring, and Enforcement of a Quota

Any program which implements a specific quota on a sector of the industry must include some method of effecting a fishery closure when that quota is reached. Under many of the alternative percentages being considered, the halibut charter quota would not be reached, at least not until the later years of the projections in this analysis. However, we must assume the necessity to effect a closure at some point in the future, if a cap is placed on the charter fleet - two basic methods are available: (1) in-season monitoring of catch and the announcement of a closure upon attainment of the quota, or (2) setting the season length at the start of the fishing year based on projections of effort and catch. Based on information compiled regarding recreational fisheries quota management in other areas of the country, a third method might be considered for managing a charter fleet cap - that is adjustments in bag or size limits designed to keep the overall catch within the cap, but without effecting an actual closure.

The first method, in-season monitoring, is theoretically the most accurate and appropriate method, and is the method used in management of groundfish quotas under Council jurisdiction. However, this approach may have several drawbacks in the case of the halibut charter fishery. First and foremost, it would be impractical in this fishery to implement in-season monitoring tools such as observer coverage. Logbooks and mandatory catch reporting are other potential tools to monitor catch in-season, though these tools would need to be weighed against the administrative burden placed on operators and the agency, as well as incentives for misreporting. The burden of in-season management would fall to the NMFS, as the provisions of the Halibut Act preclude deferral to the State of Alaska. Complementary regulations (not in conflict with any federal regulations) could be implemented by the State, though it is uncertain whether the monetary and personnel resources are available to administer such an in-season monitoring program.

An additional disadvantage to this approach is the uncertainty imposed on the business planning horizons of charter operators. Many charters are booked well in advance of the summer fishing season; obvious difficulties result if operators do not know when the cap will be reached and the fishing season closed. Loss of business, and loss of fishing opportunities by the client, would be a potential impact if this method is employed to effect the cap. Another consideration relates to the geographic boundaries, or subareas, for which a cap is applied. For example, under the option for a cap on ADFG management Zone 1 (Southeast Alaska), fishing activity from one port, early in the year, could result in the closure of the entire area when another port may typically fish halibut charters later in the summer due to concentration on salmon charters earlier in the season. In this example, the impact is more a result of the area cap than it is due to the method of effecting a closure; however, it is further illustration of the attendant uncertainty associated with the in-season monitoring approach.

The alternative approach, and one that has traditionally been employed in the halibut commercial fisheries (prior to the advent of the IFQ program), is to set a season length prior to the start of the season based on projections of effort and associated catch per unit effort. The advantages of this approach are (1) a much lower cost to the implementing agency due to lower costs associated with reporting, monitoring, and enforcement, and (2) a much more stable planning horizon for charter operators who will know in advance when the season will end for their area of operation. A disadvantage is that this approach may result in either under harvest or over harvest of the quota, particularly given that we have little way (currently) of knowing how much actual effort will be exerted in the fisheries. Even if we have knowledge of the number of vessels intending to fish, and the average size of halibut taken in this fishery, this does not necessarily equate to the actual number of trips which will be taken. A primary difference between this fishery and typical commercial fisheries is that charter fishing trips are not a function of available fish, rather they are a function of client demand for fishing trips, and this demand will be difficult to fully ascertain prior to the fishing season.

E.3.5 Conclusions

1. A cap on the charter fishery will be a constraining factor under some of the alternatives, depending primarily on the percentage chosen and future halibut quotas. Under most all alternatives a cap would become constraining at some point in the future. Net economic impacts (intended as indicators only), measured as loss of personal income in Alaska per 1 million pounds of guided sport halibut loss under a quota, are projected to be roughly \$4.1 million, \$2.7 million, and \$3.1 million for 2C, 3A, and 3B-4 respectively.
2. Distributions of the overall charter allocation between ADF&G Zones (within the overall IPHC area), will have to be made after the up-front allocations between commercial and charter sectors. Allocations to ADF&G Zones would be made only for the charter sector, and could be based on recent history of proportional catch among the primary ports. For example, the 3A quota for the charter fleet must be divided between Prince William Sound, Cook Inlet, and Kodiak subareas.
3. If a cap is imposed, the guided charter fleet is better off using 1995 as the base year for establishing the cap, while the commercial sector would be better off using 1994 as the base year. This is because the guided sport fishery took a larger percentage of the overall quota in 1995, due to lower commercial CEYs in 1994 relative to 1995.
4. A counter-intuitive finding is that, under many of the alternatives to cap the charter fleet, the commercial quotas (in pounds) will be less than what they would have been under status quo, at least in the next few years. This is due basically to the fact that the charter fleet is not projected to catch its full percentage allocation, resulting in fish left on the table. Under status quo, this fish would have been explicitly allocated to the commercial CEY at the beginning of the fishing season. Barring a re-allocation mechanism in-season, this catch will be foregone by the commercial sector.
5. Allocation to specific IPHC areas based on 1994 will have a greater positive impact on the commercial fleet, than when based on 1995, or when made on a statewide basis.
6. Decreases in commercial quantities harvested may result in price increases. Any price increases will be felt by all commercial participants regardless of whether their share of the total was significantly impacted. Conversely, increases in commercial quantities harvested may result in price decreases.
7. Most of the commercial harvest changes will be felt in areas 2C and 3A as opposed to areas 3B and 4. In areas 2C and 3A harvest impacts will likely outweigh any countervailing price effect. Price effects are likely to outweigh harvest effects for the commercial fishery in areas 3B and 4. The combination of effects will tend to push the allocations toward a smaller overall impact.
8. The initial negative impacts to the commercial fleet erode as the charter fleet's harvest grows and they become constrained by the allocation. For example, the commercial fleet is better off by capping the charter fleet in the later years of the projections.
9. The allowance for lease/purchase of IFQ by the charter fishery would impose additional costs to their operations, and potentially higher prices for fishing charters - whether these factors would preclude additional trips beyond a closure date would vary by individual operations.
10. An annual lease of IFQ is much more practical than a permanent QS purchase due to the nature of the charter fishery and the uncertainty regarding fishery closures from year to year. Even the lease option poses significant logistical impacts to charter operations.

11. A lease/purchase of IFQ provision will require amendments to the existing IFQ regulations regarding who may purchase/own IFQs, relaxation of lease provisions, and possible adjustments to the block provisions.
12. A decrease in halibut available, and corresponding revenues, for the charter fleet has a *proportionally* greater impact than a similar decrease in halibut (and revenues) to the commercial fishery, because it represents a much greater *percentage* change in overall revenues for the charter sector.
13. The major factors of uncertainty which drive the impacts and interactions described above are: (1) the actual biomass and TAC for halibut in future years and (2) the actual growth rate experienced in guided sport fishery (demand function for trips). In combination with the actual Alternative (percentage allocation or 'cap') chosen, these two factors, in combination, will significantly determine the point at which a cap becomes constraining, and therefore significantly affect the economic impacts, relative to status quo management for both sectors.

In addition to the specific conclusions above, some generalized findings are summarized below, and are provided in order to shed light on the comparison aspects of projected losses and benefits (impacts) to each sector:

Comparison of Net Economic Values

Using the assumptions of the "expected" biomass levels and "expected" Combined TACs, combined with the lower growth rate of the guided sport fishery, an illustrative comparison of the change in Net Economic Benefits associated with the quota based on 110 percent of the 1995 harvest (95.IPHC.110) highlights the interaction of the effects on the guided sport and commercial sectors. Through 2003 there is a negative effect on the commercial sector since the quota allocates less halibut to them than would have been available under the status quo. After 2003 there is a positive effect since then their harvest is greater than under the status quo. The net economic value loss and gain is relatively insensitive to any change in the commercial halibut price and depends primarily on the cost of harvesting the additional halibut. Through 2003 there is no effect on the guided sport sector since the quota is less than the status quo harvest. There is thus a net loss through 2003 since some halibut available to the commercial and guided sport sectors is not harvested. After 2003 there is a loss of consumer surplus in the guided sport sector. The size of this loss is difficult to determine since it depends upon the method of implementation of the quota as well as an estimate of the consumer willingness to pay for a guided halibut trip. If those consumers with the least willingness to pay are precluded from a trip, the loss is small, but if those consumers willing to pay an additional \$2 per pound (within the range of the estimates that have been developed in other studies) are precluded from a trip, the loss is within the range of the gain of the commercial sector and the change in net economic value in the two sectors approximately cancels out.

Comparison of Net Economic Impact on the Alaska Economy

Using the assumptions of the "expected" biomass levels and "expected" Combined TACs, combined with the lower growth rate of the guided sport fishery, an illustrative comparison of the change in Net Economic Impact on the Alaska Economy associated with the quota based on 110 percent of the 1995 harvest (95.IPHC.110) highlights the interaction of the effects on the guided sport and commercial sectors. Through 2003 there is a negative effect on the commercial sector since the quota allocates less halibut to them than would have been available under the status quo. After 2003 there is a positive effect since then their harvest is greater than under the status quo. The size of the effect is inversely related to the sensitivity of the price of halibut to the amount harvested commercially. The more sensitive the price, the smaller the economic impact on Alaska because of the loss to Alaska commercial harvesters of some gross revenues from a lower price on their entire harvest. Through 2003 there is no economic impact on the guided sport sector so there is a net economic impact loss for the Alaska economy through 2003. After 2003 there is a loss of net economic impact for the guided sport harvest the size of which depends (among other things) upon the degree to which non-resident clients of charters forego Alaska

visitor expenditures in the absence of halibut charter opportunities and how much the price of a charter rises when the supply of charters is constrained. With no charter price rise the net economic impact is negative while with a price rise the net economic impact is positive.

E.4 ALTERNATIVE 4 - MORATORIUM ON THE CHARTER FLEET

This alternative might be applied alone, or in combination with any of the alternatives discussed above. Chapters 3 and 4 provided a discussion of the difficulties associated with identifying the numbers of vessels actively participating in the guided halibut sport fishery over time. These difficulties inhibit our ability to assess the potential impacts of a moratorium on the charter fleet, or on the commercial fisheries. Salient points from that assessment include the following: (1) IPHC licenses for charter operation are low cost and easily obtained; (2) possession of a license is not necessarily an indicator of active participation in the fishery; (3) some active participants in the fishery may not have obtained the IPHC license, but may have other indicators of participation such as Alaska business licenses; (4) Coast Guard data on licenses are not computerized, nor are they specific to the activity of halibut fishing, or even chartering in general; and, (5) ADF&G guide registration files do not differentiate between halibut chartering and chartering for other species such as salmon.

Information from the ISER study indicates that 1,998 IPHC licenses were issued in 1996, while their study also indicates that the entire 1995 guided sport catch could have been taken by 402 'six-pack' charter vessels, each operating at a 50% load factor. The number of IPHC licenses issued in recent years are 1,481 in 1993; 1,679 in 1994; and, 1,926 in 1995. These numbers may not be an accurate reflection in the actual growth of the charter industry, as some permits were likely purchased, but not necessarily fished, due to the Council's announcement of potential limited entry in 1993. A cross match of IPHC licenses for 1996 against ADF&G sport guide registrations files resulted in a match of 1,117 vessels. ISER projected the allocation of halibut under three moratorium levels based on estimated fleet capacity at each of those levels--vessels licensed for halibut (1,998), charters taking halibut (1,096), and the active halibut charter fleet (518). A moratorium based on all currently licensed vessels licenses enough harvest capacity so that the guided sport harvest is not constrained through 2008. A moratorium based on the estimated harvest capacity of the charters currently taking halibut would not become effective until 2003, assuming the load factor per vessel does not increase above the level of the currently active fleet (This is the base "Revised TAC" case and the LOWER growth rate of the guided harvest.) A moratorium based on the currently active fleet would be immediately constraining, again assuming no increase in the load factor per vessel above the currently observed level.

Notwithstanding the lack of precise data on the number of potential qualifiers for a moratorium, the Council does have a fair idea of how many vessels are currently participating in the charter fleet via information provided by the charter associations themselves, through testimony and through the ISER study, and from estimates by ADF&G Sport Fish Division. Information from those sources indicates that there are between 450 and 600 'active' charter vessels statewide, with at least 200 of those operating 'full-time'. They also have evidence, from both the analysis and testimony, to support the alternative of imposing a moratorium on further entry into the charter fleet, particularly for specific geographic regions where crowding, localized depletion, or market saturation are factors. However, using just the IPHC license as a basis for qualification, and assuming a cutoff date of either 1993, 1994, 1995, or 1996, would result in a minimum of 1,461 qualified vessels, statewide.

Although a minimum participation level would certainly reduce that number, the existing records are not sufficient to make such a criteria practical. Perhaps other forms of evidence could be required, such as the ADF&G guide registration files, the Coast Guard license files, or the Alaska Business License files, which would reduce the number of qualified vessels relative to only requiring the IPHC license as evidence. Even under this assumption, it is likely that many more licenses would be issued than are currently 'active' in the fishery.

E.4.1 Other Moratorium Considerations

Even though the data preclude an accurate estimate of the number of moratorium qualifiers, regardless of the criteria chosen, the Council nevertheless must establish the qualification criteria for such a moratorium. Years of participation is the first, and most obvious, qualification factor. Given the limited nature of existing data, this decision can be made based on other factors considered by the Council, such as participation patterns in the fishery, dependence on the fishery of those participants, and consideration of investments made in the fishery both historically and in recent years. The second facet of this decision is what evidence will be *required* to substantiate participation, and what additional evidence will be *allowed* to substantiate participation, either in the application or appeals process. For example, in the IFQ program the Council allowed 1099 tax forms to be included as evidence of participation in the appeals process. The other various sources of verification have been discussed above and are detailed in Appendix A. The following series of minimum decision points are identified:

E.4.1.1 Qualification criteria

Years of Participation

The Council previously noticed a control date of September 23, 1993, which would be one option for a participation cut-off date for moratorium qualification. Because this control was never published in the FEDERAL REGISTER, and because of legal advice from NOAA GC regarding 'stale' control dates, the analyses in this document focus on the years 1994, 1995, and 1996 as potential cut-off dates for qualification. In April 1997 the Council added even more recent cut-off dates of April 17, 1997, and the date of final Council action (likely September 1997) as alternatives, with the stated intent that they were favoring the more recent cut-off dates for purposes of potential moratorium qualification. Additional discussion regarding the validity of the September 23, 1993 control date is contained in Section 7.12. The Council may determine that qualification requires participation in any one of those years, all of those years, two of the three years, or in the most recent year, for example. Although vessels, or persons, may have operated in the charter fishery in years prior to 1993 (historical participation), it would be difficult to consider these operations as dependent upon the fishery if they have not also exhibited some level of recent participation.

Evidence of Participation

Regardless of the cut-off date chosen, the Council needs to also specify the criteria by which participation is defined. As previously described, ADF&G guide registration files do not differentiate between halibut fishing and other fishing, nor do IPHC licenses necessarily indicate active participation. There is also a difference between what the Council may *require* as proof of participation, and what they might *allow* as proof of participation, in either an application or appeals process. The following data sources are available:

- * IPHC sport licenses, or combination commercial/sport licenses
- * ADF&G guide registration files (1996 only)
- * Coast Guard licensing files, including Random Drug Testing Program
- * Alaska Business License files
- * Federal tax statements

It should be noted that Section 402(c)(2) of the Magnuson-Stevens Act may affect the ability to require or use income tax returns as evidence of participation for purposes of limited entry qualification. The Section reads as follows:

"The Secretary may not require the submission of a Federal or State Income Tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted

to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations."

While this language does not specifically disallow the submission of tax returns on a voluntary basis, any program which creates qualification criteria for which a tax return may be the only, or most definitive, proof of participation should be considered with this provision of the Act in mind.

E.4.1.2 Permitting of vessels vs persons

Another decision associated with the moratorium alternative is whether qualification would be based on the activity of a *vessel*, as opposed to the activity of the *operator* of that vessel. Pursuant to that decision is whether the moratorium permit would be vessel specific, or person specific. If the permit is issued to a person, decisions will need to be made regarding if the owner or captain is issued the permit. The IPHC licenses vessels, and each license application lists the name of the vessel's owner and the name of the captain(s) if they are different. The application contains blanks for two captain's names and addresses.

The following example may illustrate the importance of the distinction between issuing the permit based on the person's versus the vessel's history: Hank operates the 'six-pack' vessel "Butkicker" in the charter fishery from 1990 through 1994, but then purchases a larger, more modern vessel - the "Barndoor" - in 1995. The Council chooses 1994 as the cut-off date for moratorium qualification based on a vessel's participation history. Hank's new boat does not qualify; meanwhile Ted Timing, who never fished prior to purchasing the "Butkicker" from Hank, and only used the boat to get back and forth to his remote property, finds himself with a moratorium qualified vessel and decides to go into the charter business. Hank has a new boat with no license to charter halibut. This approach was used in the Council's groundfish license limitation program. If the permit was issued to the person making the landings, then Hank would have been issued the permit to continue his charter operation. However, had Ted bought the boat with the intention of becoming a charter operator, he would be required to purchase a permit. This assumes that permits will be transferrable.

If the allocation is made to persons the issue may also become complicated. For example, Tom is the owner of a lodge that specializes in halibut charters. As the popularity of Tom's lodge grew, he hired skippers to run the charter boats for his lodge. He continued running the lodge, booking the charters, and transacting all the business dealings for the charters. He then hired five friends to use his boats to take his clients fishing. His friends basically served as Tom's captains. However, they were required to get the IPHC licenses for their specific boat and keep it in good repair. They were then paid a flat rate by Tom for each trip plus all the tips from the clients. This arrangement has worked well for all involved since 1995. The Council then decided to issue permits to the vessel's current owner. Tom receives five charter licenses and the captains must continue working for Tom or they cannot charter for halibut. If the permit was issued to the persons actually applying for and fishing the IPHC licenses, then Tom would not be issued any charter licenses for his lodge, and would need to contract with his former captains. However, his former captains would have the option of taking their permit and applying it to another lodge owner's boat who is willing to pay more.

If Tom had contracted with persons who owned their boats, he would not receive a permit under either scenario. If the people he contracted with then left his lodge to start their own business, he would need to hire other captains with their own permits or purchase permits for himself. This approach would issue permits to owners/operators, and restrict the number of vessels which may be used under that permit, but not make the permit specific to any particular vessel. Under this approach, each vessel within a given operator's fleet would still have to carry some type of proof of qualification, for enforcement purposes.

Because the IPHC licenses vessels by owner and captain, it is possible the Council would consider licensing vessel's based on a person's history. This approach would allow conflicts arising from vessel sales to be minimized. A permit would be based on a person's fishing history and not that of the vessel he currently owns,

however when he applies to the IPHC for his permit he would indicate the boat on which he will be fishing the permit. This approach issues the permit to owners/operators, and restricts the number of vessels which may be used under that permit, but does not make the permit specific to any particular vessel. Each vessel within a given operator's fleet would still be required to carry some type of proof of qualification, for enforcement purposes.

E.4.1.3 Vessel upgrades

The overwhelming majority of vessels in the charter fleet are 'sixpack' vessels which may take up to six persons per trip. The 'sixpack' designation would serve as an effective limitation relative to the issue of vessel replacement and upgrades - as long as the permits are still restricted to vessels which may carry a maximum of six passengers per trip, with each person limited to two fish. There are some vessels in the fishery which are not restricted to the 'sixpack' license, and are operated by persons with, for example, 100 ton Master's Licenses. There may be little practical value in attempting to limit upgrades by these larger vessels, assuming that they are not likely to carry more than 20 passengers per trip under any circumstances.

E.4.1.4 Transfers

Any limited entry program will require allowances for transfers of permits. The recommendation of the Halibut Charter Work Group was to allow transfers of vessels with or without the associated moratorium permit. This is similar to the way the current groundfish and crab moratorium works, and similar to how the license limitation program will work once implemented. Such transfers would be subject to the upgrade restrictions discussed in the previous section. In the case of the charter boat fishery, two types of transfers may need to be accommodated: (1) transfers in the traditional sense - from one owner/operator to another, and (2) 'temporary' transfers of the permit from one vessel to another in the event of vessel breakdowns, for example. This type of transfer would be unnecessary if the permits are owner specific, as opposed to vessel specific.

E.4.1.5 Moratorium vs Licenses

By some definitions, a moratorium is a temporary 'time-out' management measure, often used as a precursor to further management measures, including additional limited entry alternatives. In considering a moratorium on new entry to the charter fleet, the Council needs to determine the appropriate duration of the moratorium, which is at least somewhat dependent upon future management intent. A long-term, or indefinite, moratorium is in effect a license limitation program. The information in this analysis indicates that any moratorium on this industry will likely qualify many more vessels than are currently 'active', and many more than are necessary to accommodate client demand. This information supports the idea of a long-term moratorium, i.e. a license limitation program.

E.4.1.5.1 Moratorium duration

The Halibut Charter Working Group recommended that any moratorium should be as short in duration as possible, noting that the CFEC is limited to four years in terms of fishery moratoriums. A short-term moratorium may be useful in providing a time window for the Council, and other management agencies, to develop more specific management programs geared toward specific regional concerns. However, a short-term moratorium would not likely restrain growth (catch) by the charter fleet, but it may serve other management objectives such as providing a more stable business environment for the charter fleet.

E.4.1.5.2 Licenses

If the Council selects a license limitation program as the vehicle to limit entry into the guided sport fishery for halibut, then the number of licenses issued and to whom they are issued become even more critical than under a moratorium. The Council's approach under the groundfish moratorium and license programs was to be more

lenient under the moratorium, in terms of requirements to earn a moratorium permit, and then require additional qualification criteria under that license program. The addition license qualification requirement reduced the numbers of eligible vessels.

E.4.2 Conclusions

1. Information from ADF&G Sport Fish Division and charter associations indicates anywhere from 450 to 600 'active' charter vessels (in 1994) with at least 200 of those operating 'full-time'. These estimates are consistent with the ISER estimate of 513 active halibut charter operators.
2. The estimated number of vessels that participated in the guided halibut fishery was 1,117 in 1996 based on a match of IPHC license holders and ADF&G guide license holders. The total number licensed for charter halibut fishing (IPHC license holders) was 1,998 in 1996.
3. Other forms of evidence of participation may be appropriate, such as Coast Guard licenses and Alaska Business Licenses.
4. Although the total harvest capacity of the fleet (the total number of halibut clients per season) is difficult to estimate, the currently licensed fleet has a harvest capacity several times the current harvest level, and even the currently active fleet is probably not operating at its maximum capacity. The presence of excess harvest capacity reduces the effectiveness of a moratorium and the ability to predict a moratorium's effect on the allocation of the harvest.
5. Client demand may be the more effective limiting factor on growth in this industry sector than a moratorium, or a moratorium and quota limit, depending on where the limit is set.
6. A moratorium would likely help promote economic stability for existing charter operators, particularly in areas where dramatic increases in participation have occurred recently. However, the issue of who receives the permit will also play an important role in determining future stability.
7. Economic impacts of a moratorium on the charter fleet are estimated based on the number of current license holders, the number of estimated current participants in the guided fishery, and the number of estimated active operations. For current license holders and current participants a moratorium does not constrain the guided harvest for several years, even assuming no increase in harvest capacity above that of the currently active fleet.
8. Granting permits to the 'appropriate' recipients, and avoiding disruptions to individual business operations, will require particular attention to the choices of qualification criteria.
9. A moratorium could be constraining on the guided sport harvest, under some scenarios, assuming that capacity utilization does not change. This could result in some gains to the commercial sector. Because a moratorium alone does not set aside a fixed portion of the exploitable yield for the guided fleet, there may be less down side risk to the commercial sector, when compared to a liberal cap allocation, particularly in the short term.
10. Unlike a quota, a moratorium does not leave unharvested halibut due to the inability of the charter fleet from taking more than their clients demand. Thus, the net economic impact and the net economic benefits will always be as large or larger for a given harvest allocation with a moratorium compared to a quota. In the near term, a general moratorium would not create the losses to the commercial sector which would occur with a cap (in the near term).

11. A moratorium is likely to result in more stability in the guided charter industry since it favors full time operations compared to a quota which may concentrate the guided sport harvest and increase the proportion of operations that are part time. For this reason as well, a moratorium is more likely to result in a rise in the price of a guided charter than is a quota for a given harvest allocation.

E.5 CONSISTENCY WITH PROBLEM STATEMENT

The first two specific problems, and the fourth, listed in the Council's Problem Statement are related in nature and read as follows:

1. Pressure by charter operations, lodges and outfitters may be contributing to localized depletion in several areas.
2. The recent growth of charter operations, lodges, and outfitters may be contributing to overcrowding of productive grounds and declining catches for historic sport and subsistence fishermen in some areas.
4. In some areas, community stability may be affected as traditional sport, subsistence, and commercial fishermen are displaced by charter operators, lodges, and outfitters. The uncertainty associated with the present situation and the conflict that are occurring between the various user groups may also be impacting community stability.

These problems are related in that they all refer to specific, localized resource use conflicts. While continued status quo will not alleviate these problems, and could exacerbate these problems, the other alternatives under consideration likewise do not appear to be able to directly address these localized issues. Given current growth rates in the guided halibut fishery, combined with current halibut biomass estimates, a cap on the catch by this sector will not address these types of problems, which are occurring under the existing catch levels by the charter fishery. A moratorium on further entry, even at the regional level, would not alleviate these problems either, given the likelihood that as many, or more, vessels would likely qualify than are currently contributing to the problems. A system of record keeping and reporting requirements could provide a better basis of information upon which to build management alternatives which could address these issues. Likewise, reporting requirements would directly address Problems 5 and 6 from the Problem Statement, which refer to the lack of data on catch and composition of the charter industry.

Problem number 3 specifically refers to the resource allocation issue between guided sport and commercial user groups:

3. As there is currently no limit on the annual harvest of halibut by charter operations, lodges, and outfitters, 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.

Continued status quo will not address this problem and will likely result in an increased reallocation from the commercial fishery, in terms of the commercial sector's percentage of the overall harvest. Likewise, a moratorium, other than a very restrictive and perhaps impractical one, would not be expected to address this problem either. More vessels would be permitted than currently are active, marginally active participants could increase their level of activity, and inactive participants could transfer their permits to vessels which would become active participants.

The alternative to cap the guided charter fleet at some percentage of the overall quota would appear to be the most direct and effective alternative to address this problem. While this alternative would limit the percentage of the

quota taken by the charter fleet, it would not likely affect the overall poundage taken by the commercial fishery, given current biomass and quota levels of the halibut resource, except in the later years of the projections within this analysis. At lower extremes of the options (for example, cap the charter fleet at 105% of its 1994 catch) this alternative would be effective in addressing the problem of reallocation from the commercial to the charter fleet. Economic trade-offs and impacts of this alternative are discussed in a previous section.

However, some less obvious, and perhaps counter-intuitive, impacts to the commercial fishery could occur under this alternative, particularly if the charter fleet is capped at the upper end of the range of options (so at 140% of their 1995 catch). For example, if an explicit allocation is made at the beginning of each year, and the amount allocated to the charter fleet is less than what they will actually take that year, then the uncaught halibut represent a loss to the commercial fleet relative to what would have been allocated to them under the status quo. Under this scenario, while the percentage of the quota going to the commercial fleet cannot be further eroded, the actual poundage taken by the commercial fleet could be reduced relative to the status quo.

In summary, while one of the alternatives in this analysis may be able to address the issue of 'open-ended reallocation', none of the alternatives addresses the more localized issues related to depletion and conflict. A moratorium, even on a regional basis and even if it limits the catch by the charter sector, would not be expected to address the localized resource conflict issues.

E.6 ENVIRONMENTAL ASSESSMENT - NEPA CONSIDERATIONS

An Environmental Assessment (EA) is required by the National Environmental Policy Act of 1969 (NEPA) to determine whether the action considered will significantly impact the human environment. An Environmental Impact Study (EIS) must be prepared if the proposed action may reasonably be expected to: (1) jeopardize the productive capability of the target resource species or any related stocks that may be affected by the action; (2) allow substantial damage to the ocean and coastal habitats; (3) have a substantial adverse impact on public health or safety; (4) affect adversely an endangered or threatened species or a marine mammal population; or, (5) result in cumulative effects that could have a substantial adverse effect on the target resource species or any related stocks that may be affected by the action. An EA is sufficient as the environmental assessment document if the action is found to have no significant impact (FONSI) on the human environment.

Except for the issues of localized depletion, the alternatives in this document address resource allocation issues. Regardless of the percentage of the halibut quota taken by each sector, or how many charter vessels take the guided sport catch, no adverse impacts to the halibut resource or the benthic environment would be expected. While there may be biological concerns associated with localized depletion of halibut stocks, the charter sector may not be the only contributor to localized depletions. Further, the alternatives do not appear to solve the issue of localized depletions and user conflicts. In summary, none of the alternatives would be expected to have a significant impact on the environment, warranting a Finding of No Significant Impact (FONSI).

E.7 REGULATORY IMPACT REVIEW AND SUMMARY OF ECONOMIC IMPACTS - EO 12866

Under the requirements of Executive Order 12866, this document evaluates the potential economic impacts of the proposed actions. E.O. 12866 recognizes that some of the costs and benefits associated with proposed actions are unquantifiable. This is the case with the alternatives under consideration herein; however, as described in Chapter 4 and 6, none of the proposed alternatives will differ *significantly* from the status quo in terms of net benefits to the Nation. None of the proposed actions would have an annual effect on the economy of more than \$100 million, nor would they trigger any other provisions of the Order which would invoke a finding of 'economic significance.'

E.8 EO 12962 - RECREATIONAL FISHERIES CONSIDERATIONS

Executive Order 12962, signed by President Clinton on June 7, 1995, is designed to promote recreational fishing opportunities in U.S. fisheries. While some would define the charter industry as a commercial fishery, the clients aboard those vessels are recreational fishermen. E.O. 12962 speaks most directly to the "conservation, restoration, and enhancement of aquatic systems to provide for increased recreational fishing opportunities nationwide..." as opposed to the issue of allocation of limited fisheries resources between recreational and commercial anglers. In that sense, the proposed actions in this amendment package would not adversely impact the aquatic systems which support recreational fisheries, though localized depletions, regardless of the cause, could restrict fishing opportunities for all users, including non-guided sport anglers.

In addition to the primary focus on aquatic systems, E.O. 12962 does require consideration of the following two mandates:

1. Providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishing opportunities.
2. Evaluating the effects of Federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and documenting those effects relative to the purpose of this Order.

This document contains a detailed description of the projected effects of the management alternatives, where they are quantifiable. The alternative of capping the charter fleet, and potentially curtailing the fishing season, could be construed as inconsistent with "providing access to recreational fishing opportunities," to the extent that those persons who are denied access to a chartered halibut trip have no other way of accessing this particular fishery. For non-resident visitors to Alaska, and for residents who do not own their own boat, this may be a realistic concern. The alternative to allow purchase/lease of IFQs may mitigate this concern to some extent, though that alternative may make charter trips economically infeasible for both the charter operator and the client.

The Order establishes a National Recreational Fisheries Coordination Council, which is tasked with development of a Recreational Fishery Resources Conservation Plan. A copy of this Plan is included as Appendix 7-A to this document. That Plan reflects, as was noted earlier, that the primary impetus of the Order is to "conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide," recognizing the important economic and social benefits of the recreational fishing experience. References to increasing fishing access are made primarily in the context of the *physical* requirements necessary to accommodate fishing activities, and through public outreach and education programs.

Appendix 7-B contains the DRAFT National Marine Fisheries Service (NMFS)-Specific Plan to meet the goals and objectives of the Recreational Fishery Resources Conservation Plan. This plan further illustrates the emphasis of the Order relative to aquatic systems integrity and preservation of individual fish stocks. The issue of enhancing fishing opportunities is couched, again, in the context of physical improvements, including expansion of opportunities for young persons, the elderly, and the physically challenged. The issue of fisheries allocations between commercial and recreational sectors is not mentioned (in either the Order or the Plan), and the Plan does not appear to mitigate the authority for allocational decisions at the Regional Council level.

Another issue which is specifically outlined in the Plan's implementation is "the development of quantitative economic and social information on recreational fisheries, and based on this credible scientific data, development of effective models to be used by NMFS to ascertain the economic and social impacts of fishery management decisions on the recreational community." The information compiled within this EA/RIR/IRFA is an important first step in developing those assessment models, and in fact goes a long ways towards assessing the impacts of the specific action(s) being contemplated with regard to the guided halibut sport fisheries off Alaska. Alternatives for additional reporting requirements would serve to advance the goals of this Executive Order.

E.9 COASTAL ZONE MANAGEMENT ACT

The alternatives in this amendment appear to be consistent with the provisions of the 1972 Coastal Zone Management Act (CZMA), to the maximum extent practicable, and would not conflict with State of Alaska laws or regulations. Notwithstanding this determination, considerable cooperation and coordination with the State of Alaska may be required to fully implement the requirements of the alternatives being considered. The nature and level of this coordination will be determined subsequent to a Council decision on the Preferred Alternative.

E.10 Halibut Act Requirements

The North Pacific Halibut Act of 1982 governs the promulgation of regulations for managing the halibut fisheries, in both State and Federal waters. The language in the Halibut Act regarding the authorities of the Secretary of Commerce and the Regional Fishery Management Councils is excerpted below:

'The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the U.S. portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the U.S., or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in Section 303(b)(6) of the Magnuson Act. If it becomes necessary to allocate or assign halibut fishing privileges among various U.S. fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges...'

From the language in the Halibut Act, it is clear that while the jurisdictional authority for limited access, and other allocational measures, resides within the provisions of the Halibut Act, consideration of those types of measures is subject to many of the same criteria described under the Magnuson Act. In particular, the 303(b)(6) provisions of the Magnuson Act are directly referenced. Therefore, the following sections are included and discuss the consistency of the proposed alternatives relative to the provisions of the Magnuson Act and other applicable laws.

E.10.1 National Standards

Below are the 10 National Standards as contained in the Magnuson-Stevens Act (Act), and a brief discussion of the consistency of the proposed alternatives with those National Standards, where applicable.

National Standard 1 - Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery

None of the alternatives would inhibit the prevention of overfishing. A cap on the charter fishery could result in foregone harvests of the halibut resource, relative to the status quo, if the charter fleet does not harvest the full amount of its allocation. This is because, under the status quo, the commercial fleet would have been allocated an amount of halibut resulting in full harvest of the overall quota. However, the amount of this potentially unharvested fish, under any alternative, would likely be minimal, representing less than 5% of the overall quota. This is similar to the amount which currently goes unharvested under the commercial IFQ fishery, and the 'loss' of this fish to harvest may be more than offset by other management concerns, including considerations under National Standard 8.

National Standard 2 - Conservation and management measures shall be based upon the best scientific information available.

While information on the charter boat industry is less definitive than for most commercial fisheries management considerations, considerable effort and expense has been applied to analyses of the alternatives in this document. The results of the contract work by ISER comprise the most definitive information available on the composition and characteristics of the guided sport halibut fishery.

National Standard 3- To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

The Pacific halibut stock is considered by the IPHC to be a single stock in the North Pacific, though with significant migratory patterns and shifts in distribution, both within years and across years. Alternatives within this document include measures which would manage halibut stocks by more finite areas (ADF&G Zones for example) than they are currently managed under. However, the portion of the stocks managed by the more finite zones would likely be only the relatively small percentage taken by the guided sport fishery. Additionally, these more finite management alternatives are considered necessary to realize other, non-biological management objectives, including the prevention of localized depletions and allocations between ports within the ADF&G management zones.

National Standard 4 - Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation shall be (A) fair and equitable to all such fishermen, (B) reasonably calculated to promote conservation, and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The only aspect of the proposed alternatives which could differentially affect residents by state would be a cap on the charter boat fleet which curtails their season. This would be an indirect effect in that, if charters are unavailable in the latter part of the season, visitors from out of State would be disproportionately affected - while resident anglers would also be precluded from a charter trip, they would have a much higher likelihood of making other arrangements for halibut fishing, or taking their trip earlier in the season. None of the alternatives would allocate disproportionate fishing privileges - a moratorium alone would define who could participate, but would not affect the degree to which any charter operator could fish.

National Standard 5 - Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources, except that no such measure shall have economic allocation as its sole purpose.

While economic allocation, between commercial and guided sport fisheries, is a potential consequence of the alternatives, various other considerations are identified in the Problem Statement and are considered in the analyses (see National Standard 8, for example).

National Standard 6 - Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The proposed alternatives are structured to, among other objectives, accomplish what is implied by National Standard 6. Under the existing management structure, any reductions in the overall halibut quota available are at the expense of the commercial fleet, because projected catch by the charter fleet is taken off the top prior to setting the commercial quotas. A system of percentage allocations between the charter fleet and the commercial fleet would provide a more fair and equitable basis for distributing the quota when there are natural fluctuations

in the biomass. A moratorium has the potential to create a similar stability between sectors, as well as enhance stability within the charter fleet when these fluctuations occur.

National Standard 7 - Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Imposing either reporting requirements, a moratorium, a cap on the catch by the guided sport fishery, or any combination of those would increase costs of management relative to the status quo. Reporting requirements would impose minimal costs to the fleet, but would create additional costs to the agency for compiling and processing the information from those reports. A moratorium would likely impose the greatest costs to management agencies, with additional staff being required to administer the applications and appeals process. Subsequent enforcement of the moratorium could impose additional costs to the agency. The proposed cap on the catch by the charter fleet would impose significant cost, but only if the cap was effected through in-season monitoring of catch, as opposed to simply setting the season length at the beginning of the year.

National Standard 8 - Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

The alternatives within this analysis are specifically proposed to, among other things, deal with issues relating to community stability. For example, one of the primary problems identified is the open-ended reallocation from commercial to guided sport fishing, and the attendant potential impacts to coastal communities which rely on the halibut fishery. This is complicated by the fact that the charter fleet, in most cases, is based in those same communities, and stability for the community as a whole is based on trade-offs between those two sectors within the community. An explicit division of the quotas, as well as a moratorium on further entry into the charter fishery, has the potential to enhance overall community stability by defining the expectations of all users of the halibut resource. Overall economic activity within communities may be more of a trade-off between sectors within the community, though one sector may contribute more economic activity per fish than the other. This is discussed in previous sections of the document.

National Standard 9 - Conservation and management measures shall, to the extent practicable, (A) minimize bycatch, and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

Not applicable to this issue.

National Standard 10 - Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

Not applicable to this issue.

E.10.2 Section 303(a)(9) - Fisheries Impact Statement

This section of the Magnuson-Stevens Act requires that any management measure submitted by the Council take into account potential impacts on the participants in the fisheries, as well as participants in adjacent fisheries. The impacts of a cap on the charter fleet catch have been discussed in previous sections of this document. That alternative is projected, depending on what percentage is adopted and on future halibut quotas, to adversely impact operators within the charter fleet by curtailing their operating season, and reducing the number of trips, and income, they are able to generate. Not imposing a cap has the potential to create negative impacts to the

participants in the commercial halibut fishery, as a greater percentage of the overall halibut quotas goes to the guided sport fishery over time.

A moratorium on further entry could positively impact participants in the guided sport fishery by reducing potential competition and providing a more stable operating environment. Depending on the qualification criteria chosen by the Council, however, some participants, or potential participants, might be excluded from the fishery with obvious negative impacts to their operations. The choice of participation criteria will be a very critical issue in the Council's consideration of the moratorium.

Less obvious impacts could accrue to participants in 'adjacent' fisheries from either the cap or the moratorium alternative. As more and more fisheries, both in Alaska and nationwide, become subject to limited entry management measures, existing and potential fishermen have fewer and fewer options upon which to apply their existing or planned investments. Potential entrants into the charter fishery, from in-state and out-of-state, will have to turn to other, perhaps overcrowded, fisheries, or pursue other lifestyles. Perhaps the most immediate and significant impact of either the moratorium or the cap alternative would be to concentrate effort in other guided sport fisheries in Alaska, such as salmon. The cap alternative may not create as significant an impact, since salmon fisheries occur earlier in the summer anyway, and the cap would only curtail halibut fishing in the later months of summer. A moratorium on further entry into the halibut charter fishery would leave potential new guides, lodges, and outfitters nowhere to participate other than the salmon, rockfish, and lingcod fisheries.

E.10.3 Section 303(b)(6) - Limited Entry Requirements

Under Section 303 (b)(6) of the Magnuson Act, the Council and SOC are required to take into account the following factors when developing a limited access system: (A) present participation in the fisheries, (B) historical fishing practices in, and dependence on, the fisheries, (C) the economics of the fisheries, (D) the capability of fishing vessels used in the fisheries to engage in other fisheries, (E) the cultural and social framework of the fisheries, and (F) any other relevant considerations.

In considering a proposed limited entry program for the charter fleet, the Council contracted with ISER to provide the heretofore lacking information on the structure, dynamics, and economics of that industry sector. The information in Chapters 3 and 4, and in the associated Appendices to this document, have been compiled specifically to assist the Council in this decision making process. These sections contain information specifically relevant to the items (A-F) described above.

E.11 INITIAL REGULATORY FLEXIBILITY ANALYSIS (IRFA)

The objective of the Regulatory Flexibility Act (RFA) is to require consideration of the capacity of those affected by regulations to bear the direct and indirect costs of regulation. Particularly, the RFA speaks to regulations which create economic disparities between different sized entities, with the intent of reducing relative burdens to small entities. Specifically, the revised RFA describes a process for *minimizing* the significant economic impacts (presumably adverse) to small entities. Under the RFA, if an action will have a significant impact on a substantial number of small entities, an Initial Regulatory Flexibility Analysis (IRFA) must be prepared to identify the need for the action, alternatives, potential costs and benefits of the action, the distribution of those impacts, and a determination of net benefits. A Finding of No Significant Impact (FONSI) must be supported by a similar level of analyses; i.e., evidence that there is not a significant impact to a substantial number of small entities.

NMFS has defined all fish harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of \$2 million as small businesses. In addition, seafood processors with 500 or fewer employees, wholesale industry members with 100 or fewer employees, not-for-profit enterprises, and government jurisdictions with a population of 50,000 or less are

considered small entities. A 'substantial' number of small entities would generally be 20% or more of the total universe of small entities affected by a regulation. A regulation would have a 'significant' impact on these small entities if it reduced annual gross revenues by more than 5%, or resulted in compliance costs that are at least 10% higher than compliance costs as a percent of sales for large entities.

If an action is determined to significantly affect a substantial number of small entities, the analysis must include:

- (1) A description and estimate of the number of small entities and the total number of small entities in a particular affected sector, and the total number of small entities affected.
- (2) Analysis of economic impacts on small entities, including direct and indirect compliance costs, paperwork and recordkeeping burdens, effects on competitive positions of small entities, effect on the small entities' cash flow and liquidity, and the ability of small entities to remain in the market.

Chapter 3 of this document, and the associated Appendices, provide as detailed a description of the guided halibut sport fishery (charter boat fleet) as is available. The numbers of participants in this fishery in recent years ranges from 1,000 to 2,000 with as many as half of those 'actively' participating in the fishery. All would be defined as small entities. Several of the alternatives under consideration by the Council would, or could, be expected to have a 'significant' impact on a 'substantial' number of these small entities. These impacts are discussed in detail in Chapter 4 of the document. Other small entities which may be affected by the proposed alternative include vessels participating in the commercial halibut fisheries - projected impacts to these vessels are detailed in Chapter 6 of this document. A summary of the relevant impacts is provided below.

E.11.1 Recordkeeping requirements

This alternative may be implemented alone or in conjunction with other alternative such as a moratorium or cap on the guided sport halibut harvest. In and of itself, the proposed recordkeeping and reporting requirements would not likely represent a 'significant' economic burden on the small entities operating in this fishery, but is mentioned here because it would constitute an additional administrative burden relative to the status quo. Licensing and reporting requirements currently proposed by the State of Alaska would not fall under the auspices of the Regulatory Flexibility Act, and may, in any case, negate the need for additional requirements at the federal level.

E.11.2 Limit the amount of halibut taken by the guided halibut fishery

As discussed previously in this document, this alternative does have the potential to curtail the fishing seasons for all operators statewide, or in specific regions for which a cap may be imposed. Potential magnitudes of these impacts vary across the options under consideration, but many have the potential to result in significant, and adverse, economic impacts to the small charter operators, lodges, and outfitters across Alaska. Conversely, not imposing a cap on the charter fleet could erode the harvest share available to commercial halibut fishermen, most of whom are also small entities. However, based on projections of growth of the charter fleet and recent halibut biomass increases, the poundage of halibut available to the commercial fleet is not likely to change in the foreseeable future, relative to the status quo situation. Therefore, economic impacts to the commercial operators are not likely to be 'significant'. Because charter operations are directly dependent upon number of trips, as opposed to total amount of fish available for harvest, a premature season closure for the charter fleet would represent a disproportionately adverse economic burden.

One option considered in this analysis is to allow charter operators to purchase or lease IFQ from the existing commercial fleet to prolong their fishing season in the event of an early closure imposed by a cap. While this option might allow for continued fishing trips by the charter fleet (assuming they are able to find IFQ available in the desired amounts), it may make continued fishing economically unviable. At a minimum, the continued

C-4a

DRAFT
HALIBUT FISHERIES
ADF & G & B of F COMMITTEE POSITION

1) Utilize the Council/Board partnership to facilitate the development of local area management plans for the marine fisheries that occur in the vicinity of the coastal communities of Alaska (e.g., See Sitka plan).

2) Adopt the Sitka area plan at this meeting.

3) Refer other sport halibut issues and the issues relating to the halibut fisheries that occur in the immediate vicinity of the coastal communities to the joint Council/Board committee. The idea being to develop local area management plans similar to the Sitka plan. This is an appropriate referral because of the impacts that these halibut fisheries (federally managed) have on state managed fisheries (See Protocol). Any local area management plans would be reviewed by the B of F, but final approval is reserved to the Council.

4) Reporting: Adopt an information gathering system thru the joint Council/Board committee. The B of F has comprehensive proposals before it for its Feb., 1998 meeting requiring reporting by charter operators for species other than halibut. These proposals could be submitted to the joint committee for review and discussion. Adding halibut should be easy.

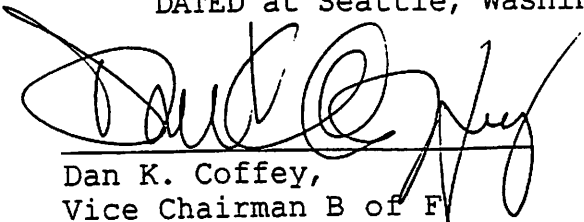
5) Do not adopt a moratorium on participants in the charter fishery. Refer this issue to the joint Council/Board committee.

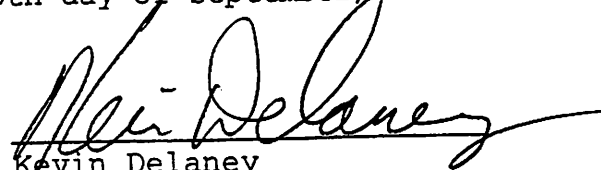
6) Do not adopt caps or in season management strategies for halibut. Refer this issue to the joint Council/Board committee.

ADF & G is willing to take on these additional reporting and staffing responsibilities.

The committee of the B of F which is charged with responsibility to interface with the Council will strongly recommend to the full Board that it undertake this responsibility at its meeting in October, 1997 in Girdwood.

DATED at Seattle, Washington this 25th day of September, 1997.


Dan K. Coffey,
Vice Chairman B of F


Kevin Delaney
Director, Sport Fish

COMMENTS RECEIVED ON HALIBUT CHARTERBOAT MANAGEMENT

Cap'n Patty Charters

Fishing, Sightseeing and Hunting in Beautiful Prince William Sound

Winter:

○ Box 55122
North Pole, AK 99705
Phone & Fax (907) 488-2757



Summer:

PO Box 3667
Valdez, AK 99686
Phone & Fax (907) 835-2133

12 Sept 1997

TO: North Pacific Fisheries Management Council

SUBJ: Management Proposals for the Charter Boat Industry in Alaska

1. First and foremost, let us state that we do not like any of the proposals under consideration by the council as we are not commercial fishermen and neither are the people who fish with us. We do not (and cannot) sell fish, we only sell transportation to and from the fishing grounds to people who otherwise could not reach them. As we are not commercial fishermen we do not feel we should fall under the control of a commercial fisheries board. However, we do realize that the council is going to put controls on us, so here is our response to the proposals.

2. As stated throughout the proposals, your figures are estimates and the actual figures of catch and dollars generated/expended may be higher or lower than your estimates. We feel that implementing reporting requirements would be the best method of beginning control of the guided fleet as this would give you hard figures needed to determine if there is even a reason to limit the number of guided sportfishing boats. Adding a moratorium would help keep the cost of this option down by limiting the number of vessels monitored at the 1997 level.

3. A moratorium would limit the number of legitimate charter businesses, and should be identified as a business, not by specific vessel or captain. This would allow the business to expand or sell, as the owners see fit.

4. A Cap on the TAC, with the option to purchase or lease an IFQ would be an expense that many small, family owned, single boat businesses like ourselves could not absorb. The Alaska Fisherman's Journal, Sept 1997, lists the price of Halibut IFQ's at between \$10 & \$12 a pound. With the average sport caught halibut in Alaska weighing 16 lbs, the cost per customer would have to increase \$64 per trip to pay for the IFQ in five years. ($16 \text{ lbs} \times \$10 \times 2(\text{sport limit}) / 5(\text{years to pay for itself})$). This would increase the cost of a seat on a charter to approximately \$200, and we don't feel the market can bear this type of an increase.

5. In conclusion, we feel implementing reporting procedures, in conjunction with a moratorium would be the best way to regulate the charter fishing industry.


Mike & Patty Wing
Owners/Operators, Cap'n Patty Charters

Come Out and Experience the Sound

DAVID HILLSTRAND
 Box 1500
 HOMER, ALASKA 99603 (907) 235-8706

NPFMC - RICHARD B. LAUBER: CHAIRMAN
 AGENDA ITEM: C-4 HALIBUT ISSUES

A PERMANENT PLAN SHOULD BE IMPLEMENTED; SUCH AS LIMITED ENTRY. THE MORATORIUM PLAN WITH QUALIFYING CRITERIA IS IN ESSENCE A LIMITED ENTRY PLAN. THIS WILL ALLOW THE NPFMC AND THE INDUSTRY TO PUT THIS STEP BEHIND, AND PROCEED TOWARDS FURTHER PLANS.

QUALIFYING CRITERIA

1. AREA SPECIFIC; ZONES
2. DATE; PARTICIPATION AS A LICENSED GUIDE ON OR BEFORE APRIL 15th, 1997 ONLY GOING BACK TO 1994, 1995, 1996
3. LICENSES
 - A. IDHC HALIBUT SPORT CHARTER LICENSE
 - B. CFEC VESSEL LICENSE INDICATING ADF+G VESSEL NUMBER
 - C. ADF+G SALTWATER VESSEL REGISTRATION
 - D. ADF+G FISHING GUIDE REGISTRATION
 - E. ALASKA BUSINESS LICENSE
 - F. USCG MASTER OF OPERATION LICENSE TIED INTO COPAK OR 100 TON MASTER

OTHER PROVISIONS 1, 2 + 3

REFERRED 1. ALL SIX OF THE CRITERIA HAVE TO BE MET IN ONE OF THE FOUR YEARS TO QUALIFY FOR A LIMITED ENTRY PERMIT TO FISH HALIBUT IN A SPECIFIC ZONE. THIS COULD ONLY HAPPEN IN 1995 + 1996.

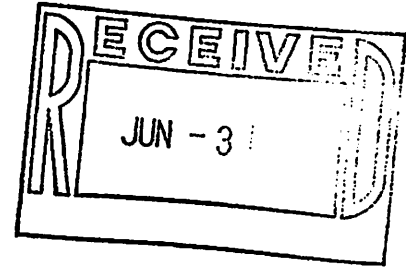
2. OR FOUR OF THE SIX CRITERIA HAVE TO BE MET IN TWO OF THE FOUR YEARS TO QUALIFY FOR A LIMITED ENTRY PERMIT TO FISH HALIBUT IN A SPECIFIC ZONE. THIS WOULD SHOW EVERYTHING BUT ADF+G GUIDE + SALTWATER REGISTRATION.

KONIAG, INC.

4300 B Street, Suite 407, Anchorage, AK 99503

907-561-2668 • 1-800-327-7649 • Fax 907-562-5258 •

May 29, 1997



Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501

RE: Guided Halibut Sport Fish Regulations

Dear Chairman Lauber;

Koniag, Inc. is a member of the Alutiiq President's Association. The Alutiiq Presidents Association is a consortium of the Kodiak Island ANSCA native corporations. Most of the residents of the six rural communities around Kodiak Island are shareholders in our corporations. Consequently, the vitality of these communities has long been our concern. Over the past several years we have become increasingly alarmed by the loss of fishing opportunities for Kodiak's rural residents. In 1973, when the State of Alaska implemented limited entry for salmon fishing, virtually all of the residents in our rural villages were fishermen. During the intervening years, salmon entry permits left our villages, king crab, shrimp and tanner crab fisheries collapsed and federal moratoriums were imposed for groundfish. Now, the Council is considering limitations on guided sport halibut fishermen. Kodiak's rural communities are in peril as fewer and fewer residents are allowed to make their living from the sea.

The council's revised analysis of guided halibut sport proposed management alternatives and public testimony at the Council meetings indicates some problems in the charter halibut fishery which the council may need to address. These problems, however, have not incurred in the Kodiak Management Area. Nevertheless, we are concerned that many of the Council's proposed management alternatives will impact the Kodiak area and effect residents of the rural communities.

Our primary concern is with the Council's discussion of a cut-off date and subsequent implementation of a halibut charter sportfishing moratorium. Most of the Council's April meeting comments regarding a moratorium in the halibut charter fishery seemed to assume that the cut off dates and the moratorium would be applied statewide with the same moratorium qualifying criteria for all areas. Such an approach would be over-inclusive for some areas and under-inclusive for many developing communities.

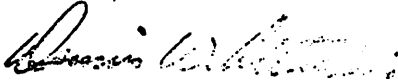
Richard Lauber Letter
May 28, 1997
Page 2

Koniag, Inc strongly suggest that the Council look to individual ADF&G salmon management areas across Alaska and work with the interested parties in each area to create area specific cut-off dates and unique moratorium qualifying criteria—assuming that a moratorium is needed in the individual area.

On the other hand, if the Council is unwilling to work with the distinct management areas to develop moratoriums and is compelled to act on a state wide basis, we believe that Kodiak's facts require the Council to implement some mechanism to preserve charter halibut fishing as an economic opportunity for our rural communities. In the Kodiak area, the vast majority of halibut charter sport fishermen are resident in the town of Kodiak. Charter halibut fishing, as well as tourism in general, is just beginning to develop in communities like Old Harbor, Ouzinkie and Port Lions. To the degree that there is a need to limit halibut sportfishing guides, the need exist in and around Kodiak — not the rural communities. ANY potential cutoff date and subsequent moratorium may severely restrict tourism development for Kodiak's villages and further prevent a seafaring people from earning their living from the ocean.

With this in mind, Koniag, Inc submits the above proposal for the Council's consideration. The proposal addresses the needs of Kodiak's rural communities while, at the same time, accommodating a limitation to the guided halibut sport fishery. Thank you in advance for your consideration of our proposal.

Sincerely,
KONIAG, INC.



Dennis Metrokin
President

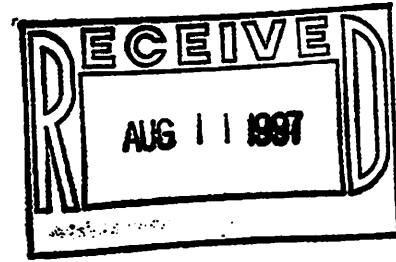
cc: Senator Ted Stevens
Senator Frank Murkowski
Representative Don Young
Governor Tony Knowles
Senator Jerry Mackie
Representative Alan Austerman
Alutiiq Presidents Association Members
Duncan Fields



CIE JAE CHARTERS
P.O. BOX 170, YAKUTAT ALASKA 99689 (907)784-3544

August 8, 1997

North Pacific Fisheries Management Council
605 W. 4th. Ave. #306
Anchorage, AK. 99501



Sirs:

We bought an existing halibut charter business in Homer in the spring of 1990. We are still full time charter operators in Yakutat and have been watching the management council's deliberations of manipulating the sport charter fisheries the past several years. Your decision in September will affect our, at best marginal, income as well as many others who have been in this business for a number of years.

I am against any excessive reporting requirements as I was a commercial halibut fisherman under the I.F.Q. program as well as before that time. The reporting requirements for that have become stifling and I do not want to see it happen to the sport fleet.

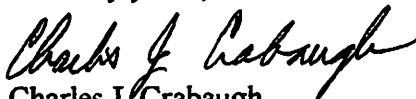
I would also be opposed to any kind of further cap on number of poles fished from a boat. The Coast Guard limits number of passengers carried for hire on all boats and any further limitation by other authorities such as the 6 line rule in south east is intrusive, not necessary, and offensive.

There is definitely an over abundance of sport and charter vessels in some towns and the situation needs to be addressed and should have been taken care of several years ago. Homer/Deep Creek is a good example, though not the only one where the fishing pressure has depleted the halibut for many miles around the home base of the vessels participating.

I would urge the council to initiate a moratorium on vessel participation and to use the September 1993 control date that was established. Use the qualifications set forth on page E-11 of the analysis document published by the council. The permits should be issued to the vessel owners as they are the ones who actually were in the sport charter business and took the chances inherent in any business. The number of charters run by the vessel should be at least 12 per year or more to eliminate those who just dabble at it. This moratorium should be implemented due to over fishing in very small specific areas and not be misconstrued to an over fishing of the overall biomass.

I would ask the council to further consider establishing exclusion zones around all coastal areas that have charter and/or sport fishing activities. These exclusion zones should keep all commercial activities outside a sufficient distance from harbors to avoid over fishing of the resources in these areas leaving the halibut in close for the sport and charter vessels due to their limited time on the grounds and safety of their guests.

Sincerely yours,



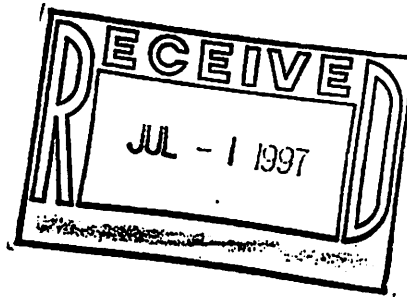
Charles J. Crabaugh
Cie Jae Charters

El Capitan Lodge

FISHING • KAYAKING • SIGHTSEEING

27 June 1997

Rick Lauber
National Pacific Fisheries Management Council
605 W. 4th Avenue
Suite 306
Anchorage, AK 99501-2252



Dear Mr. Lauber and members of the Council,

My family has been in the sport fishing lodge business in Alaska for the past twenty-seven years. The past ten years we have operated a lodge we built at Sarkar Cove on Prince of Wales Island. Here we have always used four boats. We could afford to purchase two boats and we have been leasing the other two. Finally, this summer we were able to purchase the two additional boats our operation needs.

Recently we have heard that the Halibut Commission may not allow our new boats to fish for halibut because we did not own them prior to 1996. However, we always used two leased boats. With the new smaller bag limit for king salmon that took effect this June, we must be able to offer our guests halibut fishing or fishermen will not book into our lodge. In reality, without four boats which can fish halibut, we will be forced out of business.

A fishing lodge is very different from a charter boat operation. A charter boat can easily be sold or can operate from a different area. A fishing lodge has much higher overhead expenses and must continue operating in the same area. Our lodge cannot succeed without four boats that can fish halibut.

Should there be a limit on halibut permits? Yes! But the Commission should look closely at lodges that have been in operation prior to 1996. If they can prove they have used a certain number of boats in the past - whether owned or leased - the lodge should be allowed the opportunity to receive a halibut permit for the number of boats needed.

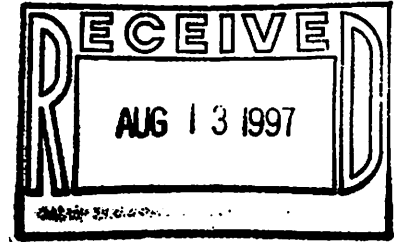
Please include provisions in your halibut regulations for lodges to have permits for the number of boats used prior to 1996 whether they were owned or leased. Our business cannot survive if we only receive permits for the two boats we could afford to own prior to 1996.

Thank you for carefully considering this request. I would be happy to discuss this great concern with you in person or on the phone if you wish.

Sincerely,

Scott Van Valin
El Capitan Lodge, V.P.

**BRISTOL CHARTERS
P.O. BOX 2346
VALDEZ, ALASKA 99686
(907) 835-3474**



**North Pacific Fishery Management Council
605 W. 4th Avenue #306
Anchorage, Alaska 99501**

August 11, 1997

To whom it may concern,

I am the owner of a charter company in Valdez Alaska. I have received an alert message from the Alaska Sportfish council concerning the NPFMC's proposed management actions for the Halibut sport fishery. I would like to let the NPFMC know that I am in favor of all the below listed recommendations from the council; furthermore, I have also listed my own personal recommendations for the council.

NPFMC RECOMMENDATION

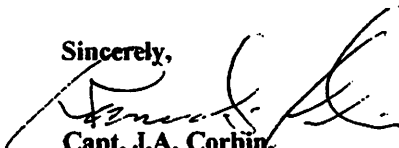
- 1) Implement reporting requirements..... YES**
- 2) Cap the amount of Halibut Guided Anglers can take..... YES**
- 3) Impose a moratorium on new entries into the charter boat fleet..... YES**

MY PERSONAL RECOMMENDATIONS

- 1) Minimum size requirements (32 inch)**
- 2) Brood stock size fish release requirements or some sort of limit imposed for the taking of brood stock size fish (Sport and Commercial Fisheries) , like that of Sturgon brood stock.**
- 3) Make recommendations to port cities in Alaska to change their "Halibut Derbies" to something other than the largest Halibut. Maybe a tagged fish tournament or some sort of tournament that is not targeting our brood stock fish. The port communities will still draw people to their cities for fishing and not devastate the Halibut stock in the process.**

I am far more interested in maintaining a healthy, stable fishery, than depleating the stock. I personally know of several individuals that have taken numerous brood stock size fish (over 200 lbs), in an attempt to win the Valdez Halibut Derby. This has to be detrimental to the stock, I know that these aren't the only persons in ports around Alaska doing so.

Sincerely,



Capt. J.A. Corbin,

F/V St. ELIAS, Bristol Charters

CITY OF SEWARD

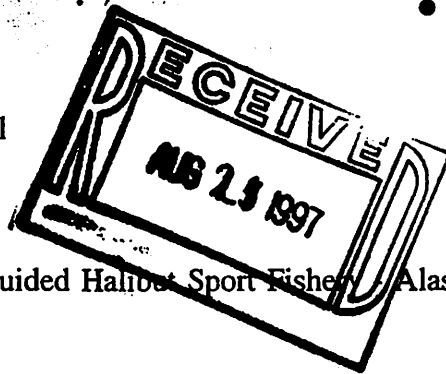
P.O. BOX 167
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Fax (907) 224-3248

August 19, 1997

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



RE: Management Alternatives for the Guided Halibut Sport Fishery - Alaska

Honorable Councilmembers:

Seward, Alaska has long been a primary fishing port and, as such, has relied on the economic stimulus provided by the commercial fishing industry. We also have one of the finest charter fleets in the state and have been recognized as a premier destination for the non-guided sportfisher. The City's interest is to preserve the culture and economy of each of our citizen user groups.

The Seward Port and Commerce Advisory Board has reviewed the August 1, 1997 condensed draft and heard public testimony from commercial, charter, and personal/subsistence user group representatives. All in attendance agreed that:

- A minimum size limit (32") be applied to personal use and sport charter users as well as to commercial fishers.
- Mandatory record-keeping be initiated in the form of a simple (charter) vessel log book to provide a non-speculative and defensible assessment of the resource and a numeric basis for specific zone and sub-zone management.
- A moratorium, with a cap at the most recent IPHC registry level, be imposed until such time as data gathered (above) is formed into a workable model.

We appreciate your efforts in implementing a management strategy that preserves the resource and is responsive to all user groups.

Sincerely,

PORT AND COMMERCE ADVISORY BOARD

A handwritten signature in black ink that reads "Ron Long" with a stylized flourish at the end.
Ron Long
Chairman

RL/bjh

CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664



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Sincerely,

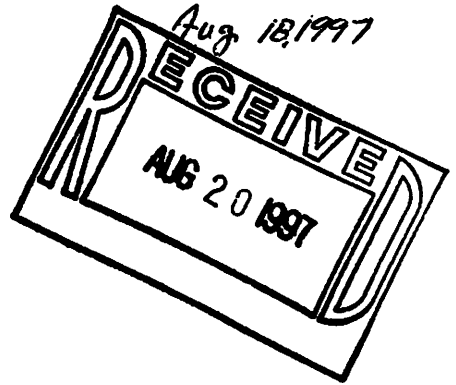
PORT AND COMMERCE ADVISORY BOARD

Ron Long
Ron Long
Chairman

RL/bjh

TONGASS HUNTING AND FISHING COALITION

PO Box 20637
Juneau, AK 99802



Mr. Richard B. Hauber - Chairman
North Pacific Fisheries Management Council
605 W. 4th Ave; Suite 306
Anchorage, AK 99501 - 2252

Dear Chairman Hauber,

On behalf of our membership I wish to give support to the proposed Sitka Sound Halibut Closure measure that would restrict the retention of halibut caught by commercial and charter sports fishing during the months of June, July and August. This proposal was developed by the Sitka Sound Halibut Task Force in response to Sitka Tribe of Alaska proposal to restrict the retention year round by commercial and charter sports fishermen in Sitka Sound,

There is an alarming decline in the availability of halibut and all bottom fish in this area beginning the late 1980s and becomes worse each year.

One must travel 20 miles into the open ocean now. Also we request the Council institute the 1000 lb. trip limit on all commercial fishermen during the open periods as proposed by the Task Force.

The time has come where by "unfenced" open range cannot be allowed to continue, and the depletion of fish stocks, primarily bottom fish, by commercial and charter sports fishermen must stop! Already it may be too late for waters

surrounding some Southeast Alaska communities. The rights of local residents to have the ability to gather enough fresh fish for their tables using a single hook and line and modest vessels must be maintained.

cc binda - ALFA
cc ka tribe of Alaska
cc Mayor Pete Hallgren
cc Bill Peden - SFGAC

I Remain
Ben Mitchell

Ben Mitchell - Director - Sitka Chapter THFC
103 Darrin
Sitka AK 99835

Alaskan Adventure Charters

.....
(907) 262-7773

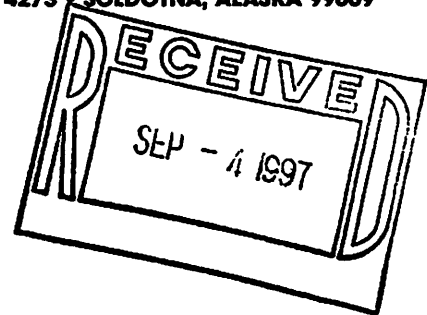


.....
Specializing In Kenai King Salmon and Halibut Charters
.....

P.O. BOX 4273 • SOLDOTNA, ALASKA 99669

September 2, 1997

North Pacific Fishery Management Council
605 W. 4TH Avenue #306
Anchorage, AK 99501



Dear Sirs,

As an owner and operator of a small fishing charter business who is established in the community of Soldotna, AK. it would be devastating to my charter business to allow the commercial halibut fishermen improve their access to the resource at the expense of the charterboats. I would oppose reduction of public access to our public fishery resource through manipulation of charterboats just so commercial fishermen can improve their access to the resource. I would agree with a reporting requirement for charterboat halibut catches. I would also like to see a moratorium on any new entries into the charter boat fleet or a possible limited entry system implemented that would help take some pressure off the sportfishing of halibut. Thank-you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mike Hopley".

Mike Hopley, Owner-Operator Alaskan Adventure Charters



Thomas Mahoney
Minitchie AK.
Aug 23 1997

TO NORTH PACIFIC MANAGEMENT COUNCIL

After ~~reviewing~~ ^{reviewing} The Councils
Analysis documents for The Halibut
Charter Boat fleet I feel obliged
to respond on this issue ~~for~~

To qualify my opinions I will
state that I have been a charter
operator of a Halibut Charter
Business since the start of the
Deep Creek Halibut fishery (mid 1980's)
and active in the Commercial
Halibut fishery from 1982 until 1992
during this time span I have
seen this fishery feed a lot of
people and sustain a income for
a number of commercial fishermen
and sports fishing business as well

Prior to the I.F.G. imposition
Commercial Halibut fishing
didn't hamper the Sport fishery
because of the timing of the
openings, any reduction in
the availability of the fish ^{will} due
to the ~~growth~~ growth of the
Guided & Unguided Sports fishery

Since the I.F.G. fishery began
a few years ago we now see
both of these fisheries competing
for a very limited resource
in Cook Inlet especially the
upper areas of Cook Inlet that
we fish. Because of the
Geographic location of Cook Inlet
it is the most feasible area of
the state for Sport Angler Access
and I think it should be
preserved for this purpose.
The Commercial fishery has

The Time Span And The Ability
(Vessel wise) To pursue The Gulf
waters ~~in~~ during The critical
Summer months when sport
fishing activity's Occure.

I Am in favor of Reporting
Requirements.

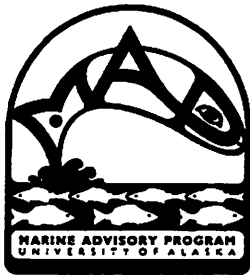
I Am in favor of a moratorium
on new ~~trips~~ entries with a
Amendment That would Restrict
A vessel to one Guided Trip
Per day And I Am Opposed
To Cap on Angler's in ALASKA
Because of Small percent of
fishery They Utilize. I Am in
favor of Restricting Commercial
fishing Pressure in Near Shores
Area's of COOK Inlet & ALASKA
During The months of May
June July & AUG.

I Appreciate your Time
in Reviewing These Letters

CF Testimony And Ask for
A fair and unbiased approach
To These problems

Respectfully

Thomas Mahoney
Irene Marie Charters
PO Box 147
Huntville AL 36839
907 567 3663



**Sea Grant Marine
Advisory Program**

University of
Alaska Fairbanks

School of Fisheries and
Ocean Sciences

Program Offices

Carlton Trust Building, #110
2221 E. Northern Lights Blvd.
Anchorage, Alaska 99508-4140
(907) 274-9691
FAX (907) 277-5242

UAF Kuskokwim Campus
P.O. Box 368
Bethel, Alaska 99559
(907) 543-4515
FAX (907) 543-4527

P.O. Box 830
Cordova, Alaska 99574
(907) 424-3446
FAX (907) 424-5246

P.O. Box 1549
Dillingham, Alaska 99576
(907) 842-1265
FAX (907) 842-5692

4014 Lake Street
Suite #201 B
Homer, Alaska 99603
(907) 235-5643
FAX (907) 235-6048

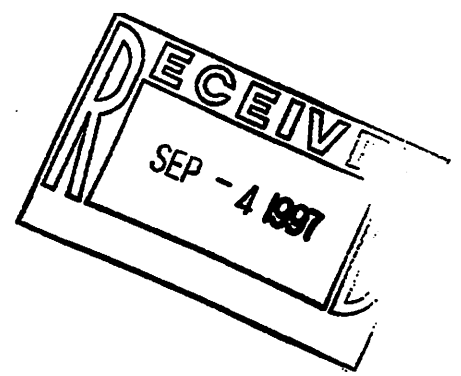
900 Trident Way
Kodiak, Alaska 99615
(907) 486-1514
FAX (907) 486-1540

P.O. Box 297
Kotzebue, Alaska 99752
(907) 442-3063

P.O. Box 1329
Petersburg, Alaska 99833
(907) 772-3381
FAX (907) 772-4431

1297 Seward Avenue
Sitka, Alaska 99835
(907) 747-3988
FAX (907) 747-1443

August 19, 1997



Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Lauber,

I would like to submit the following comments regarding the Management Alternatives for the Guided Sport Fishery for Halibut Off Alaska. First of all I think the Executive Summary to the Condensed Draft is an excellent document. It laid out the background, the information base and the pros and cons to a very complex issue. The NPFMC staff should be complimented for a job well done.

My overall impression after reading this document was that based on the data presently available there is no way to tell what the long term impacts and effects will be from any of the management alternatives. This tells me that the council should move carefully and cautiously in introducing a management scheme to correct problems that are not clearly identified or documented.

Aside from this overall comment I would like to bring several things to the councils attention. In all of the discussion about how various management alternatives will effect this user group or that (i.e. commercial and charter operators) one very important and very large user group is ignored, the non-guided, private sport fisherman. I firmly believe that if guided fishing opportunities for halibut are curtailed or limited or expensive the non-guided angler will, in a very short time, pick up the slack.

Charter fishing operations in Alaska have been growing because they have been the most successful and cost effective way for recreational anglers to catch halibut. If they cease to be available because of closures or they are perceived as no longer cost effective do you expect the fishermen who have used charters to simply give up and do something else. I don't think so.

I see non-guided anglers attempting to reach productive, off shore halibut areas in private boats that are probably too small to venture that far out. A safety risk? Or, I see non-guided anglers joining together to rent or lease larger boats (perhaps the same charter boats that are put on the beach by a Cap/Quota) to get to were the fish are. One way or another they will go fishing.

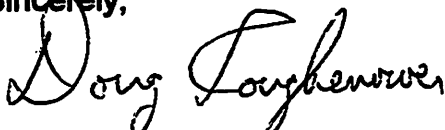
I have some questions about the IFQ purchase/lease alternative. Why would a commercial fisherman sell or lease IFQ to a charter

operator at anything less than the going market rate? Which at a conservative \$2.00/lb would drive the cost of a charter fishing experience right into the luxury class. Also if a charter operator does purchase some IFQ and then is not able to use it all by the end of the charter season would they be allowed to sell it back to a commercial fisherman or fish it themselves and sell their catch?

Section E.4.1.3 (Vessel upgrades) of the summary seems to say that if vessels are permitted (rather than people) then an operator of a permitted six-pack vessel could never fish any larger vessel. Except by buying a already permitted larger vessel. This would be asking a charter operator to submit to a very restrictive business practice. How many business people would start a business which could never grow larger no matter how successful it was?

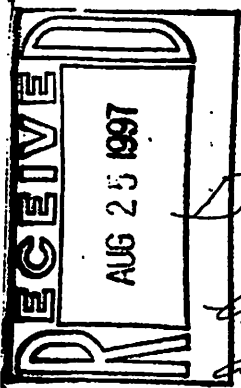
The council seems to feel that they must do something about the guided halibut fishery. There is also probably the feeling that having come this far that some sort of management plan should be implemented. However, I would ask that you just make sure that it is broke (or braking) before you fix it.

Sincerely,



D. Douglas Coughenower
Professor
UAF Marine Advisory Program
Homer, Alaska

Alaska Mariners B+B
P.O. Box 3171
Homer, AK



8-13-97

Dear Council,
I received a letter from
the AK Sportfish Council
about the Halibut Charter
Boat Analysis document.
As a Boat Breakfast
owner I am interested
in continuing tourism
for many years to
come. To me it
seems as though the
WISE and RESPONSIBLE
things to do to continue
a good sport fishery
are to implement
reporting requirements
and to definitely cap
the amount of Halibut
guided anglers could
take. Commercial fishermen
should NOT be the only
ones that need to be

responsible with the resource.
We sports fishermen
take huge amounts
of halibut. Spend a
couple days in the
Homer harbor - June -
August.

All user groups
should be accountable
and responsible if
we want to continue
this fishing-tourism
industry. Those of
us who make money
off of sports fishermen
should be as responsible
and accountable as the
commercial fishermen
have been.

Thanks for listening to
my opinion.
ALASKAN MARINERS B+B
Jenny Roth 235-
OWNER 5572

North Pacific Fishery Mgt. Council 9/5/97

Dear Council;

I am a charter boat captain. I am writing to oppose any reduction of public access to our public fishery resources through manipulation of charterboats just so commercial fishermen can improve their access to halibut resource.

Sincerely,

Rhon M. Lyons

PO Box 731

Steering, Alaska

99672

North Pacific Fishery Mgt. Council

9/5/97

Dear Council;

I am a charter boat captain. I am writing support a moratorium on new entries into the charter boat industry off Deep Creek,

Alaska. Over the last three

years there has been a notable

decrease in the size and number of halibut within the 20-30

mile radius of Deep Creek. With

the increase of sport fishing vessels (private) no additional

charter operators would benefit the resource.

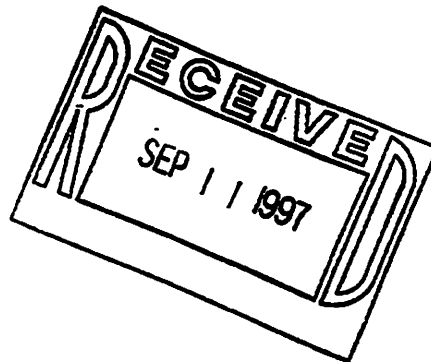
Sincerely,

Kron M. Lyons

PO Box 731

c + c

2000 98672



I would like to go on record as opposed to any reduction of public access to our public fishery resources.

The Charterboats are a floating platform that the recreational angler who does not own an appropriate vessel to rent services to provide them access to the fishery.

This issue should have been tossed out the door years ago, however it is issues as this, that prove the greed in the commercial fisheries.

WAKE UP, LOOK AT THE NUMBERS. THE RECREATIONAL FISHERMEN IS NOT THE PROBLEM.

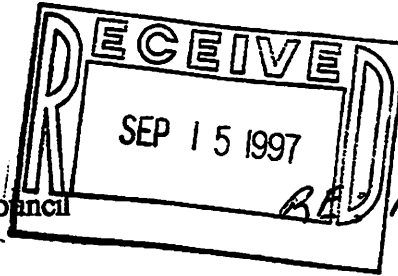
Why is final action on this Alaska recreational fishery to take place in Seattle? Again just another commercial ploy to deny the public access. I hope someone with a backbone stops this abusive one sided management practice.

Darrel Shreve

WOODEN WHEEL COVE LODGE

PO BOX 118
PT BAKER ALASKA 99927

Phone 907 489 2288



September 10, 1997

North Pacific Fishery Management Council
605 W. 4th Avenue #306,
Anchorage, AK 99501

RE Halibut charter meeting

Dear Panel;

I find it hard to believe that the counsel wants to restrict or alter the sport and or guided sport halibut fishery, When the north pacific trawl fleet is responsible for wasting more halibut annually than the sport, guided sport fisheries catch during the whole season.

Alternatives:

Status Quo- In allot of areas in Alaska there are no problems with the status quo with the halibut fisheries. But in some areas there are problems with gear conflict and potential stock depletion. The council should be trying to solve these problems at a local level by involving all user groups thru local fish and game advisory committees.

Alternative 2.

Reporting requirements.

I support data collection with the following.

1. Data required by the council should be new information and does not duplicate existing data reporting programs.
2. Data collected should be on catches and fishing activity and not include the identity of anglers.
3. Data should collected not more than once a month.

Alternative 3.

Annually allocate tac between guided sport and commercial fisheries.

This will not work and is unfair.

1. In season sport closures would be unfair to some areas of the state because of timing of fish availability in different areas of the state.
2. Recreational anglers would not be able to take advantage of increased abundance in high TAC years and conversely, anglers would be shut down in season during low TAC years. The public deserves a stable opportunity to access a public resource for ones self (especially when the resource is as abundant as halibut in the north pacific and anglers take such a minute percentage of the total catch).
3. Allocation of TAC to the sport fishery would cause increased effort and derby type fisheries in some areas.
4. With a potential in season closure, I would not be able to market my lodge. This will severely hurt my business.

5. In following the guidelines in the Magnuson Act, other fishery management councils have continued to provide equal access to fishery resources for both non-guided and guided anglers. I urge you to continue this precedence in the halibut sport fishery in the north pacific.

Alternative 4:

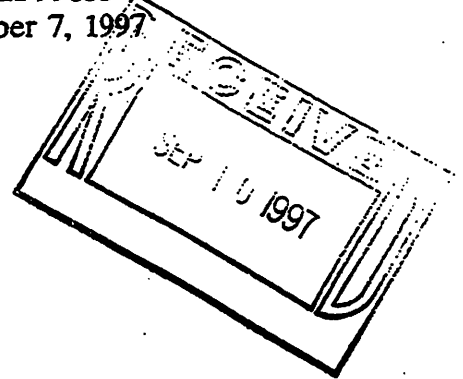
Moratorium on the charter fleet.

1. A moratorium should not be a blanket state-wide program but rather applied on no larger than a regional (ADF &G) basis. Any halibut charter moratoriums should be limited to those areas that are determined by the industry to be saturated by active halibut charter operations,
2. I suggest you use the following criteria for participation in the fisheries where moratoriums are needed. These are needed because there are many people hoping to end up with fishing rights that they can sell once it goes limited entry. I believe you will find out that there are alot less operators than you think if you use the following guidelines
 1. IPHC license for sport charter.
 2. CFEC, vessel license indicating ADF&G number.
 3. ADF&G saltwater guide registration.
 4. Alaska business license.
 5. USCG vessel license
 6. Enrollment in random drug testing program as per USCG regulations.
 7. Sales tax registration and payment records.
 8. Proof of advertising.
 9. Proof of insurance protection and indemnity (P&I) for carring passengers for hire.

In closing please bear in mind that Homer is different than Port Protection where Iam located. I never see another boat when we are fishing. Some areas do have problems and alot don't please keep this in mind. Iam also sure that about 20% of IPHC sport license holders are not active and are limited entry speculators, So you really do need an accurate reporting system to find out what really is going on. With out this I don't see how you can really change anything. And please keep in mind that not one action you may take in regard to the management alternatives can be justified on biological or conservation grounds.

Thank you.
Robert Gray
Wooden Wheel Cove Lodge.

227 Lakeview Drive
Sitka, AK 99835
September 7, 1997



Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Gentlemen:

The following comments are in response to your condensed draft for council and public review of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis for proposed regulatory amendments to implement management alternatives for the guided sport fishery for halibut off Alaska, dated August 1, 1997. I'm writing as a charterboat operator, sport fisherman, and taxpayer. Please submit my comments for the public record.

I find it absolutely outrageous that the Council is still considering an alternative that requires charterboat operators to purchase or lease IFQs from longline fishermen. We fished alongside the longliners during the same years they used to qualify for IFQs. Now we may be expected to buy or lease IFQs which they were given free, so we can continue to harvest a public resource which the Alaska State Constitution says belongs to all the people. This is a perfect example of why sport representation is badly needed on the North Pacific Council. I'm told the Council response to this is that Linda Behnken represents us. This is absurd! Linda Behnken is the executive director of ALFA (the longliners association). This is a good example of how she represents us. The entire system is badly in need of an entire restructuring. For a country founded by a violent revolution over lack of representation in government, we have certainly forgotten the most basic principles of Democracy.

The Council should not even have voting members who hold a financial interest in the outcome of the vote. In any other industry in the country, this would be know as a conflict of interest but in the commercial fishing industry in Alaska, this is the norm. It's a disgrace that the North Pacific Council is the only council in the country that has no sport representation. Unfortunately, the politicians and bureaucrats who set up this system are not likely to now help dismantle it.

IFQs should never have been given away to the commercial fishermen. Public servants should manage public resources for the benefit of the public, not give them away. If IFQs were to be used, they should have been leased by the government at either the local (city), state, or federal level. This would have retained ownership undisputedly with the public (all the people), provided a return to the general treasury to relieve the tax burden, and it would have resolved the safety issue. The only thing it wouldn't have done is make a few key

individuals rich at the public expense. So instead, we heard all the arguments as to why this couldn't work while our politicians at all levels of government, gave away one billion dollar public fisheries resource after another. Now that the fishermen have become the lessors, leasing IFQs is suddenly a great idea. This way, they get to vote in a program which will increase the value of their IFQs in response to increased demand and they can retain ownership of them so when the public finally gets fed up with the program, they can then sell us back these rights which they got free, at an exorbitant cost to taxpayers. And you guys do all this without a gun.

This program was sold to the public on the safety issue since the longliners wanted a guarantee of good weather from the government, in the form of an IFQ. The instant millionaires the program created at public expense was supposedly just an unfortunate by product. Of course, the only ones to benefit are the first generation fishermen since everyone after them has to buy or lease fishing rights from them. In the end, we will be told selling or leasing IFQs to charterboat operators is for their benefit so they can exceed the insufficient cap they will be given by the Council. Yet, as the Council contemplates these further restrictions to charterboat operators and the general public for conservation reasons, the commercial quota is increased each year, supposedly due to an increasing abundance of halibut. This is the worst system imaginable. Don't further compound the problem by now forcing IFQs on others.

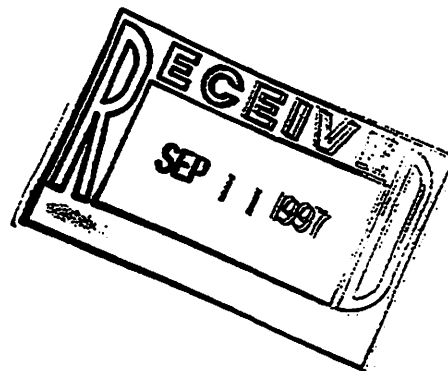
Sincerely,

John B. Morrell

John B. Morrell

cc:

National Research Council, Committee to Review IFQs



SEPTEMBER 2, 1997

CLARENCE G PAUTZKE
EXECUTIVE DIRECTOR

WE RECEIVED YOUR LETTER OF AUGUST 1, 1997, AND HAVE REVIEWED THE CONDENSED ANALYSIS AND EXECUTIVE SUMMARY OF MANAGEMENT ALTERNATIVES BEING CONSIDERED FOR THE GUIDED SPORT HALIBUT FISHERY IN ALASKA. THE FOLLOWING COMMENTS ARE OFFERED FOR CONSIDERATION:

FIRST, ALTERNATIVE 6 WITH ONE CHANGE HAS THE BEST CHANCE OF WORKING AND BEING ACCEPTED BY BOTH THE CHARTER AND COMMERCIAL INDUSTRY.

ALTERNATIVE 1 STATUS QUO.

NOT REALLY AN ALTERNATIVE. SOMETHING NEEDS TO BE DONE. IT IS BETTER TO ACT NOW, RATHER THAN REACT LATER.

ALTERNATIVE 2 IMPLEMENT REPORTING REQUIREMENTS

NOT THE THING TO DO NOW. AFTER SOME CONTROLS ARE IN PLACE, REPORTING COULD BE REQUIRED TO SUPPLEMENT ADF&G DATA. WITH A MANAGEMENT SYSTEM IN EFFECT, THE DATA SHOULD BE MORE ACCURATE. THE IDEA BEING THE DATA WOULDN'T BE USED TO DEVELOP A MANAGEMENT PROGRAM.

ALTERNATIVE 3 ANNUALLY ALLOCATE THE TAC BETWEEN GUIDED SPORT & COMMERCIAL FISHERIES.

BASICALLY, WHAT YOU ARE SAYING IS TO IMPOSE A SYSTEM ON THE GUIDED SPORT THAT DIDN'T WORK FOR THE COMMERCIAL FISHERIES. THAT IS TO HAVE AN UNLIMITED AMOUNT OF GUIDED SPORT CHARTERS, WITH A LIMITED AMOUNT OF RESOURCE. WHY WOULD IT WORK NOW?

ALSO, I BELIEVE THE NORTH COUNCIL HAS AN OBLIGATION TO COME UP WITH A SYSTEM THAT IS MANAGEABLE. ANY SYSTEM THAT COUNTS NUMBER OF FISH OR POUNDS OF FISH WOULD BE IMPOSSIBLE. THE NUMBER OF AGENTS TO MONITOR THE COMMERCIAL WAS REDUCED IN 1997. HAS ANY ONE THOUGHT ABOUT THE NUMBER OF AGENTS NECESSARY TO EFFECTIVELY MONITOR THE GUIDED SPORT CATCH?

ALTERNATIVE 3.2 PURCHASE/LEASE OF IFQ'S

THIS SYSTEM WOULDN'T WORK BECAUSE OF THE NEED FOR IT TO WORK ON A SHORT-TERM NOTICE, AS DISCUSSED ON PAGE E-6 PARAGRAPH 2.

THE OVERALL COMMENT ON THE ALTERNATIVE UNDER 3.1 & 3.2 IS THEY WOULD BE UNMANAGEABLE AND AN ADMINISTRATIVE NIGHTMARE. NONE OF THE AGENCIES OR INDUSTRIES INVOLVED HAS THE MONIES FOR AGENTS TO MONITOR SUCH A SYSTEM.

ALTERNATIVE 4 MORATORIUM ON THE CHARTER FLEET.

THE ONLY WORKABLE ALTERNATIVE IS E 4.1.5.2 LICENSES

- 1. IT IS ENFORCEABLE**
- 2. CAN BE CONTROLLED**
- 3. LIMITS GROWTH OF THE GUIDED SPORT FLEET THAT IS ACCEPTABLE TO THE INDUSTRY.**
- 4. SHOULD APPEAL TO THE COMMERCIAL FLEET BECAUSE IT WOULD NOT LEAVE A PORTION OF A CAP OR QUOTA UNHARVESTED.**

FOR EXAMPLE:

- 1. USE 1993-1997 AS A QUALIFYING PERIOD.**
- 2. TRANSFERABLE LICENSE IN BUSINESS THREE OR MORE OF THE FIVE YEARS.**
- 3. NONTRANSFERABLE LICENSE IF IN BUSINESS LESS THAN THREE OF THE FIVE YEARS.**
- 4. EVIDENCE OF PARTICIPATION COULD BE LISTED UNDER 4.1 PAGE E-11.**

THIS IS VERY SIMILAR TO THE STAND ALONE ALTERNATIVE 6, WITHOUT THE TAC.

A "FORMAL" TAC DOESN'T NEED TO BE SET UP. WITH THE LICENSE LIMITATION, THERE IS A DEFACTO TAC.

BY LIMITING THE NUMBER OF LICENSES, YOU LIMIT THE NUMBER OF FISHER PERSON. BY APPLYING THE MATH, NUMBER OF PEOPLE TIMES NUMBER OF DAYS TIMES POUNDS OF FISH, YOU HAVE A TAC AND THE BEAUTY OF IT IS, NO ONE HAS TO BE AT THE DOCKS AND COUNT THE NUMBER OR POUNDS OF FISH EVERYDAY!

AGAIN, I WOULD LIKE TO STATE: ANY METHOD THAT NEEDS TO COUNT THE NUMBER OR POUNDS OF FISH WHICH WOULD REQUIRE A LARGE NUMBER OF ADDITIONAL STAFF, WON'T WORK BECAUSE THE MONIES ARE NOT AVAILABLE.

A MORATORIUM BATTLE COULD BE AVOIDED BY MAKING SOME LICENSES TRANSFERABLE AND THE OTHERS GOOD FOR THE LIFE OF THE OWNER.

ALTERNATIVE 5 COMBINE ALTERNATIVES 2,3,64

NO!!

ALTERNATIVE 6

ALTERNATIVE 6 WITHOUT THE TAC, AS EXPLAINED ABOVE SHOULD WORK FOR THE CHARTER AND COMMERCIAL FLEETS.

IN THE CASE OF SILVER FOX, WE FILL ALL THE QUALIFICATIONS EXCEPT A COAST GUARD LICENSE. AS OWNERS, OF MULTIPLE BOATS, WE HAVE NEVER OPERATED A BOAT.

ON THE SUBJECT OF LIMITING THE NUMBER OF SPORT FISHING PLACES AVAILABLE, THE "SIX-PACK" BOATS ARE EASY. BY DEFINITION, THEY CAN ONLY TAKE A MAXIMUM OF SIX (6) FISHING PERSONS.

THE BIGGER BOATS COULD BE LIMITED TO THE NUMBER THEY "TRADITIONALLY" FISH.

AS STATED UNDER 4.1.3 VESSEL UPGRADES, THE MAJORITY OF THE FLEET IS SIX-PACKS.

MANY TOPICS SUCH AS VESSEL UPGRADE, LICENSE TRANSFER, AND TRANSFER OF LICENSE TO DIFFERENT AREAS WOULD HAVE TO BE ADDRESSED, BUT ONCE THEY ARE IN PLACE, THE PROGRAM WOULD BE RELATIVELY "LOW MAINTENANCE".

IN CLOSING, I WOULD LIKE TO STRESS TO THE NPFMC THAT THEY IMPLEMENT ALTERNATIVE 6 WITHOUT THE TAC.

THANK YOU FOR TAKING THE TIME TO READ THESE COMMENTS. I PLAN TO BE IN SEATTLE TO TESTIFY BEFORE THE COUNCIL.

SINCERELY,



PETER D. UDELHOVEN
PRESIDENT
SILVER FOX CHARTERS

Sea Flight Sport Fishing Charters

TOP OF THE LINE BOTTOM OF THE OCEAN FISHING

●●●
P O Box 2347 ♦ Homer ♦ Alaska 99603

Phone 1-907-235-7572 ♦ Fax 1-907-235-4962 ♦ e-mail seafite@xyz.net

September 10, 1997

North Pacific Fishery Management Council
605 W. 4th Av., Ste. 306
Anchorage, AK 99501-2252

Gentlemen::

Please record my opinion on the Halibut Charter Issue and bring it before the Council at its Wednesday, September 24th meeting in Seattle.

I have followed the progress of the chartered sport fishing issue since the Sitka Longliners first brought it to attention. I have heard those same longliners testify that the problem they had foreseen had not occurred. I have perused the chapters distributed by ISER of their incompleated analytical package and read the condensed analysis and executive summary of management alternatives later prepared. Thank-you for sending me copies of that ISER report.

Of the six charter captains with whom I shared lodging and that report, only one remains working in Homer this late in Alaska's tourist season. Four captains have left for work in the Florida sport fishery for the winter months, one has returned to college. Their general opinion, however, was that sport fishermen are about to be stomped on by the bigger and more powerful commercial fishing interests so those interests can have a larger piece of the biomass pie; that money talks and the charter people - considering their monetary resources - and the sport fishermen they serve haven't much chance to win in the game run by the NPFMC, with its present biased membership. I attended a local charter meeting to discuss the NPFMC charter boat issue and the ISER condensed analysis. The feeling there was that we are going to be controlled - what can we live with, what can kill us.

I have become concerned that the NPFMC espouses action that intentionally discriminates against the sport fishermen by limiting his access to a fishery according to his residence location and/ or boat ownership.

Upon reading the ISER study, I noted, along with ISER, their necessity of estimating and assuming indicators and trends in the face of insufficient and uncertain data regarding the different charter businesses that make up the industry they had been commissioned to study. I read that ISER examined other areas of the nation outside of the area they were to study noting they cannot determine effort exerted in the Alaskan charter fleets, nor the client demand which controls that effort. ISER in their report warns of the inaccuracy of numbers to which they referred and the insufficient existing records; as well as undefined participation patterns in the charter industry. Another inherent problem in this study is the separation of chartering from so-called 'historic' and 'traditional' sport fishing; more evidence of the "lack of data on catch and composition of the charter industry: (E-15 of the condensed draft). Discussion of the 1994 and 1995 catch which takes up considerable space in the document seems frivolous in the face of this lack of data.

Given the "limitations of the data" (3-6 of the condensed draft), I feel that no controls can be effected at this time without the possibility of not only adversely affecting the economics of tourist related businesses but also the access to recreational fishing opportunities. I would like to see action on this charter issue tabled until a plan for collecting adequate and trustworthy data is devised.



NPFMC 9/10/97 p.2

NACO notes that inaccurate fishery data collection is a national problem and is working on that issue. The National Academy of Science's National Research Council is presently studying IFQs as a management tool. I believe the NPFMC also needs to concern themselves with more research before they can intelligently control the charter industry.

May I also applaud the NPFMC at this time for their continuing progress in controlling the larger issue of Bycatch's waste of the biomass.

Thank-you.

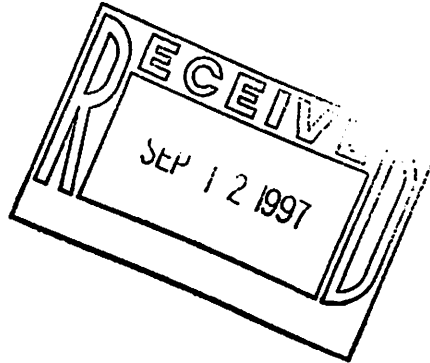


Leah W. Jenkin,
Sea Flight SportFishing Charters



September 10, 1997

North Pacific Fisheries Management Council
605 West 4th Ave Suite 306
Anchorage AK 99501-2252



Dear Council Members:

The following reflects our comments after reading the condensed version and scanning the original 900-page tome, of the "EA/RIR/IRFA Management Alternatives For The Guided Sport Fishery For Halibut Off Alaska."

We feel you should vote to leave the sport fishing industry alone, especially since we are talking about harvesting half the poundage discarded as bycatch.

In case you didn't have time to scan the 900-page tome, we are attaching the most important 20 pages written in this megabucks study, left out of the condensed version. It contains the best synopsis of the charter industry in print.

In reading the condensed version, we lost track of the number of disclaimer statements we came across. It definitely makes the document seem more hypothetical than anything else. "It is thus impossible to predict future trends in biomass and yields with any reasonable level of confidence..."(p2-3) "The IPHC was unable to provide [biomass] projections for specific IPHC areas."(p2-4) "Combining the assumed exploitation rates and the assumed biomass proportions we can project expected yields..."(p2-5)?

We are for Alternative 1, Status Quo, because we do not believe the prevailing myth of the exploding growth of the charter industry. Tables on page 3-25 reflect the growth of *numbers* of halibut harvested and *numbers* of charterboats with IPHC licenses. However, the IPHC manages on poundage of halibut, and in fact, "Since 1991, sport harvest has varied slightly, and **peaked at 8 million pounds in 1993** (emphasis added)." (Trumble, 1997, "Total removals of Pacific halibut in 1996," p 7.)

As stated on Appendix F-6, the paper growth in the number of registered charterboats is due to the *Council announcing* "a control date of September 23, 1993, as a potential moratorium date." We believe the charter industry, like any capitalist enterprise, has leveled itself off where there has been growth, because it only takes a few years for fools to realize this is not a gravy train. This is supported on page 4-1, "Evidence from other regions of the US suggests that in a new

recreational fishery, after an initial period of growth in charter operations, growth slows"; page 4-2, "We suspect the charter removals of halibut (total net weight) are expected to continue to increase, but at a declining rate"; and page E-1, "...growth has slowed in recent years."

We are against Alternative 2, increasing reporting requirements of the charter industry, because we feel the need is outweighed by the "costs of collecting the information and the reliability of that information." Several statements in this EA/RIR/IRFA support our view. "...implementation of [reporting requirements] alone may provide incentives for over reporting." [Reporting requirements with a cap] "could provide incentives for under reporting. And with a "combination of [reporting requirements] and a moratorium...catch reporting may still be overestimated if operators anticipate further limited entry.." (p.E-2)

This statement on page E-2 is contradictory. "While the costs of a mandatory logbook program would not likely impose significant financial burden on guided operations, it would take time, and needs to be weighed against the quality and necessity of the information collected." It is obvious the composer of this sentence is not self-employed. To active charter operations, summer TIME IS MONEY.

As an aside, reflecting on the truthfulness and usefulness of reporting, commercial fishermen have reported on their fish tickets, ZERO halibut taken home for personal use, in Area 2C, in 1995 and 1996. (IPHC Annual Report, 1995 and 1996)

Alternative 3, the option to purchase/lease IFQs, may be the silliest studied. Sport anglers, under this scenario, would be charged TWICE to access their resource—first to charter a boat, and second to pay for fish they already own. A couple of odd statements are made on page E-6, pertaining to this alternative. "...a quantitative analysis..is beyond the scope of this document....however qualitative assessments, combined with industry and public input will likely provide adequate information to make a determination regarding this option." "Whether [this] option would work...in practice, is less certain and could not be answered ...until implemented."?

We have to agree with the statements on pages E-2, E-14, and E-16 regarding Alternatives 4 (Moratorium) and Alternative 5 (Quota with a moratorium). "The existing records.. make it difficult to project...who would quality for a...moratorium.." "The presence of excess harvest capacity reduces the effectiveness of a moratorium and the ability to predict a moratorium's effect on the allocation of the harvest." "Client demand may be the more effective limiting factor on growth in this industry sector than a moratorium, or a moratorium and quota limit..." "In summary, [and why the charter management issue was brought up by ALFA in the first place] none of the alternatives addresses the more localized issues related to depletion and

conflict. A moratorium, even on a regional basis and even if it limits the catch by the charter sector, would not be expected to address the localized resource conflict issues.”

Just for the record, we would like to question several statements made in response to Executive Order 12962, Recreational Fishery Resources Conservation Plan, and the National Standards of the Magnuson-Stevens Act.

E.O. 112962. (page E-17)

“The alternative of capping the charter fleet..could be construed as inconsistent with “providing access to recreational fishing opportunities..”“ How can it *not* be construed as inconsistent?

Another requirement of this EO is “the development of quantitative economic and social information on recreational fisheries, and based on credible scientific data, development of models to be used by NMFS to ascertain the economic and social impacts of fishery management decisions on the recreational community.” This sentence is followed by “The information within this EA/RIR/IRFA...goes a long ways towards assessing the impacts of actions being contemplated with regard to the guided halibut sport fisheries off Alaska.” What happened to:

“A primary purpose of this document...[includes] a de-emphasis of quantitative ...projections.” (pE-1)?

“..current information precludes estimation” of the loss of net economic value to the charter fleet. (pE-5)?

“The analysts have [emphasized] qualitative, rather than quantitative results.” “Our information on the charter industry is not very substantial...” (p3-1)?

“it was not possible to do a formal survey of either halibut charter operators or their clients.” (p3-5)?

“consistent and comprehensive data necessary to determine the size of the charter industry, how it will develop, and how it will respond to regulations restricting access to the halibut resource, are almost totally missing.” (p3-6)?

“This analysis [of potential impacts of alternatives on the charter industry] will be highly qualitative and directional in nature. The Council’s Scientific and Statistical Committee had serious reservations about quantitative conclusions because of deficiencies in the data...” “considerably more and higher quality data are needed to substantially improve the quantitative aspects of this assessment.” (p4-1)?

“It is very difficult to estimate even the current number of active charter operations based on the data available, let alone how their capacity might grow over the next ten years.”
(p4-1)?

As for the “credible scientific data” basis, referring to Appendix F-2, “we had just two months to sketch a picture of the halibut charter industry and analyze its economic importance. For projects funded by federal agencies, as this one is, federal law restricts the number of people [to less than 10] you can formally survey unless the survey is approved in advance by the Office of Management and Budget. Getting such approval for large surveys can take several months—time we didn’t have.”

National Standard 2 - Conservation and management measures shall be based upon the best scientific information available. (pE-19)

Is the reader supposed to believe this document yields the “best scientific information” because “considerable effort and expense has been applied to analyses of the alternatives in this document”? Unfortunately, there is no correlation between effort/expense, and quality/accuracy. Effort and expense can just as easily equate to a waste of time and money.

National Standard 4 - Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate...among various US fishermen, such allocation shall be (A) fair and equitable to all such fishermen...(C) carried out in such a manner that no particular ..entity acquires an excessive share of such privileges.(pE-19)

We disagree that of all the alternatives, there would only be “an indirect” discrimination if “a cap on the charter boat fleet curtails their season.” Commercial IFQ holders are allowed an unlimited supply of personal use halibut. Commercial IFQ holders were given ownership of a public resource, and Alternative 3 (Option to purchase/lease IFQs) provides for the public to buy some of their resource back! A charter quota would limit halibut sport anglers, who do not own a boat. Preventing the growth in the charter industry, will severely hamper services available to non-residents of Alaska.

Two other items in this EA/RIR/IRFA report bother us as well. Under **Experience of other regions in managing recreational fisheries closures (pE-25)**, it states, “there is little information available which directly relates to the alternatives being considered off Alaska.” Ironically, this is followed by “while fisheries make allocations between commercial and recreational fisheries....they do not differentiate between guided and unguided recreational sectors, nor do they enact closures of recreational fisheries in-season.” Plus, where there are allocations, the recreational fisheries have a greater percentage than the commercial fisheries. We think all of the above directly relates to the management alternatives before the Council.

Lastly, we also take exception to the tables and conclusions based on the weight of halibut harvested from sport boats. While the report mentions that halibut weight was not the primary

objective of ADFG's creel surveys, the report fails to mention the method used to derive this figure. Creel census biologists take length measurements of halibut on the docks, AS TIME ALLOWS(!). How a statistician can comfortably extrapolate and publish a figure from a biased sampling method is beyond comprehension.

If a council member has read this far, we thank you, and hope you will take the time to read "the rest of the story" (also known as, Appendix F).

Sincerely,

Bruce P. Miller
Kent F. Hall

Alaska Sportfish Council

Post Office Box 32323 • Juneau, Alaska 99803 • (907) 789-7234 • Fax (907) 789-7235

September 10, 1997

North Pacific Fishery Management Council
605 W 4th Street #306
Anchorage, Alaska 99501
Fax (907)271-2817



Dear Secretary:

Please see that each member of the AP, SSC and North Council receive a copy of these comments for use at the September 23, 1997 NPFMC meeting in Seattle.

The Alaska Sportfish Council was formed earlier this year and replaces the Alaska Sportfishery Industry Association and Alaska Federation of Sportfish Services, Inc. Our members are involved in essentially all businesses providing a service to sport anglers and our membership also includes both guided and non-guided sport anglers.

It is real obvious that the ALFA proposal is no more than an attack on the weakest link of halibut resource users-that is the public. It would be a much more formidable task to take on the North Pacific trawl fleet that is responsible for wasting more halibut annually than the targeted fisheries even catch. The Alaska Sportfish Council would look forward to working with ALFA or any other group to reduce waste of the halibut resource. We consider it unacceptable for managers to allow such high bycatch and waste of a valuable resource, while at the same time considering curtailing public access to that resource.

Now--on the alternatives:

Alternative 1--Status Quo

In many parts of the state, there is no problem with the status quo in regard to halibut fisheries. There are, however, some locations where gear conflicts and potential local stock depletion are apparent. For these problem locations, we would urge the council to support solving these problems at the local level by involving all user groups involved in the problem. The local Fish and Game Advisory Committees may be a

2

good local forum in which to work on such problems.

Alternative 2--Implementing Reporting Requirements

We support the concept of a data collection and reporting program and suggest the following be adopted by the council when implementing reporting requirements.

1. Data required by the council should be new information which supplements and does not duplicate existing data reporting programs.
2. We feel strongly that the agency which will actually be collecting and analyzing the data work with charter operators to determine which data to collect and how it will be collected. We would welcome the opportunity to participate in this endeavor.
3. Data collected would be on the catches and fishing activity however would not include identity of anglers, etc.
4. Data would be delivered to the collecting agency not more than once per month.

Alternative 3--Annually Allocate TAC Between Guided Sport And Commercial Fisheries

Both halibut charter operators and uninvested members feel that the allocation of a percentage of the TAC, or a specific poundage of halibut to chartered anglers should be not considered by the council for the following reasons.

1. Recreational anglers would not be able to take advantage of increased abundance in high TAC years and conversely, anglers would be shut down in season during low TAC years. The public deserves a stable opportunity to access a public resource for ones self (especially when the resource is as abundant as halibut in the north Pacific and anglers take such a minute percentage of the total catch).
2. Allocation of a TAC poundage to the sport fishery could lead to targeting small fish.
3. Inseason sport closures would be unfair to some areas of the state because of timing of fish availability in different areas of the state.
4. Allocation of TAC to the sport fishery would cause increased effort and derby type fisheries in some areas.
5. The annual uncertainty of TAC abundance and potential in season closures would compromise or eliminate the marketability of halibut fishing trips due to inability to offer the anglers expected opportunity.
6. In season closures of the guided sport fishery would provide unequal access to a public resource to a public who has paid equally through licensing and taxation to access that resource.
7. Allocation of TAC to the guided sport sector and potential in season closures would only lead to increases in use of bareboat charters, boat rentals, and the non-guided sport sector. In southeast Alaska, you may be interested to know that the ADF&G reports there are already more non-residents fishing unguided than there are from charter boats.

3

8. In following the guidelines in the Magnuson Act, other Fishery Management Councils have continued to provide equal access to fishery resources for both non-guided and guided anglers. We would urge you to continue this precedence in the halibut sport fishery in the north Pacific.

On the potential requirement of IFQ's in the charter industry

The concept of IFQ's seems to work when allocating a huge amount of resource to a small number of harvesters (as in the longline fishery) however is totally inappropriate when allocating a minute portion of the resource to thousands and thousands of public users. Considering IFQ requirement in the charter industry demonstrates a serious misunderstanding of the charterboat industry and public recreational fishery. Many charter operators were active during IFQ qualifying years. If IFQ's were required, would these operators have to pay for IFQ's that commercial longliners received for free to access the same resource?

IFQ's are too expensive for most charter operators to purchase and there is not sufficient time between annual determination of TAC and the sport season to provide for annual lease arrangements.

Alternative 4--Moratorium On The Charter Fleet

The halibut charter representatives present at the April council meeting supported a moratorium on new entries into the halibut charter boat fleet with some considerations.

1. A moratorium should not be a blanket state-wide program but rather applied on no larger than a regional (ADF&G) basis. Any halibut charter moratoriums should be limited to those areas that are determined by the industry to be saturated by active halibut charter operations.
2. A moratorium control date of April 15, 1997 is recommended for areas currently identified for moratorium application. Later dates could be established for other areas.
3. A safety net should be provided to operators to use to indicate substantial investment committed to participate in the fishery prior to the control date.
4. Charter operators suggest that moratoriums include but not necessarily be limited to the following criteria for participation in fisheries where moratoriums are appropriate.
 1. IPHC license for sport charter
 2. CFEC vessel license indicating ADF&G number
 3. ADF&G saltwater guide registration
 4. ADF&G fishing guide license
 5. Alaska business license
 6. USCG vessel operator license
 7. Enrollment in random drug testing program as per USCG regulations
 8. Sales tax registration and payment records
 9. Proof of advertising (marketing expenditures)
 10. Proof of insurance protection and indemnity (P&I) for carrying passengers for hire.

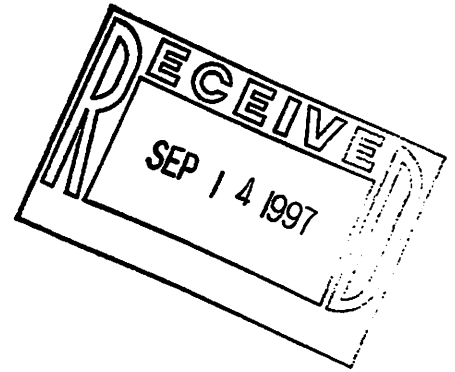
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I would look forward to participating on any working groups you establish to deal with this issue. In closing, I'd request your strong consideration of these comments. I ask that you keep in mind the fact that not one action you may take in regard to the management alternatives can be justified on biological or conservation grounds. You are dealing totally in a people issue and a public resource.

Respectfully,



Mike Bethers
Executive Director
Alaska Sportfish Council



**FOR INCLUSION IN DISCUSSIONS SURROUNDING SPORTFISHING HALIBUT
ISSUES AT UPCOMING COUNCIL MEETING**

Sept. 12, 1997

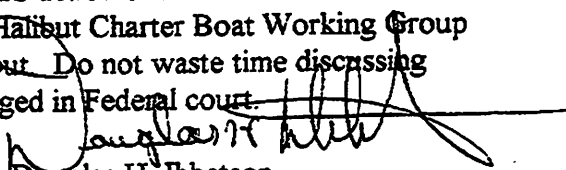
North Pacific Fisheries Management Council
605 W. 4th Street Ste. 306
Anchorage, AK 99501-2252

Dear Sirs,

I understand that you will be discussing redefining the term "Sportfishing Possession Limit" at your upcoming meeting in Seattle. I further understand that this redefinition will include all halibut possessed whether whole, fresh, filleted steaked, frozen or dried. Such redefinition discussions have obviously been proposed by the commercial fishing interests which heavily dominate your organization. The enactment of any such regulation flies directly in the face of the proper administration of the Magnuson Act which prohibits the advancement of one fishing interest (whether sport, commercial, or subsistence) over another if such a regulation would benefit one such interest at the expense of the other(s).

It is also interesting that such a discussion would be considered, especially in light of recent scientific data showing that the biomass of Pacific Halibut is up to 3 times the number that it was previously thought to be. If anything, Sportfishing limits should be increased and non-commercial fishing zones be established closer to shore to insure the enjoyment of sportfishermen who have as much of a right to enjoy this natural resource as anyone else.

I urge you to refer to the proposal for NPFMC action of the halibut charter boat issue presented on February 7, 1997 by the ad-hoc Halibut Charter Boat Working Group to reach acceptable sportfishing regulations for halibut. Do not waste time discussing items that would be found to be illegal when challenged in Federal court.


Douglas H. Ibbetson
P.O. Box 19121
Thorne Bay, AK 99919



W H A L E R S C O V E L O D G E

Sept. 15, 1997

North Pacific Fisheries Management Council
605 W. 4th St., Ste 306
Anchorage, AK 99501-2252

Dear Sirs,

My name is Richard Powers. I am the owner/operator of Whalers Cove Sportsfishing Lodge in Angoon, Alaska. We are the principal Sportsfishing Operation in the Northern Chatham Straits area. We fish about a 40 mile radius from our lodge which is about 4 miles south of Angoon.

Whalers Cove offers a week long sportsfishing package as well as 3 and 4 day packages. We operate 120 days from Memorial Day through September. Our operation depends heavily on our customers ability to catch and keep halibut, along with salmon and rockfish.

I am the largest summertime employer in Angoon with a \$650,000 payroll and 71 employees. I employ 12 guides. Almost all are local Alaskan residents and also hold IFQ's for commercially fishing halibut on their own. Our halibut catch last season (1996) was 3488 and is 2903 to date for 1997. Our total fish take all species averages 10,500 per season. I can demonstrate that our sportcatch of halibut returns much more to the community of Angoon than does the commercial fishery.

It is with total disbelief to me that you would even contemplate establishing a sportfishing possession limit for halibut. In the face of recent reductions on king salmon and extreme competition for sportfishing with Canada; this action could put us out of business.

I greatly oppose this action and will do all I can to convince you to use some reason and caution.

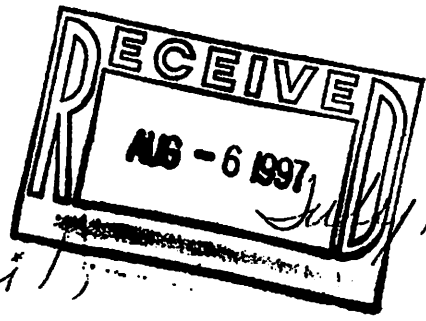
Expect me at your meeting September 24-26.

Sincerely,

Richard Powers

Richard Powers

To: North Pacific Fisheries
Management Council;



Regarding the Sitka Halibut committee, where all user groups have been meeting for several years to address our local concerns of depleted halibut stocks in the Sitka area.

I suggest you strongly support the extended boundaries this group has recommended.

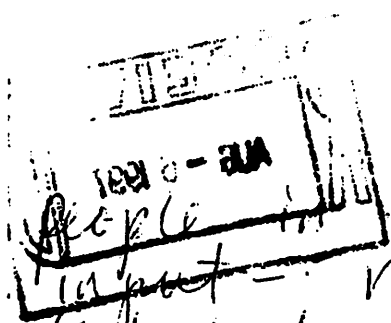
First of all, I have witnessed all the user groups in 1 room at Centennial Hall a few years ago. It was an amazing opportunity where we all laid down negative attitudes + blame for each other in the

OBVIOUS lack of halibut near town -

Fish & Game has published material showing greater effort to catch a dinner- (for locals) + an ever growing guided sport fishing industry.

So, until you and the State of Alaska get a handle on the guided sport fishers (please note not all charter boat operators do guided sport fishing!) this is the plan to follow!

Please trust local knowledge + concern of the halibut stock - MAMM



Sitka have given their
input - retired Fish & Game
fish biologists - Tlingit Elders +
families - longline fishermen now in
the IFQ system - trollers -
subsistence families - Guided sport
fishermen.

The other entity you must be
dealing with is the TRAWL FLEET.
until Trawling is banned, I
believe stocks such as halibut,
are endangered throughout the North Pacific

Thank you for your time -
Please take a risk and support
something creative, there is no
harm to anyone - if tourists,
nonresidents feel 'slighted' that's an
indication that EDUCATION is necessary -
We cannot continue to support the myth
THAT there's a 300# halibut for every
license purchased. Many locals are
voluntarily releasing halibut over 100#
so they can reproduce - are you
aware of this? Many others are
leaning towards "catch + release" for the
sport of it, rather than filling frozen
meat lockers down south.

Sincerely, Clance Johnson

P.O. Box 6384

Sitka

- 907-747-5011



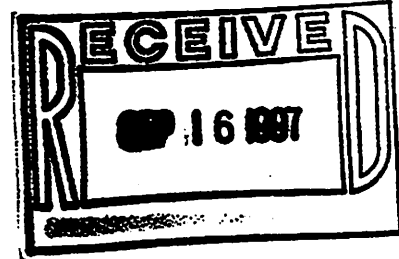
Alaska Sportfishing Association

P. O. Box 24-1847

Anchorage, AK 99524-1847

North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage AK 99501

via FAX



Comments on the Guided Sport Fishery For Halibut off Alaska

Ladies and Gentlemen:

The Alaska Sportfishing Association, Alaska's largest sport fishing group, has followed the long debate on halibut charter management with intense interest. In fact, when this proposal initially reared its ugly head, my predecessor as ASA President, Doug Ogden, was a member of the AP. ASA vice president Cliff Heckathorn testified on this issue at the last Anchorage meeting.

Lets cut to the chase. Why was this proposal put on the table in the first place? My understanding is that the Sitka long liners were concerned about the explosive growth in the sport charter industry around Sitka. What caused this increase? I believe it is generally accepted that the Cruise Ship lines that stopped in Sitka offered their customers an optional side trip while in Sitka-- a halibut fishing trip. Based on the numbers this was sure a popular option.

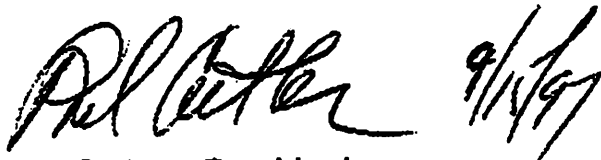
Has the problem gone away? The Sitka Sound Halibut Management Plan which was scheduled for review at this meeting appears to go a long way towards reducing or eliminating the problem.

Therefore it looks like the events that precipitated the ALFA proposal have been fully recognized and mitigating action has been initiated.

Accordingly, there does not appear to be a need for any change in the sport halibut charter management. Alternative 1- Status Quo is the only reasonable alternative.

I read with disbelief the summary report prepared by ISER. Hats off to the Scientific and Statistical Committee for twice at least (and the AP) for coming on and saying that the ISER report has significant flaws and its information, although a real good beginning to gather information, was not adequate to be used as a basis of decision making. The Council would gain some respect from the Sport community should they decide to accept their own committees' suggestions.

Thank you for the opportunity to provide these comments.

A handwritten signature in cursive script, followed by the date "9/15/97" written in a similar style.

Phil Cutler, President
Alaska Sportfishing Association

September 15, 1997

North Pacific Fishery Management Council
605 west 4th Ave, Suite 306
Anchorage, AK. 99501-2252

Dear Sirs,

I am contacting you in regards to the responsible management of the Pacific Halibut Fishery and to the preservation and continuation of my chosen future. Since coming to Alaska in the spring of 1992, it has been my goal and my dream to become a productive and responsible owner of my own halibut charter operation. As you may or may not be aware, starting one's own charter business takes a long term commitment and dedication to this lifestyle well in advance of taking one's first charter.

During the last five years, I have expended every minute of time, and every ounce of energy to pay my dues and acquire the experience and the knowledge required as a deckhand to insure my future as my own. Throughout each successive season, I have slaved away for one hundred thirty to one hundred forty days in a row with ZERO days off. During these days, I have worked sixteen to twenty hours per day, non-stop, with no time to sit down, and with zero time to do anything but look to my future. This time equates to approximately three to four hundred hours beyond that which the majority of the civilized world works in an entire year. My compensation for these commitments has been financially realized at less than one fourth of the recognized National Poverty Level. Obviously my dedication to this pursuit stems from my love for the daily challenge and the promise to myself that some day soon I would have successfully put in my time and be in a position to provide an exciting and safe adventure for others.

Having finally earned enough hours to document my required sea-time, I have taken each of the successive steps to begin my own career. After being granted the opportunity to sit for my Coast Guard exams; I convincingly scored 100% on all four of them. I feel I have the right to say that I have paid my dues, I have earned my 50 ton Master's License (that which I have been issued); and I have the right to govern MY future. I have applied for and been granted every form of license and permit to operate my own charter business. Since I had fulfilled my requirements to the governing bodies by early March of 1997, my next logical step was to provide a means to operate my own business. Consequently, as of that point in time, I have incurred a huge lifetime debt to purchase myself a vessel to charter and to begin operating Captain B's Alaskan Adventures. Even being unable to begin chartering, due to the fact that my boat was not serviceable in Alaska until mid-June, I was still able to work hard to bring in enough clients to provide me with fifty charter trips this season. Having borrowed every dime of my family's

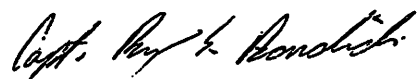
retirement fund to pursue my love and my dream, I would consider it to be a devastating tragedy to be excluded from that goal toward which I have dedicated my life; in favor of an ill conceived moratorium, or limited entry fishery which has yet to be imposed.

I believe that the responsible management of our fisheries resource is essential to all of our interests and to all of our futures; however, the offered solutions to the problem areas must be based on honest and reliable data collection and their accurate assessment. According to the evidence which has been presented to me, I see no basis from which to identify the charter fishing industry as the cause or even a contributing factor in the eventual depletion of the Pacific Halibut fishery. If the demise of our fishery is inevitable, then the burden of its preservation should be shared upon all of our shoulders. I believe that there is no argument one can make to ethically rationalize a 26 million pound increase in commercial fisheries quota in certain areas; while at the same time contending the necessity of restricting a much smaller industry of much less impact. I am unable to see how the sum total of the sport fishery harvest equaling a fraction of the unused, wasted commercial bycatch offers a substantial and concrete basis for restricting a charter fisherman's right to free-enterprise and legitimate competition.

If, in fact, you can still see no ethical means of responsibly sharing the issues at hand between the commercial and charter industries: and if, in fact, you still see no choice but to impose a moratorium or limited entry on the charter industry, I implore you to not take away my means of making a simple living and force me into bankruptcy. Please do not minimize my years of hard labor and efforts to realize my dreams, by imposing such restrictions prior to the date of your final decision.

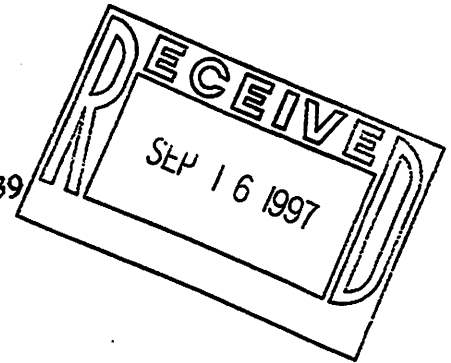
Thank you for your time and consideration.

Sincerely,



Capt. Bryan Bondioli
P.O. Box 66
Homer, AK. 99603
(907) 235-4114

Steve Vanek
P.O. Box 103
Ninilchik, Ak 99639
Sept. 16, 1997



NPFMC
Rick Lauber, Chair
605 W. 4 th. Ave. Rm. 306
Anchorage, AK. 99501

Dear Chairman Lauber,

I wish to make some comments concerning the proposals relating to the halibut charter boat industry particularly in Cook Inlet, Alaska.

The charter industry has grown so much in Cook Inlet that it has become its own greatest competitor. The notion that the commercial longliners are in competition with the charter industry is non-sense. I have fished halibut in Cook Inlet for 31 years. Under IFQ my quota is far less than what my highest year catches ever were. This is true of everyone I've talked to. Even so I much prefer the IFQ system over the "Derbys". I have even purchased another small block of halibut shares. The purpose of having "blocks" was to insure that there would be a small boat fishery. I have a 34' boat which I do not want to take off shore into the Gulf of Alaska to get my quota.

I have moved away from my traditional longline areas in Cook Inlet because of the burgeoning charter industry. However, charter boats are having to follow me because of the competition from themselves. They are traveling 20 to 30 miles or more from their launching areas to fish halibut. This is not because of commercial longliners.

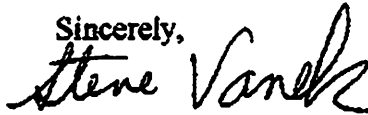
Mr. Robert Ward came up with the idea of quota shares for the charter industry 3 years ago when he personally talked to me. He wanted shares the same as longliners whereby he as a charter operator could chose to either use his quota to charter clients or fish it as a commercial long line. These quotas could be bought and sold. He even had a method based on income tax records to determine how much quota a charter operator would get because his experience showed that he made \$2.00 a pound in his charter operation. So an operator that grossed \$60,000 meant he caught 30,000 lbs. that year. Charter operators obviously do keep track of the poundage they harvest.

At first I as a commercial longliner laughed at his proposal but now see, in the light of the IFQ program, that it has some very good points. It would limit the number of participants because those with small quotas would sell to others. The poundage would go up or down with the total area quota. There would be a disincentive for catching the large productive females since this would use up a persons quota sooner. It would help to stop the practice of the skipper taking his two halibut a trip. What do the charter operators do with the halibut they take personally every day they fish?

The charter industry will say that they cannot plan their season if they have a quota system. I believe this problem will work itself out much as problems in the IFQ system are being worked out. Especially if a charter operator could catch his unused quota at the end of the season and sell it. He could be sure of maximizing his income from halibut.

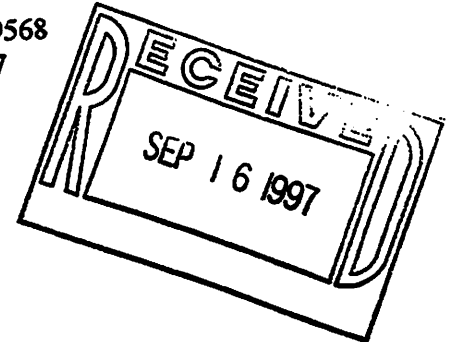
Finally the right of people, who can't make the long trip to Alaska, to buy halibut to eat must be recognized. The only way they can do so is through the commercial long line industry. There must be a means to insure that the commercial quota is not eroded by the allocation to a charter industry.

Sincerely,

A handwritten signature in cursive script that reads "Steve Vanek". The signature is written in black ink and is positioned below the word "Sincerely,".

Steve Vanek

David R. Martin
P.O. Box 860
Clam Gulch, AK 99568
September 15, 1997



NPFMC
Rick Lauber, Chair
605 W 4th Ave. Rm. 306
Anchorage, AK. 99501

Dear Chairman Lauber,

I have commercially fished halibut, exclusively in Cook Inlet, basing out of Ninilchik harbor, for the past 26 years. I fish my 36' boat and don't even consider fishing outside of Cook Inlet for safety and economic reasons. Few commercial halibut boats have sunk in Cook Inlet compared to many that have sunk and lives lost outside Cook Inlet waters.

I have read the request from the Ad-Hoc Halibut Charter Boat working group and am alarmed by their request. In short the Charter groups want to close areas of, or eventually all of, Cook Inlet to commercial halibut fishing. This is not only unfair and greedy but an infringement upon my rights to the halibut resource that I have traditionally fished for 26 years and besides this type of action is not even warranted.

The Sitka Sound situation is unique to Sitka Sound with its deep water and narrow shelf fishery. This situation does not apply to Cook Inlet which is basically all a shallow shelf and supports halibut in virtually all of its waters below the latitude of Ninilchik (60:04.00 approximate).

In number three of the Ad-Hoc groups request they want to evaluate the impacts of the near shore halibut IFQ fishery on guided, non-guided recreational and subsistence users. I request that the NPFMC evaluate the impacts that the enormously expanded guided and non-guided recreational halibut fishery has done to the commercial halibut fisherman and their traditional halibut fishing grounds. In Cook Inlet I know many commercial fishermen have moved farther off-shore. Within the last 5 to 6 years the guided and non-guided angler, with the use of bigger and faster boats, has also moved farther offshore.

I have read editorials and news interviews from some of the vocal guides, who want to kick commercial fishermen out of Cook Inlet, saying that the new IFQ halibut fishery has increased commercial participation and poundage taken from Cook Inlet. On the contrary I see it as being reduced since the inception of the IFQ program. Many of the commercial fishermen that fished Cook Inlet started after the 1990 moratorium and therefor did not get an IFQ quota, because they did not qualify, and are therefor not fishing now. IPHC data will confirm this. The commercial fishermen that did qualify for an IFQ quota received a quota of much less poundage than they were annually catching after 1990. My IFQ quota was a little more than one half the poundage I was annually catching after 1990. Every fisherman I've talked to had a similar reduction. Again IPHC data will confirm this.

Most of the commercial halibut fishermen that fish Cook Inlet have IFQ quotas in the 3,000 to 6,000 lb. range. Vessels under 30 feet have 500 to 2,000 lbs. mostly. In contrast

a charter boat, depending on it's size, will catch between 15,000 and 60,000 lbs. annually. Even though the charter industry is not required to keep a catch log, their catch poundage can easily be determined by adding up the poundage of the halibut on display in the pictures of each days catch and from charter guides and people who are involved in the charter industry that are willing to tell that catch information. What has increased dramatically is the number of participants and poundage taken in Cook Inlet in the unregulated charter boat fishery. This fact alone has the biggest impact on the charter boat fishery. The commercial fisherman whose long line gear has only a small number of hooks laying across a halibut hole, usually only once annually, is a negligible impact as compared to a fleet of many charter and recreational boats anchoring on the halibut holes and hot spots day after day for four to five months.

I have also heard some of these same vocal people talk of a 110 foot boat laying gear from Ninilchik to Anchor Point in close to shore. Nobody seems to know this boats name. No skipper of a boat that size, that had any size IFQ quote at all, would in his right mind fish that area. This seems to be hype to stir up controversy. I believe there was a seismograph vessel working that year. Even if it is so there was no wrong done.

No one user group should have an exclusive area. All user groups should have the right to fish all areas. The over-crowding, halibut availability, and safety from the weather will dictate where an individual will fish. A regulation should not be implemented to dictate where one user can fish and another can't just because one user group wants to kick another user group out so they can have it all for themselves. There is no biological or conservation reasons for this type of action. It would be strictly allocation.

I would request that the NPFMC seriously look at the basically unregulated charter and recreational fishery and the enormous amount of growth in the last seven years in these two fisheries. The size of these two fleets and the number of halibut they take is at a high enough level where regulations and accountability needs to be implemented.

There needs to be a 32 inch minimum size limit put on sports caught halibut the same as the commercial fleet. The whole West Coast, California, Oregon, Washington and Canada have a minimum size limit on sport caught halibut. It's time Alaska did also. It's a waste of recruitment stocks to kill these "ping-pong paddle" size halibut just so a charter business or individual can advertise that they limited out.

The charter boat skipper must be required to keep a daily log of the number halibut, pounds of halibut, and area caught, the same as the commercial halibut fisherman is required to do. This log will be subject to inspection from the proper authorities and punishable by a fine if a skipper is not in compliance.

The amount of pounds of halibut taken out of Cook Inlet by the charter and recreational fisheries is very substantial and must be accurately documented so the NPFMC and the IPHC can have exact catch data, from all user groups, so they can biologically manage for healthy and harvestable halibut stocks. Anyone who truly cares about the resource should support this catch recording.

These charter groups need to not blame the commercial fisherman for any of their perceived problems because restricting the commercial fishermen will not solve their perceived problems. They need to look at the growth, harvest and competition in their own charter industry and take action to restricting the growth by restricting the number of charter boats, the size of charter boats and should look into a poundage quota, as several

in the charter industry have suggested. This was the solution, through IFQ quotas, to stop the growth of the commercial fleet.

Every industry has a finite number of participants and the sooner that finite number is determined and managed for the better off all parties will be.

All halibut user groups can and should be allowed to fish together and each should respect and value the importance of other users groups fishing on Alaska's abundant renewable halibut resource.

Thank you for your time and considerations.

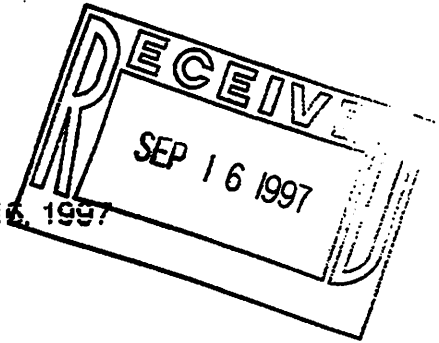
Sincerely,



David R. Martin

North Pacific Fisheries Management Council
605 W. 4th Ave.
Rm. 306
Anchorage, Ak 99501

September 16, 1997



Chairman Lauber:

My name is Rion Vanek and I'm a commercial halibut fisherman living in the Ninilchik area. I would like to comment on the proposals put forth by the halibut charter boat working group.

I am particularly concerned about the charter boat industry's proposals to evaluate the impact of the commercial fishing industry on the charter industry. Their concern seems to be that IFQ's have been bad for charter boats. A better proposal would be to evaluate how the growth of the charter fleet over the last 10 years has impacted the commercial halibut fishery, particularly in Cook Inlet. I've been fishing in Cook Inlet all of my life, and I can definitely see the impact of the charter fleet on our fishery. In 1995, I fished for my IFQ's in late August, after a whole summer of slaughter by the charter fleet. It took too much effort for such little catch. Since then, I've concentrated my efforts in the spring months. In June, halibut fishing in Cook Inlet is much the way I remember it even as a kid, with the exception of having dozens of charter boats around most of the time. Two months later in the season, the fish have become much scarcer and many of them have hooks, monofilament, and even lead weights trailing out of their mouths. It takes much more effort to catch your quota. I think it would be a very interesting thing to know just how much the charter industry has affected the commercial industry and that ought to be the impetus of any impact studies. Also, such a study might show just how much the charter industry has shot its own self in the foot by not limiting themselves or being more conservation oriented.

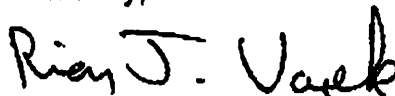
Another disturbing part of the proposal is item 2 in the long-term proposals. First, they want to limit or eliminate commercial fishing where there are "local depletion issues" such as in Sitka Sound (see item 2 in short-term issues). Yet, they also want to "explore provisions for reasonable growth of our industry". It sounds to me like they feel they should be able to kick the commercial fleet out of Cook Inlet to make room for more charter boats. Don't they understand that there is already enough of them? The real solutions involve ending the growth of the charter fleet, not promoting more growth.

A final problem I have with this proposal is the concept of "marketable client expectation". This is simply an excuse that shows the charter industry thinks it should be able to tell everyone in the whole wide world that there is an unending supply of halibut for sportfishermen and that conservation and limitations do not apply to them. Some places in the world limit the access to natural resources by using lotteries, fees, first-come first-serve basis (like Denali National Park), etc... I don't see how the charter fleet can expect that a finite resource like Cook Inlet halibut can support unlimited pressure from any user group.

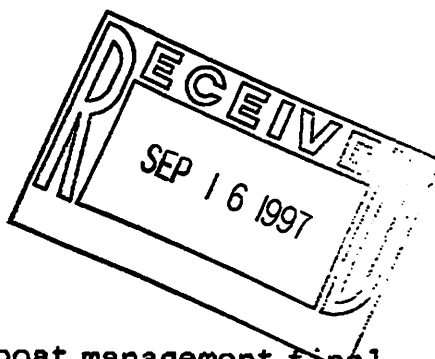
I must urge the NPFMC to not consider further restrictions to the commercial halibut fleet in Cook Inlet. Not only would it be totally unfair to a stable, non-growing user group, but it would be very detrimental, if not devastating, to many individual

commercial fishermen. If charter boat operators point out that their "client expectations" would be unmarketable if they must leave Cook Inlet to find halibut, please remember that it can be much less profitable to many commercial fishermen to have to fish out of the Inlet also. Distance and weather concerns have always been factors which have made it more profitable for many commercial fishermen to choose to fish the inside waters of Cook Inlet. It isn't just something new now that the charter industry has come along and IFQ's have been implemented.

Sincerely,



Rion T. Vanek
Box 251
Ninilchik, Ak 99639
(907) 567-7394



Dear Council Member,

This letter concerns the halibut charterboat management final action to be taken up at the Seattle meeting.

I have been a charter boat owner/operator in Homer, Alaska for the past twenty years and have been involved in this management issue since the September 1993 Council meeting in Anchorage.

Our business, North Country Charters is a 4 vessel charter business. One boat we own, 2 are owner operator/contractors and one has a hired captain. We have a payroll of 10 full time employees/contractors and 2 part time high school students, all who depend on the continued success of our business for their primary source of income.

I have completely reviewed the U of A's ISER analysis report and conclude that there are 6 alternatives that the council can choose from and that they could be blended in some way to arrive at a workable solution.

My primary concern is to avoid any system that could close our season before we have a chance to make enough income to pay our bills and have enough left to live on.

The best alternative for my charter business is #6 page 1-5 with all the TAC allocations (caps) deleted and letter C under #1 under Limited Entry Elements changed to read at least 50 proven trips to eliminate the hobby fleet.

If Alternative #6 cannot work then Alternative #4 page 1-4 a moratorium on new entries into the charter fleet would work just fine.

If a cap is imposed the best way it would work would be an individual cap on each operator based on catch history so that the individual charter operator would not be unfairly shut down due to the fishing practices of other operators.

I operate an average of 105-115 charters each year, all dependent on customers, not fish. Even after a poor day of fishing with small fish and not even getting a limit people will fill your boat up again for the next day based solely on the expectation that fishing will be better.

What I would like to see would be:

1. Limited Entry with transferable and non-transferable permits.
2. Use any date for qualification including final action date.
3. Implement a mandatory logbook program.
4. As alternative to the above: A moratorium on new entrants into the charterboat fleet while a mandatory logbook program is in place for at least 3 years before any caps program is imposed.

The log book will determine the level of each vessels participation backed up with tax records. Require at least 50 days per year participation and at the end of three years only the serious will remain.

Revisit the situation after three years and then decide a final solution.

A cap without a moratorium could devastate the industry due to early closure.

Sincerely,

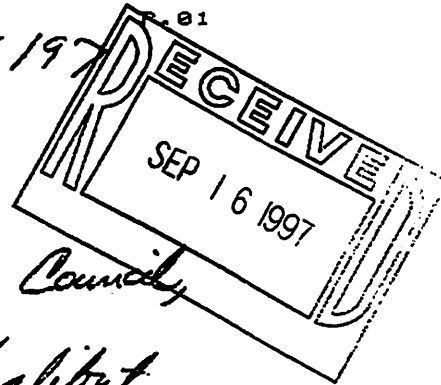


Sean Martin
NORTH COUNTRY CHARTERS
P.O. BOX 889
Homer, Alaska 99603
(907) 235-7620

From: Jean & Marty Remund

Page 102

7/15/97

WRITTEN TESTIMONY

North Pacific Fisheries Management Council,

We have been commercial halibut fishermen since 1978 in the State of Alaska. We are very concerned that the annual catch of halibut in the Alaskan sport fisheries has increased dramatically in the recent years. Most of this increase can be directly attributed to the rapid uncontrolled growth of the guided sport halibut fishery. We don't think that there should be any quota placed on the recreational sport (or unguided sport) halibut fishery, but the lodge and guided sport halibut fishery definitely needs constraining.

The halibut charter fleet, and lodges are a commercial industry and should be treated as such. All fishermen have to live with quotas these days. The guided sport and lodges (some of which are renting boats to their clients to fish instead of guiding them) should have a quota, and learn to live with it. There are a number of management tools available to do this, ... limited entry, reduced bag and/or possession limits, etc.

A large number of commercial longliners have invested a lot of money purchasing IFQ's, ourselves →

From: Jean & Marty Remund page 2 of 3

7/15/97

WRITTEN TESTIMONY

(North Pacific Fisheries Management Council - cont.)

included, to remain viable, and we don't want to see our longline quotas continually eroded by increasing guided sport/lodge halibut catches. It's not fair for the guided sport/lodge industry to have no quota or cap and continue to come in the back door, so to speak, and eat away at the longline quota.

We also have to remember the public owns the resource, and consumers have a right to affordable, high quality seafood accessible at stores and restaurants. Increased guided sport/lodge halibut catches for the select few who can afford to charter mean less halibut available to the public in stores and restaurants.

The halibut charter fleet and lodges are a commercial industry and need to have a set quota like all other commercial fishermen. They need to learn to live within their set quotas and not feel that they can obtain more each year, ... from the commercial longliners quota.

From: Jean & Marty Remund Page 5 of 5

4/15/97

WRITTEN TESTIMONY

(North Pacific Fisheries Management Council - cont.)

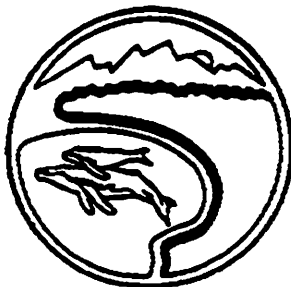
We support equitable access to the fisheries and responsible use of our marine resources.

Sincerely,

Jean Remund - Jean Remund
Marty Remund - Marty Remund

P.O. Box 8147
Port Alexander, Alaska
99836

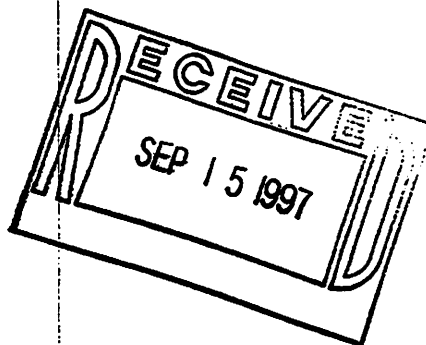
phone # (907) 568-2226



W H A L E R S C O V E L O D G E

September 15, 1997

North Pacific Fisheries Management Council
605 W. 4th St., Ste 306
Anchorage, AK 99501-2252



Dear Sirs,

My name is Hunter Aubertine. I am the operations manager of Whalers Cove Lodge and a founding member of the Alaska Sportfish Council. The lodge at which I am employed is one of the larger lodges in South East Alaska. We are located in Chatham Straits on Admiralty island near Angoon.

Whalers Cove Lodge brings nearly 800 guests to Alaska each year. These visitors are primarily interested in sportfishing for halibut, salmon, rockfish and trout. In recent years there have been more and more limitations to sportfishing making it harder to attract more visitors. These visitors directly benefit Alaska. Our staff is primarily made up of Alaskans, we pay city taxes on our income and we bring in dollars to support businesses such as local hotels, airlines, and restaurants. The proposed limitations to halibut fishing would create an environment in which it may be almost impossible for our business to keep attracting new clientele.

I have been an Alaskan resident all my life and it disturbs me to see commercial fishermen influence a governing fish board at will. A sport caught halibut is worth at least 10 times what ever price a commercial caught halibut could bring.

I completely oppose a sportfishing possession limitation for Halibut. In light of recent discrimination against sport anglers concerning non-resident king salmon possession limits, this could be the straw that breaks the camels back. For a state that highly depends on tourism dollars, we are sending the wrong message.

Sincerely,

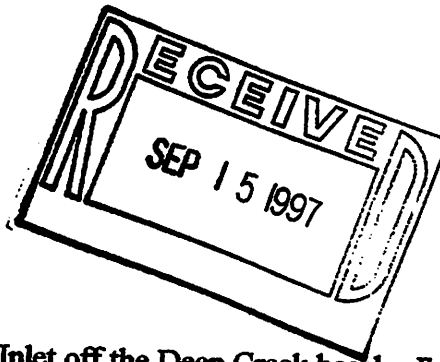
Hunter Aubertine

Alaskan Game Fisher

P.O. Box 1127 • Soldotna, Alaska 99669 • (907) 262-2980 • Fax (907) 260-2676 • 1-800-320-2980



TO: NPFMC
605 W AVE #306
Anchorage, AK 99501



RE: Halibut Charterboat Management

I operate a 6 pak charterboat in central Cook Inlet off the Deep Creek beach. I've chartered for 9 years and have fished this area since 1983.

The Deep Creek fishery is the largest & fastest growing fishery in the State. The tractor boat launching service in the last 3 years have increased the number of boats launched according to Alaska State Parks from 6,000 in 1994 to over 10,000 in 1997. The guided harvest has increased according to ADF&G from 2,500 halibut in 1989 to over 45,000 in 1996.

I have personally witnessed the depletion & decline of halibut in this area. Each year we have to go farther & farther to find good fishing. Every year the number of big fish over 100lbs decreases. Every year there are more & more charterboats. Approximately 200 charterboats between Anchor Point & Nimitchik.

Because of the above reasons I support an immediate moratorium based on the April 1997 date. I support reporting requirements with the data being used to verify full time participation for qualification of a limited entry permit. 70 trips per year should be considered full time. It takes 350 days per 5 years to maintain a USCG License.

I oppose any type of poundage cap for the charterboat industry.

Thank You.

Mel Erickson

A handwritten signature in cursive script that reads "Mel Erickson".

Seward Charter Boat Association

P.O. Box 997

Seward, Alaska 99664

Pres. Andy Mezirow

907-224-5772

fax

September 16, 1997

Sec./Trs. Marie Wagner

907-224-2030

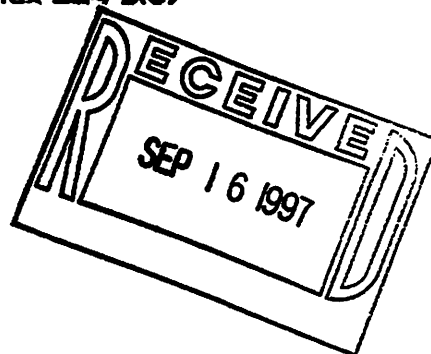
fax 224-5167

North Pacific Fishery Management Council

fax 907-271-2817

re: Fishery Management Plan Amendment Proposal

Halibut IFQ Management



Dear Associates,

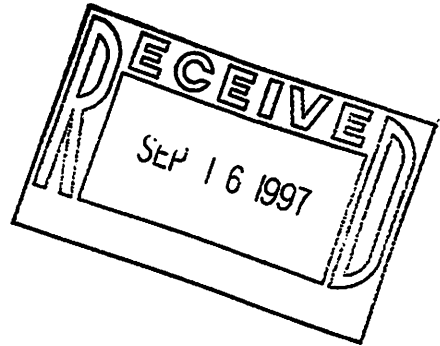
As representatives of our local group of over 40 sport fishing operators, we submit the following recommendations and comments.

We unanimously support wise conservation and management of our halibut resource. Most of the charter operators agree with and would be willing to assist in collection of complete and accurate data so that the council can get an idea of the true impact of the charter fleet and condition of the resource.

A temporary moratorium would not be unreasonable. Limited number of new entries into the charter boat fleet may help secure complete and accurate data. We are opposed to a quota for charter vessels. There is no real data to support a catch reduction and, if implemented, would greatly harm our businesses and the economic base of Seward that depends on sport fishing.

In addition, we would propose that A,B,C class IFQ vessels be prohibited from fishing the near shore areas during May, June, July & August to take the pressure off halibut stocks and State managed rock fish populations. This would allow the other user groups such as subsistence and recreational users access to stocks close in.

Sincerely, Marie Wagner



TO: NPFMC
605 W. AVE # 306
Anchorage AK 99501-2252

RE: Halibut Charterboat Management

I support a local area management plan for Cook Inlet & the Deep Creek Fishery that deals with the problem of near shore depletion and action should be taken as soon as possible.

Name Capt Al Stuefleten
Business name Leisure Time Charter
Address PO BOX 155
City MILCHIK State AK Zip 99639
Phone 907-567-3407 Fax 567-3407

FAX

Date: 9/12/1997
Number of pages including cover sheet: 2

To:

NO. Pacific Fisheries Mgmt
Council

ATTN: Comments for upcoming meeting

Phone:

Fax phone: (907) 271-2817.

CC:

From: **BOARDWALK LODGE**

Douglas F. Hill

Phone: (907) 828-3918

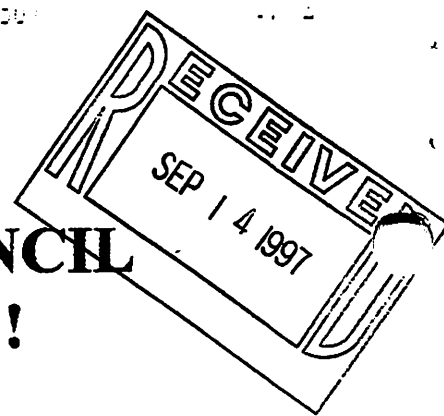
Fax phone: (907) 828-3367

REMARKS:

- Urgent
- For your review
- Reply ASAP
- Please comment

Please include the following comments in your materials for upcoming discussion on Charter Boat Halibut Issues

RECEIVED
SEP 15 1997



ALASKA SPORTFISH COUNCIL EMERGENCY ALERT!!!!

North Pacific Fisheries Management Council, dominated by commercial fishing interests will discuss redefinition of terms "Sportfishing Possession Limit" to include steaked, filleted and frozen halibut at its Sept. meeting.

- Results: Limit resident and non-resident anglers to a total of 4 fresh or frozen halibut in possession.
- Effects: Increase commercial fishing's market for their product. Have disastrous results on multi-day visitors right to catch and keep halibut.
- What to do: **IMMEDIATELY FAX** to the North Pacific Fisheries Management Council 605 W. 4th St. Ste 306, Anchorage AK. 99501-2252 voicing your absolute opposition to any such redefinition. They must have your comments prior to Sept. 15, 1997. Fax number is (907) 271-2817.
- Even better: Attend the North Pacific Fisheries Management Council Meeting on Sept. 24th, 25, 26th at the Seattle Airport Doubletree Hotel and give public comment.
- Long Term Results: A continued erosion of Sportsmen's rights in favor of commercial fishing's greed. Make Alaska fishing less and less attractive to visitors.

For more info: Call Alaska Sportfish Council's Exec. Dir. Mike Bethers at (907) 789-0165.

TO: NPFMC
605 W. AVE # 306
Anchorage AK 99501-2252

RE: Halibut Charterboat Management

I support a local area management plan for Cook Inlet & the Deep Creek Fishery that deals with the problem of near shore depletion and action should be taken as soon as possible.

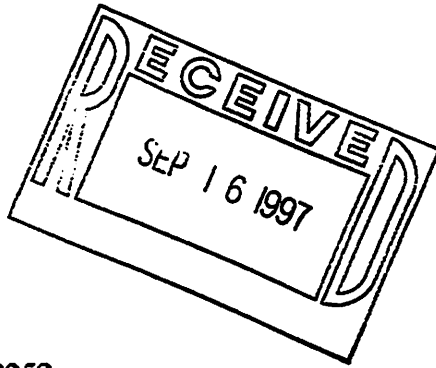
Name MEL ERICKSON

Business name ALASKAN GAME FISHER

Address P.O. BOX 1127

City SOI DOT NA State AK Zip 99669

Phone 907-262-2980 Fax 907-260-2676



9 SEP 97

TO: NPFMC
605 W. AVE # 306
Anchorage AK 99501-2252

RE: Halibut Charterboat Management

I support reporting requirements for the halibut charter fleet statewide. I also support a moratorium Based on the April 1997 date, leading to a limited entry system for overcrowded areas such as Deep Creek in central Cook Inlet.

I oppose any management plan that involves a poundage cap on the charterfleet.

Name JOHN BAKER

Business name AFISHUNT Charters

Address Box 39388

City NINILCHIK State AK Zip 99639

Phone (907) 567 3393 Fax _____

J. H. G. L.

WILSON'S

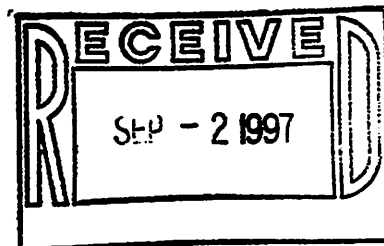
GUIDED
SPORTFISHING

Kings • Silvers • Halibut

Jim Wilson / Guide

AUGUST 29
1997

NORTH PACIFIC FISHERY
MANAGEMENT COUNCIL
605 WEST 4TH AVE
ANCHORAGE, AK 99501



GENTLEMEN,

I AM WRITING TO EXPRESS MY SUPPORT FOR A MORATORIUM ON NEW HALIBUT CHARTERBOAT LICENSES. I HAVE WITNESSED THE PROLIFERATION OF NEW CHARTERBOATS AND DECLINE OF COOK INLET HALIBUT STOCKS DURING THE PAST EIGHT YEARS. IT IS TIME FOR SOME CONTROL AND REASONABLE MANAGEMENT — PLEASE ACT SOON.

Sincerely,
Jim Wilson

Helen
Updated

**TESTIMONY BEFORE
THE NORTH PACIFIC FISHERY MANAGEMENT
COUNCIL**

**HALIBUT CHARTER BOAT OPERATIONS IN
ALASKA**

**REVISED
SEPTEMBER 27, 1997**

REPRESENTING:

**The Afognak Native Corporation
Port Lions
Old Harbor
Ouzinkie
Akhiok
Karluk
Larsen Bay**

Gale K. Vick

dba GKV & Sons and GKV & Associates
P.O. Box 220221, Anchorage, Alaska 99522
(907) 248-4264

(REVISED) TESTIMONY TO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL REGARDING HALIBUT CHARTER BOAT OPERATIONS IN ALASKA SEPTEMBER 27, 1997

My name is Gale Vick and I am a 30-year Alaskan resident. I am speaking today on behalf of the Afognak Native Corporation, the communities of Port Lions, Old Harbor, Ouzinkie, Akhiok, Karluk and Larsen Bay, and, in *some concurrence* with the Kodiak Island Sports Fish Working Group, the United Halibut Charter Association group, and the Kodiak Fish and Game Advisory Committee, among others.

In related contracts, I also represent constituencies such as villages in Western Alaska, which have not been alerted to the urgency of this issue. And yet, many of these communities, such as Mekoryuk on Nunivak Island, are looking to develop their tourism options *as well as* protecting their commercial fishing operations as two sides of the same coin in ways to provide an economic base for their community.

Our recommendations regarding the proposals before Council:

- (1) IMPLEMENT REPORTING REQUIREMENTS ONLY IF THEY DO NOT BECOME THE CRITERIA FOR LICENSE LIMITATION OF ANY KIND
- (2) DO NOT IMPLEMENT ANY OTHER PROPOSAL, INCLUDING ANY MORATORIUM, UNTIL AREA MANAGEMENT PLANS HAVE BEEN ESTABLISHED BY LOCAL COMMUNITIES AS REPRESENTED BY THE ADF&G MANAGEMENT AREAS

The North Pacific Fishery Management Council is used to moving very quickly on large scale issues that relate to commercial fishing, issues which are generally well-represented and monitored by the concerned user groups. But the charter boat issue is proposing license limitation for a group of people who are *not represented at all at Council*. These are the small communities all over the State of Alaska who are just beginning to develop their economic plans. These are people who have traditionally received most of their livelihood from the sea and have, ironically, been shut out of limited entry for salmon, IFQ's for halibut, and, in many cases, depending on geography, CDQ quota shares. These are the people who are looking to charterboat operations as a way of providing income to themselves and their communities when other avenues have been lost to them. They are, in general, unaware of Council process and how it may or may not affect them. And they have everything to lose.

This process has moved much too fast, and perhaps far too silently, for user groups to respond. Even though this has "been on the books since 1993", December of 1996 was the *first* time that the Council's intent was noted by a few of the potentially impacted user groups. The overall impression since then is that the process has been "steamrolled" without nearly enough supporting data or public input. The original document of the Halibut Charter Working Group - not appearing until February of 1997 - was unyielding in size, universally available and regarded as being poorly conceived and sometimes erroneous. The revised document was not available until August 1st, barely six weeks before testimony was due before Council. This report, with its several alternatives and suboptions, indicates the sheer magnitude of the issue and therefore supports the theory that this process is moving along much faster than should ever be considered.

NPFMC testimony regarding halibut charters / Page 2

Most of us believe there should be some regulation in all of the fish guide industry. However, as the Council report states, there is general consensus that the halibut stocks are healthy. Where is the economic and biological justification for a universal cap? What is in contention are *regional* problems where there is concern over too many operators or operators who move into other regions. The bottom line is that no one yet has enough data - not user input - on which to base any moratoria or any other kind of limited entry system on charter boats.

Many charter operators have responded with varying dates for the moratorium, feeling that if there were to be a moratorium, then at least they would want one that would include them. To use a 1993 date is totally irresponsible. It would be operating off potentially erroneous and out-dated data. However, *any* set date would be arbitrary and would disregard the pending or potential charter boat operations which individuals and communities are looking at for economic survival. We have not even begun to calculate the economic value to the State.

Do not put all charter boat operations in the same category. They are as varied as the individuals who operate them. At one extreme there is the \$800 a day operation but *most* charter boats operate on a far slimmer margin. How do we separate out charter boat operations from lodge operations? Some are tied to lodges, many are not. There are far more questions than answers at this point and *only* local area plans to assess these.

Is it not enough to ask for response from current charterboat operators. You *must* include the larger group of people who have not had any opportunity to assess how this is going to affect their current and proposed operations, especially small communities along the Gulf of Alaska, Bering Sea and Southeastern coasts. This includes consideration of the overall economic benefit to the State of Alaska if these smaller operations are developed.

This testimony therefore reiterates the following recommendations:

- (1) That the Council delay any substantial action until local area management plans have been given a chance to develop - meaning at least 12 months. And, further, that the Kodiak Management Area Plan would include the shore side boundaries for those waters currently managed by ADF&G for their salmon and herring fisheries, extending out to 200 miles.

NOTE: This is a distinct difference from other charter boat recommendations in that it seeks to represent groups currently developing economic plans but not operating.

- (2) That NO moratoria be considered until criteria has been set by the local regional area management plans - using the Sitka Sound management plan as a model basis - and that any subsequent moratoria be *specific* to that area management plan.
- (3) That, if any action be taken, Alternative #2 - implementing reporting requirements- should be the only consideration, with the following guidelines:
 - (a) Data required by the halibut charter reporting program should be new information which supplements and does not duplicate existing data reporting requirements.
 - (b) The halibut charter reporting program does not require proprietary business information
 - (c) The halibut charter reporting program may require daily or trip records but should not require reporting this information to regulatory agencies more frequently than once a month

NPFMC testimony regarding halibut charters / Page 2

- (d) That halibut charter operators be involved in the development of reporting forms and requirements
- (e) That NO data collection or reporting system should be used as criteria for license limitations.
- (4) That "by-catch" from any fishery be considered as much, if not greater, a potential threat to the stability of both commercial and charter halibut fishing as any issue of license limitation within the charter boat industry.
- (5) That the issue of non-guided sports fisheries be included in data reporting requirements in order to assess the total actual resource use (in cooperation with ADF&G)
- (6) That all area management plans - as well as Council actions- consider the entire socio-economic situations of impacted communities

I am willing to take the responsibility for getting information out to all rural coastal Alaska communities once a process for developing local area plans is put into place.

The current draft position - dated September 25th, 1997 - from the ADF&G and Board of Fish offers a tenable solution. I urge you to adopt their recommendations and the recommendations I have just listed as the only responsible course of action at this time.

Thank you.

LATE COMMENT



TO: NPFMC
605 W. AVE # 306
Anchorage AK 99501-2252

RE: Halibut Charterboat Management

I support reporting requirements for the halibut charter fleet statewide. I also support a moratorium Based on the April 1997 date, leading to a limited entry system for overcrowded areas such as Deep Creek in central Cook Inlet.

I oppose any management plan that involves a poundage cap on the charterfleet.

Name Jeff + Myrna Rogers
Business name ~~AA Halibut + Salmon Charters~~ AA Halibut + Salmon Charters
Address Box 642
City Anitahik State AK Zip 99639
Phone 907-567-3352 Fax Samp

RECEIVED
1991 APR 14 4:32

Handwritten notes, including a date "1991 APR 14" and some illegible text.

LATE COMMENT



TO: NPFMC
605 W. AVE # 306
Anchorage AK 99501-2252

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I support a local area management plan for Cook Inlet & the Deep Creek Fishery that deals with the problem of near shore depletion and action should be taken as soon as possible.

Name Jeff + Myrna Rogers

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Address Box 642

City Ninilchik State AK Zip 99639

Phone 907-567-3352 Fax Same



LATE COMING

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Handwritten notes, possibly a name and address, which are mostly illegible.

Handwritten notes, possibly a name and address, which are mostly illegible.

LeSea ChartersP.O. Box 110792 ◆ Anchorage, Alaska ◆ 99511-0792
Phone (907) 344-4388**Dewayne Brantley**
owner/operator

C-40

September 20, 1997

Chris Oliver
North Pacific Fishery & Management
Council**LATE COMMENT**

Dear Council Members

I wish to address the proposed moratorium that will limit the number of sport permits that will be issued for halibut charter operators. I am not aware of any scientific data that supports the limiting of sport permits for halibut. The halibut sport fishery catch is a fraction of the commercial fishery and not a threat to the halibut stock. The halibut are a public resource and should not be reserve just for the early permit holders. If the fishery is indeed in trouble then why is there not a moratorium on commercial fishing?

I was issued a halibut permit for sport charter fishing this spring and not advised of any pending moratorium. I have made a large investment with the expectation of running a charter business and now I find out by word of mouth that I may be denied a future halibut permit. I do not favor a limited entry but if you must do so at least give the denial on the first application not after a person has entered the business.

Sincerely,

Dewayne Brantley



C-4a

P.O. Box 20761, Juneau, Alaska 99802

Phone/FAX (907) 789-2399

LATE COMMENT

September 17, 1997

Mr. Clarence Pautzke, Executive Director
North Pacific Fishery Management Council
605 W. 4th #306
Anchorage, Alaska 99501

Dear Mr. Pautzke:

Please distribute a copy of these comments to each member of the SSC, AP and North Council.

These are the official comments of the Territorial Sportsmen Board of Directors concerning management of halibut charter boats and halibut bag and possession limits.

Territorial Sportsmen, Incorporated is a Juneau based sportsmen/conservation organization dedicated to the principles of good conservation, wise use of our public resources and equal treatment under our constitution. We have always defended public use of public lands and fish and wildlife resources. Our organization is currently in its 51st year and has about 2000 members.

First of all we don't see a problem in the general statewide halibut sport fisheries. We are aware of possibly only two locations in Alaska where there may be some local problems with halibut fisheries, i.e.-Sitka and Deep Creek. We feel that concerns in these areas should be addressed at the local level by local halibut users and all user groups involved in the problems should participate in developing orderly and productive fisheries for these areas. Management tools including time and area closures, size limits, localized moratoriums for charter boats, targeted commercial fishing closures, etc. could be employed in these areas.

In observing the Councils treatment of ALFA's proposal for charter boat management, it is abundantly clear that the commercial fishing oriented council is supporting the longliners proposal which could easily reduce public access to a strong fishery resource. Sport fishermen throughout our country support reduction in harvest if there is a conservation need, however in this case it looks like a potential reduction in sport

harvest only to bolster commercial use of the resource.

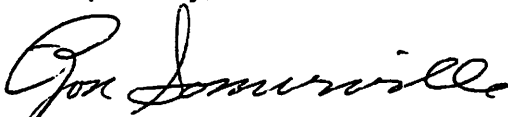
We urge you to take no action in regard to management of charter boats or definition of sport possession etc., that may reduce public access to halibut in the North Pacific for the following reasons.

- * there has been increased halibut TAC identified for harvest this year and near future
- * there are no immediate conservation concerns for halibut in the North Pacific
- * the benefits of increased halibut abundance, since the 1970's have been given to commercial users without similar benefits to sport users
- * recreational fishing interests are not receiving adequate recognition in the council process and there are no recreational fishermen or recreational guides in voting seats on the council
- * commercial trawl fisheries currently kill and waste as bycatch more halibut annually than the nonguided and guided sport fishery can even catch in a year.

Rather than take a few fish from the smallest group of halibut users- the sport fishermen, we urge commercial trawlers to bite the bullet and tackle their bycatch problem. Massive waste of a public resource by a few commercial trawlers must be minimized before the general public is precluded an opportunity to catch a halibut for his or her own use.

Thanks for this opportunity to comment.

Respectfully,



Ron Sommerville
President



DATE COMMENT

0-40

TO: North Pacific Fishery Management Council
FROM: Richard Yamada, President
Alaska Reel Adventures
DATE: September 24, 1997
RE: Response to Executive Summary, "Management Alternatives for the Guided Sport Fishery for Halibut off Alaska"

I have been an Alaska resident for the past 25 years and a lodge owner/sportfishing guide for the past 16 years. I also own a travel business, Alaska Reel Adventures, which provides sales and marketing for twelve Alaska lodges. I would like to comment on the alternatives mentioned in your recent report, "Management Alternatives for the Guided Sport Fishery for Halibut off Alaska".

Alternative 1 - Status Quo

Obviously, there is pressure from commercial fishing interests to begin regulating the take of sport caught halibut, as this impacts their quotas. If the only concern was allocating catch based on the economic benefits to the people of Alaska, I would be in favor of the status quo. This would at least provide an opportunity for growth in sportfishing related tourism, which I feel has the best return to the State on this limited resource. However, I do feel we (sportfishing guides and lodge owners) need to monitor our impact on the halibut fishery for the sake of our own future and preservation of this fishery for years to come. Therefore, I would be in favor of seeking alternatives that would achieve this goal.

Alternative 2 - Implement Reporting Requirements

I would be in favor of a reporting requirement as long as it was simple for guides to maintain and the cost of administering the program did not involve collecting additional fees from guides or clients.

Alternative 3 - Annually Allocate the TAC Between Guided Sport and Commercial Fisheries

Any alternatives having to do with caps on the halibut sport fishery would have a detrimental impact on marketing an Alaska fishing trip in advance. Uncertainties involved in trip planning usually leads to a loss of sale. The costs of leasing IFQ's would only lead to increased prices, and denying public access to this fishery after a quota was met would also have a negative impact on sales. Determining caps and implementing a cap program in a timely manner would be difficult, if not impossible. I would therefore, be against any cap program.

Alternative 4- Moratorium on the Charter Fleet

While a moratorium would benefit all currently involved in the halibut sport fishery, in terms of future competition, I agree with your report that the impact would be minimal on harvest levels. With the size of our state, I would hate to see access limited in areas still virgin to sportfishing. I would therefore be against any moratorium.

Alternative 5 - Combined Alternatives 2, 3, and 4

I am against this alternative as it involves Alternatives 3 and 4.

Alternative 6 - Stand-alone Alternative

I am against this alternative as stated in Alternative 4

Recommendation:

Adopting some version of alternative 2 - Implementing Reporting Requirements, would be a step in the right direction. If

[REDACTED]

C-4a

FAX

(206)242-9727
C/O Doubletree Inn

To: Richard Lauber, Chairman
Clarence Pautzke, Executive Director

From: Donald W. Graves
Unalaska Charter Vessel Operators Association
Fax (907)581-7228

Date: 22-Sep-97

Subject: Charter Vessel Management

LATE COMMENT

Dear Sirs:

Please review and forward the following letters regarding the future development of Charter vessel management to the Advisory Panel and to the NPFMC council members as necessary.

Number of pages including cover letter

4



**UNALASKA CHARTER VESSEL
OPERATORS ASSOCIATION**

P.O. BOX 42 UNALASKA, AK 99685 (907) 581-1647

09/21/97

Mr. Rick Lauber, Chairman
NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
P.O. Box 103136
Anchorage, AK 99510

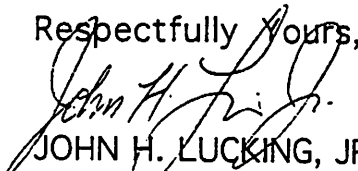
Dear Sir,

As you draw closer in deciding how to best manage the ever increasing halibut sport charter fishing industry in Alaska, we would like to point out that our fishery and the needs of our community are very different than those in any other part of the state. Because of these vast differences, we believe it's important that local charter operators, community groups, related industry, and government bodies, be allowed to work together in developing a plan that would best protect our halibut stocks while, at the same time, allowing users a responsible access to this valuable public resource.

As a developing industry, we're concerned that if the uniqueness of Unalaska isn't considered separately from other Alaskan ports, then forthcoming limitations and regulations would negatively impact our region without just cause. We would like to ask that before you finalize your decision for our area, we, as a community, be allowed time to develop and propose a sound and suitable local plan of our own.

If you would like to talk more about our request then please feel free to call or write to me at your earliest convenience.

Respectfully Yours,


JOHN H. LUCKING, JR.
PRESIDENT

Henry Olson
Silver Cloud Fisheries
PO Box 920612
Dutch Harbor, AK 99692

Mr. Rick Lauber, Chairman
NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
PO Box 103136
Anchorage, AK 99510

Dear Sir,

I have been involved in the halibut charter industry for two years now, last year as an operator and this year as a owner/operator. I would like the opportunity to continue to participate in this industry. I owned and operated a charter business in Tillamook Oregon for six years and was forced to leave because increasing restrictive regulations and over capitalization of that industry. Recognizing the value in responsible management of any resource, I support your efforts in the area of the halibut charter industry in Alaska. I feel however that there is room for responsible growth in Dutch Harbor/ Unalaska, given that there has only been six boats participate in the halibut charter industry here. I would like to see the folks in our own area have the opportunity to develop a responsible management plan that would work for all of us.

Respectfully Yours,



Henry Olson

Shuregood Adventures

Don & Chris Graves (Owners)
P.O. Box 921088
Dutch Harbor, AK. 99692
Phone: (907)581-2378
E-mail: Shurgood@ANSI.Net

Mr. Rick Lauber, Chairman
Mr. Clarence G. Pautzke
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, AK. 99510

Dear Sirs:

We would like to ask that the NPFMC consider the request of the Unalaska Charter Vessel Operators Association to allow the local community to work together in developing a fisheries management plan for the local. As a relatively new industry in the community we have taken steps to ensure the resource will be available to future generations of Alaskans and visitors to Unalaska. We have begun working with the IPHC's tag and release program and we encourage sportsmen to release large female fish.

In order to develop the fisheries I would like you to consider the request to contact the Unalaska Charter Vessel Operators Association and aid in the development of a team relationship in managing our precious resources.

Your support is greatly appreciated and I look forward to your positive response.

Sincerely



Donald W. Graves
Shuregood Adventures

Attn: Allen

Allen

LATE COMMENT

LATE COMMENT

PO Box 313

Kasilof Alaska 99610

(907) 262-7137

C-4c

Chairmen LAuber

I am writing this letter to you over my concern for the growing commercial halibut charter guide industry and their intent on limiting or eliminating commercial halibut fishing from Look Inlet

First since these guides are making money from halibut fishing then they are classified as a commercial industry and are therefore wanting to regulate themselves.

When ~~the~~ it was recognized that the longline halibut industry was growing on a limited resource, the current IFQs system was enacted. This system is based on availability of halibut for each area and quotas are set. If there is a problem with not enough halibut in Look Inlet then it should be the commercial guide industry that should be limited not the longline industry which has already been limited under IFQs.

Many of these commercial guides catch over 20,000 lbs of halibut with their boats a year and some over 60,000 lbs with many

catches between these 2 numbers.
I have fished halibut in
Cook Inlet for 13 years unfortunately
I didnt fish the right years
to Quality for IFQs and so got
0 lbs. I do still fish as a
crew member for a skipper that
has been fishing Cook Inlet for
halibut for over 30 years and his
IFQs are not as much as many
of these unregulated commercial guides
are catching so it would not be
very fair to regulate his fishery
any more than is already done
under IFQs and not first
regulate the commercial guide
industry if there is a shortage
of halibut in Cook Inlet.

Thank you

Dave Blossom
Dave Blossom

4

Attention: Helen Allen
NPFMC

David R. Martin
HC-2 Box 860
Clam Gulch, AK. 99568

Helen,

If you could please forward this newspaper clipping fax to Chairman Lanber I would appreciate it. I believe the Council should have every bit of information available when they address the proposals from the AD-HOC Halibut Charter Boat working group. This article should provided necessary information.

I apologize for not getting this information forward to you so it could be included into the packet.
Thank you for helping me out.

Sincerely

David R. Martin
David R. Martin

LATE COMMENT

By LES PALMER
Peninsula Clarion

Now is a good time to gather a winter's supply of fish, and the salt-water is the best place to catch them.

Kenai River

The emergency order restricting anglers to artificial lures and a one-silver limit has dramatically reduced the fishing effort on the

stream, which is naturally turbid with glacial silt, the use of bait would improve the catch, but bait has been restricted by emergency order.



Lower Peninsula Streams

Angler traffic is low and silver fishing has been good in Deep Creek and the Ninilchik and Anchor rivers. Early mornings are best, before the sun hits the water. A few steelhead are showing up. All steelhead must be immediately released. *Aug. 29, 1997*

OUTDOORS

Deep Creek

Anchor Point Marine

Capt. Tim Evers, at Fishward Bound Adventures, says halibut fishing off Deep Creek was "a little tough" during last week's extreme tides, but improved in the last couple of days.

"This weekend, fishing should be excellent," Evers said. "One guide came in Wednesday with a great catch of fish, all in the 50-pound range and one of about 200. There's an awful lot of fish in there, right now."

Inlet Tractor Launch, at Deep Creek, will operate through Sept. 14. Marine Services, at Deep Creek will be open through Sept. 15. The Tractor Factor, at Anchor Point, will remain open through Labor Day, Sept. 1.

Homer-Kachemak Bay

Trollers fishing south of Pt. Pogibshi have been catching six-fish limits of silvers, according to several sources. About 10 charter-boats out of Homer have been fishing in this neighborhood. Don't try it in your 16-foot skiff.

Halibut fishing out of Homer continues to be excellent. The effort is about half what it was a month ago, which means it's easy to get on one of the "hot" boats.

Resurrection Bay Gulf of Alaska

Silver salmon have moved up into the head of the bay. During recent foggy weather, some anglers caught limits trolling within shouting distance of Seward.

For at least the next two weeks, schools of silvers will be coming into the bay.

Fishing for halibut, lingcod and rockfish continues to be excellent.

Friday, August 29, 1997

