

MEMORANDUM

TO: Council and Board Members

FROM: Jane DiCosimo  
Fishery Biologist

DATE: January 29, 2002

SUBJECT: Halibut management

ACTION REQUIRED

- (a) Status of charterboat GHL and IFQ regulations.
- (b) Status of charter logbook survey.
- (c) Status of halibut subsistence regulations.
- (d) Status of BOF LAMP process.

BACKGROUND

- (a) Status of Charterboat GHL and IFQ regulations

The proposed rule to implement the halibut charter guideline harvest level (GHL) program in Areas 2C and 3A was published in the *Federal Register* on January 28, 2002 (Attachment (a)(1)). A public comment period has been established through February 27, 2002. A decision by the Secretary of Commerce is expected within 3-6 months after that. The International Pacific Halibut Commission (using ADFG Sportfish Division projections) reported that charter halibut harvest from each area is projected to be below the respective GHLs in 2002 (Attachment (a)(2)).

- (b) Charter logbook survey

A report summary of ADF&G analysis comparing the *Statewide Harvest Survey and the Charter logbook* is presented in Attachment (b). Pacific halibut harvested by guided anglers as reported in the logbook program are in general substantially larger than independent estimates of the harvest as provided by the SWHS. The discrepancy increased over time for both IPHC areas 2C and 3A. A partial explanation for the increasing size of the discrepancy could include the decreasing maximum non-reporting rate. Conversely, matching on-site data for Area 3A indicates that (at least for matching data) charter operators are underreporting their harvest of halibut in their logbook entries in comparison to what they are reporting to on-site survey staff. The increasing discrepancy between the logbook reported harvest for halibut and SWHS estimates was not observed for other fish species in IPHC Area 3A, and was somewhat less in magnitude for the Area 2C fisheries.

The halibut harvest data collected from 1998 and 1999 logbooks in Area 2C appears to be reasonable when compared with the SWHS and on-site creel survey estimates. However, ADF&G staff believes that the halibut harvest reported in the 2000 logbooks from Area 2C is artificially inflated. For example, the reported logbook harvest for charter vessels located in Sitka during 2000 is approximately 3,000 fish higher than the Sitka creel survey estimate for both charter and private anglers. ADF&G staff does not believe the 2000 logbook data should be used in any management decision making process.

In Area 3A the 1998 logbook data on halibut harvested on charter vessels appears to be reasonable when compared with SWHS estimates, but data from the 1999 and 2000 logbook programs are believed to be artificially inflated and should not be used in any management decision making process.

The charter logbook, which was the basis for the Council's recommendations for the 1998 and 1999 qualifying years for the proposed charter halibut IFQ program, is no longer collecting information from the fleet on halibut.

(c) Status of halibut subsistence regulations

The *October 2000 Council final action* on halibut subsistence was submitted for NMFS review on January 8, 2002. The proposed rule to implement a halibut subsistence fishery in Alaska is currently being prepared by NMFS staff. A public comment period will be established before a decision by the Secretary will be made. If approved, implementation is expected to occur in 2002. The International Pacific Halibut Commission has approved a change to its regulations to recognize this fishery in Alaska.

In December 2001, the Council reviewed an initial review draft of an analysis to *amend the original Council subsistence action* based on recommendations by the Board. The Council revised the suite of alternatives (Attachment (c)(1)), reconstituted its Halibut Subsistence Committee and requested that it meet on February 26, 2002 to offer additional definitions of proxy fishing and community harvest permit systems for analysis, and scheduled final action for April 2002. The revised analysis will be available for public review in early March. The ADF&G has prepared *Proposal 50* as a placeholder for possible future Board action to modify State subsistence regulations for halibut, lingcod, and rockfish (Attachment (c)(2)).

The Board has notified the Council that the latter should continue to use the *current geographic boundaries of "Chiniak Bay and the Kodiak Road Zone."* The Board is considering changes to the boundaries that should not affect the halibut subsistence fishery (Attachment (c)(2)).

(d) Status of BOF LAMP process

Board Chairman Ed Dersham will provide a verbal report at the meeting.

Dated: January 15, 2002.

Joseph E. Doddridge,  
Acting Assistant Secretary for Fish and  
Wildlife and Parks.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

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

RIN 0648-AK17

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

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

ACTION: Proposed rule; request for  
comments.

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

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

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

Avenue, Suite 306, Anchorage, AK  
99501-2252.

#### SUPPLEMENTARY INFORMATION:

##### Background

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

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

be fished in the commercial halibut fishery and, subsequently, the value of quota shares (QS) in the IFQ Program.

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

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

1. Pressure by charter operations may be contributing to localized depletion in several areas.
2. The recent growth of charter operations may be contributing to overcrowding of productive grounds and declining harvests for historic sport and subsistence fishermen in some areas.
3. As there is currently no limit on the annual harvest of halibut by charter operations, an open-ended reallocation from the commercial fishery to the charter industry is occurring. This reallocation may increase if the projected growth of the charter industry occurs. The economic and social impact on the commercial fleet of this open-ended reallocation may be substantial and could be magnified by the IFQ program.
4. In some areas, community stability may be affected as traditional sport, subsistence, and commercial fishermen are displaced by charter operators. The uncertainty associated with the present situation and the conflicts that are occurring between the various user groups may also be impacting community stability.
5. Information is lacking on the socioeconomic composition of the current charter industry. Information is needed that tracks: (1) the effort and harvest of individual charter operations; and (2) changes in business patterns.
6. The need for reliable harvest data will increase as the magnitude of harvest expands in the charter sector.

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

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

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

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

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

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

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

approved by the Secretary, a halibut guided recreational IFQ program would supersede the management of the fishery under the GHLS proposed in this action.

### The GHLS

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

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

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

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

**Harvest reduction measures**

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

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

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

The system recommended by the Council is as follows.

**AREA 2C MANAGEMENT TOOLS**

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.

**AREA 2C MANAGEMENT TOOLS—  
Continued**

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

**AREA 2C MANAGEMENT TOOLS—  
Continued**

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

**AREA 3A MANAGEMENT TOOLS**

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

**AREA 3A MANAGEMENT TOOLS—  
Continued**

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

**How the System of Harvest Reduction Measures Would Work**

No guided recreational halibut harvest reduction measures would be implemented if the total guided recreational harvest in the area (2C or 3A) remains at or below the GHL for that area. However, if the GHL is exceeded in a given year, appropriate harvest reduction measures would be imposed in following years to reduce harvests incrementally by the percentage at which the previous year's harvests exceeded the GHL. For

example, if harvests in Area 2C in 2002 exceeded the GHL by 15 percent, halibut guided recreational harvests in that area would be restricted in 2003 by prohibiting harvests by skipper and crew and by prohibiting a guided recreational vessel from concluding more than one fishing trip during which halibut are harvested during a single 24-hour period.

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

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

Once NMFS has preliminary data indicating that the level of harvests from a previous season exceeded the GHL, the appropriate harvest reduction measures would be triggered (to be in effect) for the following season. The Administrator, Alaska Region, NMFS (Regional Administrator) would announce such measures by notification in the *Federal Register* prior to the start of the annual sport halibut fishing season.

The proposed system of harvest reduction measures was developed by the Council using its best estimates of which measures would have the least effect and which the greatest effect. At

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

**Implementation Issues**

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

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

the harvest reduction measures. NMFS would require additional information on times and dates of the end of fishing trips, as well as information identifying each individual angler and his or her total harvests aboard guided recreational vessels.

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

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

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

#### Classification

The Council prepared an IRFA for this action that assesses potential impacts on small entities for purposes of the Regulatory Flexibility Act (RFA). According to 1999 ADF&G logbook data, 397 guided recreational businesses operated in Area 2C, and 434 in Area 3A. All 831 guided recreational businesses could be considered small entities for purposes of the RFA. The proposed action also would impact an estimated 4,000 permit holders and 860 registered commercial halibut buyers participating in the commercial halibut

IFQ Program, many of which are small entities. Also classified as small entities under the RFA are the many small government jurisdictions with fewer than 50,000 residents that are home to commercial halibut fishermen and guided recreational vessel owners and operators.

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

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

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

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

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

This action does not contain federalism implications, as that term is defined in E.O. 13132. This proposed rule has been determined to be not

significant for the purposes of Executive Order 12866.

#### List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: January 19, 2002.

William T. Hogarth,  
Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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

#### PART 300—INTERNATIONAL FISHERIES REGULATIONS

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

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

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

#### § 300.61 Definitions.

\* \* \* \* \*

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

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

*Harvest* means the catching and retaining of fish.

\* \* \* \* \*

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

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

\* \* \* \* \*

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

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

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

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

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

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



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

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
(1) Less than 10 percent	No guided recreational vessel may complete more than one fishing trip in a single 24-hour period.
(2) 10-15 percent	(i) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (ii) No operator or crew-member aboard a guided recreational vessel may retain halibut.
(3) 16-20 percent	(i) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (ii) No operator or crew-member aboard a guided recreational vessel may retain halibut; (iii) No person may retain more than seven halibut harvested on a guided recreational vessel during the calendar year.
(4) 1-30 percent	(i) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (ii) No operator or crew-member aboard a guided recreational vessel may retain halibut; (iii) No person may retain more than six halibut harvested on a guided recreational vessel during the calendar year.
(5) 31-40 percent	(i) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (ii) No operator or crew-member aboard a guided recreational vessel may retain halibut; (iii) No person may retain more than five halibut harvested on a guided recreational vessel during the calendar year.

When annual harvests in the halibut guided recreational fishery exceed GHL by:	Harvests will be restricted in following years by implementation of a restriction that:
(6) 41-50 percent	(i) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (ii) No operator or crew-member aboard a guided recreational vessel may retain halibut; (iii) No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year.
(7) More than 50 percent	(i) No guided recreational vessel may complete more than one fishing trip in a single 24-hour period; (ii) No operator or crew-member aboard a guided recreational vessel may retain halibut; (iii) No person may retain more than four halibut harvested on a guided recreational vessel during the calendar year; (iv) Between the dates of August 1 and August 31, no person may retain more than 1 halibut per day harvested aboard a guided recreational vessel.
<p>(2) <i>Area 3A.</i> (i) <i>GHL.</i> The guideline harvest level for area 3A will be 3,650,000 lb (1,655.6 mt).                      (ii) In years of low abundance of halibut stocks in area 3A, as determined by the Commission, the guideline harvest level will be reduced:                      (A) By 15 percent when the halibut stock abundance falls at least 15 percent below its 1999-2000 average; and                      (B) After the initial 15 percent reduction, by further 10 percent increments as stock abundance declines by additional 10 percent increments below its 1999-2000 average.                      (C) <i>Area 3A harvest reduction measures.</i> The appropriate annual harvest reduction measures for area 3A, identified in the table below, will take effect pursuant to paragraph (f)(3) of this section when the Administrator, Alaska Region, NMFS, determines that harvests from the previous year exceeded the GHL for that year by the corresponding percentage.</p>	

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



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

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

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

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

**§ 300.65 Prohibitions.**

\* \* \* \* \*

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

[FR Doc. 02-2005 Filed 1-25-02; 8:45 am]

BILLING CODE 3510-22-S

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## INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA  
AND THE UNITED STATES OF AMERICA

## COMMISSIONERS:

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VANCOUVER, B.C.

January 29, 2002

Mr. Chris Oliver, A/Executive Director  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

Dear Chris:

I wish to respond to the items raised in Clarence's letter of December 14, 2001, concerning GHL, subsistence, discard mortality rates, and Area 4D/E CDQ harvests. I will also be happy to review these elements and other results of the Commission's 2002 Annual Meeting with the Council at your February meeting.

1. **Commercial setline and guided sport GHL calculations.** The Commission reviewed the recommendations on catch limits from staff and industry. The attached table shows the catch limits adopted by the Commission for the 2002 halibut fisheries. Prior to making its recommendations, the staff reviewed the estimates of constant exploitation yield (CEY) and determined that the estimated charter recreational catches of halibut for 2001 did not exceed the GHL levels as they are currently stated by NMFS. The 2001 estimates of charter catches (0.93 million lbs. (Mlb) and 2.95 Mlb in Areas 2C and 3A, respectively) were the values used for the calculations pertaining to 2002. Since the estimated GHL values (1.432 Mlb and 3.650 Mlb in Areas 2C and 3A, respectively) are higher than the estimated catches, no restrictions on the charter catch would be contemplated by the GHL rule for 2002.
2. **Subsistence.** To facilitate the Council's and NMFS' rule-making for subsistence, the Commission adopted new regulations defining commercial and sport fishing, that separates those two activities from customary and traditional fishing, including a season length for customary and traditional fishing (attached). The Commission's regulations specify that these revised definitions will only take effect when NMFS approves the customary and traditional (i.e., subsistence) proposals.
3. **Halibut discard mortality rates.** The staff has had some initial discussions with smaller-vessel Pacific cod harvesters concerning the discard mortality rate (DMR) applied in this fishery. We have indicated that past revisions to this rate were based on new observer data and such data would be required for revisions on DMRs for this class of harvester. We have

also indicated that whatever direction this sector pursues, the data collection process, analysis, and results must be reviewed and approved by the Council's SSC.

4. *Area 4D/E CDQ harvest.* The Commission passed regulations permitting retention of sublegal halibut for personal use in 4E CDQ fisheries, with annual reporting requirements to the Commission, only for vessels that land all of their catch in Area 4E. This permission was also extended to Area 4D CDQ fisheries for vessels similarly landing all of their catch in either Areas 4D or 4E. The sunset provision of this regulation was removed but the regulation will be reviewed at the end of 2002, to ensure it is necessary once subsistence accounting is implemented. The other provisions enacted by Council concerning trip limits and Area 4D/E CDQ quota transfer do not conflict with Commission regulations or management since the Commission manages Areas 4C/D/E as a unit stock.

Gregg Williams and I will be attending the February meeting and making a brief presentation to your Wednesday session.

Sincerely,



*for* Bruce M. Leaman  
Executive Director

Encl.

## 2002 Adopted Catch Limits

Regulatory Area	Millions of Pounds			
	IPHC Staff	Conference Board	Processors	Adopted by IPHC
2A*	1.31	1.31	1.31	1.31
2B	11.75	11.75	11.75	11.75
2C	8.50	8.50	8.50	8.50
3A	22.63	22.63	22.63	22.63
3B	17.13	17.13	17.13	17.13
4A	4.97	4.97	4.97	4.97
4B	3.44	4.20	4.03	4.18
4CDE Total	4.45	5.00	4.45	4.45
<b>TOTAL</b>	<b>74.18</b>	<b>75.49</b>	<b>74.77</b>	<b>74.92</b>

Changes to IPHC regulations (underlined)

“commercial fishing” means fishing, other than customary and traditional fishing as referred to in Section 23, the resulting catch of which is sold or bartered; or intended to be sold or bartered;

“sport fishing” means all fishing other than commercial fishing; and treaty Indian ceremonial and subsistence fishing as referred to in Section 22; and customary and traditional fishing as referred to in Section 23;

Section 23. Customary and Traditional Fishing in Alaska

1. Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be regulated pursuant to regulations promulgated by the National Marine Fisheries Service and published in Title 50, Code of Federal Regulations, Part 300.

2. Customary and traditional fishing for halibut is authorized from January 1 through December 31. (staff suggested dates)

IPHC regulations will clarify that new Section 23 and the revisions to the definitions of commercial fishing and sport fishing only take effect if and when NMFS approves the customary and traditional fishery proposal.

## MEMORANDUM

State Of Alaska  
Department of Fish and Game

TO: Kevin Duffy  
Deputy Commissioner  
Juneau

DATE: September 21, 2001

THRU: Rob Bentz  
Deputy Director  
Division of Sport Fish  
Juneau

TELEPHONE 465-6187  
NO:

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

TELEPHONE 267-2327  
NO:

SUBJECT: Initial evaluation of the Alaska  
Department of Fish and Game Saltwater  
Sportfishing Charter Vessel Logbook  
Program 1998-2000

In February 1998 the Alaska Board of Fisheries (BOF) adopted regulations requiring logbooks for saltwater charter vessels statewide. The BOF took this action to meet several information needs including: 1) inseason estimates of Southeast sport charter harvest of chinook salmon, 2) individual vessel-based sport charter information, 3) effort and harvest information beyond that obtained through the angler-based statewide sport fish postal survey and on-site creel surveys, 4) North Pacific Fishery Management Council (Council) needs in relation to allocation of Pacific halibut, and 5) BOF needs in deliberation of regulatory and local management plan proposals.

This memo summarizes the results of our initial evaluation of the logbook program in regards to the reliability of reported harvest of Pacific halibut taken by guided sport anglers in IPHC areas 2C and 3A for the first three years of the program (1998-2000). The final results of our evaluation will eventually be published in one of our Division's peer reviewed publications (most likely the Fishery Manuscript series). The results presented in this memo are final (i.e., not expected to change with further analyses). However, the final results will include the results some additional analyses we plan on conducting over the next few months. We will provide the results of some of these additional analyses prior to the October meeting of the Council.

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

## Attachments

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

## INTRODUCTION

Each harvest assessment program has its strengths and limitations. Creel surveys provide valuable first hand observations of the fishery but they are very expensive and lack full geographical coverage. Port sampling (catch sampling) provides biological information and important fishery statistics including areas of landings and fishing effort, but is expensive and does little to help assess total area harvest. The Department's charter logbook program was initiated in 1998 and as with any new program, it needs to be "ground truthed" to evaluate the accuracy of the data. The Statewide Postal Survey (SWHS), a postseason survey, is a long time series data set that provides excellent geographical coverage, is reasonably accurate and cost effective but the estimates of harvest are not available for up to one year after the fishing season in question.

This document provides a summary of the results of our initial evaluation ("ground truthing") of the logbook program with regards to the reliability of reported harvest of Pacific halibut taken by guided sport anglers in International Pacific Halibut Commission (IPHC) areas 2C and 3A for the first three years of the logbook program (1998-2000).

## OBJECTIVES

1. The primary objective was to compare and contrast the harvest of Pacific halibut as estimated by the Statewide Harvest Survey with the reported harvest from the logbook program for 1998-2000.
2. A secondary objective was to compare the harvest of other species (i.e., chinook and coho salmon, rockfish, and lingcod).
3. Finally, logbook data was compared with on-site sampling projects (i.e., the groundfish catch sampling project in Southcentral Alaska, and the creel/catch sampling projects in Southeast Alaska).

## SUMMARY OF RESULTS

### *Comparison with SWHS Estimates-Pacific halibut Harvests*

Harvest of Pacific halibut as reported in the logbook program are generally larger (and in some cases) much larger than the estimated harvest in IPHC area 2C as measured by the SWHS (Figure 1). Most of the discrepancy for Pacific halibut in 2C is related to the discrepancy between estimates for SWHS Area B (Prince of Wales Island) and Area D (Sitka). Differences for Pacific halibut are minimal for the other SWHS areas in 2C (i.e., A, C, D-G). The discrepancy appears to have an increasing trend over the years of comparison (i.e., greater in 2000 than 1999 and greater than 1998).

Similarly for IPHC area 3A (SWHS areas H-Q) the Pacific halibut harvest reported in logbooks is substantially greater than the estimated charter/guided harvest from the SWHS, again with an increasing trend in the size of the discrepancy. Nearly all of the discrepancy for IPHC area 3A is due to the discrepancy for SWHS Area P (saltwater surrounding Kenai Peninsula).



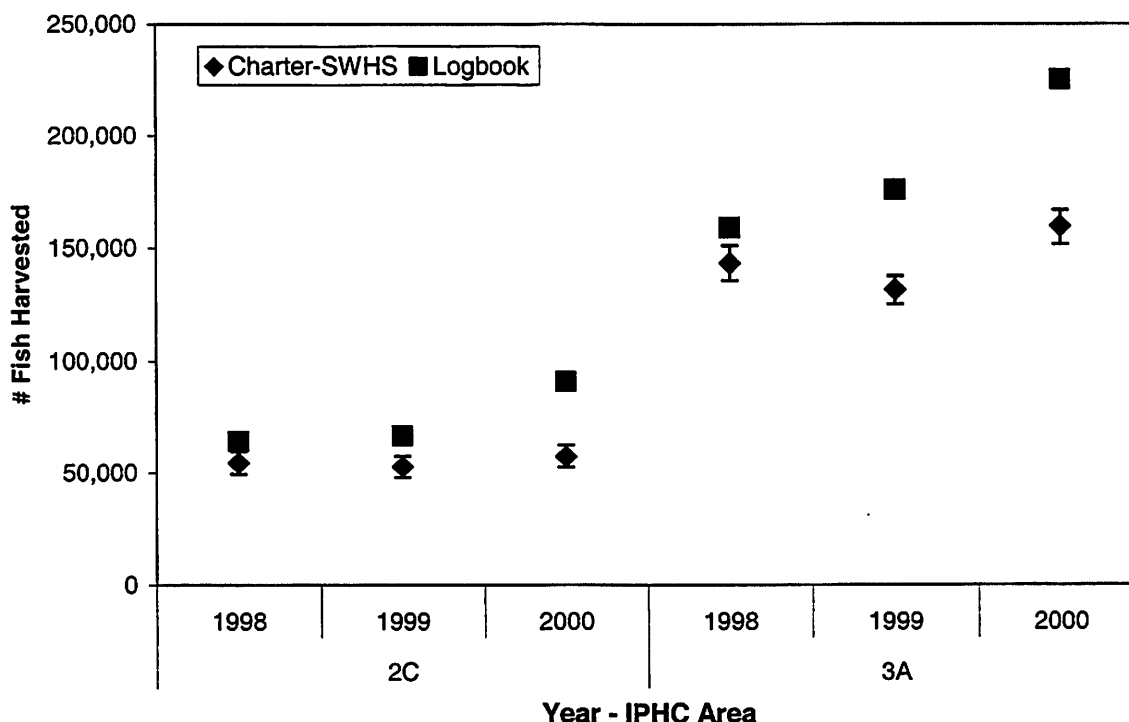


Figure 1.-Comparison of Statewide Annual Mail Survey estimates versus Saltwater Charter Logbook Reported Harvest of Pacific halibut by chartered/guided anglers for the International Pacific Halibut Commission (IPHC) Areas 2C and 3A, 1998-2000.

*Comparison with SWHS Estimates-Other Species Harvests*

Harvest of chinook and coho salmon, and rockfish as reported in the logbook program are generally somewhat larger than the estimated harvest in IPHC area 2C (Figures 2-5). The logbook reported harvest for lingcod matches with the SWHS estimates for IPHC area 2C (Figure 6).

The reported harvest for each of these species generally matches quite closely with the estimates from the SWHS for IPHC area 3A (Figures 2-6). Accordingly, the discrepancy noted above for Pacific halibut for IPHC area 3A (i.e., higher reported harvest for the logbook program in comparison to the SWHS estimate, see Figure 1) is not repeated for these other species.

*Comparison with On-site Creel and Catch Sampling Programs.*

Comparison of individual records from on-site creel and catch sampling projects with matching records from the logbook program were made that essentially involves a one-to-one comparison of vessel-trip information. The comparison was conducted to evaluate (1) the degree of compliance with the program, i.e., do charter operators complete a logbook report for each active chartered/guided sport fishing trip; and (2) measure the degree of agreement or disagreement between reported harvests by species as well as effort statistics. Note that non-matching may be due to true non-reporting or due to inefficient matching (due for example to incorrectly recorded dates of activity). Accordingly the non-matching rates reported here are assumed to be estimates of the maximum non-reporting rate.

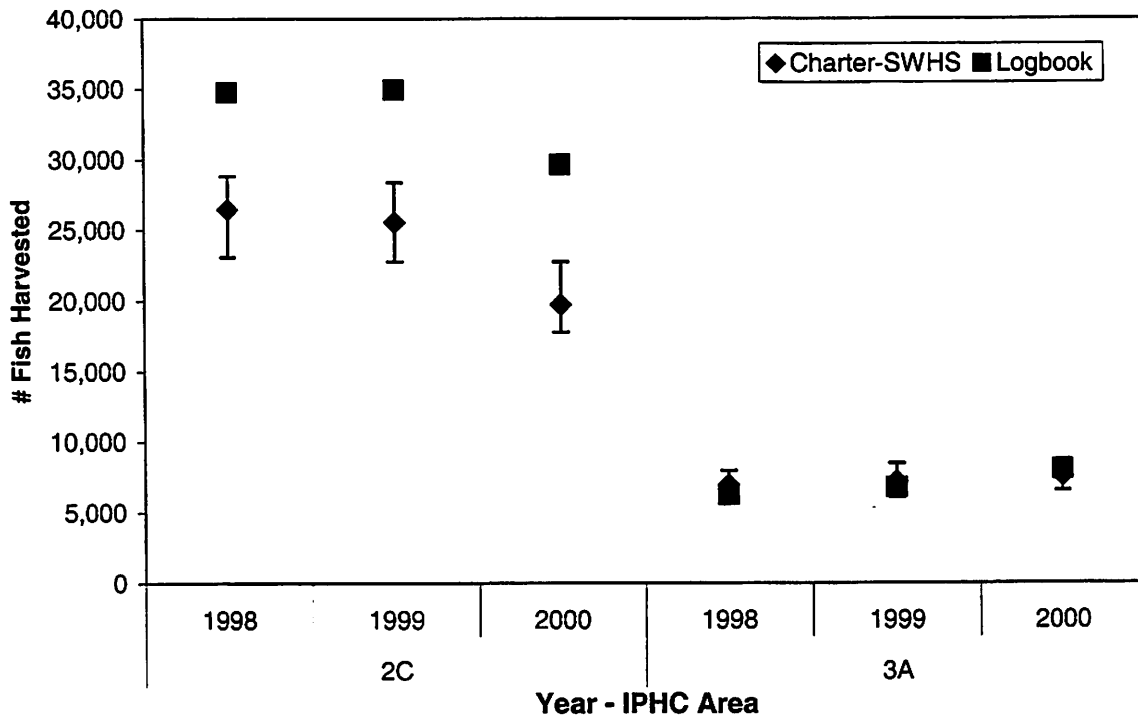


Figure 2.-Comparison of Statewide Annual Mail Survey estimates versus Saltwater Charter Logbook Reported Harvest of chinook salmon by chartered/guided anglers for the International Pacific Halibut Commission (IPHC) Areas 2C and 3A, 1998-2000.

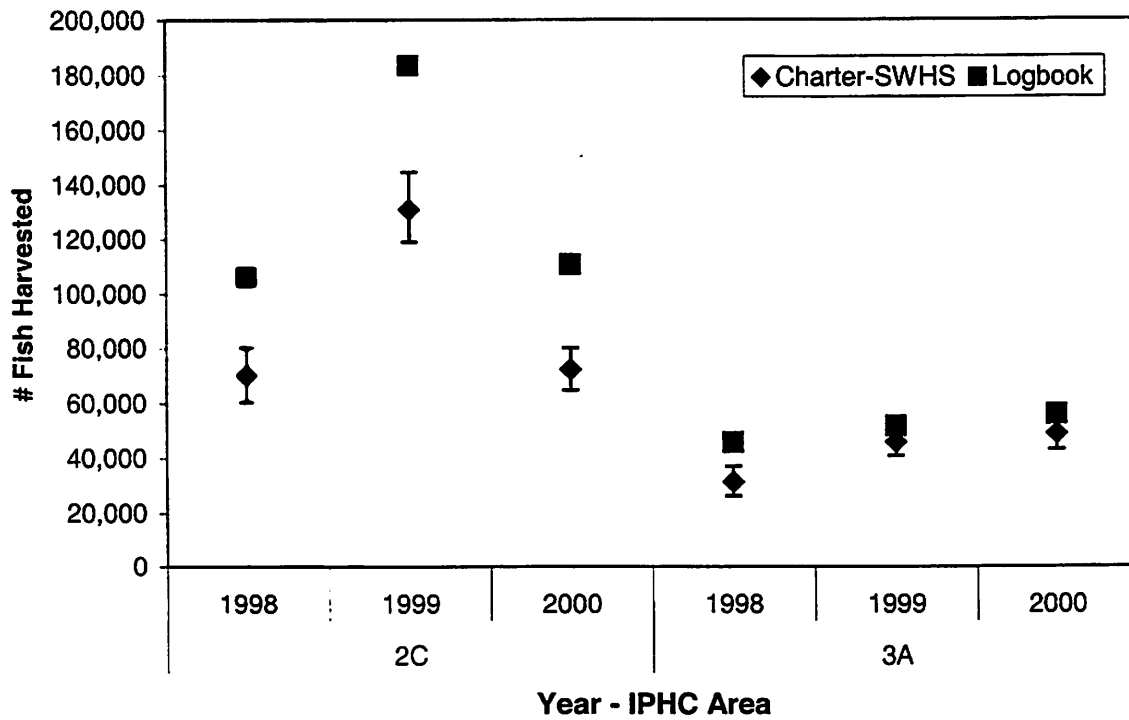


Figure 3.-Comparison of Statewide Annual Mail Survey estimates versus Saltwater Charter Logbook Reported Harvest of coho salmon by chartered/guided anglers for the International Pacific Halibut Commission (IPHC) Areas 2C and 3A, 1998-2000.

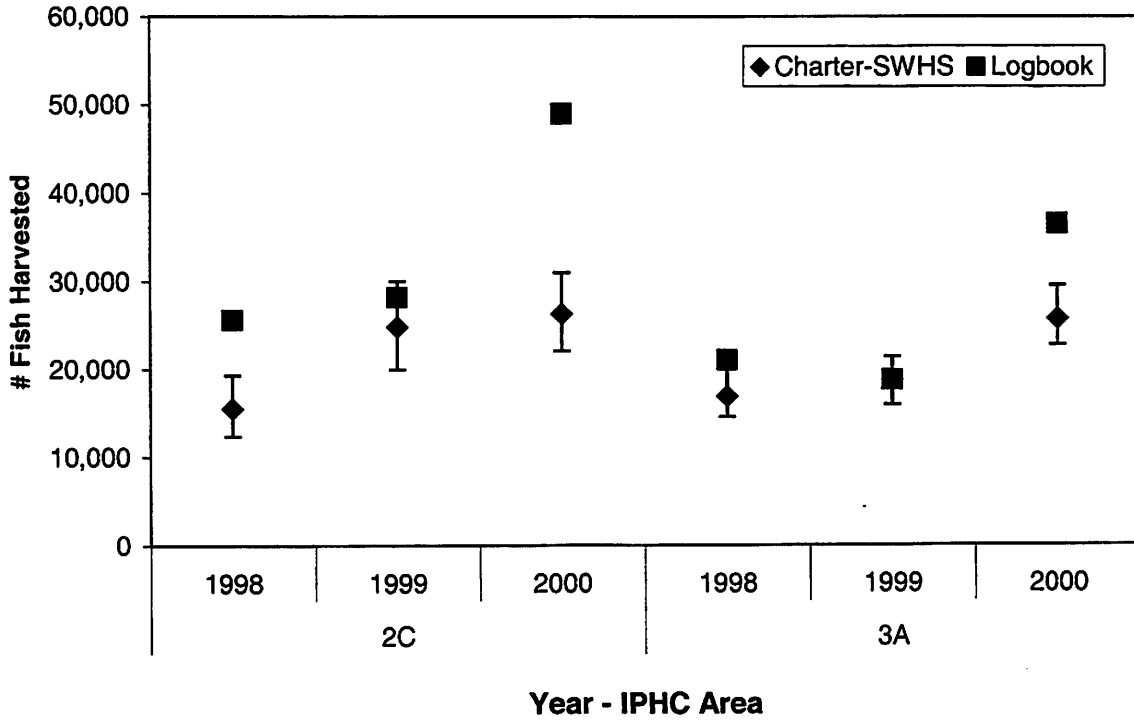


Figure 5.-Comparison of Statewide Annual Mail Survey estimates versus Saltwater Charter Logbook Reported Harvest of rockfish by chartered/guided anglers for the International Pacific Halibut Commission (IPHC) Areas 2C and 3A, 1998-2000.

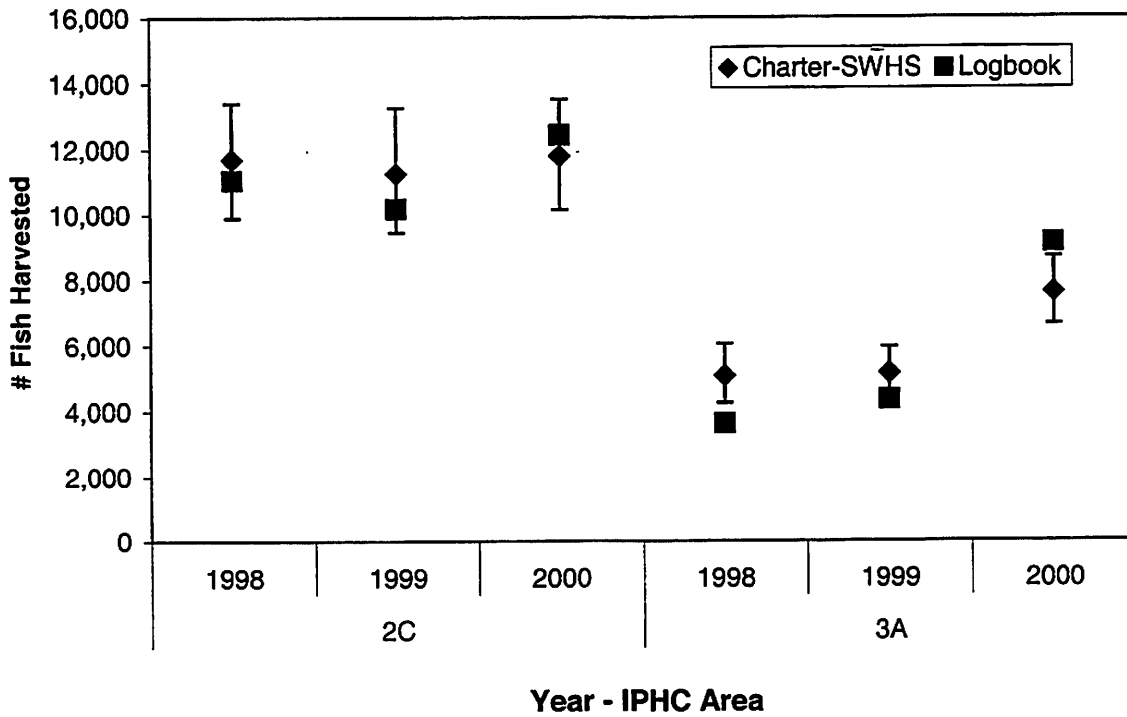


Figure 6.-Comparison of Statewide Annual Mail Survey estimates versus Saltwater Charter Logbook Reported Harvest of lingcod by chartered/guided anglers for the International Pacific Halibut Commission (IPHC) Areas 2C and 3A, 1998-2000.

Comparisons were made to the information collected by the ongoing creel surveys conducted for the Juneau, Ketchikan, and Sitka saltwater sport fisheries, as well as the catch sampling projects conducted in Craig/Klawock, Petersburg, Wrangell, and Yakutat. Both the creel and the catch sampling programs are designed primarily to estimate parameters associated with the chinook salmon fishery. Comparisons were also made to the information collected by the ongoing groundfish catch sampling conducted in Southcentral Alaska.

Non-matching/Non-reporting Rates. The matching rate between logbook and onsite interview data in Southeast Alaska was incomplete though relatively high, increasing from 83% in 1998 to 87% in 1999 to 92% in 2000 (Table 1). A portion of the records that were classified as "non-matching" were due to trips for which the charter operator recorded being "inactive" for the day in the logbooks, yet the creel survey indicated that an active trip occurred: 4% of trips in 1998 and 1999, and 2.4% in 2000,.

The matching rate in Southcentral Alaska was similar to those observed in Southeast Alaska: 84% in 1998, 80% in 1999, and 93% in 2000 (Table 1). Again a number of records that the charter operator recorded as being "inactive" for the day matched against interview data that indicated that the vessel was active (ranging from 2.5% to 7.6%).

**Table 1.**-Logbook non-matching rates in comparison with on-site creel and catch sampling programs. Comparisons made on a one-to-one basis matching individual vessel-trip records. Non-matching may be due to true non-reporting or due to inefficient matching (due for example incorrectly recorded dates of activity).

Parameter	Year	Compared to SE Alaska Creel and catch Sampling Projects	Compared to SC Alaska Groundfish Catch Sampling Project
Records in logbook database	1998	100,437	
	1999	111,758	
	2000	126,986	
Records in interview database	1998	1,934	1,100
	1999	2,327	1,409
	2000	2,668	1,601
Estimated Matching rate <sup>a</sup>	1998	83%	84%
	1999	87%	80%
	2000	92%	93%
% of interviews classified as "inactive" <sup>b</sup>	1998	4.0%	3.4%
	1999	4.0%	7.6%
	2000	2.4%	2.5%

<sup>a</sup> Matching rate does not include matching records in which the charter operator reported an inactive day.

<sup>b</sup> There were several matching records where there was interview data but the logbook database classified the vessel as "inactive" for that day.

Pacific halibut Harvest Comparison. The degree of agreement in reported harvest of Pacific halibut in Southeast Alaska indicated that 85-87% of records agreed exactly and 90-91% were

within one fish. Comparatively, the reported harvest in Southcentral Alaska indicated that substantially fewer records matched exactly (Table 2), with some indication that agreement improved from 1998 to 2000.

**Table 2.-Agreement of logbook data with onsite interview data for Pacific halibut harvest in Southcentral Alaska.**

Maximum Error (number of fish)	Halibut Harvested (Year)		
	1998	1999	2000
0	47%	54%	66%
± 1	58%	62%	74%
± 2	76%	73%	84%
± 5	90%	84%	90%

Average harvest per vessel-trip were nearly equal for matching records for the Southeast Alaska on-site comparisons. Conversely, average harvest per vessel-trip for the matching Southcentral Alaska records were comparatively larger for the on-site versus the logbook data (Table 3).

**Table 3.-Average harvest per vessel trip as reported from on-site interview data minus the matching harvest reported on the logbook, in Southcentral Alaska.**

Mean Difference (interview - logbook)	Halibut Harvested		
	1998	1999	2000
	0.79	0.87	0.17

## DISCUSSION

Pacific halibut harvested by guided anglers as reported in the logbook-program are in general substantially larger than independent estimates of the harvest as provided by the SWHS. The discrepancy increased over time for both IPHC areas 2C and 3A (Figure 1). A partial explanation for the increasing size of the discrepancy could include the decreasing maximum non-reporting rate (Table 1). Conversely, matching on-site data for IPHC Area 3A indicates that (at least for matching data) charter operators are underreporting their harvest of Pacific halibut in their logbook entries in comparison to what they are reporting to on-site survey staff (Table 3). The increasing discrepancy between the logbook reported harvest for Pacific halibut and SWHS estimates was not observed for other fish species in IPHC Area 3A, and was somewhat less in magnitude for the Area 2C fisheries (Figures 2-6).

The halibut harvest data collected from 1998 and 1999 logbooks in IPHC area 2C appears to be reasonable when compared with the SWHS and on-site creel survey estimates. However, we believe the halibut harvest reported in the 2000 logbooks from 2C is artificially inflated. For example, the reported logbook harvest for charter vessels located in Sitka during 2000 is approximately 3,000 fish higher than the Sitka creel survey estimate for both charter and private anglers. We do not believe the 2000 logbook data should be used in any management decision making process.

In IPHC area 3A the 1998 logbook data on halibut harvested on charter vessels appears to be reasonable when compared with SWHS estimates, but data from the 1999 and 2000 logbook programs are believed to be artificially inflated and should not be used in any management decision making process.

Additional analyses are planned to more fully evaluate the reliability and accuracy of the logbook data that may identify possible explanations to the discrepancies summarized above. All results of this 3-year comparison will be published in a Department of Fish and Game Fisheries Manuscript Report.

**COUNCIL FINAL MOTION ON HALIBUT SUBSISTENCE TRAILING AMENDMENT  
December 8, 2001**

**Motion:** Adopt the following **PROBLEM STATEMENT** for the overall analysis (the previously adopted problem statement for the Sitka LAMP area would follow this):

In October 2000, the North Pacific Fishery Management Council (Council) adopted a regulatory framework that recognized customary and traditional use of halibut for subsistence purposes. This framework was intended to accommodate customary and traditional practices while at the same time meeting conservation, social and economic objectives.

In adopting the statewide halibut subsistence program the Council recognized that the regulatory framework, while comprehensive in nature, might not meet Council objectives regarding the needs of subsistence harvesters or other users of the halibut resource in local areas.

Consistent with the Council's working relationship with the Alaska Board of Fisheries (Board), the Council requested that the Board investigate whether or not the halibut subsistence regulatory framework was appropriate to address local conditions and to report back to the Council with recommended modifications to the program to better reflect local issues and concerns. Specifically, the Board, through their public input process, was requested to address any concerns and make recommended changes to the Council's regulatory framework regarding gear, daily limits, reporting requirements, customary and traditional designations for Tribes or rural communities, and non-rural area definitions for halibut subsistence fishing areas.

**Motion:** (Revised) Alternative 2. Modify the previous action on halibut subsistence:

- |   |  |
|---|--|
| Part 1: in Areas 4C, 4D, and 4E:        | eliminate gear restrictions  |
| Part 2: in Areas 2C, 3A, 3B, 4A, 4B:    | allow stacking up to three times the number of hooks on a single unit of gear per trip provided the subsistence user(s) are on board the vessel.                       |
| Part 3: in Area 3A:                     |  |
| A) Kodiak Road Zone and Chiniak Bay:    | 1) decrease the gear limit to 5 hooks<br>2) create a 20 fish annual limit<br>3) allow proxy fishing;   |
| B) Prince William Sound                 | 1) decrease the gear limit to 5 hooks;   |
| C) Cook Inlet;                          | 1) decrease the gear limit to 5 hooks<br>2) increase the size of the Cook Inlet non-subsistence fishing area by adjusting its southern boundary.                       |
| Part 4: in Area 2C,<br>Sitka LAMP Area: | 1) decrease the gear limit to 2 hooks<br>2) create a 20 fish annual limit<br>3) allow proxy fishing<br>4) decrease the daily harvest limit to 2 fish (Council option). |
| Part 5:                                 | A permit and reporting system must be in place when the program is implemented   |
| Part 6:                                 | The Council will conduct a program review 3 years after the program implementation date.   |



**Motion: (New) Alternative 3. Modify the previous action on halibut subsistence:**

Part 1: Areas 4C, 4D, and E:

- 1) Eliminate gear restrictions

Part 2: All Areas except 4C, 4D, 4E

- 1) Allow stacking of a maximum up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.

Part 3(A): In Area 3A, Kodiak Road Zone and Chiniak Bay:

- 1) 5 to 30 hooks
- 2) 20-fish annual limit
- 3) Develop proxy system
- 4) Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.

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

- 1) 5 to 30 hooks
- 2) 30 -fish annual limit
- 3) Develop proxy system
- 4) Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.

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

- 1) 5 to 30 hooks
- 2) 30-fish annual limit
- 3) Develop proxy system
- 4) Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.

- 5) Cook Inlet Boundary - No action

Part 4: In Area 2C,  
Sitka Sound Lamp Area:

- 1) 2 to 15 hooks
- 2) 5 fish per day
- 3) 20 fish annual limit
- 4) Develop proxy system
- 5) Allow stacking of a maximum up to 2 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.

Suboption: Apply the above provisions to all of Area 2C.

Part 5. All areas.

Analysis of Federal and State proxy systems and other proxy options that reflect customary and traditional harvests and distribution patterns of native villages and other communities. This should be done in consultation with State, Federal, Tribes, and rural communities.

Part 6. All areas.

Community Harvest Permits: The Council Halibut Subsistence Committee shall work with the NMFS to construct a community harvest permit system in consultation with the affected user groups and other relevant agencies.

**Motion:** (New) Alternative 4. Modify the previous action on halibut subsistence:

Areas 4B, 4C, 4D, and 4E.

Legal-sized halibut could be retained for subsistence purposes while CDQ fishing and not counted against a CDQ account.

**Motion:** Final action is scheduled for April 2002.

## STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF FISH AND GAME

BOARD OF FISHERIES

P.O. BOX 25526  
JUNEAU, ALASKA 99802-5526  
PHONE: (907) 465-4110  
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January 23, 2002

Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave., Suite 306  
Anchorage, AK 99501

RECEIVED

JAN 28 2002

N.P.F.M.C

Re: Kodiak Area Board of Fisheries Halibut Subsistence Recommendations

Dear Chairman Benton:

Thank you for your consideration of the Board of Fisheries' recommendations regarding halibut subsistence. We understand that a committee has been formed by the council to review proxy fishing alternatives. The council has also requested that the Board of Fisheries recommend any potential changes for future council action based on local issues. There are still several board proposals currently being reviewed by state advisory committees and we expect to discuss these at the March 2002 board meeting. The board may make further recommendations to the council at that time.

The board recommendations regarding halibut subsistence forwarded to the council at your December meeting included a recommendation for the Kodiak area that had gear and annual limits for the "Chiniak Bay and Kodiak Road System." This is a geographical area that stretches one mile offshore north and east from the western edge of Saltry Cove around to one mile off Cape Chiniak. The area includes all marine waters within a line that cuts across Chiniak Bay to one mile off Long Island and angles northwest to one mile off the northeast tip of Spruce Island. The one-mile zone follows the shores of Spruce Island to the northwest around the island to one mile off Kodiak Island and then down Kodiak Island to Crag Point.

During the January 2002 meeting, the board took action to redefine the geographical boundaries of the Kodiak area "road system" for purposes of sport fishing salmon bag limits. It is not the board's intent, however, to change the area we recommended to the council for Kodiak subsistence halibut limitations. As the council considers our recommendation for Chiniak Bay and the Kodiak Road System you should have in mind the area, described in paragraph two above, that was identified in the board's December 2001 recommendations.

If you have additional questions regarding these issues, please do not hesitate to contact me.

Sincerely,


Ed Dersham  
Chairman

**PROPOSAL 50 - 5 AAC 01.520. LAWFUL GEAR AND GEAR SPECIFICATIONS.** Modify subsistence regulations for halibut, lingcod and rockfish.

**PROBLEM:** Draft regulations before the North Pacific Fishery Management Council will allow up to 30 hooks to be used on a longline while subsistence halibut fishing. This proposal is a placeholder to allow the board to consider changes to existing gear types in response to changes in federal halibut subsistence regulations. State regulations may need to be changed to coordinate gear in state-managed fisheries.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Unless state regulations that only allow five hooks per longline are changed, a subsistence fisher could not keep rockfish or lingcod from their halibut longline.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes, rockfish or lingcod caught on a subsistence halibut longline may be utilized rather than discarded.

**WHO IS LIKELY TO BENEFIT?** Subsistence users.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game at the request of the Alaska Board of Fisheries  
- (HQ-01-F-381)  
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