


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: June 11, 1997

SUBJECT: Halibut Management Issues - Sitka Sound Management Plan

ESTIMATED TIME
3 HOURS
(for all C-3 items)

ACTION REQUIRED

Initial review of Sitka Sound Local Area Halibut Management Plan.

BACKGROUND

Local Area Plans

In September 1996, the Council began developing a regulatory amendment to implement a Sitka Sound management plan recommended by the Sitka Fish & Game Advisory Committee Halibut Task Force. The Alaska Board of Fisheries forwarded the Committee's final recommendations to the Council in February 1997. The initiative may be divided into two parts: (1) a general framework for considering local area management plans; and (2) a specific plan for Sitka Sound. Discussion of the first part is provided in item C-3(c)(1) where various criteria and procedures are described for review of local area plans. That discussion is intended to lead to development of a protocol for use with any proposed local plan.

The second part is treated separately in a draft EA/RIR which, if adopted, would implement the specific recommendations of the Halibut Task Force proposal for Sitka Sound. The EA/RIR was mailed to you on June 10, 1997, and is discussed further below.

Sitka Sound Local Area Plan

The Sitka Sound proposal culminates community debate since 1995 to resolve user conflicts resulting from the apparent decline in halibut in Sitka Sound. In May 1995, the Sitka Halibut Task Force unanimously agreed to a statement of findings and a list of voluntary actions. The Task Force was re-formed in 1997 in response to Proposal 270 submitted by the Sitka Tribe of Alaska to the Board last February. Proposal 270 recommended stopping the harvest of halibut, ling cod, rockfish and other bottomfish in the Sitka Sound area because of commercial and charterboat overharvest. The Board then created a Sitka Sound Special Use Area for ling cod. Rockfish are already protected in Sitka Sound. The Board, however, could not implement a local halibut plan because the State lacks jurisdiction over halibut under the Northern Pacific Halibut Act of 1982. Thus, the BOF referred the recommendations to the Council, which does have management jurisdiction.

The Task Force met again on Monday, June 9, 1997, to resolve remaining issues on halibut retention by the charter and salmon commercial troll fisheries in the Sitka Sound closed area. It reaffirmed the February 1997 agreement and requested that the Sitka advisory committee be updated annually on commercial and sportfish

halibut harvests in Sitka Sound. Note that provision 3 of alternative 2 of the February 1997 Council motion (shown below), which attempts to incorporate Item 8 of the Halibut Task Force recommendation, now differs from Item 8 because the Council is prohibited from discriminating between residents of different states. The Task Force clarified that 'non-resident' in Item 8 referred to non-Sitka residents.

The proposed Sitka Sound plan would close most of the Sound to commercial halibut fishing by freezer vessels, commercial vessels larger than 35 ft, and halibut charterboats. Commercial vessels less than or equal to 35 ft would be limited to 1,000 lb of halibut per trip. Subsistence, personal use, and unguided sport fishermen would continue to harvest halibut in the Sound. The alternatives included in the analysis are:

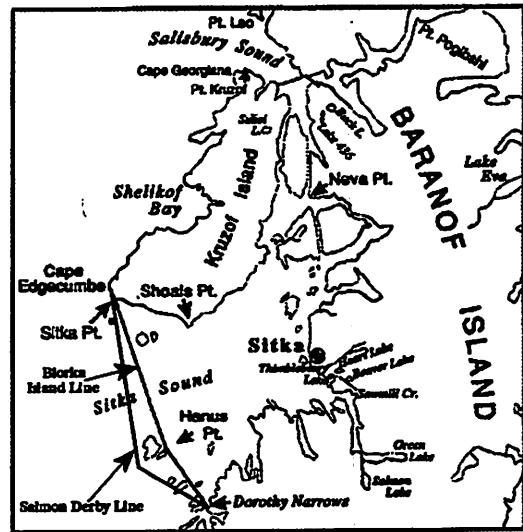
Alternative 1. Status Quo. Do not develop a local area management plan for Sitka Sound.

Alternative 2. Create a local area management plan for Sitka Sound with the following provisions:

(1) Halibut longliners larger than category "D" (> 35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundary on the South.

(2) Halibut longliners in the category "D" would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. (14450 Loran Line) and from Hanus Pt. to the Green Marker in Dorothy Narrows and Across to Baranof Islands in the South in June, July, and August (Figure 1). 1,000-pound trip limit in this area during the time it is open. Halibut catch in Sitka Sound will be monitored for growth rate.

(3) Inside the same areas defined for the category "D" longliners during the months of June, July, and August, fishing for halibut would only be allowed by: (a) personal use fishery; (b) subsistence fisheries; and/or (c) non-guided sport fishery



Commercial halibut boats using the proposed closed area increased from 57 to 74 vessels between 1995 and 1996. At the end of 1995, 324 Sitka residents held over 1.7 million lb of halibut IFQ, valued at \$3.0 million. Because of liberalized sweep-up and fish-down allowances, fewer QS holders and vessels are currently active in the fishery.

Alternative 2 would displace from the closed area approximately 29 commercial category A-C vessels which harvested approximately 106,000 lb of halibut worth \$190,000 ex-vessel in 1996. Around 45 category D vessels would be limited to 1,000 lb of halibut per trip inside the proposed area during the IFQ season, except for June, July, and August when they would be prohibited from fishing inside closed waters with a less restrictive southern

boundary (Biorka Island line) than larger commercial vessels (salmon boundary line). The trip limit would have no effect on roughly 32 of the 45 category D vessels harvesting halibut during 1996. Thirteen category D vessels may be required to take multiple trips to harvest their IFQs in the Sound. Up to 61,000 lb of halibut valued at \$173,000 are fished on category D vessels.

Approximately 200 charterboats would have the same closed water boundary as commercial category D vessels during June, July, and August. The Sitka guided halibut harvest of 13,400 fish in 1995 generated estimated gross revenues of \$1,036,800 and total spending of over \$2 million. Alternative 2 may result in approximately 6,000 fewer halibut removed by charter anglers from Sitka Sound; roughly 176,000 lb at 29 lb/fish net weight. These fish still may be intercepted as they enter the Sound, if fishing activity shifts to Salisbury Sound and along the western side of Kruzhof and Baranof islands.

Some effects of Alternative 2 remain unknown: (1) the amount of category A-C IFQs that might be harvested in other statistical areas or landed in other ports; (2) whether the 1,000 lb trip limit would reduce removals from the Sound or just further slow the pace of fishing effort; and (3) the effect of greater running time to fishable waters outside the Sound on charterboat client bookings.

The Council may wish to consider delaying release of the public review draft EA/RIR and final action on the Sitka Sound local area management plan until after final action on both halibut subsistence/personal use (June 1997) and charterboat (September 1997). This would allow the Halibut Task Force to reconsider its recommendations as a result of Council action. Additionally, retention of halibut in closed waters in Sitka Sound while continuing charter fishing for other species and halibut retention by the commercial salmon troll fleet may require revisiting by the Task Force.

**DISCUSSION PAPER
for Halibut Local Area Management Plans**

In expectation of additional local area management plan proposals, the Council may choose to develop minimum criteria prior to proposal review. The Council was notified in April 1997 that a local area management plan to address issues related to halibut charterboat management will be proposed for Kodiak through its Fish & Game advisory committee. Proposals from perhaps another four to six communities may be submitted in the next few years. Sixty of the 82 fish and game advisory committees are in areas with multiple halibut user groups and may eventually wish to develop local halibut management plans.

It is unclear how many of such plans might actually be submitted, but the Council may wish to develop a protocol for receiving, reviewing, and developing proposed plans. Here are a few points to consider:

- Since the IPHC has acknowledged that no biological impacts on the halibut resource are evident and data are limited to quantify the economic effects of proposed management allocations on subsistence, commercial, sport, charter, and lodge, etc. sectors, only qualitative analyses of proposals may be possible. Potential effects on different sectors (e.g., sport, charter, lodge) are unquantifiable.
- Local area management plan proposals would be analyzed as an alternative to status quo. Other proposals for the same area may arise through public testimony.
- Subsequent proposals to modify a management plan may be submitted after major halibut allocation decisions by the Council (e.g., subsistence, charterboat management).
- Proposals for local area management plans may be submitted from:
 - (a) the local ADF&G advisory committee;
 - (b) members of the public;
 - (c) public request for Council to appoint a local area board to address identified issues;
 - (d) other mechanism.
- The Council may require certain criteria to approve a proposal for analysis:
 - (1) proposal must be approved by consensus of representatives of local commercial, sport, charter, and subsistence (and other?) organizations via local advisory committee/halibut task force or Council-appointed local working group.
 - (2) ample opportunity for public participation must have been afforded.
 - (3) agency staff must be contacted during development of proposal.
 - (4) plan must specifically address catch limits, possession limits, gear, closed areas, etc.
 - (5) local area plan must be submitted to the Council during its summer call for proposals.
 - (6) the Council will forward all proposals to its Halibut Plan Team (scientists) in September or staff will review prior to Council review. The Team or staff will forward its recommendations to the Council on the completeness of the proposal on issues such as:
 - (a) timeframe for the local area management plan (i.e., 3-5 years);
 - (b) biomass-based, seasonal or geographic allocations or restrictions;
 - (c) gear conflicts;
 - (d) bycatch.
 - (7) the Team will review proposals and provide recommendations to the Council.
 - (8) the Council receives Team report in December and tasks staff with analysis.
 - (9) initial review of analysis in April.
 - (10) final review in June.
 - (11) implementation for following calendar year;
 - (12) plan to be implemented for a period of 3-5 years.

The Council currently cannot delegate authority to the BOF for halibut management. But if a statutory change were approved, the BOF could manage local halibut issues, so long as there is no conflict with existing IPHC and Council management of Pacific halibut. The decision to proceed with a protocol to develop halibut local area management plans does not require an EA/RIR. This authority is already vested with the Council. However, if the Council wishes to delegate authority to the State of Alaska to manage halibut at the local level, the Council would need to request that the State Department begin discussions with Canada to revise the Northern Pacific Halibut Act to allow management authority to be granted to the states. Management choices the Council may wish to consider include:

Alternative 1. Status Quo. Do not develop halibut local area local area management plans.

International Pacific Halibut Commission staff report that quantitative evidence of localized depletion of halibut stocks does not exist. Small scale local depletion does not have a significant biological effect for the resource as a whole. Ultimately, counter migration and local movement tend to fill in areas with low halibut density, although continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas. Additionally, two attempts to deplete a localized area with a period of continuous fishing were unsuccessful (Geernaert et al. 1992, Kaimmer and Deriso 1988). The status quo alternative would not negatively affect the halibut resource.

Alternative 2. The NPFMC will develop halibut local area local area management plans proposed by:

- (a) the ADF&G local advisory committee;
- (b) individual member of the public;
- (c) public request for Council to appoint a local area board to address identified issues;
- (d) other mechanism.

The Council could require criteria listed above to be met prior to approving a proposal for analysis.

Alternative 3. Alaska Department of Fish and Game would develop halibut special management plans proposed by local advisory task forces under the direction of the Alaska Board of Fisheries.

The Board of Fisheries, through its local advisory committees/task forces, may be the appropriate management agency in which to effect local area management. State agencies will be a necessary component for enforcing these plans. A number of factors may prevent the State of Alaska from participating in monitoring and enforcement of halibut local management areas. Council approval of Alternative 2 in the halibut subsistence/personal use EA/RIR may result in a conflict with the State of Alaska Constitution. As a result, the ADF&G Subsistence Division and Department of Public Safety, Fish and Wildlife Protection may not be able to participate in monitoring and enforcement activities of special area plans if they include federal subsistence regulations. Additionally, ADF&G funding levels may constrain the agency from managing halibut locally.

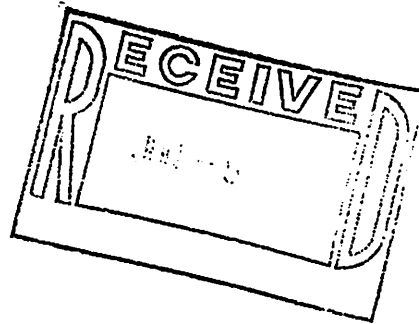
A statutory change would be required to delegate management authority of halibut to the State of Alaska under Alternative 3. An amendment to the Northern Pacific Halibut Act would be required to authorize the State[s] of Alaska [and Washington, Oregon and California?] to regulate a fishing vessel fishing for halibut in the United States portion of Convention waters in the following circumstances: (1) the fishing vessel is registered under the laws of that State and the applicable State laws are consistent with IPHC regulations and applicable Federal fishing regulations; or (2) the applicable Federal fishing regulations delegate fishery management responsibilities to that State and the applicable State laws are consistent with IPHC regulations and applicable Federal fishing regulations. The language above is taken from the MSFCMA, as modified to fit Convention waters.

Alaska Sportfish Council

representing Alaska's sportfish industry

June 5, 1997

Clarence Pautzke
Executive Director
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252



Dear Mr. Pautzke:

These comments are submitted for your use when considering the Sitka Sound Halibut Management Plan which was prepared by the Sitka Halibut Task Force. These comments could apply to similar issues anywhere in the state and I ask that you distribute a copy to each Council member.

All user groups contributing to a local depletion situation should be included in solving the problem. It would be appropriate for a particular user groups' role in solving the problem be proportional to that group's part in causing the problem. It is clear that many commercial halibut longliners are fishing closer to port since start of the IFQ fisheries. It may be necessary to move these fisheries offshore, away from popular sportfishing areas, to prevent further local depletion and reduction of public access to the halibut resource.

Local ADF&G Advisory Committees (A.C.) would provide a good local forum to work on local depletion issues as long as the A.C. adequately represents all interests. Recreational, personal use, subsistence, and commercial users must participate in development of local depletion recovery plans and the participants must present a consensus of the group as the management plan.

It is critical that guided sportfishers be able to fish for other species in restricted halibut areas with halibut taken from other areas in possession. In most areas, halibut are the most distant species fished for and as a consequence, are targeted first during the day weather patterns often dictate this. Having to off-load sport-caught halibut before fishing for other species in restricted halibut areas, would essentially hamstring the charter industry in many communities.

In conclusion, we feel that addressing local depletion problems at the local level is a strong concept and ask that you include these comments when addressing this issue. For further discussion or clarification, please call Kent Hall, Sitka, at 747-5089, John Goodhand, Valdez, at 835-4333, Bob Ward, Anchor Point, at 235-7014, or me at 789-7234.

Thank you very much,

Mike

Mike Bethers
Executive Director

cc: Kent Hall
John Goodhand
Bob Ward