

May 31, 2011

To: Eric A. Olson, Chairman.
Chris Oliver, Executive Director
and Council Members
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

From: David W. Gordon & Son, Matthew C. Gordon
510 University Avenue
Burbank, CA 91504-3921

Re: Agenda Item C-1 "Catch Sharing Plan" Review CSP Size Limit Algorithm (Halibut)

Public Comment

Honorable Chairman Olson, Executive Director Oliver, and Members of the Council:

My name is David Gordon. I am a resident of Southern California who for the past five years, along with my son, Matthew, has very much enjoyed traveling to, and fishing for, salmon and halibut in Southern Alaska. I have also fished for big game fish in Mexico. I will not be able to attend your meeting to address you in person. However, I respectfully request that you at least take my comments into consideration reflecting my opinion based on what I have very recently learned will be this season's (2011) new number and size limitation on the taking of halibut by sports fishermen fishing from Southern Alaska charter boats.

I believe finalizing a decision on what is a fair and reasonable size catch of halibut by sports fishermen based on a subjective algorithm is short-sighted and will adversely affect the motivation of sports fishermen like myself, my son, and numerous friends of mine who have either gone or have seriously considered going halibut fishing in Alaska.

You should know, that it is quite expensive for a private individual such as myself to pay for transportation, lodging, and boat charters, licenses, and now for each piece of air carrier baggage, to enjoy the sport of fishing for halibut in Alaska. It has been averaging about \$5,000 per season that we contribute to the Alaskan economy just for my son and I. Coming to Alaska to fish also entails extensive advanced planning. I can tell you that since I was a young boy, I always dreamt about angling for the Alaskan "barn door halibut" I saw in fishing publication photos. To this day, the advertisements for many Alaskan fishing charters and lodges display photos of the huge 100+ pounder halibut. I have experienced various limitations in past fishing seasons such as one large and one small fish. I have always thought that two, reasonably sized fish, including at least one of the very large halibut that may be caught was a definite part of the experience and

Public Comment on
2011 Alaskan Halibut Limits

5/31/2011

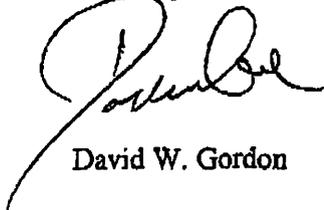
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excitement of fishing Alaskan waters. Your proposed limitations on size in particular will certainly dampen my motivation and eagerness to continue fishing for the large halibut in Alaskan waters. I was originally recruited to begin my annual fishing trips to Ketchikan by a long-time Alaska fisherman over a period of ten years, always seeming to come up with a reason why I/we could not make it. Now, I am hooked on the unique nature of Alaskan sport fishing vacations and have regularly encouraged fisherman friends and acquaintances to try the experience either with my son and I or on their own. The discussion never goes far before the ability to catch the famous barn door halibut arises.

I urge you to reconsider the proposed size limit and total weight limitation to apply to the sport fishermen's take of Alaskan halibut. I am certain there are good reasons for not over fishing the resource. However, I do not believe the relatively small and regulated take of the charter sport fishermen will significantly and adversely impact the halibut stock. Not wanting to belabor the point, the proposed plan will become a significant negative inducement when I consider our next year's fishing location.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Gordon", written in a cursive style. The signature is positioned above the printed name.

David W. Gordon



Mr. Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501

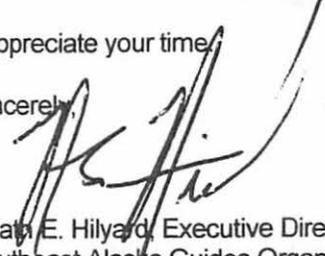
May 31, 2011

Dear Mr. Oliver and Council Members:

Please accept the attached comments for review and consideration by the North Pacific Fishery Management Council for the 204th Plenary Session, June 8-14th in Nome, Alaska.

I appreciate your time.

Sincerely,



Heath E. Hilyard, Executive Director
Southeast Alaska Guides Organization (SEAGO)

Southeast Alaska Guides Organization (SEAGO)
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heath@seagoalaska.org
<http://www.seagoalaska.org>

Informational Source:

Methods for Establishing Maximum Size Limits for the Charter Fishery Under the Halibut Catch Sharing Plan: A Report to the North Pacific Fishery Management Council, June 2011, Scott Meyer – Alaska Department of Fish and Game

Background and Interest of Submitter:

Heath E. Hilyard is the Executive Director of the Southeast Alaska Guides Organization (SEAGO) which represents charter fishing operators and lodge owners in Southeast Alaska.

Comments:

With the 2011 charter fishing season underway, our member operators have already begun to observe the significant effect the current 37" rule has on their businesses as a result of diminishing client demand. Beyond the economic harm done to operators, lodge owners and local communities, the diminishing client demand challenges the basic assumptions under which any of the algorithms (A, B or Hybrid) have been developed.

Furthermore, the application of the current size limit, or one that may be adopted in the future, creates an inherent unfairness to businesses in specific subareas throughout 2C. More specifically, operators in some subareas have built their business models around large halibut and are thus experiencing disproportionate economic distress when compared with their counterparts in other areas of 2C.

As Scott Meyer (ADF&G) states in his report to The Council, "It is likely that angler demand, or effort, will be affected by imposition or changes in size limits, which will in turn affect harvest." (Pg. 6) He goes on further to state, "the effects of size limits on effort and harvest will be area-specific, which will effectively change the weightings and final estimates of removals calculated with equation 1." (Pg. 6)

Mr. Meyer is correct in stating that there is no current data from the charter fishery to indicate how the size limit will affect angler demand or effort. In response to the lack of data, SEAGO has begun soliciting anecdotal information from operators and their clients about how this rule is impacting business and client interest. We have operators in subarea G that are reporting a 30% or more loss of business because of the size limit—a number that could grow as a result of fewer late-season bookings. In addition, initial client responses indicate that the size limit will, at best, cause them to take their business to operators in 3A or, at worst, cause them to not return to Alaska for their future charter expeditions. We understand that this anecdotal data collection cannot replace formal data on the actual catch for the 2011 season, yet we believe it will offer a more complete picture of the effect of a maximum size limit.

With regard to data collection, we are also concerned that collection methodology may result in inaccurate future estimates and thus even more stringent limits. For instance, we are concerned that an unintentional oversampling of subarea G could result in overestimation as a result of larger fish more frequently caught there than other areas of 2C.

We recognize that this size limit was developed and implemented in order to ensure that the 2C charter fleet stays within its 2011 GHF after a number of years exceeding it. However, early informal estimates by experienced operators suggest that not only will the charter fleet be within the GHF of 788,000 pounds but may fall well below that.

SEAGO and its members are committed to protecting the health of the halibut stock—it is in our best interest to do so. Having said that, we remain deeply concerned about how a maximum size limit will affect the economic health of the charter fleet and the local communities from which they operate. Perhaps more than any other harvest/management measure, we believe that a maximum size limit will result in a loss of business that will have far-reaching effects beyond the 2011 season. Among the clients that our operators retained for this season, a number were essentially "held hostage" as a result of pre-purchased airline tickets and/or charter deposits made

prior to the adoption of the 37" rule. Many operators believe that once clients leave for other angling opportunities, in or out of Alaska, they will likely not return to 2C.

In the interest of providing useful feedback and constructive suggestions, SEAGO in partnership with the Alaska Charter Association (ACA) has secured a grant from the National Fish and Wildlife Foundation (NFWF) to research, solicit stakeholder input and offer an alternative proposal to the Catch Share Plan (CSP) currently under consideration. It is our hope that this exercise and the specific recommendations resulting from it will protect the long-term health of the 2C halibut fishery while eliminating the need for maximum size limits in the future. We anticipate concluding that process by mid-2012.

Maximum Size Limits for Charter Fishing Under the Catch Sharing Plan

I am Fred Kent Huff and I own the Glacier Bay Eagles Nest Lodge in Gustavus, Alaska. I reviewed the CSP algorithm. It predicts total harvest based on projected number of fish kept x weight of a fish at a specific length using three slightly different models. It acknowledges that demand may be impacted by maximum fish size however, nowhere in it dose it use the information that we have determined since March 19th when the 37" rule went into effect.

The number of bookings on charter boats in Area 2C are down from last year's total (depending on which lodge) from 30% to 56%. The 37" size was based on the assumption that the same number of fishermen would be willing to come and catch the same number of fish at the 37" maximum size limit as they did in 2010. The fact is that a large number of area 2C fishermen have chosen to fish in area 3A , self-guided or not come to Alaska at all. How is this accounted for in the matrix?

The Limited Entry Permit (LEP) has reduced the number of charter boats. Some boats are fishing under an appeal permit, but up to 40% of the fleet will be eliminated. In the town of Gustavus, there are at least six boats out of a fleet of twenty that fished last year that are not going to fish under the CSP. No where in the matrix does the LEP decrease in access to the fishery accounted for.

Option B was chosen for the 37" rule and assumes that all fish will be at the maximum length or close to it. The fish that we have seen caught and kept are averaging about 30" to 32". There have been days where bag limits were not caught because the fishing parties could not catch fish small enough to keep. A group of eight fishermen fished six hours for halibut catching twenty fish. Sixteen were too big to keep and the ones they did keep were all around thirty inches.

The Algorithm projects harvest based on Creel survey actual catch data. The Alaska Department of Fish and Game creel survey over-estimates the average size fish to the dock. The fish that are brought back to the dock whole are the larger fish that the charter guests our going to take pictures of. The creel survey is in part a survey of the number of trophy fish brought back to each dock. The survey is not reprehensive of the actual fish caught each day.

I would suggest that a different method of keeping the charter fleet to its allocation would be more effective with less economic damage to the small businesses and charter fleet of South East Alaska. I would suggest limiting the number of fish annually based on abundance:

One fish any size and three fish under a maximum size limit per seven day license

One fish any size and one fish under a maximum size limit per three day license

One fish under a maximum size limit per one day license

Two fish any size and six fish under a maximum size limit per annual license

Kent Huff
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Comments on the Catch Sharing Plan Algorithm

My name is Suzi Daniels. I own Ripple Cove Charters, a full-service sportfishing business with its own lodge in Gustavus, Alaska. Gustavus is in Southeast Alaska and is well known as a World-Class Halibut destination.

The introductory comments for the algorithm to be used under the Catch Sharing Plan says that regulations would be established at the start of the season and not changed in season. If you are going to manage the charter and commercial sectors the same, the determination and subsequent announcement of the allocations need to be completed by May of the prior year (i.e., May 2011 for the 2012 season). Charter businesses begin to sell their trips for the following summer the very day their first clients complete their trip. Knowledge of next season's limits is essential so that clients can book under the same conditions they can realistically expect to fish.

Our season begins in mid-May for the most part. The commercial season begins in March. The show season starts after the summer ends but gets into full swing the first week of January (i.e., January 2012 for the May – September 2012 season). Every client at a show asks what the limits are for the upcoming season. This year we were burned when the IPHC made a draconian change in limits on March 19 when most regular clients had already booked based on last year's limits and we were mid-way through the show season. Commercial fishing clients (i.e., hungry halibut) are 'locals' that are ambivalent to regulations when they 'take the bait'. Southeast clients are largely out-of-towners requiring months, some even a year, to secure their vacation time, save money, and make their travel arrangements. This year is a prime example. The majority of charter fishing bookings were obtained before March 19 based on one fish of any size for southeast. These "hostage" clients are beginning to show up to fish under the 37" rule, an extraordinarily different scenario than that under which they booked. In fact, in Gustavus and Elfin Cove, no client that we know of, whether a regular or first-time Alaskan angler has rebooked for next year. In the charter sector, we strive to provide an angling experience that encourages our clients to return, not surprise them with last minute regulations that assure that they don't! Regulators also need the ability to make in-season corrections or modifications to limits, particularly when limits are set based on estimates from sampling. As actual data is determined, it needs to be made available to halibut regulators in a timely fashion so that limits can be restricted or relaxed to achieve harvest management goals. For example, fishing under the 37" rule we are seeing that most clients are keeping fish of significantly shorter length. In addition, demand for a 37" fish has decreased the number of clients fishing relative to last year. Given actual data would it be possible to modify limits so that we have even a minute possibility of getting one of this year's clients to rebook for next year? When will we know the limits for next year's season? Prime booth locations for the 2012 show season are expensive and require early deposits. Will 2012 season limits be attractive to clients justifying the cost to a charter business of doing the show circuit?

Maximum Size Limits

The algorithm presents three options for calculating a maximum size in times of low abundance. Maximum size is the only option considered in the algorithm for controlling the harvest in times of low

abundance. Other options for managing the resource which both preserve the resource and foster tourism should be considered. Anglers come to Alaska for the chance to "Catch the Big One". They pay a substantial price for their fishing, lodging, airfare, souvenirs, dining, and fish packing. Look at FishAlaska Magazine. The photos are consistent with client's expectations of the possibilities of their trip. If the council wants to foster sportfishing, I encourage them to select a management method in times of low abundance which at least allows an angler to catch and retain one halibut of any size per season. We can continue to educate our clients on the breeding population and consistency of the meat of an older fish, but the option to catch and retain the fish of a lifetime should be preserved as this is what a client pays to experience. I have to admit it. I've fished in Gustavus for 11 years. I killed a 189 pound halibut several years ago. I caught it, killed it and my family and I ate every bit of it. The memories I have of pulling it in, harpooning it, and lying next to it for photos represent one of the best angling experiences in my life. The maximum size algorithm in any of its forms could be used to determine the size of any additional fish that clients could keep in times of low abundance.

Creel Survey

The maximum size algorithm relies on estimates determined from ADF&G creel survey data. The creel survey is a random sampling. In Gustavus, captains feel that the surveyor is biased in measuring the catch when one or more big halibut is on the boat. This is my captain's eighth season guiding out of Gustavus and the other captains I know in our area share this same concern. Also, when selected for surveying, the surveyor asks for the length of fish but doesn't actually measure the fish. Why not just have the captain capture the length of every fish so that it is available for all fish kept? If regulators are going to hold us to a hard allocation or claim we've exceeded a specific harvest number and potentially take punitive measures accordingly, actual data should be captured for the sportfishing fleet. Every fish kept should be weighed and officially measured if the regulators can't trust the captain to record this data accurately. Captains claim that the surveyor uses their measurement data anyway. Also, in Gustavus, sampling shows that 41% of the fish are over 100lbs. Not a single charter halibut guide believes that this data is correct and claim that it is way too high.

Analysis Limitations

The biggest concern about the algorithm for the Catch Sharing Plan is the fact that the methods all assume the projected number of fish will be harvested regardless of how the size distribution affects the composition of the catch. Our bookings for 2011 reflect that this assumption is absolutely false. In a year when 3A bookings based on two halibut per day of ANY SIZE and the economy in general is up relative to last year, our bookings are down and our clients have let us know that it is a direct result of the one fish of a maximum size of 37" rule. In Gustavus, charter businesses and the lodges that support them that made their clients aware of the 37" rule during their sales pitch or after learning of the rule are down 30-56%. We also have actual documentation from clients even though the season is early. To date, no clients, including regulars, visiting Gustavus fishing under the 37" rule have expressed any interest in rebooking. The first 10 clients at Majestic Expeditions have indicated in 5 exit surveys that they won't be back again under the 37" rule or anything similar. We have video testimony from Glacier Bay's Eagles Nest Lodge's first clients. There are two video testimonies representing four people. They

won't be back under the 37" rule or anything short of the ability to catch one fish of any size. We have four exit surveys from Angler's Inn in Gustavus from their first four clients. Sure enough, four out of four clients indicate that they will not be returning. Eagle Charters from Elfin Cove provided exit data from its first 20 clients. All 20 stated that they would not be returning after 10 straight years of opening the season for Joe at Eagle Charters Lodge. We've known from our clients from before the season started that a maximum one fish halibut daily limit would not work from a business preservation standpoint. It may very well work to keep the halibut charter fleet at or below our allocation. If the goal of the algorithm is to protect the halibut resource and the clients and businesses that rely on it, please reconsider it. It's not working this year and it won't work for next year. The only reason most of us have business in Southeast this year is that our clients booked without knowledge of it, either from the late announcement of it or the business's decision not to share it with them. Please help us in preventing FishAlaska magazine from looking something like Flounder Weekly. Under the Maximum Fish Size limitation in times of low abundance, trips just won't sell and the economic impacts will be devastating! The good news is that annual limits and the ability to catch one fish of any size offer a legitimate alternative.

Sitka Charter Boat Operators Association
PO Box 2422 Sitka Alaska 99835

May 31, 2011

Mr Eric Olson, Chairman
North Pacific Fishery Management Council
805 W 4th Avenue, Suite 306
Anchorage AK 99501

Re: JUNE 2011 Agenda Item C-1; Catch Sharing Plan

Dear Chairman Olson,

The Sitka Charter Boat Operators Association represents close to 40 charter operators navigating a living, out of Sitka. We offer the following comments pertaining to the Catch Sharing Plan before the Council.

First of all, we are disappointed and dismayed that the Council has chosen to discuss this topic, in June, in Nome, while we are consumed with operating our businesses during the very short season available to us.

Secondly, we are disappointed and dismayed that the Council did not offer the opportunity for us to comment on Methods A and B, before the IPHC selected Method B, for us, this year. We are left wondering who J. King, of Northern Economics, Inc, is and how much he was paid for his report, as he certainly doesn't have a clue about recreational fishing.

And thirdly, we remain amazed that the Council is attempting to regulate us with so little to nonexistent data. We have reviewed Scott Meyer's *Methods for Establishing Maximum Size Limits for the Charter Fishery Under the Halibut Catch Sharing Plan*. While his Hybrid Method is an improvement over Methods A and B, we disagree with two of his three main assumptions, namely (a) the proportion of the halibut harvest that will be smaller than the size limit, will equal the proportion that were under that length in the previous year, and (c) the portion of the previous year's harvest that was larger than the prospective maximum size limit will be exactly equal to the size limit in the coming year.

We have found Mr. Meyer's most enlightening statement to be, "The comparisons of methods [A, B and Hybrid] all assume that the projected number of fish will be harvested regardless of how the size distribution affects the composition of the catch. This may not in fact be true. [An understatement, to say the least.] It is likely that angler demand, or effort, will be affected by imposition or changes in size limits, which will in turn affect harvest." Our puzzlement is why bother making models if you are going to ignore the fact that the majority of anglers will not pay \$1000 to catch a 20 pound halibut?

Mr. Meyer's most profound statement is, "**However, at this time there are no data from the charter fishery to indicate how effort might be affected by imposition of a size limit.**"

Consequently, this appears to be another joke on our behalf, and instead of selecting the mildest tainted poison, we would like at this time, to simply thank you for your attention to our comments.

Sincerely,



Theresa Weiser
President
Sitka Charterboat Operators Associaton

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-1 Halibut Catch Sharing Plan

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	KENT HUFF	SUSTAINUS LONGEST CHARTER ORG
2	Leath Ailyard	SEAGO
3	RICHARD YAMADA	ALASKA CHARTER ASSOCIATION ALASKA OUTDOOR COUNCIL
4	Linda Behnken	Halibut Coalition
5	Peggy Parker	HANA
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.