

Charter Log

A Quarterly Newsletter for Sport Fishing Guides & Charterboat Operators

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Southeast King Management Conflict Arises

Statistical errors made by biologists in British Columbia contributed to a series of king salmon management decisions that plagued charter operators this season in Southeast Alaska.

The Alaska Sportfish Council sued the Board of Fisheries and ADF&G on behalf of charter operators whose seasons were disrupted by restrictive management implemented under the Southeast King Salmon Management Plan.

ADF&G managed the fishery this year under provisions of the plan, adopted by the Board of Fisheries in February, which is based on the annual abundance index. The index, determined by the joint U.S./Canada Chinook Technical Committee, is supposed to be available to the department prior to the start of the Chinook sport fishery in May.

According to Robert Bentz, assistant director of Sport Fish Division, at the end of April the CTC presented ADF&G an index of 1.01, which meant that to follow the plan the sport harvest would have to be limited to 27,500 kings, a decrease of 40 percent from last year. Subsequently the Alaska contingent of the CTC met in Juneau in early June to assess the program and discovered the error, which Bentz says originated with Canadian biologists who mistakenly supplied incorrect conversion numbers for the production of one British Columbia hatchery.

Bentz says the Alaskan biologists worked through June to compute a "hybrid" index that corrected the error and provided a more accurate abundance estimate, and then negotiated with their Canadian counterparts to accept it.

Eventually the new index number, 1.14, was adopted, allowing for a total sport take of 31,000 kings. Actual catch through September is about 35,000.

However, under provisions of the Pacific Salmon Treaty and Board regulation, the department opened the season with restrictions intended to keep the catch within the limit allowed under the initial index. These included a four-line boat limit, non-retention on Wednesdays by nonresidents and charter clients, and reduction of the daily bag limit from two to one and a seasonal limit for nonresidents from four to two. The Department also announced plans to implement further restrictions in August and September. Those measures—total non-retention by nonresidents and charter clients, and area closures around Sitka and the west coast of Prince of Wales Island, were never implemented because the new index number did not require them.

On June 5 the Alaska Sportfish Council filed for an injunction and temporary restraining order against the Board and the Department to prevent implementation of the restrictions. Initial suit and appeal were denied by the judge and the Department's in-season management proceeded. After failing to get an agenda change at the Board meeting at the end of September, ASC indicated it may pursue further legal action.

Operators are unhappy about the effect mid-season management has on their ability to book and serve clients, and on the singling out of nonresidents and charter clients for the most severe restrictions.

Robert Bentz says that the options selected to contain the catch were chosen from a list of eight presented by the Board, and were selected as a result of public meetings held in six ports and teleconferences with 11 locations. He says that the consensus at those meetings was that access of local residents to king salmon should be given priority over nonresidents.

Charter Boat Fatality

An 81-year-old Washington State man perished in a sport fishing charter boat accident near Yakutat on October 7.

State Troopers have withheld most information on the incident, but indications are that Jess Hall was one of four persons thrown into the water when the jetboat in which they were riding hit a partially submerged log on the Ahrnklin River. The other three were rescued. Passengers reportedly were not wearing PFDs. The Ahrnklin is a tributary to the Situk, east of Yakutat. The incident occurred at about 12:50 in the afternoon.

Because the incident occurred on waters not classified "navigable" the vessel's operator was not required to be licensed and the Coast Guard has no jurisdiction over the incident, according the Marine Safety Office in Juneau.

Alaska Sportfish Council Gets New Director

The Alaska Sportfish Council has a new director, a new office, and a new web page, www.alaskasportfish.org. ASC is a statewide association representing the interests of charter boat operators and sport fishing guides as well as non-guided anglers. It has nearly 300 individual members plus hundreds more indirectly through member organizations.

The new full-time salaried director is Joe Daniels. He takes over from Mike Bethers who has been representing the group part time in Juneau and also running his own charter boat business. Daniels, who is based in Anchorage, says he was hired by the ASC board for his management and organizational skills. Previously he was CEO of an Alaska Native corporation, and an investment manager for a real estate group. He says that one of his first tasks will be to garner funding for the group's advocacy on behalf of sport fishing interests.

Daniels can be reached at 348-9604 or sportfish@alaska.com. The Alaska

Sportfish Council is not to be confused with the Alaska Sportfishing Association, also based in Anchorage at 561-1461, whose president is Phil Cutler. Historically the ASA has represented non-guided anglers, while ASC has been the voice of the sport fishing industry in the state. Daniels says that the Council is reaching out to individual anglers as well, and the move to Anchorage was in part intended to put the Council in closer touch with the largest base of sport fishermen.

The two big issues on the ASC agenda this fall are the halibut GHL/IFQ issue, and the conflict over king salmon allocation in Southeast.

While other charter boat groups have begun working toward creation of an IFQ program as a response to the NPFMC recommendation to the Secretary of Commerce for a charter boat guideline harvest level, Daniels says the ASC continues to oppose any GHL moves and holds that the best option for halibut management is to maintain the status quo. He says that

while IFQs would no doubt bring benefits to charter operators, they would tend to restrict the access of their clients, the sport fishermen, to the halibut fishery, and this would raise the costs of going fishing. Daniels says the ASC board believes that halibut allocation and conservation issues, such as local area depletions, should be addressed through the LAMP process.

On Southeast kings, the Council has sued the state on behalf of charter boat operators and anglers over a new management plan based on an "abundance index" that is used to determine sport catch quotas for each season. (See accompanying story.) Although ASC was unsuccessful in its attempts to get an injunction and an agenda change with the Board of Fisheries, it is continuing its lawsuit against the state.

For the latest on the Alaska Sportfish Council, see its on-line newsletter at www.alaskasportfish.org/newsletter.html.



CFAB to Make Charter Loans

Charter boat operators, sport fishing guides, lodge owners, tour boat operators and others in the tourism industry now are eligible for financing through the Alaska Commercial Fishing and Agriculture Bank (CFAB). A legislative change of statute that went into effect at the end of August extends CFAB's financial services to businesses in tourism and resource-based industries, including mining, oil and gas. Previously commercial fishermen and seafood processors were CFAB's chief customers.

CFAB's Lea Klingert says that terms and conditions for tourism industry borrowers are the same as for the fishing industry, and generally are more

flexible than those of most commercial lending institutions. Borrowers must become members of the co-op and must be Alaska residents. They need to have an equity position in the project, and loan approval is based on the borrower's ability to pay. Individual loans are capped at \$500,000 and corporate at \$1 million.

Lea says CFAB is not set up to handle start-up businesses, although they do work with people who are branching into a new field with an existing business.

For more information contact John Delano at (907) 276-2007 or 1-800-544-2228

Lingcod Record

Seward charter boat operator Andy Mezirow guided a Virginia angler this summer to a women's all-tackle record lingcod.

On Sept. 24 Mrs. Gene Duvall of Richmond, VA landed a 56-lb lingcod on 12-pound-test line, fishing about 22 miles south of Seward on Mezirow's boat Crackerjack.

Andy says Mrs. Duvall and her husband collect world angling records, and came to him specifically to try and set a new women's lingcod record.

Council Continues IFQ Quest

The North Pacific Fishery Management Council took the next step during its October meeting toward devising an IFQ program for halibut charter boats. Meeting in Sitka, the full council adopted a list of recommendations by its Advisory Panel for changes and additions to the list of issues for analysis.

The Council also acted on a staff recommendation to change the work schedule on the IFQ proposal, so that now the initial review will occur at the February meeting, and final action is scheduled for April.

The Council in 1993 began considering a management plan for the halibut charter boat fishery, and last year adopted a guideline harvest level (GHL). However, the Secretary of Commerce has not signed the plan and meanwhile charter operators proposed an individual fishery quota plan as a way of averting mid-season closures and other anticipated negative consequences of a simple numerical cap.

An issue that contributed to the Council's decision to postpone initial review and final action was the discovery earlier in the year that catch data provided by ADFG under its statewide harvest survey program may have

been flawed due to errors in analysis. Estimates of guided and non-guided sport halibut landings were based on the Department's mail-out survey. New employees in the Department's Research and Technical Services section discovered that previously employed statistical methods did not properly adjust for "non-response bias," which results from surveys that are not returned. RTS is re-analyzing the data from 1996-99 surveys and will submit the new findings later this month. They estimate that the total sport halibut harvest figures will change by no more than nine per cent, although results in specific fisheries may vary more than that. It is unknown at this point whether the new numbers will be higher or lower than those used in previous IFQ analyses.

In addition to recommending the postponement, the Advisory Panel also recommended revision of the list of points for analysis. Included on the new list are additional options under the following categories:

1. Percentage of area halibut landings on which the initial quota shares (QS) are based

2. Citizenship requirements for initial allocation of QS
3. Qualification criteria
4. Basis for determining initial QS distribution
5. Transferability of permanent QS and annual leasing basis for IFQs
6. Criteria for receiving QS and IFQ by transfer
7. Caps (limits on the amount a single person or company could hold)
8. Miscellaneous provisions (including line limits in Area 3A, rollover and overage provisions)
9. Units in which QS may be issued (pounds or number of fish)
10. Methods of reporting

The options detailed for analysis were offered as changes to the original management alternatives outlined in a 73-page paper issued by the Council staff on Sept. 22 called "Preliminary Review of Halibut Charter IFQ Analysis, Review of Management Alternatives and Analytical Design." That paper and the AP's recommendations are available on the NPFMC website, which is www.fakr.noaa.gov/npfmc.

Five Star Follow-Up

Despite the small number of vessels statewide that received a rating, the Coast Guard in Alaska is optimistic about the future of the voluntary Five-Star vessel safety rating program for charter boats.

Only about 30 vessels applied for and received the five star rating. Another six to eight received stickers with a lesser number of stars, says Lt.Cmdr. Spencer Wood, officer in charge of implementing the program. Homer and Kodiak are ports with the greatest number of participants. He says that to his knowledge no vessels were denied stickers, although some skippers didn't know how many they rated until their vessels were inspected by Auxiliary personnel.

Wood says he believes most of the five star stickers went to boats that already had all the required safety equipment, including life raft. The relatively short lead time and the high cost of the raft prevented many operators from meeting the requirement in time to be stickered before the season.

Wood says there seems to be some reluctance among boat operators to participate unless they rate the full five stars. Some skippers apparently feel that displaying fewer than five implies that their boats are substandard in safety and prefer not to display any. He says the Coast Guard is studying ways of presenting the program to indicate that any number of stars says something about the boat that an absence of stars does not.

Prior to the season some T-boat operators objected to the program, saying that it implied that an uninspected vessel with stars is a safer boat than an inspected vessel. The Coast Guard developed and distributed an informational poster explaining the various types of decals and certificates displayed on vessels to make it clear that inspection certificates indicate an even higher level of safety equipment compliance. Some T-boat owners applied for and received five-star certificates to ensure that they got full credit for their safety equipment.

Wood says the Coast Guard will continue to promote the program this winter, and aside from some fine tuning the criteria will probably remain the same for next season.



Sting Operations Focus on Charter Practices

Fish and Wildlife Protection conducted sting operations this summer that resulted in at least two Seward charter boat operators being charged with offenses that many would consider standard operating procedures.

George Hiller was charged with nine counts of wasting sport-caught fish after an undercover agent aboard his boat allegedly observed him killing and dumping dogfish sharks. His case has not yet gone to court but the district attorney has recommended jail time and several thousand dollars in fines.

In another case, Robert Candopoulos of Saltwater Safari was charged with exceeding his bag limit for allegedly setting the hooks on three salmon sharks before turning over the rods to clients. Fish and Wildlife Protection charged him and his company each with three counts on the hook-setting charge, plus an additional three counts of failing to register the sharks on his personal sport fishing license.

The Candopoulos case stems from contradictory provisions in Alaska law. According to the sport fishing regulations book, when a fish is landed and killed it becomes part of the bag limit of the person originally hooking it. However, under AAC 42 a sport fishing guide may provide direct assistance to the client during any aspect of the client's fishing trip. Candopoulos maintains that under the latter provision he is allowed to hand the rod to the client, set the hook or in other ways assist that client, and it is the client against whose bag limit the fish is counted.

"I had no idea I was doing anything illegal," Candopoulos stated.

In big-game fishing it is common for the crew to remove the rod from the rod holder, set the hook, and hand the rod to the angler. Scott Meyer, the ADFG sport fish biologist in Homer

who has referred client complaints to the Troopers on various charter boat offenses, says that while not all shark boat operators hook fish for their clients, there is some logic for them doing so. Operators say they want to protect expensive tackle, protect clients from injury during the powerful initial run of the shark and, most importantly keep the shark from getting turned tail toward the boat where it can essentially hog-tie itself before breaking the line.

Still, Meyer believes the regulation is clearly stated in the reg book. "Maybe it's time to bring the regulation up to date," Meyer says, but meanwhile operators have to comply with the letter of the law.

"Charter boat skippers should read the reg book," Meyer says. "A lot of people (charter clients) know the rules."

Candopoulos believes that because he has a successful, high-profile operation he is being singled out for special harassment, despite the fact that he has no previous record. He says that four troopers flew to Seward from Anchorage to serve the complaint, two arriving

at the front door of his business and two others blocking the rear apparently to prevent him from escaping. The next day a NMFS enforcement team met one of his boats and detained clients 45 minutes before giving up without finding any violations. FWP issued a press release concerning the charges and the undercover agent involved went on Anchorage television to talk about the case even though it had not yet gone to trial.

Candopoulos has pled not guilty to the charges and is demanding a jury trial.

Regarding wanton waste, Meyer points out that it is clearly stated in the sportfishing regs that the intentional waste or destruction of any sport-caught fish is prohibited. Species such as herring and whitefish for which there are no seasons or bag limits may be used for bait (along with heads, tails, fins and viscera of other species of legally-caught sport fish), but none can be killed or intentionally maimed and thrown back.

Read the Regs

Read the reg book. That's the advice of sport fish biologist Scott Meyer.

Charter operators were recently cited for destroying dogfish and setting the hook for clients. What other offenses may skippers or crew be committing?

"Party fishing" is the best known and most prosecuted offense. That means allowing clients to continue fishing after their personal bag limit is reached and adding those fish to other clients' bag until every individual bag limit has been filled. This practice is not only

illegal but also offensive to clients who may be slow to catch but want to have the opportunity to land their own fish.

Others include: gaffing lingcod (they must be landed with a net), allowing children under 13 on deck without a PFD (this is state and federal law, not a fishing violation), and failing to note boundary lines for various bag limits and species.

Remember, the limit on all species of sharks, including dogfish, is one per day and two per year.

Group Health Insurance Extended to Charters

Alaska charter boat operators and sport fishing guides may benefit from a program developed in Oregon to bring group health insurance coverage to the families of commercial fishermen.

The Women's Coalition for Pacific Fisheries, with members in Oregon, Washington and Alaska, has found that one in three fishing families is without health insurance, and many more are under-insured. With the help of Oregon Sea Grant, the group has established a program through Regence Blue Cross/Blue Shield of Oregon to create a comprehensive medical plan specifically for fishing families, and families of charter boat operators are included under the definition of "fishing family."

According to an information bulletin from Oregon Sea Grant, the program covers routine and preventive care, prescription drug benefits, physical exams, well-baby care, immunizations and annual women's exams, and is guaranteed issue (which means that no health questions are asked at the time of application). Under the program the insured are free to choose their own doctors. Enrollees can choose among three different plans under the program, which feature different benefits and rates. Sea Grant says that the group program provides better benefits than could be obtained on an individual basis.

To qualify, you must join WCPF, and you or a member of your family must

earn a majority of your family's taxable income from commercial fishing (owner, skipper or crew), charter boat fishing or sport fish guiding, working as a fishery observer, or as an employee in a fishing support industry. Open enrollment is October and November of this year, and benefits will be effective in February of 2001.

The one catch is that the program goes into effect only if a total of 800 persons enroll by the end of November. WCPF has received several thousand inquiries about the program but it is too soon to know if a sufficient number of applications will be made. So, if you are interested, don't delay.

For more information, see <http://wcpf.orst.edu> or call 1-877-696-5776.

Humpback Regulations Proposed

Interested persons have until Oct. 15 to comment on a proposed regulation that would require boat operators to stay at least 200 yards from humpback whales.

The National Marine Fisheries Service has proposed the new regulation in response to the perception that boaters, including charter boat operators, are disturbing and even harassing the animals while whale watching.

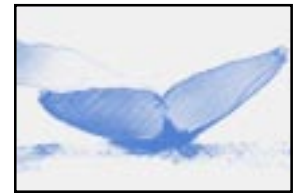
The federal Marine Mammal Protection Act prohibits harassing marine mammals but does not spell out specifically what constitutes harassment. Some biologists and enforcement officers consider any disturbance—that is, any human activity that causes the animals to change their behavior in any way—to be harassment. However, due to the subjective and nonspecific nature of the problem it has been difficult to enforce the law.

Rather than trying to define harassment the Alaska office of NMFS' Protected Resources Division has proposed using

the 200-yard approach limit as the determinant. Boat operators can check their own distance with a laser range finder, and enforcement officers have a GPS-based triangulating range-finding device that allows them to determine from a distance how far a boat is from a whale.

Kaja Brix, the NMFS biologist who announced the proposal, says the 200-yard figure was based on several studies of whale behavior, including one done in Glacier Bay that indicated humpbacks could be disturbed by boats approaching to within as much as 400 yards. She says comments to the proposal have ranged from too restrictive to not restrictive enough.

The proposed regulation would prohibit not only direct approach but also interception or "leapfrogging", whereby a skipper determines the direction the whale or whales are heading, then runs ahead to place his vessel into their path, shuts down, and waits for the whales to approach.



However, Brix says, a boat operator would not be penalized if whales decide voluntarily to approach his stationary vessel.

Brix says the proposed regulation pertains only to humpbacks in Alaska, and is not the first step in more general restrictions on approaching marine mammals. She also says that NMFS is concerned about charter boats disturbing Steller sea lions, and about the proximity of cruise ships in glacial waters and harbor seal mothers and their pups.

Comments on the proposal should be addressed to Mike Payne, Assistant Regional Administrator, Protected Resources Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668. They can also be faxed to (907) 586-7012. You can read the proposed rule on the Web at www.fakr.noaa.gov/protectedresources/default.htm and you can get more information by calling (907) 586-7235.

Legislature Passes Alaska Boating Safety Act

The Alaska Boating Safety Act was signed into law in May and will have some impact on certain classes of charterboat operators.

The biggest change for most boat owners will be that starting on or shortly after January 1, 2001, vessel registration will be done by the state's Department of Motor Vehicles, rather than by the Coast Guard. Nearly all types of motor boats must be registered, as well as non-motor boats ten feet long or greater, including dinghies, canoes, kayaks and sailboats. Excluded from the registration requirement are documented boats, life rafts, ships lifeboats and non-powered boats less than ten feet in length. Registration fee for powered boats is \$24 for three years, and for non-powered boats ten feet long or greater is \$10. Registration renewal for powered boats is \$16.

Vessels currently registered with the Coast Guard need not be reregistered with the state until their current registration expires, or their ownership changes.

Of interest to charterboat operators is the requirement that all children under the age of 13 wear PFDs at all times that they are on deck. The requirement does not apply to children while inside the boat's cabin or below decks.

The law also brings state boating equipment requirements in line with federal regs. For example, boats must carry at least one properly-sized, wearable, PFD for each person on board, and all vessels 16 feet in length or greater, except canoes and kayaks, must also carry a throwable (Type

IV) flotation device. It also requires sound-producing and signaling devices and lights as per Coast Guard regulations, and imposes requirements for proper fuel storage and fire-fighting capability.

All Alaska peace officers enforce state boating laws, including state park rangers inside state park boundaries. Officers may stop and board vessels to enforce the law.

Another effect of the new law will be transfer of federal boating safety funds to the DMV for registration costs and to the Division of Parks and Recreation for boating safety and education programs. The boating safety program administrator, Jeff Johnson, says he anticipates that eventually the division will receive as much as \$400,000 for safety training and related activities. Johnson says that no new state employees will be hired as result of the new law.

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For more details see the informational homepage at: www.alaskaboatingsafety.org.