



the Charter Log

A Quarterly Newsletter for Fishing Guides and Charterboat Operators

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Council Passes Halibut Charter IFQ Plan

It's all over but the lawsuits. On April 14 the North Pacific Fishery Management Council approved an individual fishery quota plan for halibut charter vessels operating in the waters off Southeast and Southcentral Alaska. The vote culminated eight years of discussion, planning, analysis and debate, which included 8,000 public comments.

The plan will be forwarded to the Secretary of Commerce and if approved could be implemented as early as 2003. If approved the plan will replace the Guideline Harvest Level (GHL) on halibut charter catches approved by the Council in February of last year. Numerous individuals and groups are expected to lobby the Secretary to reject the plan, and lawsuits to stop it are anticipated.

The halibut charter IFQ program will be integrated into the existing commercial halibut program. The charter sector will get 125% of the 1995-1999 average charter catch. According to the Council, this is more than 36% greater in Southeast and 37% in South-central than is currently being landed by the charter sector.

Among key provisions of the plan are the following:

- IFQs are an access privilege, not an ownership right, and charter IFQ fish cannot be sold into commerce
- Quotas will be issued in numbers of fish rather than pounds
- Fish landed are the property of the client, not the charter operator
- All sport fishing regulations remain in effect; the two fish per day and two-day possession limits are retained
- Quota will be issued to charter vessel owners and persons who leased charter vessels and who carried clients during 1998 or 1999, and 2000
- All of an individual's quota will float with abundance
- Quota may be transferred within the charter sector and from commercial to charter, but may not be transferred to the commercial sector without future plan amendment by the Council



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Halibut Charter IFQ Plan..continued...

- A quota use cap of one per cent in Southeast and one-half per cent in Southcentral, or one-half per cent for the combined areas is in effect, except that any operators who initially qualify for more will be grandfathered in
- Up to 20% of the charter IFQs may be leased within the charter sector for the first three years of the program, and 10% may be leased to the commercial sector for the first five years
- Between one and two per cent of the total quota will be set aside for use by Gulf of Alaska communities with developing halibut charter industries

A technical implementation team made up of agency and charter industry representatives will develop a plan pertaining to reporting, monitoring and enforcement.

The alternative the Council approved allocates to the charter fleet 13.05% of the combined charter and commercial halibut catch in Area 2C and 14.11% in Area 3A.

Distribution of quota share may be based on 70% of the individual's 1998 and 1999 logbook reported catch, plus 10% added for each year of operation 1995-1997, which is called a "longevity award." Excess quota share would be distributed equally among all initial issues with at least one year of participation during 1995-1997.

To receive quota share by transfer within the charter sector and operator must meet the legal obligations of a charter operator including possession of a Coast Guard license and must be either an initial issuee or qualified as defined by the State of Alaska as a guide or business.

Line limits (12 in Area 3A and six in Area 2C) remain in place, except that initial issuees may be grandfathered in at whatever line numbers they are now using. The proposal contains other provisions for transfers of blocked and unblocked commercial shares, vessel size restrictions, use caps, the

community development program, and more.

For full details look for the next issue of the NPFMC newsletter, or check the Council's web site at www.fakr.noaa.gov/npfmc/Committees/Halibut%20Issues/401IFQmotion.pdf

Smoke Clearing in OMC Bankruptcy

As reported in the last issue of the Log, and covered widely in the marine trade press, Outboard Marine Corporation, makers of Johnson and Evinrude outboard motors, OMC sterndrives, and several brands of recreational boats, filed Chapter 11 bankruptcy on Dec. 22 last year. Shock waves rippled through the recreational boating industry as hundreds of dealers and service centers lost access to stock and parts and hundreds of thousands of consumers lost warranty and service protection. Finally the smoke is starting to clear and new owners of OMC's assets are announcing their plans for saving the brands and assisting customers.

Quebec-based Bombardier Inc., makers of aircraft and recreational motor products, purchased OMC's engine building assets for a reported \$50 million.

Bombardier recently announced it will support all original warrantees on OMC engine products for the 2000 and 2001 model years, including units already sold and in dealer inventories. It's Johnson and Evinrude engines have been re-certified as meeting EPA emissions standards. And the company has established a dealer credit program

to honor OMC rebates owed dealers, by crediting them for new orders.

At press time Bombardier had not announced whether it would reopen OMC engine manufacturing plants, located at Waukegan, Illinois. But Bombardier claims it intends to preserve and build upon the Johnson and Evinrude brand names in the market.

Boating International reports that Bombardier employs 56,000 people in 12 countries in North America, Europe and Asia.

Genmar Holdings Inc. purchased OMC's boat building assets, and in doing so made itself the world's largest boat building company. Genmar reportedly paid \$45 million for the purchase, and immediately announced it would back up warrantees on Lowe, Seaswirl, Four Winns and Hydra-Sport boats sold in 2000 and in dealer inventory.

Stratos/Javelin boats, also purchased from OMC, will not be covered by Genmar-backed warrantees, but the company will provide dealers \$1000 rebates for each new boat ordered to cover warranty repair costs, according to an article in Boating Industry International Online. However, it's

not clear whether Genmar will back warrantees or reopen the plant of Chris Craft, also purchased in the deal.

Some boat building facilities purchased from OMC will be reopened and others will not, according to Genmar. In addition to the OMC purchase, Genmar owns

Aquasport, Carver, Crestliner, Glastron, Hatteras, Larson, Logic, Lund, Nova, Ranger, Trojan and Wellcraft.

At its peak OMC held a third of the U.S. boat and engine market, according to an article in BOAT/US magazine, and sold 100,000 engines last year. The company had experi-

enced financial woes for several years, apparently resulting from the costs of meeting engine emissions regulations and from intense market competition. But problems associated with the Ficht fuel injection system used on later model direct-injection Evinrude engines apparently caused the financial losses that put the company under.

Outboard Motor Industry Faces Obstacles

OMC's difficulties may be a harbinger of things to come in the outboard motor industry.

A recent article in Boating Industry chronicles the woes of outboard manufacturers, brought about by a combination of strict new environmental rules, an expensive race for new technology, and lagging consumer demand.

U.S. Environmental Protection Agency and European Community limits on polluting emissions have come down heavily on two-stroke outboards, which not only burn their lubricating oil, but also pump much of their fuel, unburned, into the atmosphere and water. Response of the manufacturers has been to invest huge sums in research and development of four-stroke technology and the so-called "direct injection" two-stroke.

Yamaha, for example, spent \$30 million to develop a single motor, the new 225-horse four-stroke, and at a total U.S. market of only 40,000 units of 200-plus h.p. engines a year, it will take the company a long time to recoup its investment, says Boating Industry.

Meanwhile, consumer demand is flat. Total U.S. outboard sales of 349,000 units last year was actually

lower than the total for 1990, when fewer brands were on the market. Sales of personal watercraft (PWC) sales, previously a bright spot in some companies' financial picture, actually decreased last year, by 15 per cent. And the strong dollar has made it difficult for American manufacturers to make up volume with sales in Europe and elsewhere abroad.

At the same time, competition among so many manufacturers has kept prices so low that margins are razor thin. The statistical average outboard motor price increased by eight per cent last year to over \$9300, but the increase was more a reflection of a higher percentage of bigger motors being sold than a per-unit increase.

The companies, says Boating World, that are in the strongest position are those, like Yamaha and Honda, that have already developed and proven the new cleaner technologies, and that can depend on a broader base of power equipment, ATVs and even automobiles for a financial foundation, technology, and even for interchangeable components and parts.

Boating Industry is predicting further consolidation in the outboard industry. It's not clear which

companies might fold, or which might gobble up another, but the message is pretty clear: if you're thinking of buying a motor it would be wise to consider parts, service, and parent company stability along with the usual criteria of performance and price.

Log Books Available

ADFG has announced that logbooks required by saltwater sport fish charter operators are now available at local department offices at the following locations: Anchorage, Palmer, Soldotna, Homer, Kodiak, Dutch Harbor, Glenallen, Cordova, Fairbanks, Douglas, Craig, Haines, Ketchikan, Petersburg, Sitka, Wrangell and Yakutat. They are also available at Fish & Wildlife Protection offices at Valdez and Seward.

A logbook is required for each vessel, and must be filled out daily and submitted to the Department weekly. The department has announced that again this year the completion and submission requirements will be strictly enforced.

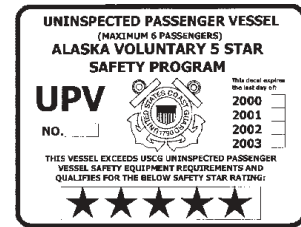
Five Star Earns Discount

At least one insurer of charter boats stepped up to the plate and granted a premium discount to vessels that earn the Coast Guard's Five Star safety rating.

According to reports from the field, Charter Lakes Insurance, the company affiliated with the National Association of Charterboat Operators, is reducing premiums by five per cent for vessels with five stars.

This amounts to a savings of \$80-\$200 for a typical six-pack boat.

If other insurers are matching this discount, word has not yet reached this office. However, since premiums sometimes are negotiated, based on factors that include safety equipment carried, some operators may be receiving the equivalent of a five-star discount without it being specifically expressed by the agent.



Early reports are that rates have not increased significantly, if at all, this season. If any operators are experiencing either new discounts or significant rate increases, please contact Charter Log with information so that it can be shared to help operators make informed decisions on insurance products.

Recall Alert System in Use

BoatU.S., the national association representing mainly recreational boaters, is touting a new service called BoatU.S. Recall Registry. Established last fall, the registry allows boat owners to register their craft online in a secure database, so that they can be reached in the event of a safety recall. The service is available to members and non-members alike.

The organization states that in recent weeks the Coast Guard has issued three safety recall notices affecting thousands of boaters, and "hundreds, if not thousands, of boat owners who might never have been reached otherwise may now get the opportunity to have their boats or engines repaired under the safety recalls."

In early April a recall was issued for more than 11,000 Evinrude 200 and 225 h.p. outboard motors that have a potential to catch fire or explode due to fuel leakage.

A second OMC-related recall concerned certain Stratos bass boats, which have performance characteristics that could cause injury to occupants. In late February recall notices were sent to owners of six brands of houseboats because of dangerous generator exhaust installations that can cause carbon monoxide poisoning (see story on carbon monoxide on page 5).

Federal law requires manufacturers to exercise "reasonable diligence" in attempting to contact owners but the requirement applies only to original owners and most owners don't notify the companies when they move or sell their boats. The registry is a way for manufacturers to notify all current owners of the product, provided they register with BoatU.S. Nearly 120,000 owners currently are registered.

Registration can be done on-line at www.BoatUS.com.

RFA Forms a PAC

The Recreational Fishing Alliance (RFA) has announced formation of a political action committee to raise funds to pay lobbyists to influence lawmakers on matters of recreational fishing and the recreational fishing industry.

RFA is a national non-profit association, representing 75,000 direct and club affiliation members, including anglers and representatives of the boat and tackle industries. The association contracts lobbyists and recently created a non-profit research foundation called Save the Fish Foundation to provide scientific and economic to politicians and fisheries managers.

Florida businessman Wayne Huizenga Jr. has been appointed volunteer finance chairman for RFA-PAC. RFA executive director Jim Donofrio said in March that the PAC's board of directors will soon be finalized and the organization will be accepting donations.

Tragedies Highlight Carbon Monoxide

A series of fatalities on Arizona's Lake Powell in recent years has triggered safety recalls, a Coast Guard and National Institute for Occupational Safety and Health (NIOSH) inquiry, and heightened awareness in the industry of the dangers posed by carbon monoxide (CO). At least 17 persons on that one lake have died from CO poisoning.

CO is an odorless, invisible gas produced by incomplete combustion of hydrocarbon fuels, and is particularly associated with gasoline engine exhaust. It is quickly absorbed into the blood stream where it binds to the red blood cells, preventing them from attaching to the oxygen molecules they need to sustain life. CO poisoning not only can be fatal immediately, but as the CO molecules adhere to the blood cells, the harm is cumulative, and several days are required to completely purge CO from the system.

Diesel engines also produce CO, as well as stoves, heaters and other devices, but gas engines and gasoline engine-powered generators are the focus of the most recent publicity on the problem. Most of the deaths at Lake Powell, including two young boys who died recently while swimming around their parents' houseboat, were attributed to trapped exhaust gases from gas generators. The boys, and several adults previously, had been swimming under the boats and had come up inside a void area just forward of the swim platform. This void is where the genset exhaust outlet were positioned and the victims quickly succumbed to the toxic fumes.

Numerous fatalities and poisonings have occurred in Alaska in recent years aboard recreational and

commercial fishing vessels. Some were attributed to leaking dry exhaust stacks, some to backdraft from poorly ventilated diesel cookstoves, and at least one case apparently occurred when winds caused exhaust from a diesel forced air furnace to back up into the vessel's sleeping quarters.

CO symptoms often resemble seasickness or the flu, and include headache, dizziness, weakness and loss of coordination. It is likely that many cases are misdiagnosed. If anyone aboard your vessel shows any of those symptoms, the first response should be to get that person out of confined spaces and into fresh air. Because CO is heavier than air it tends to accumulate in low areas, such as the forward sleeping quarters on many boats.

First defense against CO poisoning are a working CO detector (battery-powered units are available for around \$50) and a thorough examination of all engine and stove exhaust systems. All dry-stack engines, gas and diesel, must have a section of marine-grade wrinkle-flex pipe between the engine manifold and the exhaust stack. Automotive type flat-wound pipe is not suitable because it is not gas-tight. The connections should be bolt flanges, not welded in or threaded connections, so that either the flex or rigid pipe can be easily replaced.

Adequate ventilation must be maintained to all stoves and heaters, both to prevent oxygen depletion in the compartment, and also to ensure the combustion chamber sufficient air to allow complete burning of the vaporized fuel. No combustion devices should vent to the inside of

a boat, with the exception of propane or alcohol stoves in properly vented galleys.

When purchasing a boat with a gas propulsion engine or genset, or when retrofitting one to an existing boat, study the plan carefully to ensure that exhaust will have an unimpeded route directly to the open atmosphere, where boat motion or any breeze will carry it away from occupied spaces. Look for places where exhaust could be trapped or could be carried back into the boat through open windows or vents.

Be alert to the possibility of exhaust being swept into the boat while underway by the "station wagon effect" that occurs when air behind a bulky moving object is sucked forward. Keep forward-facing hatches open when running CO-producing machinery. Turn off engines and generators when swimmers or divers are in the water, and when the boat is tied to a bulkhead or other boats that could block or reverse the flow of the exhaust. Be alert to the possibility of the boat being infiltrated by the exhaust of a nearby boat.

Remember that the CO hazard can be reduced substantially by keeping gas engines properly tuned and by keeping up on the inspection and maintenance of exhaust and drafts systems, including pipes, hoses, hose clamps and through-hull fittings.

The Coast Guard's Boating Safety Circular 82 includes the content of a pamphlet published by the National Marine Manufacturers Association called Carbon Monoxide Poisoning—Know More About It" which contains facts and tips on CO safety.

Insurance Considerations for Charter Boats

The following is condensed from a more detailed publication I wrote for *Alaska Sea Grant*, published as "Buying Insurance for Your Charterboat," *Sea Grant No. 35*, which is available in print form from my office or from *Alaska Sea Grant*, and is also available on the Web at the *Alaska Sea Grant* site. I would appreciate hearing from readers with comments or with questions for future updates of insurance-related publications. - Editor

If you carry passengers for hire you have special liability concerns. The insurance you carry differs substantially from a recreational boating or commercial fishing policy. Following are some marine industry terms and some tips for getting the best value on charterboat insurance.

Agents and Underwriters

Agents sell policies. Underwriters are corporations that invest the premiums and maintain pools of money for paying claims. To spread the risk some underwriters buy re-insurance from other companies, located in London or elsewhere. Some agents, called *direct writers*, are essentially salesmen for particular underwriters, others are independents that may place your policy with any of several underwriters. Some agents simply sell stock, off the shelf, policies, while the best can build policies for specific uses, or customize policies for individual operators.

Components of a Vessel Policy

Vessel policies may have numerous components, but the primary two are:

Hull and Machinery, which covers the vessel and its attached parts, including engines and electronics.

Protection and Indemnity (P&I), which is a broad form of liability coverage.

Hull and Machinery coverage usually is based on *agreed value*. Beware of any policy that in the case of a total loss pays *actual cash value* because it will generally be a smaller amount due to depreciation.

Likewise, buy an *all risk* hull policy, which covers you for any loss except for a relatively few specific exclusions, such as nuclear war and illegal use of the vessel. *Named hazards* policies only cover losses attributed to specific causes named in the policy.

Hull and Machinery covers not only the entire vessel in the case of collision, fire or sinking, but also individual components like electronics, deck machinery and engines. Even an engine with some years' use may be covered if it suddenly breaks. Normal wear, and damage due to improper or inadequate maintenance (including freezing) usually is not covered, nor is loss of revenue due to engine breakdown. Coverage of engines and other machinery varies from one company to another.

P&I *indemnifies* (pays) others for personal injury or property damage caused by your vessel or suffered while a passenger aboard your vessel. It also pays to defend against lawsuits brought against you due to the above, and in many cases the chief function is to pay for an out-of-court settlement to prevent expensive litigation and potentially more costly damage awards.

Warrantees – When you apply for insurance you are required to state or warrant certain facts about yourself and your vessel, such as your age, experience and loss record, the vessel's equipment, operating range and lay-up period, and the fact that it will be used only for legal purposes and in full compliance with all pertinent laws and regulations. If you violate any of those terms you may be considered in *breach*

of warranty and your policy may be rendered invalid. Lenders may require that you carry breach of warranty insurance that pays off any outstanding balance on your loan if you suffer a loss while in breach of warranty.

Some P&I Considerations

How much P&I coverage do I need? The standard answer is "all you can get." Or, more specifically, what is the value of your business and personal property that would be jeopardized in a major claim?

Typically, marine P&I policies provide \$300,000 or \$500,000 *per incident*. Ask about excess coverage, often provided by a secondary underwriter, in amounts up to one or two million dollars. (Cruise lines require charter boats that serve their passengers to carry a minimum \$1 million P&I policy, and supplemental coverage of up to several million is available.) The price of excess insurance is relatively low because it is less likely to be needed and premium increase of a few hundred dollars can double the coverage.

If you have a relatively small boat, instead of buying a very large P&I policy it may be more economical to buy a *personal liability package* in the amount of a million dollars or more to protect personal assets such as your home and savings. Just be sure that your personal liability coverage pertains to claims made against your charter boat or fishing guide business.

Pollution – P&I policies usually cover clean up of accidentally discharged fuel or oil. If not standard, it should be obtainable as a rider. Pollution insurance does not cover intentional discharges, nor does it pay fines.

Shore Excursion – Your vessel policy covers your passengers only *while onboard the vessel*. As soon as they set

foot ashore they are off your policy unless you have a shore excursion rider. Land managers like the U.S. Fish and Wildlife Service, Forest Service and Alaska State Parks require it. Generally shore excursion pertains only to *accompanied* visits to shore, not drop-offs.

Divers – Vessel insurance does not cover persons in the water, and most vessel underwriters will not cover sport divers, period. PADI (Professional Association of Dive Instructors) has a dive charter vessel insurance program, but *it does not cover divers in the water*. The only liability coverage for sport diving is written not for vessel operators, but for dive masters and instructors. Insurance protection is not available for dive charters unless the divers are under the supervision of a licensed instructor or dive master.

Crew coverage – If you have crew on your boat, they must be specifically covered in your P&I policy, and you will pay for each included individual.

Passenger personal medical—Good charterboat policies include passenger personal injury coverage, as a “damage control” measure. The limit is relatively low—between \$500 and \$10,000—but there’s no deductible, and the injured doesn’t have to sue or even file a claim. The vessel owner picks up the doctor or hospital bill, and sends the receipt to the insurer for reimbursement. This coverage protects both the operator and the underwriter against more expensive claims by aggrieved individuals who may have suffered minor injuries but would be inclined to go for a big settlement if they aren’t treated well at the time.

Personal effects—Some but not all P&I policies cover the personal effects of crew and passengers.. A personal effects policy is another good “damage control” measure to ensure that no-one leaves the boat unhappy.

A Word about Assumption of Risk forms and Liability Waivers

Assumption of Risk is a form that the client signs to signify that he/she understands that this is an inherently dangerous activity. Some insurers like assumption of risk forms because they tend to discourage litigation and serve as evidence if a suit does occur that the injured party was forewarned. Liability waiver is a form that attempts to get the client to agree not to sue if an incident occurs, and most insurance companies don’t seem to think they have a lot of value, because most don’t require them.

Safety Equipment and Insurance Rates

Premiums are based, in part, on the underwriter’s subjective evaluation of the risk associated with the vessel and operator, and the owner can convey an impression of safety consciousness by exceeding the minimum legal requirements for safety equipment. By carrying items like Coast Guard-approved liferafts, bilge alarms, carbon monoxide detectors, EPIRBs you can demonstrate a commitment to safety.

In Alaska the Coast Guard’s “Five Star” voluntary safety equipment program for uninspected passenger vessels is considered a measure of vessel operator safety consciousness. Recently at least one underwriter has offered a small premium discount to vessels that qualify for the Five Star rating.

Shopping Around

When applying for coverage, state clearly and thoroughly what activities your business will encompass, including operating season, offshore limits, and any personal use. As your operation changes, or if you agree to provide services other than those originally outlined, you must inform your insurance company and in some cases apply for riders or changes in coverage.

Keep in mind that a large number of agents or brokers write with a relatively

small number of underwriters. If you price shop with different agents, chances are that they will be approaching the same underwriters. If you do this, let each agent know which underwriters already have been approached.

In some cases, joining an association may get you lower rates. For example, the National Association of Charterboat Operators (NACO) has teamed up with a national broker to offer a program that appears to be less expensive than an individually-purchased policy. However, be sure to compare coverage and features as well as rates.

Insurance rates to some extent are negotiable. Underwriters make money by your premiums, so they want your business. When the stock market is strong insurance companies compete for customers, which puts you in a position to bargain for the best rates. Conversely, if profits in the market are poor and marine losses are high, companies can be more choosy about whom they insure, and rates go up.

Minimizing Exposure

Most passenger vessel claims are for minor injuries, usually the result of slipping, tripping or losing balance. In elderly and/or overweight individuals, a minor fall can cause broken bones or more severe consequences. And one study shows that 90 per cent of bodily injury claims involve elderly and/or overweight individuals. Pay special attention to hazards aboard the boat, and be attentive to high-risk passengers to prevent injuries.

Remember, a marine policy doesn’t just insure a boat, it insures a business.

The purpose of a hull & machinery policy is to get the boat back into operation as quickly as possible, and the purpose of P&I is to defend you in litigation, and to protect your assets in the event of a personal injury or damage award.

Iridium Satellite Serviced Resumed

Charter operators who work beyond the range of cell phone service may be happy to learn that Iridium soon will be back on the air.

For several years in the 1990s Iridium was considered by many to be the most cost-effective and practical of the satellite telephone systems, using a constellation of 66 low-orbit satellites to relay telephone signals anywhere on Earth. But late in the decade the company announced that it had failed to meet customer use projections and was

forced to cease operations. As recently as early this year the industry buzz was that the company's satellites would be made to re-enter the atmosphere and burn up.

However, at the end of March the company, apparently with new financing, announced that it had completed quality assurance testing and was prepared to resume dial-up access telephone and internet connectivity operations in June. Short burst data transfer service is scheduled to start up

again later in the year. The company says the 66 operational satellites are back up by seven in-orbit spares, and will launch seven additional spares next year.

Thirteen service providers will be selling handset telephones at prices ranging from around \$1000 to \$1500 depending on model, and airtime is expected not to exceed \$1.50 per minute. The company says there will be no additional long-distance, roaming or zoning charges.

State Reduces Charges in Shark Case

Shortly before a planned court date the state's prosecutor and the lawyer for Saltwater Safari of Seward reached a plea agreement in which all but one of the nine Class A misdemeanor charges was dropped.

A state undercover wildlife agent, Franco DeAngelo, had charged skipper and business owner Bob Candopoulos with three counts of exceeding his bag limit and Saltwater Safari with six counts of the same offense because Candopoulos set the hooks in sharks before turning the rods over to clients. State law doesn't prohibit setting the hook, *per se*, but reads that a sport-caught fish becomes the possession of the person who first hooks it and counts against that person's daily bag limit. In the case of sharks, that limit is one per day and two per year.

Candopoulos could have faced hundreds of thousands of dollars in fines and loss of his boat if he had been convicted on all counts. Legal fees would have been in the tens of thousands of dollars even if he had won the case. In the deal worked out with the prosecutor, Candopoulos agreed to pay \$300 on a charge of failing to record harvest data on his fishing

license, and the company was fined \$5000 with \$2500 suspended on a single count of the bag limit charge. The state also demanded repayment of the charter fee plus the \$20 tip the sting officer gave the deckhand.

"I learned one thing from this experience," Candopoulos says. "It doesn't matter if you're right or wrong. If you are cited, you lost."

Candopoulos says that the failure to record charge was bogus since the investigating officer didn't even look at his license, but decided on advice of his attorney not to contest it as the plea bargain was a package deal.

Saltwater Safari has cooperated extensively with scientists studying salmon sharks, so Candopoulos is perplexed about why the Fish & Wildlife Protection officer came down from Fairbanks and targeted his operation for the sting. Candopoulos and other operators claim that the practice of skippers or crew setting the hook for their clients is normal in most big game fishing, and especially in shark fishing. The big fish (500 lbs is not uncommon) hit hard and then tend to spin and wrap themselves in

the line, to it takes an experienced hand to prevent injury to the angler, loss of tackle, and unnecessary harm to the shark. Reportedly a pair of Kenai Peninsula guides has submitted a proposal to the Board of Fisheries that would change the wording of the regulation to permit the guide to set the hook for anglers.

Fuel Collars

Boat operators plagued by back-belching fuel tank fillers may be interested in a new development out of the University of Washington Sea Grant program.

Fuel Collar is the name of a device designed to prevent fuel from burbling back out the filler pipe, to trap spray, and to quickly absorb fuel which gets to the tip of the pipe. It looks like a large donut that slips over the nozzle of the fuel hose, serving as an absorbent gasket between the nozzle and the filler pipe.

The Marine Advisory Program in Homer obtained some samples from Washington Sea Grant for testing, and the inexpensive units may soon be available for purchase in Alaska. West Marine stores in Washington State are carrying them now.

NACO Sets Legislative, Administrative Priorities

The National Association of Charterboat Operators (NACO) at their annual meeting at Alexandria, VA in January listed their legislative and administrative priorities for the current year.

Topping the list is to respond to recommendations submitted by the Passenger Vessel Access Advisory Committee (PVAAC) to the Access Board pertaining to vessel compliance with the Americans with Disabilities Act (ADA). Under the ADA all public facilities, including vessels and other means of transportation that carry members of the public, must be accessible to persons with physical handicaps. The recommendations (outlined in a previous issue of Charter Log) if adopted would influence design of new vessels and most likely require some changes to existing vessels. Current recommendations give vessel owners some flexibility in meeting the requirements, and NACO plans to review the Notice of Proposed Rulemaking, due out this summer, to ensure that maximum flexibility is retained.

NACO had a seat on the PVAAC but that was revoked last year due to non-participation. The staff reportedly has vowed to monitor ADA developments closely in the future.

Second priority is the issue of Marine Protected Areas (MPAs) and the “public right to fish” movement. President Clinton last year ordered a strengthening of the MPA system in the country and one an early result was the banning of recreational fishing in an area off the Hawaiian Islands. The response was legislation and a political movement among recreational angling industry people to ensure continued sport fishing access to all public waters.

NACO as applied for a seat on the new Marine Protected Areas Federal Advisory Committee, and has announced

plans to participate in future MPA-related public planning.

The Magnuson-Stevens Fishery Conservation and Management Act is up for reauthorization, and major amendment of it has been introduced by Senator Snowe of Maine. New legislation is required to advance reauthorization in this Congress, and NACO staff will be developing a “wish list” of features for this legislation that would benefit the charterboat industry.

Other NACO priorities for the current year include:

- Pursuing a partnership with the Coast Guard to develop voluntary safety standards through an industry-endorsed accreditation program, to forestall additional regulation.
- To develop a categorical, interactive bulletin board on the association website to facilitate discussion among members.
- To develop a consensus on which fisheries issues have national

implications and should be addressed by association lobbyists.

- To monitor the situation resulting from a 1999 Federal Appeals Court ruling that gave Occupational Safety and Health Administration (OSHA) purview over working conditions aboard uninspected passenger vessels.
- To oppose Coast Guard plans to require inspected vessels to carry written emergency response plans
- To continue attempting to develop a more agreeable definition of “independent contractor” as applied to crewmembers and employees of charter boats.
- To monitor development in mariner licensing and documentation and a national maritime safety incident reporting system.

NACO is a national association with a membership that ranges between 2200 and 3600 operators. Board members include Andy Mezirow of Seward, Bob Ward of Anchor Point, and Bill Foster of Sitka.

Sea Lion Zones Explained

Contrary to rumors circulating some ports, the 20-mile fisheries exclusion zones around key sea lion haul-outs announced by the National Marine Fisheries Service do not preclude sport fishing, charter boats, whale watching or transiting.

The zones, which include large blocks of Gulf of Alaska and Bering Sea nearshore waters, pertain only to federally-licensed commercial fishing vessels, according to Jay Ginter of NMFS.

However, operators should be aware of several three-mile no-transit zones

in the vicinity of Lower Cook Inlet, Afognak, the south coast of the Alaska Peninsula, and the Aleutians. All vessel access to these areas is prohibited except with a special NMFS permit or in an emergency. Violators are subject to substantial fines and to confiscation of vessel.

Zones off Lower Cook Inlet include Outer Island, Sugarloaf Islands (in the Barrens) and Marmot Island (east of Afognak). For details contact this office, call NMFS, or see <http://nmml.afsc.noaa.gov/AlaskaEcosystems/sslhome/Buffer%20Zones/buffer.htm>.

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Check Your Hydro Release

That liferaft or IBA you purchased at considerable expense may get you the Coast Guard's fifth star, but it may not save your life if it isn't installed properly. The 17th Coast Guard District recently published a Safety Alert detailing proper installation of the hydrostatic release device that keeps the raft secure in its cradle, but releases it should the boat go under. Coast Guard inspectors have seen many releases incorrectly installed.

For the release to work properly the weak link (the piece of heavy nylon twine attached to the device) must be attached between the sea painter and the vessel. It is designed to part once the raft has released and inflated. If the weak link is omitted there is a risk of tearing the raft when the vessel sinks. If it is attached to the pelican hook it may not part and release the

raft, and an uninflated raft doesn't have enough buoyancy to float free and inflate itself.

Be sure never to secure a raft to its cradle other than with the cradle straps provided, and make sure to follow installation instructions. It is essential that the raft can be released manually and also that it float free should the boat sink suddenly. Lashing the raft down makes deployment difficult or impossible.

It is up to the vessel operator to ensure that the raft is properly installed. Don't assume that a Coast Guard or Auxiliary dockside exam will point out incorrect installation. At press time the hydrostatic release Safety Alert wasn't yet posted on the Fishing Vessel Safety Office web site (www.uscg.mil/d17/m/cfvs.shtml) but you can check for it there or e-mail me (rftlj@uaf.edu) and I'll send it to you.

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