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TO: International Pacific Halibut Commission
RE: Regulatory Suggestions

September 16, 2008

To Whom It May Concern.

I am writing to you on the recommendation of Ron Antaya (enforcement division, Juneau, Alaska) with some suggestions in regards to any new regulations that may be in place for the Halibut sport fishery in Southeast Alaska for 2009.

BACKGROUND

My wife and I have been spending our summer vacations cruising the waters of Southeast Alaska for the past 20 years. We have a "live aboard" trawler that we keep in Skagway all year around. We spend anywhere from two weeks to a month at a time "cruising" and, of course, we fish for halibut from time to time. For this purpose, we each purchase yearly fishing licenses

When we purchase our license each year, we receive a copy of the "current" regulations which we faithfully review and familiarize ourselves with. We are aware that they are produced by the state to outline the "state" regulations and that halibut fall under "federal" jurisdiction however, they do make reference to halibut (daily limits, possession limits and "preparation" restrictions, etc.) These regulations also refer to and define "processed" fish. They clearly outline that once fish is properly processed, it is no longer considered catch and therefore does not count towards your possession limit. (There is nothing in the regulations that excludes halibut from being "processed")

THIS IS THE ONLY SOURCE OF INFORMATION REGARDING HALIBUT THAT IS OFFERED TO AN INDIVIDUAL SPORT FISHERMAN WHEN THEY PURCHASE THEIR ANNUAL FISHING LICENSE.

This all seemed adequate for our purposes as it allowed that if we caught a 40lb halibut, we could take a meal from it and "process" the rest as per the regulations and store it in our on-board freezer for the duration of our trip. The "processed" fish did not interfere with us fishing later on during our vacation.

SUMMER 2008

This summer, at some point well into our vacation, we started to hear that people were being "charged" and "fined" and their fish were being "confiscated" and yet no one had any logical explanation as to why this was happening. We became quite concerned and continued to try to find out what was happening. The internet did nothing to enlighten us as it did not indicate any "new" regulations regarding sport fishing for halibut. During this time we continued to hear more "enforcement" horror stories of charges, heavy fines

being levied and fish being seized. Finally in early August, we stopped in a small harbor and there was a very official-looking yellow placard displayed stating:

“IF YOU CHOSE TO CLEAN YOUR HALIBUT AT SEA the following regulation applies:.....etc”

This clearly added to the confusion because it appeared to allow you to fillet a halibut while “under way” which was specifically NOT ALLOWED as per the state regulations. It did explain that while transporting freshly caught halibut on a vessel in Alaska waters, the fish must be kept in a specific condition that would allow it to be counted toward your daily limit and/or your 2 day possession limit. However, it made no reference to “processed” halibut so in no way cleared up that situation. This placard appeared as well at the next harbor we stopped at but no further “clarification” accompanied it. Several days later we pulled into Auke Bay Harbor in Juneau and sure enough the placards (two of them) were prominently displayed however, they had both been “modified” with black felt marker on one and “defaced” by ink pen on the other, crossing out the phrase “IF YOU CHOSE TO CLEAN YOUR HALIBUT AT SEA”. Was this “official clarification” or simply selective vandalism? At this point we were completely “mystified” as to what was being enforced. The mystery was even more profound when at the end of our summer vacation in late August, we pulled into our “home” port and the harbormaster hadn’t even heard of the yellow placards!

Needless to say, this “enforcement by ambush” activity throughout the summer caused considerable stress for ourselves and other “live-aboard” cruisers who simply had no way of knowing whether or not we were in compliance with this “mysterious” regulation.

THE PROBLEM

In order to try to clarify what was happening, I called the IPHC offices in Seattle and spoke with Greg Williams. He told me nothing had changed in the regulations as they pertained to the Alaska halibut sport fishery. He then went on to say that what had changed from prior years was the manner in which the existing regulations were being enforced and he suggested that I contact Ron Antaya in Juneau for clarification.

I called Ron Antaya who told me that what was being enforced was the daily-bag/possession limits. When I asked him what about “processed” halibut, he implied that “processed” halibut were no different than fresh caught if they were on-board a vessel in Alaska waters and that they would be considered part of the daily bag/possession limit. Therefore they must be able to be identified as to how many fish they constitute (no more than 6 pieces per fish, skin on).

I then asked him this:

If I was to bring my motorhome to Hoonah in June and fish halibut from my inflatable and bring my catch back to the motorhome and can some of it and cut the rest into meal-size portions and freeze those and spend my summer vacation doing this.....is that within the regulations?.....He answered “yes”.....so

I askedwhat if my motorhome was a "live-aboard trawler"?.....He said "no because you are not allowed to transport halibut on a vessel on Alaska waters unless it can be identified as to how many fish there are on-board".....So I said what about the motorhome that has to travel on the Alaska State Ferry to get home?.....He said that would be different!????.....How so???

All this is to show that the confusion is due to the poor wording and lack of defined terms within the regulations.

SO WHAT EXACTLY IS THE IPHC TRYING TO DO?

This returns me to my conversation with Greg Williams. Greg indicated that they had become concerned with trying to "get a handle" on how many halibut are being caught by the sport fishery. I agree that this could be valuable information if one wanted to "manage" the numbers of halibut being taken in total. However, as long as the commercial halibut fishery is being limited by weight then you really don't have any idea of how many halibut are taken each year. (Does 400lbs of fish = 10 - 40 pounders or 1 - 400 pounder?).

SUGGESTED SOLUTIONS

- 1) Adopt the state regulations and definitions as they currently read to apply to halibut (This would be the simplest and most cost effective method of clarification to sport fishermen. It would also allow that all of the enforcements that took place this year were legitimate in law as they were each in violation of the definition of "processed fish" in the state regulations).
.....OR
- 2) Indicate in the state regulations that none of the regulations apply to halibut and publish a booklet of Federal regulations that apply to halibut complete with definitions of terms with clear reference to "processed" halibut and how it relates to daily bag/possession limits. This booklet must be given out to every person purchasing a license. If you want to know the numbers of halibut caught by the sport fishery, include in the new federal booklet, a regulation requiring that every fish caught and kept, be logged as to date and size and even license number if useful, and that completed log must be sent in before a new license would be issued in the following year. This log could be part of the Federal Halibut Regulation booklet and would be available for random audit by enforcement officials. (Laws should be created based on the belief that the majority of people will comply with laws they know about and understand and that those that don't comply will be prosecuted to the fullest extent of the law).

I look forward to some clarification for the 2009 sport fishing season. Thank you for your consideration.

Sincerely, Dean Cameron