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INTERNATIONAL PACIFIC HALIBUT COMMISSION

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OCT - 2 2001

PFMC

ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

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September 26, 2001

Mr. Don Bodenmiller
Oregon Department of Fish and Wildlife
2040 SE Marine Science Dr.
Newport, Oregon 97365

Dear Don:

Thank you for providing us with a copy of the Oregon Sport Charter Proposal. A summary of our response is attached. Heather Gilroy, Gregg Williams and I reviewed the proposal. Contrary to what you and I previously discussed, Heather, Gregg, and I concluded that private, unguided vessels cannot legally obtain IPHC sport charter licenses. We also believe that the IPHC sport charter license is not an appropriate management tool to use as a basis for allocation measures.

Please feel free to call or email me if you have any questions.

Sincerely,



Calvin L. Blood
Biologist

CLB/cc

encl

cc: Commissioners
Yvonne deReynier, NMFS
Chuck Tracy, PFMC

Oregon Sport Charter Proposal:

Reallocate the Cape Falcon to Humbug Mountain all-depth quota as follows:

Allocate fifty to sixty-five percent of the all-depth quota to the May-June fishery for vessels that hold International Pacific Halibut Commission (IPHC) licenses.

Allocate the remaining thirty-five to fifty percent of the all-depth quota to private vessel owners who do not have IPHC licenses. This fishery would occur in August-September when the weather is generally more favorable for smaller vessels. IPHC license holders will not be allowed to fish in the August-September all-depth fishery.

IPHC Response:

Background

The IPHC charter license was designed primarily for communicative rather than management purposes. No cross-checks are performed to verify whether the applicants are in fact legitimate charter operators. Commercial fishery license holders are verified through landings and fish tickets. Commercial licenses are used for management purposes in Area 2A to project expected catch through a tiered vessel fishing period limit.

In 1997, phone interviews were conducted of state, federal, and charter industry representatives by the IPHC to gather information on how dropping the IPHC sport charter license requirement might affect their ability to manage their sport halibut fishery. Managers from Alaska and British Columbia concurred that dropping the license requirement would reduce duplication of effort and those agencies would provide the IPHC with contact lists of sport charter vessels. Many managers from agencies or interested parties in Area 2A were unaware of the requirement. However, there was a general sentiment the license requirement should continue to exist until proven it was not needed. Currently, the list is used to determine recipients of several IPHC mailings, including regulation booklets and Annual Reports.

Comment

The IPHC sport charter license is for guided sport vessels only. **Section 2. Interpretation, paragraph (b)** states a "charter vessel" means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator. **Section 3. Licensing Vessels, subsection (2)** states that "A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both. Therefore, we conclude that a private, non-charter sport vessel cannot obtain any IPHC license without being in violation of the licensing regulations. Enforcement of all IPHC regulations, including license requirements, is done by the USCG, State and Federal agents.

We suggest the public and Council consider other management tools or explicitly allocate the available catch limit between the private and sport charter fleets along the Oregon coast, rather than using the IPHC license to separate the fleets. The lack of sport charter license applicant verification weakens the use of the license for allocative purposes. Additionally, we also have concerns about the manner in which the proposal seeks to split the catch limit by season but not by fishery. Procedures for managing catch limit overages or underages between seasons are lacking from this proposal. Such procedures should be developed for the sake of all involved.

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October 5, 2001

PFMC

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220

RE: Halibut and Bottom fish Recreational Fisheries

Dear Council:

I am an avid off-shore sports fisherman who has been fishing the Oregon Central Coast (Florence and Winchester Bay) for the past 12 years. I also represent the majority of bottom sports fishermen in our area.

My beginning comment is that this past season of bottom fishing has been the worst I have seen in 12 years.

PACIFIC HALIBUT:

Item #1: This item does not make sense. It must have been proposed so charter boats can make two halibut trips a day. This does not sound like a good idea.

Item #2: We would favor splitting the quota and a later opener of Oregon's fishery.

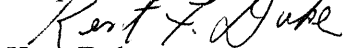
Item #3: We do not favor splitting the quota and an August fishery time is too late in the season. If you continue to allow the commercial industry to retain one halibut bycatch for each three salmon caught, there will be no more halibut fishing in the northwest.

BOTTOM FISH:

We would favor option #1. The only problem with our area (Florence and Winchester Bay) is there is no bottom fishing inside the 20 fathom curve. All of our fishing areas are 4 to 10 miles off shore. We would ask for an exclusion for our area on the 20 fathom curve area.

Thank you for the opportunity to have input.

Respectfully,



Kent Duke

87827 Sandrift Street
Florence, OR 97439

Cc: Don Bodenmiller, Marine Recreational Fisheries