UNITED STATES DEPARTMENT OF COMMERCE
Office of the Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

SEP 16 1999

To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act, an environmental review has been performed on the following action.

TITLE: Environmental Assessment of a Regulatory Amendment for a Local Area Halibut Management Plan for Sitka Sound

LOCATION: Sitka Sound, Alaska

SUMMARY: The action establishes a Local Area Management Plan for the halibut fishery in Sitka Sound in the Gulf of Alaska. The regulation prohibits halibut fishing in Sitka Sound by commercial fishing vessels greater than 35 ft and, during June, July, and August, by commercial fishing vessels less than or equal to 35 ft, and charter vessels. This action is necessary to address the decreased availability of halibut in Sitka Sound. The objective is to allocate halibut fishing opportunities in Sitka Sound among fishermen fishing with commercial vessels, anglers fishing from charter vessels, subsistence/personal use fisheries, and sport fishermen.

RESPONSIBLE OFFICIAL: Steven Pennoyer
Administrator, Alaska Region
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Juneau, AK 99801
Telephone: 907-586-7221

The environmental review process led us to conclude that this action will not have a significant impact on the environment. Therefore, an environmental impact statement was not prepared. A copy of the finding of no significant impact, including the environmental assessment, is enclosed for your information. Also, please send one copy of your comment to me in Room 5805, PSP, U.S. Department of Commerce, Washington, D.C. 20230.

Sincerely,

for Susan Fruchter
NEPA Coordinator

Enclosure

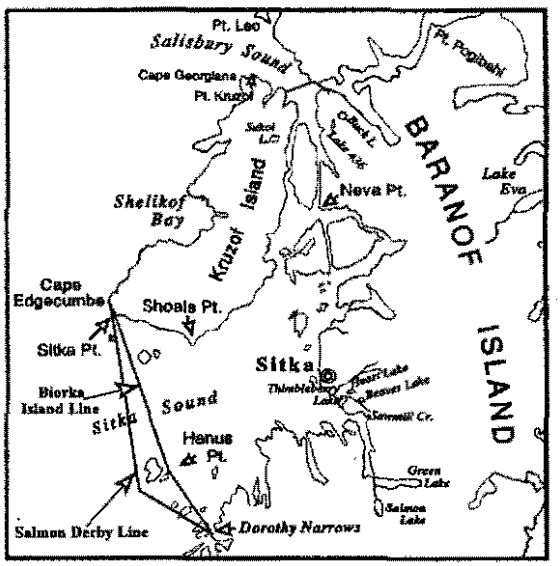
ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/ FINAL REGULATORY FLEXIBILITY ANALYSIS

OF

A REGULATORY AMENDMENT

FOR A

LOCAL AREA HALIBUT MANAGEMENT PLAN FOR SITKA SOUND



prepared by

Staff
North Pacific Fishery Management Council
National Marine Fisheries Service

August 26, 1999

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EXECUTIVE SUMMARY

The North Pacific Fishery Management Council (Council) is considering a local area management plan (LAMP) for halibut in Sitka Sound, Alaska. The preferred alternative would close most of Sitka Sound to halibut fishing by freezer category commercial vessels and commercial vessels larger than 35 ft. The preferred alternative would also close most of Sitka Sound to halibut fishing by commercial fishing vessels less than or equal to 35 feet and charter fishing vessels during June, July, and August. During the remainder of the designated Individual Fishing Quota (IFQ) fishing season, commercial fishing vessels less than or equal to 35 feet would be prohibited from harvesting more than 2,000 lbs. (0.91 mt) of halibut within Sitka Sound per IFQ fishing trip.

In January 1997, the Sitka Halibut Task Force (Task Force), appointed by the chairman of the Sitka Fish and Game Advisory Committee in turn appointed by the Alaska Board of Fisheries (BOF), identified the problem in the Sitka Sound halibut fisheries; too many harvesters of halibut are competing for the limited halibut resource within the relatively small area of Sitka Sound, thus causing the decreased availability of halibut for personal use fishermen and diminishing the quality of life for local residents. The Task Force identified a list of statements that supported the need for a Sitka Sound halibut management plan. National Marine Fisheries Service (NMFS) and the International Pacific Halibut Commission (IPHC) commercial landings reports and Alaska Department of Fish & Game (ADF&G) sportfish surveys indicate increased fishing effort and halibut removals from Sitka Sound, thus supporting the Task Force finding of increased competition for the local halibut resource. The Task Force created the LAMP to solve this problem by reserving access to halibut in Sitka Sound for the fishermen who could not fish outside the Sound, namely the non-guided anglers and personal use and subsistence fishermen, thus decreasing competition.

The IPHC has no data that support or refute localized depletion; however, local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. Small scale local depletion does not have a significant biological effect for the halibut resource as a whole. Ultimately, counter migration and local movement of halibut tend to fill in areas with low density, although continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas.

The number of commercial vessels that could potentially harvest halibut from Sitka Sound increased from 57 to 74 vessels between 1995 and 1996, due in part to changes in the commercial halibut fishery by the initiation of the IFQ program. At the end of 1995, 324 Sitka residents held over 1.7 million lb of halibut IFQ, valued at $3.0 million. Because of liberalized sweep-up and fish-down allowances, fewer quota share (QS) holders and vessels are currently active in the fishery. The Final Rule for implementing the IFQ program for Pacific Halibut and Sablefish provides detailed information on the halibut IFQ program and should be referred to regarding questions on the IFQ program (58 FR 59375, November 9, 1993).

The preferred alternative could potentially displace approximately 29 commercial category A-C vessels from waters inside Sitka Sound to other Area 2C waters to harvest their halibut IFQs. Sitka Sound represents a very small portion of Area 2C and therefore, excluding these vessels from the Sound does not restrict their ability to harvest their allotted halibut quota. These vessels harvested approximately 106,000 lb of halibut worth $190,000 ex-vessel in 1996 in Area 2C.

Around 45 category D vessels would be limited to 2,000 lb of halibut per trip inside closed waters of the Sound for the duration of the IFQ season, except for June, July, and August when they would be prohibited from fishing inside closed waters with a less restrictive southern boundary than larger commercial vessels. The trip limit would have no effect on up to 32 of the 45 category D vessels harvesting halibut during 1996.

Up to 13 category D vessels may be required to take multiple trips to harvest their IFQs in the Sound. In 1996, 61,000 lb of halibut valued at $173,000 were fished on category D vessels in Area 2C. The preferred alternative does not alter the amount of halibut these commercial vessels can harvest because the action would not effect the halibut quota shares allocated to Area 2C IFQ fishermen.

Approximately 200 charterboats would have the same closed water boundary as commercial category D vessels during June, July, and August. Preliminary 1997 ADF&G creel census data indicate that the number of halibut harvested on chartered trips in the Sitka region nearly doubled from 6,800 to 19,100 fish between 1992 and 1997. For the same period, halibut harvested by non-chartered anglers decreased from 5,700 to 2,700 fish. The Sitka guided halibut harvest of 13,400 fish in 1995 generated estimated gross revenues of $1,036,800 and total spending of over $2 million. The preferred alternative may result in approximately 6,000 fewer halibut removed by charter anglers from Sitka Sound; roughly 176,000 lb at 29 lb/fish net weight. It is important to note that this proposed action does not restrict the potential amount of halibut charter vessels can harvest, it only limits them from harvesting this halibut in Sitka Sound.

The analysis includes the following management alternatives:

Alternative 1. Status Quo. Do not develop a local area management plan for Sitka Sound.

Alternative 2. Create a local area management plan for Sitka Sound with the following provisions:

(1) Halibut longliners larger than category D (≥35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundaries on the South.

(2) Halibut longliners in category D would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. and from Hanus Pt. to the Green Marker in Dorothy Narrows and across to Baranof Islands in the South in June, July, and August. During open periods, category D vessels fishing in Sitka Sound may have on board no more than 1,000 lb of halibut. Halibut catch in Sitka Sound will be monitored for growth rate.

(3) Inside the same areas defined for the category D longliners during the months of June, July, and August, fishing for halibut would only be allowed by: (a) personal use fishery; (b) subsistence fisheries; and/or (c) non-guided sport fishery.

Option: by Sitka residents only

Alternative 3. **[Preferred]** Create a local area management plan for Sitka Sound with the following provisions:

(1) Halibut longliners larger than category D (>35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundaries on the South.

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South in June, July, and August. During open periods, category D vessels fishing in Sitka Sound may have on board no more than 2,000 lb of halibut. Halibut catch in Sitka Sound will be monitored for growth rate.

(3) Charter vessels would be prohibited from fishing for halibut in the same areas as defined for category D vessels during June, July, and August.

None of the alternatives is likely to significantly affect the quality of the human environment.

1.0 INTRODUCTION

The North Pacific Fishery Management Council (Council) is considering options to allocate Pacific halibut among subsistence/ personal use, sport, charter, large commercial boat, and small commercial boat users in Sitka Sound Alaska. This analysis resulted from extensive community debate in Sitka since 1995, regarding the apparent decline of halibut in nearshore waters and their availability for harvest by local residents.

This document is the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) for a regulatory amendment to create a local area management plan for Sitka Sound. The National Environmental Policy Act (NEPA), Executive Order (E.O.) 12866, and the Regulatory Flexibility Act (RFA) require a description of the purpose and need for the preferred action as well as a description of alternative actions, which may address the problem. Section 2 contains a discussion of the environmental impacts of the alternatives. Section 3 contains a Regulatory Impact Review/Final Regulatory Flexibility Analysis (RIR/FRFA), which addresses the requirements of both E.O. 12866 and the RFA that economic impacts of the alternatives be considered.

1.1 Management Background

The domestic fishery for halibut in and off Alaska is managed by the International Pacific Halibut Commission (IPHC) as provided by the *Convention Between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea* (Convention) signed at Washington, D.C. March 29, 1979, and the Northern Pacific Halibut Act of 1982 (Halibut Act), P.L. 97-176, 16 U.S.C. 773 c (c). The Convention and the Halibut Act authorize the Council to develop regulations governing the Pacific halibut catch in U.S. waters which are in addition to but not in conflict with regulations of the IPHC.

The IPHC is responsible for conducting biological assessments of the halibut resource and setting catch limits to protect the resource and maximize yield. The Council has the responsibility of allocating fishing privileges among U.S. fishermen. McCaughran and Hoag (1992) provide a discussion of management authority of the IPHC and the Council relating to halibut.

The Council does not have a fishery management plan (FMP) for halibut, however, the Council developed a limited access system involving individual fishing quotas (IFQs) and community development quotas (CDQs) for the halibut fishery. This system is implemented by federal regulations under 50 CFR part 679, Limited Access Management of Fisheries off Alaska under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), P. L. 94-265, 16 U.S.C. 1801. Federal regulations implemented under the Halibut Act can be found at 50 CFR part 300, subpart E, Pacific Halibut Fisheries.

1.2 Purpose and Need for Action

The preferred action would create a local area management plan to allocate the Pacific halibut resource among subsistence, personal use, sport, charter, large commercial boat, and small commercial boat users in Sitka Sound, Alaska. Beginning in 1995, the Sitka Halibut Task Force, appointed by the chairman of the Sitka Fish and Game Advisory Committee in turn appointed by the BOF, met numerous times to address social concerns that local residents have encountered reduced halibut fishing opportunities due to competition with commercial and guided charter fleets. The Task Force identified the decreased availability of halibut in the Sitka area, which was diminishing the quality of life for local residents as a problem in the local halibut fisheries. The Task Force identified a list of statements that supported the need for a Sitka

Sound halibut management plan. NMFS and IPHC commercial landings reports and ADF&G sportfish surveys indicate increased effort and halibut removals from Sitka Sound.

The Sitka Sound LAMP proposal, forwarded to the Council by the BOF, is the culmination of community debate to resolve conflicts identified between gear and user groups resulting from the apparent decline in halibut resource within Sitka Sound. In May 1995, the Task Force unanimously agreed to a statement of findings and a list of voluntary actions agreed upon by all sectors.

The Task Force identified a list of statements that supported the need for a local halibut management plan in Sitka Sound: halibut stocks are in decline; halibut recruitment is at relatively low levels; halibut are maturing at a smaller size; protection of halibut spawning stock is important for future recruitment; most halibut return to the same general area when mature; trawl bycatch of halibut is at unacceptably high levels; subsistence/personal use fishermen prefer halibut less than 100 lb; charter effort is growing; non-charter sport catch has decreased; commercial catches have decreased; and the IFQ fishery has changed commercial fishing patterns.

In September 1996, the Council initiated a process to facilitate the development and implementation of local area halibut management plans for those areas where local conflicts have been identified. The Council concurrently approved development of a regulatory amendment to analyze the 1995 recommendations of the Sitka Fish and Game Advisory Committee Halibut Task Force. In January 1997, the Task Force identified a problem in the halibut fisheries in Sitka Sound to be decreased availability of halibut in the Sitka area, which was diminishing the quality of life for local residents. IPHC staff confirms that halibut commercial fishery catch-per-unit-effort (CPUE) in Sitka Sound is 67 percent of halibut CPUE outside the Sound (R. Trumble, pers. commun.).

The Task Force reconvened in 1997 in response to Proposal 270 submitted by the Sitka Tribe of Alaska to the BOF for its February meeting in Sitka. Proposal 270 requested BOF action to close the harvest of halibut, lingcod, rockfish and other bottomfish in the Sitka Sound area from commercial and charter industry overharvest. The BOF took action at that meeting to create a Sitka Sound Special Use Area for lingcod; rockfish are already protected in Sitka Sound. During the joint Council/BOF meeting in February 1997, the BOF referred the Task Force proposal to the Council since the Council manages halibut to the shoreline in Alaska. The BOF also informed the Council that subsequent to the agreement by the Task Force, enforcement issues were raised regarding retention of halibut in closed waters while salmon trolling.

In February 1997, the Council directed staff to prepare an EA/RIR/IRFA analyzing the Task Force proposal for initial review at the April meeting and final action in June. Task Force members who testified at the April 1997 Council meeting reported that a few aspects of the proposal remained unresolved at that time. In June, the Council deferred final action until February 1998 to allow the Task Force to resolve the remaining issues.

In November 1997, the Task Force convened twice to address the residency requirement to fish for halibut in Sitka Sound. Because of the controversy surrounding that issue, the Task Fore withdrew that aspect of its proposal and amended the trip limit for commercial D category vessels to 2,000 lb. The final Task Force recommendation from its Fall 1997 meetings are included as Appendix I. After consultation with the BOF at their joint meeting held in February 1998, the Council approved the preferred alternative at its February 1998 Council meeting. The Council modified Alternative 2, part 3 to prohibit charter vessels from targeting halibut or retaining halibut caught in closed waters, rather than allow personal use, subsistence, and non-guided halibut fishing in otherwise closed waters. Alternative 2 is the Task Force's initial proposal. Alternative 3 is the Task Force's final proposal after consultation with the Council. The Council approved

the preferred Alternative 3 as a response to revised recommendations from the Task Force and other public testimony. The Council adopted the language of the alternatives submitted by the task force.

In February 1998, the Council and BOF also approved a protocol for submission and development of future halibut local area management plans for other communities. A copy of this protocol is available from the Council office. The Sitka local area management plan is the first to be submitted to the Council for consideration.

The Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention), signed at Ottawa, Ontario, Canada, on March 2, 1953, and amended by a Protocol Amending the Convention, signed at Washington, D.C., United States of America, on March 29, 1979, authorizes the IPHC to promulgate regulations for the conservation and management of the Pacific halibut fishery. Before these regulations would have any effect on U.S. fishermen, they must be approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k) that executes the above Convention. The Halibut Act, in section 5, gives the Secretary of Commerce (Secretary) the general responsibility to carry out the Convention between the United States and Canada, and requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA. Section 5 of the Halibut Act also provides that the regional fishery management council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the Commission.

A community profile of Sitka is in the document "Face of the Fisheries: Southeast Alaska," produced by the Council in 1994.

1.3 Management Action Alternatives

Alternative 1. Status Quo. Do not develop a local area management plan for Sitka Sound .

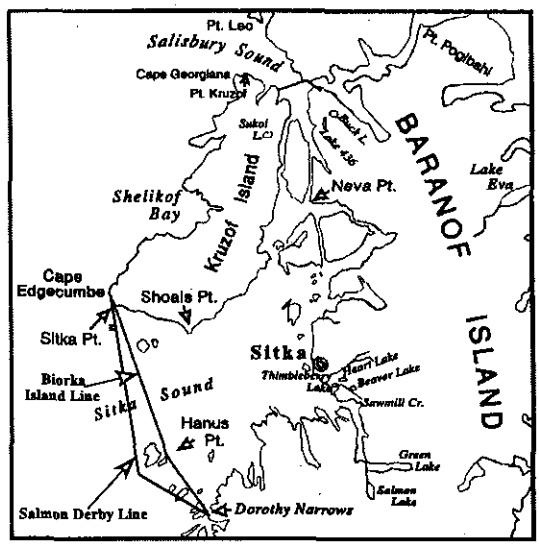
The IPHC has no data that support or refute localized depletion; however, local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. Small scale local depletion does not have a significant biological effect for the resource as a whole. Ultimately, counter migration and local movement tend to fill in areas with low halibut density, although continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas. Additionally, two attempts to deplete a localized area with a period of continuous fishing were unsuccessful (Geernaert et al. 1992, Kaimmer and Deriso 1988).

Under Alternative 1, local communities could adopt voluntary use plans. Sitka Sound halibut user groups practiced a "gentlemen's agreement" for many years before submitting a request for federal regulation.

Alternative 2. Create a local area management plan for Sitka Sound with the following provisions:

(1) Halibut longliners larger than category D (> 35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundary on the South.

(2) Halibut longliners in the category D would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. and from Hanus Pt. to the Green Marker in Dorothy Narrows and across to Baranof Islands in the South in June, July, and August. During open periods, category D vessels fishing in Sitka Sound may have on board no more than 1,000 lb of halibut. Halibut catch in Sitka Sound will be monitored for growth rate.



(3) Inside the same areas defined for the category D longliners during the months of June, July, and August, fishing for halibut would only be allowed by: (a) personal use fishery; (b) subsistence fisheries; and/or (c) non-guided sport fishery.

Option: by Sitka residents only

Alternative 3. **[Preferred]** Create a local area management plan for Sitka Sound with the following provisions:

(1) Halibut longliners larger than category D (>35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundaries on the South.

(2) Halibut longliners in the category D would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. (14450 Loran Line) and from Hanus Pt. to the Green Marker in Dorothy Narrows and Across to Baranof Islands in the South in June, July, and August. During open periods, category D vessels fishing in Sitka Sound may have on board no more than 2,000 lb of halibut. Halibut catch in Sitka Sound will be monitored for growth rate.

(3) Charter vessels would be prohibited from fishing in the same areas as defined for category D vessels during June, July, and August.

2.0 NEPA REQUIREMENTS: ENVIRONMENTAL IMPACTS OF THE ALTERNATIVES

An environmental assessment (EA) is required by the National Environmental Policy Act of 1969 (NEPA) to determine whether the action considered will result in significant impact on the human environment. If the action is determined not to be significant based on an analysis of relevant considerations, the EA and resulting finding of no significant impact (FONSI) would be the final environmental documents required by NEPA. An environmental impact statement (EIS) must be prepared for major Federal actions significantly affecting the human environment.

An EA must include a brief discussion of the need for the proposal, the alternatives considered, the environmental impacts of the preferred action and the alternatives, and a list of document preparers. The purpose and alternatives are discussed in Section 1. Section 2 contains a discussion of the environmental impacts of the alternatives. Section 3 contains the RIR/FRFA. Section 4 contains the summary and conclusions of the analysis. The list of preparers is in Section 7.

The environmental impacts generally associated with fishery management actions are effects resulting from (1) harvest of fish stocks, which may result in changes in food availability to predators and scavengers, changes in the population structure of target fish stocks, and changes in the marine ecosystem community structure; (2) changes in the physical and biological structure of the marine environment as a result of fishing practices (e.g., effects of gear use and fish processing discards); and (3) entanglement/entrapment of non-target organisms in active or inactive fishing gear. None of the preferred alternatives would have such impacts on the environment.

This action would have no significant impact on the environment. The main consequence of the proposed alternative is allocative; the LAMP was created to allow small scale fishermen access to the halibut in the protected waters near the town of Sitka. The economic effects of this allocation of fishing effort among the different user groups is detailed in section 3.0. The consequences of shifting the effort of commercial vessels over 35 ft in overall length and charter vessels is not possible to quantify with existing information. However, as public testimony indicated, most of the effort by these two groups already occurs outside the Sound. The Sitka Sound LAMP is unique because it was created by the stakeholders at the local level, therefore, all parties participated in creating the LAMP and all parties agreed to the final plan. Because of this agreement and participation by the effected group, the allocative effects on each party were considered in-depth by all of the participants in the process.

Based on current information, it is reasonable to assume that the effect on the halibut resource of shifting the marginal amount of effort to outside the Sound is negligible. The IPHC determined that there is not a resource conservation concern. If there was a resource conservation concern, the IPHC would be the responsible management body, however, since this is a local allocative issue, the management responsibility is delegated to the Council. The IPHC has no data that support or refute localized depletion; however, local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. Estimates of biomass and rates of local movement are not available to manage small areas, thus it is not possible to quantify the biological effects of shifting harvesting effort within and outside the Sound.

The IPHC considers the halibut resource to be a single population. Egg and larval drift and subsequent counter migration by young halibut cause significant mixing within the halibut population. The IPHC sets halibut harvest in regulatory areas in proportion to abundance. This harvest philosophy protects against over harvest of what may be separate, but unknown, genetic populations, and spreads fishing effort over the entire range to prevent regional depletion. Small scale local depletion does not have a significant biological effect for the resource as a whole. Ultimately, counter migration and local movement tend to fill in areas with low

halibut density, although continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas. Local depletion affects mainly vessels with limited mobility, which cannot move to adjacent areas of higher abundance. Options for managing local areas with high fishing pressure fall within two extremes: little or no restrictions that lead to maximum fishing opportunity, but low abundance and low catches; or severe restrictions with reduced seasons, bag limits, quotas, and participation that lead to high abundance and high catch rates for those allowed to fish (R. Trumble, pers. commun.).

Two attempts to deplete a localized area with a period of continuous fishing were unsuccessful. In 1988, the IPHC conducted a depletion and tagging study in the northern portion of Area 2B inside Dixon Entrance on a small, productive fishing ground known locally as the Sitka Spot (Geernaert et al. 1992). Halibut catch varied with time but depletion was not observed. An earlier depletion fishing experiment was conducted in the Charlotte region off Carpenter Bay, just inside and north of Cape St. James in Hecate Strait in Area 2B (Kaimmer and Deriso 1988). There was little change in halibut size composition from day to day, and although showing an initial decline in catch per unit effort (CPUE), the catch rate over the eight day study remained stable, indicating high rates of migration into the experimental area (IPHC 1988).

The 1999 Pacific Halibut Fishery Regulations regulate the halibut fishery (64 FR 13519). The IPHC is responsible for managing halibut bycatch and accounts for halibut bycatch in determine the halibut GHLs. This proposed action does not affect halibut bycatch. The halibut population assessment is prepared annually by the International Pacific Halibut Commission (IPHC 1997) and is incorporated here by reference. Total setline CEY (constant exploitation yield at a harvest rate of 20%) is still estimated to be very high, at just under 100 million pounds, which indicates the halibut resource is robust.

2.1 Endangered Species Act

The Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq*; ESA), provides for the conservation of endangered and threatened species of fish, wildlife, and plants. The program is administered jointly by NMFS for most marine mammal species, marine and anadromous fish species, and marine plants species and by USFWS for bird species, and terrestrial and freshwater wildlife and plant species.

The designation of an ESA listed species is based on the biological health of that species. The status determination is either threatened or endangered. Threatened species are those likely to become endangered in the foreseeable future [16 U.S.C. § 1532(20)]. Endangered species are those in danger of becoming extinct throughout all or a significant portion of their range [16 U.S.C. § 1532(20)]. Species can be listed as endangered without first being listed as threatened. The Secretary of Commerce, acting through NMFS, is authorized to list marine fish, plants, and mammals (except for walrus and sea otter) and anadromous fish species. The Secretary of the Interior, acting through USFWS, is authorized to list walrus and sea otter, seabirds, terrestrial plants and wildlife, and freshwater fish and plant species.

In addition to listing species under the ESA, the critical habitat of a newly listed species must be designated concurrent with its listing to the "maximum extent prudent and determinable" [16 U.S.C. § 1533(b)(1)(A)]. The ESA defines critical habitat as those specific areas that are essential to the conservation of a listed species and that may be in need of special consideration. Federal agencies are prohibited from undertaking actions that destroy or adversely modify designated critical habitat. Some species, primarily the cetaceans, which were listed in 1969 under the Endangered Species Conservation Act and carried forward as endangered under the ESA, have not received critical habitat designations.

2.2 Impacts on Endangered or Threatened Species

Endangered and threatened species under the ESA that may be present in the Gulf of Alaska include:

Endangered

Humpback whale	*Megaptera novaeangliae*
Snake River Sockeye salmon	*Oncorhynchus nerka*
Short-tailed albatross	*Diomedea albatrus*
Upper Columbia River Spring Chinook	*Oncorhynchus tshawytscha*
Upper Columbia River Spring Steelhead	*Oncorhynchus mykiss*

Threatened

Steller sea lion (eastern population)	*Eumetopias jubatus*
Snake River spring/summer chinook salmon	*Oncorhynchus tshawytscha*
Snake River fall Chinook salmon	*Oncorhynchus tshawytscha*
Puget Sound Chinook salmon	*Oncorhynchus tshawytscha*
Lower Columbia River Chinook salmon	*Oncorhynchus tshawytscha*
Upper Willamette River Chinook salmon	*Oncorhynchus tshawytscha*
Upper Columbia River Spring Chinook salmon	*Oncorhynchus tshawytscha*
Snake River Basin Steelhead	*Oncorhynchus mykiss*
Lower Columbia River Steelhead	*Oncorhynchus mykiss*
Upper Willamette River Steelhead	*Oncorhynchus mykiss*
Middle Columbia River Steelhead	*Oncorhynchus mykiss*

Section 7 Consultations. Because halibut fisheries are federally regulated activities, any negative affects of the fisheries on listed species or critical habitat and any takings[1] that may occur are subject to ESA section 7 consultation. NMFS initiates the consultation and the resulting biological opinions are issued to NMFS. The Council may be invited to participate in the compilation, review, and analysis of data used in the consultations. The determination of whether the action "is likely to jeopardize the continued existence of" endangered or threatened species or to result in the destruction or modification of critical habitat is the responsibility of the appropriate agency (NMFS or FWS). If the action is determined to result in jeopardy, the opinion includes reasonable and prudent measures that are necessary to alter the action so that jeopardy is avoided. If an incidental take of a listed species is expected to occur under normal promulgation of the action, an incidental take statement is appended to the biological opinion.

None of the alternatives under consideration would affect the prosecution of the halibut fisheries in a way not previously considered in consultations. The proposed alternatives are designed to improve the long-term productivity of halibut stocks in Sitka Sound. None of the alternatives would affect takes of listed species. Therefore, none of the alternatives are expected to have a significant impact on endangered or threatened species. None of the management alternatives is expected to have an effect on endangered or threatened species for the same reasons cited above.

Short-tailed albatross: In 1997, NMFS initiated a section 7 consultation with USFWS on the effects of the Pacific halibut fishery off Alaska on the short-tailed albatross. USFWS issued a Biological Opinion in

[1] the term "take" under the ESA means "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct" (16 U.S.C. ' 1538(a)(1)(B).

1998 that concluded that the Pacific halibut fishery off Alaska was not likely to jeopardize the continued existence of the short-tailed albatross (USFWS, 1998). USFWS also issued an Incidental Take Statement of two short-tailed albatross in two years (1998 and 1999), reflecting what the agency anticipated the incidental take could be from the fishery action. Under the authority of ESA, USFWS identified non-discretionary reasonable and prudent measures that NMFS must implement to minimize the impacts of any incidental take.

Salmon: The listed salmon are presumed to range into marine waters off Alaska during ocean migration and growth to maturity phases of their anadromous life history. No formal or informal consultations for any parts of the proposed action for any of the species salmon have been conducted under ESA and this proposed action is not within the scope of any previous consultations. The proposed action is presumed not to adversely affect listed salmon because salmon is not taken as bycatch in the halibut fisheries and the halibut fisheries do not affect critical salmon habitat.

Marine Mammals: The listed marine mammals are presumed to range into marine waters off Alaska. No formal or informal consultations for any parts of the proposed action for these species have been conducted under ESA and this proposed action is not within the scope of any previous consultations. The proposed action is presumed not to adversely affect listed marine mammals.

2.3 Marine Mammal Protection Act

Under the Marine Mammal Protection Act, commercial fisheries are classified according to current and historical data on whether or not the fishery interacts with marine mammals. Two groups, takers and non-takers, are initially identified. For takers, further classification then proceeds on the basis of which marine mammal stocks interact with a given fishery. Fisheries that interact with a strategic stock at a level of take, which has a potentially significant impact on that stock would be placed in Category I. Fisheries that interact with a strategic stock and whose level of take has an insignificant impact on that stock, or interacts with a non-strategic stock at a level of take, which has a significant impact on that stock, are placed in Category II. A fishery that interacts only with non-strategic stocks and whose level of take has an insignificant impact on the stocks is placed in Category III.

Species listed under the Endangered Species Act present in the management area were listed in section 2.2. Marine mammals not listed under the ESA that may be present in waters around Sitka include cetaceans, [minke whale (*Balaenoptera acutorostrata*), killer whale (*Orcinus orca*), Dall's porpoise *(Phocoenoides dalli*), harbor porpoise (*Phocoena phocoena*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), and the beaked whales (e.g., *Berardius bairdii* and *Mesoplodon spp.*)] as well a pinniped, Pacific harbor seal (*Phoca vitulina*), and the sea otter (*Enhydra lutris*).

The above listed marine mammals are not normally taken in long-line or jig fisheries. The subject fisheries (Alaska halibut longline/set line (state and federal waters)) are classified as Category III. Steller sea lion were the only species recorded as taken incidentally in these fisheries according to records dating back to 1990 (Hill et al 1997.)

2.4 Coastal Zone Management Act

Implementation of each of the alternatives would be conducted in a manner consistent, to the maximum extent practicable, with the Alaska Coastal Management Program within the meaning of section 30(c)(1) of the Coastal Zone Management Act of 1972 and its implementing regulations.

2.5 Conclusions or Finding of No Significant Impact

In view of the analysis presented in this document, I have determined that the proposed action to establish a local area management plan for Sitka Sound would not significantly affect the quality of the human environment. Based on this determination, the preparation of an environmental impact statement for the proposed action is not required by section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.

SEP 14 1999

Assistant Administrator for Fisheries, NOAA

Date 8/14/99

3.0 REGULATORY IMPACT REVIEW/ REGULATORY FLEXIBILITY ANALYSIS

In section 1.3 of the EA for this issue, three alternatives for managing the halibut fishery in Sitka Sound are presented. This section provides information about the economic and socioeconomic impacts of the alternatives including identification of the individuals or groups that may be affected by the action, the nature of these impacts, and quantification of the economic impacts where possible. Thorough analysis of the tradeoffs of these alternatives would require more information than is presently available regarding the geographic distribution of halibut in the Sitka Sound region, as well as the financial implications for participating vessels of different types of management restrictions. As a result, the objectives of this chapter will be to provide an overview of recent participation in this fishery, and to the extent possible, identify considerations that may be important for minimizing adverse impacts for operations that depend upon halibut for a significant part of their income.

The requirements for all regulatory actions specified in E.O. 12866 are summarized in the following statement from the order:

> In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environment, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

This section also addresses the requirements of both E.O. 12866 and the RFA to provide adequate information to determine whether an action is "significant" under E.O. 12866 or an analysis of impacts on small entities under the RFA.

E. O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be "significant." A "significant regulatory action" is one that is likely to:

> (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
>
> (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
>
> (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
>
> (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

A regulatory program is "economically significant" if it is likely to result in the effects described above. The RIR is designed to provide information to determine whether the preferred regulation is likely to be "economically significant."

The preferred action would create a local area management plan (LAMP) to allocate the Pacific halibut resource among subsistence/personal use, sport, charter, large commercial boat, and small commercial boat users in Sitka Sound, Alaska. This action implements the Council's recommendation to prohibit halibut fishing in Sitka Sound by commercial fishing vessels greater than 35 feet and, during June, July, and August, by commercial fishing vessels less than or equal to 35 feet and charter fishing vessels. This action is necessary to address the decreased availability of halibut in Sitka Sound currently attributed to too many harvesters of halibut within a relatively small area. It is intended to promote the goals and objectives of the Council with respect to management of halibut in and off Alaska.

The Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention), signed at Ottawa, Ontario, Canada, on March 2, 1953, and amended by a Protocol Amending the Convention, signed at Washington, D.C., United States of America, on March 29, 1979, authorizes the IPHC to promulgate regulations for the conservation and management of the Pacific halibut fishery. These regulations must be approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k) that executes the above Convention. The Halibut Act, in section 5, provides that the Secretary of Commerce (Secretary) shall have the general responsibility to carry out the Convention between the United States and Canada, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA (AA). Section 5 of the Halibut Act also provides that the Regional Fishery Management Council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC.

The Sitka Fish and Game Advisory Committee began the preliminary process necessary to develop a LAMP in 1995 to address the concerns of local residents about the decreased availability of halibut in Sitka Sound. The Chairman of the Sitka Fish and Game Advisory Committee appointed representatives of all major sectors participating in the Sitka Sound halibut fishery, including the commercial, sport, charter, and personal use fishermen, to the Sitka Halibut Task Force.

The Task Force determined that too many harvesters targeted halibut in Sitka Sound. The IPHC has no data that support or refute localized depletion; however, local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. This increased competition among users is due to an increase in the number of guided charter vessels and the Individual Fishing Quota (IFQ) fishery that allows commercial fishing vessels to operate throughout the summer. The Task Force unanimously agreed to a statement of findings and a list of voluntary actions in May 1995.

The Task Force was reconvened in January, 1997 in response to Proposal 270 submitted by the Sitka Tribe of Alaska to the BOF. Proposal 270 requested BOF action to prohibit commercial and charter fishing for halibut, ling cod, rockfish and other bottomfish in the Sitka Sound area. In February 1997, the BOF deferred the halibut proposal to the Council, the responsible body for halibut management. The Council recommended that the BOF assign the Task Force with the duty of developing a LAMP for halibut for Council action.

The Task Force determined that the decreased availability of halibut in Sitka Sound due to excessive competition was diminishing the quality of life for local residents. The Task Force identified the following areas of concern: status of the halibut stocks; increasing charter fishing effort; decreasing non-charter sport catch; decreasing commercial catches; and changes in commercial fishing patterns due to the IFQ program.

The Task Force then created a proposed LAMP for Sitka Sound and submitted it to the Council. The Council accepted the language for the alternatives submitted by the Task Force.

3.1 Requirement to Prepare an IRFA

The RFA first enacted in 1980 was designed to place the burden on the government to review all regulations to ensure that, while accomplishing their intended purposes, they do not unduly inhibit the ability of small entities to compete. The RFA recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a federal regulation. Major goals of the RFA are: (1) to increase agency awareness and understanding of the impact of their regulations on small business, (2) to require that agencies communicate and explain their findings to the public, and (3) to encourage agencies to use flexibility and to provide regulatory relief to small entities. The RFA emphasizes predicting impacts on small entities as a group distinct from other entities and on the consideration of alternatives that may minimize the impacts while still achieving the stated objective of the action.

On March 29, 1996, President Clinton signed the Small Business Regulatory Enforcement Fairness Act. Among other things, the new law amended the RFA to allow judicial review of an agency's compliance with the RFA. The 1996 amendments also updated the requirements for a final regulatory flexibility analysis, including a description of the steps an agency must take to minimize the significant economic impact on small entities. Finally, the 1996 amendments expanded the authority of the Chief Counsel for Advocacy of the Small Business Administration (SBA) to file *amicus* briefs in court proceedings involving an agency's violation of the RFA.

If a proposed rule is expected to have a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis must be prepared. The central focus of the IRFA should be on the economic impacts of a regulation on small entities and on the alternatives that might minimize the impacts and still accomplish the statutory objectives. The level of detail and sophistication of the analysis should reflect the significance of the impact on small entities. Under 5 U.S.C., section 603(b) of the RFA, each IRFA is required to address:

- A description of the reasons why action by the agency is being considered;
- A succinct statement of the objectives of, and the legal basis for, the proposed rule;
- A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply (including a profile of the industry divided into industry segments, if appropriate);
- A description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;
- An identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap or conflict with the proposed rule;
- A description of any significant alternatives to the proposed rule that accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that would minimize any significant economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives, such as:

1. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;

2. The clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;

3. The use of performance rather than design standards;

4. An exemption from coverage of the rule, or any part thereof, for such small entities.

3.2 What is a Small Entity?

The RFA recognizes and defines three kinds of small entities: (1) small businesses, (2) small non-profit organizations, and (3) and small government jurisdictions.

Small businesses. Section 601(3) of the RFA defines a 'small business' as having the same meaning as 'small business concern' which is defined under Section 3 of the Small Business Act. 'Small business' or 'small business concern' includes any firm that is independently owned and operated and not dominant in its field of operation. The SBA has further defined a "small business concern" as one "organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor...A small business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture."

The SBA has established size criteria for all major industry sectors in the United States including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of $ 3 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the $3 million criterion for fish harvesting operations. Finally a wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide.

The SBA has established "principles of affiliation" to determine whether a business concern is "independently owned and operated." In general, business concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party controls or has the power to control both. The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. Individuals or firms that have identical or substantially identical business or economic interests, such as family members, persons with common investments, or firms that are economically dependent through contractual or other relationships, are treated as one party with such interests aggregated when measuring the size of the concern in question. The SBA counts the receipts or employees of the concern whose size is at issue and those of all its domestic and foreign affiliates, regardless of whether the affiliates are organized for profit, in determining the concern's size. However, business concerns owned and controlled by Indian Tribes, Alaska Regional or Village Corporations organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601), Native Hawaiian Organizations, or Community Development Corporations authorized by 42 U.S.C.

9805 are not considered affiliates of such entities, or with other concerns owned by these entities solely because of their common ownership.

Affiliation may be based on stock ownership when (1) A person is an affiliate of a concern if the person owns or controls, or has the power to control 50% or more of its voting stock, or a block of stock which affords control because it is large compared to other outstanding blocks of stock, or (2) If two or more persons each owns, controls or has the power to control less than 50% of the voting stock of a concern, with minority holdings that are equal or approximately equal in size, but the aggregate of these minority holdings is large as compared with any other stock holding, each such person is presumed to be an affiliate of the concern.

Affiliation may be based on common management or joint venture arrangements. Affiliation arises where one or more officers, directors or general partners controls the board of directors and/or the management of another concern. Parties to a joint venture also may be affiliates. A contractor and subcontractor are treated as joint venturers if the ostensible subcontractor will perform primary and vital requirements of a contract or if the prime contractor is unusually reliant upon the ostensible subcontractor. All requirements of the contract are considered in reviewing such relationship, including contract management, technical responsibilities, and the percentage of subcontracted work.

Small organizations. The RFA defines "small organizations" as any nonprofit enterprise that is independently owned and operated and is not dominant in its field.

Small governmental jurisdictions. The RFA defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.

3.3 What is a Substantial Number of Small Entities?

In determining the scope, or 'universe', of the entities to be considered in making a significance determination, NMFS generally includes only those entities, both large and small, that can reasonably be expected to be directly or indirectly affected by the proposed action. If the effects of the rule fall primarily on a distinct segment, or portion thereof, of the industry (e.g., user group, gear type, geographic area), that segment would be considered the universe for the purpose of this criterion. NMFS then determines what number of these directly or indirectly affected entities are small entities. NMFS generally considers that the "substantial number" criterion has been reached when more than 20% of those small entities affected by the proposed action are likely to be significantly impacted by the proposed action. This percentage is calculated by dividing the number of small entities impacted by the action by the total number of small entities within the universe. The 20% criterion represents a general guide; there may be instances when, in order to satisfy the intent of the RFA, an IRFA should be prepared even though fewer than 20% of the small entities are significantly impacted.

3.4 What is a Significant Economic Impact?

NMFS has determined that an economic impact is significant for the purposes of the RFA if a regulation is likely to result in:

- more than a 5% decrease in annual gross revenues,
- annual compliance costs (e.g., annualized capital, operating, reporting) that increase total costs of production by more than 5%,

- compliance costs as a percent of sales that are 10 or more percent higher for small entities than compliance costs for large entities,

- capital costs of compliance that represent a significant portion of capital available to small entities, considering internal cash flow and external financing capabilities, or

- the regulation is likely to result in 2 or more percent of the small entities affected being forced to cease business operations.

Note that these criteria all deal with adverse or negative economic impacts. NMFS and certain other Federal agencies interpret the RFA as requiring the preparation of an IRFA only for proposed actions expected to have significant adverse economic impacts on a substantial number of small entities over the short, middle, or long term. Most regulatory actions are designed to have net benefits over the long term; however, such actions are not shielded from the RFA's requirement to prepare an IRFA if significant adverse economic impacts on a substantial number of small entities are expected in the short or longer term. Thus, if any action has short-term significant adverse impacts on a substantial number of small entities, even though it will benefit small entities in the long term, an IRFA must be prepared.

If an action is determined to affect a substantial number of small entities, the IRFA must include:

1. a description and estimate of the number of small entities and total number of entities in a particular affected sector, and total number of small entities affected; and

2. analysis of economic impact on small entities, including direct and indirect compliance costs, burden of completing paperwork or recordkeeping requirements, effect on the competitive position of small entities, effect on the small entity's cash flow and liquidity, and ability of small entities to remain in the market.

3.5 Economic and Social Impacts of the Alternatives

3.5.1 Alternative 1. Status Quo. Do not develop a local area management plan for Sitka Sound.

The IPHC considers the halibut resource to be a single population. Egg and larval drift and subsequent counter migration by young halibut cause significant mixing within the halibut population. The IPHC sets halibut harvest in regulatory areas in proportion to abundance. This harvest philosophy protects against over harvest of what may be separate, but unknown, genetic populations, and spreads fishing effort over the entire range to prevent regional depletion. Small scale local depletion does not have a significant biological effect for the resource as a whole. Ultimately, counter migration and local movement tend to fill in areas with low halibut density, although continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas. Local depletion affects mainly vessels with limited mobility, which cannot move to adjacent areas of higher abundance. Options for managing local areas with high fishing pressure fall within two extremes: little or no restrictions that lead to maximum fishing opportunity, but low abundance and low catches; or severe restrictions with reduced seasons, bag limits, quotas, and participation that lead to high abundance and high catch rates for those allowed to fish (R. Trumble, pers. commun.).

The status quo alternative would have no negative impact on the halibut resource. However, competition for halibut by resource users and fishing effort would continue to increase as the local halibut population in Sitka Sound declines. Residents of Sitka Sound have requested that the agency responsible for managing halibut take action to reduce fishing pressure on halibut within the Sound. It is reasonable to assume adverse

socioeconomic consequences from not restricting the increasing effort directed at the halibut resource in Sitka Sound.

3.5.2 Alternative 2. Create a LAMP for Sitka Sound with the following provisions:

(1) Halibut longliners larger than category D (>35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundaries on the South.

(2) Halibut longliners in the category D would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. (14450 Loran Line) and from Hanus Pt. to the Green Marker in Dorothy Narrows and across to Baranof Islands in the South in June, July, and August. During open periods, category D vessels fishing in Sitka Sound may have on board no more than 1,000 lb of halibut. Halibut catch in Sitka Sound will be monitored for growth rate.

(3) Inside the same areas defined for the category D longliners during the months of June, July, and August, fishing for halibut would only be allowed by: (a) personal use fishery; (b) subsistence fisheries; and/or (c) non-guided sport fishery.

Option: by Sitka residents only

Under Alternative 2, a Sitka Sound LAMP would respond to public concern that a decline in a local population of halibut is causing social and economic hardship to subsistence/ personal use, commercial, sport, and charter fishermen. It proposes to protect the interests of subsistence/personal use and non-guided sport anglers by maximizing their access to the halibut resource within Sitka Sound. It may lead to increased availability of the local halibut stock by decreasing fishing effort in the Sound. However, fishing pressure may only be shifted to outside the Sound where effort will continue to be exerted to intercept halibut migrating into the Sound.

Alternative 2, Part 1 proposes to close the Sound to commercial fishermen possessing halibut category A (freezer vessels), category B (any length LOA), and category C (≤60 ft LOA) quota shares. Part 2 proposes to limit fishermen possessing category D quota shares (≤35 ft LOA) to a 1,000 lb trip limit within Sitka Sound and close the Sound to commercial category D vessels in the Sound at the Biorka Island southern boundary line during June, July, and August. Part 3 would close the Sound at the Biorka Island line at the southern boundary to halibut fishing by guided sport vessels in June, July, and August. Part 3 would also prohibit retaining halibut caught outside the Sound while engaged in other charter fishing activities in the Sound. The charter fleet voiced opposition to such a prohibition because charter vessels want to retain on board halibut caught outside the Sound while fishing for other species within the Sound. This would require an increased level of enforcement activity and/or community policing to be effective.

3.5.3 Alternative 3: **[Preferred]** Create a LAMP for Sitka Sound with the following provisions:

(1) Halibut longliners larger than category D (>35 ft LOA) would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, on the North to the Sitka Salmon Derby Boundaries on the South.

(2) Halibut longliners in the category D would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. (14450 Loran Line) and from Hanus Pt. to the Green Marker in Dorothy Narrows and Across to Baranof Islands in the South (Biorka Island Line) in June, July, and August. During open periods, category D vessels fishing in Sitka Sound may have on board no more than 2,000 lb of halibut. Halibut catch in Sitka Sound will be monitored for growth rate.

(3) Charter vessels would be prohibited from fishing in the same areas as defined for category D vessels during June, July, and August.

Note that the preferred alternative was presented to the Council as a package and that the Council accepted the language of the task force. The entire proposal would need to be approved to continue the community's consensus support. In Fall 1997, the Task Force reconvened to address halibut bycatch by the commercial salmon troll fleet and retention on board of halibut caught outside the Sound by the guided sport fleet while fishing for other species inside the Sound. The Task Force also withdrew its recommendation for a residency requirement. As a result the Council made similar adjustments to in its final action and modified Alternative 2 in three ways: (1) changed the commercial D category vessel trip limit in Part 2 from 1,000 to 2,000 lb; (2) modified the language in Part 3 to prohibit charter vessels from halibut fishing for halibut in specified waters of Sitka Sound; and (3) deleted the residency requirement in Part 3. For clarification, under Part (2), halibut catch by category D commercial vessels in Sitka Sound during open periods will be monitored to determine if catch rate is increasing.

A number of effects of the preferred alternative remain unknown: (1) the amount of category A-C IFQs that might be harvested in other statistical areas or landed in other ports; (2) whether the 2,000 lb trip limit would reduce removals from the Sound or just further slow the pace of fishing effort; and (3) the effect of greater running time to fishable waters outside the Sound on charterboat client bookings.

3.6 Affected Small Entities in the Halibut Fishery

3.6.1 Sitka Sound Subsistence/Personal Use Halibut Fishery

The personal use, subsistence, and non-guided halibut fisheries are managed by ADF&G (5 AAC 77.001, 5AAC 01.001). Halibut is customarily and traditionally taken or used for subsistence. Personal use fishing means the taking, attempting to take or possession of finfish, shellfish, or aquatic plants by an individual for personal consumption as food or to use as bait (5 AAC 77.001 (a)(4)(C)(f)). The sport fishery, including personal use, subsistence, and non-guided anglers, daily bag limit is two halibut or four halibut in possession. The sport fishery season is February 1 to December 31.

Alaska Department of Fish and Game records halibut harvests of all non-commercial uses. Sport, charter, subsistence, and personal use harvests cannot be separately identified since subsistence and personal use fisheries are not defined by the Halibut Act. All non-commercial halibut removals for Sitka totaled 257,147 lb (RWT), estimated from household surveys in 1987 (Table 1). Harvests by approximately 1,900 Alaska Natives totaled 38,176 lb. Harvests by about 7,300 non-Natives totaled 218,971 lb.

Table 1. Halibut harvests (lb RWT) for non-commercial uses by gear.

	Gear			
	Census	**Commercial**	**Rod&Reel**	**Total**
Alaska Natives	1,922	1,651	36,524	38,176
Non-Natives	7,272	14,779	204,192	218,971
Total	9,194	16,430	240,716	257,147

An extensive discussion of the halibut subsistence fishery in Alaska was prepared for the EA/RIR to define a halibut subsistence/personal use fishery in Alaska (NPFMCa 1997). Descriptions of the customary and traditional practices of the Sitka Tribe of Alaska, a Tlingit Indian Tribe, are included in this analysis.

3.6.2 Sitka Sound Halibut Sport Fishery

The Sitka Sound halibut sport fishery is described in Chapter 3 and elsewhere in the EA/RIR/IRFA for management alternatives for the guided sport halibut fishery in Alaska (NPFMCb 1997). For this analysis, the Sitka Sound halibut sport fishery is divided into two components, guided charter operations and non-chartered anglers. Tables 2-4 from the EA summarize halibut harvests for Sitka and other Southeast Alaska charter fisheries. Sitka charter activity estimates for 1995 total 78 active charterboats harvesting halibut; 8 halibut target, 58 combination, and 12 salmon target. An additional 106 charterboats were reported as 'inactive;' 11 halibut target, 80 combination, and 15 salmon target. The Sitka guided halibut harvest of 13,423 fish in 1995 generated estimated gross revenues of $1,036,811 and total spending of $2,073,622 (1996$). The following is excerpted from the above mentioned EA/RIR/IRFA (NPFMCb, Appendix F 1997):

> Both halibut and salmon are available out of Sitka, and local charter operators described most of their customers as avid anglers who come to fish for both halibut and salmon. Anglers from out of state make up nearly all the charter customers. Typically charter customers (except those from cruise ships) spend several days fishing and another day or two sightseeing or shopping for souvenirs. Many stay in local hotels or bed and breakfasts and eat in local restaurants; some set up package deals with lodges that include not only fishing but also lodging and meals.
>
> Local charter operators estimate 80 charterboats actively operate out of Sitka, with perhaps 50 operating full time and 30 part time. They told us that as recently as 1990 there may have been only 20 to 25 active charters in Sitka, with the most rapid growth occurring between 1992 and 1994. A typical charter passenger load is three or four.
>
> Most (an estimated 85 percent) of charter operators are local residents, and most are single-boat owners; a handful own several boats.
>
> Among the active boats, about 60 percent do full-day trips and 40 percent half-day trips. A few charters do overnight or several-day trips. Some local operators estimated that overall the active fleet may have operated at about 50 percent of its capacity in 1996; however, it is particularly difficult to estimate how busy the fleet is overall, because the level of bookings varies so sharply among operators.
>
> Half-day charters out of Sitka are almost entirely for cruise ship passengers who have a few hours in port. Local operators report that cruise ship passengers catch very few halibut; they don't have enough time to reach the most productive halibut grounds, which are outside Sitka Sound. The cost of a half-day trip is around $90.
>
> Almost all full-day charter trips target both salmon and halibut, often spending the first part of the day fishing for salmon and the last part for halibut. The cost of a full-day trip averages $180. Clients who book packages including fishing, meals, and lodging may pay in the neighborhood of $450 per day.
>
> Local residents we spoke with in Sitka all agreed halibut in Sitka Sound are much scarcer than they were even a few years ago. They attribute the depletion partly to increased charter

and recreation fishing and partly to the introduction of the IFQ program for commercial halibut fishermen in 1995. Since that program began, commercial longline gear is in the water throughout the summer --in Sitka Sound itself and in the passages leading into Sitka Sound.

People we talked with foresee no large growth in demand for charters in Sitka --making a fishing trip to Sitka is expensive, and there are a limited number of avid anglers who can afford the trip.

ADF&G Sportfish Division estimates of sport harvests of Pacific halibut in Area 2C have increased greatly since 1977, and a record harvest of 89,332 fish was taken in 1995. Increases in halibut harvests in Sitka during the 1990s is consistent with overall trends in distribution of halibut sport harvests within the region. Since 1991, harvests in Sitka, Prince of Wales and Glacier Bay waters have been higher than those near Juneau, Ketchikan, Petersburg/Wrangell, and Haines/Skagway, although harvests on the former areas appeared to level out in 1995 (Beers and Suchanek 1996).

Intermittent creel surveys have been used to monitor the Sitka sport fishery. The 1996 halibut sport fishery is summarized in Tables 5-9. Effort in 1996 held steady at the 1992-95 average while harvest decreased about 7%. Retention rate was 68%. Weekly HPUEs (harvest per angler-hour of bottomfishing effort) in 1996 were generally higher than those in Ketchikan and Juneau. The charter fishery for bottomfish is growing in Sitka, and is an even larger component of the sport fishery than in Ketchikan. A minimum of 106 of the 192 registered charter vessels were active. About 44% of vessels target halibut and salmon for combination trips. In 1996, the local Sitka fleet expended 65% of the total bottomfishing effort in the local area and took 86% of the Pacific halibut harvest. In 1996, about 29% of all charter effort in Sitka was targeted on bottomfish. Charter vessel HPUEs were three times that of non-charter vessels. Relatively large halibut were more common in Sitka, about 6% were larger than 61 inches in length, compared with 1-3% for other areas. Average round weight of sport caught halibut increased in 1996, to 38.4 lb in Sitka. The relatively large size of Sitka halibut may be due to the movement of the sport fishery to previously relatively unfished areas on the outer coast where large fish may be available (Beers and Suchanek 1996).

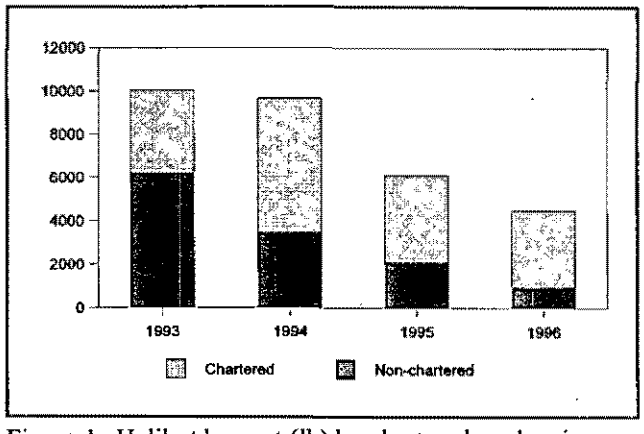


Figure 1. Halibut harvest (lb) by chartered anglers in Sitka Sound (including Vitskari), 1993-96.

Guided halibut fisheries are expanding in relation to unguided halibut fishing in Sitka Sound (Figure 1). Halibut harvested by non-chartered anglers has declined by 85% in weight (lb/fish) and 53% in numbers of fish between 1993-96 (Figure 2). Numbers of fish landed by non-charter anglers has also declined by more than one third (Figure 3). Between 1992 and 1995, halibut harvested by boat decreased by nearly 50% (Table 10). Harvests from shore declined by nearly 65%. Total halibut sport harvests declined by 50% between 1992 and 1995. Note that "sport" harvests also include what could be considered subsistence or personal use fishing.

Table 10. Sitka Sound halibut sport fish harvests (numbers of fish).

Year	Shoreline	Boat	Total
1992	735	12,113	12,848
1993	419	10,045	10,464
1994	213	9,658	9,871
1995	271	6,112	6,383

Increased harvests of halibut by the guided charter fleet has led the community to agree to move charter halibut fishing to waters outside the Sound. The Sitka Sound charterboat fleet has typically left the dock early in the morning to fish halibut outside Sitka Sound to the north on the western side of Kruzof Island and to the south on the western side of Baranof Island. After westerly winds pick up between noon and 2 p.m., the boats return to the Sound and troll for salmon for the remainder of the charter. The preferred alternative would prohibit targeting halibut in closed waters and prohibit retention of halibut caught in closed waters while engaged in other charter fishing activity (e.g., salmon trolling). Charterboats would be allowed to transit waters of Sitka Sound with halibut onboard (harvested while halibut fishing in open waters outside Sitka Sound). Charter fishing vessels would also be allowed to retain halibut harvested outside Sitka Sound when they are fishing for other species within Sitka Sound from June 1 through August 31. The creation of the southern boundary line around Biorka Island allows the commercial small boat and charter fleets to continue to fish outside the line but in the shelter of the island during periods of adverse weather. The Biorka Island area may be the only remaining halibut fishing site in Sitka Sound with fishable amounts of halibut.

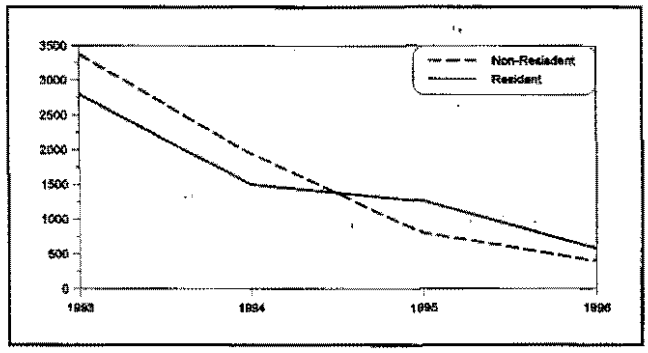
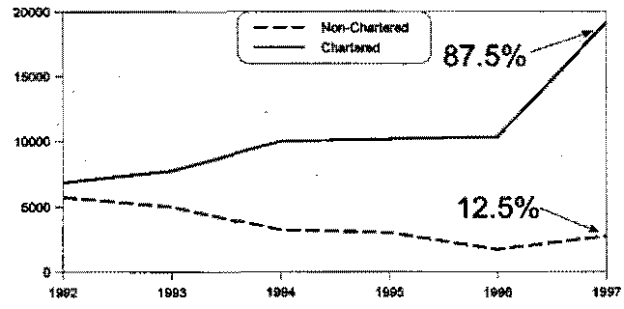


Figure 2. Halibut harvest (lb) by residency of non-chartered anglers in Sitka Sound (incl. Vitskari), 1993-96.



Year	Chartered	%	Non-Chartered	%	Total
1992	6,824	54	5,725	46	12,549
1993	7,722	61	5,000	39	12,722
1994	9,958	75	3,227	25	13,185
1995	10,149	77	3,002	23	13,151
1996	10,319	86	1,696	14	12,015
1997*	19,123	87	2,729	13	21,852

*Average round weight of halibut from creel census in 1997 was 27.7 lbs which is equivalent to net weight of 20.8 lbs.

Figure 3. Number of halibut harvest by charter vs non-charter anglers in Sitka Creel Census Area, 1992-97.

The preferred alternative would limit approximately 200 registered charter vessels to the same closed water boundary as commercial category D vessels during June, July, and August. It may result in approximately 6,100 fewer halibut removed by charter anglers from Sitka Sound; 176,300 lb at 28.9 lb/fish. These fish would then presumably be intercepted as they enter the Sound from fishing activity shifted to Salisbury Sound and along the western side of Kruzhof and Baranof islands. The effect of greater running time to fishable waters outside the Sound on client bookings with charterboats is unknown.

Table 2

SITKA
CHARTER ACTIVITY
ESTIMATES FOR 1995

CHARTER TARGET	EST CHARTER HALIBUT CATCH	1995 CHARTER HALIBUT HARVEST	EST ANGLER CHARTER TRIPS	EST CHARTER TRIPS SUM	EST CHARTER TRIPS FISHED HALIBUT	EST CHARTER BOATS "ACTIVE" ONLY SUM	EST CHARTER BOATS "ACTIVE" ONLY FISHED HALIBUT	EST CHARTER BOATS "ACTIVE" ONLY SUM	EST CHARTER BOATS "ACTIVE" ONLY FISHED HALIBUT	EST CHARTER BOATS "ACTIVE" & "INACTIVE SUM	EST CHARTER BOATS "ACTIVE" & "INACTIVE FISHED HALIBUT
SUM	19,740	13,423	23,143	5,788	2,693	106	53	106	78	250	184
HALIBUT	2,369	1,611	1,389	347	347	6	6	6	6	19	19
HALIBUT/SALMON	17,371	11,812	10,183	2,546	2,546	47	47	59	59	139	139
SALMON		NA	11,572	2,893	NA	53	NA	40	12	93	27
SHARE OF TRIPS TARGETING HALIBUT				50%		50%					
SHARE OF CHARTERS HARVESTING HALIBUT								74%		74%	
RATIO TOTAL TO ACTIVE BOATS										2.36	

SHARES OF TRIPS	HALIBUT	0.06	*THIS ASSUMES % OF CHARTERS TAKING HALIBUT EQUALS THE % OF HALIBUT TRIPS*	*THIS ASSUMES % OF CHARTERS TAKING HALIBUT EXCEEDS THE % OF HALIBUT TRIPS*
	HALIBUT/SALMON	0.44		
	SALMON	0.5		
HALIBUT RETENTION RATE		0.99		
HALIBUT HARVEST RATE PER ANGLER		1.16		
HALIBUT ANGLERS / TRIP		4		
ANNUAL TRIPS / ALL ACTIVE CHAR VESSEL			49	
ANNUAL TRIPS / FTE 6 PAC VESSEL				
SHARE OF TRIPS TARGETING HALIBUT		*VESSELS THAT TARGET HALIBUT*		0.8
		VESSELS THAT TARGET HALIBUT / SALMON IN COMBINATION		0.8
% OF HALIBUT TAKEN BY ACTIVE CHARTERS			0.9	
MEAN NET WEIGHT SPORT HALIBUT				

SITKA
CHARTER ACTIVITY
ESTIMATES FOR 1995

CHARTER TARGET	EST CHARTER HALIBUT CATCH	1995 CHARTER HALIBUT HARVEST	EST MINIMUM VESSELS REQUIRED TO TAKE HARVEST ACTIVE	EST MINIMUM VESSELS REQUIRED TO TAKE HARVEST FTE	EST CAPACITY UTILIZATION VESSELS TAKING HALIBUT ACTIVE	EST CAPACITY UTILIZATION VESSELS TAKING HALIBUT FTE	ESTIMATED CHARTER VESSEL HALIBUT HARVEST CAPACITY NUMBER ACTIVE	ESTIMATED CHARTER VESSEL HALIBUT HARVEST CAPACITY NUMBER FTE	ESTIMATED CHARTER VESSEL HALIBUT HARVEST CAPACITY NET WEIGHT ACTIVE	ESTIMATED CHARTER VESSEL HALIBUT HARVEST CAPACITY NET WEIGHT FTE	1998 TOTAL IPHC LICENSES
SUM	19,740	13,423	74	32	40%	17%	33,481	76,823	0.967	2.220	242
HALIBUT	2,369	1,611									
HALIBUT/SALMON	17,371	11,812									
SALMON		NA									
SHARE OF TRIPS TARGETING HALIBUT											
SHARE OF CHARTERS HARVESTING HALIBUT											
RATIO TOTAL TO ACTIVE BOATS											
SHARES OF TRIPS: HALIBUT											
SHARES OF TRIPS: HALIBUT/SALMON											
SHARES OF TRIPS: SALMON											
HALIBUT RETENTION RATE											
HALIBUT HARVEST RATE PER ANGLER											
HALIBUT ANGLERS / TRIP											
ANNUAL TRIPS / ALL ACTIVE CHAR VESSEL			39.2								
ANNUAL TRIPS / FTE & PAC VESSEL				80							
SHARE OF TRIPS TARGETING HALIBUT											
% OF HALIBUT TAKEN BY ACTIVE CHARTERS											
MEAN NET WEIGHT SPORT HALIBUT									28.9		

Table 3

SOUTHEAST DATA FROM ADF&G REPORTS OF ONSITE INSEASON SURVEYS

1 Halibut net weight of sport harvest fish (pounds)

	83	84	85	86	87	88	89	90	91	92	93	94	95	96
Ketchikan						20.83	25.56	27.59	21.7	20.6	18.3	16.3	14.2	20.5
Juneau						20.23	18.12	18.12	24.1	23.9	24	15.3	17.3	20.3
Sitka						17.67	20.15			23.7	28.5	34.4	28.9	28.9
Petersburg						20.3	16.84			29.8	19.2	27.1	22.7	29.6
Craig										22.7	19.3	17.4	17	17.1
weighted average										23.8	21.3	19.6	18.3	21.7

2 Halibut Sport Harvest

Ketchikan		8913		8208	10493	7317	10797	7419	9650	10257	12782	10960	19675	
Juneau	16414	14609	11931	13132	13513	12672	12484	11774	8911	9265	6927	8643	9252	
Sitka					8314	6923	2994			12549	12720	13185	13151	
Petersburg														
Craig														

3 Halibut Retention Rate by Sport fishermen

Ketchikan		92%		84%	76%	85%	90%	85%	90%	80%	74%	79%	74%	73%
Juneau	78%	62%	75%	66%	57%	72%	84%	75%	78%	78%	72%	69%	74%	78%
Sitka												72%	69%	69%
Petersburg												87%	98%	74%
Craig												83%	72%	66%

4 Halibut Catch Rate -- Charter Fish per angler hour

Ketchikan					0.2	0.2	0.22	0.3	0.23	0.33	0.33			
Juneau					0.2	0.21	0.16	0.12	0.16	0.15	0.24			
Sitka										0.38	0.42			
Petersburg										0.22	0.27			
Craig										0.57				

5 Halibut Catch Rate -- Non-Charter Fish per angler hour

Ketchikan					0.11	0.08	0.1	0.1	0.1	0.1	0.11			
Juneau					0.14	0.13	0.14	0.14	0.12	0.11	0.08			
Sitka										0.24	0.19			
Petersburg										0.12	0.11			
Craig										0.23				

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SOUTHEAST DATA FROM ADF&G REPORTS OF ONSITE INSEASON SURVEYS

	83	84	85	86	87	88	89	90	91	92	93	94	95	96
6 Annual Cumulative Halibut Catch Rate HPUE														
Ketchikan		2.552		2.771	2.328	1.718	2.195	2.605	2.204	2.4	2.95	3.05	3.56	
Juneau	3.317	3.415	2.652	2.542	2.081	2.025	2.135	1.962	1.897	1.7	1.55	2.2	2.4	
Sitka				0.996	1.485	2.886	2.274							
Petersburg	1.203	0.698	0.635	0.938	1.292	0.76	0.997							
Craig														
7 Charter Fleet Share of Halibut Sport Harvest														
Ketchikan					0.29	0.33	0.49	0.54	0.47	0.47	0.47			
Juneau					0.06	0.09	0.08	0.06	0.08	0.1	0.08			
Sitka														
Petersburg														
Craig														
8 Halibut Charter % of Total Bottomfish Effort														
Ketchikan										0.21	0.24	0.25	0.23	0.24
Juneau										0.07	0.03	0.03	0.03	0.06
Sitka										0.43	0.4	0.55	0.58	0.65
Petersburg										0.22	0.26	0.33	0.38	0.47
Craig										0.15		0.52	0.58	0.59
9 Halibut Charter % of Total Bottomfish Harvest														
Ketchikan										0.47	0.47	0.41	0.4	0.44
Juneau										0.1	0.08	0.07	0.16	0.14
Sitka										0.54	0.61	0.76	0.77	0.65
Petersburg										0.35	0.46	0.4	0.43	0.55
Craig										0.29			0.84	0.79
10 Bottomfish share of Charter Effort														
Ketchikan														
Juneau												0.05	0.13	0.12
Sitka												0.35	0.34	0.29
Petersburg												0.64		0.54
Craig														

Table 4

RELATIVE IMPORTANCE OF BOTTOMFISH (HALIBUT) AS THE TARGET SPECIES

salmon hours	83	84	85	86	87	88	89	90	91	92	93	94	95
juneau	238,344	248,732	269,077	240,921	307,124	264,198	287,876	300,167	324,788	301,688	270,838	320,386	266,923
ketchikan		161,100		133,618	167,306	153,086	195,974	199,063	275,856	192,269	198,960	230,372	176,765
sitka					33,130	35,763	34,946			74,183	107,184	123,971	135,866
petersburg													16,194
bottomfish hours													
juneau	84,259	72,090	72,381	77,165	94,658	98,188	85,354	83,108	69,475	84,718	78,820	63,398	60,168
ketchikan		62,625		51,208	64,954	71,611	79,958	49,347	67,842	69,366	78,002	56,092	101,381
sitka					24,266	16,493	6,177			40,766	44,480	43,363	61,710
petersburg													9,210
total angler hours													
juneau	320,603	318,822	341,458	318,086	401,782	360,384	373,030	383,273	394,263	386,306	349,658	383,783	326,081
ketchikan		223,725		184,726	242,260	224,697	275,932	248,410	343,698	261,635	276,962	286,464	277,146
sitka					57,396	54,256	41,123			114,939	151,664	167,334	187,576
petersburg													24,404
bottomfish share of angler hours													
juneau	26.26%	22.61%	21.20%	24.26%	23.56%	27.45%	22.88%	21.68%	17.62%	21.93%	22.54%	16.62%	18.45%
ketchikan		27.99%		27.72%	35.07%	31.87%	28.98%	19.87%	19.74%	26.51%	28.16%	19.58%	36.58%
sitka					42.26%	34.08%	15.02%			35.46%	29.33%	25.91%	27.67%
petersburg													

SOURCE: ADF&G SOUTHEAST ANNUAL CREEL SURVEY

halibut is the overwhelming bottomfish target species

Table 5 Number of registered charter vessels and active charter vessels targeting halibut by port as determined from creel sampling in Southeast Alaska during 1996.

Port	Survey Period	Registered Vessels	Minimum No. Active	Fished for Halibut	Percent
Ketchikan	5/06-10/06	134	88	51	58%
Craig	5/01- 9/08	69	32	27	84%
Sitka	4/22- 9/22	192	106	78	74%
Petersburg	5/01- 7/14	59	7	6	86%
Wrangell	5/01- 7/14	37	13	10	77%
Juneau	4/22- 9/22	142	52	21	40%
	Totals	633	298	193	65%

Table 6 Number of active charter vessel trips surveyed by port from creel sampling in Southeast Alaska during 1996.

Port	Survey Period	Active Vessels	No. of Surveyed Trips per Vessel			
			1	2-4	>4	Average
Ketchikan	5/06-10/06	88	27	21	40	5.7
Craig	5/01- 9/08	32	10	3	19	15.8
Sitka	4/22- 9/22	106	34	22	50	6.0
Petersburg	5/01- 7/14	7	4	3	0	1.6
Wrangell	5/01- 7/14	13	5	7	1	2.3
Juneau	4/22- 9/22	52	15	19	18	4.5
	Totals	298	95	75	128	

Table 7 Number of charter trips targeting halibut only, both salmon and halibut, or salmon only by port from creel sampling in Southeast Alaska during 1996.

Port	Survey Period	Total Trips	Halibut Only	Percent	Both Targets	Percent	Salmon Only	Percent
Ketchikan	5/06-10/06	505	37	7%	109	22%	359	71%
Craig	5/01- 9/08	505	12	2%	310	62%	183	36%
Sitka	4/22- 9/22	633	39	6%	281	44%	313	50%
Petersburg	5/01- 7/14	11	8	73%	0	0%	3	27%
Wrangell	5/01- 7/14	31	9	29%	10	32%	12	39%
Juneau	4/22- 9/22	234	12	5%	24	10%	198	85%
	Totals	1,919	117	6%	734	38%	1,068	56%

3.6.3 Sitka Sound Commercial Halibut Fishery

Table 11. Port of Sitka halibut IFQ landings.

Area	1995	1996	1997
2C	174,459	206,191	254,840
3A	7,117	2,099	3,627

Commercial halibut longlining in the Sound in the first 2 months of the 1997 IFQ season was the highest in the 3 year history of the IFQ fishery (V. O'Connell, pers. commun.). Halibut IFQs landed in the port of Sitka has increased by 42% between 1995 and 1997 (Table 11). All of the IFQ halibut Area 2C quota share holders are included in the universe of small entities impacted by the proposed action. In 1998, the number of persons holding halibut quota share in Area 2C was 1,734. All IFQ halibut quota share holders in Area 2C are regulated but Sitka based IFQ fishermen are considered most directly affected by the proposed action, therefore, this analysis focuses on the Sitka based IFQ fishermen.

Other commercial species are also harvested in Sitka Sound. Sitka Sound is already closed to commercial fishing for demersal shelf rockfish. A small jig fishery for black rockfish is allowed. The Sound is open to longlining for Pacific cod, but the fishery is minimal. The preferred alternative mirrors similar action the BOF took in February 1997 to prohibit commercial fishing with troll gear and dinglebars for lingcod in Sitka Sound beginning on June 15, 1997. A 5 percent bycatch limit of lingcod in the halibut longline fishery is allowed. The BOF also lowered the lingcod bag limit from two fish to one for non-resident anglers in the Sound; the bag limit remains two fish outside the Sound. The Council is constrained from discriminatory action between residents of different states and can not exclude non-Alaskan U.S. residents from fishing privileges (i.e., lower bag limits).

Table 12. Total commercial landings at Sitka port.

Year	Vessel landings	Pounds landed	% of TAC
1990		3,641,814	6.9
1991		2,958,129	6.0
1992		3,175,217	6.1
1993		2,992,668	6.2
1994		2,806,115	6.3
1995*	965	2,848,946	9.8
1996*	1,027	2,825,565	7.9

Area 2C halibut landings for 1995 and 1996 were 7.8 and 8.8 million lb, respectively, of the 9 million lb quota each year. As of the end of the 1995 IFQ fishing season, 324 Sitka residents (14% of all Area 2C QS issuees) held over 9.9 million QS (17% of all Area 2C QS) representing 1.7 million lb of halibut, worth approximately $3 million at $1.79/lb (NPFMCb 1997). Due to liberalized sweep-up and fish-down allowances, fewer QS holders and vessels are expected to be active in the fishery in 1997.

Table 13. Commercial vessels harvesting IFQ halibut and lb landed in Sitka Sound by vessel category (Source: NMFS/RAM).

	Vessel Category									
Year	A		B		C		D		Total	
	#	lb	#	lb	#	lb	#	lb	#	lb
1995	0	0	0	0	27	106,100	30	52,000	57	158,100

Table 14. Size of landings by vessel.

Category	Size	1995	1996
A	1-5K	0	1
B	any	0	0
C	<1K	12	18
C	1-5K	11	7
C	5+K	4	4
D	<1K	18	32
D	1-5K	10	10
D	5+K	3	3
TOTAL*		58	75

Sitka ranked fourth in 1995 and fifth in 1996 for total IFQ halibut landings (Table 12). The total number of vessel landings increased by 6%, while landings dropped slightly between 1995 and 1996. The number of vessels harvesting halibut from closed waters in Sitka Sound increased from 57 to 74 vessels between 1995 and 1996, while landings declined (Table 13). The preferred alternative may result in up to 106,000 lb halibut at $215,000 ex-vessel being harvested elsewhere in Area 2C by category A-C vessels.

Table 14 lists the numbers of vessels that would be affected under Alternative 3, Parts 1 and 2. As many as 30 A-C category vessels would be prohibited from harvesting halibut within the closed area in Sitka Sound. As many as 45 category D vessels would be prohibited from harvesting halibut in the closed area at the Biorka line in June, July, and August. The trip limit for D category vessels would have no effect on roughly 32 of the 45 category D vessels harvesting halibut during 1996, but as many as 13 vessels would be required to take multiple trips to harvest their IFQs in the Sound.

Average CPUE data for the commercial halibut fishery in and around Sitka Sound for 1995 is provided by the IPHC. The average CPUE is 125 lb/skate for the closed area (19 data points), 201 lb/skate for the area immediately outside Sitka Sound (160 data points), and 250 lb/skate for a wider area of the Southeast coast (305 data points). The overall average is 229 lb/skate (484 data points). CPUE varies considerable over the region. In general, highest CPUE values are north and south of the area around Sitka Sound. It is uncertain if the ranges in CPUE are due to local depletion or natural causes. It is also uncertain if the CPUE data points from vessels reporting latitude and longitude are representative of all vessels fishing in the area (R. Trumble, pers. commun.).

3.7 Data quality

The IPHC staff collects log book data from approximately 70-80% of halibut landings by weight and 50-60% of halibut landings by number in Alaskan halibut fisheries. Most logs are collected by port samplers, who target landings greater than 1,000 lb (net weight). The staff sends a letter requesting missing logbook data to fishermen with landings greater than 5,000 lb. Port samplers obtain a fishing location for each log; through 1993, many locations were referenced to points on land. Since 1994, port samplers and log-lacking letters have tried to obtain latitude and longitude of all fishing locations, and in 1995 asked for position of each set. The proportion of latitude and longitude reports received increased each year. Still, many logs do not report latitude and longitude (R. Trumble, pers. commun.).

The IPHC receives one or more fish ticket(s) from each halibut landing. In most cases, an ADF&G statistical area (½ by 1 degree or smaller) is noted on the ticket, but the reliability of the recorded area is uncertain. Many tickets do not have ADF&G areas. For example, landings in Sitka Sound from 1991-1994 had ADF&G areas for 68-86% of the landed pounds, but only 54-72% of the landings had ADF&G areas indicated.

The IPHC staff assigns each halibut fish ticket to a 60 mile IPHC statistical area in the Gulf of Alaska (Figure 6), and to ½ by 1 degree blocks in the Bering Sea, and the staff is very confident of these landing data. At smaller scale resolution, the data quality becomes less precise. Small landings are under-represented in logbook data and in ADF&G areas on fish tickets. Therefore, data summaries by latitude and longitude or by ADF&G statistical area may not represent actual landing patterns.

Despite the data limitations on landings from vessels making small landings, these estimates may be considered the best available information and do reflect general trends in the Sitka area commercial fishery. Coupled with ADF&G creel survey data collected for the Sitka area for 1992-1996 for guided and non-guided sport halibut fishing, Figure 7 indicates the most recent 5 year trend in fishing activity for Sitka Sound, and fishing grounds in Salisbury Sound (outside of the northern boundary of Sitka Sound) and Kruzof Island (outside of the southern boundary). All three areas indicate a decline in halibut harvests. All three areas indicate the lowest harvests attributed to the non-guided sport sector, which includes subsistence, sport, and personal use fisheries.

3.8 Recordkeeping and Reporting Requirements

No new recordkeeping and reporting requirements exist with the proposed action.

3.9 Relevant Federal Rules

No known Federal rules duplicate, overlap, or conflict with the proposed rule. Halibut are managed by the Pacific Halibut Fisheries Regulations. The Sitka Sound local area management plan measures are in addition to, and not in conflict with regulations adopted by the IPHC.

3.10 Administrative, Enforcement, and Information Costs

As long as the user-groups maintain voluntary compliance to the LAMP, no significant additional administrative, enforcement, or information costs are expected under the preferred action (Alternative 3). If voluntary compliance erodes, increased local level enforcement will be needed to ensure compliance with the LAMP. NMFS enforcement predicts one full-time enforcement officer would be required to enforce the LAMP in the absence of voluntary compliance.

An increased presence would be required by NOAA, US Coast Guard, and State of Alaska Department of Public Safety enforcement personnel to promote compliance with the three closed areas in Sitka Sound created under the preferred alternative. Halibut retention would be prohibited while engaged in fishing activity (transit with gear disabled would be permitted) in: (1) Sitka Sound from Salisbury Sound on the north to the salmon derby line for category A, B, and C commercial vessels; (2) Sitka Sound from Salisbury Sound in the north to the Biorka Island line for category D commercial vessels in June, July, and August; and (3) Sitka Sound from Salisbury Sound in the north to the Biorka Island line for guided sport vessels in June, July, and August.

The enforcement agencies would also need to enforce the 2,000 lb trip limit in Sitka Sound for category D commercial vessels. Enforcement agencies would need to determine which vessels fished within the Sound and subject to the trip limit, and those fishing outside the Sound. A USCG air station with two helicopters and a buoy tender are stationed in Sitka and could be assigned to monitor commercial and charter vessel compliance with the provisions of the Sitka Sound LAMP.

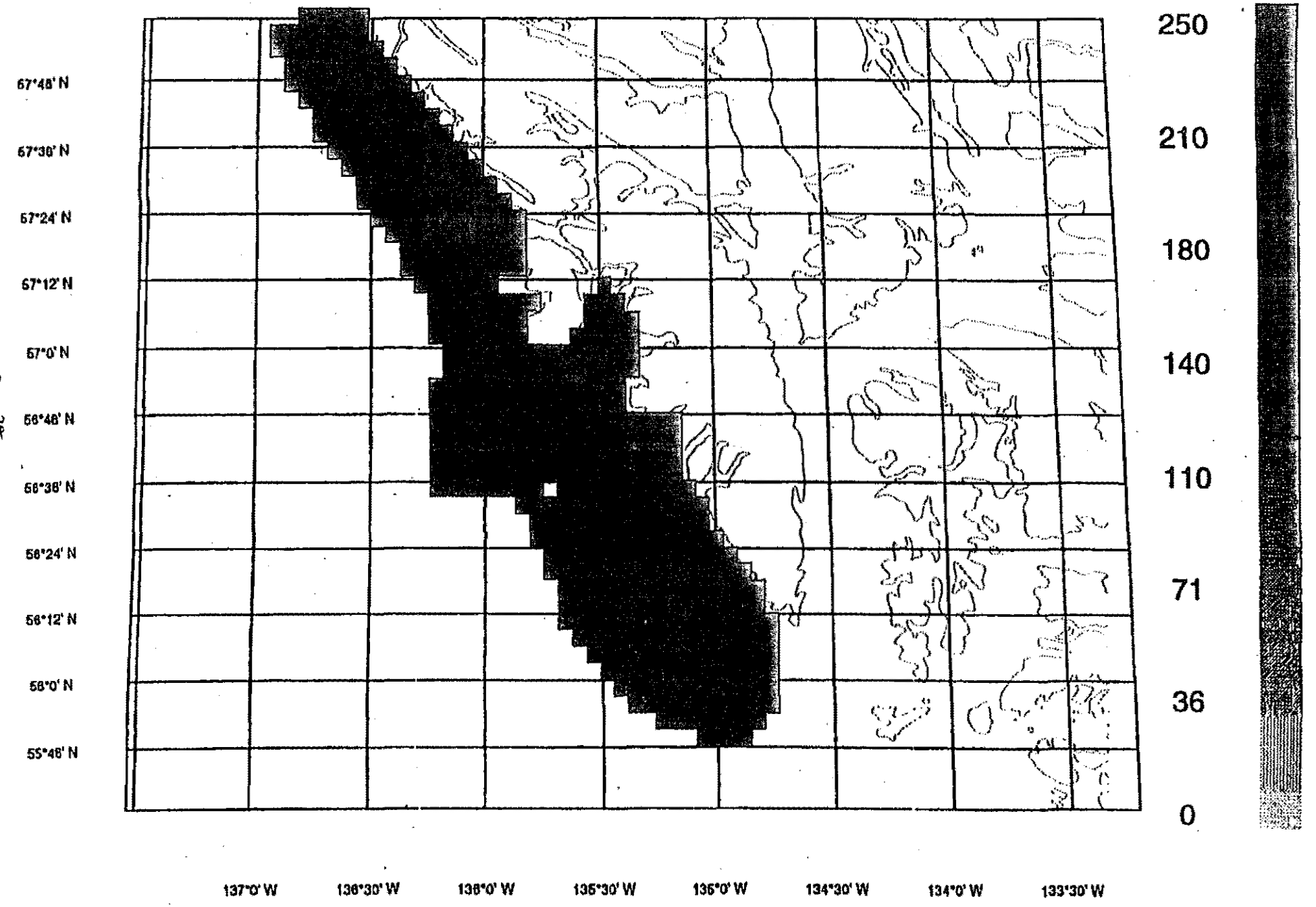
3.11 Final Regulatory Flexibility Analysis

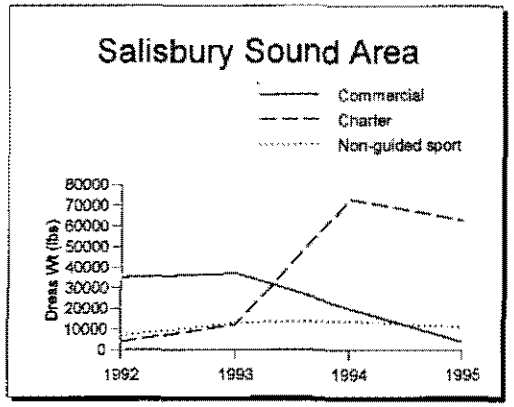
The preferred action would create a LAMP to allocate the Pacific halibut resource among subsistence/personal use, sport, charter, large commercial boat, and small commercial boat users in Sitka Sound, Alaska. This action is necessary to address the decreased availability of halibut in Sitka Sound currently attributed to too many harvesters of halibut within a relatively small area.

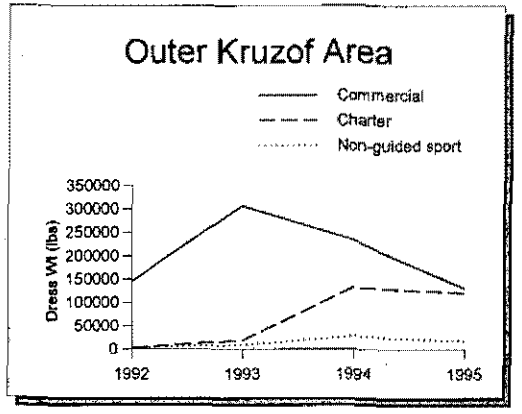
The proposed rule was published in the Federal Register on April 28, 1999(64 FR 22826). No changes were made to the proposed rule for the final rule. Five letters were received on the regulatory amendment to implement a Sitka Sound Local Area Management Plan during the 30-day comment period ending May 28, 1999. Three letters supported approving the rule as proposed, and two letters supported approving the proposed rule with changes. The response to comments will be published with the final rule. No letters were received that raised issues in response to the IRFA.

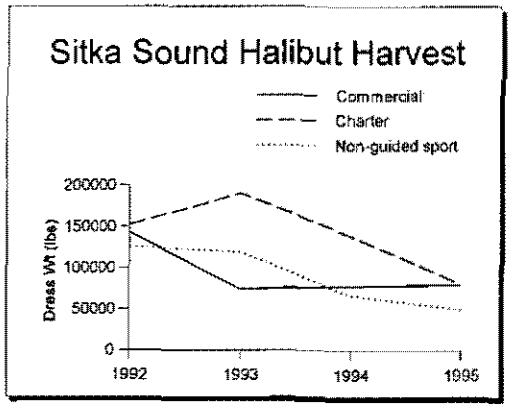
Sections 1.3 and 3.5 contain descriptions of the significant alternatives to the rule and the reasons for choosing the preferred alternative and rejecting the other alternatives.

Figure 4 Mean cpue for survey sitka95.data









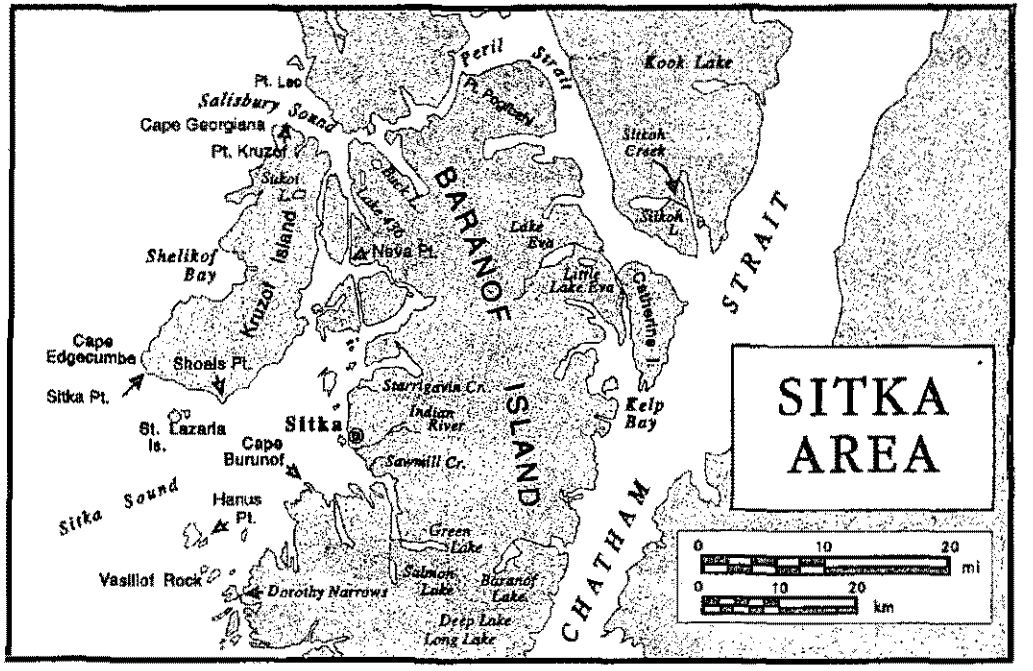


Figure 7. Commercial and sport halibut harvests for Salisbury Sound, Outer Kruzof Island area, and Sitka Sound, 1992-1995.

4.0 SUMMARY AND CONCLUSIONS

The preferred action would create a LAMP to allocate the Pacific halibut resource among subsistence/personal use, sport, charter, large commercial boat, and small commercial boat users in Sitka Sound, Alaska. The preferred alternative would prohibit halibut fishing in Sitka Sound by commercial fishing vessels greater than 35 feet and, during June, July, and August, by commercial fishing vessels less than or equal to 35 feet and charter fishing vessels. This action is necessary to address the decreased availability of halibut in Sitka Sound currently attributed to too many harvesters of halibut within a relatively small area. It is intended to promote the goals and objectives of the Council with respect to management of halibut in and off Alaska.

In January 1997, the Sitka Halibut Task Force, appointed by the chairman of the Sitka Fish and Game Advisory Committee, identified a problem in the halibut fisheries in Sitka Sound to be decreased availability of halibut in the Sitka area which was diminishing the quality of life for local residents. Sitka residents have voiced the concern that halibut in Sitka Sound are much scarcer than they were even a few years ago. As the analysis shows, catches for subsistence, personal use and non-chartered anglers has declined in recent years. This decline may be attributed partly to increased charter fishing and partly to the introduction of the IFQ program for commercial halibut fishermen in 1995. The Task Force identified a list of statements that supported the need for a Sitka Sound halibut management plan. The Task Force then created a LAMP that addressed the concerns of the stakeholders and achieved the identified objectives. The LAMP proposed by the Task Force is the Council's preferred alterative. The preferred alternative would exclude commercial and charter fishing vessels from harvesting halibut in Sitka Sound during the summer months to reduce competition within the Sound with the goal of increasing the availability of halibut for non-chartered anglers, personal use fishermen, and subsistence fishermen.

The IPHC has no data that support or refute localized depletion; however, local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. Small scale local depletion does not have a significant biological effect for the resource as a whole. Ultimately, counter migration and local movement tend to fill in areas with low halibut density, although continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas.

NMFS and IPHC commercial landing reports and ADF&G sportfish surveys indicate increased fishing effort and halibut removals from Sitka Sound. Commercial vessels that could potentially harvest halibut from closed waters in Sitka Sound increased from 57 to 74 vessels between 1995 and 1996. Since the introduction of the IFQ program for commercial halibut fishermen in 1995, commercial longline gear is in the water throughout the summer --in Sitka Sound itself and in the passages leading into Sitka Sound. At the end of 1995, 324 Sitka residents held over 1.7 million lb of halibut IFQ, valued at $3.0 million. Preliminary 1997 ADF&G creel census data indicate that the number of halibut harvested on chartered trips nearly doubled from 6,800 to 19,100 fish between 1992 and 1997. Whereas, for the same period, halibut harvested by non-chartered anglers, including subsistence and personal use fishermen, decreased from 5,700 to 2,700 fish.

The preferred alternative could potentially displace approximately 29 commercial category A-C vessels from waters inside Sitka Sound to other Area 2C waters to harvest their halibut IFQs. These vessels harvested approximately 106,000 lb of halibut worth $190,000 ex-vessel in 1996 in Area 2C. Around 45 category D vessels would be limited to 2,000 lb of halibut per trip inside closed waters of the Sound for the duration of the IFQ season, except for June, July, and August when they would be prohibited from fishing inside closed waters with a less restrictive southern boundary than larger commercial. The trip limit would have no effect on up to 32 of the 45 category D vessels harvesting halibut during 1996. Up to 13 category D

vessels may be required to take multiple trips to harvest their IFQs in the Sound. In 1996, 61,000 lb of halibut valued at $173,000 were fished on category D vessels in Area 2C.

Under the preferred alternative, approximately 200 charterboats would have the same closed water boundary as commercial category D vessels during June, July, and August. The preferred alternative may result in approximately 6,000 fewer halibut removed by charter anglers from Sitka Sound; roughly 176,000 lb at 29 lb/fish net weight. These fish may be intercepted as they enter the Sound if fishing activity shifted to Salisbury Sound and along the western side of Kruzhof and Baranof islands.

Based upon the foregoing analysis, NMFS cannot "certify" that the proposed action will not have a "significant impact" on a "substantial number" of small entities, as defined under the Regulatory Flexibility Act. Therefore, this document contains the required elements of an IRFA and FRFA. Given their expected annual gross revenues less than $3 million, most persons operating in the halibut fisheries impacted by the proposed action are small entities. Although it may be assumed these entities are independently owned and operated, the ownership characteristics of vessels operating in the fisheries have not been analyzed to determine if they are affiliated with a larger parent company. Furthermore, because NMFS cannot quantify the exact number of small entities that may be indirectly affected by this action, or quantify the magnitude of those effects, NMFS cannot make a finding of non-significance under the RFA.

Cost data (including fixed and variable operating cost information) are required in order to perform a "net benefit analysis". Cost data for the halibut fisheries in the Sitka Sound region are not currently available for use in this analysis. For this reason, a quantitative cost/benefit examination cannot be completed for the preferred alternative, nor can comparative net benefit conclusions be derived for the other alternatives. Nonetheless, while changes in net benefits to the Nation cannot be quantitatively determined, given that the proposed action will not eliminate the fishery, nor even reduce the annual TAC, it is reasonable to conclude that the net benefit to the U.S. economy would not decrease by $100 million annually, once all costs were included in the calculation. Therefore, the Council's preferred alternative does not constitute a 'significant' action under E.O. 12866, recognizing that there may be distributional economic impacts among the various sectors of the halibut fishery.

None of the alternatives is likely to significantly affect the quality of the human environment.

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APPENDIX I

Sitka Halibut Task Force (Fall 1997)

Voting Members

Ted Borbridge, Sitka Tribe of Alaska
John Nielson, Sitka Tribe of Alaska
Jay Skordahl, Alaska Longline Fisherman's Association
Mike Coleman, Skiff longliner; alternate, Ivan Gruter
Mary Jo McNally, Sport fisher
Bert Stromquist, Sitka Charter Association
John Brooks, Sitka Charter Association
Bill Paden, Chair, Sitka Fish and Game Advisory Committee
Eric Jordan, Facilitator

The task force was appointed with 7 voting members by Bill Paden: Two subsistence, one day charter, one trip charter, one skiff longliner, one large vessel longliner, and one sport fisher. The purpose of this task force was to reconsider the Sitka Halibut Task Force proposal of last winter because the North Pacific Fisheries Management Council cannot discriminate between the residents of the States and Alaska cannot discriminate between Alaska residents.

We wish to communicate our thanks to Northern Southeast Regional Aquaculture Association for the generous donation of their facility and equipment.

This task force decided to make any "**changes**" to last winters proposal by consensus and while it not represent the ideal position for different participants the proposal communicates what people were willing to support to find "common ground".

Reason for participating: *"We all really care about halibut."*

Problem Statement: *"Decreased availability of halibut in the Sitka area is diminishing the quality of life for local residents."*

The 1997(fall) Sitka Halibut Task Force Proposes:

- *Reducing by-catch and waste of halibut. The level of trawl by-catch in the Bering Sea and Gulf of Alaska is unacceptable.*

- *That regulations and definitions concerning possession limits be modified to preclude unlimited sport harvest of halibut.*

- *Development of an improved accounting system to have a better understanding and accounting of halibut harvested near Sitka.*

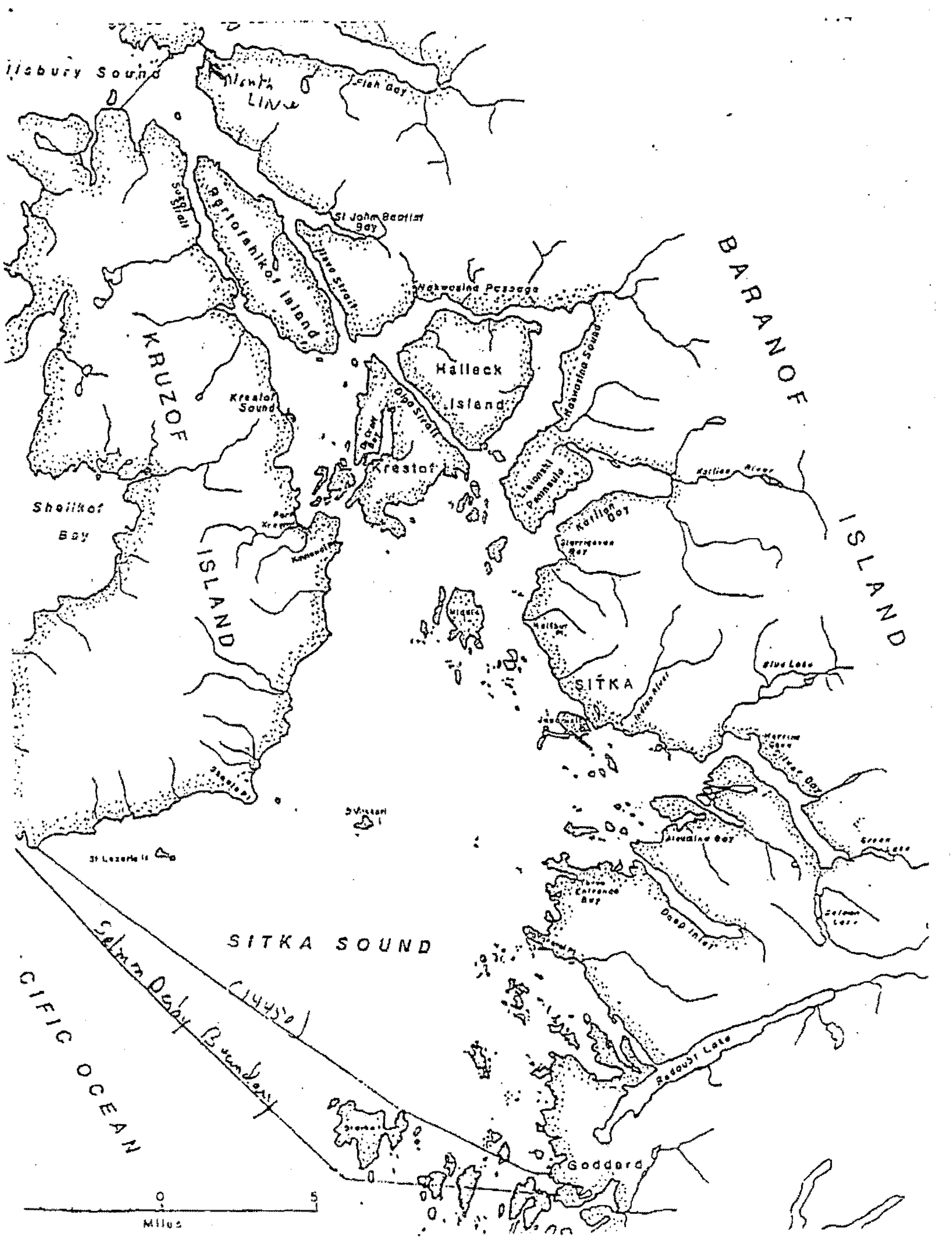
- *Better enforcement of bag and possession limits by increased presence of law enforcement.*

- *Supporting the Sitka Charter Association halibut tagging program..*

- *Halibut longliners larger than "D" class would be prohibited from harvesting halibut in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island, (See Map), on the North to the Sitka Salmon Derby Boundaries on the South. (See Map).*

- *Halibut longliners in the "D" category would be prohibited from harvesting halibut in the Sitka Sound area, same boundaries as for larger vessels in the North, and inside of a line from Sitka Pt. to Hanus Pt. (14450 Loran Line) and from Hanus Pt. to the Green Marker in Dorothy Narrows and Across to Baranof Island, (see map), in the South in June, July, and August. 2000 lb trip limit in this area during the time it is open. Catch in Sitka Sound monitored for growth rate.*

- *Retention of halibut would be prohibited in the guided sport fishery inside the same areas defined for the category "D" longliners during the months of June, July, and August. Catch in Sitka Sound monitored for growth rate.*



lisbury Sound
Fish Bay
St John Baptist Bay
Partofshikof Island
Neva Strait
Nakwasina Passage
Halleck Island
Olga Strait
Nakwasina Sound
BARANOF ISLAND
KRUZOF ISLAND
Krestof Sound
Krestof
Lisianski Peninsula
Katlian River
Katlian Bay
Starrigavan Bay
Shelikof Bay
Halibut Pt.
SITKA
Indian River
Blue Lake
Silver Bay
Green Lake
Salmon Lake
Deep Inlet
Three Entrance Bay
St Lazaria Is
SITKA SOUND
CIFIC OCEAN
Redoubt Lake
Goddard
0
5
Miles

Dec. 15, 1997

Bill Paden, Chairman
Sitka Fish & Game Advisory Committee
610 Etolin St.
Sitka, AK 99835

Dear Bill,

In response to your question about clarification of the Sitka Halibut Task Force (SHTF) proposal in regards to guided sport trolling for salmon in Sitka Sound while in possession of halibut, the proposal is very clear on this matter.

Retention of halibut would be prohibited in the guided sport fishery inside the same areas defined for the category "D" longliners during the months of June, July, and August. Catch in Sitka Sound monitored for growth rate.

This issue was discussed at length and the intent of the Sitka Halibut Task Force, as was explained at the Sitka fish and game advisory committee meeting, is exactly as it is written in the proposal. "Retention" of halibut caught in the proposal area would be prohibited in the guided sport fishery. "Possession" of halibut caught outside the area would be permitted in the guided sport fishery while sport fishing for salmon in the proposal area.

Sincerely,

Eric Jordan, Facilitator