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The Sport Fishery For Halibut:
Development, Recognition
and Regulation

by

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ABSTRACT

Estimates of the numbers and poundage of sport-caught halibut are based on information provided by state and federal agencies in the Pacific Northwest. Record sizes of trophy fish and the effect of the sport catch on stock abundance are discussed.

Before 1970, the International Pacific Halibut Commission (IPHC) assumed that the Halibut Convention did not provide the authority to regulate the sport fishery, and sport regulations were considered unnecessary and unenforceable. In 1971, legal interpretations from the Canadian and U.S. Governments agreed that the Convention provided the necessary authority. In response to proposals by federal and state agencies, IPHC established sport regulations in 1973 that provided an 8-month season with limitations on the daily catch and the gear. The implementation of these regulations and the interpretations of the Convention guidelines regarding the authority to manage the sport fishery are discussed.

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INTRODUCTION

When Canada and the United States ratified the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean on October 22, 1924, no specific consideration was given to the recreational use of halibut (*Hippoglossus stenolepis*). Other than the establishment of the International Pacific Halibut Commission (IPHC) and the administrative directives concerning the Commission's responsibilities and expenses, only three provisions referred specifically to the stocks of halibut (Bell, 1969). These provisions included instructions to study the life history of halibut and to recommend regulations for the preservation and development of the fishery, the establishment of a 3-month closed season in the winter, and regulations concerning halibut caught incidentally during the closed season. The Convention and its subsequent revisions (1930, 1937, and 1953) implied that the signees were concerned only with the commercial exploitation of halibut. This inference is apparent in the reference to the "preservation of the halibut fishery" as no attempt was made to define "the fishery" or to distinguish commercial from other users in either the Convention or the enabling legislation. On the other hand, Article I (1953 revision) specifically refers to the stocks rather than the fishery "...regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels . . .". In this context, the Commission's responsibility is to the stocks, not the fishery, and can be interpreted to govern all users — commercial, sport, or subsistence.

The recreational use of halibut was non-existent in the 1920's, but subsistence fishing was not uncommon and still exists. Today, in Alaska and British Columbia, it is often difficult to distinguish between sportsmen and subsistence fishermen. Relatively few sportsmen actively seek halibut, and the origin of the halibut sport fishery, and its existence today, was mainly as an incidental catch of sportsmen fishing for salmon. As such, no records or early history are available, but the increasing sport catch of halibut apparently paralleled the increase in the sport catch of salmon.

Before 1973, sport fishing for halibut was legal only during the commercial halibut season and only federal agents had the authority for enforcement. Until then, IPHC took little notice of the halibut sport fishery because the catch was

insignificant in terms of the commercial landings that ranged from 40 to 70 million pounds. Whenever the commercial catch limit (quota) was taken within a few months, however, the sport fishery attracted more attention because much of the catch was taken during the closed season. Without specific provisions for non-commercial fishing, all out-of-season landings were unlawful. This problem was reviewed periodically by the Commissioners who concluded that the infractions were insignificant and not of serious concern to the management of the fishery. As the number of sportsmen increased, however, so did the frequency of infractions. Enforcement officers found themselves in the untenable position of not enforcing federal statutes. This situation and the growing interest in recreational fishing prompted federal and state agencies to request that IPHC recognize the sport fishery in 1971.

Although the sport catch was not significant relative to the commercial catch, the sport fishery was expanding and in 1973 IPHC agreed to establish specific sport regulations. The purposes of this report are to briefly describe the sport fishery, to estimate the sport catch of halibut, to discuss past and present interpretations concerning IPHC's authority for management, and to review the formulation of the regulations.

THE SPORT FISHERY

Halibut users can be categorized as commercial, sport, and subsistence fishermen. Whereas commercial fishing licenses are universally required by state regulations, all states do not require a marine sport license. In Alaska, sport fishermen must be licensed, but they can also carry a commercial license. For the most part, dual license holders are salmon sport-fishermen who fish for recreation but regularly market their excess catch. During the halibut season, these fishermen, whose halibut catch is mainly incidental, can take an unlimited quantity of halibut under their commercial license. When the commercial halibut season is closed, they must abide by the sport fishing bag limit and cannot have other fish aboard that are destined for commercial use. In the strictest sense, they are commercial fishermen, but they also qualify as sportsmen when it is to their advantage. This duplicity of licensing creates enforcement problems and encourages sportsmen to take out commercial licenses to circumvent sport fishing regulations.

Subsistence Fishing

Subsistence fishing (other than that by native Indians) is not officially recognized in Washington and British Columbia. Oregon regulations refer to a "personal use" fishery that includes sport and subsistence fishermen. Alaska's subsistence fishery is one of long-standing that began with the native Aleuts. Today, Alaska has the largest group of subsistence fishermen and regulates the subsistence catch of certain species, but not halibut. Subsistence halibut fishermen use a variety of gear and in past years often fished commercial setline gear after the close of the season. The present regulations prohibit this practice except during the commercial season, but subsistence users can take halibut with approved sport gear after the commercial season. Because of the overlap with commercial and sport fisheries that exists today, a separate estimate of the catch of halibut by subsistence fishermen is not available, but is generally considered to be less than the catch taken by sport fishermen.

Sport Fishing

As indicated earlier, most sportsmen who land halibut are actually targeting on salmon. The size of these incidentally-caught halibut is generally under 10 pounds. Though larger halibut are often hooked, those over 50 pounds are seldom landed because the salmon tackle is too light. Nonetheless, halibut over 100 pounds are landed on occasion. At times, salmon sport fishermen intentionally fish near the bottom to catch halibut. Because the number of halibut taken by salmon fishermen is small relative to the number of fishermen, the specific need for a bag limit is questionable, however, the daily limit is a deterrent to individual abuses of the regulations and provides an ultimate goal for the sportsmen.

Sportsmen who specifically fish for halibut often have different objectives than salmon anglers who take halibut as an incidental catch. Those fishing for halibut are mostly seeking food or trophy fish. Most of this fishing is done from small private boats, but a few charter vessels are available for "bottomfish" fishing at certain times of the year. The fishing gear is heavier and the average size of the halibut is greater than those taken on salmon gear. Alaska undoubtedly has the largest sport fishery directed specifically for halibut but it is difficult, as mentioned previously, to distinguish between the sport and subsistence fisheries. In the Strait of Juan de Fuca, Washington, a center for halibut charters, a number of halibut over 100 pounds are landed each year.

The Sport Catch

Only Washington and Alaska conduct a marine sport fish census that regularly includes Pacific halibut. Because these records are incomplete and records from other areas are totally lacking, an estimate of the coast-wide sport catch of halibut is of low reliability. One of IPHC's objectives in establishing sport regulations was to encourage the states to improve their records of the sport catch of halibut.

In 1970, the U.S. National Marine Fisheries Service (NMFS) conducted a saltwater angling survey to estimate the coast-wide catch by sportsmen (Deuel, 1973). The estimated sport catch of Pacific halibut was 202,000 and the average weight of each fish was 14 pounds, for a total catch of 2,828,000 pounds. This amount is far greater than that assumed by IPHC or that is indicated by state agencies. Deuel (1973) did caution his reader about the survey estimates, pointing out the large variability associated with estimates for individual species and the high standard error for small samples. Expansion of the sampling program and changes in the sampling design are contemplated and should improve future estimates.

Statistics of the halibut catch provided by the State of Washington Department of Fisheries (Buckley, 1966 and personal communication) are the most complete and cover the period from 1966 to 1973 (Table 1). These statistics indicate a steadily increasing catch, consistent with the increase in the number of marine anglers in Washington, now well over one-half million. The availability of halibut (based on commercial catch data) in Washington waters is greater than in either Oregon or California, and most of the halibut landed by sportsmen in Washington are from the Strait of Juan de Fuca (statistical areas 5 and 6) in the northern part of the state. No estimates are available from Oregon, but Miller and Gotshall (1965) reported an annual catch of 311 halibut from the Oregon border south to Fort Bragg from 1958-1960. Judging from this estimate

Table 1. Estimates of the sport catch of halibut in Washington, 1965-1973
(from Buckley, unpublished).

Statistical Areas*	Year								
	1965	1966	1967	1968	1969	1970	1971	1972	1973
1	151	127	44	42	37	52	46	52	53
2	No data	284	294	309	338	367	391	402	396
3	No data	146	124	130	113	210	131	185	182
4	92	158	134	117	147	111	124	147	136
5	208	230	1,009	495	755	535	872	658	754
6	482	92	998	516	646	832	782	936	941
7	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0
9	13	0	0	11	11	18	15	16	15
10	0	0	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0	0	0
12	0	0	0	0	0	0	0	0	0
Total	946	1,037	2,603	1,620	2,047	2,125	2,361	2,396	2,477

*General description:

1-3 Pacific Coast north of the Columbia River.

4-6 Cape Flattery and the Strait of Juan de Fuca.

7-8 San Juan and Whidbey Islands and Strait of Georgia.

9-12 Puget Sound and adjacent waters.

and the distribution and abundance of halibut in Washington, the annual catch in Oregon and California is probably no more than 1,000 fish annually.

In British Columbia, halibut are more abundant than in Washington but the number of anglers is less. Records of the sport catch of halibut were available only from the general observations of district fishery officers of the Canadian Department of the Environment (Hourston, personal communication). The sport catch in southern British Columbia is low; only 30 fish per year were reported from the vicinity of Victoria on the Strait of Juan de Fuca. Catches were generally higher in northern British Columbia: 500 fish annually from upper Vancouver Island, 300-400 from Queen Charlotte Sound, and up to 1,000 fish were reported from Dixon Entrance and Hecate Strait, most of which were taken by military personnel located at Masset. For all of British Columbia, the estimated catch by anglers was 2,500 halibut, but allowing for the catch by sportsmen who also hold commercial licenses, a total of 5,000 halibut may be more realistic.

In Alaska, the estimates of the sport catch of halibut are made in conjunction with the salmon creel census conducted by the Alaska Department of Fish and Game (1971). These surveys are concentrated in urban centers and are representative of the sport effort in these areas, but effort in non-urban areas is unknown. Further, it is difficult to separate the sport catch of halibut from that of subsistence fishermen. In 1973, the sport catch in Alaska was estimated to be 9,000 halibut (Metsker, correspondence), 5,000 of which were credited to Juneau and Ketchikan. In 1974, the estimate for the state was about 5,000 (Andrews, correspondence). Based on the available information and attempting to account for the non-urban

catch, I assume that the sport catch of halibut in Alaska approximates 10,000 fish annually.

Based on the estimates from the different agencies, the sport catch on the entire coast would be:

California-Oregon	1,000
Washington	2,500
British Columbia	5,000
Alaska	10,000
Total	<u>18,500</u>

The average weight of halibut taken incidentally by commercial trollers is less than 10 pounds (Peltonen, 1972) and probably is a reasonable average for sport-caught halibut that are taken on troll gear. However, when halibut are taken on other gear or are the target species, the average weight is likely to be more than 10 pounds. Based on a sample of 40 fish taken in southeastern Alaska in 1974, Andrews (correspondence) reported a mean weight of 15.6 pounds. Assuming an average weight of 12 pounds for the entire coast, the catch of sport halibut would be 222,000 pounds.

Considering the limitations of the data, I propose 20,000 fish or 250,000 pounds as the best estimate of the annual catch in recent years.

Trophy Fish

Though Pacific halibut weighing up to 800 pounds have been reported, the largest specimen that was thoroughly documented was 507 pounds (Bell and St-Pierre, 1970). This fish was taken in the Bay of Datt, Sakhalin Island, U.S.S.R. The authors reported that the largest commercially-caught halibut in the eastern Pacific weighed 495 pounds. Eviscerated heads-off weights of other specimens indicate that total weight does occasionally exceed 500 pounds. Fadeev (1971) also reported on large halibut and apparently confirmed the U.S.S.R. specimen (506 pounds and 239 cm) but refers to a 267 cm fish taken in Canada as the largest halibut. Hart (1973) also mentions the Canadian specimen but only reported the length.

According to Bell and St-Pierre (1970), the largest sport-caught halibut was 346 pounds and was taken in Portage Bay near Petersburg, Alaska in 1969 (Figure 1). This fish was taken with a 30-pound test leader and a 40-pound test line. Lichtenberg (1974) reported a record sport-caught halibut of 207 pounds for the State of Washington. He also gives a detailed account of fishing gear and techniques used specifically for halibut sport fishing. Lines usually test from 40 to 80 pounds and treble hooks, either 6/0 or 8/0, are used. A 10- to 32-ounce sinker is used when fishing with bait, whereas metal lures weigh from 17 to 28 ounces.

Perhaps the largest halibut taken by spear was landed at Crescent Beach, Washington in 1974. The fish weighed 165 pounds and is depicted in Figure 2. Bell and St-Pierre (1970) also report a world record halibut (Saltwater Fly Rodders of America) in the 10-pound test tippet class that weighed 36 pounds and was taken in Puget Sound, Washington in 1969. Alaska Magazine (1975) reported a 455-pound halibut taken on a handline (Figure 3). Apparently, the fish was not taken for commercial purposes, but I am uncertain whether it should be categorized as a sport catch.

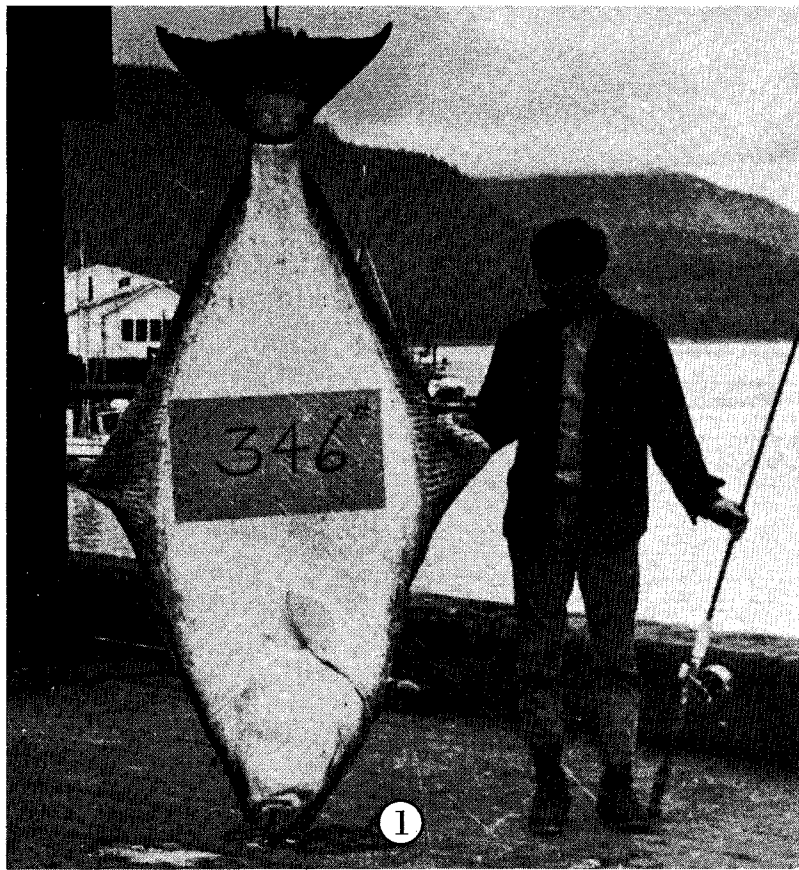
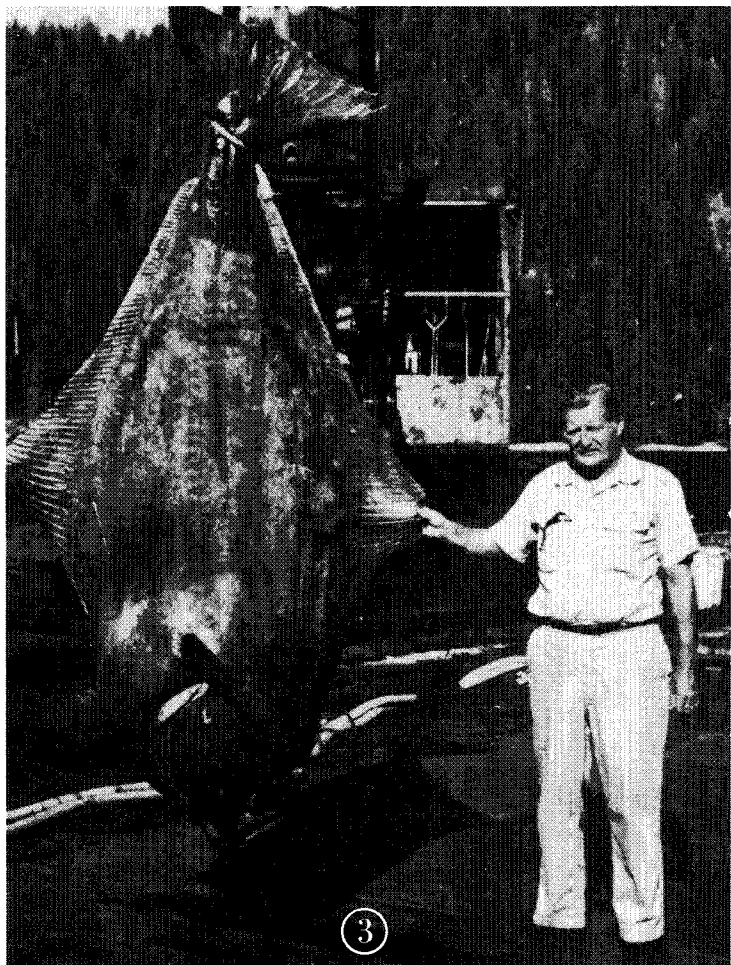


Figure 1. Record rod-caught halibut. (Photo courtesy of Petersburg Press)

Figure 2. A 165-pound halibut taken by spear near Crescent Beach, Washington, 1974.
(Photo courtesy of Everett Herald)

Figure 3. Handline-caught halibut from Sitkoh Bay, Chichiagof Island, Alaska.
Reported to be 455 pounds. (Photo courtesy of A. W. Pande II)



EFFECT OF SPORT CATCH ON STOCK ABUNDANCE

The low level of the sport catch (250,000 pounds) relative to the catch by the commercial setline fleet clearly indicates that the sport catch is not a critical factor in determining fluctuations in the abundance of halibut stocks. The Canadian and U.S. commercial catch ranged from 70 to 20 million pounds during 1960 to 1974. The incidental catch of halibut by domestic trawlers adjacent to British Columbia is estimated to be 3 to 4 million pounds annually, but these fish cannot legally be retained (Hoag, 1971). The incidental catch by foreign trawlers in the Gulf of Alaska is estimated to be about 6 million pounds annually (Hoag and French, manuscript).

Over 95% of the commercial catch is taken in northern waters of Alaska and British Columbia. The abundance of halibut is lowest in the southern waters off Washington, Oregon, and California. These areas have the highest density of sportsmen and can be considered the most critical insofar as the impact of the sport fishery on the stocks is concerned. The commercial catch from these southern waters averaged about 600,000 pounds during the 1950's and has shown a general decline, averaging 250,000 since 1969. The ratio of the sport catch (35,000 pounds, assuming a 10-pound average weight per fish in this area) to the commercial catch is far greater than the ratio in northern waters, and although the sport catch is not considered a critical factor in determining overall stock abundance, a review of the available data from the southern area is appropos.

Tagging experiments offer the most direct evidence about the origin of the stocks and, although the total number of recoveries is not large, certain inferences can be made. The tagging experiments and recoveries through 1967 were discussed by Bell and Best (1968). The results, including recoveries since 1967, showed that halibut have migrated from as far away as the Aleutian Islands to south of Willapa Bay on the Washington Coast. Of 36 tags recovered south of Willapa Bay, 3 were released near the Aleutians, 8 from the northern Gulf of Alaska, and 25 from the coastal waters of southeastern Alaska and British Columbia (Figure 4). Ten halibut tagged south of Willapa Bay have been recovered in northern

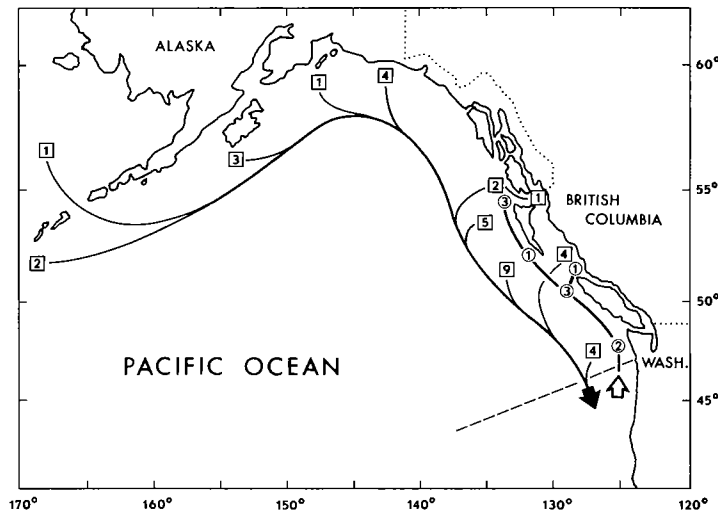


Figure 4. Tag recoveries of halibut showing movement between southern and northern areas. (Boxes show area of release for fish recovered south of Willapa Bay; circles show recoveries of fish that were released south of Willapa Bay.)

waters, most of them off British Columbia and southeastern Alaska (Area 2). The number of recoveries was not large enough to judge the extent of this interchange. Furthermore, tagging was only done in certain seasons and this limits the conclusion that can be drawn from the data. However, most of the recoveries in Area 2 (from fish tagged in the south) occurred during the fall, winter, or spring months; only three were made during the summer. Conversely, most of the tags released in the northern area were recovered during the summer in the southern area. This suggests a seasonal movement of fish from north to south in the summer and a reciprocal movement in the winter, but the extent of this exchange cannot be adequately quantified. Nonetheless, halibut south of Juan de Fuca apparently are not entirely local and, as such, the effect of the sport catch is not limited to that area alone.

RECOGNITION OF THE SPORT FISHERY

Article III, paragraph 2 of the 1953 Halibut Convention specifies the regulatory measures that may be instituted by IPHC:

- (a) Divide the Convention waters into areas;
- (b) establish one or more open or closed seasons, as to each area;
- (c) limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed;
- (d) during both open and closed seasons, permit, limit, regulate or prohibit, the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish;
- (e) prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgement of the International Pacific Halibut Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (c) of this paragraph;
- (f) fix the size and character of halibut fishing appliances to be used in any area;
- (g) make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;
- (h) close to all taking of halibut such portion or portions of an area or areas as the International Pacific Halibut Commission finds to be populated by small, immature halibut and designates as nursery grounds.

Interpretation Before 1970

The initial proposal for recognition of a halibut sport fishery emanated from the Alaska Regional Office of the U.S. Bureau of Commercial Fisheries (now the National Marine Fisheries Service) in the early 1960's and was repeated in subsequent years. The Commission, responding to its staff recommendations, denied the proposals and took no action relative to the sport fishery. The former Director of IPHC, F. H. Bell, stated that the sport fishery was "inconsequential and would not be a factor in the management of the Pacific halibut stocks" and

he argued against recognition of the sport fishery on legal grounds concerning the interpretation of the Convention and on practical grounds that a sport season would create more problems than it would solve (Bell, unpublished).

Bell maintained that the Convention did not intend that there be *kinds* of seasons, i.e., commercial or sport, rather that the directive was to regulate the *number* of seasons. He noted that sport fishing was not mentioned or defined in the Convention and forecast that recognition of a sport season would eventually lead to the establishment of special seasons for bait, for trolling, etc. (The word "commercial" is not used in the Convention either, and no definition is given for "fishing", a word used throughout the Treaty and Enabling Acts.) Bell claimed that the only directive applicable to sport fishing was item (d) of Article III (2) giving IPHC the authority to "permit, limit, regulate or prohibit, the incidental catch of halibut . . . landed by vessels fishing for other species". However, he thought this reference only applied to commercial fisheries targeting on other species and not to sport fisheries.

In addition to arguments about the interpretation of the Convention, Bell voiced other objections to the recognition of the sport fishery. Regarding enforcement, he said that effective control of a sport fishery would require concurrent state regulations and that bag limits or closed seasons would require an excessive and inordinate degree of surveillance. He claimed it would be difficult to secure convictions and penalties and recommended ". . . a moderate *unstated* tolerance policy in place of largely unenforceable and complex regulations". He also stated that the low sport catch was not a stock management problem and that the catch would not increase significantly. Bell considered that the existing problems were solely ones of law observance and that "no practices significantly inimical to management or to general law observances have as yet developed".

Current Interpretation

In 1970, IPHC was asked by the U.S. National Marine Fisheries Service (NMFS) and the Alaska Department of Fish and Game to recognize and institute sport fishery regulations. The Commission deferred action but requested legal interpretations from the federal governments to determine IPHC's authority relative to sport fishing. The reply from a legal consul of the Canadian Government was as follows:

"I am of the view that the Commission's authority is wide enough, if necessary, to include the regulation of sport fishing for halibut. A preamble to the Convention speaks of the parties thereto, 'desiring to provide more effectively for the preservation of the halibut fishery' . . . , and Article I specifically prohibits fishing for halibut in Convention waters except as provided, etc. etc. 'Fishing' is not defined either as to purpose or means, to exclude sport fishing, the primary aim being to develop and maintain the stocks. Article III (2) provides ample regulatory muscle to the Commission, to do whatever it considers necessary. I assume that heretofore, the Commission has not found it necessary to enforce any prohibitions under its regulations against sport fishermen in order to further its aim. However, if it wishes to do so I can see no legal obstacle to so doing, and conversely if it wishes to exempt either sport fishing for halibut or the incidental fishing of halibut by sport fishermen fishing for other species it can do so in its regulations."

"If it is the intention to enforce any of the existing prohibitions against sport fishermen I would suggest that the regulations make it clear that they apply to sport fishing and sport fishermen."

The response from the U.S. Department of State was:

“... the Convention vests the Commission with the necessary authority to issue such a regulation... Article I of the Convention provides that regulations of the Commission shall be designed to develop and maintain the stocks of halibut in Convention waters. Article III (2) (d) gives the Commission the specific authority to permit and regulate the incidental catch of halibut that may be taken during both open and closed seasons by vessels fishing for other species of fish. This latter provision when read in light of the overall aims of the Convention to protect and preserve the halibut fishery, seems adequate and appropriate to support a regulation permitting sport fishing.”

“There is additional evidence, albeit inconclusive, that it was never intended that the sport fishing be regulated at all. On the United States side, neither the legislative history of the North Pacific Halibut Act (16 U.S.C. 772) nor the report of the President in submitting the Convention to the Senate for advice and consent (report of July 1, 1953) makes any reference to the question of regulating sport fishing. Sport fishing interests apparently were not requested to submit their views while the legislation was pending. If, indeed, it was not the intention of the Convention drafters to cover sport fishing, a regulation to the effect that such fishing may be conducted may not be necessary. In view, however, of the uncertainty involved, and in view of provisions in the Convention allowing for such measures, it appears that the Commission would be justified in taking the proposed action.”

These interpretations prompted IPHC to contact the Canadian and U.S. federal agencies and the States of Alaska, California, Oregon, and Washington about the desirability of implementing sport regulations for halibut. (In Canada, the control of marine sport fisheries is vested in the federal government rather than with the Province of British Columbia.) All of the agencies responded positively and urged official recognition of the sport fishery. A draft wording of sport regulations was undertaken by IPHC. The basic premise in formulating these regulations was that the state agencies would adopt the regulations, would thereafter manage and enforce them, and try violations in state courts. This approach was taken to obviate some of the objections previously raised by Bell. Because state fishery officers were already enforcing marine sport fish regulations, no special funding or personnel would be necessary to include halibut regulations. Bell's major objection centered on the original intent of the Convention and the lack of reference to a sport fishery, whereas the current legal interpretations from the contracting parties stress the fact that the term “fishing” is used without any attempt to limit the reference to commercial activities and, further, that directives of the Convention are all concerned with the stock, per se.

Implementation of Sport Regulations

The regulatory measures recommended, by the federal and state agencies differed substantially, indicating the diversity of the fisheries by area. The concept of a daily bag limit was accepted by all agencies, but the preferences ranged from two fish per day to five. Consideration of a combination bag and weight limit was included in these proposals. The Washington Department of Fisheries had an existing regulation that allowed two halibut per day. The State of California had a bag and possession limit of five California halibut (*Paralichthys californicus*). The State of Alaska recommended a maximum of five fish but assumed that lower limits would be set as needed in specific areas.

IPHC preferred a uniform bag limit but agreed that state or federal agencies could impose measures that were more restrictive. A maximum of three halibut eventually was accepted by all parties as the daily bag limit. In these initial discussions, a possession limit was considered unnecessary.

Preferences for the length of the fishing season also differed, and some agencies advocated a year-round fishery. Though marine sport fisheries are conducted all year in some areas, weather conditions limit the season in most of the northern areas. Furthermore, halibut usually migrate offshore to spawn during the winter and are less accessible to sportsmen. (The commercial season is closed during the winter to protect spawning populations.) All agencies agreed that an 8-month season, March 1 to October 31, would meet the needs of sport fishermen. At the time of these discussions, the minimum size in the commercial fishery was 26 inches but was changed in 1973 to 32 inches. Although different size limits for the sport and the commercial fisheries had obvious disadvantages, the agencies considered a size limit in the sport fishery unnecessary and, in fact, undesirable: first, most of the sport-caught halibut are below 32 inches and, second, mortality of the small fish that are hooked and released is relatively high. In January 1973, the Commission adopted regulations for the sport fishery for the first time. The season began on March 1 and ended on October 31. The daily catch was limited to three halibut of any size. The regulations were approved by the governments of Canada and the U.S.

In January 1974, though the IPHC staff did not propose any regulatory change, the Commissioners decided to reduce the bag limit to one fish. Commercial catch limits had been drastically reduced since 1970 because of low stock abundance and the Commissioners called for all users to share in the conservation effort to rehabilitate the stocks. This reduction of the bag limit met with objections in some areas, and the State of Alaska did not adopt IPHC's sport fishing regulation in 1974. As a further complication, Washington State adopted a three fish limit in December, just a month before IPHC decided to reduce the bag limit. Because of these difficulties, IPHC held a special hearing to discuss the sport fishery in September 1974. Participants included officials from the Canadian Department of the Environment, U.S. National Marine Fisheries Service, Washington Department of Fisheries, Alaska Department of Fish and Game, Alaska Department of Public Safety, and representatives of sport and commercial interests. Following this meeting, the bag limit was increased to two fish and a possession limit, the same as the bag limit, was introduced. Although these changes were supported by the Alaska Department of Fish and Game, the Alaska Board of Fish and Game, whose membership was in a state of flux following the election of a new governor, declined to adopt the regulations. The 1975 regulations are:

Section 12. Sport Fishing for Halibut

(a) Sport fishing is permitted from March 1 to October 31 in all Convention waters. The daily catch limit by any person is two (2) halibut of any size, caught with a hook attached to a handline or rod, or by spear. After two halibut have been taken by any person, those halibut shall be landed before that person takes more halibut on any succeeding day.

(b) It is illegal for any person to possess sport-caught halibut aboard a vessel when other fish or shellfish aboard said vessel are destined for commercial use (sale, trade or barter).

The penalties prescribed in the Enabling Acts are inordinately severe for violations of sport regulations. Violators of regulations are subject to a fine of not less than \$100 or more than \$1,000 and possible confiscation of vessel, gear, and catch. Because IPHC does not have the authority to alter these penalties, the staff recommended that the Enabling Acts be reviewed and ultimately revised to prescribe new and lesser penalties for violations of the sport fishing regulations. The Commission decided that the review was not appropriate at the present time and no action was taken on the recommendation. However, in those states that adopted IPHC regulations, violations could be tried in state courts and would be subject to the state codes for penalties. In Canada, the national code would prevail.

SUMMARY

The coast-wide catch of halibut by sport fishermen is estimated to be 20,000 fish annually or about 250,000 pounds. The effect of the sport catch on stock abundance is considered to be of minor importance relative to other factors such as the commercial fishery and the incidental catch of halibut by foreign and domestic trawlers.

Before 1973, all fishing for halibut, including recreational and personal use, was governed by the commercial fishing regulations. Catching halibut other than in the prescribed commercial season was illegal, but sport-caught halibut were regularly taken out of season. Because the sport catch was not large and because the number of fish taken illegally by sportsmen was small in comparison with the commercial catch, the International Pacific Halibut Commission (IPHC) concluded that the problem was not of serious concern to the management of the fishery. IPHC contended that the intent of the Halibut Convention was directed only towards the commercial fishery and that management of the sport fishery was neither authorized nor necessary. As the sport catch increased and the problem of sport violations became untenable for enforcement officers, federal and state agencies urged IPHC to officially recognize the sport fishery.

Recent legal interpretations by the federal governments indicated that the Halibut Convention did provide IPHC with the authority to regulate the sport fishery. In 1971, IPHC discussed the feasibility of regulating a sport fishery with the Canadian Department of Fisheries, the U.S. National Marine Fisheries Service, and the appropriate state agencies in Alaska, California, Oregon, and Washington. Agreement was unanimous that sport regulations for halibut should be established, but opinions differed as to length of season, bag limits, and size limits. IPHC advocated uniform regulations for all areas and eventually agreement was reached, with the stipulation that the agencies responsible for marine sport fishing could introduce more-restrictive measures if considered necessary. State agencies also agreed to collect data on the halibut catch by sport fishermen so the effect of the fishery on stock abundance could be assessed.

The Commission adopted the sport regulations at its annual meeting in January 1973 and they were subsequently approved by the federal governments. The season opened on March 1 and closed on October 31. The bag limit was three fish, and gear was restricted to a hand-held rod or line. There was no size or possession limit. The states that adopted these regulations assumed the responsibility of enforcement along with the Canadian and U.S. federal agencies. In 1974, the daily bag limit was one fish; in 1975, the daily bag limit and the possession limit was two fish, and spear fishing was included as a legal fishing method.

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