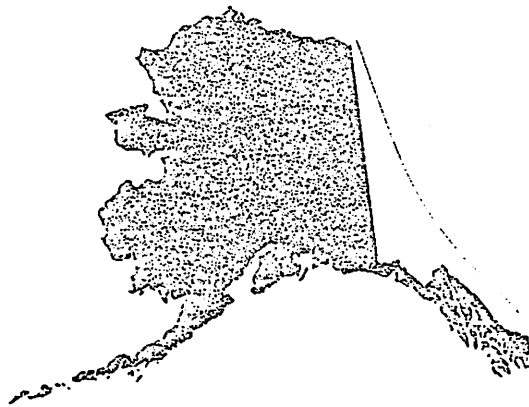


#15

North Pacific Fishery Management Council



Suite 32, 333 West 4th Avenue
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NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

The fishery Conservation and Management Act of 1976 established a Fisheries Conservation Zone (FCZ) from 3 to 200 miles offshore around the coast of the United States, measured from the same basic baseline from which the territorial sea is measured. In addition to establishing the FCZ, the Act gives the United States management authority over all the living resources within that zone and those anadromous species (originating within the U.S.) and creatures of the continental shelf that may occur outside 200 miles.

The Act also created eight Regional Fishery Management Councils, of which the North Pacific Fishery Management Council is unique in that it is the only one dealing with a single state. Its area of jurisdiction is off the coast of Alaska. All of the other seven Councils deal with two or more states or territories. Clockwise around the United States they are the New England Fishery Management Council, the Middle Atlantic, South Atlantic, Caribbean (based in Puerto Rico with jurisdiction over Puerto Rico and the Virgin Islands), the Gulf of Mexico Council, the Pacific Council (consisting of Oregon, Washington, California and Idaho) and the Western Pacific Council based in Honolulu with authority over the Hawaiian archipelago, Guam, the Marianas and Samoa.

Council Functions Under the Act

The major functions of the Regional Management Councils as specified in the Act are:

1. To prepare and submit a fishery management plan for each fishery management unit within its area.

Fisheries can be defined as single species or an aggregation of species which can be managed as a unit. Examples of both, as developed by the North Pacific Council, are the Tanner crab fisheries off Alaska, which include a single species throughout its range, and the Gulf of Alaska groundfish fishery management plan, which governs an aggregation of groundfish species within the the Gulf of Alaska. It would be perfectly feasible to establish a fishery management plan for a single species in a given area: an example might be a fishery management plan for shrimp in the eastern Bering Sea, excluding those shrimp fisheries around the coast of Alaska from that particular management unit.

The plans are prepared as recommendations to the Secretary of Commerce for implementation. It is expected that they will be approved if they comply with the national standards as specified in the Act and otherwise do not conflict with the provisions of the Act.

2. Prepare comments on any applications from foreign nations to fish within the FCZ.

Again these comments are prepared as recommendations to the Secretary of Commerce. All applications are reviewed by the Councils prior to their approval/disapproval by the Department of Commerce. The Act allows the Council 45 days to review and make recommendations on permit applications.

3. Conduct public hearings.

Councils are authorized to conduct public hearings to gather information in the development of management plans, preparation of comments on permit applications or any other Council business. The intent is that there will be a great deal of local and public participation in the Council process.

4. Submit such other reports as they deem proper or as the Secretary may request.

The Councils comment on numerous matters relating to national fisheries policy and also institute reports on subjects they consider worthy of action by the Secretary of Commerce or other government entities. Groundfish development off Alaska is an example of an important subject that was initiated early in the North Pacific Council's activities.

5. Review and revise fishery management plans as necessary.

Once the fishery management plans have been adopted by the Secretary, the Council will maintain a constant review and revision process of those plans to keep them up to date with developments in the fishery and the resource. The North Pacific Council expects to have at least 11 fishery management plans in effect within the next two to three years.

6. Perform any other activities required by the Act or which are necessary and appropriate to the foregoing functions.

The North Pacific Council has established work groups to study various aspects of fisheries management and development and currently either has or is proposing, almost three quarters of a million dollars worth of research contracts aimed at developing information for specific management plans.

The North Pacific Council has established rather rigid criteria for research it will fund. First, research must be short-term, usually two years or less. If the project needs to go longer than two years, Council money can only be considered "start-up" money to use until normal funding through governmental agencies can be secured. Second, research must deal directly with current management plan development and be designed to furnish answers for specific questions or fill known voids of information needed to develop a plan. Third, funding cannot be found through any other agency, governmental or private. Other sources of funding must be exhausted before the Council will consider funding.

Contents of Management Plans

Fishery management plans developed by the Council are required by the Act to contain the following items:

1. Contain conservation and management measures for both foreign and U.S. vessels.

2. Description of fishery, the cost likely to be incurred by management and enforcement measures under the plan, and the actual and potential revenues to Federal and State governments and to the industry; recreational interests, foreign fishing and Indian treaty rights.
3. Specify present and future conditions of the resource, establish the maximum sustained yield (MSY)* and an optimum yield (OY) which is derived from the MSY and can be developed for social or economic reasons as well as biological reasons.
4. Specify the domestic annual harvest (DAH) which is a measure of the capacity and extent and ability of the U.S. fleet and industry to harvest and market the resource. The plan must then identify the surplus that is available, if any, i.e., that amount between OY and DAH that will be available for allocation to other nations.
5. Specify the data that should be submitted to the Secretary of Commerce from the fishery. This includes landing statistics, processing statistics and such other data as the Council feels is necessary for the management of the resource.

Reason for the Councils

The eight Regional Fishery Management Councils are designed to provide local and regional input into fisheries management. The Council, with its advisory panels, is composed of people from the region managed by the Council who are experienced and knowledgeable in the fisheries and in the economics of the fishing industry. The spirit of the FCMA of 1976 was probably best summed up by Senator Stevens during the passage of this Bill:

"(The Councils are designed to be) a mechanism whereby the people of the region affected can select those whom they think capable of managing their fisheries. Those managers will comprise the Regional Council which will hire experts, utilize the resources of the Federal Government and the affected State governments and determine what the optimum yield will be."

Composition of the North Pacific Fishery Management Council

The North Pacific Council is composed of 15 members, 11 voting members and 4 non-voting members. Seven of the voting members are appointed by the Secretary of Commerce upon the recommendation of the Governors of Alaska and Washington. The Governors must submit three names for each vacancy occurring on the Council and may indicate which of those three candidates for each seat he most desires to see appointed. The Governor of Alaska nominates candidates for five seats, the Governor of Washington for two.

There are four mandatory voting members, composed of the leading fishery official from the States of Alaska, Washington and Oregon and the Regional Director of the Alaska Region of the National Marine Fisheries Service. The four non-voting members are the Director of the Pacific Marine Fishery Commission, the Area Director for the U.S. Fish and Wildlife Service, the Commander of the 17th Coast Guard District, and one representative from the U.S. State Department.

*See "Management Plan Language"

Council Advisory Bodies

The Act specifies that each Regional Management Council shall appoint a Scientific and Statistical Committee (SSC) to advise them on Scientific and other technical matters regarding the Council functions. It also permits the formation of other advisory bodies as the Council feels is necessary.

The North Pacific Council established a ten-member SSC, composed of leading scientists in the fields of fisheries and economics. Most of the people on the SSC are also "providers", people within their own organizations who are able to commit resources for the development of management plans or other Council business.

In addition to the ten-member SSC, the Council appointed a 25-member Advisory Panel whose members represent almost all segments of the fishing industry, both catching and processing, subsistence fishermen, consumers, sport fishermen, etc. Both of the advisory bodies meet with the Council at its regular meetings and usually meet as individual groups for a day or two immediately prior to each Council meeting. In addition, the members of both advisory bodies attend public hearings and two of the Advisory Panel members work with plan development teams from the inception of every fisheries management plan. They have been closely integrated into the activities of the Council and work closely, either as groups or as members of working teams or ad hoc committees, on all facets of Council operations.

Several of the Regional Fishery Management Councils appointed Advisory Panels based on the management unit for which they are developing plans. That is, separate Advisory Panels for each fishery management plan. The North Pacific Council feels that a single group with widely diverse information and knowledge is more functional in this Council's mode of operation.

Council Staff and Funding

The Council permanent staff consists of an Executive Director, Assistant Executive Director, a Writer/Editor, Administrative Officer, Executive Secretary and staff secretaries. The staff is non-Federal; although funding for the Council is 100 percent Federal, it is routed through the grant process. The operating budget for the Council is approximately 1 million dollars per year, which includes expenses for management plan development, public hearings, meetings, etc.

Examples of Council-Funded Projects

In addition to the operating budget, the Council has funded or is in the process of funding a number of research and development projects. They include:

1. Contract with the Alaska Department of Fish and Game for the development and writing of management plans.
2. Support money for the impact of Council activities on the Alaska Department of Fish and Game and the State of Alaska.
3. Support money for the impact of Council activities on the ADF&G and Governor's Office.

4. A study with the University of Washington on the continent of origin of salmon taken in the Japanese landbased fishery.
5. An observer program for the U.S. groundfish fishery with the Alaska Department of Fish and Game.
6. An investigation of joint venture impacts on the economics of U.S. Industry and community impacts. (University of Alaska Sea Grant Program.)
7. A socio-economic study of the impact of an expanded U.S. herring fishery on the communities on the Bering Sea coast.
8. An analysis of 1977 troll salmon logbook data.
9. A herring assessment study along the coastal areas of the Bering Sea. Alaska Department of Fish and Game.)
10. A computer support program for additional software and positions to enhance data recovery and analysis. (Alaska Department of Fish and Game.)
11. Coded wire tag recovery program in the troll salmon fishery of southeastern Alaska.
12. An observer program for the troll salmon fishery off Alaska.
13. The impact of a commercial clam fishery on the benthic environment in the Bering Sea.

Additional monies have been budgeted to pay for consultants and specialists in the development of fishery management plans.

Development of Fishery Management Plans

The Council staff serves as a coordinating group for the various plan development teams (PDT), supplying whatever assistance is necessary in scheduling and financing, and writes the draft environmental impact statement and summaries for each plan as they are developed. The actual plan writing is done by a multi-agency team working under a designated "lead agency." Plan development teams are comprised of professional personnel from the Alaska Department of Fish and Game, National Marine Fisheries Service, University of Washington, University of Alaska, or other outside agencies that may be able to supply the type of specialized expertise needed in a plan. Plan development follows the following general schedule:

1. Identify the fishery management unit. It can be either single species, multi-species, all of Alaska or just portions of Alaska.
2. The Council, after recommendations by the SSC, designates a lead agency for the Fishery Management Plan for Tanner crab off Alaska. The National Marine Fisheries Service was designated as the lead agency for the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery.
3. The Council appoints a plan development team after hearing nominations by the SSC. The Advisory Panel appoints two of its members to work with the PDT. Two Council members are appointed to work with the PDT to provide policy guidance and assist other Council members in reviewing plans drafts.

The Scientific and Statistical Committee may also list consultants or outside experts the plan development team may wish to consult. They are also able to use other consultants or experts if they so desire.

4. The plan development team develops an outline for the plan and recommends management measures and objectives, then makes a presentation to the Council which gives them guidance on the objectives the Council wishes to develop and on possible management measures they wish included.

5. The PDT then develops a complete draft of the plan, which, together with the draft environmental impact statement and summary, is reviewed by the Advisory Panel, SSC and Council and, if satisfactory to the Council, is published as a first draft.

6. After publishing, usually 800 to 1000 copies, the plans go through a public review process in a series of public hearings throughout the area impacted by the fishery. Following the comment period, usually 45 days, the Council revises the plan in light of public testimony and written comment received; the plan is redrafted and again reviewed by the SSC, AP and Council.

After final revisions and Council approval, the plan is forwarded to the Secretary of Commerce as the Council's recommendation.

The Secretary has 60 days in which to review the plan, to either approve it, disapprove it, or partially disapprove it. If either of the last two, the plan must be returned to the Council with the Secretary's reasons for disapproval. The Council has 45 days to review the Secretary's comments and reasons for disapproval and resubmit the plan, either redrafting to meet objections or substantiating their original plan.

After the plan is approved by the Secretary of Commerce, it is published in the Federal Register along with the supporting regulations as a notice of proposed rule making. The regulations are also usually developed by a Council working team as recommendations to the Secretary; however, they do not have the same force as recommendations as does the fishery management plan. The Secretary may initiate the regulatory process with or without the advice of the Council.

After a forty-five day review period the final regulations, amended in light of public comment received during that period, are written and published as a notice of final rule making. Following a 30 day "cooling period" they become law.

The whole process of management plan development from the time the fishery management unit is identified and the plan development team nominated takes approximately 360 days to the final regulations. While this time can be shortened by one or two months, North Pacific Council experience to date has indicated that the full development time (and more) may be necessary for the initial management plan for any given fishery.

State and Federal Roles in Fisheries Management in Alaska

The Act does nothing to abrogate State responsibility and jurisdiction inside three miles. It does give the Secretary of Commerce, through the management Councils, control for the Fishery Conservation Zone, i.e., 3 to 200 miles. The North Pacific Council is tailoring its management plans along the same management philosophy as used by the State of Alaska and in so far as is legally possible, adopting State regulations to implement those management plans.

Enforcement of regulations, both in the FCA and in State waters will be coordinated between State and Federal agencies by a formal "Cooperative Enforcement Agreement". Adoption of State regulations to implement management plans implies deputization of State Officers as Federal Officers and vice-versa. Federal licenses or permits will be necessary in some fisheries. The method of administering permits is being worked out as is a fisheries information system. The plans require certain data to be reported to the Secretary; the best way of doing this in Alaska is through an agreement to use the State's information gathering and data analysis system.

The North Pacific Council intends to work closely with the State so as not to disrupt ongoing fisheries, although some changes may be necessary where State regulations or management concepts do not comply with the FMCA of 1976. As a grass-roots coordinating and opinion gathering body, the North Pacific Council intends to mesh the State and Federal system insofar as possible, so that local control of resources can be retained.

Management Plan Language

Every specialty field has its unique vocabulary. The vocabulary and associated acronyms which have developed in the professional fisheries management field greatly facilitate communication among biologists, economists and other advisors and contributors to fishery management plans. The technical nature of the terms, however, can be confusing to those who are not professionally involved.

The following explanations may prove of value to any who follow the activities of the Council:

Maximum Sustainable Yield (MSY) is an average, over a reasonable length of time, of the largest catch which can be taken continuously from a stock under current environmental conditions. It should normally be presented with a range of values around its point estimate.

Equilibrium Yield (EY) is the annual or seasonal harvest which maintains the resource at approximately the same level of abundance (apart from the effects of environmental variation) in succeeding seasons or years. It is different from MSY in that the sustained level of abundance does not have to be the maximum sustained level.

Optimum Yield (OY) which (a) will provide the greatest overall benefit to the nation, with particular reference to food production and recreational fisheries; and (b) is based upon the maximum sustainable yield for a given fishery, modified by relevant economic, social or biological factors. Optimum yield may be obtained by a plus or minus deviation from ABC for purposes of promoting economic, social or ecological objectives as established by law and the public participating processes.

Picking an optimum yield that simultaneously promotes economic, social, and ecological objectives conjures up a myriad of conflicts. The definition of OY prescribes that the benefits of the fishery resources be allocated among all of the people affected by the fishery. These include commercial fishermen, processors, foreign fishermen, sport fishermen, distributors, consumers, governments and a host of manufacturing and service industries. These groups usually have different, and often conflicting ideas about the best use of the resources.

Optimum yield then involves judgmental decisions that must be made by fisheries councils based upon the best information they can obtain.

An example of an optimum yield decision is given to help illustrate the concept:

Halibut and several species of flounders have overlapping distributions. As most people in the fishing industry are aware, halibut stocks are in a depressed state. Flounder stocks by comparison are in good shape. However, market prices for halibut are approximately ten times greater than flounder prices. Since halibut is economically a much more important species than flounder, the OY for flounder was cut below the ABC in order to reduce incidental catches of halibut. This, however, still left room for growth in the slowly developing flounder fishery.

Domestic Annual Fishing Capacity (DAC) is the total potential physical capacity of the fleets modified by logistic factors. The components of the concept are:

- a. An inventory of total potential physical capacity defined in terms of appropriate vessel and gear characteristics (for example, size, horsepower, hold capacity, gear design, etc.).
- b. Logistics factors determining total annual fishing capacity (for example, variations in vessel and gear performance, trip length between fishing locations and landing points, weather constraints, etc.).

Expected Domestic Annual Fishing Harvest (DAH) is the domestic annual fishing capacity modified by other factors which will determine estimates of what the fleets will harvest (for example, how fishermen will respond to price changes in the subject species and other species). The DAH cannot exceed the optimum yield.

Foreign Allowable Catch (FAC) is determined by deducting the domestic annual expected harvest from the optimum yield ($OY - DAH = FAC$). This amount, also called the "Total Allowable Level of Foreign Fishery" (TALFF) is then made available by the Department of Commerce for harvest by other nations. The actual allocations of those resources to other countries is done by the U.S. Department of State. The Act specifies that allocations must be based on past fishing history in the area, degree of cooperation in research and enforcement, and other guidelines deemed appropriate.

SHARING THE INFORMATION

In compliance with the Public Law under which the Regional Councils were formed, the North Pacific Fishery Management Council draws upon Federal, State and academic capabilities in carrying out research necessary for the writing of fishery management plans (Sec. 2 (c) (3)). Valuable information is forwarded to the Council from many sources, including the Alaska Department of Fish and Game, National Marine Fisheries Service, Sea Grant Program (administered by the University of Alaska), fishermen, processors and marketing representatives.

The Council, recognizing other needs for data gained in compiling fishery management plans, publishes selected working papers, reports and other materials.

Depending upon the subject and relative importance, these materials are designated either Council documents or information papers and are bound and made available from the NPFMC library.

Throughout the eight regional councils, the combined effort of professionals in the fishery management field will add a new dimension to the science of fish resource management.

MANAGEMENT PLANS

The function of each of the regional councils is to prepare management plans for species of fish which are important to the food supply and economy and which provide recreational opportunities to the people of the United States.

There are perhaps four dozen species of fish off the coast of Alaska which in one way or another are important to man; of this number more than a dozen single species or groups of species will be the subject of a fishery management plan. These include:

Tanner crab	Bering Sea shrimp
Bering Sea herring	Shrimp (except Bering Sea)
Bering Sea clams	Scallops
Snails	Halibut
King crab	Salmon
Gulf of Alaska groundfish	Dungeness crab
Salmon (east of 175 degrees E. long.)	Precious coral
Bering Sea groundfish	

It takes about a year to prepare and put into effect a fishery management plan. In the cycle of management plan development, plans for half a dozen species may develop simultaneously. An updated list of FMP's developed or under development by the North Pacific Council is shown on the insert to this booklet.

In the future, as man's knowledge of the sea and its resources broadens, there are other species which could become the object of a management plan. It remains to be seen which fish or shellfish, now economically or biologically insignificant, will take its place on the list.

Fishery

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FISHERY MANAGEMENT PLANS IMPLEMENTED

Groundfish Fishery for the Gulf of Alaska
Commercial Tanner Crab Fishery off the Coast of Alaska

PLANS UNDER PREPARATION

High Seas Salmon off the Coast of Alaska East of 175 Degrees East Longitude
(Effective Date 4/15/79)
Halibut off Alaska (Effective Date 4/1/79)
Groundfish Fishery for the Bering Sea/Aleutian Island Area (Effective Date 12/30/79)
King Crab off Alaska (Effective Date 1/30/80)
Bering Sea Herring (Effective Date 1/14/80)
Shrimp in the Bering Sea (Effective Date 1/1/80)
Bering Sea Clams (Effective Date
Comprehensive Salmon Management Plan (1980)

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