



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

AGENDA C-1  
Supplemental  
OCTOBER 2005

OCT 3 2005

Stephanic Madsen  
Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252

*Stephanic*  
Dear Ms. Madsen:

On August 2, 2005, I sent a letter to you requesting that the North Pacific Fishery Management Council confirm its support for the proposal to incorporate the halibut charter vessel fishery into the IFQ program before we initiated the Secretarial approval process. This letter is to clarify that the Northern Pacific Halibut Act (Halibut Act) does not specify a particular procedure for submission or Secretarial approval of regulations developed under the Act. The Magnuson-Stevens Fishery Conservation and Management Act, however, establishes certain requirements for the transaction of fishery management council business. The Magnuson-Stevens Act does not require any particular procedure, including a Council vote, for Council action to confirm its support for a prior decision. The Council may take such action as the Council considers necessary.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

William T. Hogarth, Ph.D.



MEMORANDUM

TO: Council, AP, and SSC Members

FROM: Chris Oliver *Chris*  
Executive Director

ESTIMATED TIME  
8 HOURS

DATE: September 28, 2005

SUBJECT: Charter Issues

**ACTION REQUIRED**

- (a) Receive report on status of guidelines harvest levels in Areas 2C and 3A
- (b) Review letter from Dr. Hogarth regarding Council's charter halibut IFQ preferred alternative

**BACKGROUND**

Guideline Harvest Level

Following a unanimous recommendation by its Advisory Panel in April 2005, the Council requested a report on recent charter halibut catch and trend data relative to the Guideline Harvest Levels (GHLs). A GHL of 1,432,000 lb (net weight) for Southeast Alaska (Area 2C) and 3,650,000 lb for Southcentral Alaska (Area 3A) was implemented in September 2003. The GHLs establish an amount of halibut that are monitored annually in the guided sport fishery (Item C-1(a)(1)). They equate to 13.05 percent, and 14.11 percent, respectively, of the combined 2000 commercial and guided sport quota. Once exceeded, federal regulations stipulate that NOAA Fisheries will inform the Council of that fact by letter.

At this meeting, the Council will determine if action is needed. Rob Bentz, Deputy Director, ADF&G Division of Sport Fish will report on charter halibut harvests. Final 2004 estimates indicate that Southeast Alaska exceeded the GHL by 22 percent and Southcentral exceeding the GHL by less than 1 percent (Item C-1(a)(2)).

The Council's February 2000 preferred alternative identified a suite of measures that would have been triggered for different levels of needed harvest reductions (see box at right); however, NOAA legal review identified concerns with NOAA Fisheries' ability to automatically impose or lift management measures without additional public process, as harvests exceeded or dropped below the GHL (see two NOAA Fisheries letters to the Council under Item C-1(a)(3)). Therefore, proposed GHL management measures were not implemented in regulation. Instead, the Council may

**Management measures recommended to reduce charter harvests below the GHL**

**SOUTHEAST (AREA 2C)**

Reduction	GHL Management Measures
<10%	Vessels Limited to 1 Trip per Day
11% - 15%	above + No Skipper and Crew Harvest
16% - 20%	above + Annual Limit of 7 Fish
21% - 30%	above + Change Annual Limit to 6 Fish
31% - 40%	above + Change Annual Limit to 5 Fish
41% - 50%	above + Change Annual Limit to 4 Fish
>50%	above + One Fish Bag Limit in August

**SOUTHCENTRAL (AREA 3A)**

Reduction	GHL Management Measures
<10%	Vessels Limited to 1 Trip per Day
11% - 20%	above + No Skipper and Crew Harvest
21% - 30%	above + Annual Limit of 7 Fish
31% - 40%	above + Change Annual Limit to 6 Fish
41% - 50%	above + Change Annual Limit to 5 Fish
>50%	above + Change Annual Limit to 4 Fish + One Fish Bag Limit in August

initiate a new analysis each time management action is deemed necessary to reduce harvests or relax such restrictions. The regulations do not limit when the Council may initiate such an analysis.

The executive summary of the Charter Halibut GHL analysis was distributed in a mailing on September 20, 2005 and is attached under Item C-1(a)(4).

#### Charter Halibut IFQ Program

The Council scheduled a review of a letter from Dr. William Hogarth, Assistant Administrator of Fisheries, dated August 3, 2005 (Item C-1(b)(1)). Dr. Hogarth requested that the Council confirm its support of the proposed program to incorporate the charter sector into the halibut commercial individual fishing quota (IFQ) program, before NMFS publishes the proposed rule in the *Federal Register*.

The Executive Summary of the analysis and the summary of the Council's 2001 preferred alternative were distributed on September 20 and are attached under (Item C-1(b)(2)). Additional relevant agency correspondence is attached under (Item C-1(b)(3)). Rob Bentz (ADF&G) will report on charter halibut participation for 1998-2004, including a comparison between the Council's preferred alternative for qualification criteria and recent (2004) participants.

issuance of the order in this proceeding, we will not issue a new cash deposit rate for them, pursuant to this Section 129 Determination. The Section 129 Determination "all others" rate will be the new cash deposit rate for all exporters of subject merchandise which did not participate in the first administrative review, with respect to entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after April 27, 2005, the date on which the U.S. Trade Representative directed the Department to implement this determination. These instructions will remain in effect until further notice.

This Section 129 Determination is issued and published in accordance with section 129(c)(2)(A) of the URAA.

Dated: April 27, 2005.

**Barbara E. Tillman,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 05-8745 Filed 4-29-05; 8:45 am]

BILLING CODE 3510-05-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 011206293-3182-02; I.D. 042605F]

#### Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of guideline harvest level.

**SUMMARY:** NMFS provides notice of the guideline harvest level (GHL) for the guided sport halibut fishery (charter fishery) in the International Pacific Halibut Commission (IPHC) regulatory area 2C of 1,432,000 pounds (649.5 mt), and a GHL in the IPHC regulatory area 3A of 3,650,000 pounds (1,655.6 mt). The GHLs are intended to serve as a benchmark for participants in the charter fishery.

**DATES:** The GHLs are effective beginning 1200 hrs, Alaska local time (A.l.t.), February 1, 2005, and will close at 2400 hours, A.l.t., December 31, 2005. This period is specified by the IPHC as the sport fishing season in all waters of Alaska.

**FOR FURTHER INFORMATION CONTACT:** Glenn Merrill, 907 586 7228, or email at [glenn.merrill@noaa.gov](mailto:glenn.merrill@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS implemented a final rule to establish GHLs in IPHC regulatory areas 2C and 3A for the harvest of Pacific halibut (*Hippoglossus stenolepis*) by the charter fishery on August 8, 2003 (68 FR 47256). The GHLs are intended to serve as a benchmark for participants in the charter fishery.

This announcement is consistent with 50 CFR 300.65(i)(2), which requires that GHLs for IPHC regulatory areas 2C and 3A be specified by NMFS and announced by publication in the *Federal Register* no later than 30 days after receiving information from the IPHC which establishes the constant exploitation yield (CEY) for halibut in IPHC regulatory areas 2C and 3A for that year. Based on the regulations at § 300.65(i)(1), the CEY established by the IPHC in 2005 in regulatory area 2C results in a GHL of 1,432,000 pounds (649.5 mt), and, in regulatory area 3A, results in a GHL of 3,650,000 pounds (1,655.6 mt).

This notice is intended to serve as an announcement of the GHL's in Areas 2C and 3A for 2005. If a GHL is exceeded in 2005, based on information received from the Alaska Department of Fish and Game, NMFS will notify the North Pacific Fishery Management Council (Council) in writing within 30 days pursuant to regulations at § 300.65(i)(3). The Council is not required to take action, but may recommend additional management measures after receiving notification that a GHL has been exceeded.

#### Classification

This notice does not require any additional regulatory action by NMFS and does not impose any additional restrictions on harvests by the charter fishery. This process of notification is intended to provide the Council an indication of the level of harvests by the charter fishery in a given year and could be used to prompt future action.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 26, 2005.

**Anne M. Lange**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 05-8696 Filed 4-29-05; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042605C]

#### New England Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling public meetings of its Recreational Fishing; Herring; Scallop; Joint Groundfish/Monkfish and Joint Red Crab, Skates and Whiting Advisory Panels in May 2005, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meetings will be held on May 16; May 19; May 23; May 25 and May 26, 2005. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held in Peabody, MA; Mansfield, MA; Portsmouth, NH and Fairhaven, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** Monday, May 16, 2005 at 9:30 a.m.—Recreational Fishing Advisory Panel Meeting.

Location: Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535-4600.

Thursday, May 19, 2005 at 9:30 a.m.—Joint Red Crab, Skates and Whiting Fishing Advisory Panel Meeting.

Location: Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200.

Monday, May 23, 2005 at 9:30 a.m.—Herring Fishing Advisory Panel Meeting.

Location: Best Western Wynwood Hotel, 580 U.S. Highway 1 Bypass, Portsmouth, NH 03801; telephone: (603) 436-7600.



**ESTIMATED CHARTER HALIBUT HARVESTS IN 2C AND 3A**

**AREA 2C THE CHARTER HALIBUT GHL ADOPTED BY THE COUNCIL  
IN FEBRUARY, 2000 IS 1.432 MILLION POUNDS, NET WEIGHT.**

Year	No. Fish	<u>HARVEST</u>		Deviation from GHL
		Avg. Net Wt.	Biomass	
1999	52,696	17.8	.938	-34%
2000	57,208	19.8	1.132	-21%
2001	66,435	18.1	1.202	-16%
2002	64,614	19.7	1.275	-11%
2003	73,784	19.1	1.412	-1%
2004	84,327	20.7	1.750	+22%

*total pds harvested?*

**AREA 3A THE CHARTER HALIBUT GHL ADOPTED BY THE COUNCIL  
IN FEBRUARY, 2000 IS 3.650 MILLION POUNDS, NET WEIGHT.**

Year	No. Fish	<u>HARVEST</u>		Deviation from GHL
		Avg. Net Wt.	Biomass	
1999	131,726	19.2	2.533	-31%
2000	159,609	19.7	3.140	-14%
2001	163,349	19.2	3.133	-14%
2002	149,608	18.2	2.723	-25%
2003	163,629	20.7	3.382	-7%
2004	197,208	18.6	3.668	+1%

### Southeast Ports

<b>Large Ports</b>	1998	1999	2000	2001	2002	2003	2004
Juneau	40	40	53	56	50	57	73
Ketchikan	69	81	91	103	101	126	149
Sitka	82	91	101	114	134	141	172
<b>Total Vessels</b>	191	212	245	273	285	324	394

<b>Small Ports</b>	1998	1999	2000	2001	2002	2003	2004
Angoon	0	2	2	7	7	7	7
Baranof	10	9	10	9	7	8	9
Elfin Cove	14	14	18	20	22	24	25
Gustavus	11	11	15	13	17	18	20
Hoonah	3	2	8	8	7	8	10
Pelican	4	5	5	7	6	9	8
<b>Total Vessels</b>	42	43	58	64	66	74	79

Total Port of Juneau	40	40	53	56	50	57	73
Auke Bay	25	24	26	28	28	32	39
Fishermans Bend	1	1	1	1	1	1	1
Juneau	14	15	26	27	21	24	33

### Southcentral Ports

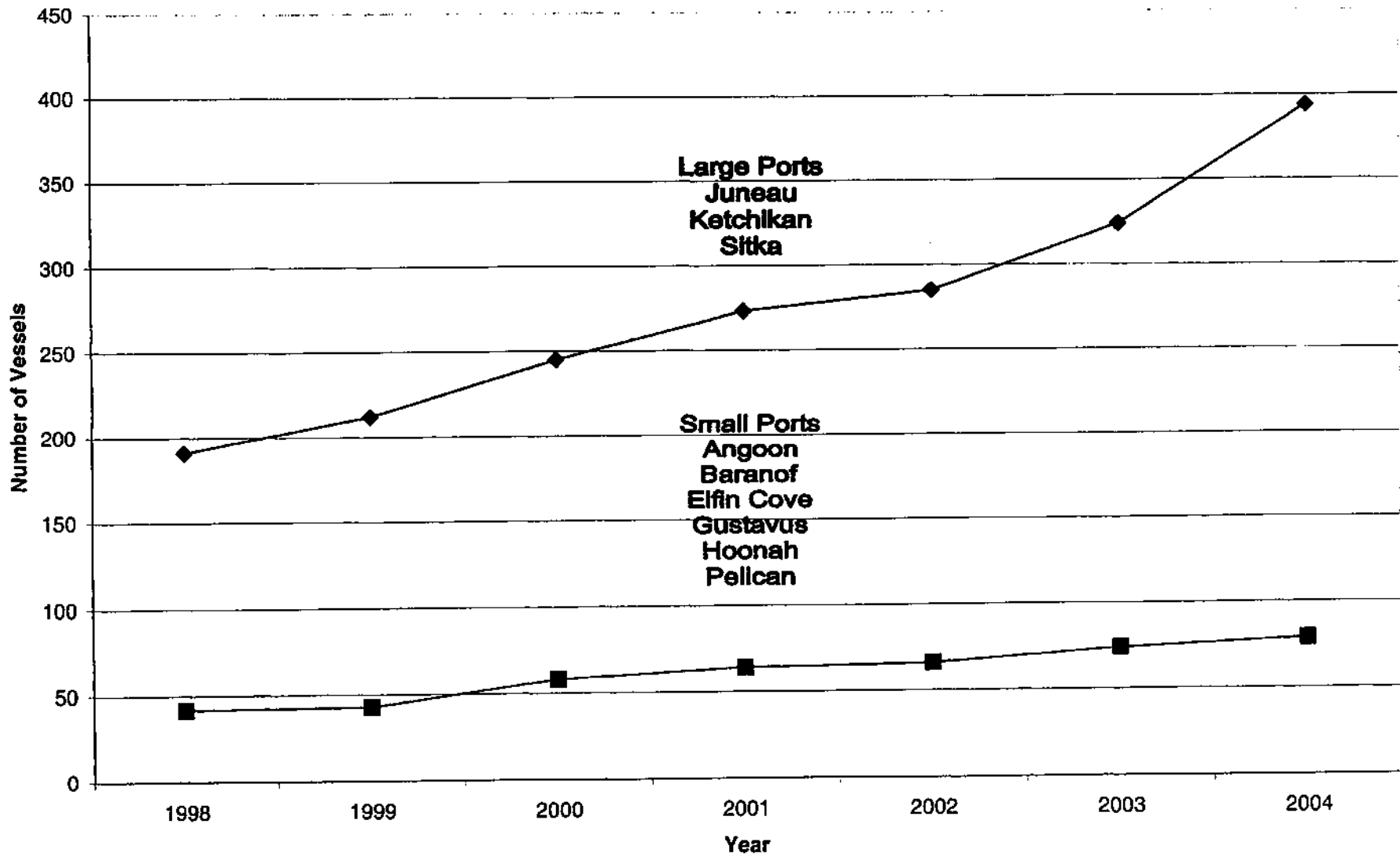
<b>Large Ports</b>	1998	1999	2000	2001	2002	2003	2004
Deep Creek	9	13	15	15	17	19	25
Homer	74	82	90	89	94	98	113
Kodiak	18	21	26	26	28	32	38
Seward	36	50	54	60	64	77	98
Valdez	31	31	34	36	35	37	54
<b>Total Large Port Vessels</b>	168	197	219	226	238	263	328

<b>Small Ports</b>	1998	1999	2000	2001	2002	2003	2004
Chenega	0	0	1	1	1	1	1
Cordova	3	5	5	6	6	5	10
Larson Bay	2	3	6	8	7	10	16
Old Harbor	0	1	1	1	3	7	5
Port Lions	2	5	6	4	6	8	10
<b>Total Small Port Vessels</b>	7	14	19	20	23	31	42

<b>Total Vessels by Area</b>	1998	1999	2000	2001	2002	2003	2004
SE							
Total Large Port Vessels	191	212	245	273	285	324	394
Total Small Port Vessels	42	43	58	64	66	74	79

SC	1998	1999	2000	2001	2002	2003	2004
Total Large Port Vessels	168	197	219	226	238	263	328
Total Small Port Vessels	7	14	19	20	23	31	42

**Number of Active Charter Vessels at Ports in Southeast (2C), 1998-2004**



### Southeast Ports

<b>Large Ports</b>	1998	1999	2000	2001	2002	2003	2004
Juneau	40	40	53	56	50	57	73
Ketchikan	69	81	91	103	101	126	149
Sitka	82	91	101	114	134	141	172
<b>Total Vessels</b>	191	212	245	273	285	324	394

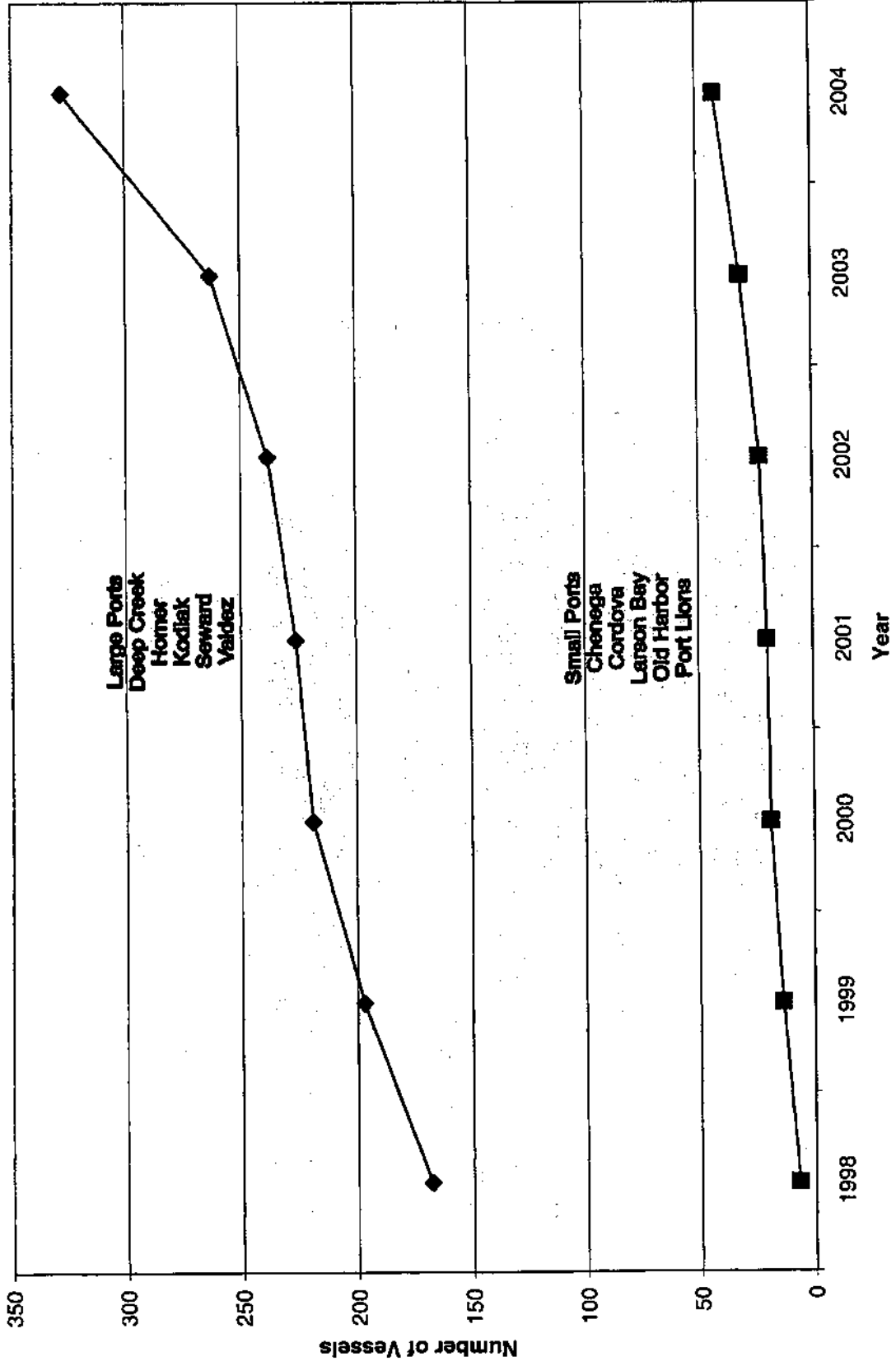
<b>Small Ports</b>	1998	1999	2000	2001	2002	2003	2004
Angoon	*	2	2	7	7	7	7
Baranof	10	9	10	9	7	8	9
Elfin Cove	14	14	18	20	22	24	25
Gustavus	11	11	15	13	17	18	20
Hoonah	3	2	8	8	7	8	10
Pelican	4	5	5	7	6	9	8
<b>Total Vessels</b>	42	43	58	64	66	74	79

\* = no data

Total Port of Juneau	40	40	53	56	50	57	73
Auke Bay	25	24	26	28	28	32	39
Fishermans Bend	1	1	1	1	1	1	1
Juneau	14	15	26	27	21	24	33

SE	1998	1999	2000	2001	2002	2003	2004
Total Large Port Vessels	191	212	245	273	285	324	394
Total Small Port Vessels	42	43	58	64	66	74	79

Number of Active Charter Vessels at Ports in Southcentral (3A), 1998-2004



### Southcentral Ports

<b>Large Ports</b>	1998	1999	2000	2001	2002	2003	2004
Deep Creek	9	13	15	15	17	19	25
Homer	74	82	90	89	94	98	113
Kodiak	18	21	26	26	28	32	38
Seward	36	50	54	60	64	77	98
Valdez	31	31	34	36	35	37	54
<b>Total Large Port Vessels</b>	<b>168</b>	<b>197</b>	<b>219</b>	<b>226</b>	<b>238</b>	<b>263</b>	<b>328</b>

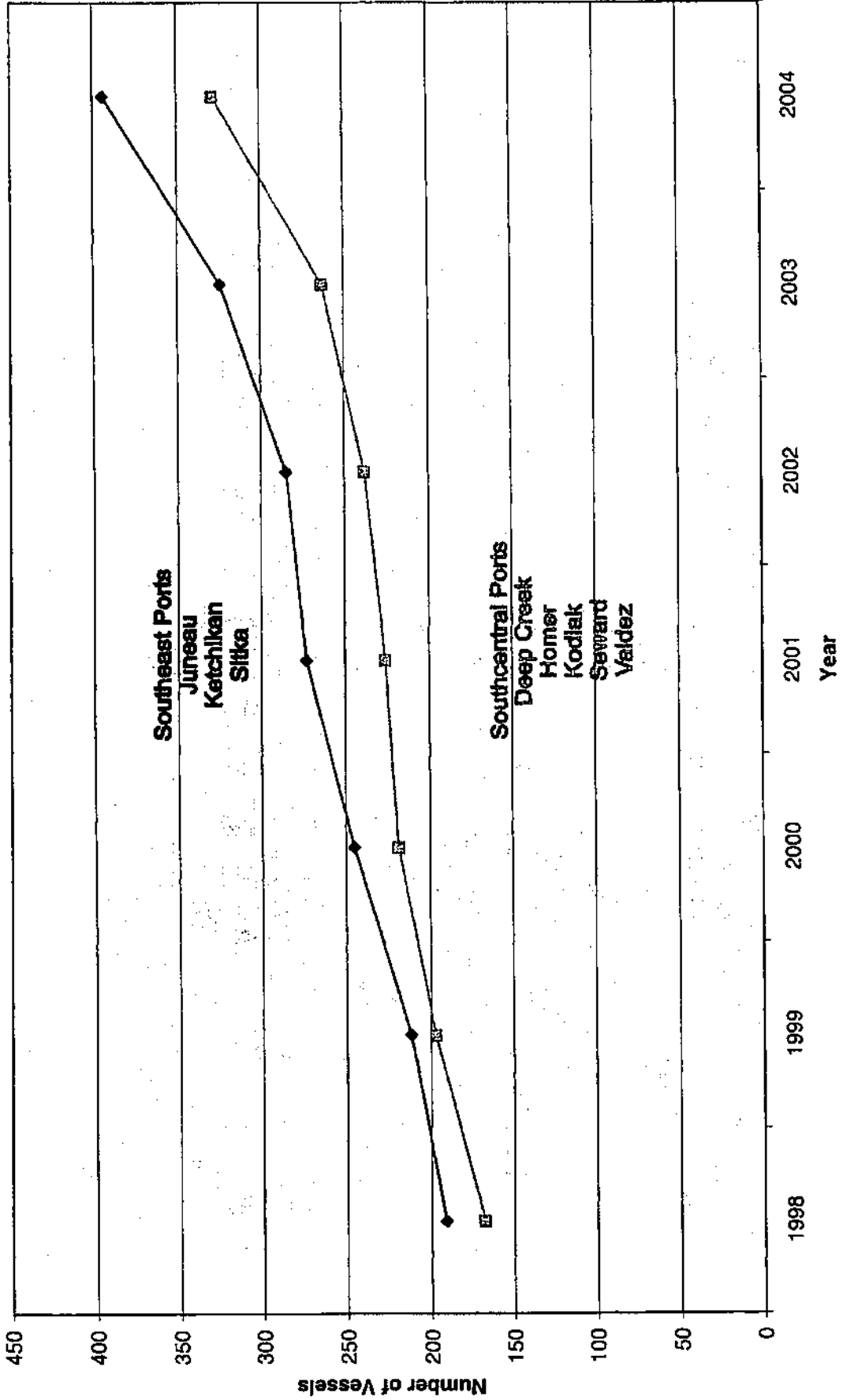
  

<b>Small Ports</b>	1998	1999	2000	2001	2002	2003	2004
Chenega	*	*	1	1	1	1	1
Cordova	3	5	5	6	6	5	10
Larson Bay	2	3	6	8	7	10	16
Old Harbor	*	1	1	1	3	7	5
Port Lions	2	5	6	4	6	8	10
<b>Total Small Port Vessels</b>	<b>7</b>	<b>14</b>	<b>19</b>	<b>20</b>	<b>23</b>	<b>31</b>	<b>42</b>

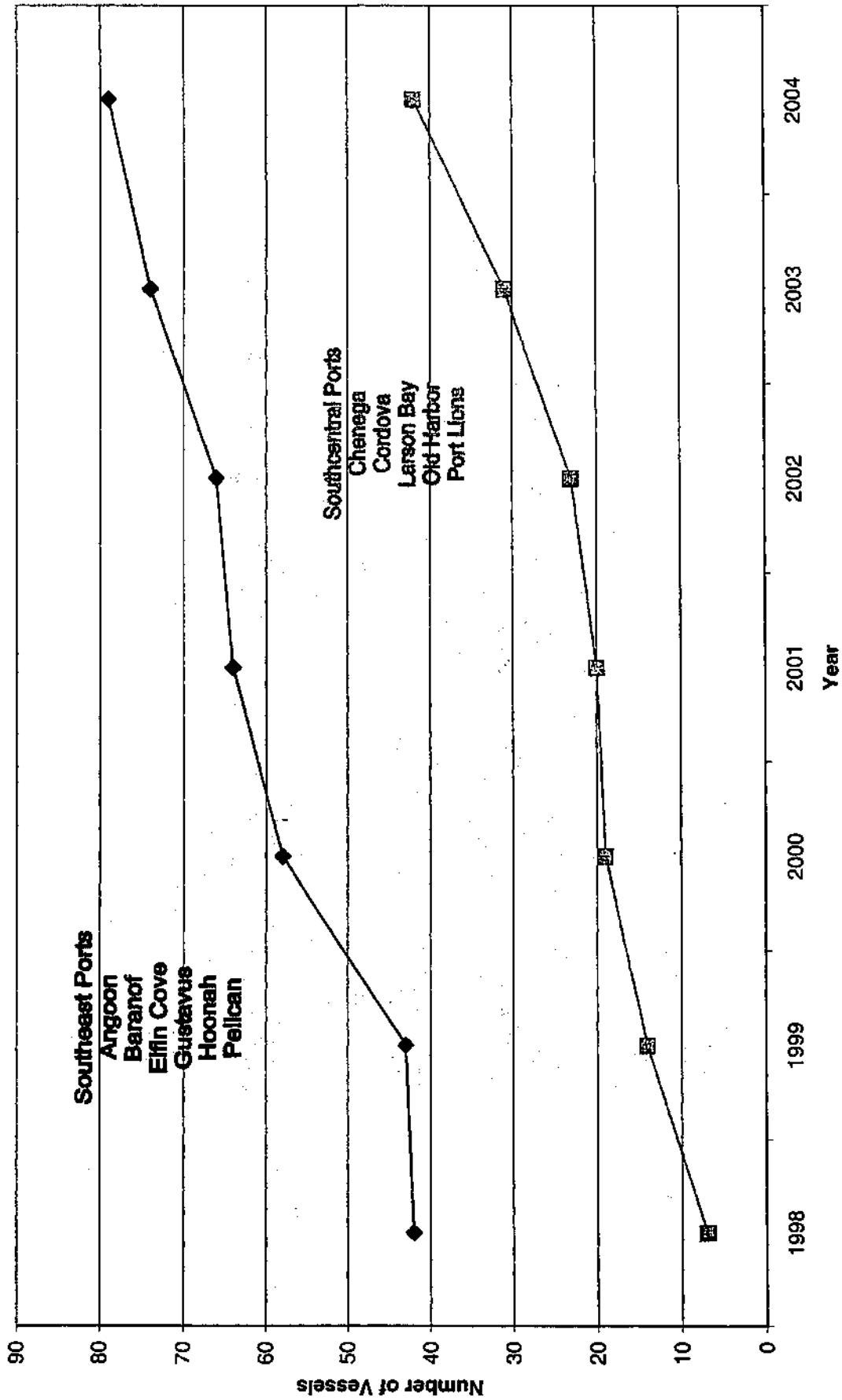
\* = no record

SC	1998	1999	2000	2001	2002	2003	2004
Large Port	168	197	219	226	238	263	328
Small Port	7	14	19	20	23	31	42

Number of Active Charter Vessels at Large Ports in Southeast and Southcentral, 1998-2004



Number of Active Charter Vessels at Small Ports in Southeast and Southcentral, 1998-2004





**Saltwater guided number of anglers (ADFG, Statewide Harvest Survey) by IPHC area.**  
**2C = areas A-G, 3A = H-T (no saltwater fishing in area I, no saltwater guided fishing in S and T)**

I:\SWS\WRK\ad\_hoc\_requests\Bentz\_NA\_SW\_gui 09/27/2005

Year	Area	Guided Anglers	Total Anglers	Guided %	Total %
2000	2C	2,056	45,885	4.3%	95.7%
2000	3A	29,010	61,765	32.0%	68.0%
2001	2C	3,190	50,087	6.0%	94.0%
2001	3A	30,885	62,305	33.1%	66.9%
2002	2C	2,723	49,890	5.2%	94.8%
2002	3A	30,315	62,384	32.7%	67.3%
2003	2C	3,309	50,375	6.2%	93.8%
2003	3A	33,663	65,614	33.9%	66.1%
2004	2C	4,350	57,588	7.0%	93.0%
2004	3A	35,250	74,860	32.0%	68.0%

\* There is no saltwater fishing in area I, and no saltwater guided fishing in areas S and T.

\*\* NA are not comparable between Regions and IPHC areas because an angler may have fished in more than one survey area.



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

AGENDA C-1(a)(3)  
OCTOBER 2005

November 20, 2002

RECEIVED  
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N.P.F.M.C

Mr. David Benton  
Chairman, North Pacific  
Fishery Management Council  
605 West 4<sup>th</sup> Street  
Anchorage, Alaska 99501-2252

Dear Dave,

This letter provides the Council with an update on how the Alaska Region is proceeding with the implementation of the guideline harvest level (GHL) and individual fishing quota (IFQ) programs recommended by the Council to limit Pacific halibut harvests in the guided recreational fishery (guided fishery).

On September 6, 2002, we sent the Council a letter outlining our concerns and requesting further clarification about the implementation of the GHL and associated harvest reduction measures, and data collection issues related to the IFQ Program. In October 2002, the Council reviewed the letter and requested that we consult with NOAA General Counsel (GC) to determine how best to get the GHL program implemented as soon as possible. NOAA GC reviewed the approach suggested in this letter. The Council also requested that NOAA GC provide additional feedback to the Council during its December meeting that "will clarify the legal issues associated with the GHL and other trigger/response regulations used by NMFS for management purposes."

#### GHL Proposed Rule

Our September 6, 2002, letter noted that the harvest reduction measures, if implemented through a closed-framework, as set forth in the GHL proposed rule may not comply with the Administrative Procedures Act (APA). The letter noted that additional rulemaking may be required before those measures are implemented. The letter suggested that one approach to implement a GHL would be to publish a final rule without specific harvest reduction management measures. If the GHL were exceeded, those measures would be implemented later under normal APA rulemaking with the accompanying analytical work products (e.g., EA/RIR/IRFA). In other words, the GHL would be established as a trigger for subsequent rulemaking. This approach was discussed in the Advisory Panel and raised during public testimony at the Council as an alternative to rescinding the GHL. A review of this issue suggests that a GHL could be implemented without the associated harvest reduction measures (See attached letter from Clarence Pautzke and attached letter from Steven Pennoyer). Under this approach, we would publish a final rule that is a



modified version of the existing GHL proposed rule that was published January 28, 2002 (67 FR 3867).

In this case, the final rule regulatory text, would include: (1) the GHL in International Pacific Halibut Commission (IPHC) management Areas 2C and 3A; (2) the mechanism for reducing the GHL in years of low abundance as determined by the IPHC; and (3) that once the GHL is exceeded NMFS would notice the Council and initiate analysis in coordination with the Council for subsequent rulemaking that may implement harvest reduction measures. The final rule, however, would not contain regulatory text to implement harvest reduction measures.

The preamble to the final rule would note concerns about the ability to implement a framework for the GHL harvest reduction measures. Also, the preamble would describe the suite of management measures recommended by the Council and published in the January 28, 2002, proposed rule. The final rule would note that those measures may be considered as one of the possible alternatives during the analytical process of developing harvest reduction measures if the GHL is exceeded in either IPHC Area 2C or 3A. Those measures would be one alternative, and would have to be analyzed along with other reasonable alternative harvest reduction measures if the GHL is exceeded. The preferred alternative would be identified in the proposed rule and published as a final rule before becoming effective.

### IFQ issues

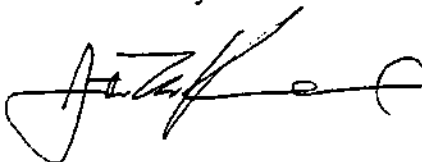
In October 2002, the Alaska Department of Fish and Game (ADF&G) presented the Council with an update of its analysis on the adequacy of the State Logbook Program (logbook) for use in management decision making. In a September 21, 2001 memorandum from Jeff Bingham to Kevin Duffy, the State raised concerns about the logbook data and noted that certain data should not be used "in any management decision." Presumably, this would include the initial allocation of quota share among participants in the guided fishery fleet. An updated analysis presented by ADF&G in October 2002, indicates that the logbook may be acceptable for use in management decisions. However, the results are somewhat inconclusive. The Council requested that ADF&G provide additional analysis for presentation at the December Council meeting. We will consider the results of ADF&G's additional analysis as we proceed with developing a proposed rule for a guided fishery IFQ Program.

### Data Collection Issues

We have submitted a request for a contractor to assist us with the development of a data collection system that can accommodate the needs of a GHL or charter IFQ monitoring

and program. A vendor has not been selected at this time. Until we develop our own data collection system, we will continue to rely on ADF&G's annual statewide harvest survey (SWHS) to monitor harvests in the guided halibut sport fishery. The SWHS is currently insufficient for monitoring and enforcing catch limits for the IFQ program, but does provide adequate data for monitoring guided fishery harvests relative to the GHL. We hope that the development of a NMFS data collection program will provide the necessary data for a guided fishery IFQ Program and more timely data for use in management of the GHL.

Sincerely

A handwritten signature in black ink, appearing to read 'J. Balsiger', written in a cursive style.

For James W. Balsiger  
Administrator, Alaska Region

Enclosures (2)

October 17, 1997 letter from Clarence Pautzke  
November 17, 1997 letter from Steven Pennoyer

cc. NOAA GC  
IPHC

# North Pacific Fishery Management Council

Richard B. Lauber, Chairman  
Clarence G. Pautzke, Executive Director



605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Telephone: (907) 271-2809

Fax: (907) 271-2817

October 17, 1997

Mr. Steve Pennoyer  
Regional Administrator  
NMFS, Alaska Region  
P.O. Box 21668  
Juneau, AK 99802-1168

Dear Steve:

Of the many issues recently in the limelight of our management process, the Council's actions regarding the guided sport fishery for halibut have generated considerable attention from the public and in the press. Many of the letters we have recently received raised questions regarding the subsequent review, approval, and implementation process. Two aspects of the Council's action appear very straightforward - the recordkeeping and reporting process and the potential development of local area management plans. The first would be taken care of by existing initiatives at the State level (either through HB 19 in the legislature or by the ADF&G/Board of Fish), and the second would be handled through the BOF local advisory committees, noting that final approval of any local area management plans would rest with the Council.

The guideline harvest level, a variation of the 'cap' alternative, is the part of the Council's action which has generated the most attention, and leaves me with some questions as well. As articulated by the Council, the intent of this GHIL would not be to attempt in-season management and shut the guided sport fishery down upon attainment of this target GHIL; rather, it is envisioned by the Council that, once the fishery reaches this level (125% of their 1995 harvest, expressed as a percentage), other, as yet undefined, management actions would be implemented to reduce this sector's rate of harvest. Reduced bag limits were one tool mentioned to accomplish this goal. Noting that attainment of this GHIL is not projected to occur for several years, the Council's rationale was that there is plenty of time to develop these types of measures.

The nature and timing of regulations to implement the Council's GHIL are what is in question. Without yet defining what management actions would be implemented once the GHIL is attained, is it possible to develop regulations which, if approved, would implement the Council's basic intent with regard to the GHIL, while holding in reserve the more specific measures to achieve compliance with that GHIL? Normally when the Council takes an action a regulatory package is prepared for submittal to the Secretary of Commerce, with your office making the determination of package 'completeness' and transmittal date. This particular action by the Council is different than most, due to its contingent nature, and I need some guidance on what our staff's next steps should be in terms of the submittal and review process.

Some of the letters we have received have assumed that the '60-day Secretarial review process' has already begun. Others are curious as to what the next step is going to be and when it will occur, similar to my questions above. I have no doubt that you are receiving similar letters and inquiries which require responses in the near future.

Sincerely,

Clarence G. Pautzke  
Executive Director

cc: Jon Pollard, Office of NOAA General Counsel



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

November 24, 1997

Dr. Clarence G. Pautzke, Executive Director  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

**COPY**

Dear Clarence:

Thank you for your letter inquiring about our ability to implement the guideline harvest level (GHL) developed by the Council for the guided sport fishery for halibut. I understand that the Council intended the GHL to have no immediate effect on the charterboat fishery and that setting the GHL served as a notice that growth of that fishery will be limited in some manner, yet to be decided. The fact that the Council did not specify any regulatory response to the attainment of the GHL, however, makes establishing the GHL in regulations problematical. Without specifying what would happen if the GHL is reached, the GHL by itself would be ineffective as a regulation.

The Northern Pacific Halibut Act of 1982 (Halibut Act) provides the Council with discretionary authority to develop regulations which are in addition to and not in conflict with regulations developed by the International Pacific Halibut Commission (IPHC). Such regulations are implemented with approval of the Secretary, and generally pertain only to the allocation of halibut fishing privileges while regulations developed by the IPHC pertain primarily to the biological conservation of the halibut resource. The Council has previous experience with this process, for example, in developing regulations for Area 4C, for the halibut Individual Fishing Quota and Community Development Quota programs, and the Catch Sharing Plan (CSP) for Area 4. In each case, the regulatory regime was well articulated by the Council before Secretarial review. By comparison, the GHL for guided sport catch of halibut is not fully developed; the Council has not specified what we would implement if the GHL were reached.

The Council's intent regarding its GHL policy may be satisfied, however, by publishing it as a notice in the Federal Register. This notice would describe how and why the Council arrived at this policy. Such a notice would be similar to publication of a control date. It would have no restrictive or constraining effect on the guided sport fishery, but it would formally announce the Council's intention to develop management measures to maintain guided sport fishery catches at or below the GHL. This alternative would involve the publication of only one notice in the Federal Register and no Secretarial approval or disapproval decision. No further action by the Council would be required. The Council's policy recommendation on this issue is



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clear. The Federal Register publication would serve primarily to memorialize the GHF policy without regulatory effect.

The Council's attention on this issue should next focus on the development of charterboat fishery management measures. To facilitate the industry discussion and development of management measures, I recommend that the Council establish an ad hoc charterboat industry committee similar to the industry committee created to develop practical measures to improve retention and utilization of groundfish based on general policy direction from the Council. We should not expect the Board of Fisheries (BOF) local advisory committees to perform this role because the management measures would have to be applied to entire regulatory areas (2C or 3A). Also, my staff would be able to consult with one Council committee but not with many BOF local advisory committees. We should rely on the BOF local advisory committees only to develop and recommend local area management plans for halibut. Council-established industry committees have worked well in the past in developing negotiated management measures for the Council, and I suggest that the Council use the same organizational vehicle to develop charterboat industry management measures.

Sincerely,



Steven Pennoyer  
Administrator, Alaska Region



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

September 6, 2002

Mr. David Benton  
Chairman, North Pacific  
Fishery Management Council  
605 West 4<sup>th</sup> Street  
Anchorage, Alaska 99501-2252

RECEIVED  
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N.P.F.M.C.

Dear Dave,

The Council has recommended two different measures to limit Pacific halibut harvests in the guided recreational fishery (guided fishery). The first program adopted by the Council in February 2000, would establish a guideline harvest level (GHL) and a system of harvest reduction measures for the guided fishery. The second program adopted in April 2001, would integrate the guided fishery into the existing individual fishing quota (IFQ) Program.

A thorough review of recent court decisions regarding the requirements under the Administrative Procedure Act (APA) and recent changes in the data collection methods used by the State of Alaska (State) causes us to request further clarification or action by the Council before we officially consider these programs for approval or disapproval by the Secretary of Commerce. This letter clarifies some of the recent developments that may affect the approval decision, and provides possible suggestions on how to proceed in the implementation of measures to meet the Council's intent.

#### Guideline Harvest Level

Federal rules implementing the proposed GHL and associated harvest reduction measures may be vulnerable to legal challenge as currently structured. A proposed rule for the GHL was published on January 28, 2002 (67 FR 3867). The proposed rule states that the Council envisioned that "[o]nce NMFS has preliminary data indicating that the level of harvests from a previous season exceeded the GHL, the appropriate harvest reduction measures would be triggered [to be in effect] for the following season." These measures "to reduce guided recreational harvests would be implemented by notification." This notification process would supercede the regular Administrative Procedure Act (APA) rulemaking process. It would minimize potential delays between exceeding the GHL and implementing measures to reduce the guided fishery harvests by establishing a "framework" of measures that are automatically implemented.





NOAA-General Counsel, Alaska Region, has informed us that implementing the harvest reduction measures likely would require the APA rulemaking process. The proposed framework as conceived by the Council and NMFS would expose the agency to an unacceptable risk of a successful legal challenge. The APA requires that any regulatory action provide prior notice and opportunity for public comment before becoming effective. This requirement can be waived only for "good cause."

The harvest reduction measures in the proposed rule likely could not be implemented under the "good cause" exemption of the APA. The APA provides for a "good cause" finding only when the agency finds that notice and opportunity for public comment would be impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). These terms are narrowly defined. Because this "good cause" finding would need to be made at the time the harvest reduction measures are implemented, we cannot guarantee now that a "good cause" finding would exist in every instance the GHL was exceeded and harvest reduction measures triggered. Accordingly, we believe a strong likelihood exists that proposed and final rulemaking would be required when implementing any of the proposed harvest reduction measures.

Case law from courts reflects a discontent for agency actions that do not permit public participation. A recent appellate court case provided additional guidance to Federal agencies when using the "good cause" waiver. This case, *Utility Solid Waste Activities Group v. E.P.A.*, 236 F.3d 749 (D.C. Cir. 2001), warned agencies that the good cause exception to notice and public comment requirements is to be "narrowly construed and only reluctantly countenanced" and used only in emergency situations. The Ninth Circuit Court of Appeals, which includes Alaska in its jurisdiction, has made the same pronouncement in *Independent Guard Ass'n. of Nevada, Local No. 1 v. O'Leary*, 57 F.3d 766 (9<sup>th</sup> Cir. 1995). In another recent case, *National Resources Defense Council v. Evans*, No. C 01-0421, Aug. 2, 2001, N.D.Cal., the court found that significant agency actions with legal consequences should not be taken out of the realm of public notice and comment. The agency determination to "install" a harvest reduction measure constitutes an action with legal consequences under the APA that should receive public notice and comment.

The proposed rule could be approved only if it were changed to explicitly provide for an opportunity for public comment prior to the implementation of any harvest reduction measures. This would increase the amount of time between when the GHL is exceeded and the implementation of any harvest reduction measures.

Additionally, the APA rulemaking process would require an analysis of alternatives to the proposed harvest reduction measures recommended by the Council under the requirements of the Regulatory Flexibility Act, the National Environmental Policy Act, E.O. 12826 (the Regulatory Impact Review), and other applicable laws. Complying with this APA requirement would substantially change the proposed halibut guided fishery management program from what was originally conceived by the Council.

A second issue which may affect the implementation of the GHF is the inability of existing data collection methods to adequately monitor several of the reduction measures envisioned in the proposed rule. As described in the proposed rule, NMFS envisioned the possible use of data collection methods already employed by the State, including the Statewide Harvest Survey (SWHS), and the Saltwater Charter Vessel Logbook (Logbook). Notwithstanding the State's recent decision to discontinue the Logbook, citing concerns over the statistical reliability of the data, the proposed rule states that "the information collected by the logbook would not alone be sufficient to monitor compliance with the harvest reduction measures. NMFS would require additional information on times and dates of the end of fishing trips, as well as information identifying each individual angler and his or her total harvests aboard guided recreational vessels."

The existing SWHS also does not meet all the monitoring and enforcement data needs required by the GHF program as recommended by the Council. First, the time required to collect and compile data from the SWHS would result in at least a two-year delay when implementing or relieving frameworked harvest reductions on the guided fishery. Second, the SWHS does not collect information necessary to monitor annual harvest limits on individual sports fishermen, which is one of the harvest reduction measures recommended by the Council. Unless NMFS develops a new data collection system, this measure could not be monitored and enforced.

To proceed with either the GHF or Charter IFQ Program, a new data collection system will be required. We do not have an adequate data collection system in place now, nor do we have the specific expertise in designing a recreational fishery data collections system. Therefore, we are preparing a contract to assist us in the development of a data collection system that can gather data from the guided fishery. As noted in the proposed rule "[t]he ability of NMFS to adequately monitor and enforce a program is an important consideration when NMFS decides whether to approve recommendations of the Council."

Appendix 1 to this letter provides an example of the implementation of the GHL under the existing proposed rule structure using the SWHS. Appendix 2 provides an example of the implementation of this rule under APA rulemaking procedures using the SWHS. Appendix 3 provides an example of implementation of this rule under APA rulemaking with a new data collection system that could provide more timely data.

If the Council wishes to proceed with the implementation of the GHL, then NMFS will have to publish a new proposed rule that incorporates APA rulemaking. As described in Appendices 2 and 3, this would cause a significant delay in the implementation of harvest reduction measures when the GHL is exceeded. Similarly, action to remove harvest reduction measures once they are in place would require time consuming rulemaking. These delays compromise the original goal of the program to provide timely controls on guided fishery harvests. Given these factors, the Council may wish to consider rescinding the GHL and proceed with the proposed Charter IFQ Program. As noted in the GHL proposed rule, "[i]f approved by the Secretary, a halibut guided recreational IFQ program would supersede the management of the fishery under the GHL."

#### Charter IFQ Program

The State has discontinued the Logbook, based on concerns raised in a September 21, 2001, memorandum from the State Division of Sportfish. This memorandum stated that "data from the 1999 and 2000 logbook programs are believed to be artificially inflated and should not be used in any management decision making process" in IPHC Area 3A. Council staff are working with the State for additional clarification of these concerns.

The lack of the Logbook poses three potential problems that the Council may wish to consider. First, the lack of the Logbook further limits the existing data collection systems available for use and increases the need to develop a separate data collection method. Appendix II provides an example of the limits of using the SWHS that may exist under APA rulemaking. Second, the State's concerns over the use of Logbook data collected during one of the years on which initial allocations of quota share would be based could compromise the Council action. Third, the absence of Logbook data may make it difficult to consider "recent participation" during the Secretarial review.

Some of these questions may be addressed through additional clarification by the State of its September 21, 2001, memorandum.

As mentioned in the September memorandum, the State did plan to "provide the results of these additional analyses" to the Council.

Alternatively, the Council may wish to reconsider its proposed method for initial allocation and avoid the use of Logbook data. As currently structured, the Council's motion on Charter IFQ assigns the overall allocation to the guided recreational fleet using data from the SWHS with individual allocations made to vessel operators based on Logbook data. While this method has traditionally been used in IFQ management programs, alternative methods may be used. As an example, using Logbook data the Council could choose to allocate quota share based on the number of years of participation in the fishery rather than the specific individual harvests. While such an allocation method may not reflect past harvests, it may reduce the potential concerns about artificial inflation of data and provide a means to equitably consider recent participation. Other methods for distribution of initial quota share may also exist.

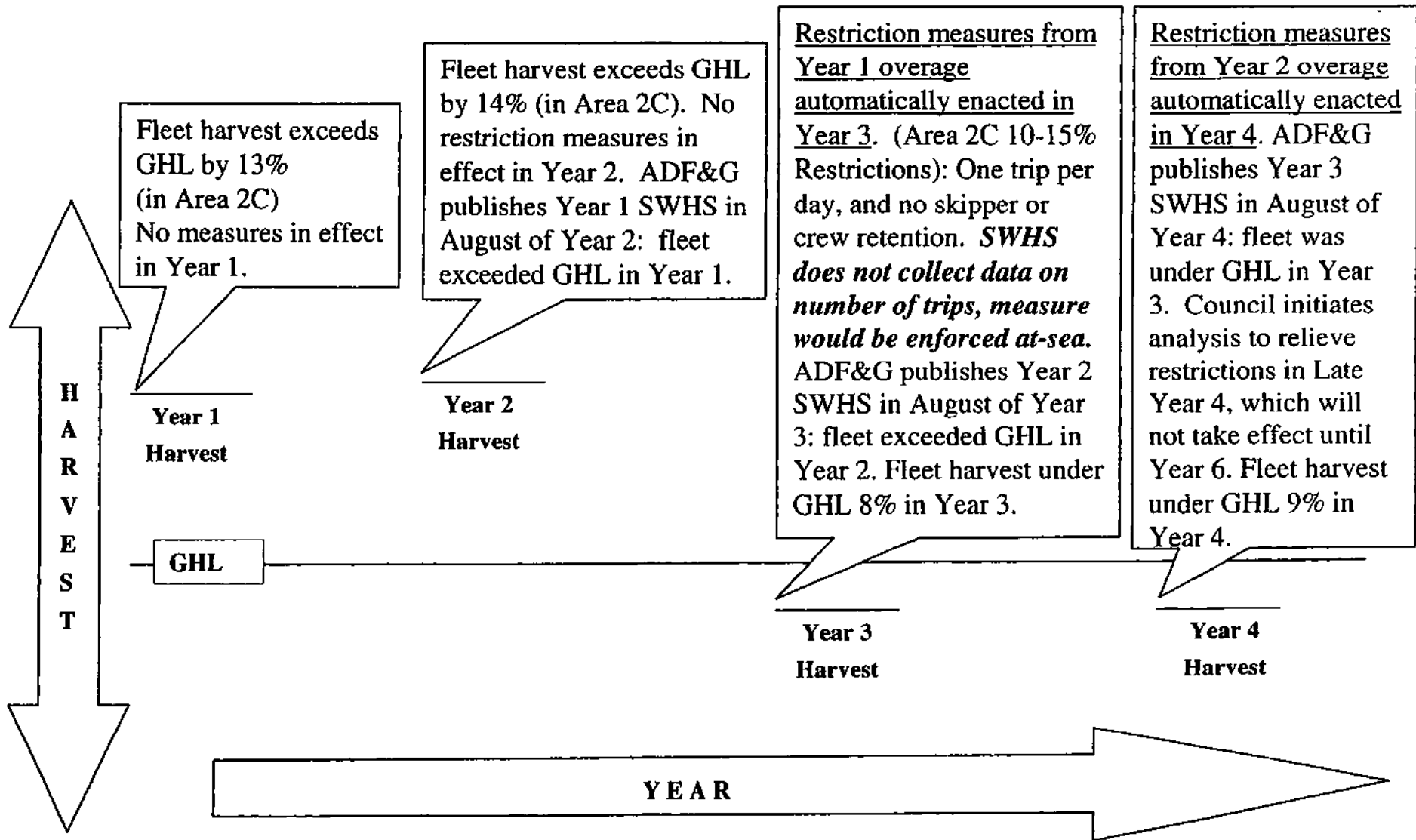
We look forward to working with the Council to address these issues and establish management measures that meet the Council's intent of controlling the harvests in the guided recreational halibut fishery.

Sincerely

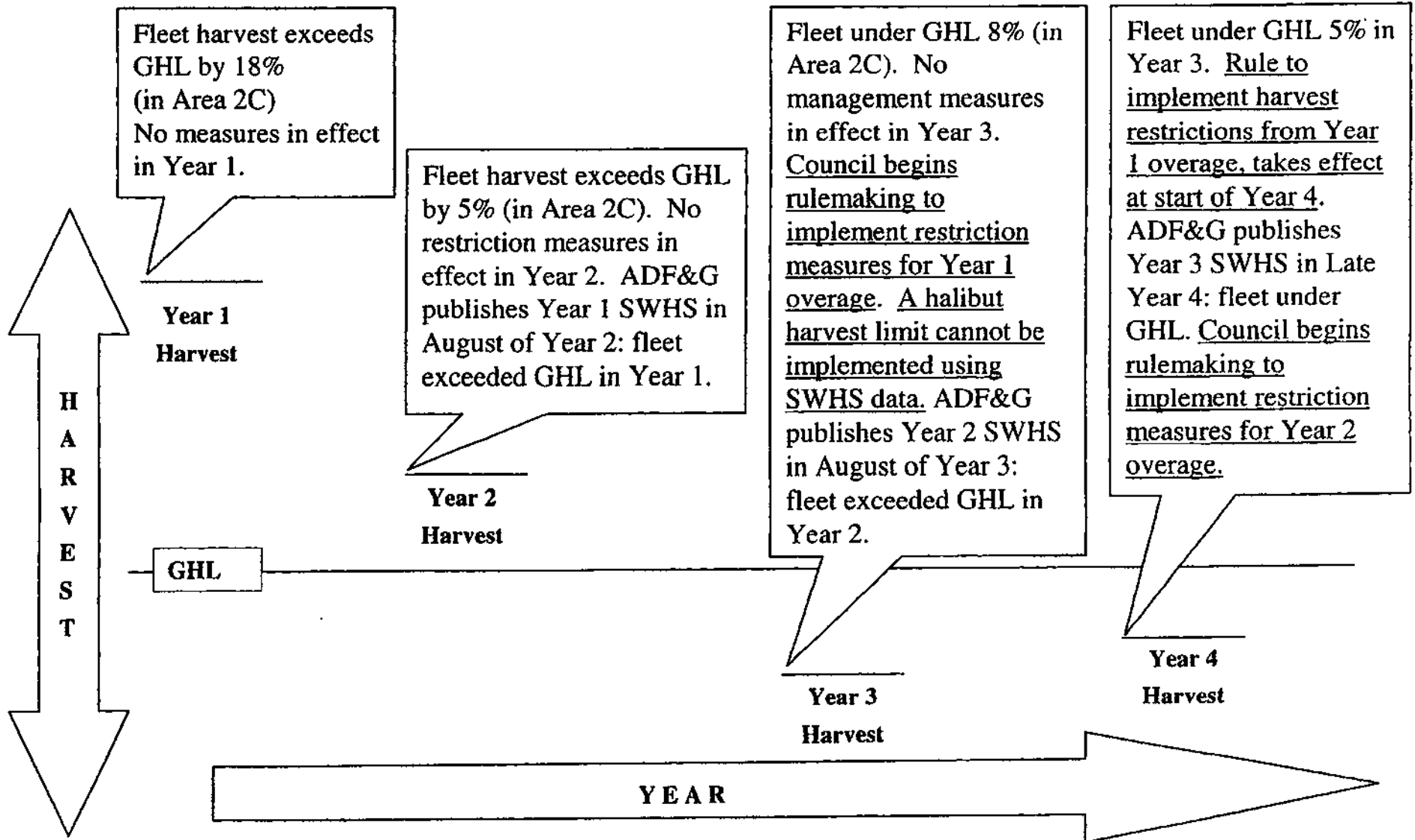


James W. Balsiger  
Administrator, Alaska Region

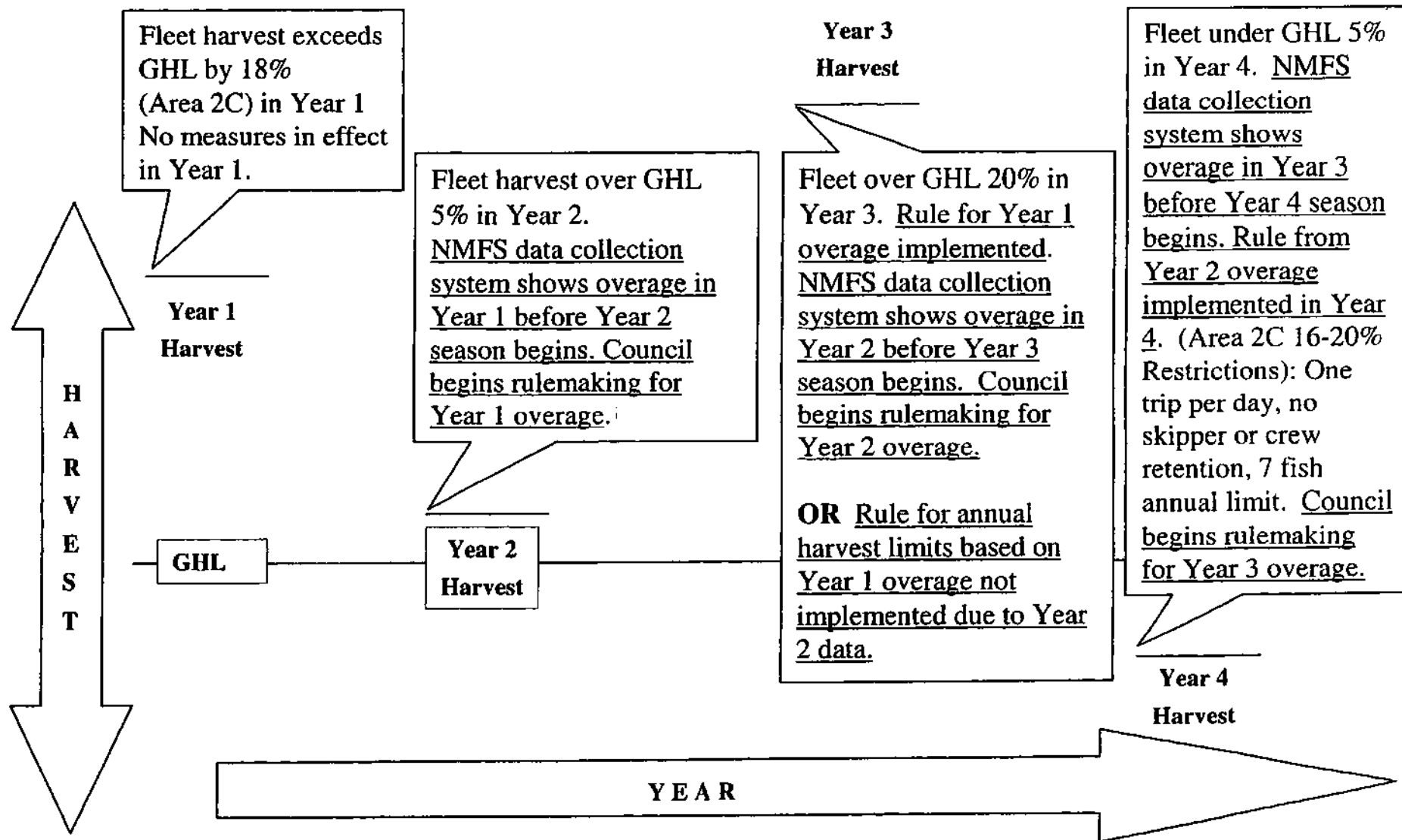
Enclosures (3)  
Appendices 1, 2, & 3



**Appendix 1: The Potential Effects of Current Proposed Rule Regulations with SWHS Data Collection System**

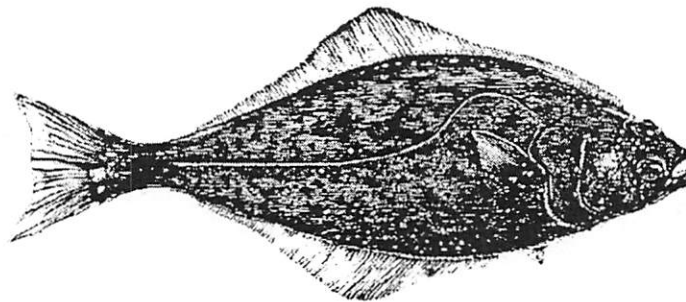


**Appendix 2: The Potential Effect of APA Rulemaking using the SWHS**



**Appendix 3: The Potential Effect of APA Rulemaking with a NMFS Data Collection System**

**Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis for a  
regulatory amendment to implement management measures under a guideline harvest level and/or  
moratorium for the charter fishery for Pacific halibut in Areas 2C and 3A**



prepared by staff:

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April 29, 2003



## EXECUTIVE SUMMARY

### SUMMARY OF SECTION 1

This analysis for a regulatory amendment assesses the potential impacts of implementing a guideline harvest level in the halibut charter fisheries in International Pacific Halibut Commission (IPHC) Areas 2C (Southeast Alaska) and 3A (Southcentral Alaska). Currently there is no limit on the annual harvest of halibut by anglers utilizing charterboats, lodges, and outfitters. Therefore, taking no action results in an open-ended reallocation from the commercial fishery to a growing charter fishery.

A commercial fishing industry group submitted a proposal in 1993 to limit the harvests of halibut charter anglers. The Council formed a committee, which developed recommendations for Council consideration. In September 1997, the Council took final action on two management actions affecting the halibut charter fishery, culminating more than four years of discussion, debate, public testimony, and analysis:

Recordkeeping and reporting requirements. The Council approved recording and reporting requirements for the halibut charter fishery. The Alaska Department of Fish and Game (ADF&G) Sport Fish Division, under the authority of the Alaska Board of Fisheries (BOF), implemented a Saltwater Sportfishing Charter Vessel Logbook (SCVL) in 1998 and included data collection requirements for halibut to comply with this requirement. Information collected under this program includes: number of fish landed and/or released, date of landing, location of fishing, hours fished, number of clients, residence information, number of lines fished, ownership of the vessel, and the identity of the operator. This logbook information is essential for the analysis of charter moratorium alternatives. It complements additional sportfish data collected by the State of Alaska through the Statewide Harvest Survey (SWHS), conducted annually since 1977, and on-site (creel and catch sampling) surveys conducted separately by ADF&G in both Southeast and Southcentral Alaska.

Guideline Harvest Levels in IPHC Areas 2C and 3A. The Council adopted GHLS for the halibut charter fishery, but only for IPHC Regulatory Areas 2C and 3A. The GHLS were based on the charter sector receiving 125% of their 1995 harvest (12.35% of the combined commercial/charter halibut quota in Area 2C, and 15.57% in Area 3A). The Council stated its intent that the GHLS would not close the fishery, but instead would trigger other management measures in years following attainment of the GHL. The overall intent was to maintain a stable charter season of historic length, using area-specific measures. If end-of-season harvest data indicated that the charter sector likely would reach or exceed a GHL in the following season, NMFS would implement the pre-approved measures to slow down charter halibut harvest. Given the one-year lag between the end of the fishing season and availability of that year's harvest data, it was anticipated that it would take up to two years for management measures to be implemented.

In December 1997, the NMFS Alaska Regional Administrator informed the Council that the Council preferred alternative of a GHL program would not be published as a regulation. Further, since the Council had not recommended specific management measures to be implemented by NMFS if a GHL was reached, no formal decision on the Council action was required by the Secretary. Therefore, the analysis was not forwarded by NMFS for Secretarial review. After NMFS notified the Council of this decision, the Council initiated a public process to identify GHL management measures that would implement the GHL program. The Council formed a GHL Committee to recommend management measures for analysis that would constrain charter harvests under the GHL.

In April 1999, the Council identified for analysis: (1) a suite of GHL management measure alternatives; (2) alternatives that would change the GHL as adopted in 1997; and (3) area-wide and LAMP moratorium options under all alternatives. The Council designed the implementing management measures to be triggered in subsequent fishing years, recognizing that (1) reliable in-season catch monitoring was not available for the

halibut charter fishery; (2) in-season adjustments cannot be made to the commercial longline individual fishing quotas (IFQs); and (3) the Council's stated intent to not shorten the current charter fishing season.

During initial review in December 1999, the Council added: (1) a change in possession limits to the management measures that it would consider to limit charter halibut harvests under the GHL; (2) an option to apply the GHL as a percentage to the CEY by area after non-charter and personal use deductions are made, but prior to deductions for commercial bycatch and wastage; (3) an option to manage GHL as a 3-year rolling average. Lastly, the Council deleted an option that would close the charter fishery in-season if the GHL was reached or exceeded. The Council further adopted the restructured alternatives as proposed by staff and recognized that the options are not mutually exclusive.

In February 2000, the Council adopted its preferred alternative. The Council also initiated an analysis to consider an IFQ program for the halibut charter fishery. Such a program would be incorporated into the commercial IFQ program and allow the quota shares and IFQs to transfer between the two sectors. It is the Council's intent that the halibut charter GHL and management measures be implemented as soon as possible. If the GHL is implemented, then an IFQ program may be approved to replace it in the future.

The alternatives considered by the Council are listed below.

**Alternative 1: Status quo. Do not develop implementing regulations.**

**Alternative 2: Approve management measures to implement the halibut charter guideline harvest level**

**ISSUE 1:** Apply GHLs to Areas 2C and/or 3A to trigger management measures as:

Option 1: Fixed percentage annually expressed in pounds.

Based on 125% of 1995 charter harvests: GHL equal to 12.35% in 2C, 15.57% in 3A.

Based on 125% of 1998 charter harvests: GHL equal to 16.39% in 2C, 12.87% in 3A.

Option 2: Fixed range in numbers of fish.

Based on 125% of 1995 charter harvests: GHL range equals 50 - 62 thousand fish in 2C;  
138 - 172 thousand fish in 3A

Based on 125% of 1998 charter harvests: GHL range equals 54 - 68 thousand fish in 2C;  
143 - 179 thousand fish in 3A

Option 3: Manage GHL as a 3-year rolling average

Option 4: Apply the GHL as a percentage to the CEY by area after non-charter and personal use deductions are made, but prior to deductions for commercial bycatch and wastage.

**ISSUE 2:** Implement management measures. None to all of the following management measures would be implemented up to 2 years after attainment of the GHL (1 year if data is available), but prior to January 1 for industry stability. Restrictions would be tightened or liberalized as appropriate to achieve a charter harvest below the GHL if a fixed percentage or within the GHL range if a range.

**ISSUE 3:** Under varying halibut abundance.

Option 1: Status quo. The GHL fixed percentage varies on an annual basis with area halibut abundance.

Option 2: Reduce area-specific GHL ranges during years of significant stock decline. The following suboptions may be instituted in a stepwise fashion, and/or used in combination.

Suboption 1: Reduce to 75-100% of base year amount when the charter allocation is predicted to exceed a specified percentage (options: 15, 20, or 25%) of the combined commercial and charter TAC.

Suboption 2: Reduce area-specific GHL by a set percentage (options: 10, 15 or 20%). The trigger for implementing the reduction would be based on total harvests and would be IPHC area-specific:

<u>Area 2C Options</u>	<u>Area 3A Options</u>
4 million lb	10 million lb
6 million lb	15 million lb
8 million lb	20 million lb

or an amount proportionate to the reduction in abundance (indicated by the CEY)

#### ISSUE 4: GHL or allocation

Option 1: Under a GHL and the current IPHC setline quota formula, halibut not harvested by the charter fleet in one year are rolled into the commercial setline quota the following year.

Option 2: Unharvested halibut would remain unharvested under a direct allocation to the charter sector.

Suboption: unharvested halibut banked in a sportfish reserve

#### ISSUE 5: Establish a moratorium for the halibut charter industry.

Option 1: Establish an area-wide moratorium

Option 2: Establish a local moratorium

Suboption: Prohibit new charter licenses upon attainment of the GHL.

The criteria for an area-wide halibut charter moratorium are:

#### Years of participation

Option 1: 1995, 1996, and 1997 IPHC and CFEC licenses and 1998 logbook

Option 2: 2 of 3 years (1995-97) plus 1998 logbook

Option 3: 1 of 3 (1995-97), plus 1998 logbook

Option 4: license or logbook in any one year (1995-98)

#### Owner vs Vessel

Option 1: owner/operator or lessee (the individual who has the license and fills out logbook) of the charter vessel/business that fished during the eligibility period (based on an individual's participation and not the vessel's activity)

Option 2: vessel

### Evidence of participation

- mandatory:
  - IPHC license (for all years)
  - CFEC number (for all years)
  - 1998 logbook
- supplementary:
  - Alaska state business license
  - sportfish business registration
  - insurance for passenger for hire
  - ADF&G guide registration
  - enrollment in drug testing program (CFR 46)

### Vessel upgrade

- Option 1: license designation limited to 6-pack, if currently a 6-pack, and inspected vessel owner limited to current inspected certification (held at number of people, not vessel size)
- Option 2: allow upgrades in Southeast Alaska (certified license can be transferred to similar sized vessel)

Transfers will be allowed

### Duration for review

- Option 1: tied to the duration of the GHL
- Option 2: 3 years
- Option 3: 5 years (3 years, with option to renew for 2 years)

**Council Preferred Alternative: Approve management measures to implement halibut charter guideline harvest levels in Areas 2C and 3A.**

**ISSUE 1:** The Area 2C and 3A GHLs are based on 125% of the average of 1995-99 State charter harvest estimates to be managed in pounds. This equates to:  
13.05% of the combined charter and commercial quota in Area 2C; or 1,432,000 lb net weight  
14.11% of the combined charter and commercial quota in Area 3A; or 3,650,000 lb net weight

**ISSUE 2:** Implement management measures using the following implementation regime for Areas 2C and 3A. These measures would be removed if harvests fall below the GHL and they are no longer necessary. If the GHL is exceeded, 0-20% reduction measures (e.g., trip limits, prohibiting harvest by skipper and crew) would be implemented in the season following the overage. In years of >20% overage, measures that are projected to achieve 0-20% reduction in charter harvest would be implemented in the following season and measures that are projected to achieve >20% reduction in charter harvest (e.g., annual limits, one fish bag limit in August) would be implemented one year later to allow for verification of charter harvest. The regulations would establish a framework process to review and adjust the management measures in the event of an overage and to evaluate their efficacy to determine if subsequent action is necessary.

Area 2C Management Tools	
Required Reduction	Management Tool
<10%	Trip Limit
10% - 15%	Trip Limit
15% - 20%	No Harvest by Skipper + Crew
	Trip Limit
20% - 30%	No Harvest by Skipper + Crew
	Annual Limit of 7 Fish
	Trip Limit
30% - 40%	No Harvest by Skipper + Crew
	Annual Limit of 6 Fish
	Trip Limit
40% - 50%	No Harvest by Skipper + Crew
	Annual Limit of 5 Fish
	Trip Limit
>50%	No Harvest by Skipper + Crew
	Annual Limit of 4 Fish
	Trip Limit
	One Fish Bag Limit in August

Area 3A Management Tools	
Required Reduction	Management Tool
<10%	Trip Limit
10% - 20%	Trip Limit
	No Harvest by Skipper + Crew
20% - 30%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 7 Fish
30% - 40%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 6 Fish
40% - 50%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 5 Fish
>50%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 4 Fish
	One Fish Bag Limit in August

**ISSUE 3:** Under varying halibut abundance:

Regulations would reduce the area GHLs in proportion to reductions in area abundance (as determined by the IPHC) based on the average of 1999-2000 in a stair-step fashion. The first step reduction is 15% (e.g., from 1.40 to 1.19 M lb in Area 2C), additional 10% step reductions would occur as needed (from 1.19 to 1.07 M lb). This approach is responsive to changes in abundance. The stair-step smooths out the problem of annual variation posed by a strict percentage-based system. When the abundance returns to the pre-reduction level, then the GHL would step back up (e.g., from 1.19 to 1.40 M lb in Area 2C).

**NMFS Preferred Alternative.** Implement a Guideline Harvest Level for the charter halibut fishery that sets a ceiling level of 1,432,000 lb net weight in Area 2C and 3,650,000 lb net weight in Area 3A (and a formula for reductions in times of lowered halibut abundance) which triggers notification to the Council when a GHL is reached. (NMFS preferred alternative)

NMFS would issue a final rule to implement a GHL for managing the harvest of Pacific halibut in the charter fishery in Areas 2C and 3A. This proposed policy would serve only to notify the Council that a specific level of charter harvests has been achieved. The GHL would establish a pre-season estimate of acceptable annual harvests for the halibut fishery in Areas 2C and 3A. It is similar to Alternative 1, the no action alternative, in that no regulatory action results from the Secretarial action. Alternative results in publication of the area GHLs in the *Federal Register*, the development of a data collection program and the requirement that NMFS send a notification to the Council 30 days after it identifies that an area GHL has been reached.

## SUMMARY OF SECTION 2

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 would not affect the harvest of halibut or the status of the stock. 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 alternatives, including the NMFS preferred alternative to notice the GHLS for Areas 2C and 3A in the Gulf of Alaska, require a letter of notification be sent to the Council by the NMFS Regional Administrator, would not significantly affect the quality of the human environment.

## SUMMARY OF SECTION 3

The two main criteria that determine if and when a GHLS would be reached or exceeded are: 1) the status of current and future halibut biomass; and 2) charter effort and projected growth of harvest. Section 3 provides the baseline data from the 2000 IPHC halibut stock assessment and summaries of halibut harvest and participation data by fishery sector and area from ADF&G statewide harvest surveys, guide and business registration, port sampling, creel surveys, and saltwater charter vessel logbook program. These data are used to prepare the regulatory impact review. Lastly, halibut biomass and charter fishery projections as presented to the Council in 1993 and 1997, and as currently updated in 1999, are discussed. No new information is available that would affect the conclusions drawn in this analysis regarding the NMFS preferred alternative, or other rejected alternatives.

### Biology and total removals of Pacific halibut in Areas 2C and 3A

The halibut resource is healthy and total removals are at record levels. The IPHC stock assessment model continues to show a strong 1987 year-class. No strong year-classes are following, indicating that recruitment and ultimately, biomass, have peaked. Changes for Areas 2C and 3A over the past several years occurred as a result of changes to the stock assessment model more than as a result of biological changes. In 2000, the IPHC reduced the commercial quotas for Areas 2C and 3A by 20% and 26%, respectively. Substantially lower estimates of exploitable biomass were due mostly because the 1999 assessment corrected setline survey catch rates in the 1990s for the much greater effectiveness of all-salmon bait than the mixed bait used in the 1980s, and continued declines in both recruitment and weight at age. In 2001, this change in methodology was determined to not be necessary and quotas were modified accordingly. The halibut biomass was essentially unchanged in 2002 and 2003.

Total landings in 1998 were among the top five highest years, at over 94 million pounds. Halibut harvests in Area 2C totaled 12.9% and 75% of total removals for the charter and commercial fisheries, respectively. In Area 3A, those fisheries harvested 9.3% and 75%, respectively, in 1998. Non-charter halibut anglers harvested 6.9% and 5.6% in Areas 2C and 3A, respectively. In 1999, total landings increased to over 98 million pounds. Halibut harvests in 1999 in Area 2C totaled 8.0% and 80.5% of total removals for the charter and commercial fisheries, respectively. In Area 3A, those fisheries harvested 9.6% and 77.3%, respectively, in 1999. Non-charter halibut anglers harvested 6.5% and 6.4% in Areas 2C and 3A, respectively.

### Projections of halibut biomass and quotas in Areas 2C and 3A

In 1993, ADF&G and IPHC staff reported that the coast-wide exploitable halibut biomass declined by 25% from 1988 to 1992, from 359 to 266 million pounds. In 1993, exploitable biomass was declining at about 10% per year. Continued biomass decline was predicted during 1993-97 at annual rates of 9, 7, 5, 3, and 1% per year. Halibut biomass was then predicted to increase from 1998 through 2000 at 1, 3, and 5% per year, respectively, due to increasing recruitment.

The 1997 Council analysis projected that, using an overall exploitation rate of 18% in 1998 and 20% every year thereafter, the expected halibut biomass would decrease by 32%, from an estimated 429 million pounds in 1998 to 292 million pounds in 2008 for the combined Areas 2A, 2B, 2C, 3A, and 3B. The projections had very wide confidence intervals due to environmental conditions. They predicted a substantially slower decline in exploitable halibut biomass than originally estimated in the 1993 report.

The 1993 and 1997 projections of exploitable halibut biomass were compared with actual levels in 1994-98. Actual levels appear to fall within the projected range for 1997 and 1998 in the 1997 Council analysis and are substantially higher than the 1993 ADF&G and IPHC projections. In fact, the actual exploitable biomass levels in 1997 and 1998 are only slightly above the *expected value* of the 1997 projections. The 1997 projections appear to be appropriate to continue estimating future exploitable biomass levels in the near term.

Since the development of these projections, the IPHC stock assessment model was modified to account for an apparent 20% decrease in the length-at-age of halibut. The end result of all the changes to the IPHC model is that both halibut biomass and recruitment are considered to be *higher* than that estimated under previous stock assessments. These estimates are a result of changes to the IPHC model and not due to changes in the halibut stock. That is, it was not so much that the halibut stock increased as that the IPHC stock assessment could now detect the level more accurately. In 2000, the IPHC further reduced the commercial quotas for Areas 2C and 3A by 20% and 26%, respectively, due to bait changes, and continued declines in recruitment and weight at age.

In the absence of additional model changes, short-term fluctuations in exploitable biomass, and therefore in catch limits, should be small. Recruitment represents a small fraction of the exploitable biomass, therefore, has a small annual effect. Increased selectivity over ages 8- to 12-yrs accounts for the majority of biomass added annually to offset natural mortality. The very large exploitable biomass relative to recruitment buffers the population from changes. However, because exploitable biomass has been at a high level, and because recruitment has declined over the past several years, lower exploitable biomass is more probable than higher exploitable biomass for the next five years.

#### Current charter harvest levels and projected growth

The expected pattern for the halibut charter fishery is continued growth in the number of halibut taken, but little change in average weight. Little change occurred in charter halibut harvest (in pounds) from Area 2C during 1994-96 (an average of 970,000 lb net weight). A 12% drop to 853,000 lb occurred in 1997, followed by a near doubling of harvested biomass (1.77 M lb) in 1998. The 1998 logbook data confirmed this estimate. Two significant changes occurred in the Area 2C halibut charter fishery between 1997 and 1998: 1) the number of halibut harvested increased by 45%; and 2) the average weight of halibut increased by 43%. Less change occurred in the Area 3A halibut charter fishery between 1998 and 1999 than occurred in Area 2C: 1) the number of halibut harvested was approximately the same despite a decrease of 20% in client angler-days; and 2) the average weight of halibut decreased by only 6%. A recent State report that halibut charter harvests estimates 16% and 14% below the recommended GHL for Area 2C and 3A, respectively. Average net weight of fish were roughly the same in 1999 and 2001 for both areas.

#### Current charter participation and projected growth

The number of unique active businesses and vessels was consistent for Area 2C, with 397 and 386 businesses and 581 and 588 vessels in 1998 and 1999, respectively. "Active" is defined as having reported bottomfishing effort on the logbook form. Approximately 87% of registered businesses and vessels in both years were owned by Alaska residents as indicated by permanent mailing address. For Area 3A, the number of unique active businesses was slightly higher in 1999 at 434 than 1998 at 422 as indicated by logbook data. The number of unique active vessels was also slightly higher in 1999 at 501 than 1998 at 480. Approximately 96%

of Area 3A registered businesses and vessels in both years were owned by Alaska residents as indicated by permanent mailing address.

A cursory comparison of businesses and vessels actively participating in the halibut charter industry would indicate that growth is flat, despite only two years of logbook data and the newness of the mandatory logbook requirement. A more detailed examination of active vessels in Section 4, however, identifies approximately 350 of the 1999 vessels as unique to that year (175 in each area). This indicates considerable exit and entry in this fishery between 1998 and 1999.

A total of 2,424 Alaska residents and 37,976 non-residents were Area 2C saltwater (all species) charter clients in 1998. Non-residents comprised between 86% and 100% of clients, with an average of 94% for all. Estimates for 1994-97 are not currently available. A total of 30,255 Alaska residents and 53,519 non-residents were Area 3A saltwater charter clients in 1998. Non-residents comprised between 56% and 93% of clients, with an average of 64% for all ports in the area.

The 1997 Council analysis provided revised projections of the growth rate of the charter industry. Charter removals of halibut (total net weight of halibut) were expected to continue to increase, but at a declining rate. The analysis also stated that the total sport harvest of halibut had been increasing more slowly than prior reports indicated, averaging 6.4% annually from 1990 to 1995. There is considerable variation, however, in growth rates of harvest between fully capitalized locations in Alaska and those that are newly accessible. In addition, while the growth rate of halibut biomass taken in the sport harvest was averaging about 15% at the start of the 1980s, in 1997 it was reported to be substantially lower, about the same as the growth rate of the number of halibut harvested.

The 1997 Council analysis assumed two widely divergent bounds of higher and lower projections of the growth rate of charter removals of halibut. In 1995, the charter fishery accounted for 9.2% of the combined commercial/charter catch for all areas. Based on the expected values of halibut biomass discussed above, the analysis translated the 1997 projections of charter growth into charter share of the *total* halibut harvest at right for combined areas. The projected growth rate was 10.2% in Area 2C.

The actual growth rate for the halibut charter and non-charter fishery from 1990-95 was similar to the 6.4% growth rate reported in the 1997 Council analysis. From 1990-95, the combined sport fishery in Area 2C had a growth rate of 7.1%. This analysis updates this information; the average annual growth rate based on SWHS for Area 2C for 1994-98 was actually 10.8%, with wide variance between years. Halibut harvest increased 45% between 1997 and 1998. The 1998 logbook verified this estimate, but the logbook program did not exist in 1997 to verify the 1997 SWHS estimate. It is believed the SWHS may have underestimated charter catch and harvest in earlier years.

The actual growth rate for the halibut charter and non-charter fishery from 1990-1995 did not reflect the linear increase as projected by ADF&G and IPHC in 1993, but was more similar to the 5.4% growth rate reported in the 1997 Council analysis. For 1990-1995, the combined sport fishery in Area 3A had a growth rate of 6.3%. The average annual growth rate based on SWHS for Area 3A for 1994-98 (5.1%) matched the 1997 projection.

In summary, a comparison of projected and actual rates of growth of the charter harvest with the combined charter/commercial harvest in Area 2C indicate that the projections from the 1997 Council analysis appear to reflect actual trends for 1994-98. Still two years shy of the 2000 projections, actual growth is bounded within the lower growth and higher growth projections. Actual growth for 1994 through 1998 in Area 3A appears to best approximate the lower growth rate projections for 2000 from the 1997 Council analysis. Therefore, it is appropriate to continue to use these projections to characterize future growth in the Area 2C charter fishery in the near term.



One of the principal factors in charter growth is directly related to tourism, particularly in Area 2C where nearly all charter clients are non-residents. The number of visitors to Alaska has grown over the past two decades, although the rate of growth has been declining in recent years. Annual growth in visitation averaged 10% between 1989 and 1994, and 12% each year for 1993 and 1994. Between 1994 and 1996, growth slowed to less than 6% per year, and since 1997, to less than 3% per year. The 1998 *summer* season marked Alaska's lowest growth rate in a decade at 1.3%, or about 1.1 million visitors, between May and September 1998. Recent years represent a substantial deviation from the 7.2% average *summer* growth seen since 1989. This slower, decreased rate of growth is predicted to continue for the next two to three years.

#### Baseline economic data for charter fishery

The monetary contribution that the guided halibut fishery makes to regional economies requires information on angler expenditures, effort (time spent fishing), and the portion of overall expenditures that are attributable to fishing. Information used in this study was primarily derived from a mail survey targeting persons sport fishing on the Kenai Peninsula conducted by Lee et al. (1999), and analysis of that data conducted by Herrmann (1999). Alaskan residents tended to take more and longer trips than non-Alaskan residents, but spent less money per day. Alaskan residents also caught fewer halibut per day (1.69) than non-Alaskan residents (2.04).

#### Angler expenditures

Angler expenditures are divided into fishing and non-fishing categories. Fishing expenses include items such as tackle, charter fees, and clothing. Non-fishing expenses cover daily living and transportation costs of the fishing trip. The expenditures in this analysis are based on information from the 1997 and 1998 fishing years.

#### Average angler expenditures for Cook Inlet marine sport fisheries

Overall the average daily travel and living expenditures for Alaska and non-Alaska residents were \$44 and \$101, respectively. Fishing costs for Alaska and non-Alaska residents were \$47 and \$138, respectively. The values for Alaska residents were much lower because trips where fishing occurred on private boats and from shore were included in the data as well as charter trips. When the estimates were made for charter trips only, the fishing expenditures for Alaskan (\$141 - the charter itself cost \$128) and non-Alaskan (\$208 - the charter itself cost \$142) residents were closer to being equal.

Effort information from the 1998 and 1999 ADF&G logbooks were then combined with the daily fish expense information. Combining these two sources of information assumes that effort data from one year can appropriately be applied to expenditures from another year. The resulting values indicate that about \$19.3 million were spent as a result of charter fishing for halibut in the Cook Inlet off the Kenai Peninsula, during 1998. Of the \$19.3 million, \$4.6 million (24 percent) were spent by Alaskan residents and \$14.7 million (76 percent) by non-Alaskan residents. About 81 percent of the money spent in Alaska was spent within the Kenai Peninsula. Expenditure estimates for 1999 were similar to those for 1998, because effort estimates from the 1999 log books were similar to those in 1998.

#### Applications to 3A

Average angler expenditures from the Cook Inlet study were applied to area 3A as a whole, but required some broad assumptions regarding characteristics of the area 3A ports. Ports in area 3A that may well have similar characteristics to the Cook Inlet ports are places like Seward. Charter clients can drive to Seward and it offers the similar living opportunities/cost structures to places like Homer. Yakutat, on the other hand, does not fit as well. Clients would be required to fly into Yakutat to fish, and the cost of living maybe higher. These differences mean that applying the Cook Inlet expense structure to Yakutat may yield misleading results.

However, overall it is thought to be reasonable to apply Cook Inlet expenses to charter ports in 3A as a whole, since the Cook Inlet ports (and ports similar to the Cook Inlet ports) make up the majority of charter effort in area 3A.

Fishing expenditures in Cook Inlet attributable to halibut charter fishing were \$15.0 million in 1998 (total expenditures were \$19.3 million). In area 3A as a whole, \$18.0 million was spent on fishing expenditures attributable to the halibut charter fishery.

#### Applications to 2C

The distribution of clientele residency, between transportation cost to get to the port, reasons for being in the port (vacation versus fishing) are different area 2C and 3A. Each of these factors change the expenditure patterns of charter clients. Because the cost structure of taking a charter trip in area 3A and 2C are thought to be very different, the expenditure information from the Cook Inlet study has not been applied to area 2C. Some basic information on the cost of a charter trip is presented for area 2C. Those data indicate that the prices paid for a charter trip are higher in area 2C than in 3A. Trips out of Juneau, for example, are reported to cost \$150-\$220 per person (85 percent of the trips are for salmon), with the average trip costing \$180. Half-day trips have been quoted from \$150-\$190 per person, but these trips are likely only for salmon, because of the travel time to reach the halibut fishing grounds. In Petersburg, trips were quoted as costing \$165-\$170 per day.

#### Commercial fisheries

Since 1977, the total commercial fishery catch in Alaska has ranged from 16 to 61 M lb. Beginning in 1981, catches began to increase annually and peaked in 1988. Catches have since declined, reaching a low of 44 M lb in 1995. The 70 M lb harvest in 1998 represented an 8% increase over 1997. Bycatch mortality, i.e., the catch of halibut in other groundfish fisheries, is the second largest source of removals from the stock, totaling approximately 13 M lb in 1998.

#### Current commercial harvest levels and projected growth

Area 2C has the second largest commercial halibut quota in Alaska. Peak area catches occurred in 1988 at 11 M lb. Since the beginning of the IFQ fishery, area 2C halibut harvests have ranged between 7.5 and 10.0 M lb. During 1999, the 10 M lb quota was landed in 24 ports. Eighteen were located in Alaska and accounted for 96 percent of Area 2C landings. Four were located in Washington state, one in Oregon, and one in Canada. In total, 3,448 separate halibut landings were made by vessels harvesting Area 2C halibut in 1999.

Area 3A has the largest commercial halibut quota in Alaska. Since the beginning the IFQ fishery, area 3A halibut harvests have ranged between 18 and 26 million pounds. The Area 3A quota peaked in 1988 at 38 M lb. During 1999, the 25 M lb quota was landed in 31 ports. Twenty-three ports were located in Alaska and accounted for over 96 percent of the landings. Five were located in Washington state, two in Oregon, and one in Canada. In total, 3,448 separate halibut landings were made by vessels harvesting area 3A halibut in 1999.

#### Current commercial participation

A total of 1,734 persons held quota share (QS) in Area 2C at the end of 1998, down 27% from initial issuance in 1995 (2,386 persons). More than half of Area 2C QS holders hold QS in amounts  $\leq$  3,000 (1998) pounds. The number of shareholders decline with increasing size of QS: 28%, 15%, and 4% hold QS between 3-10 thousand lb, 10-25 thousand lb, and  $>$  25 thousand lb, respectively. The majority of consolidation has occurred in persons holding less than 3,000 pounds of quota. Some consolidation of QS was expected when

the IFQ program was approved. However, the Council did implement measures to ensure that small participants remained in the fishery. Those measures appear to have been successful.

A reduction of about 500 QS holders (about one-third of the initial recipients) has taken place in that class from the time of initial issuance through 1998. The number of persons holding more than 3,000 pounds of halibut quota has tended to remain more stable. However, the overall trend is for the number of persons in the smaller classes to shrink with the larger classes remaining stable or increasing.

A total of 2,348 persons held QS in Area 3A at the end of 1998, down 23% from initial issuance in 1996. Approximately half of Area 3A QS holders hold QS in amounts  $\leq$ 3,000 (1998) pounds. The number of shareholders decline with increasing size of QS: 22%, 16%, and 13% hold QS between 3-10 thousand lb, 10-25 thousand lb, and  $>$  25 thousand lb, respectively.

About 82 percent of Area 2C QS holders are Alaska residents who hold about 84 percent of the halibut quota in 2C. The remaining QS is held by residents of 18 other States or Canadian residents. Seventy-six percent of QS holders that were not initially issued QS for halibut are Alaskan residents, as of year-end 1998, with the remaining 24 percent being non-residents. Nearly 15% of Area 2C QS were held by crew members. This indicates a fairly high rate of "buy-in" to the fishery by Alaskan residents. A small amount of acquired QS has been purchased by crewmen.

About 79 percent of Area 3A QS holders are Alaska residents; they held 64 percent of the 3A QS. Washington residents held over 24 percent of the QS, while only accounting for 12 percent of the people holding QS. Oregon residents held over 7 percent of the QS. Seventy-two percent of Area 3A QS held by non-initial recipients of quota are Alaskan residents, with the remaining 28 percent held by non-residents

A total of 836 vessels landed IFQs in Area 2C at the end of 1998. Consolidation has been occurring, with 1998 vessels down 24 percent from initial issuance and 53 percent from 1992. More than half of all vessels participating in the halibut IFQ program landed IFQs in Area 2C. A total of 3,118 landings were made by the vessels operating in Area 2C during 1998. On average, each vessel made about 3.7 landings. The 3,118 landings in Area 2C accounted for approximately 44 percent of all landings in the 1998 halibut fishery.

A total of 899 vessels landed IFQs in Area 3A during 1998, down 47 percent from initial issuance and 53 percent from 1992. Approximately 56 percent of all vessels participating in the halibut IFQ program landed IFQs in Area 3A. A total of 2,919 landings were made from fish harvested in Area 3A during 1998. Area 3A accounted for approximately 41 percent of the number of statewide halibut landings.

Catcher/sellers were the most common type of buyer permit issued in Area 2C. However, only 54 of the 587 catcher/seller permits were used to purchase halibut in 2C. The next largest category was shoreside processors. A total of 128 shoreside processor permits were issued for all of Alaska and 30 permits were used to purchase halibut in Area 2C.

Only 208 of the 859 registered buyer permits were used to purchase halibut in Area 3A during 1998. Most of the buyers that did purchase Area 3A halibut were in the catcher/seller (129 buyers) and shoreside processor (61 buyers) categories. No other category had more than seven active buyers in 1998.

#### Background Economic Information on the Commercial Halibut Fishery

Ex-vessel prices for halibut in the commercial fishery increased statewide from 1992-96. The statewide average price of halibut in 1992 was \$0.98 and increased to \$2.24 in 1996. In 1997 the price dropped slightly to \$2.15, then fell sharply to \$1.26 in 1998. The large decrease in price for the 1998 fishing year reflected an overall decrease in fish prices that year were at least partially a result of weak Asian economies.

Ex-vessel halibut revenue in areas 2C and 3A were \$12.2 and \$52.3 million, respectively, in 1997. Revenues dropped to \$12.1 million (2C) and \$31.1 million (3A), in 1998. The decrease in revenue was primarily a result of the drop in ex-vessel price, as harvest amounts were fairly stable.

First wholesale prices also decreased from 1997 to 1998. Head and Gut products dropped from \$2.67 per pound in 1997 to \$1.91 in 1998. Overall the average wholesale price per pound across all product forms was \$2.77 in 1997 and \$2.05 in 1998.

First wholesale revenues were derived from the Commercial Operator Annual Reports. Those data indicate that revenues at the first wholesale level increased from \$76 million in 1995 (the first year of the IFQ program), to \$130 million in 1997. In 1998, revenues declined to \$93 million.

The value of a unit of QS and its standardized value in terms of pounds of fish are reported for 1995-98. These data were derived from the RAM transfer files, and are reported in CFEC's 1999 IFQ study. QS prices increased from 1995-97 and then fell in 1998. This is the same trend that was observed for ex-vessel and first wholesale prices. The mean price of a pound of IFQ in area 2C was \$7.58 in 1995 and \$10.14 in 1998. This is a price increase of about 34 percent. In area 3A the price increased from \$7.37 in 1995 to \$8.55 in 1998, or a 16 percent increase. Therefore the relative IFQ transfer price has increased faster in Area 2C than in 3A.

Commercial fishery costs were estimated for the halibut 1996 halibut fleet using a engineering and key informant approach. The results of that study indicated that a total of 132,160 skates were set in 1996, across IPHC Areas 2C-4E. The cost of fishing that gear was estimated to be \$2.2 million in setting/retrieving costs, \$0.9 million in fuel, \$0.9 million in bait, and \$0.4 million in gear replacement costs. Processing and shipping costs were also estimated in that study. The costs varied depending on whether the product was sold fresh or frozen and the port the processing occurred. In general, processing costs were assumed to be \$0.30 per pound for fresh halibut and \$0.50 for frozen. Shipping costs varied by port, but the cost of shipping halibut fresh was 4 to 5 times a much as shipping frozen product.

#### SUMMARY OF SECTION 4

##### GHL program proposed under Council preferred alternative

Data limitations and time constraints prohibit the development of a full complement of quantitative models to estimate net benefit and impact assessments of the halibut charter and commercial fisheries. Section 4 assimilates data and results collected from a number of ongoing studies that shed some light on the current economic characteristics of the commercial and sport charter halibut fisheries. Findings relating to the charter fishery are limited in geographic scope to the Cook Inlet portion of the Kenai Peninsula. This information may sufficiently characterize the Area 3A fishery; however, it is not appropriate to extrapolate these findings to 2C. While the information provides only a fragmented description of the economics of the halibut charter and commercial industries, it points out the directional implications of benefits and impacts affected by a GHL and/or moratorium.

##### Demand for commercially caught halibut

Herrmann (1999) reviewed the available literature on demand studies for commercially caught halibut. Applying these results to describe present day conditions is problematic not only because the data relied upon is dated, but also because of recent structural changes in the fishery, effects of which are difficult to isolate. These include adoption of a quota style management regime and drastic increases in the TAC.

To explain and describe current halibut demand at the ex-vessel level, Herrmann begins with a simple model for expository purposes and later updates and adapts a demand model from Lin et al. (1988) to generate more

reasonable measures of elasticity, and the inverse of price elasticity: flexibility. Price flexibility, that is the relative change in price resulting by a change in quantity, is useful for predicting how quantity changes affect total revenues to harvesters. Herrmann found commercial demand at the ex-vessel level to be relatively inflexible, meaning that an increase in harvests would be met, all else the same, with a less than proportional decrease in price. This implies that the halibut market is not yet saturated at the ex-vessel level. However, without better information on operator costs, we cannot conclude that increased total revenues due to increased harvests would translate into a net revenue gain.

Estimating demand at the consumer level is theoretically possible given the ex-vessel demand and sufficient information on marketing margins and the price and quantities of the various product forms at the retail level. However, the scarcity of such data precludes accurate estimation of retail level demand.

#### Stated preference (contingent valuation) model for marine sport fishing off of the Kenai Peninsula

The value of a sport caught halibut off of the Kenai Peninsula is the topic of a forthcoming work that relies on data elicited by survey in Lee et al.(1999a). Results of two methodologies will be compared to provide a range for the value of sport caught halibut. These results will not likely be available until early 2000.

#### Participation rate model for recreational halibut fishing off of the Kenai Peninsula

A working paper by Lee et al. (1999b) provides a model that predicts how angler participation changes in response to changes in fishing attributes, such as the cost of the average trip and/or the expected catch and size of halibut and salmon. The results of simulations where price (cost) and catch were varied is presented, as well as elasticity estimates derived from these simulations. Overall, anglers are predicted to respond inelastically to changes in per day fishing costs. For all prices, Alaskans respond more sensitively to price changes than do non-residents. Likewise, changes in halibut catch effect a relatively inelastic response in participation.

#### Angler net benefits

The participation rate model can also be used to estimate the average net benefit to anglers of fishing for halibut, although we can't isolate charter related benefits from all other halibut opportunities. The average Alaskan angler in the Cook Inlet halibut fishery off the Kenai Peninsula realizes \$61 worth of benefits above and beyond their daily costs, whereas non-residents gain \$59 of net benefits on average. These figures are used to arrive at an aggregate measure of net benefits for charter clients in the Cook Inlet portion of the Kenai Peninsula fishery given estimates of resident and non-resident effort. In 1998, the combined net benefits are estimated at \$3,603,929. Given annual angler expenditures of \$19,320,943, the total value of this fishery is estimated at \$22,924,872. In order to derive net benefits from the fishery, we would have to subtract the costs associated with providing charter trips. Marginal cost data is not currently available, making it difficult to estimate the net benefits to charter operators.

#### Quota share prices as proxy for expected net benefits to commercial fishing sector

Though adequate cost data for the commercial sector is not available, a measure of the capitalized net benefits expected by commercial operators can be gleaned from the market price of halibut quota shares. However, even though the price of quota shares can be related to the present value of expected producer surplus, it does not necessarily reflect the accrual of that surplus to quota share holders because only some of these were awarded quota (and hence received a windfall) whereas others purchased it. Therefore, this complicates estimation of total producer surplus.

#### Expenditure based economic impacts of the Cook Inlet halibut charter fishery to the western Kenai Peninsula

Based on expenditure data collected in the Lee et al. (1999a) survey, input-output (I/O) modeling was performed to gauge the impacts of angler expenditures attributable to the halibut charter fishery on the western Kenai Peninsula. After accounting for the direct, indirect, and induced effects of angler expenditures, the fishery contributes a total of \$22,560,637 worth of sales (output), \$9,259,417 worth of income, and 738 jobs to the regional economy (western Kenai). Note that these jobs are not full-time equivalents, but include seasonal and part-time positions. The economic impacts of incremental changes to halibut catch and the average daily cost of taking a trip are also provided in tabular form.

#### Moratorium program under a rejected alternative

Information from ADF&G Sport Fish Division, charter associations, and earlier estimates from ISER indicate anywhere from 450 to 600 'active' charter vessels. In 1998, there were 1,085 vessels which participated in the logbook program with saltwater bottom fish activity (581 in Area 2C and 504 in Area 3A). No attempt was made to determine how many of those were 'full-time' operators. That number increased to 1,108 in 1999 (588 in Area 2C and 520 in Area 3A), with approximately 350 of those vessels being unique to 1999, indicating considerable entry/exit in this fishery from 1998-1999.

Earlier estimates from the 1997 study indicated that 402 'full-time' charter vessels, each operating at 50% load factor (operating 75% of available days at 66% seat capacity) could have taken the 1995 charter fleet harvest. Given the 1998 harvest level (an increase of about 30 % over 1995 levels for total Area 2C and 3A pounds harvested, and 15% increase in total numbers of fish harvested), the estimate of full-time equivalent charter vessels would be between 462 and 522 vessels, without taking into account changes in the average weight of fish harvested.

The alternatives under consideration would qualify between 497 and 694 vessels, if 1998 logbook participation is required. These numbers are substantially less than the numbers actually participating in 1998 and 1999, based on the logbook information. Option 4 only requires participation in any year 1995-1998 and would qualify 2,073 vessels. Allowing supplementary information for qualification (other than IPHC license and/or 1998 logbook) could increase the number of qualifying participants.

The calculations were based on vessel participation history as opposed to individual (owner) participation history. However it is likely that the vessel numbers shown will closely approximate total permit numbers if the Council chooses to base qualification on owner participation history. Nevertheless, this decision is among the most critical with regard to a moratorium, in terms of granting permits to the appropriate recipients and minimizing disruption to the charter fleet in the initial allocation of permits; i.e., in many cases the current owner of a particular qualifying vessel may not be the individual owner associated with the vessel's qualifying catch history.

Although the total harvest capacity of the fleet is difficult to estimate, the currently licensed fleet (based on 1998 logbooks) has a harvest capacity well above the current harvest level, and even the currently active fleet is probably not operating at its maximum capacity. The presence of excess harvest capacity reduces the effectiveness of a moratorium and the ability to predict when it may become constraining on harvest. Only when latent capacity is filled would a moratorium become effective at maintaining harvest within the GHL.

Client demand may be the more effective limiting factor on growth in this industry sector than a moratorium, or a moratorium and quota limit, depending on where the limit is set.

The more restrictive moratorium options being considered may result in an effective moratorium; i.e., along with other management measures, may be effective at keeping the charter fleet within a GHL. This is particularly true if the GHL is set at a level higher than the current harvest level, and/or if it is set at a fixed

poundage. A GHl based on a floating percentage, combined with declines in overall halibut biomass, reduce the likelihood of the moratorium's effectiveness; i.e., at low GHl levels, there likely will be excess capacity relative to that GHl under all options.

A moratorium would likely help promote economic stability for existing charter operators, particularly in areas where dramatic increases in participation have occurred recently. However, the issue of who receives the permit will also play an important role in determining future stability. Some of the benefits derived by charter operators from a moratorium would come at the expense of losses to the charter clients in terms of potential price increases for charter trips, which would result in reduced net angler benefits.

The interrelationship, and potential conflicts, between an area-wide moratorium and local level (LAMP) moratoria needs to be considered. An area-wide moratorium may negatively impact the development of fisheries in areas without excess charter effort, without necessarily helping in areas that are already overcrowded. LAMP moratoriums may be more effective at resolving these local area issues, but likely would not be effective relative to attainment of GHl goals.

There is still uncertainty in the accuracy of the logbook reports. The State has recommended a minimum 3-year time series of logbook data to compare with data collected in the statewide harvest and creel surveys.

#### Review of alternatives

Alternative 1, no action, would result in continued unconstrained charter halibut harvests and a *de facto* reallocation of halibut from the commercial sector to the charter sector. This analysis assumes that sport halibut removals will increase by approximately 9% in Area 2C and 4% in Area 3A for the charter sector and 1 percent in the unguided sector over the next 5 years. If that rate of growth does occur in future years, the ex-vessel gross revenues to the commercial fishery in areas 2C and 3A would decline given an elastic demand curve at the ex-vessel level. Net benefits to consumers of commercially caught halibut would also decline. There is not enough information to discern whether these losses would be offset by the increases in net benefits to charter operators and guided anglers. Nor is there enough information to compare the loss of regional economic activity associated with the commercial sector against the respective gain for the charter sector.

Under Alternative 2, the guideline harvest level, by itself, has no management effect on either charter or commercial harvests. The associated management measures are the critical components of the program.

The following general picture of the halibut charter and commercial fisheries was drawn:

- halibut biomasses are at peak abundances, but likely to decline in the short-term;
- commercial quotas were reduced in 2000 but are likely to remain steady in the short-term;
- charter harvests are continuing to increase, but at declining rates;
- commercial quotas decline as charter harvests (and all other removals) increase.

Five specific management issues have been identified which conform with the Council's April 1999 suite of alternatives, options and suboptions. This section draws the following conclusions regarding these issues.

**ISSUE 1:** Apply GHls to Areas 2C and/or 3A to trigger management measures as a fixed percentage annually expressed in pounds or a fixed range in numbers of fish, based on 125% of 1995 or 1998 charter harvests.

In 1997, the Council adopted the GHl based on a fixed percentage based on 1995 charter harvests. This equated to 12.35% of the combined charter harvest and commercial quota in Area 2C and 15.57% in Area 3A (as calculated in 1997). The Council considered altering that decision by adopting the GHl as a fixed

range of numbers of fish and revising the base year to 1998. This would revise the GHL percentages to a fixed point somewhere between 12.35-16.39% in Area 2C and 12.87-15.57% in Area 3A and set the GHL range between 50 - 68 thousand fish in Area 2C and 138 - 173 thousand fish in Area 3A. To address concerns regarding possible declines in halibut abundance, a set of reduction mechanisms are tied to the fixed range, which are addressed under Issue 3.

In determining whether the base year should be updated, the analysis examined higher and lower growth projections to estimate when the respective GHLs might be reached. From this:

- ADF&G harvest data appear to have exceeded the 1995-based GHL in 1998. Therefore, had the 1997 GHL decision been approved by the Secretary, GHL management measures would be triggered for the next fishing season in Area 2C.
- the projected timeline suggests that under higher growth rates, the charter harvest in Area 2C could reach the 1998-based GHL sometime during 2000 - 2001 and under lower growth rates, sometime during 2003 - 2004.
- Area 3A projections indicate that the 1995-based GHL might be reached sometime during 1999 - 2000 under the higher projection and 2000 - 2001 under the lower projection.
- the 1998-based GHL might be reached during 2000 - 2001 under the higher projection and during 2003 - 2004 under the lower projection.

The Council also added two options for applying the GHL that may be chosen in combination with either Options 1 or 2 and each other.

**Option 3: Manage GHL as a 3-year rolling average**

The Council's new option to manage the GHL on a 3-year rolling average may result in delaying the imposition of management measures by up to 3 years to generate the average. The Council may instead choose to manage an annual average in the event the GHL is greatly exceeded.

**Option 4: Apply the GHL as a percentage to the CEY by area after non-charter and personal use deductions are made, but prior to deductions for commercial bycatch and wastage.**

The Council could have chosen to set the percentage or range at any point within the ranges listed above, in either pounds or numbers of fish. The obvious allocational impacts are that the higher the GHL is (in pounds or fish) in an area, the greater the allocation would be to the charter sector and the lower the quota assigned to the commercial sector. Under any option, management measures would be triggered 1- 2 years after attainment of the GHL, but prior to the start of the charter fishery season for industry stability.

**The Council's preferred alternative was to adopt Area 2C and 3A GHLs that were based on 125% of the average 1995-99 charter harvest to be managed in pounds.**

**ISSUE 2: Implement management measures, with an option to close the fishery in-season once the GHL is reached.**



- |                       |                                  |
|-----------------------|----------------------------------|
| • line limits         | • super-exclusive registration   |
| • boat limit          | • sport catcher vessel only area |
| • annual angler limit | • sportfish reserve              |
| • vessel trip limit   | • rod permit                     |
| • bag limits          | • possession limits              |
|                       | • prohibit crew-caught fish      |

Of the eleven measures to constrain charter harvests in future years to within the respective GHLS analyzed here, only bag limits and boat limits appear to limit charter harvests.

- the reduction in harvest effected by a bag limit could exceed the actual decrease in halibut that can be kept assuming that effort does not change. This is because effort can be expected to change as anglers react to the change in quality of the average halibut trip. The magnitude of effort change is difficult to quantify and is likely to vary across region according to clientele usage patterns.
- boat limits would result in the same amount of halibut being harvested on a trip as the bag limit alternatives, and, in fact, may result in higher harvests under the proposed "collective" or party fishing definition.
- line limits may redirect fishing effort between vessels, but is unlikely to further restrict harvest. A 6-line limit and restrictions of lines to number of paying passengers currently exists in Area 2CA; additional restrictions would limit vessels to a 4-packs or 5-packs. Nearly 90% of Area 2C charters took four clients in 1998, therefore, a 4-line limit may not result in adequate reductions to stay within the GHLS. Area 3A charter vessels traditionally fish up to 27 lines. A floating scale for line limits may address traditional fishing patterns on larger sized vessels. A prohibition of fish harvested by crew may result in adequate harvest reduction to keep the harvest within the respective GHLS. Enforcement of lines "fished" would also be difficult.
- most charter clients take either two or four halibut in a year. A small percentage of avid anglers exceed that, indicating that annual angler limits will have less impact on total halibut removals compared with impacts on the amount of halibut taken by a few fishermen.
- only 4% of Areas 2C and 3A trips would be affected by limiting a vessel to one trip each day. If an average trip results in an average harvest, then a vessel trip limit may result in a harvest reduction of 4%. Recognizing the overcapacity of the fleet, clients will likely charter on another available vessel.
- super-exclusive registration and Sport Catcher Vessel Only Areas may redistribute fishing effort but are unlikely to reduce halibut removals. They may be valid management tools to be included within a LAMP.
- a rod permit program does not exist in Washington or Oregon upon which to model the Alaska halibut fishery.
- The sportfish reserve would nullify the constraining effect of the GHLS by reallocating halibut from the commercial sector to the charter sector when the GHLS would trigger a reduction.
- possession limits will not be an effective management tool since most fishermen harvest only one or two halibut per year; however, proposed changes would enhance Federal enforcement of current possession limits.
- prohibiting halibut harvested by the captain and crew may limit the charter harvest to below the GHLS; however, enforcement may be difficult on multi-species charters since it would be in effect for halibut only.

Relative effectiveness of proposed management measures

Proposed measures	no	+	++	+++
line limits				
boat limit				
annual angler limit				
vessel trip limit				
bag limits				
super-exclusive registration				
sport catcher vessel only area				
sportfish reserve				
rod permit				
possession limits				
prohibit crew-caught fish				

The Council's preferred alternative was to adopt the following implementation regime for Areas 2C and 3A. These measures would be removed if harvests fall below the GHL and are no longer necessary. If the GHL is exceeded, 0-20% reduction measures (e.g., trip limits, prohibiting harvest by skipper and crew) would be implemented in the season following the overage. In years of >20% overage, measures that are projected to achieve 0-20% reduction in charter harvest would be implemented in the following season and measures that are projected to achieve >20% reduction in charter harvest (e.g., annual limits, one fish bag limit in August) would be implemented one year later to allow for verification of charter harvest. The regulations will establish a framework process to review and adjust the management measures in the event of an overage and to evaluate their efficacy to determine if a subsequent regulatory package is necessary.

Area 2C Management Tools	
Required Reduction	Management Tool
<10%	Trip Limit
10% - 15%	Trip Limit
15% - 20%	No Harvest by Skipper + Crew
	Trip Limit
20% - 30%	No Harvest by Skipper + Crew
	Annual Limit of 7 Fish
	Trip Limit
30% - 40%	No Harvest by Skipper + Crew
	Annual Limit of 6 Fish
	Trip Limit
40% - 50%	No Harvest by Skipper + Crew
	Annual Limit of 5 Fish
	Trip Limit
>50%	No Harvest by Skipper + Crew
	Annual Limit of 4 Fish
	One Fish Bag Limit in August

Area 3A Management Tools	
Required Reduction	Management Tool
<10%	Trip Limit
10% - 20%	Trip Limit
	No Harvest by Skipper + Crew
20% - 30%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 7 Fish
30% - 40%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 6 Fish
40% - 50%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 5 Fish
>50%	Trip Limit
	No Harvest by Skipper + Crew
	Annual Limit of 4 Fish
	One Fish Bag Limit in August

**ISSUE 3:** Adjust the GHL fixed range of fish under varying halibut abundance.

Adjusting the GHL range during years of low abundance becomes moot if the Council chooses to set the GHL as a fixed percentage. Alternatively, if the Council adopts the GHL as a fixed range (Issue 1 Option 2), then the Council must decide whether and how to apply that range in years of low halibut abundance.

Suboptions 1 and 2 reduce the GHL range at very different levels of abundance. Suboption 1 proposes to reduce a GHL range by 25% when it exceeds 15%, 20%, or 25% of the combined charter/commercial quota during years of varying abundance. The suboption links the combined quota in pounds to the range of fish in numbers. The combined quota triggers levels equate to approximately 3.7, 4.9, and 7.0 M lb in Area 2C and 6.6, 8.8, and 12.5 M lb in Area 3A.

Suboption 2 would not trigger reductions in the range until total harvests had been reduced by 42-70%, depending on the Council's preferred alternative. Three choices would be used in a 3-step process to reduce the GHL range, depending on the base year. Proposed total removal trigger levels are 4, 6, and 8 M lb for Area 2C and 10, 15, and 20 M lb for Area 3A. The lowest levels match the lowest total removals ever recorded and stocks associated with those levels could be considered depressed. The highest proposed triggers are approximately 20% below 'typical' levels of total removals.

The Council's preferred alternative included a reduction in the GHLs in proportion to reductions in area abundance (as determined by the IPHC) in a stair-step fashion based on the average of 1999-2000 halibut abundance. The first step reduction is 15% (e.g., from 1.40 to 1.19 M lb in Area 2C), additional 10% step reductions will occur as needed (from 1.19 to 1.07 M lb). This approach is responsive to changes in abundance. The stair-step smooths out the problem of annual variation posed by a strict percentage-based system. When the abundance returns to the pre-reduction level, then the GHL would step back up (e.g., from 1.19 to 1.40 M lb in Area 2C).

**ISSUE 4:** Determine whether a GHIL or allocation

Option 1 is tied to the Council's interpretation that the GHIL is a target against which the level of charter harvests are gauged to determine if management measures need to be invoked to further constrain those levels. Under Option 1, the difference in halibut that could be harvested by charter anglers under the GHIL and what is annually harvested, would in effect "roll over" to the commercial sector at the start of the season.

Option 2 is distinct from Option 1 in that as an allocation, the commercial sector would not accrue the full benefit of any unharvested GHIL halibut in the subsequent year. While the overall CEY will likely be higher because fewer removals occurred, the commercial sector would be constrained by its allocation percentage that will be adopted by the Council.

The next issue under Option 2 to be considered by the Council is whether the unharvested halibut should accrue conceptually in a sportfish reserve. Charter sector proponents of "banking" unharvested fish in such a system have defined the reserve such that unharvested fish would not accrue "pound for pound" in the reserve, but that the sector would get a credit for those unharvested fish when the GHIL is constraining on their clients. In summary, a sportfish reserve negates the effects of a GHIL by "reallocating" additional halibut to the charter sector when that sector's harvests would exceed the GHIL and trigger constraining management measures. This reallocation would be redirected from the commercial quota.

The Council opted for the status quo. From its decision under Issue 1, the Council's intent is to manage the halibut charter fishery under a GHIL.

**ISSUE 5:** Establish a moratorium, either area-wide local

Area-wide and local moratorium options were analyzed separately in Section 4.5. Those conclusions that relate to the GHIL are repeated here.

- The alternatives would qualify between 497 and 694 vessels, if 1998 logbook participation is required. These numbers are substantially less than the numbers actually participating in 1998 and 1999, based on the logbook information. Option 4 only requires participation in any year 1995-1998 and would qualify 2,073 vessels. Allowing supplementary information for qualification (other than IPHC license and/or 1998 logbook) could increase the number of qualifying participants.
- Although the total harvest capacity of the fleet is difficult to estimate, the currently licensed fleet (based on 1998 logbooks) has a harvest capacity well above the current harvest level, and even the currently active fleet is probably not operating at its maximum capacity. The presence of excess harvest capacity reduces the effectiveness of a moratorium and the ability to predict when it may become constraining on harvest. Only when latent capacity is filled would a moratorium become effective at maintaining harvest within the GHIL.
- The more restrictive moratorium options being considered may result in an effective moratorium; i.e., along with other management measures, may be effective at keeping the charter fleet within a GHIL. This is particularly true if the GHIL is set at a level higher than the current harvest level, and/or if it is set at a fixed poundage. A GHIL based on a floating percentage, combined with declines in overall halibut biomass, reduce the likelihood of the moratorium's effectiveness; i.e., at low GHIL levels, there likely will be excess capacity relative to that GHIL under all options.

Under the NMFS preferred alternative, NMFS would issue a final rule that would include: (1) the GHIL in Areas 2C and 3A; (2) the mechanism for reducing the GHIL in years of low abundance as determined by the Commission; (3) a requirement for NMFS to publish the GHIL on an annual basis in the Federal Register; and (4) a requirement for NMFS to notify the Council in writing within 30 days of receiving information that the GHIL has been exceeded. This proposed policy would serve simply to establish a pre-season estimate of

acceptable annual harvests for the halibut fishery in Areas 2C and 3A and notify the Council when a GHL has been reached. It is similar to Alternative 1, the no action alternative, in that no management measures that would affect the charter fishery participants would result from Secretarial action.

#### National Environmental Policy Analysis

No known significant direct, indirect, or cumulative environmental impacts have been identified as a result of any of the proposed alternatives to manage the halibut charter fishery since none of the alternatives would result in a change to halibut biomass.

#### Regulatory Impact Analysis

The GHL, by itself, as proposed under the NMFS preferred alternative or other rejected alternatives has no management effect on either charter or commercial harvests.

#### Regulatory Flexibility Analysis

No entities are directly regulated by the NMFS preferred alternative or other rejected alternatives.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

AUG 3 2005

Ms. Stephanie Madsen  
Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252

Dear Ms. *Stephanie* Madsen:

The National Marine Fisheries Service Alaska Region has submitted the proposed regulations to incorporate the halibut charter vessel fishery into the IFQ program off Alaska to the Office of Sustainable Fisheries. These regulations were developed under section 5 of the Northern Pacific Halibut Act, 16 U.S.C. 773c(c), which provides that such regulations may only be implemented with the approval of the Secretary. Because of the passage of time and changed conditions in the fishery since the Council took final action on this item, and the controversy surrounding the proposed charter vessel IFQ program, I request that the Council confirm its support for the proposed program before we publish the proposed rule and initiate the approval process.

Sincerely,

William T. Hogarth, Ph.D.

cc: F – Jim Balsiger  
P/SP – Jack Dunnigan  
F/AK – Sue Salvesson  
GCF – Sam Rauch



## SUMMARY HALIBUT CHARTER IFQ PROGRAM

After two days of public testimony from more than 200 individuals, the North Pacific Fishery Management Council approved an individual fishing quota (IFQ) program for the halibut charter fleet in Southeast and Southcentral Alaska on April 14, 2001. This decision culminated eight years of debate and over 8,000 comments on managing the charter halibut fishery. The IFQ program would replace the guideline harvest level (GHL) program approved by the Council in February 2000, and currently under Secretarial review. No changes were made to the 2-fish daily bag limit or 2-day possession limit for charter anglers. The charter IFQ program could be implemented as early as 2003 if adopted by the Secretary of Commerce. Major features of the approved program will include:

1. The action does not restrict non-charter recreational anglers. It only affects charter operations.
2. The action does not permit a charter captain to sell the fish. Fish caught by charter clients belong to the client.
3. The halibut charter IFQ program would be integrated into the existing halibut commercial IFQ program. The charter sector would be allocated 125% of the average 1995-99 charter harvest to allow for growth in the fishery. The allocation equates to approximately 13% of the combined commercial and charter quota in Southeast Alaska and approximately 14% of the combined commercial and charter quota in Southcentral Alaska. This is more than 36 percent in Southeast Alaska and 37 percent in Southcentral Alaska than is presently being harvested by the charter sector.
4. Charter allocations can grow over time. Charter quota shares may not be transferred (sold) to the commercial sector. In the future, the Council will determine whether to allow a portion of charter QS to transfer to the commercial sector. Quota shares may be transferred within the charter sector. Commercial quota shares may be transferred to the charter sector. They also may be transferred back to the commercial sector. Restrictions on those commercial quota shares would continue to be applied while they are used in the commercial fishery.
5. Twenty percent of charter IFQs (an IFQ is the amount which can be harvested in any one year based on a person's number of quota shares multiplied by the quota) may be leased within the charter sector for the first three years of the program; ten percent may be leased to the commercial sector for the first five years.
6. Between 1 and 2 percent of charter QS will be set aside for underdeveloped Gulf coastal communities to develop additional charter operations (the Council will identify those communities who are eligible for developing new operations and the details for how the program will be administered in a subsequent action).
7. Charter quota will be issued to a charter vessel owner, or to a person who leased a vessel from an owner, and who carried clients in 1998 or 1999, and 2000.
8. A quota share use cap of 1 percent in Southeast Alaska and ½ percent in Southcentral Alaska as well as a cap of ½ percent for both areas combined was approved, however, anyone who is initially issued quota shares above those levels would be grandfathered into the program at their qualifying level.
9. A delay of one year between the issuance of quota shares and fishing under the IFQ program.
10. IFQs would be issued in numbers of fish (compared with pounds in the commercial program) to allow current fishing practices to continue.
11. An agency and charter industry committee will develop an implementation plan to address reporting, monitoring, and enforcement.

The Council is an advisory body to the National Marine Fisheries Service, which manages Pacific halibut in State and Federal waters off Alaska jointly with the International Pacific Halibut Commission under the authority of the Northern Pacific Halibut Act of 1982.

**North Pacific Fishery Management Council**  
**(Draft) Final Motion on Halibut Charter Fishery Management**  
**April 14, 2001**

**Alternative 2. Include the halibut charter sector in the existing halibut IFQ program.**

IFQs are an access privilege, not an ownership right. They may be revoked or limited at any time in accordance with the North Pacific Halibut Act as well as the Magnuson-Stevens Act, and other federal laws. Charter IFQ halibut may not be sold into commerce - i.e., all sport regulations remain in effect.

**Issue 1. Initial QS may be based on:**

1. Equal to 125% of corrected average 1995-99 charterboat harvest.
2. (13.05% in Area 2C and 14.11% in Area 3A of a combined charter and commercial quota).
3. 100% of an individual's QS would float with abundance.

**Issue 2. Initial allocation of QS would be issued to U.S. citizens or to U.S. companies on the following basis: 75% U.S. ownership**

1. Charter vessel owner - person who owns the charterboat and charterboat business; and
2. Bare vessel lessee, where a lease occurred (instead of owner) - person that leases a vessel and controls its use as a charterboat for this fishery. May operate the vessel or may hire a captain/skipper. Lessee determines when the vessel sails and by whom captained.

**Issue 3. Qualification Criteria**

Initial issues who carried clients in 1998 or 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000). Initial issues will be required to be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action and any year claimed during the qualifying period (currently May- Sept 20, 2000) and claimed trips must have been under the operation of a person holding a U.S. Coast Guard license.

**Issue 4. Distribution of QS may be based on:**

70% of 1998 and 1999 logbook average with an additional 10% added for each year of operation 1995-97 (longevity reward). (Excess QS would be distributed equally among those initial issues with participation in at least one year during 1995-97).

**Issue 5. Transferability of QS (permanent) and IFQs (on annual basis [leasing])**

Charter QS is non-leasable

Charter QS transfers:

1. Initially issued Charter QS is fully transferrable within the charter sector.
2. For purposes of transfer to commercial sector, 75% of an individual's initially issued charter QS is permanently nontransferable and 25% may be transferrable upon Council review and approval after 3 years.
3. Commercial QS purchased by charter operator is fully transferable (two-way) across sectors and retains original designations.



#### Charter IFQ leasing:

1. 20% of a charter operator's annual IFQ is leasable within the charter sector for the first 3 years of the program.
2. Leasing is defined as the use of Charter IFQ on a vessel which the owner of the QS has less than a 50% ownership interest.
3. 10% of a charter operator's annual IFQ may be leased to the commercial sector for the first 5 years.

#### Block restrictions

1. any initially issued (i.e., unblocked) charter QS once transferred to commercial sector shall be unblocked.
2. allow splitting of commercial blocks to transfer a smaller piece to the charter sector - split blocks retain original designations.

#### Vessel class restrictions

1. from A, B, C, and/or D commercial vessel category sizes to charter sector, except that no charter business may own or control more than 1 "D" category block equal to or above the sweep-up level.
2. from charter to commercial at B, C, and D category.
3. initial transfer from undesignated charter only to catcher vessel of comparable size class. Buy down allowances apply (e.g., charter vessel 35'-60' must sell to C or D class commercial vessel.)

#### Issue 6. To receive halibut QS and IFQ by transfer:

For the charter sector, must be either:

1. an initial charter issuee; or
2. qualified as defined by State of Alaska requirements for registered guides or businesses; and
3. fulfill all legal obligations of the charter sector; and
4. hold USCG license.

For the commercial sector, must have a commercial transfer eligibility certificate. All commercial rules apply to any provision that may permit the use of commercial QS/IFQ for commercial purposes by any entity in the Charter IFQ sector.

#### Issue 7. Caps

1. use cap for charter QS owners only of 1 percent of combined QS units in Area 2C and ½ percent of combined QS units in Area 3A (for all entities, individually and collectively) and grandfather initial issues at their initial allocation.
2. use caps for charter QS owners only of ½ percent of combined QS units for combined Areas 2C and 3A (for all entities, individually and collectively) and grandfather initial issues at their initial allocation

#### Issue 8. Miscellaneous provisions

1. Maximum line limit of 12 in Area 3A (remains at 6 lines for Area 2C), grandfather initial issues at maximum lines in 2000, however, line limits in excess of the maximum are non-transferable.
2. 10% underage provision of total IFQs.
3. A one-year delay between initial issuance of QS and fishing IFQs.
4. Halibut harvested aboard a charter vessel continues to be the property of the angler who caught the halibut provided the charter owner possesses sufficient IFQ.

**Issue 9. IFQs associated with the charter quota shares may be issued in:**

Numbers of fish (based on average weight determined by ADF&G)

**Issue 10. Reporting:**

The Council defers design of the reporting and enforcement strategy to an IFQ technical implementation team, comprised of agency and industry. It is the intent of the Council that a more comprehensive reporting system will address the following items. The Council noted that ADF&G logbooks would not be considered sufficient for monitoring and that the team should consider fish tags and other reporting systems suggested by industry.

1. More timely, verifiable reporting of catch;
2. Enforcement concerns;
3. More accurate geographic referencing of catch location which provides for analysis of halibut harvest in LAMP districts.

**Issue 11. Community set-aside (revised)**

1. Set aside 1% of the combined commercial and charter halibut quota to communities with  $\frac{1}{4}$  percent annual increases if utilized, to a maximum of 2 percent.
2. Source of the set-aside: Equal pounds from the commercial and charter sectors.
3. Sunset provisions: 10 years (starting in the first year of issuance). Persons currently participating in the set-aside program at the time of sunset would be allowed to operate within the guidelines of the program.

**LAMPs**

The Council also supports an expedited local area management planning (LAMP) process by the Alaska Board of Fisheries to address localized depletion and user group conflicts and other issues as appropriate. The Council encourages the Board to complete this process and report back to the Council as soon as possible.

**ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/INITIAL REGULATORY FLEXIBILITY ANALYSIS FOR A REGULATORY AMENDMENT TO INCORPORATE THE CHARTER SECTOR INTO THE INDIVIDUAL FISHING QUOTA PROGRAM FOR PACIFIC HALIBUT IN INTERNATIONAL PACIFIC HALIBUT COMMISSION REGULATORY AREAS 2C AND 3A**

**HALIBUT CHARTER IFQ PROGRAM**

**Date:** January 26, 2004

**Lead Agency:** National Marine Fisheries Service  
P. O. Box 21668  
Juneau, Alaska 99802

**Responsible Official:** Jim Balsiger, Alaska Regional Administrator

**Abstract:** This analysis examines proposed changes to the management of Pacific halibut guided sport (charter) fisheries in International Pacific Halibut Commission Regulatory Areas 2C and 3A. The preferred alternative would allocate a percentage of total commercial and charter halibut harvests to the charter sector and add that sector to the commercial individual fishing quota (IFQ) program. Initial allocations of quota shares (QS) would be issued to the charter vessel owner or leaseholder who carried clients and filed logbooks in 1998 or 1999 and filed at least one logbook between May and September 2000. Seventy percent of the initial QS allocation would be based on the average of 1998 and 1999 logbook harvests, with an additional 10% of the average issued for each year of documented participation during 1995, 1996, and 1997. Limited transfers of QS and IFQs would be allowed between and within the charter and commercial sectors. Caps would be applied to the amount of QS that could be used. Recordkeeping and reporting requirements would be implemented. After initial allocation, the market would determine sector harvests. The preferred alternative also would reserve up to 2% of the combined commercial and charter harvest for certain Gulf of Alaska coastal communities. This IFQ program would replace the charter halibut guideline harvest levels for Areas 2C and 3A.

The preferred alternative is not expected to result in a "significant regulatory action" as defined under NEPA because it would not affect the prosecution of the halibut fisheries in a way not previously considered in consultations. It would not affect takes of listed species or marine mammals. None of the alternatives are expected to have a significant impact or effect on endangered or threatened species or marine mammals. Other alternatives, including the status quo (GHL program) and a moratorium on entry into the halibut charter fleet, were considered and rejected because neither was determined to address the objectives of the action, as articulated in the problem statement, more efficiently or effectively than the preferred alternative.

The preferred alternative is controversial. It is the first IFQ program for a sport and/or guided sport fishery in the U.S., and perhaps the world. It also would allocate quota shares to a class of stakeholders, vessel owners or lessees, rather than the traditional principal harvester in this fishery, the guided angler. Data quality issues related to the determination of catch history for initial allocation of QS were reviewed by the Council. Based on advice from its Scientific and Statistical Committee, the Council determined that the use of the data is appropriate.

Some of the alternatives under consideration could result in a significant impact on a substantial number of small entities, as defined under the Regulatory Flexibility Act. However, the impacts are likely "distributional" in nature, between various groups of small entities. In other words, alternatives that benefit one group of small entities will likely impose off-setting costs on one or more groups of small entities. A final regulatory flexibility analysis focusing on the preferred alternative will be included in the final regulatory package submitted for Secretarial review.

**Comments Due:** A public comment period will be announced by NMFS in the proposed rule.

**For Further Information Contact:** Jane DiCosimo  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2252  
(907) 271-2809

## EXECUTIVE SUMMARY

### SUMMARY OF SECTION 1

This Environmental Assessment/Regulatory Impact Review/initial Regulatory Flexibility Analysis evaluates a regulatory amendment to revise implement a new management program to govern the Pacific halibut charter fishery. It assesses the potential biological, economic, and social impacts of implementing management measures to include the charter sector in International Pacific Halibut Commission (IPHC) Areas 2C (Southeast Alaska) and 3A (Southcentral Alaska) in the current halibut IFQ program (Alternative 2). The analysis also examines the no action alternative (i.e., the halibut charter guideline harvest level (GHL) program) and a moratorium on entry into the halibut guided sport fleet (Alternative 3) to augment the halibut charter GHL program. Under the preferred alternative, which is based on Alternative 2, a direct allocation to the halibut charter sector would replace the GHLs that were adopted by the North Pacific Fishery Management Council in February 2000, approved by the Secretary of Commerce and implemented by NMFS in September 2003. Gulf of Alaska coastal communities also were considered for an initial allocation of halibut charter QS.

The Council began considering a management plan for the halibut charter fishery in 1993. It recognized that an expanding charter fleet, which resulted in an unconstrained expansion of charter halibut harvests at the expense of other users, was a management problem. In September 1997, the Council took final action on two management actions affecting the halibut charter fishery, the culmination of more than four years of discussion, debate, public testimony, and analysis:

Recordkeeping and reporting requirements. The Council adopted recording and reporting requirements for the halibut charter fishery. The Alaska Department of Fish and Game (ADF&G) Sport Fish Division, under the authority of the Alaska Board of Fisheries (BOF), implemented a Saltwater Sportfishing Charter Vessel Logbook (SCVL) program in 1998. It was designed to complement additional sportfish data collected through the Statewide Harvest Survey (SWHS), on-site (creel and catch sampling) surveys conducted separately by ADF&G in both Southeast and Southcentral Alaska, and port sampling in Southeast. It was designed to assess salmon sport harvest and fishing effort, but was expanded to include halibut, rockfish and ling cod, in part to respond to the Council's recording and reporting requirements. Collection of halibut data in the SCVL was discontinued in 2001, in part because of concerns over data quality. Currently, charter harvest data are not being collected on a trip-by-trip basis from the vessels operating in the Alaska halibut charter fishery.

Guideline Harvest Levels in IPHC Areas 2C and 3A. The Council recommended GHLs for the halibut charter fisheries in Areas 2C and 3A. Other areas of the State have limited halibut charter fisheries and were not considered to be developed enough to have a GHL system implemented. The GHLs were based on the charter sector receiving 125% of its 1995 harvest (12.76% of the combined commercial/charter halibut quota in Area 2C, and 15.61% in Area 3A). The Council stated its intent that the GHLs would not close the fishery, but instead would trigger other management measures in years following attainment of the GHL. The overall intent was to maintain a stable charter season of historic length, using area-specific measures. If end-of-season harvest data indicated that the charter sector likely would reach or exceed its area-specific GHL in the following season, NMFS would implement the pre-adopted measures to slow down charter halibut harvest. Given the one-year lag between the end of the fishing season and availability of that year's harvest data, it was anticipated that it would take up to two years for management measures to be implemented. The Council did not adopt the proposed vessel moratorium for the halibut charter fleet. Insufficient data on the number of and harvest by individual operators limited the Council's determination of an appropriate preferred alternative at the time.

In December 1997, the NMFS Alaska Regional Administrator informed the Council that regulations implementing the GHL would not be published, since the Council had not recommended specific

management measures to be implemented if the GHL was reached. Therefore, no formal decision by the Secretary was required for the GHL and the analysis was not forwarded for Secretarial review. After that notification, the Council initiated a public process to identify GHL management measures. The Council formed a GHL Committee to recommend management measures for analysis that would constrain charter harvests under the GHL. It convened three times in 1998 and 1999.

In April 1999, the Council identified for analysis: (1) a suite of GHL management measure alternatives; (2) alternatives that would change the GHL as adopted in 1997; and (3) area-wide and LAMP moratorium options under all alternatives. The Council designed management measures to be triggered in subsequent fishing years, should the GHL be exceeded, recognizing that: (1) reliable in-season catch monitoring is not available for this fishery; (2) in-season adjustments cannot be made to the commercial longline individual fishing quotas (IFQs); and (3) the Council stated its intent is to not shorten the charter fishing season.

The Council modified the suite of alternatives during initial review in December 1999. During final action in February 2000, the Council adopted its preferred alternative for the GHL program. The GHLs would be based on 125% of charter harvest estimates for 1995-99 and set equal to 1.4 million pounds (M lb) in Area 2C and 3.91 M lb in Area 3A. The Council also adopted a suite of framework management measures that would be implemented using a framework procedure for each IPHC regulatory area. In December 2000, the ADF&G staff provided corrected halibut charter estimates for 1996-98. The GHL analysis was revised and resubmitted to NMFS on February 14, 2001 to reflect these corrections.

The proposed rule, which was based on the Council's preferred alternative, was published on January 28, 2002. On September 6, 2002, the NMFS Regional Administrator notified the Council that the preferred alternative could not be submitted for Secretarial review because the frameworked management measures to reduce halibut charter harvests under the GHL likely would require additional public comment under the APA rulemaking process. NMFS identified a new preferred alternative. The analysis was revised and resubmitted for Secretarial review in April 2003 with the new preferred alternative. The final rule was implemented on August 8, 2003. Measures included: (1) a GHL for the halibut guided sport fleet of 1.432 M lb net weight in Area 2C and 3.65 M lb net weight in Area 3A; (2) a mechanism for modifying the GHL if stock abundance of halibut declines; and (3) notification of the Council by NMFS in writing within 30 days of receiving information that the GHL has been exceeded. At that time, the Council may choose to initiate analysis in coordination with NMFS for subsequent rulemaking that may implement harvest reduction measures.

Charter IFQ Program. In addition to adopting its preferred alternative for the GHL program in February 2000, the Council initiated an analysis for instituting an IFQ program for the halibut charter fishery and appointed an industry committee to develop recommendations for analytical alternatives. The Council adopted the committee recommendations with modifications as proposed by the Advisory Panel and the public. In October 2000, the Council included an option to set aside a percentage of the combined halibut charter and commercial quota in Areas 2C and 3A for Gulf of Alaska coastal communities, hereafter referred to as the community set-aside (CSA) program. In December 2000, the Council modified the range of the CSA for additional analysis. In February 2001, the Council added a sunset provision for the IFQ program and revised its previously adopted problem statement for the CSA program. While the economic and social consequences of a community quota program will be discussed, this analysis addresses only:

- (1) *whether* to set-aside quota for Gulf communities;
- (2) the *magnitude* of the set-aside;
- (3) the *source* of the set-aside quota (charter and/or commercial); and
- (4) *whether* to include a sunset provision.

If the Secretary approves the community set-aside, the details of the program would be analyzed in a trailing amendment. However, it is the intent of the Council that the regulations for the CSA be implemented prior to the first season of fishing under the charter IFQ program. Note that there is a one year scheduled delay

between issuance of charter halibut QS and fishing charter halibut IFQs for non-CSA participants, which may provide sufficient time to implement trailing CSA regulations.

#### COMMUNITY SET-ASIDE PROBLEM STATEMENT

A number of small, coastal communities in Southeast and Southcentral Alaska are struggling to remain economically viable. The charter IFQ program, as with other limited entry programs, will increase the cost of entry to the halibut charter fishery.

A community set-aside of halibut charter IFQs will remove this economic barrier, promoting geographic diversity in the charter industry and sustained economic opportunity in small, remote coastal communities in Southeast and Southcentral Alaska.

#### GUIDED SPORT SECTOR PROBLEM STATEMENT

The Pacific halibut resource is fully utilized. The North Pacific Fishery Management Council recently adopted a GHL to address allocation issues between the guided sport sector and other users of the halibut resource. Upon adoption by the SOC, the GHL is intended to stop the open-ended reallocation between commercial and guided sport sectors and to address a number of other concerns. The Council remains concerned that over time allocation conflicts between sectors may resurface, and that overcapitalization in the guided sport fleet may have a negative impact on both guided sport operators and anglers. The Council is developing a management plan for the guided sport sector to address these concerns while:

1. recognizing the unique nature of the guided sport sector;
2. controlling consolidation;
3. Providing entry level opportunities for guided sport operators; and
4. encouraging diversity of opportunities for anglers.

In evaluating alternatives, the Council seeks to maintain access opportunities for halibut fishermen, processors and consumers and to assess costs and benefits to anglers.

The Council adopted its preferred alternative in April 2001 based on Alternative 2, to incorporate the charter sector into the existing commercial halibut IFQ program. The Council preferred alternative follows Alternative 2, which contains a range of options under eleven issues for which the Council selected specific options and suboptions.

**Alternative 1. No action.**

**Alternative 2. Include the halibut charter sector in the existing halibut IFQ program.**

**Issue 1. Initial QS may be based on:**

- Option 1. Equal to 125% of corrected average 1995-99 charterboat harvest (13.05% in Area 2C and 14.11% in Area 3A of a combined charter and commercial quota)
- Option 2. Equal to 100% of corrected average 1998-99 charterboat harvest (10.73% in Area 2C and 9.82% in Area 3A of a combined charter and commercial quota)
- Option 3. Equal to 100% of corrected average 1995-99 charter harvest (10.44% in Area 2C and 11.29% in Area 3A of a combined charter and commercial quota)
- Suboption: 0-50% of an individual's QS initial issuance would be fixed and the remainder would float with abundance.

**Issue 2. Initial allocation of QS would be issued to U.S. citizens or to U.S. companies on the following basis:**

- U.S. ownership based on: a) 51% ownership; b) 75% ownership
- Option 1. Charter vessel owner - person who owns the charterboat and charterboat business
  - Option 2. Bare vessel lessee - person that leases a vessel and controls its use as a charterboat for this fishery. May operate the vessel or may hire a captain/skipper. Lessee determines when the vessel sails and by whom it is captained.

**Issue 3. Qualification Criteria**

- Option 1. Initial recipients who carried clients in 1998 and 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000)
- Option 2. Initial recipients who carried clients in 1998 or 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000)
- Option 3. Initial recipients who carried clients prior to June 24, 1998 and who submitted at least one ADF&G logbook for an active vessel (as received by ADF&G by February 12, 2000)
- Option 4. Initial recipients who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999
- Option 5. Initial recipients who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999
- Option 6. Initial recipients who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999
- Option 7. Initial recipients who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 or 1999
- Suboption: Require that initial recipients be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action (currently May- Sept 2000) and claimed trips must have been under the operation of a person holding a U.S. Coast Guard license.

**Issue 4. Distribution of QS may be based on:**

- Option 1. 70% of 1998 and 1999 logbook average with an additional 10% added for each year of operation 1995-97 (longevity reward).
- Option 2. Modified Kodiak proposal: 5%-30% for A, 33% for B, 37%-62% for C
- Part A: each individual gets an equal percentage of the qualified pool as identified by the Council's final action.
- Part B: each individual's average 98/99 logbook harvest as percentage of overall harvest is multiplied by 33% of the qualified pool.
- Part C: one point for each year of participation during 1995-99.
- Suboption: Base distribution for the preferred option on both total catch retained and caught and released

**Issue 5. Transferability of QS (permanent) and IFQs (on annual basis [leasing])**

- Option 1. Nature of Charter QS/IFQ:
  - a) Leasable
  - b) Non-leasable

Suboption: Define leasing as the use of QS/IFQ on vessels on which the owner of the QS/IFQ has less than 20%-75% ownership
- Option 2. Transfer of QS (permanent) and/or IFQs (leasing):
  - a) prohibit transfers between charter and commercial sectors
 

Suboption: no QS transfers between sectors for 2-5 years
  - b) allow transfers between charter and commercial sectors
    - 1. 1-yr one way transfer from commercial to charter
    - 2. 3-yr one way transfer from commercial to charter

3. two-way (between commercial and charter sectors).

Suboptions under Options b (1-3):

- i. Designate QS pool into two classes for transfer from charter to commercial sector: transferable (25%) and non-transferable (75%) pools on an individual's basis.
- ii. Cap the percentage of annual IFQ transfers (de facto leasing) between sectors not to exceed 25% of total IFQs and a range of 0-10% of IFQs per year from charter to commercial.
- iii. on percentage of annual QS transfers between sectors not to exceed 25% of total QS and a range of between 0-10% of QS per year from charter to commercial.
- iv. A range of 0-10% leasing of charter IFQ to charter from charter for the first 3 years.

Option 3. Block restrictions

- a) any initially issued (i.e., unblocked) charter QS once transferred to commercial sector shall be:
  1. blocked
  2. blocked up to the limits of the commercial sweep-up and block limits
  3. unblocked
- b) allow splitting of commercial blocks to transfer a smaller piece to the charter sector
- c) allow splitting of commercial blocks once transferred to the charter sector

Option 4. Vessel class restrictions

- a) from A, B, C, and/or D commercial vessel category sizes to charter sector
  1. Leasable
  2. Non-leasable
- b) from charter to commercial:
  1. D category only
  2. C and D categories only
  3. B, C, and D categories
- c) initial transfer from undesignated charter to a particular commercial vessel category locks in at that commercial category

Option 5. Minimum size of transfer is range of 20-72 fish

**Issue 6. To receive halibut QS and IFQ by transfer:**

Option 1. For the charter sector, must be either

- a) a initial charter recipient or
- b) qualified as defined by State of Alaska requirements for registered guides or businesses\*  
\*Suboption: and hold a USCG license.  
\*this would require a change in the commercial regulations to allow transfer of commercial QS/IFQ to charter operator
3. fulfill all legal obligations of the charter sector

Option 2. For the commercial sector, must have a commercial transfer eligibility certificate.

Suboption: all commercial rules apply to any provision that may permit the use of commercial QS/IFQ for commercial purposes by any entity in the Charter IFQ sector.

**Issue 7. Caps**

Option 1. No caps - free transferability

Option 2. Caps:

1. use cap for charter QS owners only of 0.25%, 0.5%, and 1% of combined QS units in Area 2C and 0.25%, 0.5%, and 1% of combined QS units in Area 3A (for all entities, individually and collectively) and grandfather initial issues at their initial allocation
2. use cap for charter QS owners only of 0.25%, 0.5%, and 1% of combined QS units for combined Areas 2C and 3A (for all entities, individually and collectively) and grandfather initial recipients at their initial allocation

**Issue 8. Miscellaneous provisions**



- Option 1. Maximum line limit of 12 in Area 3A (remains at 6 lines for Area 2C), grandfather initial recipients
- Option 2. 10% underage provision of total IFQs
- Option 3. 10% overage provision of IFQs remaining on last trip to be deducted from next year's IFQs
- Option 4. A one-year delay between initial issuance of QS and fishing IFQs.

**Issue 9. IFQs associated with the charter quota shares may be issued in:**

- Option 1. Pounds
- Option 2. Numbers of fish (based on average weight determined by ADF&G)

**Issue 10. Reporting**

- Option 1. Require operator to report landings at conclusion of trip
- Option 2. ADF&G logbook
- Option 3. Require a reporting station in every city and charter boat location to accurately weigh every halibut caught.
- Option 4. Charter IFQ fish tags
- Option 5. Require operator to log the catch at the time the fish is retained.

**Issue 11. Community set-aside**

- Option 1. No community set-aside.
- Option 2. Set-aside 0.5% to 2.5% of combined commercial charter TAC for Gulf coastal communities
  - Suboption 1. Source of the set-aside
    - a) equal pounds from the commercial and charter sectors.
    - b) proportional amount based on the split between the commercial and charter sectors.
    - c) 100% of the pounds taken out of the charter sector.
  - Suboption 2. Sunset provision
    - a) no sunset
    - b) sunset in 5 years
    - c) sunset in 10 years
    - d) persons currently participating in the set-aside program at the time of sunset would be allowed to operate within the guidelines of the program.

**Alternative 3. Moratorium**

**Issue 1. Recipient**

- Option 1. owner/operator or lessee (the individual who has the license and fills out logbook) of the charter vessel/business that fished during the eligibility period (based on an individual's participation and not the vessel's activity)
- Option 2. vessel

**Issue 2. Qualification Criteria**

- Option 1. Initial recipients who carried clients in 1998 and 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000)
- Option 2. Initial recipients who carried clients in 1998 or 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000)
- Option 3. Initial recipients who carried clients prior to June 24, 1998 and who submitted at least one ADF&G logbook for an active vessel (as received by ADF&G by February 12, 2000)
- Option 4. Initial recipients who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999
- Option 5. Initial recipients who carried clients four out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel for either 1998 or 1999

- Option 6. Initial recipients who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 and 1999
- Option 7. Initial recipients who carried clients three out of five years between 1995-1999 as evidenced by IPHC, CFEC, and ADF&G business and guide documentation for 1995-99 and submitted logbooks for an active vessel in 1998 or 1999
- Suboption: Require that initial recipients be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action (currently May- Sept 2000) and claimed trips must have been under the operation of a person holding a U.S. Coast Guard license.

**Issue 3. Evidence of participation**

- Option 1. mandatory requirements:
  - a) IPHC license (for all years)
  - b) CFEC number (for all years)
  - c) 1998 logbook
- Option 2. supplementary requirements
  - a) Alaska state business license
  - b) sportfish business registration
  - c) insurance for passenger for hire
  - d) ADFG guide registration
  - e) enrollment in drug testing program (CFR 46)

**Issue 4. Vessel upgrade**

- Option 1. License designation limited to 6-pack, if currently a 6-pack, and inspected vessel owner limited to current inspected certification (held at number of people, not vessel size)
- Option 2. Allow upgrades in southeast Alaska (certified license can be transferred to similar size vessel)

**Issue 5. Transfers**

- Option 1. Will be allowed

**Issue 6. Duration for review**

- Option 1. Tied to the duration of the GHL
- Option 2. 3 years
- Option 3. 5 years (3 years, with option to renew for 2 years)

After the merits of the various programs were considered the Council selected a preferred alternative. Their preferred alternative was crafted based on options selected from Alternative 2. The components that comprise the preferred alternative are listed below:

**Preferred Alternative. Include the halibut charter sector in the existing halibut IFQ program.**

As part of their preferred alternative the Council stated that the IFQs proposed as part of this motion are an access privilege, not an ownership right. They may be revoked or limited at any time in accordance with the North Pacific Halibut Act, as well as the Magnuson-Stevens Act, and other federal laws. Charter IFQ halibut may not be sold into commerce - i.e., all sport regulations remain in effect.

**Issue 1. Initial QS may be based on:**

- a) 13.05% in Area 2C and 14.11% in Area 3A of a combined charter and commercial quota
- b) (equal to 125% of corrected average 1995-99 charterboat harvest.
- c) 100% of an individual's QS would float with abundance.

**Issue 2. Initial allocation of QS would be issued to U.S. citizens or to U.S. companies with a minimum of 75% U.S. ownership. Persons receiving the allocation are:**

- a) Charter vessel owner - person who owns the charterboat and charterboat business; and
- b) Bare vessel lessee, where a lease occurred (instead of owner) - person that leases a vessel and controls its use as a charterboat for this fishery. May operate the vessel or may hire a captain/skipper. Lessee determines when the vessel sails and by whom it is captained.

**Issue 3. Qualification Criteria**

Initial recipients who carried clients in 1998 or 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000). Initial recipients will be required to be currently participating (meeting all legal requirements including filing a logbook) during season prior to final action and any year claimed during the qualifying period (currently May-Sept 20, 2000) and claimed trips must have been under the operation of a person holding a U.S. Coast Guard license.

**Issue 4. Distribution of QS may be based on:**

70% of 1998 and 1999 logbook average with an additional 10% added for each year of operation 1995-97 (longevity reward). (Excess QS would be distributed equally among those initial recipients with participation in at least one year during 1995-97).

**Issue 5. Transferability of QS (permanent) and IFQs (on annual basis [leasing])**

Charter QS is non-leasable

Charter QS transfers:

- a) Initially issued Charter QS is fully transferrable within the charter sector.
- b) For purposes of transfer to commercial sector, 75% of an individual's initially issued charter QS is permanently nontransferable and 25% may be transferrable upon Council review and approval after 3 years.
- c) Commercial QS purchased by charter operator is fully transferable (two-way) across sectors and retains original designations.

Charter IFQ leasing:

- a) 20% of a charter operator's annual IFQ is leasable within the charter sector for the first 3 years of the program.
- b) Leasing is defined as the use of Charter IFQ on a vessel which the owner of the QS has less than a 50% ownership interest.
- c) 10% of a charter operator's annual IFQ may be leased to the commercial sector for the first 5 years.

Block restrictions

- a) any initially issued (i.e., unblocked) charter QS, once transferred to the commercial sector, shall be unblocked.
- b) allow splitting of commercial blocks to transfer a smaller piece to the charter sector - split blocks retain original designations.

Vessel class restrictions

- a) from A, B, C, and/or D commercial vessel category sizes to charter sector, except that no charter business may own or control more than 1 "D" category block equal to or above the sweep-up level.
- b) from charter to commercial at B, C, and D category.
- c) initial transfer from undesignated charter only to catcher vessel of comparable size class. Buy down allowances apply (e.g., charter vessel 35'-60' must sell to C or D class commercial vessel.)

**Issue 6. To receive halibut QS and IFQ by transfer:**

For the charter sector, must be either:

- a) an initial charter recipient; or
- b) qualified as defined by State of Alaska requirements for registered guides or businesses; and
- c) fulfill all legal obligations of the charter sector; and
- d) hold USCG license.

For the commercial sector, must have a commercial transfer eligibility certificate. All commercial rules apply to any provision that may permit the use of commercial QS/IFQ for commercial purposes by any entity in the Charter IFQ sector.

**Issue 7. Caps**

- a) use cap for charter QS owners only of 1% of combined QS units in Area 2C and 0.5% of combined QS units in Area 3A (for all entities, individually and collectively) and grandfather initial recipients at their initial allocation.
- b) use caps for charter QS owners only of 0.5% of combined QS units for combined Areas 2C and 3A (for all entities, individually and collectively) and grandfather initial recipients at their initial allocation

**Issue 8. Miscellaneous provisions**

- a) Maximum line limit of 12 in Area 3A (remains at 6 lines for Area 2C), grandfather initial recipients at maximum lines in 2000, however, line limits in excess of the maximum are non-transferable.
- b) 10% underage provision of total IFQs.
- c) A one-year delay between initial issuance of QS and fishing IFQs.
- d) Halibut harvested aboard a charter vessel continues to be the property of the angler who caught the halibut, provided the charter owner possesses sufficient IFQ.

**Issue 9. IFQs associated with the charter quota shares will be issued in:**

Numbers of fish (based on average weight determined by ADF&G)

**Issue 10. Reporting:**

The Council defers design of the reporting and enforcement strategy to an IFQ technical implementation team, comprised of agency and industry members. It is the intent of the Council that a more comprehensive reporting system will address the following items. The Council noted that ADF&G logbooks would not be considered sufficient for monitoring and that the team should consider fish tags and other reporting systems suggested by industry.

- a) More timely, verifiable reporting of catch;
- b) Enforcement concerns;
- c) More accurate geographic referencing of catch location, which provides for analysis of halibut harvest in LAMP districts.

**Issue 11. Community set-aside**

1. Set aside 1% of the combined commercial and charter halibut quota to communities with 0.5% annual increases if utilized, to a maximum of 2%.
2. Source of the set-aside: Equal pounds from the commercial and charter sectors.
3. Sunset provisions: 10 years (starting in the first year of issuance). Persons currently participating in the set-aside program at the time of sunset would be allowed to operate within the guidelines of the program.

The Council notified the public in June 2001, that it would schedule a vote to reconsider its final action during its October Council meeting. A motion to reconsider failed 6:5 in October 2001.

In February 2002, ADF&G staff notified the Council of its preliminary analysis of the ADF&G Saltwater Sportfishing Charter Vessel Logbook Program regarding the reliability of reported harvest of Pacific halibut taken by guided sport anglers (memo from Allen Bingham to Kevin Duffy dated September 21, 2001). ADF&G staff recommended that the data not be used for management decisions. This comment delayed submission of the analysis for Secretarial review while staff further explored the appropriateness of using the logbook data for determining initial allocations of charter QS during Summer and Fall 2002. After reviewing two ADFG reports on the logbook data in October 2002 and January 2003, the Council's Scientific and Statistical Committee advised the Council that it found that it would be reasonable for the Council to use the logbook data in determining whether a vessel was active in the fishery during the qualifying years (1998-1999 in 2C, 1998 in 3A) and/or as a basis for determining an initial allocation of QS. Therefore, no additional action was necessary and this analysis was revised for NMFS review in April 2003, prior to submission to

the Secretary. NMFS staff recommended numerous revisions to the draft prior to Secretarial review, including the addition of a an analysis of current participants as required under the Magnuson-Stevens Act Section 303(b)(6). The analysis was revised and resubmitted to NMFS for submission to the Secretary in January 2004.

## SUMMARY OF SECTION 2

The environmental assessment of the proposed action is provided in Section 2. It includes a summary of the status quo (Alternative 1), each of the 11 issues pertaining to adding the charter sector to the commercial halibut IFQ program (Alternative 2), a moratorium on new entrants to the halibut charter fleet (Alternative 3), and the Council's preferred alternative.

The preferred alternative is controversial. The Council is recommending the first IFQ program for a sport and/or guided sport fishery in the U.S., and perhaps the world. It also would allocate QS to a class of stakeholders, vessel owners or lessees, rather than the traditional principal harvester in this fishery, the guided angler, under Issue 4. A motion to rescind the preferred alternative failed one meeting (October 2001) after the preferred alternative was selected. In February 2002, the State provided a report to the Council on data quality issues as they related to the determination of catch history for initial allocation of QS. Two additional reports were provided at the request of the Council. Based on advice from its Scientific and Statistical Committee, the Council determined that the use of the data is appropriate.

None of the alternatives would affect takes of listed endangered or threatened species. Therefore, none of the alternatives are expected to have a significant impact or effect on the human environment.

## SUMMARY OF SECTION 3

**Alternative 1. No Action.** The charter halibut fishery is currently operating under a guideline harvest level of 1,432 M lb net weight in Area 2C and 3.65 M lb net weight in Area 3A. Regulations also implemented a mechanism for modifying the GHL if stock abundance of halibut declines; and for notification of the Council by NMFS in writing within 30 days of receiving information that the GHL has been exceeded. Based on 1999 harvest levels and projections of future combined commercial and charter catch limits, charter vessel clients in Areas 2C and 3A can increase their harvests by 340,000 pounds and 950,000 pounds, respectively, compared with 2000 halibut charter harvests before the GHLS would be reached.

The GHL program was designed to limit the halibut removals by sport fishermen using charter vessels. Due to APA concerns, proposed management measures adopted by the Council in its original preferred alternative were not implemented. A new preferred alternative was incorporated into the analysis after final action and approved by the Secretary. Future management measures to reduce harvests below the GHL levels would be considered by the Secretary in trailing amendments. Since the implementation of GHLs and the process for developing management measures to reduce the charter sector's halibut harvests, once they exceed the GHLs, was maintained, the comparisons between the alternatives in this analysis are still appropriate.

Status quo regulations do not limit entry into the charter fleet. Charter harvests only will be constrained by implementing more restrictive management measures after a GHL is reached and subsequent rulemaking is implemented, but there is currently no way to prevent additional charter operators from entering the fishery. New entry may be beneficial to consumers of halibut charter trips, but may be detrimental to the current charter operators. This is especially true if the new entrants erode the amount of halibut existing charter operators' clients can take before more restrictive management measures are imposed.

Estimates of the economic impacts of the halibut charter fishery were made in the GHL analysis (NPFMC 2000), and some of the more relevant findings are brought forward in this amendment package. A total of

40,400 trips were taken by charter clients fishing from 581 vessels in Area 2C during 1998. Ninety-four percent of the trips were taken by non-Alaska residents. In Area 3A, a total of 83,774 charter client trips were taken from 504 vessels during 1998. About 64 percent of the trips were taken by non-Alaska residents. Over all, anglers are expected to respond inelastically to changes in per day fishing costs (over expected ranges associated with the proposed action). Alaska residents appear to be more responsive to price changes than non-Alaska residents when determining whether to take a charter trip.

Fishing expenditures to take a halibut charter trip were estimated to be \$15 million, in the Cook Inlet to western Kenai Peninsula region (\$18 million in all of Area3A) during 1998. Based on expenditure data collected in the Lee et al. (1999a) survey, input-output (I/O) modeling was performed to gauge the impacts of angler expenditures attributable to the halibut charter fishery on the western Kenai Peninsula. After accounting for the direct, indirect, and induced effects of angler expenditures, the fishery contributes a total of approximately \$22.6 million worth of sales (output), \$9.3 million worth of income, and 738 jobs to the regional economy (western Kenai). Note that these jobs are not full-time equivalents, but include seasonal and part-time positions.

Similar data are not available for Area 2C. However, the cost per charter trips in 2C was between \$150 and \$220, depending on the location. Many of those trips were for salmon or a combination of salmon and halibut, so it is not possible to derive good estimates of the expenditures on "exclusively" halibut charter trips in Area 2C.

**Alternative 2. IFQ Program for the Halibut Charter Fishery (basis of Preferred Alternative).** The preferred alternative recommends incorporating the charter sector into the commercial halibut IFQ fishery.

**Issue 1** of preferred alternative allocates 13.05% in Area 2C and 14.11% in Area 3A of a combined commercial and charter halibut quota for an initial allocation to the charter sector. These percentages are set equal to 125% of the corrected average 1995-99 charter halibut harvest. All of the IFQ associated with the QS is directly tied to the combined halibut quota and would fluctuate with halibut abundance and quotas, as determined by the IPHC.

**Issue 2** defines U.S. ownership requirements and recipients of initial quota. Real persons are required to be U.S. citizens before they may be allocated or purchase quota. Corporations and the other such entities are also required to be U.S. owned. The U.S. ownership level was set at 75%. Initial allocations of QS would be issued to both charter vessel owners, defined as either: (1) the person who owns the charterboat and charterboat business on which the qualified harvests were landed, or (2) a bare vessel lessee, where a lease occurred (instead of a permanent transfer of ownership). A lessee is defined as the person who leases a vessel and controls its use as a charterboat for this fishery. A lessee may operate the vessel or may hire a captain/skipper and would determine when the vessel sails and by whom it is captained.

**Issue 3** defines the level of participation a person must meet to qualify for an initial quota allocation. The preferred alternative defined the qualification criteria for initial recipients as those persons who carried clients in 1998 or 1999 and who submitted ADF&G logbooks for an active vessel (as received by ADF&G by February 12, 2000). Initial recipients will be required to be currently participating (meeting all legal requirements including filing a logbook) during the season prior to final action, and any year claimed during the qualifying period (currently May- Sept 20, 2000). Claimed trips must have been under the operation of a person holding a U.S. Coast Guard license., unless the trip was taken on a non-motorized vessel where the operator is exempt from U.S. Coast Guard license requirements.

The number of persons meeting this criteria, and therefore eligible to receive an allocation at the time of initial issuance, is difficult to precisely determine. Several factors that make determination very difficult, includes tracking claimant's records across various data sets. Approximately 539 persons in Area 2C and 568

persons in Area 3A may qualify. If approved by the Secretary, applicants for initial charter QS would need to provide the appropriate documentation to prove their qualification. The number of applicants is expected to be far lower than these estimates, due to many otherwise eligible persons having left the industry.

**Issue 4** defines the formula that will be used to allocate QS among the initial recipients. The average of each initial recipient's 1998 and 1999 retained halibut harvest will be estimated using logbook records. Of this amount, each person will be awarded 70% of his or her average 1998 and 1999 harvest level. An additional 10% of the individual's 1998 and 1999 logbook average will be awarded for each year of proven participation in the fishery for 1995, 1996, and 1997. The specific formula for determining initial allocations is described in more detail in Section 3.5.4. The total QS pool that would be available for initial distribution would not be known until all potential applicants have applied and the applications reviewed and finalized by NMFS.

**Issue 5** defines the types of transfers that would be allowed under the preferred alternative. Leasing of charter QS is prohibited. Initially issued charter QS is fully transferrable within the charter sector. For purposes of transfer to the commercial sector, 75% of an individual's initially issued charter QS is permanently nontransferable and 25% may be transferred after 3 years, upon Council review and approval. Commercial QS purchased by charter operator is fully transferable (two-way) across sectors, but retains its original designations.

Limited leasing of charter IFQs would be allowed. Up to and including 20% of a charter QS holder's annual IFQ is allowed to be leased within the charter sector, during the first 3 years of the program. Leasing is defined as the use of Charter IFQ on a vessel in which the owner of the QS has less than a 50% ownership interest. Up to and including 10% of a charter operator's annual IFQ may be leased to the commercial sector during the first 5 years.

Any initially issued (i.e., unblocked) charter QS, once transferred to commercial sector, shall be unblocked. Splitting of commercial blocks to transfer a smaller piece to the charter sector would be allowed and the split blocks would retain their original designations.

Transfers of class A, B, C, and/or D commercial QS to the charter sector is allowed, except that no charter business may own or control more than 1 "D" category block, equal to or above the sweep-up level. Transfers also would be allowed from the charter to commercial sector. Transfers to the commercial sector could only be used as B, C, or D category QS and must be fished from a vessel of similar size as the charter vessel. Transfers would be limited to those occurring between undesignated charter QS and commercial catcher vessels of a comparable size class. The buy-down allowances would apply (e.g., charter vessel 35-60 ft must sell to C or D class commercial vessel.)

These limitations are intended to prevent change that is either too rapid or too radical, but they also result in potentially binding (effective) barrier to completely free and unfettered trade. These transfer restrictions will be reviewed once the program is underway to determine if the constraints are necessary and/or appropriate.

**Issue 6** defines persons who are eligible to receive QS and IFQs by transfer. For the charter sector, an eligible person must be either an initial charter recipient or "qualified," as defined by State of Alaska requirements for registered guides or businesses. Such persons must also fulfill all legal obligations of the charter sector and hold a USCG license (unless the QS will be fished from a non-motorized vessel). For the commercial sector, a person must have a commercial transfer eligibility certificate. All commercial rules apply to any provision that may permit the use of commercial QS/IFQ for commercial purposes by any entity in the Charter IFQ sector.

Limiting the number of people that are allowed to purchase quota may decrease the QS value, if those persons excluded from purchasing QS place the highest value on it. However, limiting those who are allowed to

purchase QS also helps to ensure that the fishery remains in the hands of a specific category of people. In making this decision, the Council concluded that the benefits gained from limiting quota ownership, outweighed any losses in quota value that may result from unrestricted QS purchases.

The preferred alternative would require individuals to hold a USCG license, in addition to the other requirements, before they are allowed to purchase QS or IFQ for the halibut charter fishery. If the regulations are written such that quota can only be fished in the commercial fishery by individuals eligible<sup>1</sup> to purchase commercial quota, this requirement would likely be unnecessary.

Issue 7 identifies the caps to be applied to the use of charter QS. The use cap for charter QS owners only would be 1% of combined QS units in Area 2C and 0.5% of combined QS units in Area 3A (for all entities, individually and collectively) and grandfather initial recipients at their initial allocation. This is in combination with an additional use caps for charter QS owners only of 0.5% of combined QS units for combined Areas 2C and 3A (for all entities, individually and collectively). Initial recipients would be grandfathered into the program at their initial allocation. Commercial use caps would continue to be applied to that sector.

It is difficult to know whether there are economic forces promoting consolidation in the charter halibut fishery. Part of the industry that serves "niche" markets, such as the tour boat industry, may exhibit economies of scope and perhaps economies of scale. Other fleets that serve more skilled angler markets may be optimal at smaller scales. Capping use of QS at levels below the economic scale necessary to maximize benefits will preclude efficiency gains. On the other hand, the consolidation issue is so politically charged that those benefits may not be worth pursuing in the larger arena. In the end, the cap issue is probably more an income distribution issue than an efficiency question.

Issue 8 identifies the preferred alternative for four miscellaneous management issues. A maximum line limit of 12 would be implemented in Area 3A (6 line limit would remain in place for Area 2C). Initial recipients would be grandfathered in at the maximum number of lines they fished in 2000, however, privileges to fish in excess of the maximum line limit are non-transferable. This management measure was carried over from the halibut GHL analysis *as a potential means to control harvest*, however, harvest controls are not explicitly needed under an IFQ program. The intent of such a measure under an IFQ program is not clear, since it appears to address allocation issues *within* the charter sector. The analysis concludes that a 12-line limit or any line limit does not address the problem statement; however, the Council included it in its preferred alternative based upon recommendations from public testimony. It also may also help to preserve the character of the charter fleet, as primarily six-pack vessels, since each client is allowed to fish two lines at a time.

The preferred alternative includes a 10% underage provision of total IFQs. Allowing underages in the halibut charter fishery could provide charter operators more flexibility in managing their business, and should result in few negative impacts on the commercial fleet. The underage provisions would serve as a mechanism to reduce the need for charter operators to lease quota, since they would be allowed to "borrow" a small amount from their allocation the next year.

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<sup>1</sup>Those who wish to receive QS/IFQ by transfer but did not have QS initially awarded to them must submit a Transfer Eligibility Certificate application for approval. Only those who have 150 or more days of experience working as part of a harvesting crew in any U.S. commercial fishery are eligible to receive a Transfer Eligibility Certificate (TEC). Work in support of harvesting but not directly related to it is not considered harvesting crew work. For example, experience as an engineer, cook, or preparing a vessel for a fishing trip does not satisfy the requirement.



The preferred alternative includes a one-year delay between initial issuance of QS and fishing IFQs. This is intended to review the geographic distribution of QS by community. It would allow a cooling off period, after initial QS distribution, and allow additional opportunities for transfers to take place to meet the needs of current charter fishery participants. A predicted high turnover rate of charter operators would result in substantial amounts of QS being initially issued to persons no longer participating in the fishery, accompanied by a substantial number of new participants needing to transfer QS to continue in the fishery, as well as current participants who may require additional QS to meet future client demand.

**Issue 9** of the preferred alternative stipulates that all QS (the long term fishing rights) would be issued in units, not pounds or numbers of fish if an IFQ program for the charter sector is implemented. It also stipulates that IFQs associated with the charter QS would be issued in numbers of fish (based on average weight as determined by ADF&G). Nearly all sport fisheries are managed based on numbers, rather than weight, of fish landed. Limits on pounds of fish landed are rarely used as a regulatory mechanism in sport fisheries, because of the higher number of vessel landings and the dispersed nature of the fishery. Because sport-caught fish are not bought or sold, it is impractical and expensive to have enforceable weigh stations at all sites of sport landings. Additionally, managing in numbers, rather than pounds, would have the advantage of linking the limit to the most common management strategy for sport fisheries, that is bag and possession limits.

One cost of specifying charter IFQs in numbers of fish, rather than pounds, is that dockside monitoring would have to be done at major charter ports, on a consistent basis, to obtain an average weight of halibut harvested by charter clients. This would be an expensive program to cover all major charter ports in Areas 2C and 3A. Converting pounds to numbers of fish on a charter IFQ permit would not be administratively difficult.

The preferred alternative defers the design of the reporting and enforcement strategy (**Issue 10**) to an IFQ technical implementation team, comprising agency staff and industry members. The Council intends that a more comprehensive reporting system will address the following items: 1) more timely, verifiable reporting of catch; 2) enforcement concerns; and 3) more accurate geographic referencing of catch location to support future analyses of halibut harvests in proposed local area management plans. The Council noted that ADF&G logbooks would not be considered sufficient for monitoring and that the team should consider fish tags and other reporting systems suggested by industry. The preferred alternative also stipulates that a halibut harvested aboard a charter vessel continues to be the property of the angler who caught the halibut, provided the charter owner possesses sufficient IFQ.

The preferred alternative for **Issue 11** would set aside an allocation for use by qualifying individuals in targeted communities in the Gulf of Alaska, for purposes of starting and/or developing charter businesses. The 37 communities under consideration in Areas 2C and 3A are small (population less than 2,500), coastal, fishing dependent, lacking road access and transportation services, boat facilities, and other services to support tourism. These communities were deemed by the Council to deserve consideration for an separate allocation because of their limited economic opportunities. The analysis is intended to support a Council decision on four decision points: (1) whether to set aside quota for Gulf communities; (2) the magnitude of the set-aside; (3) the source of the set-aside (commercial and/or charter sectors); and (4) whether to include a sunset provision.

The program would initially set aside 1% of the combined commercial and charter halibut quota for communities wishing to foster charter businesses. The set-aside could be increased annually by 0.25%, if the entire allocation was utilized the previous year, up to a maximum of 2%. The set-aside would be funded by equal poundage deductions taken from the commercial and charter sectors. The program will terminate at the close of the charter season, 10 years after the initial allocation to the charter sector. Persons participating in the set-aside program at the time of the sunset may continue to operate within the guidelines of the combined commercial and charter QS program after they obtain their own QS.

**Issue 11** addresses the net benefit implications and distributional effects of the community set-aside on the charter and commercial sectors and implications for communities. The analysis is based on several assumptions and core features of the community set-aside program: (1) set-aside quota is granted to qualifying individuals in eligible communities on a limited right-of-use basis and cannot be sold or leased; (2) set-aside quota is allocated to qualifying individuals on an annual basis subject to individual and community caps; (3) communities, on behalf of qualifying community members, must request an allocation of set-aside quota each year and any quota uncommitted by a certain date is rolled back to the general commercial/charter quota pool for the upcoming season; and (4) set-aside quota is intended to be used for purposes of starting or developing charter businesses by the individual receiving the allocation.

**Net Benefit Implications of the Set-Aside:** The community set-aside has the potential to impact net benefits to society in several ways: (1) the set-aside may result in halibut quota remaining unharvested, reducing 'supply' in the charter sector; (2) unharvested quota may reduce the size of the commercial sector's landings, which could affect supply and price to consumers at various levels of the seafood market (depending on source of set-aside); and (3) even if set-aside quotas are fully utilized, the set-aside may reduce net benefits if the quota (had it not be "set aside") would have been utilized by more readily accessible, more economically and operationally efficient, and/or lower cost charter services.

The community set-aside may change costs for the charter sector and give new entrants in eligible communities a competitive advantage over certain other new entrants. Costs for some charter operators in major ports (Homer, Juneau, etc.) may rise if the reduction in the charter sector TAC, due to the set-aside, requires such operators to lease or purchase additional QS. Cost increases may cause some marginal charter operators to leave the industry, reducing the total number, and thus available supply of charter services. Alternatively, increases in consumer's and producer's surpluses may result from the availability of charter trips from remote communities. Since charter trips from remote communities are highly differentiated products (i.e., offer clients a more unique charter trip experience), and since such trips may not represent close substitutes for charter trips from major ports, increases in the supply of remote-community charter trips may or may not truly offset reductions in the supply from major ports. This is largely an empirical question which cannot be answered with available information.

**Estimated Value of Economic Barrier to Entry:** Since one of the main purposes of the proposed community set-aside is to avoid introducing an economic barrier to entry into the charter industry for persons in the target communities, the size of the potential economic barrier created by the charter IFQ program is estimated. Based on ADF&G logbook data for 1998 and 1999, halibut resource requirements are estimated for start-up and full-time charter operators for the target communities in Areas 2C and 3A. In Area 2C, an estimated 900 lbs and 3,000 lbs of halibut are required to support start-up and full-time charter operators, respectively. These pounds must be converted to numbers of fish before they are allocated to the communities, so the harvest limits can be monitored as they are in the charter program. In Area 3A, an estimated 1,000 lbs and 6,000 lbs of halibut are required to support start-up and full-time operators, respectively.

Using mean 1998 commercial halibut QS transfer prices of \$10.14/lb. and \$8.55/lb. for Areas 2C and 3A, respectively, as an indicator of halibut charter QS prices, the estimated halibut resource requirements may be converted to potential cost of QS for start-up and full-time charter operators. Thus, start-up charter operators may need to purchase \$9,000-\$19,000 and full-time operators may need to purchase \$30,000-\$94,000 worth of halibut QS (assuming no halibut QS units are received in the initial allocation). While the start-up requirements are relatively modest (but not insignificant), the value of halibut QS required to support full-time charter operations is significant and comparable to the cost of other major equipment items (e.g., boat).

**Other Economic and Non-economic Barriers to Entry:** The lack of charter businesses in some of the target communities, despite growth in the industry during the 1990's, suggests that other significant barriers to entry

may exist for these communities. Other potential barriers include economic and non-economic factors. Some of the potential economic barriers to entry include the cost of a boat and other fishing equipment, cost of property (lodge, dock, land, etc.) and the initial funds to finance operating expenses during the start-up phase. Based on data from the ISER (1999) guide and charter survey and adjusting for inflation, the estimated cost per boat ranges from \$40,000-\$67,000 and the estimated overall equipment costs range from \$66,000 to \$125,000. From the same survey data, annual operating expenses are estimated to range from \$29,000 to \$106,000 (adjusted for inflation). A break-down of these operating expenses is as follows: 34% for payroll and other employee expenses; 30% for transportation-related expenses including fuel; 10% for administration; and 9% for other services including advertising. Importantly, most of these expenses would be incurred even if no client demand materializes.

Factors that may have limited past development of charter businesses in some of the 37 target communities and may represent significant barriers to entry include the following: (1) remote location of community; (2) lack of road access; (3) lack of scheduled flights or ferry service; (4) lack of boating facilities; (5) lack of other sport opportunities; (6) lack of food and lodging amenities; (7) lack of tourism; (8) community prefers to limit tourism; (9) not especially scenic; (10) proximity to other "substitute" ports; (11) lack of financial resources; (12) reluctance to take financial risk; (13) lack of business experience and skill; (14) and lack of a USCG license. Of all factors listed, the remoteness of the community is likely the factor most limiting to the development of charter businesses in the 37 target communities. Even if packaged with transportation and lodging, halibut charter fishing from a more remote community would likely appeal to only a small percentage of potential clients. Thus, development of charter operations in the target communities may be as much limited by lack of demand as by the challenges to start and operate a charter business in a remote community.

Impact of Removing an Economic Barrier to Entry: The community set-aside would remove an economic barrier to entry into the charter industry for participants that qualify to use halibut allocated to the program. Removing that barrier essentially preserves the existing cost structure for entry into the fishery, but does not necessarily create any additional incentives or new opportunities for target community members to start a halibut charter business. As a result, it is unlikely that the number of new charter businesses developed in the target communities would be significantly higher than would develop naturally, if the charter IFQ program is not implemented.

Administrative Costs: Administrative costs represent another potential reduction in net benefits, since costs would increase even if the utilization of the resource remains the same. These costs, however, are expected to be minimal. Two types of annual transfers of halibut charter quota would occur under the proposed community set-aside program structure, both of which would impose administrative costs: 1) transfer from the RAM Division of NMFS to the designated community management entity, and 2) transfer from the management entity to qualified individuals within those communities. Also, the cost of enforcing the program would increase if charter activity in additional (especially remote) ports must be monitored.

Impact of the Source and Magnitude of the Set-Aside on Charter and Commercial Sectors: The set-aside will be funded by taking equal pounds from the commercial and charter sectors. A 1.0 to 2.0 percent set-aside would result in an allocation of 98,300 - 196,600 pounds to target communities in Area 2C and 246,460 - 492,920 pounds in Area 3A. Since each sector would supply half of the halibut for the allocation, each number above could be divided by two to see the impact by sector. These numbers represent the annual allocations to communities under the proposed set-aside range, before they are converted to numbers of halibut.

Implications of Magnitude of Set-Aside on Communities: The magnitude of the set-aside also has implications for the 37 target communities in terms of the amount of halibut quota available to individuals in communities and the extent that the allocations are sufficient to support start-up or mature charter

operations. Using the assumptions developed in this analysis to estimate the halibut quota needs of a start-up or mature charter operation in these 37 communities, the proposed set-aside range could support 4 - 10 start-up or 1 - 3 mature charter operations in each Area 2C target community. Using the same assumptions, the set-aside range could support 18 - 35 start-up or 1 - 6 mature charter businesses in each Area 3A target community. Greater quota needs for both start-up and mature charter operations are based on anecdotal evidence.

Using these assumptions, one would conclude that there necessarily must be a decrease in the number of businesses the set-aside range could support in each area, as the businesses mature. This conclusion, however, may be an over-simplification, leading to a mis-interpretation of the likely outcome. For one thing, it assumes that the quantity of guide services demanded will always and everywhere completely utilize the available set-asides (i.e., in each community). In point of fact, demand for halibut charter services in many of these small, remote villages and communities, which do not presently have tourism infrastructure (e.g., hotels, restaurants, reliable commercial access, etc.), is unlikely, in the foreseeable future, to utilize the projected share of quota set-aside. Setting aside this fact, for the sake of argument, clearly, as a charter operation "matures" (e.g., builds a clientele, develops a good reputation, establishes a market niche) and its need for additional QS increases, it is likely to have sufficient revenues (or access to financing, based on its business growth and success) to compete in the QS marketplace, with other charter operations, to acquire those shares. By relying on the free market to allocate QS, society is made better off, as QS goes to those who will, on the basis of their willingness-to-pay, make the highest and best use of it. If these "mature" firms are not able to compete in the marketplace for needed QS, then sustaining (much less expanding) such businesses implies the need for a perpetual "subsidization," reflecting a net loss to society.

Sunset Provisions: The long-run implications of the community set-aside depend on whether an explicit sunset provision is included. The Council requested that 5-year and 10-year sunsets be considered. As proposed by the Coalition, participants of the set-aside are expected to eventually purchase halibut QS, rather than rely on set-aside allocations indefinitely. Several provisions in the Coalition proposal are designed to encourage this outcome. Assuming that charter operators relying on the set-aside do purchase their own quota after a few years, new entrants in the target communities could continue to request quota. If so, the set-aside could effectively represent a permanent allocation to the communities. Alternatively, if the program sunsets in 5 or 10 years, the effects of the set-aside would partially reverse, although sector allocations would likely differ from their starting points due to transfers. If the intent of the program is to provide short-run relief to certain communities so that adjustments to the charter IFQ program can be made more gradually, it is possible that an explicit sunset clause would encourage participants to purchase QS, rather than rely on set-aside quota long term. The impacts of selecting either a 5 or 10 year sunset cannot be estimated, but a 10-year program would provide more time for the goals of the program to be realized. Therefore, the Council selected the 10-year program when making their final decision.

Impact of Community Set-Aside on QS Values: Finally, the community set-aside may impact halibut QS values and introduce an additional source of instability. QS prices are likely to be more stable in the short-run if a phase-in approach is adopted and in the long-run if a sunset provision is included. Prices will be impacted by constraints on transfers between sectors and the size of the set-aside. However, it is anticipated that the set-aside would reduce the supply of quota available to charter operators in the major ports. This decrease in supply would tend to result in increased prices, if demand is unaffected. Any instability or uncertainty caused by the set-aside would tend to lower the price charter operators are willing to pay to acquire additional QS.

Alternative 3, Moratorium. The moratorium alternative uses the same options for qualification as the proposed IFQ program. Therefore the same number of people would be included under either program. However, under a moratorium, persons with low catch histories would be allowed to increase their catch share without compensating other members of the charter sector (as is always the case when a fishery is not "rationalized").

A moratorium on new vessel entry under a GHL program would likely have minimal impacts on guided anglers, if the program qualifies operators that have relatively small levels of catch history. The assumption that a large number of vessels would qualify is made based on historical data (ADF&G Logbooks and Survey data) that indicates a substantial amount of entry and exit in the fishery. The data also indicate that charter boats, on average, carry less than six clients, guides are unable to book trips every day their vessel is available during the fishing season, and that more vessels would qualify for the moratorium than operated in any one year. Guided anglers would be more limited by the GHL, in this case, than they would by the moratorium. This assumes anglers are not limited by trip availability, if they are somewhat flexible in when they take the trip. However, the GHL could potentially decrease the number of fish they could retain in addition to other management measures designed to slow the harvest of halibut taken on charter vessels, and these changes would tend to limit demand for trips. The moratorium, on the other hand, would likely not preclude charter clients from finding space on a boat unless the demand by paying clients increase dramatically (which is not anticipated given current trends reported by the State of Alaska) or there is a short period of peak demand that would be greater than the supply of trips during that time period.

**Issue 1** addresses the recipient that would receive the moratorium license. There are two options: (1) owner/operator or lessee of the charter vessel/business that fished during the eligibility period; and (2) the vessel. When the moratorium alternative was originally developed, the committee's intent was for permits to be issued to persons and not vessels, whereby person is defined as the business owner or lease holder. While this approach may make it more difficult to track persons across different data sets, it reduces problems associated with people using different vessels at various times during the qualifying period.

**Issue 2** addresses qualification criteria. As discussed earlier, the moratorium alternative uses the same qualification criteria as the charter IFQ program. Thus, there are seven options under Issue 2 that correspond to the same seven options for the charter IFQ program. The options rely on varying combinations of 1998 and/or 1999 logbook records and evidence of participation either 3 or 4 out of 5 years between 1995 and 1999, inclusive. In addition, there is a suboption that requires evidence of recent participation. The potential number of qualifiers (owners and vessels) were shown in Table E.1 and equally apply here. Basing the qualification criteria on the activity of the vessel would result in the number of vessels qualifying that are reported in Table E.1 under the "Vessels" columns. As shown in Table E.1, it is obvious that some owners own more than one vessel. As a result, issuing the moratorium permit to persons (and not vessels), would result in a person that owns multiple qualified vessels being issued a permit for each vessel they own that meets the selected criteria.

**Issue 3** addresses evidence of participation. Option 1 governs mandatory requirements (IPHC license, CFEC Number and 1998 logbook), while Option 2 governs supplementary requirements. The appropriate choice of requirements is tied to whether moratorium permits are to be issued to persons or vessels. For example, IPHC licenses vessels, and each license application lists the name of the vessel's owner and the name(s) of the captain(s) if they are different. ADFG logbooks provide information on both the vessel and the vessel owner. Basing the moratorium permit on a person's history may minimize conflicts arising from vessel sales. Thus, while there may be problems associated with issuing permits to persons, the problems may be more easily reconciled compared to issuing permits to vessels.

Table E.1.: Projected number of Owners and Vessels under each qualification option.

Participation Criteria	Projected Number of Qualifiers			
	2C - Owners	2C - Vessels	3A - Owners	3A - Vessels
Option 1: 1998 and 1999	=322	=544	=333	=444
Option 2: 1998 or 1999	=539	=765	=568	=674
Option 3:	539 > x > 367	765 > x > 533	568 > x > 366	674 > x > 427
Option 4:	< 322	< 544	< 333	< 444
Option 5:	< 539	< 765	< 568	< 674
Option 6:	< 322	< 544	< 333	< 444
Option 7:	< 539	< 765	< 568	< 674

Source: ADF&G Logbook data

**Issue 4** addresses the type of vessel upgrades that would be allowed. Two options are under consideration: (1) if the current vessel is a 6-pack, limit the license designation to a 6-pack, and if it is an "inspected vessel," limit upgrades to the current inspected certification; and (2) allow upgrades in Southeast Alaska. Vessel upgrades considered by the committee dealt with the number of passengers that could be carried by a vessel. It was the consensus of the committee that permits would be limited to six clients per vessel (except for existing vessels that are licensed for more than 6 passengers). By limiting the number of passengers a charter may carry, upgrade restrictions like those placed on the commercial fisheries may not be needed.

**Issue 5** addresses whether (and how) transfers would be allowed. Any limited entry program will include allowances for transfers of permits. The Halibut Charter Work Group recommended allowing transfers of vessels with or without the associated moratorium permit. Additionally, two types of transfers in the charter fishery may be needed: (1) transfers from one owner/operator to another; and (2) 'temporary' transfers of the permit from one vessel to another, in the event of vessel breakdowns.

**Issue 6** addresses the period of duration for review. There are three options: (1) tie the duration to the GHL, (2) 3 years, and (3) 5 years or 3 years with option to renew for another 2 years. A short-term moratorium may be useful in providing a time-window for the Council (and other management agencies) to develop more specific management programs geared toward specific regional concerns. The Halibut Charter Working Group recommended (by consensus) keeping the moratorium in place as long as the GHL remains in effect. If the Council chooses this option, the moratorium and GHL would be permanent and would require further Council action to amend the program before the moratorium would cease. This would also require the Council to take action to keep the moratorium if they decide to drop the GHL in the future.

**Overview of Impacts to Guided Anglers:** At the February 2001 meeting, the Council requested that the analysis include a section that summarizes the implications of the alternatives for the angler (guided and unguided). Thus, a separate section has been prepared which summarizes the implications of the three alternatives: (1) the GHL management measures (status quo); (2) the charter IFQ program; and (3) moratorium on charter industry participants. Each alternative has the potential to impact stakeholders in the commercial and sport (guided and unguided) fisheries. The alternatives are being considered largely as a result of allocation disputes between the commercial and charter industries that depend on the size of the halibut resource. Growth in the halibut harvest levels by the charter industry has reduced the portion of the GHL available for commercial harvesting which, in turn, represents a cost to the commercial sector. In addition, unconstrained growth in the halibut charter industry has reduced local availability of the resource

near some ports, requiring charter operators to travel longer distances. If near port depletion results in sport vessels fishing farther away, that would impose costs on the unguided halibut angler, as well as the charter fleet.

**Impact on Consumer (Angler) and Producer Surplus** - The alternatives under consideration have the potential to impact the cost of supply, availability, spatial distribution, and market price of halibut charter trips. These impacts are discussed in the context of potential changes to the consumer and producer surplus. The potential impacts are discussed qualitatively in terms of the direction of the impacts and how the effects may differ (1) for resident versus non-resident anglers, and (2) in the short- and long-run. No attempt is made to quantify the potential magnitude of the impacts, because of the extensive data requirements (most of which is unavailable) associated with any reliable estimates.

**Impacts of the GHL (Alternative 1):** The implications of this alternative for the guided angler depend on whether the GHL is or is not binding. Based on 1999 halibut harvest levels for the charter sector in Areas 2C and 3A, the GHL is not yet a binding operational constraint. Specifically, the halibut charter harvest would need to grow (or the halibut biomass would need to decline) by 36% or 37% before GHL management measures would be triggered. To the extent that one or the other of these changes occur, the halibut charter industry may experience changes in its costs of providing trips that may impact charter trip prices and the quality of the halibut charter trip experience.

If growth in the halibut charter sector increases to the point that "overages" occur, triggering GHL measures, participants (guided anglers and charter operators) would be impacted. However, because GHL management measures are implemented in the season after the overage occurred, the industry adjustment would occur in a step-wise fashion. The management measures include a combination of trip limits, skipper/crew harvest limits, angler harvest limits, and a one-fish bag limit in August. Overall, the GHL and associated management measures are likely to increase costs and introduce more variability in the charter industry in years following an overage. While guided anglers would be least impacted by trip limits and crew harvest limits, these measures are also potentially the least effective. Annual harvest limits on anglers and the one-fish bag limit both tend to reduce demand for charter trips, as well as the number of fish harvested by a person taking a trip, or multiple trips in the case of annual harvest limits. Together, the GHL management measures are designed to keep the charter sector harvest below the GHL. As a result of the potential reduction in the amount of halibut available to the charter sector and the potentially higher charter trip prices that could result (if supply is decreased and demand is relatively stable), net benefits to anglers may be reduced. To the extent that the GHL management measures fail to keep the charter sector harvest below the GHL, the commercial fishing sector's TAC will be decreased accordingly, imposing economic and operational costs on this sector, as well.

**Impacts of the Charter IFQ Program (Alternative 2):** The staff has been presented with several divergent views on the potential impacts of an IFQ program. Under one set of assumptions, charter trip prices would rise in a manner similar to what would occur under the GHL (assuming a binding GHL or TAC), but efficiency gains under an IFQ program would expand profits for charter operators. An alternative view developed by Dr. Wilen (see Appendix 4) suggests that charter trip prices are constrained by macro-economic factors, and the availability of substitutes for both resident and non-resident anglers. Wilen suggests that the main effect of an IFQ program is to allow and encourage more efficient charter operations, with the resulting cost-savings reflected in the market price of charter QS.

The implications of the charter IFQ program are first discussed assuming no transfers between sectors are allowed (although transfers within the charter sector are permitted). The impacts differ depending on whether the initial charter sector TAC is binding or not binding.

**Charter Sector TAC is Not Binding:** Upon implementation of the charter IFQ program, costs in the charter industry will rise for at least two reasons. First, there is an opportunity cost associated with holding QS.

Secondly, charter operators are not likely to receive the exact amount of QS needed to support their normal business activity. In the short run, charter trip prices may be relatively sticky. As a result, charter operators may not be able to raise prices sufficiently to offset their higher costs and some charter operators will reduce their supply of charter trips. To the extent that supply decreases, the price of charter trips will tend to rise, all else equal. The magnitude of the price increase will depend on the price elasticity of demand. Since demand is more inelastic for non-resident than for resident anglers, charter trip prices may rise more for non-resident, than for resident anglers (for a given reduction in supply and assuming an efficient mechanism for price discrimination exists).

In the longer run (i.e., next season), adjustments in the industry are likely. Some marginal charter operators may choose to exit the industry and sell their QS, resulting in industry consolidation among the lower-cost charter operators. Anglers are also likely to make adjustments, since a rise in charter trip prices may make other substitute sport activities (for residents and non-residents) relatively more attractive. As a result, demand for charter trips may decline. Compared to the GHL (when the GHL is not binding), benefits to consumers are reduced under an IFQ program if the new equilibrium reflects higher prices and a lower quantity of charter trips. Charter operators<sup>2</sup>, however, capture resource rents reflected in the value of their QS holdings. Finally, if transfers between sectors are not allowed, a portion of the charter sector's TAC would remain unharvested, when charter demand is not adequate to harvest their entire allotment, resulting in a reduction in net economic benefits.

Charter Sector TAC is Binding: If the charter sector's TAC is binding, the charter sector, as a whole, has fewer QS's than needed to supply the current demand for trips. If no transfers between sector's are allowed, the sector's TAC constrains the quantity of QS employed in the charter sector and charter sector QS prices move higher (when demand exceeds supply at a given price).

If at the time of the initial allocation the halibut allotment is binding, some operators will not have enough QS to maintain their previous activity and may reduce the number of trips to avoid operating losses (sell their QS or lease their IFQ). Under a binding TAC, QS that is not being used will be transferred to operations that can efficiently use the QS. Once these transfers are completed, the supply of trips is relatively constant but still does not cover the demand for trips at the original price. As a result of the supply limits, charter trip prices adjust so that the quantity of trips supplied and the quantity of trips demanded are equal at a given trip price. In the long run, industry consolidation occurs among the lower-cost charter operators, marginal costs for the industry decline and profits rise<sup>3</sup>. In addition, demand may decline if other substitute sport activities become relatively affordable compared to charter trips.

Overall, if the TAC is binding and no transfers between sectors are allowed, benefits to anglers will decline (since prices will likely move higher and quantity is constrained by the TAC). Compared to the GHL management measures, however, the IFQ program provides a more efficient mechanism for constraining the charter sector's harvest. In addition, cost savings realized by the charter sector are reflected in the value of QS. That is, an IFQ program allows charter operators to capture resource rents that are largely dissipated under the GHL management measures.

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<sup>2</sup>Rents may only accrue to persons that receive an initial allocation of QS. Persons that must buy QS will likely pay a price for the harvest rights that reduces the rents they derive from the fishery to zero. The average charter operators that buy into the fishery would only be expected to earn normal profits in the long run.

<sup>3</sup>Profits and possibly rents could increase since entry into the fishery is limited to those persons holding IFQ.



**Impact of Transfers Between Sectors:** Transfer restrictions are likely to have a significant impact on the price of QS (both sale and lease prices), which in turn impacts the magnitude of the opportunity cost of holding QS. The higher the quota share price, the higher the opportunity cost of holding QS.

In the absence of transfer constraints (or other market imperfection) transfers between the charter and commercial sectors will occur to the extent that initial QS prices in each sector differ. If QS prices differ across sectors, transfers will occur until a new equilibrium price is established, reflecting the marginal value of QS in both sectors. If charter QS prices are initially higher, QS will flow into the charter sector and the sector's TAC will rise. Alternatively, if charter QS prices are initially lower, QS will flow out of the charter sector and the sector's TAC will decline.

The price of QS will also depend on whether the charter sector's TAC is or is not binding. If the TAC is not binding, restricting transfers between sectors will suppress the value of charter QS. If the TAC is binding, restricting transfers between sectors may result in higher QS prices. Because the TAC is fixed and restricts the availability of charter trips, limits on the supply of halibut could drive up the price of charter trips even though charter operator costs (excluding the cost of QS) may remain the same or even decline. As a result, profits could be higher, at least for persons initially allocated QS. Thus, if the TAC is binding, allowing transfers between sectors may help keep QS prices in the charter sector, and possibly charter trip prices, lower (unless commercial QS are available and command an even higher price).

**Implications of Issues 1-11:** The implications of the various issues and options under consideration for the charter IFQ program (Alternative 2) depend largely on how the options impact the initial charter sector allocation (i.e., the TAC), quota share prices, and industry costs. Several choices would help to mitigate the impact on guided anglers. For example, basing the initial allocation on 125% of the historical harvest (Issue 1, Option 1) would likely result in an initial charter sector TAC that is not binding. A less constraining TAC will reduce the adverse impacts of the charter IFQ program on the price and characteristics of trips. Or, choosing qualification criteria (Issue 3) and a distribution method (Issue 4) that minimize the need for transfers within the charter sector would help minimize the impact on charter operator costs. The impacts of the choices for transfer restrictions (Issue 5) are highly dependent on whether the TAC is or is not binding. If the charter sector TAC is not binding, restricting transfers between sectors would help to keep QS prices low. On the other hand, if the charter sector TAC is binding, allowing transfers may help to keep QS prices low. In both cases, lower QS prices would result in lower costs for charter operators. Issue 9, concerning whether IFQs are issued in pounds or fish, does not directly impact charter operator costs, but may be important to maintaining the quality of the charter trip experience for the guided angler. Finally, the community set-aside (Issue 11) would have a higher impact on the charter sector if the charter sector's TAC is initially binding. The set-aside, however, may help increase availability of charter trips from the more remote, coastal communities in the Gulf of Alaska. Therefore, the community set-aside would tend to reduce the availability of halibut assigned to the charter sector in places like Homer and Seward, but could increase charter opportunities in more remote communities.

**Impact of the Moratorium (Alternative 3):** Under the proposed moratorium, qualifying charter businesses would be eligible to receive a moratorium license which limits the number of vessels they could operate in the charter fishery. The number of licenses (which are transferable) issued in the initial allocation relative to the number actively used in the fishery would determine their value. If the number of licenses issued is in excess of the number required, the value of the license will be lower than if the initial allocation is tightly constrained. Based on the analysis provided in Section 4.3, it appears that the number of vessels likely to qualify under a moratorium would be greater than the number required to harvest the GHL. If so, it is likely that moratorium license values will remain relatively low and the cost of entry into the industry will not rise as dramatically. In addition, the GHL is likely to become binding before the moratorium would become

binding<sup>4</sup>. As a result, the implications of this alternative largely default to the implications of the GHL (Alternative 1). That is, until the GHL is binding, the charter fishery will continue to operate on an open-access basis. Once the GHL becomes binding, management measures are triggered that work to constrain supply and demand for charter trips. To the extent the GHL sufficiently slows the harvest by guided anglers, the charter fishery is not likely to reach the point where the moratorium becomes limiting.

**Impact of the preferred alternative:** The impacts of the Council's preferred alternative are similar to those described under Alternative 2, when transfers of quota within the charter sector and limited transfers between the charter and commercial sectors are allowed.

The Council's preferred alternative will allocate 13.05 percent of the 2C and 14.11 percent of the 3A combined commercial and charter quota to the charter fleet. That level of allocation would allow the 2C and 3A charter fleets to grow by over 35 percent, relative to their estimated harvest in 1999. Given the ADF&G Sportfish Division projections of charter growth, that allocation should meet the demand of charter clients at the time the program is implemented.

IFQs will be issued in numbers of fish. Issuing IFQ in terms of fish is expected to benefit enforcement, charter operator planning, and limit changes in trip attributes for charter clients.

Quota will be allocated to U.S. citizens or companies with 75 percent U.S. ownership based on catch history reported in log books from 1998-99 that were active at the time of final action. A person's QS allocation will be equal to 70 percent of their 1998-99 logbook landings, plus an additional 10 percent of their logbook landings for each year they participated from 1995-97. Any portion of the catch history not assigned using the above method will be equally divided among the participants that were active during the years 1995-97. This allocation formula rewards persons for having large catch histories in 1998 and 1999 and for fishing during the years 1995-97. The formula for allocating the remaining catch history, benefits persons that fished during the 1995-97 period and had a catch history reported in the logbooks that was below the mean during 1998-99.

Charter businesses will be allowed to purchase commercial QS, if additional quota is needed. The only limits on charter purchases of commercial quota is that they will not be allowed to hold more than one "D" class block. Twenty-five percent of each initial allocation of charter quota may be sold to the commercial sector (three years after the program is implemented and with approval by the Council) for use by commercial vessels of similar size to the charter vessels selling the quota. The sale of charter quota within that sector should help individuals obtain a level of quota that is needed to meet their business needs, and improve the economic efficiency of the sector.

Assuming that 25 percent of the initial charter allocation can be sold to the commercial sector three years after the program is implemented, the market will be allowed to determine the amount of halibut that will be annually allocated to each sector<sup>5</sup>. The restrictions on transfer and use of the charter quota may make it most valuable to the "D" class charter vessels. Charter quota may only be used in the commercial sector by vessels of similar size. This will make most of the charter quota available for use by "D" class vessels. Since the charter quota will be unblocked in the commercial sector it may command a higher price than blocked "D" shares. Should the charter sector wish to purchase commercial quota they will be allowed to purchase portions

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<sup>4</sup>It is likely that there would be enough harvesting capacity in the qualified fleet to harvest well over the GHL if the client demand is present.

<sup>5</sup>Recall that a maximum of 25 percent of a person's initial allocation may be transferred from the charter sector to the commercial sector starting three years after the program is implemented. Any amount of the commercial allocation may be purchased for use in the charter sector.

of blocks. This flexibility may make "D" class blocks an attractive option for charter vessels to purchase, since blocked "D" class QS has traditionally sold for less money than other classes of quota. Charter operators are limited to holding one block of "D" class QS.

Commercial operators of "D" class vessels and persons wishing to buy into the Commercial IFQ program may take issue with increasing the competition for "D" shares. A major concern when the commercial IFQ program was being developed was ensuring the availability of relatively inexpensive "D" shares for entry level persons buying into the fishery. Increased competition for these shares, from charter operators, could either increase the price of these shares or reduce their availability in the market place. Those outcomes could decrease the "benefits" entry level commercial operators enjoyed as a result of the design of the commercial IFQ program.

Leasing of 20 percent of charter quota will be allowed within the charter sector for first three years after the program is implemented. Ten percent of a charter operator's initial allocation may be leased to the commercial sector during the first five years of the program. Limited leasing was included in the Council preferred alternative to help smooth the transition to an IFQ program, and improve economic efficiency during the transition. Charter operators would be allowed to lease quota during this time so they could determine the level of quota they need to hold. Allowing quota leasing for 3 and 5 years was determined to be an adequate amount of time for business plans to be developed that do not rely on leasing quota. The Council desires that charter quota be held by owner-operators. Allowing long-term leasing would defeat this goal.

Vessel owners and persons that operated charters under a bare vessel lease will be receive the initial allocation. These individuals were determined to be the most deserving by the Council because they took the greatest financial risk in the fishery. The Council believed that captains and crew were adequately compensated for their labor by wages and tips.

Use caps were included in the preferred alternative to limit excessive consolidation of the charter fishery. The use caps selected limit consolidation to 100 QS holders in Area 2C and 200 QS holders in Area 3A.

The Council also stated its intent to develop a community set-aside program designed to help target communities develop charter business. The set-aside would initially amount to 1 percent of the combined commercial and charter quota, and would be funded by equal contributions from both sectors. That amount could increase by 0.25 percent per year up to a maximum of 2 percent. The program would expire in ten years. This program will decrease each charter operator's allocation more than commercial allocations. That is because they equally fund the set-aside and the charter sector is allocated a smaller percentage of the combined allocation. The Council felt this was appropriate since the set-aside was designed to fund new charter operation.

Other miscellaneous provisions were also included in the Council motion. The intent of many of those were to help maintain the current characteristics of the charter fleet.

**Changes in Angler Utility/Welfare** - Changes in angler utility and welfare are the result of changes in the prices and/or attributes of a halibut charter trip. The types of trips that charter operators may offer could include everything from catch and release only trips to trips that try to maximize the pounds of halibut retained. A whole range of trips between the polar opposites could be offered, including the clients only keeping "trophy" fish to help minimize the usage of a charter operator's allocation of a specific number of fish. Whatever the type of trips that are offered, if they are marketed to the clients that value that type of trip, the utility of these clients would be higher than clients valuing another type of experience. Therefore under an IFQ program, charter operators may try to market specific trips to a more narrowly focused clientele or

design different types of charter packages at various price levels. The price of the trip could be set to reflect the value of the halibut retained under an IFQ program.

Overall, if the charter operators are able to rationalize their operations, they will be able to decrease operating costs. These cost savings will result in increases in producer surplus, and to the degree they are passed through to clients, consumer surplus and aggregate welfare (to the extent the charter sector's TAC is not binding). However, the gains will be offset by (an unknown amount) consumer surplus decreases associated with the opportunity cost of the halibut had it been utilized in the commercial fishery. It is important to note that under a binding GHL the charter sector also realizes an opportunity cost for halibut, but the system does not provide the appropriate mechanism to rationalize their fishery in order to reduce costs. Therefore, net benefits should be greater under an IFQ program relative to a GHL in a competitive market.

**Impacts on Unguided Anglers** - The impacts of a halibut charter IFQ program on the unguided halibut anglers are expected to be minimal. Implementing an IFQ program for the guided fishery will not limit the total amount of halibut unguided anglers are allowed to harvest. They will still be limited to keeping up to two halibut per day, and that regulation will be in place regardless of whether or not the Council implements an IFQ program. On the other hand, unguided anglers may be impacted indirectly in two ways. First, to the extent that a fisherman who normally uses guided services, instead pursue unguided fishing activities, safety concerns may lead other management agencies that oversee this fishery to consider stricter regulations for the unguided fishing industry. This is as likely to occur under a binding GHL as under an IFQ program, since both programs have the potential to increase the price of charter trips. Secondly, a more rationalized charter fishery may reduce the number of charter vessels per day on the halibut grounds. This may occur if charter operators are able to improve planning and extend the length of the charter season. This would also reduce competition for port services between unguided anglers (that rent or own boats) and charter operators. These outcomes would benefit the unguided angler who uses the same fishing areas or port services. However, if the demand for services declines to a level that drives suppliers out of business, unguided anglers that use those services could be disadvantaged.

**Issuance of Quota Shares to Charter Operators vs. Guided Anglers** - Under the proposed charter IFQ program (Alternative 2), QS would be initially allocated to providers of charter services which meet certain qualification criteria. Allocation of QS to the guided angler, the actual harvester of the halibut resource, is not under consideration. This appears to be a departure from the commercial IFQ program because QS would not be allocated to the harvester of the halibut. Yet, there may be an economic parallel and rationale for allocating QS to the charter operator. Like the commercial IFQ program, under the charter IFQ program, the charter operator is responsible for staying within its individual allocation and helps to enforce the allocation for the entire sector. In addition, QS provide both an incentive and a reward to the charter operator for providing stewardship services.

It is assumed that the moratorium would not replace the GHL as the IFQ program would. Under a moratorium, the fleet would still be limited by the GHL caps so the charter fleet's growth would be constrained, depending on the effectiveness of the GHL.

#### **SUMMARY OF SECTION 4**

Section 4 describes how the proposed action is consistent with other applicable laws.

#### **SUMMARY OF SECTION 5**

Section 5 lists the references cited in the analysis.

#### **SUMMARY OF SECTION 6**

Section 6 lists those individuals consulted in the preparations of the analysis.

#### **SUMMARY OF SECTION 7**

Section 7 lists the preparers of the analysis.



AGENDA C-1(b)(3)  
OCTOBER 2005  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Office of General Counsel  
P.O. Box 21109  
Juneau, Alaska 99802-1109

May 16, 2005

MEMORANDUM FOR: James W. Balsiger  
Administrator, Alaska Region

THROUGH: Lisa Lindeman  
Alaska Regional Counsel *Lisa Lindeman*

FROM: John Lepore  
Attorney Advisor *John Lepore*

SUBJECT: Initial Review of the Halibut Charter IFQ Program

I have completed an initial review of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for the Halibut Charter Individual Fishing Quota (IFQ) Program, submitted to General Counsel, Alaska Region on March 17, 2005. The EA/RIR/IRFA examined proposed changes to the management of the Pacific halibut guided sport (charter) fishery in the International Pacific Halibut Commission (IPHC) regulatory areas 2C and 3A.

The preferred alternative recommended by the North Pacific Fishery Management Council (Council) would implement an IFQ program to replace an existing Guideline Harvest Level (GHL) Program for the Halibut Charter Fishery. Quota would be issued to halibut charter vessel owners based on participation that occurred 1995 through 1999. The Council took final action on the Halibut Charter IFQ Program in April 2001. The Council notified the public that it would reconsider its decision at the October 2001 Council Meeting. The motion to reconsider failed. Council staff provided an initial copy of the EA/RIR/IRFA to NOAA Fisheries Service in April 2003. NOAA Fisheries Service suggested revisions, particularly the addition of an analysis of current participants to meet the requirements of section 303(b)(6) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Council staff made those revisions and provided the revised EA/RIR/IRFA to NOAA Fisheries Service in January 2004.

When approving and implementing a program recommended by the Council, the Secretary of Commerce (Secretary) must have the most recent data in order to make a defensible decision on whether to approve the Council's recommendation and implement the program. In the case of the Halibut Charter IFQ Program, that data would include current participants in the halibut charter fishery and amounts of catch in the charter and commercial halibut fisheries. The EA/RIR/IRFA was updated as of January 2004. However, if more recent data is available, it should be appended to the current version of the EA/RIR/IRFA (dated February 25, 2005).



In Alliance Against IFOs v. Brown, 84 F.3d 343 (9<sup>th</sup> Cir. 1996), the court reviewed regulations promulgated by the Secretary under the MSA to implement the Halibut and Sablefish IFQ Program. One of the issues of the case was the section 303(b)(6) requirement to "take into account present participation in the fishery." This requirement, made applicable to halibut limited access programs under the Northern Pacific Halibut Act of 1982 (Halibut Act), is one of several requirements the Secretary must take into account when implementing a limited access program. The court in Alliance voiced its concern over the length of time between the end of the qualifying period (1990) and the promulgation of the regulations implementing the program (1993). The court indicated that the length of time "pushed the limits of reasonableness," but was not "so far from 'present participation' when the regulation was promulgated in 1993 as to be 'arbitrary or capricious,'" Alliance at 348.

Although the Alliance decision did not clearly specify when the length of time between the end of the qualifying period and the promulgation of regulations is too long and would be considered arbitrary or capricious, it did indicate a "concern about whether the Secretary adequately considered 'present participation in the fishery,'" Alliance at 347. With respect to the EA/RIR/IRFA for the Halibut Charter IFQ Program, this concern could be remedied by including in the record the most recent information available so that the Secretary could review that information prior to his decision whether or not to approve. This would allow the Secretary to determine whether the composition of the halibut charter fishery has changed enough to render the previous recommendation by the Council "stale" (i.e., the current information on the fishery does not reflect the circumstances the Council used in making its recommendation), or whether the circumstances are similar enough that the recommendation made by the Council is as relevant today as it was at final action. In other words, was the "snapshot" of the halibut charter fishery the Council used in 2001 to arrive at its eligibility criteria reflective of the halibut charter fishery today? Or, have the participants in the halibut charter fishery, or other circumstances of the fishery, changed sufficiently that using the eligibility criteria recommended by the Council in 2001 would be considered unreasonable?

cc: Sam Rauch  
Ron Berg  
Sue Salvesson  
Glenn Merrill

JDC



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
INSTALLATION MANAGEMENT AGENCY  
HEADQUARTERS, U.S. ARMY GARRISON ALASKA  
724 POSTAL SERVICE LOOP # 6000  
FORT RICHARDSON, ALASKA 99505-6000

MARCH 18, 2005

Office of the Garrison Commander

RECEIVED

MAR 2005

Ms. Stephanie Madsen, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2252

N.P.F.M.C.

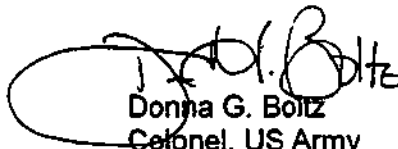
Dear Ms. Madsen,

On 10 August 2001, my predecessor Colonel Fredrick J. Lehman sent a letter to the former NPFMC chairman Mr. David Benton (enclosed) requesting his support to either exclude the Army's Seward Resort from the halibut IFQ program or to approve counting unrecorded catches in determining our quota. We never received a formal reply to our request. However, conversations with NPFMC staff indicated that the request was received and was being considered.

Recent rumors told to our employees by commercial charter operators and the article addressing the halibut IFQ in the March 14, 2005 Anchorage Daily News, have heightened the awareness and anxiety of our customers and staff regarding potential adverse effects. Please let us know your position.

The Seward Resort is primarily a non-appropriated funded activity that provides affordable charter fishing, lodging and sightseeing opportunities for military members, reservists, retirees and their families and other Department of Defense customers as authorized by directives. Many of our junior military customers could not afford to participate in charter fishing outside of our operation. All monies collected from our customers are reinvested into Morale, Welfare and Recreation (MWR) activities at Forts Richardson and Wainwright. The funds earned at the Resort are vital in providing the services and programs needed to care for Soldiers and their families. In this time of increased deployment of Soldiers and lengthened family separation, these funds and operation of the Resort itself, as a highly-valued recreational activity, are more important than ever.

If the Resort is not exempted from the IFQ program, we estimate our annual requirement to be about 9,000 to 10,000 fish. If you have questions, my point of contact is Mr. Scott Bartlett, Seward Resort Manager. He can be reached at (907) 384-0239.

  
Donna G. Bolz  
Colonel, US Army  
Commanding



DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY GARRISON ALASKA  
500 RICHARDSON DRIVE # 5000  
FORT RICHARDSON, ALASKA 99505-5000



REPLY TO  
ATTENTION OF:

APVR-GC

Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, Alaska 99501-2252

Dear Mr. Benton,

I am writing to you in response to address some concerns that I have pertaining to the impact to the Army as a result of the North Pacific Fishery Management Council's vote to approve an IFQ program for halibut charter operators in Southeast and Southcentral Alaska.

As you are probably aware, the U.S. Army operates the Seward Army Resort, a recreational facility primarily for active duty and retired service members and their families, in Seward, Alaska. The Seward Army Resort is operated under the Army's Morale, Welfare, and Recreation (MWR) system and is substantially funded through revenues generated at the Resort, not through congressionally appropriated, taxpayer dollars. Seward Army Resort does not operate for the purpose of making a profit, as a commercial enterprise would do, but rather to essentially break even and be able to stay financially operational. Thus, income generated by the lodging and fishing operations at the Seward Army Resort are put back into the Resort or into other MWR programs within the Army's MWR system.

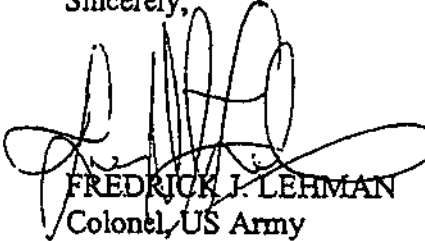
Among the other recreational opportunities offered at the Seward Army Resort is the opportunity for patrons to go out on charter fishing boats operated by the Army. Currently the Army operates five, charter fishing boats. However, not all of these boats were owned and operated by the Army during the 1995-1999 time period, which it is my understanding is the time period that will be used in determining a charter operator's future quota share under the IFQ program. Obviously this is of concern to me as I am uncertain how quota shares will be determined for these additional boats which the Army now has, but for which we have no fish harvest records for during the 1995-1999 seasons. In addition, of the boats that the Army did own and operate during the 1995-1999 fishing seasons, not all of these boats were operated by Coast Guard licensed boat captains because the boats were not operated for a fee, but rather on a free lottery system to patrons of the Seward Army Resort. As a result, over half of the harvest records, which were maintained and turned in to the Alaska Department of Fish and Game, were considered "unrecorded." This too is of concern to me as it is my understanding that the "recorded" harvest numbers are what will be used in allocating quota shares under the IFQ program. Finally, of concern also is the fact that during the first half of the 1999 season, the Seward Army Resort restructured its marine operations and did not become fully operational until mid-summer. As a result of missing half the season, our halibut harvest logbooks reflects considerably lower season totals.



For the above reasons, which I believe are unique to the Army and not applicable to the typical charter operator, I request consideration be given to exempting the Army from the IFQ program. Alternatively, I request that all of the Army's halibut harvest totals, "recorded" and "unrecorded", be counted for purposes of determining the Army's quota shares. In addition, request allowance be given when determining quota shares for the additional boats the Army now operates as compared to the number operated during the 1995-1999 seasons.

I would welcome the opportunity for members of my staff to meet with members of the North Pacific Fishery Management Council in order to discuss these issues and concerns in greater detail. Please do not hesitate to contact me at 384-2175 or Mr. John Curry, Director of Community Activities, at 384-2261 if you have any questions or wish to discuss these issues further. I look forward to hearing from you.

Sincerely,



FREDRICK J. LEHMAN  
Colonel, US Army  
Garrison Commander



DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY GARRISON ALASKA  
600 RICHARDSON DRIVE # 5000  
FORT RICHARDSON, ALASKA 99505-5000



REPLY TO  
ATTENTION OF

APVR-GC

Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, Alaska 99501-2252

Dear Mr. Benton,

I am writing to you in response to address some concerns that I have pertaining to the impact to the Army as a result of the North Pacific Fishery Management Council's vote to approve an IFQ program for halibut charter operators in Southeast and Southcentral Alaska.

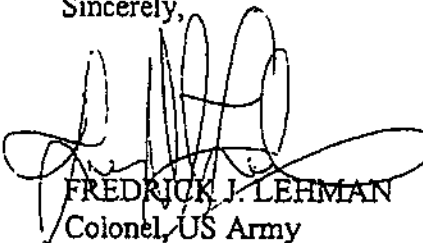
As you are probably aware, the U.S. Army operates the Seward Army Resort, a recreational facility primarily for active duty and retired service members and their families, in Seward, Alaska. The Seward Army Resort is operated under the Army's Morale, Welfare, and Recreation (MWR) system and is substantially funded through revenues generated at the Resort, not through congressionally appropriated taxpayer dollars. Seward Army Resort does not operate for the purpose of making a profit, as a commercial enterprise would do, but rather to essentially break even and be able to stay financially operational. Thus, income generated by the lodging and fishing operations at the Seward Army Resort are put back into the Resort or into other MWR programs within the Army's MWR system.

Among the other recreational opportunities offered at the Seward Army Resort is the opportunity for patrons to go out on charter fishing boats operated by the Army. Currently the Army operates five, charter fishing boats. However, not all of these boats were owned and operated by the Army during the 1995-1999 time period, which it is my understanding is the time period that will be used in determining a charter operator's future quota share under the IFQ program. Obviously this is of concern to me as I am uncertain how quota shares will be determined for these additional boats which the Army now has, but for which we have no fish harvest records for during the 1995-1999 seasons. In addition, of the boats that the Army did own and operate during the 1995-1999 fishing seasons, not all of these boats were operated by Coast Guard licensed boat captains because the boats were not operated for a fee, but rather on a free lottery system to patrons of the Seward Army Resort. As a result, over half of the harvest records, which were maintained and turned in to the Alaska Department of Fish and Game, were considered "unrecorded." This too is of concern to me as it is my understanding that the "recorded" harvest numbers are what will be used in allocating quota shares under the IFQ program. Finally, of concern also is the fact that during the first half of the 1999 season, the Seward Army Resort restructured its marine operations and did not become fully operational until mid-summer. As a result of missing half the season, our halibut harvest logbooks reflects considerably lower season totals.

For the above reasons, which I believe are unique to the Army and not applicable to the typical charter operator, I request consideration be given to exempting the Army from the IFQ program. Alternatively, I request that all of the Army's halibut harvest totals, "recorded" and "unrecorded", be counted for purposes of determining the Army's quota shares. In addition, request allowance be given when determining quota shares for the additional boats the Army now operates as compared to the number operated during the 1995-1999 seasons.

I would welcome the opportunity for members of my staff to meet with members of the North Pacific Fishery Management Council in order to discuss these issues and concerns in greater detail. Please do not hesitate to contact me at 384-2175 or Mr. John Curry, Director of Community Activities, at 384-2261 if you have any questions or wish to discuss these issues further. I look forward to hearing from you.

Sincerely,



FREDRICK J. LEHMAN  
Colonel, US Army  
Garrison Commander

**FEDERAL COMMUNICATIONS  
COMMISSION****47 CFR Part 73**

[DA 03-2413; MB Docket No. 03-13; RM-10628]

**Radio Broadcasting Services;  
Johnston City and Marion, IL**AGENCY: Federal Communications  
Commission.

ACTION: Final rule.

**SUMMARY:** In response to a Notice of Proposed Rule Making, 68 FR 5860 (February 5, 2003), this document reallocates Channel 297B from Marion Illinois, to Johnston City, Illinois. The coordinates for Channel 297B at Johnston City are 37-45-15 North Latitude and 88-56-05 West Longitude, with a site restriction of 7.4 kilometers (4.6 miles) south of Johnston City, Illinois.

DATES: Effective September 8, 2003.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 03-13, adopted July 23, 2003, and released July 24, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—RADIO BROADCAST  
SERVICES**

■ 1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Johnston City, Channel 297B and by removing Marion, Channel 297B.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media  
Bureau.

[FR Doc. 03-20209 Filed 8-7-03; 8:45 am]

BILLING CODE 6712-01-P

**FEDERAL COMMUNICATIONS  
COMMISSION****47 CFR Part 73**

[DA 03-2468; MB Docket No. 03-116]

**Radio Broadcasting Services; Archer  
City, TX**AGENCY: Federal Communications  
Commission.

ACTION: Final rule.

**SUMMARY:** As the result of a proposal by the Commission, this document substitutes Channel 248C2 for Channel 248C1 at Archer City, Texas. This will conform the FM Table of Allotments to the outstanding construction permit of Texas Grace Communications for Station KRZB, Channel 248C2, Archer City, Texas (BMPH-19900217B). See 68 FR 26556, published May 16, 2003. The reference coordinates for the Channel 248C2 allotment at Archer City, Texas, are 33-51-40 and 98-38-52. With this action, the proceeding is terminated.

DATES: Effective September 8, 2003.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order in MM Docket No. 03-116, adopted July 30, 2003, and released August 1, 2003. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC.

The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

**PART 73—RADIO BROADCAST  
SERVICES**

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 248C1 and by adding Channel 248C2 at Archer City.

Federal Communications Commission.

Peter H. Doyle,

Chief, Audio Division, Media Bureau.

[FR Doc. 03-20214 Filed 8-7-03; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric  
Administration****50 CFR Part 300**[Docket No. 011206293-3182-02; I.D.  
101501A]

RIN 0648-AK17

**Pacific Halibut Fisheries; Guideline  
Harvest Levels for the Guided  
Recreational Halibut Fishery**AGENCY: National Marine Fisheries  
Service (NMFS), National Oceanic and  
Atmospheric Administration (NOAA),  
Commerce.

ACTION: Final rule.

**SUMMARY:** NMFS issues a final rule to implement a guideline harvest level (GHL) for managing the harvest of Pacific halibut in the guided recreational fishery in International Pacific Halibut Commission (Commission) areas 2C and 3A in and off of Alaska. The GHL establishes an amount of halibut that will be monitored annually in the guided recreational fishery. This action is necessary to allow NMFS to manage more comprehensively the Pacific halibut stocks in waters off Alaska. It is intended to further the management and conservation goals of the Northern Pacific Halibut Act of 1982 (Halibut Act).

DATES: Effective September 8, 2003.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for the proposed rule and Final Regulatory Flexibility Analysis (FRFA) prepared for this final rule may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 1668, Attn: Lori Gravel-Durall.

**FOR FURTHER INFORMATION CONTACT:** Glenn Merrill, (907) 586-7228 or e-mail at [glenn.merrill@noaa.gov](mailto:glenn.merrill@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Commission makes recommendations regarding management of the Pacific halibut fishery under the Convention between the United States and Canada. The Commission's recommendations are subject to approval by the Secretary of State with concurrence of the Secretary of Commerce (Secretary). Additional management regulations that are not in conflict with regulations adopted by the Commission, may be developed by the North Pacific Fishery Management Council (Council) to allocate harvesting privileges among U.S. fishermen.

The Halibut Act provides NMFS, in consultation with the Council, with authority to implement such allocation measures through regulatory amendments approved by the Secretary. In addition to the Commission regulations, the commercial halibut fishery off Alaska is managed under the halibut Individual Fishing Quota (IFQ) Program implemented in 1995.

Each year the Commission staff assesses the abundance and potential yield of Pacific halibut using all available data from the commercial fishery and scientific surveys. Harvest limits for ten regulatory areas are determined by fitting a detailed population model to the abundance and harvest data from each area. A biological target level for total removals in a given area is then calculated by multiplying a fixed harvest rate presently 20 percent to the estimate of exploitable biomass. This target level is called the "constant exploitation yield" (CEY) for that area in the coming year. Each CEY represents the target level for total removals (in net pounds) for that area. The Commission then estimates the sport and personal use, subsistence harvests, wastage, and bycatch mortalities for each area. These are subtracted from the CEY and the remaining amount of fish may be set as the catch quota or "setline CEY" for each area's directed commercial fixed gear fishery. The setline CEY is a fixed quota, but other removals of fish are not allocated a specific quota.

Harvests by the guided recreational fishery and other non-commercial harvests are thus unrestricted within the CEY because no specific amount is allocated to the guided fishery. This represents an open-ended allocation to the guided recreational fishery from quota available to the commercial halibut fishery. Hence, as the guided recreational fishery expands, its harvests reduce the pounds available to be fished in the commercial halibut fishery and, subsequently, the value of quota shares (QS) in the IFQ Program.

The Council recognized the growth of harvests in the guided recreational

fishery and adopted a problem statement in 1995 that recognized that ever increasing harvests in this fishery may make achievement of Magnuson-Stevens Act National Standards more difficult. Of concern was the Council's ability to maintain the stability, economic viability, and diversity of the halibut industry, the quality of the recreational experience, the access of subsistence users, and the socioeconomic well-being of the coastal communities dependent on the halibut resource. This policy statement led to the development of a GHL policy that would address allocative concerns in the Council's problem statement. More detail on the development of the GHL policy is provided in the preamble to the proposed rule, published in the *Federal Register* on January 28, 2002 (67 FR 3867).

#### Development of the GHL

This final rule establishes a GHL policy which specifies a level of harvest for the guided recreational fishery. If the GHL is exceeded, then NMFS will notify the Council within 30 days of receiving information that the GHL has been exceeded. At that time the Council may initiate analysis of possible harvest restrictions and NMFS may initiate subsequent rulemaking to reduce guided recreational harvests. This final rule does not establish specific harvest restrictions for the guided recreational fishery. This final rule does not prevent the Council from recommending management measures before the guided recreational fishery exceeds a GHL, nor does it obligate the Council to take specific action if the GHL is exceeded. Under this GHL policy, NMFS would notify the Council if a GHL for the guided recreational harvests has been met or exceeded.

This final rule is the result of ongoing efforts by the Council to address allocation concerns between the commercial IFQ halibut fishery and the guided recreational fishery. The Council has discussed the expansion of the guided recreational halibut fishery since 1993. In September 1997, the Council adopted two management actions affecting the halibut guided recreational fishery, culminating more than 4 years of discussion, debate, public testimony, and analysis.

First, the Council adopted recording and reporting requirements for the halibut guided recreational fishery. To implement this requirement, the Alaska Department of Fish and Game (ADF&G) Sport Fish Division, instituted a Saltwater Charter Vessel logbook (Logbook) in 1998. It complemented additional sportfish data collected by

the State of Alaska (State) through the Statewide Harvest Survey (Harvest Survey), conducted annually since 1977, and the on-site (creel and catch sampling) surveys conducted separately by ADF&G in Southeast and Southcentral Alaska.

The Council's second management action recommended GHLS for the guided recreational halibut fishery in Commission regulatory areas 2C and 3A. The GHLS were based on the guided recreational sector receiving an allocation of 125 percent of its 1995 harvest. This amount was equivalent to 12.76 percent and 15.61 percent of the combined commercial/guided recreational halibut quota in areas 2C and 3A, respectively.

The Council stated its intent that guided recreational harvests in excess of the GHL would not lead to a mid-season closure of the fishery, but instead would trigger other management measures to take effect in years following attainment of the GHL. These measures would restrict the guided recreational fishery and maintain harvests within the GHL allocation. The overall intent was to maintain a stable guided recreational season of historic length, using area-specific harvest restrictions. If end-of-season harvest data indicated that the guided recreational sector likely would reach or exceed its area-specific GHL in the following season, NMFS would implement measures to reduce guided recreational halibut harvest.

Given the one-year lag between the end of the fishing season and availability of that year's harvest data, management measures in response to the guided recreational fleet's meeting or exceeding the GHL would take up to two years to become effective. However, the Council did not recommend specific management measures to be implemented by NMFS if the GHL were reached.

In December 1997, the NMFS Alaska Regional Administrator informed the Council that publishing the GHL as a regulation without specific management measures would have no regulatory effect on the guided recreational fleet. Further, because the Council had not recommended specific management measures by which to limit harvests if the GHL were reached, no formal approval decision by the Secretary would be required for the Council's proposed GHL policy. Hence, a GHL proposed rule would not be developed and forwarded for review by the Secretary.

After being notified that its 1997 GHL policy recommendation would not be submitted for Secretarial review, the Council initiated a public process to

develop potential harvest restrictions to implement if the GHL were exceeded. The Council formed a GHL Committee to recommend alternative management measures for analysis that would constrain guided recreational harvests below the GHL. In April 1999, the Council identified alternatives for analysis.

In February 2000, after 7 years of discussing the guided recreational halibut fishery, the Council adopted a redefined guided recreational GHL and a system of management measures for recommendation to the Secretary. The Council's recommendation would have established a suite of varying harvest restrictions that would be triggered depending on the degree to which the GHL was exceeded. Once the GHL is reached or exceeded, these measures would be implemented by notice published in the *Federal Register*. Essentially, the Council's recommendation included a "framework" of restrictions that were explicitly designed to be implemented without proceeding through public notice and comment before becoming effective.

NMFS sent a letter to the Council on April 2, 2002, informing the Council that "[t]he current framework cannot be implemented as conceived by the Council because the Administrative Procedure Act (APA) requires that any regulatory action have prior notice and opportunity for public comment before becoming effective."

The notification process described in the proposed rule contemplated compliance with the APA in establishing the framework of harvest restrictions that would be scaled to match the extent to which the guided recreational fishery exceeded the GHL. This framework of potential restrictions, which would be automatically triggered depending on how much the GHL is exceeded, was designed by the Council to minimize the time between exceeding a GHL and the implementation of one or more restrictions. Public comment was specifically invited on the range of restrictions and the link between this range and the level that the guided recreational fishery exceeded the GHL.

This process of implementing pre-conceived and non-discretionary restrictions by notice, depending on how much the GHL is exceeded, however, would not have provided for additional public comment at the time of implementing a restriction. The NMFS letter to the Council indicated that this lack of additional public comment would not be consistent with the APA.

The public comment required by the APA can be waived only for "good cause." The harvest restrictions in the proposed rule likely could not be implemented under the "good cause" exemption of the APA. The APA provides for a "good cause" finding only when the agency finds that notice and opportunity for public comment would be impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(3)). These terms are narrowly defined. Because this "good cause" finding would need to be made at the time the harvest restrictions are implemented, NMFS could not conclude in advance that a "good cause" finding would exist in every instance the GHL was exceeded and harvest restrictions triggered. This requirement would effectively undermine the goal of the framework measures to expedite implementation of harvest restriction measures on the guided recreational fishery.

NMFS presented this letter to the Council at its April 2002 meeting, but no action was taken. NMFS sent a second letter to the Council on September 6, 2002, which further clarified factors that may affect the approval of the GHL program and suggested alternative ways to meet the Council's intent.

The September 6, 2002, letter noted that the proposed rule could be approved only if it were changed to explicitly provide for an opportunity for public comment before implementing any harvest restrictions. This change would increase the amount of time between when the GHL is exceeded and implementing any harvest restrictions, because the APA rulemaking process would require an analysis of alternatives to the proposed harvest restrictions recommended by the Council under the requirements of the Regulatory Flexibility Act, the National Environmental Policy Act, Executive Order (E.O.) 12866 (which requires a Regulatory Impact Review), and other applicable laws.

The Council discussed this letter in October 2002. The Council indicated that its preferred course of action would be to implement the GHL policy as a rule and to develop possible harvest restriction measures as necessary at a later time through a separate analytical and rulemaking process. Under this scenario, the Council would undertake its usual process of forwarding recommendations to NMFS based on analysis of alternatives each time recreational guided harvests exceed the GHL.

On December 2, 2002, NMFS informed the Council by letter that

NMFS intended to proceed as recommended by the Council in October, with a final rule to implement the GHL policy without the associated harvest restriction measures. NMFS presented this letter to the Council at its December 2002 meeting. This letter noted that if the GHL were exceeded, subsequent harvest restrictions could be implemented as needed under normal APA rulemaking with the accompanying analyses (e.g., EA/RIR/IRFA). In other words, this final rule would establish the GHL policy and require NMFS to notify the Council when a GHL is exceeded, which could serve as a trigger for subsequent rulemaking.

Hence, this final rule deviates from the proposed rule (January 28, 2002, 67 FR 3867) by omitting all of the proposed restrictions. The specific changes in this final rule from the proposed rule are described in the Changes from the Proposed Rule section of this final rule.

#### Guideline Harvest Level

The GHL establishes a pre-season estimate of acceptable annual harvests for the guided recreational halibut fishery in Commission areas 2C and 3A. To accommodate limited growth of the guided recreational fleet while approximating historical harvest levels, the GHL for each area is based on 125 percent of the average of 1995-99 guided recreational harvest estimates as reported by the ADF&G's Harvest Survey. The average harvest during the 1995-1999 time period was chosen as being representative of recent trends in guided fishery harvests with the additional 25 percent over this average added to accommodate limited future growth based on estimated guided fishery harvest trends. The GHLs equal 1,432,000 lb (649.5 mt) net weight in area 2C, and 3,650,000 lb (1,655.6 mt) net weight in area 3A. These amounts equate to 13.05 percent, and 14.11 percent, respectively, of the combined guided recreational and commercial allowable harvest.

The GHLs are established as a total maximum poundage, which is responsive to annual reductions in stock abundance. In the event of a reduction in either area's halibut stocks, as determined by the Commission, the area GHL is reduced incrementally in a stepwise fashion in proportion to the stock reduction. The GHL is reduced by fixed percentages if the stock abundance falls below the average 1999-2000 stock abundance. The 1999-2000 time frame was chosen because these were the two years most recent to the Council's action.

To compare the stock abundance among years using a uniform measure, the stock abundance will be compared to the average 1999–2000 CEY using the CEY established for that year by the Commission. The CEY is the total target biomass that may be removed each year. The Commission sets the CEY based on the best available information and the professional judgment of the Commission. As such, it may reflect uncertainty, or changes in the stock assessment modeling. However, comparing the CEY each year to the average 1999–2000 CEY, provides the best available measure of stock abundance trends between years.

The GHL in each area is reduced in stepwise increments based on a reduction in the CEY. This reduction would occur the year following the availability of the data indicating that a GHL in a given area has been exceeded. This stepwise incremental reduction was chosen by the Council to provide some consideration for the natural variability of halibut stocks and not require the adoption of a new GHL every year if the stock varies only slightly. For example, if the halibut stock in area 2C were to fall from 15 to 24 percent below its 1999–2000 average CEY, then the area 2C GHL would be reduced by 15 percent from 1,432,000 lb (649.5 mt) to 1,217,200 lb (552.1 mt). If the Area 2C stock abundance were to fall at least 25 to 34 percent, then the GHL would be reduced by an additional 10 percent from 1,217,200 lb (552.1 mt) to 1,095,480 lb (496.9 mt). If the stock abundance continued to decline by at least 10 percent increments, the GHL in Area 2C would be reduced by an additional 10 percent once the stock abundance was reduced by at least 10 percent.

If abundance returns to its pre-reduction level (the 1999–2000 average CEY), the GHL would be stepped back up in the following year by commensurate incremental percentage points to its initial level of 125 percent of the average of 1995–99 guided recreational harvest estimates. As an example, if the Area 2C stock abundance was 19 percent lower than the 1999–2000 average stock abundance, the GHL would be 15 percent lower than the initial level. The Area 2C GHL would be 1,217,200 lbs. (552.1 mt). If the stock abundance in Area 2C increased by 15 percent over this level, the GHL in Area 2C would be stepped up to its maximum initial level of 1,432,000 lbs (649.5 mt).

If halibut stock abundance were to increase above its 1999–2000 average CEY, then the GHL would never exceed its initial level of 1,432,000 lb (649.5 mt)

in Area 2C and 3,650,000 lb (1,655.6 mt) in Area 3A. Setting the GHL at a maximum of 125 percent of the 1995–1999 harvest estimates would allow for limited growth of the guided recreational fishery, but would effectively limit further growth at this level. The Council chose not to provide a mechanism to increase the GHL above this initial level if the stock abundance increases. The Council clarified that its goal for the GHL was to provide a limit on the total amount of harvests in the guided fishery that would be designated as a fixed poundage based on an amount equal to 125 percent of the average 1995–1999 harvests. This amount was set higher than existing harvest levels to accommodate some future growth in the recreational sector. The Council stated its intent that the GHLs would not close the fishery, but instead would trigger other management measures in years following attainment of the GHL. The overall intent was to maintain a stable guided recreational fishery season of historic length, using area-specific measures.

Once the Commission determines the stock abundance for the year during its January meeting, NMFS will review the Commission's CEY relative to the baseline 1999–2000 average CEY and announce the GHL for the year in the **Federal Register** by notice before the beginning of the guided fishery. If the GHL is exceeded in any year, then NMFS will notify the Council in writing that the GHL has been exceeded as soon as that information is available. Currently, the only source of information on guided recreational harvests comes from the Harvest Survey. The final results from the Harvest Survey are typically available by August of the year following the survey. Under this data collection system, NMFS would not have data that the GHL was exceeded until eight months after the end of the prior guided recreational season. NMFS has established a contract to develop a data collection system independent of the State's Harvest Survey. That system is still under development.

#### Changes from the Proposed Rule

This final rule does not implement the framework harvest restrictions recommended by the Council and published in the **Federal Register** as a proposed rule on January 28, 2002 (67 FR 3867). The final rule regulatory text includes: (1) the GHL in Areas 2C and 3A; (2) the mechanism for reducing the GHL in years of low abundance as determined by the Commission; (3) a requirement for NMFS to publish the GHL on an annual basis in the **Federal**

**Register**; and (4) a requirement for NMFS to notify the Council in writing within 30 days of receiving information that the GHL has been exceeded. At that time, the Council may choose to initiate an analysis of alternative management restrictions on the guided recreational fishery and propose harvest reduction restrictions through the usual APA rulemaking process.

This final rule also revises the regulatory language to better clarify the mechanism for reducing the GHLs if the stock abundance declines. This change does not modify the intent or effect of the language in the proposed rule but improves its readability and accuracy. The final rule also removes the definition of "guided recreational vessel" because existing regulations (at 50 CFR 300.61) define a "charter vessel" and an additional definition would be duplicative. This change does not modify the intent or effect of the language in the proposed rule. The term "guided recreational fishery" is used in the preamble to the proposed rule because that term has been used consistently throughout the analytical process. Retaining the term in this final rule assists the public by maintaining consistent terminology.

The suite of harvest restrictions recommended by the Council and published in the proposed rule may be one of the alternatives that is analyzed in subsequent rulemaking if the GHL is exceeded. The Council may choose other reasonable alternative harvest reduction restrictions if the GHL is exceeded.

The specific regulatory language in the proposed rule that is not implemented in this final rule includes: (1) the suite of harvest restrictions that would apply if the GHL were exceeded; (2) the notification process for implementing the harvest restriction measures; and (3) regulatory language that would require the Council to review the harvest restriction measures after their implementation to evaluate their efficacy in preventing further excess harvests and recommend that NMFS adjust those measures as necessary to ensure that the following season's harvest levels do not exceed the GHL.

This final rule imposes no restrictions on the guided recreational fishery as outlined in the proposed rule. This change from the proposed rule is necessary to address concerns raised about the ability to implement the harvest restriction measures without providing opportunity for public comment under APA rulemaking procedures.



The effect of removing this regulatory language in this final rule is to establish the GHL as a notification to the Council for consideration of possible subsequent rulemaking, but not to establish specific harvest restriction measures. While this change substantially modifies the regulatory language in the proposed rule, it does not impose new restrictions on the guided recreational fishery. The only regulatory effect of this action is to codify the GHL policy, require the publication of the GHL on an annual basis in Areas 2C and 3A, and to require NMFS to notify the Council if the GHL is exceeded.

#### Response to Comments

The proposed rule was published in the *Federal Register* on January 28, 2002 (67 FR 3867), and invited public comments until February 27, 2002. NMFS received 241 public comments.

#### Letters Supporting the Proposed Rule

NMFS received 228 letters that supported, either in whole or in part, the adoption of the proposed rule to implement a GHL and associated management measures for the guided halibut fishery. These comments do not provide specific suggestions or comments on modifying the proposed rule, but urge its Secretarial approval. Therefore, the supportive comments summarized are not individually addressed and responded to in this action.

Many of the public comments supporting the proposed rule are form letters from individual commercial fishermen that urge NMFS to approve the proposed rule. Approximately half of these letters also contain personalized information on the specific nature of the individual's commercial fishing operation and how that individual would be harmed if the proposed rule were not adopted. NMFS received seven letters that support the adoption of the proposed rule from organizations representing fishermen or processors. NMFS also received one petition signed by 69 individuals supporting the GHL proposed rule. The individuals signing the petition indicated they owned or operated vessels primarily homeported in Homer, Alaska. Based on a review of the names on the petition, most of these individuals did not submit separate personal letters.

NMFS received three letters from resident sport anglers who expressed support for the GHL as a means to control effort in the fishery and ensure sport fishing opportunities for local residents. One commercial fisherman and guided recreational lodge owner catering to guided recreational fishery

clients also expressed support for the GHL proposed rule as a means to curtail effort that could adversely affect his lodge operations.

The principal reasons given for supporting the proposed rule in these letters were that it would:

- (1) Establish an equitable allocation between sport and commercial harvests;
- (2) Provide additional security for commercial fishermen who have invested in the IFQ Program and believe that they should be provided a stable percentage of the total halibut resource; and
- (3) Provide a control on guided recreational fishery harvests in nearshore waters that are used by smaller commercial vessels.

Many of the letters noted that commercial fishermen have made substantial investments in the IFQ program and the lack of controls on guided recreational fishery harvests will compromise their investment because no explicit controls exist on the future growth of the guided recreational harvests relative to the commercial fishery. Other letters noted that consumers would benefit from a healthy commercial resource and not all individuals can afford a guided fishing experience if they want to eat Pacific halibut from Alaska. Several letters indicated that the value of commercial fisheries extends to the numerous services (e.g., grocery stores, supply stores) that commercial fisheries support in small rural communities. Other letters noted that localized depletion by guided recreational vessels is a concern and must be controlled. Some letters mention that guided recreational operators are in fact "commercial fishermen" because they derive their income by their ability to find fish for their clients to harvest. Several letters indicate that the Council process that resulted in the recommendation to adopt a GHL for the guided recreational fishery fleet was a long, open process, that allowed ample public participation.

Generally, these letters express support for the Secretary's decision to publish the proposed rule and proceed with the GHL. A number of the comments are no longer pertinent given the restructuring of the final rule to remove the frameworked harvest restrictions.

#### Letters Opposing the Proposed Rule

NMFS received 12 letters opposing the establishment of a GHL. The authors of all of these letters identified themselves as guided recreational fishermen. Writers of these 12 letters

made 10 unique comments on the proposed rule.

Most of these comments specifically address the harvest restriction measures that were part of the proposed rule but are not included in this final rule. These comments may no longer be pertinent given the removal of the harvest restriction framework.

*Comment 1:* The guided recreational fishery harvests comprise a relatively small portion of overall harvest of halibut in Areas 2C and 3A. The percentage of harvest is not increasing, and controls or other limits on the guided fishery are not needed.

*Response:* This rule does not impose any restrictions on the guided fishery, but serves to notify the public of the GHLs on an annual basis and to notify the Council when the GHL is exceeded. The Council recommended that NMFS allocate resources between the guided recreational and commercial sectors to address longstanding concerns raised by the absence of a specific allocation of the halibut resource to the guided recreational sector. Although this rule does not directly implement harvest restrictions, establishing an upper limit of harvest for the guided recreational fishery is appropriate and necessary if the commercial and guided recreational fleets wish to maintain the existing harvest distributions between these sectors.

The GHL was explicitly designed to allow a limited degree of growth in the guided recreational fishery without reallocating the historic distribution of harvests between the commercial and recreational sectors. The guided fishery has not yet met or exceeded the proposed GHL in either Area 2C or 3A.

*Comment 2:* Guided recreational fishery operations provide a greater economic benefit to Alaska and rural communities than the commercial fishery and the GHL would impede this economic benefit and the exercise of free-markets.

*Response:* This analysis is provided in the EA/RIR/IRFA, and indicates that the relative economic impacts of implementing harvest restrictions may vary depending on the measures used, area, and particular aspects of the fishery operation. This analysis did not explicitly indicate that guided recreational fishery operations uniformly provided a greater economic benefit to Alaska and rural communities. This final rule does not impose harvest restrictions on the guided fishery, however, and is not expected to have a direct economic effect on the guided fishery.

NMFS considered the economic effects of this regulation, among other



factors. Economic value of the fishery is one basis for making an allocation decision, but not the only consideration. The Halibut Act requires consideration of a range of factors when recommending new management measures, such as the NHL, that allocate or assign halibut fishing privileges among various United States fishermen. The Halibut Act requires that such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges.

*Comment 3:* The NHL will not conserve the resource. The EA/RIR/IRFA prepared for the NHL proposed rule states that "the [Commission] has determined that resource conservation is not a factor in such allocative decisions," and by implication establishing a NHL based on concerns about possible localized depletion of the halibut resource are inappropriate.

*Response:* In 1993, the Council became concerned about both localized depletion and "the potential reallocation of greater percentages of the CEY from the IFQ fishery to the guided recreational fishery" (See 67 FR 3867, January 28, 2002). While the EA/RIR/IRFA notes that "the effect on the halibut resource of allocating halibut between user groups is negligible," it also notes that "if there was a resource conservation concern, the [Commission] would be the responsible management body, however, since this is an allocative issue, the management responsibility is delegated to the Council."

The EA/RIR/IRFA notes that "while there may be biological concerns associated with localized depletion of halibut stocks, the guided recreational fishery sector may not be the only contributor to localized depletions. In summary, none of the alternatives would be expected to have a significant impact on the environment." This indicates that the basis for this action is largely one based on concerns for allocation and that the potential effect of this action on the environment is not significant. The commenter correctly notes that the EA/RIR/IRFA does not provide conclusive evidence of localized depletion attributable to the guided recreational fleet.

Although concerns about the potential effects of the guided fishery on localized depletion of halibut stocks may have diminished over the past several years while the Council considered this action

and NMFS developed this final rule, the allocative concerns have not. The Council and NMFS have the authority and responsibility to address allocation concerns. This rule addresses those concerns by establishing a mechanism for notifying the Council that it may wish to consider additional rulemaking to restrict the guided recreational fleet if the NHL is exceeded.

*Comment 4:* The NHL could constrain harvests and force guided recreational fishery vessels to target other stocks (e.g., salmon and lingcod) that may be fully exploited. The EA/RIR/IRFA notes that "other species of salmon, as well as rockfish and lingcod stocks would be impacted if guided recreational fishery operators increased their fishing effort on these stocks in response to a NHL on halibut. ADF&G has expressed conservation concerns for lingcod and rockfish stocks in most areas of Southeast Alaska. Based on these concerns the Board has adopted very restrictive regulations for yelloweye rockfish in the Sitka and Ketchikan areas and for lingcod in the Sitka area. Increased exploitation by the guided sector due to a NHL would add to these conservation concerns."

*Response:* The implementation of the NHL without any regulatory restrictions would not be expected to have any distributional effects on the guided fishery fleet, and is not expected to have a significant effect on the human environment. Additionally, ADF&G and the Board may choose to implement additional management measures if the implementation of the NHL is perceived to have an adverse effect on state managed resources. At the time that any additional management measures are developed, those considerations may be addressed.

*Comment 5:* The NHL proposed rule contradicts NMFS' commitment to promote recreational fisheries under E.O. 12962. (E.O. directing Federal agencies to enhance recreational fishing opportunities).

*Response:* This rule does not diminish that productivity or countermand the intent of E.O. 12962. Because this final rule does not impose any regulatory restrictions on the guided recreational fishery it would not limit or otherwise curtail participation in the guided recreational fishery. E.O. 12962 was signed in 1995, and directs Federal agencies to improve the quantity, function, sustainable productivity, and distribution of aquatic resources for increased recreational fishing opportunities "to the extent permitted by law and where practicable." This E.O. does not diminish NMFS' responsibility to address allocation

issues, nor does it require that NMFS or the Council limit their ability to manage recreational fisheries. E.O. 12962 provides guidance to NMFS to improve the potential productivity of aquatic resources for recreational fisheries.

*Comment 6:* The Council developed the proposed rule without any consideration of analysis of potential socio-economic impacts.

*Response:* The EA/RIR/IRFA analyzes, among other issues, the socio-economic impacts of the proposed rule for the NHL and the associated harvest restriction measures. This analysis addresses the potential socio-economic impacts of the NHL proposed rule using the best available data. The IRFA prepared for this final rule reviews the economic effects of this final rule.

*Comment 7:* Public access to the resource will be diminished by the implementation of the NHL.

*Response:* This rule does not limit guided recreational harvests or public access to fishery resources. This rule serves only to notify the public on an annual basis of the NHLs in Areas 2C and 3A, to codify the NHL policy and to provide a mechanism for NMFS to notify the Council once the NHL has been exceeded.

*Comment 8:* The accuracy of the Logbook data used to determine the NHL is suspect, should not have been used in this process, and should not be used in any future management decisions. The author of the letter notes that in a September 2001 memorandum, ADF&G raised some concerns about the use of Logbook data for management purposes.

*Response:* The NHL is based on 125 percent of the average of 1995-1999 guided recreational harvests using data gathered from the ADF&G Harvest Survey. The NHL is not based on data from the Logbook. The Harvest Survey is considered accurate for purposes of estimating guided recreational harvests on a fleetwide basis. ADF&G is no longer collecting data on halibut harvests using the Logbook. Fleetwide harvests would be monitored relative to the NHL using the Harvest Survey. Because this rule does not implement harvest restriction measures, data from the Logbook would not be used to implement this final rule. NMFS currently is reviewing alternative means of gathering data for collecting data and monitoring harvests in the guided recreational fleet for other management purposes.

*Comment 9:* The absence of Logbook data will not allow NMFS to implement any possible NHL restrictions without a two-year delay, which is unacceptable.

*Response:* The EA/RIR/IRFA indicated that the Harvest Survey could be used and the one-year lag between the end of the fishing season and availability of that year's harvest data was anticipated as was the possibility that it would take up to two years for management measures to be implemented. This final rule does not implement harvest restrictions and Logbook data are not required for monitoring fleetwide harvests. NMFS currently is reviewing alternative data collection methods for the guided recreational fleet and reduce this delay between exceeding the GHL and notification of the Council. These data collection methods would supplement the existing Harvest Survey and provide additional information on fleetwide and individual vessel harvests.

*Comment 10:* The proposed rule does not provide a mechanism for the GHL to increase if the stocks increase and therefore limits guided recreational harvests if halibut abundance increases. This would limit the guided recreational fleet to a smaller percentage of the overall available exploitable biomass relative to the commercial fleet. The GHL should be modified to increase during periods of higher stock abundance.

*Response:* The goal for the GHL is to provide a limit on the total amount of harvests in the guided fishery that would be designated as a fixed poundage based on an amount equal to 125 percent of the average 1995-1999 harvests. This amount was set higher than existing harvest levels to accommodate some future growth in the recreational sector. The intent is not to close the fishery, but additional management measures may be triggered in years following attainment of the GHL. The overall intent was to maintain a stable guided recreational fishing season of historic length, using area-specific measures.

The GHL is not a fixed percentage of the total halibut biomass available for exploitation and it was not envisioned that the GHL would increase if stock abundance increased. The decision to fix the GHL at a maximum level with some reduction in the GHL as stock abundance decreases was based on several factors including: (1) Halibut are believed to be at high abundance but are declining, according to recent Commission stock assessments, making it unlikely that stock abundance will increase; (2) the current level of harvests by the guided recreational sector are below the GHLs in both Area 2C and 3A; and (3) public comment received during the Council deliberations advocated setting the GHL as a fixed

poundage that would be adjusted in a stepwise fashion if abundance decreases.

Based on these factors, the GHL is not designed to increase if stock abundance increases. However, this final rule does not impose specific harvest restrictions if the GHL is exceeded. If stock abundance does increase and the GHL is exceeded in a specific area, then the Council can review the appropriateness of pursuing additional subsequent rulemaking at that time, including a review of the mechanism used to set the GHL.

#### *State Comments on the Proposed Rule*

The ADF&G also provided written comments on the proposed rule.

*Comment 1:* The description of CEY in the preamble to the proposed rule as it relates to total allowable harvests is incorrect.

*Response:* The preamble to the proposed rule described the CEY as a specific allocation to the commercial fishery, which is not accurate. The statement in the preamble to this final rule has been corrected to more accurately describe CEY as an estimate of the total allowable harvests, including harvests by the guided fishery, sport anglers, and as bycatch in other fisheries.

*Comment 2:* The preamble to the proposed rule does not adequately define how stock biomass is defined. Differences exist between the Commission model estimates of CEY and the setline CEY actually approved by the Commission for the commercial fishery. These differences could affect how stock abundance is measured and applied relative to the GHL.

*Response:* The Commission determines the total biomass based on a variety of model estimates, data sources, and consideration of uncertainty in the model estimates. The proposed rule did not specify the particular method that would be used to estimate changes in stock biomass and model estimates may vary among years. An appropriate measure is the CEY. The CEY is a numerical determination of the amount of biomass available for total removals (i.e., harvests, bycatch) from the fishery.

The CEY incorporates uncertainty that may exist in the fishery stock assessment models and may vary from the stock assessment models based on the professional judgment of the Commission. The CEY reflects the amount of biomass available for harvest on an annual basis and is therefore a reasonable proxy for comparing stock abundance on an interannual basis. The CEY is distinct from the "setline CEY" which is the specific catch limit for the

commercial fishery, and is a portion of the overall CEY. The final rule has been modified from the proposed rule to clarify that the CEY will be used as the means for comparing stock abundance among years.

*Comment 3:* The proposed rule does not specifically address localized depletion concerns that are described in the Council's Problem Statement which guided the development of this proposed rule. The proposed rule does not address these concerns because the GHL and associated harvest restriction measures would apply on an area-wide basis.

*Response:* This action does not directly resolve all of the problems raised in the Problem Statement adopted by the Council. This final rule does not impose harvest restrictions and the specific management measures which may address any possible localized depletion would need to be developed by additional future rulemaking.

At the time the Council developed the Problem Statement, it was concerned about the potential adverse effects of localized depletion and cited localized depletion as well as allocation debates as problems in the management of the guided halibut fishery. The EA/RIR/IRFA indicated that localized depletion may not be as great of a concern as originally assumed. Allocation issues also are addressed by the proposed rule. Because this final rule does not impose harvest restriction measures, it would not address potential localized depletion.

*Comment 4:* The preamble to the proposed rule does not provide adequate consideration of overall economic efficiency and the impact of this rule on the guided recreational halibut fishery.

*Response:* The preamble to the proposed rule notes that the Council prepared an EA/RIR/IRFA that examines the economic effect of this rule. The EA/RIR/IRFA notes that the economic effects on the guided recreational fishery were calculated with the best available data which was limited for some aspects of the analysis. The preamble to the proposed rule provides a brief review of the effects of this action on economic efficiency. The preamble to the proposed rule refers the reader to the EA/RIR/IRFA for additional discussion. An FRFA was prepared and it addresses the economic impacts of this final rule.

*Comment 5:* Logbook data should not be used for the estimation of harvests or management of the guided recreational fishery.

*Response:* This final rule does not rely on the Logbook for monitoring the GHL. The Harvest Survey will be used to estimate annual harvests by the guided recreational fleet since the Logbook no longer collects data on halibut harvest in the guided recreational fleet. NMFS is exploring the development of a data collection system to augment the Harvest Survey. This final rule does not implement harvest restrictions and data on individual vessel harvests are not required at this time.

*Comment 6:* The mechanism for implementing the harvest restriction measures without the use of the Logbook for monitoring and enforcement is unclear.

*Response:* This final rule does not impose harvest restrictions on the guided recreational fleet. As stated earlier, NMFS is in the process of developing a new data collection program for the guided recreational fishery. That program could be used if the Council were to recommend, and the Secretary were to adopt, any additional management measures during subsequent rulemaking.

#### Classification

Included in this final rule is the Final Regulatory Flexibility Analysis (FRFA) that contains the items specified in 5 U.S.C. 604(a). The FRFA consists of the IRFA, the comments and responses to the proposed rule, and the analyses completed in support of this action. A copy of the IRFA is available from the Council (see ADDRESSES). The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated in its entirety here.

#### Statement of Objective and Need

A description of the reasons why this action is being considered, and the objectives of and legal basis for this action are contained in the preamble to the proposed rule and are not repeated here.

#### Summary of Significant Issues Raised in Public Comments

Comments received prior to the close of the comment period for the proposed rule focused on a range of issues. Specifically, many comments addressed issues related to the implementation of a framework of harvest restriction measures which are no longer a part of this final rule. These comments are addressed in detail in the preamble. For a summary of the comments received, refer to the section above titled "Comments and Responses."

#### Description and Estimate of Number of Small Entities to Which the Rule Will Apply

A description and estimate of the number of small entities to which the rule will apply is provided in the IRFA and IRFA summary contained in the Classification section of the proposed rule and is not repeated here. The final rule has been modified from the proposed rule and the number of small entities to which the rule will apply has been affected by these changes. As noted in the preamble, no entities are directly regulated by this action. This action serves as a notification for the public and the Council that a specific harvest level has been reached. NMFS provides this notification process and no small entities are regulated once a GHL is reached without additional action by the Council and NMFS. This FRFA is being undertaken because an IRFA was prepared for the proposed rule which contained measures that would have regulated small entities. Those measures are no longer part of this final rule.

#### Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

A description of projected reporting, recordkeeping, and other compliance requirements is provided in the IRFA and IRFA summary contained in the Classification section of the proposed rule and is not repeated here.

#### Steps Taken to Minimize Economic Impacts on Small Entities

This rule would (1) establish the GHL in Areas 2C and 3A; (2) describe the mechanism for reducing the GHL in years of low abundance as determined by the Commission; (3) establish a requirement for NMFS to publish the GHL on an annual basis in the **Federal Register**; and (4) require NMFS to notify the Council in writing within 30 days of receiving information that the GHL has been exceeded. The potential economic impacts of these measures are described in detail in the IRFA and IRFA summary contained in the classification section of the proposed rule and in the preamble of this final rule. This action does not directly regulate small entities and would not have an impact on those entities. No measures were taken to reduce impacts on small entities beyond those already taken with the development of alternatives in the IRFA. The IRFA considered an alternative that would have maintained the status quo. The regulatory effect described in this action is effectively the same as the no

action alternative developed in the IRFA.

NMFS is not aware of any alternatives in addition to those considered in this action that would accomplish the objectives of the Magnuson-Stevens Act and other applicable statutes while further minimizing the economic impact of the rule on small entities. The impact on small entities under this action is the same as the status quo for the small entities in the Pacific halibut and sablefish IFQ fisheries and the guided halibut recreational fishery.

The IRFA analyzed alternatives that would have established a series of frameworked harvest restriction measures as well as a moratorium on new participants to the guided recreational halibut fishery as well as the no-action alternative. The no action alternative would have resulted in no changes to existing fishing patterns by the guided recreational fleet. This alternative was not chosen, however, in order to implement the GHL policy and notification process described in this proposed rule. The net economic effect of this action is the same as the no action alternative. The analysis supporting this statement is provided in the IRFA and is not repeated here.

The IRFA also examined an alternative that would have implemented a series of frameworked harvest restriction measures if a GHL were exceeded. This alternative would have been expected to result in more significant economic impacts on guided recreational vessels than the action being implemented. The analysis supporting this statement is provided in the IRFA and is not repeated here.

The IRFA also examined an alternative that would have implemented a moratorium on new participants in the guided recreational fishery. This alternative would have been expected to result in more significant economic impacts on guided recreational vessels than the action being implemented. The analysis supporting this statement is provided in the IRFA and is not repeated here.

#### Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. This paragraph serves

as the small entity compliance guide. Small entities are not required to take any additional actions to comply with this action. NMFS will publish the GHL on an annual basis and notify the Council if the GHL is exceeded. These actions do not require any additional compliance from small entities. Copies of this final rule are available from NMFS (see ADDRESSES) and at the following web site: <http://www.fakr.noaa.gov/>

**Need for and Objectives of the Final Rule**

This final rule is necessary to implement a GHL policy. The intent of this final rule is to notify the Council that a specific level of harvest has been achieved by the guided recreational fishery. This action is consistent with the provisions of the Halibut Act.

This final rule has been determined to be not significant for the purposes of Executive Order 12866.

This final rule complies with the Halibut Act and the Council's authority to implement allocation measures for the management of the halibut fishery.

**List of Subjects in 50 CFR Part 300**

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: August 4, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

**PART 300—INTERNATIONAL FISHERIES REGULATIONS**

■ 1. The authority citation for 50 CFR part 300 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*

■ 2. Section 300.61 is amended by adding, in alphabetical order, the

following definitions for "guideline harvest level" and "halibut harvest" to read as follows:

**§ 300.61 Definitions.**

\* \* \* \* \*

*Guideline harvest level (GHL)* means a level of allowable halibut harvest by the charter vessel fishery.

*Halibut harvest* means the catching and retaining of any halibut.

\* \* \* \* \*

■ 3. In § 300.65, paragraph (i) is added to read as follows:

**§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.**

\* \* \* \* \*

(i) *Guideline harvest level.* (1) The annual GHLs for regulatory areas 2C and 3A are determined as follows:

If the Annual Total Constant Exploitation Yield for Halibut in Area 2C is More Than:	Than the GHL for Area 2C will be:	If the Annual Total Constant Exploitation Yield for Halibut in Area 3A is More Than:	Than the GHL for Area 3A will be:
(i) 9,027,000 lbs. (4094.5 mt)	1,432,000 lbs. .... (649.5 mt) .....	21,581,000 lbs. .... (9,788.9 mt) .....	3,650,000 lbs. .... (1655.6 mt) .....
(ii) 7,965,000 lbs. (3612.9 mt)	1,217,000 lbs. .... (552.0 mt) .....	19,042,000 lbs. .... (8637.3 mt) .....	3,103,000 lbs. .... (1407.0 mt) .....
(iii) 6,903,000 lbs. (3,131.2 mt)	1,074,000 lbs. .... (496.7 mt) .....	16,504,000 lbs. .... (7,485.9 mt) .....	2,734,000 lbs. .... (1266.4 mt) .....
(iv) 5,841,000 lbs. (2,649.4 mt)	931,000 lbs. .... (447.2 mt) .....	13,964,000 lbs. .... (6334.0 mt) .....	2,373,000 lbs. .... (1,139.9 mt) .....
(v) 4,779,000 lbs. (2,167.7 mt)	788,000 lbs. .... (357.4 mt) .....	11,425,000 lbs. .... (5,182.3 mt) .....	2,008,000 lbs. .... (910.8 mt) .....

(2) NMFS will publish a notice in the Federal Register on an annual basis establishing the GHL for Area 2C and Area 3B for that calendar year within 30 days of receiving information from the Commission which establishes the constant exploitation yield for that year.

(3) If the GHL in either Area 2C or 3A is exceeded, NMFS will notify the Council in writing that the GHL has been exceeded within 30 days of receiving information that the GHL has been exceeded.

[FR Doc. 03-20285 Filed 8-7-03; 8:45 am]  
BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 030514123-3162-02; I.D. 041003B]

RIN 0648-AQ76

**Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 38 to the Northeast Multispecies Fishery Management Plan; Correcting Amendment**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correcting amendment.

**SUMMARY:** NMFS issued a final rule to implement measures contained in Framework Adjustment 38 (Framework 38) to the Northeast (NE) Multispecies Fishery Management Plan (FMP) to exempt a fishery from the Gulf of Maine (GOM) Regulated Mesh Area mesh size regulations. The final rule implementing Framework 38 was published in the Federal Register on July 9, 2003. One of the coordinates contained in the Gulf of Maine (GOM) Grate Raised Footrope Trawl Whiting Fishery Exemption Area table was incorrect. NMFS published a correcting amendment on July 25, 2003. However, in the correction document, the headings in the three columns of the table, GOM Grate Raised Footrope Trawl Whiting Fishery Exemption Area, are incorrect. This document corrects those errors.

**DATES:** This regulation is effective August 8, 2003.

C-16  
~~ADFG~~ Staff  
ADFG  
Bentz

Total number of active Bottomfish Businesses by Year and IPHC area.				
	1998	1999	2000	2004
3A	385	441	426	390
2C	345	362	386	337

Percent of businesses who were active for bottomfish in 2004 and <u>would</u> qualify for IFQ's by IPHC Area.				
	3A	54%		
	2C	49%		



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**RECEIVED**  
APR 25 2005  
**N.P.F.M.C.**

April 19, 2005

Stephanie Madsen, Chairperson  
North Pacific Fisheries Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501

Dear Ms. Madsen,

I am writing in support of the Halibut Charterboat IFQ program and in opposition to the Halibut Charter GHL. I will try to be brief, which may be difficult, given this issue's long and tortured history.

My name is Larry McQuarrie. I own Sportsman's Cove Lodge, on Prince of Wales Island. Our company employs 10 persons year round, and 34 people in-season from May through mid-October. We provide deluxe fishing packages for 30 guests. Our payroll is over \$600,000 annually and we contribute approximately \$1.5 million to the Ketchikan economy each year. We are an Alaska "S" corporation. My residence and all of our functions and facilities are located in Alaska.

Like so many fisheries management issues, the Halibut Charterboat IFQ proposal was born out of necessity: the necessity to provide stability, continuity and reliability to our industry and the public's right to access their resource; the necessity for the guided sport industry to survive; and most importantly, the necessity to eradicate and replace the onerous and unworkable Guideline Harvest Limit.

The GHL, now in effect, is a recipe for disaster. In a nutshell, it places a cap in the amount of halibut that can be taken by the guided sport industry, without limiting the number of guides. The inevitable result is an infinite number of guides chasing a finite number of fish...the sport industry's version of the old "Derby" style fishery that brought about the long-line IFQ program. Margins will disappear, the professionals will be forced out of business, safety will be compromised and the public will be left to deal with the lowest bidder to take them fishing. Further, the GHL resigns us forever to bitter yearly allocation battles with our next-door neighbor commercial fishers, causing the too often harsh public disputes and polarizing our small communities. None of this need happen when each fisherman has his own Individual Fisherman's Quota.

Opposition to the IFQ proposal is coming primarily from "Johnny-Come-Lately" opportunists with little or no history or investment in the industry. The Latecomers have only a minimal amount of time and money vested in the fishery and are attempting to

change the course of the lengthy and arduous path set upon in concert with all of the historical users of the halibut resource. It's a bit like building a house next to an airport, and then complaining about the noise.

In a rare showing of unison, sport and commercial harvesters sat down together to craft a plan that shared access to the fishery and promised to end the bitter allocation debates. It has taken thirteen years to get us to this point, encompassing endless hours of public testimony, discussions and review, by countless individuals and agencies. I have personally served on two committees of the North Pacific Fisheries Management Council relative to this issue: the Halibut Charterboat GHL Committee and the Halibut Charterboat IFQ Committee. For many years I have traveled and participated in these committee meetings at my own expense in an effort to bring some sanity to the process and stability to our industry. I stand ready, and look forward to serving on the IFQ Implementation Committee.

The IFQ system is a forward-looking mechanism that also looks back. It recognizes hard work, investment and achievement, while at the same time providing stability for future generations that will protect their investment in time and capital. It provides for a means of entry while assuring a fishery worth entering.

The IFQ system has been a successful fisheries management tool in the U.S., Canada and elsewhere throughout the world. The guided sport industry has invested a lot in the process. It deserves an IFQ program, for the guided sport industry, other users, and the resource.

If I can answer any questions please do not hesitate to call, or e-mail to [captainmac@alaskasbestlodge.com](mailto:captainmac@alaskasbestlodge.com). Our website is [www.alaskasbestlodge.com](http://www.alaskasbestlodge.com).

Respectfully,



Larry G. "Mac" McQuarrie



## Greater Whittier Chamber of Commerce

P.O. Box 607  
Whittier, Alaska 99693

April 20, 2005

Stephanie Madsen  
NPFMC  
605 West 4<sup>th</sup> Ave Ste # 306  
Anchorage, AK 99501

RECEIVED  
APR 25 2005  
N.P.F.M.C.

The Whittier Chamber of Commerce opposes the current Guideline Harvest Level (GHL) that has been imposed on the halibut charter industry and also opposes the proposed Halibut Charter IFQ plan. Both will negatively impact Whittier's economy and the halibut charter fleet based in Whittier.

The Whittier Chamber of Commerce expects responsible management of the halibut charter fishery for both the health of the fishery and for the future economic health of our community. We would strongly encourage an economic impact study before implementing this plan, or consider another form of management which would have less of an impact to our community.

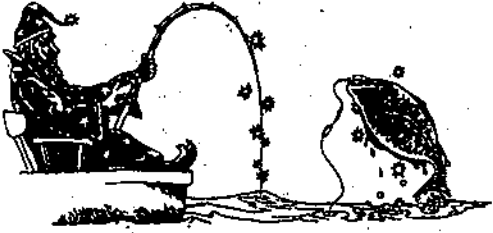
Thank you for your attention to his critical matter. We deeply appreciate any assistance you may provide.

Sincerely,

  
Pete Heddell

President, Greater Whittier Chamber of Commerce





# Magic Waters Charters

Capt. Peter Karwowski • F/V Sorceress

March 27, 2005

Chairperson Stephanie Madsen  
North Pacific Fisheries Management Council  
605 W. 4th, Ste 306  
Anchorage, AK 99501-2252

RECEIVED  
MAR 30 2005

N.P.F.M.C.

Dear Chairperson Madsen,

I am writing you today to ask you to oppose the Charter Boat IFQ's proposed by the North Pacific Fisheries Management Council.

I've been a charter boat operator for 23 years and it is the main source of income for my family. I started working in the fishing charter industry out of high school as a deckhand in 1980 and worked my way to becoming a Charter Captain by 1982. I skippered other's boats until I could afford my own. I owned Sea Wolf Charters from 1992 thru 1995 but I lost my vessel during a divorce. I continued to run boats owned by others and by the time I recovered financially to get another boat, the F/V Sorceress, it was the year 2002. My dream has finally come true and I still have clients who have been fishing with me all those 23 years. Even though I captained boats all those years, I did not own a boat in the years 1998 and 1999 and will not receive any IFQs. If the IFQ program gets approved, I will have no choice but to close my doors at Magic Waters Charters for halibut fishing, which is 99% of my revenue.

My alternative, considering my experience and desire to continue chartering, is to target different species such as salmon, rockfish or lingcod. I don't believe I could make a living out of Homer in that market. Even if I could, I am not alone in this IFQ dilemma. I believe these species would be over fished and another sports fishing problem would be created.

I may be forced to sell my boat, along with others in the same situation, in a market flooded with other charter boats for sale. All my training and experience is in charter fishing. I am facing a mid-life career change that may force me from my home and community of 25 years.

I believe chartering is not the only industry to be affected. In my bookings I am regularly giving referrals to local Bed & Breakfasts, Hotels and restaurants to name a few. I believe for every dollar spent on charter fishing 2-3 times that is spent by my client's lodging, dining and on other tourism activities. The IFQ's will raise charter prices and lower the number of people who can afford to go. The City of Homer and the Homer Chamber of Commerce agree with this philosophy and have approved resolutions to oppose Charter Boat IFQ's.

The Halibut fish stocks are healthy. The commercial quota has increased (almost doubled) in the last 5 years. To limit the charter fleet through this IFQ program is just unfair and will hurt the Alaskan tourism economy.

Sincerely,

Capt. Peter Karwowski

Toll Free: 866-477-3474 (FISH) • Local: 907-235-0175

P.O. Box 3075 • Homer, Alaska 99603

www.magicwaterscharters.com

*Northwest Pacific Fisheries Management Council*

I would like to express my opposition to the IFQ system for halibut and other fish.

I believe that regulating sport fishing this way is unfair to the private individual.

I have been saving to make a trip to Alaska every two years and enjoy ~~the~~ state very much. I also spend a fair amount of money there. ~~The~~

It is quite expensive to charter a boat for halibut fishing and I feel that adding to that cost will make it financially impossible to continue.

I see the IFQ as another tax on a public resource that will make halibut fishing a recreation for the rich individual.

Thank you,

Bradley Dirckx

*6707 Patterson Road*

*Bozeman, MT*

*59715*

RECEIVED

MAY 13 2005

N.P.F.M.C.

REC'D  
MAY 10 2005  
N.F.M.C.

Dear Stephanie Madsen,

I urge you to support the proposed charter halibut IFQ program. I am a commercial fisherman and was awarded an IFQ when it was developed for the commercial fleet in Alaska. I was a late entry to the IFQ program. I had been a crewmember for several years and owned my own boat for only 3 of the 5 qualifying years used to determine IFQ awards. Consequently, there were 2 zero years figured in to determine my IFQ. I went from catching approximately 15 to 20 thousand pounds of halibut a year to 5,300 lbs. This hurt financially especially having a new boat to pay for. I was not ready for an IFQ program but I supported it because it was the right thing to do for the future of the fishery.

Since the state of Alaska hasn't seen the need for a limited entry program for the charter fisherman, the commercial fleet has had to push for quota limits on all of the species they catch. This is not the answer to the problem since the charter fleet is allowed to expand freely. An IFQ program for each species would be better. I have testified at board of fish meetings to set limits on the charter fleet's take of King salmon. I know that when, the charter fleet expands enough to catch more king salmon than they're allowed; they will once again demand MORE.

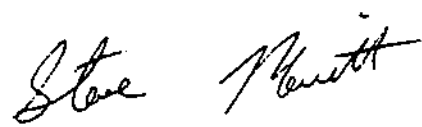
The charter operators are going to fight the IFQ program. They will say they are not ready. We need MORE! You will here stories not unlike mine where people haven't been established long enough to get a big enough IFQ. There will always be situations like this no matter when an IFQ program is to be implemented.

Some communities have made resolutions against the IFQ program in the charter fleets behalf. They will try to convince you of what a financial hardship this will be on their community. There are options available. These communities can purchase IFQ poundage themselves and give or sell it to their charter operators. Then, they can not only keep a large charter fleet, but make money using the program. They could also use it as an incentive to expand their number of charter businesses.

The charter fisherman has already received MORE than I did to ease the shock of the IFQ program. When the GHF, (guide harvest level), was established, they where given a 25% increase for projected expansion. This GHF will be used to determine their IFQ share. I sure could have used a 25% increase when my IFQ was figured. I just bought a new boat. I needed to some expansion allotment. I didn't get it. If I wanted to increase in my IFQ, I had to BUY it.

Anytime money and a finite resource are tied together, there is a danger to over harvesting the resource. It is time the charter operators had some limits since they are allowed to expand at will. If we waited for the state of Alaska to adopt a limited entry program for charter operators, the commercial fisheries might be gone by the time it happened. It is in the State's best interest to have both its commercial fisheries and charter fishing business exist together. Not replace one with the other. Since the commercial fisherman and the charter fisherman are both making money on the taking of the halibut, it should not be free for the taking. It is time for the charter industry to be held accountable for the resources they are exploiting. Please support the charter IFQ program. It is the right thing to do.

Sincerely, Steve Merritt  
Box 332  
Craig, Alaska 99921



N.P.F.M.C

I oppose the IFA because it will put the small charter buisnesses out of buisness. This is one of Alaska's Port cities major economic supports and will kill a lot of tourist dollars for Alaska. Keep the tourist trade and sport fishing in Alaska! Keep our citizens employed!

Brandy Davis  
18237 Hidden Falls Ave  
Eagle River, AK 99577



# UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110  
Juneau, Alaska 99801-1172  
(907) 586-2820  
(907) 463-2545 Fax  
E-Mail: [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org)  
[www.ufa-fish.org](http://www.ufa-fish.org)

May 13, 2005

RECEIVED  
MAY 13 2005  
N.P.F.M.C.

Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

Dear Ms. Madsen,

As we wrote in our letter of April 4, 2001 to NPFMC Chairman Dave Benton, United Fishermen of Alaska supports an IFQ program for halibut charter vessels in areas 2C and 3A. We appreciate the extensive work done by the NPFMC for over a decade, with public testimony from over two hundred individuals in 2001 before the NPFMC adopted the final motion that defined the recommended program.

The allocation provisions in the Council's motion allowed for reasonable growth in the charter industry, with initial quotas to be set at 125% of 1995-2000 catch, and by allowing transfer of quota from the commercial sector to the charter sector (but not vice-versa). Although UFA supported an allocation based on actual catch history (100%) at that time, the council's provisions now seem prescient in that they accommodate for the four years that have passed without implementation, providing an opportunity for continued operation of those who have expanded their business or who have newly entered the charter halibut fishery, through the additional 25% above historical quota. In the interest of a workable program that safeguards access to the halibut resource for all who depend on it, we urge you and NMFS to follow through on implementation without further delay.

The halibut resource is limited, fully utilized, and an essential component to Alaska's coastal economies. Stewardship of the resource is of utmost importance to commercial fishermen and charter operators alike. The guideline harvest level for charter halibut has increased continually, and of further concern is that without the NPFMC approved charter IFQ program there is no meaningful way to determine charter catch until well after the season ends. We understand that it takes time to develop the systems necessary to effectively manage an IFQ program for the charter sector, but any further delay is at the risk of all who depend on halibut

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association  
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum  
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association  
North Pacific Fisheries Association • North Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association  
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation  
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association  
Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association  
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Salmon Association • United Southeast Alaska Gillnetters  
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

for their livelihood. New charter operators or those wishing to enter or expand their operations are left in a state of limbo, wondering whether they will be able to sustain their level of charter business.

Charter halibut IFQ implementation is needed promptly to establish clear allocation baselines for sustainable management of the limited halibut resource. We look forward to a proposed rule and public comment period soon.

Sincerely,



Mark Vinsel  
Executive Director

CC: Honorable Ted Stevens, U.S. Senator  
Honorable Lisa Murkowski, U.S. Senator  
Honorable Frank Murkowski, Governor, State of Alaska  
Dr. James Balsiger, Alaska Director, National Marine Fisheries Service

Lewis E. Hay  
9438 Whittington Drive  
Jacksonville, Florida 32257

May 25, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252

RECEIVED

JUN - 7 2005

**N.P.F.M.C.**

Dear Ms. Madsen,

My wife and I are planning a vacation trip to your beautiful state this summer. The centerpiece of this trip will be two days spent halibut fishing out of Homer. I understand that the North Pacific Fisheries Management Council plans to implement the Halibut Charter IFQ Program. I believe this program would ultimately hurt tourism in your state and I urge you to drop this proposal. Most of the people who use charter services are tourists. If implemented, this measure will immediately drive many charters out of business (no quotas) and limit halibut fishing opportunities for sportsmen (tourists) visiting your state. Halibut fishing is a big draw for Alaska. It's the best in the world! For some, it's the main reason to visit. The IFQ Program will drive up the prices of fishing charters as the limited quotas are filled. Eventually, halibut charter operators will be driven out of business and their quotas will go to commercial interests. When it's time to come back on another vacation, there may not be an affordable or available way to go halibut fishing.

Consider the economic benefit to Alaska from sport fishermen. For example, we planned our vacation around two halibut fishing trips in Homer. We plan to stay for 12 days and will be spending our vacation dollars on car rental, B&B's, restaurants, souvenirs, fish packing (I hope), a rafting trip, etc. A lot of people will realize an economic benefit from our vacation which was planned around halibut fishing. How much additional revenue is generated by commercial fishermen? I understand that about 40 percent of them are from out of state. I think you can see that a halibut caught by a sportsman on a charter boat generates far more revenue for Alaska than that same halibut caught by a commercial fisherman, especially one from out of state.

The IFQ Program is strictly a political attempt by the commercial industry to privatize the halibut fishery - it has nothing to do with conservation of the resource. I understand that the commercial bycatch of halibut in 2003 (est. 13 million pounds) was almost twice the sport-caught total of 7 million pounds by charters and private anglers. If commercial fishing needs more fish they should come up with less wasteful methods.

There are ways to assure a thriving halibut fishery for the future. In Florida for example, we used slot limits to save the redfish after commercial fishing seriously depleted the stocks. In addition to releasing undersized fish, a slot limit requires that oversized fish (which are generally spawning females or brood fish) be released as well. The maximum size limit would be established by your fisheries biologists based on growth rates, reproductive maturity and other factors. The redfish are now thriving in Florida thanks largely to slot limits. It only makes sense that it would work for halibut in Alaska. That's just one idea - there are many more. It is not necessary to deny fishing opportunities to the tourists who visit your state.

In closing, I ask you to consider just dropping the proposed Halibut Charter IFQ Program. It's a bad idea and it would best for your tourist industry and the citizens of Alaska if it were never implemented.

Very truly yours,

A handwritten signature in black ink that reads "Ed Hay". The signature is written in a cursive style with a large, stylized "H".

Ed Hay  
Jacksonville, Florida



RECORDED

JUN 17 2005

To Halibut fisherman

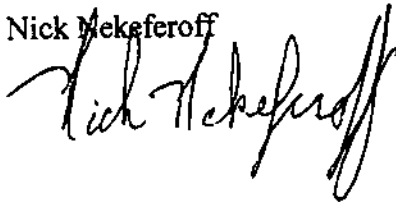
My name is Nicholas Nekeferoff, and this is a letter supporting implementation of the Halibut IFQ, individual fish quota, program for the guide fisherman of our fishing industry in Alaska. Born and raised in Kodiak Alaska, as a professional commercial fisherman, I believe IFQ allocation is the proper system to sustain the halibut stocks in our local waters.

I have recently made a large investment in the IFQ program, and do not want to see my investment be depleted by an unregulated commercial charter boat fishery. I believe a limited charter harvest is an economic and environmental necessity.

As an Alaskan Native, I also find my subsistence/sport fishery in danger. With no limit set on the guided sport fisherman, the inland waters of our coastal communities will see a continued depletion of halibut stocks. In order to catch subsistence halibut community members will have to venture further from home.

To think an unregulated commercial charter industry is sustainable is absurd to me. Without a limited entry program our near port halibut stocks will surely be exhausted. Immediate action is absolutely necessary, and is in the best interest of all parties involved.

Nick Nekeferoff



RECORDED

SEP 7 2005

Steve Jangaard  
5017 168<sup>th</sup> PI NW  
Stanwood, WA 98292

**N.P.F.M.C.**

September 7, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Many people like me have invested in the Halibut IFQ program. My family and I as well as others depend on it for our living. The continual eroding of our quotas by the charter fleet is hurting us and should be stopped. Please remind Dr. Hogarth that the Council has already acted on this issue and should not reconsider previous actions. The IFQ program is working but the charter hole needs to be plugged.



Steve Jangaard

CC.

Senator Ted Stevens FAX (202) 224-2354  
522 Hart Senate Office Bldg, Washington, DC 20510-0201

Senator Lisa Murkowski FAX (202) 224-5301  
709 Hart Senate Bldg, Washington, DC 20510

Secretary of Commerce Carlos M. Gutierrez FAX (202) 482-2741  
US Dept of Commerce, 1401 Constitution Ave NW, Washington, DC 20230

Lewis E. Hay  
9438 Whittington Drive  
Jacksonville, Florida 32257

August 8, 2005

RECEIVED

AUG 11 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252

N.P.F.M.C.

Dear Ms. Madsen,

My wife and I recently enjoyed our first our Alaska vacation from July 6 through 18, 2005. We visited several places and tried numerous activities. My most enjoyable experience was halibut fishing. We would love to come back and do it again. I'm even talking to a couple of our friends about coming back with us. Our return trip will not likely happen if the proposed Halibut Charter IFQ Program is implemented. This program will eliminate many quality charter businesses (ie. competition) and drive charter prices way past what the average visitor can afford. It is obvious that you don't have enough quality charter businesses now as evidenced by the fact that out-of-state fishermen have to book several months in advance to get on a good boat. I would therefore urge you as Chair of the NPFMC to drop the proposed Halibut Charter IFQ Program in order to protect and enhance Alaska's tourist trade. On our trip to Alaska we spent our vacation dollars as follows:

1. Delta Airlines \$ 2500.00

Alaska Tour Saver Book \$99.00

**Anchorage**

National Car Rental \$931.00

Wal-mart \$251.75

Sourdough Mining Company - Dinner \$24.90

Fairfield Inn \$163.13

Iditarod Store \$31.10

Fishing Permit \$50.00

**Girdwood**

Ayalaska Skylift \$16.00

The Bake Shop - Lunch \$25.00

Indian Valley Mine \$16.00

**Cooper Landing**

Gwin's Lodge \$150.00  
Gwin's Restaurant - Dinner \$43.10  
Rafting Trip \$56.00  
Gwin's Restaurant - Breakfast \$23.96

**Soldotna**

Buckets Sport Grill - Lunch \$22.92  
Fred Meyer - Fuel \$13.00  
Fred Meyer \$127.29

**Kenai**

Log Cabin B&B \$112.20  
One Stop Convenience \$19.17  
Carr Store - Fishing Permits \$29.00  
Fishing Guide \$320.00

**Homer**

Kiana B&B \$551.00  
Halibut Charter- Two trips \$462.00  
Emerald Air - Bear Viewing \$530.00  
Carr Store \$42.57  
Saltry, Inc.- Dinner \$51.90  
Central Charters \$53.25  
Captain Patties- Dinner \$63.38 Carr Store \$8.48  
Gigs Beads & things \$82.01 Eagle Eye Photo \$102.16  
Homer Book Store \$63.90  
Duncan House Diner \$15.92  
Coal Point Trading Co. \$716.65  
Lands End Resort Hotel \$78.88  
Mangia Mangia \$24.14  
Homer Petro Express \$25.06

Misc. Cash Purchases \$100.00

**Seward**

Harbor View Inn \$831.60

Salmon Bake Cabins-Lunch \$21.50

Godwin Glacier Dog Sled \$439.00

Safeway Store \$102.21

Safeway Store \$16.07

Thorns Showcase Lounge \$55.00

Aurora Charters (what a jip) \$197.60

Captain Jacks Seafood \$23.27

Safeway Store \$30.73

Alaska Shop \$42.06

Kenai Fjord Tour \$165.00

Sea Life Center \$20.00

Miscellaneous Cash Purchases \$150.00

Total Vacation Costs \$10,112. 82

I compiled this list of our spending (as opposed to one lump sum total ) to show you where and how we spent our money. You may want to pass this list around to the other decision makers on the Council so they can see how much tourist spending was generated by four (two per trip) halibut. As you can see, our spending affected a lot of businesses. **The reason we will come back to Alaska is the halibut fishing.** The scenery is wonderful but we've seen it and it won't change - we have a lot of photos. You can't count on the salmon making a run with certainty and I'm not coming that far to catch a trout that I can get in a lot of other places closer to home. **The halibut fishing is the draw!** If we can't fish for halibut and utilize a quality charter at a reasonable cost, we simply won't be back and none of our money will be spent in Alaska - it's just that simple. I met a lot of Floridians and other Southerners during our stay and most of them felt the same way. It is very clear to me that the Halibut Charter IFQ program **will severely damage the halibut fishing experience for most out-of-state tourists (who have to use charter services) and in doing so will hurt Alaska's tourism industry.** By targeting halibut charter businesses, the Halibut Charter IFQ Program actually targets all of the out-of-state fishermen who visit Alaska every year. You might as well hang out a "Not Welcome " sign for all your angling tourists.

You of all people should be aware of this. The commercial bycatch of Halibut(13 million pounds in 2003) was almost twice the 7 million pound total harvested by sport fishermen (both private and charter boats) the same year. If the commercial fishing industry would simply use less wasteful methods they would not need the North Pacific

Fishery Management Council to steal halibut shares from the fishing public. I'm not ready to give up my access to halibut fishing just so commercial fishermen can keep wasting fish. There are plenty of sound alternatives to the Halibut Charter IFQ Program and turning away angling tourists is probably the most expensive one for the state.

In closing, I urge you to please forget about the proposed Halibut Charter IFQ Program and come up with better solutions. We really enjoyed our Alaska vacation and hope we can return in the future to fish for halibut.

Very truly yours,



Ed Hay

Jacksonville, Florida

[edhay@atlanticgeotechnical.com](mailto:edhay@atlanticgeotechnical.com)

RE

28 August 2005

George E. Hiller  
PO Box 2023  
Seward, AK 99664  
907-224-2382  
[ghiller@ptialaska.net](mailto:ghiller@ptialaska.net)

RECEIVED

AUG 30 2005

N.P.F.M.C.

North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501

Council Members,

I am a saltwater sport-fishing guide operating out of Seward, Alaska since 1994. I have been involved in the halibut charter controversy since then, attending all North Pacific Fishery Management (NPFMC) meetings and testifying when the opportunity was afforded as a representative of the Seward Charter Boat Association. I also attended local area management meetings with officials of the Alaska Board of Fish and commercial fishing interests. During this period the Seward charter fleet was in favor of limited entry and against any other form of restriction.

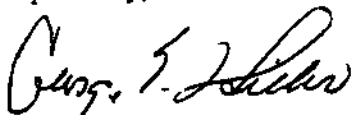
At this time, I ask you to reaffirm your position on the halibut charter individual fishing quota (IFQ) program. I do so because the NPFMC implemented the Guideline Harvest Limit (GHL). The GHL is a time bomb waiting to explode. The original problem statement presented to the NPFMC was correct; the halibut charter fleet is increasing at an alarming rate. Therefore, it is just a matter of time before the GHL is exceeded and the issue of what to do to reduce the charter fleet from taking halibut will be before the NPFMC again. I believe you will have three options; 1, stop crew from harvesting halibut; 2, reduce the bag limit to one; and 3, cut the season short at some point. I personally do not believe that restricting the crew from taking halibut will result in a reduction necessary to meet your goals. If you have to select reducing the bag limit to one or close the season early you will have every halibut charter operator and every local sport fishing community up in arms.

The IFQ plan does not satisfy everyone, but it is a workable one. It allows an individual to plan a yearly operation, prevents over capitalization of the resource, allows individuals to opt in and out of the fishery, and takes the NPFMC out of this issue for the foreseeable future. The IFQ program works for the commercial sector and will work for the halibut charter fleet also.

The majority of individuals who have entered the halibut fishery or expanded their operations since the cut off date have done so knowing the IFQ program was on the verge of being implemented. Their decision to do so should not sway your position on this issue. They made a calculated business decision that should have included purchasing IFQ if necessary.

After more than eight years of public testimony and much debate on your part, I urge you to reaffirm your position in favor of the Halibut Charter IFQ program.

Respectfully,

A handwritten signature in cursive script, appearing to read "George E. Hiller".

George E. Hiller, Past President  
Seward Charter Boat Association



To: Ms. Stephanie Madsen, Chair NPFMC

From: *Robert Schell*  
Robert D. Schell, F/V Alice Faye  
Box 1367, Sitka Ak 99835

Subject: Halibut Charter IFQ Program

Date: September 7, 2005

RECEIVED

SEP 7 2005

N.P.F.M.C.

It seems as if we are on a merry-go-round with this council action. Does the NMFS director not know how to follow federal procedures and the council process? Four years of foot dragging and now he wants the NPFMC to start over. What happened to the last eight years of council process? How many times do we fishermen have to take our time from our jobs to address this issue? We have better things to do besides hash over years old arguments.

I have a considerable amount of personal time and financial resources invested in the halibut program. I went to the bank to keep my business viable. We now have a relatively new entrant into the fishery that wants no boundaries and a NMFS director who seemingly is dragging his feet hoping that the charter fleet keeps grabbing a larger share of the resource with no limits.

When this program started, those who had an initial allotment gave up some of that allotment to the CDQ program. Subsistence grabbed a hunk. The charter fleet grabbed a hunk and wants more. The smaller communities where residents sold off their IFQs wanted back in and were granted community IFQs with low interest loans to purchase them. The only group bearing the brunt of these deletions in quota and government handouts is the commercial sector. The only group paying the feds to operate a fishery quota program or any other program is once again the Alaskan IFQ holder. Isn't it time we had an end to the gutting of our livelihoods and investments for new players?

As a council, you need to tell Dr. Hogarth to do his job and publish the proposed rule. Twelve years-eight in the council process and four that NMFS has sat on it-should be long enough to get this issue settled.

Here in Sitka, on just about any given day, good weather or bad, you can find fifty to a hundred charter boats anchored off the coast of Baranof and Chichagof Islands. Little fish or big the halibut come aboard and the snappers and lingcod go back. Limits are too small to permit keeping many of these species except for a token one apiece for sport or charter guys. What a waste! What an impact on the resource. These guys are anchored in 50 to 80 fathoms using up to four pounds of lead per rod to keep hooks on the bottom. The rods do not even come out of the holder to get a fish aboard. This is sport fishing or another commercial fishery that continues to grow at others expense?

9-10-05

REC-10

SEP 13 2005

N.P.F.M.C.

Ms. Stephanie Madsen,  
N.P.F.M.C.

The I.F.Q. system is working well in the Commercial Halibut & Sablefish fisheries. I have invested my lifes savings in the I.F.Q. program.

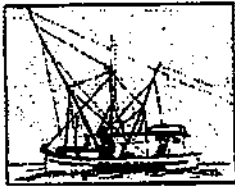
I would like to see the N.P.F.M.C. reaffirm its support for the halibut charter I.F.Q. program.

It is only fair for everyone, many Commercial Fishermen like myself have invested everything they have in the I.F.Q. system. It is time for the Commercial Halibut

Charter Fleet to join the I.F.Q. system as well.  
I would like to see the N.P.F.M.C. move forward and the proposed Rule for the Commercial Charter I.F.Q. gets published.

Thank you

Ted Lewis  
AKA KAYSIE  
ADFC # 54982



## Alaska Trollers Association

130 Seward St., No. 211  
Juneau, Alaska 99801  
(907) 586-9400  
(907) 586-4473 Fax

September 9, 2005

Senator Ted Stevens  
US Senate  
Washington, DC

Dear Senator Stevens:

I am writing on behalf of the Alaska Trollers Association (ATA) to ask your help in securing the NPFMC's (Council) halibut IFQ program for the guided sportfishing industry. While NOAA Fisheries is making moves to further delay or eliminate this program, fishermen in our fleet are being disadvantaged by the still growing sportfishing industry.

ATA represents hook and line salmon fishermen operating off the coast of Alaska, many of whom hold IFQ for halibut and black cod. Many of our members have had to make significant business adjustments and bought into this federal program at great expense. Fishermen around the state had to buy all or a portion of their IFQ allocation. Many are still paying off the loans secured to purchase quota just to keep their businesses solvent in the face of this federal program. So, while we can appreciate the cost concerns of the guided sportfishing industry, we do not believe this is a reason to nix the program at the expense of similarly disadvantaged harvesters.

It's difficult to accept NOAA's argument that data is now somehow "stale" as a reason the Council should reconsider the program. The trends in charter growth and reallocation from commercial to charter are very clear and avoidance will just exacerbate the problem. Something meaningful must be done before next season begins and the Council has already provided the tools.

Since implementation of the commercial IFQ program, the guided sportfishing industry has grown and expanded its harvest. That increase in harvest share has come directly out of the holds of commercial IFQ holders.

Between 1994 and 2003, the charter harvest of halibut increased 43% in Southeast (2C) and 32% over the same period in Southcentral (3A). The trend is steady and upward, with no indication of leveling off. The 2004 data are expected to indicate that the Southeast GHL was exceeded in 2004. The initial charter IFQ allocation will be greater than the largest charter halibut harvest for which data are available.

RECEIVED  
SEP 11 2005  
N.P.F.M.C.

Getting harvest data for the sportfishery is a frustrating matter. In fact, no one can tell us yet how many halibut, salmon, or other species were harvested by the guided sportfishing industry during the 2004 season! Commercial data is recorded on fish tickets with stringent timelines for submission. We are managed on preliminary data, which is available inseason. Final numbers tabulated not long after the current fishing year. For a variety of reasons, sportfish data lags a year or more behind, making annual allocations extremely problematic. An IFQ program could greatly help with real time data collection for halibut.

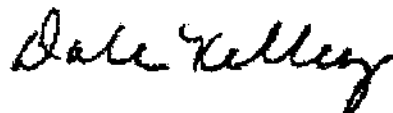
Biologically, the Council holds the line on conservation by limiting the total allowable catch. However, much of the charter effort occurs close to our towns. In areas like Sitka, charter fishing effort is extremely heavy. One of the concerns expressed by the Council when developing the charter IFQ program was local depletion. This affects availability of halibut in our coastal areas and displaces local sport, subsistence, and smaller commercial users.

The Council spent eight years developing the halibut charter management plan and received over 8,000 public comments. It was a painful process, but had the support of many charterboat professionals. The terms of the program provide the charter sector with 125% of their historic average - higher than any reported halibut charter harvest to date. This is unheard of in commercial allocations, yet commercial fishermen supported it as a means to stop the chronic erosion of their harvests.

Senator Stevens, your longstanding support for the Council and its transparent, public process is something we greatly appreciate. The Council put years of time, energy, and money into developing the halibut charter IFQ program. The Council has a very full plate of issues this year. Does it make sense to cast aside eight years of hard work and start over just for politics? Hopefully you will strongly encourage the Secretary to approve and implement the halibut charter IFQ program right away. Once it is in place, the Council will be free to work with affected users and make any needed modifications and improvements to the program over time. Importantly, both commercial and charter operators will be able to make business choices and decisions in an orderly fashion, based on a stable allocation formula. That will be good for both industries, and all other harvesters.

Thank you for considering ATA's point of view. Please do not hesitate to contact me if I can be of assistance.

Respectfully,



Dale Kelley  
Executive Director

**Tom Gemmell**

**From:** Bob/Alice Schell [alfaye@gci.net]  
**Sent:** Wednesday, September 07, 2005 4:42 PM  
**To:** Halibut coalition  
**Subject:** Letters faxed

**To:** Ms. Stephanie Madsen, Chair NPFMC

**From:** Robert D. Schell, F/V Alice Faye  
Box 1367, Sitka Ak 99835

**Subject:** Halibut Charter IFQ Program

**Date:** September 7, 2005

RECEIVED  
SEP 7 2005  
N.P.F.M.C.

It seems as if we are on a merry-go-round with this council action. Does the NMFS director not know how to follow federal procedures and the council process? Four years of foot dragging and now he wants the NPFMC to start over. What happened to the last eight years of council process? How many times do we fishermen have to take our time from our jobs to address this issue? We have better things to do besides hash over years old arguments.

I have a considerable amount of personal time and financial resources invested in the halibut program. I went to the bank to keep my business viable. We now have a relatively new entrant into the fishery that wants no boundaries and a NMFS director who seemingly is dragging his feet hoping that the charter fleet keeps grabbing a larger share of the resource with no limits.

When this program started, those who had an initial allotment gave up some of that allotment to the CDQ program. Subsistence grabbed a hunk. The charter fleet grabbed a hunk and wants more. The smaller communities where residents sold off their IFQs wanted back in and were granted community IFQs with low interest loans to purchase them. The only group bearing the brunt of these deletions in quota and government handouts is the commercial sector. The only group paying the feds to operate a fishery quota program or any other program is once again the Alaskan IFQ holder. Isn't it time we had an end to the gutting of our livelihoods and investments for new players?

As a council, you need to tell Dr. Hogarth to do his job and publish the proposed rule. Twelve years-eight in the council process and four that NMFS has sat on it-should be long enough to get this issue settled.

Here in Sitka, on just about any given day, good weather or bad, you can find fifty to a hundred charter boats anchored off the coast of Baranof and Chichagof Islands. Little fish or big the halibut come aboard and the snappers and lingcod go back. Limits are too small to permit keeping many of these species except for a token one apiece for sport or charter guys. What a waste! What an impact on the resource. These guys are anchored in 50 to 80 fathoms using up to four pounds of lead per rod to keep hooks on the bottom. The rods do not even come out of the holder to get a fish aboard. This is sport fishing or another commercial fishery that continues to grow at others expense?

SEP-08-05 FRI 10:22 SOURDOUGH MARINE

987 4243900

Page 1 of 1

**The Zeines**

**From:** The Zeines [edward@ctcak.net]  
**Sent:** Wednesday, September 07, 2005 12:28 PM  
**To:** pspa@alaska.com; halibutcoalition@gci.net  
**Cc:** ~~XXXXXXXXXX~~  
**Subject:** Halibut Charter IFQ plan

7 September 2005

RECEIVED  
SEP 11 2005  
N.P.F.M.C.

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501

Dear Ms Madsen;

As a longtime Halibut fisherman I am writing in support of the public process to move forward and publish the Proposed Rule. I believe the NMFS Director's August letter to the Council is an attempt to overrule the past eight years of public process. I would hate to think his attempt to jeopardize all the work that went into crafting the plan and writing the as yet unpublished proposed rule would have an affect on the public process that resulted in the Council's proposed rule.

It is requested that the Council's previous action approving the charter IFQ plan that was based on sound science and public process NOT be reversed. Please see that the proposed rule is published. Revisiting this process would not be in the best interest of the fisheries, the State or fisherpersons involved, it would only delay and compound existing problems. I'm sure after the many hours councilmember's have spent on the approved proposed rule, they need not be advised of the many many reasons to move forward.

Thank you for your consideration.

  
Edward Zeine  
Halibut Fisherman

9/8/2005

3451 Douglas Hwy  
Juneau, AK 99801  
September 8, 2005

RECEIVED  
SEP 11 2005  
N.P.F.M.C.

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501

Dear Ms Madsen,

Re: Halibut Charter IFQ

As you are aware both my family and that of my son are dependent on the halibut setline fishery for a significant part of our income. My son has been slowly building his fishing business and has significant loans outstanding for his halibut quota share.

I urge you to stand up for the integrity of the Council process and reject Dr Hogarth's attempts to further impede the implementation of the halibut charter IFQ program that the Council adopted in April 2001. Foot dragging by Dr Hogarth in implementing the program undermines the Council's authority and could make future Council deliberations irrelevant since it provides a means to end run the public, transparent decision making process.

The halibut charter IFQ was decided after through analysis and full public participation. Anyone who entered charter fishery after April 2001 was aware of the business risk and it is not fair for Dr Hogarth or the Council to reward that speculation by taking quota away from commercial fishermen, processors, and communities who have invested in the fishery.

As predicted in the 2001 EA, the halibut charter catch in Area 2C continues to grow – it has increased from 986,146 pounds in 1995 to 1,412,000 pounds in 2003. I hope you will review the EA and the public record from April 2001 and see that there is nothing to be gained from further delay in implementing the charter IFQ. The Council decided that the charter IFQ was the only real solution to the issues presented in the problem statement and that GHL and moratorium would not work.

If you let Dr Hogarth subvert the public process and weaken Council authority, you will be stuck implementing a GHL which will mire the Council in an endless allocation battle that will destabilize both the commercial and charter sectors.

Sincerely,

  
James Becker

Copy: Senator Ted Stevens, Senator Lisa Murkowski, Secretary Carlos Gutierrez, Governor Frank Murkowski

Philip "Steve" Drage, Captain/Laurel Drage, Secretary  
PO Box 645, Warrenton, OR 97146  
503-338-6190, office; 503-338-6272, fax  
drage@cohoink.com

**E/V**  
**Coho Inc.**

September 12, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage AK 99501

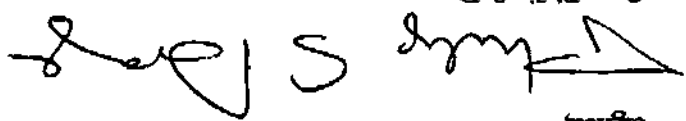
Ref: Habitat Charter IFQ plan

I am greatly concerned by the recent actions of Dr. Hogarth. He seems to think that nothing has been happening concerning habitat. The Habitat charter IFQ plan is ready for approval and there has been a lot of work put into it. The eight year public process of working this plan and he is asking the wrong questions!

Dr. Hogarth needs to allow the public process to move forward and to publish the Proposed Rule. If it is necessary, the Council needs to reaffirm support for the IFQ plan that was developed over the past eight years (since 1993), which has involved over 8,000 public comments, pages of analysis, hours of debate and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial habitat fishermen. The Council has taken the action of approving the charter IFQ plan which is based on sound science and in full sight of the public. There should be no back room politics interfering with this process!

I have re-mortgaged my business and bought more habitat quota in order to stay viable in the commercial fishing industry. This has been a significant investment for my family and I. With the stresses on all types of fisheries, it would be a good thing to see the Council take affirmative action towards this Proposed Rule. If this fails to happen, there will be a flood of new entrants to the charter fishery, which will compound existing problems for all habitat fishermen, adding to the depletion of resource near towns, overcrowding on the charter grounds and loss of allocation without compensation to the commercial fishermen.

Signed,

  
Capt. Philip S. Drage  
E/V Coho Inc

CC: Senator Ted Stevens

Senator Lisa Murkowski

Secretary of Commerce Carlos M. Gutierrez



SEP 14 2005

Juneau, AK

Dear Stephanie Madsen,

**N.P.F.M.C.**

I have spoken with Jim Preston, and he recommended that I write to you about this matter. As an operator in Juneau, I agree with the proposed IFQ plan. The fishery needs to be monitored and regulated. Operators that were halibut fishing will be given an allotment based on their historical catch. This is fair and will allow them to continue to operate as before. However, I have one major problem with this plan. The data for the implementation of this program was conducted in 1998 and is becoming very stale. Many of the operators that conducted business during that time have long since retired and have no future interest in charter fishing, especially for halibut. What will become of their allotment? These operators are eligible to receive a share of the total allowable catch, which they no longer have any use for. This will end up being more of a Christmas bonus, than an allotment that will allow them to continue to operate their business.

I believe that this leaves two reasonable possibilities. The first possible solution is to update the information with a new survey. Enough time has elapsed that makes this procedure necessary. With accurate information, the implementation of the IFQ program would be swift and encounter less resistance.

However if this solution isn't an option, the most sensible way of using the 1998 data is evenly redistribute IFQ from operators that are no longer in business, to the new operators that have taken their place. This way the charter fleet can still hold on to the same amount halibut that they caught in 1998, and it will benefit the operators that can actually use it. In all fairness, this makes the most sense, even if this only turns out to be two halibut per charter boat. This wouldn't have any effect on charter operators that are already receiving halibut IFQ. It would simply be reallocating IFQ from operators that have stopped charter fishing, to the new operators that can actually put it to use.

Thank you for your time and efforts with this matter.

Sincerely,



Louis Juergens  
Owner/Operator of Alaska Trophy Fishing Adventures  
[www.alaskatrophifishing.com](http://www.alaskatrophifishing.com)

*Building one dream vacation at a time.*

Louis A. Juergens  
(907) 463-1066

P.O. Box 33311  
Juneau, AK 99803

**RECEIVED**  
SEP 14 2005**N.P.F.M.C.**

September 14, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave., Ste 306  
Anchorage, AK 99501

Dear Ms. Madsen:

I urge the NPFMC to not reconsider the halibut charter boat IFQ action. After 8 years of public process and debate I think the NPFMC has done it's job. Every option was considered and the IFQ option was considered the most acceptable to the industry.

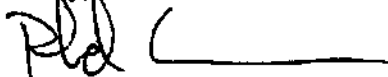
Please ask Dr. Hogarth to move the public process forward and publish the proposed rule.

If a management plan for the charter fleet is further delayed I believe action should be taken to protect historic users of the resource including subsistence, local sport, commercial fishermen, cold storages, fish distribution businesses, fish markets, restaurants, and the millions of Americans who just want some good fish to eat and don't want to have to go to Alaska and catch their own.

To protect the historic users of the halibut resource and the established charter businesses I think the GHF should be implemented and enforced, along with a moratorium on new entrants in to the charter industry.

There is no "extra" halibut. Unrestricted growth of the charter industry has a direct cost to all historic users of the halibut resource. It is time for the halibut charter fleet to be included in a management plan without further delay.

Sincerely,



Richard Curran  
F/V Cherokee

Cc Senator Stevens  
Senator Murkowski  
Secretary of Commerce Gutierrez  
Governor Murkowski  
Commissioner Campbell

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, Alaska 99501

September 9, 2005

RECEIVED

SEP 13 2005

N.P.F.M.C.

Dear Ms. Madsen,

I am writing again to give my support for Halibut Charter IFQ adopted by the North Pacific Fishery Management Council in April 2001. Eight years (1993 - 2001) of public process that resulted in development of the halibut charter IFQ plan.

NMFS Director Bill Hogarth has sent a letter to the Council to reaffirm support for the halibut charter IFQ plan. Eight years of public process tells us that there is support for this plan. As the North Pacific Fishery Management Council please continue with your plan and,

1. Advise Dr. Hogarth the Council has already acted on this issue and should not be asked to reconsider a previous action.
2. Direct Dr. Hogarth to allow the public process to move forward and publish the Proposed Rule.
3. If necessary, reaffirm Council support for the IFQ plan developed after an eight year process that involved over 8,000 public comments, pages of analysis, hours of debate and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

We depend greatly on IFQ halibut income. Failing to approve and implement the halibut charter IFQ plan at this pint will result in a flood of new entrants to the charter fishery, compounding existing problems for all halibut fishermen: localized depletion near towns, crowding on the charter grounds, and reallocation of shares without compensation from commercial to charter fishermen.

In closing, the previous action approving the charter IFQ plan was based on sound science and a transparent public process that **SHOULD NOT** be reversed. Please stay on track and follow through with the Halibut charter IFQ plan that has 8 years of support behind it.

Thank you,

*Alan Reeves*

Alan Reeves  
Box 741  
Wrangell, Alaska  
907-874-3619

cc: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, Alaska 99501

September 4, 2005

SEP 7 2005

N.P.F.M.C.

Dear Ms. Madsen,

I am writing again to give my support for Halibut Charter IFQ adopted by the North Pacific Fishery Management Council in April 2001. Eight years (1993 - 2001) of public process that resulted in development of the halibut charter IFQ plan.

NMFS Director Bill Hogarth has sent a letter to the Council to reaffirm support for the halibut charter IFQ plan. Eight years of public process tells us that there is support for this plan. As the North Pacific Fishery Management Council please continue with your plan and,

1. Advise Dr. Hogarth the Council has already acted on this issue and should not be asked to reconsider a previous action.
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3. If necessary, reaffirm Council support for the IFQ plan developed after an eight year process that involved over 8,000 public comments, pages of analysis, hours of debate and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

We depend greatly on IFQ halibut income. Failing to approve and implement the halibut charter IFQ plan at this point will result in a flood of new entrants to the charter fishery, compounding existing problems for all halibut fishermen: localized depletion near towns, crowding on the charter grounds, and reallocation of shares without compensation from commercial to charter fishermen.

In closing, the previous action approving the charter IFQ plan was based on sound science and a transparent public process that **SHOULD NOT** be reversed. Please stay on track and follow through with the Halibut charter IFQ plan that has 8 years of support behind it.

Thank you,

*Deanna Reeves*

Deanna Reeves  
Box 741  
Wrangell, Alaska  
907-874-3619

cc: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

# F/V Coho Inc.

Philip "Serve" Drage, Captain; Laurie Drage, Secretary  
PO Box 645, Warrenton OR 97146  
503-338-6190, office; 503-338-6272, fax  
dragepl@starlink.net

**RECEIVED**  
SEP 14 2005  
N.P.F.M.C.

September 12, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage AK 99501

Ref: Halibut Charter IFQ plan

I am greatly concerned by the recent actions of Dr. Hogarth. He seems to think that nothing has been happening concerning halibut. The Halibut charter IFQ plan is ready for approval and there has been a lot of work put into it. The eight year public process of working this plan and he is asking the wrong questions!

Dr. Hogarth needs to allow the public process to move forward and to publish the Proposed Rule. If it is necessary, the Council needs to reaffirm support for the IFQ plan that was developed over the past eight years (since 1993), which has involved over 8,000 public comments, pages of analysis, hours of debate and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen. The Council has taken the action of approving the charter IFQ plan which is based on sound science and in full sight of the public. There should be no back room politics interfering with this process!

I have re-mortgaged my business and bought more halibut quota in order to stay viable in the commercial fishing industry. This has been a significant investment for my family and I. With the stresses on all types of fisheries, it would be a good thing to see the Council take affirmative action towards this Proposed Rule. If this fails to happen, there will be a flood of new entrants to the charter fishery, which will compound existing problems for all halibut fishermen, adding to the depletion of resource near towns, overcrowding on the charter grounds and loss of allocation without compensation to the commercial fishermen.

Signed,



Capt. Philip S. Drage  
F/V Coho Inc.

CC: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

PARDEE MARINE SURVEYS INC.  
PO BOX 296  
HAINES, ALASKA 99827  
(907) 766-2154 ph.  
(907) 766-2148 fax.

RECEIVED  
2005  
N.P.F.M.C.

Halibut Coalition  
PO Box 22073  
Juneau, Ak. 99802

15 Sept. 2005

Gentlemen,

I am a thirty-five year resident and participant in Alaska's fisheries. I've chased multi-species of fish from Ketchikan to Bristol Bay and the Bering Sea. It was once the greatest way to make a living I ever experienced. Once again, however, government in the form of so called managers are destroying opportunity for many so as to benefit, immensely, a few. I have NEVER been in support of limited entry or IFQ schemes in ANY form! You could never convince me that the fishery or the fishermen are any better off because of this GROSS RE-ALLOCATION of what was once a public resource! What you HAVE done however, is enrich a comparatively small number of participants in various fisheries beyond their wildest imaginations! There are no longer any ENTRY-LEVEL fisheries, left in Alaska. NOW, you want to shut-out the small six-pack charter man. SHAME ON YOU!

I've been around long enough to see a generation of sport fishermen, who've worked all their lives and can finally afford a trip to Alaska and now you're saying they can't catch a halibut off a hired vessel unless that vessel is the recipient of yet this latest IFQ scheme. Once again, the values of these quota shares will require enormous investment just to participate in a business that will continue to grow in demand. Who can afford to get into these business? What are you leaving for the next generation of young people who want to make their living from the sea? Whatever happened to laze-fare capitalism in Alaska? Don't preach to me about loan programs and all the absurd government give-aways that only raise prices far beyond the value of a pound of fish. I am heart-sick over what you and your group are doing to future Alaskans. Your efforts will only bear fruit that cannot be swallowed!

Terrance W. Pardee, fisherman

Cc  
Stephanie Madsen, NPFMC  
Senator Ted Stephens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos Gutierrez



# Cordova District Fishermen United

P.O. Box 97  
Cordova, Alaska 99574  
(907) 424-3447 FAX (907) 424-3430

September 14, 2005

Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306

**SENT BY FACSIMILE TO 907-271-2817**

RE  
SEP 14 2005  
N.P.F.M.C.

Dear Madame Chair and members of the Council,

I am writing to you on behalf of the membership of CDFU regarding the Halibut Charter IFQ letter from Dr. Hogarth, which is on the agenda for the Council's October meeting.

CDFU is one of Alaska's oldest fishing organizations and represents the interests of over 300 fishermen and their families in the Prince William Sound and North Gulf Coast region. We have a long tradition of constructive and successful involvement in fisheries policy arenas supporting sustainable fishing practices, fisheries research, seafood marketing, and the economic stability of Alaska's coastal communities.

We understand that for some stakeholders this issue – like most issues that the Council has acted upon – is contentious. However, we believe that in this case the course of action for the Council is clear and straightforward. We respectfully request that the Council reaffirm that the appropriate public process and legal review has been followed in the development of the Halibut Charter IFQ program, and that NMFS be directed to initiate the approval process by publishing the proposed rule for the program.

NMFS legal review has already determined that the Halibut Charter IFQ package is consistent with the Halibut Act and the Magnuson-Stevens Act Standards, and is ready for publication as a proposed rule. In light of this fact, it is very disturbing that Dr. Hogarth has asked the Council to "reaffirm" its support for the Halibut Charter IFQ program for reasons that are both vague and inconsistent with the Council process. In short, it appears that Dr. Hogarth's letter is the result of political pressure, and is not based on sound legal or scientific reasoning.

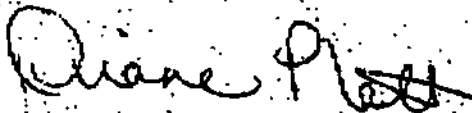
We believe that Dr. Hogarth's letter is unprecedented and that if it is allowed to derail the Council process, it will undermine the Council's authority on future decisions. If Dr. Hogarth's letter is successful in forcing the Council to revisit the Halibut Charter IFQ program, what is to prevent NMFS Directors from sending future Council actions back for review? We also ask that you uphold the Council's long standing policy of not revisiting issues once a management package has left Alaska. At stake is the integrity of the Council's process, and the public's trust in that process as well.

September 10, 1994

Over the years, the North Pacific Council has earned an outstanding reputation for basing its decisions on science and a transparent public process. The U.S. Commission on Ocean Policy cited the North Pacific Council as the model for other regional Councils to follow. We are very concerned that this reputation will be damaged, and that support for the Council system itself will suffer on a national scale. With the Magnuson-Stevens Act up for renewal, and increasing public concerns about marine resource management, it is critical that the North Pacific Council preserve its reputation as a model for other regions intact and unquestioned.

Thank you for taking our concerns about this very important matter into consideration. If you wish to discuss this further, please contact me, or Dan Hull, our Groundfish Division Co-Chair, at the number above.

Sincerely,



Diane Platt, Executive Director  
Cordova District Fishermen United

Cc: The Honorable Carlos M. Gutierrez, Secretary, U.S. Dept. of Commerce  
Sen. Murkowski  
Sen. Stevens  
Rep. Young  
Gov. Murkowski  
Halibut Coalition



Halibut Coalition  
PO Box 2073  
Juneau, AK 99802-2073  
(907) 586-1663 (206) 260-9111 fax  
[halibutcoalition@gci.net](mailto:halibutcoalition@gci.net)  
September 7, 2005

RECEIVED  
SEP 14 2005  
N.P.F.M.C.

Dear Council Member,

The Halibut Coalition was formed six years ago to address the issue of uncontrolled growth in the halibut charter fishery. Coalition members worked in good faith through the Council process with subsistence, sport and charter fishermen to develop first the Guideline Harvest Level (GHL) for the halibut charter sector and second, at the request of charter associations involved in the Council process, the halibut charter IFQ program. The GHL allowed a 25% buffer for additional growth in the halibut charter harvest; the IFQ program provides the halibut charter fleet with an initial allocation greater than any charter harvest reported to date. The Council made every effort to accommodate the halibut charter sector's demand for a continuous season of historic length while addressing the open-ended reallocation of quota from commercial to halibut charter fishermen and the litany of other identified problems.

Coalition members were shocked to learn of Dr. Hogarth's letter to the Council requesting that the Council "reaffirm" its support of the halibut charter IFQ program. In our experience, this action is unprecedented in the North Pacific. The Council spent eight years and received over 8,000 public comments while developing the halibut charter management plan. The thorough legal review to which the plan has already been subjected has found no inconsistencies with either the Halibut Act or the Magnuson-Stevens Act Standards. The Council's SSC indicated in 2003 (See page 8-9, <http://www.fakr.noaa.gov/npfmc/minutes/ssc203.pdf>) that the allocation is based on appropriate data. Coalition members can only conclude that Dr. Hogarth's actions are politically, rather than legally or scientifically motivated.

The North Pacific Council is held as the model for other Councils to follow because decisions are based on science and a transparent public process. If the Agency is allowed to derail the Council process in this way it will set a dangerous precedent and undermine the Council's authority. Does the Council want to invite NMFS manipulation of future Council decisions? Also at stake is the public's trust in the Council process. If the Agency is allowed to delay processing a Council action until the data can be questioned as stale and a host of new players have entered a fishery, how has the public been served?

New entrants to the charter fishery knew they were taking a business risk by entering a fishery scheduled for limited entry. Further delay by the Agency or the Council in publishing the proposed rule for the halibut charter IFQ will invite a flood of additional entrants hopeful that the process will begin anew and their businesses may qualify for a future initial allocation. Trends indicate that the charter fleet has reached and exceeded the GHL in the Southeast area and is close to the GHL in the South Central area. The *de facto* reallocation of quota from commercial to charter fishermen threatens to destabilize the commercial IFQ program by undermining commercial investments in quota share. The flood of new entrants into an already overcapitalized charter fishery will compound existing problems including reallocation, overcapitalization, localized depletion and user conflicts.

As you are no doubt aware, the Council has a long standing policy of not revisiting issues once a management package has left Alaska. The policy was developed for sound reasons. The Halibut Coalition requests that the Council clarify their commitment to this policy and the public process the

Council followed in forming the halibut charter IFQ plan. The Coalition requests that the Council then direct Dr. Hogarth to publish the proposed rule.

Attached please find background information on development of the halibut charter management plan. Please feel free to contact the Halibut Coalition with questions or if additional information would be helpful.

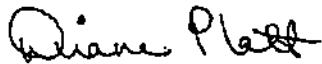
Sincerely,



Linda Behnken, Alaska Longline Fishermen's Association



Cora Crome, Petersburg Vessel Owners Association



Diane Platt, Cordova District Fishermen United



Jeff Stephan, United Fishermen's Marketing Association



Peggy Parker, Halibut Association of North America



Robert Alverson, Fishing Vessel Owners Association



Roland Maw, Upper Cook Inlet Driftnetters Association



Jim Becker, United Southeast Alaska Gillnetters



Buck Laukitis, North Pacific Fisheries Association

## Need for a Halibut Charter IFQ in Alaska

- **History.** An Individual Fishing Quota ("IFQ") program was implemented for the commercial halibut fishery in 1995. The IFQ program, over 10 years in the making, was highly controversial. Today, it is an unqualified success, having achieved all of its objectives of improving safety, product quality, resource conservation, and economic stability within the halibut industry. Consumers now enjoy an increasing amount of fresh, high quality halibut over a nine month season while commercial fishermen enjoy record ex-vessel prices and a healthy resource. Because of the success of this program, many Alaskans have borrowed money to purchase additional IFQ shares, considering this to be a wise, long-term investment in a healthy, stable and sustainable resource.
  
- **The Issue.** The stability of the halibut fishery is threatened. When the annual total allowable catch for halibut is set by the International Pacific Halibut Commission, commercial fishermen are allowed by the North Pacific Fishery Management Council ("Council") to harvest what is left after deductions for the expected bycatch, subsistence, traditional recreational (non-guided sport), and charter boat harvests. Thus, there is no limit on these non-commercial harvests which, theoretically, can displace each other or could displace the entire commercial fishery, rendering commercial IFQ's worthless. The sudden and accelerating growth of the charter boat halibut harvest has been dramatic. Between 1994-2003, the charter boat harvest increased 43% (985,514 pounds to 1,412,000 pounds) in southeast Alaska and by 32% (2,553,726 pounds to 3,382,000 pounds) in south central Alaska. Between 1998 and 1999 alone, the number of registered vessels grew from 1,258 to 2,079. The Council described the problem as follows: "The recent expansion of the halibut charter industry . . . may make achievement of the Magnuson-Stevens Act National Standards more difficult . . . . Specifically, the Council notes the following areas of concern. . . ."
  1. Fishing pressure by charter operations "may be contributing to localized depletion."
  2. The growth of charter operations "may be contributing to overcrowding" of fishing grounds and to "declining harvests for historic sport and subsistence fishermen."
  3. Because there is no limit on the annual charter boat harvest, "an open-ended reallocation from the commercial fishery to the charter industry is occurring . . . . The economic and social impact on the commercial fleet of this open-ended reallocation may be substantial . . . ."
  4. "Community stability may be affected as traditional sport, subsistence, and commercial fishermen are displaced by charter operators . . . ."

Because of these and other problems, the traditional harvesters, the commercial sector, and many Alaska-based charter boat owners and associations asked the Council to adopt an IFQ program for the halibut charter fleet.

- **The Guideline Harvest Level.** In 1993, the Council began work on a halibut charter management plan. The Council established a halibut charter committee composed of Council staff, three commercial fishing representatives, six charter vessel representatives, and one non-charter recreational fishermen to provide additional guidance. In 1997, after eight meetings, hours of public testimony, and a lengthy environmental assessment, the Council took a first step, approving a charter guideline harvest level ("GHL") which is not a fixed quota, but is a guideline advisory. The GHL is 125% of the charter fleet's 1995 harvest. In August, 2003, NMFS approved the GHL. The GHL does not curtail expansion of the halibut charter harvest, nor does it prevent the reallocation of halibut from commercial IFQ holders to charter operators. Because the GHL does not provide a market-based allocation system, the Council will be asked to deal with recurring allocation disputes, which will divert the Council from other pressing conservation and management issues. As halibut abundance cycles naturally down from current historic high levels, all resource conflicts will be exacerbated.
  
- **The Continuing Problem.** Until charter IFQs are implemented, increased charter harvest of halibut will cause recurring allocation disputes, compound localized depletion problems and conflicts near towns, and lead to overcapitalization in the charter fleet.
  - Unregulated charter harvest was the major factor causing conflict and localized depletion in Sitka Sound and lower Cook Inlet. The largest halibut charter landings in southeast and south central Alaska are around Sitka and in lower Cook Inlet. Many charter captains throughout Alaska now complain that they need to range over much larger distances to find fish because the close-in areas are fished out. The burden of localized depletion falls heaviest on traditional subsistence and recreational users who tend to fish inshore areas.
  - To travel to where the fish are now found, and to compete for customers, charter vessel owners are buying bigger and faster boats, the typical situation as a fishery moves into an overcapitalized stage. The Council found that if the charter fleet can rationalize its operations, vessels will be able to decrease operating costs.
  - Between 1999 and 2003, charter catch in southeast and south central Alaska increased by 50% and 33% respectively, even though the commercial halibut quota was decreased for conservation reasons.
  - Despite the dramatic increases in charter boat catch, the 2003 charter boat harvest was still below the GHL. In 2004 and again in 2005, the charter boat harvest will likely exceed the GHL in the southeast area, automatically reducing the commercial allocation.
  - Continued increases in the charter harvest is negatively impacting investments in commercial vessels, quota purchases, processing capacity, and transportation systems, investments typically made with borrowed funds, and will lead to an unstable regulatory and economic environment.
  - Halibut stocks, now at record high numbers, will likely undergo a normal, cyclical downward trend in the years ahead. The Council recognized the likelihood of this cyclical change and cited it as a reason for timely, proactive measures.

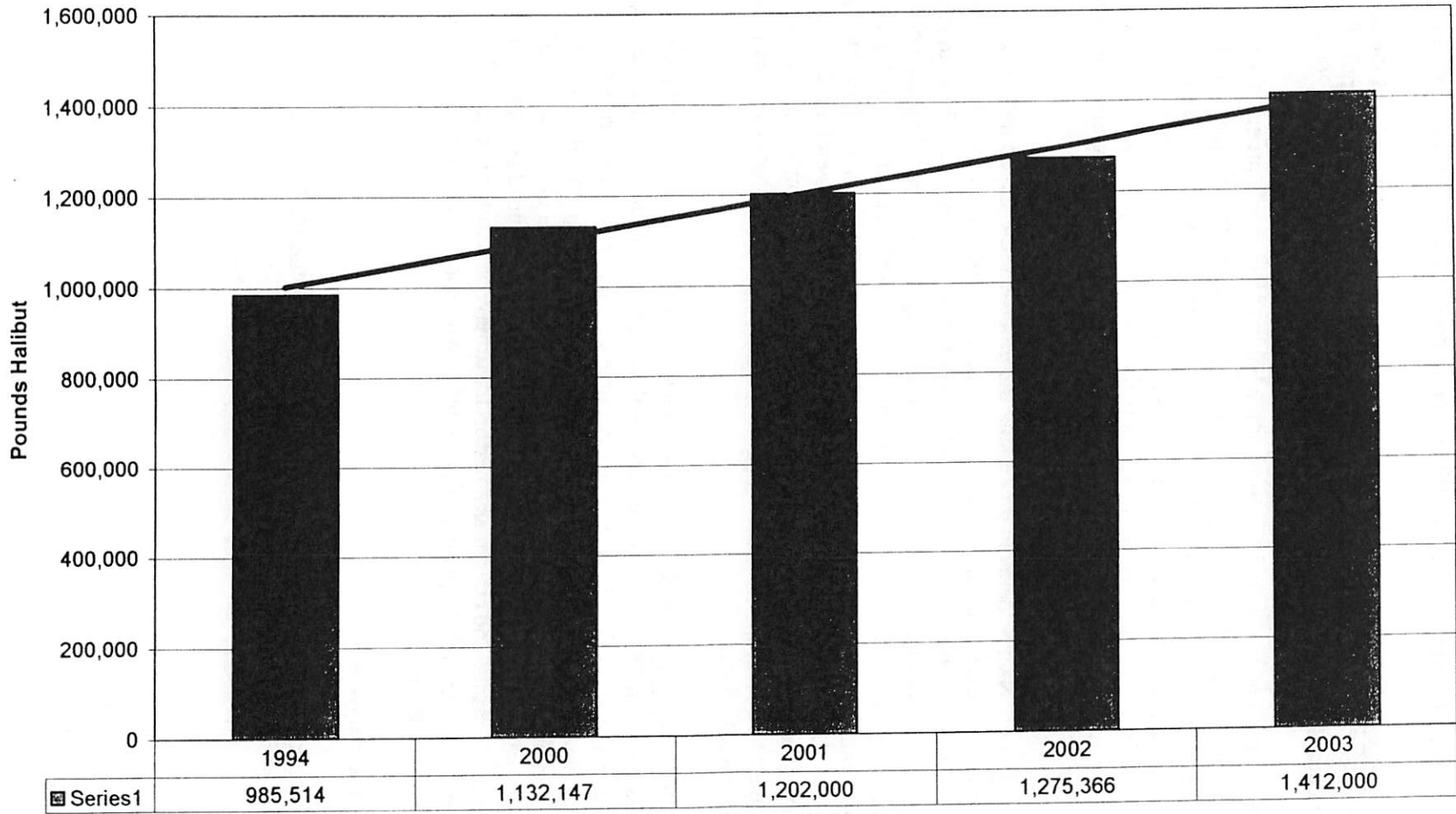
- An IFQ program is a market based solution to contentious allocation decisions.

- **Council Action on IFQs.** Given the questionable effectiveness of the GHL and at the request of many Alaska-based halibut charter associations, the Council adopted an IFQ program for the halibut charter fleet in April 2001. The Council used the well accepted and recognized method of establishing a control date to place the public on notice that new entrants into the fishery, and increased effort by existing participants, would not be rewarded with IFQ shares. Limited entry and control dates are not new in Alaska. Most Alaska commercial fisheries are now under some form of limited entry and control dates were used in each fishery to put everyone on notice. This was clearly explained to the charter industry throughout the Council process. Thus, the public was fully aware of the control dates for the charter IFQ program. New entrants in the charter fishery were fully aware of the business risk and took it knowing they would likely be required to buy shares at some point in the future to continue participating in the fishery.
- **NMFS Action.** The proposed rule to implement the halibut charter IFQ program remains under review by the NMFS Regional Office in Juneau, Alaska.
- **Description of Charter IFQ Program.** The halibut charter IFQ program does not include non-guided recreational anglers or subsistence harvesters. Harvest by these sectors will not be limited by the IFQ program. The initial charter IFQ allocation is 125% of the average 1995-1999 charter boat harvest, which translates to 13% of the combined charter and commercial quota in southeast Alaska and 14% in south central Alaska. Individual charter boat allocations are based on harvest rates in 1998 and 1999 with a longevity bonus added for each year of participation in the fishery from 1995-1999. Although shares initially allocated to the charter sector cannot be sold to the commercial sector, charter operators may purchase commercial shares or purchase shares from other charter operators. During the first few years of the program, charter operators may lease up to 20% of their quota to other charter operators and/or 10% to qualified commercial halibut fishermen. This leasing provision will allow charter operators to make end of the season adjustments if they finish the season with too much or too little quota. There is also a one year delay between issuance of halibut charter quota and fishing under the IFQ program to allow charter operators to purchase or sell quota if they wish. In sum, the Council made every effort to smooth the transition period for charter IFQ implementation.
  - The initial IFQ allocation to the charter fleet would be greater than the largest reported charter harvest. This record setting catch occurred in 2003, which is the last year for which data has been analyzed.

- Since the 1970s, all charter boats have operated under a bag limit of two fish per each person aboard the boat. The IFQ program does not change the per person bag limit.
- **Public Process.** The Council's April 2001 action adopting charter IFQ was the culmination of eight years of debate and over 8,000 comments. In fact, at the Council's April 2001 meeting the Council devoted another two days to receiving public testimony from over 200 individuals.
- **The Data.** Following Council adoption of the halibut charter IFQ program, the Alaska Department of Fish and Game expressed concerns regarding the adequacy of the logbook data. The Council requested a review of the data by the Council's Science and Statistical Committee ("SSC"). The SSC responded with the following statement: "The SSC finds that it would be reasonable for the Council to use the logbook data in determining whether a vessel was active in the fishery during the qualifying years . . . and/or as a basis for determining an initial allocation of quota shares."
- **NMFS' Delay.** NMFS' delay in processing the proposed rule should not be an excuse to undermine Council action and the public process under the Magnuson-Stevens Act. Because of NMFS' work load, there is an unavoidable delay between Council action on an issue and the implementation of the corresponding management regime. Nevertheless, the delay experienced in processing the halibut charter IFQ program is not exceptional. In fact, the qualifying period for the commercial halibut IFQ program was 1984-1990; the Council adopted the program in 1991, and NMFS implemented the program in 1995. Many commercial fishermen entered the halibut fishery between 1990 and 1995 because prices were strong and the salmon fisheries were declining. Many of these fishermen have now purchased quota shares and are participating in the halibut IFQ fishery.
- **The IFQ Program Is Needed.** Failure to implement the charter IFQ will undermine the Council process, create instability, cause resource and economic problems, require the Council to deal with recurring allocation disputes, and divert the Council from other pressing conservation and management issues. Further delays in implementing the program will also compound existing allocation problems since halibut stocks, now at record high numbers, will likely undergo a normal, cyclical downward trend in the years ahead. The Council recognized the likelihood of this cyclical change and cited it as a reason for timely, proactive measures. Until the halibut charter IFQ program is implemented, instability will exist for everyone, especially in years of declining abundance.
- **More information.**

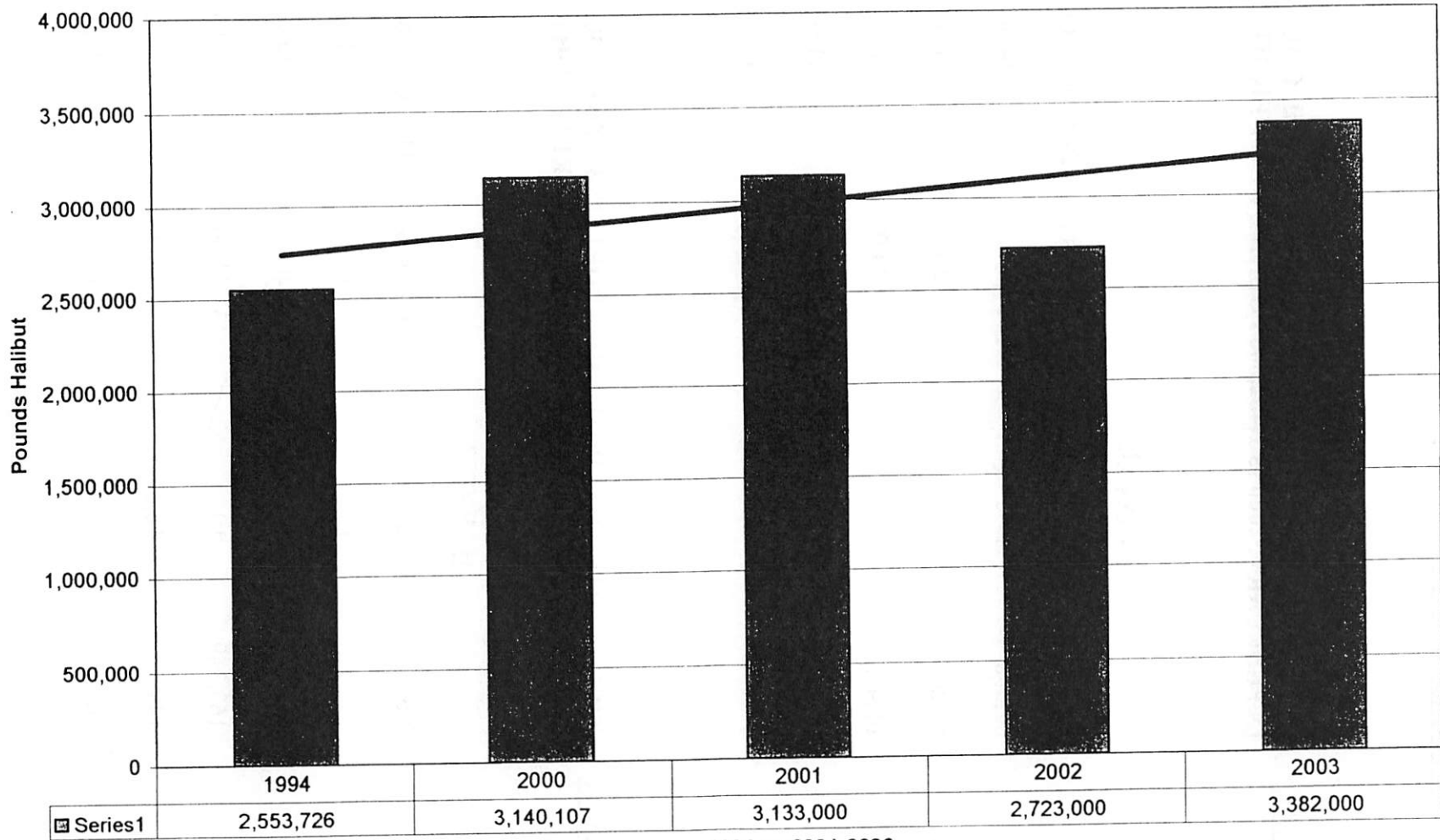
[http://www.fakr.noaa.gov/npfmc/current\\_issues/halibut\\_issues/halibut.htm](http://www.fakr.noaa.gov/npfmc/current_issues/halibut_issues/halibut.htm)

**2C Halibut Charter Catch  
with trend line**



**1994 vs 2001-2003**

3A Halibut Charter Catch with trend line



1994 vs 2001-2003



**ESTIMATED CHARTER HALIBUT HARVESTS IN 2C AND 3A**

**AREA 2C THE CHARTER HALIBUT GHL ADOPTED BY THE COUNCIL  
IN FEBRUARY, 2000 IS 1,432,000 POUNDS, NET WEIGHT.**

	<b><u>HARVEST</u></b>			
Year	No. Fish	Avg. Net Wt.	Biomass	Deviation from GHL
1999	52,696	17.8	938,221	-34%
2000	57,208	19.8	1,132,147	-21%
2001	66,435	18.1	1,202,000	-16%
2002	64,614	19.7	1,275,366	-11%
2003	73,784	19.1	1,412,000	-1%

**AREA 3A THE CHARTER HALIBUT GHL ADOPTED BY THE COUNCIL  
IN FEBRUARY, 2000 IS 3,650,000 POUNDS, NET WEIGHT.**

	<b><u>HARVEST</u></b>			
Year	No. Fish	Avg. Net Wt.	Biomass	Deviation from GHL
1999	131,726	19.2	2,533,319	-31%
2000	159,609	19.7	3,140,107	-14%
2001	163,349	19.2	3,133,000	-14%
2002	149,608	18.2	2,723,000	-25%
2003	163,629	20.7	3,382,000	-7%

September 13, 2005

Mike J. Daly  
501 Charteris St  
Sitka, AK 99835

RECEIVED  
SEP 13 2005  
N.P.F.M.C.

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, AK 99501

Dear Ms. Chairwoman Madsen,

My name is Mike Daly, and I am a commercial IFQ permit holder. I was not allocated IFQ's when the program began and therefore I have a financial investment in the commercial IFQ program.

I realize the council has been put in the position to review the charter IFQ program proposal again. This is after the council has given it's support for the IFQ plan after an eight year process that involved over 8,000 public comments, pages of analysis, hours of debate and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen. I know the council will weigh in all aspects of this decision and will take a hard look into this much debated matter.

As far I have witnessed in my community I only see the problem of Charter, sport, subsistence, and commercial IFQ allocation growing worse with every passing season. The commercial fleet is strictly regulated; we have strict NMFS regulated documentation showing exactly how we stay within our given guidelines. I can't say the same for the charter fleet. I personally know charter captains whom brag about "fudging" their log books to benefit themselves.

Please direct Dr. Hogarth in allowing the public process to move forward and publish the Proposed Rule. This issue must be resolved. Failing to approve and implement the halibut charter IFQ plan at this point will result in a flood of new entrants to the charter fishery, compounding existing problems for all halibut fishermen. For example, localized halibut depletion near Sitka is already evident.

Anymore time spent on this issue is only allowing the problem to grow worse. The charter fleet will continue to grow along with the number of halibut taken by this fleet. This growth has to be adjusted somewhere, which means halibut quota will be taken away from the other sectors including the commercial fleet. This is the halibut IFQ I have purchased. I do not see then equality in taking the IFQ I had to pay for and giving it to a select group whom can catch more than their allocation with free will.

Sincerely,

  
Mike J. Daly  
Commercial Fisherman

Cc: Senator Ted Stevens; Senator Lisa Murkoski; Secretary of Commerce Carlos M. Gutierrez;  
Halibut Coalition

NOV 1971  
M. S. S. S.

COUNCIL,  
PLEASE TELL DR. HOGARTH

THE COUNCIL HAS ALREADY ACTED ON THE  
ISSUE AND SHOULD NOT BE ASKED TO  
RECONSIDER A PREVIOUS ACTION, DIRECT  
DR. HOGARTH TO ALLOW PUBLIC PROCESS  
TO MOVE FORWARD AND PUBLISH THE PROPOSED  
RULE AND, IF NECESSARY, REAFFIRM COUNCIL  
SUPPORT FOR THE IFQ PLAN DEVELOPED  
AFTER AN 8 YEAR PROCESS THAT INVOLVED  
OVER 8,000 PUBLIC COMMENTS, PAGES OF  
ANALYSIS, HOURS OF DEBATE AND A CAREFUL  
EFFORT ON COUNCIL'S PART TO ~~BE~~ BALANCE  
THE NEEDS OF SUBSISTENCE, SPORT, CHARTER  
AND COMMERCIAL HALIBUT FISHERMEN.

I STARTED FISHING IN THE LONGLINE  
FISHERIES IN 1971, I BOUGHT MY OWN  
BOAT TAIL END OF 1971 AND HAVE  
PARTICIPATED IN THAT AND MOST OF  
THE OTHER FISHERIES IN THE STATE  
SINCE 1970. MY IFQ'S ARE A  
CONSIDERABLE PART OF MY INCOME  
THAT SUPPORTS MY FAMILY, MY TOWN, AND  
MY STATE OF ALASKA. IF THE HALIBUT  
CHARTER PLAN DOESN'T GO INTO AFFECT  
THERE WILL BE A FLOOD OF NEW ENTRANTS  
TO THE CHARTER FISHERY, COMPOUNDING  
EXISTING PROBLEMS, FOR ALL HALIBUT  
FISHERMEN. OUR INDUSTRY EMPLOYS MORE  
PEOPLE THAN ANY INDUSTRY IN THE STATE AND  
PAYS MORE TAXES TO THE STATE THAN ANY OTHER EXCEPT  
THE OIL COMPANIES. IF YOU HURT THE INDUSTRY YOU  
BRING HARDSHIP ON FAMILIES AND YOUNG CHILDREN  
AND LESS TAXES TO THE STATE. Robert S. [Signature]

To: Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, AK 99501

Handwritten initials: **K**  
Stamp: **SEP 17 2009**  
Stamp: **N.P.F.M.C.**

From: Vincent Jacobson  
P.O. Box 28  
Yakutat, Alaska 99689

Madam Chair,

This is a letter in support of the implementation of the halibut charter IFQ plan.

My wife, Dora, and I are invested in commercial halibut IFQ. We made this investment having faith in the commercial IFQ plan. We had equal faith that the halibut charter plan would move forward as proposed.

As the halibut charter fleet continues to grow, our financial future will be in doubt. The commercial IFQ plan worked well, as would the proposed charter IFQ system. Charter owners and operators have known this action was coming for years and have had time to prepare.

To let the charter IFQ plan stall would be to waste the time and money in the development and data collection that took years to gather. Worse yet, if implementation is postponed, more and more charter operators will enter the market depleting a limited resource and making the development of a new plan much more difficult. Moving forward and publishing the proposed rule will create a balance between charter, commercial and subsistence fishermen.

Please let our faith not have been misplaced.

Thank you,

Vincent Jacobson



cc:  
Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

RECEIVED  
SEP 15 2005

N.P.F.M.C.

12 Sep 2005

Dear Council members,

Please do whatever you can to move the halibut charter IFQ Plan forward. This process has gone on long enough.

I am a salmon troller and halibut fisherman. The uncontrolled expansion of the charter fleet is having serious effects on both fisheries. I deeply resent that I had to buy a troll Permit and IFQs to fish while charter fishermen can keep expanding their numbers, and their increasing catches that they didn't have to buy permits for keep coming out of my quotas that I did have to buy. I have 11,000 Pounds of halibut quota that I bought. This is a lot of money to have invested just to see another gear group come along and keep increasing their catch for free thereby reducing my Percentage.

Please let Mrs. Hoqarth know that this issue has already been acted on and the process needs to move ahead not start over!

Copy: Sec Gutierrez  
Sen Stouder  
Sen Murkowski  
Gov Murkowski

Thank you  
Dennis Northrup  
Box 1159  
Ward Cove AK 99928

The charter IFQ plan was based on sound science and we should move forward ignoring special interest politics.

Thank you,

JIM GRAYBILL  
F/V HANNAH J

Longline

IFQ HALIBUT

MAILING ADDRESS:

16109 NE 61ST AV

VANCOUVER, WA 98686

9-11-05

Dear, Ms Stephanie Madsen, Chair

I am a IFQ permit holder, like many others that are deeply concerned about the IFQ charter plan. I have \$750,000 invested in my fisherie and would like to think that my future IFQ would remain secure. Please inform Dr Hogarth the council has already acted on this issue and will not reconsider. Encourage Dr Hogarth to move forward and complete the writing of the proposed rule. We have had thousands of public comments, eight years decision making to balance the needs of all fisheries.

RECEIVED  
SEP 11 2005  
N.P.F.M.C.

RECEIVED  
SEP 17 2005  
N.P.F.M.C.

18 September 2005

VIA FAX: 907-271-2817  
Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 14th Avenue, Suite 306  
Anchorage, AK 99501

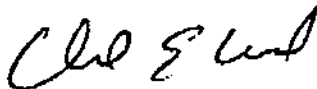
Dear Ms Madsen:

I support and have testified in favor of Individual Fishing Quotas (IFQs) for the halibut charter industry. It should be obvious to anyone, even those with closed minds, that the present system promotes instability in the halibut industry.

I have borrowed over \$270,000 in the years since the inception of the IFQ system for my business, commercial fishing. I have always been willing to accept the variables of quota and price fluctuations. However, the continuing reallocation of the resource to a self-righteous user group has caused me to reassess my future investment in the halibut longline fishery.

It is past time for the halibut charter IFQ plan to be implemented with the prior agreed upon cut-off date and qualifying years. Continuing on the present path will only cause more instability in both the commercial longline fishery, and the charter industry.

Sincerely,



Charles E. Wood, Captain  
F/V Talon  
P.O. Box 383  
Petersburg, AK 99833-0383

fx: Senator Ted Stevens; Senator Lisa Murkowski; Secretary of Commerce Carlos M. Gutierrez

CHARLES R. OLSON  
F/V HUKILAU  
3009 HALIBUT POINT RD.  
SITKA, AK 99835

September 18, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX; 907 271 2817

RECEIVED  
SEP 18 2005  
N.P.F.M.C.

Dear Council Members:

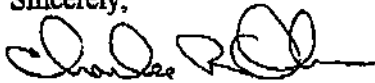
I am writing to express my serious dissatisfaction with Dr Hogarth's request that the Council readdress the issue of Charter IFQs. You Council members need to tell Dr. Hogarth that you have already spent ample time on this issue and should not be asked to reconsider a previous action. It is time to tell Dr Hogarth to allow the public process go forward and publish the Proposed Rule. Tell him that eight years, 8,000 public comments, hours of debate, and pages of analysis allowed you to develop a plan to balance the needs of subsistence, charter, sport and commercial halibut fishermen. Enough is Enough!

To reopen the discussion is to take a huge step backward. It will open the door to further over utilization of an already fully utilized resource. Chaos is not what we need in our fisheries in Alaska, especially when we have spent so much time and effort to develop a plan that will work for the great majority of users.

I was not a person who received any initial issue IFQ for halibut so I understand that there are people out there who will feel left out. But I saw that with stability in the fishery I could justify buying into the commercial halibut fishery. I have invested over a half million dollars in quota shares. It is time that the charter fleet has a system whereby they too can invest in their future.

We need this process to move forward. Tell Dr. Hogarth to do his job and publish the Proposed Rule.

Sincerely,



Charles R. Olson  
F/V Hukilau

CC: Senator Ted Stevens  
Senator Lisa Murkowski



TO The NPFMC.

This letter is in support of The halibut charter IFQ plan that was already discussed at length and approved by the council.

I have been buying halibut IFQ's from the beginning, and make decisions on purchasing based on a number of things. The charter IFQ plan is one of them.

If the charter IFQ plan is not implemented at this time, there will be a rush of new entrants and a % of my IFQ and business will be reallocated to the charter fleet, many having recently started up.

I have a substantial investment in halibut IFQ's and counted on charter IFQ's to be approved and implemented.

The council has already spent countless hours on this and acted on it with sport, commercial, charter and subsistence needs considered.

Thank You George Kirk  
F/V Arctic Wave

Ms Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501

September 15, 2005

Dear Ms Madsen:

I am writing to ask you to continue your support of the Halibut Charter IFQ Program proposed earlier by the Council.

Specifically, I ask that the Council reaffirm it's support for the program, and direct Dr. Hogarth at NMFS to let the public process move ahead and publish the Proposed Rule.


I feel strongly that the Council's previous action to approve the charter IFQ plan was based on sound science and a very thorough public process that included all stakeholders.

As a commercial halibut fisherman since 1997, I am opposed to the increasing loss of a portion of my annual quota to the charter fleet. My investment in this valuable, stable fishery is being adversely affected by the unbridled growth of the sport charter sector and the effects will worsen if the Charter IFQ Program is not adopted.

Adoption of the Charter IFQ program will greatly improve the stability and management of both the sport-charter and commercial halibut fisheries.

Thank you for your consideration.

Sincerely,



William Lindow  
P.O. Box 1612  
Cordova, AK 99574

Matthew R. Metcalf  
303 Cleveland Street  
Bad Axe, MI 48413

September 12, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501

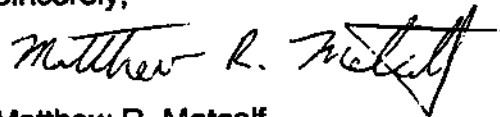
Dear Ms. Madsen:

This letter is to address the issue of Dr. Hogarth asking the Council to reaffirm its support for the halibut charter IFQ plan. The Council should ask Dr. Hogarth to go forward with the plan as quickly as possible. This process has gone on for years and the plan needs to be implemented as soon as possible so that both sides can get on with running their businesses. To drag the process out any further for political reasons doesn't help anyone and is disrespectful to the Council management process.

I was not an original issue of Halibut quota, I've had to purchase my shares. I'm a small boat fisherman and my 18,000 pounds of Halibut shares are worth approximately three hundred thousand dollars. Any kind of decrease has a significant affect on my families income and net worth. To have an unrestricted amount of quota coming off my quota to go to a fishery as large as the Charter halibut fleet is completely unfair and could seriously undermine my livelihood.

Thank you for considering my comments.

Sincerely,



Matthew R. Metcalf

cc: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

Re: Halibut Charter IFQ

RECEIVED

SEP 17 2005

9/15/05

DEAR Ms Madsen:

N.P.F.M.C.

I am writing to encourage you to re-affirm the halibut charter IFQ plan that was developed through compromise and hard work. All user groups desperately need the stability this decision could provide.

locally, in the Sitka offshore area we have seen the depletion of halibut abundance due to the heavy charter boat concentration - it is no longer profitable for the commercial fishery to fish in these areas i.e. a re-allocation in practice has already happened - will this be the future without a plan?

As a family we spent 30 yrs in the halibut fishery through a painful learning process with small children on board, through the derby years, into IFQ implementation which gave us a modest prandage and on to saving to purchase additional pounds. Today since my husband's death

I own A shares, a son and daughter continue to fish with their own pounds. I loved The Commercial halibut fishery and it saddens me to think that it is slowly being re:allocated to the charter industry unless the Charter IFQ plan is put in place,

Sincerely,

Amy Johnson

Amy Johnson

423 Verstovia

SITKA AK 99835

September 12, 2005

North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Ave  
Suite 306  
Anchorage, AK 99501-2252

RECEIVED  
SEP 13 2005  
N.P.F.M.C.

Dear Ms. Madsen:

- The purpose of this letter is to express my opposition over the pending Halibut Charter Individual Fishing Quota (IFQ) being considered to manage Alaskan ground fish populations. I have been a resident of Alaska for over 16 years and have operated my own sportfish charter service in Seward for the last three years. Sportfish guiding is my only source of income. The following are key points which I am asking you to consider:
- I do acknowledge the need for responsible, management of the guided halibut fishing industry. Since there is no accurate, current harvest data, I would suggest developing a system for collecting real, accurate data prior to making any future allocation decisions. While gathering data, I would suggest implanting a temporary moratorium on new entrants into the fishery. To avoid over capitalization,
  - I would ask that you implement the above recommendations at your October meeting
  - In the event that the proposed plan is implemented it will have a **significant negative impact** to businesses that rely wholly or in part on the recreational fishing industry in Alaska.
  - The fact is; that if the charter IFQ program is implemented in its current form it will destroy the charter fishing industry which creates thousands of jobs and stimulated the economies of dozens of coastal communities.
  - The process for this decision included minor public notification and a limited amount of time (albeit per regulation) for public comment and testimony.

Thank you for your time and consideration.

Sincerely,



Niklas Ranta  
Capt. Nik's Sportfishing  
ADF&G Guide License No: 0073  
P.O. Box 54  
Seward AK 99664

David R. Lyons F/V Kraken  
Box 379  
Sitka, AK 99835

Ms. Stephanie Madsen, Chair  
NPFMC, 605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

RA  
SEP 13 2005  
N.P.F.M.C.

9/13/2005

Re: IFQ's for charter operators

Dear Chairman Stephanie Madsen and Members of the NPFMC,

I'm a troller/longliner fishing in SE Alaska. I was born in Petersburg and now live in Sitka. I started longlining for halibut on the Raven in 1958 and also fished on Harold Sissen's boat the Carol M. I'm 65 today and have seen a lot of changes in the fisheries. Most of the time the managers have done a good job.

You have a tough job and my question for you is just when do you intend to act to truly manage today's fisheries? You are the managers...is letting one part of the fishery grow uninhibited and remain unregulated managing? The decision to assign a limit to the size of the guided sport halibut charters must come someday...will delaying a tough choice really make it any easier. Or better?

If I wasn't a fisherman and had nothing to do with the fisheries I would still want you to do something about this issue for the sake of the communities that we live in. We need industries, the sport charter and the commercial, to have healthy economies in our small towns. The current situation is not good. The charter boys are resented...the price of halibut shares per pound is unstable. Our people deserve better than this...everyone deserves better than the current situation.

I look at my nephew Jeff, my deckhand...six kids, house payments etc. What world will his kids grow in to? I hope it is one with healthy stocks of halibut and a healthy commercial halibut fishery and one that the tourists can enjoy too.

We treat the halibut with respect, please treat the fishermen with respect. I think establishing an IFQ system for the charter operators will accomplish a great deal. It is hard for the sport fishery to think of itself as something that can be managed to achieve a certain catch level each year...but what is in-season management all about, if not that? The fisheries have to be able to change to respond to increases and decreases in the number of halibut from year to year. IFQ's will let you do that.

Yours Truly

  
David R. Lyons  
F/V Kraken

Cc: Senator Steve, Senator Murkowski, Secretary of Commerce Carlos Gutierrez

Arthur & Linnea Osborne  
 F/V Mongoose  
 P.O. Box 240925  
 Douglas, Alaska 99824  
 (907) 586-6152

RECEIVED  
 SEP 21 2005  
 N.P.F.M.C.

September 20, 2005

Ms Stephanie Madsen, Chair  
 North Pacific Fishery Management Council  
 605 West 4th Ave, Ste 306  
 Anchorage, AK 99501  
 NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members.

Re: Halibut Charter IFQ Program

We urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

We trusted the council process, a process which we had to abide by years earlier when the halibut IFQ program was decided on for the commercial halibut long line fleet. The Halibut Charter Fleet are commercial businesses too and should be managed in a similar and consistent fashion as other commercial entities.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, We urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

Our family and those of our crew members depend on the halibut fishery and have invested in both quota share and equipment. Our communities, seafood consumers, and several local businesses also directly benefit from this fishery all year long.

Respectfully,

*Arthur & Linnea Osborne*

Arthur & Linnea Osborne

Copy: Senator Ted Stevens  
 Senator Lisa Murkowski  
 Secretary of Commerce Carlos M. Gutierrez



**James Herbert**  
P.O.B. 1461  
Seward, AK 99664  
907-224-8000

SEP 20 1985  
N.P.F.M.C.

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Ste. 306  
Anchorage, AK 99501

Dear Ms. Madsen:

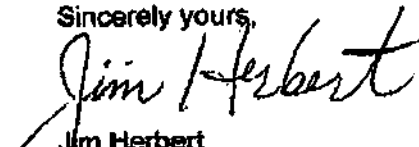
I respect the work the North Pacific Fisheries Council has done on the halibut charter IFQ plan and strongly agree with its recommendations. It has been a long and difficult process taking testimony from thousands of people and organizations. Scientific work underlies the final plan as well as a considered balance between the needs of subsistence, sport, charter and commercial halibut fishermen.

I feel at this point it is unfair to reopen the matter after such a long and deliberate process and respectfully suggest that NMFS Director Hogarth should allow the public process to move forward. It is now time to publish the Proposed Rule in the Federal Register. The Council was of the belief that a prompt review of the matter by the Secretary of Commerce would have resulted in a positive action several years ago.

It would clearly be a bitter disappointment to the Management Council process if it were necessary for it to reaffirm support for a plan submitted several years ago. Recall the NPFMC has received high marks for its work and has been held up as a model to others around the country. A deliberate and thorough process should not be thwarted.

Please notify Mr. Hogarth that the process and result are not flawed and should not require reconsideration. Tell Secretary Gutierrez that it is time for the plan to be published in the Federal register. Important business decisions and livelihoods are waiting for this final action. They have waited long enough.

Sincerely yours,

  
Jim Herbert  
Owner and Operator  
FV Captain Cook

CC: Senator Stevens; Senator Murkowski; Secretary Gutierrez

NPFMC  
605 West 4th Av  
Anchorage Ak.

Sept 18 2005

RECEIVED  
SEP 21 2005  
N.P.F.M.C.

DEAR Council Member's  
I am in favor of I.F.Q. for  
Charter Boat Fisherman, or a  
allocation they have to abide by.

Letting the charter fleet to  
continue to grow unrestricted is  
not fair, to halibut fisherman who  
have bought into this fishery.

I am a small boat fisherman  
who has bought 30,000 lbs of  
quota in S.E. I bought this  
quota in good faith. Now I  
see it being reallocated to the  
charter fleet.

Please help us keep our  
way of life and investment in the  
halibut fishery

Sen Beach  
F/V TOWEGO  
Box 6017  
Ketchikan Ak 99901

PO Box 772442  
Eagle River, AK 99577-2442  
September 22, 2005

**RECEIVED**  
SEP 23 2005  
N.P.F.M.C.

National Pacific Fisheries Management Council  
Stephanie Madsen, Chair  
605 West 4th Ave  
Suite 306  
Anchorage, AK 99501-2252

Dear Ms. Madsen:

The purpose of this letter is to encourage the implementation of the pending halibut charter individual fishing quota (IFQ) being considered to manage Alaska ground fish population.

I have been a resident of Alaska for 27 years and operated my own sportfishing charter service out of Seward, Alaska for 13 years. When I started my business 13 years ago, there were 40 sportfish guide boats operating out of Seward. This year there were approximately 100 sportfish guide boats operating out of Seward. Large halibut have been hard to find and we are running up to 60 miles from the port of Seward for decent fishing. The increased pressure of 60 new boats has had a negative impact on my sportfishing business in Seward and can not be good for the resource.

I do not feel that the guideline harvest limit (GHL) is the answer to managing our industry. An IFQ system would allow guides to have a stable business climate and the resource would be protected.

Thank you for your consideration.

Sincerely,

*Clifford A. Young III*

Clifford A. Young III  
Glacier's Edge Sportfishing Charter, Inc.

**Inn and Out Charters, Inc**  
**Slip B-27**  
**P.O. Box 2336**  
**Seward, AK 99664**  
**(907) 224-5356**

September 20, 2005

North Pac. Fisheries Man. Council  
605 West 4th Ave  
Suite 306  
Anchorage, AK 99501-2252

**RECEIVED**  
SEP 21 2005  
N.P.F.M.C.

Honorable members,

The purpose of this letter is to express my opposition to the pending IFQ for Charter Fishing. I have lived in Alaska since 1990 and have been owner and operator of INN and OUT CHARTERS, Inc. for three summers now. The following are key points I am asking you to consider.

1. I had 470 paid passengers this year (2005) and with the way the Kenai Peninsula Borough has taxes set up for next year this would equate to \$5499 in sales tax paid by me to the borough. I would also pay \$1645 to the City of Seward for Harbor User Fees (used to upgrade Seward Harbor) Multiply that out by 25 or 50 charters shut down by IFQ and you can see a severe impact on Seward's economy. Most of the passengers stay in hotels, eat at restaurants, spend money at area attractions and then move on to visit other parts of our fine state. Without the charter seats available, many would not even come to Alaska.
2. Consider the cost of purchasing IFQ for 1 Six Pack boat. No-one can tell me yet how this would work, but using old numbers from log books and records, an average halibut from Seward was 25 pounds, times 2 per person, times 470 people,

times \$20 per pound for current IFQ price in the gulf equals a 7 year payoff (commercial loan) of \$470,000.00. There isn't a banker in the world that could justify a loan like that to a business that grosses \$91,650 a year. I would have to be independently wealthy and mortgage everything to qualify for this loan. That tells me that anyone with a boat loan, home mortgage, car payment or any standard bills would be out of the charter business and only the wealthy would control the IFQ for charters. Sound familiar with the current longline IFQ system ?? The small guys would "work for the company store"

3. The fact is that if the charter IFQ is implemented in its current form, thousands of jobs across the state would be lost, millions in sales tax would be lost (charters, hotels, B&B's, food, gas, outdoor equipment, car rentals, transportation of fish/shipping) and thousands of people would not visit the state that normally come for the fishing.
4. Put halibut back on the log books, figure out where the numbers are, (since charters and sport never exceeded 5.4%) Then see where to go from there.
5. If IFQ is to be implemented, grant IFQ to all boats licensed and registered and fishing in 2005 with a moratorium on new boats for 3 years. This will give time to study catches and allocations.

John Moline  
INN and OUT CHARTERS, Inc.

*John L. Moline*  
*ADF+G # 2094*

Alan Otness  
F/V Commander  
PO Box 317  
Petersburg, AK 99833  
September 21, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program: Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,

*Alan D. Otness*

Alan D. Otness  
Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

Sharol Otness  
PO Box 317  
Petersburg, AK 99833  
September 21, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

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My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,



Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

++++

Date: 9/21/05

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave. Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

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My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely, *Kenneth M. Simpson*

Address: *Kenneth M. Simpson*

Box 240449

Anchorage, AK 99524

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

F/V "LADY SIMPSON"



KEN & VERNA SIMPSON  
P.O. Box 240449  
Anchorage, AK 99524



Date: 9-20-05

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,

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My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,

*Ric Ursalovic*  
Ric Ursalovic  
owner operator  
FV Golondriza

Address:

P.O. Box 709  
Whittier, AK 99683

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

Date:

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501

NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,  
Re: Halibut Charter IIQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IIQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

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My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,  
Address:

*Handy R. Halibut IIQ owner*  
Box 486  
Petersburg, AK 99833

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

North Pacific Fishery Management Council  
Stephanie Madsen, Chair  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

RECEIVED  
SEP 22 2005  
9-13-05  
N.P.F.M.C.

Re: Item C-1

Madam Chair,

My name is Steve Babinec and I am a halibut charter captain in Seward, Alaska. I have been chartering out of Seward since 1990. I am writing in response to the pending regulations on the charter fleet.

My time for objecting the IFQ process has passed and for the last 8 years, I have accepted the pending regulations for what they are: a necessary management tool. The opinions of those who are objecting are from those who will benefit due to their recent expansion into this fishery over the last 5 years. Others who trusted in the regulatory process refrained from expanding their fleet and accepted the IFQ process as a necessary fate needed to protect our industry.

This issue has fragmented the charter fleet. Those who ignored pending regulations are obviously opposed to management that would exclude their participation. Those that would be vested view the IFQ plan as a necessary tool to protect the fishery from over-exploitation. The council needs to look hard at those in opposition and understand their reasons. The council may find that conservation of the resource is of little significance to this opposition.

It is my opinion that the charter fleet has experienced rapid growth due to the delay in the regulatory process and that this growth is proving itself to become disproportionate to the halibut resource. Over the last 15 years, I have witnessed the decline of halibut stocks in this region and feel that this is due to pressure associated with the unchecked growth of the fleet.

It is my opinion that the IFQ process is the best management tool available and that a moratorium that holds the fleet at its' present size would prove to be catastrophic for the near coastal resource and would prove ineffective in halting the depletion of the halibut stocks in this region.

If a moratorium is indeed the route that the council wishes to pursue then, it should be based on the IFQ / Log Book qualifying years of 1998 and 1999. This too will meet with the same opposition from the same people who oppose the IFQ. They have their interests in mind, not the health of the resource.

I have legitimate fears for the health of this industry and the ramifications that it will have on our local economy. Whether you are a commercial fisherman or a charter fisherman, we are all linked to a fragile resource that drives and maintains our economies. Small towns like Seward hang precariously on the balance of this resource and its' protection is vital.

Sincerely,

  
Capt. Steve Babinec

---

## KLINGERS CHARTERS

---

Mike Knightlinger  
Po. Bx, 33785  
Juneau, Alaska, 99803  
(907) 790-4867

September 20, 2005

To Whom It May Concern,

I am addressing the issues on IFQ, and GHL.

I have lived in Juneau for over 30 years, I am an active charter operator in Juneau since 1998; 99% of my business is from the cruise lines, mostly 1/2 day trips, some all day.

When the logbook was being used for halibut catch records, I personally did not have a lot of halibut trips during that time, thus no or minimal records were logged. This will come back to haunt me if an IFQ goes into place. Over the years I've done more and more halibut trips but the log is no longer in use. So the lbs of fish we've caught will not help me.

Some questions come to mind:

- Why do I need an IFQ when I'm not the one getting the fish, or even the one catching the fish?
- What happens to the new business operators just starting out? Do they not go into business if they can't afford to buy IFQ's?
- Won't this damage our business reputation when we need to refund, cancel or even stop the bookings because our IFQ limited in the first month of the season?

This seems like it would make the Sport fisherman not come to our town if there are no skippers to take them out halibut fishing.

I personally think that an IFQ or GHL should not be linked in our Sportfishing business. Business owners will loose if we can't afford to buy IFQ's or don't have enough IFQ's to book halibut trips for the whole season or any part of it for that mater.

A business doing nothing but halibut trips may not even support the cost of buying more IFQ's.

In my opinion if we keep increasing our trips to the angler because of the cost of buying IFQ's we may not be booking any trips. (That's not good)

I know it may not be the board's problem if my business does not have any IFQ's but if most of the charter operators are in the same position then it will hurt the economy also. Halibut sport fishing will not be booked in the Juneau area, which takes revenues for our community and us the business operator. When word gets out that there are not enough skippers to take halibut trips business drops off. (Remember old school, word of mouth goes along way).

When a visitor comes to our town to go halibut fishing the angler should not be penalized because he/ she can't find a skipper with the required IFQ's to go fishing.

Maybe if the Sportfishing regulation for everyone (not just charter) was, don't keep anything less than 32 inches and anything over 200 lbs (females) we might be better off. In other words have an over and under restriction in place.

I hope everyone can see the effect this will have on our charter business, the community, and public relations when we are unable to take care of our visitors that want to go fishing. I think we need to concentrate on keeping the people coming to Juncau weather it's for fishing or any other experience they wish to encounter. It will help us all in the long run.

Thank you for your time on these issues.

Sincerely,

Mike Knightlinger

Klingers Charters

[klinger@gcj.net](mailto:klinger@gcj.net)

# THE BOAT COMPANY

1200 Eighteenth Street, N.W. Suite 801  
Washington, DC 20036  
Phone (202) 338-8055 Fax (202) 234-0745  
www.theboatcompany.com

19 September 2005

RECEIVED  
SEP 22 2005

N.P.F.M.C.

Ms Stephanie Madsen  
Council Chairwoman  
North Pacific Fishery Management Council  
605 West Fourth Avenue  
Suite 306  
Anchorage, Alaska 99501-2252

Dear Ms. Madsen,

We operate a couple of small capacity ships (20-24 passengers) offering "high end" week long trips in southeast Alaska during the summer season. Have for 35 years.

Our involvement in Southeast goes back to the early 1950's when I spent several summers working on a boat owned and operated by NAKAT (a company my family owned) which was, if not the largest, one of the largest salmon packers in Alaska.

We offer fishing on our trips but that is not our major focus (I refer you to our website).

Most of the salmon we catch comes thanks to NSRAA and we send them a check every year (varies from \$6,000 - \$9,000) for the 500-800 salmon we catch annually (I served on NSRAA's board for a while).

Our guests also catch halibut and over the past several years we have become increasingly concerned that notwithstanding the advent of the much needed IFQ program, over fishing could and probably was occurring (inadequate reporting by charter and lodge operators plus subsistence users).

Through counsel we have voiced our concerns to the IPHC.

We strongly support an IFQ program for the charter fleet. That should also include lodge operators as some of them operate ten or more fishing boats.

We do feel that charter boat operators should be allowed to buy IFQ from the commercial side but are not adverse to placing limits on how much they catch i.e. do each of the "boys" really need to arrive at the airport with 3 to 5 50lb boxes of dressed fish to have had a good time?

West Coast Operations, Conservation and Reservations Office:  
19623 Viking Avenue, NW, Poulsbo, Washington 98370 Tel (360) 697-4242 Fax (360) 697-5454

*"Nowhere else on earth is there such an abundance and magnificence of mountains, fjord, and glacier scenery...the Alaska coast is to become the showplace of the earth, and pilgrims, not only from the United States, but from far beyond the seas, will throng in endless procession to see it. Its grandeur is more valuable than the gold or the fish or the timber, for it will never be exhausted."*

Henry Gannett, Chief Geographer, Alaska Harriman Expedition, 1899

The *Juneau Empire* whose article prompts this letter also mentioned an issue you raised concerning commercial fishermen fishing ever closer to ports (home). That is a point well made (we have seen it ourselves) and with the rising cost of fuel a practice/problem that's likely to be exacerbated in the future.

Finally I'm not one who generally likes to see government coming 'round the corner (rules, regs bureaucracy et al) but there are times it's necessary to keep us lesser mortals from shooting ourselves in the foot. And the best example of that I can think of is in the fishing business.

Back in the 1950's salmon catches were declining. NAKAT got most of its fish from traps (a marvelously efficient device that permitted little escapement). NAKAT wasn't about to shut down their use unless all did. Finally, government stepped in, outlawed traps and saved everyone's bacon.

I fear before too long that will have to happen with halibut. I should add I have little faith in the halibut commission (they seem to see nothing but a growing bio-mass).

Sincerely,



Michael A. McIntosh, Sr.

CC: Michael A.D. Stanley, Esq.  
P. O. Box 20449  
Juneau, Alaska 99802

Joel Hanson  
The Boat Company  
19623 Viking Avenue NW  
Poulsbo, WA 98370-8399



RECEIVED  
SEP 22 2005  
N.P.F.M.C.

North Pacific Fishery Management Council  
Stephanie Madsen, Chair  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

Re: Item C-1

9-10-05

Madam Chair,

My name is Robert Candopoulos and I am the owner of Saltwater Safari Company, a deep-sea fishing operation located in Seward, Alaska. The end of the 2005 season marks my 25<sup>th</sup> year of chartering for halibut out of Seward.

In 1991 I started my own business, which currently owns and operates 3 vessels. The Legacy and Legend are both 50' in length and carry 16 passengers a day and Patriot is 27' in length and carries 6 passengers a day. I also own and operate Safari Lodge, a small 10-room fishing lodge located in the Seward Small Boat Harbor.

I obviously have made a substantial investment both in time and money in this fishery and over the past 25 years I have witnessed the halibut charter industry undergo significant changes. These changes to our fishery that especially are of concern to me focus both in the growth of the charter fleet, and the impact which this growth has had, and is currently having on the near coastal halibut fishery.

I would like to take this opportunity to briefly outline the history of Seward's charter fleet with the hope that somehow my perspective and history will help aid the council in it's determination as to the best way to proceed in regulating the charter fleet and in-turn ensure the future of this fishery. Keep in mind that I am not a scientist or biologist, nor am I a statistician. What I am is a halibut-fishing guide who has spent more than half of my life with a finger on the pulse of this resource.

I started out as a deckhand in 1980 and at the time there were less than ten charter vessels in operation in our community. In the early to mid-80's, all sport halibut efforts were focused near Resurrection Bay. A typical charter would run approximately 20 miles out from Cape Resurrection. That was the extreme range for productive halibut fishing during that time. Places like Johnstone Bay and Cape Junken were the usual halibut sport-fishing grounds. Through the years the charter fleet began to increase at a comparatively nominal rate. Despite the growth of the industry at the time, all sport-fishing efforts remained focused in the Johnstone Bay / Cape Junken region.

(907) 224-5232  
Fax (907) 224-5233  
Toll-free (800) 382-1564  
P.O. Box 1689  
Seward, AK 99664  
[www.saltwatersafari.com](http://www.saltwatersafari.com)  
email: [sales@saltwatersafari.com](mailto:sales@saltwatersafari.com)



It wasn't until the latter 1980's that a shift started to occur and the fleet started to spread out. Places like Johnstone Bay and Cape Junken were not producing the same numbers of fish with the same regularity as before. Keep in mind that the charter fleet was relatively small at that time however; their impact on the region was already becoming apparent.

In order to understand how charter pressure works, one must understand a bit about halibut habitat and sport fishing. Whereas a commercial halibut long-liner can reach halibut beds at any depth, sport-fishermen need to find areas that hold halibut at reasonable depths in order to target those fish with rod and reel. The waters out of Seward are deep and there really are very few locals that are fishable for the sport angler. Therefore, as the fleet began to increase, new grounds needed to be established.

In the late-1980's Seward's charter fleet began to expand their efforts east of Cape Junken and toward the entrance to Prince William Sound, namely Cape Puget and Pt. Elrington. Here we found everything halibut like, from proper bottom structure to bait fish concentrations and of course shallow waters with heavy tidal flow. All the ingredients to sustain a sport halibut charter fleet.

These were the early years of Seward's birth as a sport-fishing destination and through it all I was there, watching this unfold. Well, it was thanks to the Exxon Valdez in 1989, I found myself in a position to start my own charter service and in 1992 I seized that opportunity with the purchase of the 50' Delta, Legacy and at \$400,000.00 this was the largest investment of my life.

It was the Spring of 1992 when I ran my first charter with my new boat and was eager to stretch my legs a bit and spread out a little further than the usual areas that everyone else fished. I decided to head for the south end of Montague Island and fish that vast region of ledges and plateaus that no charter boats ever ventured to. I had never fished there before and had no idea what to expect. What I found there, and happened when I arrived set the stage for the boom in what has now become the growth of an industry in this region.

I had chosen a random location that looked good and let my 16 passengers begin to fish. Instantaneously, as their baits began to hit the bottom they were hooking up. It was incredible, with everyone fighting halibut at the same time. Within 45 minutes the entire group was limited out and we were headed home. That was in May of 1992 and day after day we repeated this same scenario and consistently were bringing in limits of halibut ranging anywhere from 30 to 100+ pound fish and many over 200 pounds. In all my prior years, I had never experienced anything like this.

For several years, nobody ever knew where I was catching all these big halibut and my phone was ringing off the hook. I decided that I needed another 50' boat and contracted Delta Marine Industries to build it. In 1993 I took delivery of the \$550,000.00-50' Delta Legend and started running two boats to the long-range grounds off of Montague Island. The place was a fisherman's paradise and never slowed down a bit.

Like so many other fishermen try to do with their fishing holes, I tried to keep Montague Island a secret. Of course, this proved futile and it wasn't until June of 1994 that my secret finally was made public on the cover of the Anchorage Daily News Outdoor section, when 15 passengers aboard my vessel landed 15 halibut who's combined weight exceeded 3,000 pounds.

As soon as it hit the papers that halibut like this were within reach for sport fishing, every boat in the harbor converged on Montague Island. Soon, more and more anglers flocked to Seward and overnight the charter fleet began to grow at an alarming rate and all their efforts were focused on Montague Islands' new halibut fishery.

It was soon after this exposure and growth spurt in the industry that the sport charter regulations issue reared its' head and before you knew it, the charter fleet was under fire by the commercial fishing sector.

Since then, the place has never been the same. Each year the fish we catch are smaller and it takes longer to catch them. Charter vessels now travel all the way to Montague to fish the "chicken patches" for limits, and many don't get limits. They need to travel this far because all the chicken halibut holes closer to home are now barren. The Montague Island halibut fishery is methodically being devastated and when I hear that halibut stock assessments are looking good, I know they're not talking about the near coastal fishery that I make my living in.

On any given day during the summer season, the entire southern tip of Montague Island is a parking lot full of charter boats and every spot in between Cape Resurrection to Montague Island, a 60 mile expanse, has charter boats fishing on them.

The 2005 season now has marked a new era in the chronology of Seward's halibut industry. It was this year that vessels began to expand their range further east to Middleton Island and Hinchinbrook Island and west of Nuka Bay. Middleton Island for your information is approximately 130 nautical miles from the Seward Small Boat Harbor. Hinchinbrook Island isn't much closer.

In fact, our charter fleet is now overlapping areas and fishing right along side Homer charter boats to the west, Valdez and Cordova charter boats to the east and Whittier and Valdez charter boats in Prince William Sound. You see, these communities are doing the same thing we're doing...they're expanding their range out of necessity. Don't think for one minute that we're not sharing grounds with the commercial fleet either. They're setting long-line gear right there in the mix.

Realize, that with fuel prices reaching an all time high this year, these charter vessels are not traveling that far out because they have a pioneer spirit...they have to, it's a matter of necessity. If anything should alarm this council with regards to charter growth and near-coastal halibut depletion, it should be this fact alone. **The overlapping of the charter fleets is a clear warning to us all that something is seriously going wrong along our coast and we are very close to exceeding the sustainable yield of this resource.**

I can go on and on about how fishing used to be in this region, but let it suffice to say that in the last 5 to 6 seasons I have seen this fishery take a nose-dive like I never dreamed imaginable. The bottom line is that there are clearly too many charter boats working a comparatively small area and their impact is devastating the sport fishery at an accelerated rate.

I'm sure that if you were to compare this preceding chronology of Seward's sport-fishing industry with other communities such as Homer, Valdez, Deep Creek and Ninilchik, just to name a few, you will see a similar comparison to the growth of the industry and the decline in the fishery. I am sure that the council is aware of how this similar historical trend has affected sport fishing communities such as Westport, Ilwaco, Neah Bay, just to name a few. Look along any coast in the United States and you will hear the same story and see the same trend that I just relayed. Grouper in Florida, Striped Bass in the Northeast, Red Drum in the Gulf of Mexico...it just keeps going on and soon Halibut in Alaska will make the list.

We cannot afford to wait that long. Alaska's twelfth hour has lasted 8 years and the time to take action and make a difference is now.

When the NPFMC first began to hear the concerns of the commercial sector with regards to implementing charter fleet regulation, I was there. I sat in at all the meetings and even testified several times. I knew then what I know now, and I'm sure that every council member will agree that this fishery cannot sustain this kind of pressure for much longer.

Of course, nobody wants to face regulations. It's a very hard pill to swallow and I don't envy the councils responsibility to administer regulations. But the bottom line is, that if charter growth is not halted immediately our resource will be negatively impacted and in our lifetimes we may never see its' recovery. We all have a responsibility to act now and preserve not only an industry and its' economic viability to our communities, but moreover, to preserve a very fragile resource.

Now, while the council has spent all of these years working on the Sport IFQ plan what has happened? Well, in Seward more and more charter services have established themselves and many existing charter services that could have expanded held their ground. Those existing charter companies (pre-IFQ & GHL establishments) were apprehensive to upgrade vessels and further their position in the industry due to the looming IFQ implementation. Basically, our hands were tied and to unreasonably speculate on charter futures could have proved suicidal for a small business.

Meanwhile, those businesses that ignored the pending regulations began to take root. In fact, some existing charter companies across the state have not just doubled their fleet size; they have quadrupled their size.

Word that the proposed IFQ plan was sent back to the council from the Secretary for "reaffirmation" spread throughout our industry immediately. My interpretation as to the meaning of the term "reaffirmation" is simply, NO. I expect, as do many other charter operators that this interpretation will be confirmed on October 5<sup>th</sup>, 2005 at the Anchorage meeting.

Now, everyone is talking about a moratorium, which by the way is what the charter industry asked for 8 years ago. **At this stage in the process, we must all ask ourselves, who exactly wants a moratorium and would enacting a moratorium help prevent both near shore depletion and prevent us from meeting or exceeding the current GHL? I'm sure that the council will concur that these are two very pertinent questions in determining what to do at this stage. A moratorium which freezes the fleet at its' current size will provide no relief to the problem and instead will prove to be devastating to our near coastal halibut fishery. It is my opinion, that if a moratorium were to be enacted that froze the fleet at its' present size and the council elected to 'research' the charter question for several more years, irreparable damage to the health of our fishery will occur.**

I have a difficult time with the idea that if the IFQ is enacted that many of my close friends will lose out. However, I have an even harder time accepting a moratorium at this point that would hold the current fleet at its' current size. Furthermore, I find it unfathomable that proper regulations protecting the fishery would be ignored at this point.

I, along with many other charter operators chose to participate in this fishery when the timing was right and opportunity seemed reasonable. We didn't ignore what the council was trying to do all of these years. We didn't ignore pending regulations that could have led to our financial demise. However, many current charter operators did indeed ignore these signs and are now faced with the possibility of exclusion from the industry. These people need to take responsibility for choices that they made in expanding their fleets and buying new boats in the "race for participation".

Here is some food for thought. Several weeks ago, I decided to retire my six-passenger boat and purchase a new high-speed catamaran to replace it for 2006. You see... we need a lot of speed nowadays. I contacted a boat builder in Washington State and was informed by him that if I wanted a new boat for 2006 then, I had better send a deposit immediately. He informed me that he had 5 new boats ordered for Seward, 2 for Valdez and 3 for Sitka. These are all 30 to 50 foot in length and all certified to carry more than six passengers. All are fishing charter boats with Spring 2006 delivery dates. That's just one boat builder that I contacted.

This season, I saw vessels that have been tied to the docks for years, sporting the new ADF&G decals on their sides. Clearly, what this entire regulatory process has done is to create a race for participation. Instead of hindering expansion of the industry, it has had the opposite affect. The implications of 8 years of inaction could prove to be substantial.

To say that this is a difficult task that is before the council is an understatement. However, maybe it would help the council to take a hard look at what happened to the Westport fishery. Here is a fishery that flourished for many years. Several-hundred charter boats ran at capacity for many unregulated years.

What has since happened to the sport fishing community of Westport? Well, the charter boats are all but gone (most are here in Alaska), their fishery is struggling to make a meager comeback and the community is a ghost town.

How many Westport type communities does Alaska stand to lose? What ramifications would the wrong decision have on all of these communities? Remember, most of these communities flourish for four to five months a year. Their economies teeter on the very fragile balance of a fishery that has exploded. Their future is dependant upon serious fisheries management with long-term goals to sustain and enhance the fishery.

I recently acquired a copy of the Magnuson-Stevens Fishery Conservation and Management Act and immediately focused on the cover statement, which reads: "TO PROVIDE FOR THE CONSERVATION AND MANAGEMENT OF THE FISHERIES, AND OTHER PURPOSES."

We have all made an investment in the North Pacific Fishery Management Council, and that is an investment both in authority and trust. In all due respect, this council knows what the problem is and has the authority to correct it. All options and arguments regarding IFQ'S vs. Moratoriums have been sounded and the council pursued the IFQ plan for 8 years and everyone involved at the time accepted it as a necessary tool to protect our industry and the resource.

With all due respect, I feel that it is time for the council to focus on its' mission, "To provide for the conservation and management of the fisheries" and after 8 years of preparation, maybe not worry so much about "other purposes" and other interests right now.

Respectfully,



Robert Candopoulos

LESTER SIMS  
1335 SILVERADO DR #302  
HOUSTON, TEXAS 77077

September 20, 2005

NPFMC  
Alaska, USA

Attn: Halibut Charter IFQ


Dear Chairman and members of the Council:

For the last 8 years I have been spending 2 months in Alaska to fish for salmon and halibut. My total trip expenses for lodging, food, charter boats, etc., excluding airfare is around \$12,500 for each fishing trip. Also, I have friends and relatives come to Alaska to join me for 2-3 weeks. They also spend quite a bit of money on their trip expenses.

I understand that if the IFQ is passed, it will drastically change the availability and expenses for my trips, which I desire to continue to come to Alaska to fish. Approximately 30% of the charter boats will not be able to provide services to people like me. The cost of the charter boat trips is expected to increase by 100%. This will limit the amount of time that I can stay in Alaska and fish due to financial constraints caused by the IFQ. Also, the charter boat and tourist industries that service guests of Alaska will undoubtedly be harmed financially.

I am strongly against the passage of the IFQ. Please allow the citizens of the United States to continue to be able to afford fishing trips such as mine by not passing the IFQ.

Sincerely,

  
Lester Sims  
Concerned Fisherman

Date: 9/23/05

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

**RECEIVED**  
SEP 23 2005  
N.P.F.M.C.

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely, Klondys M Bailey

Address:  
PO Box 1551  
2101 Highland Drive  
Homer, AK 99603

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

RECEIVED  
SEP 23 2005 11:45AM P1  
SEP 23 2005

**N.P.F.M.C.**

Dear N.P.F.M.C.,

I am a resident of the community of Ninilchik and a private boat owner. I am not in favor of the IFQ's because I feel they would do more harm than good in the long run to charter operators, sport fishermen and ultimately tourism on the Kenai Peninsula.

I take my own boat out throughout the summer from the Homer Spit, normally staying within 3-5 miles from the harbor. We regularly limit out with halibut in the 20 to 35 pound range. I feel the current limits that are in place are sufficient to protect the public resource and additional regulations would do more to protect the larger charter operators than halibut resource.

It is my belief that the result of IFQ's would be the virtual elimination of the small, single boat, family operated charter operations that are an integral part of small community economics. This would result in only the larger charter operators surviving and remove the balance of the competitive pricing provided by the current system of small and large operators competing for the available clients. The cost of charters would dramatically increase and thereby affect tourism, most notably resident tourists that come to the Kenai Peninsula every year so that they can fill their freezers with halibut for the season. It would make the cost of a charter higher than the average family could afford.

Thank you for considering my opinion on this matter.

Charles Lillis  
Ninilchik, AK



Date:

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

**RECEIVED**

SEP 23 2005

**N.P.F.M.C.**

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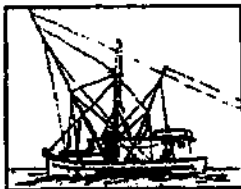
If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely, *Michael R. Hansen*

Address: **HANSEN ENTERPRISE INC.  
M/V CONTENDER  
BOX 822  
KODIAK, AK 99615**

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez



## Alaska Trollers Association

130 Seward St., No. 211  
Juneau, Alaska 99801  
(907) 586-9400  
(907) 586-4473 Fax

**RECEIVED**  
SEP 23 2005

September 23, 2005

**N.P.F.M.C.**

Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Suite 306  
Anchorage, AK 99501

Re: Halibut Charter IFQ Program

Dear Ms Madsen and Council Members:

The Alaska Trollers Association (ATA) is deeply troubled by Dr Hogarth's letter of August 3, 2005 requesting the Council reaffirm its previously developed program for halibut charter IFQs. While NOAA Fisheries makes moves to further delay or eliminate this program, fishermen in our fleet are being disadvantaged by the still growing sportfishing industry. ATA asks that the Council deny Dr. Hogarth's request and insist that he honor the public process by publishing the proposed rule.

ATA represents hook and line salmon fishermen operating off the coast of Alaska, many of whom hold IFQ for halibut and black cod. Many of our members have had to make significant business adjustments and bought into this federal program at great expense. Fishermen around the state had to buy all or a portion of their IFQ allocation. Many are still paying off the loans secured to purchase quota just to keep their businesses solvent in the face of this federal program. So, while we can appreciate the cost concerns of the guided sportfishing industry, we do not believe this is a reason to nix the program at the expense of similarly disadvantaged harvesters.

It's difficult to accept NOAA's argument that data is now somehow "stale" as a reason the Council should reconsider the program. As you well know, the trends in charter growth and reallocation from commercial to charter are very clear and avoidance will just exacerbate the problem. Something meaningful must be done before next season begins.

The Council spent eight years developing the halibut charter management plan and received over 8,000 public comments. It was a painful process, but had the support of many charterboat professionals. The terms of the program provide the charter sector with 125% of their historic average - higher than any reported halibut charter harvest to date.

This is unheard of in commercial allocations, yet commercial IFQ fishermen supported it as a means to stop the chronic erosion of their harvests.

If the Council allows NOAA to prevail on this matter it will shake public trust in the Council process and may set the stage for chipping away of Council authority. I urge you to avoid this situation and secure those clear divisions of authority, by strongly defending your previous actions.

Hopefully the Council will urge the Secretary to approve and implement the halibut charter IFQ program. Once it is in place, you will be free to work with affected users and make any needed modifications and improvements to the program over time. Importantly, both commercial and charter operators will be able to make business choices and decisions in an orderly fashion, based on a stable allocation formula. This will be good for both industries and all other harvesters – you know that.

Thank you for considering ATA's point of view. Please do not hesitate to contact me if I can be of assistance.

Respectfully,

A handwritten signature in black ink that reads "Dale Kelley". The signature is written in a cursive, slightly slanted style.

Dale Kelley  
Executive Director

P.O. Box 2284  
Kodiak, Alaska 99615  
September 26, 2005

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave. Suite 306  
Anchorage, Alaska 99501

Dear Ms. Madsen:

Re: Halibut Charter IFQ's

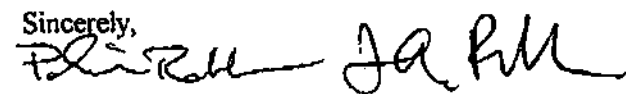
We are halibut fishermen from Kodiak, and have taken part in the fishery since the 1980's. Halibut comprises more than half of our fishing income. We have reinvested our halibut income in IFQ's at great expense.

We are deeply concerned with the continuing open ended reallocation of halibut for charter fishermen. The Council has already acted on this issue during an eight-year public process. It is time to move forward with the issue. To revisit the halibut charter fishery now is absurd, and questions the validity and integrity of the Council process.

As other commercial fishermen who have invested in halibut IFQ's, we proceeded on the assumption that the halibut fishery was firmly structured by the Council, and not prone to unexplicable deviations in Council procedure.

Please send the message to Dr. Hogarth that the Council has already acted on this issue. It is time to publish the Council's Proposed Rule.

Thankyou.

Sincerely,  


Phil and Lisa Robbins

Date: 9/25/05

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

RECEIVED  
SEP 23 2005  
N.P.F.M.C.

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

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The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,

*Norman L. Pillen*  
(Norman L. Pillen)

Address:

2517 Addy Gifford rd  
Addy WA 99101

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

Date:

9/25/05

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

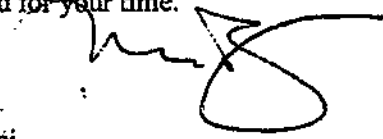
Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

For eight long years the issue of charter IFQ's has consumed the time of the Council and the public, it's now time to move forward and reject Dr. Hogarths attempt to circumvent the established process. This blatant 11<sup>th</sup> hour intrusion is very poor public policy and will only serve to fuel distrust in the normal regulatory process.

The North Pacific Council has distinguished itself from the other councils by adhering to to high standards. Public participation and best available science have led the council to where it stands today, please don't let politics interfere and mar the integrity of this institution.

Thank you for your time.

  
John Bocci  
Box 1312  
Cordova, Alaska  
99574

cc:

Sen. Ted Stevens  
Sen. Lisa Murkowski  
Sec.of Comm. Carlos M. Gutierrez

To: Stephanie Madsen, Chair  
North Pacific Fisheries Management Council

From: Tony Guggenbickler  
F/V Toni Marie

September 24th, 2005

Dear Ms Madsen and Council Members,

I urge you to reject Dr. Hogarths letter of August 3, 2005 asking the Council to reaffirm the Councils program to establish a halibut charter IFQ program. De Hogarths interjection of politics into the Councils business stinks to high heavens!

I and my wife and my sons have bought IFQS and we fish those IFQs and we rely on them for a large part of our livelihood. To force me and my family members to buy IFQs and then watch our investment deminish because another user group is not being held to the same standards is a bullshit deal!

I'm also getting sick and tired of writing these letters because you people are sitting on your hands. DO IT!

Sincerely,

  
Tony Guggenbickler

RECEIVED  
SEP 23 2005  
N.P.F.M.C.

9/24/2005

**Fax Transmittal  
Cover Page**

**RECEIVED**

SEP 23 2005

N.P.F.M.C.

**From: Robin L Reed  
Phone: 907 376 4603  
Fax: 907 376 4621**

**Date: Sept. 14, 2005  
Page: 1 Of: 1**

**To: Ms Stephanie Madsen, Chair  
NPFMC  
605 West 4th Ave, Suite 306  
Anchorage, AK. 99501  
NPFMC FAX: (907) 271-2817**

**Ms Madsen, I am contacting you concerning the push by Director Bill Hogarth to revisit Charter halibut IFQ's. This issued had been acted on and was a done deal after years of meetings and testimony, and now it is time to implement , not have more votes.**

**It is just like a federal agency to drag something to death rather than get on with business, after responsible hearings, testimony, and a vote being taken on the issue. it is time to get on and implement this plan, 8 years of public process 1993 to 2001, now it's 2005, and the program isn't in effect, what is going on?**

**Well Take Charge of NPFMC, You are the Chair, tell Director Hogarth the voting was done and the plan was passed, Don't be another federal agency like FEMA, show the public your council can get its act together. As a citizen, for once I would like to see the government finish a task.**

**Sincerely,  
Robin L. Reed**

**cc: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M Gutierrez**



Date: SEPT. 23, 2005

RECEIVED  
SEP 23 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

N.P.F.M.C.

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The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,

*Norman Mullan*

Address: NORMAN MULLAN  
PO Box 92  
KODIAK, AK 99615

*njmullan@alaska.com*  
*907-486-5012*

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

26 September 2005

George Hiller  
PO Box 2023  
Seward, Alaska 99664  
907-224-2382

**RECEIVED**  
SEP 26 2005

**N.P.F.M.C.**

North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501

Stephanie Madsen, Chair  
Council Members

I own and operate a halibut charter vessel out of Seward, Alaska. I am presenting the following comments for your consideration.

You are being asked by the Department of Commerce to reaffirm your position regarding the halibut charter individual fishing quota (IFQ) plan. I would ask that you do so.

Your predecessors spent over eight years wrestling with this issue. They heard numerous proposals on how to control the unlimited growth of the charter fleet during many hours of public testimony. The final product was two fold, implementation of a guideline harvest level (GHL) to be followed by an IFQ, which would replace the GHL. The IFQ proposal was forwarded in April 2001. That was over four years ago and it has not been implemented yet. Blame for this delay seems appropriately placed with the National Marine Fisheries Service who let it languish within the agency while they worked on more pressing matters. Consequently a lot of individuals have entered the halibut charter fishery or expanded the number of vessels they had after the cut off date of June 23, 1998. It is only reasonable for these individuals to be opposed to the IFQ proposal for it would either cost them additional funds or force them out of the fishery. The majority of these individuals were knowledgeable of the proposed IFQ plan yet made a business decision to enter anyway. Others should not penalize those who qualified for an initial allotment under the IFQ plan because of a decision they made.

You are being asked to make a difficult decision, one that will put some individuals out of the fishery. You have accepted this responsibility by taking your seat on the Council. Change is inevitable but resistance to change is somewhat a human nature especially if viewed as negative. If the halibut charter industry is to be regulated difficult decisions will have to be made. You should not look to the industry for the final answer since I doubt the industry will ever agree on a solution. The bottom line is you have the responsibility to make decisions affecting the charter halibut fishery and you must not be swayed by special interest groups, friends of friends, political persuasion, or sentiment. Your decision should be based on what is in the best interest of all uses of the resource.

When the original problem statement was presented there were approximately 900 halibut charter boats and currently some claim there are around 1600. It would seem the problem has gotten worse and will continue to do so in coming years.

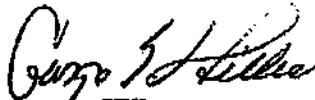
Most charter operators agree there are too many boats and near port halibut catches are declining; yet no one wants to be regulated out. Just as everyone in the commercial halibut fleet did not embrace regulatory rules you cannot expect the halibut charter industry to embrace regulatory rules either.

If, as a group, you decide the IFQ is not the proper tool to curb growth in the charter fleet then I would ask you also rescind the GHL. With all the boats already in the industry and more entering every year the cap will certainly be exceeded in areas 2C and 3A. Once this happens the issue will once again be before you or those who will replace you. Any reduction in fishing will be extremely hard on the industry and local communities who look to the industry for tourist dollars. It is time to put the halibut charter issue to rest and allow those in the industry to work towards the future and not have this issue hanging, like a dark cloud, over us.

An IFQ system works for the commercial halibut fleet and it will also work for the charter halibut industry, give it a chance.

I realize your decision is difficult however the proposal on the table is the best one anyone has been able to come up with.

Thank you for your time regarding this issue.

  
George Hiller  
Grey Eagle Charters  
Seward, Alaska

RECEIVED  
SEP 26 2005

Dear Council Members,

N.P.F.M.C.

The development of the GHL and Halibut Charter IFQ programs were both spawned from incorrect assumptions, illogical conclusions and without supporting data. There is not now nor has there ever been any correlation between the number of charter operators and any depletion of the Halibut biomass. Working from a flawed premise can only lead to a disaster. If there were any substantive merit to the accusatory claims of Longliners, a management program would have been logically developed without controversy in a reasonable period of time.

- Now, after several years, and after more and more groups of individuals have finally become aware of the inappropriateness of a charter IFQ, objections and challenges are spring up throughout Alaskan communities. In April '05, at the Anchorage Sportsman's show, over 600 Alaskans recorded opposition to a Charter IFQ. Only two respondents favored the proposal- both admitted to being potential quota recipients.

There was too much secrecy associated with the development of the GHL and IFQ programs. Homer charter operators repeatedly asked their representative on the Advisory Panel (Mr. Bob Ward) as to the progress of the programs and how they could provide input. His responses were consistently vague and frequently dishonest. It is now clear that he, and others like him, were laying the groundwork for their own economic prosperity-all at the expense of their colleagues and communities.

The cornerstone for these programs was the charge by longliners that Charter growth was "out of control" and was leading to the progressive diminution of commercial catch allowances. This could not be more incorrect! The one and only consequence of an increase in Charter companies is a proportionate increase in competition within the industry itself. They compete for the same number of sport fishing clients. Licensed fishermen (resident and non-resident) have increased approximately 2% per year for the past decade. Conservatively, about half of these, or 1%, may be Halibut fishermen. It simply cannot be demonstrated that this miniscule increase is responsible for any negative impact on the halibut resource.

Completely discrediting the charges of Longliners and the Halibut Coalition is the Alaska Department of Fish and Game published data that both the number of registered charter businesses and charter vessels have never experienced sad growth, and in fact have been come less every year since '99.

The GHL and IFQ programs are now recognized as nothing more than attempts in resource monopoly. It would be ludicrous to burden the government with the expense to implement these programs. Enforcement alone would be a bureaucratic nightmare.

It should never have reached this point! It is beyond reasonable that the North Council assumed management authority over any portion of the "recreational" fishery. The 14<sup>th</sup> amendment of the U.S. Constitution guarantees fair and equitable representation to every citizen. Sport fisherman, who constitute the largest user group, are not proportionally

represented on the North Council. In fact, the NPFMC has the most lopsided composition of the eight management councils.

Designation of Charter operators as "commercial" will not sustain legal challenge. A Charter operator does not charge or collect a fee for any fish caught aboard his vessel. His fee is for transport only! Charter operators may not catch or sell any fish, and they are not entitled to any Fishermen's Fund benefits. Certainly the Council would not presume to label any vessel owner with a GPS and Sounder as "Commercial."

The GHL and IFQ programs were not the products of an unbiased council process. Their development was flawed from the start. The Charter representation on the Advisory Panel was not a cross section of the Industry participants. The AP was allowed to define the Quota Qualifying scheme to guarantee themselves millions of dollars in IFQ equity while eliminating over half of their existing competition. This was the boast of Mr. Ward, member of the AP, after he believed the IFQ program would be "rubber stamped" in Washington.

The Halibut Coalition and ALFA declare that the North Council heard over 8,000 public comments. But, did anyone listen? Those comments were overwhelmingly opposed to a Charter IFQ. In addition, 40,000 Charter clients sent notice of opposition to those pending proposals. Somewhere within the council network, those 40,000 objections were discarded.

When both proposals passed council votes, council members participated who should have been disqualified according to the Magnuson-Stevens Act Sec. 301.104-297. Obvious conflict of interest existed. As long as there exists any possibility of transfer of sport quota to the commercial sector, council members with ties to Longline fishing or whose connections will benefit from Halibut processing or marketing should be excluded from the voting process.

The IFQ program can only be initiated with log book data collected by the State of Alaska in '98 and '99. The council must acknowledge the FACT that charter logbook data is seriously flawed. Review of this data by both the Council and the Alaska Dept of Fish and Game concluded that Charters privy to the pending logbook requirement falsely inflated their reports by at least one-third. This is provable.

The Halibut Coalition and ALFA have distributed charts and graphs intended to demonstrate the escalation of Halibut harvests by Charter clients. None of these "documents" credits a source or method of data accrual. Clearly, the recreational user group was fragmented to validate their challenges. The participants in the recreational fishing group may be shuffled in a variety of ways. The bottom line is the number of participants and their catch totals remains the same. Statistical information can easily be manipulated to SELL a point of view. For example: If all Halibut fisherman were provided "comp" trips by Alaskan vessel owners, ALFA would be forced to record a ZERO Charter catch!

The IPHC has published a catch summary for all Halibut user groups. It should be clear which groups are responsible for Halibut removals. It should also be abundantly clear to anyone and everyone, fisheries managers, politicians and the public that whatever the recreational fishermen have harvested has had NO impact on the increasing Commercial Halibut harvest!

It is equally obvious that Halibut bycatch and waste by the Commercial fishing industry is understated. Only a fraction of Commercial boats carry an observer at any one time. In addition, an alarming figure missing from the IPHC statistics is the small fish mortality, which can never be quantified. To be meaningful, this tragic loss should be demonstrated in numbers of fish- not pounds, in order to demonstrate the significant loss of future years of Halibut stock. These fish were dropped, unaccounted for, to the ocean floor. Halibut should be sold at one price per pound, in bulk, at the dock to eliminate the temptation of Commercial fishermen to discard smaller fish to upgrade the profit from larger fish- Let the distributor and consumer deal with the comparative value differences of different sized Halibut! The North Council should direct its efforts to these and similar concerns – not recreational fishermen and Charter operations!

The Halibut Coalition and ALFA have charged that there is “localized depletion” of the Halibut resource, and again they chose to blame charter operators. Again, there is NO supporting documentation – only finger pointing.

After the inception of the Commercial Halibut IFQ program, Longliners were free to fish most of the year. They began fishing closer to home to conserve fuel and limit overhead. Charter operators were subsequently forced farther and farther to avoid the miles of Longline gear to reach suitable fishing grounds. Their client numbers have not increased, nor have their catches. It is far more probable that if depletion has occurred, it is due to Longliners electing to fish closer to home. This same reversal in fishing patterns by Longliners has transferred safety concerns from Commercial to recreational. Private and Charter boat operators, now forced farther from port, have out of necessity, purchased larger boats in order to reach more distant way points. Charters don't have the flexibility to wait for better weather. Clients are scheduled for specific days to fish. The council should give attention to defining specific fishing areas for recreational and commercial fishermen with some shared waters permitted by choice, not necessity. Both groups would be safer and exist with less conflict.

The Halibut Coalition states “left unchecked, the Sport catch could displace the entire commercial harvest.” They hope the shock of their declaration would be so overwhelming that no one would question its feasibility. This is totally preposterous! According to the IPHC, the total sport catch in '03 was actually down 9% from its recorded high in '97. But, the '03 catch was indeed greater than that of '95 with an average annual increase 0.09 million lbs/yr over the eight year period '95-'03. That increase left “unchecked” would displace the entire commercial harvest in 672 years!

The recent efforts of ALFA have almost become pathologic. Their appeals have flowed without logic or supporting documentation. This summer a sad scenario unfolded in

Sitka, Alaska after the publication of the June 2<sup>nd</sup> Sitka Sentinel. The Sitka Chamber of Commerce Board of Directors voted to oppose the Halibut Charter IFQ (only one Community chambers to do so). The Chamber Board was attempting to safeguard the health of the Sitka small business community. The director of ALFA submitted a lengthy letter to the Sentinel attacking and slandering the Chamber Board and its director for their action (doing their job.) ALFA blatantly misrepresented the necessity for the IFQ proposal, misrepresented data and urged the citizens of Sitka to boycott any Sitka business or group that dared to oppose the Charter IFQ. In the wake of ALFA's appeal were several threats to local businesses, intimidating acts to individuals, property damage, jobs threatened and resignations from the Chamber Board. There are dozens of adjectives that should accompany this behavior – None of them complementary! It's sad! There are too many good, decent Commercial fishermen to believe this attitude is pervasive.

The Management programs of the North Council should precipitate from documented necessity. Threats to a resource should be honestly and accurately identified first, and solutions should target the offenders without bias. Please review the enclosed supporting documents as they clarify the recreational use of the Halibut Fishery. The recreational user group can be easily identified and their impact on the Halibut Fishery readily appreciated.

The North Council has mammoth responsibilities. It has made significant contributions to fisheries management. Please do not taint your record by validating the Halibut Charter IFQ proposal.

Sincerely,



Dr. John Bondioli,  
Concerned Citizen and Fisherman, Member of Alaska Charter Association  
PO Box 66  
Homer, AK 99603

**From Dora Sirgurdson-Alaska Dept of Fish and Game  
Appendix A6.-Number and percent of Alaska sportfishing licenses by residency,  
1995-2003.**

Year	Resident		Nonresident		Total
	Number	Percent	Number	Percent	
<u>1995</u>	<u>176,428</u>	<u>42.6</u>	<u>238,021</u>	<u>57.4</u>	<u>414,449</u>
1996	180,747	42.6	243,731	57.4	424,478
1997	180,029	41.7	251,865	58.3	431,894
1998	173,833	40.6	254,494	59.4	428,327
1999	172,717	39.1	269,153	60.9	441,870
2000	177,700	38.7	280,939	61.3	458,639
2001	178,251	39.3	274,968	60.7	453,219
2002	184,790	39.4	284,583	60.6	469,373
<u>2003</u>	<u>165,418</u>	<u>36.4</u>	<u>289,358</u>	<u>63.6</u>	<u>454,776</u>

Total of Sportfish licenses increased 40,000 since 1995, approx. 10,000 per yr

\*Licensed fishermen include a number of user sub-groups: clam diggers, fresh water fishermen, Salmon fishermen. Some never fished due to altered schedules or changes in weather or priorities. Conservatively, Halibut Fishermen have increased only 1% per year.



# Alaska Fisheries Information 1995-2003

	Year	A)Finfish Bycatch	B)Halb. Catch	C)Halb. Bycatch	D)Sports Catch	
1	1995	662.80	33.96	14.96	6.35	
2	1996	636.70	37.50	14.93	6.97	
3	1997	662.81	52.37	14.62	7.78	Highest Catch Year
4	1998	346.90	56.13	14.09	7.32	
5	1999	345.53	61.15	14.41	6.18	
6	2000	347.40	57.01	13.56	7.65	
7	2001	276.76	59.73	13.67	6.65	
8	2002	314.71	61.74	13.69	6.35	
9	2003	321.55	60.53	13.05	7.09	Last Recorded year

All figures are in millions of pounds.

- a) Total commercial finfish bycatch mortality which ranges from 6.5% to 9.8% of their total catch.
- b) Total commercial halibut catch.
- c) Total commercial halibut bycatch mortality.
- d) Total recreational and charter halibut catch.

The source for bycatch mortality is the Alaska Marine Conservation Council.  
The source for catch totals is the International Pacific Halibut Commission.

**B) Commercial Halibut Catch: '95-'03**  
 2003 60.53M  
 1995 33.96M Subtract

**Up 26.57 Million lbs from 1995. 78.24% Increase!**

**D) Sports Catch: 1997 (Highest Year) 7.78M**

**2003 (Last Recorded Year) 7.09M**

**Note 0.69M difference Sport Catch from 1997 through 2003**

**C) Bycatch which is Documented has always exceeded the total sport catch.**

2004 Sportfishing Charter Business/Guide Registration

Table 3. Number of businesses that indicated an intent at registration to provide guide services in saltwater and freshwater, 1998-2004.

Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b>							
Southeast only - Cape Suckling to Dixon Entrance	524	559	563	601	646	669	589
Southcentral only - Kodiak to Cape Suckling	646	684	692	713	763	694	697
Both Southeast and Southcentral	19	29	26	30	29	34	92
Other Alaska	58	62	87	80	51	32	n/a
<b>Total</b>	<b>1,234</b>	<b>1,327</b>	<b>1,350</b>	<b>1,401</b>	<b>1,478</b>	<b>1,434</b>	<b>1,397</b>
<b>FRESHWATER</b>							
Southeast	319	351	365	380	424	423	n/a
Prince William Sound / Upper Copper-Upper Susitna	219	235	222	233	241	273	n/a
Kodiak / Alaska Peninsula / Aleutians	236	273	280	289	282	285	n/a
Cook Inlet / Kenai / Mat-Su	607	642	651	637	657	670	n/a
Bristol Bay / Lower Kuskokwim	273	315	250	258	277	284	n/a
Arctic / Yukon / Kuskokwim	131	151	177	171	177	176	n/a
<b>Total</b>	<b>1,265</b>	<b>1,399</b>	<b>1,423</b>	<b>1,438</b>	<b>1,512</b>	<b>1,520</b>	<b>1,323</b>

Decrease  
last  
5 yrs

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

Table 4. Number of vessels operated by region for businesses indicating saltwater guiding services at registration, 1998-2004.

Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b> <i>Salmon, Halibut, Rockfish, Sightsee guides.</i>							
Southeast only - Cape Suckling to Dixon Entrance	955	947	925	1,046	1,066	1,082	662
Southcentral only - Kodiak to Cape Suckling	823	875	872	900	979	971	596
Other Alaska	51	57	85	81	77	42	n/a
<b>Total</b>	<b>1,829</b>	<b>1,879</b>	<b>1,882</b>	<b>2,027</b>	<b>2,122</b>	<b>2,095</b>	<b>1,258</b>

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

Alaska Dept of Fish & Game

Decrease last  
5 years!

# HOMER CHAMBER of COMMERCE

September 15, 2005

RECEIVED  
SEP 26 2005

N.P.F.M.C.

Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Dear Ms. Madsen,

The Homer Chamber of Commerce is against the proposed Halibut Charter IFQ plan due to the potential negative economic impact it could have to the local economy of Homer, Alaska. As a member of the North Pacific Fishery Management Council, you certainly can understand our organization's concern regarding government action which negatively impacts the economy.

The Homer Chamber of Commerce expects responsible management of the halibut charter fishery for the future economic health of our community. Please request the Secretary of Commerce conduct an economic impact study before implementing this plan, or consider another form of management which would have less of an impact.

Thank you for your attention to this critical matter.

Sincerely,



Derotha Ferraro  
Executive Director

STEPHANIE MADSEN, CHAIR  
NPFMC  
ANCHORAGE, AK 99501

20 SEP '05

DEAR MS MADSEN,

I'm writing in response to DR HOGARTH'S  
(NMF'S DIRECTOR) LETTER ASKING THE COUNCIL TO  
REAFFIRM THEIR SUPPORT FOR THE CHARTER HALIBUT IFQ  
PLAN. DR HOGARTH'S LETTER IS EXTREMELY OFFENSIVE.  
THE COUNCIL HAS ALREADY ACTED ON THIS + SHOULD NOT BACK-  
TRACK. TELL DR HOGARTH TO ALLOW THE PUBLIC PROCESS  
& PUBLISH THE PROPOSED RULE. THIS ISSUE HAS DRAG ON FOR  
ALMOST 10 YRS + RECEIVED OVER 8,000 COMMENT, NOT  
TO MENTION BEING BACKED BY SOUND SCIENCE. WHAT MORE  
NEED WE DO ??? AS A COMMERCIAL FISHERMAN W/A  
DIRECT DEPENDENCE  
~~ON THE~~ IN THE HEALTH OF THE HALIBUT  
RESOURCE, SOMETHING MUST BE DONE SOON BEFORE THE  
HALIBUT STOCKS CRASH. THERE'S ALREADY SIGNS THAT WE'RE  
ON A DOWNTURN IN ABUNDANCE. PLEASE ACT NOW. ~~PLEASE~~  
WE OWE IT TO THE FUTURE. THANK YOU.

RECEIVED

SEP 26 2005

PAUL BARNES

Box 155

GUSTAVUS, AK 99826

N.P.F.M.C.

Date: 9/26/05

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

RECEIVED  
SEP 26 2005  
N.P.F.M.C.

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely, *Baibava L. Swenson*  
IFQ shareholder

Address:

PO Box 1207

Marysville WA 98270

Copy: Senator Ted Stevens

Senator Lisa Murkowski

Secretary of Commerce Carlos M. Gutierrez

Date: 9-26-05

RECEIVED  
SEP 26 2005  
N.P.F.M.C.

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

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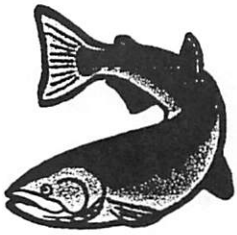
My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,

*Steve A. Swenson*  
FFQ SHAREHOLDER

Address:

P.O. Box 1707  
Marysville WA 98270  
Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez



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SEP 27 2005  
N.P.F.M.C.

North Pacific Fishery Management Council

Dear Council Members

I have been a charterboat operator in Alaska since 1992, and am on the Board Of Directors of the Deep Creek Charterboat Association. I am writing this note to voice my personal opposition to the proposed halibut charter Individual Fishing Quotas (IFQ) for Alaska charterboat operators. In addition, I am also notifying you that the Deep Creek Charterboat Association is not unanimous in either support or opposition to the proposal.

I urge you to not support the IFQ proposal.

I do qualify for quota under the proposal, so the reason for my opposition is not monetary. It is philosophical.

The reasoning for the proposal seems to be that we are commercial fisherman and therefore we should be included in the overall allocation of fish that commercial fishermen are allotted, i.e. Total Allowable Catch and Guideline Harvest Level. That reasoning is fundamentally flawed. We are not commercial fisherman, as we do not fish and do not retain or sell fish. Our clients do. We are merely the method they use to sport fish.

In effect, this proposal would grant us a share of what is public domain. We do not deserve a share of what is public domain. The public should retain full and unfettered rights to it, not a watered down version of rights that may be filtered through only charter operators. Why should the public who hires a charter operator only have a limited share of a resource that persons who go out in their own boats are unlimited? Are we promoting boat ownership?

In the event you ignore all opposition to the IFQ concept and plan to implement it anyway, I offer one point that no one can dispute: The data you plan to use for the allocation is too old to be of value. IF you plan to institute such a controversial system, you MUST revise your calculations for allocation. Using the logbook data from such a long time ago would be a huge mistake and is unfair in many ways. Use any calculations from recent logbooks or lists of registered charter companies, but don't use 7 or 8 year-old data.

John G. Baker, Lt. Col., USAF (ret)  
Afishunt Charters & Alaskan Angler RV

Michael Frost  
10321 Chain of Rocks  
Eagle River, AK 99577

RECEIVED  
SEP 27 2005  
N.P.F.M.C

September 24, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave. Suite 306  
Anchorage, Ak 99501-2252

Fax: (907) 271-2817

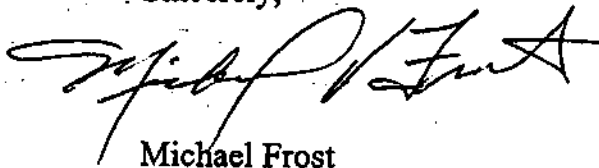
Dear Ms. Madsen,

As a non-guided sport halibut fisherman I support the implementation of halibut charter IFQ's. The uncontrolled growth of the halibut charter fleet has severely impacted on my ability to access the halibut resource. Restrictions on the charter fleet are long overdue. Any reconsideration that would delay the implementation of Charter IFQ will just create another stamped of unprofitable charter boat operators into an already overcrowded industry.

For over 20 years I have fished for halibut in Cook Inlet with a 16 foot Zodiac. The introduction of the tractor launches and the growth in the charter fleet that followed, has taken away access to the halibut resource for the small boat owner in Cook Inlet due to local area depletion. We are being forced to use charter operators to access the fish.

I am also in favor of a Cook Inlet LAMP if it restricts charter boats to waters outside of seven miles off the east shoreline and outside of Kachemak Bay. This would provide access to the public that does not want to be forced to use charter boat services. The LAMP should be implemented in addition to the charter IFQ program.

Sincerely,



Michael Frost



Ms. Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501

**RECEIVED**  
SEP 27 2005

Dear Ms. Madsen and Council Members,

**N.P.F.M.C.**

Re: Charter Halibut IFQ Program

My name is Jev Shelton. I am a commercial fisherman with my homeport in Juneau. Longline fishing for halibut has been an important part of my fishing business for over 25 years, and it continues to be a key element of my business.

Addressing the Council in the topic of longline/charter allocation of the halibut resource at this time creates real discomfort for me. The subject recurs on the Council's agenda in response to what is, at best, a vague request from the administrator of NOAA. While the proposed rule for implementing the Council's action in 2001 is pending publication, Dr. Hogarth has asked the Council to "confirm its support" for inclusion of the charter halibut fishery into the longline IFQ program before his agency proceeds with the normal approval process. If interpreted as a request for the Council to act substantively in response, his message is unprecedented and arguably inappropriate. The request does not originate from his agency's review and analysis of the Council's recommendation, and the Council has done and communicated nothing that would precipitate such a unique intrusion into the course of approving a Council recommendation.

The pretext for Dr. Hogarth's communication involves three wholly unexplained assertions; that the circumstances surrounding the halibut fisheries have changed, that (too much?) time has passed since the Council initially acted on this subject, and that the Council's decision to integrate the charter and longline halibut fisheries in a common IFQ system is controversial. Without a compelling explanation, neither these vague assertions nor their combination rise to the level of a plausible rationale for such an extraordinary interruption to the normal rule-making process.

The suggestion of changed conditions is particularly peculiar. Past Council actions, first to establish guideline harvest levels (GHL) for harvest of halibut from charter vessels and subsequently the proposal to extend the existing IFQ program to include that fishery, responded to the steadily increasing total annual charter vessel harvest of halibut in Alaska. That steady trend has continued unabated since 2001 and cannot be considered to be a change in any meaningful sense. In fact, it appears that the GHL at 125 per cent of the baseline harvest level reserved for the charter fishery likely was exceeded by the 2004 season in Area 2C and probably will be exceeded in Area 3A as well in the 2005 season. The reaching or surpassing of the charter GHL that is now in the proposed rule is the one relevant circumstance that has "changed". There is irony and some hypocrisy in the suggestion that exceeding the generous limit established by the Council to control the charter fleet's share of the halibut resource should be reason for the Council to consider whether it still supports its initial decision.

Dr. Hogarth implies that the lapse of time since the 2001 decision is reason for review of the Council's action before publication of the rule. While the interim period in this case has been somewhat longer than is typical, it is not outside the length of time taken on prior issues. One such example is the duration of the process that led to the longline IFQ program. Importantly, the period since 2001 does not cover a time during which significant events altered the circumstances of the halibut resource or the respective fisheries. In all cases, the federal course in going from Council recommendation to published rule is lengthy, measured in years, and somewhat cumbersome. The time elapsed in completing the normal process for the charter IFQ program does not in itself warrant review of the initial Council recommendation. Rather, the Council and the interested public deserve to see the rule published and reviewed without further interruption and delay.

Similarly, Dr. Hogarth's unelaborated comment that the 2001 Council decision is "controversial" rings hollow. Many, if not most, decisions by the Council are controversial at some level. All decisions involving allocation of a limited resource are controversial. Certainly the precedent-setting establishment of IFQs in the longline halibut and sablefish fisheries was extraordinarily controversial. Yet that decision did not elicit an intrusion into the Council process by the NOAA administrator or anyone else. No previous Council decision, whether controversial or not, has precipitated a reaction as now seen from Dr. Hogarth. Undoubtedly those decisions also were not accompanied by the level of external political pressure brought to bear on the administrative agency as has developed in the present situation. And that, of course, is the real challenge now.

This Council correctly has been cited for its record of prudent decisions and for its transparent and careful analysis of the best scientific information and policy considerations, a process in which the relevant political perspectives are integral to the course of working to a decision. The Council has been exemplary in taking actions that avoid even the appearance of undue external political influence. It has set the standard in that regard for all regional fisheries management councils. That record and reputation are now being tested.

One further factor that is not mentioned by Dr. Hogarth weighs heavily in this situation. No alternative to the charter IFQ program, let alone an arguably superior alternative, has been proposed. Assuming that the Council did rescind its 2001 recommendation, the alternative implied by Dr. Hogarth simply involves continuation of the status quo. That would mean either continuation of the progressive, unregulated reallocation of halibut harvest from the longline to the charter fishery or, with an effective GHIL in place, an allocation struggle each time that the charter fishery reaches the verge of exceeding the established limit, as is the case now. In either case, the Council would have forfeited much of the eight years of effort that led to the IFQ solution in the present proposed rule. The genius of that program is that it creates a genuine, self-regulating solution to a very real allocation problem. Without it the Council inevitably would face frequent, time-consuming, and increasingly bitter repetitions of essentially the same allocation conflict,

a circumstance that necessarily would detract from productive work on the Council's many other priorities.

Responding to Dr. Hogarth's communication with substantive Council action has little that is positive to recommend it. To do so would contradict the Council's policy of not revisiting a management package once it has left Alaska. It would set a precedent for post-decision intrusions into the Council's established process, especially in this case where no substantive rationale for such intrusion has been offered. It would undermine the Council's credibility as being committed to decisions based on the best objective data and analysis and a fully transparent public process. A crassly politically motivated undercutting of a thoroughly reviewed Council decision can only do serious damage to the Council's perceived integrity and its level of trust among its public constituents.

I certainly do recommend that this Council not take the kind of action requested by Dr. Hogarth. While overt rejection of his letter has some appeal, the point is not to produce an unnecessary or unproductive confrontation. Still, I urge the Council to communicate to him that it expects the proposed rule to be published promptly. The Council should indicate that it considers his initiative as an invitation to comment on the rule during the public review period and that it may choose to do so. To proceed in this manner would be consistent with established procedure and, most importantly, would not offer tacit acceptance of political meddling with a thoroughly considered Council recommendation.

In closing, it is tempting to review the arguments and data that led to the Council's action in 2001 as well as the subsequent developments that reinforce the wisdom of that decision. However, this is not the time for consideration of the substantive merits of the integrated IFQ program. The legitimacy and trustworthiness of the Council's process are the focus of this discussion. Only those issues need to be clarified at this time. If the Council succeeds in stimulating the normal publication and review of the integrated IFQ rule, it likely will not be subjected to a full-blown rehashing of the considerations that led to the Council's recommendation in 2001.

Thank you for the opportunity to offer my views to the Council.

Jev Shelton  
F/V Kirsten Anna  
1670 Evergreen Ave.  
Juneau, Ak 99801

September 27, 2005

**RECEIVED**

SEP 27 2005

**N.P.F.M.C.**

North Pacific Fisheries Management Council

Dear Council Member

I own and operate Midnight Sun Charters in Homer, Alaska. I have been a charter boat captain here in Homer for the last 14 years. For 10 years I worked for another company and ran their boat, 4 years ago I purchased my own boat and began my own successful business. My family and I depend on the income from this business. If the proposed charter IFQ program were to pass it would make it financially impossible for us to stay in business; due to having to purchase quota to stay in business.

The proposed charter IFQ program would bring inequality and injustice to the tourism industry. It would take away the recreational fisherman's rights and redefine the charter operator as equal to a commercial fisherman; this is an attempt to privatize a public fishery. If this proposal were to pass, quota would become monopolized by a small amount of charter businesses and eventually be bought out by the commercial fleet. Our community and my family would not survive.

I am writing you to put a stop to this issue. This proposal would not only hurt us but would have a disastrous socio-economic impact on the whole State of Alaska.

Thank you for your time.

Sincerely



Captain Brian and Jane Nollar  
Midnight Sun Charters  
PO Box 3107  
Homer, Alaska 99603  
907-235-6483

Bruce & Theresa Gabrys  
10229 Baffin Street  
Eagle River, AK 99577  
(907) 694-3874

September 25, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave. Suite 306  
Anchorage, Ak 99501-2252

RECEIVED  
SEP 27 2005  
N.P.F.M.C.

**Re: Adopt Charter IFQ, Reconsideration is Unnecessary and Unwise!**

Dear Ms. Madsen,

I urge you and the other members of the Council to tell Dr. Hogarth to respect the decisions of the North Pacific Fisheries Management Council and publish the Halibut Charter IFQ Proposed Rule without further delay!

After eight years of public process that involved thousands of pages of public comment, and hundreds of hours of testimony and debate, what part of this issue has not been heard? Is it the role of the NMFS Director to second-guess the judgment of the Council?

If the Council decides to take up the issue of reconsideration, I urge you and the other members to reaffirm the Council's original decision. The thoughtful process balanced the needs of subsistence, sport, and charter user groups while resolving the open-ended reallocation of shares, without compensation, from commercial to charter operators.

Should the Council choose to do something other than reaffirm the Charter IFQ plan as presently developed, what action would that be? The problem statement will still need to be addressed. If not Charter IFQs, then what? The Council will be obligated to re-open public testimony and spend thousands of hours to reaffirm the same issues and economics that led to the original decision. The evidence in support of the need for halibut Charter IFQs is even more compelling today than on the date the Council voted to approve the plan.

Sincerely,

  
Bruce Gabrys

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SEP 27 2005

9/26/05

N.P.F.M.C.

TO: Ms STEPHANIE MADSEN, CHAIR  
N.P.F.M.C.

605 WEST 4TH AVE, STE 306 ANCH AK 99501

GREETINGS CHAIRWOMAN MADSEN  
AND N.P.F.M.C. MEMBERS  
I URGE YOU TO SUPPORT THE  
HALIBUT CHARTER I.F.Q. PLAN THAT  
WAS PREVIOUSLY ADOPTED BY  
THE COUNCIL AND FORWARDED TO  
WASHINGTON FOR RULE MAKING.

DELAY OF THIS PLAN SERVES  
NO USEFUL PURPOSE TO PEOPLE  
LIKE MYSELF, WHO ARE WHOLLY  
DEPENDENT ON COMMERCIAL FISH  
HARVEST.


ONE HALF OF THE INCOME  
NECESSARY TO SUPPORT MY ALASKAN  
FAMILY OF 5, COMES FROM  
THE HALIBUT LONGLINE FISHERY.

ALASKA NEEDS THE CHARTER I.F.Q.  
PLAN TO STABILIZE HALIBUT HARVEST,  
AND PREVENT OPEN ENDED REALLOCATION  
OF HALIBUT TO THE CHARTER FISHING  
INDUSTRY, WHERE NO MECHANISM  
EXISTS TO LIMIT THE NUMBER OF  
VESSELS, PARTICIPANTS, OR FISH  
QUANTITIES.

AN EXHAUSTIVE AMOUNT OF WORK  
WENT INTO THE CHARTER HALIBUT  
I.F.Q. PLAN, BY THE COUNCIL AND BY  
FISHERY PARTICIPANTS ON BOTH  
SIDES OF THE ISSUE, THE PLAN  
NEEDS IMPLEMENTATION.

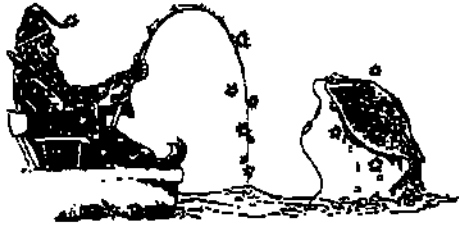
(2)

PLEASE RESIST ANY EFFORT TO  
DELAY OR DERAIL THIS PLAN, AND  
DIRECT DR. HOGARTH TO IMPLEMENT  
THE FEDERAL RULEMAKING PROCESS  
WITHOUT DELAY.

SINCERELY,  


RICHARD DAVIS  
2347 KEVIN CT.  
JUNEAU ALASKA 99801

C.C. U.S. SENATOR TED STEVENS  
U.S. SENATOR LISA MURKOWSKI  
SEC. OF COMMERCE CARLOS M. GUTIERREZ  
HALIBUT COALITION



# Magic Waters Charters

Capt. Peter Karwowski - F/V Sorceress

RECEIVED

SEP 27 2005

N.P.F.M.C.

To Whom It May Concern:

I am writing you today to ask you to oppose the Charter Boat IFQ's proposed by the North Pacific Fisheries Management Council.

I've been a charter boat operator for 23 years and it is the main source of income for my family. I started working in the fishing charter industry out of high school as a deckhand in 1980 and worked my way to becoming a Charter Captain by 1982. I skippered other's boats until I could afford my own. I owned Sea Wolf Charters from 1992 thru 1995 but I lost my vessel during a divorce. I continued to run boats owned by others and by the time I recovered financially to get another boat, the F/V Sorceress, it was the year 2002. My dream has finally come true and I still have clients who have been fishing with me all those 23 years. Even though I captained boats all those years, I did not own a boat in the years 1998 and 1999 and will not receive any IFQs. If the IFQ program gets approved, I will have no choice but to close my doors at Magic Waters Charters for halibut fishing, which is 99% of my revenue."

My alternative, considering my experience and desire to continue chartering, is to target different species such as salmon, rockfish or lingcod. I don't believe I could make a living out of Homer in that market. Even if I could, I am not alone in this IFQ dilemma. I believe these species would be over fished and another sports fishing problem would be created.

I may be forced to sell my boat, along with others in the same situation, in a market flooded with other charter boats for sale. All my training and experience is in charter fishing. I am facing a mid-life career change that may force me from my home and community of 25 years.

I believe chartering is not the only industry to be affected. In my bookings I am regularly giving referrals to local Bed & Breakfasts, Hotels and restaurants to name a few. I believe for every dollar spent on charter fishing 2-3 times that is spent by my client's lodging, dining and on other tourism activities. The IFQ's will raise charter prices and lower the number of people who can afford to go. The City of Homer and the Homer Chamber of Commerce agree with this philosophy and have approved resolutions to oppose Charter Boat IFQ's.

The Halibut fish stocks are healthy. The commercial quota has increased (almost doubled) in the last 5 years. To limit the charter fleet through this IFQ program is just unfair and will hurt the Alaskan tourism economy.

Sincerely,

*Peter Karwowski*

Capt. Peter Karwowski

Toll Free: 866-477-3474 (FISH) • Local: 907-235-0175  
P.O. Box 3075 • Homer, Alaska 99603  
[www.magicwaterscharters.com](http://www.magicwaterscharters.com)



September 27, 2005

North Pacific Fishery Management Council

Written Comments on Rescinding the Halibut IFQ

RECEIVED  
SEP 27 2005  
N.P.F.M.C.

Thank you very much for your time and involvement in NPFMC. My name is Dohn Cho, 23 years ago my family started Kenai Riverbend Resort on the Kenai River. We offer Salmon and Halibut Charters along with a R.V. Park and Log Cabins. We started our Halibut Charters in 1999 and today we operate 3 Halibut Charter vessels in Cook Inlet taking out thousands of sport fishermen and women yearly.

**Please vote against the proposed Halibut Charter IFQ.**

I believe the local economies along with the State economy will suffer. Tourism is a major boost to our summer economy, not only do they spend money with us (Charter operators), they spend money on air tickets, car rentals, restaurants and lodging and the processing of the fish once it is caught. All of these businesses will suffer from a depleted Halibut Charter Fleet if IFQ's are issued. The entire state is already suffering from deficits and adding less tourism dollars will only hurt the state and local economies.

Studies have shown that sport fishing brings in up to 700 million dollars a year to our state. We cannot lose this source of income!

Enforcement is another issue. how will all of the Halibut be counted at the hundred of harbors across the State. We will have to have hundreds of enforcement officers to log all the Halibut that comes in, this is almost impossible.

Logbooks issued by the State of Alaska is another issue, we have not had to log our Halibut catches for the previous 4 years. If we are worried about the Halibut why are we not taking in more data so that we can study the findings to make a scientific conclusion not one based on what we think?

The Halibut Charters and sport fishermen catch about 1/3 of the total commercial by catch. Halibut Charters are only taking a small portion of the entire catch and again only 1/3 of the by catch, Halibut that were not targeted and thrown back either dead or alive.

As a citizen of the United States of America, I believe in free enterprise, we are all out trying to make a living for our families. If what we are doing is illegal or hurting the resource, I would be the first to stop, but we are not hurting the Halibut resource and we are not doing anything illegal. As an old Halibut captain told me about 20 years ago, "we are fishing a thumbnail on a Football field that is how much Halibut we have."

Thank you for your time in the matter and Please Vote to Rescind the Halibut IFQ

Dohn K. Cho  
P.O. Box 2984  
Soldotna, AK 99669  
(907) 252-4862

To: North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Suite 306  
Anchorage, Ak 99501-2252

September 26, 2005

From: Charles W. Glover, Jr.  
4132 S.E. Paul, Terrace  
Stuart, Florida 34997

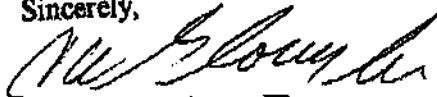
RECEIVED  
SEP 27 2005

N.P.F.M.C.

Dear Sirs,

I am a recreational angler who is more than concerned about my continued ability to someday catch my own halibut in Alaska and exercise my rights to choose any charter business I like to choose to get me to the spot. I do understand that if the proposed Charter IFQ measure is passed or the present GHF is imposed, my rights to public access and free choice (constitutional guarantees) will be minimized and infringed upon. It is not in anyway legal, ethical or morally right to allow my overall access to a public resource to be controlled by corporate entities or for my right to choose be monopolized by a few charter operations. Is it not the American way to allow free enterprise, fair business and competition to regulate the industries in such a way as to provide me with the best possible quality service at the most reasonable price so that I may CHOOSE where to spend my hard earned dollar? Please back up and regroup. This is VERY VERY WRONG and this situation needs to be corrected. FYI: my party of three has been to Alaska three times in the last 12 months spending \$ 10,000 not counting monies directly related to our chartered fishing. I come to visit specifically to halibut fish. Surely, Alaska economy benefited incrementally as well. Thank you for you consideration in this important matter.

Sincerely,



Charles W. Glover, JR.

To: North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Suite 306  
Anchorage, Ak 99501-2252

September 26, 2005

From: Dale Griffin  
3963 Campfire, Way  
Casselberry, Florida 32707

RECEIVED  
SEP 27 2005

N.P.F.M.C.

Dear Sirs,

I am a recreational angler who is more than concerned about my continued ability to someday catch my own halibut in Alaska and exercise my rights to choose any charter business I like to choose to get me to the spot. I do understand that if the proposed Charter IFQ measure is passed or the present GHF is imposed, my rights to public access and free choice (constitutional guarantees) will be minimized and infringed upon. It is not in anyway legal, ethical or morally right to allow my overall access to a public resource to be controlled by corporate entities or for my right to choose be monopolized by a few charter operations. Is it not the American way to allow free enterprise, fair business and competition to regulate the industries in such a way as to provide me with the best possible quality service at the most reasonable price so that I may CHOOSE where to spend my hard earned dollar? Please back up and regroup. This is VERY VERY WRONG and this situation needs to be corrected. FYI: my party of three has been to Alaska three times in the last 12 months spending \$ 10,000 not counting monies directly related to our chartered fishing. I come to visit specifically to halibut fish. Surely, Alaska economy benefited incrementally as well. Thank you for you consideration in this important matter.

Sincerely,

*Dale Griffin*  
Dale Griffin

To: North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Suite 306  
Anchorage, Ak 99501-2252

September 26, 2005

**RECEIVED**

SEP 27 2005


**N.P.F.M.C.**

From: Mary Ann Glover  
4132 S.E. Paul Terrace  
Stuart, Florida 34997

Dear Sirs,

I am a recreational angler who is more than concerned about my continued ability to someday catch my own halibut in Alaska and exercise my rights to choose any charter business I like to choose to get me to the spot. I do understand that if the proposed Charter IFQ measure is passed or the present GHL is imposed, my rights to public access and free choice (constitutional guarantees) will be minimized and infringed upon. It is not in anyway legal, ethical or morally right to allow my overall access to a public resource to be controlled by corporate entities or for my right to choose be monopolized by a few charter operations. Is it not the American way to allow free enterprise, fair business and competition to regulate the industries in such a way as to provide me with the best possible quality service at the most reasonable price so that I may CHOOSE where to spend my hard earned dollar? Please back up and regroup. This is VERY VERY WRONG and this situation needs to be corrected. FYI: my party of three has been to Alaska three times in the last 12 months spending \$ 10,000 not counting monies directly related to our chartered fishing. I come to visit specifically to halibut fish. Surely, Alaska economy benefited incrementally as well. Thank you for you consideration in this important matter.

Sincerely,



Mary Ann Glover

Gary Wall  
6548 Cimarron Circle  
Anchorage, AK 99504  
(907) 223-4640

**RECEIVED**

SEP 28 2005

N.P.F.M.C.

September 26, 2005

*FAX: 271-2817*

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave. Suite 306  
Anchorage, Ak 99501-2252

Subject: Reaffirm Halibut Charter IFQ


Dear Ms. Madsen,

I made a substantial investment in commercial Halibut IFQ after the Council made the decision to resolve the open-ended reallocation issue by implementing IFQ for charter operators. I relied on the Council action as a major consideration in my decision to invest in the halibut fishery.

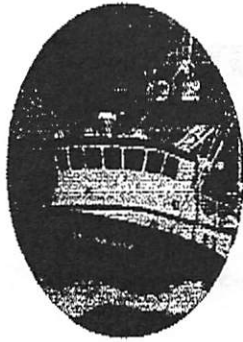
It was very disturbing to hear that Dr. Hogarth has now asked the Council to reaffirm its decision on halibut charter IFQ! What kind of back-door political deal is this? The Council made its decision after eight years of open public process that, in my opinion, carefully weighed the issues and concerns of all stake-holders.

Please tell Dr. Hogarth that he should respect the decision of the North Pacific Fisheries Management Council and get on with his responsibility of publishing the Proposed Rule.

Sincerely,



Gary Wall



# Polar Star, Inc.

Patrick J. Pikus, President

P.O. Box 2843

Kodiak, AK 99615

907-486-5258 Fax: 907-486-5413

pikus@ptialaska.net

September 27, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave., Ste. 306  
Anchorage, AK 99501

RECEIVED  
SEP 27 2005  
N.P.F.M.C.

RE: Halibut charter GHL and IFQ program (agenda item C-1).

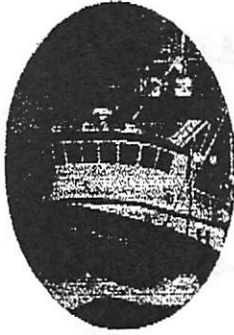
Dear Ms. Chair:

I own and operate two vessels that participate in the Gulf of Alaska halibut IFQ fishery: the F/V Polar Star and the F/V Miss Lori, both of which are under 60 feet in length and are based in Kodiak. I would like to offer comment regarding the delay in the implementation of the halibut charter IFQ program and the letter recently sent to the council by Dr. Hogarth of NMFS.

I encourage the council to urge Dr. Hogarth and NMFS to move forward with the publication of the proposed rule for the halibut charter IFQ program, and, if necessary, to reaffirm the council's support for the IFQ plan.

Over the past 10 years, with the decline of the Gulf salmon and crab fisheries, the halibut IFQ fishery has become the most important source of income for my crew and I. I have incurred a significant amount of debt in the purchase of halibut QS, as have many commercial fishermen that I know. In area 3A, the halibut charter fleet is allocated over 15% of the combined commercial and charter TAC, and if the trend of the past several years is continued the charter fleet will have exceeded its GHL in 2004 and the commercial TAC will suffer as a result. This situation is patently unfair to the commercial halibut fleet.

We in the commercial fleet had thought that this matter was addressed when the council approved the halibut charter IFQ program in 2001, after an extensive and transparent public process. The inclusion of the halibut charter IFQ plan in the overall halibut IFQ program would fairly balance the needs of both sectors. Far from being unduly restrictive to the charter industry, the plan allows for growth in the charter sector without unfairly impinging on the commercial



# Polar Star, Inc.

Patrick J. Pikus, President  
P.O. Box 2843  
Kodiak, AK 99615  
907-486-5258 Fax: 907-486-5413  
pikus@ptialaska.net

sector. Also, it is likely that failing to implement the charter IFQ program would result in a flood of new entrants in the charter sector, which would greatly compound the problem. The council process that resulted in the halibut charter IFQ plan was fair, inclusive of all the stakeholders, and was based on sound science. Dr. Hogarth and NMFS should move forward and publish the proposed rule, and I urge the council to so declare at its October 2005 meeting.

Thank you for your consideration.

Sincerely,

Patrick J. Pikus  
Polar Star, Inc.

cc: Office of Senator Ted Stevens  
Office of Senator Lisa Murkowski  
Carlos M. Gutierrez, Secretary of Commerce

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SEP 28 2005

SEP-27-2005 03:07 PM JEREMIE PIKUS

2006 N.P.F.M.C.

P. 05



## Polar Star, Inc.

Patrick J. Pikus, President  
P.O. Box 2843  
Kodiak, AK 99615  
907-486-5258 Fax: 907-486-5413  
pkus@ptialaska.net

September 27, 2005

Senator Ted Stevens  
522 Hart Senate Office Bldg.  
Washington, D.C. 20510-0201

RE: Publication of the proposed rule for the Gulf of Alaska halibut charter IFQ plan.

Dear Senator Stevens:

I am a long-time halibut fisherman from Kodiak, AK. Recently, Dr. Hogarth, the director of the National Marine Fisheries Service (NMFS), sent a letter to the North Pacific Fishery Management Council asking them to reconsider the halibut charter IFQ plan that they approved in 2001. The proposed rule for the charter IFQ plan should have been published by now, so that the charter and commercial participants in the halibut fishery can move forward into a combined IFQ program, which the council determined was the best way to allocate resources between the two sectors. It is distressing to me that NMFS seems to be delaying this process. I request that you urge Dr. Hogarth and NMFS to publish the proposed rule. I have included a copy of the letter I sent to the council detailing my position on this issue.

Thank you for your consideration.

Sincerely,

Patrick J. Pikus  
Polar Star, Inc.



Halibut Coalition  
PO Box 22073  
Juneau, Alaska 99802-2073

As a former Alaska resident for 24 years and a commercial fisherman for 30 years, I am deeply concerned about the direction the charter fleet has taken. Particularly in Southeast Alaska.

In 1976 when I started fishing commercially in and around the waters of Sitka, the number of charter operators could be counted on two hands. A good many of these were week-long charters geared mainly for sight-seeing and for people to enjoy the Alaskan experience. From the early 70's to the present time the Alaskan commercial fishermen along with the State of Alaska, the Federal Government, the International Pacific Halibut Commission, and various other fisheries boards and commissions, have been extremely successful in paving the road down the conservation highway of fisheries management of all species. Together we have done a remarkable job of this difficult and complex task. Through the limited entry program, size restrictions, area restrictions, quotas, and the IFQ system, we have been successful in our endeavors.

During this same time period, as fishermen of all gear groups have generously sacrificed a good deal of their financial well being in the name of conservation, and in the hopes of reaping a return down the road, the charter fleet has been left unchecked. There are now over 300 charter operators out of Sitka alone. They have no size limit on halibut, a most disturbing fact to say the least, and each client is allowed two per day. There is nowhere near enough Creole counters to accurately record the carnage that is being dealt to the fisheries resource. And who knows what is taking place in some of the outlying lodges. This, simply put, is a commercial business and should be regulated as such. It has gotten out of hand and it is long past time to enact some stringent controls. We can start by putting a minimum, and maximum size limit of charter caught halibut of between 32 and 60 inches. Each client should also only be allowed one halibut of legal size per year. If a charter operator desires to retain more halibut for their clients they have the opportunity to buy their own IFQ shares obtainable on the free open market. The Guideline Harvest Level should be held in check and not to exceed more than 10% of the TAC in any area. And, a system to limit the number of charter operators needs to be implemented immediately to bring some sense of sanity and conservation to this vastly out of control, greedy, over-capitalized and wasteful charter business in Alaskan waters.

It is only man that can pimp out Mother Nature and unveil her cloak of decency, and respect, abusively and repeatedly robbing her of her bounty, violating her dignity, and trampling her into submission until she is lain along the wayside like some cheap, used up tramp. She is not tireless, she needs a rest. It is up to you to give her back her due. Ensure that you will keep her enshrouded in the linen of love, restore her dignity, value her virtues, and give her back the respect that she is so deserving of. Do not remain passive, stand up and proclaim to the masses that unlike the lower 48 and Canada, that in Alaska, Mother Nature is not for sale!

In closing, I would like to point out that since I started fishing some 30 years ago, along with many other up and coming baby-boomers, that we all worked our tails off to get where we are today. Many of us have invested in the IFQ program and have encouraged our kids to do the same. Most of us believed that the IFQS would give us some sense of security, but with the growing numbers of charter operators with their sights set on gobbling up an ever increasing amount of a set quota to satisfy their insatiable appetite, we are left with a feeling of apprehension. When the IFQ program was enacted many of us breathed a sigh of relief. Finally we thought the seas of change would be never more, and that for once all our sacrifices have finally paid off. That the future held the promise of calm seas and smooth sailing, and some stability to our economic well being. But now, once again, our horizons are billowing with the darkening clouds of controversy and political turmoil, ensuring more rough waters ahead. But, we fishermen, as we have done in the past and will continue to do, will ride out the storm. Hopefully, we'll still have some kind of future looming on tomorrows horizons. It is important for the people of today to remember that it was yesterdays commercial fishermen that provided the economic stimulus for accrued growth throughout Alaskas

communities. And that same entity will be looked upon to continue to do so in the future. I believe that the commercial fishermen of all gear groups have done a darn good job of conserving the resource and have sacrificed a great deal to ensure sustainable economic growth. And that is not what is demonstrated by the actions of the charter fleet. It is a 'get it while you can' attitude, with little or no respect for the resource, and, if left unchecked it will be the thorn in the side of Alaskas image. And it won't take long. Hopefully, the politicians of Alaska will come to their senses and realize the difference between an industry of economic and conservative history; with a future holding the promise of the past, to that of a get rich quick industry akin to the market hunting days, where Mother Nature flips the bill, and the future is a National disgrace.

Sincerely,

*Dennis Beam*

Dennis Beam  
35628 Whitnah Lane  
Richland, OR 97870  
squidbait@pinetel.com  
541-893-6570

**RECORDED**

SEP 28 2005

**CITY OF HOMER  
HOMER, ALASKA**

**N.P.F.M.C.**

Yourkowski

**RESOLUTION 05-23**

**A RESOLUTION OF THE HOMER CITY COUNCIL OPPOSING  
INTEGRATION OF THE HALIBUT CHARTER FISHERY INTO  
THE EXISTING COMMERCIAL IFQ SYSTEM.**

WHEREAS, the sport halibut charter industry is an important part of the growth of the tourism industry in the City of Homer, and

WHEREAS, the proposed Halibut Charter IFQ plan is not based on any biological need, and

WHEREAS, the proposed rule to integrate the sport halibut charters in the commercial IFQ system transfers ownership of a resource to the private sector that traditionally belonged to the public, and

WHEREAS, encouraging new entrants in the charter business in turn encourages competition and diversity in the fleet, and

WHEREAS, the implementation and allocation of Halibut Charter IFQ will significantly reduce the number of charter operators in Homer, thereby reducing tourism revenue and taxable earnings proportionately within our community, and

WHEREAS, the proposed management plan will not meet the needs of the current fleet. Industry estimates show the proposal will only satisfy the needs of 160 six packs for Area 3-A, which includes Homer, Kodiak, Seward, Ninilchik, Whittier, and Valdez.

WHEREAS, catch and effort statistics from the International Pacific Halibut Commission and sport fishing license sales records from the State of Alaska Department of Fish and Game show that the growth in the sport halibut fishery is flat or has increased less than 1% per year, and

WHEREAS, the Homer Chamber of Commerce is in opposition to current Charter IFQ management plans until such time an economic impact on the community can be completed, and

WHEREAS, the City is well positioned to maintain and become further involved in the development of the tourism industry due to its long history with the industry, strong membership in the Chamber of Commerce, outstanding port and harbor facilities, excellent airport, diverse tourism infrastructure, and location on the National Highway System, and

Page Two  
Resolution 05-23  
City of Homer

WHEREAS, the negative financial impacts resulting from the implementation of the Halibut Charter IFQ will have a damaging effect on the economic infrastructure of Homer, including direct losses to Port and Harbor, business tax revenues, and satellite businesses dependent on a healthy fleet.

NOW THEREFORE BE IT RESOLVED, that the Homer City Council finds that the proposed halibut charter IFQ plan would present a significant barrier to free enterprise, and

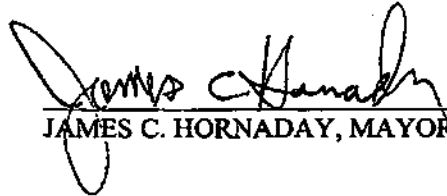
BE IT FURTHER RESOLVED, when an area needs management for the conservation of the halibut resource, we encourage that community to turn to "Local Area Management Plans" (LAMPS) in order to address the unique situation of that particular fleet, and

BE IT FURTHER RESOLVED, that the Council finds that the proposed Charter IFQ plan will impair services to the public, stifle incentive for new charter operators and retard the goals of the Homer Chamber of Commerce, and

BE IT FURTHER RESOLVED, the Homer City Council would support a management plan that is equitable to all existing charter operators and include provisions for new entrants.

PASSED and ADOPTED this 28th day of February, 2005 by the Homer City Council.

CITY OF HOMER

  
\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARY L. CALHOUN, CMC, CITY CLERK

Fiscal Note: Not Defined.



www.sitkasecret.com • info@sitkasecret.com

September 27, 2005

**RECEIVED**  
SEP 28 2005

**N.P.F.M.C.**

Ms Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 W 4<sup>th</sup> Ave Suite 306  
Anchorage AK 99501-2252

Dear Ms. Madsen,

We hope the North Pacific Fisheries Management Council rescinds their support for the issuance of halibut charter boat IFQs.

We have opposed this program since it was brought before the Council in the late 1990s. Please consider the following issues during your deliberation.

1. **Safety.** Presently, most operators will not have enough IFQs to meet their needs. This will encourage "bare boat" charters, without a U.S. Coast Guard licensed captain on board. Clients with little or no boating experience will be operating in unfamiliar waters, with unfamiliar equipment. Unlike the commercial fishing IFQ program, which was developed to minimize safety concerns, issuing charter boat IFQs, will increase safety concerns.

In southeast Alaska, most charter boats are in the 25-30 foot range, and a charter operator with unused IFQs at the end of their summer season, will be forced to maximize their return by longlining under fall and winter weather conditions.

2. **Economics.** The economic conditions have changed drastically since 1999. Even at the present cost of \$20 and \$25 per pound, very little commercial IFQs are for sale, especially in the amounts required by charter operators.

For simplicity, let's assume the average size of a sport caught halibut is 20 pounds, and a charter operator needs 800 halibut to cover 100 days of fishing (with 4 clients/boat and a 2 fish daily bag). If IFQs sell for \$20 a pound, for an individual trying to start a new business, they would need \$320,000 worth of IFQs in addition to the cost of a boat, electronics, tackle, licenses, fuel, marketing expenses, etc. In short, this program, removes this livelihood from future generations.

Page 2

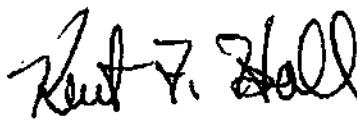
**3. Validity of data.** Where is the data showing the "explosion" of charter boats, used to gain previous Council support? How can charter IFQs be based upon logbook data the Alaska Department of Fish and Game collected and officially claimed to be unreliable? Why was the GHL developed with absolutely zero recreational representation on the Council? Why was the GHL set at a permanent level, instead of a "floating" level, to correspond with the commercial total allowable catch?

In summary, halibut charter IFQs need to be rescinded and the GHL needs to be repealed. The original analysis is outdated and a new analysis is needed with specific reference to the above mentioned concerns.

Thank you for your consideration.

Sincerely,

  
Beverly F Minn

  
Kent F Hall



**City of Gustavus**  
P.O. Box 1  
Gustavus, AK 99826  
Phone: (907) 697-2451

**RECEIVED**

SEP 28 2005

**N.P.F.M.C.**

September 19, 2005

North Pacific Council  
605 West Fourth Ave, Suite 306  
Anchorage, Alaska 99501

To Whom It May Concern:

The Gustavus City Council is concerned about the maintenance of the Halibut Fisheries throughout Southeast Alaska and also concerned about the jobs and livelihood of the citizens who utilize the fisheries for their yearly income. It has become vividly clear to the city council that there are definitely two groups who utilize the halibut resource and those two groups feel very strongly about the charter boat IFQ issue. While we, the city council of Gustavus, are concerned about the health and vitality of the halibut fisheries, we feel it necessary to make the following statement;

The Gustavus City Council is concerned for the welfare of all its citizens who live by and from the sea and we are concerned that while measures are needed to preserve the halibut fisheries for future generations, for the welfare of the citizens of Gustavus and the vitality of our business community, we have no jurisdiction and no expertise in the resource management and IFQ matter and further feel it is inappropriate for this city council to attempt to influence decisions made in matters pertaining to fisheries or fish allocation.

Thank you for your understanding of our situation and our continued concern for the sea resources which are so vital to all of us.

Sincerely

Sandi Marchbanks  
Mayor, City of Gustavus

September 27, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

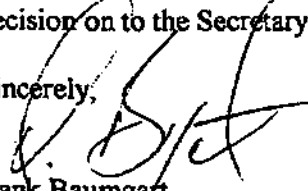
Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

Turning back the clock now to admit new charter boat entrants is not any different than if the council was to issue quota to new commercial longliners that did not receive initial quota shares. Are the deckhands and young fishermen that did not qualify for initial quota shares any less deserving than a late entrant to the halibut charter fishery? There has to be a level field and many fishermen like myself have invested hundreds of thousands of dollars in purchasing quota share. Charter operators are commercial fishermen that harvest the same resource that longliners harvest. Please send the April 2001 Council decision on to the Secretary of Commerce.

Sincerely,

  
Hank Baumgart  
1504 Fairview Street  
Bellingham, WA 98229

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez



PO Box 389  
Gustavus, Alaska 99826  
907-697-2742  
907-697-2289 Fax



**RECEIVED**  
SEP 28 2005

# Fax

**N.P.F.M.C.**

**To:** NPFMC

**From:** Kenneth J. Marchbanks

605 West 4th, Suite 306, Anchorage.

Alaska 99501-2252

**Fax:** (907) 271-2817

**Pages:** 2

**Phone:** (907) 271-2809

**Date:** 9/27/2005

**Re:** Comments on Halibut Charter IFQ/GHL **CC:**

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

**Dear Council Members:**

Thank you for the opportunity to comment on the proposed Halibut Charter IFQ and also for your efforts in making an informed decision regarding this matter.

My family members are Alaska resident owner-operators of a lodge/charter boat operation in Gustavus, Alaska and have been since 1985.

I will spare you from the standard quotation of numbers pertaining to who is catching nearly 90% of the halibut, etc...that data is on record and is not in question. The question in my mind is simply this: How will the proposed IFQ system impact the economy of rural Alaska and what sorts of extravagant measures will be taken to enforce it?

I'm not speaking about the Homer, Seward, Kenai Peninsula areas where the infrastructure is proven and in place, but places like my home town. Recently, our town incorporated as the City of Gustavus. Funding for the city is shouldered primarily by the tourist by way of a 2% sales tax and a 2% bed tax. The city is managed by a volunteer council and one paid employee, the city clerk. There are 8 - 10 lodges and a dozen or so charter operators that depend solely on the halibut fishery in Icy Strait. Fewer than half of those operators would qualify for the initial charter IFQ shares if implemented as it is currently written. With state revenue sharing now nonexistent, how will we pay for our city if we loose over half of our tax base?

Since incorporation in April of 2004, we have made much progress. We now have funding to maintain some 20-odd miles of dirt road that was previously sometimes impassible. We're

September 27, 2005

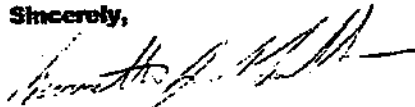
working on funding for a safe, modern dock facility. There is still no local law enforcement personnel, and the nearest ADF &G officer is located some 20 miles across Icy Strait in Hoonah, AK. I am wondering if NMFS is going to have a law enforcement officer stationed 24 hours a day at every dock and harbor from Ketchikan to Unalaska? Are we going on the honor system? Dockside kiosk like at Alaska Airlines? Maybe we'll leave it up to the angler who the fish actually belongs to? How will the taxpayer benefit from this?

**Observations:**

No one that I know of who is in the fishing business (here, at least), is opposed to managing the fishery for the preservation of the resource, commercial or charter. If sport anglers need an annual bag limit, then let's impose one. If we need a slot limit to protect the brood stock, then let's do it and quit paying a premium to the longliners for over - 60's. Maybe the commercial quota share holders need to be held to 1994 numbers and demand more price per pound from the processors if there is need for resource management. Maybe the GHL is a good idea, if there could be room for an increase, not just a decrease in catch depending on the biomass. Many people much more educated than me are asking the same questions in one form or another, and expect informed, equitable answers.

I believe that the proposed Halibut Charter IFQ is wrong for rural Alaska.

Sincerely,



**Capt. Kenneth J. Marchbanks**

SCBOA

Sitka Charter Boat Operators  
Association  
P.O. Box 2422  
Sitka, AK 99835

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SEP 28 2005

N.P.F.M.C.



September 21, 2005

Ms. Stephanie Madsen,

For the record, the Sitka Charter Boat Operators Association (SCBOA) is in favor of the North Pacific Fisheries Management Council (NPFMC) rescinding their support for the incorporation of recreational charter boats into the existing commercial halibut Individual Fishing Quota (IFQ) program, thereby halting the implementation of charter boat IFQs.

We have opposed this program since it was first brought before the NPFMC in the late 1990's. Our arguments remain the same. We are asking Council members to consider the following issues during your deliberation.

The perceived "explosion" in growth of charter boats, used to gain regulatory support, has not occurred. Please see attached information regarding businesses and charter vessels from ADF&G.

The economic consequences of this program have never been adequately addressed. Furthermore, the economic conditions have changed dramatically since 1999. In 1999, commercial IFQs sold for \$5 to \$7 a pound. Currently, the cost has climbed to \$20 and \$25 per pound.

The Alaska Department of Fish and Game has officially disqualified halibut data for charter boat operators as reported in their 1998, 1999, and 2000 logbooks. Yet, potential charter boat IFQs will be based on this data.

Charter operators without enough IFQs to meet their needs, will be tempted to modify their operation to "bare boat" charters. In this scenario, a boat can be rented without a U.S. Coast Guard licensed captain on board, and clients with little or no boating experience could be operating in unfamiliar waters, with unfamiliar equipment. Unlike the commercial IFQ program, which was developed to minimize safety concerns, incorporating charter boats into the same program will introduce grave safety concerns.

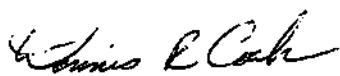
Please keep in mind, the charter IFQ proposal followed a Guideline Harvest Level (GHL) proposal. The GHL was developed with no recreational representation on the NPFMC. Instead of linking the GHL to halibut abundance, the GHL was permanently set in years of low and declining halibut abundance. Thus, even though the commercial total allowable catch has increased since 1998, the GHL has remained static.

Our organization has supported a moratorium in the past. It was discussed in the early part of this issue, but never given serious consideration by the NPFMC. It should be revisited.

In conclusion, we believe the charter boat IFQ motion should be rescinded and the GHL repealed. At the very least, the original analysis is now outdated, and a new analysis must be undertaken with specific reference to the above mentioned concerns.

Thank you for your consideration.

Sincerely,



Dennis Cook  
President

cc: Senator Ted Stevens  
Senator Lisa Murkowski  
Representative Don Young  
Governor Frank Murkowski  
Sec of Commerce Carlos Gutierrez

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SEP 28 2005

**SITKA CHARTER BOAT OPERATORS ASSOCIATION**

**N.P.F.M.C.**

**A RESOLUTION OF THE SITKA CHARTER BOAT OPERATORS ASSOCIATION  
OPPOSING INTEGRATION OF THE HALIBUT CHARTER FISHERY INTO THE  
EXISTING COMMERCIAL IFQ SYSTEM.**

WHEREAS, the Sitka Charter Boat Operators Association supports the charter fisherman of Sitka, Alaska, who are part of the lifeblood of Sitka and who provide economic opportunity and diversity for our community; and

WHEREAS, the halibut charter industry is an important part of the growth of the tourism industry and provides employment opportunities and economic growth; and

WHEREAS, the proposed Halibut Charter IFQ plan is not based on scientific, biological or conservation needs; and

WHEREAS, the proposed rule to integrate the sport halibut charters in the commercial IFQ system transfers ownership of a resource to the private sector that traditionally belonged to the public; and

WHEREAS, the implementation and allocation of Halibut Charter IFQ will significantly reduce the number of charter operators in Sitka, thereby reducing tourism revenue and taxable earnings proportionately within our community; and

WHEREAS, the North Pacific Fishery Management Council's recommendation for IFQ based control of a sport fishery is unprecedented in the United States; and

WHEREAS, the Sitka Charter Boat Association is in opposition to current Charter IFQ management plan until such time an economic impact study can be completed; and

WHEREAS, the negative financial impacts resulting from the implementation of the Halibut Charter IFQ will have a damaging effect on the economic infrastructure of Sitka, including direct losses to Port and Harbor, business tax revenues, and satellite businesses dependent on a healthy fleet.

NOW THEREFORE BE IT RESOLVED, that the Sitka Charter Boat Operators Association finds that the proposed halibut charter IFQ plan would present a significant barrier to free enterprise; and

BE IT FURTHER RESOLVED, when an area needs management for the conservation of the halibut resource, we encourage that community to continue to turn to "Local Area Management Plans" (LAMPS) in order to address the unique situation of that particular fleet; and

BE IT FURTHER RESOLVED, the Sitka Charter Boat Operators Association would support a management plan that is equitable to all charter and commercial fisheries.

PASSED and ADOPTED this 21<sup>st</sup> day of September, 2005 by the Sitka Charter Boat Operators Association.



Dennis Cook, President

Sitka Charter Boat Operators Association

## WHITTIER MARINE CHARTERS

P.O. Box 2693, Soldotna, AK 99669  
[www.fishwhittier.com](http://www.fishwhittier.com) 907.440.9510

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SEP 28 2005  
N.P.F.M.C.

ATTN:

### North Pacific Fisheries Management Council

I am writing this letter in opposition to the proposed Individual Fishing Quota system for the halibut sport charter fleet.

I currently own and operate the busiest and one of the most successful charter operations in Whittier, Alaska. Now at the age of thirty, I have spent my entire adult life working diligently to become successful and promote professionalism and safety in this industry. Because I did not have the financial ability to purchase my own vessel at twenty four years of age, I was forced to work for others during my first few seasons as a captain. Combining busy summers with long off season work hours, I was able to purchase my own vessel for the 2003 season. I purchased a well known first class vessel which has a thirteen year history in the fishery. The past owner is no longer in business and currently resides in Seattle, WA.

If the proposed quota system is enacted, my now viable business which serves hundreds of Alaskans and tourists alike will likely be wiped out. In fact, only one charter operator currently in Whittier will qualify under the proposed rule. My only choice will be to purchase quota shares from the previous owner of my vessel who, as stated, is now out of business and resides in Washington State. Under the current proposal, he will qualify for a large number of quota shares. I fail to view this as an equitable distribution of a public resource. At current commercial quota prices, it could take \$300-\$400,000 worth of quota for me to operate at my current rate. This cost is certainly far beyond the fiscal ability of myself and the typical charter operator. Leasing quota, as others have suggested, would likely also be fiscally impossible.

There are many rather obvious reasons why this system is unjust, inequitable, and wrong for this fishery. A few include:

1. As current commercial halibut quotas are the highest in history and this council has listened to arguments related to eliminating the commercial winter closure, the charter harvest has clearly not grown significantly to warrant such drastic action.
2. ADF&G logbook data which will be utilized for allocation purposes are known to be poor. As there was little enforcement on providing accurate data, liars will benefit. Allowing such unfair allocation of such a valuable public resource can only be considered an irresponsible action.
3. This action will also undoubtedly produce considerable economic impact to local communities. As I mentioned, this action will potentially eliminate 90% of the currently operating Whittier charter fleet. Along with charter operators, revenue losses will certainly come to cities, harbors, fish processors, lodging and dining operations, and others.

Please take time to research and consider the basis for this proposal and the socio-economic impacts it will have. I believe that any non biased reasonable person can identify this as a poor action.

Thank you for your time.

Mathew Kopec

Fax 907-271-2817  
Letter via mail

September 27, 2005

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

Ref: 173<sup>rd</sup> Plenary Session  
October 5-11, 2005  
C-1 Halibut Charter Comments

RECEIVED  
SEP 28 2005  
N.P.F.M.C.

Dear Distinguished Council Members:

While some of the following points and observations may be redundant to your experience and knowledge, please bear with me as I lay out my position for your consideration. I regret that I am unable to provide this verbally at your public hearing, but know that you will give the same weight and thoughtfulness to this document. Thank you.

The purpose of this letter is threefold:

1. Provide personal and continuing support for the effective and efficient management of the halibut resource with emphasis on Alaska stocks.
2. Examine the major differences between Commercial Halibut IFQ and the Halibut Charter business.
3. Suggestion of action items to be taken to determine highest value and best use of a publicly owned renewable resource.

#### **Personal and Business Background**

I am the owner and operator of Eager Beaver Charters, Inc., an Alaska Corporation based in Homer, Alaska. I graduated from Homer High School in 1962 and Oregon State University in 1966 with a B.S. degree in Fisheries Science.

#### **Protection of the Resource (Halibut in this case)**

Briefly stated, an organization charged with the management and protection of a renewable resource has three fundamental precepts:

1. insure the preservation of the resource (species in this case),
2. manage to generate *sustained maximum yield* of the resource and
3. manage to generate **maximum** value of the sustained maximum yield for the benefit of the owners.

Cont'd

North Pacific Fishery Management Council  
 Ref: 173<sup>rd</sup> Plenary Session  
 October 5-11, 2005  
 C-1 Halibut Charter Comments

M. E. Danby Page 2

Based on my readings, research, and personal knowledge the halibut stocks are not in jeopardy. Therefore we need to turn our attention to managing for the maximum value of the sustained maximum yield for the benefits of the owners of the resource.

**Differences Between Commercial IFQ and Halibut Charter Current Business**

<u>Category</u>	<u>Commercial</u>	<u>Charter</u>
Licensee entitled to catch	Owner of IFQ	ADF&G licensed sport fisherman Not the owner of the vessel
Product Delivered	Tons of Fish	Sport fishing and sightseeing and additional tourist revenue generating activities (lodging, car rental, bear viewing, art galleries, museum tours, etc., etc., etc.)
Safety	Eliminate derby days to enhance safety at sea	Required to be US Coast Guard OUPV (or higher rated). Many charter captains have volunteered to meet the US Coast Guard 5 Star Safety Program.

The matrix could be extended to include many more line items, but these three help paint the picture of why the Halibut Charter IFQ as proposed is not in the best interests of the resource stakeholders because of two basic issues:

1. **Value.** A pound of halibut caught through sport fishing generates more revenue for the owners of the resource than a pound of commercial harvested halibut. I do not have a recent independent study to reference. However, I can share an example from this season; a family of four spent two days fishing with me with a total of 5 days and 4 nights (2 Homer, 1 Seward, 1 Anchorage) in Alaska. Their total expenditures in Alaska was approximately \$6,340 (fish charter, the primary reason for the trip, whale watch tour out of Seward, car rental, lodging, food, licenses / gifts and incidentals, but not including airfare to and from Alaska). They caught approximately 440 pounds of halibut, or \$14.41 per live pound. (Note: while this is a single example, it does cause one to wonder what is the value of a sport fishing caught pound of halibut on a state wide basis.)
2. **Safety.** The commercial IFQ has improved safety in the commercial fleet and was one of the driving forces behind the IFQ. If a Charter Halibut IFQ were to be enacted, it would

Cont'd



North Pacific Fishery Management Council  
Ref: C-1 Halibut Charter Comments

M. E. Danby Page 3

have a detrimental, not a positive, effect on safety. Why?

Many of the current charter business would go out of business or severely curtail their operations should the Halibut Charter IFQ go into effect. This reduction in ample available market priced charters will cause more private boaters to fish halibut (because all they need is a sport fishing license to harvest the resource) using their own or a rented vessel. Their seafaring knowledge and experience will vary, but the many will not have an appreciation for the dangers of the sea thereby generating potential for significant tragedy. This past season I towed in two recreational vessels due their mechanical failures and provided radio communication for a third recreational vessel in difficulty. All 3 incidents turned out okay.

#### Summary

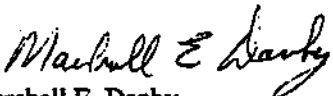
The stocks of halibut are not in jeopardy. It appears a pound of halibut caught by the sport fishing industry generates more value for the stakeholders than a pound of commercially caught halibut. Marine safety may actually be compromised rather than enhanced if the Halibut Charter IFQ were enacted. The data used from many years ago for consideration for a Halibut Charter IFQ are outdated and projections of activity have not occurred. Other significant items, such as by-catch, increase in commercial fishing halibut pounds permitted for harvest and small percentage of sport fish caught halibut will be addressed by the Alaska Charter Association of which I am a member and I support.

#### Recommendations

1. Do not enact the Halibut Charter IFQ
2. Commission an independent study of value generation of a pound of halibut caught commercially and caught through sport fishing
3. Provide a team / committee to examine safety considerations of commercial, charter, and recreational vessels.
4. Use the findings of item 2 and 3 to determine the most effective and efficient management system (s) to be employed.

Please advise if I can provide any other information for your consideration. Thank you for the opportunity to provide comments.

Respectfully submitted,

  
Marshall E. Danby  
Box 1036  
Homer, Alaska 99603-1036

Cc: Alaska Charter Association, Homer, Alaska

**RECEIVED**  
SEP 28 2005

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

**N.P.F.M.C.**

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,



Address: SEMIATMOC FISHERIES INC.  
FLY MISS RYANNE  
8809 SEMIATMOC DR.  
BLAIN, WA 98230

9/27/2005

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

Date: September 23, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

REC-1-D  
SEP 28 2005  
N.P.F.M.C.

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

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If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment. My longline fishery subsidizes my salmon fishery. As you can tell, we are not just talking about the impact on one fishery. This will impact other fisheries as well.

Sincerely,



Scott File  
4515 Trafalgar Ave.  
Juneau, Alaska 99801

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez



OPEN YEAR-ROUND

RECEIVED

SEP 28 2005

N.P.F.M.C.

To: North Pacific Fisheries Management Council  
 Fr: Jon Faulkner, Land's End Resort  
 Re: Recreational Halibut IFQ's

Date: 9/27/05

Dear Council:

I look forward to the opportunity to address you in person on October 5<sup>th</sup>. By fax of this letter and an accompanying petition to the Council, I am requesting this correspondence be included in your hearing packets on the above issue.

Foremost in presenting my "credentials" is a complete lack of conflict or personal financial interest in this matter. We own no shares, have never fished, and have no shareholders with any prospect of direct personal loss or gain from this policy.

By way of further introduction, I am a lifelong Alaskan and the owner and operator of Land's End Resort, Homer's largest private sector employer, and a significant contributor to the area's overall economy. In the last 15 years, we have pioneered year-round visitor and lodging services and grown our business seven fold. We employ over 125 people during the summer season.

The Lodging Industry in Homer is united in opposition to the Recreational Halibut IFQ. The attached petition contains many, but not all of the points to be made by these owners. The bottom line: implementing this program will have a dramatic and negative impact on Homer Lodging, and on the overall Homer economy. The negative effects of this policy, if implemented, will have impacts far beyond the fishery and will effect people's lives and businesses in a way the council is not prepared to defend.

The consequences are so overwhelmingly apparent to those who live here, that our City Council, typically reluctant to weigh-in on fisheries issues, has passed a resolution in opposition to the program. It is hard to find anyone who favors recreational IFQ's who does not stand to gain financially from their implementation, and even these people admit to a "forced" endorsement that results from low allocations within the GHI..

The Council is charged with protecting a resource, not a particular class of fishers, and to maximizing the economic benefits of this resource to the public trust. The Homer lodging industry and the entire Homer economy is heavily dependent upon unfettered access by the general public to the recreational Halibut fishery. IFQ's are not necessary, nor wise. There are no pressing resource protection issues, nor undesirable existing economic conditions which require such a drastic correction, and certainly none which cannot be addressed through alternative policies which protect the public's right to fish.

Sincerely,

  
 Jon Faulkner  
 President, Land's End Resort

To: North Pacific Fisheries Management Council  
 Fr: Homer Lodging Property Owners  
 Re: Resolution of Homer Lodging Industry

September 25, 2005

The following owners of lodging and Bed & Breakfast properties in Homer, Alaska wish to record their vehement opposition to any plan which implements a Recreational Halibut I.F.Q. in the Homer area. The implementation of any such plan will have a negative and potentially devastating effect on the Lodging industry in this seasonal and highly fisheries-dependent area.

There are vitally important impacts to the Lodging industry which this council has not considered.

- 1) Capping the amount of fish which the general public can catch with a fishing pole will limit the number of recreational fishers allowed to fish, which negatively impacts the Lodging industry.
- 2) The Lodging Industry of Homer consists of all locally owned and operated properties, and over 75 B & B's who rely on income from the Charter industry to make ends meet.
- 3) Placing individual quota shares in the hands of a few will drive up Charter prices, which will reduce the number of visitors coming to Homer to fish.
- 4) Placing individual quota shares in the hands of a few will allow those few to direct their charter customers to a preferred class of lodging and other businesses, likely owned and controlled by those who own the Charter IFQ.
- 5) The Charter IFQ could easily result in practices which negatively impact consumers, such as closures, charging for halibut by the pound, and forcing anglers to throw back large fish so they don't count against their share quota.
- 6) Arbitrarily allocating a fixed percentage of fish to recreational users in perpetuity shows a high degree of favoritism, and a complete disregard for the highest economic return on this resource to the taxpayers of this country.
- 7) The IFQ plan does not prevent the consolidation of shares into the hands of the very rich, and nothing to prevent the migration of shares to the commercial fleet, alienating many who have traditionally relied on this fishery.
- 8) Any loss of revenue to the recreational fleet in general will have a devastating effect on Homer businesses, as there is an extremely high circulation of these dollars within the local economy.

The North Pacific Management Council should not implement any policy which has such broad-reaching negative economic consequences outside of the commercial fishing sector.

Name	Property	Address	Phone/e-mail
<del>Jon Faulkner</del>	<del>Lands End Resort</del>	<del>4786 Homer Spit Rd</del>	<del>399-3410</del>
<del>Jon Faulkner</del>	<del>Bay View Inn</del>	<del>PO Box 804</del>	<del>235-8485</del>
<del>Michael J. Warburton</del>	<del>3500 Cr. Hamilton</del>	<del>Homer</del>	<del>235-2779</del>
Adrienne Sweeney	Driftwood Inn	135 W. Bunnell Ave	235-8019
Scott Allmon	Lakeside Motel	3858 Lake St. Homer	235-8594
Ken Nierwin	Homer Floatplane Lodge	1244 Lake Shore Dr. Homer	235-4160





RECEIVED  
SEP 28 2005  
N.P.F.M.C.

To: Chris Oliver, Executive Director  
Stephanie Madsen, Chair  
North Atlantic Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252  
• Phone: (907) 271-2809  
• Fax: (907) 271-2817

Re: Agenda Item C-1 (Halibut Charter IFQ) - OPPOSE

From: The Recreational Fishing Alliance

Dear Mr. Oliver and members of the NPFMC:

The Recreational Fishing Alliance (RFA) is a national 501(c)(4) non-profit grassroots political action organization whose mission is to safeguard the rights of salt water anglers, protect marine, boat, and tackle industry jobs, and insure the long-term sustainability of our nation's marine fisheries. The RFA is grateful for the opportunity to comment on the issue of Individual fishery quotas for the recreational charter fleet in the Alaska halibut fishery.

The RFA recognizes the Charter halibut fishery as an important resource for all saltwater anglers and a driving force behind Alaska's \$2.4 billion tourism industry. The RFA is opposed to integrating the charter halibut fishery into the commercial halibut Individual fishing quota (IFQ) system. Abandoning traditional management measures in favor of IFQs, which are inappropriate for charter or recreational anglers, represents a threat to the viability of our sector. At this time, there is a considerable amount of uncertainty pertaining to the size of the active halibut charter fleet as well as to the outcome will be of implementing a IFQ in this sector. Combining this uncertainty along with an unreliable system of gathering accurate catch data provides ample reason not force the halibut charter fishery into the commercial IFQ system.

We cite the following reasons why we will not support Halibut Charter IFQs.

**Status of the Halibut Stock.** The status of the Pacific halibut stock, according to the International Pacific Halibut Commission continues to remain healthy and stable. This allows the resource to support both commercial and recreational fisheries. Current estimates indicate that recreational halibut fishing accounts for 10-12% of the total catch of Pacific halibut. Indeed, the harvest rate for both sectors has been rising, and this may be attributable to the reduction in discard mortality in the commercial fleet as a result of the commercial IFQ program. This noted, there is no conservation benefit of implementing IFQs in the halibut charter fishery.

**Halibut Charter fleet is not rapidly expanding.** IFQ have proven useful in commercial fisheries where overcapitalization was having negative impacts upon the resource and fishery. Currently, the halibut charter fishery is not experiencing overcapitalization and growth is flat or slightly declining over the last 10 years. Information from Alaska Fish and Game indicates that the number of business licenses and saltwater guide businesses or fishing charter services has not shown any significant surge in growth. Relative to the overall population of the nation, the Alaska Halibut Charter fleet is not keeping pace.

Headquarters: P.O. Box 3080 ♦ New Gretna, NJ 08224 ♦ P: 609-404-1060 ♦ F: 609-404-1968  
Legislative Office: P.O. Box 98263 ♦ Washington, D.C. 20090 ♦ P: 1-888-564-6732

**Uncertain fleet size and catch numbers.** There is a great deal of variability in the recreational halibut fleet size and catch. This uncertainty makes it impossible to predict the outcome of IFQs in this sector. It is most important that these issues be resolved before any meaningful discussions of charter IFQs are undertaken. Lack of recent charter log book data makes it impossible to fairly assign quota shares at this time.

**Tourism.** Alaska Division of Tourism recognizes sportfishing, including halibut fishing, as a major component of State's economy. Further evidence that halibut fishing is a major source of tourism income is that non-resident or out-of-state anglers exceed resident anglers by 168%. If IFQs are placed in the halibut charter sector, there will be serious implications for these tourist dollars. For many small fishing towns, halibut charters can account for a significant portion of the community income. Many local communities have expressed deep concerns about their economies if IFQs are implemented. Angler cost would undoubtedly increase in response to charter businesses having to purchase quota. Limited fleet size stunts competitive pricing. Charter operations would be rewarded for unsuccessful trips. The economic analysis in the briefing book even mentions a likely trend toward marketing to people who are unlikely to catch fish, or charter captains moving anglers to unproductive fishing grounds to preserve their quota share. Much more analysis is needed to address these potential serious consequences before any action is taken.

**IFQs in the Recreational sector will create a dangerous precedent.** Once IFQ are implemented it is nearly impossible to dissolve them, thereby rendering a public resource privatized forever. Although IFQs are only contemplated for the charter fleet at this time, should they be implemented there will be pressure on the charter operators to protect their investment against the participation of the private recreational fleet, thereby dividing the recreational fishing community. Wealthy recreational anglers could lock up portions of the harvest in perpetuity and limit the access of the general public. To get a sense of this slippery slope, nothing in the Charter IFQ proposal would prevent a holder of commercial quota from leasing his allocation to recreational anglers who could land many more halibut than their personal bag limit off the commercial boat. There needs to be a real firewall between sportfishing – fishing with our families for food and fun – and commercial fishing.

The "perception" of an "ever-expanding" recreational fleet needs to be addressed. RFA strongly supports a system that allows for an accurate data collection on the recreational sector. That system is not yet in place. The RFA is urging the Alaska charter fleet to take these concerns seriously, and to be pro-active in developing proposals to address them. The first step is to capture accurate recreational catch data. Charter log books should be required to record all charter boat harvest for all species. From this data we will be able to identify the boats that are halibut fishing from the boats that are not. If a problem exists after the data is collected then it should be addressed through traditional fisheries management measures and not through an unprecedented quota system on recreational fishing.

Sincerely,



Jim Martin  
West Coast Regional Director



	<p align="center"><b>F/V Ocean Gold</b></p> <p><b>Ed &amp; Kathy Hansen</b>  <b>Phone: 907-586-6652</b>  <b>Fax: 907-523-1168</b></p> <p align="right"><b>9369 North Douglas Hwy</b>  <b>Juneau, Alaska 99801</b>  <b>Email: gillnet@ak.net</b></p>
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September 27, 2005

North Pacific Fishery Management Council  
Ms Stephanie Madsen, Chair  
605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

**RE: Support Halibut IFQ's for the Charter Fleet**

Please reaffirm the 2001 Council's action. We believe that the Council should advise Dr Hogarth that his action undermines the council's process, undermines the public's faith in the council system, that it was already brought back to the Council in the appropriate manner when a Council member asked for reconsideration of the vote in the meeting following the council action and please move forward with the program as recommended immediately.

We oppose the action taken by Dr. Hogarth in requesting that the council reaffirm it's action on halibut charter IFQ's. The council process was extensive, an open public process, and deliberate in it's consideration of all users of the resource and considered the allocation aspects of their decision among different users. Backdoor politics should not be allowed to undermine the Council process especially at a time when the Council process is being questioned by the Oceans and Pew reports and the Magnuson-Stevens Fishery Reauthorization Act is being analyzed and acted on in Congress. We also believe that if the Council does reconsider it's position that it makes it clear that the Charter GHL is not up for debate and that the charter industry needs to live within it's allocation. On the eve of the Magnuson Stevens ACT reauthorization, it is not appropriate to allow overfishing of the valuable halibut resource because of political meddling.

We have been residents of Alaska since 1985 and have commercially fished since the early 1970's. We originally opposed the commercial IFQ halibut fishery. We were initially issued Halibut IFQ's but immediately sold the shares. Over time we watched how the IFQ system evolved and stabilized the fishery, created a better and reasonably stable price structure and allowed the participants in the fishery the ability to withstand the up's and down's occurring in other fisheries such as salmon.

In 2000 we started buying back into the fishery to diversify and stabilize our business and have proceeded to purchase 4 blocks of 2C-C halibut by applying for

and receiving a couple of State of Alaska loans. We now depend upon halibut as the backbone of our yearly finances. The majority of our quota was purchased after the NPFMC had made the recommendation for the charter fleet to be a part of the IFQ system and this factored into our decision that buying quota share was a safe decision as halibut allocation issues had been dealt with in a fashion that allowed both the commercial and charter industry to co-exist and grow while maintaining a sustainable resource that is not over-fished.

Some of the Charter industry is putting up much the same fuss that a majority of the commercial fishing industry including ourselves put forth when they were faced with an IFQ system and trying to visualize how it would work for them. An IFQ program for the halibut charter industry provides future growth for participants, allows for yearly planning, and more importantly allows for documentation and accounting of the amount of halibut being caught by the charter fleet so that the halibut resource is not overfished. Without this program being implemented other types of controls would be necessary on the charter industry that would actually be more harmful to the industry. For example if the charter industry was managed in season for a GHL, what happens to the charter client that buys a trip in January for an August trip, gets here and finds out the season was closed because the quota was caught? This type of in-season management action is extremely damaging to the development of a stable charter industry, under a quota system this would not happen where a charter operator is caught unable to provide the trips sold prior to the season. Yes, some charter operators would have to make the choice to purchase quota because they will not be issued an initial quota or decide to not offer halibut as an option. Without controls put on the charter industry the NPFMC will be faced with yearly allocation issues between the charter fleet and the commercial fleet. Having the council do nothing will be putting the commercial fishermen who depend on halibut for their livelihood at risk and creating financial hardship for the fishermen who borrowed money and went into debt to buy IFQ's such as ourselves.

We support the actions that NPFMC took in 2001 in developing a Halibut Charter IFQ program and request that the action taken in 2001 move forward in the process without further delay or deliberation.

Sincerely,



Ed Hansen



Kathy Hansen

September 27, 2005

Harry C. Sinz  
P.O. Box 110985  
Anchorage, AK 99511  
907-522-5314  
907-522-5319 (fax)  
[hsinz@ak.net](mailto:hsinz@ak.net)

RECEIVED  
SEP 28 2005

N.P.F.M.C.

**VIA FACSIMILE**

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Ste 306  
Anchorage, AK 99501  
907-271-2817 (fax)

**Re: Halibut charter IFQ matter.**

Dear Ms. Madsen:

I am writing to you to express my utter dismay over the recent position taken by Mr. Bill Hogarth in his letter to the North Pacific Fishery Management Council (NPFMC), requesting that you "reaffirm" support for the halibut charter IFQ plan. ***It is stunning that Mr. Hogarth has taken this unprecedented position, and in so doing he has unduly negated the extensive public process involving all stakeholders, who have invested more than eight (8) years of arduous and dedicated work.***

The NPFMC exercised due care in allowing for a broad scoped analysis and review of this matter through a lengthy and comprehensive public process, and as such should be commended for furthering the responsible and scientific management of this vital resource. For one individual to undue the effort of so many is simply unfair and defies this great democracy.

With all due respect, I would like to ask that the current NPFMC members:

1. Inform Mr. Hogarth that the NPFMC has already taken action on this issue in a timely and reasoned manner, that the matter passed two (2) NPFMC votes, and that any additional review is unwarranted;
2. Request that Mr. Hogarth allow the public process to move forward and publish the Proposed Rule; and,

3. That the present membership of the NPFMC show support for the previous member's efforts and reaffirm their support for the halibut charter IFQ plan already developed.

Before proceeding, I would like to offer you an outline of my background. I have been involved in commercial fishing in Alaska for twenty-five (25) years. My initial years were focused primarily on salmon fisheries, with participation in halibut during the "derby" years. My educational background includes an economics degree from Wisconsin, along with graduate work at UAF with an emphasis in accounting. I've been licensed in Alaska as a Certified Public Accountant for twenty (20) years. My work experience includes starting and managing a successful CPA firm in Fairbanks, Alaska, as well as several commercial fishing ventures. My wife and I moved to Anchorage, Alaska in 1996 with our two sons, where I have since devoted my full-time efforts to the pursuit of commercial fishing.

Like many other commercial fishers today, I am now "*fully invested*" in commercial fishing for halibut under a program created and adopted by your regional fisheries management council, the NPFMC. The NPFMC not only gave birth to this well founded and exceptionally managed program, but also created and/or enabled the necessary mechanisms of financial markets (i.e. NMFS loan program, etc.). During this first decade of the QS/IFQ program, many fishers have utilized lenders and committed to extensive debt obligations in their acquisition of QS/IFQ properties. An entire industry of fishers have essentially entrusted their family's future on the belief that the NPFMC would continue to act as good stewards of their own creation...a program that has become known throughout the world as a "model" of well reasoned scientific fisheries management. ***Certainly the NPFMC would not create this program, facilitate our good faith investment, and then allow it to change in a manner potentially material enough to place our families in financial peril?***

If allowed to grow unchecked, the charter industries burgeoning growth could certainly result in a continual downward spiral of diminishing annual IFQ's (i.e. our income). This could lead to a subsequent decline in QS values, localized stock depletions, crowding on charter fishing grounds and constraining debt burdens for many commercial fishers.

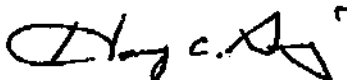
Beyond what my wife and I have invested in our own lives, we are raising two young sons who on this day now have "real hope" for their own future opportunities in commercial fishing. Through the creation of the QS/IFQ program, you have "enabled" us as individual business owners at a time when we were surrounded by crumbling markets for salmon and herring, and struggling to survive in what surely seemed a dying way of life. And possibly even of greater significance, you have given future generations the chance to share in this dream, and to truly hold out hope of continuing this challenging trade. ***Allowing for an uncapped shift from commercial to charter fishers not only threatens today's commercial fishers, it puts the dreams of future generations at risk. The fishery you've "rationalized" will again become in part "irrational", and who would want their children to face that type of uncertainty?***

There is another aspect of all this that must be considered. Aside from the direct negative impact this could pose on the entire spectrum of the commercial fishing industry (harvesters, crew, processors, all sectors of the service industry, etc), ironically the charter fleet itself stand to lose much by abandoning this charter IFQ plan. Any user group has to draw boundaries as they aggressively consume more and more of a limited resource. It is not reasonable to expect others, who have been there long before they arrived to simply step aside without consideration. This evolution from unlimited to limited access when done right can result in a much better environment for virtually all involved. There will always be those who contend they have been denied opportunities along the way...yet while those many remain consumed by this hue & cry, their vision is clouded by emotion and these very individuals miss the real opportunities before them. Programs like the existing commercial QS/IFQ, and the pending charter IFQ plan allow access for present and future operators alike into a sensible operating environment. ***Once adopted, the charter IFQ plan will surely enable the charter industry in ways similar to those experienced by the commercial fishing industry.*** The alternative will lead to a flood of new entrants, failed businesses, displaced families, stressed resources, and diminished quality of opportunity for all involved.

Like many commercial fishers, I am extremely busy this time of year with the task of harvesting our remaining annual halibut/sablefish IFQ's, and unfortunately doubt that I will be able to attend the meetings. We have had a very rough string of September weather in the Gulf of Alaska, and the timing of Mr. Hogarth's letter could not have been worse for most commercial fishers. A large portion of the fleet is effectively unaware of what is underway, let alone able to even reach a computer and express their feelings in a timely manner. You must hear their voices as they share their concerns together for this issue while working on decks and delivering their catch in ports throughout Alaska.

I shall remain undaunted in my strong belief in the mission of the NPFMC, and the unwavering commitment of the distinguished member's of this body towards the continued stewardship of this vital resource. You and the members before you have done your job well; we trust you will let the public process work.

Respectfully,



Harry C. Sinz  
F/V Current her Master & crew  
FV Alaskan Pride her Master & crew

Cc: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary Carlos M. Gutierrez

**ALASKA EXCURSION ADVENTURES INC.**

1500 Cottonwood Lane Homer, Alaska 99603  
www.alaskaexcursion.com

907/235-2553  
FAX: 907/235-0553  
email: [coates@alaska.com](mailto:coates@alaska.com)

RECEIVED September 27, 2005  
SEP 28 2005  
N.P.F.M.C.

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Ave. Suite 306  
Anchorage, AK 99501

Dear Council Members:

My wife and I own and operate Alaska Excursion Adventures, Inc. I have been a charter captain out of Homer since 1986. Our main source of revenue is the halibut fishing but we are also a transporter and rent cabins. We have been deeply involved in this issue since it began over 12 years old, and to be perfectly honest, I am sick it. I initially was a skeptic about this program but I listened, researched and reviewed what the Council Task Force and other experts had to say, and I became a proponent of this program.

Now, I continue to wait year after year for this to get final approval to be enacted but it never happens! I find that I'm fighting with other charter captains over this issue which is ridiculous. I live in a small town where you work and play and go to church with the same people. This constant no action on the IFQ program is ruining my life. I cannot expand my business, buy a new boat or sell my current boat, plan for my future and now, I find that I even have to avoid certain people at the grocery store and football game so we don't get into an argument regarding IFQs!

You have all the facts, nothing has changed in all these years except that there are more and more new skippers every day to compete with me for the client and the resource. Even though I am in favor of the IFQ program as it was proposed to you, at this point, I am just sick of the controversy and want it to end. Whether you approve it for a 3<sup>rd</sup> time or not just doesn't matter to me any more. I need to get on with my life and earn a living to support my family. So make some kind of decision and see that it gets approved and enacted as soon as possible so we can all put this behind us and get on with our lives. Thank you.

Sincerely,

Mike Coates

**ALASKA EXCURSION ADVENTURES INC.**

1500 Cottonwood Lane Homer, Alaska 99603  
www.alaskaexcursion.com

907/235-2553  
FAX: 907/235-0553  
email: coates@alaska.com

RECEIVED  
SEP 28 2005  
M.P.F.M.C.

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Ave. Suite 306  
Anchorage, AK 99501

September 27, 2005

Dear Council Members:

I own and operate Alaska Excursion Adventures, Inc. with my husband and we have been running halibut charters out of Homer since 1987. We have been very involved in this issue since it first reared its head over 12 yrs. ago and feel it should get approved and enacted as proposed.

I need to comment at how appalled I am that this has been sent back to the Council once again. Why is your time being wasted over and over again on the same issue? I ask what has happened to the democratic process because in this case, it has surely failed us! The last 2 Presidential elections have been extremely close yet we don't redo the election because everyone wasn't happy with the outcome. I say tough luck to the guys who decided to ignore the facts and start up a new business with IFQs looming on the horizon.

This issue was extensively researched, reviewed and discussed initially and then passed by you. Then you were asked to revisit it, so you again extensively researched, reviewed and discussed the program again and passed it again. Now, Dr. Hogarth has requested you go through this process yet a third time? Why? There is no new information or changes so why should your time be wasted yet again on this same topic. I feel that this maneuver shows a lack of respect to you and a complete waste of your valuable time which could be better used elsewhere.

The charter fleet is out of control with 500 boats now when there were only 125 or so when this process started. We have the same number of tourists as always but we're splitting the tourists amongst threefold the boats now. This is our livelihood at stake and we cannot manage our business in this perpetual state of indecision. We cannot operate our business under the current GHL program but under the IFQ program we can manage it. We would know how much quota we have, how much we need and we could purchase additional shares if need be. Every business requires start up costs so I feel it is fine for newcomers to have to invest a reasonable amount of capital into starting up their new venture. Many charters have gone out of business since the log books so their quota could be put in a lottery drawing for all the now charters without halibut history to have a chance at.

This perpetual state of indecision is causing unnecessary tension in the charter fleet as the established businesses cannot sell their boats or expand their business and they fight with all the new charters for a limited number of tourists. The newcomers continue to get into the business and then cry that they won't get IFQ because they are the new kids on the block even though every one of them was aware or should have been aware of this program on the horizon when they decided to start their business. We have charter captains hating each other because it has taken such a ridiculous amount of time to get this program up and running. You have passed the IFQ program twice now but it never gets implemented so we continue in perpetual limbo!

I request that you reaffirm your position without taking public testimony again as there are no new facts or studies for you to consider so why listen to hours and hours of hearsay and perceptions and whining for nothing. Once reaffirmed, I hope final approval and implementation of the program can be fast-tracked so the program can be up and running in 2006 or 2007 at the latest. I have decided not to come to the meeting and testify again as I would only say what was said to you twice already so I feel that it would be disrespectful to you to continue to waste your time. I pray that you don't give this new testimony any head and that you are just going through the motions to limit any future legal action against the program. Thanks for taking the time to read this letter and I look forward to the IFQ program going through as it is without any changes.

Very truly yours,  
Laurie Coates

28 Sep 05

**RECEIVED**

SEP 28 2005

**N.P.F.M.C.**

To Whom It May Concern:

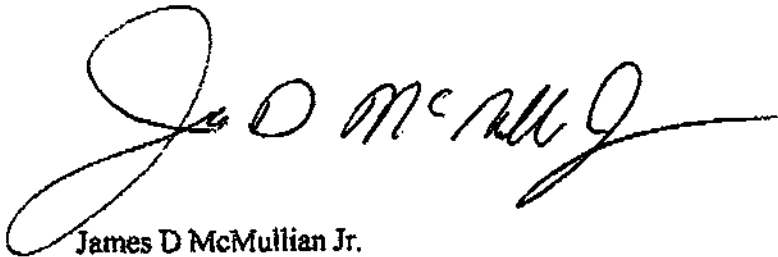
I am disturbed about the "NPHC" trying to pass IFQ bill.

I fishing on smaller charter boats and have always enjoyed the way the boats always have conservation on their mind. When i see and read about large commercial boats that net and throw away perfectly good fish that could feed hungry families in our community, it tells me that someone is not using their good senses.

My position at work is that of a Corporate Manager and if our industry was capped and we pushed out the little guy they would call that monopolizing the market and that is against the law.

The unfortunate thing is; the little guy makes up the majority of the fishing industry and to put these people out of work, because BIG industry wants to fill their pockets with money and WASTE OUR NATURAL PRODUCT, (please include all the people who own stock in these large commercial out fits) - this action would lead to a lot of hard working people loosing their incomes. This action would cause a trickle down affect on the whole economy in a negative way; this should not be allowed if conservation is REALLY the issue.

Please do the right thing for Alaska - Do not let the IFQ BILL pass.



James D McMullian Jr.  
7490 Tarsus Dr.  
Anchorage, Alaska 99502



RECORDED

SEP 28 2005

N.P.F.M.C.

**Spirit Charters**

POB 2397, Homer, AK 99603 ~ 907-235-1826 ~ 299-1462 ~ captmike@alaska.net

**F/V BeauSoleil**

September 25, 2005

North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave. Suite 306  
Anchorage, AK 99501

I am an owner and operator of a small charter business and have been for the last seventeen years. The previous 10 years I operated a 6-passenger charterboat for an another company.

Up until the last two years growth in our industry has been slow. In the last two years an increase of 15-20% of participants in the charter industry indicates substantial growth that will have a catastrophic affect on the charter business as the GHL is reached mid season. I strongly feel the GHL was met in 2004 as well as 2005. If this is the case and you vote against the IFQ, with GHL restrictions looming the only answer to maintaining a viable charter industry would be to increase the GHL. Should the TAC decrease (historical fact of any fishery) in the future combined with the restrictions placed on our industry by the GHL, the allocation to the charter fleet would suffer even more.

Kachemak Bay has a history of being over fished, is Cook Inlet next? The halibut resource in 3A may be healthy, but the accessible areas of the charter fleet are questionably healthy. I witnessed many more undernourished Halibut (chalky) this year than ever, is this a sign of a healthy resource? Many too many small under 32 inch halibut are being taken from these same waters in order to "fill the limit". This to me is a number one sign of near shore depletion. These are the stocks for tomorrow. An increase in the GHL would only allow more charter access and in turn put more pressure on future stocks. These issues, GHL- IFQ, have been a nightmare to all parties concerned from 1993 to the present.

I only hope that you can come to a conclusion carefully, justly and swiftly. With the halibut resource in mind I wish to go on record in favor of an IFQ program for the Homer Charter fleet.

Yours Truly,

*Mickael S...*

**RECEIVED**  
SEP 28 2005

To whom it may concern

**N.P.F.M.C.**

I am writing to you about passing the IFQ bill. I am an avid fisherman and mostly go out on smaller charters multiple times through the year. I firmly believe that if the IFQ bill passes that hundreds of people who run these small charters will be out of business. In a fishing villages such as Homer, or Seward this is a recipe for disaster for many families.

This will cause a trickle down effect on each of these communities that will be very hard for them to overcome financially. If this bill is truly about conservation of wildlife I think that we should RETHINK this proposal thoroughly before passing the current IFQ

Lets do the right thing for Alaskans and the Environment; by making smart educated solutions!

*Wallace Cucinello*  
Wallace Cucinello  
8948 Jewel Terrace  
Anchorage, AK 99502

RECEIVED  
SEP 28 2005  
N.P.F.M.C.

## Captain Greg's Charters

P.O. Box 2202, Homer, Alaska, 99603-2202  
email: [captgreg@alaska.net](mailto:captgreg@alaska.net) website: [www.CAPTREG.com](http://www.CAPTREG.com)  
Toll free (877) 235-4756 (907) 235-4756 Cell: (907) 399-4856

September 28, 2005

Ms. Stephanie Madsen, Chairman  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, Ak. 99501-2252

Re: Halibut Charter IFQ & GHF Programs

Dear Ms. Madsen,

Sport fishing in Alaska is one of the primary reasons why tourists visit our state and is an activity most Alaskans enjoy. It is a significant contributor to our economy; it is a "clean" industry which relies upon a renewable resource and provides for high dollar value-added returns to our state; it instills conservation and results in minimal amounts of bycatch mortality; also it allows for family and friends to bond creating fond memories that lasts a lifetime. Measures taken to restrict the public's access to a resource that belongs to the public violates Public Trust Doctrines and at the very least, the spirit of the Magnuson-Stevens Act. Anglers on charterboats are recreational/sport fishermen and should only be limited by the biological health of the resource, not the desires of commercial fishing interests.

As of yet, I have not heard any justifiable reasons for Charter IFQs. Commercial fishermen for it simply want more halibut for themselves while their catch rates, ex-vessel and IFQ share prices are at all time highs. Charter guys for it want to reduce and limit their competition and have something to sell, and rely on the GHF to defend it. It will grow the size of government, make enforcement much more burdensome and costly, limit competition, and reduce free enterprise. If it passes, 30% or more of the charter fleet will be in jeopardy, safe access to the resource will be reduced, and our coastal economies will suffer.

The GHF is flawed because the caps are fixed and move only down. It should be tied to abundance. When abundance is high, operators will inherently catch more fish; therefore, potentially creating more restrictions at times when the resource is healthy. It is counter intuitive with the current caps. In our country, the split between commercial and sport interests typically is 50/50. If the sport catch is not up to 50%, let commercial interests catch the difference established in the TAC.

The North Council should eliminate Halibut Charter IFQs and revise the unwarranted GHF restrictions.

Sincerely yours,

  
Greg Sutter

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

**Valdez - Whittier Charter Boat Association**  
**Prince William Sound Charter Boat Association**  
P.O. Box 90 Ester, Alaska 99725  
907-479-5562

I am writing today in support of Halibut Charter IFQ's. Please move forward with our inclusion into the existing Halibut IFQ program.

At the Valdez/Whittier Charter Boat Association meeting in April, my association of charter businesses discussed and reaffirmed our support for the Charter IFQ. This is the third time our association has voted in support of Charter IFQ. We have concluded this is the only reasonable alternative to the Guideline Harvest Level (GHL) that is in place at this time. We view the *GHL "CAP" as a killer for the traditional professional charter fleet* who provide the consistent majority of the guided public access to the halibut resource. Without an IFQ, we will be needing to *have the GHL changed to raise with abundance* as the fleet reaches the "CAP." With the GHL lacking regulatory mechanisms to allow expansion our businesses, *we will be back at the NPFMC for more fish annually* to avoid having a "Derby, or Cap" race as we grow, and the overall stocks cycle downward. Halibut is the mainstay of our fleet.

The GHL is a firm cap on our harvest and business potential. Because of the many downfalls of the GHL without a License Limitation Program, our industry has supported an amendment to the existing Halibut IFQ program to include charter boats that target halibut. The NPFMC supports this amendment, as they set a control date in 1998 and published this date in the Federal Register to deter speculative entry into the fishery. The NPFMC voted on the Charter IFQ twice, once in the year 2000, and again in 2001. Nothing has changed since that time to set this program aside. The problem has been the foot dragging by NMFS and NOAA in completing this program in a timely manner.

Due to this slow Federal action there has been an unprecedented speculative growth in the Charter Fleet. This will mark the third time that the NPFMC will pass judgment on this issue. Please get it through, or read the last rites to the traditional fleet if the GHL remains in place.

The Valdez/Whittier Charter Boat Association and associations from: Ketchikan, Petersburg, Sitka, Juneau, Homer, Deep Creek, Anchor Point, Seward, and Kodiak, have worked with the NPFMC since 1994 on this issue. We have participated in:

- Halibut Charter Working Group Committee for the NPFMC. (1994-95-96)
- Guideline Harvest Level Committee for the North Pacific Fisheries Management Council (1998-2000)
- Governor's Guide Licensing Task Force (1998-1999)
- Charter Individual Fishing Quota Committee for the NPFMC (2001)
- Board of Fish and the NPFMC on the development of Local Area Management Plan (LAMPs) for Prince William Sound.

There are many new halibut charter boat businesses today; the overcapitalization in the halibut charter boat industry needs to be curbed now. Since 1998, charters out of Whittier and Valdez are witnessing a rapid and uncontrolled growth of the Seward Charter Fleet. Prince William Sound has two entrances, one of which is increasingly heavily fished by Seward. PWS is the size of the state of New Jersey, with only two points of entry for fish migration. The Seward Fleet grew by 140 new charter seats (maximum harvest of 280 fish each day, or ½ million pounds in a 90 day season) in 2005, and is expected to grow similarly in 2006. In our experience this uncontrolled growth has far out stripped even the commercial harvest in this entrance. This growth is impacting our communities; commercial, guided sports fishermen, unguided sports fishermen, and even subsistence users within PWS.

The IFQ program will give our businesses recognition of our traditional, historical dependence on halibut access. It will allow others to enter and leave the industry without government intervention. The IFQ program is equal sharing of the halibut between neighboring commercial and charter businesses. IFQ's will also give us a chance to adjust our businesses to access and demand needs.

Our local communities social and economic stability are maintained by equal treatment of halibut dependent businesses. It is time to make a decision so that we can operate our businesses into the future.

Our members watch as new charters come and go on an annual basis. Our membership, even the newer owner/operators, realize that IFQ's will allow business stability, thus allowing a person to plan for the future. This will translate into solid businesses that can best provide quality public access to this resource. The uncertainty and potential disaster of the GHL "CAP" makes it impossible to plan for the future.

Further, as the GHL reaches its "cap," the Charter Fleet will find itself in a seasonal race, or derby for the fish. This will cause safety concerns as charters push "Weather Days" and move to fish earlier each season as the GHL becomes more constraining to the individual charter operator. Under a GHL, the race to pay the bills will bring on the need to stack people on Certified "cattle boats," and the Six Pack vessel will only travel a short distance where sport fishing opportunities are minimal, to lower fuel and overhead, or have the need to take 2 trips a day. Some of our members, myself included, are waiting before further investing into our industry because of the uncertainty.

Sincerely,



John Goodhand

President Valdez – Whittier Charter Association

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages = 2

To	NPFC	From	Goodhand
Dept./Agency	October meeting	Phone #	907-479-5562
Fax #	Public Testimony	Fax #	

NSN 7540-01-317-7388

5099-101

GENERAL SERVICES ADMINISTRATION

To whom it may concern

I am writing to you about passing the IFQ bill. I am an avid fisherman and mostly go out on smaller charters multiple times through the year. I firmly believe that if the IFQ bill passes that hundreds of people who run these small charters will be out of business. In a fishing villages such as Homer, or Seward this is a recipe for disaster for many families.

This will cause a trickle down effect on each of these communities that will be very hard for them to overcome financially. If this bill is truly about conservation of wildlife I think that we should RETHINK this proposal thoroughly before passing the current IFQ

Lets do the right thing for Alaskans and the Environment, by making smart educated solutions!

*Lou Mountz  
Lori Mountz  
2241 Olympic  
Anch AK 99515*

907-271-2817

NPFMC

ATTN: HALIBUT

IFQ

Bruce Bayes  
DeepStrike Sportfishing  
P.O. Box 575  
Anchor Point, Alaska 99556

September 27, 2005

RECEIVED  
SEP 28 2005  
N.P.F.M.C.

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2252

Dear Council Members:

I am writing in regard to your reconsideration of the proposal for Halibut Charter IFQ's.

The program as proposed would not lessen the amount of halibut taken, it would just redirect the pressure on the stocks by either outfitter boats, expanding the operations of those with IFQ's, or increasing the number of vessels on the water with fishermen lacking proper safety equipment or training.

As a retired Alaska State Fish and Wildlife Trooper with fisheries enforcement experience, I can assure you enforcement would be extremely difficult and expensive. The number of fish coming across the docks from so many boats, in so many small batches, across such a widespread area, would make enforcement oversight of this fishery very difficult. During the past three years of our charter boat operations, we have not been checked once.

Additionally, the local tourism industry is hugely important as an economic force in small communities across the Kenai Peninsula. There will continue to be people looking for a fishing experience. If you limit the number of operations available to accommodate them fishing for halibut, you will see an increase in fishing pressure on other species such as rock fish and salmon. Even though these stocks may not be under your jurisdiction, the long term management of our fishery resources makes it vitally important that you not ignore this transfer of pressure.

If indeed there is a concern for the halibut resource, other areas should be taken into consideration such as bycatch and a personal use fishery with a very unrealistic catch limit.

Sincerely,



Bruce Bayes

**RECEIVED**

SEP 28 2005

To Whom It May Concern in  
The North Pacific Fishery Management Council:

September 27, 2005

**N.P.F.M.C.**

My name is Scott Glosser and I have been a charter operator in Homer for 23 years. I owned and operated my own boat from 1983 to 1989 and from 2002 to the present. All other years since 1983, I was employed by various charter companies, as a hired captain. As I did not own and operate a charter boat during the qualifying years of 1998-1999, my future is uncertain.

I would like to voice my Strong Opposition to the charter IFQ proposal.

There appears to be NO need for such a drastic, unprecedented, inequitable measure.

There is certainly NO need based on biological reasons.

The current daily bag limit enforced by Ak. F&G. has maintained strong halibut stocks for nearly 30 years in the recreational sector. As the commercial sector takes around 90% of the yearly TAC (total allowable catch) and the commercial bycatch alone exceeds the charter catch, the Council would do well to look there in the commercial sector for new regulatory action.

There is certainly NO need based on the feared "rapid growth of the charter industry".

I understand that this regulatory movement (charter IFQs) started down in Sitka with the Longliners Association there back in 1993 or so, being concerned about local charter business growth due to more cruise ships in the region at that time.

Looking at the current AK. F&G. data statewide, rapid growth in the charter sector has NOT occurred. (see enclosed) Indeed, there have been decreases in many cases in the last few years. If Homer is any indication of charter growth, and it is the single largest halibut charter port, the charter fleet is very much self-regulating, based on the good old American principles of supply and demand capitalism! I have watched many charter operations come and go in Homer over the last 23 years of my participation in the industry. There is a relatively small profit margin (which is why most of us know that we could not afford to buy into the proposed IFQ system), and with local knowledge of the waters and the fishery hard to come by (at least 10 years experience), many charter operators have come and gone. (a list is available for the Homer Harbor)

There can certainly be NO legal basis for such an unprecedented policy that would attempt to privatize the public domain. How can anyone (any charter boat operator) be designated as the rightful owner of a quantity of sport caught fish. A charter operator by definition is a paid transporter and the recreational fisherman, who is the client, owns the fish that he or she catches after having bought a sportfishing license from the State of Alaska. It is very clear on all of our boats, who owns the fish as our fishing customers decide which fish they want to keep. I keep my customers safe on the sea and help them find the fish they want to catch but can certainly NEVER OWN these fish or the right to catch them.

In closing, I would like to point out that there have been very few things since the 1964 Earthquake, that have struck as much FEAR into the hearts of Alaskans, as this charter IFQ proposal! In the small coastal fishing towns of Alaska, whole communities are becoming polarized over this issue. Divisions between the "haves" and the "have nots", the older established IFQ-entitled businesses and the newer charter businesses who find themselves without the IFQ-entitlement, facing the prospect of losing their livelihood. Many who support the proposal, openly admit that they only do so because they hope to retire from it.

I want to Thank You all in the Council for your consideration and urge you to OPPOSE halibut charter IFQs.

Sincerely, Scott Glosser, Capt. Scott's Sportfishing





# Alaska Fisheries Information 1995-2003

	Year	A) Finfish Bycatch	B) Halib. Catch	C) Halib. Bycatch	D) Sports Catch	
1	1995	662.80	33.96	14.96	6.35	
2	1996	636.70	37.50	14.93	6.97	
3	1997	662.81	52.37	14.62	7.78	Highest Catch Year
4	1998	346.90	56.13	14.09	7.32	
5	1999	345.53	61.15	14.41	6.18	
6	2000	347.40	67.01	13.56	7.55	
7	2001	276.75	69.73	13.67	6.65	
8	2002	314.71	61.74	13.69	6.35	
9	2003	321.45	60.63	13.05	7.09	Last Recorded year

All figures are in millions of pounds.

- a) Total commercial finfish bycatch mortality which ranges from 6.6% to 9.8% of their total catch.
- b) Total commercial halibut catch.
- c) Total commercial halibut bycatch mortality.
- d) Total recreational and charter halibut catch.

The source for bycatch mortality is the Alaska Marine Conservation Council.  
The source for catch totals is the International Pacific Halibut Commission.

B) Commercial Halibut Catch: '95-'03  
2003 60.63M  
1995 33.96M Subtract

Up 26.67 Million lbs from 1995, 78.24% Increase!

D) Sports Catch: 1997 (Highest Year) 7.78M

2003 (Last Recorded Year) 7.09M

Note 0.69M difference Sport Catch from 1997 through 2003

C) Bycatch which is Documented has always exceeded the total sport catch.

**ADFSIS information from Dora Sigurdson 8/21/05**

**Table 1. Number of businesses that indicated an intent at registration to provide guide services in saltwater and freshwater, 1998-2004.**

Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b>							
Southeast only - Cape Suckling to Dixon Entrance	652	539	563	601	646	669	689
Southcentral only - Kodiak to Cape Suckling	688	684	682	713	788	684	697
Both Southeast and Southcentral	21	29	28	30	29	34	92
Other Alaska	62	62	87	80	51	32	n/a
<b>Total</b>	<b>1,323</b>	<b>1,327</b>	<b>1,359</b>	<b>1,401</b>	<b>1,475</b>	<b>1,424</b>	<b>1,367</b>
<b>FRESHWATER</b>							
Southeast	338	351	365	380	424	423	n/a
Prince William Sound / Upper Copper-Upper Susitna	237	225	222	233	241	273	n/a
Kodiak / Alaska Peninsula / Aleutians	284	273	280	289	262	285	n/a
Cook Inlet / Ketchikan / Met-Sitka	845	842	851	837	853	870	n/a
Bristol Bay / Lower Kuskokwim	308	315	289	258	277	284	n/a
Arctic / Yukon / Kuskokwim	145	151	177	171	177	178	n/a
<b>Total</b>	<b>1,971</b>	<b>1,989</b>	<b>1,983</b>	<b>1,938</b>	<b>1,912</b>	<b>1,920</b>	<b>1,929</b>

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

**Table 2. Number of vessels operated by region for businesses indicating saltwater guiding services at registration, 1998-2004.**

Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b>							
Southeast only - Cape Suckling to Dixon Entrance	998	947	925	1,048	1,068	1,062	982
Southcentral only - Kodiak to Cape Suckling	872	875	872	903	979	871	596
Other Alaska	54	57	55	81	77	42	n/a
<b>Total</b>	<b>1,924</b>	<b>1,879</b>	<b>1,852</b>	<b>2,032</b>	<b>2,124</b>	<b>2,095</b>	<b>1,578</b>

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

David Bayes  
DeepStrike Sportfishing  
P.O. Box 575  
Anchor Point, Alaska 99556

September 27, 2005

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2252

RECEIVED  
SEP 28 2005  
N.P.F.M.C.

Dear Council Members:

My name is David Bayes. I co-own and operate DeepStrike Sportfishing in Homer, Alaska. I am writing this letter in opposition to the implementation of the Halibut Charter IFQ proposal scheduled on the NPFMC agenda.

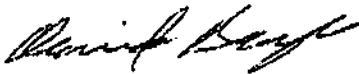
I am 22 years old, and the summer of 2006 will be my 4th summer as a charter business owner. Because 1998 and 1999 were the only 2 years in which I could have fished in order to qualify to receive charter IFQ quota, I am ineligible to receive any quota. In 1999 I was 16 years old. It is illegal to attain a Coast Guard licensure before the age of 18 in the United States. Therefore, it was impossible for me to qualify for charter IFQ quota.

At the age of 16 I was employed in the charter fleet as a deckhand, but under the current guidelines, only vessel owners would qualify to receive quota. Despite that fact that charter fishing for halibut has been my sole income for the last seven years, if the Charter IFQ is approved, I will be cut from the industry.

The current proposal is grossly unfair to young Alaskans. If it is to be implemented, a provision must be made for initial allocation of quota shares to require they be returned to a pool available to future charter operations at a reasonable cost. Verifiable reporting requirements must be the basis for initial allocations. Unlike commercial IFQ shares which had years worth of fish tickets upon which to base the distribution of shares, there is no scientifically valid data by which to distribute Charter IFQ quota shares. While the commercial IFQ implementation addressed issues such as safety, and economic stability related to market prices and product quality, the charter IFQ proposal is not necessary on either count. Our industry has US Coast Guard licensing requirements, State of Alaska guide licensing requirements, including insurance, and clients taking their own fish from the water to their dinner table for the ultimate quality control. Market forces determine our season and pricing structure.

There is no biological necessity for charter IFQ's. There are several more effective alternative methods for regulation of sport catch such as through individual daily and seasonal harvest limits, and restrictions on harvest of crew fish with clients aboard. When it come to enforcement of commercial charter IFQ shares there is a long established set of standards being followed. It is not realistic or practical to expect that Charter IFQ shares would be held to such a high standard of compliance. Enforcement of the Charter IFQ program would be very difficult and cumbersome.

Thank you for your reconsideration of this matter.



David Bayes

## Homer Charter Association

P. O. Box 148 Homer, Alaska. 99603 (907) 235-2282 phone/fax.

September 28, 2005  
Stephanie Madsen, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Anchorage, AK. 99501-2252

RECEIVED  
SEP 28 2005

N.P.F.M.C.

Dear Madam Chair,

The Homer Charter Association is a trade association of sport charter vessel and business owners operating from the Homer area. Our current membership is 35 paid members. We stand in firm support of the NPFMC's vote of April and October, 2001 to include the Alaskan Halibut Charter Fleet in the Commercial Individual Fishing Quota program and we advise you to reconfirm this decision for the Secretary.

Our association was involved in the council process beginning in 1993 when the original petition to cap our catch was introduced. We still oppose any attempt to cap our charter recreational catch at any amount less than an amount equal to the other resource users. We resent the fact that this very council authorizes the bycatch and waste by your own fleets in excess of what we currently take. We oppose the Charter Guideline Harvest Level you approved in 1997 which capped our potential take to current levels but then in the following years we watched the commercial fleet again take large increases in their allocation.

In 2001 we supported the introduction of the IFQ plan to replace the GHL. The IFQ's will create the mechanism to manage each charter vessel individually and independently of the rest of the fleet, while providing a means to transfer halibut quota between charters and the ability to increase the amount utilized by the charters through transfers from the commercial fleet. We still see the merits and benefits of this plan over any other idea suggested before or since this decision was first made. We ask for your consideration to be treated equal to the commercial fishermen, afford us what you choose to afford yourselves, no more and no less.

We do not want the GHL to become the choice of this council in leu of the IFQ plan. The GHL does not provide more fish to the charter fleet, this is wrong. The GHL forces the overcapitalized ports into that race for fish that rationalization is supposed to end. The GHL does nothing to reduce or prevent near shore depletion in those areas of the state that have reached full removal capacity.

Under the GHL with declining stocks you will see a whole new battle between ports to protect their local areas from other charters, we have a major fleet that is mobile (on trailers) and they are increasing their harvests outside their traditional areas because of near shore depletion and overcapitalization now.

The GHL requires ongoing monitoring of catch and impact of reduction measures by who? The Council will face more requests from the charters for more fish on an annual basis. The industry will modify their behavior to take advantage of any fishing restriction each year causing more management difficulty.

The charter IFQ plan is our plan of choice and we want to know our time (all 12 years) and money spent in our involvement in this process as well as applying our education received from this involvement in understanding the complexities of resource management are being respected.

We are still questioning this whole management process, we can find no roadmap for this procedure as evidenced by this very council's action right now, where is there any need to delay an action to require more time spent on investigating the impacts of the delay?

We have also heard that a few well connected new charter participants may be attempting some end run maneuvers for the benefit of a few to prevent personal hardships. We hear of these kinds of things happening but we want to know this council stands above this kind of stuff.

The only thing we see that has changed since 2001 is now there seems to be more urgency than before for this rule to be finalized. If we had only known in 1993,.....

Our industry has been on notice since June 24, 1998, of a pending decision and qualification criteria, many of us held plans of expansion pending this rule to become law, now some new entrants are voicing their opposition to this plan, we don't want to see them rewarded for neglecting the control date that we were honoring.

There has been plenty of time and opportunity for any and all participants to take part in this process, and we thank you for ours.

Please reconfirm your decision to include the Alaska Halibut Charterboats in the Commercial IFQ Program and keep the council process valid.

Phil Warren -- President



September 28, 2005

Stephanie Madsen, Chairperson  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue Suite 306  
Anchorage, AK. 99501-2252

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

Dear Madam Chair,

My name is Robert Ward, I live in Anchor Point, Alaska. I have participated in the halibut charter service for the past 20 years in every capacity from boat washer and baitboy to my current prestigious position of owner/captain, which still includes boatwasher and baitboy. I began in 1987 with a 6 passenger boat and it is still my choice of involvement level. My history is typical, time and performance has grown my business through client satisfaction, and now I consider my business to be at capacity even though there are still annual and seasonal variables that influence my final results.

I have served on the Halibut Charter Workgroup, the GHL Committee, the IFQ Committee and even served this council from 1997 through 2001 on your Advisory Panel representing charters.

I write you to request your support to reconfirm your previous decisions of April and October 2001 to include the Alaska Halibut Charterboats in the Commercial IFQ Program. The delay has only created more urgency to move this needed control into law.

I share my local community with other charters and commercial longline fishermen in an equal way and I know we can share the halibut resource in this same way also.

I oppose the GHL in every way, it does not provide any way to get more halibut for the charters, we want more fish and the GHL perpetuates the allocation battle between the commercial fleet and the charter fleet forever, with you right in the middle, it forces all charters to fight for the fish allocated, it is not fair to the developed charters to take from them to provide an opportunity for a new charter. Even with a moratorium there are now just too many charterboats to see any effect so the IFQ is still the best answer.

We need to end the debate and proceed with the process. Thank you for your consideration.

  
Robert Ward

**MEMBER:**

Anchorage Convention and Visitors Bureau, Boat Owners of the United States, Homer Chamber of Commerce, Homer Charter Association, International Game Fish Association, National Association of Charterboat Operators, National Rifle Association, North American Fishing Club, Recreational Fishing Alliance.

P.O. Box 631, Anchor Point, Alaska 99556 • (907) 235-7014 • [www.awardcharters.com](http://www.awardcharters.com)

RECEIVED  
SEP 28 2005  
N.P.F.M.C.

P.O. Box 2284  
Kodiak, Alaska 99615  
September 26, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave. Suite 306  
Anchorage, Alaska 99501

Dear Ms. Madsen:

Re: Halibut Charter IFQ's

We are halibut fishermen from Kodiak, and have taken part in the fishery since the 1980's. Halibut comprises more than half of our fishing income. We have reinvested our halibut income in IFQ's at great expense.


We are deeply concerned with the continuing open ended reallocation of halibut for charter fishermen. The Council has already acted on this issue during an eight-year public process. It is time to move forward with the issue. To revisit the halibut charter fishery now is absurd, and questions the validity and integrity of the Council process.

As other commercial fishermen who have invested in halibut IFQ's, we proceeded on the assumption that the halibut fishery was firmly structured by the Council, and not prone to unexplicable deviations in Council procedure.

Please send the message to Dr. Hogarth that the Council has already acted on this issue. It is time to publish the Council's Proposed Rule.

Thankyou.

Sincerely,



Phil and Lisa Robbins



**RECEIVED****Written comments for the North Pacific Fishery Management Council**  
**October 2005 meeting.**

SEP 28 2005

9/23/2005  
**N.P.F.M.C.**

Hans Bilben  
 P.O. Box 1176  
 Anchor Point AK 99556

To whom it may concern:

I am a 25 year resident of Alaska and a fulltime resident of Anchor Point. My wife and I operate a business called Catch Alaska Saltwater Charters. By my count I am one of twelve Anchor Point residents who operate saltwater halibut/salmon charter businesses from the boat launch facility at the mouth of the Anchor River. There are other charters who fish out of this location, but they do not reside in this community. Of the resident charter operators here, about half will be out of business if the halibut charter IFQ should become a reality—I am one of them! Anchor Point is not a hotbed of employment opportunities! There are few jobs here and most of them are related to tourism, and more directly to sport fishing... The loss of half of the charter operators in a community of this size will have a devastating impact on an economy that is so dependent upon revenues generated as a result of people coming to fish.

I was the recipient of a small IFQ when the commercial halibut fleet went to that program. Here's what it took for me to get in to commercial halibut fishing—I bought a skate of gear at a yard sale for about a hundred bucks, bought the permit and did the paperwork, jumped in my sport boat, and I was a commercial fisherman.. It was easy, cheap, and took little or no preparation... As did many recipients of the initial IFQ program, I used a boat that I already owned for other purposes. Some were sportfishers like me, and others were commercial salmon fishers who picked up a few extra bucks during the derby days of 24 hour halibut openers...

In contrast, it was a ten year process and an investment of too many thousands of dollars to launch my charter business which began operations in 1999. The Coast Guard licensing process in itself is a deterrent that keeps many prospective charters off the water---it can (and does) take years to meet all requirements. A boat used for charters will be designed and constructed with a sole purpose in mind - to carry six or more fishermen safely and comfortably. These boats are expensive, and not the kind of boat that a person would typically purchase for any other purpose. On top of that there is insurance, permitting, licensing, advertising, websites, fishing gear, etc., etc., etc....

My point here is that even though my business didn't officially start carrying fishermen until 1999, it was in the works for many years prior! While many people were investing in a 401k or other plans for their future, I was investing my time and money in a business. Since 1999 my business has grown because I offer

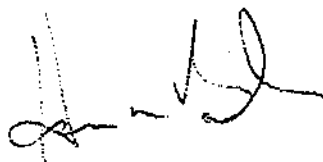
a great service at a very competitive price, and I keep my overhead low. Many of my clients are Alaskan's who like to catch and eat halibut, but don't wish to make the investment it takes to purchase boats & gear to head out on the saltwater. Under the proposed IFQ program my investment in time and money will all have been for nothing—the amount of quota I would qualify for would be far short of what it would take for me to stay in business, and at the current cost of buying IFQ, that would not be an option. While this is just my story, most charterboat operators would have a similar tale to tell.

There are fundamental flaws in both the concepts of a GHL and a halibut charter IFQ. First and foremost is the fact that charterboat operators do not catch or sell halibut! What I sell is a fishing trip—I get paid the same whether my passengers catch 12 fish or no fish. The people who come on my boat already have an IFQ—it is two fish per day!! They are the fishers, and they keep the fish. All I do is provide the boat ride, and clean their fish at the end of the day. Both the GHL and the charter IFQ are clearly attempts to limit public access to a public resource by eliminating many of the available charter operators.

Both the GHL and the charter IFQ seem to be based on the assumption that halibut resources should only be managed for the benefit of the commercial sector and that any other user group is secondary. It appears that the NPFMC has taken this position. Where in the laws of this country does it state that any public resource should be controlled by a small group of business people who have everything to gain by their policy and decisions, at the expense of the public at large?

The GHL is not a fair, logical, or biological approach to halibut management. Whether an individual chooses to fish from his own boat, or hire a charter, that access to the resource should not be denied in favor of a commercial interest. Any sport, subsistence, or recreational use of the resource should be the highest priority, and only then should a commercial piece of the pie be calculated. The commercial by-catch and waste is a much bigger issue than the entire sport and recreational fishery, and should be a priority for the NPFMC.

The charter IFQ as proposed is bogus for many reasons. As I previously stated, charter operators don't catch or sell fish! The data used to calculate any potential quota was inaccurate and in many cases totally fraudulent, as opposed to the very precise data used to calculate quota for recipients of the commercial IFQ. The individuals who developed the proposed charter IFQ plan designed it for the maximum benefit to—themselves!! There is no biological or safety related reason for a charter IFQ. The number of charter operators is not growing—it is a high turnover occupation, and the law of supply and demand will determine the actual numbers. In areas where employment opportunities are very limited, the charter IFQ would further reduce small business potential for generations to come.



## Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway  
Juneau, AK 99801



Phone 907-586-6652

Fax 907-523-1168

E-mail: seafa@gci.net

September 27, 2005

North Pacific Fishery Management Council  
Ms Stephanie Madsen, Chair  
605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

RE: Support Halibut IFQ's for the Charter Fleet

We strongly oppose the action requested by Dr Hogarth asking the NPFMC to reaffirm its position on the Halibut Charter IFQ program. We believe that this completely undermines the Council process. We believe that the only action that is appropriate for the Council to take is to reject Dr. Hogarth's request and ask that the original recommendation for a halibut charter IFQ program proceed or alternatively with no discussion of the Halibut charter IFQ program affirm support for the recommendation that the Council made in 2001. We hope that you will put aside thoughts/concerns and personal opinions of the Charter Halibut IFQ program and look at what the request Dr Hogarth made does to the Council process and the public's opinion of the Council. Dr Hogarth's action destroys the council process and the Council's credibility with the public and turns Council decisions into a political favor and whim process and not an open public process.

It is inappropriate and unfair for a Council with different members now seated to be asked to affirm the action of a previous Council as they don't have the benefit of having the information (staff reports & analysis), knowledge of the discussion that took place, and public testimony both oral and written that was presented to the Council over a four year time period. Do you want future Councils re-affirming every decision that you have made to date and will make in the future? How much faith will the public put in a Council recommendation if this precedent is allowed to be established?

The appropriate action by the Charter industry if they don't like the current recommendation is to provide an alternative that hasn't been previously considered. That action wasn't taken as all possibilities to manage the charter industry was discussed in the previous decision made by the Council. The process shouldn't be circumvented. NOAA's legal department did not find a reason to reject the Halibut charter IFQ

program, and Dr Hogarth made the request because there is no cause that the Secretary of Commerce could use as a reason to reject the plan outright.

While there have been times when we haven't liked a decision made by the NPFMC, you couldn't fault the process or that there were multiple opportunities to be heard during the process and therefore you accepted that the Council had acted and made a sound judgment using the science, balancing the allocative aspects, looking at the economics of the decision, weighing the public testimony provided and alternative scenarios. The NPFMC has been held up as the model for other regional fishery councils in several reports and is being looked at as the model during discussions of the reauthorization of the Magnuson Steven's Act. If Dr Hogarths political meddling is allowed to go forward uncontested how much support should will be left for the process (since it failed) and what kind of model does that make the NPFMC if the process can be this easily undermined?

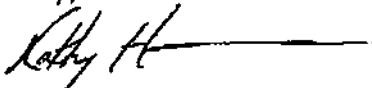
Dr Hogarth's letter asked for confirmation of support due to the length of time that had elapsed, this time lapse is not unusual for a council recommendation to be enacted.

By allowing the Council process to be undermined is the new process going to be delay a recommendation that you don't like in NOAA until new council members are appointed and the decision can be reaffirmed (and overturned).

Please look at the request itself made by Dr Hogarth and not the Halibut Charter IFQ program. If the process moves forward there is another opportunity to express support or opposition to the program when published in the Federal Register. Let the normal process proceed for this issue.

Southeast Alaska Fishermen's Alliance is a multi-gear group representing the interests of its members in salmon, crab, shrimp and longline fisheries of Southeast Alaska.

Sincerely,



Kathy Hansen  
Executive Director

September 24, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,



James S. Daniels  
Jill W. Daniels  
Box 707  
Pelican, AK 99832  
907 735 2476

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

August 17, 2005

Senator Ted Stevens  
522 Hart Senate Office Bldg.  
Washington, DC 20510-0201

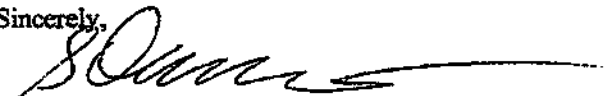
Dear Senator Stevens,

I wish to express my strong support for the passage of the Halibut Charter IFQ program adopted by the NPFMC. The NPFMC has spent 8 years working on this program; there has been plenty of time for public comment, so let's get this program going now!

I have invested over \$3,000,000 in the halibut and sablefish IFQ program as a commercial fisherman. The erosion of my quota to the halibut charter fleet is unfair and unacceptable! If the charter IFQ program is NOT passed, my life's work (28 years of commercial fishing in Alaska) may be wiped out.

I want Senator Stevens to do everything possible to get this program implemented!

Sincerely,



James S. Daniels  
Box 707  
Pelican, Alaska 99832  
907 735 2476

**GARY WILKEN**  
SENATOR  
Fairbanks



State Capitol Building  
Juneau, Alaska 99801-1182  
Tel: 451-2501 (from Fbks)  
Tel: (907) 465-3709 (outside Fbks)  
Fax: (907) 465-4714  
[www.akrepublicans.org/wilken](http://www.akrepublicans.org/wilken)  
E-Mail: Senator.Gary.Wilken@legis.state.ak.us

September 28, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

**RECORDED**  
SEP 28 2005

Sent by Facsimile

**N.P.F.M.C.**

Dear Ms. Madsen,

The agenda for the upcoming North Pacific Fishery Management Council meeting scheduled for October 5 - 11, 2005 includes a discussion of halibut charter operations on two points: (1) Report and possible action on the Guideline Harvest Level for halibut charters and (2) Review of Individual Fishing Quotas (IFQ) for halibut charter boat operators. It appears that the objective of both these discussions is to limit the catch of halibut for personal use.

I strongly oppose the setting of any limit or quota for the taking of halibut for personal consumption by an independent sportfisherman or by a sportsman fishing off a charter boat. Of the total yearly harvest of halibut in Alaskan waters less than 10% was caught by sportfishermen. Neither agenda item appears to address a conservation concern. The impact by sportsmen on this natural resource is negligible and should not be limited or restricted through arbitrary quotas.

The implementation of the IFQ plan for halibut charter operators will raise operating costs for many and the rates charged by charter operators will increase accordingly. The sportsman who does not own a boat or is not familiar with the local waters is the person who is penalized by this plan. It will cost residents and

Ms. Stephanie Madsen  
September 28, 2005  
Page 2

non-residents alike more to harvest this public resource. Halibut charter operators provide public transportation to a public resource and establishing Individual Fishing Quotas for each charter boat is unworkable, unfair, and not appropriate.

I respectfully request that the Council reconsider its 2001 recommendation to establish Individualized Fishing Quotas for halibut charter businesses and formally rescind its previous action in adopting this recommendation. Personal consumption of our natural resource should not be limited in this fashion.

Thank you for your serious consideration of this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Gary Wilken". There is a small mark below the signature that appears to be "sp".

Gary Wilken  
State Senator, Fairbanks



North Pacific Fisheries Management Council  
605 W. 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

Gustavus, Alaska

Sept. 28, 2005

**RECORDED**

SEP 28 2005

Dear Council Members:

I am commenting on your proposal for halibut IFQs in the charter boat fishery. I believe **NPFMC** an IFQ program is an essential first step in getting control of this rapidly expanding fishery. Having worked for the Alaska Commercial Fisheries Entry Commission, I know that inevitably there will be unfair situations regarding application of the IFQ system to individuals. This is unfortunate but unavoidable under a bureaucratic government system. I think you need to move ahead anyway with a program that you developed on the basis of a lot of thought, a special working group, and thousands of public comments.

I live in a small community on Icy Strait in Southeast Alaska. Here we see a rapidly growing sport take of halibut and the threat of a local depletion of halibut not far off. A cruise ship dock was established in Hoonah last year, and an increase in the number of ships using that port is expected next year. How long will it be before a fleet of charter boats starts offering half-day charters for the cruise ship passengers? Charter boat fishing is already increasing steadily here. Statistics for 2004 are not yet available, but between 2002 and 2003 the halibut catch in Icy Strait by all types of sport fishing (charter and non-charter) was estimated to have increased by 38% (ADF&G Sport Fish Div. figures).

Without an IFQ program or other effective limit, the charter boat fishery is reallocating halibut from both the commercial fishery and from local people fishing for their own food.

This year many people reported catching smaller fish. With the two-fish limit, it sounds as though even more halibut were released than usual by fishermen hoping to fill their limits with larger fish. Already in ADF&G reports that in 2003 about half of all sport-caught halibut in area 2C are released.

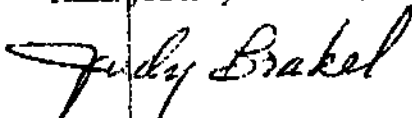
While the commercial fishery has operated with fish tickets for many decades, a data source that is pretty sound and timely, data for the sport fisheries are partial and not timely (dred census in some ports, some of the time, and a post-season mail-out survey). This flakey situation is another reason for reining in the charter fishery and requiring good data under an IFQ program.

As long as the IPHC manages halibut on the basis of very large areas like 2C and 3A there are few regulations in place to defend us from local area depletions. While charter boat IFQs are a good start, they will not solve all our problems. For example, a sport fishing lodge in Excursion Inlet along Icy Strait simply sends their clients out in skiffs without charter captains, usually four people in each boat. Reportedly their clients receive gps coordinates for good halibut spots, and we see anchor bouys in some good places,

evidently set by a helper boat that patrols their fleet. Doc Warner's lodge has 28 skiffs and 100 clients/week. Part of their package is two boxes of fish frozen and shipped per person. A second lodge of the same type of equal size is under construction in Excursion Inlet.

I am attaching a letter that the Gustavus City Council recently mailed to you (mailed Sept. 26, probably too late to make your deadline for written comment). Earlier our City Council had been persuaded by several charter boat fishermen to pass a resolution opposing halibut charter boat IFQs. This took place at a City Council work session without proper notice to the public that the issue would be on the agenda. Many commercial fishermen were displeased when they learned about it. Eventually the City Council recognized that they should have stayed out of this issue, and that they did not have the expertise to make a decision about it. I learned that none of them had read the actual IFQ proposal. In any case, the attached letter basically retracts the City Council's earlier resolution, and states that "It is inappropriate for this city council to attempt to influence decisions made in matters pertaining to fisheries or fish allocation."

Thank you for your attention



Judy Brakel

Box 94

Gustavus, Alaska 99825 e-mail [urigori@gustavus.ak.us](mailto:urigori@gustavus.ak.us)

North Pacific Fishery Management Council  
Stephanie Madsen, Chair  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, AK 99501  
99501

**RECEIVED**

SEP 28 2005

**N.P.F.M.C.**

I am a halibut fisherman. A halibut IFQ shareholder and a charter fishing company owner. I have been earning 100% of my living catching halibut since 1995. I therefore would qualify for the maximum initial allocation, if your Council approves the Charter IFQ plan. I also derive a significant portion of my income by long lining my halibut IFQ. I have over 1 million dollars invested in fisheries for Halibut. It is in my best interest to that you make the right decision.

*I am opposed to the Charter IFQ plan for several important reasons.*

First, it took eight years to "fast track" the Charter IFQ plan. Since the Council, did not enact a moratorium, hundreds of new entrants invested heavily in the charter business and will be shut out of the industry. The cost of commercial quota shares has more than doubled making buying in to the fishery impossible for any charter operator. Furthermore, the quality of the data being used to determine the charter harvest is suspect. The past port sampling efforts are in no way adequate to determine the true charter harvest. I feel that you could be allocating fishing rights based on poor data. Finally, the concept is just plain wrong for recreational fishing and the charter industry. That is why it has not been used to manage any recreational fisheries anywhere else in the country

What should the council do? Well there is an obvious need for management of the charter industry to prevent over capitalization and to keep the charter industry within the GHL allocation and it needs to be done this October.

I would suggest the following:

- 1) **IMMEDIATELY** enact a 5 year moratorium on any new entrants into the guided halibut fishery effective Oct 5, 2005. Any vessel that fished on saltwater prior to that date and can prove it by submitting an ADF&G log book is in. Everyone else is out
- 2) Moratorium permits should not be transferable for a period of three years
- 3) Halibut catch logbooks should be required
- 4) Enact an annual halibut charter user fee. This fee should be used exclusively to conduct a comprehensive 3 year study of the actual charter harvest and the socio-economic impact of the charter halibut fishery
- 5) After the study is completed, create a working committee of moratorium qualified charter operators to develop the least economically damaging restrictions to keep the charter industry with the GHL or a GHL created from the new data.

This plan will be the most inclusive way to rationalize the Charter industry without causing grave harm to existing operators.

Sincerely

Andy Mezirow

Halibut Fisherman and Citizen of the State of Alaska  
PO Box 2794  
Seward, AK 99664

Ann Bayes  
DeepStrike Sportfishing  
P.O. Box 575  
Anchor Point, Alaska 99556

September 27, 2005

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2252

Dear Council Members:

I am writing in regard to your reconsideration of the proposal for Halibut Charter IFQ's: Draft Agenda, 173<sup>rd</sup> Plenary Session, Oct. 5-11, 2005, Public Comment regarding Agenda Item: C-1.

Year's ago there were annual incidents off of Deep Creek with fishermen on undersized boats with inexperienced skippers having horror stories to tell of their halibut fishing trips. Nowadays, more often than not, folks just decide to go out with a charter skipper instead. The exponential growth since the early days has tapered off since the Charter IFQ's were first proposed. There simply is not the infrastructure capacity for unlimited growth.

Let's take another look at how to effectively protect the resource and provide a quality fishing experience for sport fishers. The proposed IFQ plan does not stand up to close scrutiny for several reasons:

1. The basis for initial quota shares is based on unverifiable data.
2. There is a huge economic impact which has not been adequately considered to be borne by the coastal communities of the Kenai Peninsula.
3. The current plan does not serve to protect the resource which can be better accomplished through catch limits for individual license holders.

Thanks for the opportunity to comment. Your reconsideration will be greatly appreciated.

Sincerely,

  
Ann Bayes

RECEIVED  
SEP 28 2005  
N.P.F.M.C.

## Captain B's Alaskan C's Adventures

PO Box 66  
Homer, Alaska 99603-0066

Dear Council Members,

My name is Bryan Bondioli. I own and operate Captain B's Alaskan C's Adventures in Homer. Thirteen years ago I bought a one-way ticket to Homer and worked within the charter industry. In time, I earned my sea time and secured my skipper's license. My goal was to own and operate my own charter company. Meanwhile (mid 90's), I heard rumblings from charter operators about a cap or moratorium on "new" charters. I did my research!! I contacted the Ak Dept. of Fish and Game and the U.S. Coast Guard in Kenai and Anchorage (those who issue licenses to charter operators). I went through the political channels to the Governor's office and the office of Sen. Ted Stevens. The answers were all the same: "There's nothing in the works." Sen. Stevens went further to say "Even if something is ever written, I would be grandfathered as an existing participant." Therefore, I took the leap, obtained a sizeable loan, and began Captain B's Alaskan C's Adventures in June '97.

I am now entering my 9<sup>th</sup> season as a boat owner/ operator and serve an ever growing clientele of good sportsmen. While my father expended nine years to earn a doctorate and the credentials to practice "anywhere", my thirteen years of participation in my trade will not be enough to qualify me to take clients fishing. I will probably be forced out of business with a huge debt, thanks to the proposed Charter IFQ - something is very wrong here!

One popular rationalization among Charter IFQ supporters is that the charter fleet is too large and growing. Charter Boats are transport vehicles only - nothing more! Licensed sportsmen catch halibut. Licensed skippers DO NOT. To correlate boat numbers with Halibut harvest is inappropriate. Although the charter client harvest has increased at a minimal rate: the number of sport fishing licenses sold has held steady or declined in each year for the last decade. The number of saltwater charter businesses and registered vessels has declined every year since 1999. The hidden motive for attacking "new" charters is also to eliminate competition for the charter dollar. Clients should be earned! Offer a good product and the public will choose you. It is not free enterprise to ask to be guaranteed an economic future without expending any effort to earn it.

The charter IFQ proposal has ignored the economic impact on all coastal communities that offer charter fishing. If over half our charters are eliminated, over half the fishermen can not be served and won't come to Homer (or Alaska). That number will easily be in the thousands (Remember: The "qualified" charters are already near or at capacity). Every fisherman travels with a family or group. The need for accommodations will be reduced by at least 50%. Meals served and groceries sold will be cut in half. Sales of souvenirs, sports supplies, vehicle rentals, fuel, etc will all be reduced proportionally. I spend over \$60 K/year on goods and services in Homer alone to operate my 6-pack charter. Multiply that figure by the number of charter owners forced to cease operations and the economic impact will be horrific! People do visit Alaska for other activities, but by far the most "repeat" visitors are here to fish!

If the Halibut Share Quota is divided among the charter minority (IFQ supporters), there will instantly be a shortage of charter spaces. Without competition and applying the laws of supply and demand, charter rates will surely rise and further discourage even more fishermen from choosing travel to Alaska.

Paralleling the depletion of the charter fleet and economic devastation, but possibly the most appalling is that the percentage of halibut currently allocated for Sportsmen can be lost forever! As the Charter IFQ proposal is written, in time, "the sport-caught" quota may be sold to the commercial fishing community. This feature is most assuredly the component of the IFQ proposal that earned its swift advancement through the advisory and regulatory councils (remember: the overwhelming majority of every management body has commercial fishing ties). This gives credence to the real probability that this is the much deeper root-cause to the Charter IFQ proposal. No boat owner should ever be awarded or "own" sport caught fish!!

There is no honest or ethical principle in support of the Halibut Charter IFQ. I have yet to hear from a supporter who will not stand to benefit financially (hundreds of thousands to millions in quota equity). We all share concerns for the future of the halibut biomass. If there ever is a decline, the regulatory commissions need to look far beyond the sportsman as its cause. Chartering is a clean enterprise! Their boats remove no fish themselves. Their clients utilize all retained fish and release all unwanted fish alive.

If the IFQ plan is implemented, there are only a small handful of community members who will reap rewards in the short-term with a much greater percentage of the community enduring economic hardship and in many cases financial devastation. The initial rumblings of regulating the charter fleet and the federal snowball which followed through the years have been motivated, not by environmental or biological necessity, but by politics and greed. This action puts Alaska as the only state in the country to restrict public access while opening the door for major commercial entities to monopolize and actually own the availability to this public resource. The IFQ plan was initially proposed as a means to end the political rambling while appeasing the major entities involved.

The ramifications to charter fleet and the community as a whole were not considered. Many operators, like me, have devoted more than half of their lives to nothing but the charter fishery in Homer: Raising families, paying taxes, and spending their earnings supporting our hometown. Nearly all of us have paid our dues; from fish hauler to filleter, to earning our sea time as deckhands, skippering vessels for other owners saving every possible dime to eventually run our own boat. Purely due to timing, we stand to lose our opportunity.

Unfortunately, the economic impact from a largely reduced number of charter operations will cascade throughout our communities. At this point, the majority of those pushing for the IFQ are looking to make a substantial profit from a public resource. This attitude is purely self serving with no consideration for the community. With a growing charter fleet over the years, this action offers the opportunity for early retirement for a select few (with a fat check). **The spirit of free enterprise, fair business tactics, and quality service should dictate the natural attrition of our fleet: NOT POLITICS AND PERSONAL FINANCIAL GAIN.**

The following is an example using my own charter business and the potential losses to only the community of Homer if the proposed Charter IFQ becomes regulation. You should be able to use this to get an idea of how this measure will also affect YOUR communities. Since the inception of my charter operation, I have been committed to improving the quality of my clients experience in Homer, AK. When my clients have experienced the "greatest adventure of their

lives", they are eager to return to Homer and spend their money. The quality of my service, and the effort I extend have resulted in 65% of my clientele changing from a "once in a lifetime trip" into an annual or bi-annual source of income for the community of Homer. Since the final IFQ qualifying years, my business has achieved and maintained a client base of over 600 people. If the IFQ measure goes through, as written, I will lose up to 60% of my potential. As it stands now, my annual business expenditures in Homer conservatively average over \$60,000. This represents only my expenses which are spent directly in Homer -fuel cost, maintenance/labor, harbor fees, Gear Shed, visitor guide advertising, chamber dues and donations, etc. This does not include outside costs of operation -insurance, fishing gear, boat loans, costs of re-powering (necessary to continue operation and remain competitive), or any unforeseen expenditures. The argument in favor of the IFQ is that those who are not issued adequate shares may purchase quota, at fair market value, from those who were awarded excess quota. Not only is this conceptually unfair and inappropriate, but the majority of us who will be hurt by this simply cannot afford an additional \$200-400,000 expense just to maintain a full season. We do not fish because this is a lucrative business; we do it because we love sharing our adventures with others. We cannot absorb this additional debt and most of us will be forced out of business. Not only will we see an significant decrease of our charter fleet, but I also feel that a good percentage of those with excess IFQ will sell out, retire, and leave Homer in the near future; even further reducing the volume of people drawn to Homer.

I am only a small charter operation. You can see if I am no longer in business, there is an immediate economic loss to Homer. What you may not see are the losses to the community as a whole. Although each of my clients pays me about \$200/day, they spend far more on a daily basis within Homer. Assuming that the majority of my clientele travel with at least one or more family members who may not go fishing, you can assume that these estimated expenditures for each angler can be, at least, safely DOUBLED to reflect actual dollars for the community. The following are not documented numbers, however they are very conservative and very believable for the purpose of this example. Here is a brief, yet incomplete, summary of the approximate non-charter daily expenditures for an average individual client in Homer alone:

1. Processing 30-50# (frequently more) of Halibut at our local processors daily. Minimum cost \$150-200.
2. Each individual pays about \$50 nightly for accommodations
3. He eats at least 2 meals a day purchased in Homer- average cost about \$30-35/day.  
(Those clients who do not buy charter lunches often spend money at our local supermarket.)
4. The average client probably spends at least \$20 at some of our local gift shops. This does not include the volume of money his wife spent while he was on the water.
5. The average client probably spends at least \$10/day (2 drinks) at our local watering holes. Everybody has to have at least one drink at the Salty Dog and at least one at Alice's- \$10 can escalate into much more in these establishments.
6. The average client usually spends \$5-10 on laundry at least once during his/her stay in Homer.
7. The average client will fill the gas tank in his rental car or RV, at least once during his/her stay in Homer -minimum expense of \$30. (or cab fare)

This rough estimate reflects the expenses of my average client. This does not include the cost of my service, the cost of Derby tickets, or the expenditures of the clients' family and friends. This average expense of \$300-\$350 daily is spread throughout the businesses in Homer and the members of our community. If you total the loss of my clientele alone throughout the season, 600(+) x \$300-\$350/day, you will see an annual loss of \$180,000-\$210,000 to businesses other than my own, along with of my direct expenditures of \$60,000+. This is a

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Continuation Bryan BONDOLI

minimum annual net loss to the COMMUNITY of Homer of \$240-\$270,000 just from the loss of one charter- one six pack charter. If you expand this figure with the potential loss of up to 50% of our charter fleet, the final minimum losses to the COMMUNITY of Homer range well into the millions of dollars each and every year. Can the Alaskan Coastal Community survive this economic hardship? NOW is the time to protect the future!!!

Thank you all very much for taking the time to review and discuss this issue which, not only may be the key to the survival of the Alaskan Charter Fleet, but most importantly that of the Alaskan Coastal COMMUNITIES.

Sincerely,

Bryan E. Bondioli, Captain, Owner-Operator  
Captain B's Alaskan C's Adventures  
P.O.Box 66  
Homer, Ak. 99603  
Phone: 907-235-4114 email: [ashtikan@ptialaska.net](mailto:ashtikan@ptialaska.net)  
[captainb@alaska.net](mailto:captainb@alaska.net)

According to Jane Dicosimo NOAA, theoretical 2005 Charter Quota Allocation for area 3A would be 4,109,000lbs. This would be NOW when we are at an all time high level of abundance. The numbers will only go down. This would be distributed among 568 qualified owners (*Not the number of vessels*). (Community Set Aside removal. Total poundage off the top from the Charter sector 340,000 lbs. 3A) = 207,400 lbs.). Don't forget that holding IFQ share is a privilege given by the Federal government: And "can be reduced, revoked, or removed at any time without cause or public comment".

4,109,000

-207,400 C.S.A

3,901,600lbs Charter quota 3A (Cook Inlet, Kodiak, All of Prince William Sound)

For the purpose of this calculation: (operators defined as vessels, they are far more vessels than qualified owners)

6-pack Charter full season is 100 days at capacity (6).

An inspected vessel full season is 90 days with 16 clients.

I have calculated 19 inspected vessels (Homer harbor only) into the equation.

- All calculations are based on one trip/day.
- No one was considered as holding any excess shares (historical reward), nor was there consideration for any double, or nighttime (double limit) trips (Anchor Point, Ninilchick, Deep Creek, etc. -evaluated at 1trip/day).

568 qualified vessels: consider 284 (1/2) at 100%, 142 (1/4) at 50%, 142 (1/4) at 25%



Continuation of Bryan Bondioli

	19 boats at		
	<u>90 days x 16 people</u>		
	27,360 people x 2		
	= <u>54,720 fish</u>		
X 19 lbs	1,039,680 lbs.	X 20 lbs	1,094,400 lbs
284 (100%) - 19 inspected vessels = 265 six packs at (100%)			
	265 boats at (100%)		
	<u>100 days X 6 people</u>		
	600 x 2 x 265		
	= <u>318,000 fish</u>		
X 19lbs	6,042,000 lbs	X 20lbs	6,360,000 lbs
	142 boats at (50%)		
	<u>50 days X 6 people</u>		
	300 x 2 x 142		
	= <u>85,200 fish</u>		
X 19lbs	1,618,800 lbs	X 20lbs	1,704,000 lbs
	142 boats at (25%)		
	<u>25 days X 6 people</u>		
	150 x 2 x 142		
	= <u>42,600 fish</u>		
X 19lbs	809,400 lbs	X 20lbs	852,000 lbs
<b>Total poundage required in 3A under this scenario</b>			
@ 19lbs	9,509,880 lbs.	@ 20lbs	10,010,400 lbs

Compared with the quoted allocation poundage: 4,109,000 - CSA = 3,901,600 lbs (3A)

Using this model: boats would receive @ 19 lbs. 41% and @ 20 lbs. 39% of the above theoretical distribution. Inspected vessels would receive 36.9 days @ 19 lbs and 35.15 days @ 20 lbs. Six Pack vessels would receive 41 days or 39 days respectively (if at the 100% level). There will be no "historical reward" for anyone! Commercial quota is currently trading in 3A @ \$23/lb. If you factor the above exclusions it gets worse from there. Halibut Chartering in Alaska will cease to exist! Tourism generated by the charter industry will cease to exist as we know it!

Given the fact there's an included provision for potential lease and sale to the commercial sector at 10% and 25% initially in three years; I have further developed using the Same exclusions but considering the allocations of full seasons and using 19 lbs./fish.

3,901,600 lbs NOAA quota theoretical '05 allocation 3(A) - CSA

*Continuation Bryan Bondioli*

Minus 10% 390,160  
 Minus 25% 975,400 (initially)  
 2,536,040 lbs.

Subtract 1,039,680 lbs. (Homer's 19 inspected vessels @ full capacity)  
 1,496,360 lbs remaining for six pack vessels  
 Divided by 22,800 six pack at capacity  
 65.5 would be the remaining six pack charters for all of 3A

\* CURRENTLY ISSUED Commercial Quota Share Holders  
 (Only this chart and the statistics quoted were produced by NOAA)

<u>Alaskan</u>		<u>Non-Alaskan</u>	
<u># of persons</u>	<u>QS Units</u>	<u># of persons</u>	<u>QS Units</u>
2,647	199,691,647qs	667	131,946,710qs

Quota share units converted to pounds

AK. Resident (60.21%) 34,305,249.6 lbs. Non- Res. (39.78%) 22,665,052.8 lbs.

Total 3314 "Unique individuals" currently control 56,976,000 lbs. Halibut. Not including remainder of 2004 Allowable unharvested catch which increases the Longline TAC over 60,000,000lbs.

	1995	2003
***Commercial Harvest	33.96 mil. Lbs.	60.53 mil. Lbs
Comm. Halibut Bycatch (dead)	14.96 mil. Lbs.	13.05 mil. Lbs.
Sport/Charter combined Catch	6.35mil. Lbs.	7.09 mil. Lbs.
• Charter Catch	4.00mil. Lbs.	4.47 mil. Lbs.

According to NOAA 568 (3a) and 539(2C) charter operators (*Not vessels*) have been determined as potential qualifiers. (There is no way to determine which vessels are halibut/salmon charters) Providing they successfully qualify, these 1107 operators will be allocated a total of 5.71 mil. lbs. Statewide. Charter captains do not catch fish, their client do. The International Halibut Commission and the Alaska Dept of Fish and Game studies show the Halibut stock to be healthy and stable. Recognizing this, both agencies allow the recreational angler to harvest 2 halibut per day throughout the season. The numbers will only go down. Under the Charter GHL and IFQ programs the opportunity to safely harvest that resource will be significantly eliminated. *Calculated at 20#/fish; the maximum available number of Halibut available to catch on a charter boat statewide would be 285,500 fish.*

*Continuation Bryan Bondioli*

This allows for only 1/4 of the licensed anglers to catch 2 twenty pound halibut before the statewide catch quota is exceeded.

- It is unlawful to restrict the opportunity for the recreational angler to harvest his/her rightful Halibut to protect the economic control of 3314 individuals.

Alaskan Residents = 644,000  
Resident Anglers = 188,000  
Non-Resident Anglers = 317,000  
U.S. Recreational Anglers = 45-50,000,000\*\*

This shows that 3314 "unique individuals" own and control 92.6 % of the natural resource and FULLY control the right to access that resource.

- There is an unacceptable inequity with regard to ownership of the Public Domain.

\* NOAA Fisheries Service  
PO Box 21668  
Juneau, Alaska 99802-1668

prepared April 07, 2005  
Random Access Division  
800-304-4846

\*\*Freedom to Fish Bill - Federal evaluation  
-Alaska Dept. Fish and Game 2004 license receipts

\*\*\*Harvest records International Pacific Halibut Commission  
Bycatch statistics Alaska Marine Conservation Council

# Alaska Fisheries Information 1995-2003

	Year	A)Finfish Bycatch	B)Halb. Catch	C)Halb. Bycatch	D)Sports Catch	
1	1995	662.80	33.96	14.96	6.35	
2	1996	636.70	37.50	14.93	6.97	
3	1997	662.81	52.37	14.62	7.78	Highest Catch Year
4	1998	346.90	56.13	14.09	7.32	
5	1999	345.53	61.15	14.41	6.18	
6	2000	347.40	57.01	13.56	7.65	
7	2001	276.76	59.73	13.67	6.65	
8	2002	314.71	61.74	13.69	6.35	
9	2003	321.55	60.53	13.05	7.08	Last Recorded year

All figures are in millions of pounds.

- a) Total commercial finfish bycatch mortality which ranges from 6.5% to 9.6% of their total catch.
- b) Total commercial halibut catch.
- c) Total commercial halibut bycatch mortality.
- d) Total recreational and charter halibut catch.

The source for bycatch mortality is the Alaska Marine Conservation Council.  
 The source for catch totals is the International Pacific Halibut Commission.

**B) Commercial Halibut Catch: '95-'03**  
 2003 60.53M  
 1995 33.96M Subtract

**Up 26.57 Million lbs from 1995. 78.24% Increase!**

**D) Sports Catch: 1997 (Highest Year) 7.78M**  
 2003 (Last Recorded Year) 7.09M

Note 0.69M difference Sport Catch from 1997 through 2003

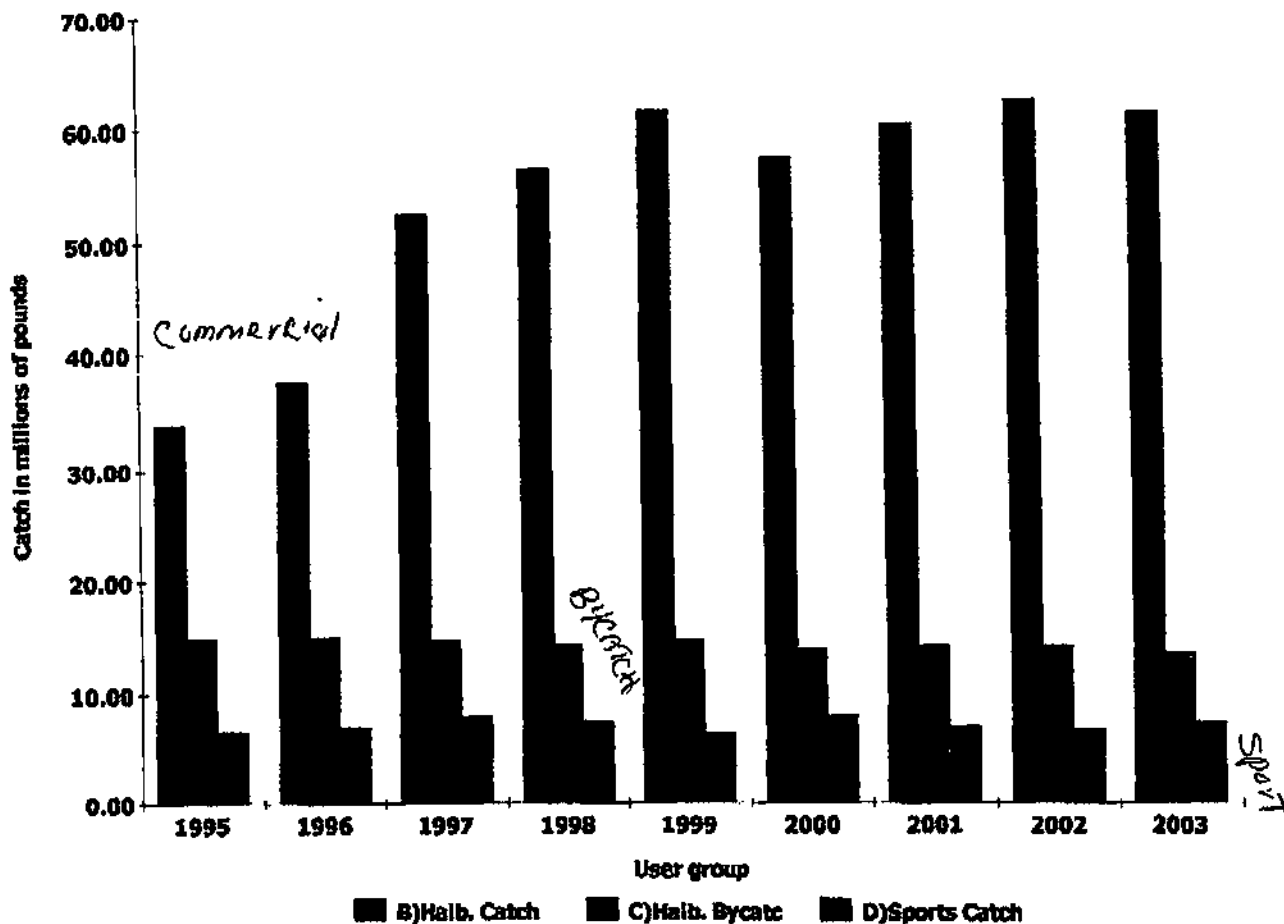
**C) Bycatch which is Documented has always exceeded the total sport catch.**

**ALASKA FISHERIES INFORMATION 1995-2003**

The source Commercial Catch, Halibut Bycatch and Sports Catch is the International Pacific Halibut Commission.

Sports Catch includes all recreational users - Private and Charters. Charter catch is approximately 60% of the total sports catch.

**Comparison of User groups**



Jeremiah D. Campbell  
P.O. Box 1586  
Seward, AK 99664

North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Ave  
Suite 306  
Anchorage, AK 99501-2252

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N.P.F.M.C.

Subject: Sport fish Halibut IFQ

Dear Ms. Madsen:

The purpose of this letter is to express my opposition over the pending Sport fish Halibut Charter Individual Fishing Quota (IFQ) being considered by the NPFMC. I have been a resident of Alaska for over 36 years and have operated a sport fish charter service in Seward for the last three years. The following are key points, which I am asking you to consider when making your decisions at the upcoming NPFMC meetings.

I do acknowledge the need for responsible management of the guided halibut fishing industry. Since there is no accurate, current harvest data, I would suggest developing a system for collecting real, accurate data prior to making any future allocation decisions. While gathering data, I would suggest working with the State to implement a temporary moratorium on new entrants (registered sport fish guides) into the fishery. I would like to see a control date set as of No later than Sept 1, 2005.

My reason for the moratorium would be that I feel that with responsible management practices you can't have an open access fishery (unlimited guides) when you are working under a closed allocation (GHL). I am willing to work under the GHL for now as long as there are validated harvest records for the guided fleet. I feel the current harvest data that we now have is an educated guess, at best.

I feel that the best way to manage the sport fishery for halibut is to simply regulate the number of guides that can participate in the fishery, not by issuing IFQ to a few select guides that were in the fishery 7 or 8 years ago. I believe the people that are lobbying for this are only looking at this as a windfall for themselves. In reality the IFQ process for the sport fishing fleet, which absolutely can not be compared to the IFQ of commercial harvesters, is nothing more than an allocation battle between user groups.

In closing I feel that if the council does not choose to implement the Sportfish IFQ it would be in the best economic interest for everyone involved. I believe that if you limit the number of guides in any given area, and the overall total number of guides in the industry then half of the battle is over. The rest is a matter of getting accurate harvest data, and then at that time start any restrictions as far as TAC, etc if the guides are going over the GHL.

Thank you for your time and consideration.

Sincerely,

*Jeremiah D. Campbell, Guide # 2159*

Jeremiah D. Campbell  
Alaska Northern Outfitters, LLC  
P.O. Box 1586  
Seward AK 99664



## Port of Call Gallery & Gifts

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N.P.F.M.C.

September 25<sup>th</sup> 2005

To Whom It May Concern:

Let me begin this letter by stating that I already know emotional appeals should not come into play when trying to discuss an issue such as Individual Fishery Quotas. But it's hard not to become emotional, especially when your own livelihood will be so drastically impacted by the implementation of such a radical proposal.

I am the owner of *Port of Call Gallery and Gifts*, a small business just starting out in Whittier, Alaska. Besides retail sales, my business also serves as a booking agency for **all** of the boats in our local sport-fishing fleet. If the IFQ proposal were to go through, it would spell the end of all but **ONE** of the charter-boat outfitters I currently schedule bookings for. As *Port of Call* is only in its first year of operation, this decision would effectively cripple my business before it even had a chance to get off the ground!

Please think before you make this decision. Think of the devastating impact this will have on the countless local businesses that make up the core of our harbor communities. Think of the trickle down effect; think of the revenue that will be lost from our hotels and gift-shops, our restaurants and bars, even our grocery stores, coffee-shacks and laundry mats -- all of whom depend on the sport-fishing industry to bring in those much needed summer vacationers and tourism dollars!

Over the past few months, I have written several letters voicing my concerns on this issue and in every case I have received a generic '*signed-with-a-stamp*' reply essentially stating that the IFQ resolution is a '*done deal*'. I have already apologized for being emotional on this subject, but how can one seem rational when it would appear all sense of logic has vanished from our local government and the Council as well? If we are so concerned with the protection of our resources and the stability of our fisheries, then why aren't we targeting the commercial fleet?! Why aren't we imposing limits on them? The by-catch of the commercial fishing industry alone is more than the sport-fishing industry takes in all together!

It seems apparent that this sad decision has already been made and that my view has no relevance. My opinion is simply not what you wish to hear. And why should it be? I have no multimillion dollar corporations standing behind me, there are no lobbyists petitioning in my corner! But if the IFQ proposal is indeed slated to be passed, I ask that you please, please consider '*grandfathering-in*' some of the more recent charter companies. Since this



issue has been dragged through debate for so many years, it seems only fair. I realize you will counter my request with the argument that these businesses will be granted the opportunity to buy back into the system. This defense only further demonstrates your woeful lack of knowledge of the trouble facing our local 'small-town' economies. With the already high cost of their overhead expenses, plus the additional burden of rising fuel prices, most of these businesses simply will **not** be able to afford the market share price for quota.

I suppose I'll just have to learn to live with IFQ's and adjust my business to deal with their impact. **And there will be an impact.** Next summer, I probably won't be looking at those commonplace photos that are always splashed across the front page of our newspapers in quite the same way. I won't want to look at those photos, those images that have pretty much become one of our Alaskan mainstays --- those pictures of the proud vacationing angler showing off his **ONE** (or two) trophy halibut. Instead, I'll most likely be looking at the classified section, viewing the listings of fishing boats, recognizing far too many of the people **behind** the ads and picking out the vessels that once belonged to formally successful colleagues. And I'll be looking out of my own office window, staring down into the Whittier Small Boat Harbor to take in the sight of at least **eight** hulls flaunting orange 'For Sale' signs in place of white guide stickers and serial-numbers. Truly terrible, how businesses that have achieved success and are currently thriving will be targeted and punished. Meanwhile, the businesses that failed years ago due to their own mismanagement stand to inherit a small fortune simply because they were lucky enough to cast their lines out during those few arbitrary years!

In closing, I urge you to **please, please** reconsider the IFQ proposal!

Sincerely,

**Meagan Zimpelmann**  
**Owner: Port of Call Gallery & Gifts**  
**Whittier, Alaska**  
**(907) 398-8582**

**Winter Mailing Address:**  
**PO Box 2693**  
**Soldotna, Alaska 99669**

September 26, 2005

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N.P.F.M.C.

Dear Ladies and Gentlemen of the North Pacific Fisheries Management Council:

Over the many years of the charter IFQ process, we have written you numerous letters on this subject. We hope you have revisited all the public testimony that has been submitted to you. Your group has rightfully twice passed this plan for consideration on to the National Marine Fisheries Service based on this testimony.

We have fished halibut commercially in Areas 2C and 3A for 30 years. We believed in the IFQ program you set up for the commercial fleet. After the program was upheld by the federal courts, we began purchasing halibut quota shares in good faith that the federal program was a safe investment if the resource stayed healthy. In 1997 we borrowed \$75,636 to buy quota in 3A and 2C. In 1998 we borrowed \$12,304 and in 2003 \$117,527 for the same purpose.

The commercial charter fleet needs a program like the one you set up for the commercial halibut longline fleet. Their admitted catch has increased 43% in Area 2C in eight years. In 3A, it has increased 18% over the same period. It is likely they have exceeded their GHL in 2004 and 2005, according to Alaska Department of Fish and Game statistics.

If the halibut IFQ plan for charter boat owners is not recommended to the NMFS, please do not reallocate the halibut IFQs I bought on the open market to a businessman who has not thought out his business model.

If the commercial charter fleet did not charge the public to take them fishing, we would not be writing this letter. They are, in truth, a commercial fleet, not a sport fleet. Please tell NMFS Director Hogarth to let the public process continue.

Under the proposed regulations for the charter halibut IFQ program, charter boat owners have been given 125% of their two best years as a basis for allocation. Commercial fishermen were limited to an average of five years' worth of their catches.

The subsistence, personal use, sport and commercial fishermen have fished the Sitka area in harmony for over 100 years. We never had to deal with localized depletion nor did we have to set up a local area management plan (LAMP) to protect the stock until the charter fleet showed up in uncontrolled mass numbers.

Sincerely,  
*Walter C. Pasternak*  
Walter C. and Megan R. Pasternak  
Box 830  
Sitka, AK 99835

Date: *Sept 28, 2005*

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**N.P.F.M.C.**

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely, *Tom Will*

Address:

*1938 Wildwood Lane*

*Anacortes, Wa.*

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

September 27, 2005

To: Stephanie Madsen, Chair  
NPFMC  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

From: Gerry Merrigan, 2-C Halibut QS holder  
Box 1065, Petersburg, AK 99833

Re: C-1(b): Halibut Charter IFQ

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N.P.F.M.C.

Madam Chair and Members of the Council,

The August 3, 2005 letter from Director Hogarth to the NPFMC calls for an action that is inconsistent and contrary to the Council public process and MSA. The Council has done its work on this issue and has affirmed its support of the program in three separate votes on this issue (twice at the April 2001 meeting, and the October 2001 meeting). Dr. Hogarth asks for yet another additional affirmation while citing unsubstantiated non-specific concerns. The Council should decline Dr. Hogarth's request as no further affirmation is necessary since this is the most overly affirmed single issue in Council history. Instead the Council should request that NMFS should honor the existing public process as outlined in MSA. The Council has done its job, NMFS should do theirs.

The Council has had an extensive public process on resolving the allocation issue between two commercial halibut groups: charter and longline. This public process began in 1993 and culminated in the charter halibut IFQ program which passed the Council in April of 2001. The Council did its work. It is time for the Secretary (and his designees) to do their work which is to either issue a proposed rule while soliciting public comment or make a determination that the plan is inconsistent with applicable law (and if so, notify the Council of the specific inconsistencies). Nowhere does MSA provide for the Secretary to second guess the regional council and cite generalized unsubstantiated concerns.

#### MSA 104-297 (b) Review of Regulations

*(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, this Act and other applicable law. Within 15 days of initiating such evaluation, the Secretary shall make a determination and (A) if that determination is affirmative, the Secretary shall publish such regulations in the Federal Register, with such technical changes as may be necessary for clarity and an explanation of those changes, for a public comment period of 15 to 60 days, or (B) if that determination is negative, the Secretary shall notify the Council in writing of the*

*inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, plan amendment, this Act, and other applicable law. [emphasis added]*

If this issue is to return to the Council, it should be done via the proposed rule process with the Secretary outlining specific concerns. If the Council takes up the entire issue again without going the proposed rule process, this will directly contravene the public process which has made the NPFMC a successful regional management council. Without specific concerns to address, the Council will be making a large unnecessary commitment of future Council time, staff time, and the public's time to re-visit an issue in a highly irregular process.

In the course of the re-authorization of the Magnuson-Stevens Act, the NPFMC has been held up as an exemplary model of a successful regional management council. A cornerstone of that success has been the public process.

*"The North Pacific Council conducts a transparent public process by incorporating diverse views into its decision making, and ensuring open public debate regarding the best paths to follow when making difficult decisions. The North Pacific Council accepts public comment at all meetings on all issues addressed, and the Plan Teams, AP, and SSC also receive issue-specific public testimony." Testimony of Sue Salvesson, NMFS to the Subcommittee on Fisheries and Oceans, 7/7/2005.*

*"One of the keys to successful fishery management is incorporating diverse views into decision making through a transparent public process. Council meetings are open, and public testimony - both written and oral - is taken on each and every issue prior to deliberations and final decisions. Public comments are also taken at all Advisory Panel and Scientific and Statistical Committee meetings.... Regulatory changes may take a year or longer to develop, analyze, and implement, particularly if complex or contentious. All Council decisions are forwarded as recommendations to the Secretary of Commerce, for review and approval." Testimony of Stephanie Madsen, Chair NPFMC to the Subcommittee on Fisheries and Oceans, 7/7/2005.*

The Council should act consistent with the public process described by the two eminent speakers above. In examining the history of this allocation issue [See Attachment 1], the Council has made slow and steady progress over twelve years making sure the public and specifically the charter industry had ample opportunity and consideration for input. The input has consisted of numerous charter industry committees (with both charter and sport representation), scheduling of the agenda item for Anchorage-only meetings, time-certain scheduling, and postponement as needed by the charter industry. The Council has bent over backwards to accommodate the needs of the charter industry and the public in this protracted process. A poll conducted in Anchorage immediately before final action indicated that the public was well aware of this issue.

In the chronology of this allocation issue, there were eight years of debate and 8,000 comments. There are also a few recurring themes. Over the course of years, the charter

halibut harvest has continued to grow and increase. However, at every juncture there was always someone asserting that the harvest is not increasing or is not likely to grow in the future. In every instance, this has proved inaccurate. The charter halibut harvest is still increasing [See Attachment 2]. The other recurring theme is the consistent foot-dragging by government agencies. NMFS has sat on this issue for an excessive amount of time within the region and at headquarters which is inconsistent with the MSA. Additionally NMFS has given contradictory time-consuming guidance as to the inclusion/exclusion of management measures during the formulation of the GHL including the frameworking/no frameworking controversy. Charter halibut issues were not assisted by ADF&G Sportfish Division when they dropped the requirement for a halibut charter logbook reporting.

In Dr. Hogarth's letter, he makes reference to three factors to justify his request: 1.) passage of time, 2.) changed conditions, and 3.) controversy. In a radio interview with KFSK Petersburg, he also mentioned that 4.) somebody might sue. These issues are not compelling reasons to review the entire issue and turn public process on its head.

- 1.) **Passage of Time:** Dr. Hogarth need look no farther than his own staff for the delay. Nonetheless, other issues have been slow to have regulations promulgated and those issues survived court challenge.
- 2.) **Changed Conditions:** Dr. Hogarth is conspicuously vague on this topic. It is not clear as to what conditions he is referring to. However, the charter harvest is still increasing. One change might be that the current administration has come out supporting market based solutions to fishery management as well as increased monitoring of recreational fisheries, two issues which are neatly contained in the charter IFQ program.
- 3.) **Controversy:** This is not unusual as many Council decisions are controversial. It would be easier to enumerate the number of Council decisions that are not controversial rather than the decisions that are controversial.
- 4.) **Litigation:** It is a given that people might sue over a decision they do not like. That does not mean that they will prevail or their case necessarily has merit, but they have the opportunity to seek redress in court. If NOAA GC identifies some explicit change that needs to be made to conform to applicable law then NOAA GC should do so. But to re-visit an issue because someone might sue is not sufficient grounds to revisit the entire issue. This is America, people like to sue.

Finally, I would urge the Council to listen to the SSC on the importance of the halibut charter IFQ and relationship with the GHL.

From the SSC minutes April 2001 and December 1999.

**"Finally, the SSC would be negligent if it failed to warn the Council that the preponderance of evidence from fisheries in the North Pacific and other regions suggests that allocations between user groups are unlikely to be definitively settled by any single allocation decision. Instead, these allocation battles are reopened whenever a set of stakeholders believes that their negotiating position has improved. As noted in our previous minutes, IFQs are a mechanism that would shift this**

**burdensome reallocation battle out of the Council chambers and into the marketplace."**

Thank you for your consideration. Please adhere to the public process that the NPFMC is known for. Inform Dr. Hogarth that the Council has voted on and passed this issue and that NMFS should proceed with the proposed rule and public comment process as consistent with public law and normal Council procedure.

Gerry Merrigan

ATTACHMENT 1: Chronology of the Halibut Charter GHL and IFQ at the NPFMC  
ATTACHMENT 2: Halibut Charter Harvest, 2-C & 3-A, 1999-2004

## ATTACHMENT 1

**Chronology of the Halibut Charter GHL and IFO Allocation Issues at the NPFMC**

1993: Charter halibut harvest for 2C/3A is estimated at 3.05 M pounds

- May: ALFA proposes cap on guided sport halibut fishery due to unconstrained reallocation in a fully utilized resource from one gear group (longliners) to another (charter). Proposed cap to be based on charter fishery's largest catch ever - 1992. Moratorium proposed by NPFA.
- September: Council considers initial analysis. A control date of 9/23/95 is adopted. The HCWG (Halibut Charter Working Group) is formed. ADF&G Sportfish Division states "...the sport fishery will not continue to grow at the rate it has over the past decade..." and "Room for expansion is limited in many Alaskan ports" and "...some charter fleets are showing signs of overcapitalization."
- HCWG meets in November and December.
- December: ALFA proposes additional management measures to be considered in the analysis including: annual limits, export limits, boat caps and a moratorium.

1994: Charter halibut harvest for 2C/3A is estimated at 50% of total sport landings (5.6 M pounds) or 2.8 M pounds (ADF&G estimate). Charter industry estimates 2.19 M pounds.

- January: Council considers initiating analysis and takes committee report from HCWG. Sport/charter members of the working group do not want to be split into separate sectors. Charter industry members do not see a projected growth in the industry, citing a decrease in sport landings. Consensus is for a charter logbook. Charter industry request a moratorium but state that other management tools need to be looked at first. Council requests HCWG to provide additional detail at April meeting.
- HCWG meets in February and March to discuss moratorium and alternatives.
- April: Council receives report from HCWG. Report states, "Charter and sportfish representatives believe that a moratorium was not a reasonable solution to the problem as identified by ALFA. In fact they do not feel a problem even exists." Sitka and Kodiak support a moratorium. Council action was to have the official report of the HCWG to be made at the January 1995 NPFMC meeting.

1995: Charter halibut harvest 2-C/3-A is 3.8 M pounds.

- January: Council receives report from HCWG. Council adopts draft problem statement "...to control the amount of halibut taken by the charter industry." Analysis of proposed alternatives is expected to be completed by 12/95 or 1/96. Alternatives include an explicit allocation between sport/charter and commercial as well as a moratorium. Alternatives cap charter harvest at 105% to 140% of the 1994 harvest amount.

1996: Charter halibut harvest 2-C/3-A is 3.9 M pounds.

- June: Council refines alternatives. Unguided sport is deleted from consideration,



**1997: Charter halibut harvest 2-C/3-A is 4.5 M pounds.**

- February: Council reviews analyses and releases document for public review. Final action scheduled for April. Juneau Charter Boat Association letter supports status quo, does believe there is a problem and does not support logbooks, an allocation, or a moratorium.
- April: Council revises alternatives and releases modified document for public review.
- September: Council adopts GHL for charter in 2-C & 3-A with an allocation of 12.76% of the combined commercial and guided sport TAC in 2-C and 15.61% of the 3-A TAC (125% of the 1995 catch). Council requires mandatory logbooks. "The halibut charterboat industry will be managed to maintain a stable charter season of historic length, using statewide and zone-specific measures." Measures are to be implemented when end-of-season catch data indicates that GHL may reach or exceed the GHL in the following season.
- December: NMFS informs Council that the GHL will not be published as a regulation pending adoption of specific management measures. [Note: direction from NMFS as to management measures varies in subsequent years particularly as to frameworking.] GHL is published in Federal Register to show "Council's intent to establish measures to maintain the guided sport fleet at or below the GHL." Council forms new halibut charterboat committee to establish management measures consistent with this intent.

**1998: Charter halibut harvest 2-C/3-A is 4.6 M pounds.**

- February: Charterboat GHL committee meets. Committee opposes GHL. Management measures discussed include line limits, boat limits, annual limits, trip limits, and LAMPs. Bag limits are not included. Several items that will not control harvest are discussed such as "banking", and exclusive areas.
- March: GHL notice is published in Federal Register.
- April: Council receives report from GHL committee. Council approves measures for analysis and adds additional measures. Council sets third control date of April 27, 1998. Final action is scheduled for April 1999 [final action happens February 2000].
- BOF takes up Cook Inlet moratorium under a LAMP proposal. Committee determines that moratorium does not mean LAMP criteria. BOF asks Council to delay action until BOF can convene a task force.

**1999: Charter halibut harvest 2-C/3-A is 3.5 M pounds.**

- January: Halibut GHL committee meets. Committee does not want a GHL and recommends rev-visitng the problem statement.
- February: Council does not take up agenda item as scheduled (discussion paper on management measures). Instead, Council schedules time certain for April meeting. Initial review is scheduled for October with final action in December.
- April: Council approves items for analysis including management measures and moratorium.

- October: Council approves discussion paper on analytic design of GHL analysis and restructures alternatives.
- December: Council takes up initial review and releases GHL analysis to the public.

**2000: Charter halibut harvest 2-C/3-A is 4.3 M pounds.**

- January: Draft charter boat IFQ proposal circulated by charter sector.
- February: Council passes final action on halibut charter GHL with a directed fast track development of other options including charter boat IFQ and moratorium. Council establishes Charter IFQ Committee which meets in Feb., March, and April.
- April: Council develops elements and options for analysis.
- June: Discussion paper presented to SSC.
- October: Council takes up preliminary review of halibut charter IFQ.
- December: Council takes up corrected halibut charter data from ADF&G for 1996-1998.

**2001: Charter halibut harvest 2-C/3-A is 4.3 M pounds.**

- February: IFQ Charter committee meets.
- February: Council takes up initial review of halibut charter IFQ.
- April: Council passes final action on halibut charter IFQ. Reconsideration vote is taken and decision is affirmed.
- October: Council votes not to rescind previous action.

**2002: Charter halibut harvest 2-C/3-A is 4.0 M pounds.**

- October: NMFS expresses concerns on "frameworking" of GHL measures (which was done at the request of NMFS) and with data quality issues associated with logbook as compared to the Statewide Mailout Harvest Survey. State of Alaska "corrects" discrepancy by eliminating logbooks.

**2003: Charter halibut harvest 2-C/3-A is 4.8 M pounds.**

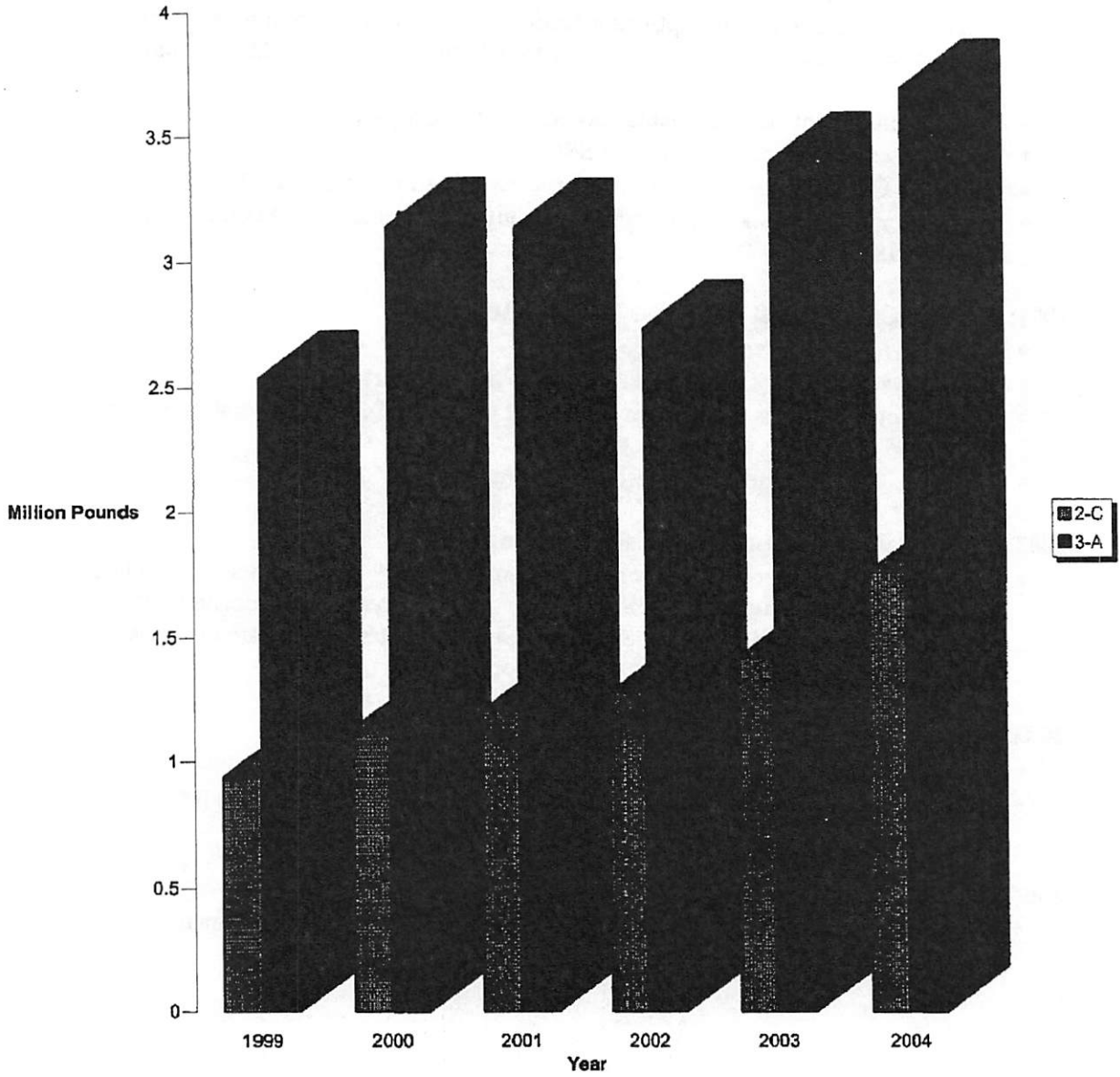
- Council reviews adequacy of logbook data for initial issuance decisions.
- NMFS contracts for recommendations on reporting system (including new logbooks).

**2004: Charter halibut harvest 2-C/3-A is 5.4 M pounds.**

- NMFS begins development of proposed rule ("immediately" upon transmittal by the Council who transmitted the plan in April 2001).

ATTACHMENT 2

Halibut Charter Harvest (2-C & 3-A)



**HALIBUT ASSOCIATION****OF NORTH AMERICA**

P.O. BOX 20717  
SEATTLE, WASHINGTON 98102  
PHONE: 206-325-3413  
FAX: 206-324-7590

September 28 2005  
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N.P.F.M.C.

**OFFICERS**

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Icicle Seafoods, Inc.

**VICE PRESIDENT/SECRETARY**  
BLAKE TIPTON  
S.M. Products, Ltd.

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Alta Pride Seafoods  
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UniSea, Inc.

**BRITISH COLUMBIA**  
DONALD McLEOD  
The Canadian Fishing Co. Ltd.

**WASHINGTON**  
DANA BOSECKER  
Dana F. Bosecker Co., Inc.  
WILLIAM DIGNON  
Northern Products Corp.  
HILL GRAVES  
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Kilmer Fish Co.

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Kilmer Fish Co.  
Northern Products Corp.  
Seafood Producers Cooperative  
Trident Seafoods Corp.  
UniSea, Inc.

Ms. Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Ave., Suite 306  
Anchorage, AK 99501

SENT VIA FAX (907) 271-2817

Dear Ms. Madsen,

The Halibut Association of North America is a trade association of companies in Alaska, British Columbia and Washington that buy and process halibut. Our members purchase about 70% of the total halibut quota annually.

We have consistently supported rational constraints on the charter industry since the concept was introduced over ten years ago. We support them today, and urge you and the other members of the NPFMC to once again approve the IFQ proposal for the charter industry. The time is long past due for the commercial charter industry to stand with the harvesting and processing sectors, putting their shoulders to the wheel of good stewardship. For more than eighty years, commercial harvesters and processors have adjusted to changes as needed to maintain a viable halibut fishery. Please do not delay this important proposal any longer.

HANA's position is strengthened by our belief that the charter IFQ proposal meets the most crucial standard for any management change – it protects the resource. The current guideline harvest limit scheme is unenforceable during the season. It creates a crisis management situation every year.

We see no merit in any argument put forth by those who seek to delay this rule. "Old data?" Current catch statistics show even more sharply the need for constraints. Yes, other individuals have joined the fishery in the years since the rule was sent to NMFS, but since when has the NPFMC changed a position to meet the needs of certain individuals?

As unfortunate as the current situation is, tossing eight years of hard work out the window is not the answer. To begin again would serve no interest except those intent on keeping the burgeoning charter halibut industry outside of a responsible and rational management scheme.

Please support the work of the NPFMC and NMFS, and move the halibut charter IFQ proposal through the final process. Thank you.

Sincerely,



Peggy Parker  
Executive Director

cc: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

Steve Fish and Kari Johnson  
P.O. Box 6448 Sitka, Alaska 99835  
e-mail [zfish@mac.com](mailto:zfish@mac.com)

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July 26, 2005

SEP 28 2005

Stephanie Madsen, Chair  
North Pacific Fisheries Management Council

**N.P.F.M.C.**

We are writing today to express our concern over the Council once again having the uncontrolled expansion of the Halibut Charter Fishery on your already full plate. For Dr. Hogarth to return the Halibut Charter IFQ plan to the Council, after eight years of hard work and public input reaching an agreement, is an insult to the Council Process. We are Southeast Alaska residents and longliners, and we are extremely disappointed with the possibility of having to start over on this divisive issue.

The continued expansion of the halibut charter industry will now, once again, despite years of effort by the council, chip away at the commercial quota. We don't have to remind you that the commercial fishermen initiated management measures over 80 years ago and have, as a whole, supported conservative management of the resource ever since. But it is not only the commercial sector that is feeling the pinch from expanding charter efforts. Unguided sport and subsistence users are finding localized depletion and grounds preemption issues to be growing and harvest opportunities becoming more difficult.

The Council, after an exhaustive public process and extensive work, set the guided sport guideline harvest level (GHL) at 125% of their highest historical catch to accommodate charter industry growth, at the expense of the fully utilized commercial quota. A majority of the charter representatives involved decided that an IFQ system would be the best tool for their needs, to keep them within the GHL. The Halibut Charter IFQ plan should now be sent back to D.C. and decided on its merits there as it should have been years ago. NMFS Juneau, the State of Alaska, and now the federal government have sabotaged the effort of many to bring accountability and responsibility to a major commercial resource user of an already fully utilized specie with a long management and research history. This is an inexcusable breach of public trust.

Whatever the outcome of this process, the halibut charter industry must not be left as it is now, without a mechanism to keep their harvest within the GHL. Among other benefits, an IFQ system would bring accountability; a huge improvement over the current system, which allows uncounted legal and illegal over harvesting to occur. What we have now is unfair to commercial, resident sport, and subsistence users, as well as the greater American fish eating public (which obviously likes its' halibut), and irresponsible to the health of the halibut resource.

Thank You for the opportunity to take part in this process, and I hope that your effort has a more productive outcome this time.

Sincerely, Steve Fish and Kari Johnson

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CAPTAIN BUSINESS

PAGE 03/03

N.P.F.M.C.

Sept. 21, 2005

To: Dear Ms. Madsen and council members

I am writing you today to urge you to continue to move forward toward publishing the proposed rule for implementation of the Halibut charter IFQ program. My family and many other fishermen that I know have invested in Halibut IFQ's, and it is only fair that the charter industry do the same.

Thank you

John W. Skeele

~~F~~ Nora C.

Port Alexander,

Alaska 99836

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N.P.F.M.C.

September 18, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, AK 99501

Madame Chair and Members of the Council,

My name is Curt Herschleb. I am a full time resident of Cordova, Alaska. I own a home in Cordova with my wife Alyssa Kleissler and we are raising our daughter in this community. I'm 38 years old and have been commercial fishing for 23 years.

In 1998 and 2000 I purchased 3A halibut quota through the division of investment state loan program. I took the step primarily because I felt my livelihood as a Copper River drift gillnetter was in jeopardy due to the slow and systematic reallocation of the resource to other user groups.

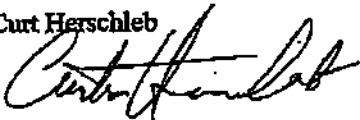
Since then, I have participated in the public process that developed the Proposed Rule for the halibut charter IFQ system. Throughout the process I was heartened by the NPFMC's reputation as a council immune to political pressure. Indeed the exhaustive process was thorough and fair, with all interests fairly represented. The proposed rule allows for security and growth for the charter industry while protecting the investments made with state and federal money by the commercial fleet.

I was very dismayed on a number of levels to hear of Dr. Hogarth's precedent setting request. As you know, the NMFS has never sent a proposed rule back to the NPFMC for reaffirmation. Dr. Hogarth cited the elapsed time since the Council's submission of the proposed rule. Ironically, this is, by no measure, out of the ordinary. The Commercial IFQ system took a lot more time to make it from proposed rule to implementation.

It would appear that Dr. Hogarth's actions were politically motivated, as his justifications do not hold water or were not sufficiently articulated. This is the most disturbing aspect of this development. This threatens to undermine the integrity of a process that has been held in the highest regard.

I urge you to restate to the NMFS your commitment the charter halibut IFQ program and the public process from which it resulted. I urge you also to direct NMFS to publish the proposed rule.

Thanks for your consideration,

Curt Herschleb  




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SEP 28 2005

**N.P.F.M.C.**

September 18, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave, Ste 306  
Anchorage, AK 99501

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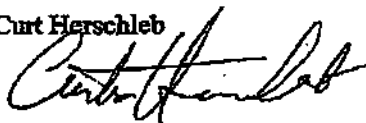
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Thanks for your consideration,

Curt Herschleb



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SEP 28 2005

**N.P.F.M.C.**

	<b>F/V Ocean Gold</b>
<b>Ed &amp; Kathy Hansen</b> <b>Phone: 907-586-6652</b> <b>Fax: 907-523-1168</b>	<b>9369 North Douglas Hwy</b> <b>Juneau, Alaska 99801</b> <b>Email: gillnet@ak.net</b>

September 27, 2005

North Pacific Fishery Management Council  
Ms Stephanie Madsen, Chair  
605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

**RE: Support Halibut IFQ's for the Charter Fleet**

Please reaffirm the 2001 Council's action. We believe that the Council should advise Dr Hogarth that his action undermines the council's process, undermines the public's faith in the council system, that it was already brought back to the Council in the appropriate manner when a Council member asked for reconsideration of the vote in the meeting following the council action and please move forward with the program as recommended immediately.

We oppose the action taken by Dr. Hogarth in requesting that the council reaffirm it's action on halibut charter IFQ's. The council process was extensive, an open public process, and deliberate in it's consideration of all users of the resource and considered the allocation aspects of their decision among different users. Backdoor politics should not be allowed to undermine the Council process especially at a time when the Council process is being questioned by the Oceans and Pew reports and the Magnuson-Stevens Fishery Reauthorization Act is being analyzed and acted on in Congress. We also believe that if the Council does reconsider it's position that it makes it clear that the Charter GHF is not up for debate and that the charter industry needs to live within it's allocation. On the eve of the Magnuson Stevens ACT reauthorization, it is not appropriate to allow overfishing of the valuable halibut resource because of political meddling.

We have been residents of Alaska since 1985 and have commercially fished since the early 1970's. We originally opposed the commercial IFQ halibut fishery. We were initially issued Halibut IFQ's but immediately sold the shares. Over time we watched how the IFQ system evolved and stabilized the fishery, created a better and reasonably stable price structure and allowed the participants in the fishery the ability to withstand the up's and down's occurring in other fisheries such as salmon.

In 2000 we started buying back into the fishery to diversify and stabilize our business and have proceeded to purchase 4 blocks of 2C-C halibut by applying for

and receiving a couple of State of Alaska loans. We now depend upon halibut as the backbone of our yearly finances. The majority of our quota was purchased after the NPFMC had made the recommendation for the charter fleet to be a part of the IFQ system and this factored into our decision that buying quota share was a safe decision as halibut allocation issues had been dealt with in a fashion that allowed both the commercial and charter industry to co-exist and grow while maintaining a sustainable resource that is not over-fished.

Some of the Charter industry is putting up much the same fuss that a majority of the commercial fishing industry including ourselves put forth when they were faced with an IFQ system and trying to visualize how it would work for them. An IFQ program for the halibut charter industry provides future growth for participants, allows for yearly planning, and more importantly allows for documentation and accounting of the amount of halibut being caught by the charter fleet so that the halibut resource is not overfished. Without this program being implemented other types of controls would be necessary on the charter industry that would actually be more harmful to the industry. For example if the charter industry was managed in season for a GHL, what happens to the charter client that buys a trip in January for an August trip, gets here and finds out the season was closed because the quota was caught? This type of in-season management action is extremely damaging to the development of a stable charter industry, under a quota system this would not happen where a charter operator is caught unable to provide the trips sold prior to the season. Yes, some charter operators would have to make the choice to purchase quota because they will not be issued an initial quota or decide to not offer halibut as an option. Without controls put on the charter industry the NPFMC will be faced with yearly allocation issues between the charter fleet and the commercial fleet. Having the council do nothing will be putting the commercial fishermen who depend on halibut for their livelihood at risk and creating financial hardship for the fishermen who borrowed money and went into debt to buy IFQ's such as ourselves.

We support the actions that NPFMC took in 2001 in developing a Halibut Charter IFQ program and request that the action taken in 2001 move forward in the process without further delay or deliberation.

Sincerely,



Ed Hansen



Kathy Hansen

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N.P.F.M.C.

**Southeast Alaska Fishermen's Alliance**

9369 North Douglas Highway  
Juneau, AK 99801



Phone 907-586-6652

Fax 907-523-1168

E-mail: seafa@gci.net

September 27, 2005

North Pacific Fishery Management Council  
Ms Stephanie Madsen, Chair  
605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501

RE: Support Halibut IFQ's for the Charter Fleet

We strongly oppose the action requested by Dr Hogarth asking the NPFMC to reaffirm its position on the Halibut Charter IFQ program. We believe that this completely undermines the Council process. We believe that the only action that is appropriate for the Council to take is to reject Dr. Hogarth's request and ask that the original recommendation for a halibut charter IFQ program proceed or alternatively with no discussion of the Halibut charter IFQ program affirm support for the recommendation that the Council made in 2001. We hope that you will put aside thoughts/concerns and personal opinions of the Charter Halibut IFQ program and look at what the request Dr Hogarth made does to the Council process and the public's opinion of the Council. Dr Hogarth's action destroys the council process and the Council's credibility with the public and turns Council decisions into a political favor and whim process and not an open public process.

It is inappropriate and unfair for a Council with different members now seated to be asked to affirm the action of a previous Council as they don't have the benefit of having the information (staff reports & analysis), knowledge of the discussion that took place, and public testimony both oral and written that was presented to the Council over a four year time period. Do you want future Councils re-affirming every decision that you have made to date and will make in the future? How much faith will the public put in a Council recommendation if this precedent is allowed to be established?

The appropriate action by the Charter industry if they don't like the current recommendation is to provide an alternative that hasn't been previously considered. That action wasn't taken as all possibilities to manage the charter industry was discussed in the previous decision made by the Council. The process shouldn't be circumvented. NOAA's legal department did not find a reason to reject the Halibut charter IFQ

program, and Dr Hogarth made the request because there is no cause that the Secretary of Commerce could use as a reason to reject the plan outright.

While there have been times when we haven't liked a decision made by the NPFMC, you couldn't fault the process or that there were multiple opportunities to be heard during the process and therefore you accepted that the Council had acted and made a sound judgment using the science, balancing the allocative aspects, looking at the economics of the decision, weighing the public testimony provided and alternative scenarios. The NPFMC has been held up as the model for other regional fishery councils in several reports and is being looked at as the model during discussions of the reauthorization of the Magnuson Steven's Act. If Dr Hogarths political meddling is allowed to go forward uncontested how much support should will be left for the process (since it failed) and what kind of model does that make the NPFMC if the process can be this easily undermined?

Dr Hogarth's letter asked for confirmation of support due to the length of time that had elapsed, this time lapse is not unusual for a council recommendation to be enacted.

By allowing the Council process to be undermined is the new process going to be delay a recommendation that you don't like in NOAA until new council members are appointed and the decision can be reaffirmed (and overturned).

Please look at the request itself made by Dr Hogarth and not the Halibut Charter IFQ program. If the process moves forward there is another opportunity to express support or opposition to the program when published in the Federal Register. Let the normal process proceed for this issue.

Southeast Alaska Fishermen's Alliance is a multi-gear group representing the interests of its members in salmon, crab, shrimp and longline fisheries of Southeast Alaska.

Sincerely,



Kathy Hansen  
Executive Director

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SEP 28 2005

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09/27/2005 08:54

9077475992

DENNIS HICKS

N.P.F.M.C.

THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL  
ALL MEMBERS

TO WHOMEVER THIS MAY CONCERN

In the recent past, in order to have a coherent management regime, the NPFMC instituted a new program called "IFQ" designed to eliminate the derby style fisheries that left so many in doubt as to what happened in the Halibut and Black Cod fisheries.

Lost gear, left on the grounds still fishing, the safety of over tired crews, and the over harvest of fish in one period.

This was effectively handled, though the safety issue is still a problem, one that spans the West Coast of the USA.

At a NPFMC meeting here in Sitka, the Charter Fleet were given notice that they too would be on IFQ's but at an inflated figure which was 125 percent of their historic take.

So far nothing has been done to implement IFQ's in this continuing growing fleet, the results of not dealing with this situation is the localized depletion of the near shore halibut stocks, but of course the problem doesn't stop there.

We have a depletion of Yellow Eye rock fish also, plus a depletion of other rock fish stocks, the failure to do anything about this growing fleet is impacting historic fisheries that have supported the different communities around SE Alaska, besides being an ecological disaster it is a very real economic disaster to commercial fisherman that have utilized these stocks but also to the communities they fish out of depressing their economies.

A large portion of the commercial fisherman that fish these fish are Alaska Fisherman, who have had to buy into the IFQ program that they understood that they were to have a piece of the Ground Fish Pie by the very act of IFQ.

So we now have an extremely inflated Charter Boat Fleet, demanding a extremely large share of the Halibut in the form of IFQ's, it has to be remembered that when NPFMC instituted the IFQ program there was a cut off date that said no new entrants.

I and many like me are watching to see that you as Managers of the ground fish stocks live up to your words of the past, take measures to conserve the Yellow Eye rock fish and other ground fish where these charter boats concentrate their fishing efforts.

I would also like to say that in order for many of these folks to fill their advertised brag, they have had to go farther away from their original spots around Kruzof Island because of depletion, a management regime needs to start or we will be looking at the communities off the Washington coast where the Rock fishes were depleted in close, I believe one Coast Guard Commander felt it was a nightmare trying to police these small boats so far away from shore.

It is time to take care of this promise of IFQ charter boats, not at an inflated 350% of the boats when the Council told them what was coming, but

at the rate of boats when the decision was made to give them IFQ's, if this can't be done, then you need to limit the charter boat fleet halibut take to 1 fish possession limit per person per year.

RALPH GUTHRIE  
380 KAAGWAANYAAN  
SITKA, ALASKA 99835

RG

over view of... 2001  
 AK Board of fish task force  
 March 202

Table 4. Number of registered (or licensed) charter vessels in Southeast Alaska by port from 1982 to 2001 (2001 data are preliminary). Registration requirements were changed in 1998 to include vessels used in freshwater as well as those used only to transport anglers.

Area/Port	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Angeon	--	--	--	0	0	1	4	4	4	12	4	22	23	29	35	37	27	42	37	37
Elfin Cove	--	--	--	0	9	7	9	8	9	8	7	18	15	20	19	31	34	37	36	39
Guanaus	--	--	--	0	8	9	9	13	11	15	17	17	24	22	21	25	35	37	35	36
Haines	--	--	3	4	2	5	7	6	9	6	7	9	11	9	13	11	25	26	26	27
Hoonah	--	--	--	0	3	3	7	4	5	6	7	7	12	11	14	13	22	19	16	18
Juneau	18	22	60	43	47	47	47	40	54	52	80	71	115	112	147	154	207	191	199	181
Ketchikan	44	52	76	76	65	69	64	67	102	137	199	176	164	195	155	191	188	204	199	224
Pelican	--	--	--	--	1	5	7	5	4	5	7	3	5	6	9	12	19	22	25	24
Petersburg	38	69	97	72	5	4	8	11	13	22	28	40	35	45	59	49	62	62	64	64
PWT	--	--	--	--	32	34	34	40	44	45	67	73	94	101	143	167	210	221	226	215
Sitka	10	13	81	30	27	38	37	52	56	67	109	135	162	194	195	198	240	255	269	270
Wrangell	15	21	**	15	21	12	27	24	20	19	19	17	35	31	37	46	57	54	51	48
Yakutat	0	0	0	1	5	7	3	9	11	8	12	9	15	17	33	16	50	57	54	56
Other	14	20	0	31	0	0	1	2	1	8	8	10	12	12	11	26	61	50	59	60
<b>TOTAL</b>	<b>139</b>	<b>197</b>	<b>317</b>	<b>272</b>	<b>225</b>	<b>241</b>	<b>264</b>	<b>285</b>	<b>351</b>	<b>401</b>	<b>600</b>	<b>605</b>	<b>727</b>	<b>803</b>	<b>903</b>	<b>979</b>	<b>1,240</b>	<b>1,276</b>	<b>1,299</b>	<b>1,299</b>

\*\* Wrangell included with Petersburg



**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

Date: Sept.21,2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,

*Mary Chambers*

Address:

307 Thingit Way

Sitka, Ak. 99835

Copy: Senator Ted Stevens

Senator Lisa Murkowski

Secretary of Commerce Carlos M. Gutierrez

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SEP 28 2005

Seafood Producers Cooperative 807 747 3208 1/2

09/27/2005 01:25 PM

N.P.F.M.C.

TO: Ms STEPHANIE MADSEN, CHAIR  
N.P.F.M.C.

9/26/05

605 WEST 4TH AVE., STE 306 ANCH AK 99501

GREETINGS CHAIRWOMAN MADSEN  
AND N.P.F.M.C. MEMBERS

I URGE YOU TO SUPPORT THE  
HALIBUT CHARTER I.F.Q. PLAN THAT  
WAS PREVIOUSLY ADOPTED BY  
THE COUNCIL AND FORWARDED TO  
WASHINGTON FOR RULE MAKING.

DELAY OF THIS PLAN SERVES  
NO USEFUL PURPOSE TO PEOPLE  
LIKE MYSELF, WHO ARE INNOLLY  
DEPENDENT ON COMMERCIAL FISH  
HARVEST.

ONE HALF OF THE INCOME  
NECESSARY TO SUPPORT MY ALASKAN  
FAMILY OF 5, COMES FROM  
THE HALIBUT LONGLINE FISHERY.

ALASKA NEEDS THE CHARTER I.F.Q.  
PLAN TO STABILIZE HALIBUT HARVEST,  
AND PREVENT OPEN ENDED REALLOCATION  
OF HALIBUT TO THE CHARTER FISHING  
INDUSTRY, WHERE NO MECHANISM  
EXISTS TO LIMIT THE NUMBER OF  
VESSELS, PARTICIPANTS, OR FISH  
QUANTITIES.

AN EXHAUSTIVE AMOUNT OF WORK  
WENT INTO THE CHARTER HALIBUT  
I.F.Q. PLAN, BY THE COUNCIL AND BY  
FISHERY PARTICIPANTS ON BOTH  
SIDES OF THE ISSUE, THE PLAN  
NEEDS IMPLEMENTATION

(2)

PLEASE RESIST ANY EFFORT TO  
DELAY OR DENIAL THIS PLAN, AND  
DIRECT DR. HOCARTH TO IMPLEMENT  
THE FEDERAL RULEMAKING PROCESS  
WITHOUT DELAY.

SINCERELY,  
*[Signature]*

RICHARD DAVIS  
2347 KEVIN CT.  
TUNEAU ALASKA 99561

C.C. U.S. SENATOR TED STEVENS  
U.S. SENATOR LISA MURKOWSKI  
SEC. OF COMMERCE CARLOS M. GUTIERREZ  
HALIBUT COALITION

**RECEIVED**  
SEP 28 2005

**N.P.F.M.C.**

Date: September 23, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment. My longline fishery subsidizes my salmon fishery. As you can tell, we are not just talking about the impact on one fishery. This will impact other fisheries as well.

Sincerely,



Scott File  
4515 Trafalgar Ave.  
Juneau, Alaska 99801

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez

705 Etolin  
Sitka, Alaska 99835

September 26, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

RECEIVED  
SEP 28 2005  
N.P.F.M.C.

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. I am especially disappointed that after almost 5 years of foot dragging NOAA would essentially try to overrule the Council's previous decision by asking for a reaffirmation. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.


Dr Hogarth's request for reaffirmation sets a bad precedent for the Council. Does this mean that all decisions made by the Council are subject to reaffirmation at a later date? It seems to me that this power of reaffirmation puts Dr Hogarth and NOAA in a position to dictate policy to the Council.

The Council needs to implement its own plan for charter IFQ's made in April 2001. The process was inclusive and well crafted resulting in a plan that was sensitive to the needs of subsistence, sport, charter, and commercial Halibut fishermen. If the Council gives in to Dr Hogarth's request, it is throwing out good public policy for the benefit of political manipulation of the Council process.

Dr Hogarth should be directed to quit stalling and implement the Council process by publishing the Proposed Rule.

If necessary, the Council should reaffirm its own decision and support the well crafted Halibut charter IFQ plan.

I am a 20 year Halibut fisherman who has made a significant investment of money and time in the commercial Halibut fishery. It is very disheartening to see my investment and IFQ quota being slowly reallocated to the Charter industry. Thanks for the opportunity to comment on this issue.

Yours truly,  
  
Charles E Wilber

Sep 27 05 07:37p

Bellingham Office

360-734

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SEP 28 2005



**Icy Strait**  
**SEAFOODS, INC.**  
Quality Alaskan Seafood

617 Willoughby Avenue #241  
Juneau, Alaska 99801  
Ph: (907) 780-4449 • Fax: (907) 780-4326  
Ph: (360) 734-8175 • Fax: (360) 734-2203

N.P.F.M.C.

September 27, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

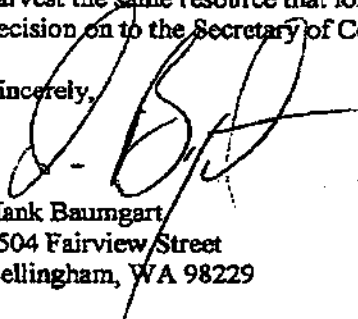
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The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

Turning back the clock now to admit new charter boat entrants is not any different than if the council was to issue quota to new commercial longliners that did not receive initial quota shares. Are the deckhands and young fishermen that did not qualify for initial quota shares any less deserving than a late entrant to the halibut charter fishery? There has to be a level field and many fishermen like myself have invested hundreds of thousands of dollars in purchasing quota share. Charter operators are commercial fishermen that harvest the same resource that longliners harvest. Please send the April 2001 Council decision on to the Secretary of Commerce.

Sincerely,

  
Hank Baumgart  
1504 Fairview Street  
Bellingham, WA 98229

SEP-27-2005 17:33 FROM:

TO:1 206 260 9111

P.1/1

Gary Wall  
6548 Cimarron Circle  
Anchorage, AK 99504  
(907) 223-4640

**RECEIVED**

SEP 28 2005

**N.P.F.M.C.**

September 26, 2005

*FAX: 271-2817*

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave. Suite 306  
Anchorage, Ak 99501-2252

**Subject: Reaffirm Halibut Charter IFQ**

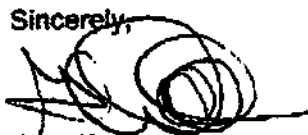
Dear Ms. Madsen,

I made a substantial investment in commercial Halibut IFQ after the Council made the decision to resolve the open-ended reallocation issue by implementing IFQ for charter operators. I relied on the Council action as a major consideration in my decision to invest in the halibut fishery.

It was very disturbing to hear that Dr. Hogarth has now asked the Council to reaffirm its decision on halibut charter IFQ! What kind of back-door political deal is this? The Council made its decision after eight years of open public process that, in my opinion, carefully weighed the issues and concerns of all stake-holders.

Please tell Dr. Hogarth that he should respect the decision of the North Pacific Fisheries Management Council and get on with his responsibility of publishing the Proposed Rule.

Sincerely,



Gary Wall



**BRENT M. WESTERN**

2500 Autumn Drive  
Anchorage, AK 99516  
Email: bnmwfish@alaska.net

**RECORDED**  
SEP 28 2005

**N.P.F.M.C.**

**VIA FAX**

September 28, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

**RE: HALIBUT CHARTER IFQ - GHIL  
THE SILENT MAJORITY NEEDS YOUR SUPPORT!!!**

Dear Ms Madsen, Chair,

My family and I have fished Alaska's waters since the 1960s and depend on the commercial halibut fishery for over 50 percent of our annual income. We have invested heavily in IFQ because of the stability promised by the government. Without a charter GHIL, the open-ended reallocation from commercial to charter will gradually take away my livelihood and reduce the values of my IFQ and boat.

We represent the silent majority of American consumers who enjoy eating halibut and cannot afford to or are unable to catch their own dinner throughout all our great states! For the benefit of all Americans, users, and the resource, I urge you to proceed forward with implementation of the currently approved GHIL! We specifically request the following:

1. Tell Dr. Hogarth the Council has already acted on the issue and should not be asked to reconsider a previous action;
2. Direct Dr. Hogarth to allow the public process to move forward and publish the Proposed Rule; and,
3. **IF NECESSARY**, reaffirm Council support for the IFQ plan developed after an eight year process that involved over 8,000 public comments, pages of analysis, hours of debate and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

The North Pacific Fishery Management Council conducted an open and fair decision process on this issue; and their decision on this issue should stand. Your consideration of this letter is appreciated. Commercial fishing provides many jobs in our local communities and benefits the state in many positive ways.

Respectfully,



Brent M. Western, Tony B. Western & Kirt J. Western  
(IFQ Owners / FV Roulette)

Sept 28

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SEP 28 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council

Please direct Dr. Hogarth to allow the public <sup>PROCESS</sup> to move forward and publish the proposed rule. Tell him the council has already acted on halibut charter IFQ issue and should not be asked to reconsider a previous action.

If necessary, reaffirm Council support for the IFQ plan developed after an eight year process that involved over 8,000 public comments, pages of analysis, hours of debate and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

I've longlined for halibut in area 2-C since 1975. I've invested heavily in IFQ's.

Allocation disputes between commercial fishermen and charter operators creates instability in both industries. I feel the ~~council~~ <sup>government</sup> needs to finalize and adopt a halibut charter management plan.

Sincerely Marty Remond  
P.O. Box 8147  
Port Alexander, AK.  
99836

Brad Faulkner  
PO Box 996  
Homer Alaska 99603

I have owned Alaska Custom Seafoods, in Homer since 1994. Since then I have been the Licensed Buyer on @ 25 million pounds of IFQ halibut. I don't charter fish halibut or process charter halibut. I have no dog in this fight and do not stand to gain or lose financially whatever the outcome. That said I am totally opposed to issuing IFQ's to Charter fishermen.

- 1) They never caught these fish. For years they argued they were taxi drivers only taking fishermen to the grounds. Now they are arguing for their personal share of the TAC. The fishing public caught these fish. The IFQ argument was proposed as a way to limit or eliminate competition in the fleet. It will benefit the Charter operators with history to the permanent detriment of the fishing public who actually caught the fish.
- 2) Over time, the price of a charter will have to rise by the commercial dock price of the fish. This is simple economic theory. These shares will quickly become interchangeable with commercial shares. Experience with commercial IFQ's has proven that many of the rules proposed to get the system in place were quickly abandoned and eventually Charter and Commercial shares will become interchangeable. When this happens, a sport fisherman booking a charter will have to pay the cost of the boat ride and the cost of buying the fish. I expect the average price of a charter in Homer to go up from \$165 to over \$300 within ten years. This is without inflation or rising fuel costs factored in.
- 3) I have purchased fish from over 300 IFQ owners. I do not speak for any one of them, but I will tell you that they are definitely split on this issue. Many of them believe that limiting charters in this way will anger the 400,000 plus sport fishermen in this state. Once the sport fishing community figures out the true cost of a sport IFQ program, the backlash can only hurt the commercial sector.
- 4) Sport IFQ is unenforceable without a massive infusion of money and manpower. On the Kenai Peninsula, the charter industry makes 20 or 30 times (maybe more) the amount of landings as the commercial sector. A super busy day on the Homer commercial dock sees a dozen landings. Many days see no landings while the sport fleet makes over a hundred. In the commercial sector, at least 3 hour prior notice of landing must be given and the landing must be immediately reported by internet to Juneau. One or two of these landings might actually be attended by an officer. Spread this statewide, to every lodge and dock where the sport fleet lands and the enforcement problem is an order of magnitude worse than in the commercial sector.
- 5) Bare boat charters will blossom. Totally unqualified operators will find it far

Brad Faulkner  
PO Box 996  
Homer Alaska 99603

September 28, 2005

**Testimony on Charter Halibut IFQ**

Madam Chairperson and Honorable Members of the Council,

I have owned Alaska Custom Seafoods, in Homer since 1994. Since then I have been the Licensed Buyer on @ 25 million pounds of IFQ halibut. I don't charter fish halibut or process charter halibut. I have no dog in this fight and do not stand to gain or lose financially whatever the outcome. That said I am totally opposed to issuing IFQ's to Charter fishermen.

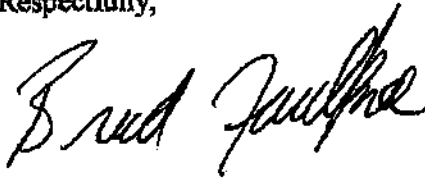
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- landings might actually be attended by an officer. Spread this statewide, to every lodge and dock where the sport fleet lands and the enforcement problem is an order of magnitude worse than in the commercial sector.
- 5) Bare boat charters will blossom. Totally unqualified operators will find it far cheaper to do a bare boat charter than pay the inflated rates of an IFQ charter. At the same time, bootleg charters will rise up everywhere. A bootleg charter is far less likely to have the experience and equipment required of the current charter fleet. Charter IFQ will decrease the overall safety of the sport fleet. This is an unintended and unforeseen consequence, but it will be reality.
  - 6) Increased pressure on the sport salmon troll, rock fish and lingcod fisheries will necessitate further regulation of these fisheries. An IFQ halibut charter might only allow you one halibut, but will fill the day with other species.
  - 7) The quota will transfer from mostly hands-on owner operators to large corporations. To buy a boat and quota necessary to become a six-pack operator for the season will cost close to a million dollars at today's prices. There will be no new owner operator entrants into the sport charter fishery. Instead, Princess Cruise and Holland America will own the quota and the actual skippers will work for a wage. I also expect to see a large transfer from Alaska based charter skippers to summer time transients from outside. In the commercial sector today, the armchair IFQ owner, without ever stepping foot on the boat, commands 70% of the total value of the fish. I have done hundreds of deals where the boat makes 30% and pays for fuel, bait, ice and crew.
  - 8) There will be a one way drain of sport quota off the road system to lodges and remote fly-in camps. A lodge charges a lot more for a day's stay and generally serves a much higher end clientele. They will be able to afford to pay more for the quota because they are selling more than a fishing trip. The quota drain will hurt ordinary Alaskans looking to fill freezer and benefit rich sport fisherman from Outside.
  - 9) In Homer, the halibut capital of the world, sport IFQ will hurt all sectors of our economy. Food services, hotels, gift shops, marine services and all the support businesses will take an ever increasing financial hit. It will benefit a relatively small group of people; most of whom will sell out within five years and retire. When this last came up, I testified at length against it. Unfortunately, very few people that were not going to be allocated quota understood the full ramifications of the program. Very few people testified against. Testimony was dominated by those who stood to gain. The hogs were at the trough asking for million dollar handouts. Can you blame them?
  - 10) If GHL levels are being approached, then other means of harvest limitation should be considered. A punch card system allowing Alaskans a dozen fish and non-residents eight fish would eliminate skipper fish, deck hand fish and those non-residents leaving with thousands of pounds of fillets that later get sold. Local Are Management Plans should also be considered. I am personally in favor of removing all charter and commercial IFQ fishing from inside Kachemak Bay. It has come to the point where a family with a 19 foot skiff has nowhere to safely go catch a halibut. Many other ideas could safely

and effectively limit the overall sport take without IFQ's. It would take coordination with the ADF&G but all the mechanisms are in place. Can any of you envision the Board of Fish actually entertaining a system that allocated each Kenai River guide a set number of king salmon? I am allowed five king salmon on a harvest ticket that I pay for. The State system works.

- 11) It is up to this Council to allocate this fishery in the best interests of the people of Alaska; all of them. This is not about percentage of the TAC. This is not about health of the biomass. This is very simply about greed by the few to the detriment of the many.

Respectfully,



Brad Faulkner

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SEP 27 2005

**N.P.F.M.C.**

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 west 4<sup>th</sup> Ave. Ste.306  
Anchorage Ak. 99501

My name is Gary Ault, I own & operate a Halibut Charter business in Homer, Alaska. I have been in the Halibut Charter business for 25 years. I am writing today in support of Halibut Charter boat IFQ's. Please move forward with our inclusion in the existing Halibut IFQ program.

Should the council fail to reaffirm its support of the IFQ program then it would be safe to assume that the NPFMC is totally unsuited to regulate the sport charter industry and is simply bowing to the whims of a few past council members who would love to destroy our industry.

Unfortunately our industry at this time is managed under a Guideline Harvest Level. The GHL is a firm cap on my harvest and business potential. Because of the many downfalls of the GHL our industry has supported an amendment to the existing Halibut IFQ program to include charter boats that target halibut. The NPFMC supports this amendment as they voted on it twice in the year 2000; a control date (1998) has been published in the Federal Register to deter speculative entry. There are many new halibut charter boat businesses today; the overcapitalization in the halibut charter boat industry needs to be curbed now.

The IFQ program will give my business recognition of my historical dependence on Halibut access. It will allow others to enter & leave the industry without government intervention. The IFQ program is equal sharing of the Halibut between neighboring commercial & charter businesses. IFQ's will also give me a chance to adjust my business in access needs.

Our local community's social stability is maintained in equal treatment of Halibut dependent businesses. It is time to make a decision so that I can operate my business into the future.

Sincerely,  
Gary Ault



North Pacific Fisheries Council  
Anchorage, Alaska

Leisure Charters  
George Wiese  
356 Le Ann  
Fairbanks, Alaska  
99701

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SEP 27 2005  
N.P.F.M.C.

September 27, 2005

Dear Sirs:


I have a small Sport Charter operation in Valdez, Alaska. I support the proposed Sport Charter IFQ program.

I have operated for about 12 years and under the proposed sport charter program will not have enough halibut to provide my current client base. I realize the TAC needs to be maintained at an acceptable level and yet provide fish for all sectors of the halibut fishing industry. The proposed Sport Charter IFQ program does just that. It protects commercial, charter and individual sport fishing interests.

Please do not stop the movement of this program forward.

I realize many new charter businesses that would like to see the IFQ program stopped. All the new charter business knew of the qualifications and entry dates and yet now they want my business to suffer so they can fish and no one can earn a profit.

Please pass the Sport Halibut Charter IFQ program.

Sincerely  
  
George Wiese  
Leisure Charters



**ALASKA LONGLINE FISHERMEN'S ASSOCIATION**

403 Lincoln Street, Ste. 237 Sitka, AK 99835  
phone: (907) 747-3400 fax: (907) 747-3462  
alfafish@ptialaska.com

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SEP 27 2005

September 12, 2005

Dear Members of the Council,

**N.P.F.M.C.**

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to submit the following comments on the halibut charter GHL and IFQ programs.

As you are no doubt aware, ALFA and I have a long history with both issues. When I left the Council four years ago it was with the understanding that an effective management plan for the halibut charter fleet had been developed, after eight years and with the benefit of over 8,000 public comments. The GHL was designed to provide the necessary structure until replaced by the IFQ program. Instead, largely due to NMFS ambiguity, delay and now manipulation of the public process, all hell is about to break loose. I find that astounding. Clearly the Council needs to act quickly and decisively to protect the integrity of the process, the public's involvement, and the interests of all halibut fishermen.

Each of you should have received comments and background information from the Halibut Coalition. The concern and frustration expressed in the cover letter accompanying the background material is shared by ALFA members. Charter halibut harvest has continued to grow (by 43% in area 2C and 34% in area 3A between 1994 and 2003) and no doubt 2004 data will reveal the GHL has been exceeded at least in area 2C. The reallocation of halibut from commercial to charter operators continues. Conflicts near towns have intensified. A locally important commercial fishery in area 2C has been preempted by charter bycatch of rockfish. And yet the Council still can not effectively control charter harvest of halibut.

Meanwhile ADFG sport fish has continued to abrogate their responsibility to effectively manage the charter industry by canceling the halibut charter logbook program and discouraging charter operators from recording halibut harvest in their groundfish logbooks. And because the IFQ plan has been delayed and more delays are threatening, everyone who ever thought they might want to run a halibut charter business is now poised to jump in and build history in hopes of a future allocation. In sum, not only has a bad situation remained unresolved for the past four years but it is about to get a lot worse.

At the October meeting, the Council needs to take two definitive actions: initiate analysis of harvest control measures that effectively limit charter halibut harvest to the GHL; and direct Dr. Hogarth to publish the halibut charter IFQ proposed rule without further delay. These will be addressed separately below.

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To	NDFMC	From	L. Behnken
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	907 271 2017	Fax #	250-427-3034

**GHL**- In 1997, the Council adopted the halibut charter GHL, creating an upper bound to charter halibut harvest while responding to the demands of charter operators for a continuous season of historic length. The GHL was set 25% above the largest charter harvest to that date (1995), allowing a buffer for additional growth while the industry identified effective harvest control measures and continued to work on a management plan that would allow operators to maximize the value of their allocations and individually control their seasons. At the direction of NMFS and with the assistance of the halibut charter committee, the harvest control measures were developed and submitted to the Agency for review. NMFS then stripped the harvest control measures from the GHL amendment, claiming this type of framework action was not legal (although East Coast councils frequently framework management measures). Now that the GHL has likely been exceeded, NMFS is once again ready to review the GHL measures. At this point, the Council needs to quickly update and review the harvest control measures previously adopted by the Council, scheduling initial and final action on the measures no later than next spring so that the measures can be in place by the 2007 season. Any further delay is far too costly to commercial halibut fishermen.

**UPHOLD THE GHL:** Some charter operators are asking that the GHL be revisited and the allocation increased, which is precisely the reason for an IFQ program. Under an IFQ program, charter operators looking to increase the harvest of halibut from their vessel will have the opportunity to purchase that right from other charter operators or commercial fishermen. Charter operators do not have the right to increase their harvest at the expense of commercial halibut fishermen who have, in many cases, borrowed heavily to purchase those shares. Again, the GHL was established after hours of public testimony and pages of analysis. There is simply no justification for increasing the halibut GHL.

Other charter operators are again demanding a GHL allocation that floats upward with abundance. The Council considered this issue when the GHL was established and determined there was no rationale to support this request. Because charter harvest is demand driven and concentrated near town, it does not increase as the overall biomass increases, as the attached figures indicate. More likely, charter harvest fluctuates with the number of tourists or sport fishing enthusiasts traveling to Alaska. Again, there is no justification for increasing the GHL.

**The GHL remains completely ineffective until harvest control measures that actually control charter harvest are approved and implemented.** Only then will the open-ended reallocation of halibut from the commercial to the charter sector be addressed. ALFA asks that the Council review, and if necessary update the harvest control measures adopted by the Council in 1998, approve a suite of effective measures, and then direct NMFS to act immediately to implement the measures.

### **IFOs**

All of you should have received background information from the Halibut Coalition that documents the need for a halibut charter IFQ program. I will attach that information again to this testimony, and will try to supplement, rather than repeat that information.

As stated above, the charter harvest of halibut continues to grow in areas 2C and 3A. By next year, unless the Council takes emergency action, halibut will be reallocated from commercial to charter fishermen in area 2C at least. Reallocated despite the fact that after the years of Council work on the charter management plan an allocation was set that balanced the needs of all halibut fishermen: subsistence, sport, commercial and charter. Reallocated without compensation despite the investments commercial fishermen have made in the IFQ program. No doubt you will hear from commercial fishermen the effect of that reallocation on their ability to repay IFQ loans and support their families. Why should commercial fishermen pay off loans for quota that has been reallocated to charter operators? Why should a commercial fisherman's family lose the revenue associated with the quota share purchased at significant cost?

**CATCH AND BYCATCH-** Of equal concern to Council members should be the significance of the charter harvest and the weakness of current catch accounting. Charter harvest of halibut has increased to a level that constitutes a resource problem, as has charter bycatch of rockfish. Charter harvest is driving localized depletion near towns, preempting traditional sport and subsistence fisheries, and in 2005 the charter bycatch of demersal shelf rockfish in the Sitka area preempted the central southeast commercial rockfish fishery.

Any of you who have been involved with the Council process are aware of the local importance of the winter rockfish fishery to Southeast. This fishery provides critical off-season revenue to fishermen and processors, maintaining markets during the slow winter months. In recognition of the fishery's importance, the Council established a fixed gear PSC set aside in 1991 to prevent preemption. And yet in 2005, after reviewing rockfish bycatch data from the halibut charter fishery, ADFG managers were forced to cancel the commercial rockfish fishery to prevent over harvest of yelloweye rockfish. ADFG managers do not have authority to control charter bycatch, nor does the Council, the IPHC or the Agency. Hence the commercial fishery was cancelled, serving as the sacrificial buffer between charter harvest, or in this case bycatch, and over harvest. Accurate accounting and effective control of charter harvest is long overdue. The current situation is untenable, and must be resolved. The IFQ program will resolve both these issues.

**ALLOCATION BATTLES-** While the GHL, if effectively enforced with harvest control measures, could stop the reallocation of halibut from the commercial to the charter sector, it will not end the allocation battle before the Council. Council members should be aware of the Kenai and Southeast salmon allocation wars waged every three years before the Board of Fisheries when charter operators ask for a bigger allocation. Unlike the Council, the Board can take action on the demands in a matter of days, instead of years. Nevertheless, the battles consume Board time, staff time, and create bitter tensions in small communities. In the absence of a market-based IFQ system, the Council can expect similar continuing allocation battles over halibut. Incorporating the charter fleet into the IFQ program will allow individual operators to adjust their quota holdings to best match their business needs. IFQs will no doubt also encourage charter operators to maximize the value of their shares by encouraging clients to keep only as much halibut as will

actually be consumed. And from a manager's perspective, IFQs will effectively address identified resource and allocation conflicts without requiring the Council to continually act as the referee.

**EFFECTIVE HARVEST MEASURES:** Charter operators, charter clients and the Council should consider the harvest control measures that would be needed to effectively restrict charter harvest to the GHL in the absence of an IFQ program. Reducing harvest no doubt demands one or both of two options to which the charter fleet has repeatedly voiced objection: shortening the charter season or reducing the halibut bag limit for part or all of the season. While some charter operators and clients may be satisfied with a shorter season and/or reduced bag limit, many have fiercely objected to the possibility. Again, IFQs allow individual operators control over their season and the ability to adjust quota holdings to meet the needs of their clients.

**CHARTER COSTS:** Some charter clients have voiced concern that halibut charter trips may become prohibitively expensive. I would refer those sharing this concern to the charter IFQ analysis (EA/RIR). Analysts note that sufficient alternatives to charter halibut trips exist such that clients will simply choose other options should prices increase too dramatically. The availability of these alternatives will control prices, ensuring that halibut charter trips remain reasonably priced to attract clients.

After reviewing past analyses, comments and testimony, Council members should be convinced that IFQs are the best solutions to identified resource and allocation problems associated with unchecked growth in charter halibut harvest. IFQs end the reallocation of quota from commercial to charter fishermen, address conflicts near towns, and allow individual charter operators the opportunity to adjust quota holdings to meet the needs of their clients. IFQs also end the allocation battle before the Council by providing a market based system. The Council came to this decision four years ago. Since then the identified problems have only gotten worse.

**IN CLOSING:** ALFA members maintain that the charter fleet must live within its halibut allocation, the GHL, or purchase the right to increase harvest from commercial IFQ holders under a market based system. Only an IFQ program will avoid the continual allocation battles before the Council that will no doubt result from an effective GHL. Finally, both ALFA members and I believe the integrity of the North Pacific Council and the public process must be protected. Two national commissions have rightly identified the North Pacific Council as the Council that operates with a transparent public process, basing policy on science, rather than politics. If the Council can not uphold that standard then without question the system is broken.

Most of you had the opportunity to participate in Council meetings chaired by Rick Lauber. Rick presided over this Council for nine years, earning the Council the fine reputation the North Pacific now enjoys. When Rick left the Council he did so with some words of advice and caution. He charged the Council with maintaining control over the integrity of the process, directing both the public and the Council to safeguard the Council's responsibility to design policy and direct NMFS in its implementation. The

Council must remain in charge; the agency must not be allowed to manipulate the process. To do less is to make a charade of the Council process. Madam chair, Council members: on behalf of ALFA's membership, I charge you with upholding that standard.

Thank you for the opportunity to provide comment.

Sincerely,

A handwritten signature in cursive script that reads "Linda Behnken". The signature is written in black ink and is positioned above the typed name.

Linda Behnken  
(Director, ALFA)

### Need for a Halibut Charter IFQ in Alaska

- **History.** An Individual Fishing Quota ("IFQ") program was implemented for the commercial halibut fishery in 1995. The IFQ program, over 10 years in the making, was highly controversial. Today, it is an unqualified success, having achieved all of its objectives of improving safety, product quality, resource conservation, and economic stability within the halibut industry. Consumers now enjoy an increasing amount of fresh, high quality halibut over a nine month season while commercial fishermen enjoy record ex-vessel prices and a healthy resource. Because of the success of this program, many Alaskans have borrowed money to purchase additional IFQ shares, considering this to be a wise, long-term investment in a healthy, stable and sustainable resource.
- **The Issue.** The stability of the halibut fishery is threatened. When the annual total allowable catch for halibut is set by the International Pacific Halibut Commission, commercial fishermen are allowed by the North Pacific Fishery Management Council ("Council") to harvest what is left after deductions for the expected bycatch, subsistence, traditional recreational (non-guided sport), and charter boat harvests. Thus, there is no limit on these non-commercial harvests which, theoretically, can displace each other or could displace the entire commercial fishery, rendering commercial IFQs worthless. The sudden and accelerating growth of the charter boat halibut harvest has been dramatic. Between 1994-2003, the charter boat harvest increased 43% (985,514 pounds to 1,412,000 pounds) in southeast Alaska and by 32% (2,553,726 pounds to 3,382,000 pounds) in south central Alaska. Between 1998 and 1999 alone, the number of registered vessels grew from 1,258 to 2,079. The Council described the problem as follows: "The recent expansion of the halibut charter industry . . . may make achievement of the Magnuson-Stevens Act National Standards more difficult . . . . Specifically, the Council notes the following areas of concern. . . ."
  1. Fishing pressure by charter operations "may be contributing to localized depletion."
  2. The growth of charter operations "may be contributing to overcrowding" of fishing grounds and to "declining harvests for historic sport and subsistence fishermen."
  3. Because there is no limit on the annual charter boat harvest, "an open-ended reallocation from the commercial fishery to the charter industry is occurring . . . . The economic and social impact on the commercial fleet of this open-ended reallocation may be substantial . . . ."
  4. "Community stability may be affected as traditional sport, subsistence, and commercial fishermen are displaced by charter operators . . . ."

Because of these and other problems, the traditional harvesters, the commercial sector, and many Alaska-based charter boat owners and associations asked the Council to adopt an IFQ program for the halibut charter fleet.

- **The Guideline Harvest Level.** In 1993, the Council began work on a halibut charter management plan. The Council established a halibut charter committee composed of Council staff, three commercial fishing representatives, six charter vessel representatives, and one non-charter recreational fishermen to provide additional guidance. In 1997, after eight meetings, hours of public testimony, and a lengthy environmental assessment, the Council took a first step, approving a charter guideline harvest level ("GHL") which is not a fixed quota, but is a guideline advisory. The GHL is 125% of the charter fleet's 1995 harvest. In August, 2003, NMFS approved the GHL. The GHL does not curtail expansion of the halibut charter harvest, nor does it prevent the reallocation of halibut from commercial IFQ holders to charter operators. Because the GHL does not provide a market-based allocation system, the Council will be asked to deal with recurring allocation disputes, which will divert the Council from other pressing conservation and management issues. As halibut abundance cycles naturally down from current historic high levels, all resource conflicts will be exacerbated.
  
- **The Continuing Problem.** Until charter IFQs are implemented, increased charter harvest of halibut will cause recurring allocation disputes, compound localized depletion problems and conflicts near towns, and lead to overcapitalization in the charter fleet. .
  - Unregulated charter harvest was the major factor causing conflict and localized depletion in Sitka Sound and lower Cook Inlet. The largest halibut charter landings in southeast and south central Alaska are around Sitka and in lower Cook Inlet. Many charter captains throughout Alaska now complain that they need to range over much larger distances to find fish because the close-in areas are fished out. The burden of localized depletion falls heaviest on traditional subsistence and recreational users who tend to fish inshore areas.
  
  - To travel to where the fish are now found, and to compete for customers, charter vessel owners are buying bigger and faster boats, the typical situation as a fishery moves into an overcapitalized stage. The Council found that if the charter fleet can rationalize its operations, vessels will be able to decrease operating costs.
  
  - Between 1999 and 2003, charter catch in southeast and south central Alaska increased by 50% and 33% respectively, even though the commercial halibut quota was decreased for conservation reasons.
  
  - Despite the dramatic increases in charter boat catch, the 2003 charter boat harvest was still below the GHL. In 2004 and again in 2005, the charter boat harvest will likely exceed the GHL in the southeast area, automatically reducing the commercial allocation.
  
  - Continued increases in the charter harvest is negatively impacting investments in commercial vessels, quota purchases, processing capacity, and transportation systems, investments typically made with borrowed funds, and will lead to an unstable regulatory and economic environment.

- Halibut stocks, now at record high numbers, will likely undergo a normal, cyclical downward trend in the years ahead. The Council recognized the likelihood of this cyclical change and cited it as a reason for timely, proactive measures.
- An IFQ program is a market based solution to contentious allocation decisions.
- **Council Action on IFQs.** Given the questionable effectiveness of the GHU and at the request of many Alaska-based halibut charter associations, the Council adopted an IFQ program for the halibut charter fleet in April 2001. The Council used the well accepted and recognized method of establishing a control date to place the public on notice that new entrants into the fishery, and increased effort by existing participants, would not be rewarded with IFQ shares. Limited entry and control dates are not new in Alaska. Most Alaska commercial fisheries are now under some form of limited entry and control dates were used in each fishery to put everyone on notice. This was clearly explained to the charter industry throughout the Council process. Thus, the public was fully aware of the control dates for the charter IFQ program. New entrants in the charter fishery were fully aware of the business risk and took it knowing they would likely be required to buy shares at some point in the future to continue participating in the fishery.
- **NMFS Action.** The proposed rule to implement the halibut charter IFQ program is awaiting federal register publication in NMFS headquarters, Washington, DC.
- **Description of Charter IFQ Program.** The halibut charter IFQ program does not include non-guided recreational anglers or subsistence harvesters. Harvest by these sectors will not be limited by the IFQ program. The initial charter IFQ allocation is 125% of the average 1995-1999 charter boat harvest, which translates to 13% of the combined charter and commercial quota in southeast Alaska and 14% in south central Alaska. Individual charter boat allocations are based on harvest rates in 1998 and 1999 with a longevity bonus added for each year of participation in the fishery from 1995-1999. Although shares initially allocated to the charter sector cannot be sold to the commercial sector, charter operators may purchase commercial shares or purchase shares from other charter operators. During the first few years of the program, charter operators may lease up to 20% of their quota to other charter operators and/or 10% to qualified commercial halibut fishermen. This leasing provision will allow charter operators to make end of the season adjustments if they finish the season with too much or too little quota. There is also a one year delay between issuance of halibut charter quota and fishing under the IFQ program to allow charter operators to purchase or sell quota if they wish. In sum, the Council made every effort to smooth the transition period for charter IFQ implementation.
- **Public Process.** The Council's April 2001 action adopting charter IFQ was the culmination of eight years of debate and over 8,000 comments. In fact, at the Council's April 2001 meeting the Council devoted another two days to receiving public testimony from over 200 individuals.



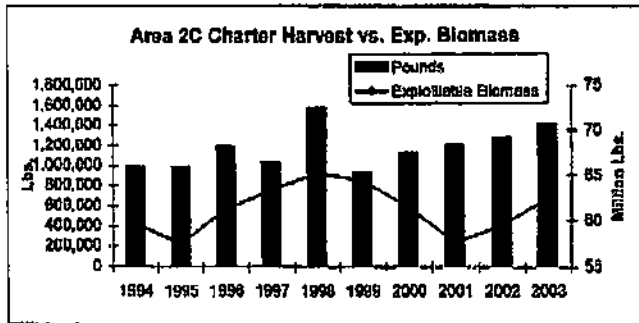
- **The Data.** Following Council adoption of the halibut charter IFQ program, the Alaska Department of Fish and Game expressed concerns regarding the adequacy of the logbook data. The Council requested a review of the data by the Council's Science and Statistical Committee ("SSC"). The SSC responded with the following statement: "The SSC finds that it would be reasonable for the Council to use the logbook data in determining whether a vessel was active in the fishery during the qualifying years . . . and/or as a basis for determining an initial allocation of quota shares."
- **NMFS' Delay.** NMFS' delay in processing the proposed rule should not be an excuse to undermine Council action and the public process under the Magnuson-Stevens Act. Because of NMFS' work load, there is an unavoidable delay between Council action on an issue and the implementation of the corresponding management regime. Nevertheless, the delay experienced in processing the halibut charter IFQ program is not exceptional. In fact, the qualifying period for the commercial halibut IFQ program was 1984-1990; the Council adopted the program in 1991, and NMFS implemented the program in 1995. Many commercial fishermen entered the halibut fishery between 1990 and 1995 because prices were strong and the salmon fisheries were declining. Many of these fishermen have now purchased quota shares and are participating in the halibut IFQ fishery.
- **The IFQ Program Is Needed.** Failure to implement the charter IFQ will undermine the Council process, create instability, cause resource and economic problems, require the Council to deal with recurring allocation disputes, and divert the Council from other pressing conservation and management issues. Further delays in implementing the program will also compound existing allocation problems since halibut stocks, now at record high numbers, will likely undergo a normal, cyclical downward trend in the years ahead. The Council recognized the likelihood of this cyclical change and cited it as a reason for timely, proactive measures. Until the halibut charter IFQ program is implemented, instability will exist for everyone, especially in years of declining abundance.
- **More information.**

[http://www.fakr.noaa.gov/npfmc/current\\_issues/halibut\\_issues/halibut.htm](http://www.fakr.noaa.gov/npfmc/current_issues/halibut_issues/halibut.htm)

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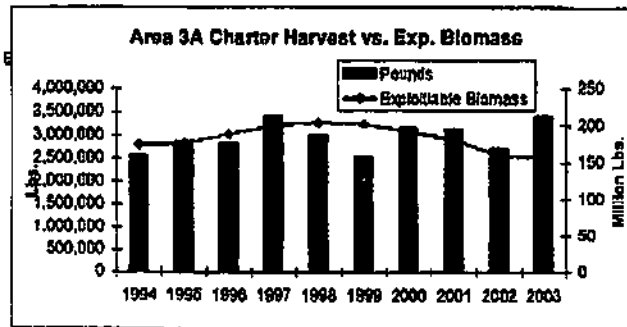
Halibut Charter Catch

Area 2C	Area 2C	Pounds	Change from Prior Year	% Change from Prior Year	%Change 1994-2003	% AVG Change / Year 1994-2003	Exploitable Biomass
	1994	985,514					59.75
	1995	986,148	632	0%			57.49
	1996	1,188,797	200,851	20%			61.33
	1997	1,033,518	-153,278	-13%			63.43
	1998	1,394,169	650,647	53%			65.23
	1999	938,221	-645,945	-41%			64.44
	2000	1,132,147	193,928	21%			61.93
	2001	1,202,000	69,853	6%			67.82
	2002	1,275,966	73,966	6%			69.53
	2003	1,412,000	136,034	11%	143%	16%	62.47
							65.38
							66.2



Area 3A

Area 3A	Pounds	Change from Prior Year	% Change from Prior Year	%Change 1994-2003	% AVG Change / Year 1994-2003
1994	2,553,728				
1995	2,845,355	291,629	11%		
1996	2,821,694	-23,471	-1%		
1997	3,413,069	591,205	21%		
1998	2,964,768	-428,323	-13%		
1999	2,853,319	-451,447	-16%		
2000	3,140,107	606,788	20%		
2001	3,133,000	-7,107	0%		
2002	2,723,000	-410,000	-13%		
2003	3,342,000	698,000	24%	132%	15%



September 27, 2005

To: North Pacific Fisheries Management Council  
Fax 907 271-2817

From: Patrick M. Bookey  
Luck of the Irish Charters  
P. O. Box 55194  
North Pole, Alaska  
99705

RECEIVED  
SEP 27 2005  
N.P.F.M.C.

Dear Sirs:

It has come to my attention that the council is to review the Halibut Charter IFQ Program. I urge you to pass the program as proposed. I have been involved with this issue since its inception and believe it to be the only sensible solution.

My wife and I have operated Luck of the Irish Charters since 1981 and provide a quality halibut fishing experience for our customers. We have seen many operators come and go. We have put our lives savings into a seaworthy vessel, quality fishing equipment, and advertising.

The GHF is threatening to bankrupt us and will bankrupt us if our fishing is limited. We must have a complete season we can count on to provide our clients. Many of our clients travel considerable distances to fish and the ability to fit their schedules is a must.

The sport halibut season is very short. Usually about 13 weeks in total practical length. Each and every day is critical to our financial success.

I know how difficult it is to make a profit in the sport halibut charter business and can honestly say most of the people that are against the IFQ program started fishing in the past few years and will not be sport charter fishing in five years. Once their motor blows or a few out drives go belly up, they discover halibut charter fishing profitability is very slim to none. Most of these new operators have equipment that is designed for the part time family boater. They try to offer cheap rates and provide a poor quality sport halibut trip.

This is not the time to let these fly by night operators destroy our business, bankrupt our lives and destroy our futures. Pass the Halibut Sport Charter IFQ program. Be assured you are doing the right thing for the halibut, the Professional Charter Fleet (that has stood the test of time) and for the sport fishing halibut public.

Sincerely

  
Patrick M. Bookey

RECEIVED  
SEP 27 2005

THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL  
ALL MEMBERS

TO WHOMEVER THIS MAY CONCERN

**N.P.F.M.C.**

In the recent past, in order to have a coherent management regime, the NPFMC instituted a new program called "IFQ" designed to eliminate the derby style fisheries that left so many in doubt as to what happened in the Halibut and Black Cod fisheries.

Lost gear, left on the grounds still fishing, the safety of over tired crews, and the over harvest of fish in one period.

This was effectively handled, though the safety issue is still a problem, one that spans the West Coast of the USA.

At a NPFMC meeting here in Sitka, the Charter Fleet were given notice that they too would be on IFQ's but at an inflated figure which was 125 percent of their historic take.

So far nothing has been done to implement IFQ's in this continuing growing fleet, the results of not dealing with this situation is the localized depletion of the near shore halibut stocks, but of course the problem doesn't stop there.

We have a depletion of Yellow Eye rock fish also, plus a depletion of other rock fish stocks, the failure to do anything about this growing fleet is impacting historic fisheries that have supported the different communities around SE Alaska, besides being an ecological disaster it is a very real economic disaster to commercial fisherman that have utilized these stocks but also to the communities they fish out of depressing their economies.

A large portion of the commercial fisherman that fish these fish are Alaska Fisherman, who have had to buy into the IFQ program that they understood that they were to have a piece of the Ground Fish Pie by the very act of IFQ.

So we now have an extremely inflated Charter Boat Fleet, demanding an extremely large share of the Halibut in the form of IFQ's, it has to be remembered that when NPFMC instituted the IFQ program there was a cut off date that said no new entrants.

I and many like me are watching to see that you as Managers of the ground fish stocks live up to your words of the past, take measures to conserve the Yellow Eye rock fish and other ground fish where these charter boats concentrate their fishing efforts.

I would also like to say that in order for many of these folks to fill their advertised brag, they have had to go farther away from their original spots around Kruzof Island because of depletion, a management regime needs to start or we will be looking at the communities off the Washington coast where the Rock fishes were depleted in close, I believe one Coast Guard Commander felt it was a nightmare trying to police these small boats so far away from shore.

It is time to take care of this promise of IFQ charter boats, not at an inflated 350% of the boats when the Council told them what was coming, but

at the rate of boats when the decision was made to give them IFQ's, if this can't be done, then you need to limit the charter boat fleet halibut take to 1 fish possession limit per person per year.

RALPH GUTHRIE  
380 KAAGWAANTAAN  
SITKA, ALASKA 99835

RG

Over view of sport anglers in SE 2001  
 AK Board of Fish Task Force  
 March 2002

Table 4. Number of registered (or licensed) charter vessels in Southeast Alaska by port from 1982 to 2001 (2001 data are preliminary). Registration requirements were changed in 1998 to include vessels used in freshwater as well as those used only to transport anglers.

Area/Port	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Angoon	--	--	--	0	0	1	4	4	12	4	22	23	23	29	35	37	27	42	37	37
Elfin Cove	--	--	--	0	9	7	9	8	9	7	18	15	20	19	31	34	37	36	39	39
Gustavus	--	--	--	0	8	9	9	13	11	15	17	17	24	22	21	25	35	37	35	36
Haines	--	--	3	4	2	5	7	6	9	6	7	9	11	9	13	11	25	26	26	27
Hoonah	--	--	--	0	3	3	7	4	5	6	7	7	12	11	14	13	22	19	16	18
Juneau	18	22	60	43	47	47	47	40	54	52	80	71	115	112	147	154	207	191	199	181
Ketchikan	44	52	76	76	65	69	64	67	102	137	199	176	164	195	155	191	188	204	199	224
Pelican	--	--	--	--	1	5	7	5	4	5	7	3	5	6	9	12	19	22	25	24
Petersburg	38	69	97	72	5	4	8	11	13	22	28	40	35	45	59	49	62	62	64	64
PVI	--	--	--	--	32	34	34	40	44	45	67	73	94	101	143	167	210	221	226	215
Sitka	10	13	81	30	27	38	37	52	56	67	109	135	162	194	195	198	240	255	269	270
Wrangell	15	21	**	15	21	12	27	24	20	19	19	17	35	31	37	46	57	54	51	48
Yakutat	0	0	0	1	5	7	3	9	11	8	12	9	15	17	33	16	50	57	54	56
Other	14	20	0	31	0	0	1	2	1	8	8	10	12	12	11	26	61	50	59	60
<b>TOTAL</b>	<b>139</b>	<b>197</b>	<b>317</b>	<b>272</b>	<b>225</b>	<b>241</b>	<b>264</b>	<b>285</b>	<b>351</b>	<b>401</b>	<b>600</b>	<b>605</b>	<b>727</b>	<b>803</b>	<b>903</b>	<b>979</b>	<b>1,240</b>	<b>1,276</b>	<b>1,299</b>	<b>1,299</b>

\*\* Wrangell included with Petersburg

705 Etolin  
Sitka, Alaska 99835

September 26, 2005

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

RECORDED  
SEP 27 2005

Dear Ms Madsen and Council Members,

N.P.F.M.C.

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. I am especially disappointed that after almost 5 years of foot dragging NOAA would essentially try to overrule the Council's previous decision by asking for a reaffirmation. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

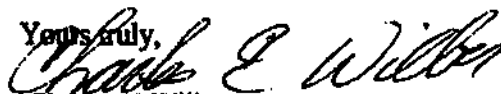
Dr Hogarth's request for reaffirmation sets a bad precedent for the Council. Does this mean that all decisions made by the Council are subject to reaffirmation at a later date? It seems to me that this power of reaffirmation puts Dr Hogarth and NOAA in a position to dictate policy to the Council.

The Council needs to implement its own plan for charter IFQ's made in April 2001. The process was inclusive and well crafted resulting in a plan that was sensitive to the needs of subsistence, sport, charter, and commercial Halibut fishermen. If the Council gives in to Dr Hogarth's request, it is throwing out good public policy for the benefit of political manipulation of the Council process.

Dr Hogarth should be directed to quit stalling and implement the Council process by publishing the Proposed Rule.

If necessary, the Council should reaffirm its own decision and support the well crafted Halibut charter IFQ plan.

I am a 20 year Halibut fisherman who has made a significant investment of money and time in the commercial Halibut fishery. It is very disheartening to see my investment and IFQ quota being slowly reallocated to the Charter industry. Thanks for the opportunity to comment on this issue.

Yours truly,  
  
Charles E Wilber

Date: 9/27/05

Ms Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501  
NPFMC FAX: (907) 271-2817

**RECEIVED**  
SEP 27 2005  
**N.P.F.M.C.**

Dear Ms Madsen and Council Members,

Re: Halibut Charter IFQ Program

I urge you to reject Dr Hogarth's letter of August 3, 2005 asking the Council to reaffirm the Council's April 2001 program to establish a halibut charter IFQ program. Dr Hogarth should allow the public process to move forward and publish the Proposed Rule.

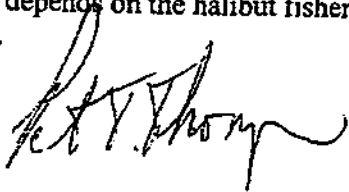
Dr Hogarth's intrusion into the normal Council regulatory process is without legal foundation and sets poor public policy. Both the Halibut and Magnuson-Stevens Act provide a clear division of responsibility between the Council and the Secretary of Commerce. If you give in to Dr Hogarth you are ceding part of your authority and responsibility to Dr. Hogarth, and setting a poor precedent for future Council actions.

The public trusted the Council process to arrive at a fair decision in April 2001; now it is your responsibility to defend the Council process and protect Alaska's fisheries from unwarranted interference from those such as Dr Hogarth.

If you don't reject Dr Hogarth's letter outright, I urge you to reaffirm the charter IFQ program that was developed after an eight year process that included extensive analysis, public involvement including over 8,000 letters, and a careful effort on the Council's part to balance the needs of subsistence, sport, charter and commercial halibut fishermen.

My family depends on the halibut fishery and has invested in both quota share and equipment.

Sincerely,



Address:

P.O. Box 3037  
KODIAK, AK 99615

Copy: Senator Ted Stevens  
Senator Lisa Murkowski  
Secretary of Commerce Carlos M. Gutierrez



**RECORDED**

SEP 28 2005

**N.P.F.M.C.**

Yourkowski

**CITY OF HOMER  
HOMER, ALASKA****RESOLUTION 05-23****A RESOLUTION OF THE HOMER CITY COUNCIL OPPOSING  
INTEGRATION OF THE HALIBUT CHARTER FISHERY INTO  
THE EXISTING COMMERCIAL IFQ SYSTEM.**

WHEREAS, the sport halibut charter industry is an important part of the growth of the tourism industry in the City of Homer, and

WHEREAS, the proposed Halibut Charter IFQ plan is not based on any biological need, and

WHEREAS, the proposed rule to integrate the sport halibut charters in the commercial IFQ system transfers ownership of a resource to the private sector that traditionally belonged to the public, and

WHEREAS, encouraging new entrants in the charter business in turn encourages competition and diversity in the fleet, and

WHEREAS, the implementation and allocation of Halibut Charter IFQ will significantly reduce the number of charter operators in Homer, thereby reducing tourism revenue and taxable earnings proportionately within our community, and

WHEREAS, the proposed management plan will not meet the needs of the current fleet. Industry estimates show the proposal will only satisfy the needs of 160 six packs for Area 3-A, which includes Homer, Kodiak, Seward, Ninilchik, Whittier, and Valdez.

WHEREAS, catch and effort statistics from the International Pacific Halibut Commission and sport fishing license sales records from the State of Alaska Department of Fish and Game show that the growth in the sport halibut fishery is flat or has increased less than 1% per year, and

WHEREAS, the Homer Chamber of Commerce is in opposition to current Charter IFQ management plans until such time an economic impact on the community can be completed, and

WHEREAS, the City is well positioned to maintain and become further involved in the development of the tourism industry due to its long history with the industry, strong membership in the Chamber of Commerce, outstanding port and harbor facilities, excellent airport, diverse tourism infrastructure, and location on the National Highway System, and

Page Two  
Resolution 05-23  
City of Homer

WHEREAS, the negative financial impacts resulting from the implementation of the Halibut Charter IFQ will have a damaging effect on the economic infrastructure of Homer, including direct losses to Port and Harbor, business tax revenues, and satellite businesses dependent on a healthy fleet.

NOW THEREFORE BE IT RESOLVED, that the Homer City Council finds that the proposed halibut charter IFQ plan would present a significant barrier to free enterprise, and


BE IT FURTHER RESOLVED, when an area needs management for the conservation of the halibut resource, we encourage that community to turn to "Local Area Management Plans" (LAMPS) in order to address the unique situation of that particular fleet, and

BE IT FURTHER RESOLVED, that the Council finds that the proposed Charter IFQ plan will impair services to the public, stifle incentive for new charter operators and retard the goals of the Homer Chamber of Commerce, and

BE IT FURTHER RESOLVED, the Homer City Council would support a management plan that is equitable to all existing charter operators and include provisions for new entrants.

PASSED and ADOPTED this 28th day of February, 2005 by the Homer City Council.

CITY OF HOMER

  
\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARY L. CALHOUN, CMC, CITY CLERK

Fiscal Note: Not Defined.

**RECEIVED**  
SEP 26 2005

Dear Council Members,

**N.P.F.M.C.**

The development of the GHL and Halibut Charter IFQ programs were both spawned from incorrect assumptions, illogical conclusions and without supporting data. There is not now nor has there ever been any correlation between the number of charter operators and any depletion of the Halibut biomass. Working from a flawed premise can only lead to a disaster. If there were any substantive merit to the accusatory claims of Longliners, a management program would have been logically developed without controversy in a reasonable period of time.

- Now, after several years, and after more and more groups of individuals have finally become aware of the inappropriateness of a charter IFQ, objections and challenges are spring up throughout Alaskan communities. In April '05, at the Anchorage Sportsman's show, over 600 Alaskans recorded opposition to a Charter IFQ. Only two respondents favored the proposal- both admitted to being potential quota recipients.

There was too much secrecy associated with the development of the GHL and IFQ programs. Homer charter operators repeatedly asked their representative on the Advisory Panel (Mr. Bob Ward) as to the progress of the programs and how they could provide input. His responses were consistently vague and frequently dishonest. It is now clear that he, and others like him, were laying the groundwork for their own economic prosperity-all at the expense of their colleagues and communities.

The cornerstone for these programs was the charge by longliners that Charter growth was "out of control" and was leading to the progressive diminution of commercial catch allowances. This could not be more incorrect! The one and only consequence of an increase in Charter companies is a proportionate increase in competition within the industry itself. They compete for the same number of sport fishing clients. Licensed fishermen (resident and non-resident) have increased approximately 2% per year for the past decade. Conservatively, about half of these, or 1%, may be Halibut fishermen. It simply cannot be demonstrated that this miniscule increase is responsible for any negative impact on the halibut resource.

Completely discrediting the charges of Longliners and the Halibut Coalition is the Alaska Department of Fish and Game published data that both the number of registered charter businesses and charter vessels have never experienced sad growth, and in fact have been come less every year since '99.

The GHL and IFQ programs are now recognized as nothing more than attempts in resource monopoly. It would be ludicrous to burden the government with the expense to implement these programs. Enforcement alone would be a bureaucratic nightmare.

It should never have reached this point! It is beyond reasonable that the North Council assumed management authority over any portion of the "recreational" fishery. The 14<sup>th</sup> amendment of the U.S. Constitution guarantees fair and equitable representation to every citizen. Sport fisherman, who constitute the largest user group, are not proportionally

represented on the North Council. In fact, the NPFMC has the most lopsided composition of the eight management councils.

Designation of Charter operators as "commercial" will not sustain legal challenge. A Charter operator does not charge or collect a fee for any fish caught aboard his vessel. His fee is for transport only! Charter operators may not catch or sell any fish, and they are not entitled to any Fishermen's Fund benefits. Certainly the Council would not presume to label any vessel owner with a GPS and Sounder as "Commercial."

The GHL and IFQ programs were not the products of an unbiased council process. Their development was flawed from the start. The Charter representation on the Advisory Panel was not a cross section of the Industry participants. The AP was allowed to define the Quota Qualifying scheme to guarantee themselves millions of dollars in IFQ equity while eliminating over half of their existing competition. This was the boast of Mr. Ward, member of the AP, after he believed the IFQ program would be "rubber stamped" in Washington.

The Halibut Coalition and ALFA declare that the North Council heard over 8,000 public comments. But, did anyone listen? Those comments were overwhelmingly opposed to a Charter IFQ. In addition, 40,000 Charter clients sent notice of opposition to those pending proposals. Somewhere within the council network, those 40,000 objections were discarded.

When both proposals passed council votes, council members participated who should have been disqualified according to the Magnuson-Stevens Act Sec. 301.104-297. Obvious conflict of interest existed. As long as there exists any possibility of transfer of sport quota to the commercial sector, council members with ties to Longline fishing or whose connections will benefit from Halibut processing or marketing should be excluded from the voting process.

The IFQ program can only be initiated with log book data collected by the State of Alaska in '98 and '99. The council must acknowledge the FACT that charter logbook data is seriously flawed. Review of this data by both the Council and the Alaska Dept of Fish and Game concluded that Charters privy to the pending logbook requirement falsely inflated their reports by at least one-third. This is provable.

The Halibut Coalition and ALFA have distributed charts and graphs intended to demonstrate the escalation of Halibut harvests by Charter clients. None of these "documents" credits a source or method of data accrual. Clearly, the recreational user group was fragmented to validate their challenges. The participants in the recreational fishing group may be shuffled in a variety of ways. The bottom line is the number of participants and their catch totals remains the same. Statistical information can easily be manipulated to SELL a point of view. For example: If all Halibut fisherman were provided "comp" trips by Alaskan vessel owners, ALFA would be forced to record a ZERO Charter catch!

The IPHC has published a catch summary for all Halibut user groups. It should be clear which groups are responsible for Halibut removals. It should also be abundantly clear to anyone and everyone, fisheries managers, politicians and the public that whatever the recreational fishermen have harvested has had NO impact on the increasing Commercial Halibut harvest!

It is equally obvious that Halibut bycatch and waste by the Commercial fishing industry is understated. Only a fraction of Commercial boats carry an observer at any one time. In addition, an alarming figure missing from the IPHC statistics is the small fish mortality, which can never be quantified. To be meaningful, this tragic loss should be demonstrated in numbers of fish- not pounds, in order to demonstrate the significant loss of future years of Halibut stock. These fish were dropped, unaccounted for, to the ocean floor. Halibut should be sold at one price per pound, in bulk, at the dock to eliminate the temptation of Commercial fishermen to discard smaller fish to upgrade the profit from larger fish- Let the distributor and consumer deal with the comparative value differences of different sized Halibut! The North Council should direct its efforts to these and similar concerns – not recreational fishermen and Charter operations!

The Halibut Coalition and ALFA have charged that there is “localized depletion” of the Halibut resource, and again they chose to blame charter operators. Again, there is NO supporting documentation – only finger pointing.

After the inception of the Commercial Halibut IFQ program, Longliners were free to fish most of the year. They began fishing closer to home to conserve fuel and limit overhead. Charter operators were subsequently forced farther and farther to avoid the miles of Longline gear to reach suitable fishing grounds. Their client numbers have not increased, nor have their catches. It is far more probable that if depletion has occurred, it is due to Longliners electing to fish closer to home. This same reversal in fishing patterns by Longliners has transferred safety concerns from Commercial to recreational. Private and Charter boat operators, now forced farther from port, have out of necessity, purchased larger boats in order to reach more distant waypoints. Charters don't have the flexibility to wait for better weather. Clients are scheduled for specific days to fish. The council should give attention to defining specific fishing areas for recreational and commercial fishermen with some shared waters permitted by choice, not necessity. Both groups would be safer and exist with less conflict.

The Halibut Coalition states “left unchecked, the Sport catch could displace the entire commercial harvest.” They hope the shock of their declaration would be so overwhelming that no one would question its feasibility. This is totally preposterous! According to the IPHC, the total sport catch in '03 was actually down 9% from its recorded high in '97. But, the '03 catch was indeed greater than that of '95 with an average annual increase 0.09 million lbs/yr over the eight year period '95-'03. That increase left “unchecked” would displace the entire commercial harvest in 672 years!

The recent efforts of ALFA have almost become pathologic. Their appeals have flowed without logic or supporting documentation. This summer a sad scenario unfolded in

Sitka, Alaska after the publication of the June 2<sup>nd</sup> Sitka Sentinel. The Sitka Chamber of Commerce Board of Directors voted to oppose the Halibut Charter IFQ (only one Community chambers to do so). The Chamber Board was attempting to safeguard the health of the Sitka small business community. The director of ALFA submitted a lengthy letter to the Sentinel attacking and slandering the Chamber Board and its director for their action (doing their job.) ALFA blatantly misrepresented the necessity for the IFQ proposal, misrepresented data and urged the citizens of Sitka to boycott any Sitka business or group that dared to oppose the Charter IFQ. In the wake of ALFA's appeal were several threats to local businesses, intimidating acts to individuals, property damage, jobs threatened and resignations from the Chamber Board. There are dozens of adjectives that should accompany this behavior – None of them complementary! It's sad! There are too many good, decent Commercial fishermen to believe this attitude is pervasive.

The Management programs of the North Council should precipitate from documented necessity. Threats to a resource should be honestly and accurately identified first, and solutions should target the offenders without bias. Please review the enclosed supporting documents as they clarify the recreational use of the Halibut Fishery. The recreational user group can be easily identified and their impact on the Halibut Fishery readily appreciated.

The North Council has mammoth responsibilities. It has made significant contributions to fisheries management. Please do not taint your record by validating the Halibut Charter IFQ proposal.

Sincerely,



Dr. John Bondioli,  
Concerned Citizen and Fisherman, Member of Alaska Charter Association  
PO Box 66  
Homer, AK 99603

**From Dora Sirgurdson-Alaska Dept of Fish and Game  
Appendix A6.-Number and percent of Alaska sportfishing licenses by residency,  
1995-2003.**

Year	Resident		Nonresident		Total
	Number	Percent	Number	Percent	
<u>1995</u>	<u>176,428</u>	<u>42.6</u>	<u>238,021</u>	<u>57.4</u>	<u>414,449</u>
1996	180,747	42.6	243,731	57.4	424,478
1997	180,029	41.7	251,865	58.3	431,894
1998	173,833	40.6	254,494	59.4	428,327
1999	172,717	39.1	269,153	60.9	441,870
2000	177,700	38.7	280,939	61.3	458,639
2001	178,251	39.3	274,968	60.7	453,219
2002	184,790	39.4	284,583	60.6	469,373
<u>2003</u>	<u>165,418</u>	<u>36.4</u>	<u>289,358</u>	<u>63.6</u>	<u>454,776</u>

Total of Sportfish licenses increased 40,000 since 1995, approx. 10,000 per yr

\*Licensed fishermen include a number of user sub-groups: clam diggers, fresh water fishermen, Salmon fishermen. Some never fished due to altered schedules or changes in weather or priorities. Conservatively, Halibut Fishermen have increased only 1% per year.

# Alaska Fisheries Information 1995-2003

	Year	A)Finfish Bycatch	B)Halb. Catch	C)Halb. Bycatch	D)Sports Catch	
1	1995	662.80	33.96	14.96	6.35	
2	1996	636.70	37.50	14.93	6.97	
3	1997	662.81	52.37	14.62	7.78	Highest Catch Year
4	1998	346.90	56.13	14.09	7.32	
5	1999	345.53	61.15	14.41	6.18	
6	2000	347.40	57.01	13.56	7.65	
7	2001	276.76	59.73	13.67	6.65	
8	2002	314.71	61.74	13.69	6.35	
9	2003	321.55	60.53	13.05	7.09	Last Recorded year

All figures are in millions of pounds.

- a) Total commercial finfish bycatch mortality which ranges from 6.5% to 9.8% of their total catch.
- b) Total commercial halibut catch.
- c) Total commercial halibut bycatch mortality.
- d) Total recreational and charter halibut catch.

The source for bycatch mortality is the Alaska Marine Conservation Council.

The source for catch totals is the International Pacific Halibut Commission.

## B) Commercial Halibut Catch: '95-'03

2003 60.53M

1995 33.96M Subtract

Up 26.57 Million lbs from 1995. 78.24% Increase!

D) Sports Catch: 1997 (Highest Year) 7.78M

2003 (Last Recorded Year) 7.09M

Note 0.69M difference Sport Catch from 1997 through 2003

C) Bycatch which is Documented has always exceeded the total sport catch.



## 2004 Sportfishing Charter Business/Guide Registration

**Table 3. Number of businesses that indicated an intent at registration to provide guide services in saltwater and freshwater, 1998-2004.**

Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b>							
Southeast only - Cape Suckling to Dixon Entrance	524	559	563	601	646	669	589
Southcentral only - Kodiak to Cape Suckling	646	684	692	713	763	694	697
Both Southeast and Southcentral	19	29	26	30	29	34	92
Other Alaska	58	62	87	80	51	32	n/a
<b>Total</b>	<b>1,234</b>	<b>1,327</b>	<b>1,350</b>	<b>1,401</b>	<b>1,478</b>	<b>1,434</b>	<b>1,397</b>
<b>FRESHWATER</b>							
Southeast	319	351	365	380	424	423	n/a
Prince William Sound / Upper Copper-Upper Susitna	219	235	222	233	241	273	n/a
Kodiak / Alaska Peninsula / Aleutians	236	273	280	289	282	285	n/a
Cook Inlet / Kenai / Mat-Su	607	642	651	637	657	670	n/a
Bristol Bay / Lower Kuskokwim	273	315	250	258	277	284	n/a
Arctic / Yukon / Kuskokwim	131	151	177	171	177	176	n/a
<b>Total</b>	<b>1,265</b>	<b>1,399</b>	<b>1,423</b>	<b>1,438</b>	<b>1,512</b>	<b>1,520</b>	<b>1,323</b>

*Decrease last 5 yrs*

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

**Table 4. Number of vessels operated by region for businesses indicating saltwater guiding services at registration, 1998-2004.**

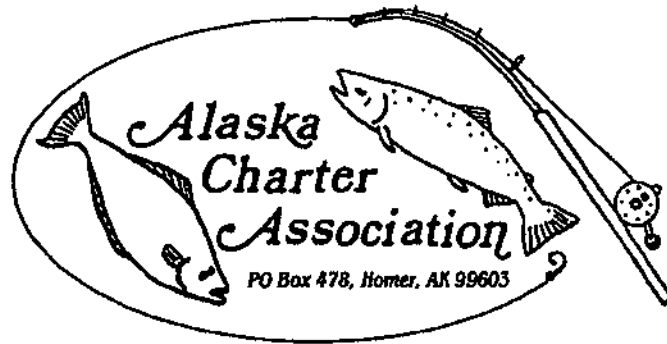
Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b> <i>Salmon, Halibut, Rockfish, Sightsee guide.</i>							
Southeast only - Cape Suckling to Dixon Entrance	955	947	925	1,046	1,066	1,082	662
Southcentral only - Kodiak to Cape Suckling	823	875	872	900	979	971	596
Other Alaska	51	57	85	81	77	42	n/a
<b>Total</b>	<b>1,829</b>	<b>1,879</b>	<b>1,882</b>	<b>2,027</b>	<b>2,122</b>	<b>2,095</b>	<b>1,258</b>

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

*Alaska Dept of Fish & Game*

*Decrease last 5 years!*

**AGENDA C-1  
Supplemental  
OCTOBER 2005**



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

North Pacific Fishery Management Council  
605 4<sup>th</sup> Ste 306  
Anchorage AK 99601-2252  
September 26, 2005

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

Dear Council Members,

The Alaska Charter Association began to educate fellow Alaskans about the Halibut Charter IFQ proposal last spring. Form letters were signed by 103 Alaskans who asked us to forward their letters of opposition to you to be counted as comments to the Council. Also enclosed are personal letters received this week from concerned fishermen.

Please consider the Alaskan fishermen's opposition and do not vote to reconfirm the IFQ proposal.  
Thank you,

Very truly yours,

Dick Koskovich, President  
Alaska Charter Association  
PO Box 478  
Homer, AK 99603-0066  
[www.Alaskacharter.org](http://www.Alaskacharter.org)



**J.L. ASHFORD  
CONSTRUCTION**

**GENERAL  
CONTRACTOR**

My name is John Ashford last year in June 2004, I took my father in law to a place I have always wanted go. Alaska, my choice was the kenai peninsula we did 4 days salmon Fishing and 3 days halibut fishing, all with guides we did not bring any salmon home but We did get to bring home a fair amount of halibut home witch made the trip. All are halibut Was out of Homer and Ninilchik we spent a total of 9 days about \$6000.00. I had such a good Time I was already setting up my next trip.

Well this year I came in July and brought my two sons we stayed 14 days and spent a Total of \$11,000.00 again we brought home very little salmon but we got our halibut witch Made the trip. My sons and I are already setting up next year, and I plan to make it an annual Event as long as my body will allow. I am only 47 so I see many more years, as I said above The halibut makes the trip, if the halibut get to expensive, I may have to go to Canada to fish But Alaska is my first choice. If for any reason you need any more information from me please Feel free to contact me.

John Ashford  
5277 Larkspur Drive  
Ventura California 93001

Home : 805-643-3466  
Office : 805-648-1726  
Cell: 805-340-0252

*John Ashford*      *9/8/05*

~~XXXXXXXXXX~~ • VENTURA, CALIFORNIA 93002-2782

(805) 648-1726

9 September 905 N. Ash St  
Gordon, Nebraska 69343

Dear members of North Pacific Halibut Commission,

I began fishing for halibut in Alaska with a two day trip in 1990. I enjoyed that trip so much that I essentially quit fishing in South Dakota, Nebraska and Wyoming and Oregon and expanded fishing in Alaska to about 2 1/2 months a year. Currently I have fished in Seward and Valdez and Kodiak for silvers, mainly I fish for halibut and even went to Dutch Harbor looking for the "big one." I spend about \$10,000 a year in this pursuit.

I am concerned your activities with the DFO's will jeopardize fishing for halibut not just for me but for many of my friends and family who currently visit me in Alaska to fish. Please do not destroy our halibut fishing.

Sincerely  
Jim Rogers

SEPT. 12, 2005



Mr. William Santos  
8 James St.  
Taunton, MA 02780-1515

508-822-3994

ATT: N. P. H. C.

I understand there is a vote coming up on the halibut quota that could put a lot of Charter Boats out of business. I have been fishing 14 years out of the last 17 years for halibut in Alaska. I fly from Boston rent a car <sup>in</sup> Anchorage, stay in a motel (Kenai area) + eat out. The plan for 2006 is 4 fishermen, that's 2 cars 2 motel rooms for 12 to 14 days, also salmon fishing on the Kenai River (King Charter).

That is if we are able to fish for halibut, and that is about \$12,000 or more just for our one group of 4 fishermen.  
Just for the Halibut

William H. Santos

September 11, 2005

To Whom It May Concern:

My first time to Alaska was in 1990. I fished the Kenai River; I caught a 63# King. I caught my first halibut out of Deep Creek on the Cook Inlet. I fished the Cook Inlet for the next 14 years with Catch-a-Lot Charter and with Wildman Charter out of Deep Creek. I've spent between \$3,000 and \$3,500, every year I've been up there. I'm up there for 10 days every year. I love my halibut fishing.

*Jim Martin*

Jim Martin  
PO Box 163  
Elk River, Idaho 83827  
208-826-3410

September 12, 2005

Arthur Rubin and Jennipher Hennessey  
1421 Lebanon St. SE  
Lacey, WA 98503

360-438-3964

Northern Pacific Halibut Council

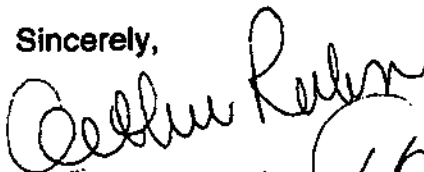
Dear Sirs,

This letter is to inform you of our annual fishing vacation to Alaska and the Kenai Peninsula. We have been traveling each year since 1996, almost ten years. Our primary purpose is to fish for halibut and salmon. We halibut fish with charters from Homer and Deep Creek. We also fish with guides on the Kenai River for salmon.

We have determined, with airfare, rental vehicle, groceries, gasoline, restaurants, hotels, campgrounds, laundromats and fishing, we spend approximately five to six thousand annually.

Please feel free to contact us if you have any questions. We look forward to continues visits.

Sincerely,



Mr. Arthur Rubin

Mrs. Jennipher Hennessey





To: North Pacific Halibut Commission

I have enjoyed my fishing experience this year so much.

I went on a charter boat, and it was wonderful.

I also learned that it may be my last. If the cost of charters has to be increased.

I hope you will listen to the charter companies and leave things as they are.

Thank You  
Donna Brown

Daniel A Durkin  
8901 Sahalee Drive  
Anchorage, Alaska

September, 15<sup>th</sup> 2005

Dear Commission Members,

I manage a large retail store in Anchorage, Alaska. I was transferred here 36 months ago. In my short time here I have been absolutely surprised how many of our associates enjoy sport fishing. I have been equally surprised to discover how many of our customers are sport fisherman as well. The great part of this sport is that often it includes the whole family. Each year we plan a halibut fishing trip for our associates with one of the guides from Ninilchik. We have as many women as men sign up for the trip. Several associates have brought their children or a spouse.

Retail and service workers are among the fastest growing segments of the anchorage work force. The average worker in the segment does not make a significant income. The 180.00 they pay for a halibut charter represents a significant expenditure for them and their families. I have had many associates express the desire to go on a charter but they simple can't afford that sum of money.

I understand the proposed changes to the fishing quota for halibut charters will increase the cost of a halibut fishing charter to such a level that only the wealthiest sport fisherman will be able to take advantage of the uniquely Alaska experience. If is truly necessary to reduce the amount of halibut being caught in Alaska, there must be another solution besides pricing out the local wage earner. There are very few low to middle income families that can afford their own equipment with which to deep sea fish, leaving charters as their only method of halibut fishing.

I urge the commission to scrap the current I.F.Q. regulation and look for a much more equitable method to control the halibut catch, one that burdens commercial fishing in proportion to the amount of halibut caught.

Sincerely,



Dan Durkin

North Pacific Halibut Council

9/7/05

To who it may concern

I have been coming to Alaska since 1999. We come from South Carolina in our motor home. We normally arrive in middle May and stay until Aug 31.

My wife and I fish about 10-12 lakes a month using local charter people in Melnick or Homer and guides for the river.

The following is a list of our expenses

Fishing per month	\$ 3000 - 3600
Campground per month	\$ 600
Gasoline per month	\$ 350
Dining out per month	\$ 550
Drinks per month	\$ 300
Shipping fish per month	\$ 600
License, portation	\$ 2500

We have 12-13 family members visit us each summer for a week. They spend a total of fishing \$750, airfare \$700, rental car \$250, lodging \$500, food + ETC \$500, shipping fish \$175.

(2)

Virginia is for lover's

Alaska is for fishing

There is at least 5 other  
water borne people who we know  
who do the same thing.

I hope this helps in your  
planning

Respectfully yours

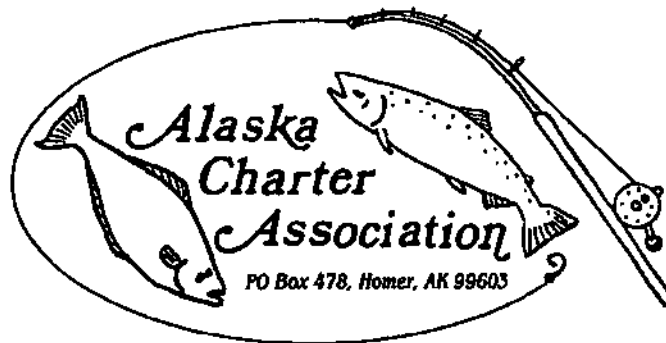
Arnon H. Jahns

ARNON H. JAHNS

32 JOHNSON DR

MOBAC, SC 29838

I am also a proud holder  
of a trophy fish Great Citation  
from the state of Alaska (Halibut)



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

Please put an end to the Proposed Halibut Charter IFQ!

This proposal would do IMMEASURABLE financial harm to the coastal communities of Alaska.

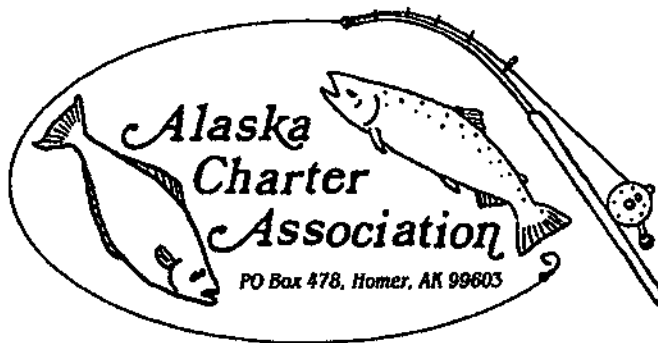
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- \* Over 125 Halibut Charter Businesses from Barrow to Sitka have joined the Alaska Charter Association To oppose this IFQ.

Thank you for your help in protecting jobs in our towns by stopping this Charter IFQ!

Sincerely,

*Lenore Lowery*  
Lenore Lowery  
2360 Cleo Ave  
Anchorage, AK. 99516



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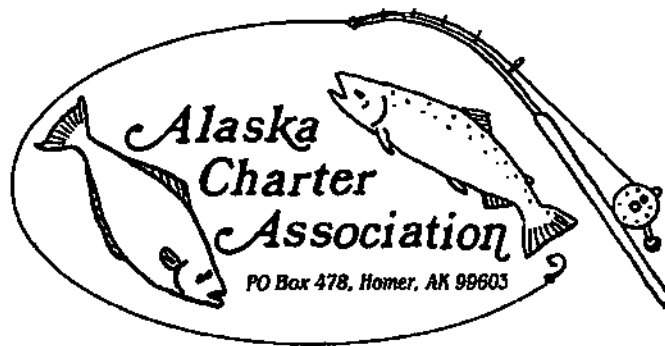
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Sincerely,

*Danus Lidd*  
Wasilla, AK



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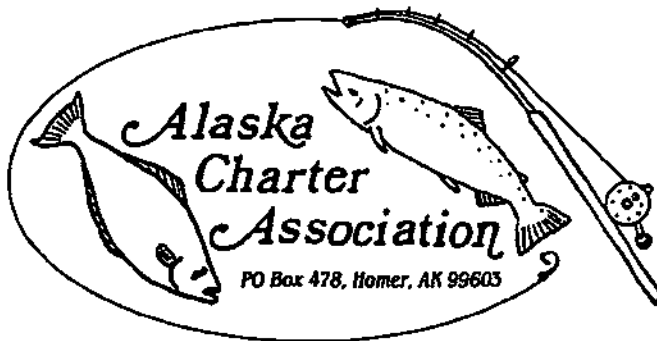
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Sincerely,

*George Lowery*  
George Lowery  
2320 Cleo Ave  
Anchorage AK 99516



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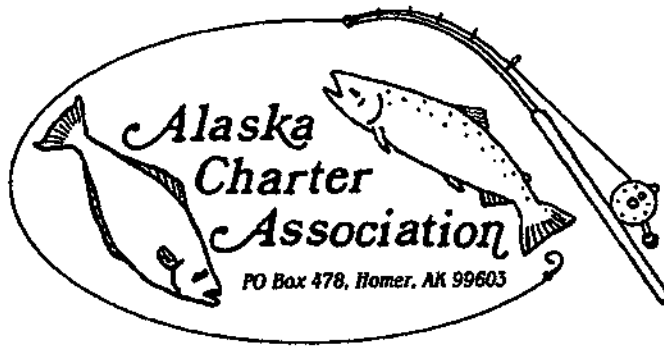
*Lenore Lowery*

Lenore Lowery

2360 Cleo Ave.

Anchorage, AK. 99516





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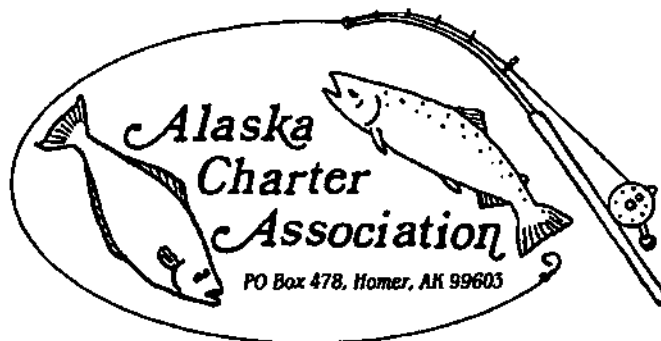
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Sincerely,

41 R.R. Ave.  
Spencer, NY 14863



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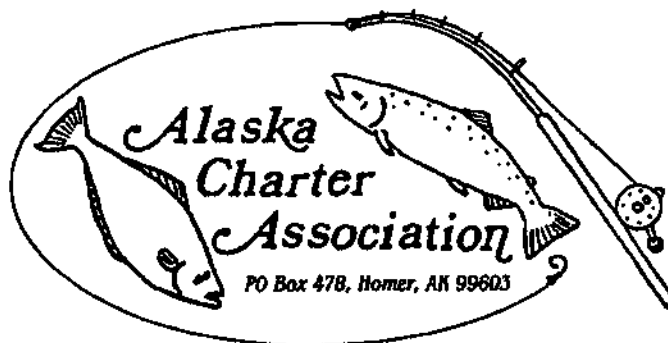
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Sincerely,

Louis L. Morris III  
19545 South Montague Ln  
Eagle River AK 99577



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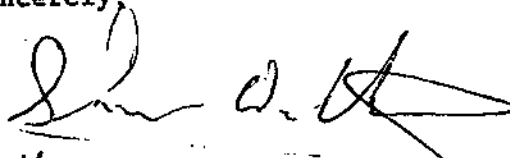
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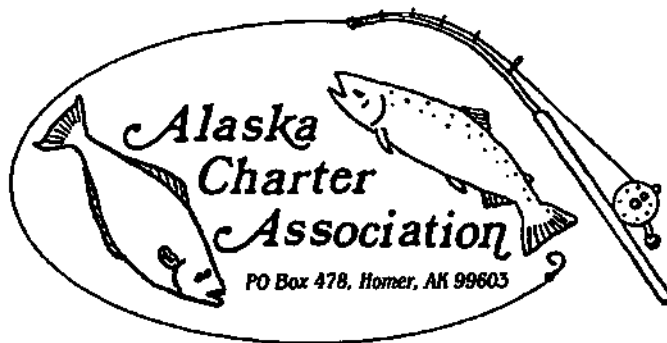
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Sincerely,

  
41 R.R. Ave.  
Spencer, Ny 14883



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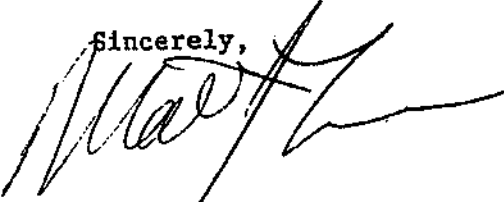
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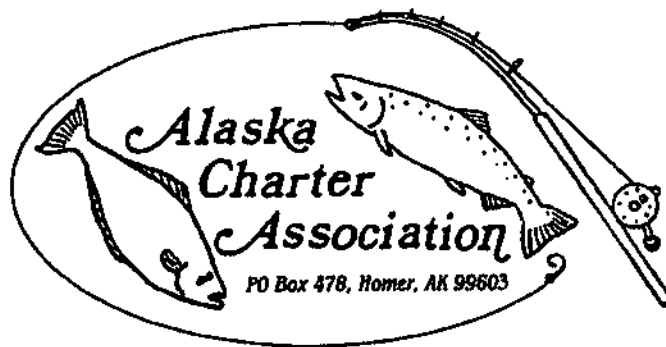
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Sincerely,

  
Matt Lovorn  
12110 Business Blvd  
Suite 6 #113  
Eagle River AK 99577



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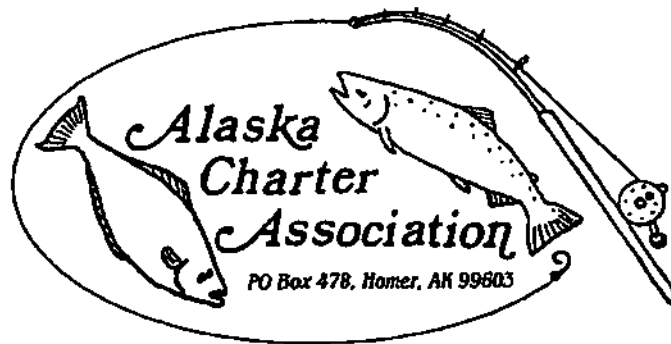
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Sincerely,

Travis Oaks  
17915 Sauvignon Circle  
Eagle River, AK 99577



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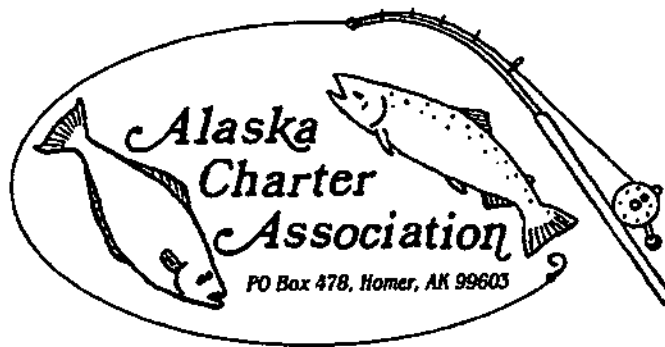
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Sincerely,

Petr A. Barclay  
7211 Chad Street  
Anchorage, AK  
99578



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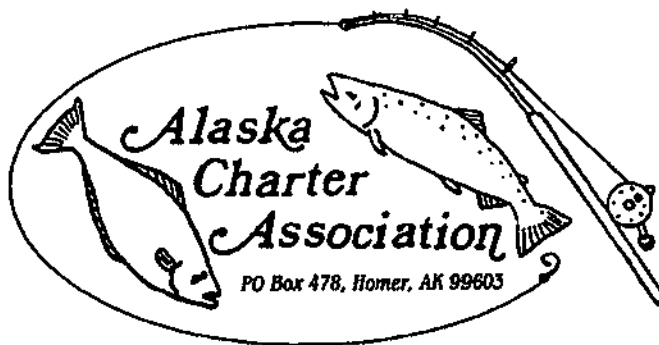
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Sincerely,

*Jess Johnson*  
Jess Johnson  
9047 Dewberry St. #4  
Anchorage, AK 99502



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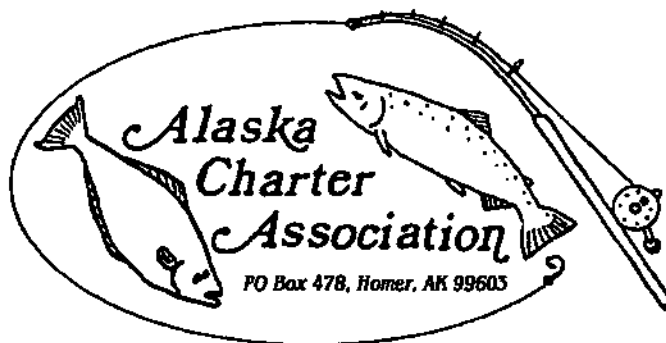
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Sincerely,

P.O. Box 5033  
Atkins, AK

99625





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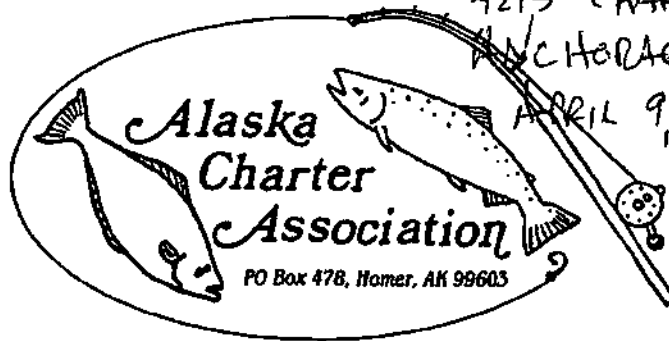
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Sincerely,

*Mickey Rogers*

*Mickey Rogers  
21840 BLAIR AVE  
CHUGIAK AK 99567*



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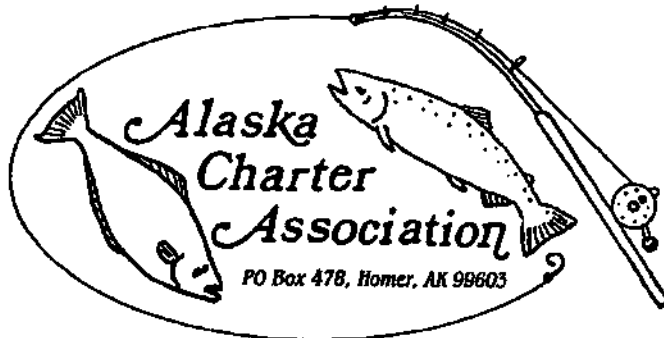
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Sincerely,

*Milton T. Hummer*



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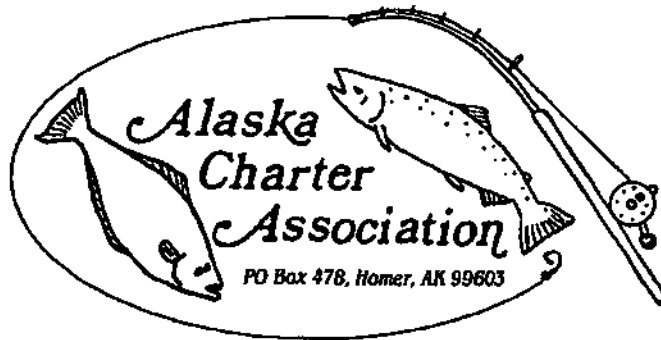
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Sincerely,

STEVE BUECK

PO Box 1099 Arc AK



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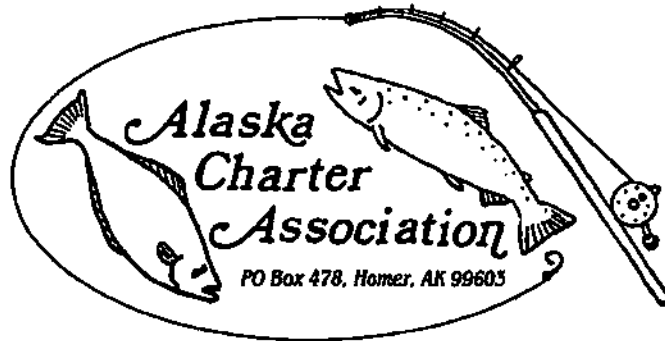
Sincerely,

*David Somers*

DAVID SOMERS

PO Box 3083

SOLDOTNA AK 99669



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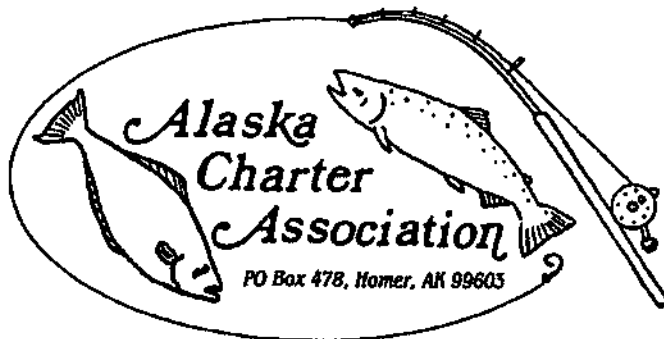
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Sincerely,

  
7110 Amber Lane Apt #10  
Anchorage AK 99504



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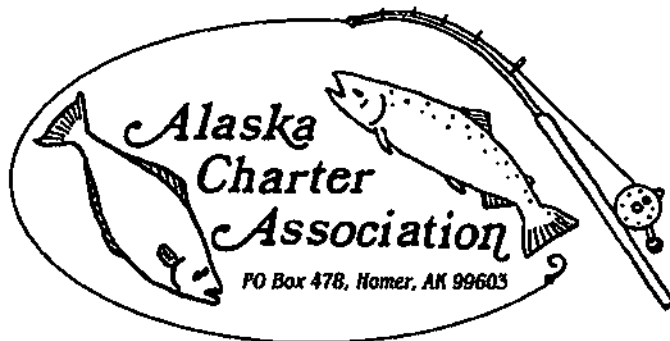
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Sincerely,

P.O. Box 1412

Starling, Ak 99672



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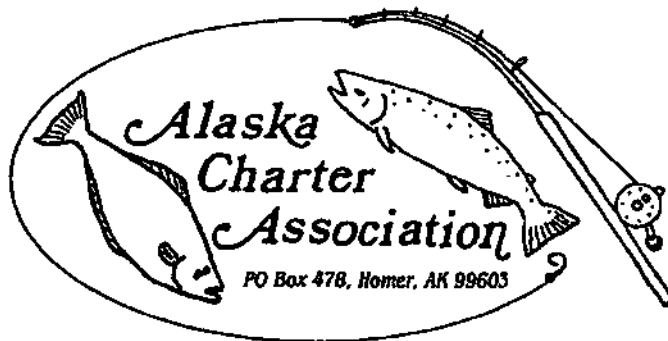
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Thank you for your help in protecting jobs in our towns by stopping this Charter IFQ!

Sincerely,

*Shanna Stauffacher*

Shanna Stauffacher  
PO Box 1412  
Sterling, AK 99672



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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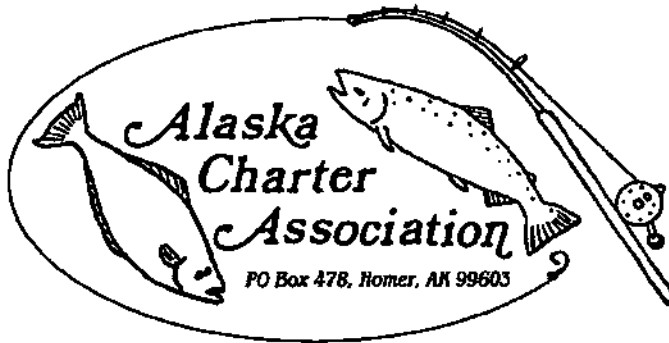
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Sincerely,

Tim Shaw  
8131 Clear Haven  
Anchorage, AK  
99507





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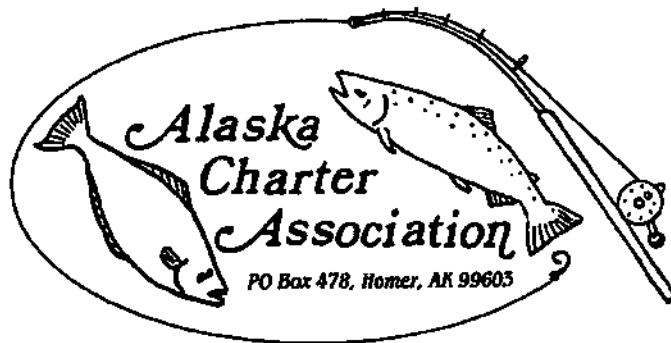
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Sincerely,

Travis Beerley

24336 Leo's RD CHugiak AK 99567



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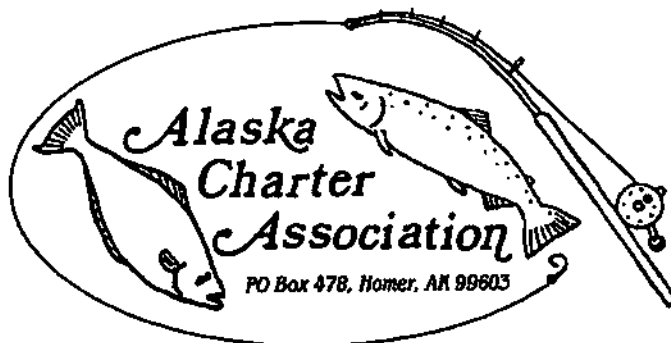
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Sincerely,

*Randy Becker*  
507 E Street #201  
Anchorage, AK. 99501



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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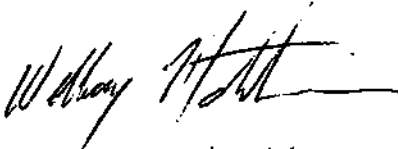
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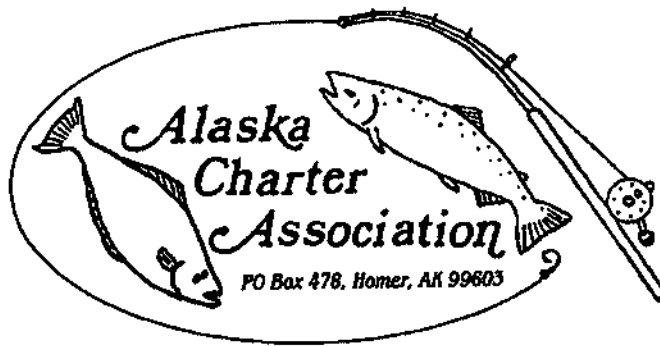
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Sincerely,

  
William Matthews  
PO Box 91216  
Anchorage AK 99508



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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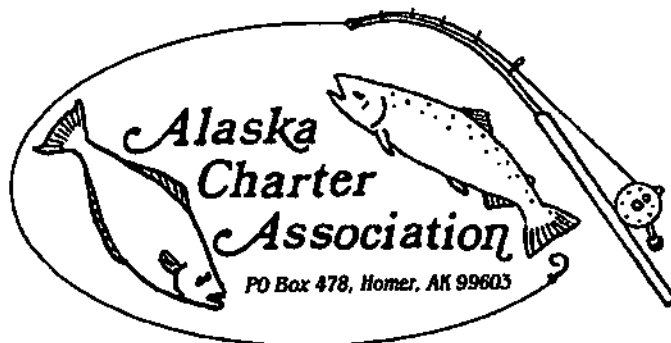
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Sincerely,

A handwritten signature in black ink, appearing to read "Craig Offret".

CRAIG OFFRET  
1557 AIRPORT HEIGHTS  
ANCHORAGE, AK 99508



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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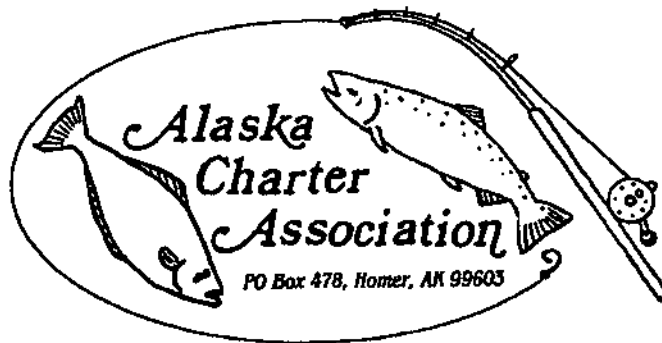
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Sincerely,

Francisca Guillen  
PO Box 774  
Soldotna, AK  
99669



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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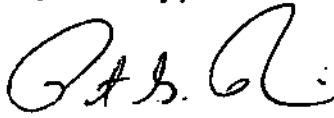
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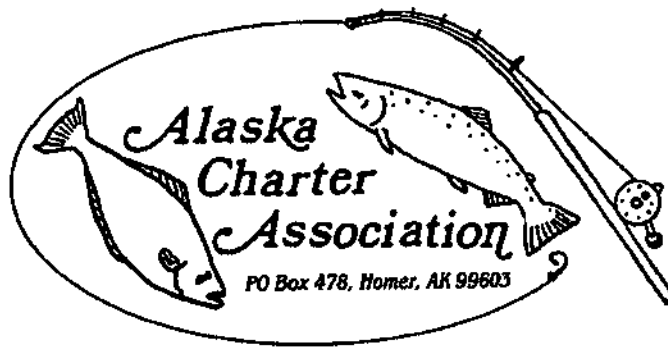
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Sincerely,

  
Peter Rissi  
13508 Ursuli Dr  
EAGLE RIVER AK 99577



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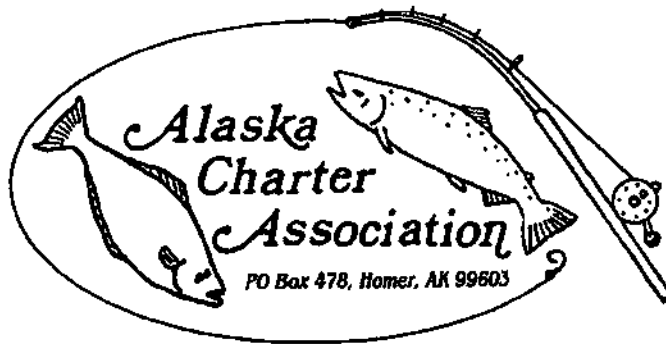
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Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Smith". The signature is written in a cursive, somewhat stylized hand.

MARK L. SMITH  
1120 W. 80<sup>th</sup>  
ANCH- AK 99518



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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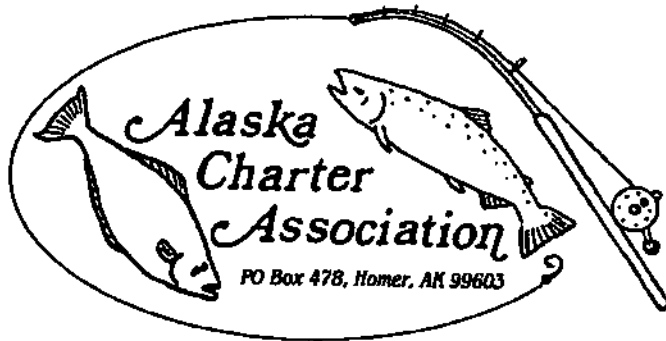
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Sincerely,

MIKE WARNER  
5701 KATAHDIN Dr  
ANCH, AK 99502





"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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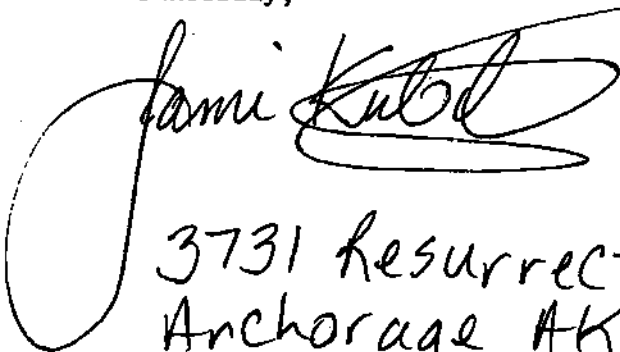
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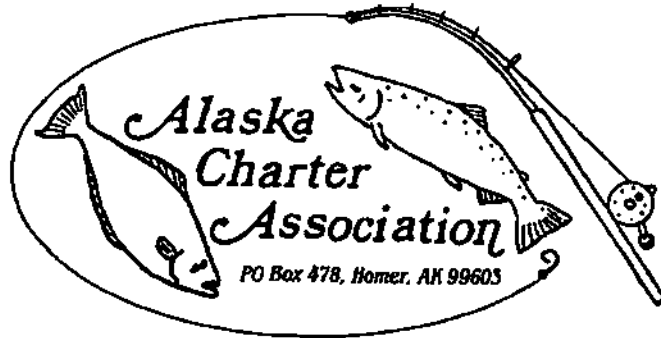
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Sincerely,

  
3731 Resurrection Dr  
Anchorage, AK 99504



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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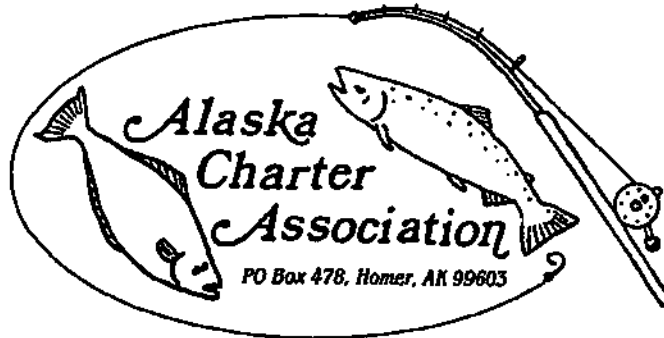
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Sincerely,

*William Moran*  
3510 Spinnaker  
Anchorage, AK 99516



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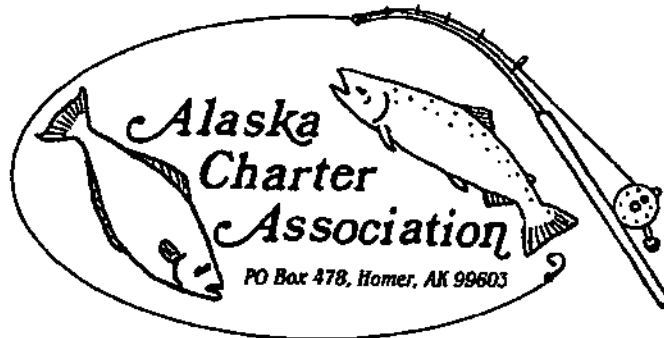
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Sincerely,

A handwritten signature in black ink, appearing to read "Bazo Tamoë Or". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

BAZO TAMOË OR  
ANCHORAGE AK 99516



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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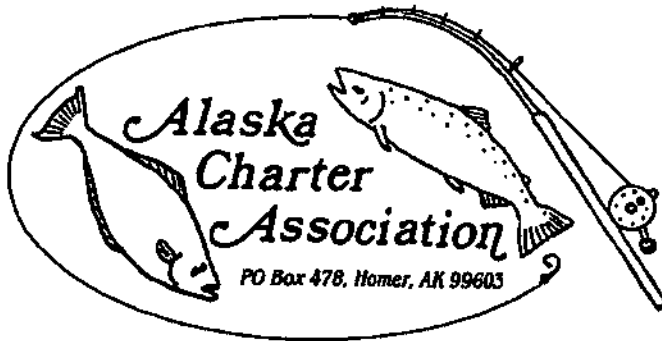
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Sincerely,

*Edward J. Warner*

*Edward J. Warner  
7540 De Armour Road  
Anchorage, Ak 99516*



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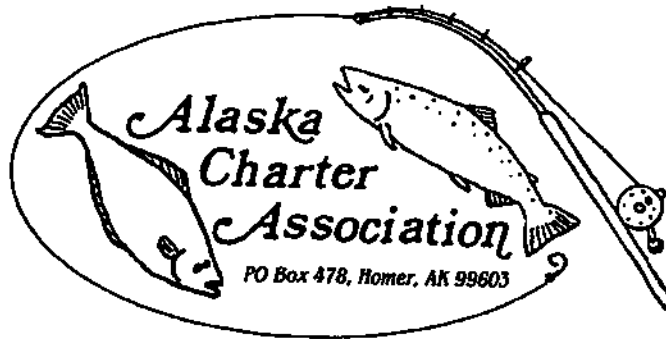
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Sincerely,

*Kathleen Adames*  
13121 Biscayne Cir.  
Anch Ak 99516



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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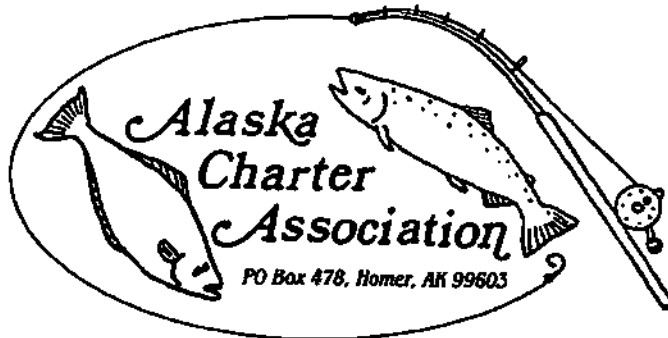
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Sincerely,

Dennis O'Farrell  
11375 Gamache  
Anch AK  
99516



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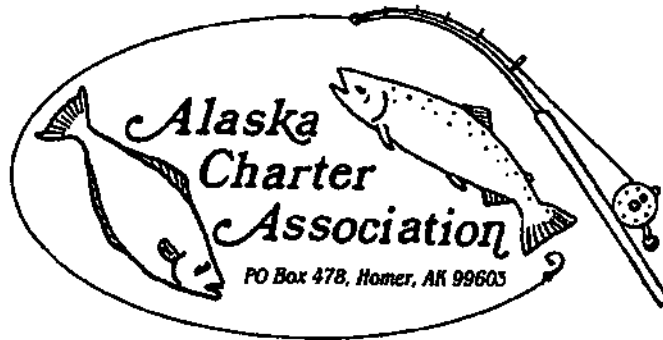
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Sincerely,

*George Lowery*  
George Lowery  
2360 Cleo Ave  
Anchorage AK 99516



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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Sincerely,

DON VINCENT  
101 JOURNEYS END  
PORT ALSWORTH, AK  
99653



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Sincerely,

( Yara Bailey  
18747 Monastery Dr.  
Eagle River AK  
99577  
(907) 696 7435

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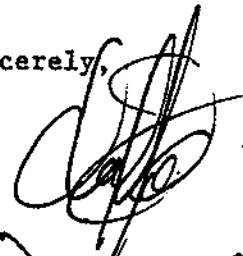
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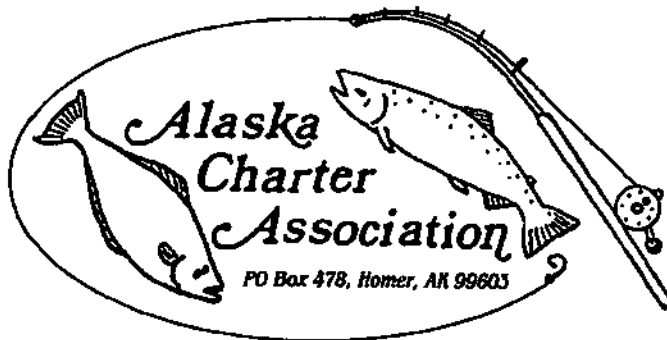
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Sincerely,



DAVID A. ARIENS



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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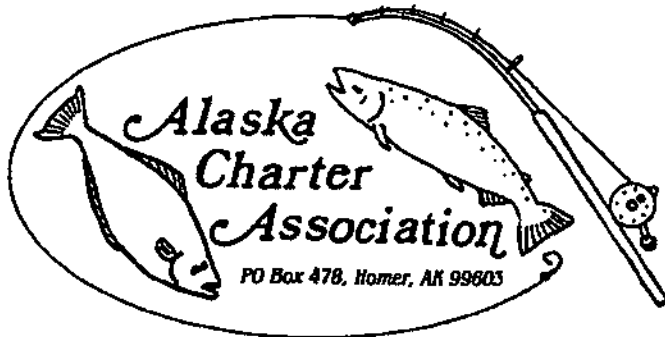
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Sincerely,

225 D Akutan Ave.  
Ft. Richardson AK 99505



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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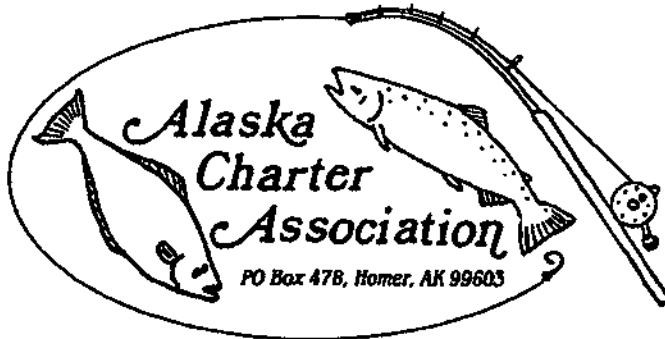
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Sincerely,

Ray Bailey

18747 Munastrom

Eagle River, Ak 99577



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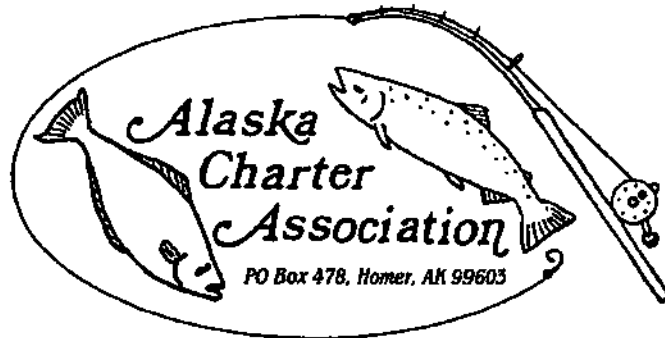
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Sincerely,

Travis Beezley  
24336 Leos RD CHugiak AK  
99567



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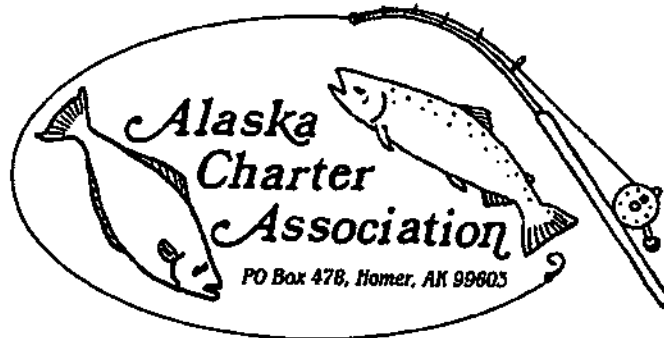
Sincerely,

*Melissa Roux*

*Melissa Roux*

*HC 34 Box 2286*

*Wasilla, AK 99654*



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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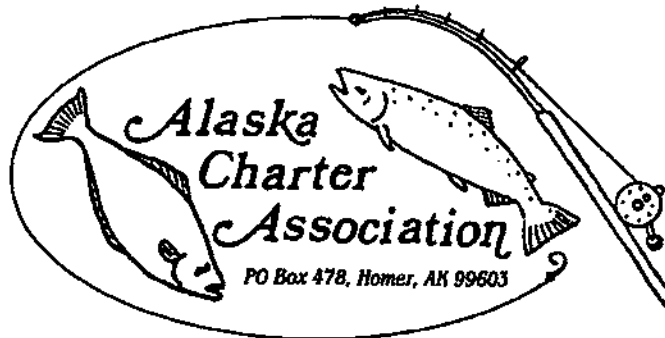
*Randy Paddock*

RANDY PADDOCK

P.O.B. 210392

Anchorage AK

99521



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

Please put an end to the Proposed Halibut Charter IFQ!

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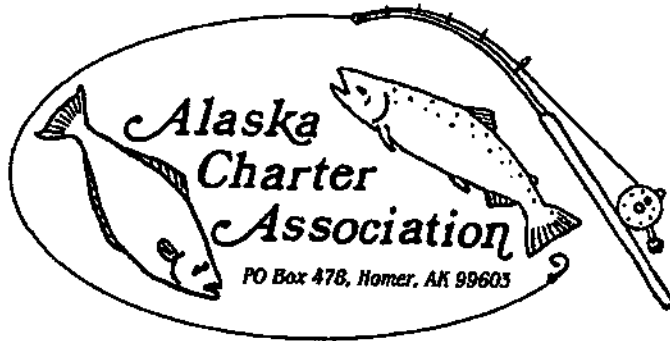
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Sincerely,

Carrie Roushan  
P.O. Box 873469  
Wasula, AK  
99687





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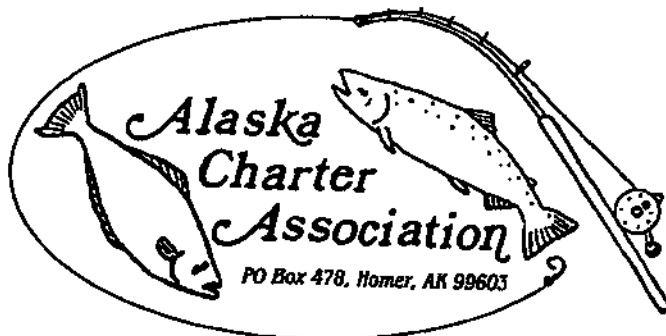
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Sincerely,

Larisa L. Carlson  
7021 Gibbs Hill Cr  
Anchorage, Ak  
99504

*Larisa L Carlson*



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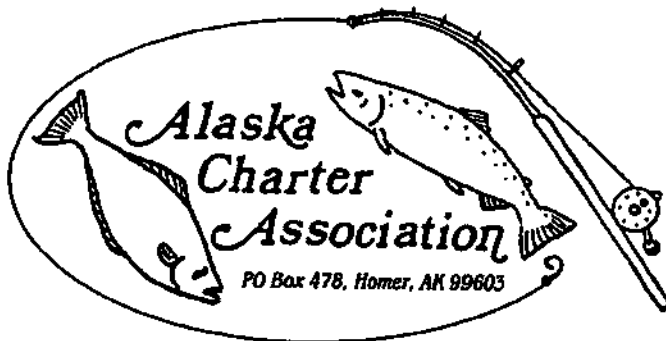
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Sincerely,

David Winney

DAVID WINNEY  
P.O. BOX 1063  
VALDEZ, AK 99686



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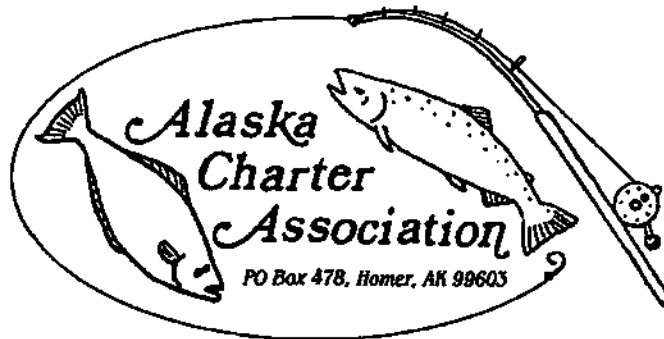
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Sincerely,

*Jason Jacobs*

PO Box 467  
Willow AK 99688



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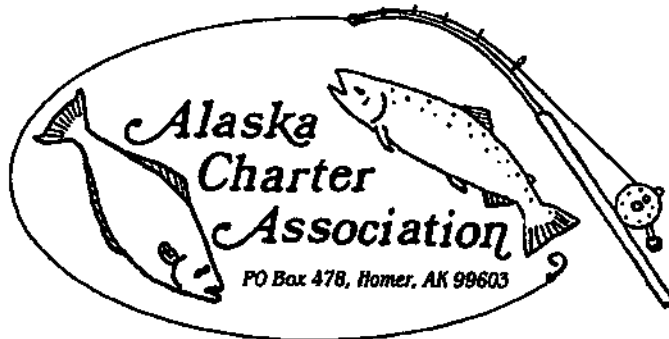
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Sincerely,

  
Shawn Archuleta  
3854 Galactica Dr.  
Anchorage AK 99517



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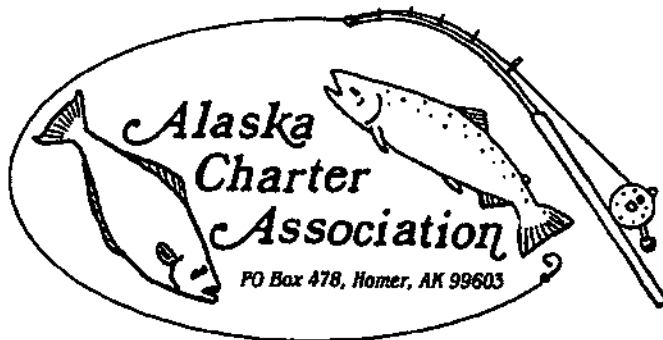
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Sincerely,

JAY THOMPSON  
3108 W. 42nd #8  
ANCH, AK 99518  
248-9683



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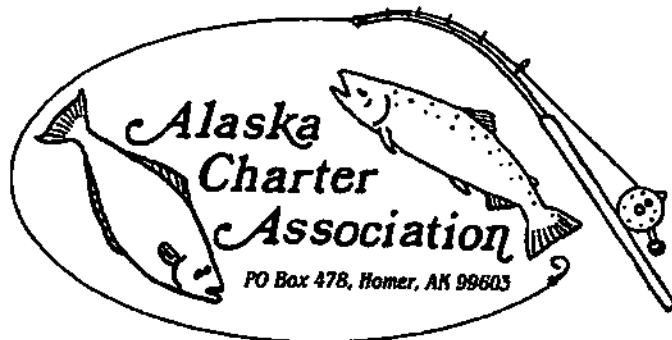
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Sincerely,

*Thomas Jarvstorff*  
2521 Lake Otis Pky.  
Anchorage, AK. 99508



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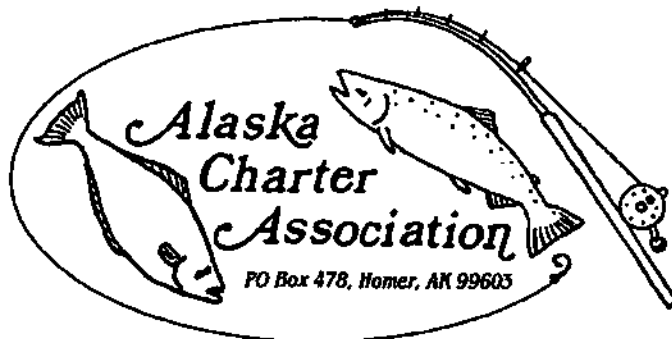
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Sincerely,

*Jeannette Kemp*  
940 Snowhill Ave  
Wasilla AK 99654



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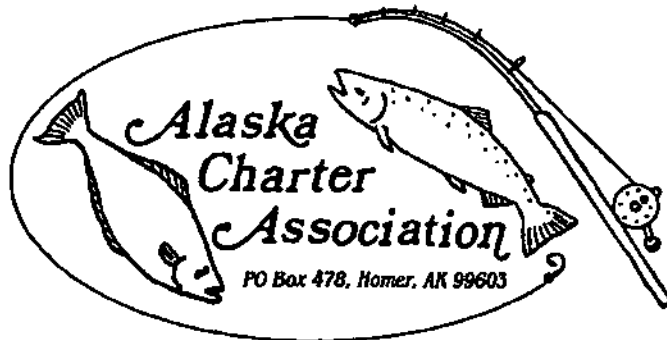
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Sincerely,

*Curt Schlosser*

901 Allison Cir  
Anchorage AK 99515





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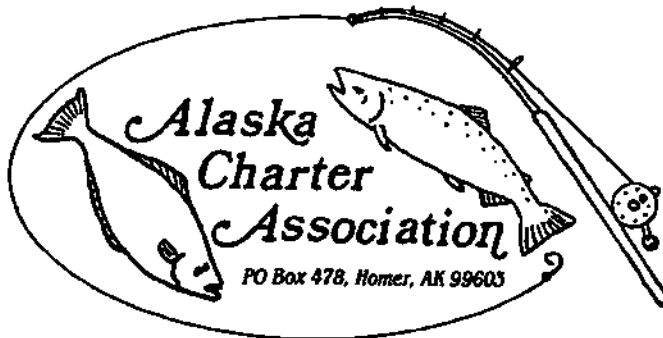
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Sincerely,

Jean Adamson  
3428 Koselle St  
Anch 99504



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Sincerely,

Jeff Brayfield  
2820 Pelican Dr.  
Anchorage AK. 99502

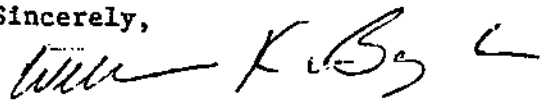
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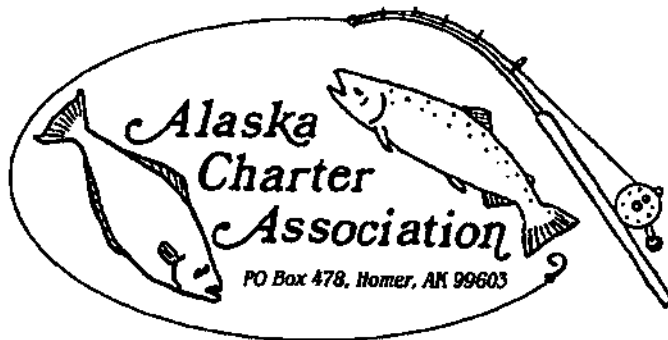
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Sincerely,



WILLIAM K. BOYLES

22317 Shadowing Spruce  
Chugiak, AK 99567



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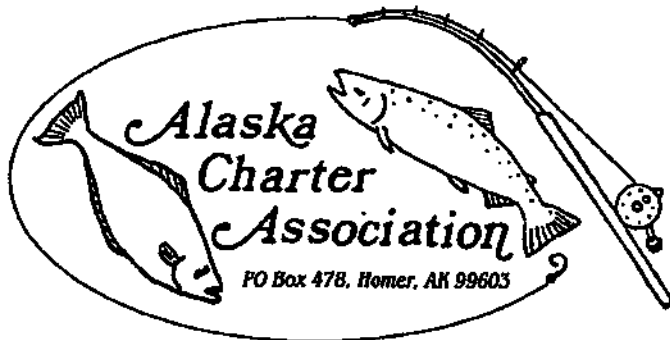
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Sincerely,

RODNEY R. RATHBUN  
2804 W 33rd Ave  
ANCH. AK 99517



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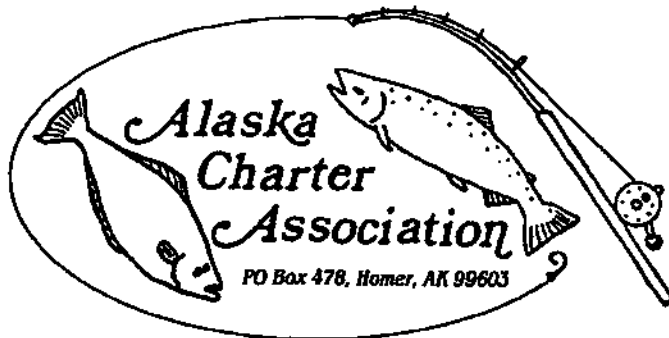
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Sincerely,

Raymond Stock III  
Box 1230  
Chickaloon, AK 99674



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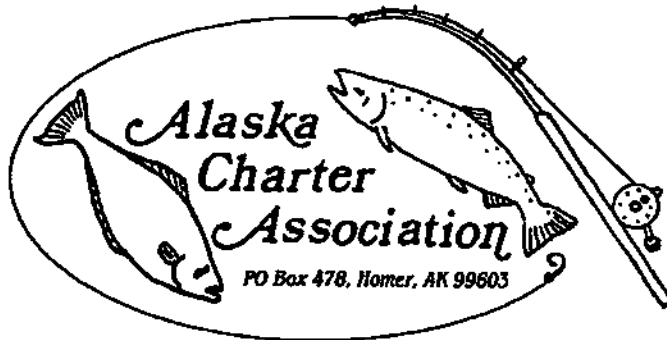
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Sincerely,

Dennis H. Johnson

PO Box 143363

Anchorage, AK 99514



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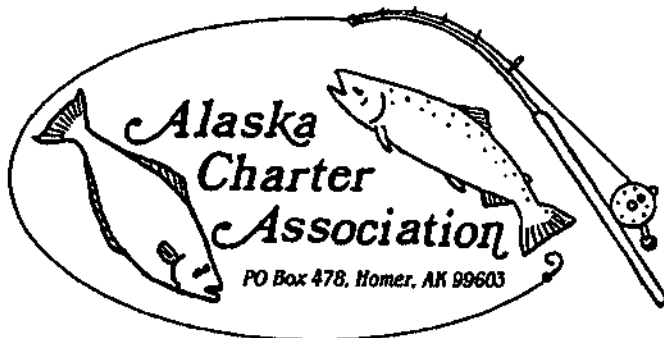
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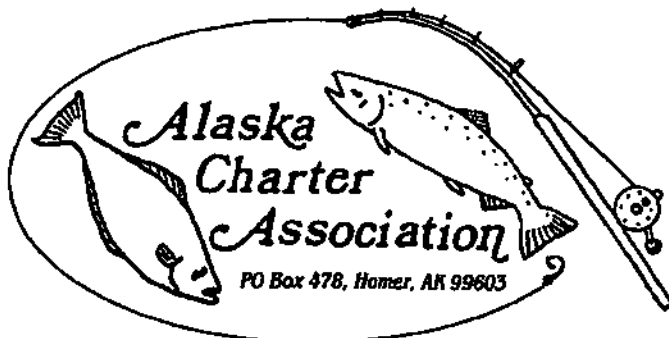
*Doug Morris*

*Doug Morris*

*37348 Sandra St*

*Stirling, AK 99677*





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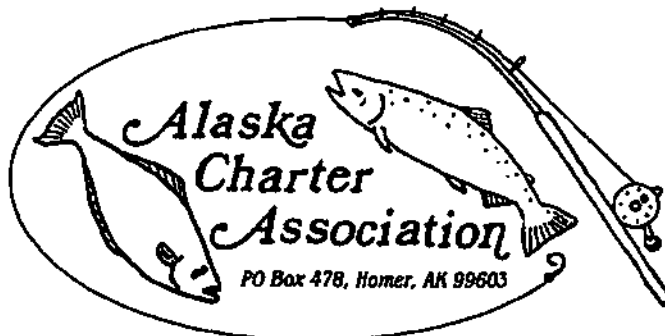
Sincerely,

*Robert Simpson*

ROBERT SIMPSON

12891 MIDORI

ANCH, AK 99516



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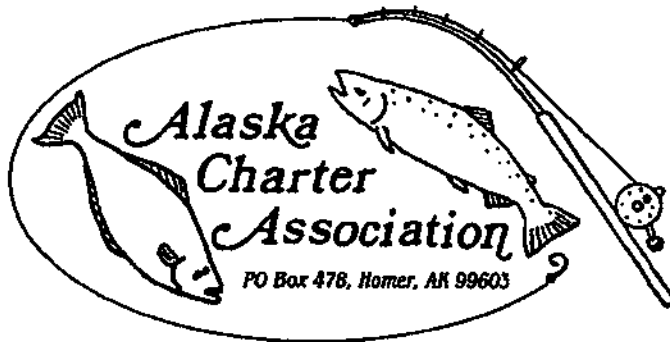
Sincerely,

*Susan M Ellis*

*Susan M Ellis*

*PO Box 908*

*Palmer AK 99645*



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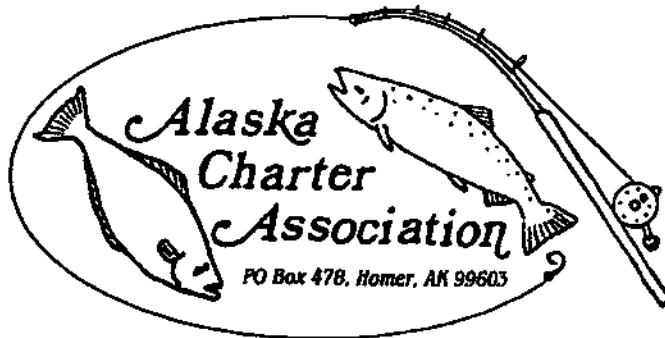
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Sincerely,

Carri L Berger

CARRI Berger  
1061 Dunedin  
Wasilla AK 99654



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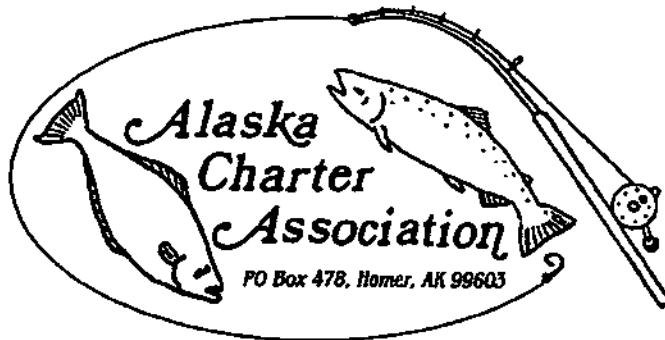
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Sincerely,

Meghen Berger  
1061 Duneedon Wasilla  
AK 99654



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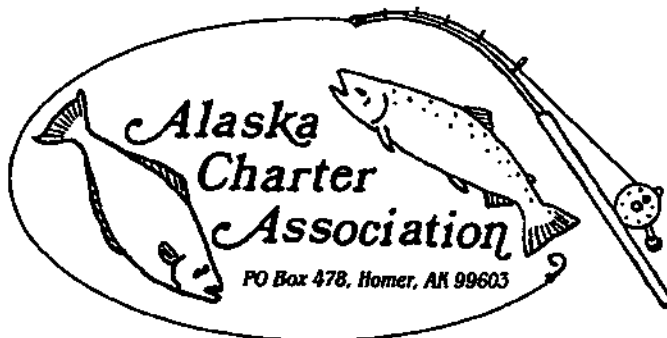
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Sincerely,

KEVIN MILKMAN  
18767 PRICE ISLAND CIR  
EAGLE RIVER ALASKA

99577



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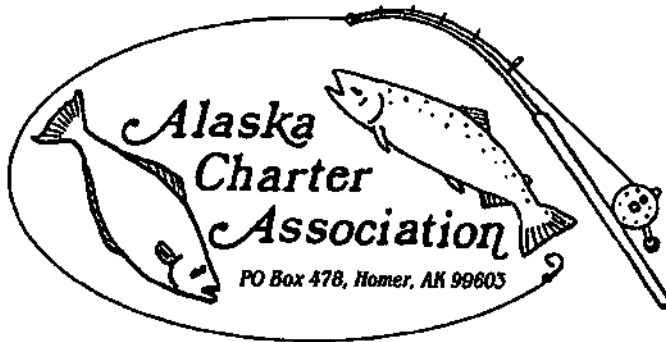
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Sincerely,

*Chris Felland*  
Chris Felland

3742 Terrace Dr. Anchorage AK.



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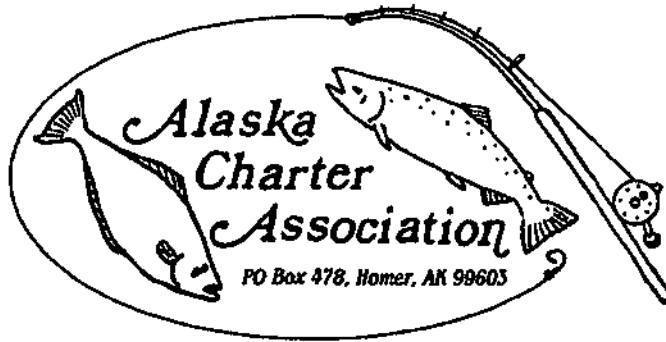
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Dawn M Rauth  
Dawn M. Rauth  
5405 Dorbrandt St  
Anchorage, AK  
99518



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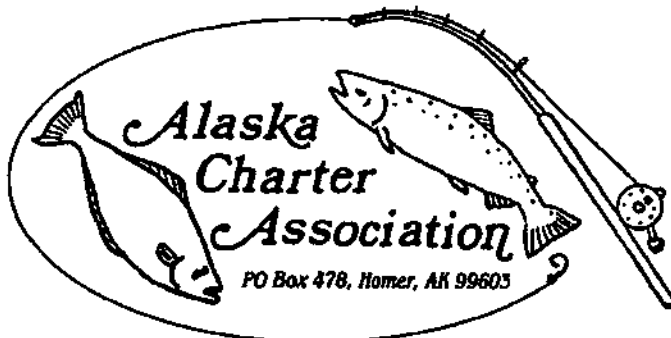
*Randal S Rauth*

Randal S Rauth

P.O. Box 61

Denali Park AK 99753





"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

Please put an end to the Proposed Halibut Charter IFQ!

This proposal would do IMMEASURABLE financial harm to the coastal communities of Alaska.

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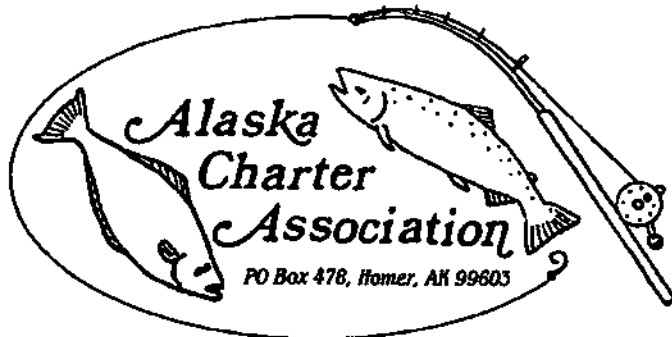
Thank you for your help in protecting jobs in our towns by stopping this Charter IFQ!

Sincerely,

Robin N. Wrigat Jr

18138 Hidden Falls Ave

Eagle River AK 99577



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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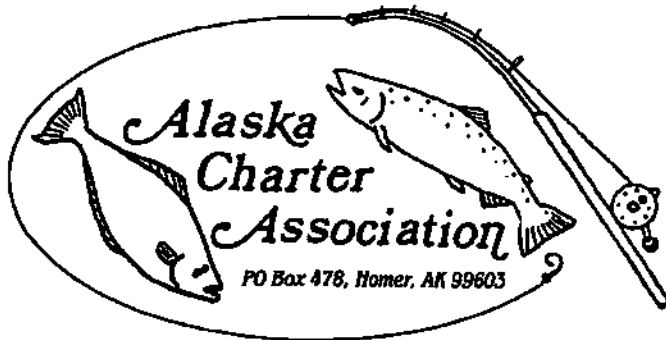
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Sincerely,

Michael Schneider  
18224 Sanctuary Dr  
Eagle River AK 99522



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

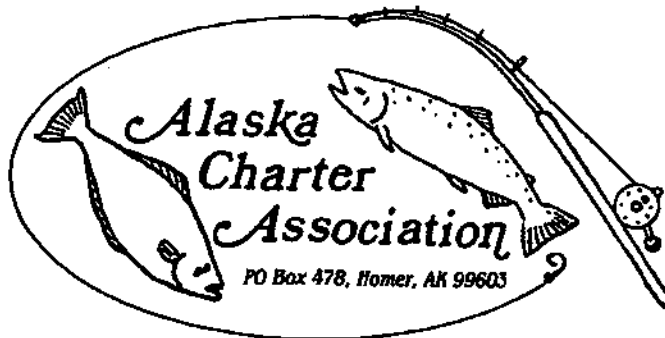
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Sincerely,

Doug Gable  
Doug Gable  
4729 Carterbury  
Anchorage 99503



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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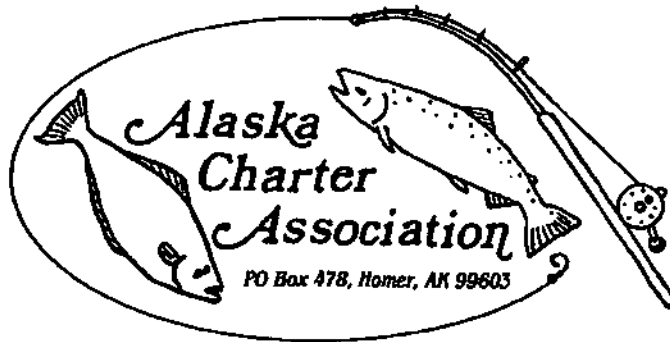
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Sincerely,

*Steve Smith*

11133 Kaskanak Dr.  
Eagle River, Ale 99577



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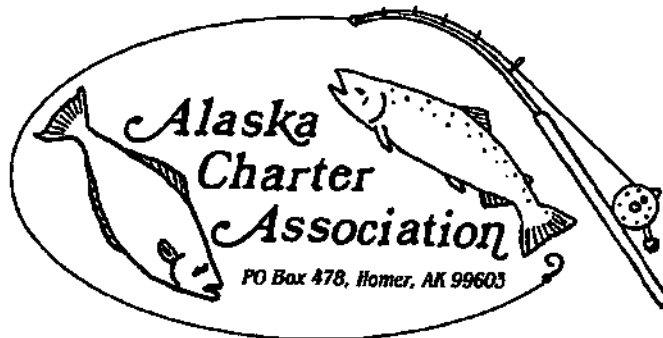
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Sincerely,

*David L. Conover*

DAVID L. CONOVER  
POB 270167 WASHILA  
AK 99687



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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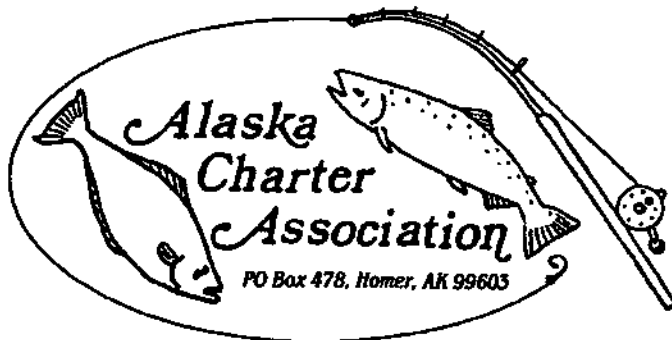
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Sincerely,

*James C. Singleton*

James C. Singleton  
22423 Columbia Gl.  
Eagle River, AK. 99577



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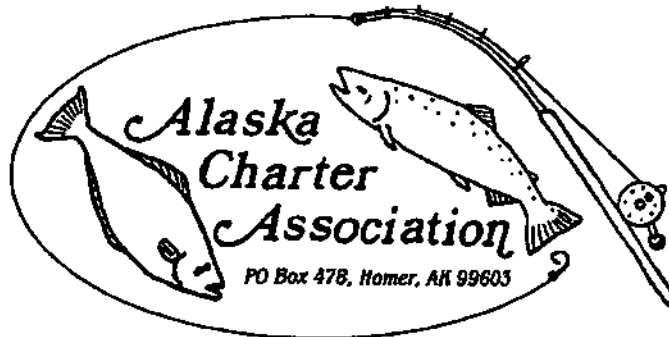
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Sincerely,

Jeremy G. Byrd  
*[Handwritten signature]*

3018 Andrews Ave. unit F  
Anchorage, AK 99506



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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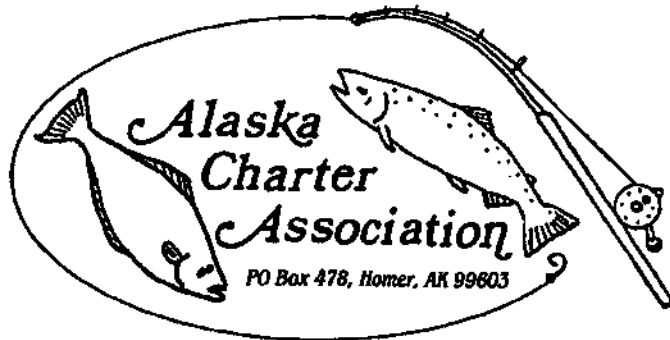
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Sincerely,

*Michael Croity*  
Michael Croity  
7152 POOLITTLE AVE  
ANCHORAGE, AK 99506





"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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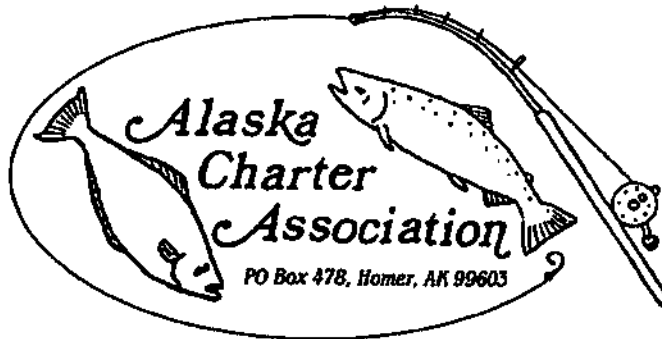
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Sincerely,

*Susan Spencer*

Susan Spencer  
9005 Jewel Terrace St.  
Anchorage, AK 99502



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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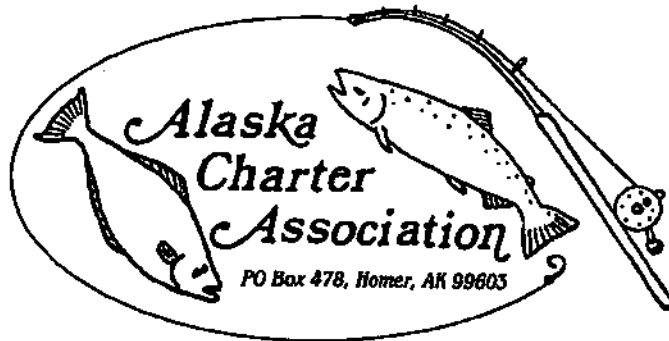
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Sincerely,

Sean Spencer  
9005 Jewel Towers St.  
Anchorage Ak. 99502



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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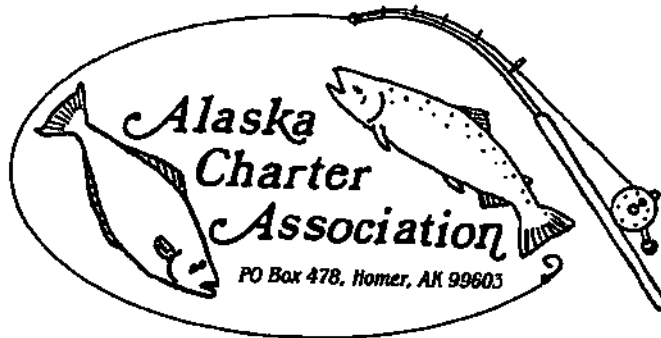
Sincerely,

Chris Tatham

PO Box 32378

Homer, AK 99603

AKprince@aol.com



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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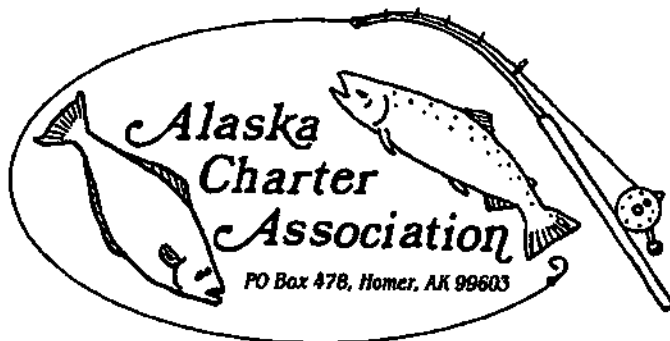
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Sincerely,

*Donald E. Hickey*  
6620 S. 8th Ave  
Anchorage AK  
99504



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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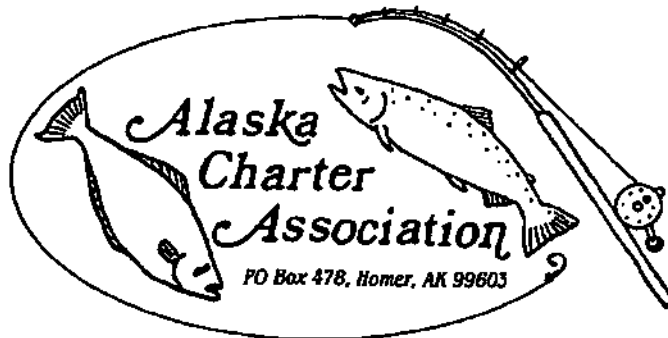
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Sincerely,

*Joseph J. DiBonadetto*

Joseph J. DiBonadetto  
2435 Marion Bay Circle  
Anchorage, AK  
99515



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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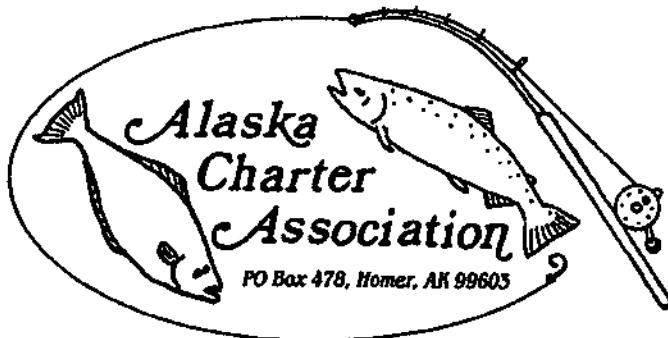
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Sincerely,

PO Box 1078  
W. Uluw AK 99688



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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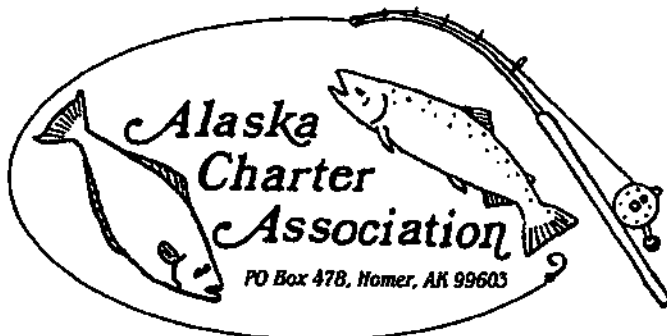
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Sincerely,

*Kristen Rogers*  
11721 Shetland Ave  
Anch. AK 99516



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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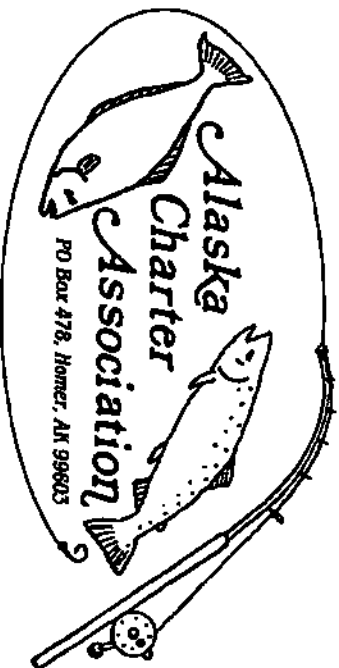
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Sincerely,

*[Handwritten Signature]*  
Eloz Gurdley  
250 Deer Field Dr  
Anch. Ak 99505





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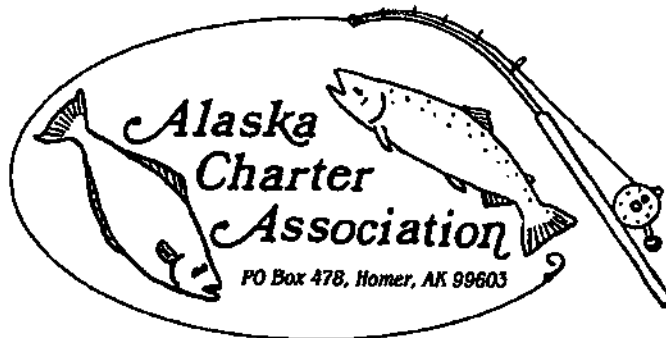
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Sincerely,

A handwritten signature in cursive script that reads "Cindy Niemi".

Cindy Niemi  
6904 Cape  
Anchorage AK  
99504  
CISBURN



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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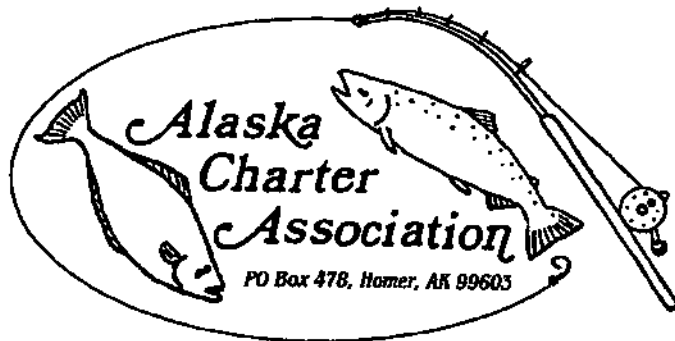
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Sincerely,

*Bernice Green*

9515 Dundas Cir  
Eagle River AK

99577



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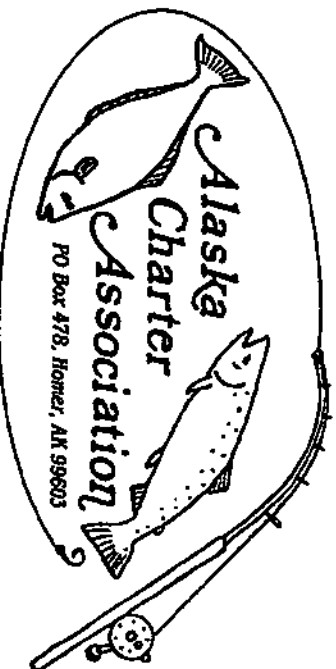
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Sincerely,

*Trent Malby*  
Wild Mountain, DI.  
5240 Eagle River, DI.  
Eagle River, AK 99577



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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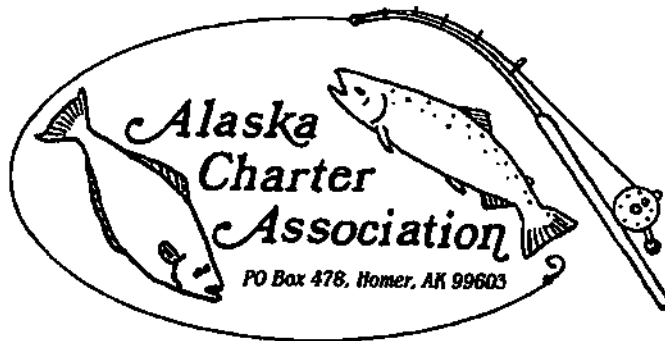
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Sincerely,

*Paul Seaton*  
1075 Wainuel Ave  
Anchorage, Alaska 99515  
2074



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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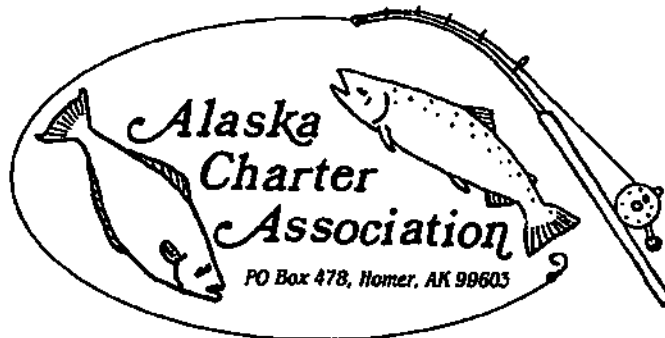
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Sincerely,

Marco Christian  
  
1933 Terrebonne Ln.  
Anchorage, AK 99502



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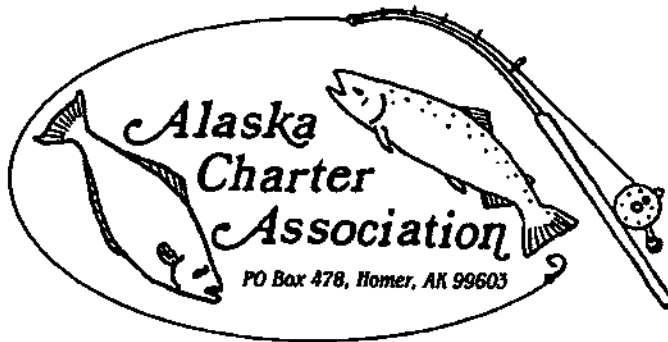
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Sincerely,

*Kentel Kille*  
9837 E. Chikona + Loop  
Eagle River AK 99577



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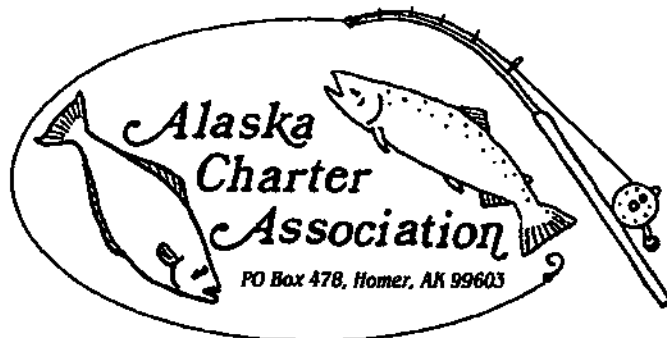
Sincerely,

← JAMES LYERLA

PO Box 202792

Anchorage AK

99520



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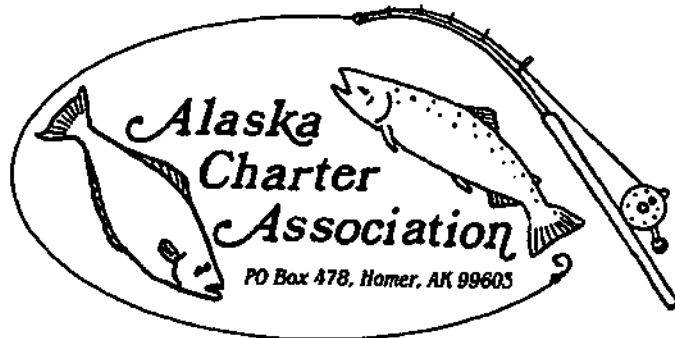
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Sincerely,

*Lorraine Soy Keller*  
Lorraine Soy Keller  
9838 E. Chichagof Ln.  
Eagle River, AK 99577





"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

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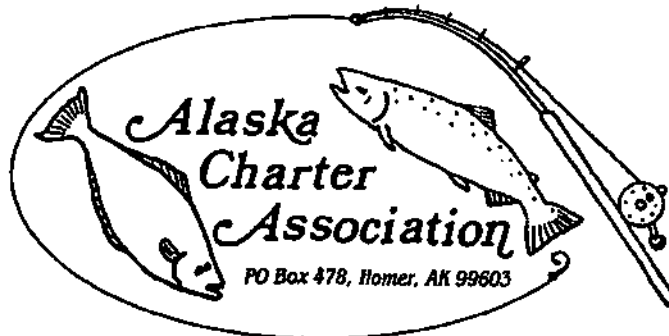
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Sincerely,

Selena Jordan  
P.O. Box 1256  
Soldotna, AK  
99669



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

Please put an end to the Proposed Halibut Charter IFQ!

This proposal would do IMMEASURABLE financial harm to the coastal communities of Alaska.

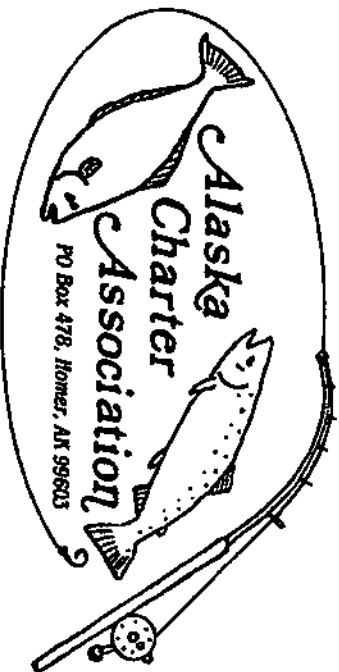
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Thank you for your help in protecting jobs in our towns by stopping this Charter IFQ!

Sincerely,

*John C. Clark*  
4850 W. Stratford Ct.  
Wasilla, AK 99654



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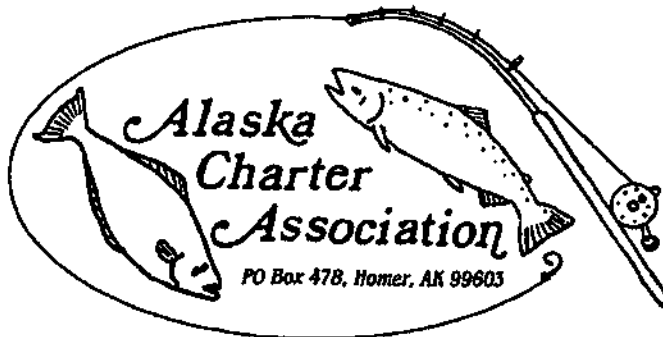
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Sincerely,

Charles Henderson  
P.O. Box 934  
Palmer, AK, 99645



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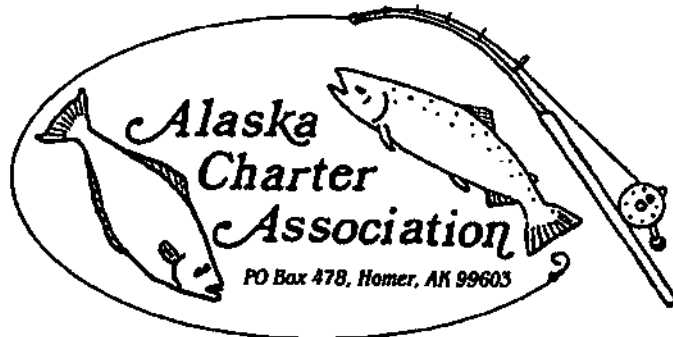
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*P.O. BOX 934*

*Palmer, AK. 99645*



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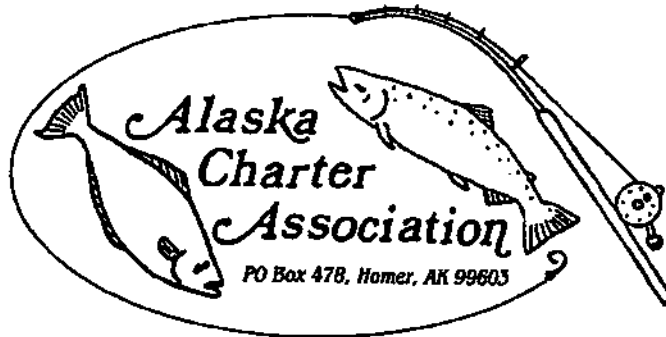
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Sincerely,

*Matthew Smith*

2921 W 29TH Ave Apt 8B  
Anchorage AK 99577



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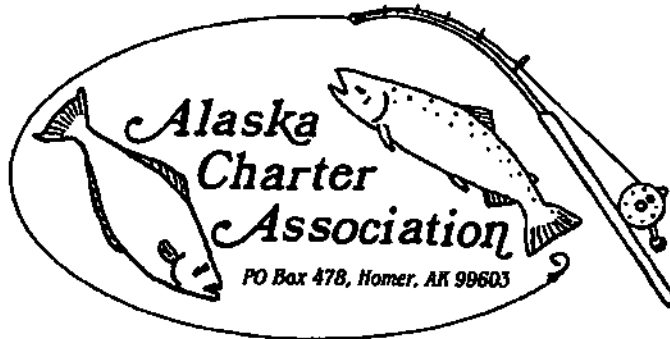
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Sincerely,

*Michael A. Spindle*  
6664 Holly Ln.  
Anchorage, AK 99502



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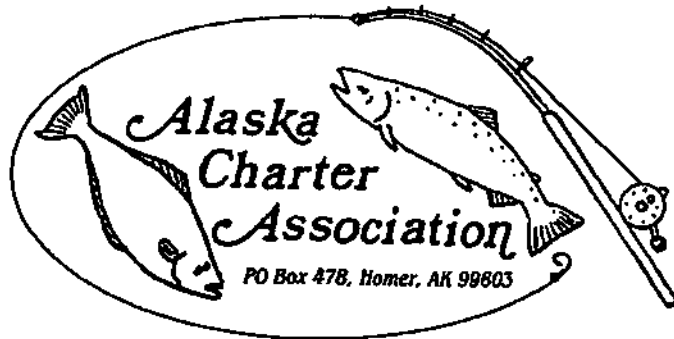
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Sincerely,

*Michael A. Spindler*

*6664 Holly Ln.*

*Anchorage, AK 99502*



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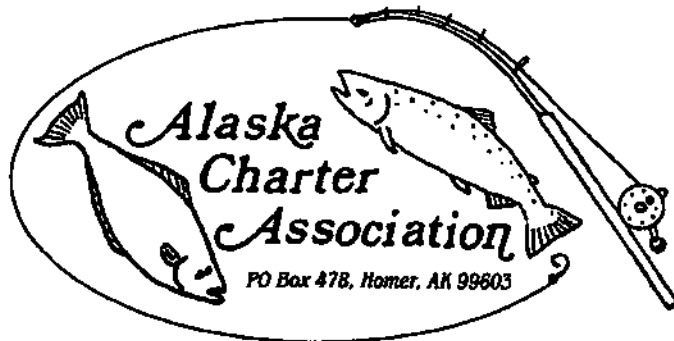
Jan Spindel

Box 1832

PALMER, AK

99645





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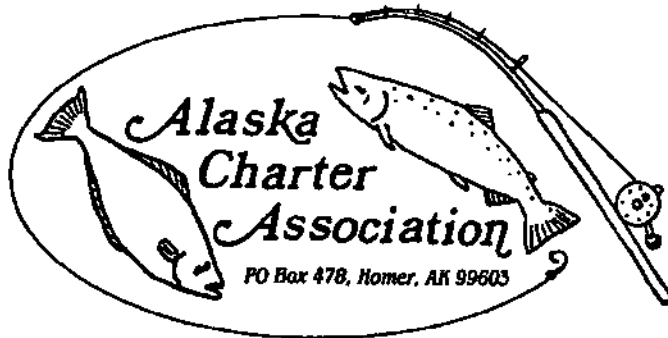
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Sincerely,

Tom Spindler

Box 1832

Palmer, AK 99645



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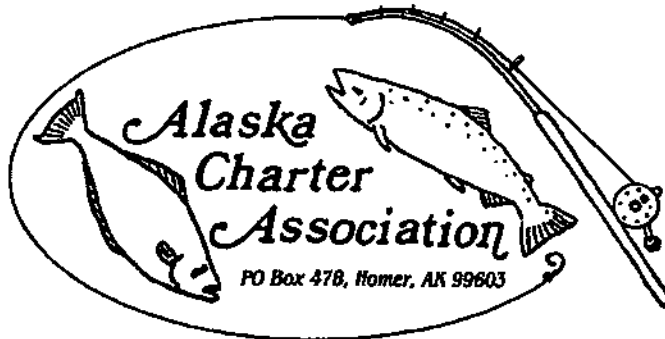
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Sincerely

Ron Lefave  
9139 Seal Point Cir,  
Anch. AK. 99507



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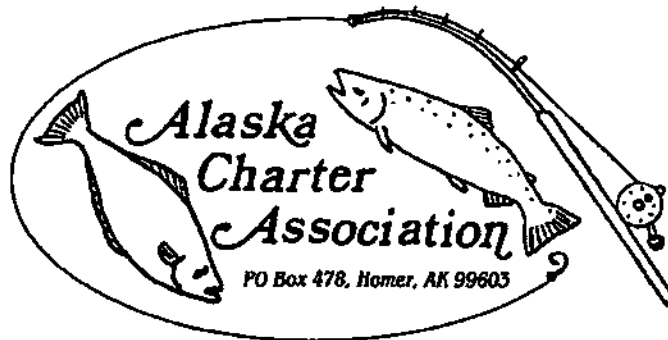
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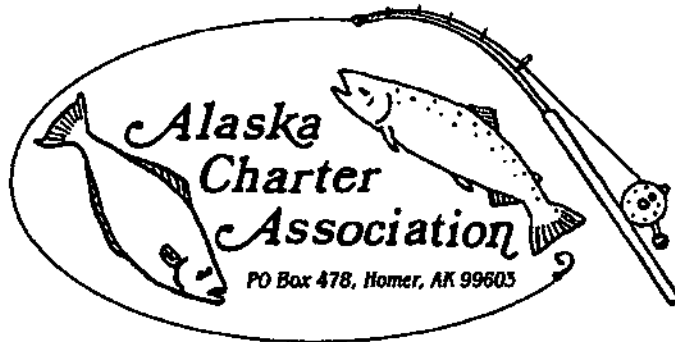
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Sincerely,

*Dave Slus*



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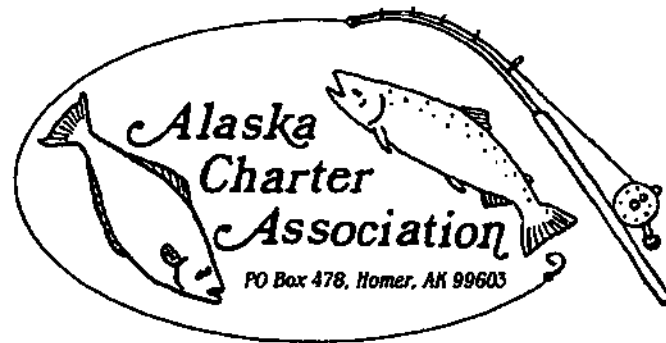
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Sincerely,

*Michael Nichols*  
17506 Kantushna Dr  
Eagle River AK. 99577



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

North Pacific Fishery Management Council  
605 4<sup>th</sup> Ste 306  
Anchorage AK 99601-2252  
September 26, 2005

**RECEIVED**  
SEP 28 2005  
N.P.F.M.C.

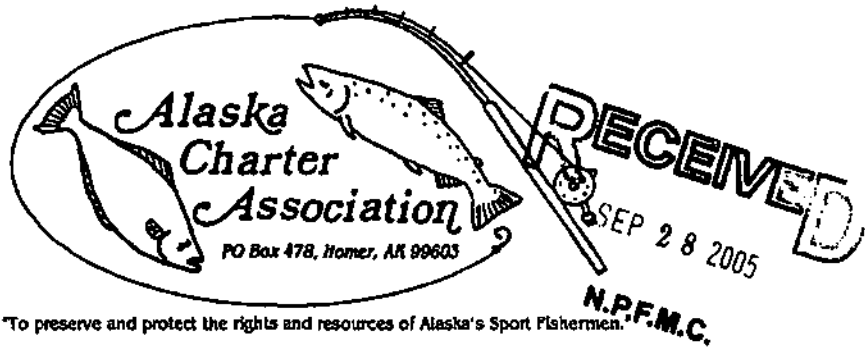
Dear Council Members,

The Alaska Charter Association attended the Anchorage Sportsman Show in April, 2005 to inform interested Alaskans of the negative implications of the proposed Halibut Charter IFQ program.

The Alaskans who listened to our message, overwhelmingly asked to become involved to express their opposition. Enclosed are signatures of 584 fellow Alaskans whom are very concerned about their rights. Our citizens ask to have their names counted in opposition of the Charter IFQ proposal.

Very truly yours,

Dick Koskovich, President  
Alaska Charter Association  
PO Box 478  
Homer, AK 99603-0066  
[www.Alaskacharter.org](http://www.Alaskacharter.org)



*To preserve and protect the rights and resources of Alaska's Sport Fishermen.*

#### **ALASKA CHARTER ASSOCIATION RESOLUTION DATED August 15, 2005**

The ACA, with 182 members from 27 cities in Alaska, represents over 50,000 fishing clients. Its efforts are supported by the Recreational Fishing Alliance, Alaska Outdoor Council, Homer City Council, Homer Chamber of Commerce, Kodiak Convention and Visitors Bureau, Whittier Chamber of Commerce, Whittier City Council, Sitka Chamber of Commerce, Gustavus City Council and hundreds of satellite businesses who are dependent on the continued health of the Charter Industry.

The Alaska Charter Association supports Alaska's independent charter fishermen, individual anglers, and Alaska's tourism industry, recognizing the current demographic and economic infrastructure of the small Alaskan Community and opposing the establishment of charter quota shares.

#### **BE IT RESOLVED BY THE ALASKA CHARTER ASSOCIATION:**

**WHEREAS** the Alaska Charter Association supports the charter fishermen of Alaska, who are the lifeblood of our coastal communities and who provide economic opportunity and diversity for our coastal communities; and

**WHEREAS** the Alaska Charter Association recognizes that charter fishing is and will remain the predominant economic base for many of our coastal communities; and

**WHEREAS** the Alaska Charter Association supports the Alaska tourism industry which provides investment in the state and is the largest employment base in many Alaska communities; and

**WHEREAS** the Alaska Charter Association supports the free enterprise system; and

**WHEREAS** THE Alaska Charter Association recognizes the rights of small business to compete under the Sherman Act; and

**WHEREAS** the Alaska Charter Association recognizes that federal fishery management within the 200 mile Exclusive Economic Zone of the United States can have dramatic effects on the economic growth and stability of Alaska coastal communities; and

**WHEREAS** the North Pacific Fishery Management Council has proposed a Charter IFQ based plan for management of the sport halibut stocks in areas 2C and 3A; and

WHEREAS the area 2C and 3A charter IFQ plan reduces the number of charters eligible to fish and therefore reduces market competition and charter based tourism, as well as pricing many existing charters out business; and

WHEREAS the North Pacific Fishery Management Council's recommendation for IFQ based control of a sport fishery is unprecedented in the United States; and

WHEREAS a charter IFQ program does not allow for affordable entry into the charter industry; and

WHEREAS charters who are not granted sufficient charter quota shares will be placed at a serious competitive disadvantage and may discontinue all charter business affecting other economic aspects, including tourism;

WHEREAS halibut stocks in Alaska are not at risk, as has been indicated by a significant steady increase in commercial halibut allocation and an increase of 78% in the commercial halibut harvest over the past 10 years; and

WHEREAS the take of sport caught halibut is already regulated by daily bag limits, and the sport take of halibut in areas 2C and 3A has not shown the dramatic and unrestricted growth over the last 10 years; and

WHEREAS the ADF&G logbook data upon which charter allocation will be based has been determined to be scientifically invalid in a memo published by ADF&G in 2001; and


WHEREAS the NPFMC is considering further legislation which would allow the sale of charter IFQ share to the commercial sector. This transfers ownership of public domain to the private sector, an action forbidden by the Alaska State Constitution;

BE IT RESOLVED that the Alaska Charter Association supports the diversity of the Alaska charter fleet, and the economies of Alaska coastal communities that strengthen the charter fishing industry and the free enterprise system; and be it

FURTHER RESOLVED that the Alaska Charter Association finds that the proposed Charter IFQ plan will impair opportunities and services to the public, stifle incentive for new charter operators and tourism related businesses, and retard the goals of community development; and be it

FURTHER RESOLVED that the Alaska Charter Association opposes the Charter Halibut Individual Fishing Quota; and be it

FURTHER RESOLVED that the Alaska Charter Association opposes the current Guideline Harvest Level as an unlawful restriction to the halibut charter fleet, and as it will not support the future needs of Alaska's current Charter fleet.



Dick Koskovich, President  
Alaska Charter Association  
PO Box 478



# PETITION

We the undersigned do hereby recognize and oppose the Halibut Charter IFQ and GHL restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

Kenneth A Weicht PO Box 1783 Valdez AK 99686  
Kenneth A Weicht

Sherrri Anderson PO Box 1148 Valdez, AK 99686  
Sherrri R. Anderson

Phil Cutler P.O. Box 243106 Anch 99524 - Alaska State Assn.  
Phil Cutler

Don + Clover Merrill 21400 White Water Cir, Eagle River 99577

Hermes McCormel 6921 Viburnum Dr Anchorage AK 99507  
Dustin Patnow 7620 Griffith St Anch 99507  
Hermes McCormel Alaska NE

Shirley Smith HC04 7873-A Palmer, AK 99645

Eric Holmberg 18442 Jade Is Cir Eagle River AK 99577

John Hutchison 8041 Downhill Cir Anchorage, AK 99507

Bret PKE 1106 Beokleus St Apt B Anch AK 99575

Kraig Berg P.O. Box 877947 Wasilla AK 99687

Michael Duvall 1545 S. Hwy. #90 Anchorage AK 99508 Dwellduvall@alaska.com

Sandra Reize PO BOX 870122 Wasilla, AK 99687

Harry Ford P.O. Box 4624 Palmer, AK. 99645

1107 Norman 24 Anch 99504

Pam Colorado 1107 Norman 24 Anch 99504

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~~Bob~~ Robert Berger 8451 Combs Ct, Anch. AK 99507

Steve Kullin 1000 1892 Polina AK 99645

Marjorie Jordan PO Box 190633 Anch 99519

David Pope 1031 W 71st Anch AK 99518

Cody Dahlstrom codydahlstrom@hotmail.com

Walter H. Hines 24386 ARCTIC AVE EIELSON AK 99702

Diana Hinds 24386 Arctic Ave Eielson AK 99702

MIll Slumy PO BOX 1235 SEWARD AK 99669

Jeremy Allen PO Box 11091 Anch. AK 99511

Jessica Allen PO Box 11091 Anch. AK 99511

CHRIS MARSHALL 1220 WOODCREST WASILLA 99684

Ron Clauson P.O. Box 231121 Anch, AK 99523

Ron@NetworkAlaska.ne

William WENCH PO Box 873, GARDWOOD, AK 99587

RAY Borello P.O. Box 872731, WASILLA 99687

Sharon Borello PO BOX 872731 WASILLA 99687

Stephen Tatakis 3700 Steller Anch. AK 99504

ED FRANEK 3705 Arctic ANCH AK 99503

Joe Kiser P.O. Box 1951 VALDEZ, AK 99686

Ralph Harris 7314 VIOLET PL

Jeremy Hartman 801 Airport Hgts ANCH. 99502

CHIP ZOLINSKI 7610 EVANDER DR ANCH 99508

DAN Lewis 2812 BASS ST Anch AK 99507

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Mark Schwietert	1601 Medtra St. #402	Mark Schwietert
Gary CLYM	17651 Beaujolois Dr.	Gary CLYM
David Russell	P.O. Box 872582	David Russell
Randy Talvi	P.O. Box 873168	Randy Talvi
Arne Torrey	Wasilla, AK 99687	Arne Torrey
	HC 89 Box 105 Willow AK	
Joe Hughes	651 W. 91st Ave Anchorage, AK	Joe Hughes
Robert Wallick	17546 Rachel Cir, Eagle River	Robert Wallick
	AK 99573	
Robert McClung	2948 Westkylan Dr	Robert McClung
	Anchorage AK 99508	
William Boyles	302 Stewart St 99508	William Boyles
Randy Boyles	302 Stewart St 99505	Randy Boyles
Len Sawyer	PO Box 873248 Wasilla 99637	Len Sawyer
David Stone	7038C Arnold Ave Elmendorf 99506	David Stone
Melanie Stone	7038C Arnold Ave Elmendorf 99504	Melanie Stone
Richard Uberwager	200 W. 34th Ave #196	Anchorage, AK 99503
Terry Spessard	13751 Arne Erickson Cir.	Anch. AK 99511
M. HATEL E. TORBORG	765 LONE CUB DR.	WASILLA, AK. 99657
John McDaniel	6510 Switzerland Dr	Anchorage, AK 99516
Dawn Laster	17833 Beaujolois Dr	Eagle River, AK 99577

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Ken Michal  
Kath P. Michal  
12228 Keyston Dr.  
Eagle River, AK 99577

---

Tom Padon P.O. Box 1969 Palmer AK 99645  
D.J. Kubysky 3731 Resurrection AK 99504

---

Clint Nelson P.O. Box 4592 Palmer AK 99645  
16062 E Ye Old River Rd

---

Christine Nelson P.O. Box 4592 Palmer, AK 99645  
16062 E. Ye Old River Rd.

---

Bruce Deering  
8001-B North Wind, Anch. Anch., AK 99504

---

N. Brent Martin  
5433 Wandering Dr.  
Anch., AK 99502

---

Travis Oaks  
17915 Sauvignan Circle  
Eagle River, AK 99570

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*Peter A. Barclay*

Peter A. Barclay

7211 Chad St.  
Anch. AK 99518

*Love Shum*

*Matt*

12110 Business Blvd suite 6  
#113 Eagle River AK

*Walt Craft*

DIRT CRAFT  
400 S. CLEVELAND AVE PL 78763  
Wasilla AK 99654

*Gay Pull*

P.O. Box 5033

Mickey Rogers

Akiak, AK, 99615  
Chugiak AK 99567

MIKE THOMPSON

32277 ECHO LAKE RD, SOLDOTNA AK 99669

STEVE BURAK

Poboy 1099 Ave Ak

DAVE DONK

12030 Portage Dr. Anchorage, AK 99515

DAVE SOMERS

PO Box 3083 SOLDOTNA AK 99669

Jeff Pihlstrom

3209 W. 160th Ave Anchorage AK 99515

John Stauffacher

P.O. Box 1412 Sterling, AK 99672

Shanna Stauffacher

PO Box 1412 Sterling, AK 99672

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Robert J. Dunn ~~RD~~  
7110 Ambler Lane Apt. #10  
Anchorage AK 99504

DAN DAHLSTROM  
3209 WEST 100TH AVE  
ANCHORAGE, AK 99515

Tim S. Kristy  
P.O. Box 873529  
Wasilla, AK 99687

Tim Shaw  
8131 Clear Haven  
Anchorage, AK 99507

Tom Carr  
18240 Meadow Creek NW  
Eagle River AK 99577

Louis J Morris Jr  
19545 S Montague LP  
Eagle River AK 99577

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Levi Stone 7038 C Arnold Ave Elmendorf 99506 / 360-6341

Ben Barnes PO Box 143254 Anchorage AK 99514

Darlene Warren 937 W. 7<sup>th</sup> Ave. Anch. AK 99516


Michelle Warren 8331 Huckleberry St Anch AK 99502

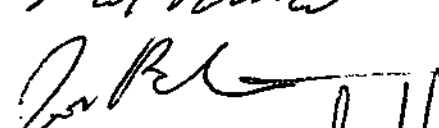
Symmetto Warren 6910 Apollo Dr. Anch AK 99584

 3902 F GRAVELINE CT EAFB 99506

 3906 C GRAVELINE EAFB 99506

Wayne Bowman 1455 N Kuluw Palm 99645

 531 EAST 46<sup>th</sup> Anch 99503

 521 East 46<sup>th</sup> Anch 99503

Matt Cahalan 18681 Mink Creek Dr. Peters CK AK 99566

24121 Heartstone dr Chugiak AK

100 Bunnell #13A Anchorage, AK 99508

7540 Doolman Onehenge, AK 99516

1120 W. 80<sup>th</sup> Anchorage, 99518

3701 KATAPIN Anch, AK 99502


2530 Maylen Circle ANCH, AK 99516

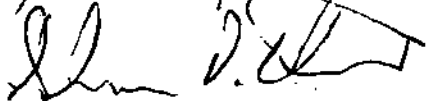


# PETITION

We the undersigned do hereby recognize and oppose the Halibut Charter IFQ and GHL restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

 2130 Montague Bay Cir Anchorage AK 99515


 PO Box 771231 Eagle River AK 99577

 41 R.R. Ave. Spencer, NY 14883

 408 Montague St Anchorage AK 99508

Don Hollingsworth 4525 Manytell Anch. AK 99501

W. Craig Thomas PO Box 873376 Wasilla AK 99687

 Box 923 BARROW, AK 99723

Mike Johnson 19800 Kirk Ave. ER AK 99577

JAMES Maloney POB 233953 Anchorage 99523

Christopher Kuzicki P.O. Box 39427 Northville AK 99639

CRIC CHESTER 1167 2nd Ave Kenai AK 99611

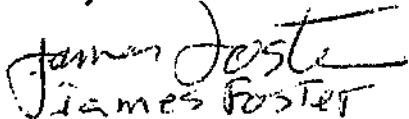
Jacob Leembuic 18605 First Street Eagle River, AK 99

Greg Monrad 8840 Golovin St #2, Anch. AK 99507

Loren Denton 583 E. Dawling #39 Anch. AK 99518

MIKE SZYMOSKI 13350 Seaside Cir Anch AK 99516.

BRAA Fisher 18408 New Circle Eagle River AK 99577

 6340 Limestone Cir Anchorage AK 99507  
James Foster



# PETITION

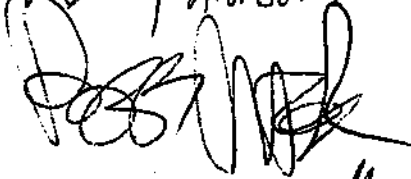
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JAN ANDERSON 18912. SOKOLOF CR, EAGLE RIVER, AK 99577

Mike Selden 7848 OLD BERMA Big Lake AK 99652

Steve Lechner's 18805 1<sup>st</sup> ST EAGLE RIVER AK 99577

Wandy Aronson 8560 Ridgenay Ave Anch AK 99504

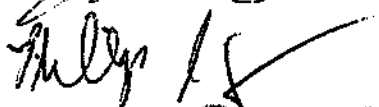
 3124 W. 30<sup>th</sup> AVE. ANCH. AK 99517


J J Arquette 608 N. Park Anch AK 99508

Mike Craig 13325 Diggins Dr Anch AK 99515

Daren Judd 3676 E. Serendipity Loop Wasilla AK 99654

 6206 Blue meadows Dr. Anch. AK 99507


Theresa  2961 Kimberlie Ct. Anchorage 99508

 13350 Seacloud Cir Anch. AK 99516

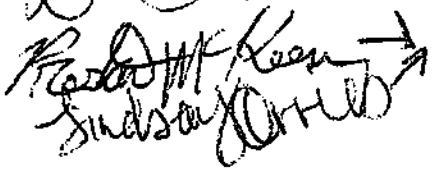
Nolan Death 17708 Monte Road Eagle River, AK. 99577

Dave Fisher 9243 Birake Cir Eagle River, AK. 99577

Dave Fisher

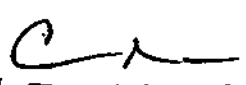

 3420 TANCE DR ANCH AK 99516

 311 Lynwood Dr #4 Anchorage AK 99518



# PETITION

We the undersigned do hereby recognize and oppose the Halibut Charter IFQ and GHJL restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

Chris McMichael  8225 Eleusis Dr Anchorage  
B. W.  HCO1, Box 6099-F, PALMER AK 99645

Bryan C. Allan 2910 Sunspot cr Anch. AK 99507

JEREMY R. ALLEGROCCI Po Box 110476 Anch, AK. 99511

Jeff Grasser 100 Jensen Circle, Wasilla 99651

Terry Wagoner 29728 RAVEN CT. Chugiak AK 99567

DAEYL MOCAN 228 Bolyst Ave Ft Richardson AK 99505

PHILIP J. DEMBROSKI 733 Lori Dr, ANCH, AK 99504-2115

PAUL PALINSKI 526 N. LANE ANCH, AK 99508

John R Bortl 303 E-15 Anch AK 99511

MARK ALLAN P.O.B. 869 Willow, 99688

MILT HUMMER 4215 CHAIRING CROSS CIR. ANCHORAGE 99504

Mark Ireland 11078 Bow Cir. Anch. AK 99515

LINSON THOMPSON 10160 CRAIG CREEK ANCH AK 99507

William Morrow 3510 Spinnaker Anch AK 99516

Kathleen Oakes 13121 Biscayne Cir Anch AK 99516

Robert J. Johnson 1371 HILLcrest Dr ANCHORAGE AK  
#203

Jami Kubitskey 3731 Resurrection Dr Anchorage 99503

Brian Kubitskey 3731 Resurrection Dr Anchorage AK 99504

PETITION

We the undersigned do hereby recognize and oppose the Halibut Charter IFQ and GHJ restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

William W. Aps Anchorage AK 204 Heintzen Dr 278-1111;  
Dresa Maffione 204 Heintzen Dr Anchorage AK 99503 278-1117

Stephen A. Sell 8101 PECK AVE M 86 Anchorage AK 99504 332-257

Don Jankke 801 Airport Hts Sp355 Anch 99508 (229 9207)

Mary Ann Lau ~~5802 Perry Dr. Anchorage 99504~~

~~15750 Sarichef Loop Eagle River AK 99571~~

~~Same as 1 line above~~

Linda Pope 1031 W 71<sup>ST</sup> AVE ANCH AK 99518

Kathleen K. Colby 4305 S. Cantor Cir Wasilla AK 99654

~~Kathleen Kim Colby~~  
Robert Jaus 7810 CHERRY ST, Anchorage, AK 99502

Del Wilkins 7504 Shady Birch Pl., Anch., AK 99502

Wanda ~~151 ASD Loop Anch AK 99518~~  
Anchorage AK 99502

Jerry Min 9021 Lance Cr Anchorage AK 99502

Arlyne Hildebrand 71546 Snodgrass Loop Chugiak AK 99547

Dwight L. Cook 8521 Seward Ave Anch AK 99507

Gary Benson Box 2094 Seward AK 99664

Richard Johnson 7463 TANA Circle ANCHORAGE, AK 99504

# PETITION

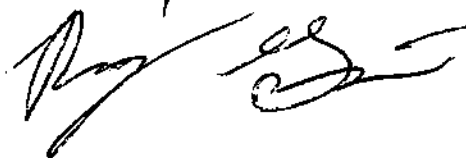
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Charlie Nickson Box 233728 ANCH 99523  
9224 Kirkwall Cir. Anchorage, AK 99508  
~~Jason Jurek~~  
Rob Oslund 1260 Surrey Cr. #3 Anchorage, AK 99515  
Lori Tyrell 9224 Kirkwall Cir. Anchorage, AK 99508  
George Pearson 4510 4<sup>1/2</sup> Alister Dr. Anch. AK 99502  
Jim Dowby 3203 Arctic — ✓ 99503  
CARRI BERGER Box 4685 Palmer AK 99645  
Steve Welch P.O. 875311 Wasilla AK. 99687  
Larisa Carlson 3001 Gibbs Hill Cr AK 99504  
Larisa & Carlson  
Lynn Meacham 18018 Mammoth Circle 99515  
Bradley Hamner 265 A Chilkoot Ave. Ft. Rich, AK 99505  
Kevin R. Boyce 10215 Colville Eagle River AK 99575  
John Hall 9400 Prospect Drive, Anchorage, AK 99507  
Kelly Day-Lewis 4349 E. 2<sup>nd</sup> Ave ANCH 99508  
PANDY PADDUCK Post 210342  
Anchorage, AK  
333-2391 99521

# PETITION

We the undersigned do hereby recognize and oppose the Halibut Charter IFQ and GHIL restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

Rocky Garcia 907-252-3103

 4-9-05

Margaret Ingham - Box 773152 Eagle River AK

William North PO. Box 91216 Anchorage AK 99509

Rosemary Alukh

TOM KELLY Tom Kelly 4211 PASSAGE WAY  
ANCHE. AK 99516-2218

Doug Scholtes 3991 TAMBER  
WASILLA AK 99654

Lynn SHUSTEY 3941 TAMBER WASILLA 99654

John Eastman 10940 NOKOCHIVA Cir Eagle River 99577

Joe Bower 11502 Eugene Ln "

DON A. WESTE 2511 ELEUSIS CIRCLE UNIT A  
907-243-2580

Donnie Mays 1835 Minerva Way Anc. AK  
907-344 4465

# PETITION

We the undersigned to hereby recognize and oppose the Halibut Charter IFQ and GHIL restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

Michael Burger 1451 Eastridge Dr  
99501 Anchorage, AK

Loren Morgan 511 Clipper ship Ct  
Anch. AK 99515

Marcy Gentemann 20204 Constitution Dr  
Eagle River, AK 99577

Connie Schwarzen 4850 W. Stratford Ct  
Wasilla AK 99654

John Bitrus POB 772211  
Eagle River, AK 99577

CURT SCHLOSSER 901 ALLISON Circle  
ANCHORAGE, AK 99515

~~WASILLA~~  
IVAN SKORODOFF

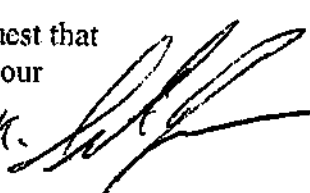
Jeff Brayfield  
2820 Pelican Dr  
Anchorage AK 99502  
3082 TELEQUANA DR. #1  
ANCHORAGE AK. 99517

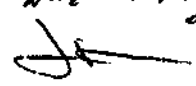
*John Brayfield*


Robert Brady PO Box 770592  
Eagle River AK 99577

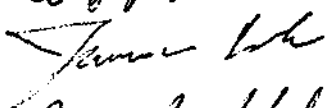
# PETITION

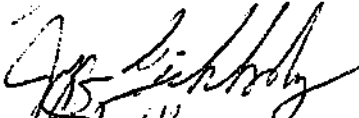
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Selwyn Jones 806 Winter Haven St Anch AK 

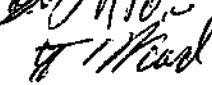
John Russell 5309 N. Star 99514 

Otto T. Hansen PO Box 3907 Kasiluk AK 99635 


James Cole PO 97283 Wasilla AK 

Jeff Eichholz 3728 E 68th Anch. AK 

Juny T. Moore 134 Dutch Ave Anch AK 

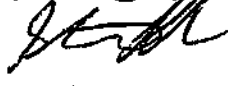
Tom Ward 12001 Portage Anch AK 

Steve Mattica 1200 W Diamond Anch AK 

Ken Kuhn 4580 E. Grant Wasilla 

Michael Yore HC 52 Box 8790 Indian AK 99540 Michael Yore

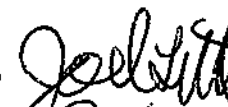
Peter C. Nardy 806 W. 88th Ave Anchorage AK 99515 Peter C. Nardy

Steve Roushar PO Box 873469 Wasilla AK 99687 

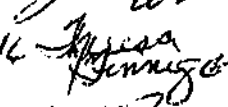
Ray Agen 10001 Concord Hill Cir Anch. 99515

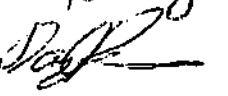
Diane A. 11630 Ellumra Cir. Anch 99571

Dave Benchauser 8840 Rocky Cove Dr Anch AK 99507

Joel Tuttt 2021 Sterling Hwy. Homer AK 99603 

Dustin Edmondson 19206 Harold Loop Eagle River AK 99577 

Theresa Finnigan 6101 Meade Meadow Ln Cir Anchorage AK 99514 

Daryl Reimers HC 01 Box 6078-B Palmer AK 99645 

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Donald L. Horton 221 Ellen Cir. Anch AK, 99515

Jackie Robertson 1777 Hamilton Dr Anch AK 99513

Wayne Dillehay 2181 HILAND RD. EAGLE RIVER, AK #99577

Mark L. Keller 1959 W. Jaime Marie Circle Wasilla, AK 99654  
~~Mark L. Keller~~

Donald E Voice Jr 10531 Chatanika LP Eagle River AK 99577

Jim Tebo 13447 Stephenson A.A. 99515

Mark Shields 19114 Danny Dr Eagle River AK 99577

GARNET DESCUMPS 1702 Alderwood Ln Anch AK 99516

Eva Danielle Cole PO Box 572813 Wasilla AK 99687 Denitt WA

Teuvo Soulio 12420 Silver Spruce Dr. Anch. 99516

Larry Lescanex 9627 WREN LANE EAGLE RIVER AK 99577

Evan Winn 7420 Sarasota Palmer AK 99645

CARL FICKER 9510 SELKIRK DR. ANCH. AK. 99502

GARY PASSEY 19412 ADRIAN AVE. CHILGIK, AK 99567

Russ Collins 1805 S. Salem Dr. Anchorage AK 99508

Kevin Fowler 3702 Iowa St #2 Anch AK 99517

Robert Fowler 3669 Image Dr 99501 ANCH. AK

Royce Morton 6311 TAY CIR Anch AK 99502

Ken Moss 3928 PIRENEAN CIRCLE, ANCHORAGE, AK 99516

John Edmundson Bx 772784 Eagle River AK 99577



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ROBERT V. CARLSON P.O. Box 629, BETHEL, AK 99559

John Melt 9220 Lake Dr 99507  
Mike Shadley 1204 Ocean Drive 99603  
Dave Shadley 1204 Ocean Drive

Anna Violetta 5411 Mockingbird DR #322 Anch 99507

THOMAS MARTIN 4170 DISCOVERY BAY DR. WASILLA AK 99654

Richard Herron 3705 Arctic Blvd #531 Anch; 99503

Betsy Clark 4030 Wispen Circle #B Anch 99517

Ken Sperting 930 Lighthouse Ct. Anch 99515

Philiz R. mile III Sterling Hwy Kaslof, AK 99610

Robert Barclay 19425 Pr. Bilof LP Eagle River, AK 99577

Jen Garrison 335 B Hoonah Ave FORT RICH, AK 99505

Tim Riggs HC 30 Box 12912 WASILLA, AK 99654

Brent Macklin 4734 S. Timberland LP Wasilla AK 99654

DAVID C. WOLFE 8211 PIONEER DR ANCHIT AK 99504

Russell Brilgans 1131 Tina Ln Palmer AK 99645

Mike Allen 13520 Westwind Dr Anchorage AK 99516

Mike Allen 13520 Westwind Dr Anchorage AK 99516

Charlotte Allen

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DANNY BRANNON *Danny Brannon*

*Jack Bee* 1545 S. Hogt Anch AK 99508

*Howard Morse*  
HOWARD MORSE PO BOX 111767 Anchorage AK 99511

*Michael R. Park* 3500A W. 40th Anchorage AK 99517

*Amel A. Bilal*  
5571 LUNAR DR, ANCHORAGE, AK 99504  
1812 ALGATIANS ST Anch. AK 99508

*Jack Mursch*  
CARMEN URZAS PO BOX 233974 ANCH AK 99523

*Carmen Urzas*

*Lay- Schyrd* PO Box 876373 WASILLA AK 99687

*Channah Polis* 1501 Elcadero Dr # 102 Anch AK 99507

*David L. Ryckman* 18871 Andreanof Dr, ER, AK 99577

*Warren A. Waters* 17523 Kahiltua Dr ER, AK 99577

*DON W. VINCENT* 1015 JOURNEY'S END PORT ALSWORTH AK 99653

*BRAD NIERENOTT* AK1 BOX 6216A PALMER, AK 99645

*Cheryl Shelton* 3840 E. 84th Ave Anchorage AK 99507

*Donald Lutz* PO BOX 101753 Anchorage AK 99510

*Kurt A. Lutz* 7251 Bolen Anchorage AK 99510

*Theo M. Chenier* 7540 Alafna Ave, AK 99507

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Edward O. Heath	508 LYNWOOD DR. #A	ANCHORAGE, AK 99518
Christina E. Heath	508 Lynwood Dr. #A	Anch. Ak. 99518
GEORGE K GRIFFITH, JR	PO BOX 112314	Anch. AK 99511
Brandice Olsen	3800 E 72	Anch AK 99507
John Benis	3820 Midvale Cr.	Anch. Ak 99507
Tom Jordan	8708 Swiss Place	Anch AK 99507
Allen C Nichols	PO Box 875755 Wasilla	99687
Jacob Robertson	1777 Hamilton Dr	Anch AK 99511
GARY L BERENS	P.O. Box 875573	WASILLA, AK 99687
Mike Qual	8607 Umo-Si #3	Anchorage AK 99511
Karen Belieu	PO Box 210025	Anch, AK 99521
Dan Erickson	16214 Seville PK Cir	Anch AK 99516
SEM TURNER	434 DREN #12 A	Fair River 99503
Bruce How	4803 KENAT Ave	Anch. Ak 99508
Ken Achen	800 of 247	Glennville AK 99588
J. Kahlert	P.O. Box 4907	J. Kuliadro Palmer, AK 99645 -
BRIAN DBST	514 A STAFFEN CT	ELMAFB, AK 99506
Lauri Shields	19114 DANNY Dr.	Eagle River, AK 99577
Melody Rogers	1902 Stonegate Ct. 2.	Anchorage AK 99515

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Lyrinda Griffith	P.O. Box 112314	Anchorage	AK	99511-2314
Sherry Underwood	POB 773313	Eagle River	AK	99577
Mike Underwood	POB 773313	Eagle River	AK	99577
PAT O'SHEA	38000 BORECKIS DR.	ANCHORAGE	AK	99517
David Tesar	P.O. Box 874875	Wasilla	AK	99687
Bonita Tesar	P.O. Box 874875	Wasilla	AK	99687
Teresa Sprague	490 N. main Box	Wasilla,	AK	99654
Gary Alcock, Sr.	306 N. Alaska St.	Palmer,	AK	99675
STEVE SURBER	3110 CARNABY WAY	ANCH	AK	99504
David Dickason	2038 Boreckis Dr	ANCH	AK	99503
Curt Hefny	3540 AKULA DR	ANCH	AK	99516
Art Powell	4909 E 24th	ANCH,	AK	99508
ANDREW P LEPCHANSKY	313 E 23	ANCH	AK	99503
Angela Lepchansky	313 E. 23rd	ANCH	AK	99503
Holly Lee	5207 FISH ST	ANCH	AK	99507
KYLE MURPHY	1308 STANAGAK CIRCLE	ANCH	AK	99515
Linda Hornstein	5521 E. 34th Ave	ANCH	AK	99504
MITCH KEAN	8461 MILES CT	ANCH	AK	99504

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Chuck Meade 1100 West 32<sup>nd</sup>  
Anchorage AK 99503  
Chuck Meade 766 2940

E. Masson 7012 872733  
Wasilla AK 746 1565  
Anthony McAlister 735 Susitna DR WASILLA 3761024  
James S. O'Neil 3360 MITAURLAIT WASILLA 373-4884  
Nelson Stegall PO Box 1961 Palmer 746-5999  
Sean Jordan 360 Weiss Circle 232-7333  
CARL NELSON 2544 KEUSIUSTON DR ANCH AK 333-1125  
DAVE MALKIN 8520 Pioneer Dr. Anch. AK 337-0150  
Suzette Chhin 4832 Mills Dr Anchorage, AK 99508 339-0300  
Louismy Beth 7523 E 17<sup>th</sup> Ave Anchorage AK 99504 274-3741  
6819 Rovenna 522-5169  
Barbara Sharp 6819 Rovenna Anch AK 522-5169  
Michael T. Underwood 20701 Philadelphia Way CR. 696-1654  
Ben Bell 1431 Congress Anch AK 99507 344-8510  
Michael Bevis 7120 Bertram Dr. Anch. AK 99507 248-3610

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Kurt Schoephorster P.O. Box 232 Sutton, AK 99674 *[Signature]*  
DOROTHY HEARON P.O. BOX 200493 ANCH, AK. 99520 *[Signature]*  
FRANK ADAMS 9411 W. KANAGA Lp. Eagle River 99577 *[Signature]*  
KATE CUNNINGHAM 3750 Balchen Dr. AK. 99517 *[Signature]*  
PAT LORENTZ 3461 NEBULA CIR ANCH, AK. 99517  
CHRIS NORMAN 2542 Winter Ridge Ct. Anch. AK 99507  
CHARITY GADAPEZ PO Box 75142 FAIRBANKS AK 99707  
Pat Johnson 382 S. F. Blvd St. Idedot. AK. *[Signature]*  
Bonnie Foster 6340 Limestone Circle Anchorage AK 99507  
Charlie Seckinok PO Box 5475 K.T.N. AK 99901  
Patrick CARLUTI PO Box 56956 NORTH BLEAR AK 99705  
George Lowery 2360 Cleo Ave Anchorage 99516  
Annore Lowery 2360 Cleo Ave Anch, AK 99516  
Miriam Holte 9400 Banderosa Dr. Anch AK 99507  
Tom Dixon 2376 Lance Creek Rd Lance Creek, WY 82222  
Scott Lawrence 4141 E 68TH ANCHORAGE AK 99507  
David Young 1691 N. Catalina Dr Wasilla, AK 99654  
Paul Byers 15401 Landmark St 99515

# PETITION

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D. Egarden 2571 RIDGE POINTS DR. ANCHORAGE, AK  
Muff Will 1565 Fifth rd. Wasilla AK.  
Jay Suhl P.O. Box 1657 Homer, AK  
Terry Edward P.O. Box 870353 Wasilla AK  
Scott Lundemo 5640 Kare Keeper Anchorage AK 99504  
Bandy Shenton 1101 E Pullman Dr. Wasilla AK 99654  
Rick Mitcham PO BOX 210124 Anch 99521  
Ronald Kasten PO Box 140655 Anchorage AK 99574  
Lynn Meyer Lynn Meyers 6840 Hunt Ave Anch 99504  
Steve Chan 4820 Spiritman Dr. Anch AK 99502  
Glen Fink 3100 Ward Pl #16 Anchorage AK 99517  
Robin Baier Box 67767 Chugiak AK 99567  
L. Cook Box 2008 Palmer AK 99645  
Steph R. Brown P.O. Box 870034 Wasilla AK 99687  
Ueda Brown Box 870034 Wasilla AK 99687  
Richard [unclear] 20608 Wilburburg Dr Eagle River, AK 99577

# PETITION

We the undersigned do hereby recognize and oppose the Halibut Charter IFQ and GHL restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

Tim Finnigan 6101 Moose Meadow Lane Anch. 99516  
Jim Brewer 5133 WESLEYAN DR ANCH 99508  
Janet Scott  
Michael Higgins 326 S. Lane St. Anch 99508  
Michael A. Higgins  
Mark Young 1004 Salix Cir Anchorage AK 99507  
W.E. Moplow 3441 PERENOSA ANCH, AK. 99515  
Greg Kisting 7970 Zovana St Anchorage, AK 99518  
Jim Schmuck 3917 CARLETON AVE #2 ANCHORAGE AK 99517  
Robin Radlein 6500 E. 112th Ave Anchorage AK 99516  
Robert Smith 6500 E. 112th Ave Anchorage AK 99516  
Daniel R. Collyer P.O. BOX 87007L Wasilla AK 99687  
Gunter Wilson 12310 Skyway Dr. Anchorage, AK 99575  
Michael Jorgensen 427 W 87th Ave unit A Anchorage, AK 99515  
Sharon Sisson P.O. Box 873522 WASILLA, AK. 99687  
(Jale) JAK SISSON PO BOX 873522 WASILLA, AK 99687



# PETITION

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Ronald E Ditz 12657 Breckenridge Dr. Eagle River 99577

Ronald E Ditz

Chad H 10918 Sun Eagle Circle Eagle River AK 99577

Shara Farrage 326 S. Lane St Anchorage AK 99508  
Shara Farrage

Ellen Edwards P.O. Box 872353 Wasilla. AK 99687

Kim LUNDENMO SLEW GATE KEEPER AVE. AIA 99504

Holly Wilson 12310 Skyway Dr. Anchorage AK 99515

Grethe Couch P.O. Box 870928 Wasilla Ak. 99687

ATHENA Singas 3232 Wolcott Cir

Steve Flory Sr 6661 Baby Bear Anch Ak 99507

(Anc. Fish + Game) 522-6661  
Adv. Comm.)

Karen Kanner 4034 N. Alderney Cir. Wasilla AK 99574

Larry Dostall

P.O. Box 240912 Anch 99524

CARA BAILEY 18747 Monastery Dr Eagle River AK 99577

RANDY BECKER 507 E Street #201 Anchorage, AK. 99501

# PETITION

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Frank P. Rader 7310 WABURN<sup>CR</sup> ANCH AK. 99502  
#B

Glen O. Rader

Judith Mc<sup>CR</sup> 1224 E 45<sup>th</sup> Ave, Anchorage, AK 99503.

Karen Jackson 2481 Ivona Lane Anch AK 99502

Jon Jankait 2540 Bonbury Dr. Anch AK 99504

Cindi Lundquist 2540 Bonbury<sup>anch</sup> AK 99504

Auson Bailey 5324 Maria Ct Anchorage 99508

John Deick 5324 Maria Ct. Anchorage 99508

John Deick 2512 WINTERCREST<sup>CR</sup> ANCH, AK 99516

W.R. Kyle P.O. Box 589 LEASVILLE AK  
99689

Wade PERKINS 19715 Adrian Ave Chugiak, 99567

John Combs 8261 Frank ST Anchorage 99518

John Deick 13720 CAPSTAN DR, ANCHORAGE 99507

FAY Bailey 18747 Monastery, Eagle River, AK 99577

Don Rader 205 D Akutan, Ave, Fort Richardson AK 99505

Joyce Beasley 24336 LEON RD Chugiak AK 99567

HANSEN MILLER P.O. Box 774 Soldotna, 99669

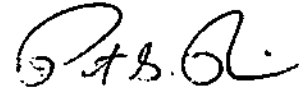
Craig Offret 1557 Airport Heights Anchorage AK 99508

# PETITION

We the undersigned do hereby recognize and oppose the Halibut Charter IFQ and GHIL restrictions. These proposed regulations will restrict my rights and opportunities to a resource which is Public Domain. We request that Gov. Frank Murkowski, Sen. Ted Stevens, Sen. Lisa Murkowski, and the Alaska State Legislature also voice their opposition to the United States Secretary of Commerce Carlos Gutierrez. We request that these individuals recognize and respect our rights as voters and taxpayers to catch our own Halibut on a charter boat.

Peter Risse

13508 Vasili Drive  
Eagle River, AK 99577



JEFF BURGER

1951 EASTRIDGE DR  
ANCHORAGE AK 99501



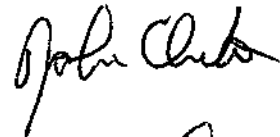
Rob Bentler

17301 Beaujolais Circle  
Eagle River AK 99577



John Cherkov

4850 W. Stafford Ct.  
Wasilla, AK 99654



Jean Adamson

3428 Rosella St  
Anch. 99504



Tracey Bellund-Smith 2921 W. 29th Apt 8B  
Anch 99517



Ren Lafave

9139 Seal Point Cir.  
Anch. AK. 99507



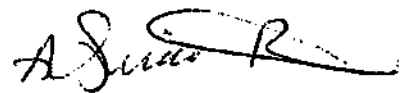
Joe Reutor

3625 Carlton Ave  
Anchorage AK 99517




Aesinia Reutor

3082 Telequana Dr #  
Anchorage AK 99517



MORRIS PICKEL

17506 KANTISHWA DR.  
EAGLE RIVER, AK  
99517



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Melody Moreau 511 CLIPPERSHIP CT Anch, AK 99515  
Selena Jordan Box 656 Soldotna, AK 99669  
Charles F. Henderson P.O. Box 934, Palmer, AK 99645  
Vernon O'Rossis Jr. Po Box 231833 Anchorage, AK, 99645  
Kelly Boyles 22317 Shadow SORNEE Chugiak, AK 99562  
Matthew Smith 2921 W 29TH AVE Apt 8B Anchorage AK 99517  
Matthew Smith  
Peggy R Spindler, PO Box 1832 Palmer AK 99645  
Mike Spindler 6664 Holly Ln Anchorage, AK 99502  
Sara Wilson PO BOX 982 GIRDWOOD AK 99587  
TERRY PICKEL 17506 KANTISHNA DE; EAGLE RIVER, AK 99572  
Terry Pickel  
Ryan Wilson 2705A Ward Loop EAFB AK 99506  
Allan Abramson 2040 Bunnick Eadswood, AK 99715  
Amanda Woe 23827 C. V. 10000 CHUGIAK 99567  
Wesley Stockhoyz P.O. Box 1214 Palmer AK 99603  
WILHELM, ALIYANACH 10619 COLVILLE STEAGLERIVER AK 99577  
Dorey Morris 37347 SONDRA ST Sterling AK 99672  
Meghen Berger 10601 Dureidin Wasilla AK 99654

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Tom Spindler Box 1832 Palmer, AK 99645

*[Signature]* 3830 Steller Anch AK 99504

William J. Stein 20607 Lucas Ave Eagle River AK 99577

*[Signature]* 9835 E. Chukotka Exp - Eagle River AK 99577

Karl Hill 9830 E Chukotka Eagle River AK 99577

*[Signature]* 2804 W 33rd Ave. Anch. AK 99517

RAYMOND STECK IV

*[Signature]* P.O. Box 1230 Chickaloon, AK 99674

Dennis H. Johnson

*[Signature]* PO Box 143303, Anchorage, AK 99514

David Boat

PO Box 770128 EAGLE RIVER, AK 99577

Karl Hill

19442 S. MITCHELL Y Eagle River, AK 99577

Melisse Roux

4434 Box 2284 Wasilla, AK 99654

Bernie Mitchell

506 N. Alaska St Palmer AK 99657

*[Signature]* Joe McEllis

PO Box 908 Palmer AK 99645

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E. James Lyden PO Box 202792 Anchorage AK 99581

Thomas A Doney ~~4018~~ 4010 Lakeside Ct  
Anchorage, Ak. 99502

Leslie Dirkes 20311 Edge River ER AK 99577

Stacey Burt P.O. Box 770 LORER AK 99577

Mike ~~Lyden~~ P.O. 225 Homer AK 99603

~~Jim Handrick~~  
MICHAEL D. MCGINTY P.O. BOX 3988 PALMER, AK 99645

Doug Culbert P.O. BOX 112132 Anchorage AK 99511

Robert Simpson 12821 MIDORI Anch AK 99576

Margie Powers 4511 Folker St. Apt. 39A Anch. AK 99507

DAVID WINNET P.O. BOX 1063 VALDEZ, AK 99686

Pat ~~Lyden~~ 1025 E 11<sup>th</sup> Ave Anchorage AK 99501

Michael J. Jacobz PO Box 467 Willow, AK 99688

Jason Jacobz PO Box 467 Willow AK 99688

Dr. ~~Collins~~ 10034 W Dusk LKLP Wasilla, AK 99654

Shawn Archuleta 3851 Galactica Dr. Anchorage AK 99517

Shawn Archuleta 3930 Astrea Circle Anchorage AK 99517

PETITION

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JASON C. DANIEL

5738A STAFFAW CT 907  
EAFB, AK 99506 677-0887

Jamua L. Smith

Tamera L. Smith

7021 Gibbs Hill Cir. 907-338-8334  
Anchorage, AK 99504

Michael R. Hannah

15301 TH 87 (419) 306 5816  
Forest, Oh 45843

Chuck Docton

Chuck Docton

1621 Lake Otis 276-6602

Creech Judd

5531 Ch. Howard Ct #4 ANCH, AK

Jay Thompson

JAY THOMPSON

3108 W. 42nd #8 ANCH, AK

DALE AUGUSTISON

99518 248-9683  
2620 E 42ND AVE. #4  
ANCH 99508

Robert M. Robinson

Robert M. Robinson

PO Box 920242 Dutch Harbor

Chad Hayes

Chad Hayes

5552 College Meadow Circle  
Anch, AK 99504

Tom Zarnstorff

Tom Zarnstorff

2521 Lake Otis Pky.  
Anch. AK. 99508

Mike Longt

Mike Longt

4461 Mrs Dr  
Anchorage AK 99501

Tim Kemp

Tim Kemp

940 Snow Hill Ave Wasilla AK 99757

Eric Gureby

150 Deerfield Ave 99515

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Trent Myllars 5240 Wild Mountain Dr. Eagle River, Ak  
99577

Billy Dahlbeck 6191 Gross Dr. Anch. AK. 99507

Martan Dahlbeck 11844 Moose Rd. Anch. AK. 99516

Kris Rogves 11721 Shetland Ave 99516

Don Wilson 6620 E 8<sup>th</sup> Ave Anchorage AK 99504

Paul Macy 9170 Ticor Circle Anchorage - AK 99504

Shan Flanagan 2200 Glacier St Anch, AK 99506

Chris (Ellen) 3742 Terrace Dr. Anch, AK 99507

Dawn Rauth 5405 Dorbrandt Anch AK 99518

Randal S Rauth P.O. Box 61 Denal, Park AK 99751

James Singleton 22423 Columbia Glacier, Eagle River AK. 99577

Juan San Miguel 8121 Clear Haven ANCH AK 99507

SEAN SPUR 9005 Journal Forum St. Anchorage AK.

Jeremy Byrd 3016 Andrews Ave unit F Anchorage AK 99506 9950

Robyn Wright 18138 Hidden Falls Ave Eagle River AK 99577

Ben Smith 11133 Kaskawak De, Eagle River, AK 99577

Ryan Johnston 11533 Targhee Cp Eagle River AK 99577

Tiffany Johnston 11533 Targhee Lp Eagle River AK 99577



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AJ Kemp Amy L. Kemp 940 Snowhill Ave Wasilla AK 99665  
Scott Liska Scott Liska 10921 Kasilof Anch AK 99507  
Shan Peterson " " " "  
Kevin Milkman 18767 Price Island Drive Eagle River Alaska 99577  
Charles Hontz 2400 W. 34th Ave APT B Anch. AK 99517  
Dave Ausman 1503 W. 33rd Ave Anch. AK 99503  
Jim Beidwell 19425 Teal Bay Dr. Eagle River, AK 99577  
Werner Munt 13015 Alpine Dr Anch AK 99516 345-1466  
Susan Spencer Susan Spencer 9005 Jewel Terrace St. Anchorage, 99502  
Cody E Conover ~~870167~~ 5717 East Pks Highway  
David L Conover DAVID L. CONOVER 5717 EAST PARKS HIGHWAY 99503  
Doy Gable 4709 Canterbury  
Archie Dehut 4301 Grape Place, Anchorage, AK 99501  
John T Copenhaver JOHN T COPENHAVER P.O. BOX 670455 CHITNAK, AK 99506

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6904 Cape Lisburne  
Anchorage AK 99504 *Cathy Nica* 337-6904

Bruce Cremer 9515 Dundas Cir  
Eagle River AK 99577 317-2772

RANDAH W FERGUSON 8235 RAINY PL  
ANCH. AK 99518 522 8235  
*Randy Ferguson*

Joseph J. DiBenedetto *Joseph DiBenedetto* 333-8101  
2435 Marian Bay  
Anchorage, AK  
99555

DAVE ARIENO 8230 E. 10TH AVE 230-9838  
ANCHORAGE, AK 99504

Mitchell Tremblay PO Box 1078  
Willow AK 99688 495-8452

Wendy Selteneich 6670 E. 8th Ave 929-1609  
Anch. AK 99504

*James D. Williamson II* 5537 Derbrandt #1 501-3683  
Anchorage, AK 99518

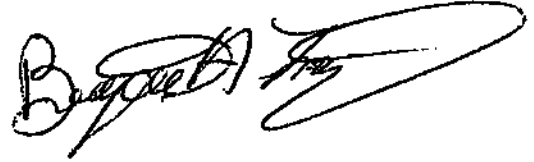
Misty Erickson 276 Grayback Dr  
Wasilla AK 99584 376-0224

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Brigitte Lytle

HCO4 Box 7225-A  
Palmer AK 99645



Sarah Wallner

6931 Chad St.  
Anchorage, AK 99518



Ben Key

13900 Old Glenn Hwy Apt 26  
Eagle River, AK, 99577


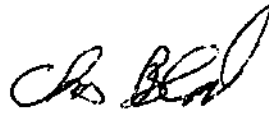
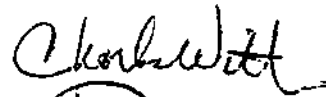

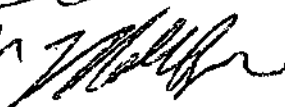
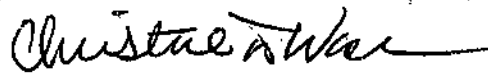




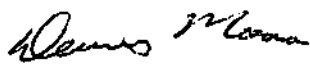
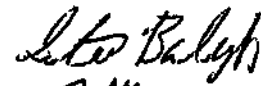
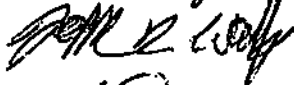
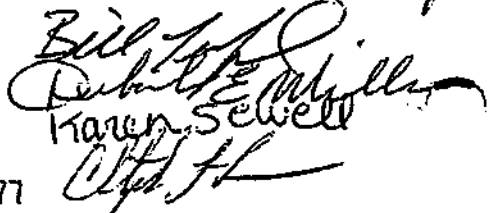
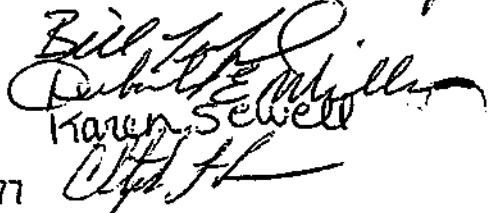
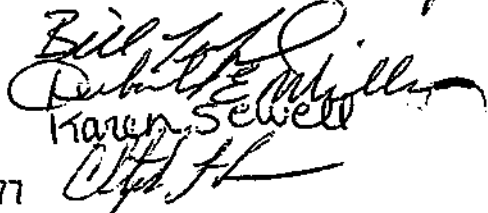
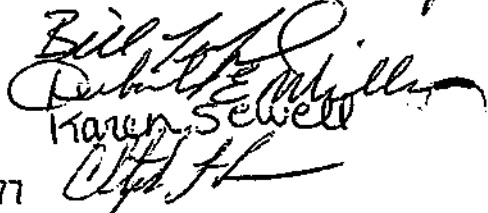
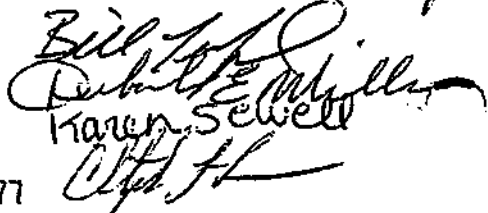


8250 Resurrection  
Anch AK 99504

Wayne Longest

# Petition

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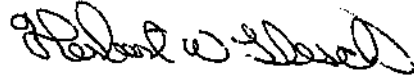
PRINT NAME	ADDRESS	SIGNATURE
Marco Christian	1933 Terrebonne Ln. Anchorage 99502	
Chris Black	9410 Emerald St Anchorage AK 99502	
Charles Wittner	265 Chilkoot Ft. Richardson 99505 1535 Muller #2 Anchorage 99501	
Dean Aldberg	11004 Totem Anchorage AK	
Charles Dotsund	P.O. Box 871377 Anchorage AK	
MARK RYGG	11033 Buskin Cir. E.R. AK 99577	
Christine Wachmann	PO Box 32378 Juneau AK 99803	
Chris Tatham	7152 DOOLITTLE AVE Anchorage AK 99506	
Michael Crotty	937 W 72nd Anch. AK 99518	
Richard Warren	18224 Santuary Dr Eagle River 99577	
Michael Schneider	645 G St #811 Anchorage AK 99501	
Dennis Moore	9316 Tanadak Cir Eagle River AK 99577	
Steve Bobyak	11734 Celestial Eagle River AK 99577	
Joe Wolf	Box 671582 Chugiak AK 99567	
BILL TELFORD	PO Box 64421 Chugiak AK 99567	
Deborah E Miller	2911 Mast Circle Anch. 99502	
Karen Sewell	14644 W. Lake Ridge Dr. #1 Eagle River, AK 99577	
Christopher Lauer		

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HERBERT FLESCH

492 RAVENSWOOD LP UNIT A  
WASILLA AK 99654



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#1

Elena Sandage

Homer

6701 Cranberry Street Elena Sandage

11607 Barr Road Anchorage AK 99516  
Wendy S. Hill

BRYAN BONDIO

4603 Homer Spit Rd. P.O. Box 46 HOMER, AK. 99603

Bryan Bondio

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Kurt Bishop

1234 S. Rebecca Dr.  
Palmer 99645



David H. Masuo

6407 E. 10<sup>th</sup> Ave  
Anchorage, AK 99504



Michael Martens

3551 Hollyberry Circle  
Anchorage, AK 99507



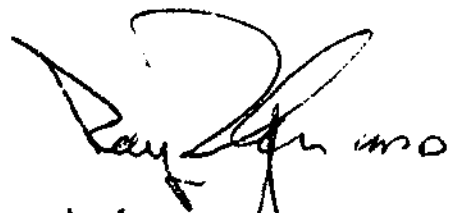
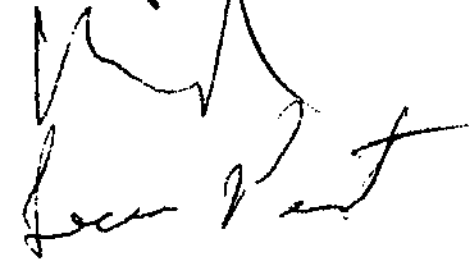
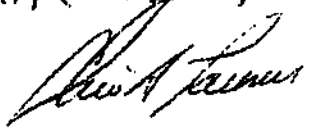
Kevin Gouard

1800 Lashley St  
Longmead AK 99501

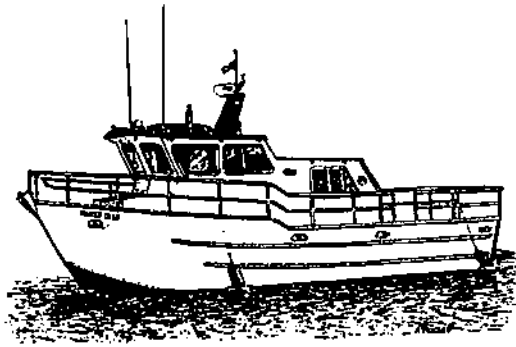


PRINT NAME Address Signature

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Ray Farber	40914 Crested Crane St Homer AK 99603	
Michael Penetac	3443 EAST 14TH AVE Anchorage AK 99508	
Sean Penetac	3443 EAST 14TH AVE Anchorage AK 99508	
Jim King	8543 Moss Ct Anchorage 99508	
Mike / Cozy Jonathan J. Jellison	P.O. BOX 4373 Palmer, AK 19724 3rd Home Circle 19577 Eagle River AK	
Robbana Blidden	PO Box 1163, Homer, AK 99603	
Martin Spargo	4251 Diamond Way, Wasilla, AK 99654	
Chris Lawer	10846 Delta Cr. Eagle River AK	
Raymond Kerstner	4034 N. Alderney Ct Wasilla AK 99654	
Steven Putbress	10940 Adonik Circle Eagle River AK 99577	
Andrew Hughes	P.O. Box 292 Sand Point, AK. 99661	
Scott Harrison	11922 TOWN PARK CIR Eagle River AK 99577	





April 29, 2005

Stephanie Madsen, Chair  
NPFMC, 605 W. 4<sup>th</sup> Avenue Suite 306  
Anchorage, Alaska 99501

RECEIVED

MAY - 9 2005

N.P.F.M.C.

Dear Madam Chair,

I am writing to you in regards to the June Agenda item on Halibut Charter GHIL and possible catch reductions measures. I urge you to immediately pass the Halibut Charter IFQ program and abolish the GHIL program.

My wife and I have been operating Luck of the Irish Charters since 1981 and are very concerned with possible GHIL restrictions. We have followed and been active in the proposed inclusion of the charter fleet into the existing IFQ program. We have watched for nearly ten years your committees concern over the growing Halibut Charter fleet. When the GHIL was enacted the NPFMC spoke of a "FAST TRACK" for the inclusion of the halibut charter fleet into the IFQ program. We are still waiting!

The restriction of a GHIL make it impossible for us to plan our business into the future and restriction could possibly put us into financial jeopardy.

Please push for the positive conclusion of the Halibut Charter IFQ program.

Sincerely

*Patrick M. Bookey*  
Patrick M. Bookey

Luck of the Irish Charters, Box 55194, North Pole, AK 99705

David Oen  
FIU Endurance  
Sitka, AK -

To: NPFMC

This letter is to ~~also~~ request the Council to reinstate the GHL committee. The committee's ~~main~~ task will be recommending harvest control measures for the Charter Halibut Harvest. This needs to be done by the June Council meeting. Recent data indicates the 2004 Charter Halibut harvest may have reached or exceeded the Guideline Harvest Level.

I also urge the Council to demand that the National Marine Fisheries Service publish the proposed rule for the halibut charter Q.S. program, by the end of April.

Sincerely



David Oen  
Box 2473  
Sitka, AK - 99835  
907-747-6022



# Deep Creek Charterboat Association

P.O. Box 423—Ninilchik, AK 99639

RECEIVED  
APR 25 2005  
April 21, 2005  
N.P.F.M.C.

**Board of Directors**

**President**  
Tim Evers  
567-3631

[tnjevers@alaska.com](mailto:tnjevers@alaska.com)

**Vice President**  
Marc Smith  
567-4368

[dmcharters@gci.net](mailto:dmcharters@gci.net)

**Secretary/Treasurer**  
Perry Flore  
Phone/Fax 262-7631  
[arctictern@alaska.com](mailto:arctictern@alaska.com)

**Member-at-Large**  
Mel Erickson  
262-2980  
[gamefish@alaska.net](mailto:gamefish@alaska.net)

**Member-at-Large**  
John Baker  
567-3393  
[info@afishbunt.com](mailto:info@afishbunt.com)

**Stephanie Madsen, Chair,**  
**NPFMC**  
**605 W. 4<sup>th</sup> Ave. Suite #306**  
**Anchorage, Alaska 99501**

**Dear Madam Chair,**

**The Deep Creek Charterboat Association has been involved with the NPFMC since 1993. I personally sat on the Charter Boat GHL Committee & the Halibut Charter Boat IFQ Committee as a representative for the Deep Creek Charterboat Association members.**

**I am writing today in regards to the upcoming June Council meeting and agenda item on the Halibut Charter Boat GHL and anticipated catch reduction measures. Please consider myself as a representative for the DCCA membership if the Council decides to establish a working group to represent the charter industry for discussion of the reduction measures. I believe my past history involvement with the Council speaks for itself. We will not be able to attend the June meeting because of the timing conflict with the charter boat operator's season.**

**The evident growth in the halibut charter boat industry and the resultant catch justifies reduction measures in respect to the GHL. It is our understanding that the Council would consider a charter boat moratorium if the GHL is met and the IFQ program has not yet been signed by the Secretary of Commerce. Perhaps it is time to consider moving on with this measure in order to help those charters who have been facing the GHL restriction since 1997 while many more new charters have continued entering the industry. A moratorium will be a major step in keeping our industry within the GHL limitation. Without a moratorium the GHL will continue to be exceeded annually regardless of reduction measures implemented.**

**An amendment to the GHL should be considered that would allow the GHL cap as set in 1997 to float with TAC to provide a more equitable catch limit to that presently enjoyed by the commercial fleet. This increase probably would not eliminate the need for charter boat catch reduction measures it would be a matter of fair allocation distribution in**



## Deep Creek Charterboat Association

this time of high abundance.

**Please consider our request of the NPFMC to encourage the National Marine Fisheries Service and the Secretary of Commerce to complete the review and passage of the inclusion of the Alaska Halibut Charter boats in the existing IFQ program. Our inclusion in this program will resolve the commercial/charter boat allocation dispute and free up Council staff & Council members to deliberate on the many other issues you are faced with.**

**If the Council moves forward with the appointment of a Charter boat IFQ Implementation Committee please also accept this as an offer to serve.**

**Respectfully,**

**Tim Evers  
President, DCCA**

April 4, 2005

To: North Pacific Fishery  
Management Council

RECEIVED

APR 11 2005

**N.P.F.M.C.**

Dear Mr. Chairman,

I am writing to express my concern about the Guideline harvest levels for guided sport halibut harvest. Data for 2004 shows an alarming increase in the guided sport take of halibut.

As a small boat halibut longliner I urge you to take control measures necessary to keep the guided sport harvest level at their quota. Please work with the harvest committee to implement control measures by the June meeting.

Also I would urge you to publish the rule for Halibut charter quota share program before the end of April.

Thank you,

Terry Peremaid



Stephanie Madsen, Chair,  
NPFMC, 605 W. 4<sup>th</sup> Avenue Suite 306,  
Anchorage, AK. 99501

RECEIVED

APR 25 2005

N.P.F.M.C.

Dear Madam Chair,

I am writing you in regard to the June Agenda item on the Halibut Charterboat GHL and anticipated catch reduction measures. If the council decides to establish a working group to represent the charter industry for discussion of the reduction measures I would like to be considered. My qualifications are well know by yourself and the NPFMC staff. I do not know if I will be able to attend the June meeting due to the timing conflict with our season.

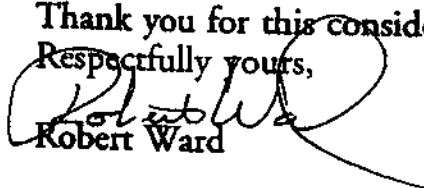
I feel the evident growth in the charter industry and the resultant catch justifies reduction measures in respect to the GHL. The council is on record supporting consideration of a charterboat moratorium if the GHL was met and the IFQ plan had not been approved by the Secretary of Commerce. We may well need to move on this measure to help those charters who have been facing the GHL restriction since 1997 while many more charters have continued to enter the industry. The moratorium will be a major step in keeping the charterboat industry within the GHL limitation. Without a moratorium the GHL will continue to be exceeded annually regardless of reduction measures implemented.

A proposal should be considered that would allow the GHL cap as set in 1997 to float with the TAC to provide a more equitable catch limit to that presently enjoyed by the commercial fleet. Although this increase may not eliminate the need for charterboat catch reduction measures it would be a matter of "Fair" allocation distribution in this time of all time high abundance.

My final request is to ask the NPFMC to once again encourage the National Marine Fisheries Service and the Secretary of Commerce to complete the review and passage of the Inclusion of the Alaska Halibut Charterboats in the IFQ program. This plan will resolve the commercial / charterboat allocation dispute and free the NPFMC staff and council to consider and deliberate the mass of other issues you face. I still desire the opportunity to serve you on the Charterboat IFQ Implementation Team when the need is at hand.

Thank you for this consideration.

Respectfully yours,



Robert Ward

MEMBER:

Anchorage Convention and Visitors Bureau, Boat Owners of the United States, Homer Chamber of Commerce, Homer Charter Association, International Game Fish Association, National Association of Charterboat Operators, National Rifle Association, North American Fishing Club, Recreational Fishing Alliance.

April 6, 2005

To: NPFMC

907 271 2817

Please reinstate the GHL committee and have it put in place harvest control measures by June for the charter halibut!

Please demand that the National Marine Fisheries Service publish the proposed rule for the halibut charter Quota Share program by the end of April.

This is needed to control the charter halibut harvest as they are near to reaching or exceeding the GHL in 2004. I do not want to see the charter overages coming out of my families commercial halibut quota. Try explaining to my son, who just spent his savings on halibut quota, that you are GIVING some of it that he bought to the charter fleet but he will not get and reimbursement for it. That is not right. The charter fleet needs to be kept within their limits and overages need to come out of their quota- not someone elses! They need their own Quota Share program.

Thank You for your prompt attention to this.

Randy & Carolyn Nichols  
305 Islander Drive  
Sitka, AK 99835

Randy + Carolyn Nichols

RECEIVED  
APR 11 2005  
N.P.F.M.C.

April 4, 2005

Duane Torgeson  
4017 Halibut Point Rd  
Sitka, AK 99835

North Pacific Fishery Management  
605 West 4th Ave Ste 306  
Anchorage, AK 99501

RECEIVED

APR 11 2005

N.P.F.M.C.

Dear Council Members:


I am extremely concerned about the fact that the 2004 Charter halibut harvest has been reached or exceeded at this time. The Guideline Harvest Level was put forth by the GHL committee for the health of the fisheries and fairness to all types of fisheries.

I feel that you need to reinstate the GHL committee immediately to examine this situation. You as a group need to request that the GHL committee work on harvest control measures to be presented at the June Council meeting.

Time is crucial right now and your response and action is needed.

Thanks for your time.

Sincerely,

  
Duane Torgeson  
F/V Republic



9 APR '05

DEAR NPFMC -

IT'S COME TO MY ATTENTION THAT THE 2004 CHARTER  
HOLIBUT HARVEST MAY HAVE EXCEEDED THE GHL. I'M WRITING TO ASK  
THAT YOU REINSTATE THE GHL COMMITTEE + SET SOME HARVEST CONTROL  
MEASURES ASAP! I'm ~~ALSO~~ ALSO ASKING THAT YOU DEMAND THE  
NMFS TO PUBLISH THE PROPOSED RULE FOR THE HOLIBUT CHARTER  
QS PROGRAM BY THE END OF APRIL. I PERSONALLY ATTENDING THE  
COUNCIL MEETINGS WHEN THESE ISSUES WERE DISCUSSED &  
HAMMERED OUT. PLEASE ACT ON THE ISSUE IMMEDIATELY. I, AND  
THOUSANDS OF OTHER WORKING ALASKANS, HAVE OUR LIVELIHOODS AT  
STAKE. THANKS FOR YOUR ATTENTION.

PAUL BARNES  
Box 155  
GUSTAVUS, AK 99826

RECEIVED  
APR 1 - 2005  
N.P.F.M.C.

Stephanie Madsen  
Chairman  
NPFMC  
605 West 4<sup>th</sup> Ave Ste 306  
Anchorage, AK 99501

APR - 4 2005  
N.P.F.M.C.

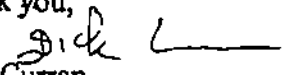
Dear Ms. Madsen,

This letter regards the Guideline Harvest Level for the halibut charter fleet. The halibut charter fleet is close to or has exceeded their GHL.

I would ask the Council to reinstate the GHL Committee, tasking this committee with recommending harvest control measures by the June Council Meeting.

~~I would also ask the Council to urge the National Marine Fisheries Service to publish the proposed rule for the halibut Charter Quota Share program by the end of April.~~

Thank you,

  
Dick Curran  
F/V Cherokee  
Box 1336  
Sitka, AK 99835

Cc Dr. Jim Balsinger

RECEIVED  
APR - 6 2005  
N.P.F.M.C.

April 6, 2005

To: NPFMC

907 271 2817

Please reinstate the GHL committee and have it put in place harvest control measures by June for the charter halibut!

Please demand that the National Marine Fisheries Service publish the proposed rule for the halibut charter Quota Share program by the end of April.

This is needed to control the charter halibut harvest as they are near to reaching or exceeding the GHL in 2004. I do not want to see the charter overages coming out of my families commercial halibut quota. Try explaining to my son, who just spent his savings on halibut quota, that you are GIVING some of it that he bought to the charter fleet but he will not get and reimbursement for it. That is not right. The charter fleet needs to be kept within their limits and overages need to come out of their quota- not someone elses! They need their own Quota Share program.

Thank You for your prompt attention to this.

Randy & Carolyn Nichols  
305 Islander Drive  
Sitka, AK 99835

*Randy + Carolyn Nichols*

RECEIVED

JUN 17 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

<sup>28</sup>  
As a ~~thirty~~ year fisherman, I am urging the NPFMC to reinstate the GHLC committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

I participate in the Derby's as a crew man and set my own boat to fish halibut out of Sitka.

I was issued some I.F.Q's and I bought in for more Quota (2C). I have a significant investment in Quota.

As a full time fisherman I'm concerned that some in the Charter industry are trying to stop an I.F.Q system for Charters.

It's a growth industry. That growth will come out of my investments.

Sincerely, John Murray F/V LORAN

RECEIVED  
JUN 1 2005  
N.P.F.M.C.

14  
June 9, 2005

To Whom It May Concern:

As a <sup>fifteen o.m.</sup> ~~thirty~~ year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you, Ocean Mayo



1710 HPA

Sitka, AK 99835

907-747-8880

RECEIVED

JUN 1 2005

N.P.F.M.C.

~~June 3, 2005~~ C.L.  
June 13, 2005

To Whom It May Concern:

As a <sup>Nine</sup>~~three~~ year fisherman, I am urging the NPFMC to reinstate the GHF committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

Cale LaDuke



Phone # 907-752-0127

Email: Ladukester@hotmail.com

P.O. Box 1216

Sitka AK 99835

RECEIVED

JUN 1 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

<sup>seven</sup> As a ~~thirty~~ year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,



Ben A. Crew

P.O. Box 6063

Sitka AK 99835

(907) 738-2722

the.cra.buy@notmail.com

RECEIVED  
JUN 1 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

~~MIKE~~ JEEN

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,



P.O. Box 2245 Sitka AK 99835



RECEIVED  
JUN 1 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHF committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*Jay: Becky*

*Jay: Becky Hawn  
FV, CINNABAR  
4055 Sweetwater  
Belle, WA 98232*

RECEIVED

JUN 7 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

As a thirty<sup>25</sup> year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*Kathryn C. H.*  
*Edward R. Hansen*

F/V Ocean Gold  
9369 North Douglas Hwy  
Juneau AK 99801

We both hold IFQ shares

RECEIVED  
JUN 7 2005  
N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHM committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*Kathryn L. A.*

*Edward R. Hansen*

F/U Ocean Gold  
9369 North Douglas Hwy  
Juneau AK 99801

We both individually hold IFQ shares

RECEIVED

JUN 1 2005

N.P.F.M.C.

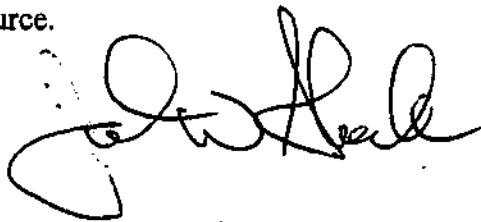
June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,



J. W. Hall  
F. V. Nova C.

12  
June 3, 2005

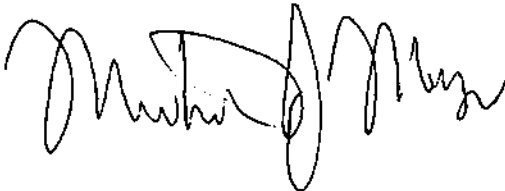
RECEIVED  
JUN 15 2005  
N.P.F.M.C.

NPFMC  
To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHM committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,



MICHAEL J MAYO  
2805 SAWMILL CR RD  
SITKA AK 99835

907.738.1698

MICHAELJ.MAYO@HOTMAIL.COM

June 3, 2005

**RECEIVED**

JUN 15 2005

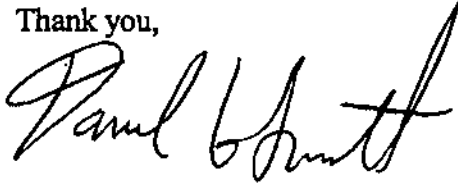
**N.P.F.M.C.**

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHLC committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,



**RECEIVED**

JUN 18 2005

**N.P.F.M.C.**

June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHM committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*[Handwritten Signature]*  
EV Defiant

RECEIVED

JUN 13 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHIL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

Dan Crane

F/V Sidney

QS in 2C, 3A, 3B, most of it bought!



**RECEIVED**

JUN 13 2005

**N.P.F.M.C.**

June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHLC committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

Tom Huggenbuckle  
815 Lake St.  
Sitka, Alaska  
99835

RECEIVED

JUN 13 2005

6/8/05

N.P.F.M.C.

Dear Council Members,

Please reinstate  
the GHL and come up  
with harvest control measures  
at the June council meeting

Sincerely

M. Doubleday

HV. Hula Girl

P.S. Say no to net pots  
and fish farming in Alaska!

**RECEIVED**

JUN 18 2005

**N.P.F.M.C.**

June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHF committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

PAUL SEUERSON

RECEIVED

JUN 13 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

*thirty three year*  
As a ~~thirty~~ *thirty three year* fisherman, I am urging the NPFMC to reinstate the GHF committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*Scott Winnop*  
SCOTT Winnop

RECEIVED

JUN 3 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

As ~~thirty~~ <sup>40th</sup> year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

F.V. MISSA 101311A  
F.V. Republic  
Don Longem

RECORDED

JUN - 7 2005

**N.P.F.M.C.**

June 3, 2005

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHIL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*Volney + L J Smith*

RECEIVED

JUN 3 2005

N.P.F.M.C.

June 3, 2005

To Whom It May Concern:

As a <sup>F/V</sup> ~~thirty~~ year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*Roger A. Thomas*  
F/V Kathleen J

June 3, 2005

RECEIVED

JUN 10 2005

N.P.F.M.C.

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHM committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,

*Hans Wienberg*  
**HANS WIENBERG**  
**PO BOX 164**  
**SITKA, AK. 99835**



JUN 3 2005

June 3, 2005

N.P.F.M.C.

To Whom It May Concern:

As a thirty year fisherman, I am urging the NPFMC to reinstate the GHL committee and to task that committee with recommending harvest control measure at the June Council Meeting. I also urge the council to demand that the NMFS publish the proposed halibut charter OS program.

As a resource user, we all need to be responsible for what we catch to help maintain this valuable resource.

Thank you,





*Direct Phone*  
(907) 222-7109

*Direct Facsimile*  
(907) 222-7199

*E-Mail*  
reevs@asralaska.com

October 6, 2005

Ms. Stephanie Madsen, Chair  
Council Members  
North Pacific Fisheries Management Council  
605 West Fourth Ave., Ste 306  
Anchorage, AK 99501

Dear Ms Madsen and Council Members:

I represent the Cook Inlet Sportfishing Caucus, an organization formed to support recreational fishing in Cook Inlet. The Caucus supports the rights of thousands of sport fishermen, from inside and outside Alaska. These sport fishermen and women pay for their chance to catch fish and they spend money in the communities where they come to do that. The Caucus opposes the proposed charter IFQ program for the Alaska charter halibut fishery.

Four and a half years ago, when the Council last considered a charter halibut IFQ program, I testified on behalf of Recreational Fishery Alliance. We provided evidence demonstrating that (1) most Alaskans who learn about the proposed IFQ program, opposed it; and, (2) **all** the people evaluating the proposed IFQ program as a public policy issue (the legislature, the governor, the Board of Fisheries) opposed it, because they determined it was BAD public policy. I provide you with copies of that testimony, because some of you are new to the Council. The RFA comments are in the record, somewhere, but what RFA said then remains true today, and I offer the testimony for your convenience, as you consider whether to affirm the action taken in 2001. The Charter IFQ program is bad public policy and inconsistent with the goals and standards of the Magnuson-Stevens Act.

Although the Caucus is concerned about the reliability and the staleness of the data on which the allocation would be based, my testimony today focuses on a single issue: The Charter IFQ program violates a commitment by the National Marine Fisheries Service to enhance recreational fisheries.

500 L  
STREET  
Suite 300  
ANCHORAGE  
Alaska  
99501

*Telephone*  
(907) 222-7100  
*Facsimile*  
(907) 222-7199  
*Website*  
WWW.ASRALASKA.COM

**The Charter IFQ program contradicts NMFS' commitment to protect and, in fact, enhance recreational fisheries. Instead, it would limit a recreational fishery for the benefit of a commercial fishery.** Executive order 12962, issued by then-President Clinton in June 1995, directed all Federal agencies to enhance recreational fishing opportunities and to evaluate and document the effects of any Federal action on recreational fisheries. President Bush has reaffirmed this direction. *FY 2005-FY2010 A Vision for Marine Recreational Fisheries, NOAA Recreational Fisheries Strategic Plan* at Page 2. In response to this directive by the executive branch, NMFS developed a *Recreational Fisheries Resource Conservation Plan*, the stated goal of which is to "Provide for increased recreational fishing opportunities nationwide." Recently, NOAA published the *NOAA Recreational Fisheries Strategic Plan*, entitled *A Vision for Marine Recreational Fisheries*. I am submitting a copy of this plan for each of you, as part of my testimony.

In a Forward to this Plan, Bill Hogarth, Assistant Administrator for Fisheries at the Department of Commerce, states, "this plan demonstrates a renewed commitment to serving America's 13 million anglers." He states that one of his "top priorities" is to revitalize recreational fisheries. The Charter IFQ program flies in the face of this commitment by the Department of Commerce and this priority. It would restrict the angler's access to the Alaska halibut fishery. It will restrict the number of charter boats available, and it can only significantly increase the cost of a charter fishing experience.

NOAA's plan acknowledges the importance of the recreational fishery, noting that it generates \$30.5 billion in economic impact and supports 350,000 jobs. This national observation is consistent with Alaska statistics and the testimony of those in the recreational fishery here in Alaska. I note the September 26, 2005 letter submitted to Senator Lisa Murkowski by Lewis Hay of Jacksonville, Florida, opposing any halibut charter IFQ program. (Copy attached.) His letter states that he and his wife spent \$10,112.82 on their trip to Alaska this summer. The principle reason for their trip to Alaska was halibut fishing. Mr. Hay is one voice among thousands.

NOAA's plan sets six management goals. The first is to "Evaluate the status of recreational fisheries management and identify opportunities for improvement." A stated strategy for achieving this goal is to "identify areas in which additional data are required in order to make fair allocation decisions."

The second goal is to "Effectively apply the suite of fishery management tools." Here, a strategy is to "ensure that timely socioeconomic information is used in making management decisions about recreational fisheries."

The third goal is to "Make the fisheries management process more open and accessible to the public." In stating this goal, NOAA acknowledges that "fisheries management relies on

balanced representation from all sectors, including recreational anglers.” The strategies for achieving this goal include facilitating participation by anglers in management process, informing marine anglers and their organizations as to the management process and providing a dialogue on “all relevant recreational fisheries issues,” by scheduling meetings when anglers are able to attend and by promoting early consultation and participation on key issues.

The Cook Inlet Sportfishing Caucus respectfully asks you to consider whether the development of the proposed Charter IFQ program is consistent with these stated goals and strategies. We conclude that neither the process used to develop the rule nor the program developed in 2001 is consistent with these goals and strategies. The Caucus agrees with the testimony provided by many charter fishermen and local communities. The Charter IFQ program would not improve the recreational fishery. It will limit the angler’s access and increase the cost. The quality of the data on which the plan is based will not support a fair allocation. There was not a sufficient dialog with anglers in development of the proposed program. Public meetings in the communities where charter fishing takes place – Sitka, Valdez, Yakutat – would be the best way to assure that you the voice of the recreational fishermen, and that was never done.

The Caucus believes that the proposed IFQ program for the halibut charter industry was developed without consideration of these goals and without a sufficient evaluation of potential impacts on the recreational halibut fishery and the communities in which the fishery takes place. The program would not assure continuing access for the recreational angler. The halibut charter IFQ would, instead, limit the portion of this public resource available to the recreational anglers who rely on charter vessels to access the fishery. The halibut charter IFQ program would only benefit the commercial fishing sector.

The Caucus notes and endorses the resolutions opposing the charter IFQ program passed by the Alaska Charter Association, the City of Whittier (3A), the Chamber of Commerce of Whittier (3A), the Homer Chamber of Commerce (3A), the City of Homer (3A), the City of Gustavus (2C), the City of Sitka (2C), the Kodiak Convention and Visitors Center (3A) and the Valdez City Council (3A). There is strong, united opposition to this proposed program.

The Caucus is aware that NMFS will be opening an office of North Pacific Recreational Fishery Regional Coordination here in Alaska. The Caucus sees this as providing an increased opportunity to come to understand and to evaluate potential impacts of Council actions on recreational fisheries. Opening this office will help NMFS, NOAA and the Council comply with the Recreational Fisheries Strategic Plan. Moving forward with the Charter IFQ program before this office even opens would ignore the recreational fishery policy and its goals.

The lack of compliance with NOAA’s policy commitment to enhance recreational fisheries provide the basis for a legal challenge the charter IFQ program. **The Caucus asks the**

October 6, 2005  
Page 4

**Council not to proceed with the charter IFQ program until you have addressed the legal issue set forth in this letter.**

Sincerely,

Amodio Stanley & Reeves LLC



Susan E Reeves  
Counsel for Cook Inlet Sportfishing Caucus

cc: Caucus

Executive Director  
James A. Donofrio



Legislative Director  
Sharon I. McKenna  
Membership Director  
Susan J. Heinrichs

COPY

April 12, 2001

Mr. David Benton, Chairman  
Council Members  
North Pacific Fisheries Management Council  
605 West Fourth Ave., Ste 306  
Anchorage, AK 99501

Dear Mr. Benton and Council members:

The Recreational Fishing Alliance is a 501(C)(4) organization, with 75,000 affiliated members and 25,000 dues-paying members – 100,000 members in all. RFA is one voice, representing thousands of anglers who reside inside and outside Alaska and all of whom spend money here. RFA opposes any charter IFQ program for the Alaska charter halibut fishery.

This statement supplements written and oral testimony submitted to the Council by RFA on February 7, 2001. It also supplements a collection of letters and articles submitted to the Council by the Recreational Fishing Alliance today. These documents confirm that (1) most Alaskans who learn about the proposed IFQ program, oppose it; and, (2) **all** the people evaluating the proposed IFQ program as a public policy issue (the legislature, the governor, the Board of Fisheries) oppose it, because it is BAD public policy.<sup>1</sup> RFA joins with all these important Alaskans, in opposing the Charter IFQ program. For the reasons discussed below, the Charter IFQ program is bad public policy and inconsistent with the goals and standards of the Magnuson-Stevens Act.

**This is "Special Interest Politics" at its worst.** The Council proposes a program that will make a small group of people very wealthy. This energizes the beneficiaries of this expected windfall. (Who wants to be a millionaire?) At the same time, **all** the people evaluating the proposed program as a public policy issue (the legislature, the governor, the Board of Fisheries) agree that this is BAD public policy.

<sup>1</sup> We note that Council members who reside Outside Alaska may not have seen all of the letters to the editor and articles in the *Anchorage Daily News*.

Mr. David Benton, Chairman

April 12, 2001

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**It is bad public policy to privatize a public resource.** Under the "public trust doctrine," the fundamental concept of natural resources law in the United States, natural resources are to be managed for the public, and not privatized, unless there is an overwhelming public interest that requires privatization. Scholars throughout the country recognize the State of Alaska's Constitution as one of the most enlightened state constitutions in its treatment of public natural resources. It recognizes, as the U.S. Supreme Court has in numerous decisions, that fish are a common property resource, subject to the public trust doctrine.

The Council has other management tools. It has no justification to privatize the charter halibut resource.

**The IFQ is even WORSE than the GHL.** As it was last discussed by the Council, the GHL would be triggered at 125% of average charter harvest for 1995 - 1999.

- 1.43 M lbs or 13.05% of total harvest in 2C.
- 3.65 M lbs or 14.11% of total harvest in 3A.

The GHL was submitted to NMFS on February 14, 2001 (Valentine's Day), and it will continue to be processed and would go to Commerce, along with IFQ. Much remains to be said about the GHL. However, the GHL would not be triggered unless and until the charter industry harvests increase and it would go away, if harvest levels dropped below trigger levels. The IFQ program would last forever, and, it could, eventually, eliminate the charter fishery entirely!

**The IFQ program is an illegal allocation of fishing privileges to non-fishermen.** The Magnuson-Stevens Act allows Councils to allocate halibut fishing privileges among United States fishermen only if the allocation is "fair and equitable to all such fishermen." Charter boat owners do not "fish." Rather, they carry passengers for hire (anglers) who fish. The IFQ program would allocate the anglers' fishing right to charter boat owners.

**The IFQ program is an illegal delegation of the Council's authority to allocate among fishermen.** Under the existing management of the total allowable catch ("TAC"), the Council allocates (sets aside) a specific portion of the overall TAC to charter boat anglers, who have a higher priority than the commercial catch. The proposed charter IFQ program would give the charter boat owners and commercial fishermen who hold IFQs the power to determine the allocation, by transferring IFQ or QS between the sectors.

**This NEW IFQ program violates the moratorium on any new IFQ programs under the Act.** The domestic fishery for halibut in and off Alaska is managed by the International Pacific Halibut Commission (IPHC) as provided by the Halibut Act and the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea. The Halibut Act and the Convention authorize the Regional Fishery Management Councils established by the Magnuson-Stevens Fishery Conservation and Management Act (the Act) to develop regulations affecting the U.S. halibut fishery.

Mr. David Benton, Chairman

April 12, 2001

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Under this legal authority, on November 9, 1993, the National Marine Fisheries Service issued a final rule to establish an individual fishing quota (IFQ) limited access system in fixed gear fisheries for Pacific halibut. 58 Fed. Reg. 59375. That rule had been developed by the North Pacific Fishery Management Council to resolve several problems: "allocation conflicts, gear conflict, deadloss from lost gear, bycatch loss, discard mortality, excess harvesting capacity, product wholesomeness, safety, economic stability in the fisheries and fishing communities, and rural coastal community development of a small boat fleet." *Id.* at 59376.

NMFS stated, "this IFQ program will govern all commercial halibut fishing throughout the range of Pacific halibut in and off Alaska." 58 Fed. Reg. at 59377 and 59380.

Congress then imposed a moratorium on any new IFQ program. Specifically, Congress amended the Act to bar any fishery management council from submitting and the Secretary of Commerce from approving or implementing "any fishery management plan, plan amendment, or regulation . . . which creates a new individual fishing quota program." 16 USC 1853(d)(1)(a).

The North Council's action to develop an IFQ program for the halibut charter industry in Alaska violates this moratorium. The proponents of the new program assert that it is merely an elaboration of the existing IFQ program. This does not pass the red face test.

Congress struck a clear distinction between "commercial fishing" and "charter fishing." Under the Act, "commercial fishing" means "fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade." 16 USC 1802(4). In contrast, "charter fishing" means "fishing from a vessel carrying a passenger for hire . . . who is engaged in recreational fishing." 16 USC 1802(3). When NMFS adopted the IFQ program in 1993, it acknowledged this fundamental distinction. The new program being considered by the Council, in sharp contrast, would impose an IFQ program on the charter fishing industry.

Basically, the fisheries are entirely different. Anglers have the right to catch the fish harvested within the charter fishing industry. An IFQ program would give those rights to charter boat owners.

The central feature of the commercial IFQ system is the creation of individual fishing quotas ("IFQs"), which are defined as the annual catch limit for harvest by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of sablefish or halibut. 50 C.F.R. § 676.11. Under the Act, a charter fisherman does not "harvest." How can he have IFQs?

We note that Council staff does not always describe the charter IFQ program as a simple amendment. Jane DiCosimo (BOA Plan Coordinator) said, during her testimony at the February meeting, the Council was "using the commercial IFQ program as a model for the charter IFQ program."



Mr. David Benton, Chairman

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In announcing the new IFQ program for the commercial halibut fishery in 1993, NMFS stated that the commercial IFQ program would "increase the benefits to the Nation in terms of potential food production, recreational opportunities, economic, social, and ecological factors." 58 Fed. Reg. at 59377. How can the Council state that it is "amending" that same program to restrict (or, in the worst case, eliminate) those same "recreational opportunities"?

**The Council failed to hold public hearings to allow interested Alaskans to learn about the proposed program and to be heard.** The Magnuson-Stevens act requires the Councils to "conduct public hearings, at appropriate times and in appropriate locations in the geographic area concerned, so as to allow all interested persons an opportunity to be heard on the development of fishery management plans." 26 USC 1852(h)(3). Such hearings are particularly important in this case, where the action proposed is likely to have a profound impact on Alaska charter anglers and communities. RFA believes that few Alaskans have heard about the proposed charter IFQ program, and fewer understand anything about it. The proposed program is complex, if not impenetrable to the average consumer of charter fishing expeditions. The Council should have undertaken an effort to educate potentially affected citizens about this program, and seek their input.

RFA has spoken to many Alaskans. When they begin to understand the proposed program, they overwhelmingly oppose it.

**No reliable catch data exist upon which the Council can develop a reasonable allocation.** The Alaska Department of Fish & Game and Council staff have questioned the accuracy of logbook data. Even James Wilen, the economic expert selected by the Council and quoted above, notes that participants who stand to gain will "distort" data for their personal benefit. Appendix V, page 4. If catch data is incorrect or unreliable, then allocations based on that data would be arbitrary – as a matter of law.

Congress felt so strongly that Councils must have reliable data that Congress made it a crime for anyone to submit false information regarding any matter that the Council is considering. 16 USC 1857(1)(I).

**National Standard 4 and the Halibut Act:** If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen; reasonably calculated to promote conservation; and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. The charter IFQ program would restrict the charter fishery, merely to preserve the economic interests of a few charter boat owners and the commercial fishermen. This cannot be "fair."

**National Standard 5** prohibits measures that distribute fishery resources solely for an economic purpose. The stated reason for the charter IFQ program is to protect the commercial fishing catch and to limit "capitalization" in the charter fleet. Restating this, it has been

developed solely to protect the economic interests of a few ("qualified") charter vessel owners and the commercial IFQ holders.

**The IFQ program is bad public policy.**

- **It is not intended to help conserve the resource.** Charter anglers now take approximately 10% of total halibut catch in 3A and 2C. If the catch is affecting the resource, the program should be focused on the commercial industry (which consumes 90% of the TAC now). If the TAC is going down, it is not due to the impact of the charter anglers.

Jane DiCosimo testified, during the February meeting, that the NRC recommended deletion of all discussion of conservation, because the plan "is not dealing with the health of the resource."

We also note, as others have stated, that the IFQ program is likely to increase pressure on other fisheries (if cost of a trip goes up and access to trips goes down, in the halibut charter industry).

- **It will adversely impact anglers, businesses that support anglers and tourism.** An IFQ program is likely to (1) limit access for anglers; (2) increase pressure on other fisheries; and, (3) increase cost for anglers. If charter operators are allowed to sell or lease quota share to commercial fishermen, there could be a mass exodus from the charter industry by profiteering IFQ holders.
- **The Council still has not analyzed the potential impacts on anglers.** After receiving sharp criticism during public testimony in February for not having analyzed the potential impacts on anglers, the Council added Appendix V to the final EA/RIR/IRFA. This paper, by James Wilen, presents a collection of conclusory statements, with no analysis and without basis.
  - Mr. Wilen applies a free market analysis to a sharply regulated system.
  - He concludes that demand for charters will determine price, without considering that transfers of quota share from the charter to the commercial sector will determine supply.
  - He states, with no basis, that adding \$20 to a \$125 price "will cause some reduction in the demand, . . . but the impact will not be large." At p. 1.
  - He states, without basis, that tourists will continue to come to Alaska. He says undefined "substitute activities" will bring them to Alaska if they cannot fish for halibut. At p. 1.

Mr. David Benton, Chairman

April 12, 2001

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- He states that the price of the charter trip may not change. However, he also says that the "best" way for the charter operator to recover the capital cost of the quota share is "to charge a fixed price for the trip, and an additional price per pound of fish taken home." At p. 6. This may be good for the charter operator, but will not be good for the angler customer, and it certainly results in higher overall cost.
- He states, without basis, "it is likely that there are too many boats, taking trips at less than full capacity, using perhaps too much effort finding and landing fish," and he encourages consolidation.

RFA respectfully disagrees with Mr. Wilen. We believe that the free market is the best way to meet the needs of the angler and to determine the most profitable fishing mechanism. We believe in the status quo.

- **An IFQ program is likely to adversely affect Alaska communities and businesses that support anglers.** As everyone has agreed, privatizing recreational fishing through a halibut charter IFQ program will inevitably lead to a transfer of QS from the recreational fishing sector to the commercial fishing sector. This will harm the communities that depend on the economic activity generated by charter fishing.
- **Enforcement methods may not be effective.** Enforcement methods established for the commercial IFQ program are not likely to be effective within the charter industry. Two people maintain a record of every sale of a commercial fish – the buyer and the seller. Only the charter IFQ holder will be maintaining records of the fish caught on his or her boat.

RFA agrees with the overwhelming body of informed opinion that there is no justifiable rationale to impose an IFQ management scheme on the halibut charter industry in Alaska. It is an unreasonable program developed without sufficient analysis. The Council cannot justify its adoption, regardless of the political pressure exerted by those who would profit from its adoption. We ask the Council to study the impacts and preserve fishing opportunities for future generations of anglers. We ask you not to authorize the giveaway of a public resource. Fisheries management is not just about preserving historic income levels for certain commercial fishermen, at the expense of everyone else.

Sincerely,

RECREATIONAL FISHING ALLIANCE



James A. Donofrio  
Executive Director

*Lewis E. Hay*  
*9438 Whittington Drive*  
*Jacksonville, Florida 32257*

September 26, 2005

Senator Lisa Murkowski  
709 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Murkowski,

My wife and I recently enjoyed our first our Alaska vacation from July 6 through 18, 2005. We visited several places and tried numerous activities. My most enjoyable experience was halibut fishing. We would love to come back and do it again. I'm even talking to a couple of our friends about coming back with us. Our return trip will not likely happen if the proposed Halibut Charter IFQ Program is implemented. This program will eliminate many quality charter businesses (ie. competition) and drive charter prices way past what the average visitor can afford. It is obvious that you don't have enough quality charter businesses now as evidenced by the fact that out-of-state fishermen have to book several months in advance to get on a good boat. I would therefore urge you as a Republican Senator from Alaska to oppose the Halibut Charter IFQ Program in order to protect and enhance Alaska's tourist trade. On our trip to Alaska we spent our vacation dollars as follows:

1. Delta Airlines \$ 2500.00

Alaska Tour Saver Book \$99.00

**Anchorage**

National Car Rental \$931.00

Wal-mart \$251.75

Sourdough Mining Company - Dinner \$24.90

Fairfield Inn \$163.13

Iditarod Store \$31.10

Fishing Permit \$50.00

**Girdwood**

Ayalaska Skylift \$16.00

The Bake Shop - Lunch \$25.00

Indian Valley Mine \$16.00

**Cooper Landing**

Gwin's Lodge \$150.00

Gwin's Restaurant - Dinner \$43.10

Rafting Trip \$56.00

Gwin's Restaurant - Breakfast \$23.96

**Soldotna**

Buckets Sport Grill - Lunch \$22.92

Fred Meyer - Fuel \$13.00

Fred Meyer \$127.29

**Kenai**

Log Cabin B&B \$112.20

One Stop Convenience \$19.17

Carr Store - Fishing Permits \$29.00

Fishing Guide \$320.00

**Homer**

Kiana B&B \$551.00

Halibut Charter- Two trips \$462.00

Emerald Air - Bear Viewing \$530.00

Carr Store \$42.57

Saltry, Inc.- Dinner \$51.90

Central Charters \$53.25

Captain Patties- Dinner \$63.38 Carr Store \$8.48

Gigs Beads & things \$82.01 Eagle Eye Photo \$102.16

Homer Book Store \$63.90

Duncan House Diner \$15.92

Coal Point Trading Co. \$716.65

Lands End Resort Hotel \$78.88

Mangia Mangia \$24.14

Homer Petro Express \$25.06

Misc. Cash Purchases \$100.00

**Seward**

Harbor View Inn \$831.60

Salmon Bake Cabins-Lunch \$21.50

Godwin Glacier Dog Sled \$439.00

Safeway Store \$102.21

Safeway Store \$16.07

Thorns Showcase Lounge \$55.00

Aurora Charters (what a jip) \$197.60

Captain Jacks Seafood \$23.27

Safeway Store \$30.73

Alaska Shop \$42.06

Kenai Fjord Tour \$165.00

Sea Life Center \$20.00

Miscellaneous Cash Purchases \$150.00

Total Vacation Costs \$10,112. 82

I compiled this list of our spending (as opposed to one lump sum total ) to show you where and how we spent our money. You may want to pass this list around Senator Stevens and Governor Murkowski so they can see how much tourist spending was generated by four (two per trip) halibut. As you can see, our spending affected a lot of businesses. The reason we will come back to Alaska is the halibut fishing. The scenery is wonderful but we've seen it and it won't change - we have a lot of photos. You can't count on the salmon making a run with certainty and I'm not coming that far to catch a trout that I can get in a lot of other places closer to home. **The halibut fishing is the draw!** If we can't fish for halibut and utilize a quality charter at a reasonable cost, we simply won't be back and none of our money will be spent in Alaska - it's just that simple. I met a lot of Floridians and other Southerners during our stay and most of them felt the same way. It is very clear to me that the Halibut Charter IFQ program will severely damage the halibut fishing experience for most out-of state tourists (who have to use charter services) and in doing so will hurt Alaska's tourism industry. By targeting halibut charter businesses, the Halibut Charter IFQ Program actually targets all of the out-of-state fishermen who visit Alaska every year. You might as well hang out a "Not Welcome " sign for all your angling tourists.

You may or may not be aware of this, but the commercial bycatch of Halibut(13 million pounds in 2003) is almost twice the 7 million pound total harvested by sport fishermen (both private and charter boats) the same year. If the commercial fishing industry would simply use less wasteful methods they would not need the North Pacific Fishery

Management Council to steal shares from the fishing public. I'm not ready to give up my access to halibut fishing just so commercial fishermen can keep wasting fish. There are plenty of alternatives to the Halibut Charter IFQ Program and many reasons other than tourism for you to oppose the measure.

In closing, I urge you to please use all your influence to defeat the proposed Halibut Charter IFQ Program. We really enjoyed our Alaska vacation and hope we can return in the future to fish for halibut.

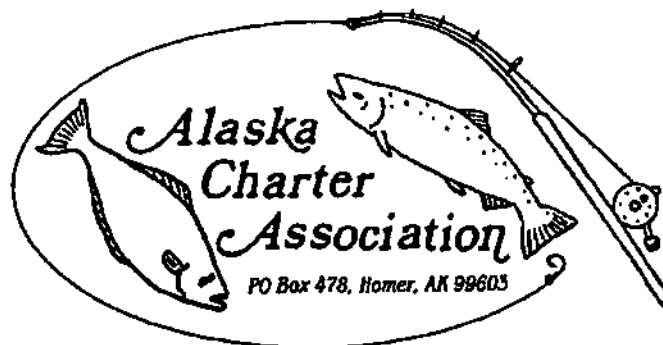
Very truly yours,



Ed Hay

Jacksonville, Florida

[edhay@atlanticgeotechnical.com](mailto:edhay@atlanticgeotechnical.com)



*"To preserve and protect the rights and resources of Alaska's Sport Fishermen."*

### ALASKA CHARTER ASSOCIATION RESOLUTION DATED August 15, 2005

The ACA, with 182 members from 27 cities in Alaska, represents over 50,000 fishing clients. Its efforts are supported by the Recreational Fishing Alliance, Alaska Outdoor Council, Homer City Council, Homer Chamber of Commerce, Kodiak Convention and Visitors Bureau, Whittier Chamber of Commerce, Whittier City Council, Sitka Chamber of Commerce, Gustavus City Council and hundreds of satellite businesses who are dependent on the continued health of the Charter Industry.

The Alaska Charter Association supports Alaska's independent charter fishermen, individual anglers, and Alaska's tourism industry, recognizing the current demographic and economic infrastructure of the small Alaskan Community and opposing the establishment of charter quota shares.

#### BE IT RESOLVED BY THE ALASKA CHARTER ASSOCIATION:

WHEREAS the Alaska Charter Association supports the charter fishermen of Alaska, who are the lifeblood of our coastal communities and who provide economic opportunity and diversity for our coastal communities; and

WHEREAS the Alaska Charter Association recognizes that charter fishing is and will remain the predominant economic base for many of our coastal communities; and

WHEREAS the Alaska Charter Association supports the Alaska tourism industry which provides investment in the state and is the largest employment base in many Alaska communities; and

WHEREAS the Alaska Charter Association supports the free enterprise system; and

WHEREAS THE Alaska Charter Association recognizes the rights of small business to compete under the Sherman Act; and

WHEREAS the Alaska Charter Association recognizes that federal fishery management within the 200 mile Exclusive Economic Zone of the United States can have dramatic effects on the economic growth and stability of Alaska coastal communities; and



WHEREAS the area 2C and 3A charter IFQ plan reduces the number of charters eligible to fish and therefore reduces market competition and charter based tourism, as well as pricing many existing charters out business; and

WHEREAS the North Pacific Fishery Management Council's recommendation for IFQ based control of a sport fishery is unprecedented in the United States; and

WHEREAS a charter IFQ program does not allow for affordable entry into the charter industry; and

WHEREAS charters who are not granted sufficient charter quota shares will be placed at a serious competitive disadvantage and may discontinue all charter business affecting other economic aspects, including tourism;

WHEREAS halibut stocks in Alaska are not at risk, as has been indicated by a significant steady increase in commercial halibut allocation and an increase of 78% in the commercial halibut harvest over the past 10 years; and

WHEREAS the take of sport caught halibut is already regulated by daily bag limits, and the sport take of halibut in areas 2C and 3A has not shown the dramatic and unrestricted growth over the last 10 years; and

WHEREAS the ADF&G logbook data upon which charter allocation will be based has been determined to be scientifically invalid in a memo published by ADF&G in 2001; and

WHEREAS the NPFMC is considering further legislation which would allow the sale of charter IFQ share to the commercial sector. This transfers ownership of public domain to the private sector, an action forbidden by the Alaska State Constitution;

BE IT RESOLVED that the Alaska Charter Association supports the diversity of the Alaska charter fleet, and the economies of Alaska coastal communities that strengthen the charter fishing industry and the free enterprise system; and be it

FURTHER RESOLVED that the Alaska Charter Association finds that the proposed Charter IFQ plan will impair opportunities and services to the public, stifle incentive for new charter operators and tourism related businesses, and retard the goals of community development; and be it

FURTHER RESOLVED that the Alaska Charter Association opposes the Charter Halibut Individual Fishing Quota; and be it

FURTHER RESOLVED that the Alaska Charter Association opposes the current Guideline Harvest Level as an unlawful restriction to the halibut charter fleet, and as it will not support the future needs of Alaska's current Charter fleet.



Dick Koskovich, President  
Alaska Charter Association  
PO Box 478



**AGENDA C-1  
Supplemental  
OCTOBER 2005**

COOK INLET SPORTFISHING CAUCUS  
3620 PENLAND PARKWAY  
ANCHORAGE, ALASKA 99508  
(907) 276-2222 FAX (907) 278-0896

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September 30, 2005

William T Hogarth, Ph.D.  
United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Springs, Maryland 20910

Dear Dr. Hogarth,

On behalf of over 100,000 Alaskans who sport fish for halibut in our state, we sincerely thank you for your August 3<sup>rd</sup> letter to the North Pacific Fishery Management Council (NPFMC) requesting a review of the charter vessel IFQ program.

I met you several times; once during your first trip to Alaska after your appointment and again in Silver Springs. I was a member of the NPFMC then as its first appointee from the public sector.

Early in my term on the Council, a motion to approve charter boat IFQ's had already passed on an 11-0 vote. As I learned more about the issue and saw it for what it was, I became a strong advocate to overturn this biased regulation designed to constrict recreational fishing.

Doctor, these proposed IFQ's are the worst anti-public regulations I have seen in my long term advocacy of sport fishing over 54 years of Alaska residency. They were put in place by the commercial fishing industry to choke off public participation in this fishery. The Cook Inlet sport halibut fishery is the largest in our nation and as such, it deserves better consideration.

During Council testimony in Anchorage, not one member of the public spoke in favor of these IFQ's. Every single advocate was either a charter boat captain who stood to gain \$130,000 to \$600,000 in largesse from the Federal

government or a commercial fisherman. Not a very good record for regulations about recreational fishing.

We provided the Council with documents strongly opposing these IFQ's from the:

State of Alaska  
Alaska State Senate  
Alaska House of Representatives  
Alaska Board of Fisheries

and many other entities including local and regional governments.

The final vote to implement these IFQ's passed the Council by a one vote margin, 6-5. It's important the Council revisit this issue as no regulation is better than a bad regulation.

Thank you for giving us another chance to discuss these regulations in a public forum. We believe that these proposed IFQ's will be replaced or dismissed.

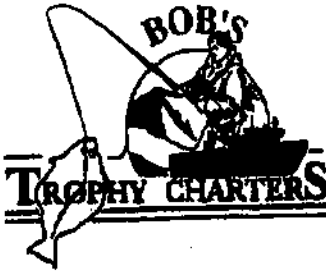
A sincere thank you for your attention.

Sincerely,



Robert C. Penney  
Member

cc: Senator Ted Stevens  
Northern Pacific Fisheries Management Council  
Governor Frank Murkowski



PO BOX 1775  
HOMER, ALASKA 99603

1-800-770-6400

Stephanie Madsen, Chairperson  
NPFMC ANC Alaska

10/02/05

Dear Ms Madsen,

I understand that you folks will be discussing or reaffirming the Charter IGQ this coming week and I would like to share my thoughts with you.

We have been active halibut chartering out of Homer since 1990 and were present at the Sept 23<sup>rd</sup> 1993 meeting in ANC where the Sitka long liners protested that we were catching their fish. A benchmark was placed in the Federal Registrar to put a moratorium in place effective that date not to allow future charters to participate. Matter of fact, when I got my 1994 license it said you might not be able to renew this in the future. Well we were really happy with that date and moratorium, but 12 months later it fell out because no action was taken. Since then we have addressed and re-addressed the GHL and IFQ which has put us business owners on hold from making decisions, like whether to expand or not. Most were reluctant, but I bought a second boat and have operated it for the last four seasons successfully. The problem is that we are in limbo and can't really sell or attach a value to our boats or business as some of us approach retirement age and buyers are not sure what they are getting themselves into. I am fully vested with my vessel of 16 years but not with my vessel of 4 years.

Therefore, after 12 years of deliberation, I urge you to go forward with the IFQ or increase the quota with the GHL to a level that we can live with and let us put this chapter behind us! Significant operators have joined in the fishery since September 1993 knowing they might not be able to operate but it does not have seem to deter them. We testified as a group that we were already limited by two fish per customer per day but that did not appease the commercial entity. Again I encourage you and the council to move forward with a decision so we can get on with our life in beautiful Alaska.

Respectfully submitted,

A handwritten signature in cursive script that reads "David Ray Morris".

David Ray Morris  
President  
Alaska's High Hopes Charters & CO  
Owner & Operator  
Bob's Trophy Charters  
Captain M/V "Nauti-Lady" & M/V "Huntress"

## United States Senate

WASHINGTON, DC 20510

September 28, 2005

Ms. Julie Morris  
Chairman  
Gulf of Mexico Fishery Management Council  
2209 North Lois Avenue  
Tampa, FL 33607

Dear Ms. Morris:

We understand the Gulf of Mexico Fishery Management Council members and staff are extremely concerned about the adverse economic effects of Hurricanes Katrina and Rita on the commercial and recreational fishermen, dealers, processors, and overall Gulf of Mexico fisheries infrastructure. These storms were clearly devastating, and the restoration of these fisheries will occur only through careful planning and coordination and a substantial investment of time, effort and financial support.

We believe it is important to initiate restoration efforts as soon as possible. In order to assist us in this effort, we request that the Gulf Council recommend projects that should be funded by Congress to help alleviate adverse economic impacts and rebuild these fisheries and their associated infrastructure.

Please provide us with your recommendations at your earliest convenience. We will then begin exploring ways in which the reconstruction of the fisheries can be accomplished. Thank you for your consideration.

Sincerely,



Trent Lott



Trent Cochran

TL:JAS

Gary Wall  
6548 Cimarron Circle  
Anchorage, AK 99504  
(907) 223-4640

September 26, 2005

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Ave. Suite 306  
Anchorage, Ak 99501-2252



Subject: Reaffirm Halibut Charter IFQ

Dear Ms. Madsen,

I made a substantial investment in commercial Halibut IFQ after the Council made the decision to resolve the open-ended reallocation issue by implementing IFQ for charter operators. I relied on the Council action as a major consideration in my decision to invest in the halibut fishery.

It was very disturbing to hear that Dr. Hogarth has now asked the Council to reaffirm its decision on halibut charter IFQ! What kind of back-door political deal is this? The Council made its decision after eight years of open public process that, in my opinion, carefully weighed the issues and concerns of all stake-holders.

Please tell Dr. Hogarth that he should respect the decision of the North Pacific Fisheries Management Council and get on with his responsibility of publishing the Proposed Rule.

Sincerely,

A handwritten signature in black ink, appearing to be "Gary Wall", written over a circular stamp.

Gary Wall

Reginald Krkovich  
PO Box 478  
Yakutat, Alaska 99689  
907 784 3650  
[srk0622@hotmail.com](mailto:srk0622@hotmail.com)

Oct 4, 2005

Alaska Resident: Apr 1977-present

Occupation: Commercial Fisherman, Charter Boat Operator,  
Bed&Breakfast Owner

Experience: 20 years US Army, 7 years Infantry 13 years  
Recruiter Retired 1SG, Charter Operator 1984-present, Salmon  
Hand Troll Permit Active since 1978, Family Operated Bed &  
Breakfast in Yakutat since 1996.

Education: BA Psychology StMartin's College, Lacey, WA 1975

Currently serving as Planning & Zoning Commissioner City &  
Borough of Yakutat. Former Yakutat Chamber of Commerce  
President. Acting President Yakutat Charter Assn.

Yakutat Charter Association  
PO Box 478  
Yakutat, Alaska 99689  
907 784 3650

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue  
Anchorage Alaska 99501-2252

Oct 1, 2005

Council Members,

The Yakutat Charter association is opposed to the proposed Charter IFQ program for the following reasons.

- The Council did not make satisfactory recommendations for rural charter operators. For example; Our small charter fleet in Yakutat is not part of the perceived halibut management problem . We take a very small amount of charter caught halibut each year, yet we stand to lose most of our charter fleet under the current charter IFQ proposal.
- Current data regarding numbers of charter boats operating are down From previous years. Many of these charter boats did not fish halibut.
- GHL for charter caught halibut has not been exceeded.
- The logbook years 1998 and 1999 are the basis for halibut IFQ, yet it was known by many in advance those years would be the record years for charter halibut IFQ. Never in the history of IFQ programs did participants know in advance the years to be counted for record. It has been clearly established by State of Alaska the halibut count in the log book was not accurate. This is to be expected when you know in



Yakutat Charter Association  
PO Box 478  
Yakutat, Alaska 99689  
907 784 3650

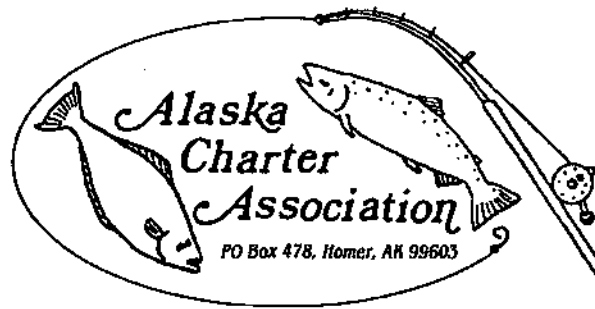
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue  
Anchorage Alaska 99501-2252

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"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

Good Afternoon. My name is Bryan Bondioli. I own and operate a charter service in Homer. I am here on behalf of myself and the Alaska Charter Association. The ACA was formed in June of 2004 as a statewide organization to better inform the public that their right to safely access the public halibut resource was in jeopardy. The ACA operates under the principals of competition, free enterprise, and quality service. Our "mission statement" is "To preserve and protect the rights and resources of Alaska's Sport Fishermen".

The Alaska Charter Association is currently made up of over 170 Halibut Charter businesses in 27 communities from Barrow to Sitka. We represent thousands of family members, business owners, and employees directly associated with; and dependent on tourism generated by the Halibut Charter Industry in our coastal communities. We also represent the rights of conservatively 200,000 recreational anglers annually. The ACA has the support of the Recreational Fishing Alliance and it's 100,000 members, as well as, that of the Alaska Outdoor Council and its 13,000 members.

As community governments have become aware of the inevitable economic hardships soon to be imposed on, not only, the majority of current charter operators, but upon thousands of small tourism related businesses, and consequently their communities which are dependant on a healthy charter industry; they have passed resolutions in opposition to the Charter IFQ proposal. At this point, at least eight coastal community governments and chambers of commerce have all officially opposed the IFQ proposal; and there are several others in the works. It is important to note here, that throughout this process There has been overwhelming opposition to the proposed IFQ rule including Alaska Dept. of Fish and Game, The state of Alaska, Our former Gov. Tony Knowles and numerous state legislators. It is also important to note that there are no supporters of the IFQ plan who do not at least believe they will directly benefit financially with the passage of this plan.

Many ACA members are long time charter operators who would be vested into the proposed IFQ program. However these are people of principal and integrity who recognize that charter vessels are a service and transportation industry only; do NOT harvest fish, and should have no right to own, lease or sell the unknowing public's access to a safe recreational halibut fishery.

The Alaska Charter Association and the recreational anglers it represents, recognize the need for conservation and ecosystem management to preserve the health and the future of the public resource. We also recognize that the speculated "dramatic growth" of the charter industry has not occurred. Although the statewide charter angler catch has increased since 1995 to nearly 4 1/2 million lbs., according to ADF&G, the

number of charter vessels and saltwater charter businesses have declined steadily since 2000. If the charter sector were to continue expanding at its present **“uncontrolled”** rate, our clients would double their annual catch in about forty-four years. During this same ten year period, we have seen the commercial longline harvest increase 78% from just over 33 million lbs. to over 60.5 million lbs. Throughout this increase, the commercial sector has harvested more than ½ **billion** lbs. of halibut, above and beyond their initial allocation level. In addition, there has been only a minimal decrease in the 13 million lbs. of halibut bycatch mortality, which is still nearly **triple** the annual statewide charter angler catch. These facts clearly illustrate the lack of scientific or biological necessity to restrict the charter boat sector.

The charter IFQ proposal is inherently flawed on so many levels, we can't possibly even dent the surface in such a short period of time. Contrary to the often quoted statement that the “charter IFQ program does not affect the recreational angler.” I'm here today to tell you **that**, in fact, **It Does**. After the initial IFQ allocation, 30-60% of the current charter boat fleet will be out of business. The vast majority of charter operators simply cannot afford any additional cost of operation, and the banks in Alaska recognize a charter business' profit margin as nominal; and too great a risk to incur a loan for quota shares. The significant decline in charter operators will result in restricting and limiting the recreational angler's ability to access a public resource. Less boats fishing equates to fewer angling opportunities available to the public to choose safe, reliable, and professional transportation to the fishing grounds.

The implementation of charter IFQs will surely lead to a significant increase in cost to the recreational angler. Any operators who can somehow muster the 200-400 thousand dollars to stay in business will be forced to pass that cost on to their clients. Those few who are fully vested will inflate their prices accordingly due to the demand exceeding the limited supply.

Most of our Alaskan and non-resident anglers choose to utilize a charter service firstly for comfort and safety. Let's face it, our Alaskan waters, especially Cook Inlet are some of the deadliest seas in the world. Ironically, one of the primary reasons behind the commercial IFQ program was to enhance safety and save the lives of **experienced** fishermen: Yet, if the charter IFQ plan is enacted, it will force the **inexperienced** public into a “do it yourself” fishery. This will likely result in a significant decrease in public safety and a significant increase in incidents and fatalities at sea.

The Charter proposals blatantly ignore Executive Order 12962 of 1995 which calls for “Federal Agencies...in cooperation with states and tribes, to **IMPROVE** the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for **INCREASED** recreational fishing opportunities.” These charter boat proposals currently either directly contradict or disregard the majority of those directives set forth in the NOAA Recreational Fisheries Strategic Plan.

The ACA contends that a significant increase in charter fees coupled with no incentive for competitive quality service; as well as, restricting the public's opportunities to..... a limited number of quality charter operators, halibut fishing from shore, or compromising their safety at sea, **does...** in fact, adversely affect the recreational angler and his/her rights to access a public resource.

Charter operators are the most efficient stewards of the sea. While providing a safe quality adventure for the inexperienced angler, we operate the cleanest sector within

the resource. Even while releasing unkept fish, EACH AND EVERY FISH is handled with care, gentle hands, and consideration for its participation in the future of the biomass. As nearly the smallest remover of the resource, the ACA recognizes the need to look to the future. Conservation and ecosystem management are critical to maintaining and preserving some quality in recreational angling opportunities. A "Market-based" allocation scheme focused solely on preserving the commercial sector's control of over 90% of the halibut resource is not a "fair and equitable" solution to a non-existent problem, but an extremely poor example of resource conservation and ecosystem management.

The ACA encourages the current Council to revisit the spirit and intent of the Mag./Stevens Act. And look to the future with consideration for the NOAA Recreational Fisheries Strategic Plan. We also respectfully ask that the current council eliminate the IFQ option and take no further action regarding the charter sector until there is a comprehensive unbiased economic impact study including all of the communities and tourism related businesses which are dependant on the prosperity of the halibut charter fleet.

**DORA SIGUROSON ALASKA FISH and Game 10/05**  
**2004 Sportfishing Charter Business/Guide Registration Summary**

**Table 1. Number of unique registered businesses and guides by residency category based on permanent mailing address city, 1998-2004.**

Region	Businesses							Guides						
	2004	2003	2002	2001	2000	1999	1998	2004	2003	2002	2001	2000	1999	1998
Southeast	486	523	538	574	613	619	572	752	812	821	780	800	824	766
Southcentral	1,083	1,183	1,184	1,189	1,203	1,237	1,154	1,989	2,236	2,227	2,144	2,052	1,963	1,850
Other Alaska	127	145	155	154	169	169	155	270	317	328	315	339	317	271
Resident Total	1,696	1,851	1,877	1,917	1,985	2,025	1,881	4,016	4,696	4,376	4,239	4,191	4,104	3,887
Other U.S.	224	232	216	206	196	216	182	1,386	1,455	1,373	1,297	1,237	1,107	928
Foreign	2	3	9	6	3	1	2	9	7	8	14	9	14	8
Nonresident Total	226	235	225	212	199	217	184	1,395	1,462	1,381	1,311	1,246	1,121	936
Total	1,922	2,086	2,102	2,129	2,184	2,242	2,065	4,406	4,827	4,757	4,550	4,437	4,225	3,823

\* The residency for guides is based on driver license state and/or permanent mailing address.

*LESS  
 Charter  
 Businesses  
 in 04  
 than in '98  
 74R.*

**Table 2. Number of unique registered businesses and guides by region based on in-season mailing address city, 1998-2004.**

Region	Businesses							Guides						
	2004	2003	2002	2001	2000	1999	1998	2004	2003	2002	2001	2000	1999	1998
Southeast	360	427	508	550	628	618	576	757	881	961	954	951	958	818
Southcentral	832	1,013	1,112	1,141	1,201	1,225	1,145	2,033	2,432	2,585	2,520	2,461	2,361	2,033
Other Alaska	95	121	138	143	156	154	221	270	338	331	348	361	339	499
Nonresident	635	525	344	295	199	245	123	1,349	1,183	883	730	664	567	602
Total	1,922	2,086	2,102	2,129	2,184	2,242	2,065	4,406	4,827	4,757	4,550	4,437	4,225	3,823

3AHalibutHarv.xls

**Table \_\_. Charter halibut harvest in pounds, Area 3A (2000-2002 data preliminary).**

Year	Kodiak	Cook Inlet	N. Gulf	PWS	Yakutat	Total Area 3A
1995	177,126	1,916,029	333,152	365,488	53,560	2,845,355
1996	158,774	2,076,123	243,652	265,240	78,095	2,821,884
1997	176,746	2,137,488	465,511	487,293	146,051	3,413,089
1998	133,305	1,960,454	367,638	371,642	151,727	2,984,766
1999	220,605	1,552,377	315,339	339,476	105,522	2,533,319
2000	220,160	2,046,111	328,328	383,409	162,099	3,140,107
2001	172,667	2,160,098	374,310	338,863	86,339	3,132,277
2002	166,888	1,838,107	391,899	257,198	69,436	2,723,528

*DECREASE  
 SINCE '95*

# DORA SIGURDSON - ALASKA FISH & GAME 10/05

**Table 1. Number of businesses that indicated an intent at registration to provide guide services in saltwater and freshwater, 1998-2004.**

Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b>							
Southeast only - Cape Suckling to Dixon Entrance	562	559	563	601	646	669	589
Southcentral only - Kodiak to Cape Suckling	688	684	692	713	763	694	697
Both Southeast and Southcentral	21	29	26	30	29	34	92
Other Alaska	62	62	87	80	51	32	n/a
<b>Total</b>	<b>1,320</b>	<b>1,327</b>	<b>1,350</b>	<b>1,401</b>	<b>1,478</b>	<b>1,434</b>	<b>1,397</b>
<b>FRESHWATER</b>							
Southeast	336	351	365	380	424	423	n/a
Prince William Sound / Upper Copper-Upper Susitna	237	235	222	233	241	273	n/a
Kodiak / Alaska Peninsula / Aleutians	264	273	280	289	282	285	n/a
Cook Inlet / Kenai / Mat-Su	645	642	651	637	657	670	n/a
Bristol Bay / Lower Kuskokwim	306	315	250	258	277	284	n/a
Arctic / Yukon / Kuskokwim	145	151	177	171	177	176	n/a
<b>Total</b>	<b>1,371</b>	<b>1,399</b>	<b>1,423</b>	<b>1,438</b>	<b>1,512</b>	<b>1,520</b>	<b>1,323</b>

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

**Table 2. Number of vessels operated by region for businesses indicating saltwater guiding services at registration, 1998-2004.**

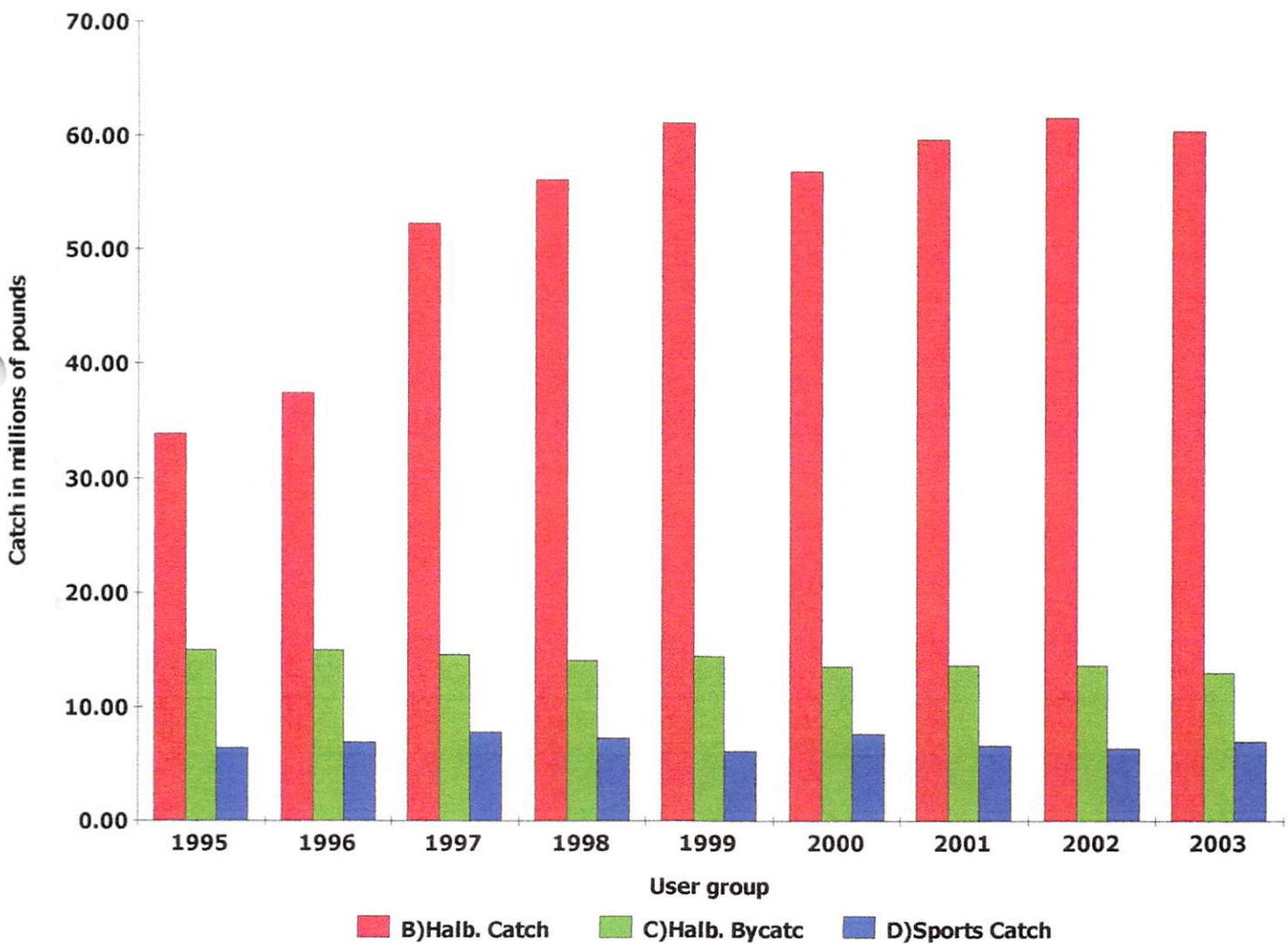
Fishing Service Locations	2004	2003	2002	2001	2000	1999	1998
<b>SALTWATER</b>							
Southeast only - Cape Suckling to Dixon Entrance	998	947	925	1,046	1,066	1,082	662
Southcentral only- Kodiak to Cape Suckling	872	875	872	900	979	971	596
Other Alaska	54	57	85	81	77	42	n/a
<b>Total</b>	<b>1,924</b>	<b>1,879</b>	<b>1,882</b>	<b>2,027</b>	<b>2,122</b>	<b>2,095</b>	<b>1,258</b>

\* A business can indicate service in multiple locations, so the area counts may not add to the total.

## ALASKA FISHERIES INFORMATION 1995-2003

The source for catch totals is the International Pacific Halibut Commission.  
The source for bycatch mortality is the Alaska Marine Conservation Council.  
Sports Catch includes all recreational users - Private and Charters

Comparison of User groups



# Alaska Fisheries Information 1995-2003

	Year	A)Finfish Bycatch	B)Halb. Catch	C)Halb. Bycatch	D)Sports Catch	
1	1995	662.80	<b>33.96</b>	14.96	6.35	
2	1996	636.70	37.50	14.93	6.97	
3	1997	662.81	52.37	14.62	<b>7.78</b>	Highest Catch Year
4	1998	346.90	56.13	14.09	7.32	
5	1999	345.53	61.15	14.41	6.18	
6	2000	347.40	57.01	13.56	7.65	
7	2001	276.76	59.73	13.67	6.65	
8	2002	314.71	61.74	13.69	6.35	
9	2003	321.55	<b>60.53</b>	13.05	<b>7.09</b>	Last Recorded year

All figures are in millions of pounds.

- a) Total commercial finfish bycatch mortality which ranges from 6.5% to 9.8% of their total catch.
- b) Total commercial halibut catch.
- c) Total commercial halibut bycatch mortality.
- d) Total recreational and charter halibut catch.

The source for bycatch mortality is the Alaska Marine Conservation Council.  
The source for catch totals is the International Pacific Halibut Commission.

## B) Commercial Halibut Catch: '95-'03

2003 60.53M

1995 33.96M Subtract

**Up 26.57 Million lbs from 1995. 78.24% Increase!**

## D) Sports Catch: 1997 (Highest Year) 7.78M

2003 (Last Recorded Year) 7.09M

Note 0.69M difference Sport Catch from 1997 through 2003

## C) Bycatch which is Documented has always exceeded the total sport catch.

Most bycatch is never accounted for.

From:



C-1(b)

Donna Bondioli  
President of Homer Chamber of Commerce  
Partner in a Charter Business  
Alaska Charter Association  
October 5, 2005

**OPPOSING THE HALIBUT CHARTER IFQ**

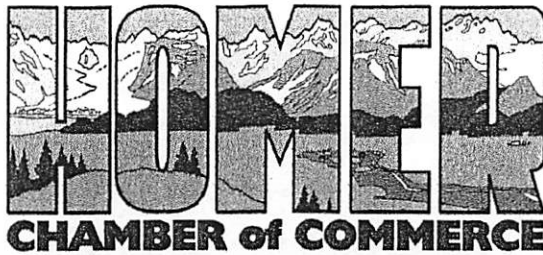
I'm Donna Bondioli, President of the Homer Chamber of Commerce, Charter partner and member of Alaska Charter Association. You have copies of The Homer Chamber, Homer City Council, and Kodiak Convention and Visitors Bureau, and Valdez City Council resolutions and letters. These are just a few cities who have taken a stand in opposition to the Charter IFQ because of the potential negative effects on the local economy. The Alaska Travel Industry Association surveyed their members in May and 60% of the respondents were personally opposed to the IFQ. At the Anchorage Sportsman Show, 584 Alaskans signed a petition against the IFQ proposal. An additional 103 Alaskans signed letters in opposition to the IFQ. You have these in your notebook.

57% of the visitor inquiries to Homer over the past 14 months have specifically requested information on fishing and 27% for activities which includes fishing. Halibut Fishing is the mainstream of our economy in Homer. Our Halibut Derby nets about \$70,000 a year for our Chamber of Commerce.

The ADF&G website lists 88 Guide businesses in Homer through October 31, 2004. Only 31 of them would fully qualify, 27 businesses would get partial IFQ, 9 are unknown businesses and the others would not qualify. With the slim profit margin of charters, most skippers (unless they are fully qualified), will not be able to borrow \$200-400,000 to purchase quota. One Homer Charter skipper, who took over 600 clients, shared his Profit and Loss sheet from 2004. \$125,000. gross and \$33,000 in fuel for 112 trips. Note that without depreciation expense, and interest only, no principle, on his boat payment, this skipper netted about \$17,000. Would you loan him \$250,000 to stay in business?

If 30-50% of our Charters go out of business, Homer's economy would suffer because of its dependence on tourism. This same skipper directly spent \$108,000 for business expenses, most of it in Homer. Ed Hay planned his vacation around their Halibut fishing trip in Homer. From July 6<sup>th</sup> through the 18<sup>th</sup>, this couple spent \$10,112.00 on their trip in Alaska. At least 6 other fishermen have sent you letters showing that they spent between \$3500.00 to \$10,000.00 in the Homer area. This is an economic engine for our area.

The American Sportfishing Association 2003 State Overview shows that the Multiplier effect of Saltwater Sportfishing in Alaska was almost \$400 million dollars. Please consider the economics of the communities as per the Magnason Stevens Act and increased recreational fishing opportunities per Executive Order 12962.



September 15, 2005

Stephanie Madsen  
Pacific Seafood Processors Association  
222 Seward Street, Suite 200  
Juneau, AK 99801

Dear Ms. Madsen,

The Homer Chamber of Commerce is against the proposed Halibut Charter IFQ plan due to the potential negative economic impact it could have to the local economy of Homer, Alaska. As a member of the North Pacific Fishery Management Council, you certainly can understand our organization's concern regarding government action which negatively impacts the economy.

The Homer Chamber of Commerce expects responsible management of the halibut charter fishery for the future economic health of our community. Please request the Secretary of Commerce conduct an economic impact study before implementing this plan, or consider another form of management which would have less of an impact.

Thank you for your attention to this critical matter.

Sincerely,

A handwritten signature in cursive script that reads "Derotha Ferraro".

Derotha Ferraro  
Executive Director

**Homer Chamber of Commerce**

PO Box 541, 201 Sterling Highway, Homer AK 99603 (907) 235-7740 (907) 235-8766 [www.homer.alaska.org](http://www.homer.alaska.org)

**CITY OF HOMER  
HOMER, ALASKA**

Yourkowski

**RESOLUTION 05-23**

**A RESOLUTION OF THE HOMER CITY COUNCIL OPPOSING  
INTEGRATION OF THE HALIBUT CHARTER FISHERY INTO  
THE EXISTING COMMERCIAL IFQ SYSTEM.**

WHEREAS, the sport halibut charter industry is an important part of the growth of the tourism industry in the City of Homer, and

WHEREAS, the proposed Halibut Charter IFQ plan is not based on any biological need, and

WHEREAS, the proposed rule to integrate the sport halibut charters in the commercial IFQ system transfers ownership of a resource to the private sector that traditionally belonged to the public, and

WHEREAS, encouraging new entrants in the charter business in turn encourages competition and diversity in the fleet, and

WHEREAS, the implementation and allocation of Halibut Charter IFQ will significantly reduce the number of charter operators in Homer, thereby reducing tourism revenue and taxable earnings proportionately within our community, and

WHEREAS, the proposed management plan will not meet the needs of the current fleet. Industry estimates show the proposal will only satisfy the needs of 160 six packs for Area 3-A, which includes Homer, Kodiak, Seward, Ninilchik, Whittier, and Valdez.

WHEREAS, catch and effort statistics from the International Pacific Halibut Commission and sport fishing license sales records from the State of Alaska Department of Fish and Game show that the growth in the sport halibut fishery is flat or has increased less than 1% per year, and

WHEREAS, the Homer Chamber of Commerce is in opposition to current Charter IFQ management plans until such time an economic impact on the community can be completed, and

WHEREAS, the City is well positioned to maintain and become further involved in the development of the tourism industry due to its long history with the industry, strong membership in the Chamber of Commerce, outstanding port and harbor facilities, excellent airport, diverse tourism infrastructure, and location on the National Highway System, and

WHEREAS, the negative financial impacts resulting from the implementation of the Halibut Charter IFQ will have a damaging effect on the economic infrastructure of Homer, including direct losses to Port and Harbor, business tax revenues, and satellite businesses dependent on a healthy fleet.

NOW THEREFORE BE IT RESOLVED, that the Homer City Council finds that the proposed halibut charter IFQ plan would present a significant barrier to free enterprise, and

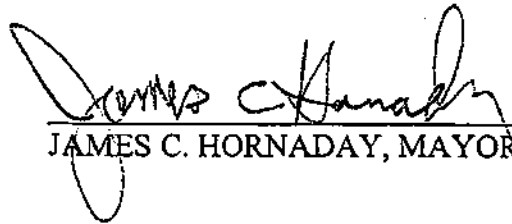
BE IT FURTHER RESOLVED, when an area needs management for the conservation of the halibut resource, we encourage that community to turn to "Local Area Management Plans" (LAMPS) in order to address the unique situation of that particular fleet, and

BE IT FURTHER RESOLVED, that the Council finds that the proposed Charter IFQ plan will impair services to the public, stifle incentive for new charter operators and retard the goals of the Homer Chamber of Commerce, and

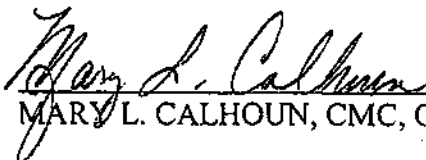
BE IT FURTHER RESOLVED, the Homer City Council would support a management plan that is equitable to all existing charter operators and include provisions for new entrants.

PASSED and ADOPTED this 28th day of February, 2005 by the Homer City Council.

CITY OF HOMER

  
\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARY L. CALHOUN, CMC, CITY CLERK

Fiscal Note: Not Defined.



May 6, 2005

Honorable Carlos M. Gutierrez  
Secretary of Commerce  
U.S. Department of Commerce  
Room 5516  
14th and Constitution Ave. NW  
Washington, DC 20230

RE: Halibut Charter IFQ

Dear Secretary Gutierrez,

The Kodiak Island Convention & Visitors Bureau is against the proposed Halibut Charter IFQ plan in its current form. We believe this plan, if enacted as written, could have a devastating economic impact on the local economy of Kodiak, Alaska and the outlying communities of the Kodiak Island Borough. In addition, too much time has passed between the qualifying years and the implementation of the law. We believe that the current plan does not allow new entry into a growing industry, nor does it provide adequately for those currently in the industry. This is of great concern to communities like those in the Kodiak Island Archipelago, where tourism is a relatively new, but growing industry. As the Secretary of Commerce, you can understand our concerns about government actions negatively impacting the local economy.

While we believe in and support efforts to preserve the health of this fishery, we believe that many things have changed since the proposed regulations were first introduced. These changes, along with the economic impacts of the proposed Halibut Charter IFQ, should be studied and considered before this program is implemented. Therefore, we respectfully ask that you conduct an economic impact study before implementing the

Kodiak Island Convention & Visitors Bureau  
100 Marine Way, Kodiak, Alaska 99615 907-486-4782 Fax 907-486-6545  
E-mail: [kicvb@ptialaska.net](mailto:kicvb@ptialaska.net) Web page: <http://www.kodiak.org>

Page 2

Halibut Charter IFQ plan, or that you consider other forms of management that may have less of an impact.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Aulabaugh", with a long horizontal flourish extending to the right.

Roger Aulabaugh  
President

Cc: Dr. James W. Balsinger, National Marine Fisheries  
Senator Ted Stevens  
Senator Lisa Murkowski  
Congressman Don Young  
Senator Gary Stevens  
Representative Gabrielle LeDoux  
Mayor Carolyn Floyd, City of Kodiak  
Mayor Jerome Selby, Kodiak Island Borough

CITY OF VALDEZ, ALASKA

RESOLUTION 05-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, OPPOSING INTEGRATION OF THE HALIBUT CHARTER FISHERY INTO THE EXISTING COMMERCIAL IFQ SYSTEM

WHEREAS, the sport charter industry is an important part of the growth of the tourism industry in the City of Valdez; and

WHEREAS, the proposed Halibut Charter IFQ plan is not based on any biological need; and

WHEREAS, the proposed rule to integrate the sport halibut charters in the commercial IFQ system transfers ownership of a resource to the private sector that traditionally belonged to the public; and

WHEREAS, encouraging new entrants in the charter business in turn encourages competition and diversity in the fleet; and

WHEREAS, the implementation and allocation of a Halibut Charter IFQ will significantly reduce the number of charter operators in Valdez, thereby reducing tourism revenue and taxable earnings proportionately within our community; and

WHEREAS, the proposed management plan will not meet the needs of the current fleet. Industry estimates show the proposal will only satisfy the needs of 160 six pack license holders for Area 3-A, which includes Valdez, Whittier, Homer, Kodiak, Seward and Ninilchik; and

WHEREAS, catch and effort statistics from the International Pacific Halibut Commission and sport fishing license sales records from the State of Alaska Department of Fish and Game show that the growth in the sport halibut fishery is flat or has increased less than 1% per year; and

WHEREAS, the negative financial impacts resulting from the implementation of the Halibut Charter IFQ will have a damaging effect on the economic infrastructure of Valdez, including direct losses to the Harbor and business tax revenues.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Section 1. The Valdez City Council finds that the proposed halibut charter IFQ plan would present a significant barrier to free enterprise.

City of Valdez  
Resolution No. 05-70  
Page 2

Section 2. When an area needs management for the conservation of the halibut resource, we encourage that community to turn to "Local Area Management Plans" (LAMPS) in order to address the unique situation of that particular fleet.

Section 3. The Valdez City Council finds that the proposed Charter IFQ plan will impair services to the public and stifle incentive for new charter operators.

Section 4. The Valdez City Council would support a management plan that is equitable to all existing charter operators and include provisions for new entrants.

PASSED AND APPROVED by the City Council of the City of Valdez, Alaska, this 3<sup>rd</sup> day of October, 2005.

CITY OF VALDEZ, ALASKA

  
Bert L. Cottle, Mayor

ATTEST:

  
Sheri L. Pierce, CMC, City Clerk





5:12 PM

10/01/05

Cash Basis

# Profit & Loss

January through December 2004

	Jan - Dec 04
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Services	128,184.28
Refund of Fees for Services	-3,257.69
<b>Total Income</b>	<u>124,926.59</u>
<b>Expense</b>	
Appraisal	337.60
Laundry	45.00
Office	1,758.11
Derby ticket	270.00
Janitorial Exp	255.61
Maintenance	165.61
commission	73.50
Advertising	6,173.77
Automobile Expense	6,804.13
Bank Merchant Charges	2,146.16
Bank Service Charges	240.64
Boat Supplies	1,935.75
Boat-Maintenance	2,463.66
Day Labor	2,153.00
Depreciation Expense	28,619.00
Drug Tests	100.00
Dues and Subscriptions	200.00
Education	180.00
Fishing Supplies	9,885.64
Fuel	33,181.32
Insurance	3,306.00
Interest Expense	
Loan Interest	9,500.00
<b>Total Interest Expense</b>	<u>9,500.00</u>
Misc Labor	7,665.84
Office Supplies	20.00
Repairs	
Boat Repairs	5,019.69
<b>Total Repairs</b>	<u>5,019.69</u>
Slip Fees	1,338.02
Taxes	
Sales Tax	3,816.70
Property	300.00
<b>Total Taxes</b>	<u>4,116.70</u>
Telephone	
Business line	581.55
long distance	62.05
Satellite Phone	31.03
Toll Free	940.24
internet,2nd line	685.07
internet	693.02
cell phone	2,010.99
<b>Total Telephone</b>	<u>5,003.95</u>
Travel	
Meals	32.85
Travel	1,764.00
Travel - Other	105.71
<b>Total Travel</b>	<u>1,902.56</u>
Utilities	1,439.69
<b>Total Expense</b>	<u>136,300.95</u>
<b>Net Ordinary Income</b>	-11,374.36

AMERICAN SPORTFISHING ASSOCIATION > FISHING STATISTICS > DEMOGRAPHICS AND ECONOMIC  
IMPACT

STATE OVERVIEW—SALTWATER FISHING									
		RETAIL SALES	OUTPUT	WAGES & SALARIES	JOBS	SALES/FUEL TAXES	STATE INCOME TAX	FEDERAL INCOME TAX	
	Alabama	\$235,936,051	\$463,519,587	\$110,462,221	5,477	\$13,442,389	\$4,427,651	\$11,105,726	
	Alaska	\$240,822,120	\$390,797,443	\$97,609,346	4,556	\$1,108,524	\$0	\$10,096,871	
	California	\$837,885,007	\$1,701,526,349	\$445,384,919	15,652	\$56,790,968	\$21,163,421	\$78,263,290	
	Connecticut	\$82,381,724	\$139,845,697	\$34,630,141	1,211	\$5,743,435	\$1,013,401	\$6,102,183	
	Delaware	\$48,928,560	\$77,792,682	\$15,697,027	724	\$1,209,180	\$571,474	\$1,632,190	
	Florida	\$2,987,155,721	\$5,432,151,596	\$1,482,103,679	59,418	\$171,883,333	\$0	\$239,723,442	
*	Georgia	\$57,797,862	\$115,486,330	\$29,169,622	1,112	\$2,151,996	\$1,550,033	\$4,880,497	*
	Hawaii	\$104,108,471	\$180,473,064	\$48,433,020	2,041	\$4,981,768	\$3,358,726	\$7,554,616	
	Louisiana	\$409,570,714	\$745,689,901	\$179,406,578	7,786	\$22,914,419	\$4,373,258	\$27,341,004	
	Maine	\$67,829,568	\$113,603,978	\$26,556,468	1,287	\$3,708,939	\$1,453,411	\$2,699,950	
	Maryland	\$335,934,459	\$640,964,531	\$165,036,290	6,981	\$18,727,532	\$6,023,710	\$25,664,989	
	Massachusetts	\$320,741,735	\$571,647,389	\$145,467,272	5,423	\$19,304,475	\$6,809,952	\$24,683,666	
	Mississippi	\$50,499,699	\$98,274,976	\$22,521,341	1,003	\$3,997,176	\$820,213	\$2,377,908	
	New Hampshire	\$59,331,936	\$103,666,563	\$22,998,860	1,103	\$1,291,670	\$0	\$3,209,561	

*Lewis E. Hay*  
*9438 Whittington Drive*  
*Jacksonville, Florida 32257*

September 25, 2005

Senator Ted Stevens  
522 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Stevens,

My wife and I recently enjoyed our first our Alaska vacation from July 6 through 18, 2005. We visited several places and tried numerous activities. My most enjoyable experience was halibut fishing. We would love to come back and do it again. I'm even talking to a couple of our friends about coming back with us. Our return trip will not likely happen if the proposed Halibut Charter IFQ Program is implemented. This program will eliminate many quality charter businesses (ie. competition) and drive charter prices way past what the average visitor can afford. It is obvious that you don't have enough quality charter businesses now as evidenced by the fact that out-of-state fishermen have to book several months in advance to get on a good boat. I would therefore urge you as a Republican Senator from Alaska to oppose the Halibut Charter IFQ Program in order to protect and enhance Alaska's tourist trade. On our trip to Alaska we spent our vacation dollars as follows:

1. Delta Airlines \$ 2500.00

Alaska Tour Saver Book \$99.00

**Anchorage**

National Car Rental \$931.00

Wal-mart \$251.75

Sourdough Mining Company - Dinner \$24.90

Fairfield Inn \$163.13

Iditarod Store \$31.10

Fishing Permit \$50.00

**Girdwood**

Ayalaska Skylift \$16.00

The Bake Shop - Lunch \$25.00

Indian Valley Mine \$16.00

**Cooper Landing**

Gwin's Lodge \$150.00

Gwin's Restaurant - Dinner \$43.10

Rafting Trip \$56.00

Gwin's Restaurant - Breakfast \$23.96

**Soldotna**

Buckets Sport Grill - Lunch \$22.92

Fred Meyer - Fuel \$13.00

Fred Meyer \$127.29

**Kenai**

Log Cabin B&B \$112.20

One Stop Convenience \$19.17

Carr Store - Fishing Permits \$29.00

Fishing Guide \$320.00

**Homer**

Kiana B&B \$551.00

Halibut Charter- Two trips \$462.00

Emerald Air - Bear Viewing \$530.00

Carr Store \$42.57

Saltry, Inc.- Dinner \$51.90

Central Charters \$53.25

Captain Patties- Dinner \$63.38 Carr Store \$8.48

Gigs Beads & things \$82.01 Eagle Eye Photo \$102.16

Homer Book Store \$63.90

Duncan House Diner \$15.92

Coal Point Trading Co. \$716.65

Lands End Resort Hotel \$78.88

Mangia Mangia \$24.14

Homer Petro Express \$25.06

Misc. Cash Purchases \$100.00

**Seward**

Harbor View Inn \$831.60

Salmon Bake Cabins-Lunch \$21.50

Godwin Glacier Dog Sled \$439.00

Safeway Store \$102.21

Safeway Store \$16.07

Thoms Showcase Lounge \$55.00

Aurora Charters (what a jip) \$197.60

Captain Jacks Seafood \$23.27

Safeway Store \$30.73

Alaska Shop \$42.06

Kenai Fjord Tour \$165.00

Sea Life Center \$20.00

Miscellaneous Cash Purchases \$150.00

Total Vacation Costs \$10,112. 82

I compiled this list of our spending (as opposed to one lump sum total ) to show you where and how we spent our money. You may want to pass this list around Senator Murkowski and Governor Murkowski so they can see how much tourist spending was generated by four (two per trip) halibut. As you can see, our spending affected a lot of businesses. **The reason we will come back to Alaska is the halibut fishing.** The scenery is wonderful but we've seen it and it won't change - we have a lot of photos. You can't count on the salmon making a run with certainty and I'm not coming that far to catch a trout that I can get in a lot of other places closer to home. **The halibut fishing is the draw!** If we can't fish for halibut and utilize a quality charter at a reasonable cost, we simply won't be back and none of our money will be spent in Alaska - it's just that simple. I met a lot of Floridians and other Southerners during our stay and most of them felt the same way. It is very clear to me that the Halibut Charter IFQ program will severely damage the halibut fishing experience for most out-of state tourists (who have to use charter services) and in doing so will hurt Alaska's tourism industry. By targeting halibut charter businesses, the Halibut Charter IFQ Program actually targets all of the out-of-state fishermen who visit Alaska every year. You might as well hang out a "Not Welcome " sign for all your angling tourists.

You may or may not be aware of this, but the commercial bycatch of Halibut(13 million pounds in 2003) is almost twice the 7 million pound total harvested by sport fishermen (both private and charter boats) the same year. If the commercial fishing

industry would simply use less wasteful methods they would not need the North Pacific Fishery Management Council to steal shares from the fishing public. I'm not ready to give up my access to halibut fishing just so commercial fishermen can keep wasting fish. There are plenty of alternatives to the Halibut Charter IFQ Program and many reasons other than tourism for you to oppose the measure.

In closing, I urge you to please use all your influence to defeat the proposed Halibut Charter IFQ Program. We really enjoyed our Alaska vacation and hope we can return in the future to fish for halibut.

Very truly yours,



Ed Hay

Jacksonville, Florida

[edhay@atlanticgeotechnical.com](mailto:edhay@atlanticgeotechnical.com)



COOK INLET SPORTFISHING CAUCUS  
3620 PENLAND PARKWAY  
ANCHORAGE, ALASKA 99508  
(907) 276-2222 FAX (907) 278-0896

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September 30, 2005

Stephanie Madsen, Chairman, NPFMC  
Pacific Seafood Processors Association  
222 Seward Street, Suite 200  
Juneau, Alaska 99801

Dear Ms. Madsen,

You recently received a letter from the 'Halibut Coalition' dated September 7, 2005 advocating that the Council ignore NMFS Director William T. Hogarth's August 3<sup>rd</sup> directive. In his letter, Dr. Hogarth asked the Council to "confirm its support" for "the proposed charter vessel IFQ program".

It is gratifying to see that a government official can act to see that a proposed regulation must be in the public's best interest. He was absolutely on target in asking the Council to review the "controversy surrounding..." this issue.

And controversial it is and will remain as the entire concept for these charter boat captains IFQ's is terribly flawed. They will not work, and if passed, will be back before you, time after time like a bad case of the flu.

Just to start with, the commercial IFQ program for halibut and black cod looks to be quite successful. It was evidently the template for these charter boat captain's IFQ's. How different they really are.



A commercial fisherman catches halibut or black cod on his quota and sells them for his income. A charter boat captain 'catches' sport fishermen and their fees for his income. If you look closely, at the 'catches', they are two distinctly different species. Their economics are about as similar as a duck is to a turtle; these IFQ's are the wrong means for Council control.

Please look at the nine 'groups' that signed the letter. They all have one thing in common; they all have their wallets out. They haven't expressed a concern for the resource; for what's in the public interest. They are banded together for only one common denominator, money for them. While you are looking, what do many of them have to do with halibut anyway?

Page 3, item 1 of their letter refers to possible "localized depletion". Section 3A, Cook Inlet, is probably the largest halibut sportfishery in our nation. Commercial fishers have historically taken 85% of the harvest while sport fishing is allowed only 15%. If these nine "Groups" are truly concerned about 'depletion'; then why don't they voluntarily reduce their commercial take by say 50%? That would sure help the 'depletion' issue.

And if they really want to help the resource, commercial fishing kills 50% more halibut with 'incidental harvest' each year than is caught by all the sport fishing statewide! Why don't they clean up their own act before they attack the sports fishery? We only get 10% of the annual harvest.

And speaking of economics, the State of Alaska and federal government are usually required to 'go to bid' or sell/lease their natural resources for the highest and best return. Shouldn't the Council give that more serious consideration in this issue? An H & G commercially caught halibut sells for about \$3.15 per pound at the dock in Homer. An angler paying a charter fee of \$160.00 will catch an average of 1.67 halibut which equates to about \$15.50 per pound for his filets in addition to the economic impacts of his lodging, food, travel, etc.



The numerous studies done for the State of Alaska by Jones and Stokes of Sacramento have all reflected the economic value of a sport caught fish to be in the range of 12 to 20 times over that of a commercially caught one. Shouldn't the Council give more consideration to realizing the highest return for the halibut you manage? Isn't that in the best interests of the federal government, the State and the communities in which we all live?

And, the most horrendous impact of these IFQ's will a "Federal Tea Tax" to pay for the second generation captains cost to buy these IFQ's. On top of that \$160.00 to pay for the charter, an angler will have to pay \$65.00 to \$90.00 more to help pay for the captain's cost of buying his quota share. No where in our nation has such a federal penalty been placed on the recreational angler. It is unprecedented, unfair and should be stopped.

I was appointed to the council in 2000 after this IFQ train had left the station on an 11-0 vote. I fought hard while I served in that chair and almost got it overturned in 2002 with a 5-6 vote. It is the most unfair proposed legislation against the public that I have ever seen in 40 years of being a sport fish advocate. Please end this 'controversy' by ending the program. Please listen to the concern in Dr. Hogarth's letter. Please listen to the concerns of over 130,000 Alaskans who fish for halibut each year. Please find another way.

Sincerely,



Robert C. Penney  
Member

C/c: Senator Stevens  
Senator Murkowski  
William Hogarth  
Governor Murkowski  
Jim Clark, COS



COOK INLET SPORTFISHING CAUCUS  
3620 PENLAND PARKWAY  
ANCHORAGE, ALASKA 99508  
(907) 276-2222 FAX (907) 278-0896

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Cook Inlet Sportfishing Caucus is a group of dedicated sport fish anglers who live within the watershed of Cook Inlet.

#### Senior Members

Phil Cutler – Anchorage

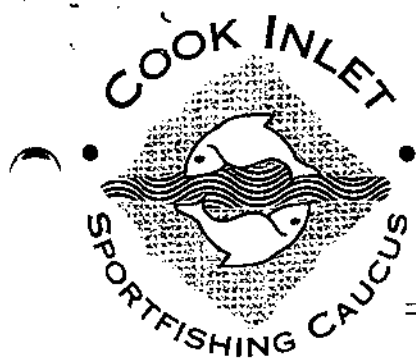
Bruce Knowles – Mat Su Valley

Bob Penney – Kenai Peninsula

Bob Penney is a 54 year resident of Soldotna/Anchorage. His livelihood is in real estate investing and development.

Father of four with ten grandchildren he is an avid sportsman who founded the Kenai River Sportfishing Association that each year puts on the "Kenai River Classic", a king salmon catch-and-release tournament hosted by U.S. Senator Ted Stevens.

One of Mr. Penney's investments is a sizeable ownership of Trappers Creek Smoking Company that each year buys over 1,000,000 pounds of wild king salmon for smoking and processing.



COOK INLET SPORTFISHING CAUCUS  
3620 PENLAND PARKWAY  
ANCHORAGE, ALASKA 99508  
(907) 276-2222 FAX (907) 278-0896

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## Testimony on CBIFQ's 10/05/05

This map showing Alaska's road system is very important as it shows why "Cook Inlet is different." Homer is the "end of the road," where Alaska's, and by connection, the nation's highway systems hit salt water all along the east side of Cook Inlet. It is the public's main access in our state to its salmon and halibut fisheries. 65% of our state's population lives on the road system in south central. Except for Juneau and Sitka, the rest of the state is basically restricted to commercial halibut harvest due to inaccessibility.

Homer and Deep Creek are home ports to the halibut charter fleets in Cook Inlet. Per ADF & G, over 106,000 people chartered out of Homer alone in 2004, many thousands of them from Oregon and Washington. At \$180 each, they spent over 19 million dollars in charter fees alone. That is big business. It is a major industry to the Homer area.

If you enact these CBIFQ's as proposed, the Council will literally kill this industry. There is no question about it. It's all in the economics. It is no debate at all.

Please turn to Exhibit B.

### My Analysis of Cost of IFQ's - Financial Impact

Prices for chartering are very competitive. More anglers show up, more captains buy boats, etc. It's called capitalism or supply and demand. I believe the average price for a charter today is about \$180 – in that range - very competitive.

Why do these 106,000 people go halibut fishing each year? I don't know a person who goes to "catch and release" a halibut. We all go with the thought in mind of getting some of this delicious fish for our dinner table and freezer. Who doesn't? And most everyone thinks or discusses "how much my halibut cost." At \$180 with two fish at 20# each, that's \$4.50 a pound or \$9.00 a pound for the fillets; so it was a good outing and worth \$9.00 a pound. I'm glad we went.

Now add in the 70% increase in cost for the IFQ's of \$133 or now \$313 a person or \$16 a pound for fillets and the majority of those

anglers will say \$313 is too much; we'll just buy halibut at the store. That would make the commercial fishermen very happy, wouldn't it? Is theft what the agenda is? To cripple the recreational fishery?

Pause

As you hear testimony today speaking for these IFQ's, ask yourself or the person at the podium if they are a commercial fisherman or a charter boat captain; I'll bet they are. And, I'll also wager that what you hear from the public will be for "no IFQ's." The commercial fishermen are for them and the public is against them. Is that how you manage for a recreational fishery?

Can this Council change a prior ruling? Of course you can; that's your duty. You are set up that way.

(ALTERNATE SOLUTION)

# PROPOSED GHL MEASURES

## Required Reduction   GHL Management Tool

<b>&lt;10%</b>	<b>Trip Limit</b>
<b>10% - 20%</b>	<b>+ No Harvest by Skipper + Crew</b>
<b>20% - 30%</b>	<b>+ Annual Limit of 7 Fish</b>
<b>30% - 40%</b>	<b>+ Annual Limit of 6 Fish</b>
<b>40% - 50%</b>	<b>+ Annual Limit of 5 Fish</b>
<b>&gt;50%</b>	<b>+ Annual Limit of 4 Fish</b>

**One Fish Bag Limit in August**



# Alaska, United States, North America



## Exhibit B

### Financial Impact of 2<sup>nd</sup> generation charter boat captains of the IFQ Program

A "Six Pak" captain will need around \$120,000 to buy a good boat, et al, to charter out of Homer. He has the opportunity to fish about 100 days of a year.

To fish 6 anglers a day who take two halibut weighing an average of 20# each, he will need to buy IFQ's as follows: 6 anglers X 2 fish = 12 fish X 100 days = 1200 fish X 20# each = 24,000# of IFQ's he'll need to buy.

Per Brad Faulkner of Alaska Custom Sea Foods of Homer those shares are worth today \$17.50 to \$20.00 a pound. Let's say \$18.75 a pound X 24,000# = \$450,000.

If he can borrow this money from a bank for say seven years at a rate today of 7%, his debt service will be approximately \$80,000 per year. To recover this cost he will have to charge his anglers:  
 $\$80,000 / 100 \text{ trips} = \$800.00 \text{ per trip} / 6 \text{ anglers} = \underline{\$133.00 \text{ more cost per day per angler to pay the captain's IFQ's.}}$



**CITY OF CORDOVA, ALASKA  
RESOLUTION 09-05-43**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,  
SUPPORTING THE HALIBUT CHARTER IFQ PROGRAM**

**WHEREAS**, the North Pacific Fisheries Management Council (NPFMC) in 2001 approved a program to incorporate the halibut charter fleet into the existing commercial IFQ management plan; and,

**WHEREAS**, the Council's action approving the charter IFQ program was the culmination of eight years of discussion and deliberation, and full participation by both the charter and commercial sectors; and

**WHEREAS**, the integration of the charter fleet into the existing commercial halibut IFQ program is a long-term market-based solution that allows the public to determine the appropriate allocation of fisheries resources between the commercial and charter sectors; and

**WHEREAS**, the charter IFQ program will free stakeholders, agencies and policy makers from recurrent and costly allocation disputes that would occur under the current Guided Harvest Level (GHL) program, and provide an opportunity to make substantive progress on issues more critical to maintain and preserve fisheries resources and the communities that depend on them; and

**WHEREAS**, elements of the charter IFQ program were developed specifically to protect current participants and new entrants into the charter sector including an initial allocation of 125% of the average 1995-99 charter harvest, one-way transfers of commercial sector quota shares to the charter sector, and consideration for including the charter industry in the Federal IFQ Loan Program; and

**WHEREAS**, National Marine Fisheries Service (NMFS) legal review has already determined that the halibut charter IFQ program is consistent with the Halibut Act, and the Magnuson-Stevens Act Standards, and is ready for publication as a proposed rule; and

**WHEREAS**, the letter from NMFS Director William Hogarth requesting that the NPFMC reconfirm support for the halibut charter IFQ is unprecedented and undermines the thorough and legal public process taken by the NPFMC in the development of the charter IFQ program; and

**WHEREAS**, the commercial halibut IFQ fishery has become an important part of Cordova's fisheries-dependent economy since the inception of the program, as ownership of halibut quota by Cordova residents has more than doubled, and landings and ex-vessel prices have increased; and

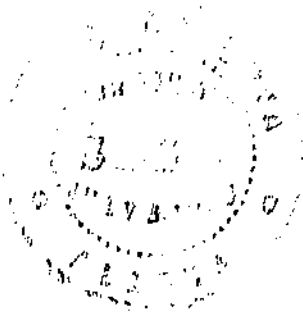
**WHEREAS**, Cordova supports and welcomes growth and development in the local and statewide charter industries in a manner that does not erode the economic foundation or the legal basis for rights-based commercial fisheries management programs, or cause economic hardship to those fishermen and coastal communities who are dependent on those fisheries; and

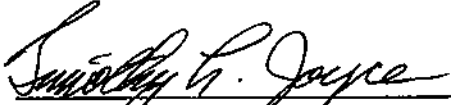
**NOW THEREFORE BE IT RESOLVED THAT** the Cordova City Council strongly supports the halibut charter IFQ program approved by the North Pacific Fisheries Management Council in 2001; and

**BE IT FURTHER RESOLVED**, that the Cordova City Council requests the North Pacific Fisheries Management Council to reaffirm its support for the Halibut Charter IFQ program as written, and to direct NMFS to publish the proposed rule and initiate the process for approval; and

**BE IT FURTHER RESOLVED**, that the Cordova City Council requests the State of Alaska, and in particular ADF&G, to actively support the implementation of the halibut charter IFQ program through the development of catch reporting systems and other means necessary to ensure the success of the program.

**PASSED AND APPROVED THIS 5TH DAY OF OCTOBER, 2005**



  
Timothy L. Joyce, Mayor

ATTEST:

  
Lila J. Koplin, City Clerk

**CITY OF WHITTIER, ALASKA  
RESOLUTION #774-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WHITTIER, ALASKA OPPOSING INTEGRATION OF THE  
HALIBUT CHARTER FISHERY INTO THE EXISTING  
COMMERCIAL IFQ SYSTEM.**

**WHEREAS**, the sport halibut charter is an important part of the growth of the tourism industry in the City of Whittier; and

**WHEREAS**, the proposed Halibut Charter IFQ plan is not based on any biological need; and

**WHEREAS**, the proposed rule to integrate the sport halibut charters in the commercial IFQ system transfers ownership of a resource to the private sector that traditionally belonged to the public; and

**WHEREAS**, encouraging new entrants in the charter business in turn encourages competition and diversity in the fleet; and

**WHEREAS**, the implementation and allocation of the Halibut Charter IFQ will significantly reduce the number of charter operators in Whittier, thereby reducing tourism revenue and taxable earnings proportionately within our community; and

**WHEREAS**, the proposed management plan will not meet the needs of the current fleet. Industry estimates show the proposal will only satisfy the needs of 160 six packs for Area 3-A, which includes Whittier, Homer, Kodiak, Seward, Ninilchik and Valdez; and

**WHEREAS**, catch and effort statistics from the International Pacific Halibut Commission and sport fishing license sales records from the State of Alaska Department of Fish and Game show that the growth in the sport halibut fishery is flat or has increased less than 1% per year; and

**WHEREAS**, The Whittier Chamber of Commerce is in opposition to current Charter IFQ management plans until such time an economic impact on the community can be completed; and

**WHEREAS**, The City is well positioned to maintain and become further involved in the development of the tourism industry due to its long history with the industry, strong membership in the Chamber of Commerce, outstanding port and harbor facilities, diverse tourism infrastructure, and location on the National Highway System; and

**WHEREAS**, the negative financial impacts resulting from the implementation of the Halibut Charter IFQ will have a damaging effect on the economic infrastructure of Whittier, including direct losses to Port and Harbor, business tax revenues, and satellite businesses dependent on a healthy fleet; and

**NOW THEREFORE BE IT RESOLVED**, that the Whittier City Council finds that the proposed halibut charter IFQ plan would present a significant barrier to free enterprise; and

**BE IT FURTHER RESOLVED**, when an area needs management for the conservation of the halibut resource, we encourage that community to turn to "Local Area Management Plans" (LAMPS) in order to address the unique situation of that particular fleet; and

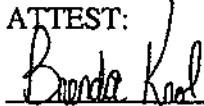
**BE IT FURTHER RESOLVED**, that the Council finds that the proposed Charter IFQ plan will impair services to the public, stifle incentive for new charter operators and retard the goals of the Whittier Chamber of Commerce; and

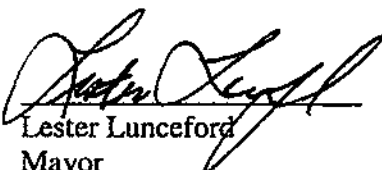
**BE IT FURTHER RESOLVED**, the Whittier City Council would support a management plan that is equitable to all existing charter operators and include provisions for new entrants.

Passed and approved by the duly constituted quorum of the Whittier City Council on this 18th day of April, 2005.

Introduced by: Rick A. Hohnbaum  
Introduction date: April 18, 2005

ATTEST:

  
\_\_\_\_\_  
Brenda Krol  
City Clerk

  
\_\_\_\_\_  
Lester Lunceford  
Mayor

Ayes: 5  
Nays: 0  
Absent: 1  
Abstain: 1

GREG SUTTER

CAPT. GREG'S CAMP  
PO BOX 2202  
HOMER AK 99603  
(907) 235 4756

C-1b

Several people have questioned whether the data are too old.

The M-S Act requires the Council and the Secretary to "take into account" the "present participation in the fishery."  
16 USC 1853(b)(6)(A).

The Halibut Act says that limited access programs must be consistent with the M-S Act.

Commercial program ~~was~~ qualifying years were '88, '89, '90.  
FINAL RULE was published Nov. 9, 1993.

The challenge to the rule argued this time, 3 YEARS, was too long. The court said it was a close question.  
"The length of time ... pushed the limits of reasonableness."

Here, the qualifying years are 1998 and 1999.

6 years have passed.

There has been NO draft rule published. It will take 1-2 more years to get to a final rule.

NOTE: The suit was filed AFTER the <sup>final</sup> rule was published.  
The court's decision was May 1996.

OUR COUNSEL HAS ADVISED  
US THAT WE WILL PRESENT  
IN THIS ISSUE IN COURT.

IN ORDER TO SETTLE THIS  
WITHOUT LITIGATION & DELAY  
WE RESPECTFULLY SUGGEST THE  
COUNCIL MOVE TO DELAY  
THIS ISSUE TO THE DEC.  
MTG.

IN THE INTERIM YOUR  
COUNCIL CAN ADVISE YOU AS TO  
WHETHER <sup>WE</sup> HAVE LEGAL GROUND,

IF YOU DO THIS WE WILL  
MEET ~~IN~~ <sup>THE</sup> OTHER ~~SIDE~~ PARTIES  
<sup>TO SEE IF WE CAN PROVIDE THE COUNCIL W/</sup>  
~~AND DEVELOP~~ A COMPROMISE  
~~FOR~~ BOTH THAT WILL WORK FOR ALL PARTIES

THIS WILL ANSWER THE  
3 QUESTION ISSUES RAISED BY  
DR. HOGARTH IN HIS ORIGINAL  
LETTER.

Melissa Ann Buster  
Student of Homer High School  
Opposing the Charter IFQ's  
October 6, 2005

To Whom It May Concern:

My name is Melissa Buster I am currently a senior at Homer High School writing to reveal my view on this bill. Though some think it's just businesses and tourism that are affected are wrong. Did you stop to think about our youth? In a town as small as Homer job opportunities are slim. Those that are open are jobs from charter boats. Our youth has not many chances to go very far...college for example, well that takes money. Unless you are among our wealthy, you are struggling to get by. I feel not much thought is given to the whole aspect, look at the consequences that stem from passing the bill. Our economy a lot of it is from tourism. I would have to say 90% is tourism. People come to Homer to fish. The first thing seen when coming into town is a sign, Homer, The Halibut Capitol of the World. That has to be a huge hint as to what our town is about.

I have watched my family work summer after summer for different charters, enjoying every moment, but pass the bill and realistically who is going to pay 500.00 dollars to go out fishing. If the bill passes you might as well pack me up and move me on out of Homer because it will turn into a ghost town. I can't really explain how this one thing will totally crash our economy.

There are a massive amount of things that come into play.

- an inblance in our economy
- decrease in college students from our region
- lack of job opportunites
- increase in substance abuse

the list goes on and on but I will stop there.

✧ Its not about putting more money into the pockets of those already wealthy, its not really about the price of fish or fuel. It about the impact that it will have on our community, especially our youth. Pretty soon we will be sitting in your chairs making the decisions and honestly we might not make it that far if this isn't carefully and thoroughly thought out. ✧

Thank You, Melissa Buster

To whom it may concern

I am writing to you about passing the IFQ bill. I am an avid fisherman and mostly go out on smaller charters multiple times through the year. I firmly believe that if the IFQ bill passes that hundreds of people who run these small charters will be out of business. In a fishing villages such as Homer, or Seward this is a recipe for disaster for many families.

This will cause a trickle down effect on each of these communities that will be very hard for them to overcome financially. If this bill is truly about conservation of wildlife I think that we should RETHINK this proposal thoroughly before passing the current IFQ

Lets do the right thing for Alaskans and the Environment, by making smart educated solutions!



Wallace Cucinello  
8948 Jewel Terrace  
Anchorage, AK 99502



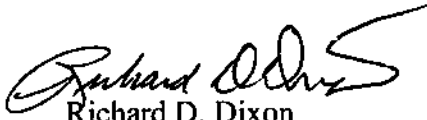
September 28, 2005

To whom it may concern:

Reference: IFQ Bill

I believe that the IFQ program that you are trying to pass is Wrong! Small charter business has been a part of Alaska business for a long time. Closing the doors to the small Charter business is not promoting investments in to Alaska at the smallest level. Talking about slowing down an economy, you will do it with this action. In a fishing villages such as Homer or Seward, this is a recipe for disaster for many families.

Please do the right thing for Alaska – Do not let the IFQ Bill pass.



Richard D. Dixon  
8750 Sonora Cir  
Eagle River, AK 99577

My name is Rex Murphy. I own and operate Winter King Charters in Homer, Alaska. I operate a 32 foot catamaran, rigged with state of the art fishing equipment and safety gear exceeding the USCG 5 star safety rating. I just completed my third season as a charter operator, and have been a responsible, conservation minded fisherman all of my life. I use debarbed circle hooks and I discourage the taking of the breeding sized halibut that are the future of subsistence, recreational and commercial fisheries.

I am here today to voice my opposition to Charter IFQs.

The April 2001 summary for the Halibut Charter IFQ Program states:

“The action does not restrict non-charter recreational anglers. It only affects charter operations”

MS Sec 2 defines: charter fishing as

“fishing from a vessel carrying a passenger for hire who is engaged in recreational fishing.”

From the above, it is easy to conclude :

1. Charter operations derive their income, not by catching fish, but by taking recreational fishermen fishing.
2. The charter IFQ proposal seeks to restrict recreational anglers who choose to hire a charter boat , while not restricting recreational anglers who fish from private craft.

Testimony from F&G indicates that should Charter IFQ's become law, between 30 and 50% of currently operating charter operators will be out of business unless they can find IFQs and the money to buy or lease them with. This action will restrict access, thereby restricting recreational anglers, and that is precisely my point.

MS Sec 301 (a) (4) states”

“ Conservation and management measurements shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and ( C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share”

Part A is clearly violated by the motion simply by virtue of the fact that it is indeed restricting some recreational fishermen while not restricting others. This motion is aimed at restricting those recreational fisherman who choose to charter.

Council members, when considering this issue, please ask yourselves the following questions:

1. Whose fish are we really talking about? Are they owned by commercial fishermen, charter operators, or the American Public?
2. Why shouldn't subsistence and recreational fishermen have the right to harvest halibut first, with excess available for commercial fisheries, all subject to sound, biologically based ,resource management?
3. Does the charter IFQ proposal truly meet all the criteria specified in MS Sec 301?
4. As a Council member, what are my responsibilities to the American Public?
5. And finally, as a Council member does my vote on this issue constitute a conflict of interest?

Thank you for your time.

Dave Golpstein 0-15



## Greater Whittier Chamber of Commerce

P.O. Box 607  
Whittier, Alaska 99693

April 19, 2005

Honorable Carlos M Gutierrez  
Secretary of Commerce  
U.S. Department of Commerce  
Room 5516  
14 and Constitution Ave. NW  
Washington, DC 20230


Dear Secretary Gutierrez,

The Greater Whittier Chamber of Commerce is against the proposed Halibut Charter IFQ plan due to the potential negative economic impact it could have to the local economy of Whittier, Alaska. As Secretary of Commerce, you certainly can understand our organization's concern regarding government action that negatively impacts the economy.

The Greater Whittier Chamber of Commerce expects responsible management of the halibut charter fishery for the future economic health of our community. Please conduct an economic impact study before implementing this plan, or consider another form of management that would have less of an impact.

Thank you for your attention to this critical matter.

Sincerely,

  
Pete Heddell,  
President

Cc: NPFMC Chair  
NMFS  
Senator Stevens  
Senator Murkowski  
President Bush

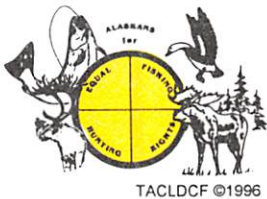
**The  
Alaska  
Constitutional  
Legal  
Defense  
Conservation  
Fund, Inc.**

**P.O. Box 110551  
Anchorage, Alaska  
99511-0551**

**Founded in 1994  
for the purpose of  
common use of fish,  
water and wildlife  
and access to public  
lands and public  
waters in Alaska.**

**Directors:**

**Dale Bondurant  
(907) 262-0818  
Warren E. Olson  
(907) 346-4440  
Tim Stevens  
(907) 345-3804  
Joe Caraway  
(907) 345-4719  
Marv Lindholm  
(907) 333-5125**



**A 501C3 Non-Profit Alaska Corp.  
D. #92-0.153 518**

10/06/2005  
North Pacific Fishery Management Council  
600 West Fourth Avenue, #306  
Anchorage, Alaska 99501

Subject: IFQ and GHF

My name is Warren E. Olson. I've been an Alaskan resident for 46 years. I'm the Secretary - Treasurer of THE ALASKA CONSTITUTIONAL LEGAL DEFENSE CONSERVATION FUND, INC. which is mandated by law to appose IFQ and GHF mandates for Halibut Charter operations. Our legal council is Mr. Robert Erwin, former Supreme Court Justice of Alaska.

Written communications sent to the North Pacific Fishery Management Council dated January 23, 2000 and the International Pacific Halibut Commission dated February 24, 2000 by Mr Dale Bondurant and Mr. Sam McDowell state our reasons for opposition quite clearly. Copies of these communications were also sent to the State of Alaska, dated February 24, 2000. (Copies included)

By appearing today were establishing standing for future legal work to protect our priority of USE of Halibut for common use of sport fishing, subsistence and personal consumption.

Public Trust Doctrine, consisting of Commerce, Navigation, Fishing and Fowling - the Constitutions of both the United States and the State of Alaska - the Supreme Courts of the U.S. and Alaska have built a broad and powerful platform for our common use of fish, water and wildlife in Alaska from Public Trust Doctrine.

As Trustees for all Alaskans, the North Pacific Fishery Management Council is mandated to provide Quantity and Quality management policies for personal consumptive USERS.

Having respect for the law, please do not adopt IFQ or GHF regulations for Halibut Charter operations.

  
Warren E. Olson  
Sec. - Treas. T.A.C.L.D.C.F.





# Deep Creek Charterboat Association

P.O. Box 423—Ninilchik, AK 99639

## Board of Directors

**President**  
Tim Evers  
567-3631

tnjevvers@alaska.com

**Vice President**  
Marc Smith  
567-4368  
dnm@gci.net

**Secretary/Treasurer**  
Perry Flotre  
Phone/Fax 262-7631  
arcticern@alaska.com

**Member-at-Large**  
Mel Erickson  
262-2980  
gamefish@alaska.net

**Member-at-Large**  
John Baker  
567-3393  
info@afishhunt.com

October 5, 2005

**North Pacific Fisheries Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, Alaska 99501-2252**

**Dear Council Members,**

**The Deep Creek Charter Boat Association is an organization of charter boat owners, operators, crew members and associated support businesses in Ninilchik, Alaska.**

**As President of the Deep Creek Charterboat Association my membership has asked me to encourage your support for the Halibut Charter IFQ Program which was overwhelmingly passed by the North Pacific Fisheries Management Council in April 2001. The strong support of the NPFMC culminated nearly a decade of annual conflicts between the Commercial and Charter sectors. The Council and its many sub-committees have listened to all interested parties, year after year, and prepared one of the most thorough analyses our industry has ever seen. The general public, the guided and un-guided angler, the Commercial sector, the Charter sector and the State of Alaska all have had more than ample opportunity to present their views in both written and public testimony.**

**Unfortunately our industry is managed presently under a Guideline Harvest Level. The GHL is a firm cap on our harvest and business potential. Because of the many downfalls of the GHL our industry has supported an amendment to the existing Halibut IFQ program to include charterboats that target halibut. The NPFMC has endorsed this amendment, voting in support two times. A control date was published in the Federal Register in 1998 to deter speculative entry. There are many new halibut charterboat businesses today; the overcapitalization in the halibut charterboat industry needs to be curbed now.**

**2004 harvest rates for area 2C & 3A have put both areas over the GHL, 2C over by 22% and 3A by 1%. This obvious growth in the halibut charter fleet and the resultant catch justifies reduction measures in respect to the GHL. Now that the Halibut Charter industry has reached the GHL and the IFQ proposal is before you we encourage your support for the IFQ program. Your reply to Mr. Hogarth should be to list the IFQ program into the Federal Register and let the process move forward so we can begin this program summer 2006. The only other option would be to establish a moratorium to protect those charters who have been facing the GHL restriction since 1997 while many more new charters have continued to enter our industry.**

**The IFQ program will give our businesses recognition of our historical dependence on Halibut access. It also allows others to enter and leave the industry without government intervention. Most importantly the IFQ program is equal sharing of the halibut between neighboring commercial and charter businesses, and will give us a chance to adjust our businesses in access needs.**



## Deep Creek Charterboat Association

**Our local community's social stability is maintained in equal treatment of Halibut dependent businesses. Your support and the Secretary's approval will bring this matter closer to an end and we will be able to operate our businesses into the future. The Charter Halibut IFQ program is solid and will resolve the commercial/charter boat allocation dispute and will free up the Council Staff and members to deliberate on the many other issues they are faced with.**

**In closing, we ask that you endorse the decision of the North Pacific Fisheries Management Council in April 2001.**

**Thank you very much for your time and attention.**

**Sincerely,**

A handwritten signature in black ink that reads "Tim Evers". The signature is written in a cursive style.

**Tim Evers  
President, DCCA**



C-1

To: Chris Oliver, Executive Director  
Stephanie Madsen, Chair  
North Atlantic Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252  
• Phone: (907) 271-2809  
• Fax: (907) 271-2817

Re: Agenda Item C-1 (Halibut Charter IFQ) - OPPOSE

From: The Recreational Fishing Alliance

Dear Mr. Oliver and members of the NPFMC:

The Recreational Fishing Alliance (RFA) is a national 501(c)(4) non-profit grassroots political action organization whose mission is to safeguard the rights of salt water anglers, protect marine, boat, and tackle industry jobs, and insure the long-term sustainability of our nation's marine fisheries. The RFA is grateful for the opportunity to comment on the issue of Individual fishery quotas for the recreational charter fleet in the Alaska halibut fishery.

The RFA recognizes the Charter halibut fishery as an important resource for all saltwater anglers and a driving force behind Alaska's \$2.4 billion tourism industry. The RFA is opposed to integrating the charter halibut fishery into the commercial halibut Individual fishing quota (IFQ) system. Abandoning traditional management measures in favor of IFQs, which are inappropriate for charter or recreational anglers, represents a threat to the viability of our sector. At this time, there is a considerable amount of uncertainty pertaining to the size of the active halibut charter fleet as well as to the outcome of implementing an IFQ system in this sector. Combining this uncertainty along with an unreliable system of gathering accurate catch data provides ample reason not to force the halibut charter fishery into the commercial IFQ system.

We cite the following reasons why we will not support Halibut Charter IFQs.

**Status of the Halibut Stock.** The status of the Pacific halibut stock, according to the International Pacific Halibut Commission, remains healthy and stable. This allows the resource to support both commercial and recreational fisheries. Current estimates indicate that recreational halibut fishing accounts for 10-12% of the total catch. Indeed, the harvest rate for both sectors has been rising and this may be attributable to the reduction in discard mortality in the commercial fleet as a result of the commercial IFQ program. This noted, there is no conservation benefit of implementing IFQs in the halibut charter fishery.

**Halibut Charter fleet is not rapidly expanding.** IFQ have proven useful in commercial fisheries where overcapitalization was having negative impacts upon the resource and fishery. Currently, the halibut charter fishery is not experiencing overcapitalization and growth is flat or slightly declining over the last 10 years. Information from Alaska Fish and Game indicates that the number of business licenses and

Headquarters: P.O. Box 3080 ♦ New Gretna, NJ 08224 ♦ P: 609-404-1060  
♦ F: 609-404-1968

Legislative Office: P.O. Box 98263 ♦ Washington, D.C. 20090 ♦ P: 1-888-564-6732

saltwater guide businesses or fishing charter services has not shown any significant surge in growth. Relative to the overall population of the nation, the Alaska Halibut Charter fleet is not keeping pace.

**Uncertain fleet size and catch numbers.** There is a great deal of variability in the recreational halibut fleet size and catch. This uncertainty makes it impossible to predict the outcome of IFQs in this sector. It is most important that these issues be resolved before any meaningful discussions of charter IFQs are undertaken. Lack of accurate charter log book data makes it impossible to fairly assign quota shares at this time.

**Tourism.** Alaska Division of Tourism recognizes sportfishing, including halibut fishing, as a major component of State's economy. Further evidence that halibut fishing is a major source of tourism income is that non-resident or out-of-state anglers exceed resident anglers by 168%. If IFQs are placed in the halibut charter sector, there will be serious implications for these tourist dollars. For many small fishing towns, halibut charters can account for a significant portion of the community income. Many local communities have expressed deep concerns about their economies if IFQs are implemented. Angler cost would undoubtedly increase in response to charter businesses having to purchase quota. Limited fleet size stunts competitive pricing. Charter operations would be rewarded for unsuccessful trips. The economic analysis in the briefing book even mentions a likely trend toward marketing to people who are unlikely to catch fish, or charter captains moving anglers to unproductive fishing grounds to preserve their quota share. Much more analysis is needed to address these potential serious consequences before any action is taken.

**IFQs in the Recreational sector will create a dangerous precedent.** Once IFQ are implemented it is nearly impossible to dissolve them, thereby rendering a public resource privatized forever. Although IFQs are only contemplated for the charter fleet at this time, should they be implemented there will be pressure on the charter operators to protect their investment against the participation of the private recreational fleet, thereby dividing the recreational fishing community. Wealthy recreational anglers could lock up portions of the harvest in perpetuity and limit the access of the general public. To get a sense of this slippery slope, nothing in the Charter IFQ proposal would prevent a holder of commercial quota from leasing his allocation to recreational anglers who could land many more halibut than their personal bag limit off the commercial boat. There needs to be a real firewall between sportfishing – fishing with our families for food and fun – and commercial fishing.

The "perception" of an "ever-expanding" recreational fleet needs to be addressed. RFA strongly supports a system that allows for an accurate data collection on the recreational sector. That system is not yet in place. The RFA is urging the Alaska charter fleet to take these concerns seriously, and to be pro-active in developing proposals to address them. The first step is to capture accurate recreational catch data. Charter log books should be required to record all charter boat harvest for all species. From this data we will be able to identify the boats that are halibut fishing from the boats that are not. If a problem exists after the data is collected then it should be addressed through traditional fisheries management measures and not through an unprecedented quota system on recreational fishing.

Sincerely,

*Jim Martin*



# CITY OF GUSTAVUS

P.O. BOX 1 • GUSTAVUS, ALASKA 99826 • 907-697-2451

**CITY OF GUSTAVUS**

**Resolution 2005-11**

**A RESOLUTION OF THE GUSTAVUS CITY COUNCIL OPPOSING INTEGRATION OF THE HALIBUT CHARTER FISHERY INTO THE EXISTING COMMERCIAL IFQ SYSTEM.**

**WHEREAS**, the sport halibut charter industry is an important part of the tourism industry in the city of Gustavus, and

**WHEREAS**, the proposed rule to integrate the sport halibut charters in the commercial IFQ system transfers ownership of a resource to the private sector that traditionally belonged to the public, and

**WHEREAS**, the sport halibut charter industry operates in a market which is distinct and incompatible with the commercial halibut IFQ system and would enter that market at a disadvantage, and

**WHEREAS**, the implementation and allocation of halibut charter IFQ may significantly reduce the number of charter operators in Gustavus, thereby reducing tourism revenue and taxable earnings proportionately within our community, and

**WHEREAS**, the negative financial impacts resulting from the implementation of the Halibut Charter IFQ will have a damaging effect on the economic infrastructure of Gustavus, including direct losses to bed and sales tax revenues and satellite businesses such as air taxis dependent on a healthy fleet.


**NOW THEREFORE BE IT RESOLVED**, that the Gustavus City Council finds that the proposed halibut charter IFQ plan would negatively impact the local charter fleet and the economy of Gustavus, and

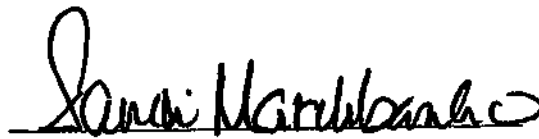
**BE IT FURTHER RESOLVED**, when an area needs management for the conservation of the halibut resource, we encourage that community turn to "Local Area Management Plans" (LAMPS) in order to address the unique situation of that particular fleet, and

**BE IT FURTHER RESOLVED**, that the Council finds that the proposed Charter IFQ plan will impair services to the public, stifle incentive for new charter operators and retard the goals of the City of Gustavus and Gustavus Visitors Association, and

**BE IT FURTHER RESOLVED**, the Gustavus City Council would support a management plan that is equitable to all existing charter operators and is ecologically responsible and include provisions for new entrants.

PASSED and ADOPTED this 26th of April, 2005 by the Gustavus City Council

  
Ben Sedler, City Clerk  
*Leif Meyer*

  
Sandi Marchbanks, Mayor  
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UPDATED 05/10/2005 11:54 AM

My name is Holly Van Pelt

I am here today to voice my opposition to charter halibut IFQs. I am against this program because it does nothing to address the needs of the halibut species itself. It appears to me that as this world grows in population, more and more arguments and battles will occur as pressure increases between various interest groups over the halibut resource. I believe this is the reason why everybody is here today. It is a matter of great economic importance to both the charter fleet, the commercial fleet, the tourism industries as well as all support industries for both fleets as to who gets what chunk of the halibut pie.

We have all heard how the charter fleet is a very large economic factor to our communities. We also have to consider the issue of allowing public access to a public resource. It is for this reason that I think that this council needs to look at other methods of protecting the resource other than asking the charter fleets to bear the burden of these issues alone.

When I look at the chart demonstrating the various allocations it occurs to me that the dirty subject of halibut by-catch mortality has rarely been mentioned here. In the 2003 report of the IPHC the by-catch mortality was estimated at 12.3 million pounds. This contrasts to a total harvested sport fish catch of 9.1 million pounds.(areas from Oregon northward)

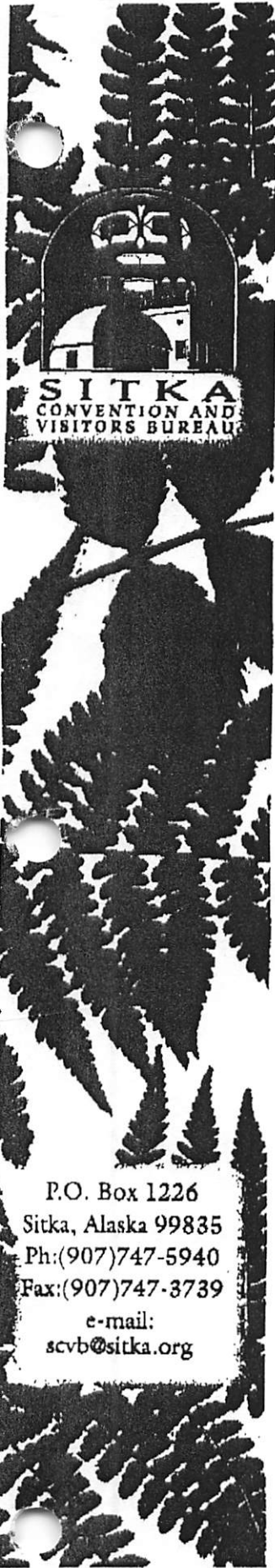
It is mind boggling to think of the value of that by-catch fish being dumped dead on our seafloors today and not on our plates, whether it originate from the commercial fleet or through a sport fishing venue. Why are the charter fleets are being picked on to bear the burden of allocation issues alone? Why don't we direct our energies to significantly reduce this by-catch mortality? Recreational fishermen have moved aggressively to educate their ranks in resource conservation. Conservation measures need to be

implemented on all fronts to protect the halibut rather than to make a move that will create devastating economic impacts while not even thinking about the well being of the fish.

Thank you for your time

Holly Van Pelt  
PO Box 3309  
Homer, AK 99603

*P/u 2 others  
I Passed out 0-16  
Rene Cook*



May 21, 2005

Mr. Scott Brylinsky  
Acting City Administrator  
City of Sitka  
100 Lincoln Street  
Sitka, AK 99835

Dear Scott:

Because the Alaska Travel Industry Association has asked its membership for a position on the North Pacific Fishery Management Council to integrate the Halibut Charter Boat Fishery into the existing Commercial IFQ system, the Sitka Convention and Visitors Bureau discussed this at the May 16, 2005, board meeting. It was agreed to investigate joining with the Sitka Charter Boat Operators Association and the McDowell Group to gather economic data that separates out the charter industry to genuinely understand its impact on the local economy.

As to date, Sitka's charter industry appears to be a vital growing force in Sitka, but is only speculated as to size and growth or potential. The Sitka Convention and Visitors Bureau board does not want to support this implementation on the IFQ issue if it could impose negative impacts to hundreds of local charter businesses until further researched facts are known and understood.

On behalf of the Sitka Convention & Visitors Bureau Board,

Sandy Lorrigan  
Sitka Convention & Visitors Bureau

P.O. Box 1226  
Sitka, Alaska 99835  
Ph:(907)747-5940  
Fax:(907)747-3739  
e-mail:  
scvb@sitka.org