

Public Testimony Sign-Up Sheet

Agenda Item C-4 Charter Halibut

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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

MEMORANDUM

TO: Council and AP Members
FROM: Chris Oliver *Chris*
Executive Director
DATE: January 29, 2007
SUBJECT: Charter Halibut Management

ESTIMATED TIME 6 HOURS All C-4 items

ACTION REQUIRED

- (a) Review report on Area 2A catch sharing plan.
- (b) Initial Review of moratorium analysis.
- (c) Review work plan for regulatory amendment package (SSC only)

BACKGROUND

Area 2A catch sharing plan

In December 2006, the Council requested a report on how the Area 2A catch sharing plan operates and how the approach may be useful to managing the charter and commercial fisheries in Areas 2C and 3A. As a first step, the staffs from the North Pacific and Pacific Councils, Alaska and Northwest Regions, and States of Washington and Alaska are scheduled to meet just prior to the Council meeting. An update on that discussion will be provided by Council staff.

Moratorium Limited Entry Analysis

Previously, the Council adopted a control date of December 9, 2005 to limit entry into the charter halibut fisheries in Areas 2C (Southeast) and 3A (Southcentral). The Pacific halibut resource is fully utilized and harvest by the charter sector is demonstrating steady growth. To provide long term stability of the charter sector and lessen the need for regulatory adjustments, the Council is considering a permanent solution to allocations between the charter and commercial sectors. In the interim, to address allocation issues between the charter and commercial sectors, the former is operating under a guideline harvest level (GHL). Harvest data since 2004 indicate that the GHLs in Area 2C have been exceeded by as much as 40 percent and have been exceeded in Area 3A by 8 percent. As part of a suite of measures to control charter harvest, the Council is considering a moratorium on entry into the charter sector.

At this meeting, the Council will review the initial draft of an analysis that examines two alternatives to limit entry into the charter fisheries. One alternative would take no action (status quo). The second alternative would implement a moratorium on entry into the charter sector, as of December 9, 2005. Permits would be issued to persons based on minimum threshold levels of participation and certain eligible communities based on maximum threshold levels of charter halibut participation in those communities. Both types of entities would be subject to use caps. The analysis was distributed on January 19, 2007; an executive summary is attached as Item C-4(b). A revised environmental assessment will be available at the meeting. If approved for public review, the Council could take final action in March/April 2007. Limited entry permits would be issued for the 2009 season, at the earliest, due to the necessary rulemaking and application/appeals process.

Work plan for revised GHL analysis

In December 2006, the Council rescinded its April 2006 preferred alternative for a 5-fish annual charter halibut limit in Area 2C to reduce harvests after receiving a recommendation by NMFS to rescind its action based on high implementation costs. This action was initially selected due to a 22 percent overage of the 1.432 M pound GHL in that area in 2004. By 2006, harvests exceeded the Area 2C GHL by more than 40 percent. The Council requested that the previous analysis to reduce charter halibut harvests to the Area 2C GHL be augmented by adding a number of proposed management measures to the original analysis. Proposed measures follow. The intent is that these measures can be additive to achieve the needed level of harvest reduction.

- 1) 1 trip per vessel per day;
- 2) no retention of halibut catch by skippers and crew;
- 3) annual catch limits of: (i) 4 halibut, (ii) 5 halibut;
- 4) 1 fish bag limit for June, July, August, or entire season;
- 5) trophy size limit for second fish of: (i) 45 inches, (ii) 50 inches, (iii) 55 inches, or (iv) 60 inches;
- 6) season closure date of: (i) August 15, (ii) August 31, (iii) September 15;
- 7) day of the week closure (pick a specific day); and/or
- 8) minimum size limit of 32 inches.

Initial review of the draft analysis is scheduled for April 2007 and final action is scheduled for June 2007. Jane DiCosimo and Jonathan King (Northern Economics) will present the work plan for preparing the analysis to the SSC (attached as Item C-4(c)), in order to get their input prior to completing the analysis for AP and Council review.

Executive Summary of Charter Halibut Limited Entry (Moratorium) Analysis

The Council is considering implementing a moratorium on new entry for halibut charter operators. If implemented, halibut guide business operators will be required to hold a permit for each vessel they use to provide their halibut charter clients with fishing trips. The permits would be issued based on historic participation in the halibut charter fishery and be endorsed for the IPHC area they may fish and the maximum number of clients they may carry. The permits will be transferable to persons meeting the U.S. ownership requirements that are under the maximum permit use cap. Eligible GOA Amendment 66 communities, through a Community Quota Entity (CQE) representing their community, could apply for additional permits, if they meet criteria for limited participation in the halibut charter fishery. The purpose of issuing permits to these communities is to provide them the opportunity to derive economic benefits from the halibut charter industry.

Alternative 1: Status quo

Status quo in the halibut charter fishery is constructed from all of the current regulations. The GHL for the charter halibut fishery sets a target charter harvest level of 1.432 M lb net weight in Area 2C and 3.65 M lb net weight in Area 3A. Removal estimates for Area 2C were 1.95 M lbs and 3A 3.69 M lbs in 2005. Landing in 2005 were 36% and 1% over the 2C and 3A GHGs, respectively. Other management measures currently in place include a two fish bag limit, 2-hook gear limit, guide registration requirements, limits on captain and crew harvests (they were prohibited from retaining halibut during part of 2006 in Area 2C), and other State and Federal management and safety requirements. Based on recent harvest amounts, the GHG has not constrained charter catches to their target level.

Perpetuating the status quo could allow the amount of halibut caught and retained on charter vessels to increase. The number of clients who take charter trips is a primary factor in determining the number of halibut retained. Clients decide whether to take a trip after considering the price of the trip, their income, the cost of other available activities that could substitute for a charter trip, and preferences for charter trips relative to other activities. Since the number of people in Alaska during the summer months has increased (both residents and non-residents) in recent years, it is likely that the demand¹ for charter trips will continue to increase. Estimates of the magnitude of increase are unavailable.

If charter harvests increase, the amount of halibut available to the Area 2C and 3A commercial halibut IFQ fisheries would be expected to decline when the CEY is constant or declining. Whether the decrease in the amount of halibut available to the IFQ fishery decreases their revenue depends on the elasticities of supply and demand. Insufficient information is available to project future allocations to the commercial IFQ fishery and the ex-vessel prices they will be paid for their catch. However, members of the commercial IFQ fleet continue to express concerns about the impact that a declining share of the fishery will have on their businesses, both in terms of QS value and profitability.

Continuing the status quo will not affect changes in net benefits derived from the fishery by commercial charter operations and the clients that take trips in the future. Charter operators will make normal profits and the utility derived by clients will not be affected. A competitive market will continue to determine the price of trips. Those charter operators willing to accept the market price will provide trips and clients willing to accept that price will take trips.

Alternative 2: Limit entry in the charter halibut fishery in Areas 2C and 3A (Moratorium)

The moratorium is intended to stabilize the number of charter vessels that may operate at one time while the Council considers if a more comprehensive effort limitation program is necessary. The effect of the moratorium is to limit the number of vessels to those "active" during the qualifying period. The proposed

¹If other factors such as income and preferences to take charter trips are unchanged.

moratorium by itself will not fully control fishing effort because the permitted fleet may react by increasing the annual number of trips per vessel or by taking more clients per trip on average.

A large segment of the charter fleet operators and commercial IFQ fishermen support implementing some form of moratorium. The Council is considering whether more comprehensive limited entry actions are needed in a follow-up amendment. Participants in the commercial IFQ fishery, as a whole, appear to be proponents of implementing stronger effort controls under future actions. Recreational fishermen and persons just entering (or wishing to enter) the charter fishery, often oppose or are less supportive of the moratorium and future actions. Winners in future allocation decisions are likely the persons that hold permits allocated under this action.

Impact of the alternatives

Permits. The proposed moratorium would allow permits to only be held by U.S. citizens or U.S. businesses with 75 percent U.S. ownership. Currently there is no U.S. ownership requirement for businesses operating halibut charter businesses. Requiring 75 percent U.S. ownership will help ensure that producer surplus generated from the halibut charter fishery will accrue to U.S. businesses. The only exception to this rule is that initial permit recipients may be “grandfathered” below the U.S. ownership level. Any transfers will need to be sold to persons meeting the U.S. ownership requirements. This rule will insure that over time the percentage of the halibut charter industry owned by U.S. businesses will increase, if permits are initially allocated to persons not meeting the U.S. ownership requirement.

The action also allows businesses to receive multiple permits if they submitted ADF&G logbooks for more than one qualifying vessel. Allowing businesses to be initially allocated multiple permits will allow those businesses to continue their historic participation patterns.

Permit would be designated for either Area 2C or Area 3A. Designating the IPHC area where a permit may be used will restrict movement of permits from one IPHC area to another and maintain the number of permits that may operate in an area. In the near term, limiting moratorium permits to a specific IPHC area is not expected to have a substantial impact on charter businesses or guided anglers. If conditions change in the fishery and clients want to take more trips in an area, the restrictions could impact the availability and price of trips. The action will not constrain effort in specific ports. Movement of permits into specific ports could increase competition at that port. Increased competition for clients could benefit guided anglers through lower prices, but increased fishing effort could impact catch rates if localized depletion of halibut results from effort increases.

Permit would be issued to registered guide business operator. The initial allocation of transferable fishing privileges is typically one of the most scrutinized and contentious aspects of a limited entry program’s design. Recipients of the initial allocation, in cases where the privilege is gifted or a small fee is charged, are considered the winners of the allocation process. Those that do not qualify for the initial allocation are considered the losers. The initial allocation is important because subsequent purchasers of the privilege would be required to pay the market price (when freely transferable), that price represents a increase in profits to initial recipients because they were not required to pay for the fishing privilege.

There are at least four different methods that could be used to initially allocate moratorium permits. The first method would be to allocate permits based on historic participation in the fishery. The time it takes to develop a limited entry program through the Council process creates opportunities for persons to enter the fishery or increase their historic participation to obtain permits. This rent-seeking behavior results in economically wasteful activities (Criddle, 2006). Trends in the number of businesses and vessels participating in the 2C and 3A charter fishery seem to reflect that notion.

A lottery could also be used to initially issue permits. Lotteries typically issue the permit to a person at no charge and have been used to allocate hunting and fishing licenses in the U.S. If a lottery was used to

allocate charter permits at no charge, the economic impacts for the winners and losers would be similar to those under allocations based on historic participation.

Auctions have been discussed in recent years as a method to create an efficient initial allocation (Morgan, 1995) and as a mechanism for the government to better control the use of the public resource while providing financial return to public owners of the resource (Macinko, 2002). From an economic perspective, auctions would provide an efficient method of allocating fishing privileges because they allocate permits to those persons who place the greatest value on them. Auctions could determine the market value of the permits and allow the Council and NMFS to determine the number of permits they want to issue and auction only that amount. Auctions that sell to the highest bidder would generate the greatest revenue for the government, but other types of auctions could also be developed that allow the government to meet the needs of persons without the financial resources to successfully bid (Macinko, 2002). Currently, the MSA does not give the Council the authority to auction permits to the highest bidder.

The final method would have the government sell permits for a fixed price. Setting the sale price is problematic. Setting the price too high could prevent persons from buying all the permits. Too low of a price would create excess demand and persons would engage in behavior to collect rents from the fishery. Like with auctions, NMFS currently does not have the authority to sell permits.

Given the current regulatory restrictions, the Council's preference is to issue the permits to licensed sport fishing businesses based on historic participation in the fishery. Because the allocation is not market based, the initial distribution of permits will likely not be as economically optimal as a market based system. Permit transfers after the initial will help redistribute the permits to those persons who value them the most.

Permit applicant would be required to sign affidavit attesting that all legal requirements were met. The goal is to encourage permit applicants to provide true and accurate information on their permit application. Additional requirements to qualify for a permit are discussed under the recordkeeping and enforcement section of this amendment. Any additional recordkeeping and reporting requirements will increase the cost of doing business for the charter operators. However, the additional costs associated with signing an affidavit should be minimal. NMFS will also incur costs associated with developing, distributing, and verifying information submitted on the affidavit. Those costs are also expected to be relatively small.

Transfers of permits (permanent) would be allowed up to use caps. Transferability facilitates the development of a market in which permits are traded. After the initial allocation of permits, market forces would determine access to the fishery. Newcomers would buy permits to enter the fishery, and retirees would be paid to leave. Competition in the market for permits ensures that those most willing or able to buy permits would eventually acquire them. For an industry such as the for-hire charter sector that is characterized by a high turnover rate, transferability of permits assumes particular importance. It would allow the more efficient operators to remain or enter the fishery while the less efficient ones would be compensated for leaving the fishery.

Permit prices reflect the profits generated from its use. Public testimony at recent Council meetings indicated that charter operators anticipate that permits will initially sell for about \$5,000. Until a competitive market for those permits is established, the actual price will be unknown. The value of permits that allow a person carry more clients is expected to sell for a higher price than a permit endorsed for fewer clients. The difference in permit prices should reflect the change in profits that can be generated by the two permits.

Leasing of permits (annual) would not be allowed. Prohibitions on leasing stem from a desire to keep persons from holding permits for the sole purpose of generating income from active participants. Tracking whether halibut charter moratorium permits are being leased may be difficult without a provision such as

owner-on-board. Those requirements may not be practical because of the structure of the halibut charter fishery.

Business arrangements used in the fishery may make it difficult to determine with certainty whether permits are being leased to a captain for a year or if the captain is working as an employee of the owner. Given the structure of business arrangements within the halibut charter industry, enforcing a prohibition on permit leases may be difficult without additional requirements.

Permit endorsement for number of clients on board would be set equal to the highest number of clients on any trip in 2004 or 2005, but not less than four. The intent of this action is to limit effort increases by restricting the number of clients a vessel may carry. Table 1 provides a summary of the number of clients that each permit allows to fish.

Table 1 Number of clients endorsed to fish by permit

IPHC Area	Maximum Clients	Option 10.1				Option 10.2			
		1 Trip	5 Trips	10 Trips	20 Trips	1 Trip	5 Trips	10 Trips	20 Trips
2C	4	319	266	225	173	319	245	193	143
	5	187	176	163	140	187	172	158	137
	6	233	228	214	183	233	225	209	178
	7+	22	19	17	13	22	19	18	13
2C Total		761	689	619	509	761	661	578	471
3A	4	144	107	84	47	144	98	75	41
	5	68	64	56	43	68	60	51	37
	6	346	337	321	293	346	335	316	281
	7+	104	103	100	98	104	103	99	96
3A Total		662	611	561	481	662	596	541	455

Source: ADF&G Bottomfish logbook data from 2004 and 2005.

Note: A total of 6 vessels in 2004 and 3 vessels in 2005 did not report information on the number of clients that were carried in IPHC Area 2C; in Area 3A a total of 19 vessels did not report the number of clients in 2004 and 6 did not report the information in 2005. Those vessels when qualified were assigned a 4-client permit. During the application, they would be given the opportunity to provide information to obtain the proper endorsement.

In Area 2C, only 6 rods are allowed to be fished at any given time on halibut charter vessels, but more than 6 clients may be on the vessels if the vessel is permitted to carry them. ADF&G staff has knowledge of vessels that carry more than 6 clients when only six lines are fished at one time. Limiting the number of clients that a vessel may carry could reduce revenues for owners that base their business plan on carrying more than 6 clients but allowing only 6 to fish at one time.

Wilen (2006) has indicated that in sport charters there are likely too many boats, taking trips at less than full capacity. This practice could result in too much effort being expended finding and catching fish. The result is that trip prices are higher than they would need to be if trips were taken at full capacity. Client anglers must then pay higher trip prices to cover those costs. The reduced "efficiency" resulting from limiting the number of clients that may be carried is borne through reductions in revenue by the holders of permits endorsed for fewer clients than they can carry.

Permits may be stacked up to the use caps. Permits may be stacked or unstacked at any time. Assigning more than one permit to a vessel increases the number of clients the vessel may carry. The number of clients the vessel may carry is equal to the aggregate number of clients endorsed on the permits assigned to the vessel. The ability to stack permits provides operators the freedom to increase the number of clients carried on one vessel. Unstacking permits allows operators to increase the number of vessels they operate but vessels on average will carry fewer clients. There may be efficiency reasons to increase the number of clients a vessel may carry. Charter business operators operating at an economic disadvantage as a result of

limits on the number of clients they may carry could stack Permits to spread the trip costs over more clients. Efficiency gains could benefit guided anglers and charter operators.

Evidence of participation is based on ADF&G logbook entry with bottomfish statistical area, rods, or boat hours. Because the initial allocation of permits is based on historic participation, a data set that contains participation history of the vessels and businesses in the charter fleet is needed. After considering all data sources available, the Council concluded the best source of participation data for the halibut charter fishery is ADF&G Saltwater Logbooks with bottomfish activity. While ADF&G Saltwater Logbooks are not designed to allow halibut data to be separated from other bottomfish data, they represent the most complete and accurate data available for recent participation.

Qualification period defines the participation requirements for a permit. The Council is currently considering two options. Both options are based on the catch history of vessels operating in the saltwater bottomfish fishery as reported in Saltwater Logbooks. Both options require a minimum number of trips during 2004 or 2005 and in the year prior to implementation of the program. The minimum trip requirements under consideration are 1, 5, 10 or 20 trips. *The two options differ in how the number of trips is calculated for businesses with multiple vessels that individually do not meet the minimum trip requirement.* Option 10.1 allows all the trips by vessels for which the business submitted logbooks to be included in the number of trips calculation; while Option 10.2 separates the trips of vessels that qualify based on their own activity and those that do not. This calculation would award permits for vessels that individually meet the minimum number of trips and for vessels that collectively meet the minimum requirement.

Option 10.1: Each licensed guide business owner(s) who reported a minimum of 1, 5, 10, or 20 bottomfish logbook trips during 2004 or 2005 and the year prior to implementation would be issued a permit(s) based on the number of trips summed for all vessels in his best year of the qualification period, unless an unavoidable circumstance occurred. A business would be limited to the number of permits equal to the highest number of vessels used in any one year during the qualifying period.²

Option 10.2: Each licensed guide business owner(s) who reported a minimum of 1, 5, 10, or 20 bottomfish logbook trips during 2004 or 2005 and the year prior to implementation would be issued a permit(s) for each vessel based on the number of trips in his best year during the qualification period, unless an unavoidable circumstance occurred. Trips by vessels operated by a licensed guide business owner that do not individually meet qualification criteria may be combined to meet the criteria. A business would be limited to the number of permits equal to the highest number of vessels used in any one year during the qualifying period.³

²Example: A business owner operated 3 vessels with 6, 10, and 8 trips, respectively (summed trips = 24) in his best qualifying year. He would be issued 1 permit under a 20 trip minimum ($24/20 = 1$); 2 permits under a 10 trip minimum ($24/10 = 2$); or 3 permits under a 5 trip minimum ($24/5 = 4$, but the maximum number of vessels in that year is 3).

³Example: Under a 5-trip threshold, a vessel with 10 trips generates 1 permit; second and third vessels with 3 trips combined earn 1 permit by combining their trips.

Table 2 provides an estimate of the number of permits that would be issued to qualified businesses under the two options. Information is also presented for the number of unique logbooks that were submitted in 2005 and the number of businesses that submitted those logbooks. The maximum number of permits a business may be issued is equal to the maximum number of logbooks that were submitted in a year (2004 or 2005) by the business.

Table 2 Estimated number of permits that would be issued and the number of businesses receiving the permits

Minimum Number of Trips Required to Qualify	Option 10.1		Option 10.2	
	Permits	Businesses	Permits	Businesses
AREA 2C				
2005 Participation	654	381		
1 or More Trips	761	446	761	446
5 or More Trips	689	380	661	380
10 or More Trips	619	327	578	327
20 or More Trips	509	255	471	255
AREA 3A				
2005 Participation	567	450		
1 or More Trips	662	520	662	520
5 or More Trips	611	471	596	471
10 or More Trips	561	426	541	426
20 or More Trips	481	360	455	360

Source: ADF&G Bottomfish Logbook data, 2004 and 2005.

Note: The numbers reported in this table represent the maximum number that could qualify if everyone represented in this table meets the additional qualification requirement of fishing in the year prior to Council action.

In IPHC Area 2C during 2005, a total of 381 businesses submitted entries from 654 different logbooks. In Area 3A, 450 businesses submitted reports from 567 logbooks. Based on the qualification criterion being considered by the Council, between 471 (at 20 or more trips) and 761 (at 1 or more trips) permits could be issued in Area 2C. Between 455 (at 20 or more trips) and 662 (at 1 or more trips) permits could be issued in Area 3A. These estimates do not take into account the minimum trip requirement in the year prior to implementation of the program, because those data are unavailable. So, these estimates represent the maximum number of permits that would be issued.

More permits would be issued under the 1 or 5 trip alternatives than logbook entries submitted in 2005. Fewer permits would be issued under the 10 and 20 trip requirements. Because the table does not take into account participation in the year prior to implementation, it is possible that a requirement of 5 or more trips could reduce the number of permits below 2005 participation levels. However, it is unlikely that the 1-trip requirement would reduce the number of permits to that level.

The number of businesses does not change under the two options at comparable trip level requirements. More permits are issued under Option 10.1 because all the trips for the business are summed to determine which vessels qualify. Under Option 10.2 only the vessels that do not qualify with their own history may combine their trips to qualify. The additional number of permits issued in Area 2C under Option 10.1 is 28, 41, and 38 at the 5, 10, and 20-trip level, respectively. In Area 3A, the change is smaller. It ranges from 15 at the 5-trip level up to 26 at the 20-trip level.

Under a one-trip requirement for a permit, the difference in the number of permits allocated permits versus fished in 2005 is about 100. A one-trip requirement would allow capacity (in terms of vessels and client trips) to expand over historic levels. A five-trip requirement would allow up to 35 more vessels to operate in 2C and 44 more vessels in 3A than operated in 2005. A 10-trip requirement would decrease the number of vessels that could operate in 2C and 3A below 2005 levels. The decrease is 35 to 76 vessels in 2C and 6 to 26 vessels in 3A. A 20-trip requirement in area 2C, decrease the number of vessels by

approximately 145 to 183, depending on the option selected. In 3A, the decrease is 86 to 112 vessels, depending on the option selected. A decrease in the number of vessels does not mean the total number of clients would decline. For example, in 2004, the average 2C charter carried 3.5 paying clients. In 3A, the average charter carried 5.16 clients. Given the number of clients endorsed for permits in those areas, it appears that more clients could be carried at the 10-trip requirement than fished in 2005.

The average number of clients that each qualified vessel would need to carry to reach 2005 participation levels ranges from 27 to 57, depending on the alternative selected. If a vessel carries an average of 4 clients per trip (a conservative assumption), each qualified vessel would need to take 7 to 15 trips per year to carry the number of clients that took charters in 2005. Since the charter season lasts approximately 100 days, a sufficient number of vessels appear to qualify to meet current client demand. However, there may be specific times of the year when client demand for trips exceed supply at the prevailing trip price.

Information that is currently available does not allow a formal study of the economic impacts that the charter sector has on regions or communities to be conducted. Information on charter operator's expenditures in the various communities and the products purchased, expenditures by clients as a result of taking the charter trip, and the dollars that flow to the community in terms wages and profits would be required. Collecting that information is outside the scope of this analysis.

Charter fisheries impact the economies of communities by providing jobs and increasing sales. The sales generate income for charter operations and secondary businesses and tax revenue for local, State, and Federal governments. The number of jobs and expenditures cannot be estimated in this analysis. However, the communities that have the most active charter industry would be expected to realize the most benefits.

Because the halibut resource is fully utilized, increases in charter harvests decrease the amount of halibut available to the commercial IFQ fishery. Communities that are dependent on the commercial IFQ fishery could be worse off if the charter fishery increased harvests, but the actual impacts cannot be quantified.

Changes in the number of qualified vessels that ended a trip in a specified community seems to indicate that selecting a 20-trip requirement would impact Area 2C more than Area 3A. Auke Bay, Petersburg, Sitka, and Ketchikan would realize substantial reductions in the number of permits landing in their community when compared to the 1-trip option. Many of these same communities are also active in the commercial IFQ fishery. However, because the overall amount of halibut taken by the charter fleet in Area 2C is not expected to decline, these communities could lose jobs and revenues from both the commercial and charter sectors as a result of implementing a more restrictive moratorium.

Use caps are being considered at the 1, 5, and 10 permit levels. A grandfather provision, if selected, would allow the businesses to operate at historic levels. The American Fisheries Act (AFA) 10 percent ownership rule for affiliation will be applied to determine the number of permits associated with an entity under the use cap.

Use caps limit the number of moratorium permits that may be held or used by an eligible halibut charter operator. Use caps may not be exceeded unless the entity subject to the use cap is specifically allowed to exceed a cap according to the criteria established by the grandfather provision. The caps apply to both the number of permits that a person may hold (own, lease, or control through a business arrangement) or use because NMFS Restricted Access management Division will not issue permits in excess of those allowed to be used.

Table 3 shows the maximum number of businesses that would be grandfathered under each of the alternatives being considered. These businesses would not be allowed to purchase additional permits until they are below the use cap. Restricting these owners from buying permits could reduce the permit price, by eliminating efficient businesses from the market. As the number of trips required increases, the number of entities that would be grandfathered tends to decrease.

Table 3 Number of businesses grandfathered at various use caps

Number of Businesses Grandfathered	Option 10.1		Option 10.2	
	2C	3A	2C	3A
1 Trip				
Option 1 (2+ Permits)	116	85	116	85
Option 2 (6+ Permits)	16	2	16	2
Option 3 (11+ Permits)	5	0	5	0
5 Trips				
Option 1 (2+ Permits)	112	84	101	78
Option 2 (6+ Permits)	16	2	15	2
Option 3 (11+ Permits)	5	0	5	0
10 Trips				
Option 1 (2+ Permits)	100	80	84	73
Option 2 (6+ Permits)	16	2	13	2
Option 3 (11+ Permits)	4	0	5	0
20 Trips				
Option 1 (2+ Permits)	81	73	69	63
Option 2 (6+ Permits)	14	2	11	1
Option 3 (11+ Permits)	2	0	1	0

Source: ADF&G Bottomfish Logbooks, 2004 and 2005.

Note: This table represents the maximum number of businesses that could be grandfathered. It assumes all vessels that qualified for a permit based on 2004 or 2005 activity would also have sufficient activity in the year prior to implementation to qualify.

The 10% ownership rule was used in the AFA to define an entity. The AFA definition states that any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity they shall be considered to be the same entity. The AFA definition will also be used to determine the permits associated with an entity under the use cap. NMFS will need to collect information to determine the ownership structure of businesses. Businesses will also be required to notify NMFS any time their ownership structure changes. This information will be held by NMFS as confidential information and not released to the general public.

It is assumed that most persons gaining permits through transfer are efficient charter operators. Constraining the most efficient operators' use of permits is expected to reduce producer surplus of charter businesses. Consumer surplus could also be reduced if these operators could have provided trips that generate more client utility than other businesses. However, the MSA directs Councils to ensure that entities do not control an excessive share of a fishery. A cost of ensuring that no one entity controls an excessive share of the fishery is the potential of reduced net benefits.

Communities are addressed under Alternative 2, Issue 12. Issue 12 includes provisions which specifically provide for small, rural community participation in the halibut charter limited entry program. Communities in Area 2C and 3A that meet the criteria selected will be eligible to request a specified number of non-transferable halibut charter limited entry permits from NMFS at no cost, similar to businesses that initially qualify to receive a permit under the general program.

Recognizing that substantial growth in the charter industry has been limited to relatively few larger communities in Area 2C and 3A, businesses in these communities would likely receive the majority of limited entry permits allocated under the proposed moratorium program. The community provisions under Issue 12 are intended to remove a new economic barrier (cost of the halibut charter permit) for small communities with undeveloped or under-developed charter industries to participate in the halibut charter industry. The ultimate intent is to encourage and support existing or new businesses to operate out of small rural communities in Area 2C and 3A that have under-developed halibut charter industries.

The beneficiary of the community provisions (i.e., holder of the charter halibut permit) is the Community Quota Entity (CQE) representing an eligible community. A CQE is a non-profit entity originally established under GOA Amendment 66, formed by the community in order to participate in the commercial halibut and sablefish IFQ program. In effect, the CQE would be issued the permit and would designate a skipper with a USCG license to take clients halibut charter fishing, similar to any other business.

Under Issue 12, depending on the eligibility criteria selected, a range of 13 - 19 Area 2C communities and 10 - 14 Area 3A communities would qualify to receive halibut charter permits, for a total of 23 - 33 communities. (Note that these communities must also form CQEs to participate, only 7 of which have been formed in Area 2C and Area 3A to-date.) Depending on the use caps selected for the number of requested permits, a maximum of 39 - 133 permits could be issued to CQEs in Area 2C and 50 - 210 permits in Area 3A. This equates to potentially 5% - 12% more Area 2C permits than the estimated pool created under the general moratorium program under a 1-trip minimum participation threshold, or 11% - 26% more permits under a 20-trip threshold. In Area 3A, this equates to potentially 8% - 23% more Area 3A permits than the estimated pool created under the general moratorium program under a 1-trip minimum participation threshold, or 15% - 44% more permits under a 20-trip threshold.

A summary of the effects of Issue 12 is provided in Section 2.5.12.5. Creating additional permits to be held by CQEs would conflict in part with the goal to limit new effort in the charter halibut sector, and could potentially result in further negative impacts on the commercial halibut sector and the communities that benefit from the commercial fishery. This effect may be partially offset by the number of permits issued under the general charter moratorium program, which depends on the qualification criteria selected. In general, it is a policy decision by the Council to determine the appropriate number of permits created for use by CQEs, in order to balance the dual goals of limiting entry and reducing an economic barrier to future access for small, rural communities.

The market for charter permits could be affected by the provision to allow CQEs to hold charter permits, as charter operators seeking to enter the fishery may choose to apply for use of a permit through the community CQE as an alternative to purchasing their own permit. While the pool of potential buyers may be reduced, the number of permits available for sale on the open market would not be affected (CQE requested permits are not transferable), which may result in downward pressure on the price of permits for charter operators seeking to purchase a permit. This would affect both the existing charter sector and new entrants into the fishery.

The existing charter sector could also be affected by an influx of new or expanded charter operations through CQE permits, depending upon the level of participation by rural communities. If the CQE uses the permit in its member community, charter operators in other communities may not be substantially affected, even with the overall increase in competition. However, there may be some negative effects on existing charter operators in the Amendment 66 communities, as they realize increased competition within their community. In part, the eligibility criteria are intended to exclude Amendment 66 communities whose charter halibut market is already relatively developed or saturated.

While it may be unlikely, it is possible under the rules of the program for a CQE to determine that retaining a skipper who operates out of a different community is in the community's best interest. Although this approach could still result in some benefits to the community, the effect could thus be that instead of supporting new businesses operating out of rural communities, the program could support additional businesses operating out of the most common ports of landing. The Council could alternatively choose to require that the charter business using the CQE's halibut charter permit operate out of the community represented by the CQE.

Guided anglers may benefit from an overall increase in the supply of charter opportunities and the geographic diversity of charter operations available in rural areas through the CQE permits. An increased supply of permits may also result in downward pressure on the price of a charter trip for a guided angler.

The implementation of this provision is anticipated to maintain access to the halibut charter fishery, and an associated fisheries-based economic structure, for specified small, rural communities. CQE-held charter permits may enable residents from these communities, or residents of other communities, to participate in a fishery from which they might otherwise be excluded due to the cost of purchasing a permit.

Management and Enforcement Issues

Permit issuance To qualify for a halibut charter moratorium permit, a person must demonstrate a minimum number of bottomfishing trips as reported in the ADF&G logbook in 2004 or 2005 and the year prior to implementation. For this reason, NMFS will need access to the person's historical logbook and business information to determine the number of permits issued and associated client and area endorsements. A current State of Alaska statute prevents direct access of ADF&G logbook or ADF&G business license information by NMFS or NOAA Office of Law Enforcement (OLE). Federal access to these sources of information would require the State of Alaska legislature to amend the State confidentiality statute.

At the December 2006 Council meeting, ADF&G indicated that it is seeking a legislative change to the confidentiality statute during the 2007 legislative session. If the legislative change is not adequate or fails to pass the State of Alaska Legislature prior to the application period for the moratorium, NMFS would need to obtain charter business and logbook information directly from permit applicants. This option is much less desirable than the direct access provided by a statutory change because it increases the burden on both the operator and agencies, and does not allow NMFS to contact persons with eligible catch history.

Persons applying for a charter moratorium permit would be required to provide a complete application to NMFS during a designated application period which would not be less than a 90-day period. Applicants who have made claims that are inconsistent with the logbook record will be provided an evidentiary period of 60 days. Upon expiration of the 60-day evidentiary period, an Initial Administrative Decision (IAD) that either grants or denies the applicant a moratorium permit will be issued by the Regional Administrator. An applicant may appeal the IAD through the NOAA Office of Administrative Appeals (OAA).

Appeals Permit applicants that are denied a moratorium permit or transfer may appeal the IAD through the OAA. Alternative 2 would allow persons to obtain a permit through the appeals process if they experienced situations involving "unavoidable circumstances" with explicit inclusion of medical emergencies, constructive losses, and military service. Because these hardships are difficult to define, a discussion about the specific types of unavoidable circumstances is discussed in detail below.

Medical hardships: The Council could recognize an exception for documented medical or psychological conditions that prevented a business owner who would have otherwise met certain qualification criteria from fishing or hiring an operator to fish the vessel. The Council could also recognize a more lenient version of a medical hardship that would recognize hardships as documented conditions associated with the business owner, family member, or operator (guide) that effectively kept the business owner from fishing a vessel, without regard to whether an operator could have been hired to operate the vessel. The Council should indicate the extent of the medical hardship situations that could be appealed.

Constructive loss: The extent of a constructive loss could be more inclusive than a loss of such significance that the cost of restoring damaged property would exceed its value after restoration. A more inclusive definition would include not only vessel destruction or sinking, but also unavailability due to repairs, maintenance, conversions, or construction. This type of constructive loss would exclude unavailability that was avoidable. The Council should indicate the extent of the constructive loss situations that could be appealed.

Other hardships: The following criteria used for the groundfish LLP program would provide guidance to OAA about the types of hardship claims to consider: (1) the condition or circumstances were unforeseeable and unavoidable; (2) the condition or circumstance were severe enough to have kept the applicant from using the vessel either personally or by obtaining an operator; (3) the applicant did everything reasonable under the circumstances to overcome the condition or circumstance; (4) the hardship circumstance must be unique to a vessel and/or appellant.

Finally, for all hardships claims (included medical and constructive losses) there would need to be some indication that but for the hardship condition, the owner would have operated the vessel.

The Council should also indicate its preference for the issuance of interim permits to an appellant. Interim permits allow an appellant to fish while an appeals case is being reviewed. The disadvantage to not issuing interim permits is that persons with justifiable hardship claims may not be able to operate during the appeals process. The Council should indicate its preference for the issuance of interim permits to an appellant.

The number of unavoidable circumstance claims would likely be linked with the level at which the Council sets the minimum qualification criteria and the scope of unavoidable circumstances allowed by regulation. A more restrictive qualification criterion would increase the number of persons that may appeal because they did not have the necessary qualifying history.

Business ownership information Alternative 2 specifies that all persons receiving a moratorium permit either through initial qualification or transfer would need to meet a 10 percent rule of affiliation that is similar to the one promulgated under the American Fisheries Act. Persons would need to annually disclose affiliation and ownership through an application and affidavit to NMFS. Enforcement of this provision would require NMFS to have the authority to suspend a permit until the business provides the necessary annual documentation. The application would require disclosure of the applicants name, signature, business tax ID (to aid in enforcement), business mailing address, business telephone number, business e-mail, name of the managing company, and declaration of US citizenship.

Persons transferring a permit would need to complete a notarized application containing contact information and business ownership information, as well as signing an affidavit declaring U.S. citizenship, meeting the business ownership requirements, and attesting that the information on the application is true, accurate, and complete. NMFS will electronically track permit holders and insure permits are not issued to a person in excess of the use caps.

Leasing prohibition Private business arrangements are extremely difficult for NOAA OLE to enforce because documentation is often not available, and a large amount of enforcement resources are required to prosecute leasing situations. In many cases, a charter business may hire a captain to take clients fishing. Contracts with captains are business arrangements that can extend within a year, or over a number of years, and may be terminated at any time. These business arrangements make it difficult to determine with certainty whether permits are being leased to a captain for a year or if the captain is working as an employee if the owner.

Given the problems associated with enforcing the no lease provision, the Council should consider requiring a permit holder to authorize permit users and limit the number permits an authorized person could use. This limit would prevent non-permit holders from exceeding the use cap through a business arrangement that is applied to permit holders. The number of persons authorized to use a permit could be reduced by requiring authorized users to be a registered guide with ADF&G, having USCG operator license, and being a U.S. citizen. The most restrictive measure would be to require an ADF&G guide license. Section 2.6.3 provides a detailed description of the purpose and enforcement concerns associated with the leasing provision.

Enforcement of client endorsement Several enforcement options were considered by NMFS, including limiting the number of clients onboard the vessel, line limits, and limiting the total number of halibut that may be harvested. Enforcement based on the number of harvested halibut is most desirable because it provides a high level of accountability at sea, at the dock, and post season. The client endorsement would be linked to the collective daily bag limit associated with the number of charter anglers endorsed on the moratorium permit or aboard the vessel; whichever provides for the fewest halibut. For the regulation to be enforceable, the number of harvested halibut on the vessel should not exceed the client endorsement through the "gifting" of skipper and crew fish. For this reason, retention of halibut by skipper and crew needs to be eliminated or controlled by limiting the total number of harvested halibut allowed on a vessel to the collective bag limit for the number of clients (up to the use cap) onboard the vessel. Section 2.6.4.1 provides an analysis of enforcement issues considered for the client endorsement.

Community Quota Entity (CQE) In addition to meeting CQE qualification requirements, a CQE would also need to meet the minimum qualification criteria. In evaluating whether a CQE is qualified to receive a moratorium permit, NMFS would use the ADF&G logbook data to determine if the community met the trip criteria selected at final action. Direct access to the logbook is the most efficient method for NMFS to determine qualified CQEs, as well as notify qualified CQEs that they may apply for a moratorium permit(s). The annual renewal requirement would require agency resources to track logbook information for CQEs initially receiving a permit.

Regulations describing the CQE program are currently only applicable to the commercial IFQ Program, but could be modified to incorporate the charter halibut moratorium permit. The information that the Council may want to consider requiring under the moratorium program falls into two categories: 1) information NMFS would require of a CQE in a request for a charter permit(s); and 2) annual information NMFS would require related to the use of the charter permit by the CQE. The types of information the NMFS may require for a CQE permit request include the name of CQE and the communities it represents; authorized permit users; an explanation of how the CQE intends to use and manage the permit on behalf of the communities it represents; and a statement that explains the procedures that will be used to solicit requests to use the permit held by the CQE, and that sets out the criteria and procedures used to select from among those who have expressed a desire to use the permit. The types of information that NMFS could require be added to a CQE's annual report include the number of charter permits held and/or used; name and address (residence) of captain retained to use permit (& crew if any); name and ownership information about vessels used; number of trips during season; and port of landings

Administrative costs The moratorium program will increase administrative and enforcement burdens on agency resources. This burden can be translated into costs imposed on the agency that include the hiring of new staff or the redirection of current staff resources. Redirection of staff resources would reduce the ability of the agency to administer current management programs and enforcement activities. To provide adequate enforcement coverage for the charter fishery, NOAA OLE would need to have an enforcement presence and administrative support for the following communities: Petersburg, Sitka, Juneau, Anchorage, Homer, and Seward. The annual cost for seven officers is approximately \$1,050,000 and one full time attorney (GS-11) at an annual cost of \$100,000 would also be required to prosecute permit violations. In addition to the enforcement costs, annual administrative costs associated with administering the program is estimated to be \$78,500. Section 2.6.6 provides a detailed assessment of the program costs.

Future logbook requirements The Council is considering long-term management options that would utilize the charter limited entry program to establish a group of persons qualified for a limited access program in the future. For this reason, it may be desirable to collect catch and effort information that is specific to each moratorium permit. The current State of Alaska logbook could be used to collect moratorium-specific information if it is modified to record catch associated with each moratorium permit. The scope of this change is currently unknown.

Limiting Area 2C Charter Halibut ■ Harvests- Proposed Analytical Methods

Presentation to

**North Pacific Fishery Management Council
Science and Statistical Committee**

Jonathan King

February 2007


northern@conomics

■ Presentation Purpose


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We want to discuss methods for estimating the effect of proposed options to limit charter halibut harvests in Area 2C.

There are significant data limitations with this analysis just as there were significant limitations with the March 2006 EA/RIR/IRFA on limiting charter halibut harvests in Areas 2C and 3A.

Conversation not just presentation. We need your feedback.

Proposed Management Measures

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1. **1 trip per vessel per day**
2. **No retention by skipper or crew**
3. **Annual catch limits**
4/5 halibut
4. **1 fish bag limit**
June/July/August/Entire Season
5. **Trophy Size Limit**
Applies to 2nd fish at 45/50/55/60 inches
6. **Season Closure Dates**
8/15,8/31,9/15
7. **Day of Week Closure**
8. **Minimum Size Limit of 32 Inches**

1 Trip per Vessel per Day

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Measure

- ▣ Restricts vessels to one trip per day
- ▣ Previously analyzed in the March 2006 EA/RIR/IRFA

Data/Methods

- ▣ Prior analysis merged 2004 harvest data with the percentage of trips that were the second trip of the day (from logbook data) and estimates of harvest savings if the less successful trip or average trip were dropped.
- ▣ This analysis will again use that methodology with updated data.

Status/Challenges

- ▣ We are awaiting ADF&G estimates of 2006 trips that were the second trip of the day.

No Retention by Skipper and Crew


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Measure

- ▣ Bans the retention of halibut by skipper and crew while on charter trips. In 2006 retention was banned by EO.
- ▣ Previously analyzed in the March 2006 EA/RIR/IRFA

Data/Methods

- ▣ We will include this measure as part of the status quo for other options.
- ▣ Our prior estimates of a 3.3 percent to 4.5 percent reduction are based on 1999-2001 logbook data and 2004 harvest estimates. We anticipate following a similar methodology.
- ▣ ADF&G has estimated an approximately 4 percent savings in 2006 from the EO.

Annual Catch Limits


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Measure

- ▣ Two sub-options limit anglers to an annual limit of 4 or 5 fish
- ▣ Similar options analyzed in the March 2006 EA/RIR/IRFA

Data/Methods

- ▣ Our prior analysis relied on ADF&G estimates based on data from the 1996-2004 SWHS.

Status/Challenges

- ▣ 2006 SWHS is not yet complete. Analysis will have to rely on prior years or averages of prior years.

Annual Trip Limit Example

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Year	Pacific Halibut Harvested per Angler per Year (n)	Estimates for One-angler Households			Weighted Estimates As a % of All Households	
		Harvest due to n^{th} fish in bag (%)	Anglers harvesting n or more fish (%)	Harvest Reduction by a n^{th} fish limit (%)	Harvest due to n^{th} fish in bag (%)	Harvest Reduction by a n^{th} fish limit (%)
2004	4	13.20%	21.15%	28.31%	8.7%	18.6%
	5	9.8%	15.9%	18.5%	6.4%	12.2%
	6	7.9%	12.7%	10.6%	5.2%	7.0%

▪ Example from 3/06 EA/RIR/IRFA estimating an upper limit of a 7 percent reduction from a six-fish bag limit. A four fish limit would have reduced harvest by approximately 18.6 percent

▪ We expect to update with 2005 data, but would like input from the SSC as to what sort of range they would like to see from estimates.

1 Fish Bag Limit

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Measure

- Four sub-options would institute a limit in June, July, August, or for the entire season.

Data/Methods

- New analysis that will be based on 2006 logbook data through November 15th, 2006.
- Early ADF&G estimates are currently available

Status/Challenges

- ADF&G estimates assume no change in mean weight and no change in effort. Hence, these estimates represent the maximum reduction.
- On the other hand, it is possible that overall effort might decline in response to basic change in the bag limit.
- We expect that this management measure will have the broadest reaching economic effects on the charter industry of the measures currently under consideration.

Preliminary Bag Limit Estimates

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Area 2C					
Month	Harvest of "First" Fish	Harvest of "Second" Fish	Total Harvest	Second Fish %	
Jan	0	0	0		
Feb	4	0	4	0.0%	
Mar	15	10	25	0.0%	
Apr	19	12	31	0.0%	
May	3,734	2,019	5,753	1.8%	
Jun	17,361	11,131	28,492	10.1%	
Jul	23,166	16,060	39,226	14.5%	
Aug	19,802	13,313	33,115	12.0%	
Sep	2,525	1,534	4,059	1.4%	
Oct	15	14	29	0.0%	
Nov	0	0	0		
Dec	0	0	0		
Total	66,641	44,093	110,734	39.8%	

- Early estimates indicate that a 40 percent reduction would require a one-fish bag limit throughout the entire season not accounting for high-grading
- These estimates also do not include expected effects on other state-managed species.

Trophy Size Limit

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Measure

- The measure establishes a trophy size limit for second fish of 45 inches, 50 inches, 55 inches, or 60 inches.

Data/Methods

- New analysis that will be based on 2006 port sampling survey data and estimates of harvest mortality.
- Early ADF&G estimates are currently available

Status/Challenges

- Early ADF&G estimates are optimistic predictions not likely to achieve reduction equivalent to estimates because of high-grading and release mortality.
- We assume that the first fish could be of any size.

Preliminary Trophy Limit Estimates

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Minimum Length	Estimated Round Weight (lbs)	Proportion of 2006 charter harvest below target weight by weight	Proportion of "second" fish	Expected Harvested Reduction if Minimum is on the Second Fish
45	43	54.2%	39.8%	21.6%
50	60	64.6%	39.8%	25.7%
55	82	75.3%	39.8%	30.0%
60	109	85.2%	39.8%	33.9%

- The trophy fish limit is a variant on the 1 fish bag limit. The higher the minimum length for the trophy fish the closer this management measure comes to being a one-fish bag limit with the exception of the increased mortality related to continuing to fish for that second fish.
- These estimates do not currently include harvest mortality adjustments.

Season Closure Date

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Measure

- Three sub-options closing the fishery on Aug. 15, Aug. 31st, or Sept. 15th.

Data/Methods

- New analysis relying on ADF&G estimates based on 2006 logbook data.
- These estimates are not currently available, but early indications are that the estimates will be similar to those provided by IPHC Staff earlier this year. These estimates indicate the Aug. 31st/September 15th closures would result in a less than 1 percent savings. The Aug. 15th closure would add a roughly 5 percent savings.

Status/Challenges

- Such a restriction is most likely to affect anglers with the least flexibility in their schedules (e.g., cruise passengers). Hence, key questions are:
 - What portion of charter anglers are cruise passengers?
 - What portion of those would change their cruise to harvest halibut?
 - What portion of local effort would adapt to the management measure?

Weekday Closures



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Measure

- ▣ Measure would close a selected weekday or combination of weekdays.

Data/Methods

- ▣ New analysis based on 2006 logbook data. This analysis has not yet been completed, but ADF&G concurs with 2007 IPHC estimates which suggested an approximately five percent for a one day closure.

Status/Challenges

- ▣ We expect a shift in angler effort to open days. The current estimates do not account for that expected shift. We have a priori expectations that the long-term effect of these types of closures will be diluted by excess capacity until enough days are closed to remove excess capacity relative to demand.
- ▣ The clients most likely to be affected are those that can't shift days (e.g., cruise passengers).

Minimum Size Limits



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Measure

- ▣ Measure would ban the retention of all halibut less than 32" long.

Data/Methods

- ▣ New analysis which we will base on ADF&G analysis from 2006 creel/port sampling data. Analysis currently indicates that 23% of the current 2C harvest by weight fall below the minimum size limit.

Status/Challenges

- ▣ Potential for increased mortality in released fish.
- ▣ Certain increase in average harvest weight.

Preliminary Minimum Size Limits Estimates

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Proportion of Harvest Below 32 Inches

Area 2C

Fishery Component	No. Fish	Yield (lb)
Charter	48%	23%
Non-charter	61%	30%
Overall	53%	26%

- Preliminary estimates indicate that 23 percent of Area 2C harvest by weight is from less than 32" in length.
- These estimates do not currently include harvest mortality adjustments.

Additional Analytical Issues

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Dilution and Adaptation

- Many of the management measures can be circumvented by changes in behavior.

Paucity of data on market segments

- Cruise industry/non-cruise visitors/local anglers

Additive Effects

- It is clear that the effects of many of these options are not simply additive.



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Facsimile 907-247-7255
info@alaskasbestlodge.com

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JAN - 8 2007

N.P.F.M.C.

January 2, 2007

North Pacific Fishery Management Council
605 West 4th Avenue,
Suite 306
Anchorage, AK 99501-2252

By Fax: 907-271-2817

Re: Support for Guided Sport (Charter) IFQ as a Permanent Solution to GHL overages

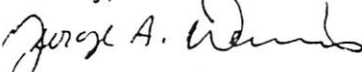
Dear Council Members,

I am the operator of a 37' charter vessel out of Sportsman's Cove Lodge on Prince of Wales Island in Regulatory Area 2C. I feel the real solution to GHL overages in Area 2C and 3A is to implement the halibut charter IFQ program that was approved in 2001, with amendments to resolve some of the recency issues.

- The commercial sector has generally stayed within its catch limit since IFQs were implemented. It only stands to reason that the sport charter fishery would also stay within its catch limit under an IFQ system.
- ADF&G logbook data will support an IFQ program using bottom fishing effort as a proxy during the years that halibut numbers were not recorded.
- IFQs are a modern, proactive and precise method of managing the fishery, a scientific and proven system of effectively regulating the fishery for a large user group. Not only has the resource benefited from commercial IFQs, but fishermen have also prospered.
- Managing the charter halibut fishery by GHL as is currently being done is injurious not only to the resource, but also to both the commercial fishery and the guided sport industry.
- While the use of other charter share-based allocation systems such as "Client/Days" or "Angler Permits" is a step in the right direction, no other program other than IFQs, offers the precision for management and the flexibility for the user.
- Until IFQs are implemented for the sport halibut charter fleet, there will continue to be "management by crisis" which has serious implications for the resource as well as the economic welfare of the region.
- Time is of the essence. IFQs are not a new concept. A template and infrastructure is already in place for the commercial setline fishery, which can accommodate the guided sport industry as well.

The halibut fisheries, both sport and commercial, need a permanent solution to the GHL overages as soon as possible. The quickest and best path toward a permanent solution is through an IFQ system for the guided sport halibut industry.

Sincerely,


George A. Dennis

P. O. Box 785
Sterling, Alaska 99672

January 18, 2007

North Pacific Fishery Management Council
605 West 4th Street
Suite 306
Anchorage, Alaska 99501

RECEIVED

JAN 23 2007

N.P.F.M.C.

Dear Sirs:

I am a 75 year old resident that loves to fish, but because of my age, I need assistance. I do not have a family member that can go halibut fishing with me, therefore, I need to use charters. I am on a limited budget, and if you lower the limit and the number of fish I can take from a charter, I will not be able to obtain enough halibut to last me a year. When the use of proxy was taken away, it created a hardship for me as my partner is in ill health and not able to fish. Please do not make obtaining enough of my favorite food even more difficult to obtain..

Thank you



Ellen Sherman

Fax (907) 271-2817

North Pacific Mgt. Council

RECORDED

JAN 2 2007

Karen L. Johnson
419 VERSTOVIA AVE.
SITKA, AK 99835

N.P.F.M.C.

Jan 20, 2007

Hello and thank-you for taking the time to consider what I will call a plea for help. I will try to keep this as brief as possible but you must understand a lot of history is involved. My name is Karen L. Johnson and I live in Sitka, AK. Where I was born and raised. I grew up fishing since I was 6 on my Mom & Dad's boat with the whole family aboard (2 sisters and a brother). We trolled, salmon-seined, and longlined for halibut. We watched as each fishery evolved, as they should, to keep them healthy for future generations. It was painful when halibut IFQ's were implemented, we were not big IFQ holders by any means but we realized something had to be done and since no other viable solution was offered we adjusted to what was decided. As I said, something had to be done and waiting for some miracle that would make everyone happy would have damaged the fishery.

I am now 40 and a single mother of a terrific son. I still fish and have bought my first IFQ's years ago. Since then my Mom & Dad passed the IFQ's they earned from the early years on to me and I plan on keeping them in the family. They represent something so important I probably can't explain it well enough. Our family worked together for them, we understood their significance (when issued as IFQ's) and we knew we had to do our part to keep the resource strong so the significance would not be lost.

Now finally to my point, I am a commercial fisherman, for years now I've written letters and even traveled to testify (I'm not a public speaker) on the behalf of my family, the resources, and many in my community regarding an un-checked sport charter industry. This controversy is nothing new, and instead of solutions coming from all this battling there is nothing but a growing fleet of charter boats exceeding their GHL and refusing to accept their own responsibility towards preserving the resource for everyone.

I testified in Anchorage back in the early 90's about these

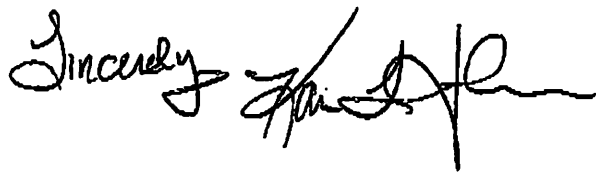
Concerns and was disturbed to hear so many angry voices speaking out against any constraints put on charter operators. I suppose many commercial fishermen felt the same way about IFQ's but that didn't stop anyone from implementing the program. Sure it was hard, I remember those days, but it had to happen to protect the resource. Now, I believe, it is the sport charter fleets turn and since no other alternative has arisen over all these years I think it is only right to cut them back to 1 fish (halibut) a day for a portion of the summer until a real plan is developed. It is their responsibility to help protect the resource they use and so far it has been the commercial fleet that's been held liable for it.

I must also point out this does not end with halibut, it applies to all other species they harvest as well.

I am extremely concerned that the 1 halibut a day plan will be overturned before it even had a chance to help in this situation. I wish it were as simple as saying "enough fighting, something has to be done now and this is where it starts, while this is in effect buckle down and make a plan for long term resource conservation."

Please take the time to consider this problem. Look back at how IFQ's came to be in the commercial longline fishery. It was necessary, people went kicking and screaming but they went and overall I'd say we were better off in the end. Please take a stand on this, there have been too many years of arguing and getting no where. The sport charter industry needs to take their responsibility. Let this first step move in the right direction which is forward, not back.

Thank you once again for your consideration

Sincerely


Halibut Coalition
PO Box 22073
Juneau, AK 99802
halibutcoalition@gci.net
(425) 949-1810 msg (206) 260-9111efax

January 24, 2007

RECEIVED
JAN 25 2007
N.P.F.M.C.

Halibut Management 2007--International Pacific Halibut Commission Action

On January 19, 2007 the International Pacific Halibut Commission (IPHC) took action to establish 2007 halibut quotas and to address overages of the Constant Exploitation Yield (CEY), or biologically defined level of sustainable harvest, in three IPHC regulatory areas: 2B (Canada), 2C (Southeast Alaska), and 3A (Southcentral Alaska). To address conservation concerns, the IPHC reduced the setline quota in Southeast Alaska by 20% and reduced the guided sport bag limit to one fish for six summer weeks; in Southcentral Alaska, the IPHC reduced the guided sport bag limit to one fish for two weeks. The IPHC did not modify guided sport regulations in Canada after receiving an assurance that the Canadian Department of Fisheries and Oceans (DFO) would implement corrective action in 2007. The North Pacific Fishery Management Council (Council) indicated that corrective action could not be in place until 2008, at the earliest.

In each of the three IPHC areas, the CEY was exceeded due to the guided sport sector exceeding target harvest levels established by the respective countries. In Canada, the 2006 sport allocation was exceeded by 673,000 pounds or 42%. On the US side, Southeast Alaska exceeded the Guideline Harvest Level (GHL) established by the North Pacific Fishery Management Council (Council) by 595,000 pounds or 42%. In South-central Alaska, the GHL was exceeded by 358,000 pounds or 9%. Projected catches for 2007 were higher still. These overages pushed the total harvest in these areas over biologically sustainable levels. In a recent news release the IPHC stated that: "*[The IPHC] believes the actions to be necessary, given the magnitude by which the charter/guided catches exceeded the GHL limits and the belief that such overharvesting puts at risk the achievement of IPHC goals for the halibut stock.*" (IPHC News Release, Jan. 22, 2007)

Members of the Halibut Coalition support the IPHC action and urge expedient implementation. Halibut Coalition members take this position for the reasons summarized below.

The IPHC action is consistent with its conservation mandate. Under the 1953 treaty with Canada, the IPHC is responsible for conserving the halibut resource. The uncertainty associated with projecting catch for the rapidly growing guided sport sector was identified as the direct cause of the CEY being exceeded in multiple regulatory areas in 2005 and 2006. The conservation mandate of the IPHC requires that corrective action be taken before the 2007 season.

The Guideline Harvest Level is an established domestic target harvest level. The Council listened to eight years of public testimony before establishing the GHL for guided sport halibut sector in 2000. The Council recognized the continued expansion of guided sport harvest was

resulting in a direct reallocation of halibut from the setline to the guided sport sector, since guided sport harvest is annually deducted from the harvestable quota before the setline allocation is established. The Council based the GHIL on the 1995-1999 average charter halibut harvest plus 25% for growth. This generous allocation was intended to stop the open-ended reallocation while the Council developed a long-term management solution. The Council recognized the need to balance access between American consumers who go to grocery stores and restaurants for their halibut (60 million), charter boat clients (600,000), subsistence users (6,000) and the tens of thousands of non-guided anglers. The Council also recognized the importance of both the setline and guided sport sectors to the economies of coastal Alaskan communities and the need to provide some stability to the industry as a whole.

In April, 2006 the Council, by unanimous vote, reaffirmed the commitment to managing the guided sport sector to the GHIL with the following motion "... the Council commits [to] using a combination of Federal and State authority to manage each sector, charter and commercial, to the allocations established by the GHIL published in the Federal Register until superseded by the Council's long-term guided sport halibut sector plan."

Despite Council commitments to manage to the GHIL, guided sport harvests have exceeded the GHIL in Southeast Alaska for the past three years by 22%, 36% and 42%; guided sport harvest in Southcentral Alaska have exceeded the GHIL for the past two years by 1% and 9%. The overages have been deducted from the setline quota in the following season, costing the setline industry millions of dollars in lost ex-vessel value. The ex-vessel value of the 2006 overage in Southeast alone is \$2.5 million. The reallocated quota share value is approximately \$12 million.

Guided sport overages reduce opportunities for non-guided sport and subsistence fishermen. Since guided sport harvest is primarily concentrated near towns, conflicts with other users and the impacts associated with localized depletion are intensified by guided sport GHIL overages.

To address the CEY overage, the IPHC had to take an allocative action, deducting fish from either the setline sector, which has remained under its established allocation for the past decade, or the guided sport sector, which has repeatedly exceeded its GHIL. By reducing guided sport bag limits, the IPHC supported the allocation decision made and reaffirmed by the Council. To quote the 2007 IPHC report: "*the Commission must act to restrain removals within its adopted catch limits. This can be accomplished through directed action on either recreational or commercial fisheries removals. Since commercial fisheries have been effectively adhering to adopted limits, the staff therefore recommends that the Commission take actions to limit recreational halibut removals in Areas 2B, 2C, and 3A.*" In short, the IPHC acted to conserve the halibut resource by controlling harvest in the sector that has a record of exceeding its allocation—the guided sport sector.

The IPHC's action shares the burden of conservation. Declining survey catch rates in Southeast, in addition to new tagging data, indicate the need to reduce quotas in Southeast for conservation reasons. For 2007, the commercial fishermen in Southeast will experience a 2 million pound reduction in their catch limit. Without some catch controls to keep the charter

fleet within the GHL, this reduction in the commercial catch limit will be significantly more severe. The IPHC's action to reduce bag limits for 6 weeks represents a reasonable sharing of the conservation burden. It should also be noted that while the commercial quota will be cut by 20% in 2007, the guided sport GHL was not reduced by any amount despite declining stocks and evidence of localized depletion.

The IPHC used the best available information in evaluating the impacts of their action.

Bag limit reductions, including the potential impacts on guided sport businesses, were fully analyzed as a management tool to ensure compliance with the GHL by the Council in the 2000 EA/RIR for that action. IPHC staff summarized these findings, along with seven other potential catch control measures, for the public and Commissioners in December 2006. ADF&G Staff prepared an assessment of the effectiveness of these same catch control measures based on 2006 logbook data. In making their recommendation for a bag limit reduction for a discrete, six-week period in Southeast and a 2-week period in Southcentral, the Commissioners thoughtfully reviewed the best available scientific information and sought to minimize disruption to the guided sport sector. **A reduction in bag limit was the only tool that provided all guided sport clients with an opportunity to retain halibut.**

The IPHC has clear authority to set and modify bag limits. Existing recreational bag limits were established by the IPHC in 1975 and are a reduction from the 3 fish bag limit originally imposed by IPHC in 1974. ADF&G and NMFS supported the 1975 reduction in bag limits due to stock conservation concerns and increasing recreational harvest. ADF&G has confirmed that bag limit reductions pose no, or minimal additional enforcement complications. The use of bag limit reductions as a management tool to ensure compliance with the GHL was originally proposed by the Council GHL stakeholder committee.

Halibut bag limit reductions are consistent with catch control measures applied in other Alaska guided sport fisheries managed under a GHL. Other species prosecuted by guided sport operators in Southeast such as king salmon, rockfish, and lingcod are managed under State authority with a GHL and adjustable harvest control measures. King salmon is managed with bag limits and annual limits for non-residents; lingcod is managed with bag limits, seasons, and size limits, and rockfish is managed with bag limits.

No other body is capable of taking effective action for 2007. Prior to taking action, the IPHC entered into dialogue with both the Canadian DFO and the Council. DFO indicated corrective action would be taken in 2007 to restrain the guided sport catch to its domestic target in 2007. The Council indicated that, although it is committed to managing the GS harvest to the established GHLs, no management measures would likely be in place until 2008, at the earliest. Delegation of authority to the State of Alaska may be a viable alternative in the future but could not be in place until 2009 or later. The Council also communicated to the IPHC that harvest control measures under development were targeted at the guided sport sector, in recognition of repeated annual GHL overages. The Council recognized the IPHC would take action the Commissioners considered appropriate under established IPHC authority. With IPHC interim management measures in place, the Council can focus on expedient development and implementation of a long term management solution.

In closing, the Halibut Coalition supports the IPHC recommendations to address CEY overages and conservation concerns by controlling guided sport harvest to pre-season domestic targets. The Halibut Coalition believes the IPHC has clear authority to adjust guided sport bag limits to control total harvest to the CEY and guided sport harvest to the Council's established GHL. The IPHC took an appropriate and long overdue action to address both conservation and reallocation concerns.

Copy: Governor Sarah Palin
Senator Stevens
Senator Lisa Murkowski
Congressman Don Young
Honorable Carlos M. Gutierrez, Secretary of Commerce
Honorable Condoleezza Rice, Secretary of State
Acting Commissioner Denby Lloyd, Alaska Department of Fish and Game
Dr. Jim Balsiger, Alaska Regional Administrator, National Marine Fisheries Service
Dr Bruce Leaman, Executive Director, International Pacific Halibut Commission
Ms Stephanie Madsen, Chair, North Pacific Fishery Management Council



Stephanie Madsen, Chairperson
North Pacific Fishery Management Council
605 West 4th Avenue Suite 306
Anchorage, AK. 99501-2252

RECEIVED
JAN 2 2007
N.P.F.M.C.

January 25, 2007

Dear Madam Chair,

My name is Robert Ward, I have owned and operated A-WARD CHARTERS, a halibut ONLY fishing charter service since 1987. My home is located in Anchor Point, but I operate from the Homer Boat Harbor. I have participated in the halibut charter service for the past 21 years in every capacity from boat washer and baitboy to my current prestigious position of owner/captain, which still includes boatwasher and baitboy. I started in 1987 with a 6 passenger boat and that is still my choice. My history is typical, time and performance has grown my business through client satisfaction, with good returning customer numbers 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 request you follow the desires of the majority of the current operating fleet and impose a moratorium on new entry into the halibut charter industry in IPHC Areas 2C and 3A immediately. I support the strongest minimum qualifying number of bottomfish trips to prevent this latent capacity to be utilized. If a person is making fewer than 20 bottom fish trips in a season he is definitely not serious about his charter business and should be eliminated from consideration for inclusion in the moratorium.

I support the most recent years for qualifying and maintaining their operation into the year prior to implementation. I also support using the December 9, 2005 control date.

I feel that had the past council had the vision to realize the speculative entry potential and the ease in which it is to participate in this industry a moratorium would have been implemented in 1997 or 2001 thus saving the industry's supported inclusion into the commercial IFQ program. So many years went by with no one taking the responsibility to do their job, that really hurt the viability of the charter industry. Perhaps this time this federal government process will succeed in creating and implementing in a timely manner a management plan for my industry. I still support a plan that will allow each operator to increase his business volume independently and will face resource reductions in an equal manner with all others business resource users, and a plan that will provide me the opportunity to grow my business volume beyond the current constraints of the GHL.

Thank you for considering my request.

Most Respectfully,

Robert Ward



North Pacific Fisheries Management Council

January 26, 2007

Via ax: 907-271-2817 (Anchorage)

Dear Council:

I am writing on behalf of the Homer Chamber of Commerce Board of Directors, and our 560 members, expressing our concern and dismay over the decision made by the International Pacific Halibut Commission (IPHC) earlier this month. Specifically we worry about the Commission's decision to reduce the recreational guided sport fisherman's daily bag limit to one-fish, while allowing all other fishermen to retain the historic two-fish per day.

The City of Homer is world renown as the "Halibut Capital of the World". Our beautiful harbor is home to more than 141 recreational charter boats. The fleet is amongst the largest in Alaska and generally serves more than 25,000 anglers annually. The Homer Chamber of Commerce concurs with the need for responsible oversight and management of Alaska's sport and personal use fisheries, which today are worth more than 500 million dollars annually.

It is a reality that our coastal community relies heavily on the recreational fisherman to provide income to our charter fleet and the many ancillary businesses within our community that serve the fisherman's needs.

Loss of this revenue stream is a devastating blow to our already struggling economy. The charter businesses, the men, women and families that rely on the charter industry to attract fishermen to Homer are going to suffer immensely. It has been reported that some fisherman and other visitors are already canceling their reservations.

It is astonishing that the Commission is promoting an act of discrimination, favoring those that own a boat with a two fish limit while those that must rely on a charter vessel to access their halibut resource are restricted to one fish. It is also astonishing that the Commission is handing down a domestic allocation decision, without benefit of the public process, which should be left in responsible charge of the North Pacific Fishery Management Council.

We are aware that the Secretary of State must approve the Commission's decision before its ruling can be implemented. The Homer Chamber of Commerce respectfully urges rejection of the Commission's decision. The Chamber further urges cooperation between stakeholders and the North Pacific Fishery Management Council to address halibut sustainability concerns without reducing bag limits for our recreational anglers who wish to choose the guided charter fleet for access to the halibut public resource.

Sincerely,

A handwritten signature in black ink that reads "Tina Day". The signature is written in a cursive, flowing style.

Tina Day
Executive Director
Homer Chamber of Commerce

ALASKA LONGLINE FISHERMEN'S ASSOCIATION
403 Lincoln Street, Ste. 237 Sitka, AK 99835
phone: (907) 747-3400
fax: (907) 747-3462
alfafish@ptialaska.net

January 27, 2007

Dear Admiral Lautenbacher.

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to voice the strong support of our approximately 100 members for the January 2007 action taken by the International Pacific Halibut Commission (IPHC).

As you are no doubt aware, the IPHC is world renown for successful long-term fisheries management, a reputation that is shared by few other fisheries regulatory bodies. The IPHC has earned this reputation by conducting careful science, working closely with halibut fishermen to safeguard the long-term health of the resource, and maintaining a firm commitment to basing decisions on science instead of politics. The IPHC January decision was consistent with these standards.

In 1993, the IPHC sent a letter to the North Pacific Fishery Management Council (Council) highlighting that rapid and uncontrolled growth in the halibut guided sport harvest was resulting in a *de facto* re-allocation of halibut from the setline to the guided sport sector. In response to the letter, the Council began work on a halibut guided sport management plan, seeking to balance the needs of all halibut fishermen (sport, guided sport, subsistence and setline). In 2000, the Council established a Guideline Harvest Level (GHL) for the guided sport sector, including in the action harvest control measures triggered when the guided sport sector reached or exceeded that GHL. Due to National Marine Fisheries Service (NMFS) interpretation of Administrative Procedures Act constraints, the harvest control measures were stripped from the amendment package when the GHL was published in the Federal Register in 2003. Nevertheless, the GHL was established by the US Government as a domestic harvest target. In April, 2006, the Council unanimously re-committed to managing the guided sport sector to the GHL until superseded by a long-term management plan.

Despite this commitment, the guided sport sector has exceeded the GHL in area 2C (southeast Alaska) for the past three years and in area 3A (south central Alaska) for the past two years by an ever increasing amount. Southeast overages approached 50% in 2006, pushing the total harvest over the area Constant Exploitation Yield (CEY) established by the IPHC to protect stocks. Guided sport overages in 2B (Canada) and South central also pushed total harvest over area CEYs, resulting in a broad area of over harvest and triggering conservation concerns.

The IPHC entered into a dialogue with the Council in December, 2006, indicating the Commission's conservation concern and willingness to take corrective action. The Council responded by outlining past and present measures targeted to the rapidly expanding guided sport sector, and indicated that no effective harvest control measures could be in place through the Council system in time for the 2007 season. The IPHC took corrective action at its annual meeting to address CEY and domestic target overages by implementing a one fish bag limit in Southeast for six weeks and in South central for two weeks.

The January IPHC action is not unprecedented. In 1973 the IPHC established recreational bag limits after legal counsel for both countries determined that such action was under the authority of the IPHC. These bag limits were modified twice since in response to changing stock conditions or conservation concerns. The **January IPHC action addressed a conservation concern and avoided re-allocation**, since the only other avenue available to the Commission to address CEY overages was to re-allocate quota from the set-line industry, which has not exceeded its quota for a decade, to the guided sport industry, which has exceeded domestic targets for two to three consecutive years. Such an allocative act would be contrary to the IPHC's directive, both because it would be allocative when the Commission is primarily tasked with conservation and because it would penalize a well-managed fishery while failing to address future quota over-runs in the guided sport fishery. Clearly the Commissioners took the only defensible and responsible action, and in so doing acted in a manner consistent with the IPHC's long standing reputation for careful stewardship of the halibut resource.

Please be aware that at the same January IPHC meeting, the 2C setline quota was reduced by 20% in response to decreasing catch rates recorded in both the IPHC survey and the setline harvest. The guided sport GHL was not reduced; the bag limit reduction simply addresses overages of this Council established domestic harvest target. Setline fishermen, who generally support the quota reduction despite the economic impacts, find it troublesome that guided sport operators would so strenuously object to harvest controls targeted to address repeated overages, particularly during a time of declining stocks. Clearly all commercial fishermen, setline and guided sport, should participate in meeting conservation objectives.

1/27/2007

In closing, ALFA firmly supports actions taken by the IPHC and commends US Commissioners for acting on behalf of the resource. The IPHC clearly acted within its authority, aiding the contracting counties in meeting domestic harvest targets and following the principles of sustainable resource management. In a limited resource, all harvesters must share in conservation and accept harvest control to stay within allocations. ALFA members urge timely implementation of IPHC actions.

Thank you for your time and attention.

Sincerely,
Linda Behnken
(Director, ALFA)

1/27/2007

January 27, 2007

Dear Public Servants:

Your work is highly challenging and appreciated.

The International Pacific Halibut Commission (IPHC) took significant crucial action at their annual meeting this year to *conserve* the Pacific Halibut stock. The IPHC is a first rate organization and I beg of you all to trust their judgment and the action that was taken at the recent annual meeting.

The basis of the conflict between the commercial sector and the charter/sport-guided sector is lack of equal regulation, accountability and enforcement. This conflict has been gaining momentum for an alarming period of time. **Currently, the problem we all face with the halibut stock is a conservation concern.** The only reason that the IPHC would take the action that they have is because the sustainability of pacific halibut is at risk.

No matter if this action had come from the IPHC annual meeting or from a North Pacific Fisheries Management Council (NPFMC) meeting, the public response would be the same. This action is a *temporary* solution to protect the halibut stocks in the multinational waters of the Pacific Ocean. NPFMC had indicated that it was unable to keep the charter sector within their allotted catch. Thus, **the IPIIC action is essential!**

Alaska is blessed with many things and thriving well-managed fisheries is at the top of the list. **Charter halibut fishermen with genuine concern for their industry should welcome this action from the IPIIC.** If localized depletion and unaccountable harvest continues, then the unregulated growth of their industry will slowly come to a standstill. There will not be enough fish within range to entertain their clientele.

Please ensure that the IPHC regulations are implemented. The charter sector has blatantly harvested above their guideline limit for too long. For the sake of the Pacific halibut stock, rules and regulations should apply to all user groups of the resource.

Sincerely,
Anne Michal Williams

cc:
Honorable Carlos M. Gutierrez, Senator Ted Stevens, Governor Sarah Palin, Senator Lisa Murkowski, Congressman Don Young

1/27/2007

MCA Tom Gemmell

From: Max Worhatch [maxbarb@msn.com]
Sent: Saturday, January 27, 2007 6:01 AM
To: cgutierrez@doc.gov
Cc: Halibut Coalition
Subject: In Support of IPHC action

Mr. Gutierrez-

My name is Max Worhatch. I am a commercial halibut fisherman based out of Petersburg, Alaska. I am writing you today to ask you to support the International Pacific Halibut Commissions actions taken earlier this month. The commission has been regulating this fishery since 1923, and in my estimation has done a fine job. Their recommendations for 2007 will lower my allowable catch by 20%, but given the charter fleets exceeding their guide line harvest by 47% in area 2c, I realize it is probably necessary to conserve for sustainability.

The IPHC was faced with a daunting task. Something had to be done. The commercial longline fleet has been within it's quota for the last ten years, and we have taken a reduction. It seems only fair the commercial sector that has over harvested for the last three seasons, should have to bear some of the brunt of conservation. Any action taken by the IPHC would have to be allocative. The fish would have to come from somewhere. The IPHC has a mandate to conserve, and this limit is a tool they have used to keep the rapidly growing charter fleet within their GHL. This reduction in the sport limit applies only to charter vessels and will not effect anglers who choose to fish on their own. It is also important to know that this limit is in effect for a relatively short period of time and is temporary, until the North Pacific Fisheries Management Council can come up with a way to deal with the growth of the charter fleet.

Approval of the IPHC's actions will insure the charter fleet stays within their GHL, an established domestic target level, the result of 8 years of testimony. In 2003, this very GHL, was approved and implemented by the Secretary of Commerce. The inability of the charter fleet to stay within this GHL justifies the actions of the IPHC and demands your approval.

Thank you for your consideration,

Max Worhatch IV

1/27/2007

MCA Tom Gemmell

From: Elisabeth Babich [caviar@alaska.net]
Sent: Friday, January 26, 2007 6:31 PM
To: halibutcoalition@gci.net
Subject: halibut free for all for some

Dear Honorable Carlos M. Gutierrez,
my name is Elisabeth Babich and I am a commercial halibut fisherwoman.

I am writing to urge you to support action taken by the International Pacific Halibut Commission (IPHC) earlier this month. When I entered the fishery I had to pay a lot of money to be able to fish for halibut. We have to pay for the right to catch the fish, pound per pound.

The allocation is based on the biomass. There is another segment of commercial fishery that does not have to pay for that right and their numbers have been increasing rapidly and to the point where our allocation has been decreasing to accommodate for their -free for all- large catches. These are the commercial charter operators. This business is very lucrative and easy to get into.

Under the 1953 halibut convention between the US and Canada, the IPHC has the responsibility of managing the halibut resource to ensure sustainable harvest. This means taking management actions when necessary to stay within harvest objectives. The NPFMC implemented a guideline harvest level (GHL) for the guided sport sector in 2000, which was published in the federal register in 2003 and unanimously reaffirmed by the North Pacific Council (NPFMC) in April 2006.

The guided sport industry exceeded this GHL in Southeast Alaska (2C) each of the past three years and at an increasing rate each year in 2006 the overage was nearly 50% of the target. The southcentral Alaska GHL (3A) has been exceeded for the past two years. The IPHC action to reduce bag limits for guided sport clients to 1 fish for 2 to 6 weeks (depending on area) is simply a management tool to hold total harvest to sustainable levels without making an allocative decision. In the absence of bag limit reductions, the GHL overages would once again be deducted from the setline quota, penalizing the industry that has remained below quotas for a decade. That would be allocative-- and contrary to the principles of sustainable fisheries management.

The IPHC has clear authority to change bag limits as needed to meet their conservation mandate. Recreational bag limits were established by the IPHC in 1973, after legal counsel from both the Canadian and US governments determined that the IPHC had the authority to manage sport fish. These bag limits have been modified twice since then to address conservation concerns or changing stock conditions. The current bag limit modification is targeted to the guided sport industry since only this sector is growing rapidly and exceeding established domestic harvest targets.

In January, the IPHC reduced the Southeast Alaska (2C) setline quota for 2007 by 20% from 2006 levels. Reducing the guided sport bag limit spreads the burden of conservation across both commercial sectors. The IPHC action provides an interim measure of stability until the NPFMC recommends and the Secretary implements a long term management strategy for the guided sport halibut sector. This action is long overdue. Please ensure that the IPHC regulations are implemented, or take similarly effective action to control charter catch in time for the 2007 summer season.

Thank you for taking the time to read this, please give this cry for help your consideration,

Elisabeth Babich

NORTHERN KETA CAVIAR
5720 Concrete Way
Juneau, Alaska 99801
Ph 907 586 6095
Fax 907 586 6094
www.northernketa.com

1/27/2007

From: Carol Bates-Smith [mailto:carol2lec2@yahoo.com]
Sent: Saturday, January 27, 2007 2:39 PM
To: Conrad.C.Lautenbacher@noaa.gov; cgutierrez@doc.gov
Cc: Todd Bertson@stevens.senate.gov
Subject: Support for the IPHC Commissioners

Gentlemen:

This e-mail is in support for the Commissioners for knowing the proper thing to do in support of the Halibut resources.

I am just a plain consumer who does not get up to Alaska to go on a fishing charter. In fact, I don't even get up there to visit my family. But I do enjoy going to a restaurant and having a nice halibut dinner and even better yet being able to purchase halibut in my grocery store. Why should the fishing charter boats get all the halibut? It seems that the consumer is left behind again, even though we are what makes the world go round.

Please make sure that there is enough halibut to go around to everyone, not just the affluent people who can take charter boats out.

Carol Lee Bates
Green Valley, AZ

Food fight? Enjoy some healthy debate
in the Yahoo! Answers Food & Drink Q&A.

1/27/2007

January 27, 2007
4055 Sweetwater Road
Bow, WA 98232

Honorable Carlos M. Gutierrez
Secretary of Commerce
US Department of Commerce
1401 Constitution Ave NW
Washington, D. C. 20230

RE: International Pacific Halibut Commission's Proposal to limit the Alaska charter fleet customers to a one fish bag limit

Dear Secretary Gutierrez:

The inability of the North Pacific Fisheries Management Council and the State of Alaska to control the growth of the Alaska charter fleet's halibut harvest is undermining the IFQ concept and adversely impacting the halibut resource.

When the IFQ program started, I had not been long lining long enough to qualify for the initial issue of IFQ, but have purchased enough over the years to make halibut long lining half of my income.

The open-ended reallocation of pounds to the charter fleet must be stopped now. The longer the charter fleet procrastinates managing its catch to the Guideline Harvest Level, the more it can steal from the commercial IFQ program. The reallocation of this fully utilized resource from the commercial IFQ program to the unregulated charter fleet undermines the IFQ concept and threatens management of a valuable resource.

In 2000, an IFQ program for the Guided Charter fleet was almost implemented. It would have allowed the Commercial Charter fleet to purchase halibut quota shares from the long line IFQ fishermen. Had this IFQ concept been adopted then, the one fish bag limit imposed by the IPHC would not be necessary.

The Commercial Charter fleet has successfully resisted the IFQ concept and all restrictions on their industry. They will continue to do so as long as the open-ended reallocation from one commercial fleet to another commercial fleet is allowed.

The commercial Charter fleet needs to be held accountable for their catch rate. A one fish bag limit will help to hold the Charter fleet to their GHL. Maybe then they will move to control their own growth and catch rate.

Please support the one fish bag limit proposed by the IPHC.

Sincerely,

Jay M. Haun
Owner/Operator
FV/CINNABAR

Cc: Honorable Condoleezza Rice, Senator Ted Stevens, Governor Sarah Palin, Senator Lisa Murkowski, Congressman Don Young

JH/bkh

MCA Tom Gemmell

From: Alfa Fish [alfafish@ptialaska.net]
Sent: Friday, January 26, 2007 7:43 AM
To: Halibut Coalition
Cc: Carolyn Nichols
Subject: Fw: IPHC stuff

Tom-
 please forward to secretaries, hogarth, etc. when you can.

T.B

.. Original Message ..

From: "Carolyn Nichols" <carenichols@hotmail.com>
 To: <alfafish@ptialaska.net>
 Sent: Friday, January 26, 2007 9:24 AM
 Subject: IPHC stuff

> Linda, Sent this to stevens, will do others when et addresses. C
 >
 > Senator Stevens,
 > I TOTALLY support the actions taken by the International Pacific Halibut
 > Commission to control the overharvesting of halibut in their January
 > 2007
 > meeting.
 >
 > In January the International Pacific HALibut Commission(IPHC) established
 > the 2007 quotas and took action to address overages of the biologically
 > defined level of sustainable harvest in three areas: 2B(Canada), 2C(S.E.
 > AK), 3A (Southcentral AK). They reduced the longline quota in Southeast
 > by
 > 20 % and reduced the bag limit for guided charter to one fish for 6
 > weeks.
 > In Southcentral they reduced the guided charter bag limit to one fish for
 > 2 weeks. They left Canada alone as the Canadian Dept. of Fisheries has
 > assured the IPHC they will have corrective action in place for 2007-
 > where
 > as the NPFMC and ADFG admitted they had no corrective action ready to
 > help
 > at all.
 >
 > The reason the CO\onstant Exploitation Yield (CEY) was exceeded and
 > therefor triggering this action by the IPHC was totally due to the guided
 > charter fishing grossly exceeding their target harvest levels. These
 > overages were huge! In Canada the overage was 42%(673,000lbs), in
 > S.E.Alaska 42% (595,000 lbs) and in Southcentral Alaska by 9%
 > (358,000).
 > With 2007 catches projected to go higher still the IPHC believes their
 > overages threaten the halibut stocks. The IPHC is responsible for the
 > halibut resource and has to take action to protect it. This is good!
 >
 > The action they took deducts fish from the longline and guided sport
 > sectors. The longline sector has not exceeded their established harvest.

> level in the past decade. The guided sport sector has repeatedly exceeded
 > its Guideline Harvest Level (GHL). This GHL was established in 2000 by the
 > NPFMC after many years of public input on it and it was based on their
 > 1995-1999 average charter harvest PLUS 25% for growth - at the expense of
 > the longline fishery. This was supposed to stop the seemingly never
 ending
 > reallocation of the resource from the longline to the charter. The
 > Council and the IPHC recognize the need for both fisheries and how
 > important they are to the coastal communities of Alaska and also the need
 > for stability in each fishery. As it has been there is no stability in
 the
 > longline fishery despite the IFQ management system. With the charter
 > sector constantly grossly exceeding their harvest level and the overages
 > coming off the longline harvest it is jeopardizing the whole halibut
 > management system that is in place. When longline fishermen buy and sell
 > quota shares they do so most often by taking out loans from the bank.
 Then
 > the charter sector goes along with no responsibility at all and takes and
 > takes and takes and then the harvest level is lowered for the longline
 > fleet in the following year to accommodate this openended harvest of the
 > charter sector. The result is longliners have to still try to make their
 > living and still have to repay loans - but on fish that has subsequently
 > been given to the charter to correct their gross overages - with no
 > compensation to the longline fishery what so ever. The longline fishery
 > loss in ex-vessel value of the 2006 overage in S.E. Alaska alone is \$2.5
 > million and the reallocated share value is about \$12 million.
 >
 > The NPFMC claims they are committed to "using a combination of Federal
 and
 > State authority to manage each sector, charter and commercial, to the
 > allocations established by the GHL published in the Federal Register
 until
 > superceded by the Council's long term guided sport halibut sector plan"
 > Obviously that has not happened- More like the opposite. As far as I can
 > tell there has not been any management of the guided sport sector at all
 > other than allowing them totally unlimited harvest at the expense of
 every
 > other user of the halibut resource. They even have impacted the non-
 guided
 > and subsistence fishermen in that there is localized depletion due to the
 > increase of guided sport charter fishing near towns as that is where all
 > three of these fisheries occur.
 >
 > The IPHC had determined that their survey catch rates have declined and
 > that their data points to reducing the quotas in Southeast Alaska for
 > conservation reasons and so they have shared the burden of conservation
 > between the longline and guided sport fisheries as is reasonable and
 just.
 > The IPHC has clear authority to set bag limits. The existing recreational
 > bag limits were set by them in 1974 and 1975. Their decision to use bag
 > limits in the guided sport fishery to control overharvest is consistent
 > with the management of every other guided sport species taken.
 >
 > The IPHC needed to take action prior to the 2007 season as the harvest
 > projections for the guided sport sector are even higher for 2007 than

> 2006!. No other management body seemed capable of having the guts to stand
> up to this unregulated exploding fishery that is totally out of control.
> It seems to me that the NPFMC and ADFG are just blowing smoke when they
> talk of management schemes and measures. Every time the NPFMC tries to do
> something (ie IFQ's voted in numerous times to only be rejected by
> political pressure in Wash. DC , GHT. in that so far it is a method that
> only has proven to be a number with no management ways behind it) or ADFG
> promises to put management tools in place nothing happens and the guided
> sport sector merrily goes on taking and taking and taking.
>
> It is astounding to me that in this day and age that the guided sport
> sector could be so blatant in their disregard for the very resource that
> is supporting them and the communities that they operate out of!
>
> In closing I can only ask you to totally support the IPHC and also to
> applaud them in their decisions and actions as they are the ones
> responsible for the health of the halibut resource . Their actions are
> long over due and drastically needed to correct both conservation and
> reallocation problems.
>
> Thank You
> Carolyn Nichols
> 35 Islander Drive
> Sitka, AK 99835
>
>
> FREE online classifieds from Windows Live Expo - buy and sell with people
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> [href=http://expo.live.com?s_cid=Hotmail_tagline_12/06](http://expo.live.com?s_cid=Hotmail_tagline_12/06)
>
>

I norman hughes as a commercial halibut fisher and sport fisher support the halibut charter reduction on the alaskan charter industry as set by the iphc at there meeting in victoria canada.I am a halibut ifq holder and am held to limits on catch. I feel the charter fleet should be held to the limits set for them. other wise my small peice of the halibut pie will be reduced for their benefit. Ibought in on the halibut ifq and have a loan with the federal government. this affects the value of the halibut ifq and may make it harder to obtain loans in the future. thank you. capt. stormin norman fv chilkat haines alaska

Have a burning question? Go to Yahoo! Answers and get answers from real people who know.

The Halibut Coalition:

The Halibut Coalition:

This is a copy of letters addressed to Conrad Lautenbacher, Carlos M. Gutierrez
And Senator Ted Stevens. The F/V Cloudnine is owned and operated by Moe Johnson and quota belonging to Moe,
his mother Amy and sister Karen are all fished on the vessel. Moe's family has been a long time fishing family out of
Sitka and we depend on our IFQ's for a substantial part of our income. Amy has retired and owns A shares, Karen is
a single mom raising a young son and dependant upon her IFQ income. We have all written letters to the named
individuals. Mike Mayo has done a wonderful job of keeping us informed as to the halibut developments. Sincerely,
Betsy Johnson 907-747-8767 (Moe's wife)

Addressee:

The IPHC Commissioners, Jim Balsiger, Ralph Hoard and Phillip
Lestenko made the hard and necessary decisions to conserve the resource by sharing the cuts. This was a difficult
task and they should be commended and supported in their efforts. We support the IPHC recommendations and urge
timely implementation.

The following is a letter printed in our local newspaper, the Sitka Sentinel 1/24/07

To Editor, Sitka Sentinel 1/24/07 Sitka Alaska

We would like to thank Linda Behnken, Dan Falvey, Walt Pasternak, Phil Wyman, Tori O'Connell and Dick Curran
for attending the International Pacific Halibut Commission meetings. These individuals worked hard representing the
interest of all halibut IFQ owners, please say thank you when you see them. Also a thank you to Mike Mayo for his
email updates to the fleet on the halibut issues.

We supported the quota reductions to address conservation concerns. The IPHC reduced area 2C (Southeast) by 20%
for the commercial catch and the charter catch was reduced to a one fish per day bag limit for a six week period. That
way we all share in conserving the resource.

If you would like more information on how you can help please contact AIFA at 747-3400.

Moe & Betsy Johnson
Karen Johnson
Amy Johnson
F/V Cloudnine

--
No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.4110 / Virus Database: 268.17.12/654 - Release Date: 1/27/2007

January 25, 2007

Dear Secretary Gutierrez,

I am writing to urge you to support the regulation change implemented by the IPHC at their annual meeting last week. I know there are a lot of emotions surrounding the issue of a reduced bag limit for charter clients but I think facts have been misrepresented.

Under the 1953 halibut convention between the US and Canada, the IPHC has the responsibility of managing the halibut resource to ensure sustainable harvest. This means taking management actions when necessary to stay within harvest objectives. As you are well aware the NPFMC implemented a GHL for charter in 2000, which was published in the federal register in 2003 and unanimously reaffirmed by the NPFMC in April 2006.

The charter industry exceeded this GHL in area 2C each of the past three years and at an increasing rate each year in 2006 the overage was nearly 50% of the target. The IPHC action to reduce bag limits for charter clients to 1 fish for 2 to 6 weeks (depending on area) is simply a management tool to hold total harvest to CEY **without making an allocative decision**. The NPFMC set the allocation when it published and supported management to the GHL. **The fact that the NPFMC has been unable to implement management controls should be further encouragement for you to support the IPHC action**. In order for the IPHC to effectively manage for conservation they need to be able to predict the catch- in absence of management tools to control the charter catch this is impossible. Without these reductions in charter bag limits the CEY is likely to be grossly exceeded yet again and as a consequence, the IPHC will be forced to allocate resource away from the commercial setline fishery to stay within their conservation mandate.

The IPHC has clear authority to change bag limits as needed to meet their conservation mandate. In fact, sport fishing was recognized by the IPHC and regulations implemented in 1973 at the urging of the NMFS and ADF&G. Legal counsel from both the Canadian and US governments at that time determined that under the 1953 halibut convention, IPHC had the authority to managed sport fish. In 1973 IPHC implemented a 3 fish bag limit with the understanding that individual agencies could adopt more restrictive measures. In 1974 IPHC lowered the bag limit to 1 fish per day because of conservations concerns and declining stocks. In 1975 IPHC once again changed the bag limit to 2 fish per day and imposed possession limits. The state of Alaska supported these regulation changes. So, NMFS and ADF&G asked that IPHC be able to deal with sport fisheries and have supported the IPHC actions to implement and lower bag limits in the past. Why is the current situation anything different?

Clearly the real issue is the size of the GHL. The charter fleet and the State hope to increase the allocation to the charter sector. This should be irrelevant to current management. Our government implemented the GHL and they should be required to manage to that number regardless of public or political pressure. Please ensure that the IPHC regulations are implemented or take similarly effective action to control charter catch in time for the 2007 summer season.

Sincerely,

Tory O'Connell
Coastal Marine Research
retired ADF&G fisheries biologist
107 Finn Alley
Sitka, Alaska 99835
v.oconnell@jrci.net



Established in February, 1974 - Petersburg's Weekly Newspaper

One fish bag limit set by IPHC

Mike Tozzo

January 25, 2007.

The International Pacific Halibut Commission has recognized that over recent years the Guideline Harvest Levels approved by the North Pacific Marine Fisheries Council for charter halibut vessels has been exceeded in area 2C, Southeast Alaska.

According to a news release from the IPHC the GHL has been exceeded by over 40% in area 2C in 2006. According to IPHC Fisheries Statistics Manager, Heather Gilroy, the staff initiated dialoguc with the NPMFC to determine what control measurcs would be enacted by the Council to constrain halibut harvest to the GHLs in 2007.

The NPMFC has indicated to the council that although it is committed to management of this fishery to the GHL limits, it would not be able to complete analyses and develop a regulatory framework to effect control of the fishery until 2008.

According to Gilroy, the Commission, with the support of its advisory bodies, therefore passed a regulation for a one-fish halibut bag limit for sport guided charter fishing in area 2C. "These regulations would only be in effect from June 15 through July 31, 2007," Gilroy explained.



"I'm very positive about it because I think it's a start to what needs to be done," said Terry Durkin, owner and operator of Terry's Unforgettable Charters and Adventures.

Durkin has been on both sides of the industry and involved with the charter business for 15 years. He added that the way he looks at it is the charter industry has grown to a proportion now that it's making a major impact. "It needs to be addresscd just like limited entry. Alaska has always managed the fisherics by limited entry and the charter side has to be managed the same way and a one fish limit is the way to start," Durkin explained.

There is not an annual limit and these measures only go into place if the U.S. doesn't take action. "The

Council has two meetings prior to the June 15 date and can look at different options to lower the catch," said Gilroy. "These options include limiting the number of trips per day, looking at different bag limits and different season limits."

Gilroy added that if the NPFMC comes up with something they think will work better they could supersede the halibut commission's regulations with theirs, as long as the National Marine Fisheries Service okays them.

In the news release it states that the halibut commission takes this action with some reluctance but believes it necessary given the magnitude by which the charter catches exceeded the GHL limits and the belief that such over harvesting puts at risk the achievement of IPHC management goals for the halibut stock.

"I think the staff at IPHC saw this commercial entity exceeding their GHL and they have the authority to make regulation to keep the different users in line with their portion of the catch," said Petersburg Vessel Owners Association Vice-President Bryon Pfundt. "The only thing we could do at this point to have an effect and bring the catch down would be to cut the bag limit for a portion of time."

According to Pfundt, the IPHC has probably made their best guess as to what will work. "Anytime you change something there's all these factors that are really hard to get a hold of," Pfundt said. These factors include some people going out and possibly only catching one fish anyways. "You don't know how it's going to turn out, I know a lot of thought went into it."

For practical purposes, Pfundt says this was the cleanest way to get a regulation in that would drop the harvest and meet that GHL. According to Pfundt, the IPHC has seen guided halibut fishing exceed the GHL and it has become a significant number that they can't ignore any longer. "Their job is to manage take to meet these biological goals," Pfundt noted.

Halibut quotas create praise, concern from fishers

By Margaret Bauman
Alaska Journal of Commerce
Publication Date: 01/28/07

A mid-January decision by the International Pacific Halibut Commission to limit customers of halibut charters to one fish per day for a limited period of peak weeks is drawing praise from commercial fishermen and strong criticism from charter operators.

The controversy centers on the IPHC decision to put a one halibut per day limit on customers of charter boat operators from June 15 to June 30 in Southcentral Alaska and from June 15 to the end of July in Southeast Alaska. The halibut season runs from March 10 to Nov. 15 in Alaska.

Charter operators fear some clients will cancel their trips because of the one halibut limit, but commercial representatives are happy with the move.

"They did everything right," said Linda Behnken, executive director of the Alaska Longline Fishermen's Association in Sitka, noting that the IPHC action also included a reduction in the commercial harvest in Southeast.

"We down here supported a reduction in harvest for conservation reasons and the commission adopted that recommendation," Behnken said. The continued reduction in the allowable commercial harvest won't have an overall effect on prices, although there will be a cost to the industry, "but people were willing to take that reduction for sustainability."

Behnken said the sport harvest taken by customers of Southeast charter operators was 46 percent over its allocation in 2006, while the commercial catch has been under its allocation for a decade. "If we go over (the limit) we pay huge penalties and it is taken out of our quota for the following year," she said. "For the last three years in Southeast the guided sport has gone over its guideline harvest level."

Behnken voted for the halibut charter individual fishing quotas in 2001, when she was a member of the North Pacific Fishery Management Council. When the council voted in December 2005 to move IFQs for halibut charter boats back to square one, Behnken called it "a giant step into the past. They're afraid to make hard decisions to maintain the health of the resource and the health of the industry," she said.

Veteran charter operators, whose businesses will be affected by a one-halibut limit for a finite but critical part of their season, were equally frustrated with the council process.

Bob Ward, secretary of the Homer Charter Association, worked with the council to resolve issues on the allowable harvest for charter vessel patrons and the right of charter vessel operators to purchase IFQ.

The IPHC "has given us a pretty severe blow," he said. "For 13 years, we fought to prevent this kind of measure having to be taken. This is a major slap in the face. We thought the council was listening to us the past 13 years while we have tried to educate them on certain things about industry needs and certain things that will hurt our industry beyond repair." Ward and Larry McQuarrie, a veteran charter operator and owner of the Sportsman's Cove Lodge in Ketchikan, put the blame squarely on the shoulders of Jim Balsiger, Alaska regional director of NOAA/National Marine Fisheries Service, in Juneau.

Balsiger "allowed his office to take four years to do his job and more people came in," said Ward.

"If the council had done its job, and NMFS had done its job it would never have come to this," McQuarrie said. "The council's scientific and statistical committee said that the available data was good enough to build a charter IFQ system on. There were strings being pulled that didn't want the IFQ to go forward, so when it finally did get out of NMFS it didn't go forward."

Balsiger said he wasn't defending the four years his agency took to work on the issue of halibut taken by the charter industry.

"It took too long," Balsiger said. "An easy rule at the council takes 18 months to two years. We (at the North Pacific Fishery Management Council level) do almost nothing in 18 months. I'm not trying to make an excuse. I think four years is too long, but the halibut charter IFQ required a lot of work to meet legal and enforceability problems."

In what many in the charter halibut industry, and commercial fisheries, considered a huge blow, the North Pacific Council in December 2005 essentially sent the whole issue of IFQs for halibut charter boats back to the drawing table. Arne Fuglvog, a Petersburg fisherman then serving on the council, and now an aide to Sen. Lisa Murkowski, R-Alaska, said at the time he remained convinced that charter boat IFQs, based on the owner's history in the fishery, were the best solution for the charter sector. A major problem was that from the time the NPFMC began debating the issue and reached a vote, numerous new charter owners entered the fishery.

"It's a mess, in that the entire hook and line halibut fishery in Southcentral and Southeast Alaska, both commercial and charter, are destabilized by the current management system, which is the guideline harvest level established at the NPFMC because the GHL (guideline harvest level) places a cap on the charter fishery harvest without any other limitations," McQuarrie said. "So in effect we have a limited number of fish and an unlimited number of charter boats. Whether we like to hear it or not from the charter sector, that is the destabilizing influence in both fisheries."

McQuarrie said he favors a moratorium on charter vessels. "The charter industry needs to get its own house in order. We need to get control of our own industry and the first step is a short-term moratorium on entrance into the fishery, followed as soon as possible by a permanent solution and in my opinion it should be an IFQ-like solution that merges with the commercial IFQ so there is an orderly and compensated shift allocated," he said.

"That in a nutshell is the issue, and, of course, from our position, we would like to see the council process work."

McQuarric said a moratorium on new charters in the fleet is the short-term solution, with a long-term solution of an IFQ-style system for charters to merge with the commercial IFQ system.

Forcing charter operators to limit their customers to one halibut a day during periods when there are few if any other options for fish is likely to lead to highgrading, he said. There will be more fish being released, as customers hope to catch a larger halibut, "and whenever you release fish there is some mortality," he said.

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http://www.alaskajournal.com/stories/012807/home_20070128042.shtml

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Tom Gemmell

From: Halibut Coalition [halibutcoalition@gci.net]
Sent: Tuesday, January 23, 2007 7:37 AM
To: halibutcoalition@gci.net
Subject: Health of fish stocks places second to client satisfaction for charters 1/23

Health of fish stocks places second to client satisfaction for charters

I have recently seen lots of back-and-forth dialog regarding resource depletion and allocation overage issues involving charter boats. All Alaska fisheries resource managers need to understand that the fish stocks are not the charter boats' main resource. Their main resource is their client base. They get paid by that client pool which, when happy, then returns again, passes on referrals to other potential customers and tips well. The health of the fish stocks or allocation overages is of secondary concern to a happy client pool. For this reason, they are incapable of voluntarily exercising any type of restraint or conservation methods even if in their hearts they know they should.

Managers need to take conservation steps now to hold this fishery within its allocation limits. History has shown they are incapable collectively of managing themselves toward any type of conservation strategy.

--- Otto Florschulz

Commercial fisherman

Wrangell

<http://www.acn.com/opinion/letters/story/8584203p-B477280c.html>

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**Seward Chamber of Commerce
Conference and Visitors Bureau**

January 23, 2007

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W. 4th Ave, Suite 306
Anchorage, Alaska 99501-2252

Dear Ms. Madsen,

The Seward Chamber of Commerce, Conference and Visitors Bureau Board of Directors has been watching the International Pacific Halibut Commission annual meeting with great interest and appreciates your Council's efforts to represent the Alaska charter fleet in your recommendations to the Commission. We are writing this letter in response to IPHC's inclusion of area 3A in their final recommendations.

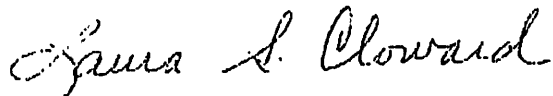
IPHC's January decisions will certainly impact Seward's businesses. We appreciate the complexity of the issues at hand and want to emphasize that any implemented changes will have a significant impact on all sectors of our economy – all of which – commercial and recreational fishing and the associated service providers – are vital to Seward and its economy.

Seward is a fishing community. Seward is also a tourist destination. Whether using our personal limits to fill the freezer for winter, providing chartered access to the resource, or engaging in a commercial fishery, Seward residents and the business community benefit from and rely on the availability of wild stock in 3A waters. Our marine-based economy, including both commercial fishermen and charter operators, provides local jobs and helps support lodging, retail, and dining establishments throughout the community. Year-round jobs are supported through commercial fishermen and processors, while a vital and necessary tourism base is enhanced through our charter fleet.

Halibut, with its extended season, is certainly a critical component of our regional species availability and the foundation for a longer tourism season. We endorse action that protects the viability of this species for all users for the long term and protects all businesses from preventable detrimental results. There is no doubt that the recent decision to reduce the halibut bag limit for the charter fleet, even if for a short period of time, will have a negative impact on tourism in Seward. To implement any action which affects the visitor experience only a few short months prior to the beginning of the tourism season places undue pressure on the visitor industry to try to mitigate that impact.

We understand that NPFMC is working on a long-range solution to resolve allocation issues and ask that you continue to give attention to all users of the halibut resource, their business needs, and the impact that your decisions will have on small Alaska communities that are integrally tied to our halibut resources. We further request that you fully consider the importance of the tourism industry to small Alaska communities when making your allocation decisions, and encourage the Secretary of State and the Secretary of Commerce to approve action that strikes an equitable balance between resource allocation and resource availability for tourism-based economic development.

Sincerely,



Laura S. Cloward

Executive Director, Seward Chamber of Commerce, Conference and Visitors Bureau

I am writing in support of the International Pacific Halibut Commissions recent decision to reduce halibut catches by both Commercial (zc) and Charter operators. These steps are important to protect the resource @ This time until a final method of slowing the huge increases in Charter catches can be implemented. This problem has been ignored for years while the resource has suffered,

I feel I can express my views based on a long history of caring about the longline fishery. It was 30 years ago when I first baited a halibut hook as our family working together began our small scale effort. I loved the difficult fishery until the derby days came with all the safety problems. IFQ's though far from perfect were a vital step to provide accountability and safety. Though, our initial allocation was modest in keeping with a family effort we saved earnings to buy a few more pounds in the following years. I like to think our family was an example of how hard work and saving can achieve goals. Today 2 adult children are IFQ holders and I own some A shares which are important in supplementing my fixed income. Many crew members on today's longliners own or are buying their own pounds which insure their ability to fish on larger vessels. This illustrates how any changes in commercial IFQ allocations can have effects on a wide range of people. We desperately need courageous immediate action!

Sincerely, Amy Johnson

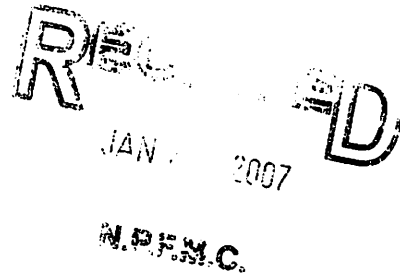


UNITED FISHERMEN OF ALASKA

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E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

January 29, 2007

Mr. Chris Oliver
Executive Director
North Pacific Fishery Management Council
605 West 4th Ave, Ste 306
Anchorage, AK 99501



Dear Mr. Oliver,

RE: Halibut Charter Moratorium - agenda item C-4(b)

United Fishermen of Alaska (UFA) supports a halibut charter moratorium as the first step in a long term solution. A moratorium by itself does not provide the basis for a long-term solution but is a necessary step to stop the unbridled growth occurring in the charter industry so that a long term solution can be implemented. UFA encourages the NPFMC to continue to make the moratorium and a long term solution to the halibut charter issue a top priority.

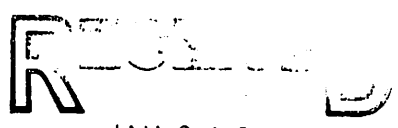
UFA represents thirty-four Alaska commercial fishing organizations from fisheries throughout Alaska and its offshore waters. We appreciate your consideration of our input on this important matter.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum • Fishing Vessel Owners Association
Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • North Pacific Fisheries Association
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 • Sitka Herring 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 Cook Inlet Drift Association • United Salmon Association
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



JAN 2 2007

Dear Sir;

I'm 49 yrs. old, and a ^{N.P.F.N.C.} "lifelong" resident of S.E. Alaska. I'm always interested, and concerned, about protecting our "renewable resources", as they are our future...

This letter is in reference to the proposal to reduce the daily halibut limit, from two fish, to one fish, for charter boats, June 15th to July 31st.

I believe that the guideline limits have been exceeded, due to the fact that they were set too low... along with a growing charter industry.

My business, "for chartering", is built on the "expectation" that a person can come to Alaska, and catch "two" halibut per day.

The proposal for one halibut per day, from June 15 thru July 31st is "prime charter" time for halibut, and is between fishing for the various salmon species, available. This makes for a "quiet" day of fishing, with not much left to do. Most costs associated with charters are "fixed", and to reduce the hours per charter, would be a losing proposition.

I have two suggestions for you to consider,

that would accomplish something, and give the "least" negative impact to the charter industry.

The first, is to limit the halibut catch to one per day, for a "new" business, not yet established, or yet to exist.

Then, he can structure his business accordingly, in "financing" and "advertising", based on that rule...

Secondly, and/or limit the catch to ~~one~~^{six} halibut per ~~day~~^{year}, for "non-residents"...

I believe these options to be "favorable" and "reasonable" options.

The negative impact, if not done, is people that book three or four days chartering, may cancel... and much is lost to businesses, and economies, in S.E. Alaska.

I have a big investment of my time, a bank loan for my boat, and many other costs... in part, based on the "traditional" "two" per day limit...

I hope that you will consider my letter, carefully...

Thank you.

Sincerely,
Dane Roudtrey

UNITED FISHERMEN OF ALASKA



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January 29, 2007

Honorable Carlos M. Gutierrez
Secretary of Commerce
US Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

United Fishermen of Alaska (UFA) fully supports the actions taken by the International Pacific Halibut Commission (IPHC) to implement bag limit restrictions for 2-6 weeks on the charter sector. The IPHC was not left with many options to pursue when the North Pacific Fisheries Management Council (NPFMC) at their Dec 2006 meeting discussed options and determined that an emergency rule was inappropriate, didn't meet the criteria and that a fast track regulatory package also would not be able to be in place for the 2007 season. The letter sent from the NPFMC to IPHC, along with past NPFMC actions and pending actions, pointed to the charter sector as the sector that created the conservation concern of exceeding the allowable level of halibut removals that the IPHC had set.

UFA is willing to support other management options that might be less onerous to the charter sector, as long as they can be in place for the 2007 season and will have at least the same effect or more of curtailing the harvest.

UFA also agrees with the detailed comments submitted by the Halibut Coalition and would by reference ask that you consider the points made in their comments. UFA commends the actions of the IPHC commissioners and fully believes that they took appropriate action for the long-term health and sustainability of the resource.

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association • At-sea Processors Association • Bristol Bay Reserve • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum • Fishing Vessel Owners Association • 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 • Sitka Herring 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 Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

Honorable Carlos M. Gutierrez

UFA represents thirty-four Alaska commercial fishing organizations from fisheries throughout Alaska and its offshore waters. We appreciate your consideration of our input on this important matter.

Sincerely,



Mark Vinsel
Executive Director

CC:

Honorable Condoleezza Rice, U.S. Secretary of State
Honorable Ted Stevens, U.S. Senate
Honorable Lisa Murkowski, U.S. Senate
Honorable Don Young, U.S. House of Representatives
Honorable Sarah Palin, Governor, State of Alaska
Dr. James Balsiger, N.M.F.S.
Dr. Bruce Leaman, Executive Director, I.P.H.C.
Chris Oliver, Executive Director, NPFMC

1/29/2007

Stephanie Madsen chair
North Pacific Fisheries Management Council

Issue: C-4 Charter Halibut Management

Please include this letter in members paperwork for the February meeting.
Thank you.

Dear Ms. Madsen and other members,

My name is Sean Martin. I have been a halibut charter boat owner/operator for 28 years in Homer and have been involved with the allocation issue since 1993. I have been the Homer charter fleet's representative to the IPHC, past president of the Homer Charter Association and spoken before the Council on our issues many times.

Needless to say I was shocked at the way the 1 halibut limit was imposed for 3A by the IPHC. I have always known that issues move through the MC process slowly and assumed that the ongoing moratorium issue, allocation plans etc. would crawl along but eventually get somewhere.

Now that the MC process has been pre-empted by the IPHC I am concerned that their fast paced progress will subvert legitimate concerns of the stake holders.

I think it is imperative that the Council move rapidly towards a moratorium. There may be some pain as there always is when some people don't get everything they want. So be it. Make the hard choices and move forward so we can have a stable business climate that protects the resource first. I propose that you act in more restrictive ways in developing guidelines for qualifying for entry into any moratorium. I am interested in the 20 qualifying days for entry. The reason is that as long as we have a GHL at the current level newcomers are the ones that push the entire fleet over the harvest level amount. The current established fleet (in lower Cook Inlet - I cannot speak of other areas) is already operating at full capacity for a season of historic length from about May 1 -Sept. They cannot take more fish. All newcomers who enter the fishery will adversely affect the GHL as their businesses grow. Their 20 trips in 2005 may not have that large of an impact but when they are running 80 trips per summer they will.

I am very concerned about what restrictions we will face if the TAC is reduced. It seems entirely unfair that the established charter businesses would be sacrificed to satisfy the desire of newcomers to become charter fishing guides. That could happen under a reduced TAC.

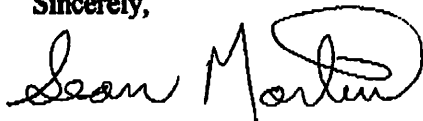
The state has imposed through an emergency order no retention of crew fish for the 2007 season. That coupled with a moratorium enacted now for the 2008 season back dated to participation in 2005 should hold us very close to the GHL.

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The long term goal of any plan must put the resource first. As I stated earlier I have halibut chartered lower Cook Inlet for 28 years and I can say definitively that we have near shore depletion of the halibut resource. The only way I can see to stop this trend is to limit our effort. I want a sustainable fishery for many years to come. Not 10 - 20 years but for 100s. We must be good stewards of our resource and it can't happen with unrestrictive growth. Unrestrictive growth leads to bag limits and closures which destabilize the legitimate businesses that provide access for the sport fishermen and women.

Try to move forward with a workable moratorium and maybe in 2008 we won't have to deal with reactionary measures like 1 fish bag limits.

Sincerely,

A handwritten signature in black ink that reads "Sean Martin". The signature is written in a cursive style with a large, circular flourish at the end of the name.

Sean Martin
North Country Charters
Homer Alaska 99603
1-800-770-7620

Seward.com
Alaska Starts Here.



**Seward Chamber of Commerce
Conference and Visitors Bureau**

January 23, 2007

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JAN 2007
N.P.F.M.C.

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W. 4th Ave, Suite 306
Anchorage, Alaska 99501-2252

Dear Ms. Madsen,

The Seward Chamber of Commerce, Conference and Visitors Bureau Board of Directors has been watching the International Pacific Halibut Commission annual meeting with great interest and appreciates your Council's efforts to represent the Alaska charter fleet in your recommendations to the Commission. We are writing this letter in response to IPHC's inclusion of area 3A in its final recommendations.

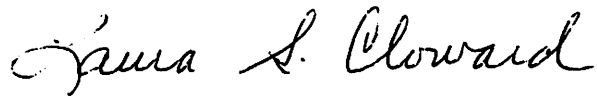
IPHC's January decisions will certainly impact Seward's businesses. We appreciate the complexity of the issues at hand and want to emphasize that any implemented changes will have a significant impact on all sectors of our economy – all of which – commercial and recreational fishing and the associated service providers – are vital to Seward and its economy.

Seward is a fishing community. Seward is also a tourist destination. Whether using our personal limits to fill the freezer for winter, providing chartered access to the resource, or engaging in a commercial fishery, Seward residents and the business community benefit from and rely on the availability of wild stock in 3A waters. Our marine-based economy, including both commercial fishermen and charter operators, provides local jobs and helps support lodging, retail, and dining establishments throughout the community. Year-round jobs are supported through commercial fishermen and processors, while a vital and necessary tourism base is enhanced through our charter fleet.

Halibut, with its extended season, is certainly a critical component of our regional species availability and the foundation for a longer tourism season. We endorse action that protects the viability of this species for all users for the long term and protects all businesses from preventable detrimental results. There is no doubt that the recent decision to reduce the halibut bag limit for the charter fleet, even if for a short period of time, will have a negative impact on tourism in Seward. To implement any action which affects the visitor experience only a few short months prior to the beginning of the tourism season places undue pressure on the visitor industry to try to mitigate that impact.

We understand that NPFMC is working on a long-range solution to resolve allocation issues and ask that you continue to give attention to all users of the halibut resource, their business needs, and the impact that your decisions will have on small Alaska communities that are integrally tied to our halibut resources. We further request that you fully consider the importance of the tourism industry to small Alaska communities when making your allocation decisions, and encourage the Secretary of State and the Secretary of Commerce to approve action that strikes an equitable balance between resource allocation and resource availability for tourism-based economic development.

Sincerely,



Laura S. Cloward
Executive Director, Seward Chamber of Commerce, Conference and Visitors Bureau

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JAN 30 2007

N.P.N.C.

Dear Council Members,

To say that I am frustrated and appalled would be an understatement. I guess the charter industry is still not considered to be a credible user group. We are apparently vital enough to justify squashing, yet not valid enough to be recognized. Over the past two and half years, I have spent nearly \$15,000 and have been away from my home for over 100 days participating in nearly every venue of the Council process. Myself and the charter industry have worked "in good faith" within the process to find a fair and equitable solution for all users. The majority of this time has been spent trying to defend and survive the endless onslaught of B.S. commercial proposals.....And for what? So the longline sector can sabotage and circumvent the Council and public process. I suppose I should have just given my money to the longline lobby in the first place.

Why is the Council so adamant in supporting Linda Behnken and her 1993 proposal? Why is the Council so adamant in supporting an arbitrary and capricious GHL?

Just a few disturbing points:

- At the same time the IPHC ruled to restrict the charter harvest, they gave a 1 million pound increase in the allowable catch the longline sector in 3A. There is clearly NO biological issue of any sort, and this is absolutely unacceptable (resource management?).
- The "process" has neglected to even address the "highest and best" use of the halibut resource. I spoke with the Homer Harbormaster Steve in '05 in an attempt to compare the economic benefits to the community of Homer (the 'halibut capitol of the world' and, by far, the largest port of landing for commercial caught halibut). He informed me that ALL revenues generated from ALL commercial landings (not just halibut), including crane time and ice were directed to the Port and Harbor Fund. In '05 the revenue the City of Homer received from ALL commercial landings totaled \$33,000. I can randomly choose any three charter operators whose taxable contributions to the community exceed that amount. I can guarantee that any one of Homer's 5 hotels contributes at least three times that revenue (to the community of Homer) generated directly from halibut charter clients.
- As of today, more than 80% of the current commercial quota share holders were NOT initial issues in 1995. Each year since the implementation of the commercial IFQ program between 1.5 and 3 million pounds of quota, per area, are freely traded and sold. Yet any similar shift in charter ownership is viewed as rapid and uncontrolled GROWTH. How is it that a free enterprise system is encouraged for the most detrimental user group and yet unacceptable for the smallest? What makes the investments of these commercial fishermen more important than that of a charter operator? The commercial loans are protected by low interest and disaster relief funds. Are the charter operators protected in similar ways? NO!!.....And yet there has been fourteen years devoted to implementing regulations to further protect those individuals. I am not aware of any sort of investment in this country where it is legal for people to participate (and direct) in creating regulation to protect their investment.*

- The Process has been so focused on making the longline sector happy that they have failed 100% in looking beyond squishing the charter sector. They staunchly refuse to look at biological factors or any impacts from the commercial IFQ program. What has happened to the quality of the recreational fishing experience? With the commercial fleet unrestricted and unregulated, the quality of our harvests have declined rapidly over the last ten years. No one has even addressed the impacts from a ten month (and concurrent) longline season. On average, 60% of the annual longline harvest occurs between May 15 and September 15th. Has anyone addressed that impact on the recreational sector? NO.....Nobody has addressed ANYTHING except protecting the longliners investment.

Ask any Alaskan resident; has the quality of their fishery gone to hell since the commercial IFQ program has been in effect? You will receive an overwhelming YES!!!

There are a lot of studies out there evaluating the success of the commercial IFQ program (from a commercial investor's point of view.) There have been ZERO studies relative to the affects of that program on the other users of the resource. There have been ZERO studies done with regard to the impacts of a ten month longline season which encompasses the recreational season. In ten years of virtually unrestricted and unregulated carnage the quality of the recreation angling experience in Alaska has declined dramatically. Halibut fishing now sucks by comparison to the early and mid-nineties. (I submit that the true biological issue is: overfishing of the recreational stock by the longline sector.)

Sure the harvest numbers have increased, but I'm certain that is again a result of the commercial IFQ program. The charter fleet traditionally held itself to a self-imposed 32" minimum length. In the past it was not at all uncommon for charter boats to come home short of a limit. We felt there were enough quality fish out there that if it happened, Great,... and if notit was fishing. Now days, the quality just isn't there. With the longline fleet fishing EVERY day, all season in the traditional grounds intercepting and crucifying the majority of the migration, the charter fleet has resigned itself to catching limits of smaller fish-thusly, showing an increase in harvest numbers.

Is the process EVER going to look at true biological impacts? Is the process EVER going to evaluate anything other than protecting the longline investment?

This could all be very, very simple. The resource is NOT owned by the longline sector. The question is NOT how much fish the longliners are willing to "give" to the charter sector. The council has the authority to reallocate at any time as determined by need. I refer you to the first line of the commercial IFQ rule (also printed on the permit) "IFQ is a privilege and NOT an ownership right; it can be revoked, reduced, or removed without cause and or public comment."

Simple solution: The NPFMC allocates the halibut resource as such.

- **The moratorium on the halibut charter fleet should be implemented, as of the Dec. 09, 2005 control date; for the purpose of creating a temporary hold on the charter sector. (For the sole purpose of collecting accurate and viable harvest, released, and socioeconomic data from ALL sectors)**
- **The guided recreational sector should be allocated an amount comparable to the 2006 harvest plus 25% for the growth of the fledgling operators who qualify under the moratorium. This allocation should be fixed as a floor, which will provide the sector with long term stability. From this point the allocation should be allowed to float with abundance upward (an additional 25%) and downward to the initial allocation level. This is all that is necessary for a fair and equitable allocation for**

ALL users. PERIOD!!!! Both sectors realize long term stability without "defacto" reallocation. Very, very simple. Game over,.... no more allocation disputes.

Please remember that ownership of the halibut resource does NOT belong to the longline sector. They have purchased the right to harvest and sell specific shares of the available halibut resource. **They have not purchased the right to own and control the biomass.**

I implore you, as fisheries managers, to stand as individuals and begin evaluating effects on the resources based on biological, ecological, and economic impacts to communities, beyond that of the commercial IFQ loan program. I implore you to seek an allocation that is fair to all which is based on factors Other than commercial ownership.

In closing, I would like to leave you with a thought from the Honorable Ted Stevens which I'm sure you have all heard before.

- **"The Magnuson-Stevens Act was Not an Act for fisherman; it was Not an Act for processors; it was Not an act for consumers; it was an Act to protect the basic reproductive capacity of our fisheries."**

-Sen. Ted Stevens

This statement seems to be 100% contrary to the last fourteen years of action with regard to the Pacific Halibut resource. I believe it to be a travesty that this has apparently been forgotten. (This further exemplifies the need for halibut to be managed under an FMP). From a recreational angler's perspective, it seems to me that the Magnuson-Stevens Act birthed the Council as a venue to create regulations based solely on protecting the longline sector's financial investment.

*<http://www.fakr.noaa.gov/ram/ifqreports.htm>

Thank you for your time.

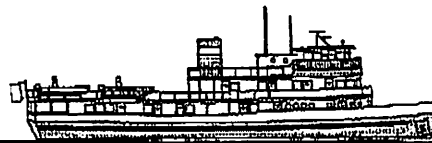
Sincerely frustrated. *Bryan Bondioli*

Bryan Bondioli
Captain B's Alaskan C's Adventures
PO box 66
Homer, AK. 99603
907-299-0247

captainb@alaska.net

**T
H
E
BOAT COMPANY**

Captain Joel Hanson, Alaska Conservation and Vessel Support
417 Arrowhead Street, Sitka, AK 99835 Tel/Fax: (907) 747-9834 Cell: (907) 738-1033

**Wilderness Adventure Tours****For Facsimile Transmittal**

January 30, 2007

North Pacific Fishery Management Council
605 W. 4th Ave, Suite 306
Anchorage, AK 99501-2252
ATTN: Council and Advisory Panel

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JAN 7 2007

N.P.F.M.C.

Re: Charter Halibut Management (C-4); limited entry permit eligibility concerns

Dear Council and AP Members,

The Boat Company (TBC) has been sailing pocket cruise vessels throughout Southeast Alaska waters for over 25 years, providing week long wilderness adventure tours between Sitka, Juneau and Ketchikan during summer months. For the past five years, our fleet has consisted primarily of two 150 foot inspected vessels. One vessel accommodates 20 passengers, and the other 24 passengers. Each of these "mother ships" carries multiple skiffs on deck (4 on one ship, 5 on the other) which we launch daily to take clients on a wide variety of off-vessel activities, including shore excursions and guided saltwater sport fishing excursions for salmon and halibut.

If a limited entry management regime were to be adopted for charter halibut, TBC would need to secure enough permits to allow each of our *eleven* boats (nine licensed skiffs and two documented vessels) to continue to fish for halibut. This is because each of our boats is used consistently, and serves a crucial role toward this purpose—even if it is not their main purpose. If we were to lose the ability to fish for halibut from any one of our vessels, we would lose the organizational flexibility we have enjoy for decades, and around which our unique business has been built.

Each of our eleven boats is not use *daily* for halibut fishing. On the contrary, because we offer our clients a diverse array of activities, we attract a diverse clientele, and on any given cruise our guests may be more interested in whale watching or beach combing than in bottom fishing. As a result, TBC guides tend to log far fewer sportfishing logbook entries on each of our boats than do guides who work for day-fishing charter operations out of Sitka or Ketchikan.

Though TBC supports the concept of somehow curtailing the rapid expansion of halibut charter effort through either a limited entry system, a quota system, or combination thereof, we are concerned about how the initial permit eligibility criteria is established. If it is based upon a vessel owner having to demonstrate a high number of logbook entry days over a period of two or more qualifying years, several TBC boats (including, particularly, the "mother ships") may be left out of the initial issuance of

permits, even though all our boats have a long and consistent history of participation in the fishery.

I have spoken with several day-boat charter operators who will be attending the upcoming Council and AP meetings. It is clear that they intend to advocate for the Council to choose a higher, rather than a lower, number of logbook entry days as a criterion for Charter Halibut Permit eligibility. A high number, they argue, will reduce the potential for "latent capacity" and protect the halibut resource for use by those operators who have a more substantial record of resource use.

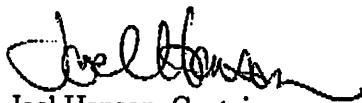
This is wrong. What it will tend to do, rather, is protect the fishing interests of those who have chosen to "specialize" in guided sportfishing, while at the same time deny privileges to those who provide guided sportfishing services as part of a larger and more diversified tour package. A business, like TBC, which for over 25 years has conducted nature and fishing tours in Southeast Alaska, averaging less than 1 halibut for every 3 passengers on its week-long cruises, should be encouraged not penalized for its modest and conscientious utilization of the halibut resource.

If the Council were to adopt a 10 or 20 logbook entry day threshold for permit eligibility, perhaps only half of TBC's skiffs would qualify, and it's possible that neither of our big vessels would make the cut. Yet, every year for the past two and a-half decades, at least a few TBC clients have been able to enjoy the recreational benefits of fishing for halibut either from the rail of one of TBC's mother ships while laying at anchor in some remote bay or from any one of our several skiffs while bobbing around out in open water.

Due to these considerations, we recommend that the Council adopt a threshold number somewhere between the proposed 1 and the proposed 5 logbook entry days for Charter Halibut Permit eligibility. We feel 3 (three) is an appropriate number.

Finally, we believe strongly that the Council needs to address the issue of transferability of quota between the Commercial and Charter fleets, as this offers a reasonable and economically fair way out of this quagmire. We have no particular recommendation in this regard, but it seems clear that more allocation battles are sure to develop if a market-driven mechanism for transferring halibut between current users is not adopted, soon.

Thank you for your consideration.


Joel Hanson, Captain
The Boat Company

Cordova District Fishermen United

Celebrating 70 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 Telephone 907.424.3447 Fax 907.424.3430

January 30, 2007

Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W 4th Avenue, Suite 306

Sent by facsimile to 271-2817

Agenda item C-4 (b), Charter Halibut Management (Moratorium)

Dear Madame Chair and members of the Council,

On behalf of the Groundfish Division of CDFU, I am submitting these comments on the Initial Review Draft of the analysis to limit entry into the halibut charter fisheries in IPHC regulatory areas 2C and 3A.

First, we appreciate the commitment that Council and staff have given to move the moratorium forward through the Council process without delay. We support putting the moratorium analysis out for public review following modifications and revisions expected at this meeting, with final action by the Council at the next meeting.

As we have stated in previous testimony, we support establishing a moratorium on entry into the charter sector as the first step towards a permanent solution to management of the charter halibut sector. By establishing a limited number of participants, and giving them a stake in the future of the fishery, the moratorium will help to reduce the 'free rider' problems associated with an open access fishery that have in part confounded progress on this issue for the last decade or so.

While we recognize that it is primarily the responsibility of the charter sector to develop a moratorium that meets their own needs, we have an interest in how that is accomplished and whether it has an affect on the commercial sector and the development of a permanent solution. There are four overarching goals in the development of the moratorium which we believe are consistent with the Council's intent, the Stakeholder Committee's recommendations, and the majority of public comment on this issue:

- 1) to maintain the control date of Dec. 9, 2005;
- 2) to hold charter effort to 2005 levels, representative of the charter sector profile at that time;
- 3) to take into consideration those communities with underdeveloped charter industries; and
- 4) to streamline the process in order to implement the moratorium by 2009.

We offer the following specific comments to better achieve those goals.

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2.5.7 Issue 7. Permit endorsement for number of clients on board.

We support the intent of this issue, because it attempts to match effort, in terms of clients per boat, with the profile of the charter fleet in 2004 and 2005. As noted in the analysis, while the moratorium is not expected to reduce the charter harvest to GHL levels in either 2C or 3A, at the same time it is assumed that the moratorium will not exacerbate the problems associated with charter harvests exceeding the GHL, or regulatory area CEYs, in the short term.

However, we are concerned that for area 3A, the number of clients endorsed by permit may be disproportionately higher than the number of clients typically carried by those vessels that have recorded a maximum number of clients greater than 10. This may not be as much of an issue in 2C, where there are line limits for charter vessels, and thus fewer vessels with a history of carrying more than 10 passengers.

Table 7 (p.32) shows the number of clients endorsed to fish by permit for 2C and 3A. If the Council chose Option 10.1 with a 10 trip qualifying requirement, for example, then in 3A those businesses that had recorded a maximum of 11 or more clients in the qualifying years would receive 57 permits with endorsements for 1,000 clients. Those businesses that had recorded a maximum of from 4 to 10 clients would receive 504 permits with endorsements for 2,880 clients. So, while business that have carried more than 10 clients in the past would account for only about 10% of the permits issued, they would account for about 26% of the potential future effort. Below are these same figures in tabular form. The example is given for the purpose of illustration; the permits could be grouped in different ranges of client endorsements for further analysis.

Area 3A. Option 10.1 with a 10 trip qualifying criteria.					
Client endorsement	Number of permits	% of total permits	Number of clients	% of total clients	% of harvest
4 to 10 clients	504	90%	2,880	74%	?
11 to 38 clients	57	10%	1,000	26%	?
Total	561		3,880		

Our concern is that if permit endorsements are not proportional to historical harvest by vessels with large client capacities, then the endorsement provision could result in increased harvests, and exacerbate the current problem of the GHL being exceeded, which is contrary to Council intent. Knowing that further changes to the moratorium/limited entry program are likely in the future, permit holders will likely try to maximize the use of their client endorsements to establish a catch record. Further GHL overages and the imposition of harvest restriction in the short term negatively affect those charter operators who receive permit endorsements that more closely match the number of clients they historically carried. Therefore, it would be appropriate for the analysis to show whether the historical harvests by permits grouped by varying client capacities are proportional to the potential effort created under the endorsement provision. At this time we do not have a specific solution to offer to this potential problem.

2.5.12. Issue 12 Community Provisions.

We support using the Amendment 66 eligible communities in 2C and 3A as the starting universe of potentially eligible communities, in order to streamline the process for developing a moratorium on entry into the charter industry.

2.5.12.2 Eligible communities under issue 12.

We support the suggestion by staff (p.63) to require that the community meet the criteria only in 2004 and 2005, as opposed to 2004, 2005, and the year prior to implementation. This removes the disincentive to continue operating charter businesses in these communities in the short term, over concern that it might disqualify the community from participating in the halibut charter fishery under the community provisions. It will also help to identify the exact number of eligible communities at final action, and the number of permits that could be issued to CQEs representing those communities.

2.5.12.4 Other rules governing use of the permit by the CQE.

First, we support the intent of the requirement that a CQE must use a requested (new) permit within the first full season after receipt from NMFS, or it will not be renewed. It is important to reduce the potential latent effort in any part of the moratorium. We think that the administrative costs associated with requesting another permit, following non-renewal of a previous permit, could provide some incentive for CQE's to thoroughly develop plans for using the permit. This reduces the temptation to ask for the maximum number of permits regardless of whether they will be used in a given year. However, we are not opposed to adding an option to require the CQE to provide information to NMFS on an annual basis about how the permits are to be used, as suggested by staff (page 78), as a way to account for how permits are used. This information would presumably guide amendments to or future actions on community provisions by the Council.

Second, we have concerns about provisions in the analysis that allow CQE's to use requested permits in established ports like Homer and Seward, outside of the eligible CQE community. This could affect the businesses of traditional charter operators in those ports, as well as increase charter effort in nearshore waters that are shared by both charter and commercial fishermen. For example, there is significant charter effort out of Seward operating in the SW area of Prince William Sound, which is used by both commercial and charter operators.

Although we are encouraged to read in the analysis that "communities which have already established CQE's in Area 2C and 3A are interested in using CQE permits to support businesses either physically located in, or operating out of, the represented eligible community (p. 79)", we think it is appropriate for the Council to add an option to require that a business using a CQE's requested permit must operate out of it's particular port or community. This would further the Council's goals of providing meaningful opportunities for communities with undeveloped charter industries in the halibut charter industry, while avoiding the creation of new fishing effort that would compete with historical operators in established ports.

2.5.13 Overview of impacts under Alternative 2

We do not believe that this section adequately or accurately describes the impacts under Alternative 2, and needs revision. For example, whether or not the price of charter trips increases depends on a number of factors such as the qualifying criteria selected by the Council, the duration of the moratorium prior to implementation of a permanent solution, and the imposition of management measures to hold the charter sector harvest close to the GHL. None of these factors are discussed.

It is also stated in this section that the impacts on the commercial sector "are expected to be minimal in the short term", although it is "unlikely that any of the alternatives will constrain the growth in the number of trips or the number of halibut harvested" (p. 84). We do not believe that these simplistic and unqualified statements - that the impacts are expected to be minimal even though the charter harvest will continue to increase above the GHL - adequately describe to the public what effect the moratorium may have on the commercial sector. As with the description of the impacts on the charter sector, there are a number of factors that may come into play.

Finally, we find the description of the potential impacts of the moratorium on other state managed fisheries (pp. 85-86) to be overstated, compared to what we experience in Prince William Sound and adjacent waters, and what has been presented to the Stakeholders Committee. This section states that in Southcentral "ADF&G and the Board (of Fisheries) have expressed conservation concerns for rockfish, lingcod, and sharks throughout the region (p.86)." We have yet to hear these concerns from ADF&G in Prince William Sound and adjacent waters. For example, the commercial lingcod catch limits have not changed since 2001. They are set at 75% of the 10yr historical average catch prior to 2001 and not a formal stock assessment. We know that commercial and charter fishermen are finding lingcod to be more abundant every year.

At the Stakeholders Committee we have not been presented with any data from ADF&G to back up claims presented in this section about conservation concerns in Southcentral Alaska. ADF&G has not volunteered any data on catches of rockfish, lingcod, or sharks in State management areas by the charter or commercial sector, or other users. The data presented to the Council in December on numbers of halibut and rockfish kept and released in 2006 by port by the charter sector in 2C and 3A was made available only as a result of an information request to ADF&G by commercial fishermen.

2.6.2.1 through 2.6.2.4 Medical hardships, Constructive loss, Other hardships, and Unavoidable Circumstance claims

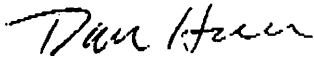
We recognize that more restrictive hardship criteria may increase the number of appeals. However, we recommend that the Council adopt the more restrictive hardship criteria in these sections for those issues where the Council must make a clear choice for the analysis. We also recommend that the Council decline the use of interim permits to appellants. We believe these decisions are justified in order to achieve Council goals of holding charter effort close to 2005 levels, and not exacerbating the problems associated with charter harvests exceeding the GHLs.

2.6.3.2 Non-leasing options

We support consideration of the alternatives to the no-leasing option identified in the analysis on page 94, should the Council determine that the no-leasing provision is too difficult to enforce. These alternatives would require permit holders to authorize users, restrict authorization, and limit the number of permits a user could be authorized to use.

Thank you for taking our comments into consideration.

Sincerely,



Dan Hull, Chairman
CDFU Groundfish Division

**Juneau Charter Boat Operators Association
P. O. Box 34522
Juneau, Alaska 99803**

RECEIVED
JAN 31 2007
N.P.F.M.C.

**2007 Board
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Member at
Large*

January 30, 2007

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

Dear Council Members,

The Juneau Charter Boat Operators Association (JCBOA) is working within the framework of this Council and the Stakeholders Committee to affect a permanent solution for guided sport halibut allocation. It is our desire that the NPFMC expedite this process to its fullest ability. Each year that this issue remains unfinished brings more instability to both sport and commercial halibut fisheries. We all need the NPFMC to act as soon as possible.

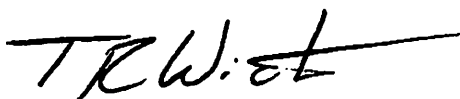
The JCBOA has taken the following positions on this issue:

1. We support a moratorium in the guided sport sector using the proposed cut off date of December 9, 2005 and implementation of a limited entry system.
2. We support a trip threshold for entry that is tailored separately to each management unit, 3A and 2C.
3. We support an ownership share based on the historic activities of the participants with consideration given to long time participants.
4. We feel that the guideline years and the success ratio used to establish an ownership share should be determined by an individual participant's actual catch history between 1998 - 2005 and not focused on a region wide average for one particular year or another.
5. The ownership share must be transferable and saleable between both charter and commercial users.
6. We believe this system must provide
 - o Easy tracking
 - o Room for growth
 - o In season and inter-season adjustments between participants
 - o A carry over system for small shortfalls and overages
7. We support a Halibut Stamp or other mechanism to help transfer commercial quota to the initial guided sport allocation and to help maintain room for charter industry growth and program management funding.

The JCBOA believes the Council has the necessary tools to make this decision at this time. We strongly believe this issue can be resolved this year through the Stakeholders Committee. We know that both the charter and the commercial halibut industry are behind a permanent solution.

The recent IPHC recommendation of a 1 fish limit through part of the 2007 season emphasizes the urgency of this matter. A 1 fish limit is an unacceptable client expectation. The impact of such a decision, will not only have dire consequences on those of us who have spent our lives building this industry, but it will send repercussions throughout Alaska's economy. We urge the North Pacific Fishery Management Council to act quickly on this matter so that we can stabilize the halibut fishery in Alaska, for commercial and recreational users alike.

Sincerely,



Todd Wicks, President
Juneau Charter Boat Operator's Association

cc: Condoleezza Rice, Secretary, US Department of State
Carlos Gutierrez, Secretary, US Department of Commerce
Ted Stevens, Senator, United States Senate
Lisa Murkowski, Senator, United States Senate
Sarah Palin, Governor, State of Alaska
James Balsiger, Regional Administrator, National Marine Fisheries Service
Denby Lloyd, Commissioner, Alaska Department of Fish and Game
Kelly Hepler, Director of Sport Fish, Alaska Department of Fish and Game
Donna Bondioli, Executive Administrator, Alaska Charter Association

Kachemak King Sportfishing

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e-mail: kachking@xyz.net

January 26, 2007

Members of the North Pacific Counsel

Jim Balsiger

I am voting for the North Counsel to vote to adopt the Charter Halibut Moratorium.

I agree with the Counsel's set date as of December 9, 2006.

I have full faith in the Counsel's effort to structure this limited entry program.

I agree with the stated Qualifying years of 2004 and 2005 with a minimum of 20 bottom fish trips.

I would like to see a new allocation based on the 2005 charter harvest plus a 25% for growth.

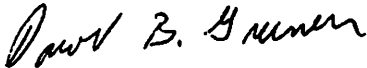
The last 10 years have been hard not knowing what the next year would bring, and trying to run a business in such a environment is hard to say the least.

I'll ask you how I can book my customers if I can't guarantee my season.

Here is where I ask you to make my charter viable, please pass the Moratorium.

Thank you

Capt. David B. Greiner



North Pacific Fishery Management Council
Stephanie Madsen, Chair
605 W. 4th Avenue, Suite 306
Fax (907) 271-2817
Phone (907) 271-2809

RE
JAN 30 2007
N.P.F.M.C.

January 30, 2007

Dear Ms. Madsen,

My name is Shawn Gornall and my wife and I live in Kodiak. We originally came to Kodiak via the Coast Guard in 1995. Once we realized that we were able to retire in Kodiak, we started a charter business. Little did I know that four years later I would be fighting for my existence?

During those first four years I was very limited in the amount of time I was allowed to fish because of being an active duty member. So you can see that if and when this moratorium does go into affect, I very well could be without a job. If your council does implement the moratorium with the 20 or even the 10 trip limit, many soon to be retired Coast Guard and previous retired folks will be left out. Just like me, several people set them selves up with a retirement plan several years before being discharged hoping to do what they love, fish.

I don't pretend to understand or know everything about this fishery, but I do know that Kodiak is different than let say Homer or Sitka. Since we are not easily accessible, we don't see the high volume of clients as other areas do, thus I honestly believe the charter fleet in Kodiak is not over capitalized. You probably have plenty of data stating just the opposite, but please realize that many people claiming to be charter operators are commercial operators that were looking to cash in on quota's or limited entry permits. I am not trying to bash the commercial sector; they were just more educated on how these policies would be implemented then I or someone else that were new to the fishery.

Believe you me; I don't envy your position or the difficult decisions you and your council have to make. I'm not blind to the fact that changes need to be made especially in Southeast, but I do know that one shoe doesn't fit all in regards to the charter industry. I really think that the KACO plan is the best alternative for everyone. The commercial sector would get compensated for quota's instead reductions with no compensation. Too me, this is a win, win, plan for everyone.

Sincerely,


Shawn Gornall

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

January 30, 2007

North Pacific Fishery Management Council
Stephanie Madsen, Chair
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax 907-271-2817

RE: Agenda C-4 Halibut Moratorium

The Southeast Alaska Fishermen's Alliance (SEAFSA) fully supports the proposed moratorium using a control date of December 9, 2005. The moratorium is the first step towards a long-term solution but is not a complete solution in and of itself for the charter and commercial industry for the long term.

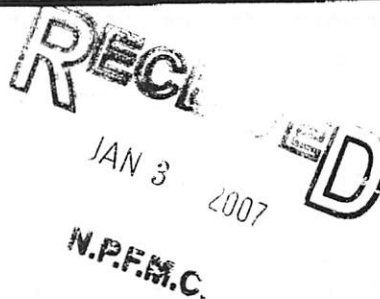
The following comments are made on the initial review draft of the EA/RIR/IRFA analysis for a regulatory amendment to limit entry in Halibut Charter Fisheries in IPHC areas 2C and 3A. We would ask that as you look at the following comments you understand that in no way do we wish to slow down actions on the moratorium and hope that the NPFMC can stand by the original timetable of final action in April.

Issue 10: Qualification Period

We support option 10.2 as being more in line with what was discussed at the stakeholder committee for determination of who is eligible for a permit or not. We also believe that the appropriate number of bottom fish logbook trips will be different between area 2C and 3A. We would suggest that a 15 bottomfish logbook trip be included in the next analysis.

Issue 12: Community Provisions

We understand the intent of the community provisions, and understand that we want to keep the community provisions simple to prevent slowing down the implementation of the moratorium. We believe that there needs to be an additional consideration besides the number of businesses and that is the number of permits



that each business will receive for qualification of community permits. You may have a small number of businesses operating but many more vessel permits may be issued than the number of businesses. (see page 53 for example of Angoon) This type of option would almost be impossible to analysis and would be totally subjective as you wouldn't know who qualifies and for how many permits. An alternative might be to add to the analysis an option of 1 or 2 businesses operating within a community. Balancing out the community needs and gifting of new permits against an individual charter business who has taken the financial risk to start an operation, advertising their services and the community will be difficult. New permits in a community will be a burden to any charter business that currently exists and operates from that community.

We believe that the community section should be tweaked so that if a permit is not used the "first full season after receipt from NMFS" it is extinguished. The community could request another of the permits they are eligible for but if the permit is not renewed and extinguished that is one less permit that community would be eligible for.

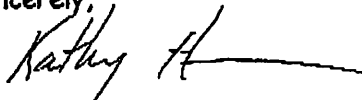
Implementation Issues

2.6.1 Permit eligibility

We support staff's comments and suggestion within the document to change the stakeholder wording from "year prior to implementation" to "year prior to final rule becoming effective".

Thank you for your consideration of our comments and in closing would like to again state that we fully support a moratorium with a control date of 12/9/05.

Sincerely,



Kathy Hansen
Executive Director

Puffin Fishing Charters

"Experience makes the difference"

1-800-978-3346

P.O. Box 606
Seward, AK 99684

Holiday Inn Express Hotel
1412 Fourth Avenue, Ste. D

January 29, 2007

North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax: (907) 271-2817

Re: Charter Moratorium

Madame Chair, Council Members, Panel and Committee Members:

By way of introduction, we are co-owners of a charter fishing company in Seward and have been in business since 1994. One of us, who has been guiding charters out of Seward for over 25 years, also owns nearly 5000 pounds (more this year thanks to the health of the biomass and the generosity of the IPHC) of commercial halibut quota in Area 3A.

Thank you for your work on these very important issues. We would like to ask that you take into consideration the following points with regard to the Charter Moratorium:

A **charter moratorium is necessary**, not only to help us stay within a Guideline Harvest Limit (although we would advocate that the **GHL** be increased to accommodate the growth in the charter industry since 2000), but to help prevent localized depletion of the halibut resource.

1.4.2 Footnote 2 We are concerned about the **exemption of military boats** from the moratorium, while their harvests are still counted against the charter **GHL**. The **MWR** fleet in Seward at one time had four large inspected vessels with capacities of 15 to 20 anglers, as well as a fleet of six-passenger vessels. Although they no longer have their "six-packs" and continue to operate only the larger vessels, it is concerning that unlimited expansion of their fleet via their exclusion from a moratorium could have a significant impact. The commercial **Catch Limit** in Area 3A (which has grown by 8 million pounds since 2000), has much more latitude to accommodate their harvest than does the already challenged charter **GHL**. The harvest by **MWR** vessels could be considered "recreational", included in the private recreational harvest, and subtracted from the **TAC** as such.

1.4.2.10 We would ask that **Option 1** (based on the number of trips summed for all vessels) be used to determine the number of **permits** issued. This would remove the unintended negative consequence to a business owner who happened to have more frequently utilized one vessel in his/her fleet for halibut trips during the qualifying years relative to another owner who may have more evenly divided the same number of trips between vessels.

We would also ask that the Council stipulate either a **10-trip** or a **20-trip** requirement to qualify for a permit. This would theoretically separate those that charter fish for halibut as their livelihood from those that guide charters as an avocation (or as a tax write-off).

NPFMC Letter from PFC
1/29/07 Page 2

1.4.2.11 It is imperative that the **Use Cap be greater than one permit** – a single permit would allow a company to have only one six-pack charter vessel. This stipulation would completely devalue all charter vessels that are inspected to carry more than six passengers. It would be impossible to stack permits to allow these larger boats to be utilized if the use cap is restricted to one permit.

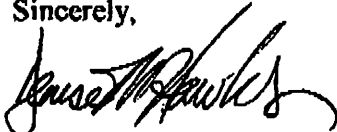
1.4.2.11 We would ask that the CQE permits not only be designated to the area in which the community is represented, but that they also be **restricted to that community's port**. Per the Halibut Charter Moratorium – Initial Review Draft (page 78), "While this program design is intended to allow the CQE to determine how best to use the permit to benefit its community, it does not *require* that the charter business supported by the permit operate in the represented community's port." The community provisions are intended, as clarified by Council at its December meeting "to benefit communities by encouraging or allowing new businesses to **operate out of small rural communities in Area 2C and 3A that have under-developed halibut charter industries.**" To provide small communities with permits that can be used at any port undermines the primary intent of the CQE program.

A CQE program that is port-specific can be beneficial to the entire Alaskan charter fishing industry by "spreading anglers out" into other parts of the state. During busy parts of the season the number of anglers wanting to fish for halibut continues to be greater than the number of seats available. Having anglers fishing in other parts of the state not only helps those small communities in terms of tourism dollars, but it also spreads out the impact on the resource and reduces the risk for regional depletion. Allowing CQE permits to be used in already heavily utilized ports could, theoretically, add dozens of new charter boats to these fishing grounds and contribute to localized depletion.

As a side note, we would also request that the moratorium language be **gender-inclusive** (he/she, his/her, etc.).

Thank you for your consideration of these comments and for your continued diligence in addressing these issues.

Sincerely,



Denise M. Hawks



Captain Leslie A. Pemberton

NPFMC
605 West 4th Ste 306
Anchorage AK 99501-2252
January 30, 2007

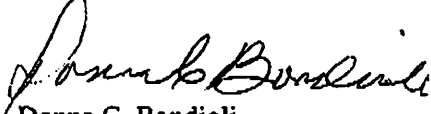
Dear Chairman Madsen,

I support the Moratorium with a qualifying date of December 9, 2005.

I support the qualification of bottomfish effect as reported in 2004 or 2005 and participation in the year prior to implementation with a minimum number of bottomfish trips of 5 trips, as well as #1 "unavoidable circumstances" clause.

Military boats for R&R either must be included in the Moratorium and included in the GHL or moved "above the line" so their catch is not included in the GHL.

Thank you,



Donna C. Bondioli
PO Box 66
Homer AK 99603

ALASKA LONGLINE FISHERMEN'S ASSOCIATION
403 Lincoln Street, Ste. 237 Sitka, AK 99835
phone: 907 747 3400 fax: 907 747 3462
alfafish@ptialaska.net

January 28, 2007

Commissioner Denby Lloyd
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811

Dear Commissioner,

I recently received a copy of your January 25th letter to Dr. Balsiger. I respectfully disagree with several of the points raised in that letter and wish to initiate a dialogue to ensure that your office fully understands the issue and our concerns. In particular, I was surprised to read that the Department: 1) questions the International Pacific Halibut Commission's (IPIIC) determination that a conservation problem exists; 2) does not believe the IPIIC considered regulatory alternatives to the bag limit reductions; and, 3) has concerns regarding other aspects of the IPIIC quota setting process.

The Department, led by sport fish personnel, has actively participated in this issue for over a decade and was well represented at the IPHC meeting. The IPIIC clearly illustrated their conservation concern by highlighting the wide-spread overages of the Constant Exploitation Yield (CEY). The CEY was exceeded in areas stretching from British Columbia to the west end of Kodiak. CEY overages were significant, particularly in Southeast Alaska and British Columbia. Such wide-spread overages certainly demand immediate and effective corrective action. The Board of Fisheries (BOF) and ADF&G have a history of taking corrective action when area quotas and sport GHIs are exceeded; it would be unreasonable to expect the IPHC to act differently.

IPHC data make clear that CEY overages across all three areas were driven by guided sport overages of domestic harvest targets. In December, 2006 the IPIIC notified the North Pacific Fishery Management Council of this wide-spread overage and the attendant conservation concern, and engaged in a dialogue with Council members and staff. The Council indicated that while a domestic harvest target had been established (the GFM) and a framework had been developed in an attempt to control harvest to that target, no effective guided sport harvest control measures would be in place through the Council process in time for the 2007 season.

The IPIIC has a clear conservation mandate to take corrective action if the allowable biological catch in an area is exceeded. The IPIIC targeted corrective action to the guided sport sector because the guided sport sector is the only halibut sector that is growing rapidly and consistently exceeding quota. Targeting measures to the guided sport sector addresses the source of the conservation problem, supports Council efforts to manage

guided sport harvest to domestic harvest targets, and prevents a re-allocation of quota from the setline to the guided sport sector. As you may recall, in April 2006 the Council reaffirmed by unanimous vote its intent to manage the guided sport fishery to stay within the GHL using a combination of State and Federal authority. In a December 2006 letter to the IPHC, the Council emphasized its goal to focus actions on the guided sport sector rather than the recreational sector as a whole. Clearly the IPHC action is consistent with Council action on this issue.

In selecting harvest control measures for the guided sport fishery, the IPHC relied on Council analysis, ADF&G analysis, and its own assessment. Many of the control measures listed have been considered and analyzed by all three agencies in the past. At the December 2006 Council meeting, ADF&G sport fish staff indicated that a bag limit reduction for an appropriate portion of the season would constrain guided sport harvest close to established GHL levels. Additional information provided by ADF&G staff at the IPHC meeting further support this conclusion. While the exact harvest reduction is as yet unknown, the IPHC or the Council can adjust bag limit reduction times prior to the 2008 season. Certainly if the CEY is once again exceeded due to guided sport overages, immediate corrective action would again be indicated.

In your letter you assert that the IPHC did not "consider" other regulatory alternatives to the bag limit reductions. Your staff should have corrected such a conclusion. The IPHC Commissioners were eager for the conference board work group to develop recommendations that would be comparably effective, within the authority of the IPHC, and preferred by the guided sport industry to staff recommended bag limit reductions. Neither the guided sport industry nor the ADF&G sport fish personnel would suggest comparably effective alternatives. The trophy fish approach, which has been championed by ADF&G sport fish, was summarily dismissed by many of the guided sport operators in the work group as likely to increase discard mortality. While no data were presented to support this concern, the operators' perspective was respected by the work group and the idea abandoned. If the work group had identified effective alternatives to the bag limit reductions, it was clear the suggestions would have been well received by the Commissioners. It seems important to note that by selecting bag limit reductions instead of season closures, the other management tool available to the IPHC, the Commission insured that all guided sport clients, regardless of when they fished, would have an opportunity to catch and retain a halibut.

You further question the IPHC in regards to using the GHL as an appropriate indicator of guided sport harvest and instead suggest that the IPHC should be using the ADF&G staff projections of harvest. The IPHC used ADF&G's projections to evaluate the extent of guided sport GHL overages in 2007 that could be expected in the absence of catch controls and the associated re-allocative impacts of that overage. IPHC Commissioners also took into consideration ADF&G staff analysis of the Emergency Order options available to the Department (prohibit retention of halibut by guided sport skipper and crew and limiting lines to the number of paying customers) before arriving at the two week time period for the reduced bag limit in 3A.

Finally, you voice concern about the IPHC decision to review model changes prior to adopting the coast-wide assessment and apportioning approach. Although they deferred acceptance of the method, the total catch limit adopted by the Commissioners of 65.17 million pounds was more conservative than the preliminary staff recommendations of 66.56 million pounds by nearly 1.5 million pounds. The Commissioners also imposed additional catch limit reductions in area 2C and 2B in acknowledgement of declining catch per unit effort and escalating guided sport harvest in these areas. While IPHC staff did present a compelling argument for moving toward a coast-wide assessment, a number of major questions relating to selectivity, migration, and apportionment remain to be thoroughly vetted through the scientific and fishing communities. For comparison, sablefish stock assessment scientists and fishermen worked together for two years to determine the most scientifically defensible and industry supported survey and apportionment strategy before establishing the system currently in place in the Alaska sablefish fishery. Both staff and industry have indicated a willingness to commit the required time over the next year to arrive at the same place for the halibut fishery. The IPHC's action to spend the coming year evaluating a major model change is consistent with past actions, such as when the Conditional Constant Catch and sex specific model changes were suggested.

Commissioner, I appreciate your willingness to listen and involve yourself in this issue. I also appreciate your interest in finding guided sport management alternatives that will still retain "reasonable control" of the guided sport harvest in 2007. However, both the Department and the Council have had the opportunity to identify and implement effective harvest control measures for the past two years. Since 1973, when the IPHC first adopted recreational bag limits, bag limits have twice been adjusted to address changes in stock conditions or conservation concerns. The changes have been supported by both ADFG and NMFS in the past. It is difficult to understand the level of concern relative to this bag limit modification. Please keep in mind that the bag limit reduction is simply to address the guided sport overage. As a scientist as well as a commissioner we would hope that you would support all management targets as important and act to manage all fisheries responsibly.

In closing, this issue has pitted Alaskan against Alaskan for over 13 years. The strife will continue in our communities until catch controls are implemented on the guided sport fishery. Your office has pledged to restrict guided sport catch to the GILL if granted management authority. It is hard to understand why the Department is objecting to the IPHC action. Implementation of the IPHC action will allow the Council to focus on developing and adopting the long overdue guided sport long term management plan. It seems that staff and industry time would be better spent working toward this more permanent solution than attempting to reinvent the IPHC decision.

We look forward to working with you to develop a long term strategy that respects the interests of all who rely on the halibut resource. Thank you for taking time to review our concerns.

Sincerely,



Linda Behnken (Director, ALFA)

Copy:

Dr. Bruce Leaman, Executive Director, IPHC

Doug Mecum, Deputy Regional Administrator, NMFS Alaska Region

Stephanie Madsen, Chair, NPFMC

Chris Oliver, Executive Director, NPFMC

Mel Morris, Chair, Alaska Board of Fisheries

Jim Marcotte, Executive Director, Alaska Board of Fisheries

STATE OF ALASKA

SARAH PALIN
GOVERNOR

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

P.O. BOX 116626
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

January 25, 2007

Dr. James W. Balsiger
Regional Administrator
National Marine Fisheries Service - Alaska Region
U.S. Department of the Interior
PO Box 21668
Juneau, AK 99802-1668

Dear Dr. Balsiger:



As you might expect, the Alaska Department of Fish and Game (ADF&G) is concerned with the International Pacific Halibut Commission's (IPHC) decision last week to adopt a one halibut bag limit for chartered anglers fishing from June 15 to June 30 in Area 3A and from June 15 to July 31 in Area 2C. Our interest centers around the IPHC's determination that a conservation problem exists, and that the IPIIC did not consider other regulatory options to reduce harvest that would have a lesser impact on the charter industry and its clients.

To help reduce the potential for overfishing in either area 3A or 2C, ADF&G staff examined several options and provided the IPHC with our best estimates of the projected harvest savings of various regulatory controls on the guided sport fishery. The IPHC decided not to use these estimates. ADF&G understands how a growing guided sport fishery affects other sectors, including the directed individual fishery quota (IPQ) fishery. However, we do not believe the IPHC process is the correct venue to resolve this allocation issue.

We are also concerned with the IPHC's decision to use the guideline harvest levels (GHL) as an estimate of future removals. We believe that the projection provided by ADF&G would provide a more reasoned approach. Using the GHL instead of a realistic harvest projection potentially underestimates the actual removals by the charter sector, thereby creating the potential for overages of constant exploitation yields (CEY) and resultant over-fishing.

Regarding one particular action, we do not believe the IPHC bag limit will result in the desired savings in Area 3A. The recommended rule by the IPHC calls for a one fish bag limit for two weeks. Given expected changes in angler behavior (anglers rebooking to an earlier or later date or choosing to high grade by keeping a larger fish), it is likely that few, if any, biomass may be saved under the adopted rule. ADF&G has issued an emergency order prohibiting retention of fish (including halibut) by skipper and crew and a limitation on the number of lines fished equal to the number of clients onboard from May 1 to December 31. We believe this prohibition will do more to reduce harvests within acceptable levels than the IPIIC action.

Dr. James W. Balsiger

2

January 25, 2007

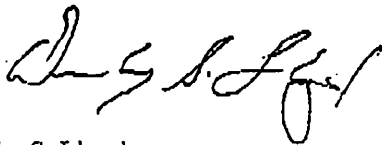
Most immediately, I request your guidance in determining the best avenue to bring this back to the North Pacific Fishery Management Council (NPFMC) process. We believe the NPFMC process allows for a full analysis of impacts of identified regulatory options on various sectors, and possible collateral impacts on state-managed fisheries due to shifts in angling effort. We do not believe that the IPHC fully addressed these factors in its recent annual meeting. We are also concerned with the inadequate time for review, synthesis, and analysis of new information by staff and the industry provided by the IPHC process.

I understand that as part of the IPHC motion in adopting these bag limit reductions, Commissioner Hoard stated that the regulations would only go into effect if the United States did not take independent action, to assure the CEYs in both areas were not exceeded, by June 15th. Do you anticipate that the Secretary of Commerce might intervene in this process and, if so, how and when? Do you think that ADF&G and the National Marine Fisheries Service (NMFS) should request NPFMC action on this issue prior to June 15th? Finally, do you believe that the NMFS can or will initiate an emergency rulemaking process to assure CEYs in these areas are not exceeded?

Additionally, the state is concerned that the IPHC adopted catch limits based on the former closed-area assessments, rather than based upon the staff recommended catch limits comprising a coastwide assessment with area apportionment. The IPHC staff made a compelling case for using the coastwide assessment and presented evidence that the closed-area assessments overestimate abundance in the eastern areas such as 2B and 2C and underestimate abundance in the western areas such as 3B and 4A. Reverting to catch limits based on closed-area assessments appears to increase the conservation risk in the eastern areas and results in a reallocation of fish away from Western Alaska. Additionally, the catch limits adopted by the IPHC result in application of differential harvest rates among the areas, many of which are higher than those recommended by IPHC staff in light of new information regarding halibut movement.

Jim, some of these issues are time sensitive. If there are opportunities to modify the IPHC's reduction of halibut charter bag limits, while retaining reasonable control of the sport charter harvest in 2007, I would appreciate your efforts to help us identify and achieve them. Thank you.

Sincerely,



Denby S. Lloyd
Acting Commissioner

cc: Bruce Leaman, Executive Director, IPHC
Doug Mccum, Deputy Regional Administrator, NMFS
Stephanie Madsen, Chair, NPFMC
Chris Oliver, Executive Director, NPFMC
Mel Morris, Chair Alaska Board of Fisheries
Jim Marcolte, Executive Director of Alaska Board of Fisheries

Bruce Warner
PO Box 2807
Homer, AK 99603

10 Jan. 2007

North Pacific Fisheries Management Council
605 West 4th Street #306
Anchorage, Alaska 99501-2252

R
JAN 1 2007
D
N.P.F.M.C.

RE: INDICTMENT OF THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

Attention Director:

The reason there is a Fisheries Management Battle in Alaska between the Recreational Halibut Sport Fishing Public and the Commercial Halibut Fishing Industry is because two KEY PROVISIONS of the MAGNUSON-STEVENSON FISHERY CONSERVATION and MANAGEMENT ACT (cited below) which are designed to prevent just such a Management Battle have been, and are being, ignored by the NPFMC who is in flagrant disregard and derelict in its' Mandated Duty to ensure these KEY PROVISIONS are carried out in Accordance with the ACT. The NPFMC has a history of disregarding the Recreational Halibut Sport Fishing Public in its' Management Decisions and has become a Pawn of the Commercial Halibut Fishing Industry.

SEC.301. National Standards for Fishery 16 U.S.C. 1851

Conservation and Management

(a) In General.

Any Fishery Management Plan prepared, and any Regulation Promulgated to Implement any such Plan, pursuant to this Title be Consistent with the following National Standards for Fishery Conservation and Management:
98-623

(4) 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 manner that No particular individual, corporation, or Other Entity Acquires an Excessive Share of such Privileges.
(b) Voting Members.

(2) (B) The Secretary, in making appointments under this section, shall, ensure a Fair and Balanced Apportionment in the Commercial and Recreational Fisheries under the Jurisdiction of the Council.

(ii) assess the membership of each Council in Terms of Apportionment of the active Participants in Each Such Fishery; and

(iii) state the Secretary's plans and schedule for actions to Achieve a Fair and Balanced Apportionment on the Council for the active Participants in any Such Fishery.

*Therefore, because there is No Representation of the Recreational Halibut Sport Fishing Public on the NPFMC as Required by the MAGNUSON-STEVENSON FISHERY CONSERVATION and MANAGEMENT ACT, any and all Management Regulations past and present issued and implemented by the NPFMC pertaining to the Recreational Sport Halibut Fishery are invalid and illegal because they were Conceived and Implemented without the Fair and Balanced Representation of the of the Recreational Halibut Sport Fishing Public as Required by the Law.

NO REGULATION WITHOUT REPRESENTATION.

Respectfully submitted,

Bruce Warner

Bruce Warner

FROM :

FAX NO. :

Jan. 13 2007 02:29PM P1

Bruce Warner
PO Box 2807
Homer, AK 99603

14 Jan. 2007

Office of the Secretary of Commerce
Carlos M. Gutierrez
mail stop 61
U.S. Dept. of Commerce
14th & Constitution NW
Washington, DC 20230

RECEIVED
JAN 1 2007

N.P.F.M.C.

RE: The Office of the Secretary of Commerce is negligent in the absence of a North Pacific Halibut Fisheries Management Plan

Dear Secretary:

In the absence of a North Pacific Halibut Fisheries Management Plan as required by the Magnuson-Stevens Fisheries Conservation and Management Act in (Sec. 301. (h) 104-297 (1) (A), the Office of the Secretary of Commerce is negligent in its responsibility and duty to develop and implement a Halibut Fisheries Management Plan as mandated in;

Sec. 304. ACTION BY THE SECRETARY 16 U.S.C. 1854
97-453, 99-659, 104-297

(c) PREPARATION AND REVIEW OF SECRETARIAL PLANS. --

(1) The Secretary may prepare a fishery management plan, with respect to any fishery in accordance with the national standards, the other provisions of this Act, and any other applicable law if --

(A) the appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time, a fishery management plan for such fishery if such fishery requires conservation and management;

(C) the Secretary is given authority to prepare such plan under this section.

The North Pacific Fisheries Management Council has been managing the Halibut Fisheries without a Fisheries Management Plan for decades because it is to the advantage of the Commercial Halibut Fishing Industry who controls the NPFMC, and to the disadvantage of the Recreational Halibut Sport Fishing Public who has no representation on the Council.

Respectfully submitted,



Bruce Warner

Bruce Warner
PO Box 2807
Homer, AK 99603

15 Jan. 2007

Office of the Secretary of Commerce
Carlos M. Gutierrez
mail stop 61
U.S. Dept. of Commerce
14th & Constitution NW
Washington, DC 20230

REC

JAN 15 2007

N.P.F.M.C.

RE: NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL INTENTIONALLY FAILS TO SUBMIT A FISHERIES MANAGEMENT PLAN FOR HALIBUT

Dear Secretary:

By intentionally falling for over a decade to submit to the Secretary, a Fisheries Management Plan for Halibut as required by Law in the Magnuson-Stevens Fisheries Conservation and Management Act Sec. 301. (h) FUNCTIONS. -- Each Council SHALL, in accordance with the provisions of this Act -- 104-297 (1) for EACH fishery under its authority that requires conservation and management, prepare and submit to the Secretary (A) a fishery management plan -- the NPFMC, on a continuing basis, intentionally and criminally evades the Act Sec. 301. NATIONAL STANDARDS FOR FISHERY (a) 98-623 (4) 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); and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The Commercial Halibut Fishing Industry is the "other entity" that has "acquired" a nearly ninety-percent "share" of the Total Allowable Catch Allocation of the Public Halibut Resource, and now is issuing Management Regulations, thru the NPFMC, that apply only to the Recreational Sport Fishing Public to restrict the public's access to and reduce the Public's minor share of the Public Halibut Resource even more to benefit the Commercial Halibut Fishing Industry.

In anticipation of just this situation, the Magnuson-Stevens Fisheries Conservation and Management Act in the ABSENCE of a Fisheries Management Plan for Halibut as required by the Act, provides Sec. 304. ACTION BY THE SECRETARY 97-453, 99-659, 104-297 (c) PREPARATION AND REVIEW OF SECRETARIAL PLANS. -- (1) The Secretary may prepare a fishery management plan, with respect to any fishery in accordance with the National Standards, the other provisions of this Act, and any other applicable law if -- (A) the appropriate Council FAILS to develop and submit to the Secretary, after a REASONABLE period of time, a fishery management plan for such fishery if such fishery requires conservation and management; (C) the Secretary is given authority to prepare such a plan under this section.

The Recreational Halibut Sport Fishing Public petitions the Office of the Secretary of Commerce to use it's power to Act in Behalf of the Public Interest to preserve and protect the public's fishing rights and privileges granted by the Magnuson-Stevens Fisheries Conservation and Management Act.

Respectfully submitted,

Bruce Warner

FROM :

FAX NO. :

Jan. 14 2007 01:35PM P1

Bruce Warner
PO Box 2807
Homer, AK 99603

16 Jan. 2007

Secretary of Commerce
Carlos M. Gutierrez
mail stop 61
U.S. Dept. of Commerce
14th & Constitution NW
Washington, DC 20230

RE

JAN 14 2007

ALPENC

RE: RATIONALE AND AGENDA OF THE COMMERCIAL HALIBUT FISHING INDUSTRY

Dear Secretary:

The rationale and agenda of the Commercial Halibut Fishing Industry is (1) to gain control of the North Pacific Fisheries Management Council by "loading" the representative membership with appointees who will vote for management issues in favor of the Commercial Halibut Fishing Industry's wishes; (2) have the NPFMC intentionally fail to submit the required Fisheries Management Plan for Halibut to the Secretary of Commerce so the NPFMC can continually evade the mandates of Sec. 301. NATIONAL STANDARDS FOR FISHERY (a) 98-623 (4) (A) and (C) of the Magnuson-Stevens Fisheries Conservation and Management Act requiring a "fair and equitable sharing" of the Public Halibut Resource with the public; (3) so when the time comes that a reduced Total Allowable Catch of the Public Halibut Resource is required for purposes of Conservation the NPFMC votes that the reduction comes from the public's small share of the halibut allocation.

The public's need has come for a Fisheries Management Plan for Halibut as required by Law in the Magnuson-Stevens Fisheries Conservation and Management Act. The only Power of Authority to enforce the Law and Act in the Public's behalf is the Office of the Secretary of Commerce.

Respectfully submitted,



Bruce Warner

Bruce Warner
PO Box 2807
Homer, AK 99603

10 Jan. 2007

North Pacific Fisheries Management Council
605 West 4th Street #306
Anchorage, Alaska 99501-2252

RE: INDICTMENT OF THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

Attention Director:

The reason there is a Fisheries Management Battle in Alaska between the Recreational Halibut Sport Fishing Public and the Commercial Halibut Fishing Industry is because two KEY PROVISIONS of the MAGNUSON-STEVENS FISHERY CONSERVATION and MANAGEMENT ACT (cited below) which are designed to prevent just such a Management Battle have been, and are being, ignored by the NPFMC who is in flagrant disregard and derelict in its' Mandated Duty to ensure these KEY PROVISIONS are carried out in Accordance with the ACT. The NPFMC has a history of disregarding the Recreational Halibut Sport Fishing Public in its' Management Decisions and has become a Pawn of the Commercial Halibut Fishing Industry.

SEC.301. National Standards for Fishery 16 U.S.C. 1851

Conservation and Management

(a) In General.

Any Fishery Management Plan prepared, and any Regulation Promulgated to Implement any such Plan, pursuant to this Title be Consistent with the following National Standards for Fishery Conservation and Management:
98-623

(4) 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 manner that No particular individual, corporation, or Other Entity Acquires an Excessive Share of such Privileges.

(b) Voting Members.

(2) (B) The Secretary, in making appointments under this section, shall, ensure a Fair and Balanced Apportionment in the Commercial and Recreational Fisheries under the Jurisdiction of the Council.

(ii) assess the membership of each Council in Terms of Apportionment of the active Participants in Each Such Fishery; and

(iii) state the Secretary's plans and schedule for actions to Achieve a Fair and Balanced Apportionment on the Council for the active Participants in any Such Fishery.

*Therefore, because there is No Representation of the Recreational Halibut Sport Fishing Public on the NPFMC as Required by the MAGNUSON-STEVENS FISHERY CONSERVATION and MANAGEMENT ACT, any and all Management Regulations past and present issued and implemented by the NPFMC pertaining to the Recreational Sport Halibut Fishery are invalid and illegal because the were Conceived and Implemented without the Fair and Balanced Representation of the of the Recreational Halibut Sport Fishing Public as Required by the Law.

NO REGULATION WITHOUT REPRESENTATION.

Respectfully submitted,

Bruce Warner

Bruce Warner

Bruce Warner
PO 2807
Homer AK 99603

5 Jan. 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: North Pacific Fisheries Management Council letter dated December 20, 2006

Dear Director,

Paragraph one of this letter refers to: "until a permanent solution to allocation issues between the commercial and charter halibut has been implemented." I submit to you that there is no "issue between commercial and charter". The issue is between the commercial and the licensed sport fishing public. Charter boats are not licensed to catch halibut, they are licensed to merely taxi the licensed sport fishing public to access the public halibut resource.

Paragraph two refers to: "implement measures to reduce charter halibut harvests". There is no "charter halibut harvests". The licensed sport fishing public harvest the halibut, not charter boats, so these proposed "measures" are designed to reduce the harvest of the licensed sport fishing public to benefit the commercial halibut fishing industry.

Paragraph three refers to: "eight measures that could be selected in combination to further reduce charter halibut harvest." Since there is no "charter halibut harvest" these proposed "eight measures" are intended to reduce the harvest of the licensed sport fishing public to benefit the commercial halibut fishing industry.

Paragraph four refers to: "a moratorium for the charter halibut sector". This is a designed attempt to restrict the access of the licensed sport fishing public to the public halibut resource to benefit the commercial halibut fishing industry.

Paragraph five refers to: "the IPHC in January may be considering regulations to constrain recreational fisheries, or at least constrain the charter sector". Is it the role of the IPHC to "constrain" the licensed sport fishing public from accessing the public halibut resource to benefit the commercial halibut fishing industry? Is it the role of the IPHC to place the interests of the commercial halibut fishing industry over the licensed sport fishing public interest?

In the calendar year 2005, according to ADF&G statistics, the Alaska sport fishing public numbered a total of 526,349 sport fishermen who purchased Alaska Sport Fishing Licenses.

Respectfully submitted,



Bruce Warner

Sent to IPHC via USPS, email, fax

Bruce Warner
PO Box 2807
Homer, AK 99603

6 Jan. 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: The North Pacific Fisheries Management Council is in Violation of the Northern Pacific Halibut Act of 1982

Dear Director:

The provision of the Act the NPFMC is in violation of is as follows:

Northern Pacific Halibut Act of 1982
APPENDIX II (page 24)
773c.

(c) Regional Fishery Management Council involvement

"If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, 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."

*It is the contention of the Sport Fishing Public that the eighty-five percent allocation share of the Total Allowable Catch of Halibut the Commercial Halibut Fishing Industry has acquired is not "FAIR AND EQUITABLE TO ALL SUCH FISHERMEN", and that the Commercial Halibut Fishing Industry is the "OTHER ENTITY ACQUIRES AN EXCESSIVE SHARE OF THE HALIBUT FISHING PRIVILEGES" - to the advantage of the Commercial Halibut Fishing Industry and to the disadvantage of the Sport Fishing Public.
A reallocation of the halibut shares of the Total Allowable Catch between the Sport Fishing Public and the Commercial Halibut Fishing Industry is required for SUCH ALLOCATION TO BE FAIR AND EQUITABLE TO ALL FISHERMEN. This reallocation must be made to be in compliance with the Act.

Respectfully submitted,



Bruce Warner

Sent to IPHC via USPS, email, fax

Bruce Warner
PO Box 2807
Homer, AK 99603

7 Jan. 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: IPHC meeting with NPFMC January 16, 2007

Dear Director:

The Northern Pacific Halibut Act of 1982 states:

SUMMARY (page 11)

"This has lead to several unsuccessful attempts to limit fishing effort of Alaska and together with the convention text is the basis for a NOAA decision that the COMMISSION SHOULD NO LONGER CONSIDER REGULATIONS THAT RELATE TO DOMESTIC ALLOCATION."

APPENDIX III (page 31)

"Therefore, future DOMESTIC ALLOCATION ISSUES will be submitted to the appropriate Regional Management Council for a recommendation to the Secretary, RATHER BE HANDLED BY the IPHC."

*It is the contention of the Sport Fishing Public that the IPHC involvement with the NPFMC "considering regulations to constrain recreational fisheries, or at least constrain the charter sector" would put the Commission in violation of this Provision of the Act.

Respectfully submitted,



Bruce Warner

Sent to IPHC via USPS, email, fax

Bruce Warner
PO Box 2807
Homer, AK 99603

8 Jan. 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: Charter Vessel is not a "Fishing Vessel"

Dear Director:

A "Fishing Vessel" is defined by law in the Northern Pacific Halibut Act of 1982 - Section 773. as: "Any vessel engaged in catching fish". A Charter Vessel for hire IS NOT a "Fishing Vessel engaged in catching fish", as defined by the NPHA of 1982, but rather a Transportation Vessel for hire engaged in the United States Coast Guard licensed transportation of the Sport fishing Public who are licensed to "engage in catching fish." Charter Vessels for hire cannot legally "engage in catching fish" like Commercial "Fishing Vessels". It is not the Intent of the ACT to include Charter Vessels for hire in the Legal Definition of "Fishing Vessel". Therefore, Charter Vessels for hire DO NOT come under the Legal Jurisdiction and Mandated Authority of the North Pacific Fisheries Management Council given to it by the NPHA of 1982. They come under the Legal Jurisdiction and the Mandated Authority of the USCG.

*It is the contention of the Sport Fishing Public that it is beyond the Limit of Legal Jurisdiction and Mandated Authority of the NPFMC to propose or impose any and all restrictions and regulations on Charter Vessels for hire.

Respectfully submitted,



Bruce Warner

Sent to IPHC via USPS, email, fax

Bruce Warner
PO Box 2807
Homer, AK 99603

9 Jan. 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: Injunctive Relief in Federal Court

Dear Director:

The Alaska Sport Fishing Alliance plans to seek Injunctive Relief in Federal Court from the Unfair and Inequitable Halibut Resource Allocations of the Commercial Fishing Entity's Excessive Share and the Alaska Sport Fishing Public's relatively small share, and seek Injunctive Relief from the arbitrary unjustifiable restrictions and regulations imposed upon the Alaska Sport Fishing Public by the North Pacific Fisheries Management Council - to benefit the Commercial Fishing Entity - which are in violation of the Intent and Letter of SUBCHAPTER IV - Northern Pacific Halibut Act of 1982;

Section 773c. General Responsibility

(c) Regional Fishery Management Council involvement

"If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, 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 a manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges."

*It is the contention of the Alaska Sport Fishing Public that the NPFMC is failing to carry out it's mandated duty and "obligations in existing Federal law" to be "fair and equitable to all such fishermen" concerning the allocation of "halibut fishing privileges among various United States fishermen" by allowing the Commercial Fishing Entity to "acquire an excessive share of the Halibut fishing privileges." The "fair and equitable" reallocation of the "halibut fishing privileges" between the Alaska Sport Fishing Public and the Commercial Fishing Entity is required to be in compliance with the NPHA of 1982.

Respectfully submitted,



Bruce Warner

Sent to IPHC via USPS, email, fax

FROM :

FAX NO. :

Jan. 08 2007 08:47AM P1

Bruce Warner
PO Box 2807
Homer, AK 99603

8 Jan. 2007

North Pacific Fisheries Management Council
605 West 4th St. #306
Anchorage, Alaska 99501-2252

RE: Ignorance or Flagrant Disregard ?

Dear Director:

The NPFMC is either ignorant of or in flagrant disregard of the Provision of the Northern Pacific Halibut Act of 1982 - Section 773. Definitions:

"Fishing Vessel" means - any vessel engaged in catching fish

A charter vessel for hire cannot legally "engage in catching fish" like a Commercial "Fishing Vessel" as Defined in Law by the NPHA of 1982. A charter vessel for hire is engaged only in United States Coast Guard licensed transportation of the Sport Fishing Public - who are licensed to "engage in catching fish". Therefore, a charter vessel for hire IS NOT a "Fishing Vessel", and DOES NOT come under the Legal Jurisdiction or Mandated Authority given to the NPFMC by the NPHA of 1982. The NPFMC has NO LEGAL RIGHT to issue restrictions or regulations pertaining to charter vessels for hire. To do so places the NPFMC outside the Limit of its' Jurisdiction.

Respectfully submitted,



Bruce Warner

FROM :

FAX NO. :

Jan. 08 2007 11:15AM P1

Bruce Warner
PO Box 2807
Homer, AK 99603

9 Jan. 2007

North Pacific Fisheries Management Council
605 West 4th St. #306
Anchorage, Alaska 99501-2252

RE: Guideline Harvest Limit is unjustifiable

Dear Director:

The Guideline Harvest Limit imposed on the Sport Fishing Public is arbitrary and unjustifiable under the Provision of the Northern Pacific Halibut Act of 1982 - Section 773c. General Responsibility (c) Regional Fishery Management Council involvement: "If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, 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 A MANNER THAT NO PARTICULAR individual, corporation, OR OTHER ENTITY ACQUIRES AN EXCESSIVE SHARE of the HALIBUT FISHING PRIVILEGES."

Because the Commercial Halibut Fishing Industry has been allowed to "ACQUIRE AN EXCESSIVE SHARE OF THE HALIBUT FISHING PRIVILEGES", and because the existing "ALLOCATION" between the Commercial Halibut Fishing Industry and the Sport Fishing Public IS NOT "FAIR AND EQUITABLE" the GHL imposed on the Sport Fishing Public is arbitrary and unjustifiable under the Law.

Respectfully submitted,



Bruce Warner

TO: THE EDITOR

1-5-07

ALL FISHERMEN ARE CREATED EQUAL

ALASKA SPORT FISHING ALLIANCE FUND MISSION STATEMENT: We are a Legal Defense Fund solely "Dedicated to the Proposition that ALL FISHERMEN are CREATED EQUAL with Certain Inalienable Rights." Those "Rights" shall include, but not be limited to, the "Right" of the Alaska Sport Fishing Public to an EQUAL SHARE of the Annual Total Allowable Catch Allocation of the Public Halibut Resource, and the "Right" of the Alaska Sport Fishing Public to the UNRESTRICTED ACCESS to the Public's Share of the Public Halibut Resource by whatever mode of transportation they so choose. We also believe that the Alaska Sport Fishing Public's "Rights" shall not be infringed upon by the Alaska Commercial Halibut Fishing interests or by any organization that does not Fairly and Equally represent the Alaska Sport Fishing Public Interest. We represent the "Interests and the Rights" of the Alaska Sport Fishing Public.
In the calendar year 2005 the Alaska Sport Fishing Public numbered a total of 526,349 Sport Fishermen who purchased Alaska Sport Fishing Licenses.

Bruce Warner - Homer, AK

Bruce Warner
907-235-6468

TO: THE EDITOR**12-22-06****PROPOSED ALASKA SPORT FISHING ALLIANCE FUND****Proposed Mission Statement:**

This Legal Defense Fund is solely "Dedicated to the Proposition that all Fishermen are Created Equal". Both the Sport Fishing Public and the Commercial Halibut Fishing Industry should Share Equally in the Annual Allocation of the Total Allowable Catch of the Public Halibut Resource, and that neither Party's Rightful Share shall be infringed upon by the other party without permission.

Bruce Warner - Homer, AK

Bruce Warner

907-235-6468

TO: THE EDITOR

PLANS FOR DISASTER FOR THE REST OF US

When Good Men Stand-by AND DO NOTHING BAD THINGS HAPPEN TO THEM! If the Commercial Halibut Fishing Industry is ALLOWED TO SUCCEED in getting their plans implemented in placing RESTRICTIONS AGAINST the ALASKA SPORT FISHING PUBLIC it will cause a DEVASTATING ECONOMIC IMPACT on the Sport Fishing Public and Alaska Port Communities. Their selfish-profit-driven plans to decrease the daily-bag-limit of SPORT-caught Halibut from TWO FISH TO ONE PER DAY, and their plans for RESTRICTING THE ACCESS of the SPORT FISHING PUBLIC from the PUBLIC RESOURCE OF HALIBUT will wreak havoc with all the Port Community Businesses that now provide GOODS AND SERVICES to the SPORT FISHING PUBLIC. The Commercial Halibut Fishing Industry wants us all to stay home and buy their COMMERCIALY-caught Halibut from them instead of going SPORT FISHING TO CATCH OUR OWN HALIBUT!

Bruce Warner - Homer, AK

Bruce Warner

907-235-6468

TO: THE EDITOR

RECEIVED
DEC 20 2006
12-20-06

N.P.F.M.C.

COMMERCIAL FISHERY USES SEMANTICS TRICKERY

The Commercial Halibut Fishing Industry would have you believe that Halibut Charter Boats harvest Halibut. THEY DO NOT! The Charter Boats only provide a "taxi service" to transport the Duly Alaska State Licensed SPORT FISHING PUBLIC to access a PUBLIC OWNED RESOURCE - Halibut.

They also would have you believe that Charter Boats have a daily-bag-limit of Halibut. WHICH THEY DON'T! The bag-limit applies only to the SPORT FISHING PUBLIC who catch and take their fish home with them. They would also have you believe that Charter Boats get a PERCENTAGE OF THE ANNUAL TOTAL ALLOWABLE CATCH ALLOCATION of Halibut Stocks. THEY DO NOT! The Annual Total Allowable Catch of Halibut stocks are divided UN-EQUALLY BETWEEN THE COMMERCIAL FISHERY (85 PERCENT) and the SPORT FISHING PUBLIC (15 PERCENT). The ANNUAL ALLOWABLE CATCH ALLOCATION OF HALIBUT NEEDS TO BE EQUALLY DIVIDED 50-50 WITH THE SPORT FISHING PUBLIC WHO OWN THE RESOURCE. Charter Boats do not catch-and-sell Halibut - Commercial Boats do.

The Commercial Fishing Industry's TRUE MOTIVE AND INTENT in imposing BAG-LIMIT RESTRICTIONS and ALLOCATION RESTRICTIONS is to prevent the SPORT FISHING PUBLIC FROM ACCESSING a PUBLIC OWNED RESOURCE so they can catch-and-sell more of it at the EXPENSE OF THE PUBLIC. There is a selfish PRIVATE-PROFIT MOTIVATION which is un-deniable.

The importance of the SPORT FISHING PUBLIC in Alaska is reflected by the annual Sport Fishing License sales. In the year 2005 alone there were a total of 526,349 Alaska Sport Fishing Licenses sold to the SPORT FISHING PUBLIC by the State of Alaska resulting in revenue of \$10,805,936.00 (nearly eleven million dollars). We need to be "looking out for" the SPORT FISHING PUBLIC'S INTERESTS or we will SUFFER THE CONSEQUENCES at the hands of the COMMERCIAL FISHERY INDUSTRY!

Bruce Warner - Homer, AK

907-235-6468

Bruce Warner

Bruce Warner
PO Box 2807
Homer, Alaska 99603

11 Jan. 2007

Secretary Carlos Gutierrez
U.S. Department of commerce
Washington, DC 20230

RE: NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL IS CORRUPT

Dear Secretary:

The North Pacific Fisheries Management Council is Corrupt in Allowing Continuing Violations of two Key Provisions of the Magnuson-Stevens Fisheries Conservation and Management Act - the very ACT they are Mandated to Enforce - to benefit the Commercial Halibut Fishing Industry.

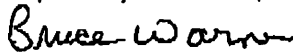
In Violation of Section.301. (a) (4) of the ACT which states: "If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such ALLOCATION SHALL BE FAIR AND EQUITABLE TO ALL SUCH FISHERMEN and carried out in such manner that NO particular individual, corporation, or OTHER ENTITY ACQUIRES AN EXCESSIVE SHARE OF SUCH FISHING PRIVILEGES". The Commercial Halibut Fishing Industry has been allowed to "ACQUIRE AN EXCESSIVE SHARE" of the Total Allowable Catch of the Public Halibut Resource by the NPFMC. The Commercial Halibut Fishing Industry has "ACQUIRED AN EXCESSIVE SHARE" for so long they now feel Proprietary over the Public Halibut Resource and want to further reduce the Recreational Sport Fishing Public's Minor Share to benefit themselves.

This situation has been allowed to occur because the NPFMC is NOT "FAIR AND BALANCED" in its' Representative Voting Membership and has NO RECREATIONAL FISHERIES REPRESENTATION in Violation of Section.301. (b) (2) (B) of the ACT which states: "The Secretary, in making appointments under this section, shall, ENSURE A FAIR AND BALANCED APPORTIONMENT in the Commercial and RECREATIONAL FISHERIES under the Jurisdiction of the Council. (ii) assess the membership of each Council in Terms of Apportionment of the active Participants in EACH SUCH FISHERY; and (iii) state the Secretary's plans and schedule for actions to ACHIEVE A FAIR AND BALANCED APPORTIONMENT on the Council for the active PARTICIPANTS IN ANY SUCH FISHERY."

Therefore, the Legitimate Legal Rights of the Recreational Sport Fishing Public granted and guaranteed by the Magnuson-Stevens Fisheries Conservation and Management Act are being Violated on an ongoing and ever increasing basis by the Corrupt North Pacific Fisheries Management Council in it's issuance of illegitimate and restrictive Recreational Sport Fishery Management Regulations to benefit the Commercial Halibut Fishing Industry.

The Recreational Sport Fishing Public needs the United States Government Officials who are Mandated by Law and Oath of Office to take responsible action to enforce the Magnuson-Stevens Fisheries Conservation and Management Act to the Letter and Intent of the Law.

Respectfully submitted,



Bruce Warner

FROM :

FAX NO. :

Jan. 12 2007 09:41AM P1

Bruce Warner
PO Box 2807
Homer, AK 99603

12 Jan. 2007

North Pacific Fisheries Management Council
605 West 4th Avenue #306
Anchorage, Alaska 99501-2252

RE: National Standards for Fishery Conservation and Management (Sec. 301. 98-623 (4)

Attention Director:

The North Pacific Fisheries Management Council when considering Halibut Fishery Management Plans, shall not by Law, impose any restrictive management regulations on the Recreational Sport Fishing Public Sector which includes "Charter Fishing" (as defined in Sec. 3. 104-297 (3) of the Magnuson-Stevens Fisheries Conservation and Management Act until such time as the reallocation of the Total Allowable Catch (TAC) of the public halibut resource has been accomplished as required by the National Standards for Fishery Conservation and Management (Sec. 301. (a) and 98-623 (4a) and (4c) of the Act.

Respectfully submitted,



Bruce Warner

1/12/2007

Bruce Warner

From: "Bruce Warner" <brucewwarner@msn.com>
To: "Captain B's Alaskan C's Adventures" <ashtikan@ptialaska.net>
Sent: Friday, January 12, 2007 8:03 AM
Subject: A LITTLE HISTORY TEST

"Take all you can and give nothing back" is the Historic Code of :

- a. The Pirates of the High Seas
- b. The Commercial Halibut Fishing Industry
- c. All of the above

FROM :
Bruce Warner
PO. Box 2807
Homer, Alaska 99603

FAX NO. :

Jan. 11 2007 05:50AM P1

11 Jan. 2007

Secretary Carlos Gutierrez
U.S. Department of Commerce
Washington, DC 20230

RE: The North Pacific Fisheries Management Council is an Outlaw Organization

Dear Mr. Secretary:

The NPFMC is blatantly acting outside the Law enacted by the Magnuson-Stevens Fisheries Conservation and Management Act in clear violation of Section. 301. (a) (4) of the Act by disregarding the requirement of "fair and equitable allocation of fishing privileges to all fishermen" and allowing the commercial fishing "entity to acquire an excessive share of the fishing privileges" to the disadvantage of the recreational sport fishing public.

The NPFMC is also blatantly acting outside the Law enacted by the Act in clear violation of Section. 301. (b) (2) of the Act by disregarding the requirement of "ensuring a fair and balanced apportionment" of representation on the NPFMC from both the "commercial and recreational fisheries" to the disadvantage of the recreational sport fishing public.

The NPFMC, to come into compliance with the Act, needs to be reapportioned and the fishing privileges need to be reallocated.

The recreational sport fishing public needs their rights protected which are granted to them by the Magnuson-Stevens Fisheries Conservation and Management Act. If it is within the Authority of your Office to do so, we need your help.

Respectfully,



Bruce Warner

FROM :

FAX NO. :

Jan. 11 2007 09:28AM P1

Bruce Warner
PO Box 2807
Homer, AK 99603

12 Jan. 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: NO THIRD-CLASS OF FISHING AUTHORIZED - CHARTER FISHING IS RECREATIONAL FISHING

Dear Director:

Since there is NO DISTINCTION between "Charter Fishing" (as defined in Sec. 3. 104-297 (3) of the Magnuson-Stevens Fisheries Conservation and Management Act) and Recreational Fishing because one who is "Charter Fishing is engaged in Recreational Fishing" according to the Definition of the Act. Therefore, because there is NO distinction between "Charter Fishing" and Recreational Fishing the North Pacific Fisheries Management Council is Usurping its' Authority in making Such A Distinction on its' own to create a Third-Class of Fishing for its' misguided management plans to regulate "Charter Fishing" from Vessels For Hire any differently than Recreational Fishing from other vessels.

Respectfully submitted,

Bruce Warner

Bruce Warner

Bruce Warner
PO Box 2807
Homer, AK 99603

11 Jan. 2007

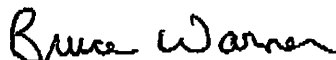
Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: THIRD-CLASS OF VESSEL NOT AUTHORIZED - CHARTER VESSELS FOR HIRE ARE NOT "FISHING VESSELS"

Dear Director:

The Magnuson-Stevens Fisheries Conservation and Management Act makes a DEFINITE DISTINCTION IN DEFINITION between Charter Vessels for hire (as defined in Sec. 2101 (21a) of Title 46, United States Code) and "Fishing Vessels" (as defined in Sec. 3. 104-297 (17) of the Magnuson-Stevens Fisheries Conservation and Management Act). Charter vessels for hire are NOT "Fishing Vessels" according to the Act, thereby placing them Outside the Authority and Jurisdiction of the North Pacific Fisheries Management Council. Therefore, the NPFMC is usurping its' Authority in NOT making the Same Distinction in Definition between the TWO CLASSES of Vessel while proposing to create a Third-Class of Vessel for its' misguided halibut management plans to regulate Charter Vessels for hire as if they were "Fishing Vessels" as defined by the Act. There is NO SUCH VESSEL defined in Law as a CHARTER FISHING VESSEL, and the NPFMC has NO AUTHORITY over Charter Vessels for hire, only "Fishing Vessels". On the other-hand, NO DISTINCTION IN DEFINITION is made between "Charter Fishing" (as defined in Sec. 3. 104-297 (3) and Recreational Fishing by the Act.

Respectfully submitted,



Bruce Warner

1/11/2007

FROM :

FAX NO. :

Jan. 10 2007 06:07PM P1

Bruce Warner
PO Box 2807
Homer, Alaska 99603

12 Jan, 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

**RE: THERE IS NO DISTINCTION BETWEEN "CHARTER FISHING" AND "RECREATIONAL FISHING"
ACCORDING TO THE MAGNUSON-STEVENSON ACT**

Dear Director:

The Magnuson-Stevens Fisheries Conservation and Management Act,
Sec. 3. Definitions 16 U.S.C. 1802
104-297 (3) The term "Charter Fishing" means fishing from a vessel carrying a passenger for hire (as
defined in Sec. 2101 (21a) of Title 46, United States Code) who is engaged in Recreational Fishing.

Therefore, one who is engaged in Recreational Fishing is "Charter Fishing" and vice versa by Definition of the
Act. The North Pacific Fisheries Management Council is Invalidly trying to make a Distinction between the
TWO for their own purposes. They have NO Legal Authority given by the Magnuson-Stevens Fisheries
Conservation and Management Act to do so.

Respectfully submitted.



Bruce Warner

Bruce Warner
PO Box 2807
Homer, Alaska 99603

11 Jan. 2007

Dr. Bruce Leaman, Director
International Pacific Halibut Commission
P.O. Box 95009, University Station
Seattle, Washington 98145-2009

RE: There is No Such Thing as a "Charter Fishing Vessel" According the Magnuson-Stevens Act

Dear Director:

The Magnuson-Stevens Fisheries Conservation and Management Act

Sec. 3. Definitions 16 U.S.C. 1802

104-297 (3) The term "Charter Fishing" means fishing from a vessel carrying a passenger for hire (as defined in Section 2101 (21a) of Title 46, United States Code) who is engaged in Recreational Fishing.

104-297 (4) The term "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.

104-297 (15) The term "Fishing" means the catching , taking or harvesting of fish.

104-297 (17) The term "Fishing Vessel" means any vessel, boat, ship or other craft which is engaged in Fishing.

Therefore, there is no such thing Defined by the ACT as a "Charter Vessel" or a "Charter Fishing Vessel". A Person or Passenger engaged in Recreational Fishing from a Vessel For Hire is "Charter Fishing" as Defined by the Act. A Vessel engaged in "Fishing" is a "Fishing Vessel" as Defined by the Act. A Vessel For Hire (as defined in Section 2101 (21a) of Title 46, United States Code) IS NOT A "Fishing Vessel" as Defined by the Act. The Magnuson-Stevens Fisheries Conservation and Management Act - including the North Pacific Fisheries Management Council - has no Mandated Authority over Vessels For Hire. It is beyond the Limit of Authority for the NPFMC to issue and impose regulations on Vessels For Hire or Charter Vessels.

Respectfully submitted,

Bruce Warner

Bruce Warner
PO. Box 2807
Homer, Alaska 99603

16 Jan. 2007

Office of Secretary of Commerce
Carlos M. Gutierrez
mail stop 61
U.S. Department of commerce
14th & Constitution NW
Washington, DC 20230

RE: THE REASONS WHY THE ALASKA RECREATIONAL SPORT FISHING PUBLIC WILL PREVAIL IN FEDERAL COURT

Dear Secretary:

We, the Alaska Recreational Sport Fishing Public, are not asking to create NEW FEDERAL LAW, but rather we are demanding that the PROVISIONS of EXISTING FEDERAL LAW be implemented and enforced by the Federal Government - Office of the Secretary of Commerce.

The Alaska Recreational Sport Fishing Public's fishing rights and fishing privileges are already guaranteed and protected in EXISTING FEDERAL LAW, but those PROVISIONS of the EXISTING FEDERAL LAW are not currently being implemented and enforced by the Federal Government - Office of the Secretary of Commerce.

The Secretary of Commerce of the United States has the authority and mandate of EXISTING FEDERAL LAW to implement and enforce the PROVISIONS OF EXISTING LAW which protects the fishing rights and guarantees the fishing privileges of the Alaska Recreational Sport Fishing Public.

The Secretary of Commerce of the United States, by OATH of OFFICE, is required to IMPLEMENT and ENFORCE the PROVISIONS of the EXISTING FEDERAL LAW which protects the fishing rights and guarantees the fishing privileges of the Alaska Recreational Sport Fishing Public as written in the Magnuson-Stevens Fisheries Conservation and Management Act.

We, the Alaska Recreational Sport Fishing Public, are petitioning the Federal Court to direct the Office of the Secretary of Commerce to implement and enforce a Halibut Fisheries Conservation and Management Plan written in accordance with TITLE III -- NATIONAL FISHERY MANAGEMENT PROGRAM Sec. 301. NATIONAL STANDARDS FOR FISHERY 16 U.S.C. 1851 as required in EXISTING FEDERAL LAW by the Magnuson-Stevens Fisheries Conservation and Management Act.

Respectfully submitted,



Bruce Warner

Bruce Warner

From: "Bruce Warner" <brucewwarner@msn.com>
To: "cgutierrez" <cgutierrez@doc.gov>
Sent: Tuesday, January 16, 2007 1:47 PM
Subject: RE: COMMERCIAL FISHING HALIBUT WASTAGE ALONE IS GREATER THAN SPORT HALIBUT CATCH

Bruce Warner
PO Box 2807
Homer, AK 99603

17 Jan 2007

Secretary of Commerce
Carlos M. Gutierrez
U.S. Dept. of Commerce
14th & Constitution NW
Washington, DC 20230

RE: THE ALASKA COMMERCIAL HALIBUT FISHING ANNUAL WASTAGE ALONE IS GREATER THAN THE ANNUAL PUBLIC SPORT FISHING CATCH

Dear Secretary:

The following statistics are figures taken directly from the recently published International Pacific Halibut Commission (IPHC) Annual Report for 2005:

HALIBUT RESOURCE WASTAGE BY COMMERCIAL HALIBUT FISHING IN 2005

Bi-catch mortality halibut wastage	=	12,084,000 pounds
Lost/abandoned gear halibut wastage	=	228,000 pounds
<u>Under 32" mortality halibut wastage</u>	=	<u>1,927,000 pounds</u>
Total Annual Commercial Fishing Halibut Wastage = 14,239,000 pounds		

The total Public Halibut Resource wasted each year by the Commercial Halibut Fishing Industry alone is greater than the total catch of halibut by the Alaska Sport Fishing Public. Without regard to conservation of their own annual Halibut Resource Wastage, the Commercial Halibut Fishing Industry thru the North Pacific Fisheries Management Council (NPFMC) now proposes to reduce the Public's small share of the Halibut Resource by fifty-percent by reducing the daily-catch-limit of sport-caught halibut from two fish to one. The Alaska Sport Halibut Fishing Public is desperately in need of the Halibut Fisheries Management Plan as required by the Magnuson-Stevens Fisheries Conservation and Management Act which you have the authority to implement in the Public Interest.

Respectfully submitted,

Bruce Warner

Bruce Warner

Bruce Warner
PO Box 2807
Homer, AK 99603

17 Jan 2007

Governor Sarah Palin
P.O. Box 110001
Juneau, Alaska 99811-0001

RE: THE OFFICE OF GOVERNOR HISTORICALLY NEGLIGENT IN CAUSING IMBALANCE OF REPRESENTATION ON NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL (NPFMC)

Dear Governor:

The Provision of the Magnuson-Stevens Fisheries Conservation and Management Act that applies to the Office of the Governor of Alaska is:

Sec. 302. (b) VOTING MEMBERS (C) The Secretary shall appoint members of each Council from a list of individuals submitted by the Governor of each applicable constituent State. A Governor MAY NOT SUBMIT the names of individuals to the Secretary for appointment unless the Governor has determined that each such individual is qualified under the requirements of SUBPARAGRAPH (A) and unless the Governor has FIRST CONSULTED WITH THE REPRESENTATIVES of the commercial AND RECREATIONAL FISHING INTERESTS OF THE STATE REGARDING THOSE INDIVIDUALS.

Sec. 302. (b) VOTING MEMBERS (2) (B) The Secretary, in making appointments under this section, shall, ENSURE A FAIR AND BALANCED APPORTIONMENT, in the commercial AND RECREATIONAL FISHERIES under the jurisdiction of the Council. On January 31, 1991, and each year thereafter, the Secretary shall submit a report on the actions taken by the Secretary to ENSURE THAT SUCH FAIR AND BALANCED APPORTIONMENT IS ACHIEVED. The report shall -- (ii) assess the membership of each Council in terms of the APPORTIONMENT OF THE ACTIVE PARTICIPANTS IN EACH SUCH FISHERY; and (iii) state the Secretary's plans and schedule for actions to ACHIEVE A FAIR AND BALANCED APPORTIONMENT ON THE COUNCIL FOR THE ACTIVE PARTICIPANTS IN ANY SUCH FISHERY.

The reason there is NO FAIR AND BALANCED REPRESENTATION OF THE RECREATIONAL SPORT FISHERY ON THE NPFMC, and the reason the Council is unfairly "loaded" with appointees with commercial fishing interests is because previous Governors to you were "rubber stamp" Governors when it came to the NPFMC offering-up their slate of prospective appointees to the Governor. Previous Governors to you failed to ensure that the slate of prospective appointees to the NPFMC was FAIR AND BALANCED BETWEEN THE REPRESENTATION OF THE commercial AND THE RECREATIONAL FISHERY.

To achieve a balance on the NPFMC the appointed representatives for recreational sport fishing should not have any ties or involvement whatsoever to commercial fishing, past or present, by employment, business, or family/marriage. Possession of a current Alaska Sport Fishing License does not equate to qualify as having the sport fishing interests foremost when that party has commercial fishing ties or interests. The Sport Fishing Organizations around the State would be a good place to "first consult with representatives of the recreational fishing interests of the State regarding those individuals" as required by SUBCHAPTER (A).

As the newly elected Governor of the State of Alaska you bear no responsibility for the negligence of past Governors, but rather you have the opportunity to ensure that the lawful rights of the Alaska recreational sport fishing public to be represented in a fair and balanced way on the NPFMC are not negligently violated when you are offering-up your list of prospective appointees to the Secretary of Commerce.

Respectfully submitted,



Bruce Warner
cc: US Secretary of Commerce
NPFMC

Bruce Warner

From: "Bruce Warner" <brucewwarner@msn.com>
To: "cgutierrez" <cgutierrez@doc.gov>
Sent: Thursday, January 18, 2007 9:30 AM
Subject: WHY IS THERE NO FISHERIES MANAGEMENT PLAN FOR HALIBUT

Bruce Warner
PO Box 2807
Homer, AK 99603

18 Jan 2007

Secretary of Commerce
Carlos M. Gutierrez
mail stop 61
U.S. Dept. of Commerce
14th & Constitution NW
Washington, DC 20230

RE: WHY IS THERE NO FISHERIES MANAGEMENT PLAN FOR HALIBUT IN ALASKA AS REQUIRED BY THE MAGNUSON-STEVEN'S FISHERIES CONSERVATION AND MANAGEMENT ACT?

Dear Secretary:

According to the Magnuson-Stevens Fisheries Conservation and Management Act Sec. 304. ACTION BY THE SECRETARY U.S.C. 1854 (c) PREPARATION AND REVIEW OF SECRETARIAL PLANS; the Secretary of Commerce may prepare a Fishery Management Plan with respect to any fishery if the Council fails to develop and submit a plan to the Secretary. The Secretary is given authority to prepare such a Plan under this section.

Both the North Pacific Fisheries Management Council and the Office of the Secretary of Commerce by failing to develop a Fisheries Management Plan for Halibut are instrumental in causing the escalating conflict in Alaska between the Commercial Halibut Fishing Industry and the Recreational Sport Fishing Public. Implementing a Fisheries Management Plan for Halibut written in accordance with TITLE III - NATIONAL FISHERY MANAGEMENT PROGRAM would be in the Public Interest by resolving the escalating Public Conflict in Alaska between the Commercial Halibut Fishing Industry and the Recreational Sport Fishing Public. Inaction by the Secretary will result in a continuing and escalating "WAR" between the two opposing sides of this issue until such time as a Fisheries Management Plan for Halibut is implemented as required by the Magnuson-Stevens Fisheries Conservation and Management Act.

Respectfully submitted,

Bruce Warner

Bruce Warner

CC: IPAC

CC: NPFMC

CC: RFA

CC: SENATOR TED STEVENS

CC: SENATOR LISA MURKOWSKI

CC: GOVERNOR SARAH PALIN

1/18/2007

TO: THE EDITOR

RECEIVED

12-19-06

DEC 19 2006

N.P.F.M.C.

COMMERCIAL FISHERMEN DECLARE WAR ON SPORT FISHERMEN

Why is it that ONLY 15 PERCENT of the Alaska Halibut Resource Allocation is awarded to the SPORT FISHERY, and 85 PERCENT is awarded to the COMMERCIAL FISHERY? Is it because they awarded it to THEMSELVES? Which THEY did! Why is it not EQUALLY DIVIDED 50-50? The Commercial Fishery not only has the 85 PERCENT LION'S SHARE, but now they also want to TAKE AWAY 50 PERCENT of the small Sport Fishery share by REDUCING THE SPORT FISHING DAILY-CATCH-LIMIT FROM TWO HALIBUT TO ONE HALIBUT so they can CATCH AND SELL that fish too!

Something Smells (fill in the blank)! a. fishy b. to High Heaven c. rotten in Denmark d. rotten in Alaska e. greedy f. all of the above.

Everywhere else in the United States the Fishery Resource is DIVIDED EQUALLY 50-50 between the Sport Fishery and the Commercial Fishery, as it should be. The TIME HAS COME for that to happen in Alaska also.

Bruce Warner - Homer, AK

907-235-6468

Bruce Warner

TO: THE EDITOR

12-19-06

CHARTER FISHING INDUSTRY VS. COMMERCIAL FISHING INDUSTRY**WAKE-UP CALL:**

We have NO CHOICE but to "band together to survive" and initiate a LEGAL DEFENSE FUND to go to court to protect our livelihood and net-worth. The alternative is to financially perish at the hands of the Commercial Fishing Industry.

Imposing a ONE FISH LIMIT - along with increasing charter fares due to ever-increasing fuel costs and other increasing expenses - will ABSOLUTELY DESTROY the Halibut Charter Fishing Industry. There will be an immediate decrease of 50 PERCENT OR MORE of charter fishing clients willing to pay the price we are forced to charge to keep ONLY ONE FISH. Most charter fishing operators will be forced to sell their boats and get out of the business at the SAME TIME, and there will be NO BUYERS for obvious reasons. Both boats and businesses will be nearly worthless on the market. **WAKE-UP AND SMELL YOUR IMPENDING BANKRUPTCY!**

We must hang-together or we will surely hang-alone,
Bruce Warner - Homer, AK

907-235-6468

Bruce Warner

TO: THE EDITOR

12-19-06

ALASKA FISH FIGHT

The Charter-Sport-Fishing Interests in the State of Alaska needs to Petition the Court on three issues:

#1 : Petition the Court to impose an INJUNCTION declaring a MORATORIUM against any regulation of the Halibut Sport Fishery by the North Pacific Fisheries Council until such time as a FAIR and EQUAL split of the Halibut Resource Allocation is awarded between the Sport Fishery and the Commercial Fishery. The North Pacific Fisheries Council is made-up of mostly Commercial Fishermen.

#2 : Petition the Court for a FAIR and EQUAL 50-50 SPLIT of the Alaska Halibut Resource Allocation between the Sport Fishery and the Commercial Fishery. The Commercial fishery now receives 86 percent of the Halibut Resource Allocation.

#3 : Petition the Court for a FAIR and EQUAL 50-50 REPRESENTATION of Sport Fishery members and Commercial Fishery members on the North Pacific Fisheries Council which is now made-up mostly Commercial Fishermen.

The Charter-Sport-Fishermen's new motto is: **"NO REGULATION WITHOUT EQUAL REPRESENTATION"**

Bruce Warner - Homer, AK

907-235-6468

Bruce Warner

TO: THE EDITOR

12-19-06

ECONOMIC IMPACT BEFORE AND AFTER

The State needs to hurry to complete the ECONOMIC IMPACT STUDY on the effect that tourism has on the economy of Alaska before the ONE HALIBUT LIMIT is imposed on charter-sport-fishermen by the Commercial Fishing Interests ie. the North Pacific Fisheries Council. That way the devastating impact on the economy of Alaska can be easily measured BEFORE AND AFTER! The Commercial Halibut Fishing Interests in Alaska have plans that will DEVASTATE THE ECONOMY of ALASKA TOURISM!

Bruce Warner - Homer, AK

907-235-6468

Bruce Warner

TO: THE EDITOR

12-19-06

THREE HALIBUT LIMIT PROPOSAL

Instead of the Commercial Fishery proposal to DECREASE BY 50 PERCENT the daily-catch-limit of sport-caught Halibut from TWO FISH TO ONE PER DAY, the Sport Fishery should propose to INCREASE BY 50 PERCENT the daily-catch-limit of sport-caught Halibut from TWO FISH TO THREE PER DAY. The Sport Fishery already "gets the short end of the stick" when it comes to the Alaska Halibut Resource Allocation. The Commercial Fishery now receives 85 percent of the total allocation. A three Halibut per day sport-catch-limit would "be a step in the right direction" towards ACHIEVING PARITY between the Alaska Sport Fishery and the Commercial Fishery. There is NO SHORTAGE OF HALIBUT, only a SHORTAGE OF PARITY.

Bruce Warner - Homer, AK

907-235-6468

Bruce Warner

TO: THE EDITOR

12-19-06

COMMERCIAL HALIBUT BY-CATCH MORTALITY RATE WOULD BE ZERO

The reason that there is a 32 INCH MINIMUM LENGTH RULE on keeping Commercially-caught Halibut is because it is NOT AS PROFITABLE TO PROCESS HALIBUT UNDER 32 INCHES as it is to process Halibut over 32 inches in length. It's all about "THE MONEY". In fact, Commercial Halibut Fishermen get PAID A PREMIUM FOR LARGER FISH because they are MORE PROFITABLE TO PROCESS than medium-sized fish. The Commercially-caught Halibut that are under the "32 INCH PROFIT LENGTH" are "returned" to the sea with a VERY HIGH MORTALITY RATE. Dead fish DO NOT GROW-UP to be caught another year by either SPORT FISHERMEN or Commercial Fishermen. The Sport-Fishery should propose that ALL COMMERCIALLY CAUGHT HALIBUT - REGARDLESS OF SIZE - BE KEPT, PROCESSED AND COUNTED TOWARDS THE COMMERCIAL FISHERY HALIBUT ALLOCATION QUOTA. That way there would be a ZERO COMMERCIAL FISHERY MORTALITY RATE like the Sport Fishery, and MILLIONS OF POUNDS OF DEAD HALIBUT would not be "returned" to the sea and wasted EACH YEAR.

Bruce Warner - Homer, AK

Bruce Warner

907-235-6468

TO: THE EDITOR

12-19-06

HALIBUT IS LIKE OIL

Both ALASKA HALIBUT and ALASKA OIL are PUBLIC RESOURCES. Alaska HALIBUT RESOURCES like Alaska OIL RESOURCES are both owned by the People of Alaska. When Commercial Oil Companies sell ALASKA OIL RESOURCES for profit they are required to pay a FAIR-SHARE into the Alaska Permanent Dividend Fund which is then distributed to the people of Alaska, as it should be. Likewise - to be fair - when Commercial Fishermen sell ALASKA HALIBUT RESOURCES for profit they should ALSO be required to pay a FAIR-SHARE into the Alaska Permanent Dividend Fund to be distributed to the People of Alaska. The People of Alaska are being SHORT-CHANGED by the Commercial Fishing Interests. The keyword here is "COMMERCIAL".

Bruce Warner - Homer, AK

907-235-6468

Bruce Warner

TO: THE EDITOR

12-19-06

COMMERCIAL HALIBUT FISHERY UN-JUSTLY PROPRIETARY

The NATURAL HALIBUT RESOURCE is NOT OWNED by the Commercial Halibut Fishing Industry. It is a PUBLIC OWNED RESOURCE with two different primary user-groups. The SPORT FISHING PUBLIC is a CATCH-FOR-PERSONAL-USE user-group which is required to purchase a personal fishing license from the State, and Sport-caught Halibut are illegal to sell. The COMMERCIAL FISHING INDUSTRY is a CATCH-FOR-SALE and PERSONAL-PROFIT user- group and shares none of its' profit with the State.

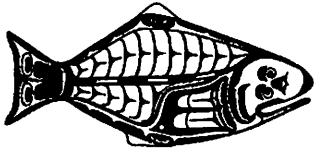
As it now stands, the COMMERCIAL FISHING INDUSTRY is awarded 85 PERCENT of the ANNUAL TOTAL ALLOWABLE CATCH OF HALIBUT leaving only a 15 PERCENT SHARE for the SPORT FISHING PUBLIC. This LONG-TIME INEQUITY causes the Commercial Fishing Industry to feel "UN-JUSTLY PROPRIETARY" about a PUBLIC RESOURCE! They now claim that the SPORT FISHING PUBLIC is "cutting into THEIR share".

No one user-group of a Public Owned Natural Resource, ESPECIALLY ONE THAT OPERATES FOR PERSONAL PROFIT, should be awarded more than a 50 PERCENT SHARE of that Public Resource over the SPORT FISHING PUBLIC. Why should a FOR-PROFIT-PRIVATE user-group be favored 5 TO 1 OVER the NON-PROFIT FISHING PUBLIC user-group when allocating a PUBLIC OWNED RESOURCE? This situation NEEDS SOME BALANCE!

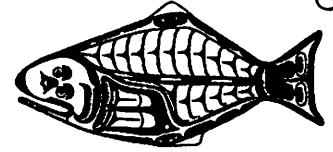
Bruce Warner - Homer, AK

907-235-6468

Bruce Warner



F/V Pacific Dawn and F/V Nancy K
James E. Phillips and Patricia A. Phillips
USS 3371 Lot 1 / P.O. Box 33
Pelican, AK 99832
(907) 735-2240



February 2, 2007

North Pacific Fishery Management Council

We support constraining the sport charter industry to the approved February 2000 guideline harvest levels for halibut. The Guideline Harvest Level (GHL) allocates halibut harvest fairly. It recognizes guided sport fishing is a commercial/business entity that must be controlled to prevent exceeding the GHL.

The significant, unrestricted, and unmanaged growth in the guided sportfish charter industry is causing harmful social and economic impacts to rural coastal communities. The growth in guided sportfish charter harvest is significantly and adversely impacting communities with close connections to commercial fishing, personal use, and subsistence use.

Our family and crewmembers rely on the commercial halibut longline fishery for income and long-term sustainable livelihood. The blatant open ended harvest of halibut by the charter fleet is an unauthorized reallocation of the halibut resource. The commercial fleet is undermined in their efforts to secure financial investments in vessels and fishing businesses. This has a trickle down affect on crewmembers, communities and processors.

Pelican, Alaska is traditionally a commercial fishing community. Many residents and their crew make a living fishing salmon and halibut. With fish processing resumed at Pelican Seafoods, much of the fish is processed locally. These local earnings are important to the numerous business entities that benefit from commercial fishing related transactions as fishermen maintain vessels, work on gear, purchase grub, supplies, bait, ice, fuel, utilize harbor moorage, restaurants, bars, airline services, and connection to transportation services. The commercial harvest's ex-vessel values are significant to Pelican, Alaska's economy and its continued sustainability.

Our local fishermen cannot understand the reasoning for a reduction in the commercial halibut harvest quota if the guided sportfish industry is allowed to continue unabated in their unregulated and unrestricted harvest of the halibut resource while they (the small boat commercial fleet) have to reduce their efforts.

The predominantly eastward migration of halibut is impeded by recreational harvest in 3A and 2C. It is critical the State of Alaska or NPFMC implement guided sportfish halibut harvest monitoring efforts to quantify harvest efforts by this industry. Rebuilding stock assessment models need to minimize harmful social and economic impacts to the traditional economic base of commercial fishing and the communities that are intricately linked to an abundant halibut resource.

Thank you for this opportunity to comment,

Patricia Phillips
Patricia Phillips

James E Phillips
James E. Phillips

North Pacific Fishery Management Council

C-4

Stephanie Madsen, Chair

605 W 4th Avenue, Suite 306

Anchorage, AK 99501-2252

RE: Agenda C-4 Halibut Moratorium

As a Homer and Deep Creek area charter operator I feel the moratorium when adopted will be held as a permanent cap by the commercial fishing industry, just like the "guideline harvest level" was only a guideline and now is being used as a cap. If adopted this action will forever limit tourism in Alaska's coastal communities. Because of this and the agreements made at the Dec. 05 NPFMC meeting my comments on the initial review draft of the EA/RIR/IRFA analysis for a regulatory amendment to limit entry in Halibut Charter Fisheries in IPHC areas 2C and 3A are as follows:

Under item 10. Qualification Period, I would like to see the range of trips to be 1 trip as the threshold. This coincides with the NPFMC moratorium control date of Dec. 09 2005, if you were actively operating prior to this date you qualify.

Although I do well over the 25 trips a year threshold. I feel a threshold of one trip is what was agreed upon by charter operators at the Dec. 2005 NPFMC meeting. Adding on a bunch of new requirements after the fact is unfair to newer and part time operators. These additional restrictions would only lead to legal challenges that could put the current control date in jeopardy.

Frank Casey

Alaska Wildrose Charters

PO BOX 343

Clam Gulch, Alaska 99568

C-4

Gregory M. Sutter
Captain Greg's Charters
PO Box 2202
Homer, Ak. 99603
(907) 235-4756

February 08, 2007

Ms. Stephanie Madsen
North Pacific Fisheries Management Council
605 west 4th, Suite 306
Anchorage, Ak. 99501

Re: Halibut Charter Moratorium

Dear Ms. Madsen,

The proposed halibut charter moratorium has overwhelming support throughout the charter boat industry in Alaska and the commercial sector. The primary reason it has gained so much broad support is that it is recognized as a vital step towards a long term solution while the fleet is attempting to survive under the restrictive confines of the Guideline Harvest Level (GHL). It is essential for your council to expedite the process in order to secure the December 09, 2005 control date, and move forward towards a permanent solution.

The moratorium should be kept as simple as possible and streamlined so that the analysis process requirements will be minimized. It should also be as inclusive as possible to prevent future challenges and further reviews which will delay its enactment. The more restrictive limitations included in the program will create longer delays in its implementation and will potentially lead to its demise; the health of our industry cannot afford this. Anyone that has met the basic requirements outlined by the Stakeholders' Committee with a minimum of one trip should be included. This will minimize challenges to the program. Some individuals and groups recommended a threshold of 20 minimum trips. This high threshold is too restrictive and will undoubtedly invited valid challenges to the program.

Other main points for your consideration are:

1) Military (Morale, Welfare, Recreational boats): If their catches are included in the GHL, they should be permitted and included in the moratorium; otherwise, their catches should be treated totally as recreational catches.

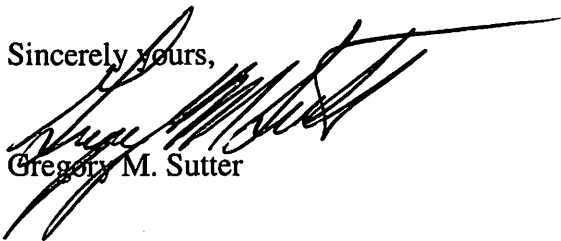
2) Leasing: All leasing of permits should be prohibited.

3) CQE: Although apparently essential for the program's passage, the GHL in both areas 2C and 3A have been exceeded every year since the GHL was enacted. It is contrary to the intent of a moratorium to add potential new entrants to a fishery whose harvests are consistently over their limits. Therefore, at this time, the number of potentially issued permits should be minimized. CQE's can possibly be treated more generously depending

upon the resolution of the forthcoming permanent solution. A trailing amendment may address this concern.

The moratorium is a vital step towards a permanent solution. The Stakeholders' Committee is doing valuable work and should be encouraged to continue with their efforts by your council. I urged this council to make a formal request to Dr. Balsinger and/or Dr. Hogarth for a comprehensive social-economic study to be conducted on both the charter and commercial industries simultaneously. This study should be ordered now. It will provide extremely important data on both sectors and all affected communities. Its findings should be incorporated in the permanent solution. Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Gregory M. Sutter', written over a horizontal line.

Gregory M. Sutter

Duncan Fields
Gulf of Alaska Coastal Communities Coalition
Agenda Item C-4
Charter Halibut Moratorium

February 8, 2007

Madam Chairman, Members of the Council:

My name is Duncan Fields and I represent the Gulf of Alaska Coastal Communities Coalition. My comments today will address issue 12 of the Limited Entry in the Halibut Charter Fisheries EARIR and respond to staff comments found on pages 44 through 83. The staff analysis is very thorough and, I think, at least for the CQE section, ready to go out for public review. Nevertheless, there are a few issues identified by staff relative to the CQE permits that I would encourage the Council to resolve at this meeting.

First, however, I have several quick responses to Council questions:

- a. Presenting data about total possible permits is necessary for a thorough analysis. However these numbers are completely abstract. This whole discussion creates a "red herring" for reaction. First, not all communities will qualify. Second, of those that qualify, not all will establish CQE's. Third, of those that form CQE's not all permits will be requested. Fourth, and perhaps most important, of the permits requested not all will be fished intensively. See, for example, table 19 for the steep decline in businesses with more than 5 trips annually in these communities. This is true because of fewer available clients for remote communities. In short, I would expect growth in CQE charter permit use similar to growth in participation in the CQE halibut IFQ program --- very slow.

- b. Limiting each CQE community to a total number of permits and subtracting existing permits misses the point of the program --- maintaining "sustained participation" for underdeveloped communities. Staff's analysis clarifies the peril of this approach. "[T]here are no guarantees that the halibut charter permit issued to an individual business owner in the general program will continue to be used in that community's port in the future" (p 62) Thus, there is a huge distinction between permits initially issued and

those that are granted to and retained by the community.

- c. Allowing the CQE to buy permits does not "minimize adverse economic impacts on these communities." National Standard 8 outlines that both "sustained participation" and mitigation of "economic impacts" should be goals of fishery management programs. Providing halibut charter permits to CQE's is the only current options to mitigate economic impacts on underdeveloped communities.

Issue 1:

The AP has suggested that the Council may want to expand the problem statement to more clearly encompass the CQE permit provision. I would suggest the following language for the Council's consideration and would note that the entire problem statement may need revisions.

The Council is aware that the limited entry solution for the charter sector, while mitigating issues of sector growth, may also create the additional problem of excluding undeveloped and underdeveloped communities from participation in the halibut charter fisheries. It is the intent of the Council to provide for the sustained participation of these communities and to minimize adverse economic impacts on such communities through provision of a limited number of halibut charter permits to the Community Quota Entity.

Issue 2:

The analysis clarifies that permits issued through the community CQE are not currently required to be used in that community -- see pages 78 & 79. In addition, several letters and public testimony has identified this as an issue of concern. The AP has recommended that the Council require the CQE permit holder to start and/or end the permit "trip" in the CQE community. We support this concept and would suggest the following language for insertion as a 5th "bullet" at the end of issue 12.

The recipient of a requested permit must either start or end the permit "trip" in the CQE community through which the permit has been requested.

The council will note that we are recommending either the start "or" end of the trip be in the community. This is due to charter operators often picking up clients away from the community and bringing them "home" or leaving the community to fish and then taking clients to a transportation source. A single tie at one end of the "trip" should ensure the nexus of the permit holder to the CQE community.

Issue 3:

Council staff notes on pages 61 through 63 issues associated with an eligibility requirement that looks at the number of charter businesses in the community in 2004, 2005 **AND** the year prior to implementation as determinative of what communities qualify for CQE halibut charter permits. First, this may serve as a disincentive for a community or community resident to participate in the fishery during the years prior to implementation and second, it will be uncertain for the analysis and the Council which communities will qualify.

The Coalition would concur with the staff=s direction and recommends that the Council revise the current issue 12 language by **deleting** the words "**and the year of implementation**" from the first sentence of issue 12. Thus, communities that are eligible to receive additional CQE halibut charter permits are those communities that have "5 or fewer or 10 or fewer active charter businesses [which] terminated trips in the community in each of the years 2004 [and]2005."

Issue 4:

On page 76 of the analysis Staff clarifies that "the use it or loose it provision" in the current issue 12 CQE halibut permit language (first bullet) doesn't make much sense in the context of reducing effort or "latent" permits and is not needed. The permits are issued to the CQE and they can re-apply for unused permits annually . Consequently, we would encourage the Council to **delete** the language "**Must be used within the first full season after receiving the permit or it will not be renewed**" and retain the language "**CQE=s can re-apply for permits annually**"

Issue 5:

Related to this issue is the process for obtaining the CQE permits. Staff has suggested on page 76 that the CQE could annually request the "maximum" number of permits without designation of who would be fishing those permits. We would recommend, however, that the Staff's recommended list of what NMFS might require of the CQE prior to permit transfer (page 78) be expanded to require the CQE to identify the permit recipient annually. In other words, for the permit to be issued, the CQE would need to request the permit in and individual's name. This should insure clear identification of who will be using the CQE permit.

(Antidote about O.H. CQE halibut allocation if time permits)

Issue 6:

In conclusion, the issues of determining which communities should qualify for the program and how many permits are "needed" for a community CQE should be addressed. The staff report shows (table 15) that with a 10 trip definition for a "business" halibut charter license and a 10 business threshold per community, three S.E. Alaska communities won't qualify. In looking at these three communities, we see that their halibut charter businesses are developed. However, if a 5 business threshold is adopted, Hoonah, Klawock and Yakutat also don't qualify. It seems clear that these communities don't have a mature halibut charter sector - especially Yakutat and that they need the opportunities provided by CQE permits. Thus I recommend the 10 business threshold for disqualifying communities.

How many permits the communities need is a difficult decision which balances size and composition of communities, existing charter operators, overall area to fish and available halibut quota. I would encourage the Council to consider a 5 permit allocation for qualifying area 2C communities and a 10 permit allocation for 3A communities. Finally, CQE communities will need an ownership cap that will allow some purchase of permits. If a 5 permit individual cap is adopted, the CQE cap should be at least 5 permits beyond the gifted permit limit. eg. in area 2 C, a cap of 10 permits.

Thank You

C-4

Prince William Sound Charter Boat Association

P.O. Box 90, Ester, Alaska 99725
907-479-5562

North Pacific Fishery Management Council
Stephanie Madsen, Chair
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

January 31, 2007

RE: Agenda C-4 Halibut Moratorium for 5-13 Feb 07 Portland Meeting

The Prince William Sound Charter Boat Association fully supports the proposed moratorium using a control date of December 9, 2005 and more importantly the qualifying criteria set forward by the Stakeholders Committee. The moratorium is the first step towards a long-term solution but is not a complete or permanent solution for the charter industry.

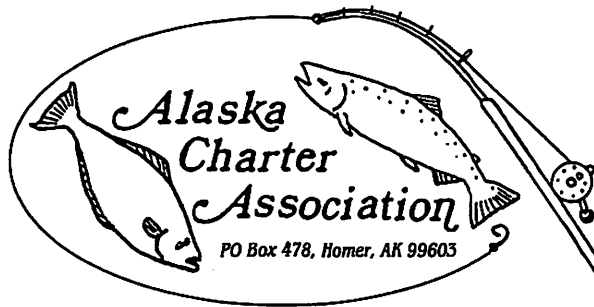
Our priorities are:

1. Implement a Moratorium using the control date of December 9, 2005 and qualifying criteria set forward by the Stakeholder Committee.
2. Set the entry threshold for qualifying as high as possible of the 4 choices 5, 10, 15, or 20 day trips suggested by the Stakeholder Committee, to minimize the "Gold Rush" Speculators. We would suggest that a 15 bottomfish logbook trip day alternative be included in the analysis.
3. On Issue 10: Qualification Period: We support option 10.2 of the EA/RIR/IRFA analysis as being more in line with what was discussed at the Stakeholder Committee for determination of who is eligible for a permit or not. We believe that the Council will need to set a different number of qualifying bottom fish logbook trip days criteria between area 2C and 3A.
4. Issue 12: Community Provisions: We want to keep the community provisions simple to prevent slowing down the implementation of the moratorium. We believe that there needs to be an additional consideration besides the number of businesses and that is the number of permits that each business will receive for qualification of community permits. New permits in a community will be a burden to any charter business that currently exists and operates from that community. Also a "use it our loose it" concept should be attached to these permits. One of the biggest problems we have is latent capacity in the fleet in areas 3A and 2C, creating additional permits will be contrary to the entire halibut charter issue, which becomes very evident by the recent actions by the IPHC in creating a partial season 1 halibut limit in areas 3A and 2C.
5. Implementation Issues, 2.6.1 Permit eligibility: We support staff's comments and suggestion within the document to change the stakeholder wording from "year prior to implementation" to "year prior to final rule becoming effective".
6. Make Moratorium Final Action determination at the March 07 NPFMC Anchorage Meeting.
7. Move forward with analysis for the Permanent Solution at the March 07 meeting. Also fast track any analysis of the Permanent Solution options. We have all the catch history data needed to proceed with a permanent solution, the mechanism for implementation is all that is needed.

Speed is necessary here or this issue will fail again and put further hardship on charters and all other user groups.

Sincerely,

John Goodhand
President, Prince William Sound Charter Boat Association



"To preserve and protect the rights and resources of Alaska's Sport Fishermen."

ALASKA CHARTER ASSOCIATION TESTIMONY

The Alaska Charter Association (ACA) represents more than 300 members. The ACA continues to endorse the Council's effort to place a moratorium on new entry into the guided sport fishing industry. We recognize and support the moratorium cutoff date of December 9, 2005. We concur with the requirements of participation set forth as a part of that action. We also support continued effort of the stakeholder's process to shape the moratorium.

Consistent with our December 2006 testimony, we continue to endorse a moratorium that will sunset on implementation of a long term solution for charter industry management.

We support every effort to gather more timely and accurate data prior to and during the temporary moratorium period. Data from both the fishery and the socio-economic arena should be used to make the best informed decision for our long term solution.

The ACA wishes to bring to the Council's attention the issue of the military boats that provide fishing services to our men and women in uniform. The ACA's position is that if the fish harvested by these men and women are to be included in the GHL harvest, that the military vessels be included in the moratorium, and treated as regular charter vessel. If the Council deems it inappropriate to include these vessels in the moratorium, the ACA's position is that the fish harvested by our men and women in uniform is considered as a social responsibility and the accounting in harvest be shared proportionately between the commercial and guided recreational fishing sector.

The proposed moratorium includes the opportunity for a limited number of permits to be issued to CDQ communities. The Association can support this on the premise that those permits are exercised in the community of issue, and that the charter trips must originate and terminate in the community holding the permit.

The ACA recognizes that much work remains to be done to achieve the stability we all desire in the halibut fishery. We wish to work within our own sector to help shape the management tools that are needed, and with the commercial sector to shape the interface for transfer of our public resource between sectors.

Robert Howard

Robert Howard, Director
Alaska Charter Association

Bob ALVERSON
c-4

Request to add to the analysis for regulatory restrictions of the charter boat fleet, which is due before the Council in April for initial review. - FVOA

Add to the analysis that the proposed restrictions apply to area 3A

And drop the following restrictions in order to reduce the work load

3. Annual catch limits 4/5, this was reviewed at the December meeting and with poor reviews from enforcement.

7. Day of Week closure, drop as this option is likely to have very little affect based on initial review.

8. Minimum Size limit of 32 inches, drop as initial review suggest this may actually increase the poundage landed by the charter fleet per number of fish landed

Feb 3, 2007

Stephanie Madsen, Chair
North Pacific Fisheries Management Council
605 W 4th Avenue, Suite 306

Agenda Item C-4 (b) Charter Halibut Management (Moratorium)

Dear Madame Chair and members of the Council,

I am writing as an area 3a halibut QS holder and resident of Cordova, in regards to the Council's consideration of a moratorium on entrants into the halibut charter fishery.

I encourage you to continue the commitment you have shown to move the moratorium through Council process without delay.

The moratorium on entry into the halibut charter sector is a natural first step towards a permanent solution to the problem of halibut charter management.

As a member of the Cordova District Fisherman's United Groundfish Division, I reference you to the comments submitted by our Chairman, Dan Hull. His recommendations articulate our concerns on specific sections of the Initial Review Draft of the analysis.

Thank you for the opportunity to comment,

Curt Herschleb

Initial Review Draft

Environmental Assessment/Regulatory Impact Review/ Initial Regulatory Flexibility Analysis for a Regulatory Amendment to Limit Entry in the Halibut Charter Fisheries in IPHC Regulatory Areas 2C and 3A

Date: January 19, 2007

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

Responsible Official: Doug Mecum, Acting Alaska Regional Administrator

Abstract: This analysis examines two alternatives to limit entry into the Pacific halibut guided sport (charter) fisheries in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska. One alternative would take no action. The second alternative would implement a moratorium on entry into the charter sector, as of December 9, 2005. It is intended as an interim step in the Council's long range plan to limit charter halibut harvests. Permits would be issued to persons based on minimum threshold levels of participation and certain eligible communities based on maximum threshold levels of charter halibut participation in those communities. Both types of entities would be subject to use caps.

None of the proposed actions are expected to have the potential to result in a "significant action," as defined in Executive Order 12866, or result in adverse impacts on directly regulated small entities, as defined in the Regulatory Flexibility Act. A final regulatory flexibility analysis focusing on the preferred alternative will be included in the final regulatory package submitted for Secretarial review.

Comments Due: The public may comment on the proposed action until the Council selects its preferred alternative, currently scheduled for April 2007. A formal public comment period will be announced by the Secretary of Commerce upon publication of the proposed rule, expected sometime in 2008.

For Further Information Contact: Jane DiCosimo or Nicole Kimball
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252
(907) 271-2809

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