



# Alaska Longline

## FISHERMEN'S ASSOCIATION

403 Lincoln Street, Suite 237 / Sitka, Alaska 99835 907.747.3400 / FAX 907.747.3462

Dr. James Balsiger,  
Asst. Administrator, NOAA Fisheries  
1315 East-West Highway  
Silver Springs, MD  
20910

July 18, 2008

Dear Dr. Balsiger,

I recently had the opportunity to review the National Marine Fisheries Service (NMFS) Proposed Rule revising National Standard 1 guidelines (published June 9 at 73 Fed. Reg. 32526). A number of statements in the preamble seemed particularly relevant to the Alaska halibut charter management issue, and make even more incomprehensible NMFS' failure to control the 2008 Southeast Alaska halibut charter fishery to its Guideline Harvest Level (GHL). In hopes of spurring NMFS to immediately initiate an expedited rule making under the Halibut Act to implement the one halibut daily limit in the Southeast charter fishery and to appeal the D.C. District court's decision on the Preliminary Injunction, I would like to call the following sections to your attention:

1. "[A] primary goal of the MSA, and management responsibility of NMFS and the Councils, is to end and prevent overfishing, rather than account for it after it occurs." 73 Fed. Reg. at 32533.
2. "Continued overfishing for a period of years (chronic overfishing), presents the greatest danger to the health of fish stocks, and often leads to stocks becoming overfished." 73 Fed. Reg. at 32528.
3. At 73 Fed. Reg. 32533 the annual catch limit ("ACL") is defined as the annual catch level that serves as a basis for invoking accountability measures. Accountability measures ("AMs") are the management controls that are designed to prevent ACLs or sector ACLs from being exceeded. The term annual catch target ("ACT") is the annual harvest that is the management target for the fishery. The ACT is usually less than the ACL under this new guidance. The preamble discusses the need for setting sector allocations among user groups. NMFS then states: "If sector ACLs are established, sector AMs and sector ACTs must

be developed for each sector ACL.... The system of ACLs must be effective and equitable and protect the stock as a whole from overfishing.... If a sector does not have timely in-season fisheries data, or has a history of annual overages, then a Council should establish a large enough difference between a sector's ACT and ACL to improve the probability that the sector-ACL and the stock's ACL are not exceeded ... If a stock is under a rebuilding plan and its ACL is exceeded, the AMs should include overage adjustment that reduce the ACL in the next fishing year by the full amount of the overage...." 73 Fed. Reg. 32535.

The southeast Alaska halibut charter fleet will likely exceed its GHl by close to 1 million pounds in 2008, crowning a half decade of "chronic overfishing." By NMFS own recently published overfishing guidelines, NMFS recognizes its responsibility to prevent over harvest "rather than account for it after it occurs." And yet to date NMFS has taken no action since the Court's ruling in June to stop the charter sector from overfishing its annual catch limit. The exploitable biomass of halibut in the Southeast area has dropped by 55% over the past two years and stocks are predicted to decline further before any rebuilding occurs. There is clear directive in these new guidelines to manage the charter fleet to a harvest target below the GHl since in-season fisheries data is not available and an effective rebuilding strategy is needed.

I would hope that these recently published NMFS statements will be enough to inspire effective and immediate action to control charter harvest. Setline halibut fishermen, who face steep penalties for overages and have taken a 43% quota reduction over the past two years, are increasingly frustrated by NMFS' failure to act.

During a recent meeting in Sitka, Senator Stevens reminded community members that the Magnuson-Stevens Act was inspired by the voluntary, self-imposed lay ups adopted by the halibut setline fleet during the 1970s in an effort to protect stocks. The setline industry, as you know, has a culture of conservation. NMFS has a responsibility to the setline industry and to the Nation to protect the long-term health of the stocks by ensuring all sectors live within resource limits. Again, on behalf of the Alaska Longline Fishermen's Association (ALFA), I urge NMFS to: 1) initiate a rule making under the Halibut Act that effectively controls charter harvest; and 2) appeal the Preliminary Injunction that suspended the one halibut daily limit in Southeast.

I would appreciate a reply updating ALFA and other members of the Halibut Coalition of your intended course of action.

Sincerely,



Linda Behnken

cc: Doug Mecum  
Sue Salveson  
Senator Stevens  
Senator Murkowski  
Congressman Young  
Governor Palin  
Commissioner Lloyd  
Dr. Leaman