

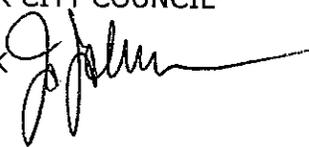
Office of the City Clerk

Jo Johnson, CMC, City Clerk
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MEMORANDUM – AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK 
DATE: SEPTEMBER 12, 2011
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

RESOLUTIONS

Memorandum 11-087(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Coast Guard Parking and Access Improvements to the Firm of Collins Excavation and Services of Homer, Alaska, in the Amount of \$8,940 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Page 1

Memorandum 11-125 from Public Works Director as backup. Page 3

Resolution 11-088(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Fire Station Drainage Improvements to the Firm of Paul's Service of Anchor Point, Alaska, in the Amount of \$18,450 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Page 5

Memorandum 11-131 from Public Works Director as backup. Page 7

Resolution 11-089, A Resolution of the Homer City Council Requesting the National Oceanic and Atmospheric Administration Include the Results of its Socio-Economic Study in the Formulation of the Proposed Halibut Catch Sharing Plan. Zak. Written public comment. Page 9

Resolution 11-090, A Resolution of the City Council of Homer, Alaska, Supporting the Concept and Construction of Non-Motorized Pathways to Increase the Safety for Motorized and Non-Motorized Users Along Kachemak Drive Located Within the City Limits, from the Base of the Homer Spit to East End Road. Lewis/Zak/Parks and Parks and Recreation Advisory Commission. Written public comment. Page 69

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-087(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDING THE CONTRACT FOR THE COAST GUARD PARKING AND ACCESS IMPROVEMENTS TO THE FIRM OF COLLINS EXCAVATION AND SERVICES OF HOMER, ALASKA, IN THE AMOUNT OF \$8,940 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City Council, on August 23, 2011 adopted Ordinance 11-34 establishing a budget for the Coast Guard Parking and Access Improvements project; and

WHEREAS, Per the City of Homer's Procurement Policy, Public Works contacted eight area contractors to solicit competitive quotes to complete the Coast Guard Parking and Access Improvements; and

WHEREAS, Quotes were due by 4:30 p.m. on September 7, 2011 and four quotes were received; the low bidder is Collins Excavation and Services of Homer, Alaska, submitting a bid in the amount of \$8,940; and

WHEREAS, This award is not final until notice is received by Collins Excavation and Services of Homer, Alaska, from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby awards the contract for the Coast Guard Parking and Access Improvements to the Firm of Collins Excavation and Services of Homer, Alaska, in the Amount of \$8,940 and the City Manager is hereby authorized to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 12th day of September, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Acct. No. 456-380 Parking and Access Improvements \$8,940 Lot 45-A, Coast Guard Parking.



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 11-125

To: Walt Wrede, City Manager
From: Carey Meyer, Public Works Director
Date: September 8, 2011
Subject: **US Coast Guard Parking and Access Improvements
Construction Contract Award Recommendation**

The City opened bids for this project on September 7. Four bids were received:

Firm	Location	Bid Amount
Collins Excavation and Services	Homer	\$ 8,940.00
Arno Construction	Homer	\$ 9,925.00
Homer Winter Services	Homer	\$ 23,051.25
Paul's Services	Anchor Point	\$ 20,255.00
Engineer's Estimate		\$ 12,500

Recommendations:

The City Council award the construction contract for the US Coast Guard Parking and Access Improvements to Collins Excavation and Services, of Homer, Alaska in the amount of \$8,940, and authorize the City Manager to execute all appropriate documents to complete construction.

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 11-088(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE FIRE STATION
DRAINAGE IMPROVEMENTS TO THE FIRM OF PAUL'S
SERVICE OF ANCHOR POINT, ALASKA, IN THE AMOUNT OF
\$18,450 AND AUTHORIZING THE CITY MANAGER TO EXECUTE
THE APPROPRIATE DOCUMENTS.

WHEREAS, The City Council, on September 12, 2011, adopted Ordinance 11-36(S) establishing a budget for the Fire Station Drainage Improvements project; and

WHEREAS, Per the City of Homer's Procurement Policy, Public Works contacted eight area contractors to solicit competitive quotes to complete the Fire Station Drainage Improvements; and

WHEREAS, Quotes were due by 4:30 p.m. on September 9, 2011 and one sealed bid was received; the low bidder is Paul's Service of Anchor Point, Alaska, submitting a bid in the amount of \$18,450; and

WHEREAS, This award is not final until notice is received by Paul's Service of Anchor Point, Alaska, from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby awards the contract for Fire Station Drainage Improvements to the firm of Paul's Service of Anchor Point, Alaska, in the amount of \$18,450 and the City Manager is hereby authorized to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 12th day of September, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Acct. No. 156-393 Fire Depreciation Reserves Parking Lot Drainage \$18,450.



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 11-131

To: Walt Wrede, City Manager
From: Carey Meyer, Public Works Director
Date: September 12, 2011
Subject: **Fire Hall Drainage Improvements
Construction Contract Award Recommendation**

The City opened bids for this project on September 9. One bid was received:

Firm	Location	Bid Amount
Paul's Service	Anchor Point	\$ 18,450
Engineer's Estimate		\$ 20,000

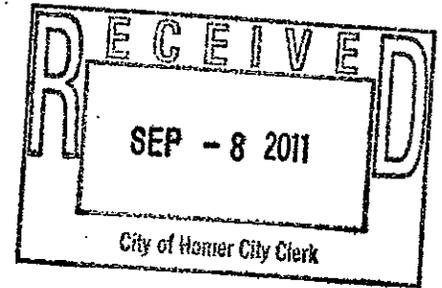
Recommendations:

The City Council award the construction contract for the Fire Hall Drainage Improvements to Paul's Service of Anchor Point, Alaska in the amount of \$18,450, and authorize the City Manager to execute all appropriate documents to complete construction.



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September 8, 2011

Mayor James C. Hornaday and Members of the Council
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603

Dear Mr. Hornaday and Council Members,

We understand you are considering Resolution 11-089 in which you would ask for a socio-economic study on the proposed halibut catch sharing plan (CSP), an extension of comments by 60 days, and to set the CSP allocation to closely approximate the GHL. We would like to offer a few comments for your consideration.

Comment Extension.

As you are aware the commercial-charter discussion has been on-going since 1993 (see enclosures). More specifically the NPFMC took final action on the CSP in October 2008 (almost three years ago) at which time 109 organizations and individuals testified and submitted hundreds of written comments which fill two 4-inch binders. When the proposed CSP rule was published July 22, 2011 it included a 45 day comment period which is already longer than the normal period. This was done to accommodate both commercial and charter fishermen during a busy work period. We urge you to submit any socio-economic information you have to NMFS by the September 21, 2011 comment deadline--on impacts to BOTH the commercial/charter sectors under the status quo GHL and CSP.

Economics

The Homer News (9/7/11) (<http://www.homernews.com>) reports on the difficulty of conducting the economic analysis you seek.

"A very difficult task" is how Jim Calvin of the McDowell Group, a research and consulting firm with offices in Anchorage and Juneau, summed up an economic impact analysis of this nature....

"Preparing an economic impact analysis of the catch-sharing plan is no small request, said Gunnar Knapp with the University of Alaska Anchorage Institute of Social and Economic Research. ...

Alaska Longline Fishermen's Association • Cordova District Fishermen • Deep Sea Fishermen's Union • Fishing Vessel Owners Association • Halibut Association of North America • Kachemak Bay Fisheries Association • North Pacific Fisheries Association • Petersburg Vessel Owners Association • Sea Food Producers Cooperative • Southeast Alaska Fishermen's Alliance • United Cook Inlet Driftnetters Association • United Fishermen's Marketing Association • United Southeast Alaska Gillnetters Association

Financial and time constraints of a thorough analysis also are raised in [the net national benefits section of the Environmental Analysis/Regulatory Impact Review]. Referring to information on expenditures by limited entry permit holders by community, the report states, "Collecting that information would be both expensive and time consuming, and is outside the scope of this amendment."...

"I'm sure that a lot of charter operators would like to save what they have and don't want a change, but when it comes to the issue of leaving things the way they are, what does that mean about the sustainability of the resource? What does it mean about who else would have to cut back and what are the impacts of that?" said Knapp". ...

"It takes a long time and ultimately doesn't solve the underlying political issue," he said.

We would also add this comment from a long time observer of the allocation debate:

"It's even more complicated than either Calvin or Knapp indicate. There is a perpetuation of characterizing this allocation as one between charter anglers and commercial fishermen. More correctly, it is allocation between two sets of end-users: charter anglers (and associated business infrastructure) and the public (and the associated business infrastructure) who consume halibut at the home or restaurant level. Any economic analysis needs to value economic benefits from the fish to the end-user. In decades in this business I have never seen an economic analysis that even comes close to that level of examination. Valuation of the commercial sector normally stops at ex-vessel level, maybe processor level if it is more expansive, but it NEVER gets to the consumer level. That is arguably a very large task but in the absence of such an analysis there is no economic basis for a decision, so one should not try to invoke economic arguments. Knapp's last comment is largely correct."

In 2009 the charter industry litigated the one-fish bag limit for Area 2C (Southeast). The Guideline Harvest Level established for the charter industry in 2003 was affirmed as an allocation in a 2009 federal district court opinion and has application in the CSP rule making. The ruling by the Court upheld the Area 2C (Southeast Alaska) one halibut bag limit. The one halibut daily limit was implemented to stop chronic charter allocation overages (overages that ranged from 22-115% in excess of the GHF between 2004 and 2010). That decision can be viewed at: http://halibutcoalition.org/docs/Judge_Collier_Halibut_Charter_Order_20091123.pdf

The Court commented on the economic analysis:

"The national benefits of an allocation are not judged solely in terms of a cost/benefit analysis between two groups". (Page 16 of the 2009 Court Opinion). The Magnuson-Stevens Act and the Halibut Act require the consideration of many factors, not just economic. The Court goes on to say (page 16), "Furthermore, the Secretary gave little weight to quantitative estimates of the

economic impact of the Rule (one fish for Area 2C) because it is not appropriate to compare the economic impact to the commercial sector with the economic impact to the charter sector when their products are so very different.”

During the October 2008 NPFMC deliberations, information on community impacts was provided to the Council through public testimony on the CSP; much of this information was highlighted by Council members during final deliberations. Communities testifying included: Homer Chamber of Commerce, City of Pelican, Wrangell, Hoonah, Port Alexander, and Craig along with testimony from Hoonah Indian Association.

In testimony to the Alaska Legislatures House Special Committee on Fish (9/1/11), the Alaska Charter Association (ACA) on page 6 of their power-point presentation states:

“The Criddle study on Pacific Halibut found that benefit maximization occurs when the commercial sector has 71 percent and the recreational sector has 29 percent of the harvest pounds as compared to a 87 percent and 13 percent in 2007.”

ACA gave this same interpretation of Dr. Criddle’s work in October 2008, in testimony on the CSP. When queried on the ACA reference to the paper, Dr. Criddle replied via email (dated Sunday September 28, 2008):

“I’ve attached the papers that probably served as the background for the statements. The papers were not intended to serve as a specific review of an optimal allocation of halibut in Alaska. They were intended to demonstrate the kind of information that would be required if there were an attempt to determine an optimal allocation and to show the impracticality of trying to do the analyses needed to determine an optimal allocation. The papers are intended to make the point that a market-based transferable system is the only practical way to approach an optimal allocation over time as costs, prices, and demand for recreation services changes. It should be remarked that the papers use a description of the commercial sector published in 1994 - - - the pre-IFQ fishery. The description of the sport sector (self-guided and charter) is based on studies of lower Cook Inlet published in 2003. Neither are characteristic of the current longline or charter sectors. The use of those old studies in the attached papers was intended to be illustrative of the types of tradeoffs involved in determining the incremental net benefits of commercial and sportfishing. As to the “optimal” solution, that depends on the goals of society and on the standing level of biomass.”

Even if a comprehensive study could be funded and completed, it would only be a data point that would immediately be overcome by changing biological and socio-economic factors impacting both the end users (consumers-associated businesses and charter clients-associated businesses). Largely in response to these concerns about “optimizing” the allocation, the CSP includes a market-based mechanism for transfer between the commercial and charter sector, allowing charter operators to invest in additional harvesting opportunities for their clients.

Set CSP to Approximate GHL.

The tables below show a retrospective analysis of the CSP allocation vs. the GHL from 2004 - 2011. For Area 2C in the years 2004-2011, the total cumulative GHL quota was 9.023 million pounds. The allocation under the CSP would have been 10.31 million pounds. In other words, the CSP would have allowed a greater overall harvest than the GHL.

The facts are the same in 3A where the total cumulative GHL quota 2004-2011 was 29.20 million pounds. If the CSP had been in place in the same time period the cumulative harvest would have been 29.92 million pounds. Again, the CSP allocation levels exceeded the corresponding GHL levels.

TABLE 1
Area 2C Comparative Charter Allocations

Year	GHL¹	CSP % Allocation	CSP¹ Allocation
2004	1.432	15.1%	1.79
2005	1.432	15.1%	1.87
2006	1.432	15.1%	1.85
2007	1.432	15.1%	1.50
2008	0.931	15.1%	1.08
2009	0.788	15.1%	0.90
2010	0.788	15.1%	0.78
2011	<u>0.788</u>	17.3%	<u>0.54</u>
Total	9.023		10.31

TABLE 2
Area 3C Comparative Charter Allocations

Year	GHL¹	CSP % Allocation	CSP¹ Allocation
2004	3.650	14%	3.97
2005	3.650	14%	4.01
2006	3.650	14%	4.01
2007	3.650	14%	4.18
2008	3.650	14%	3.90
2009	3.650	14%	3.55
2010	3.650	14%	3.30
2011	<u>3.650</u>	14%	<u>2.52</u>
Total	29.20		29.92

¹ Weights in millions of pounds.

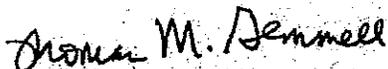
The CSP maintains a halibut charter season of historic length with no in-season changes to management measures. The charter fleet has consistently requested these concessions be part of the CSP. That said, the primary goal of the CSP is to protect the halibut resource by preventing overfishing. The Halibut Coalition staunchly supports sustainable management and timely implementation of the halibut CSP. The CSP removes the GHL stair steps (which artificially buffered the charter allocation from changes in halibut abundance) and more directly links the charter allocation to abundance.

In conclusion, the commercial-charter halibut allocation is a complex decision that has been under public scrutiny since 1993. Public participation in the process has been extensive and included testimony from sport, subsistence, charter and commercial fishermen, as well as representatives of the processing sector, the consumer sector and coastal communities.

We will be submitting detailed comments on the CSP and will provide you a copy once they are complete. Please know, these comments fail to convey the full breadth of the CSP, nor do they detail all the provisions designed to accommodate the charter sector's business model that are integral to the CSP.

The North Pacific Fishery Management Council must act to protect the sustainability of the halibut resource, especially in times of declining abundance. The Council uses the best scientific, social, and economic information they have at the time of the decision and do not have the luxury of waiting for every conceivable study to be completed. Sustainability is the top priority and key to that is all sectors adhering to their allocations as required by Magnuson Stevens Act and sharing both the "pain" and "gain" as the halibut biomass fluctuates.

Sincerely,



Thomas M Gemmell
Executive Director

Enclosures (1) Halibut Allocation Chronology
(2) Halibut Management Summary

APPENDIX I. Development of the Council's GHL and other halibut charter policies by year of Council action

(From: NPFMC: EA/RIR/IRFA Draft for public review: May 4, 2007. Appendix 1. With additions from the Council and Federal Register)

1993. The Council began considering management options for the halibut sport fisheries in September in response to a proposal from the Alaska Longline Fishermen's Association (ALFA) in Sitka. The proposal cited the "rapid, uncontrolled growth of the guided halibut charter industry" off Alaska. Because the harvest limits for the commercial longline fishery are set after deducting the estimated harvests by sportfishing (and all other harvests), ALFA was concerned that further growth would result in a reallocation of halibut from the traditional directed longline fishery. They were particularly concerned because the resource is fully utilized and CEYs were projected to decline (ALFA proposal, May 1993).

Based on Council discussion, public testimony, and evidence citing projected continued growth of the charter industry, the Council determined that some type of management program for the halibut charter fishery, including potential limited entry, warranted further consideration. The Council also approved a control date of September 23, 1993 as a potential cutoff date in the event of a moratorium on further entry into the fishery (this control date was never published in the *Federal Register*).

The Council established a Halibut Charter Working Group (Work Group) comprised of staff, three commercial fishery representatives, one non-charter fish representative, and six charter vessel representatives to identify and examine potential management options for the sport fisheries. The Work Group was requested to further develop suitable elements and options for a regional or statewide moratorium on new entry of halibut charter vessels. Although the Working Group did not agree on appropriate management options, it did collect extensive information on the fishery for Council consideration relative to various alternative management options.

1995. The Council had deferred further action because of other priorities but in January, the Council again reviewed the Work Group findings, took public testimony, and discussed further development of management options. The Council formulated a problem statement and specific management options. Formal analysis, however, was delayed by other tasking priorities for staff and the lack of funding for outside research contracts to acquire the necessary analytical expertise on the sport fisheries. At the end of 1995 and beginning of 1996, Council funding was delayed due to Congressional budget debate. Funding became available in mid-1996.

1996. In June, the Council again discussed the halibut charter issue, and narrowed the options for analysis. The Council decided to focus management options only on the charter fishery (the fastest growing segment based on IPHC and ADF&G reports), thus removing non-charter halibut sport fishery from further consideration. The Council also deleted the alternative for a separate IFQ system for the charter fishery, but retained an option to allow the charter sector to purchase or lease existing commercial IFQs, in the event a cap closed the fishery early. Finally, the Council deleted an absolute poundage cap on the charter fleet, but retained an option for a floating cap expressed as a percentage of the overall available quota. After a research solicitation process, and after reviewing several proposals, a contract was awarded in September to the University of Alaska Institute for Social and Economic Research (ISER).

1997. During initial review in April, the Council added contemporary control date options of April 15, 1997, and the date of final action in September 1997. In September, the Council took

final action on the following two management actions affecting the halibut charter fishery, culminating more than four years of discussion, debate, public testimony, and analysis.

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

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

Also in September, the Council adopted a framework for developing local area management plans (LAMPs) using the joint Council/Alaska Board of Fisheries protocol. LAMPs would be submitted through the BOF proposal cycle, and portions of the plans pertaining to halibut would ultimately require Council approval and NMFS implementation. One LAMP, for Sitka Sound, has been implemented (final rule published on October 29, 1999).

In December, the NMFS Alaska Regional Administrator (RA) informed the Council that the GHL would not be published as a regulation. Further, since the Council had not recommended specific management options to be implemented by NMFS if the GHL were reached, no formal decision by the Secretary was required for the GHL. Therefore, the analysis never was forwarded for Secretarial review. The Council's intent, however, partially was met by publishing the GHL as a notice in the *Federal Register* on March 10, 1998. It did not constrain the charter fishery, but did formally announce the Council's intent to establish options to maintain charter harvest at or below the GHL using 1995 as the baseline year. Following a recommendation in April 1998 to set a revised control date for possible limited entry into the halibut charter fishery, NMFS published a new control date of June 24, 1998, in the *Federal Register*.

1998. After being notified that the 1997 Council analysis would not be submitted for Secretarial review, the Council initiated a public process to identify GHL management options. The Council formed a GHL Committee comprised of one Council member representing the charter industry, one BOF member representing the charter industry, two charter industry representatives from Area 2C, two charter industry representatives from Area 3A, one unguided sport representative from Area 3A, and two subsistence/personal use representatives from Area 2C. The Committee's task was to recommend management options for analysis that would constrain charter harvests

under the GHL. It convened in February and April and January 1999. The two subsistence/personal use committee members voluntarily stepped down from the Committee after the first meeting due to travel costs. The Council discussed and approved with modifications the recommendations of the committee and Advisory Panel for analysis in 1998 and again in early 1999.

1999. In April, the Council identified for analysis: (1) a suite of GHL management option options; (2) options that would change the GHL as approved in 1997; and (3) area-wide and LAMP moratorium options under all options. Recognizing that (1) reliable in-season catch monitoring is not available for the halibut charter fishery; (2) in-season adjustments cannot be made to the commercial longline individual fishing quotas (IFQs); and (3) the Council's stated intent to not shorten the current charter fishing season resulted in the Council designing the implementing management options to be triggered in subsequent fishing years.

During initial review in December, the Council added: (1) a change in possession limits to the management options that it would consider to limit charter halibut harvests under the GHL; (2) an option to apply the GHL as a percentage of the CEY by area after non-charter and personal use deductions are made, but prior to deductions for commercial bycatch and wastage; (3) an option to manage the GHL as a 3-year rolling average. Lastly, the Council deleted an option to close the charter fishery in-season if the GHL was reached or exceeded. The Council further adopted the restructured options as proposed by staff.

2000. During final action in February, the Council modified Alternative 2 and selected the new alternative as its preferred alternative. The Council's preferred alternative is listed below. The analysis originally was submitted for NMFS review on July 13, 2000. In December, ADF&G staff reported that the SWHS survey estimates of charter harvest were corrected for 1996-98. The Council accepted the corrected estimates and the analysis submitted to the Secretary was revised.

2001. Subsequent drafts were resubmitted to NMFS on February 14 and September 26 in response to NMFS requests for revisions.

2001 (April). Final action to establish a halibut charter individual fishing quota (IFQ) program.ⁱ

2001 (Oct). Motion to rescind halibut charter IFQ program does not pass.ⁱⁱ

2002. The final draft was submitted on March 28. On September 6, the RA notified the Council that its preferred alternative could not be submitted for Secretarial review because the frameworked management options to reduce halibut charter harvests under the GHL likely would require additional public comment under the APA rulemaking process. NMFS identified a preferred alternative to implement a GHL that would set a ceiling level of 1,432,000 lb net weight in Area 2C and 3,650,000 lb net weight in Area 3A, and would require a letter of notification from NMFS to the Council when a GHL is reached or when abundance declined such that the GHL would be reduced.

2003. NMFS issued a final rule to implement a GHL in the two areas (68 FR 47256, August 8, 2003). The GHL established an amount of halibut that may be harvested annually in the charter fishery. This action was necessary to allow NMFS to manage more comprehensively the Pacific halibut stocks in waters off Alaska. It was intended to further the management and conservation goals of the Halibut Act.

2010. January. NMFS issues Final Rule limiting access for charter vessels to the guided sport fishery for Pacific Halibut in IPHC Areas 2C and 3A. Limited access licenses to be required on board vessels targeting halibut in these areas starting February 2011.

2010. January. IPHC adopts annual halibut biomass estimates and area catch limits. Area 2C GHL biomass reductions again trigger a halibut charter GHL of .788 million pounds. IPHC urges expeditious implementation of halibut Catch Sharing Plan to halt chronic GHL overages. (The charter fleet in Area 2C has exceeded its GHL every year since implementation – by 22 percent in 2004, 36 percent in 2005, 26 percent in 2006, 34 percent in 2007, and 106 percent in 2008.)

2011. January. IPHC adopts biomass estimates and area catch limits. Area 2C commercial quota reduced 47% from 2010 (78% since 2006) and IPHC proposes 37 inch maximum size for charter caught halibut in Area 2C; implementation pends approval from Departments of Commerce and State.

2011. February 1. Limited entry for halibut charter vessels in area 2C and 3A goes into effect. Appeals are being considered on an individual basis.

2011. April 15. IPHC imposes 37” maximum size limit for 2C halibut charter in order to keep the charter fleet with their GHL quota and protect the resource.^{iv}

2011. July 22. NMFS publishes proposed rule on catch sharing plan that was adopted by the NPFMC in October 2008.^v Comments due Sep 6.

ⁱ NPFMC Minutes April 2001 <http://www.fakr.noaa.gov/npfmc/minutes/AprMin01.pdf>

ⁱⁱ NPFMC Minutes October 2001 <http://www.fakr.noaa.gov/npfmc/minutes/Council1001.pdf>

ⁱⁱⁱ NPFMC Minutes December 2005 <http://www.fakr.noaa.gov/npfmc/minutes/Council1205.pdf>

^{iv} Federal Register Vo 76, No 51, March 16, 2011 <http://www.fakr.noaa.gov/frules/76fr14300.pdf>

^v Federal Register Vo 76, No141 July 22, 2011 <http://www.fakr.noaa.gov/prules/76fr44156.pdf>

- Charter overfishing also disrupts subsistence fishing. Subsistence users, who typically live close to the poverty line, can only fish in near shore areas. They do not own boats that allow anything else. When these near shore areas are fished out by vacationers aboard charter boats, subsistence fishermen cannot catch the halibut they need to feed their families.
- In 2008, the IPHC announced a policy change regarding charter overfishing. Instead of deducting charter overages from the commercial catch limit, the IPHC charged the U.S. with establishing regulations that limit each sector to its quota. However, because charter overages have continued unchecked, the uncompensated overharvest has compromised the rebuilding potential of the Area 2C halibut stocks and has imposed an unsupportable burden on all who depend on the halibut resource for subsistence or livelihood. If the U.S. fails to control charter overfishing, the IPHC will be forced to revert to its prior policy or take other action.
- To address these conservation, access, and allocation issues, the Council approved a Catch Sharing Plan (CSP) in October 2008 by a 10-1 vote. The CSP establishes clear percentage-based sector allocations that allow harvests to rise and fall with resource abundance.
- The CSP is an approved and agreed upon solution to the halibut conservation and allocation issues. The CSP includes a market-based mechanism for transfer between sectors, finally resolving this long-standing allocation conflict. The CSP must be implemented as soon as possible. In the interim, NMFS must effectively enforce the GHIL to keep the charter industry within its GHIL quota.
- More than 95% of all Area 2C commercial halibut fishermen operate family businesses working from vessels less than 60 feet. In 2010, approximately 60% were permitted to harvest 3,300 pounds or less of halibut and 90% less than 9,000 pounds. The average 2C commercial halibut fisherman grosses approximately \$9,000 from halibut fishing in this Area. In 2009, the charter fleet sued to prevent NMFS from enforcing the GHIL in a way that would limit their harvest. The annual revenue from the smallest of the plaintiffs was \$100,000. Two plaintiffs reported annual revenues of \$1.6 million and \$1.89 million. One charter plaintiff operated a corporate fleet of 27 vessels catching between 460,000 and 763,000 pounds of halibut. Another charter plaintiff was catching between 93,000 and 148,000 pounds of halibut annually. In 2010, less than 1% of the 2C commercial fishermen harvested 20,000 or more pounds of halibut in this area.
- The 2010 2C GHIL of 788,000 pounds was not reduced in 2011. The commercial catch limit was reduced an additional 47% between 2010 and 2011, resulting in a 78% reduction in the commercial catch limit over the past six years.

Halibut Catch Sharing Plan: Fact vs. Fiction

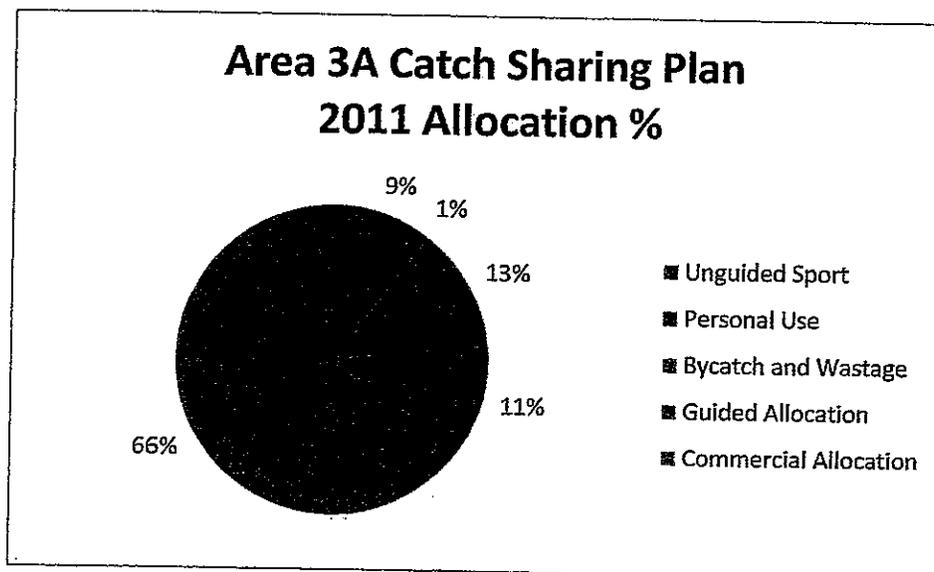
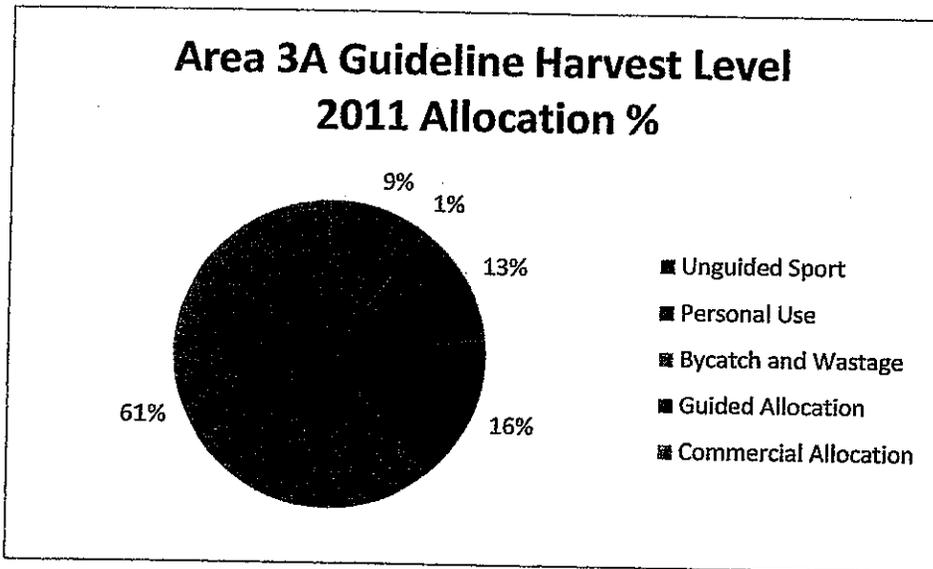
SEP 08 2011 PM 04:54 UJ

Fiction: The halibut Catch Sharing Plan (CSP) is all about conservation.

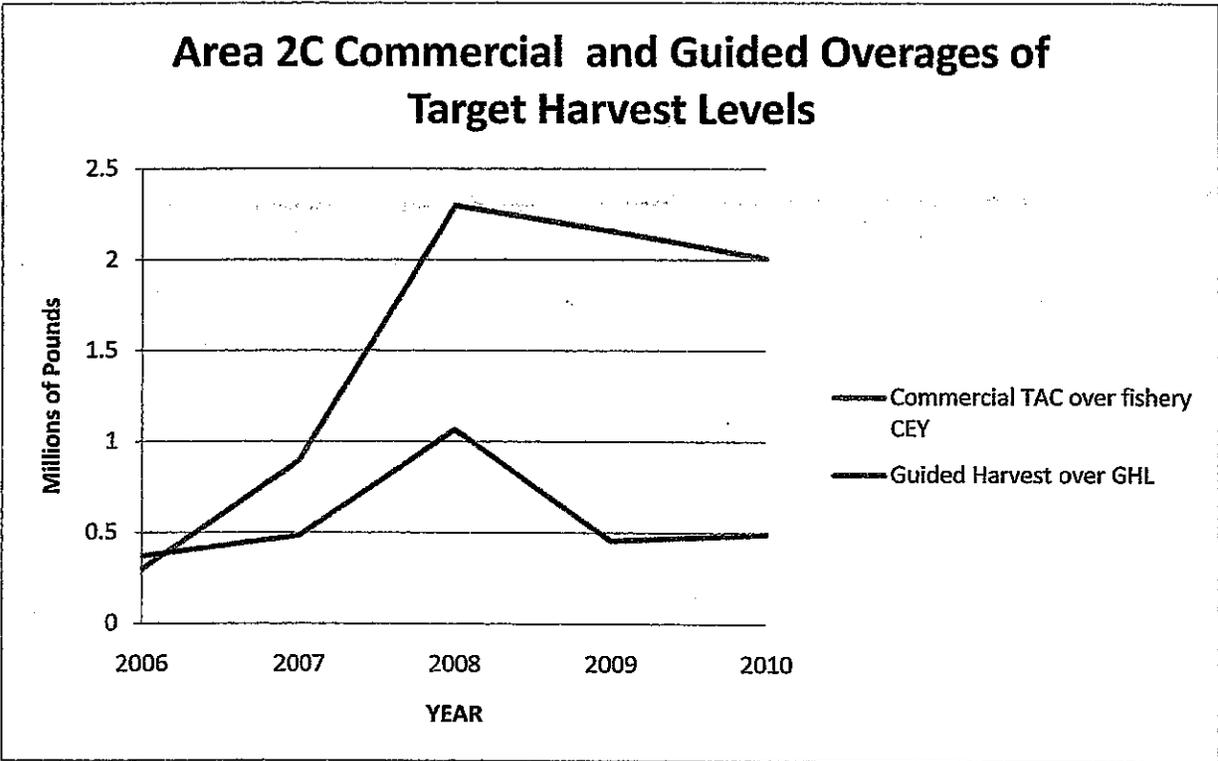
Fact: Under the CSP, the same amount of fish will be harvested as under the GHL. The CSP is all about allocation.

The constant exploitation yield (CEY) is the biologically determined level for total removals from each IPHC regulatory area. It is calculated by applying a fixed harvest rate to the estimate of exploitable biomass in that area.

The CEY does not change with the Catch Sharing Plan, but the allocations do! Below are pie chart comparisons of the 2011 Guideline Harvest Level and CSP allocations if the CSP was in effect in 2011 in Area 3A. If the CSP was in effect in Area 3A in 2011, the guided allocation under the CSP would be 31% less than the guided allocation under the GHL. The difference is reallocated to the commercial sector!



Below is a graphical comparison of GHL overages and commercial fishery CEY overages¹. From the graph, it is clear that commercial overages of the fishery CEY more than triple GHL overages in the same time period. Comfish and NMFS have gone out of their way to blame the guided recreational sector for the crash of the Area 2C exploitable biomass, when in fact they get over three quarters of the blame.



All parties should agree that the halibut fishery should be managed sustainably, and to do this each sector needs to be managed to its allocation, with no policies or political considerations applied in such a way as to raise realized harvest rates above sustainable levels.

¹ Source: IPHC Bluebooks, Catch Limits announcements, and ADF&G harvest data.

Is the Halibut Catch Sharing Plan Fair and Equitable?

The Halibut Act mandates:

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 privileges¹...

The Halibut Act also mandates that fishery management regulations shall not discriminate between residents of different States. ***It should be noted that fairness and equity of allocations applies to all fishermen, not just the commercial and recreational sectors.***

The Guideline Harvest Level is the current guided recreational allocation and the Courts have affirmed that it is fair and equitable². The GHL floats with abundance in stair step increments up to a maximum abundance level. Beyond that level, the excess is given to the Commercial fishery³.

Readers are encouraged to decide for themselves if the Catch Sharing Plan is fair and equitable:

- Is a rule that further increases the Commercial Fishery's huge share of the catch fair and equitable?
- Is a rule that without explanation or economic analysis reallocates up to 30% of the guided recreational allocation to the commercial sector fair and equitable?
- Is a rule fair and equitable if it discriminates between Americans who have access to a private boat and Americans who for financial, health, safety or other practical reasons choose a charter boat?
- Is a rule that takes away up to 30% of the guided recreational allocation that belongs to all guided anglers and then allows guided anglers with the wherewithal to buy their way back to a two fish limit, fair and equitable to the guided anglers who can't afford to do this?
- Is a rule that allocates higher Guided Angler Fish (GAF) purchasing privileges per angler endorsement to small boats fair and equitable for operators of larger boats?

¹ Halibut Act, 16 USC § 773c

² Van Valin v. Locke, Civil Action No. 1:09-cv-961

³ GHL Final Rule. Federal Register, Vol. 68, No. 153, Friday, August 8, 2003 p 47264

Comments on Proposed Halibut Catch Share Plan

The Homer Bed and Breakfast Association is an association of 38 lodging members and 51 Associate Members (Charters, Restaurants, Bear Viewers, Shops, etc.) All of our members will be impacted negatively if this rule is adopted.

I urge you to:

1) extend the comment period 60 days

The tourist season in Homer is a 100-day season (Memorial Day to Labor Day). Those businesses make it or break it in those 100 days. The current comment period ends the day after Labor Day. I urge you to extend the comment period by 60 days to allow the businesses who will be most impacted by this regulation an opportunity to comment. Let our small businesses make the most of this summer, as for many, if this rule is adopted, it may be their last summer in their chosen profession and in their chosen locality.

2) Set the CSP allocation to closely approximate the Guideline Harvest Level (GHL)

Halibut charters have been complying with the Guideline Harvest Level since its inception. The proposed regulation ignores the GHL, which has been upheld by the courts to be fair and equitable and which accounts for conservation. The proposed Catch Share Plan does nothing for conservation; it merely takes from the charter sector and gives to the commercial sector. This, after reducing the charter fleet by 37% in 2011.

3) Prepare an Economic Impact Analysis using current data.

There has not been an Economic Impact Analysis on this regulation, which is required by Executive Order 12866. This regulation will devastate Homer and the Kenai Peninsula. In a time when we should be saving existing jobs and creating new ones, this regulation serves to put many in the tourist industry out of work. The impact is not just to the charter operators. It effects all tourism, accommodations, restaurants, shops, other recreation, as the fisherman will stop coming to Alaska, and bringing their families.

My own Economic Impact Statement (which is attached) shows a \$5.7 million dollar loss in business to the tourist industry in Homer Alaska city limits alone. This does not include the loss of sales tax revenue to the city and the borough, the loss of property tax to the city and borough, the loss of income to the Homer Chamber of Commerce, increase in unemployment, increase in foreclosed mortgages on homes and boats.

This regulation does not help anyone, except the commercial fishing entities. And the help it gives them is far less than the hurt it does to the general community and especially the tourism sector of the community.

Quality of life would also be impacted by loss of celebrations, parades, festivals, etc., which have helped define the "Halibut Capitol of the World", Homer, Alaska.

Looking beyond Homer, cities of Seward, Soldotna, Kenai, Ninilchik, Valdez, Whittier, and even Anchorage, will suffer from this regulation.

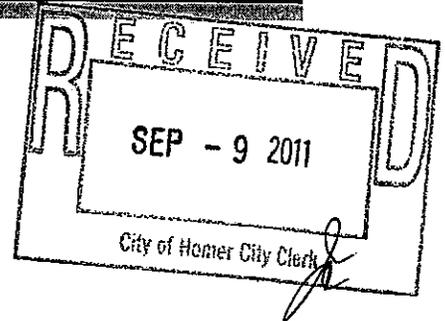
Catch Share Plan Proposal
Based on 2010 Tax Data

	2011* Taxable Sales	Multiplier	Impacted Taxable Sales	Taxes to City	Taxes to Borough	Loss To City	Loss To Borough	Loss To Business
Impact assumed to be 10%								
Scenic and Sightseeing Transportation, Land	\$55,633	100%	\$55,633	\$2,503	\$1,669	-\$250	-\$167	-\$5,563
Scenic and Sightseeing Transportation, Other	\$8,199	100	\$8,199	\$369	\$246	-\$37	-\$25	-\$820
Passenger Car Rental	\$451,799	100	\$451,799	\$20,331	\$13,554	-\$2,033	-\$1,355	-\$45,180
Tour Operators	\$416,368	100%	\$416,368	\$18,737	\$12,491	-\$1,874	-\$1,249	-\$41,637
Hotels and Motels	\$3,155,516	2nd and 3rd Qtrr	\$2,619,085	\$117,859	\$78,573	-\$11,786	-\$7,857	-\$261,909
Bed and Breakfast Inns	\$6,656,418	2nd and 3rd Qtrr	\$5,061,641	\$227,774	\$151,849	-\$22,777	-\$15,185	-\$506,164
All Other Travel Accommodations	\$341,947	2nd and 3rd Qtrr	\$254,066	\$11,433	\$7,622	-\$1,143	-\$762	-\$25,407
Rooming and Boarding Houses	\$47,284	2nd and 3rd Qtrr	\$45,519	\$2,048	\$1,366	-\$205	-\$137	-\$4,552
Impact assumed to be 15%								
Full-Service Restaurants	\$8,539,416	(2nd and 3rd Qtrr)*.9	\$5,431,807	\$244,431	\$162,954	-\$36,665	-\$24,443	-\$814,771
Limited-Service Restaurants	\$2,416,580	(2nd and 3rd Qtrr)*.9	\$1,604,557	\$72,205	\$48,137	-\$10,831	-\$7,221	-\$240,684
Impact assumed to be 25%								
RV Parks and Camps	\$444,950	2nd and 3rd Qtrr	\$437,092	\$19,669	\$13,113	-\$4,917	-\$3,278	-\$109,273
Impact assumed to be 50%								
Scenic and Sightseeing Transportation, Water	\$7,216,679	100	\$7,216,679	\$324,751	\$216,500	-\$162,375	-\$108,250	-\$3,608,340
Total	\$29,750,791		\$23,602,445	\$1,062,110	\$708,073	-\$254,893	-\$169,929	-\$5,664,298
Loss of Property Tax	?							
Unemployment Increase	?							
Loss of Lending Institution's Income	?							
Loss to Chamber of Commerce:	Average	100 Lost Members						
Memberships	Membership Fee							
Membership fee	\$148	\$	(14,800.00)					
Rack Card Service	\$60	\$	(6,000.00)					
Hot Link to individual websites	\$50	\$	(5,000.00)					
Loss of Revenue from Halibut Derby	\$	\$	(60,000.00)					
Loss of Revenue from Winter King Derby	\$	\$	(25,000.00)					
Loss of Revenue from Car Raffle	\$	\$	(25,000.00)					
Total Estimated Monetary Loss to COC	\$	\$	(135,800.00)					

*source: Kenai Borough tax records

JIM LAVRAKAS

Glenn Merrill
NMFS
Attn: Ellen Sebastian
PO Box 21668
Juneau, AK 99802-1668
RE: Halibut Catch Sharing Plan (0648-BA37)



September 9, 2011

Dear Mr. Merrill

I would like to know why the NMFS has not completed a thorough FSEIS pertaining to the impact of the proposed Halibut Catch Sharing Program (HCSP) as required by the service's own regulations.

Here's what I have gleaned, in part, from the NMFS website in a document entitled "FSEIS final":

"Before implementing management measures, NMFS must consider the economic impacts in accordance with two laws: the Regulatory Flexibility Act (Reg Flex Act) and Executive Order 12866 (E.O. 12866). The requirements under E.O. 12866 and Reg Flex Act are similar. Both require a description of the need for the action, and the management objectives. These requirements can be found in Sections 1 and 2 of this document. They also require an analysis of each alternative, the expected effects, and a description of the reasons why an action is being taken (Sections 7, 8, and 9). The main difference between the Reg Flex Act and E.O. 12866 is the focus of the analysis. While the Reg Flex Act focuses on individual businesses, E.O. 12866 focuses on the entire fishery..."

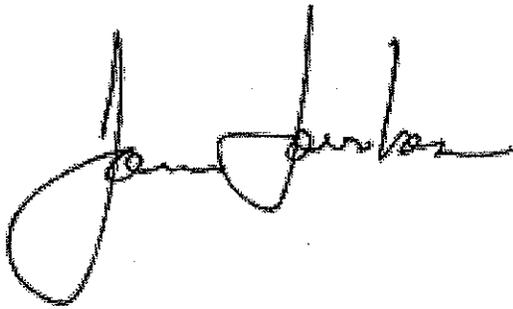
In addition, NMFS strives for improved collection and analyses of data pertaining to the social and economic aspects of the fisheries. The 1996 Small Business Regulatory Enforcement and Fairness Act (SBREFA) has increased the focus on these analyses. NMFS is endeavoring to develop clearer guidance on the actual implementation of the requirements pertinent to fishery management. NMFS believes the goals of fishery management are consistent with those of the Reg Flex Act: implement fishery management regulations to ensure a healthy resource that will sustain viable fisheries for both commercial and recreational constituents and the businesses associated with those fisheries."

In the rush to pass the proposed HCSP into law, the FSEIS clearly has not been completed according to statements you made here in Homer on August 12, 2011.

The effects of the last year's moratorium and new permitting process for Alaska halibut charter operators has not yet been gauged, so I don't understand the rush to put a reduction of allocation into place before the effect is known.

Would the service please postpone the implementation of the HCSP until a FSEIS is completed?

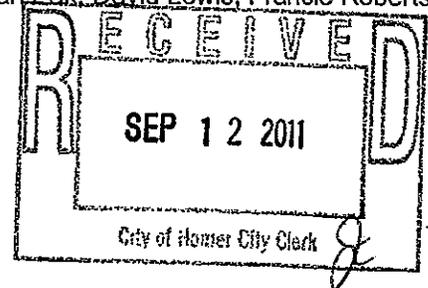
Sincerely,

A handwritten signature in black ink, appearing to read "Jim Lavrakas". The signature is written in a cursive style with a large loop at the beginning and a horizontal line extending to the right.

Jim Lavrakas

Jo Johnson

From: Chris Donich [homerfishing@gmail.com]
Sent: Saturday, September 10, 2011 7:40 PM
To: Department Clerk; Barbara Howard; Mary Wythe; Bryan Zak; David Lewis; Francie Roberts; Kevin Hogan; Department Clerk
Subject: Area 2C CSP: Forget about 2 fish any size
Attachments: 3A CSP Matrix Tiers.pdf



From: Rex Murphy <rex.murphy.ak@gmail.com>
Date: September 7, 2011 9:50:23 AM GMT-08:00

Here's a short one on the likelihood of 3A guided anglers gettin a 2 fish rule. Odds are about 1 in 3 on average.

2 Fish of Any Size for Guided Anglers in Area 3A under the CSP? Not Very Likely!

The Catch Sharing Plan (CSP) matrix is divided into abundance based tiers, each with a default rule to be applied if projected guided harvest is within allowable allocation range¹. At the highest level, two fish of any size is the default rule.

Reviewing the abundance levels (triggers) necessary for tier 4 in IPHC Area 3A, you can calculate what total CEY would be required to be to support this tier:

The Area 3A tier 4 abundance trigger is a combined catch limit ≥ 27 million pounds.

"Other removals"² for Area 3A for 2011 if the CSP were in place = 5.51 million pounds³

This means that the total CEY would have to be 27 million pounds + 5.51 million pounds \geq 32.51 million pounds

The total CEY represents the sustainable total removals allowed in a regulatory area. Reviewing IPHC's Area 3A compilation of total removals from 1974 to the present, total removals have exceeded 32.51 12 times, or on average, once every 3 years⁴. Area 3A guided recreational anglers have always enjoyed a 2 fish of any size bag limit.

From this information one can conclude that the determination of the CSP matrix levels was entirely arbitrary. In fact the neither the proposed rule nor the EA/RIR/IRFA discuss the logic behind the determination of matrix tiers, and those who attended the October 2008 North Council meeting know that the matrix was contrived behind closed doors with no formal analysis.

¹ http://www.fakr.noaa.gov/npfmc/PDFdocuments/halibut/Area2C3A_CatchShare410.pdf

² IPHC subtracts other removals from the total CEY to arrive at the fishery CEY. For the CSP, other removals would not include the GHL, so subtracting the GHL from the current other removals gives other removals under the CSP.

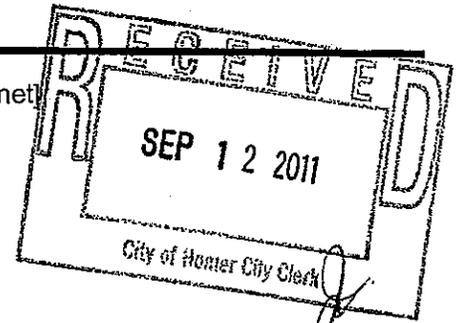
³ 2011 IPHC Blue Book, page 154, Subtract the Area 2C GHL = 0.788 million pounds from 2010 Other Removals (3.06 million pounds) Available at:

http://www.fakr.noaa.gov/npfmc/PDFdocuments/halibut/Area2C3A_CatchShare410.pdf

⁴ 2011 IPHC Blue Book, page 135

Jo Johnson

From: Captain B's Alaskan C's Adventures [ashtikan@ptialaska.net]
Sent: Saturday, September 10, 2011 3:35 PM
To: Department Clerk
Subject: Resolution: 11-089 Letters from Fishermen-
Attachments: Letters from Fishermen.doc



These are letters sent to the Alaska Charter Association by fishermen – If these people feel strongly enough to write to ACA, it shows that tourists are concerned and Alaska will suffer from them not coming back.

Donna Bondioli

From: David Allgood <draligood@webtv.net>

Date: Thu, Sep 1, 2011 at 3:45 PM

Subject: hello

To: info@alaskacharter.org

I am Dr. David Allgood, I have brought a group from Alabama every year for the past 5 years to fish Alaska..We normally fish Ketchikan..the beauty and serenity is without match...the economy what it is , cost of travel what it is, has placed a financial burdened on everyone...the loss of one halibut per day may not seem much to Alaska but for those traveling several thousand miles it makes a difference..I hear it every time I try to line up a group..." what is the halibut limit".. that is what they want to know..Ketchikan went to one a day 2 years ago and I have not managed to get a group together since then....something Alaska should be aware of...Doc

hhwelding@aventurenent.com to [info @alaskacharter.org](mailto:info@alaskacharter.org)

I've been to Alaska 5 times and plan on a 2012 trip to highlander resort near pelican ak. MAYBE! One reason I go, is I really look forward to halibut fishing. If they, AF&G, get this proposed 37" crap of 1 'but', then they can kiss my ass on going back. Depending if my wife goes or not, these trips can go \$10,000 or more. Especially if the wife goes and I have to go to david greens for another fur coat for you know who. A lot of people spend a lot of money in Alaska and a lot of those do like to fish for various fish, including halibut. Every tourism/business owner/charter fishing/hunt camp should raise HOLY HELL! Those long liners for halibut don't even come close to the tourism industry for economic boost. If this proposal flies, the 'tricke-down' effect will reach a lot further than just 'fishin'! sure, I can go 'buy' halibut in Sioux city iowa. What the hell do I want to do that for? So I can support long-liners, korea'ns, chinese, Japanese, etc!!! NO. I want to catch'em. The whole fishing thing! Hell, I can just go out in my area or south Dakota walleye fishing. I don't buy walleye, crappie, blugill's, I CATCH THEM MYSELF! If Alaska does not get their P.A.C.'s outta their ass, Alaska tourism and related industry's will suffer the brunt of loss while commercial interests reap the reward of more misguided legislation.

Dear Dr Lubchenco,

I am writing this message to you both as a scientist, as a recreational fisherman and as a spokesman for the 85 member Lincoln Hills California Fishing Club. I want to express our displeasure to you, personally, for the imposition of the new halibut sport fishing regulations recently enacted for SE Alaskan waters. As a scientist I can see virtually no logic in your decision making process. The new restrictions impact the recreational (i.e. tourist) fishermen while allowing the commercial fishermen free reign to catch at will. I have read the following regarding your decision:

The NOAA says that the new regulations are essential to restrict the quality of charter halibut fishing boats and prevent overfishing. However, depending on IPHC 2009 Report, the halibut fishing in Alaska

industry's harvest of 8.7 million pounds represents below 13% of your total halibut harvested; in contrast, the commercial halibut fishing in Alaska industry harvested 51.2 million pounds and represented 76% with the 2009 total halibut catch.

What is the logic behind implementing restrictions on charter boats and recreational fishermen who harvest less than 13% of the total? The recreational fishermen contributes hundreds of millions of dollars annually to the Alaskan economy through license charges, lodging, food, fuel, airline tickets, car rentals and general charter fees. It provides jobs for thousands of Alaskans and thus pours tax dollars into the state coffers.

I am leaving this week for my 7th fishing trip to Alaska since retiring. It will be my 4th trip to SE Alaska fishing with the same Charter Service. Accompanying me will be 4 members of my family including 2 young grandchildren. Gone is the thrill or even the opportunity for them to catch a really big halibut. Those chances are for the commercial fisherman only. Why is that the case?

NOAA needs to reconsider this ruling and allow the Alaskan Fish & Game organization to set reasonable size and quota limits on halibut fishing for the recreational fisherman. They are the best suited to make these decisions. . These are my views and those of The Lincoln Hills California Fishing Club.

Thank you for your attention.

Robert J Alaimo, PhD 1009 Magnolia Lane Lincoln, CA 95648

|MNase10566@aol.com to info@alaskacharter.org

I read the ridiculous proposal for the new distribution of halibut by cutting the sport fishing catch. I have been coming to Homer to fish for halibut for about 30 years. I also bring 4 or more people a year with me.

About 5 or so years ago the fisheries council changed the rules allowing the commercial boats to fish any time of the year. Of course, they decided to fish in the summer at the same places that the sport fisherman fish. I have not seen many large halibut on the docks in the last 4 years. The sport fleet cannot compete with the long liners. If you cut the size and catch of the sport caught halibut to 1 per day and only small fish, I will not spend the amount it takes to fly to Alaska from South Carolina, charter a boat, stay in a hotel, eat good food and have my fish processed. I probably spend about about \$ 500 a day including everything. I will not come to catch small fish and one a day nor will I encourage people to come fish in Alaska.

In the same vein, I want to comment on the Kenai river Kings. Again I have been coming to Alaska for 30 years and have always enjoyed fishing for Kings in the Kenai. In the last 5 years the size of the fish has been getting smaller and smaller. Everybody on the river says it is because the netters at the mouth of the river are cheating on their catch and not declaring all of their fish if any. I have flown over the

mouth of the river and seen the fleet of boats there and their nets. It is remarkable that any fish at all ever make it up river.

I have heard that on the fisheries council there are 10 commercial fisherman for every sport fishing representative. How is that fair? How can the sport fisherman ever compete for an equitable solution?

Michael Nase

Greenville, South Carolina

Jo Johnson

From: Chris Donich [homerfishing@gmail.com]
Sent: Saturday, September 10, 2011 7:35 PM
To: Department Clerk; Barbara Howard; Mary Wythe; Bryan Zak; David Lewis; Francie Roberts; Kevin Hogan; Department Clerk
Subject: Pie Charts for Halibut user groups
Attachments: Area 2C CSP Pie Charts V2.pdf; Area 3A CSP Pie Charts V2.pdf

From: Rex Murphy <rex.murphy.ak@gmail.com>
Date: September 4, 2011 12:09:39 PM GMT-08:00
To: Holly Van Pelt <hvpmaak@gmail.com>, Richard Yamada <richard@alaskareel.com>
Subject: Pie Charts



Pie charts for Halibut user groups. Share as you see fit.

Rex

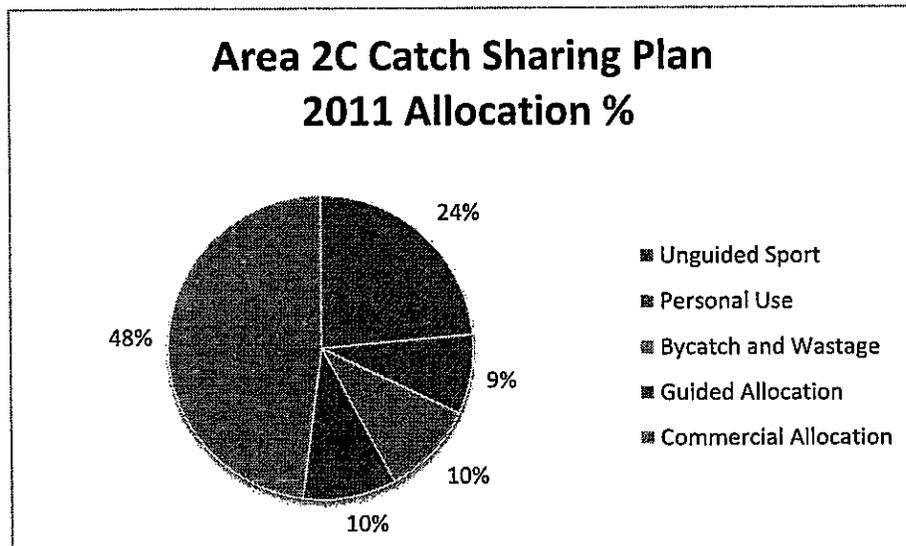
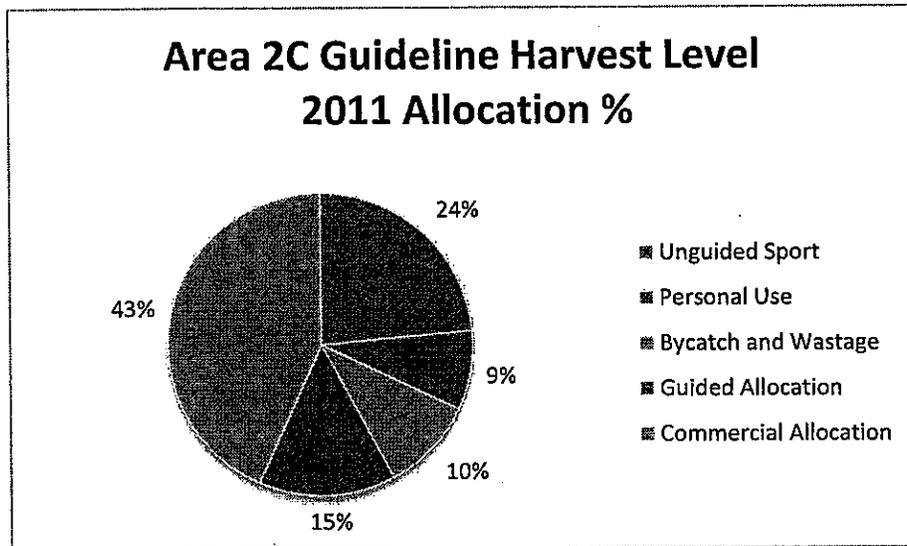
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Fact: Under the CSP, the same amount of fish will be harvested as under the GHL. **The CSP is all about allocation.**

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The CEY does not change with the Catch Sharing Plan, but the allocations do! Below are pie chart comparisons of the 2011 Guideline Harvest Level and CSP allocations if the CSP was in effect in 2011 in Area 2C. **If the CSP was in effect in 2011, the guided allocation under the CSP would be 31% less than the guided allocation under the GHL. The difference is reallocated to the commercial sector!**



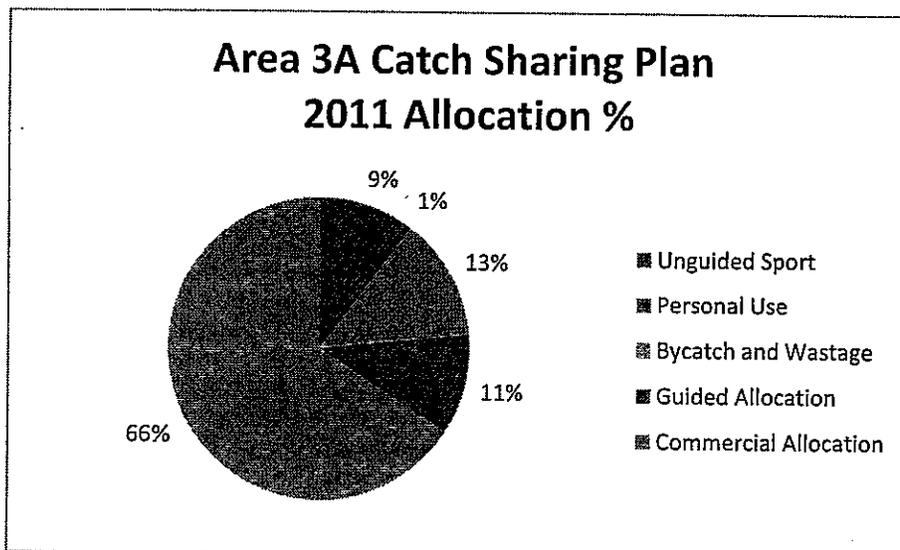
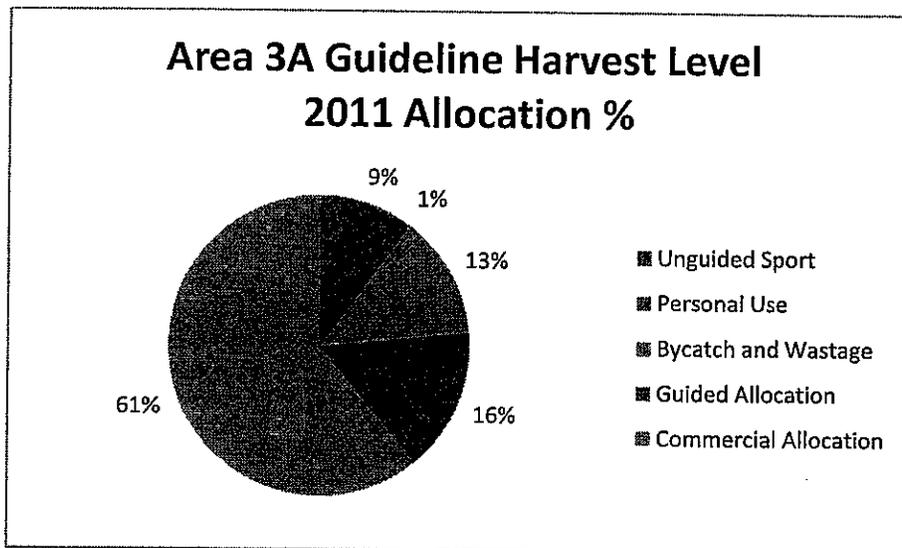
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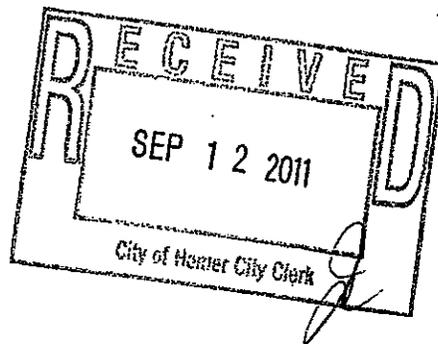
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Jo Johnson

From: Chris Donich [homerfishing@gmail.com]
Sent: Saturday, September 10, 2011 7:30 PM
To: Department Clerk; Barbara Howard; Mary Wythe; Bryan Zak; David Lewis; Francie Roberts; Kevin Hogan; Department Clerk
Subject: Slow Up Fast Down
Attachments: SUFD.pdf



From: Rex Murphy <rex.murphy.ak@gmail.com>
Date: September 2, 2011 12:09:20 PM GMT-08:00
Subject: Slow Up Fast Down

All:

Here's a little sheet comparing GHL overages in 2C with FD "adjustments" given to commercial fishermen since 2006. Share as you see fit.

Rex

Discussion of Guided Recreational (GHL) and Commercial Overages of their Fishery CEY

Overages of the Guideline Harvest Level (GHL) result from guided anglers harvesting their legal limits while total guided harvest exceeds the GHL. The GHL is not exceeded because charter operators and their clients are exceeding legal limits, but because NMFS is not managing total guided effort in such a way as to maintain harvest within allocation. It should be noted that until 2009, the GHL was a guideline and not an allocation. In 2009, NMFS redefined the GHL as an allocation and the Courts have affirmed this determination.

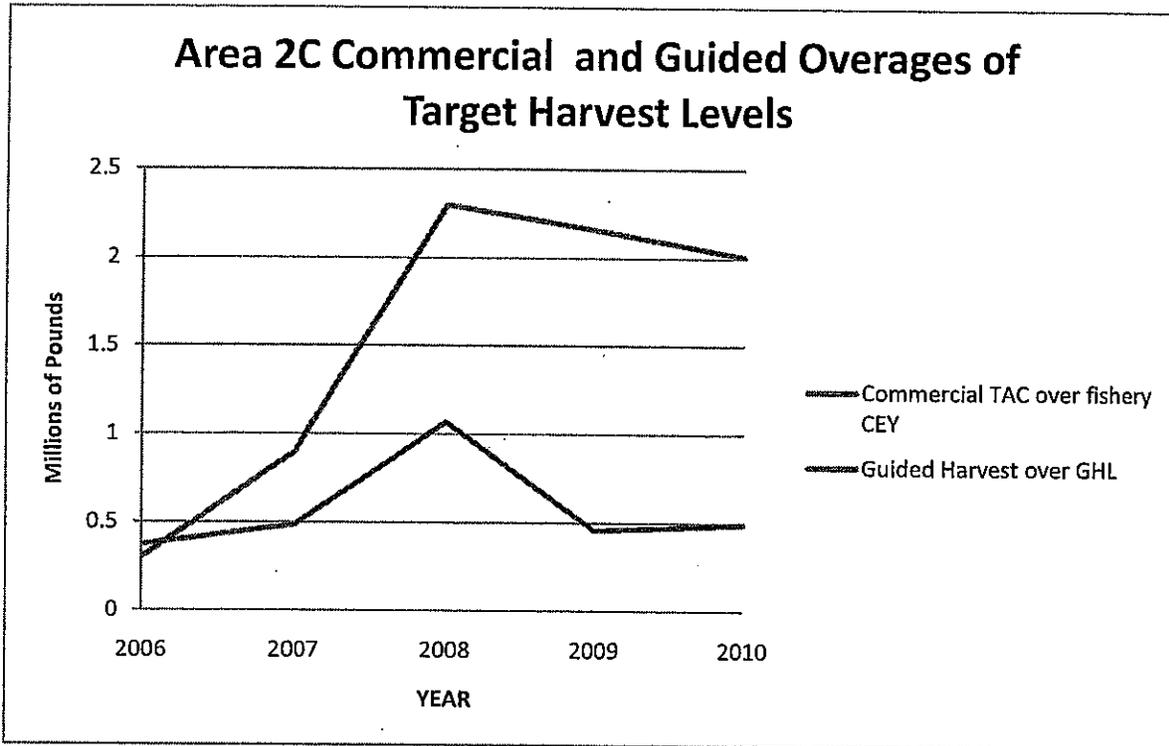
Commercial allowable catches are determined by the IPHC and actual catch is managed very close to the total allowable catch (TAC) as a result of the commercial catch share program. The TAC is based on the fishery Constant Exploitation Yield (fCEY), which is the maximum amount of fish that the commercial fishery can catch without all removals (commercial, recreational, subsistence, research) exceeding the total Constant Exploitation Yield (CEY). The CEY in turn is the sustainable yearly amount of removals of exploitable biomass, and is usually about 20-21.5% of the total exploitable biomass.

Until 2007, the IPHC used the best scientific estimates of guided removals in its yearly calculation and setting of commercial TACs. In 2007, the IPHC began substituting the GHL for the estimate of guided removals, assuming (wrongly) that guided removals would be held to allocation. Using this substitution had the effect of increasing the commercial TAC while accounting for GHL overages in the following year's population assessment. In essence, GHL overages were buried in the biomass beginning in 2007. GHL overages accounted for in this manner totaled 2.5 million pounds through 2011.

Until 2011, the IPHC applied a policy called Slow up-Fast Down (SUFDF) to the commercial fishery CEY. This policy allowed commercial TACs in excess of the fCEY when the biomass was decreasing and TACs less than the fCEY when the biomass was increasing. SUFDF can be viewed as an economic buffering algorithm, as its effect was to smooth out ups and downs in the fishery CEY caused by changes in the fCEY. Strangely, the IPHC touted SUFDF as an example of the precautionary principle, while in fact the Fast Down (FD) half of this policy resulted in realized harvest rates exceeding target harvest rates by a very large amount. On top of FD, IPHC commissioners set limits above staff recommendations for non-scientific (political) reasons. As with GHL overages, the part of the TAC over the fCEY was accounted for in the following year's population assessment. Between 2006 and 2010, the commercial fishery CEY in area 2C was overharvested by 7.67 million pounds.

SUFDF was not officially made part of official IPHC policy until 2008, when independent peer reviewers noted its existence and started asking questions. Until 2010, the IPHC had never modeled what would happen in the event of a steady decline in biomass accompanied by the application of the FD policy. When they did model this policy, it became apparent that it was destroying the fishery and IPHC discontinued it indefinitely. A very large part of the decrease in area 2C and 3A commercial TAC's in 2011 are a direct result of IPHC having dispensed with this very ill-advised policy.

Below is a graphical comparison of GHL overages and commercial fishery CEY overages¹. From the graph, it is clear that commercial overages of the fishery CEY more than triple GHL overages in the same time period. Comfish and NMFS have gone out of their way to blame the guided recreational sector for the crash of the Area 2C exploitable biomass, when in fact they get over three quarters of the blame.

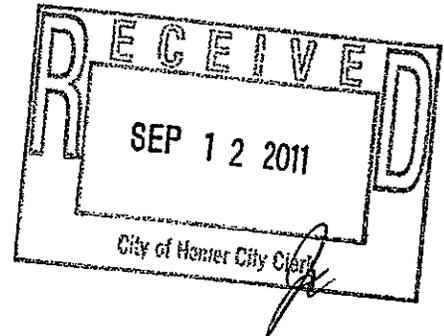


All parties should agree that the halibut fishery should be managed sustainably, and to do this each sector needs to be managed to its allocation, with no policies or political considerations applied in such a way as to raise realized harvest rates above sustainable levels.

¹ Source: IPHC Bluebooks, Catch Limits announcements, and ADF&G harvest data.

Jo Johnson

From: Captain B's Alaskan C's Adventures [ashtikan@ptialaska.net]
Sent: Saturday, September 10, 2011 4:27 PM
To: Department Clerk
Subject: Res. 11-089 Kenai Peninsula Borough-Gross sales 2006-2011
Attachments: Kenai Peninsula Borough-Gross sales 2006-2011.xls



Your message is ready to be sent with the following file or link attachments:

Kenai Peninsula Borough-Gross sales 2006-2011

KENAI PENINSULA BOROUGH

GROSS SALES BY GUIDING WATER

Period Range: FY 2006 - FY 2011

Business Type	7/1/05-9/30/05	10/1/05-12/31/05	1/1/06-3/31/06	4/1/06-6/30/06	FY 2006	7/1/06-9/30/06	10/1/06-12/31/06	1/1/07-3/31/07
Guiding Water	35,218,654	1,732,829	581,714	17,390,709	54,923,906	38,458,299	1,675,961	446,857
Grand Total	35,218,654	1,732,829	581,714	17,390,709	54,923,906	38,458,299	1,675,961	446,857

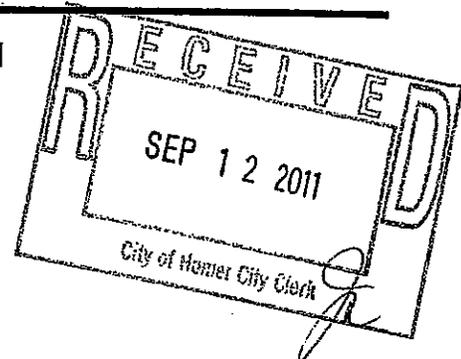
4/1/07-6/30/07	FY 2007	7/1/07-9/30/07	10/1/07-12/31/07	1/1/08-3/31/08	4/1/08-6/30/08	FY 2008	7/1/08-9/30/08
18,715,404	59,296,521	41,171,009	1,779,995	481,904	19,484,366	62,917,274	41,236,519
18,715,404	59,296,521	41,171,009	1,779,995	481,904	19,484,366	62,917,274	41,236,519

	FY 2009				FY 2010			
	10/1/08-12/31/08	1/1/09-3/31/09	4/1/09-6/30/09	7/1/09-9/30/09	10/1/09-12/31/09	1/1/10-3/31/10	4/1/10-6/30/10	
	1,747,822	351,088	14,138,324	57,473,753	1,630,310	542,001	14,214,123	47,961,006
	1,747,822	351,088	14,138,324	57,473,753	1,630,310	542,001	14,214,123	47,961,006

7/1/10-9/30/10	10/1/10-12/31/10	1/1/11-3/31/11	4/1/11-6/30/11	FY 2011
32,971,426	1,727,593	550,752	14,837,404	50,087,175
32,971,426	1,727,593	550,752	14,837,404	50,087,175

Jo Johnson

From: Captain B's Alaskan C's Adventures [ashtikan@ptialaska.net]
Sent: Saturday, September 10, 2011 4:25 PM
To: Department Clerk
Subject: 11-089
Attachments: 2010 taxable kpb tourism sales.pdf



Your message is ready to be sent with the following file or link attachments:

2010 taxable kpb tourism sales

Donna Bondioli

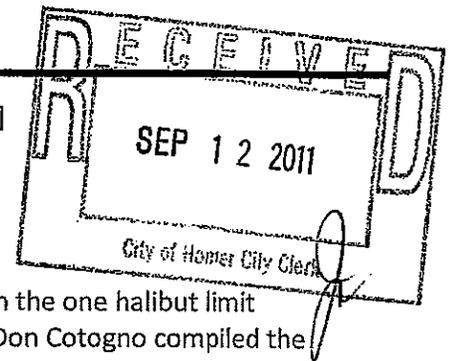
TAXABLE SALES - 2010		HOMER	BOROUGH
485510	Charter Bus Industry		
	2010		
	Quarter 1	0	0
	Quarter 2	0	0
	Quarter 3	0	0
	Quarter 4	0	0
487110	Scenic and Sightseeing Transportation, Land		
	2010		
	Quarter 1	375	54,668
	Quarter 2	22,917	302,697
	Quarter 3	32,341	459,278
	Quarter 4	0	20,940
	TOTAL	55,633	837,583
487210	Scenic and Sightseeing Transportation, Water		
	2010		
	Quarter 1	65,905	324,735
	Quarter 2	2,043,885	11,175,744
	Quarter 3	5,044,742	27,492,361
	Quarter 4	62,147	406,216
	TOTAL	7,216,679	39,399,056
487990	Scenic and Sightseeing Transportation, Other		
	2010		
	Quarter 1	500	500
	Quarter 2	149	1,349
	Quarter 3	7,370	11,020
	Quarter 4	180	180
	TOTAL	8,199	13,049
532111	Passenger Car Rental		
	2010		
	Quarter 1	77,538	382,480
	Quarter 2	114,950	576,530
	Quarter 3	175,277	1,048,259
	Quarter 4	84,034	387,013
	TOTAL	451,799	2,394,282

561510	Travel Agencies								
	2010	Quarter 1	0	21,980					
		Quarter 2	0	25,455					
		Quarter 3	3,025	71,892					
		Quarter 4	0	21,684					
	TOTAL		3,025	141,011					
561520	Tour Operators								
	2010	Quarter 1	0	-					
		Quarter 2	133,932	336,027					
		Quarter 3	282,436	728,517					
		Quarter 4	0	-					
	TOTAL		416,368	1,064,544					
561599	All Other Travel Arrangements and Reservations								
	2010	Quarter 1	0	-					
		Quarter 2	0	3,638					
		Quarter 3	0	7,417					
		Quarter 4	0	4,903					
	TOTAL			15,958					
721110	Hotels and Motels								
	2010	Quarter 1	94,225	2,065,939					
		Quarter 2	945,155	8,474,241					
		Quarter 3	1,673,930	16,867,418					
		Quarter 4	442,206	2,307,541					
	TOTAL		3,155,516	29,715,139					
721191	Bed and Breakfast Inns								
	2010	Quarter 1	989,335	2,152,589					
		Quarter 2	1,865,945	5,692,998					
		Quarter 3	3,195,696	10,821,734					
		Quarter 4	605,442	1,985,599					
	TOTAL		6,656,418	20,652,920					

721199	All Other Travel Accommodations			
	2010		177,302	
	Quarter 1	43,632		
	Quarter 2	99,935	753,310	
	Quarter 3	154,131	2,084,594	
	Quarter 4	44,249	124,662	
	TOTAL	341,947	3,139,868	
721211	RV Parks and Camps			
	2010		207,262	
	Quarter 1	3,224		
	Quarter 2	137,644	1,707,385	
	Quarter 3	299,448	3,082,233	
	Quarter 4	4,634	98,742	
	TOTAL	444,950	5,095,622	
721214	Recreational and Vacation Camps (except campgrounds)			
	2010		-	
	Quarter 1	-		
	Quarter 2	20,624	172,322	
	Quarter 3	30,452	572,707	
	Quarter 4	3,230	3,230	
	TOTAL	54,306	748,259	
721310	Rooming and Boarding Houses			
	2010		40,549	
	Quarter 1	965		
	Quarter 2	18,020	81,993	
	Quarter 3	27,499	146,090	
	Quarter 4	800	41,040	
	TOTAL	47,284	309,672	
722110	Full-Service Restaurants			
	2010		6,961,183	
	Quarter 1	1,190,895		
	Quarter 2	2,545,104	12,643,249	
	Quarter 3	3,490,237	18,488,600	
	Quarter 4	1,313,182	7,879,771	
	TOTAL	8,539,418	45,972,803	

Jo Johnson

From: Captain B's Alaskan C's Adventures [ashtikan@ptialaska.net]
Sent: Saturday, September 10, 2011 3:48 PM
To: Department Clerk
Subject: Resolution 11-089



This is a survey of fishermen from several guided recreational fishing boats in 2008 when the one halibut limit descended on Southeast Alaska. I know it is a small sample, but I think it is significant. Don Cotogno compiled the Survey results for the Homer Chamber/Visitors Center.

Here is a synopsis of the Surveys taken.

- There were a total of 158 Surveys.
- This accounts for 831 Angler Days.
- A total of \$864,000 was accounted for on the Surveys, giving an average of \$1,040.55 per Angler Day.
- 5 Respondents were Alaska Residents.
- 153 Respondents said 'They would NOT return to Alaska at all if the bag limits were lowered'. This accounts for 820 Angler Days or \$852,000 that will be lost to Alaska. 5 Said they would Possibly Return, NONE said it didn't matter!
- Results to the question: 'How Important is it to have a 2 Fish per day Bag Limit?'
 - 151 Very Important
 - 5 Somewhat Important
 - 2 Not Important At All
- Results to the question: 'How Important is it to have a NO size restriction on Halibut?'
 - 139 Very Important
 - 18 Somewhat Important
 - 1 Not Important At All
- 100% said ALL Sport Anglers whether Guided or private should be treated equally!
- Only 1 person said they had access to the Halibut Fishery other than Charters.
- With respect to Annual Limits:
 - 150 respondents said there should be no limits.
 - 6 said 4 fish annually would be acceptable.
 - 2 said 8 fish annually would be acceptable.
- How many days will you fish? (this is fishing in general, not just Halibut Fishing)
 - 1 Day – 27
 - 2 Days – 52
 - 3 days – 25
 - 4 or More Days – 54

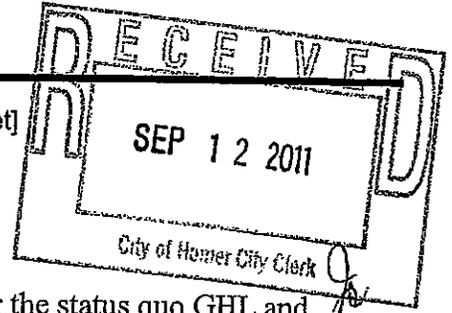
Upon reading the comments it was evident that Alaska will lose most of these visitors completely! A major number of folks said they would just spend their money in Mexico, so not only will Alaska lose but so would the United States.

Respectfully Submitted,

Don Cotogno

Jo Johnson

From: Captain B's Alaskan C's Adventures [ashtikan@ptialaska.net]
Sent: Saturday, September 10, 2011 4:15 PM
To: Department Clerk
Subject: Resolution 11-089



Enclosed is a comparison of charter and commercial allocations in area 3A under the status quo GHL and proposed CSP. You will note that under the CSP, the guided allocation in 2011 would have decreased by approximately 31% while the commercial allocation would have increased by 7.86%

2011 CSP vs GHL Comparison

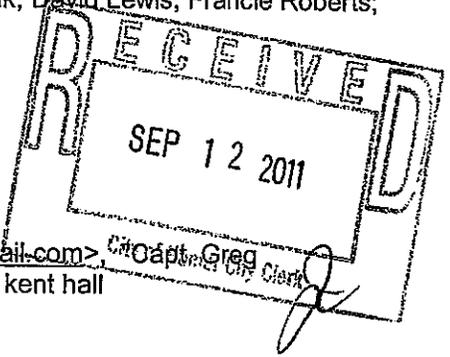
	Guided Allocation	Commercial Allocation
Current	3650000	14360000
CSP	2514000	15488600

An example of the effects of the CSP- One prominent commercial fisherman in Homer holds two blocks of QS units totaling 72599 QS units. This equates to 5637 pounds of allowable catch in 2011. If the CSP were in place in 2011, this Longliner's allowable catch would increase by 7.86% to 6080 pounds. At \$7.00 a pound over the dock, this represents a gain of \$3101.00. Does that justify putting even one charter out of business?

The CSP needs to be revised!
Donna Bondioli

Jo Johnson

From: Chris Donich [homerfishing@gmail.com]
Sent: Saturday, September 10, 2011 7:36 PM
To: Department Clerk; Barbara Howard; Mary Wythe; Bryan Zak; David Lewis; Francie Roberts; Kevin Hogan; Department Clerk
Subject: Fairness and Equity of the CSP
Attachments: Fairness and Equity.pdf



From: Rex Murphy <rex.murphy.ak@gmail.com>
Date: September 5, 2011 10:56:12 AM GMT-08:00
To: Richard Yamada <richard@alaskareel.com>, Holly Van Pelt <hvpmak@gmail.com>, Capt. Greg Sutter <captgreg@alaska.net>, Theresa Weiser <apcinc2008@hotmail.com>, kent hall <bevandkent@hotmail.com>, Jim Martin <flatland@mcn.org>
Subject: Fairness and Equity

All:

A one pager on fairness and equity. Share as you see fit.

Rex

Is the Halibut Catch Sharing Plan Fair and Equitable?

The Halibut Act mandates:

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 privileges¹...

The Halibut Act also mandates that fishery management regulations shall not discriminate between residents of different States. ***It should be noted that fairness and equity of allocations applies to all fishermen, not just the commercial and recreational sectors.***

The Guideline Harvest Level is the current guided recreational allocation and the Courts have affirmed that it is fair and equitable². The GHL floats with abundance in stair step increments up to a maximum abundance level. Beyond that level, the excess is given to the Commercial fishery³.

Readers are encouraged to decide for themselves if the Catch Sharing Plan is fair and equitable:

- Is a rule that further increases the Commercial Fishery's huge share of the catch fair and equitable?
- Is a rule that without explanation or economic analysis reallocates up to 30% of the guided recreational allocation to the commercial sector fair and equitable?
- Is a rule fair and equitable if it discriminates between Americans who have access to a private boat and Americans who for financial, health, safety or other practical reasons choose a charter boat?
- Is a rule that takes away up to 30% of the guided recreational allocation that belongs to all guided anglers and then allows guided anglers with the wherewithal to buy their way back to a two fish limit, fair and equitable to the guided anglers who can't afford to do this?
- Is a rule that allocates higher Guided Angler Fish (GAF) purchasing privileges per angler endorsement to small boats fair and equitable for operators of larger boats?

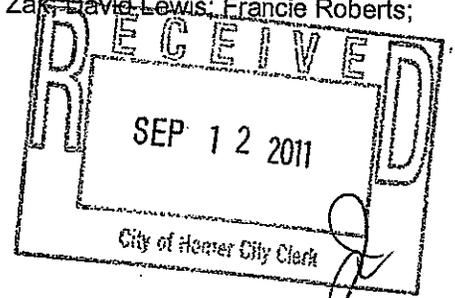
¹ Halibut Act, 16 USC § 773c

² Van Valin v. Locke, Civil Action No. 1:09-cv-961

³ GHL Final Rule. Federal Register, Vol. 68, No. 153, Friday, August 8, 2003 p 47264

Jo Johnson

From: Chris Donich [homerfishing@gmail.com]
Sent: Saturday, September 10, 2011 7:37 PM
To: Department Clerk; Barbara Howard; Mary Wythe; Bryan Zak; David Lewis; Francie Roberts; Kevin Hogan; Department Clerk
Subject: Fwd: CSP Safety Issues
Attachments: CSP Safety Issues.pdf



From: Rex Murphy <rex.murphy.ak@gmail.com>
Date: September 5, 2011 2:35:55 PM GMT-08:00
To: Holly Van Pelt <hvpmaak@gmail.com>, kent hall <bevandkent@hotmail.com>, Jim Martin <flatland@mcn.org>, Jeffrey Wedekind <chinookshores@gmail.com>, Richard Yamada <richard@alaskareel.com>, "Capt. Greg Sutter" <captgreg@alaska.net>, Bryan Bondioli <captainb@alaska.net>, Donna ACA Bondioli <ashtikan@ptialaska.net>

Subject: CSP Safety Issues

All:

One pager on the CSP and Safety. Share as you see fit.

Rex

Halibut Catch Sharing Plan: Does it promote safety?

National Standard 10 of the Magnuson Stevens Fishery Conservation and Management Act requires that conservation and management measures shall, to the extent practicable, promote the safety of human life at sea¹.

If approved by the Secretary of Commerce, the halibut Catch Sharing Plan will immediately restrict guided halibut anglers in IPHC Regulatory Area 3A (SC Alaska) to a 1 fish limit, while the non-guided bag limit will remain at two fish of any size per day. ***This provides incentive for recreational anglers to choose non-guided over guided access to the resource.***

Past events in the Southeast Alaska halibut fishery prove this point. In 2007, concurrent with NMFS adoption of harvest restrictions limiting guided bag limits to 2 halibut per day with one under 32 inches, non-guided halibut harvest rose by harvest increased by 56.4%. The following year, the Area 2C non guided harvest was 1.265 million pounds, a full 75% increase over 2006 levels².

Charter captains are required to hold licenses issued by the United States Coast Guard. Obtaining this license is not a simple matter. The applicant must log substantial time on the water, take an 80 hour course, pass a non-trivial examination, pass regular medical examinations, and participate in a random drug testing program. The requirements for Coast Guard licensed captains are directly analogous to FAA requirements for airline pilots. ***If you ask the United States Coast Guard why charter captains are required to licensed, the answer will be Safety.***

Charter operators provide recreational anglers with by far the safest form of access to the halibut resource. Plain and simple, any leakage of recreational effort from guided to unguided access will come with a statistically significant decrease in level of safety.

Alaska is home to some of the largest tides on the continent. For several days each month up to 26 feet of water moves in or out of our bays and inlets in a six hour period. Waters in some halibut fishing areas can be flat calm at slack tide and roaring 3 hours later. The addition of wind to the tide complicates matters further. A small boat, operated by an inexperienced operator and in the wrong place at the wrong time, can easily find itself in trouble due to winds and tides.

On September 16, 2004, 10 year old Dustin Gates perished while fishing from a private boat about a mile off the end of Homer Spit. The 16 foot boat, carrying 4 people, swamped while pulling anchor in 18 inch, slightly choppy seas. Three survivors were rescued after close to 90 minutes in the water. None of the party was wearing a personal floatation device³.

By incentivizing halibut fishermen to choose private access over guided access to the resource, the Catch Sharing Plan, does not to the extent practicable, promote the safety of life at sea.

¹ 16 U.S.C. §1851

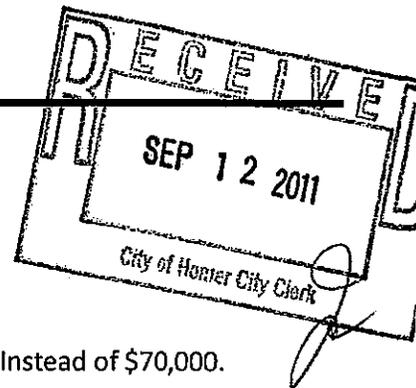
² ADF&G Harvest Estimates Available at:

http://www.fakr.noaa.gov/npfmc/PDFdocuments/halibut/ADFG_halibutdata909.pdf

³ http://www.homernews.com/stories/091604/news_916new11001.shtml

Jo Johnson

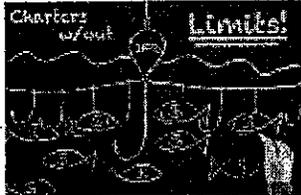
From: Captain B's Alaskan C's Adventures [ashtikan@ptialaska.net]
Sent: Monday, September 12, 2011 10:00 AM
To: Department Clerk
Subject: 9-12-11 Craig Medred article on Roland Maw.
Attachments: 9-12-11 Craig Medred article on Roland Maw..doc



This confirms what that the Longliners can still make a good living with their existing quota. Instead of \$70,000. Roland Maw got \$66,000 over the dock this year than he did three years ago- \$4000.00 less. How could the city council justify putting charters out of business to reallocate halibut directly to the Longliners which would be a loss to the city of far greater than \$4,000. Or, just as bad, how could the city council justify a plan to. making our sports fishermen pay Roland for the right to catch a 2nd fish (the leasing provision) . With the economic study for sport fishing in progress right now (they are in Homer today), Please pass resolution 11-089 .
Donna Bondioli

In the fight over halibut, 'fair' is in the eyes of the moneyed beholder

Craig Medred | Sep 11, 2011



Related

[2011 halibut quota nearly cut in half](#)

[Are the feds killing off Alaska's halibut charter industry?](#)

[Federal halibut charter rules sinking Alaska skippers](#)

From Ketchikan to Kodiak, owners of Alaska halibut charter businesses say they would be devastated -- if not bankrupted -- by a new, federally proposed plan to ensure that 85 percent or more of the state's premier flatfish continue to be caught by the commercial fisheries industry. But there is one sort of halibut charter business that would not be affected at all by the new rules. Roland Maw, the executive director of the United Cook Inlet Drift Association, admits to running this sort of business.

Maw's main employer, UCIDA, is a politically powerful lobby for Cook Inlet commercial salmon fishermen. But Maw is more than the group's spokesman. He is an aggressive businessman who commercially fishes and sometimes charts his boat out to the Alaska Department of Fish and Game and to other halibut fishermen who lack boats but hold what the Fisheries Services of the National Oceanic and Atmospheric Administration calls "individual fishing quota."

Initially these quota were given to fishermen with a history of catching halibut, but after that initial allocation, the fishermen were free to buy and sell them in the marketplace. Critics of IFQs have accused the government of privatizing a public resource for no public good -- of actually giving away the marine resource instead of leasing it for profit as the government does for oil or grazing lands. Federal officials and commercial

fishermen in turn deny IFQs amount to privatization. Here's what Maw says:

"These are property that people have, these IFQs."

And someone who holds such property can't earn any income off it unless it is fished. Halibut in the ocean aren't worth a thing. All of which is where Maw comes in. He helps fish other people's IFQ.

"I do some of that," he said. "There is quite a bit of this going on. I take people out who don't have a boat for whatever reason, but they have IFQs. Some of them are widows, or they're people who've gone through divorces...but they don't have a boat. She got the quota; he got the boat. They're actively fishing (the IFQ), but we do the boat work for them."

The deal works like this: The hundreds of hooks attached to a longline are baited, placed in the water to soak, and then pulled up laden with halibut, hopefully. When those halibut are later sold, the profit is split. It's a good deal for everyone, according to Maw. Halibut is going for about \$6 per pound at the moment. It was half that only a few years back.

"They're catching half of what they could have caught," when they fish with Maw, he said, but half of something is better than half of nothing. Maw said he has even taken out people who have bought IFQ shares. He was unclear as to why someone would buy IFQ shares if they didn't want to be a commercial fishermen, but it could be one good way of catching a lot of halibut and avoiding the inconvenience of the two-fish-per day limit in the sport fishery. IFQ holders are allowed to catch up to a certain poundage. What they haul up on the longline in excess of that, they are supposed to throw back. But since poundage is hard to calculate at sea, the federal Fisheries Service also allows for an "overage." Overages are supposed to be recorded and compensated by a reduced catch for the next season.

Maw doesn't like the term "charter" applied to what he does. "It's not a charter business," he said. "I lose gear; they don't pay a thing (for it). It's different. I get a portion

of the catch," not a cash payment.

He admits, however, that he can't think of a word other than "charter" to describe a contractual agreement reached to allow someone else to fish from his boat. And though this clearly puts Maw in the halibut charter business, he has been a vocal supporter of the plan written by the North Pacific Fisheries Management Council, a body controlled by powerful commercial fishing interests, to lock charter halibut businesses, at least of the sport-fishing variety, in place as minor players in the harvest of Alaska halibut.

Maw likes the 'catch share plan'

As a so-called "catch share plan" was written by the Fisheries Service, charter operators will be forever restricted to about 15 percent of the catch. The plan is set to be implemented next year. It will immediately reduce angler bag limits from two fish to one fish per day to leave more fish in the ocean to be caught by commercial fishermen. The charter operators add that they doubt many clients will pay the \$150 and up cost of a charter to catch one flatfish of 20 or 30 pounds, if that.

Maw, who has been actively involved in the Council processes and says he likes the catch share plan "we" developed, doesn't believe the charter operators. Their argument that the one-fish limit will kill them is a bunch of hype, he said. Some will surely survive, he said, and it is only right they abide by the Council plan. It is, he said, only "fair in the sense that the harvest by two commercial sectors (longline and charter) go up and down with abundance. It is taking fish out of the charter sector at the same time fish are being taken out of the commercial sector."

The commercial longline fishery has long operated under a floating harvest quota that varies with the abundance of halibut in the Gulf of Alaska. Charter catches, meanwhile, have been limited by a fixed guideline harvest level. With halibut populations declining in recent years, the result has been that the charter catch has been slowly creeping up as a percentage of the total harvest. Though commercial fisheries still catch more than 90 percent of the halibut of Alaska, the charter catch in Cook Inlet near Anchorage has been pushing toward 20 percent thanks to flourishing tourism businesses in places like Homer and Resurrection Bay. The council would like to get the percentage back closer

to 15 percent. Maw and other commercial fishermen think that's a reasonable number.

"At one time," he said, "it was 100 percent. (But) I think we're recognizing there are other users that are there. They have a legitimate place in the fishery."

The charter businesses, he said, can't continue to grow or he will lose money. And he is already losing money. "In my own case, I bought about 19,000 pounds of IFQ," Maw said, but he is now allowed to catch only 9,800 pounds. Because of that, he added, "I (now) owe more on my halibut IFQs than they're worth if I sell them." And his income has gone down even as halibut prices have gone up. Three years ago, he said, he was allowed 14,000 pounds of halibut worth \$70,000, but this season he was allowed only the 9,800 worth about \$66,000.

"I'm down about \$170,000 in the last six years," Maw said. "I'm not happy that I've lost half of my poundage that I can catch." The small volume of halibut to be made available by the proposed restrictions on the charter fleet won't do much, if anything, to alter Maw's bottomline, but he doesn't care. He thinks it only fair the charter fleet share the pain.

Council stacked with commercial fisherman

From an economic standpoint, however, there are questions to be asked about whether that makes sense. The Alaska economy suffers no matter who in the halibut business loses fish or fishing opportunity, but some allocations cause the economy to suffer more than others. Keith Criddle, an economics professor at Utah State University in 2004, wrote a lengthy study published by the American Fisheries Society that calculated the state would stand to benefit most if about 30 percent of the halibut catch went to charter businesses. The study -- "A Simulation-Optimization Model of the North Pacific Commercial and Sport Fisheries for Pacific Halibut" concluded there is a higher "marginal net benefit" for fish caught by the clients of charter businesses, but that economic benefits equalize near a 30-70 split of the catch and beyond that the halibut become more valuable as a commercially caught species.

The Fisheries Service has repeatedly denied knowledge of any economic information

that might help it figure out the optimum allocation scheme for halibut. Criddle himself left Utah State in 2006 to become the "Stevens Professor of Marine Policy" at the University of Alaska Fairbanks research station at Lena Point, just up the road from the headquarters of the Alaska regional office of the Fisheries Service in Juneau. He has spent his time there studying the economics of the billion dollar Alaska pollock fishery.

The Stevens Professorship is an endowed position funded by the Pollock Conservation Cooperative, a consortium of pollock fishing companies of the At-sea Processors Association," a UAF press release said at the time of Criddle's hire. "The cooperative funds the UAF Pollock Conservation Cooperative Research Center and the Stevens Professorship, and has donated over \$6 million to the School of Fisheries and Ocean Sciences for these causes.

'We are delighted with the appointment of Dr. Criddle to the UAF marine policy professorship established in honor of Senator Stevens,' said Kevin Duffy, executive director of the At-sea Processors Association. Alaska's sound stewardship of its marine resources is recognized around the globe. Expanding the School of Fisheries and Ocean Sciences' marine policy program furthers Alaska's leadership in maintaining abundant fish stocks and healthy ecosystems.'

Duffy is a former commissioner of the Alaska Department of Fish and Game. He left that job to go to work for At-Sea Processors, arguably the most powerful political player in the fisheries business of Alaska's coast. Even Maw admits this looks just a little too incestuous. "That was bad all the way around," he said.

Criddle, for his part, said in a telephone interview that he doesn't think he was bought off. As a researcher, he said, he was kind of stuck going where there was money for research. He said he still has an interest in the halibut allocation issue, but there is no money to fund further research there. Still, he has followed the issue a bit, and said he was baffled when the Fisheries Service charged ahead with its catch share plan instead of considering simpler proposals -- such as an annual limit on the catch of halibut by anglers.

There is no seasonal limit on the sport catch king salmon in much of the state, and the system seems to work well. But Criddle said Fisheries Service officials aggressively fought a similar plan for halibut as too costly to implement and too hard to enforce. He admits he cannot understand why. Maw, on the other hands, defends the actions of both the Fisheries Service and the Council -- even if the latter is dominated 10 votes to one by commercial fishing interests dictating catch rules for a competing sport fishery.

"I don't see a problem with that," Maw said. "Look at the range of the issues that Council has to deal with."

Because the Council is involved in regulating huge commercial fisheries that mine the oceans off the Alaska coast, he argued, it needs members with a lot of expertise in commercial fishing.

Recreational fishermen just don't know enough about the businesses involved, he said. The council might be stacked with people representing commercial fishing interests, he said, "but it isn't inappropriate. Look at what they're managing. I think they're operating in the public interest ... to somehow cast dispersion against the Council, I'm not going anywhere near that premise. I don't buy into that premise that people act in their own self interest. I think they're operating in the public interest."

"I think this was pretty fair."

'Fair' is a relative term

Maw is, however, willing to admit that "fair" is a tough thing to pin down. He is an educated man. He holds a doctorate in forestry and wildlife management. He was once one of former Gov. Sarah Palin's nominees for the Council, though he never got picked by the U.S. Secretary of Commerce. He is also a man who works in the commercial fishing business, which is usually hard and sometimes cutthroat. Commercial fishermen all across Alaska battle to make a year's income in a matter of months to avoid looking for second jobs to tide them through the winter. The lifestyle, like any other, influences how people think. Maw's idea of "fair" might not be everyone else's idea of fair.

Maw went to court in 2003 with the estate of fishermen Patroky Polushkin to try collect

tens of thousands of dollars in Exxon Valdez oil spill funds off a permit Maw had sold years before. In the fall of 1989, Maw sold Polushkin an upper Cook Inlet driftnet permit for \$186,000. At the time of the sale, the two men both signed an addendum to their contract that said Maw was to get any money "resulting from the March 1989 Exxon oil spill, against the vessel Exxon Valdez, and the 1987 Glacier Bay oil spill."

Maw subsequently got almost \$55,000 from a court settlement in the Glacier Bay case. The Polushkin litigation, which went all the way to the Alaska Supreme Court, does not make clear how much Maw collected from Exxon for a 1989 fishing season shut down by oil drifting into Cook Inlet, but most fishermen sent to the beach that summer later received settlements worth tens of thousands. The litigation does note that Maw got about \$4,000 from the Alyeska Pipeline Service Company for the 1989 season.

He thought, however, that he was owed a lot more and when it was determined the lingering impacts of Exxon Valdez spill had affected the Inlet in 1990, 1991 and 1992, Maw tried to collect for the years Polushkin fished Maw's old permit. Polushkin had died in '92. When Polushkin's son, David, found out what was going on, he sued Maw in the name of the families' estate. Maw in court argued that the elder Polushkin had wanted any and all spill funds to go to Maw, no matter who had been fishing the permit. The Supreme Court didn't buy it.

The court, which used the words "unreasonable" and "self-serving" to define Maw's arguments as to why he was due money for the 1990-92 fishing seasons on a permit he'd sold in 1989, concluded that no reasonable person could conclude the addendum to the permit sale was "meant to assign losses suffered by Polushkin to Maw."

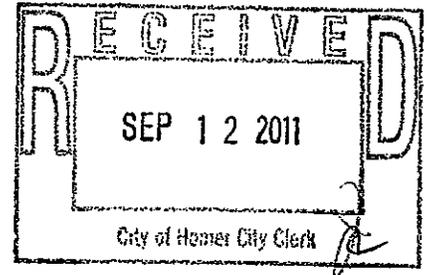
Maw, however, to this day believes he was owed the money. It was in his view only "fair."

"That's what the guy signed," Maw said. "(Then) he sued, and I defended myself."

Contact Craig Medred at [craig\(at\)alaskadispatch.com](mailto:craig(at)alaskadispatch.com).

Homer City Counsel Members:

Dear Council:



This letter is in support of A Bike Trail along Kachemak Drive.

It is a logical action that should be taken. The time is right and must be decided now. Our Reasons:

- Numerous communities have their bike trails above their sewage lines (e.g., Tahoe City, along the Truckee River, Tahoe Truckee Sanitation Agency sewage lines; City of Denver, City of Homer, along the East side of the Homer Spit).
- Much of the land easements have been granted. The property owners of lands that are yet to be obtained are protected under the recently passed (2008) Recreational Land Use Liability law, HB 25.
- The land is already cleared and will be smoothed and flattened.
- The sewer lines (or water lines) will be much better accessible with a cleared bike trail than if the properties are "reclaimed" with alder, spruce and other wetland vegetation.
- It is supported in Homer's: *Comprehensive Plan, Non-Motorized Trail Plan, Climate Action Plan, and Transportation Plan*.
- We have the money to build the trail, now!
- As with the Homer Spit Trail and Anchorage's Coastal Trail, The Kachemak Drive Bike Trail will be an attractant to the City besides being a widely-used commuter and recreational circle-route to-and-from the Homer CBD, and as access to the Spit Trail.
- Most important, it is so much safer for our citizens and visitors.

Thank you for your consideration of our thoughts when making your decision. We hope you will make it happen.

Sincerely,

Rick Foster,
Dotti Harness-Foster

PJ & Adam Bauer
4734 Sabrina Rd
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907 235 6994

Mayor Hornaday
Homer City council

Dear Mayor and members of the Homer City council,

In the matter of Homer City council Resolution 11-090, I strongly urge you to pass this resolution in support of non-motorized access along the length of Kachemak Drive. Modern roads must be considered more than simply motorized vehicle routes. They are genuine public thoroughfares, along these easements we pass, fresh water, electricity, telephone lines, Internet cables, wastewater, and yes automobiles.

A fundamental right in a free society should be the right to simply walk in an area designated for public access. There is no excuse in our modern times to construct a roadway that is unsafe for pedestrians, or human powered vehicles such as bicycles and wheelchairs. With utility upgrades going into Kachemak Drive, this is an ideal time to incorporate a safe method for non-motorized travel along this roadway.

I strongly urge you to pass resolution 11-090 and do what ever else you can to influence the appropriate agencies to incorporate safe non-motorized travel along Kachemak Drive.

I personally prefer a separated lane along existing utility easements, when this is completed, pedestrians and bicyclists will be able to safely travel in a circle from Pioneer Avenue to Kachemak Drive, Ocean Drive, and back to Pioneer Ave.

Thank you for your consideration and your service to our community.

Respectfully,




PJ & Adam Bauer