



Charter Halibut Task Force

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FOR IMMEDIATE RELEASE

Alaska Charter Fishermen File Lawsuit Against Secretary of Commerce

Washington, D.C. – May 29, 2008 – Charter fishermen along the coast of Southeast Alaska have united to file a lawsuit today against Secretary of Commerce Carlos M. Gutierrez over a rule that took effect Sunday changing the daily bag limit for anglers fishing from charter boats in Southeast Alaska from two halibut per day to one halibut per day. The suit alleges that the Secretary failed to comply with the fair and equitable allocation requirements of the Northern Pacific Halibut Act and also violated the Administrative Procedures Act.

Charter fishermen claim the one halibut daily limit will bring economic harm on the economy of Southeast Alaska coastal communities. Affidavits attached to the motion for a temporary restraining order and preliminary injunction that was filed along with the complaint already show losses to the 11 plaintiffs of approximately half a million dollars. In addition, two charter operators from Southcentral Alaska filed affidavits in support of the lawsuit showing that anglers are already shifting from Southeast Alaska to Southcentral Alaska, where anglers can still catch two fish a day, in response to the one halibut a day rule. Canada also maintains the traditional two halibut daily limit.

The National Marine Fisheries Service (NMFS) estimates a one halibut daily limit could result in up to a 30% reduction in angler demand in Southeast Alaska—that's 27,000 fewer people flying into coastal communities that rely heavily on sport fish tourism. Even a 10 percent reduction could put a significant number of charter operators out of business.

The rule adopted by the Secretary makes clear that the rule was issued to address an allocation issue between the charter and commercial halibut sectors, and is not a conservation issue as some have alleged. The rule clearly stated in response to public comments that nothing in the rule affects the health of the halibut stocks, that the International Pacific Halibut Commission has said the stocks are healthy, and that the National Marine Fisheries Service "disagrees" that the rule is necessary for conservation reasons.

Secretary Gutierrez's support for the one halibut daily limit in Southeast Alaska goes against his ruling only a year ago. In June 2007, the Secretary vetoed a proposed one fish rule for Southeast Alaska because "a reduced bag limit would impose a considerable economic burden on the charter sector that could be mitigated by maintaining the traditional two-fish bag limit," according to 72 Fed. Reg. 30721 (2007), and that was only for six weeks of the season.

"Certainly, it would be neither environmentally responsible nor good for our businesses if the charter industry was seeking a two-fish limit when the resource was in danger. Regulatory officials repeatedly stated this is not the case. In fact, in our area, the biomass is projected to increase over the next 10 years," declared Scott Van Valin, owner of El Capitan Lodge and co-founder of the Charter Halibut Task Force.

The recreational halibut fishery -- both charter and unguided -- has operated successfully off Alaska since 1973 under a two halibut a day bag limit. Now, guided anglers in Southeast Alaska face a 1 halibut daily bag limit while unguided fishermen can still catch two halibut a day. The Secretary's rule is discriminatory against anglers who cannot afford their own fishing boat or do not feel safe fishing in Alaska without a licensed captain due to age, experience, or disabilities.



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Charter fishing accounted for only 6.2 percent of the total halibut caught off the coast of Alaska over the last 10 years. By comparison, that is over 12 times less than the 75.8 percent that the commercial halibut fleet harvests, and less than half the 14.6 percent allocated for bycatch (halibut caught incidentally by commercial fisheries targeting other species of fish).

For more information contact Kimberly Tebrugge, 360-480-8117, or visit www.charterhalibut.org.

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About Charter Halibut Task Force

The Charter Halibut Task Force (CHTF) represents charter fishing operators whose clients catch halibut off Alaska. The CHTF is devoted to uniting charter operators and business owners committed to stable, long-term management of the halibut resource as a vital part of Alaska's tourism industry, and educating decision-makers on the potential socioeconomic impacts charter halibut issues may have on Alaska coastal communities.
