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June 4, 2008

FOR IMMEDIATE RELEASE

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Federal Court Delays Decision on Temporary Restraining Order

After a hearing this morning, the U.S. District Court of the District of Columbia deferred a ruling on whether to grant a temporary restraining order (TRO) that would increase the daily charter halibut bag limit in Southeast Alaska to two fish and would allow charter halibut harvest to exceed sustainable harvest levels recommended by the International Pacific Halibut Commission (IPHC).

Judge Rosemary Collyer granted both sides more time to present their arguments and set a second hearing date for Tuesday, June 10, 2008. The lawsuit was brought by the Charter Halibut Task Force in an eleventh-hour effort to reverse a rule that took effect last Sunday, June 1, 2008. The plaintiffs argue, despite the lengthy public process and economic analysis done in recent years, that certain requirements of the Halibut Act and the Administrative Procedures Act have not been met.

The Halibut Coalition agrees with the Department of Justice that all requirements of both Acts have been met.

“This lawsuit is without merit,” said Jev Shelton, Halibut Coalition spokesperson. “It is a thinly-veiled attempt to use the justice system to block a management tool that is needed to conserve the halibut resource.”

Decreasing abundance of halibut in the Southeast area triggered a reduction in the charter halibut allowable catch, or Guideline Harvest Level (GHL). In June 2007, after a lengthy analytical and public process, the North Pacific Fishery Management Council (NPFMC) determined the one halibut daily bag limit would be necessary to constrain charter harvest to the 2008 GHL.

The charter sector has exceeded its GHL every year since 2003.

“The resource is limited and abundance is down,” said Shelton. “The setline quota has been reduced by 43% over the past two years to allow Southeast stocks to rebuild. All commercial fishermen—setline and charter—must share in conserving the resource.”

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Since 1993, the NPFMC has been engaged in a public process to develop a halibut charter management plan that balances the needs of all who rely on the halibut fishery—harvesters, processors, consumers (who access the halibut resource through the setline fishery) and charter clients.

In October 2008, the NPFMC will vote on a catch sharing plan that could include a mechanism for transfer of halibut between setline and charter sectors. In the meantime, the one halibut daily bag limit and the reduced setline quotas are necessary to ensure biological limits are not exceeded. The Halibut Coalition supports conservative catch limits to protect the long-term health of the halibut stocks.

Both the setline and charter sectors in Southeast Alaska are experiencing economic difficulties due to decreased abundance of important fish stocks, increased fuel costs, and the downturn in the U.S. economy. In particular, several reports have been published about the impact on discretionary spending by Americans across the nation.

“Economically difficult times do not justify compromising resource health,” says Shelton. “The resource comes first.”

The Halibut Coalition urges charter operators to support management measures that constrain harvest to established catch limits and to participate in developing a catch sharing plan that adapts to both biological and market conditions with minimal need for expensive regulatory and court proceedings.

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Timeline:

Mar 1, 2007. [State Department Response to 2007 International Pacific Halibut Commission recommendations on one fish bag limit](#)

June 4, 2007. [NMFS issues a final rule to restrict the harvest of halibut by persons fishing on a guided sport charter vessel in International Pacific Halibut Commission Regulatory Area 2C for 2007 season due to harvest overages](#)

June 2007. [NPFMC conducts hearing on management measures for the 2008 season and selects preferred action](#)

Nov 27, 2007. [NMFS publishes final EA for Secretarial Review](#)

Dec 31, 2007. [NMFS publishes proposed regulations to limit the harvest of Pacific halibut by guided sport charter vessel anglers in International Pacific Halibut Commission Area 2C of Southeast Alaska to the guideline harvest level for that area under two different scenarios.](#)

Comment period through January 30, 2008.

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Jan 22, 2008. [IPHC concludes annual meeting and announces 2008 halibut quotas](#)

May 22, 2008. [NMFS issues press release on one halibut bag limit for 2008 season](#)

May 28, 2008. [NMFS publishes final rule implementing regulations to limit the harvest of Pacific halibut by guided sport charter vessel anglers in IPHC Area 2c of Southeast Alaska to the guideline harvest level \(GHL\) of 931,000 lb \(422.3 mt\). Effective June 1, 2008.](#)

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