

NMFS emphasized the importance of ADF&G time limits:

As with the reporting of the trip itself, the business owner would have had to report the[] data within ADF&G time limits. An applicant could not change or add data that would make a trip a bottomfish fishing trip or halibut logbook fishing trip after the trip should have been reported to ADF&G.³

As further explained by NMFS in the Final CHLAP rules:

[T]he basic unit of participation for receiving a charter halibut permit will be a logbook fishing trip, which is a trip that was reported to ADF&G in a saltwater charter logbook in accordance with the time limit required for reporting such a trip that was in effect at the time of the trip. *If a trip was not reported within those time limits, NMFS will not consider it a logbook fishing trip for purposes of a charter halibut permit application.*⁴

This idea is reiterated in other responses NMFS made to comments to the Final CHLAP rules:

Charter halibut permits allocated under this rule will be based solely on logbook fishing trips...The [North Pacific Fishery Management] Council chose to rely on the fishing data in ADF&G Saltwater Charter Logbooks as the best available source of information on participation in the charter fishery....Charter halibut permits will be allocated under this rule based on the participation of businesses in the charter halibut businesses in the charter halibut fishery using logbook fishing trips as evidence of participation...The ADF&G saltwater charter logbook data for the qualifying period (2004 and 2005) and the recent participation period (2008) are the best information for the purposes of this rule.⁵

The time limit to submit data about logbook fishing trips was eight to fourteen days, as clearly delineated in the logbooks.⁶ Further, in the logbooks, ADF&G warned operators of the necessity of timely reporting.⁷

³ 74 Fed. Reg. 18178, 18185.

⁴ 75 Fed. Reg. 554, 556.

⁵ 75 Fed. Reg. 554, 590-91. See also 75 Fed. Reg. 554, 592 (This rule relies on ADF&G charter logbook data to determine participation); 75 Fed. Reg. 554, 593 ("the bottomfish logbook fishing trip data are sufficiently accurate as evidence of participation in the fishery for purposes of this rule").

⁶ Available at: <http://alaskafisheries.noaa.gov/appeals/default.htm>

⁷ Available at: <http://alaskafisheries.noaa.gov/appeals/default.htm>

[REDACTED]
Appeal No. 10-0062

The new effective date of the Decision is June 20, 2011 subject to the Regional Administrator's review.⁸

[REDACTED]


Eileen G. Jones
Chief Administrative Judge

Date Issued: May 20, 2011

⁸ <http://www.fakr.noaa.gov/appeals/reconsiderationpolicy.htm>; 50 C.F.R. §679.43(o).