

John L. Fortuna, *Pro Hac Vice*  
Ari S. Gordin, *Pro Hac Vice*  
JONES FORTUNA LP  
111-A New Street  
Decatur, GA 30030  
Telephone: 404-282-4725  
jfortuna@jonesfortuna.com  
agordin@jonesfortuna.com

*Attorneys for the Central Bering Sea Fishermen's Association, City of Saint Paul, Alaska, Alaska Longline Fishermen's Association, Fishing Vessel Owners' Association, Homer Charter Association, The Boat Company, Petersburg Vessel Owners' Association, Alaska Marine Conservation Council, Halibut Association of North America, North Pacific Fisheries Association, Aleut Community of St. Paul Island Tribal Government, and the Seafood Producers Cooperative*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

GROUND FISH FORUM, INC.,

Plaintiff,

v.

NATIONAL MARINE FISHERIES  
SERVICE, *et al.*,

Defendants.

Case No. 3:23-cv-00283-JMK

**DECLARATION OF WILLIAM HAYDEN**

*Groundfish Forum, Inc. v. NMFS*  
Case No. 3:23-cv-00283-JMK

1

Ex. F, p. 1

I, William Hayden, declare as follows:

1. I am over 21 years of age and under no legal disability. The facts stated in this declaration are true and correct based on my personal knowledge and my review of business records. I give this declaration voluntarily for use in support of the motion to intervene in the above-captioned litigation filed on behalf of the Homer Charter Association (HCA) and for all other purposes allowed by law.

2. I am the Vice President of the Homer Charter Association, a non-profit organization based in Homer, Alaska. HCA represents charter owners and operators, charter clients, and businesses that support and supply halibut fishing in Alaskan communities like Homer, Anchor Point, Kodiak, and Ninilchik. Our mission is to serve our fishery, clients, and communities as representatives of our region and as stewards of its natural resources, so our fishery resources will be available for generations to come.

3. HCA's membership generally participates in the "guided recreational" sector of the halibut fishery. HCA's members have significant commercial and recreational interests in the halibut fishery. The businesses and fishers that HCA represents are largely halibut dependent. Most clients that book with HCA member businesses do so specifically to fish for halibut,

and those businesses and their vessels are largely modeled around directed halibut fishing.

4. Halibut fishing holds special social and cultural significance for both charter fishing clients and workers. Many clients of HCA's members travel to Alaska specifically for the opportunity to harvest their own fish in a pristine environment. This opportunity for people to "connect" with the source of their food and with nature is one of the aspects HCA strives to protect. Additionally, many HCA members see charter fishing as a cultural lifestyle they have chosen and wish to maintain.

5. Halibut bycatch in the BSAI harms HCA's members in different ways. Under the IPHC's regulatory system, halibut killed as bycatch come "off the top" of the total amount of halibut that can be removed each year. Thus, halibut bycatch directly reduces the amount of halibut that HCA's members can catch. The BSAI also serves as a nursery for halibut that ultimately migrate into other areas, including the waters where HCA's members fish. Bycatch in the BSAI thus harms HCA's members by killing small juvenile halibut before they can migrate to Southcentral Alaska's waters and/or grow large enough to be caught and kept by charter fishermen.

6. Prior to Amendment 123, halibut bycatch limits for the Amendment 80 fleet were fixed at 1,745 mt per year, regardless of the condition

of the halibut stock. When halibut abundance was low and bycatch mortality was still high, bycatch consumed an even larger portion of the available halibut, and charter fishing clients lost significant harvest opportunities. In the 2023 season, for example, HCA's members could only engage in charter fishing on Thursday-Monday most weeks of the season and there were length restrictions on half of the harvest. This resulted in the loss of many potential clients and revenue for HCA's members. It also cost many people who would have been served by HCA's members the opportunity to experience Alaskan fishing.

7. For HCA and its members, a healthy and more abundant halibut resource would result in a more stable business environment and greater opportunity to attract clients. HCA believes that all removals of halibut should be determined based on the abundance of the stock and the health of the resource. More responsible, abundance-based management will benefit both HCA's members and all other participants in the directed fishery.

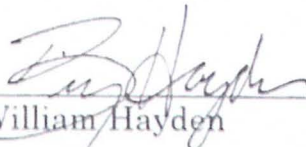
8. HCA participated directly in the process that resulted in the adoption of Amendment 123 and the implementation of abundance-based bycatch limits for the Amendment 80 fleet. HCA worked actively with other halibut dependent associations leading up to the North Pacific Fishery Management Council's final action. HCA also provided testimony to the

Council and submitted written comments advocating for the adoption of abundance-based limits on halibut bycatch.

9. HCA's members and their clients would be harmed if Amendment 123 were overturned and we were forced to return to the higher, fixed bycatch limits that were previously in place. Some charter businesses have been forced to close, and most have had to significantly restructure due to decreased opportunities to harvest halibut that occurred under the prior limits. A return to the prior status quo would result in a continuation of previous restrictions that commercially harmed HCA's members and potential clients. It would also likely result in additional restrictions if halibut abundance further declines.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on the 6 day of February, 2024.

  
\_\_\_\_\_  
William Hayden