

NATIONAL MARINE FISHERIES SERVICE, ALASKA REGION
OFFICE OF ADMINISTRATIVE APPEALS

In re Applications of)	Appeal No. 95-0138
)	
Vasily A. Sharabarin,)	
Appellant)	DISMISSAL and
)	
)	ORDER TO IMPLEMENT
Zahary Basargin,)	SETTLEMENT AGREEMENT
Respondent)	
_____)	August 20, 1996

On September 19, 1995, Appellant Vasily A. Sharabarin filed an appeal of an Initial Administrative Determination [IAD] of the Restricted Access Management Division [Division], dated July 18, 1995. The appeal was timely filed. On March 19, 1996, Zahary Basargin was joined as a party Respondent to the appeal. On April 22, 1996, the law firm of Haas and Spigelmyer made an entry of appearance on behalf of the Estate of Zahary Basargin. The IAD denied Mr. Sharabarin's and Mr. Basargin's conflicting claims to halibut quota share [QS] under the Individual Fishing Quota [IFQ] program for Pacific halibut and sablefish, landed in IFQ regulatory area 3A from the F/V VOSTOK between October 5, 1985, and April 25, 1989. Under the IAD, neither party would receive the resultant QS until after a final agency determination.

On August 9, 1996, this office received the attached "Stipulation" by which the parties agreed that Mr. Sharabarin owned the F/V VOSTOK as of October 10, 1985, and at all other relevant times during the QS qualifying years. After discussing the matter with the parties, I am satisfied that the parties understand that the terms of the agreement, including the effect of a dismissal, and that they have entered into the agreement voluntarily. Philip J. Smith, Chief of the Division, has reviewed the agreement and has notified me that it can be implemented by the Division.

Therefore, the appeal is DISMISSED with prejudice.

ORDER

The attached "Stipulation" entered into by the parties to this appeal SUPERSEDES the IAD that was the subject of this appeal. The Division is ORDERED to allocate the qualifying pounds of halibut derived from the landings credited to the F/V VOSTOK for the years of 1985 through 1989, to Mr. Sharabarin in accordance with the terms of the Stipulation, and to issue the resultant QS and IFQ for 1996. This Order take effect immediately.

Edward H. Hein
Chief Appeals Officer

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May 24, 1999