

## **8.0 APPENDICES**

### **8.1 Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos 2007 Update Based on 2000 U.S. Census Data (April 2007)**

IWC/59/ASW6

#### **QUANTIFICATION OF SUBSISTENCE AND CULTURAL NEED FOR BOWHEAD WHALES BY ALASKA ESKIMOS**

**2007 Update Based on 2000 U.S. Census Data**

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Prepared for the Alaska Eskimo Whaling Commission  
Barrow, Alaska

April 2007

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08/05/07

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# QUANTIFICATION OF SUBSISTENCE AND CULTURAL NEED FOR BOWHEAD WHALES BY ALASKA ESKIMOS

## 2007 Update Based on 2000 U.S. Census Data

### INTRODUCTION

This document is essentially identical to the previously prepared *2002 Update Based on 2000 U.S. Census Data* (Stephen R. Braund & Associates [SRB&A] 2002) and is resubmitted at this time to provide a current (2007) subsistence and cultural need statement. As in 2002, this needs assessment relies on the 2000 U.S. Census. The quantification of subsistence and cultural need for bowhead whales by Alaska Eskimos has not been updated with 2007 population information because the last U.S. Census was in 2000 and the next U. S. Census will not be conducted until 2010.

In previous subsistence and cultural needs assessments submitted to the International Whaling Commission (IWC) for years between the decennial U.S. Census, the calculation depended on the most current Alaska Department of Labor Data population estimates for the communities multiplied by the percent Native from the 1980 and 1990 U.S. Census. However, the most reliable information for assessing subsistence and cultural need using the IWC accepted method is to rely on the U. S. Census. Thus, the 2007 needs assessment is based on the 2000 U.S. Census and is the same as the 2002 needs calculation.

Like the 2002 report, this document is intended to be an addendum to the *Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos - 1997 Update Based on 1997 Alaska Department of Labor Data* (SRB&A 1997). The 1997 report should be read in conjunction with this document as the former report provides relevant discussion and references for the historic context of this report. That discussion is not repeated in this brief report.

This report provides the seventh (although identical with the sixth) calculation of subsistence and cultural need for bowhead whales by Alaska Eskimos and is based on the same methodology used in the previous six “needs” assessments. The first calculation of subsistence and cultural need submitted to the IWC was undertaken in 1983 (U.S. Government 1983). The second calculation was submitted to the IWC in 1988 (Braund, Stoker and Kruse 1988) when more extensive research provided additional historical whaling and human population data. The 1988

study used the most recent Eskimo population data available at that time, ranging from 1983 to 1987, to calculate current need. The third calculation of need, performed in 1992, was based on 1990 U.S. Census population data. This update was presented to the Alaska Eskimo Whaling Commission (AEWC), but not to the IWC (SRB&A 1992). The fourth calculation of need was conducted in 1994 based on July 1, 1992 population data generated by the State of Alaska, Department of Labor (SRB&A 1994). The fifth calculation (fourth presented to the IWC) was based on July 1, 1997 population data generated by the State of Alaska, Department of Labor (SRB&A 1997). The calculation of need for the 2002 and this report relies on 2000 U.S. Census data. This is the third time since 1983 that U.S. Census data have been used for the Alaska Eskimo needs calculation. All of the calculations of need since 1988 utilize the same method that was accepted by the IWC in 1988.

#### **2007 UPDATE BASED ON 2000 U.S. CENSUS DATA**

In preparation for the May 2007 IWC meeting, the Alaska Eskimo Whaling Commission (AEWC) requested an update of cultural and subsistence need for bowhead whales. Because the most reliable population information is from the U.S. census, this update is based on the 2000 U.S. Census data for the 10 Alaska bowhead whaling communities. The 1997 update was based on the five year old 1997 population information. Furthermore, the human population estimates used in 1997 were based on estimates provided by the Alaska State Demographer (ADOL 1997) for each year (e.g., 1991-1997) since the 1990 U.S. Census. The Alaska State Demographer prepares these updates annually and they include the total population (Native and other) in each of the communities and do not contain any information related to race. The Native population then has to be estimated from these total population data. Estimating the Native population in the ten Alaska bowhead whaling communities between decennial censuses is a complex process that relies on the Alaska Department of Labor population estimates and then applies the percent Native American from the latest (e.g., 1990 or 2000) U.S. Census to these annual population estimates (see SRB&A 1997:Tables 2 and 3). However, the 2000 U.S. Census has race information, and the Alaska Native population in each of the whaling communities is reported. For this reason, the 2000 U.S. Census is used for the 2007 needs update.

Applying the IWC accepted method of calculating need (see Braund, Stoker and Kruse 1988), SRB&A updated need based on 2000 U.S. Census data. The only variable that has changed

since 1988 for this calculation is the Alaska Native population for the ten whaling communities. Only the Native population of each community is considered. The 2000 U.S. Census Alaska Native population data represent "American Indian or Alaska Native alone or in combination with one or more other races."

Based on 2000 U.S. Census data, the number of bowheads needed by each community and by the region as a whole (all ten communities) is derived by multiplying the mean number of whales landed per capita over the base time period (1910-1969) by the 2000 Alaska Native population for each community and for the region as a whole. Using this method, the need for each community is shown on Table 1. Based on the 2000 census data, the cultural and subsistence need in the ten Alaska Eskimo communities is 56 landed bowhead whales (58 if rounded up). In 1997 and 2002, it was also 56 landed bowheads. Applying the mean of .008621 bowhead landed per capita for all ten communities for the historical period (1910-1969) to the 2000 regional Native population of 6,633 results in a 2000 **regional** cultural and subsistence need of 57 landed bowhead whales. In 1997, this regional calculation was 56 landed bowhead whales.

**Table 1: Ten Alaska Eskimo Whaling Villages' Subsistence & Cultural Need For Landed Bowhead Whales, 2000.\1**

<b>Community</b>	<b>Number of Observations\2</b>	<b>Total Eskimo Population for ea. yr. of a Bowhead Observation\3</b>	<b>Number of Bowheads Landed 1910-1969\4</b>	<b>Mean Landed Per Capita 1910-1969\5</b>	<b>2000 Alaska Native Population\6</b>	<b>2000 Bowhead Need (Landed)\7</b>	<b>2000 Need (Landed) Rounded\8</b>
Gambell	39	11,883	68	0.005722	622	3.6	4
Savoonga \9	0	----	----	0.005722	614	3.5	4
Wales	42	6,907	5	0.000724	137	0.1	1
Diomedede \10	30	3,250	11	0.003678	137	0.5	1
Kivalina	7	926	3	0.003240	364	1.2	1
Point Hope	50	12,467	209	0.016764	686	11.5	12
Wainwright	49	10,723	108	0.010072	508	5.1	5
Barrow	60	44,687	379	0.008481	2,933	24.9	25
Nuiqsut \9	0	----	----	0.008481	386	3.3	3
Kaktovik	<u>3</u>	<u>327</u>	<u>3</u>	0.009174	<u>246</u>	<u>2.3</u>	<u>2</u>
Totals	280	91,170	786		6,633	55.9	58
Region\11	280	91,170	786	0.008621	6,633	57.2	57

- \1 Subsistence and cultural need is based on historic per capita harvest per community multiplied by the 2000 Alaska Native population of each community.
- \2 The number of observations represents the number of years for which data on landed whales were available for each community (See Appendices 1 & 2 of Braund, Stoker & Kruse 1988 & Table 1 of Stephen R. Braund & Assoc. 1991).
- \3 Total Eskimo population represents the sum of the Eskimo population for each year there was an observation of a landed bowhead whale (only includes the 1910-1969 "Base Period;" see Braund, Stoker & Kruse 1988).
- \4 Number of bowheads landed represents the sum of the observed bowheads landed between 1910 and 1969.
- \5 The mean landed bowhead whales per capita is based on the total number of whales landed between 1910 and 1969 for each community divided by the sum of the total Eskimo population for each village for each year landed whale data existed between 1910 and 1969 (See Appendices 1 & 2 in Braund, Stoker & Kruse 1988 and Tables 1 and 3 in Stephen R. Braund & Assoc. 1991). The sum of the total Eskimo population was calculated by adding the Population estimates for each community for each year that there was a landed whale observation. For example, Barrow's 389 landed whales from 1910-1969 was divided by the total Eskimo population sum of 44,687 for this 60 Year period (i.e., 379 divided by 44,687 = .008481).
- \6 2000 Alaska Native population data for each community are from the 2000 U. S. Census. They represent the category "American Indian or Alaska Native alone or in combination with one or more other races."
- \7 The number of bowheads needed is derived by multiplying the mean per capita landed whales (1910-1969) by the 2000 Alaska Native population for each community. The true column total of 55.9 is shown and is less than the sum of its parts because of their being rounded up.
- \8 The number of bowhead whales needed per individual community is rounded to the nearest whole number unless the product was less than .5; such cases were rounded up to one.
- \9 Because there are no landed bowhead data for either Savoonga or Nuiqsut between 1910-1969, the mean per capita landed whales for Gambell was used for Savoonga and the mean for Barrow was used for Nuiqsut.
- \10 Due to uncertainties in the landed whale data for Little Diomedede Island, four different calculations of subsistence and cultural need, ranging from .4 to 1.0 bowheads, were presented (see Table 4 Stephen R. Braund & Assoc. 1991). The Little Diomedede mean landed whale per capita (1910-1969) in this table represents the mean of these four calculations.
- \11 The mean per capita landed whales for the region represents the total number of whales landed for all ten communities between 1910 and 1969 divided by the sum of the total Native population for all communities for each year landed whale data existed between 1910 and 1969 (i.e., 786 whales divided by 91,170 = .008621).

Stephen R. Braund & Associates, 2007.

## REFERENCES CITED

### Alaska Department of Labor, Research & Analysis Section

- 1997 Alaska Population Overview - 1997 Estimates (Forthcoming 1998). Table 4.2  
Population of Places by Borough and Census Area, 1990-1997.

### Braund, Stephen R. & Associates

- 2002 Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos - 2002 Update Based on 2000 U.S. Census Data
- 1997 Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos - 1997 Update Based on 1997 Alaska Department of Labor Data. Prepared for the Alaska Eskimo Whaling Commission, Barrow, Alaska
- 1994 Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos - 1994 Update Based on 1992 Alaska Department of Labor Data. Prepared for the Alaska Eskimo Whaling Commission, Barrow, Alaska.
- 1992 Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos - 1992 Update Based on 1990 U.S. Census. Prepared for the Alaska Eskimo Whaling Commission, Barrow, Alaska.
- 1991 Subsistence and Cultural Need for Bowhead Whales by the Village of Little Diomed, Alaska. Prepared for the Alaska Eskimo Whaling Commission, Barrow, Alaska.

### Braund, S.R., S.W. Stoker, and J.A. Kruse

- 1988 Quantification of Subsistence and Cultural Need for Bowhead Whales by Alaska Eskimos, Stephen R. Braund & Associates, Anchorage, Alaska. International Whaling Commission TC/40/AS2.

### U.S. Government

- 1983 Report on Nutritional, Subsistence, and Cultural Needs Relating to the Catch of Bowhead Whales by Alaskan Natives. Submitted by the U.S. Government to the International Whaling Commission at its 35th Annual Meeting.

8.2 National Oceanic and Atmospheric Administration-Alaska Eskimo Whaling Commission Cooperative Agreement (2003)

COOPERATIVE AGREEMENT  
between the  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
and the  
ALASKA ESKIMO WHALING COMMISSION  
as amended  
2003

RECEIVED

BY: *Ma*

1. PURPOSES

The purposes of this agreement are to protect the bowhead whale and the Eskimo culture, to promote scientific investigation of the bowhead whale, and to effectuate the other purposes of the Marine Mammal Protection Act, the Whaling Convention Act, and the Endangered Species Act as these acts relate to aboriginal subsistence whaling.

In order to achieve these purposes, this agreement provides for:

- (a) Cooperation between members of the Alaska Eskimo Whaling Commission (AEWC) and the National Oceanic and Atmospheric Administration (NOAA) in management of the bowhead whale hunt for 1981 through 2007; and
- (b) an exclusive enforcement mechanism that shall apply during the term of this agreement to any violation by whaling captains (or their crews) who are registered members of the AEWC of any provisions of the Marine Mammal Protection Act, the Endangered Species Act, or the Whaling Convention Act, as these acts may relate to aboriginal subsistence whaling; of the International Convention for the Regulation of Whaling, 1946; of regulations of the International Whaling Commission; of the AEWC Management Plan; or of this agreement.

2. RESPONSIBILITIES

NOAA has primary responsibility within the United States Government for management



and enforcement of programs concerning bowhead whales. The AEWK is an association governing Alaskan Eskimo whalers who hunt for bowhead whales. The AEWK adopted a Management Plan on March 4, 1981, to govern hunting for bowhead whales by Alaskan Eskimos. Under this Cooperative Agreement, the AEWK will, in cooperation with NOAA, manage the 1981 through 2007 bowhead whale hunts. The authority and responsibilities of the AEWK are contained in and limited by this agreement and the Management Plan, as amended from time to time, to the extent the Management Plan is not inconsistent with this agreement. If the AEWK fails to carry out its enforcement responsibilities or meet the conditions of this agreement or of the Management Plan, as amended from time to time, NOAA may assert its federal management and enforcement authority and will regulate the bowhead whale hunt in a manner consistent with federal law, this agreement, and the Management Plan to the extent necessary to carry out the responsibilities that are not carried out by the AEWK. Such assertion of federal authority will be preceded by notice to the AEWK of intent to regulate the bowhead whale hunt to the extent necessary to carry out those responsibilities and conditions, and will not be effected until the AEWK or its members have been given an opportunity to present their view on the need for such assertion in a public forum: provided, however, that in cases where NOAA determines that irreparable harm to the bowhead whale resource might result, the assertion of federal authority may be effected immediately after notice, in which cases the public forum on the need for such assertion will be conducted as soon as practicable thereafter.

### 3. INSPECTION AND REPORTING

NOAA personnel shall monitor the hunt and the AEWK shall assist such personnel with such monitoring. The AEWK shall report to NOAA regarding the number of strikes and

landings. The AEWc shall also inform all whaling captains who are engaged in whaling activities of the number of whales struck or landed at all times. On the first of each month during the spring and fall whaling seasons, the AEWc shall inform NOAA of the number of bowhead whales struck during the previous month. The AEWc shall also provide a report to NOAA within 30 days after the conclusion of the spring hunt, and within 30 days after the fall hunt but no later than March 31, containing at least the following information:

- (1) The date and exact, to the extent practicable, location of strike for each whale struck or landed, including, at a minimum, the estimated distance and bearing from the village or whaling camp;
- (2) The length (as measured from the point of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;
- (3) The length and sex of a fetus, if present, in a landed whale; and
- (4) An explanation of circumstances associated with the striking of any whale not landed, and an estimate of whether a harpoon or bomb emplacement caused a wound which might be fatal to the animal (e.g., the harpoon entered a major organ of the body cavity and the bomb exploded).

NOAA shall provide technical assistance in collection of the above information. The AEWc shall assist appropriate persons in collection of specimens from landed whales. The AEWc shall encourage whaling captains to make such specimens available to researchers upon written request to the AEWc. NOAA personnel cooperating with the AEWc shall work closely with the AEWc Commissioner in each whaling village to facilitate the accurate monitoring of the hunt.

4. MANAGEMENT

- (1) No more than seventy-five (75) bowhead whales shall be struck in 2003. The AEWG and NOAA shall determine the total number of bowhead whales that may be struck in each year from 2004 through 2007, and any applicable number of bowhead whales that may be landed, through annual negotiations during the first quarter of the year for which the quota is applicable: provided, however, that the Under Secretary may, in consultation with the AEWG, reconsider and revise the term of this paragraph if he deems it necessary on the basis of public comments received pursuant to the Federal Register notice of the proposed allocations.
- (2) Registered whaling captains shall hunt under the provisions of the AEWG Management Plan, and will use all practical means to improve hunting efficiency.
- (3) The AEWG shall determine the allocation of these permitted strikes among the whaling villages.
- (4) The AEWG Management Plan will provide that the meat and edible products of bowhead whales taken in the subsistence hunt must be used exclusively for native consumption and may not be sold or offered for sale.

5. ENFORCEMENT

- (1) The AEWG agrees that registered whaling captains may be subject to civil monetary assessments for whales struck over the annual strike limit as set forth in this Agreement and whales landed over any landing limit that is prescribed in this agreement and the Management Plan as they may be amended from time to time. The AEWG will collect the assessments from the whaling captains. In the event

of a dispute between NOAA and the AEWEC over the number of whales landed or struck or the amount of the assessment, or other factual matters, NOAA will consult with the AEWEC about the matter. If the dispute cannot be resolved, it will be referred to an administrative law judge for determination under a trial-type administrative proceeding of the facts and the amount of assessment. The procedures contained in 15 CFR sections 904.200-94.272 will control these proceedings. The decision of the administrative law judge may be appealed to the Administrator of NOAA. Whaling captains may also be liable for civil assessments for other violations of the Management Plan as determined by the AEWEC or by an administrative law judge under the procedures described above.

- (2) In consideration of the AEWEC's agreement hereunder, the Government of the United States agrees that the enforcement procedure described in paragraph (1) of this section shall be the exclusive enforcement mechanism that shall apply during the term of this agreement to any violation by whaling captains or their crew who are registered members of the AEWEC of any provisions of the Marine Mammal Protection Act, the Endangered Species Act, or the Whaling Convention Act, as these Acts may relate to aboriginal subsistence whaling; of the International Convention for the Regulation of Whaling, 1946; of any regulations of the International Whaling Commission; of the Management Plan; or of this agreement.
- (3) The AEWEC shall maintain a list containing the names of all registered whaling captains and shall make this list available to NOAA upon request.

6. AUTHORITIES

This Cooperative Agreement is concluded under the authorities governing management of living marine resources, including but not limited to the Marine Mammal Protection Act of 1972 and the Whaling Convention Act of 1949.

7. DURATION

This Agreement is in effect from March, 1981 through March 31, 2008.

8. CONSULTATION

NOAA and the AEWC shall consult during the operation of this Agreement concerning the matters addressed herein as well as all other matters related to bowhead whales which either party believes are suitable for such consultation. Specifically, NOAA shall consult with the AEWC on any action undertaken or any action proposed to be undertaken by any agency or department of the Federal Government that may affect the bowhead whale and/or subsistence whaling and shall use its best efforts to have such agency or department participate in such consultation with the AEWC.

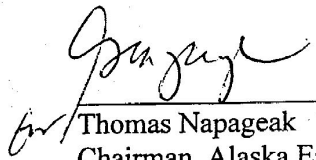
9. LIMITATION OF USE

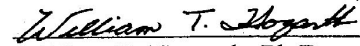
Nothing in the Agreement shall be construed to support or contradict the position of either party regarding the jurisdiction of the International Convention for the Regulation of Whaling, 1946, or the Whaling Convention Act of 1949 with respect to aboriginal subsistence whaling by Alaskan Eskimos.

10. AMENDMENT

This Agreement may be amended from time to time by mutual written consent of the parties. Such amendments may be approved, on behalf of NOAA, by the United States Commissioner to the International Whaling Commission, or his designee.

Dated: 3/16/07

  
\_\_\_\_\_  
Thomas Napageak  
Chairman, Alaska Eskimo  
Whaling Commission

  
\_\_\_\_\_  
William T. Hogarth, Ph.D.  
Assistant Administrator for Fisheries

## 8.3 Federal Register Notice on Whaling Provisions: Aboriginal Subsistence Whaling Quotas (March 12, 2007)

10934 Federal Register / Vol. 72, No. 47 / Monday, March 12, 2007 / Rules and Regulations

[FR Doc. E7-4416 Filed 3-9-07; 8:45 am]  
BILLING CODE 4310-05-P

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

##### 50 CFR Part 230

[Docket No. 070302051-7051-01; I.D. 021607D]

#### Whaling Provisions; Aboriginal Subsistence Whaling Quotas

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Rule.

**SUMMARY:** NMFS announces the aboriginal subsistence whaling quota for bowhead whales, and other limitations deriving from regulations adopted at the 2002 Special Meeting of the International Whaling Commission (IWC). For 2007, the quota is 75 bowhead whales struck. This quota and other limitations will govern the harvest of bowhead whales by members of the Alaska Eskimo Whaling Commission (AEWC).

**DATES:** Effective March 12, 2007.

**ADDRESSES:** Office of International Affairs, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Cheri McCarty, (301) 713-9090.

**SUPPLEMENTARY INFORMATION:** Aboriginal subsistence whaling in the United States is governed by the Whaling Convention Act (16 U.S.C. 916 *et seq.*). Regulations that implement the Act, found at 50 CFR 230.6, require the Secretary of Commerce (Secretary) to publish, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the IWC.

At the 2002 Special Meeting of the IWC, the Commission set quotas for aboriginal subsistence use of bowhead whales from the Bering-Chukchi-Beaufort Seas stock. The bowhead quota was based on a joint request by the United States and the Russian Federation, accompanied by documentation concerning the needs of two Native groups: Alaska Eskimos and Chukotka Natives in the Russian Far East.

This action by the IWC thus authorized aboriginal subsistence whaling by the AEWC for bowhead

whales. This aboriginal subsistence harvest is conducted in accordance with a cooperative agreement between NOAA and the AEWC.

The IWC set a 5-year block quota of 280 bowhead whales landed. For each of the years 2003 through 2007, the number of bowhead whales struck may not exceed 67, except that any unused portion of a strike quota from any year, including 15 unused strikes from the 1998 through 2002 quota, may be carried forward. No more than 15 strikes may be added to the strike quota for any one year. At the end of the 2006 harvest, there were 15 unused strikes available for carry-forward, so the combined strike quota for 2007 is 82 (67 + 15).

This arrangement ensures that the total quota of bowhead whales landed and struck in 2007 will not exceed the quotas set by the IWC. Under an arrangement between the United States and the Russian Federation, the Russian natives may use no more than seven strikes, and the Alaska Eskimos may use no more than 75 strikes.

NOAA is assigning 75 strikes to the Alaska Eskimos. The AEWC will allocate these strikes among the 10 villages whose cultural and subsistence needs have been documented in past requests for bowhead quotas from the IWC, and will ensure that its hunters use no more than 75 strikes.

#### Other Limitations

The IWC regulations, as well as the NOAA regulation at 50 CFR 230.4(c), forbid the taking of calves or any whale accompanied by a calf.

NOAA regulations (at 50 CFR 230.4) contain a number of other prohibitions relating to aboriginal subsistence whaling, some of which are summarized here. Only licensed whaling captains or crew under the control of those captains may engage in whaling. They must follow the provisions of the relevant cooperative agreement between NOAA and a Native American whaling organization. The aboriginal hunters must have adequate crew, supplies, and equipment. They may not receive money for participating in the hunt. No person may sell or offer for sale whale products from whales taken in the hunt, except for authentic articles of Native handicrafts. Captains may not continue to whale after the relevant quota is taken, after the season has been closed, or if their licenses have been suspended. They may not engage in whaling in a wasteful manner.

Dated: March 6, 2007.

**William T. Hogarth,**  
*Assistant Administrator for Fisheries,*  
*National Marine Fisheries Service.*

[FR Doc. E7-4443 Filed 3-9-07; 8:45 am]

BILLING CODE 3510-22-S

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[Docket No. 061109296-7009-02; I.D. 030607B]

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason quota transfer.

**SUMMARY:** NMFS announces that the Commonwealth of Virginia is transferring 150,000 lb (68,039 kg) of commercial bluefish quota to the State of New York from its 2007 quota. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective March 7, 2007 through December 31, 2007, unless NMFS publishes a superseding document in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Management Specialist, (978) 281-9341, FAX (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine bluefish commercial quota under § 648.160(f). The Regional Administrator is required to consider the criteria set forth in § 648.160(f)(1) in the evaluation of requests for quota transfers or combinations.

Virginia has agreed to transfer 150,000 lb (68,039 kg) of its 2007 commercial quota to New York. The Regional Administrator has determined that the

**8.4 Alaska Eskimo Whaling Commission Management Plan**

**ALASKA ESKIMO WHALING COMMISSION**

**MANAGEMENT PLAN**

**AS AMENDED ON**

**FEBRUARY 15, 1991**

**FEBRUARY 14, 1992**

**FEBRUARY 15, 1995**



# ALASKA ESKIMO WHALING COMMISSION

## MANAGEMENT PLAN

### SUBPART A

#### INTRODUCTION

##### SUBSECTION 100.1 PURPOSE OF REGULATIONS.

It is the purposes of the regulations contained herein to:

- (a) insure an efficient subsistence harvest of bowhead whales;
- (b) provide a means within the Alaska Eskimo customs and institution of protecting the habitat of the bowhead whale and limiting the bowhead whale harvest in order to prevent the extinction of such species; and
- (c) provide for Eskimo regulation of all whaling activities by Eskimos who are members of the Alaska Eskimo Whaling Commission.

##### SUBSECTION 100.2 SCOPE OF REGULATIONS.

The regulation contained herein apply to the subsistence hunting of whales by Eskimos who are members of the Alaska Eskimo Whaling Commission.

## SUBPART B

### ALASKA ESKIMO WHALING COMMISSION

#### SUBSECTION 100.11 POWERS.

- (a) The Alaska Eskimo Whaling Commission (hereinafter AEWC) is empowered to administer the regulations contained herein to insure that the purposes in Subsection 100.1 of these regulations are attained.
- (b) The AEWC is empowered to enforce the regulations by:
  - (1) denying any person who violates these regulations the right to participate in hunting bowhead whales.
  - (2) making civil assessments.
  - (3) acting as an enforcement agent for any governmental entity authorized to enforce these regulations.
- (c) The AEWC is empowered to promulgate interim regulations that are in addition to, but not inconsistent with regulations contained herein.

#### SUBSECTION 100.12 DUTIES.

- (a) The AEWC shall administer and enforce the regulations contained herein (including any interim regulations).
- (b) The AEWC shall conduct village education programs to facilitate compliance with these regulations, including training programs for whaling captains and crew.
- (c) The AEWC shall initiate research for improvement of the accuracy and reliability of weapons.

SUBPART C  
REGULATIONS

SUBSECTION 100.21 DEFINITIONS.

- (a) "bowhead whale" means a whale whose scientific name is baleana mysticetus and which migrates past whaling villages in Alaska.
- (b) "captain" means the person in charge of a whaling crew.
- (c) "harvest" means to kill and bring to shore or butchering area.
- (d) "non-traditional weapons" means any instrument that could be used to harvest a bowhead whale that is not a traditional weapon.
- (e) "traditional weapon" means a harpoon with line attached, darting gun, shoulder gun, lance or any other weapon approved by the AEWG as such a weapon in order to improve the efficiency of the bowhead whale harvest.
  - (1) "harpoon with line attached" means a harpoon with a rotating head which is attached to a line and float and which has no explosive charge. (See Figures 7 and 8 of Appendix E of the FEIS on the International Whaling Commission's Deletion of Native Exemption for the Subsistence Harvest of Bowhead Whales. (October 1977) (hereinafter FEIS).

- (2) "darting gun harpoon" means a harpoon with an explosive charge and with a line and float attached. (See Appendix E of FEIS of Figure 4)
- (3) "shoulder gun" means a whaling gun, adapted from the era of commercial whaling in the 19th century, which has an explosive charge and which has no attached line and float. (See Appendix E of the FEIS in Figure 5).
- (4) "lance" means a non-explosive sharply pointed weapon without a harpoon head.
- (5) "explosive charge" as used in subparagraph (2) of this paragraph means for initial strikes a penthrite-based explosive charge developed, approved, and issued to a whaling captain by the AEWC, unless such explosive charge has not been issued or is not compatible with the darting gun harpoon in which case every effort shall be made by the AEWC to provide a compatible darting gun harpoon.
- (f) "whaling crew" means those persons who participate directly in the harvest or attempted harvest of the bowhead whale and are under the supervision of a captain.

- (g) "whaling village" means the Alaska Eskimo Whaling village in which resides a whaling captain and crew which participates in the harvest of bowhead whales and which is represented by a Commissioner of the AEWC.
- (h) "whaling season" means customary period of time during which the bowhead whale is harvested, either in the Spring or Fall.
- (i) "garbage" means anything that the whaling captains and crew brings out to the ice that is not biodegradable.
- (j) "habitat" means the waters and associated land and ice environment used by the bowhead whale.

**SUBSECTION 100.22 REGISTRATION.**

- (a) Each captain shall register with the AEWC on forms provided by the AEWC for that purpose which disclosed his name, address, age, qualifications as a captain, and his willingness to abide by the regulations of the AEWC and to require his crew to abide by those regulations.
- (b) The AEWC shall take into account any reading or language difficulties in developing procedures and forms for registration.

**SUBSECTION 100.23 REPORTS.**

- (a) Each whaling captain shall be responsible for keeping a written record of the number of whales:
  - (1) attempted to be harvested by using traditional weapons but not harvested,
  - (2) harvested by the captain or his crew, and
  - (3) sighted by the captain and his crew.
  
- (b) Each whaling shall report the date, place, and time of any striking not resulting in harvesting and shall describe:
  - (1) the size and type of bowhead whale,
  - (2) any known latter attempted harvest or actual harvest of said whale,
  - (3) the reason for the captain or crew not harvesting the whale, i.e., environmental factors, the failure of traditional weapons, or other reasons, and
  - (4) the conditions of the whale that was not harvested.
  
- (c) Each whaling captain shall make other reports as the AEWNC requires in order to accomplish the purposes of the regulations herein or in order to advance the scientific knowledge of the bowhead whale.

**SUBSECTION 100.24 PERMISSABLE HARVESTING METHODS.**

- (a) No whaling captain or crew shall harvest or attempt to harvest the bowhead whale in any manner other than the traditional harvesting manner.
  
- (b) "Traditional harvesting manner" means:
  - (1) only traditional weapons shall be used as defined in Subsection 100.21 (e).
  
  - (2) the bowhead whale may be struck with a harpoon or darting gun with line and float attached.
  
  - (3) the shoulder gun may be used:
    - (i) after a line has been secured to the bowhead whale, or
  
    - (ii) when pursuing a wounded bowhead whale with a float attached to it.
  
  - (4) the lance may be used after a line has been secured to the bowhead whale.
  
- (c) Whaling captains and crews should harvest bowhead whales that are less than 40 feet plus (+) or minus (-) 15% in length.

**Subsection 100.25 TRADITIONAL PROPRIETARY CLAIM.**

The bowhead whale shall belong to the captain and crew which first strikes the bowhead whale in the manner described in Subsection 100.24.

**SUBSECTION 100.26 LEVEL OF HARVEST.**

- (a) The AEWG shall establish the levels of harvest or attempt harvest for each whaling village during each season or seasons.
- (b) In establishing the levels of harvest or attempted harvest, the AEWG shall consult each whaling village.

**SUBSECTION 100.27 REGULATION TO PROTECT THE BOWHEAD WHALE HABITAT.**

- (a) All whaling crew shall bring their garbage back to land and dispose of it in a proper manner.

**SUBSECTION 100.28 Native Consumption.**

The meat and products, except for traditional native handicrafts, of whales taken in the subsistence hunt must be exclusively for native consumption and may not be sold or offered for sale.

**SUBSECTION 100.31 DENIAL OF PARTICIPATION IN HARVEST AND FINES.**

- (a) Any person who the AEWG determines has violated the



regulations contained in subsection 100.24 (a) and (b) and subsection 100.26 shall, after opportunity for a hearing before the AEWG, be prohibited from harvesting or attempting to harvest the bowhead whale for a period of not less than one whaling season nor more than five whaling seasons; and / or

- (b) Any person who violates the regulations contained in subsection 100.24 (a) and (b) and subsection 100.26 herein shall be subject to a fine of not less than \$1,000.00 nor more than \$10,000.00 as assessed by AEWG. The AEWG shall assess other fines at levels it deems appropriate, not to exceed \$10,000.00, for other violations of this Management Plan or federal law. No person shall harvest or attempt to harvest the bowhead whale until such fine has been paid.

*It is the responsibility of the whaling captains/crew to report to the Commissioner of their village on a daily basis when they are whaling. The Commissioner then reports to the AEWG Central Office in Barrow. The AEWG office takes a report which they pass on to the National Marine Fisheries Service (NMFS) office in Anchorage. Following completion of the season, the AEWG office then submits a final report to the U.S. Department of Commerce in Washington, D.C.*

**ALASKA ESKIMO WHALING COMMISSION**  
**BOWHEAD WHALE HUNT**  
**MANAGEMENT REPORTING PROCEDURES**

