

ALASKA SUBSISTENCE HALIBUT PROGRAM INFORMATION

Frequently Asked Questions

May 2005

1. May I fish for subsistence halibut with more than one fishing pole?

Yes, a SHARC holder may fish as many poles as they want so long as they don't exceed the maximum hook limit.

2. Do I have to report my subsistence halibut harvests?

Reporting subsistence halibut harvests by SHARC holders is voluntary. However, NMFS strongly encourages SHARC holders to report their subsistence harvests to ensure conservation of the resource and accurate data for management purposes.

3. Do I have to keep a subsistence halibut fishing logbook?

No, but keeping a log, or notebook will help you remember your fishing activities so that you can complete the voluntary report more accurately.

4. May I keep other fish species that I catch while I'm subsistence fishing for halibut?

It depends. The State of Alaska manages all other fish species within 3 miles of the Alaskan coast and any species not managed under Federal authority beyond 3 miles (i.e. lingcod). For more information regarding state regulations, contact the nearest ADF&G office.

5. Do the buoys on both ends of my subsistence halibut set need to be marked?

No, one correctly marked buoy is sufficient.

6. May a person retain subsistence halibut while commercially trolling for salmon?

Maybe. There are circumstances that exist that would allow a commercial salmon troller to retain subsistence halibut. However, with limited exceptions for CDQ in Areas 4C, 4D, and 4E (see #9), it is never permissible to retain commercially harvested IFQ or CDQ halibut and subsistence halibut together on a harvesting vessel. If a commercial salmon troller does not have halibut IFQ's, and they have a

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Small Entity Compliance Guide: NMFS has provided this small entity compliance guide to satisfy the Small Business Regulatory Enforcement Fairness Act of 1996, which requires a plain language guide to assist small entities in complying with this rule. This synopsis provides a general overview as a public service. For exact regulatory language, please refer to the regulations found at www.fakr.noaa.gov.



SHARC, and they are fishing in halibut subsistence waters, and they are not fishing more than 30 hooks, they may retain subsistence halibut. If a commercial salmon troller has halibut IFQ's, and the halibut season is open, and they have a SHARC, and they are fishing in a halibut subsistence area, they may either land and report any legal sized halibut that they catch, up to their annual IFQ, as IFQ halibut, or, they may retain halibut of any size as subsistence halibut. Any halibut harvested that is over 32" must be retained and reported as IFQ halibut or retained as subsistence halibut. However, the commercial salmon troller may not retain both IFQ and subsistence halibut on board the vessel at the same time.

7. Does the Subsistence Halibut Program affect commercial and sport fishing for halibut?

No. There are no changes in the rules and regulations governing commercial and sport fishing for halibut. Commercial fishermen must be fishing under the IFQ or the CDQ program, and sport fishermen need to have a State of Alaska sport fish license (if required).

8. May I subsistence fish for halibut from a vessel registered as a charter boat?

It depends. A charter boat may not be used for sport fish charters and subsistence fishing at the same time. However, if it is not being used as a charter boat for sport fishing, it may be used for subsistence fishing operations. Specifically, the boat operator may not receive payment of any kind when using the vessel for subsistence fishing. Nor may sport caught halibut be retained on a vessel at the same with subsistence caught halibut.

9. May I subsistence fish for halibut during a commercial fishing trip?

It depends. You may NOT have both subsistence halibut and commercial halibut on board the same vessel at the same time, except in Areas 4C, 4D, and 4E where legal-sized subsistence halibut may be retained along with CDQ halibut and in Areas 4D and 4E where sub-legal halibut may be retained along with CDQ halibut provided the harvester possesses a subsistence halibut registration certificate (SHARC).

Additionally, the subsistence regulations do not prohibit having subsistence caught fish on a vessel with other (non-halibut) commercially-caught fish. Note, however, that the commercial fish must have been harvested in compliance with the pertinent State and/or Federal regulations; and, in some instances, the State commercial fishing regulations may preclude commercial and subsistence fishing on the same trip or with the same gear.

10. May more than one SHARC holder be fishing from a single fishing boat?

Yes. There is no limit to the number of SHARC holders who may fish from a single vessel. However, the SHARC holders on board the vessel must abide by the gear and harvest restrictions for the Area in which they are fishing. See question 21 below.

11. May subsistence halibut be shared with someone who is not eligible to obtain a SHARC?

Yes. There is no limitation on the sharing of halibut with others.

12. If subsistence halibut may not be sold, what is the \$400 annual limitation for?

It is illegal to sell subsistence-caught halibut or to otherwise allow it to enter into commerce (through a fish buying operation, through a grocery store, through a restaurant, through the Internet, etc.). The

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purpose of the \$400 annual limit is to allow someone receiving subsistence-caught halibut from a SHARC holder to help pay for some of the costs of harvesting those fish. For example, if a SHARC holder provides halibut to several families who are not able to fish for themselves, the expense of catching the halibut may be defrayed by those receiving the halibut, up to \$400 per year from all persons for each SHARC holder.

13. May a person who is not eligible to obtain a SHARC fish for someone who has a SHARC but cannot go fishing?

No. There is no proxy fishing for subsistence halibut. Anyone subsistence halibut fishing must be eligible and obtain a SHARC in his or her own name. But note that the SHARC holder may distribute the halibut to anyone.

14. May a person who qualifies as a member of an Alaska Native Tribe fish for halibut in non-subsistence areas?

No. There is no provision for subsistence halibut fishing by anyone in non-subsistence areas.

15. If I qualify for a SHARC as a member of an Alaska Native Tribe but have personally moved outside the IPHC area where my tribe resides, may I subsistence fish for halibut anywhere subsistence halibut fishing is open?

No. A person who lives outside the IPHC area in which his or her tribe is headquartered and qualifies because he or she is a member of an Alaska Native Tribe may only subsistence fish for halibut in the IPHC area adjacent to the location of the Tribe's headquarters. For example, a member of an Alaska Native Tribe from Toksook Bay on the Bering Sea coast who has moved to Anchorage or Seattle must travel back to IPHC Area 4E (eastern Bering Sea) and is not eligible to subsistence fish for halibut in any other IPHC Area.

16. Is there a size limit for subsistence halibut?

No.

17. What are non-subsistence waters?

These are areas closed to subsistence fishing for halibut by anyone. In general, these are waters around Ketchikan, Juneau, Valdez, and Anchorage. In May 2005, the Anchorage non-subsistence area increased substantially. Please refer to location maps and boundary descriptions in regulation for additional details: <http://www.fakr.noaa.gov/regs/summary.htm>

18. If I am a member of an eligible Alaska Native Tribe, may I apply on my own behalf or do I have to have the Tribe apply for me?

You may either apply on your own behalf by filling out your own application or the Tribe may apply for you. If the Tribe applies for you, a SHARC will be sent directly to your address as the Tribe has indicated on the application. Similarly, if you fill out your own application, the SHARC will be sent to the address that you wrote on your application.

19. Who is eligible to receive a Community Harvest Permit?

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Any Area 2C community or Alaska Native tribe eligible to fish for subsistence halibut may apply for a CHP, which allows a community or Alaska Native tribe to appoint one or more individuals from its respective community or Alaska Native tribe, respectively, to harvest subsistence halibut from a single vessel under reduced gear and harvest restrictions. However, NMFS will issue a CHP to a community in Area 2C only if the applying community is eligible and no Alaska Native tribe exists in that community.

20. How much gear is allowed when fishing under a CHP?

No more than 30 hooks per person up to a total of 90 hooks per vessel may be used when subsistence fishing for halibut under a CHP.

21. How many halibut may be retained under a CHP?

There is no retention limit when fishing under a CHP.

22. How much gear is allowed when fishing under a Ceremonial Permit or Educational Permit?

Gear restrictions when fishing under a Ceremonial or Educational Permit are the same as those for fishing under a SHARC applicable to the Area in which fishing is occurring.

23. How many halibut may be retained under a Ceremonial Permit or Educational Permit?

Each valid Ceremonial Permit or Educational Permit authorizes harvest of a total of 25 halibut. This means that only 25 fish may be harvested under the respective permit, regardless of how many SHARC holders participate in fishing under the permit or the number of days over which fishing occurs using the permit. For instance, a skiff from Hoonah with three SHARC holders on board that also has a Ceremonial Permit on board may retain a total of 25 halibut under that permit, not 25 halibut per person on board the vessel.

24. Who may serve as a Ceremonial Permit Coordinator or CHP Coordinator?

Any member of the tribe or community in possession of the permit may serve as the permit coordinator. There may be only one coordinator per tribe or community, but the same person may serve as permit coordinator for permits in the possession of the tribe or community. The permit applicant must name the Permit Coordinator as part of the application.

25. Do I need a SHARC to fish under a CHP, Ceremonial Permit, or Educational Permit?

Yes, except that students enrolled in an educational program may fish under an Educational Permit without a subsistence halibut registration certificate.

26. What happens if I do not return a Ceremonial, Educational, or Community Harvest Permit Log?

The return of all previously issued harvest logs that are due at the time of application is a prerequisite for receiving additional permits. A community or tribe that fails to return previously issued harvest logs will not receive any additional permits.

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27. What are the gear and harvest limits in the regulatory area where I fish?

The following table provides the gear and harvest restrictions by regulatory area and registration/permit type:

Regulatory Area	Registration/Permit Type	Gear Restrictions	Harvest Restrictions
2C	SHARC	30 hooks per vessel	20 halibut per day per vessel
	Ceremonial Permit	30 hooks per vessel	25 halibut per permit
	Educational Permit	30 hooks per vessel	25 halibut per permit
	Community Harvest Permit	30 hooks per SHARC holder on board the vessel up to 90 hooks	No daily limit
Sitka Sound (LAMP Area)	SHARC	30 hooks per vessel	20 halibut per day per vessel
	Ceremonial Permit	September 1 to May 31: 30 hooks per vessel	September 1 to May 31: 25 halibut per permit
		June 1 to August 31: Permit not allowed	June 1 to August 31: Permit not allowed
	Educational Permit	30 hooks per vessel	25 halibut per permit
3A	SHARC	30 hooks per SHARC holder on board the vessel up to 90 hooks	20 halibut per person per day
	Ceremonial Permit	30 hooks per SHARC holder on board the vessel up to 90 hooks	25 halibut per permit
	Educational Permit	30 hooks per SHARC holder on board the vessel up to 90 hooks	25 halibut per permit
3B	SHARC	30 hooks per SHARC holder on board the vessel up to 90 hooks	20 halibut per person per day
4A and 4B	SHARC	30 hooks per SHARC holder on board the vessel up to 90 hooks	20 halibut per person per day
4C, 4D, and 4E	SHARC	No hook limit	No daily limit

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