

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 06/03/2008

Department of Commerce  
National Oceanic and Atmospheric Administration  
FOR CERTIFYING OFFICIAL: Suzanne Hilding  
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 06/03/2008

ACTION REQUESTED: Revision of a currently approved collection  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 200806-0648-005  
AGENCY ICR TRACKING NUMBER:  
TITLE: Harvest of Pacific Halibut by Guided Sport Charter Vessel Anglers Off Alaska  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0575  
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 06/30/2011 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	116,302	3,134	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	116,302	3,134	0
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland  
Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Charter Vessel Guide Logbook	NA	Charter Log and Vessel Registration	
Charter Angler Logsheet	NA	Angler log	

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) ( <i>if applicable</i> )	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
HARVEST OF PACIFIC HALIBUT BY GUIDED SPORT CHARTER  
VESSEL ANGLERS OFF ALASKA  
OMB CONTROL NO.: 0648-(0575)**

**INTRODUCTION**

Regulations governing the U.S. fisheries for Pacific halibut are developed by: (1) the International Pacific Halibut Commission (IPHC), established by a convention between the U.S. and Canada, (2) the Pacific Fishery Management Council, (3) the North Pacific Fishery Management Council (Council), and (4) the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 ([Halibut Act, 16 U.S.C. 773c](#)) allows the regional council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters\* as long as those regulations do not conflict with IPHC regulations. The new regulations are consistent with the Council's authority to allocate halibut catches among fishery participants in the waters in and off Alaska.

In June 2007, the Council proposed management measures to maintain the harvest of Pacific halibut by guided sport charter vessel anglers in Regulatory Area 2C of Southeast Alaska (see Figures 15a and 15b) to a specified guideline harvest level (GHL). The GHL serves as a benchmark for monitoring the charter vessel fishery relative to the commercial fishery and other sources of fishing mortality and does not limit the charter vessel fishery. The GHL is based on 125 percent of the average of the 1995 through 1999 charter vessel harvests. In recent years, for Area 2C the GHL has been set at 1,432,000 lb (649.5 mt) net weight. Each year from 1999 through 2005, the charter vessel sector in Area 2C has harvested more halibut than the year before. During 2004 through 2006 the average annual charter vessel sector harvest has been 1,838,000 lb (833.7 mt) or about 406,000 lb (184.2 mt) above the GHL. This overage has created management concerns within the IPHC and allocation issues between the commercial and recreational halibut fisheries that led to new management measures.

This action is a revised request for approval of a new collection-of-information with the informally assigned OMB Control Number of 0648-0575. Regulations to implement this collection will be established at 50 CFR part 300, subpart E.

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

As noted in the Introduction above, the average annual charter vessel sector harvest has been about 406,000 lb (184.2 mt) above the GHL. This overage has created management concerns within the IPHC and allocation issues between the commercial and recreational halibut fisheries, leading to the development of new regulations. This information collection is necessary to monitor and enforce the area-specific daily catch limit imposed by the new regulations. The daily catch limit is expected to reduce the charter vessel harvest below the 2008 GHL.

\*Convention waters are defined as the waters off the west coasts of Canada and the U.S. within the respective maritime areas in which either party exercises exclusive jurisdiction.

This Supporting Statement revises the originally submitted Supporting Statement. The proposed rule for this action was written with two options, the choice of which depended upon the GHL set by the IPHC and Council in January 2008. The National Marine Fisheries Service (NMFS) needed to publish the proposed rule with the two options before the 2008 GHL was set to enact the rule in time for the 2008 guided charter halibut vessel fishing season. Option A, the preferred alternative if the GHL remained at the 2007 level, would implement an annual catch limit of halibut. Option B, the preferred alternative if the GHL was reduced, would implement a one-fish daily bag limit of halibut in Area 2C. Implementation of an annual limit (Option A) would have required more extensive collection-of-information requirements than Option B. The 2008 GHL was substantially reduced from the 2007 GHL, thus Option B was selected as the preferred alternative.

The original Supporting Statement contained the full list of possible recordkeeping and reporting requirements, some of which are no longer necessary. Because no annual limit of halibut is being implemented, NMFS has removed from the final rule the proposed requirements that anglers record the number of halibut caught and retained in Area 2C on the back of their State of Alaska Department of Fish & Game (ADF&G) licenses, and that they retain their licenses for three years. To enforce an annual catch limit, NMFS proposed requiring that charter vessel guides record in the ADF&G logbook the number of halibut caught year-to-date as recorded on the back of the angler's license. This requirement is not needed because no annual catch limit is being implemented. NMFS proposed requiring that youth names and birth dates be recorded in the ADF&G logbook to better track and enforce an annual catch limit. Because no annual catch limit is being implemented, the date of birth for youth anglers will not be required in Federal regulations.

NMFS received public comments to the proposed rule regarding the burden of the proposed Option A recordkeeping and reporting requirements for enforcement of the proposed annual catch limit. However, because Option A was not selected, no further changes beyond those listed above needed to be made to the proposed requirements in response to those comments.

In summary, this revised Supporting Statement describes fewer recordkeeping and reporting requirements and relieves the collection-of-information burden relative to the original Supporting Statement.

The Council, NMFS, and ADF&G stressed the importance of minimizing the reporting burden on the charter vessel industry and developed an information collection program that would allow for the recording of the necessary information in the existing ADF&G logbook and on existing fishing licenses or catch cards. Use of the information recorded in the ADF&G logbook and on fishing licenses under this action is coordinated between NMFS and ADF&G.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

NMFS and ADF&G coordinated closely in the development of this information collection to use the existing ADF&G logbook to record information necessary for the monitoring and

enforcement of the charter halibut harvest in Area 2C. The new logbook information that the charter vessel guide would be required to provide under this action is reduced from four items to two, and includes:

- (1) the regulatory area in which halibut were caught and kept during the fishing trip, and
- (2) the printed name of each charter vessel angler.

As currently required by the State, the charter vessel guide also would be required to provide under this action:

- (1) the business license number issued by ADF&G,
- (2) the charter vessel guide license number issued by ADF&G,
- (3) the date the charter vessel fishing trip was taken,
- (4) the Alaska Sport Fishing License number of each charter vessel angler, and
- (5) the number of halibut retained.

At the end of each fishing trip, each charter vessel guide would be required to acknowledge that the information recorded in the logbook is correct by signing the logbook data sheet. Charter vessel anglers would also acknowledge that their information in the logbook is correct by signing the back of the logbook data sheet.

Information recorded in the ADF&G logbook for each fishing trip on the number of halibut caught and retained in Area 2C by each charter vessel angler would be used by NMFS to monitor and enforce the total annual catch by all charter vessel anglers. Charter vessel guides and anglers are mutually and severally responsible for the accuracy and completeness of recorded information. Specific ADF&G logbook information requirements are summarized below for charter vessel guides and anglers (*highlighted text in the table on the following page indicates requirements in the ADF&G logbook that are strictly Federal requirements and not State requirements*).



Information Recorded in the ADF&G Saltwater Sport Fishing Charter Trip Logbook		
Who Records the Information in the ADF&G Logbook	What Information is Recorded	Purpose of Information Collection
Charter Vessel Guide	Sport fish charter business license number issued by ADF&G to a person who owns or employs the charter vessel	To provide the identity of the charter vessel business owner and guide who are mutually and severally responsible for accurate recordkeeping and reporting of charter vessel angler harvest of halibut in Area 2C
	The charter vessel guide license number issued by ADF&G to the guide that led the fishing trip	
	Month and date of each fishing trip. Separate logsheets are required for each trip on the same day, and for each day that halibut are caught and kept on a multi-day fishing trip	To be able to determine when the charter fishing trip occurred
	IPHC Regulatory area fished – circle either regulatory area 2C or 3A where halibut caught and retained. Separate logbook sheets must be completed if both areas fished during the same charter vessel fishing trip	To verify where charter vessel occurred because different daily catch limits apply in different areas.
	Angler Sport Fishing license number and printed name; the printed name is recorded for each youth angler under 16 years of age	To record the identity of each charter vessel angler subject to the daily catch limit. The State does not issue sport fishing licenses to anglers under 16 years of age, so only a name is recorded for those anglers.
	For each angler, the number of halibut caught and retained during the charter vessel fishing trip	This information currently is required by ADF&G to estimate sport fish harvest of halibut and the new federal requirement will be used to monitor angler specific compliance with the daily catch limit
	Signature of the charter vessel guide	To provide acknowledgement of the guide that the recorded information is correct
Charter Vessel Angler	Signature of the charter vessel angler on the back of the logbook sheet	To provide acknowledgement by the angler that his or her Area 2C halibut retention information is correctly recorded.

State of Alaska (State) regulations require that the logbook sheets be submitted on a weekly basis to the appropriate ADF&G office, according to the time schedule printed in the instructions at the beginning of the ADF&G logbook.

Information recorded in ADF&G logbooks is verified by ADF&G using a separate recreational fishery survey and port-side creel census. ADF&G logbook information and fishing licenses or catch cards also may be inspected and verified by National Oceanic and Atmospheric Administration (NOAA) Office for Law Enforcement (OLE) or U.S. Coast Guard personnel. Logbook records submitted to ADF&G are entered into a database that will be supplied to NOAA OLE. These records would be queried to summarize the number of halibut in Area 2C harvested and retained by each sport fish angler when fishing as a client aboard a charter vessel.

Costs are provided separately for charter vessel guides and for charter vessel anglers. Because the respondents are already required by the State of Alaska to return the logbook forms, there are no additional miscellaneous costs involved with this information collection. The additional administrative costs to ADF&G are unknown.

### **Charter Vessel Guides**

Because logbook sheets are already required to be submitted to ADF&G, no additional postage costs are associated with the rule. Each trip would use one logsheet, unless halibut are caught in both Area 2C and in Area 3A, in which case an additional logsheet would be used to record halibut caught in the second area. Out of all charter vessel halibut fishing trips, it is estimated this additional logsheet use would occur only 23 times per year. It should be noted that ADF&G drop boxes are available at many ports to submit the logsheets for the convenience of the charter vessel guides, in which case no postage would be required. Because up to three pages can be mailed for the cost of one first class stamp, the use of one additional logsheet caused by this action is unlikely to affect previously required postage expenses and is considered not significant in regards to additional postage costs. Therefore, no additional postage costs are associated with this action.

### **Charter Vessel Anglers**

The time burden to charter vessel anglers to verify their information and sign the ADF&G logbook is estimated to be 1 minute per year. The average number of halibut annually harvested by charter vessel anglers in Area 2C is less than two fish per angler; most anglers harvest only one halibut. The information added by Federal regulations is highlighted on the logsheet.

The time burden for each charter vessel guide to record required information in the ADF&G logbook is estimated to be 4 minutes for each charter vessel fishing trip based on an average of 3.86 clients per trip. The estimated 696 charter vessels are expected to average 34.35 trips per year, for a total of 23,908 trips. The total time burden for all charter vessels is estimated to be 1,594 hours. Assuming a personnel cost of \$25 per hour, the cost to the industry is estimated to be \$39,850, or \$1.67 per trip.

<b>Charter Halibut Vessel Guide Respondents</b>	
<b>Total number of guide respondents</b>	<b>696</b>
<b>Total annual responses</b> (23,907.6) Frequency of response = 34.35	<b>23,908</b>
<b>Total annual time burden</b> (1593.87) Estimated response time = 0.067 hr (4 minutes)	<b>1,594 hr</b>
<b>Total personnel costs</b> Cost per hour = \$25	<b>\$39,850</b>
<b>Total miscellaneous costs</b>	<b>\$0</b>

<b>Charter Halibut Vessel Angler Respondents</b>	
<b>Total number of angler respondents</b>	<b>92,394</b>
<b>Total responses</b> Frequency per response = 1	<b>92,394</b>
<b>Total annual time burden</b> Estimated response time = 1 minute (0.017 hr)	<b>1,540 hr</b>
<b>Total angler cost (not really personnel; on vacation)</b> Cost per hour = \$25	<b>\$38,500</b>
<b>Total miscellaneous costs</b>	<b>0</b>

Note: The logbooks and instructions will not change from those included in the original submission, because the logbooks have already been printed and distributed to charter vessel operators by the State of Alaska. To inform the public and charter vessel business owners of the changes in recordkeeping and reporting requirements, the Alaska Department of Fish and Game will issue an information bulletin explaining changes to the logbook reporting requirements. Additionally, NMFS will issue a news release on its website and to media outlets throughout Alaska to inform the public of the changes to the regulations and reporting requirements. NMFS has developed a brochure explaining the new regulations that will be distributed by enforcement personnel at the docks and by direct mailing to charter operators. Workshops may be held if requested and deemed necessary. NMFS is developing a list of Frequently Asked Questions and answers about the new regulations for the public. A small entity compliance guide will be available on the NMFS website. The State revises and issues new logbooks each year, so NMFS will work with the State to revise the logbooks and their instructions for 2009 and beyond.

Federal use of the ADF&G logbook and fishing license information would require additional staff time. Federal staff would be required to coordinate with ADF&G and respond to agency needs. A part-time NMFS or NMFS OLE staff person would be required to process and query operator, business, and angler information. This person would also provide assistance to NMFS OLE with the collection of evidence, administrative correspondence, preparation of cases, and maintenance of the database by working closely with NMFS programmers and ADF&G staff as needed. The expected annual cost for a GS-9 part-time NMFS staff person (estimated at \$25/hr) is approximately \$50,000 annually.

Programmer time would also be required to build and maintain a secure Federal database. Periodic data transfers would be the simplest database format, with programmer time required to construct and maintain the Federal database and workstation structure. Construction and maintenance of this database would likely be minimal, requiring one to two weeks of

programmer time annually. The estimated cost for NMFS programmer time is \$2,500 to \$5,000 annually.

Enforcement of the new regulations would require on-site observations of a person or charter vessel with an illegal halibut. This would require regular visits by enforcement officers to areas where halibut are harvested and landed by charter vessels including remote areas such as lodges and urbanized areas. These enforcement officers would check for failures to record retained halibut, incomplete information in the logbook, and inaccurate information in the logbook. An additional four enforcement officers are expected to be needed. These enforcement officers would be based in Juneau, Sitka, and Ketchikan, Alaska. The expected cost for four additional enforcement officers is approximately \$600,000 annually.

<b>Charter Halibut, Federal Government</b>	
<b>Total Responses</b>	<b>0</b>
<b>Total annual time burden</b>	<b>0</b>
<b>Total personnel costs</b>	<b>\$655,000</b>
Part-time NMFS staff person = \$50,000	
Programmer, One to two weeks at \$2,250 per week = \$5,000	
Enforcement officers	
Four at \$150,00 per year = \$600,000	
<b>Total miscellaneous costs</b>	<b>\$0</b>

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

NMFS currently does not have the capability to collect the ADF&G logbook information electronically. The ADF&G logbook is a State form that is made available to each person receiving a business license to operate as a sport fish charter vessel business. The ADF&G logbooks are maintained onboard charter vessels and must be filled out prior to clients' boarding the vessel and prior to clients' leaving the vessel. NMFS and ADF&G are discussing the possibility of collecting this information electronically in the future. At this point, funds are not available for ADF&G to develop electronic submission. The respondents provide completed logbook sheets in printed form to ADF&G.

ADF&G logbooks are not available for the public to print from the Internet, because that is not the procedure used by ADF&G to distribute its logbooks.

The overall results of the information collection will be made available to the public through the Council and IPHC meeting processes. This information is typically available on the Internet at <http://www.fakr.noaa.gov/npfmc/default.htm> and at <http://www.iphc.washington.edu/halcom/default.htm>.

**4. Describe your efforts to identify duplication.**

NMFS and ADF&G coordinated closely in the development of this information collection to use the existing ADF&G logbook to record information necessary for the monitoring and enforcement of the charter vessel angler daily catch limit of halibut, so that a separate federal logbook system would not be necessary. This approach reduces burden to both the charter vessel industry and federal and state management agencies.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

This information collection will not have a significant impact on small businesses or other small entities.

In 2006, 696 vessels operated as charter vessels in Area 2C. All of these operations are believed to be small entities, with annual gross revenues of less than the Small Business Administration limit of \$6.5 million dollars for charter vessels. Actual costs of submission of the logbook sheets that include additional information required by NMFS would pose no additional burden or costs to businesses because the State already requires the weekly submission of logbook data information. Federal regulations for submission simply mirror existing regulations.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

The information collection is necessary to monitor and enforce the daily catch limit of halibut for charter vessel anglers fishing in Area 2C. The daily catch limit is one of several measures recommended by the Council to reduce the harvest of halibut by the charter vessel fishery to the GHL. This level of harvest has been established to address the competitive impacts of an increasing charter fishery harvest and the compensatory reductions in the commercial fishery. If this information collection is not conducted, the daily catch limit could not be enforced and the multi-agency management program being developed to address the competition between the halibut charter vessel industry and the commercial halibut fishery could not be implemented.

The frequency of collection must be tailored to the frequency of charter vessel fishing trips, because the collection-of-information is focused on trip-specific angler harvest. This information cannot be collected less frequently and still meet the purpose of supporting the monitoring and enforcement of angler-specific daily catch limits. The actual submission of logbook sheets to ADF&G is dependent on current State requirements for submission of logbook sheets for all guided sport fish fisheries off Alaska.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

OMB guidelines state that an information collection should not require respondents to report information more than quarterly, nor sooner than 30 days after they receive the request. As stated in response #6, the submission of logbook sheets to ADF&G is dependent on current State requirements for submission of logbook sheets for all guided sport fish fisheries off Alaska. The submission schedule is generally weekly and must be postmarked or received by ADF&G within eight days following the end of the prior week's fishing.

**8. Provide information on the PRA *Federal Register* notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The NMFS Alaska Region submitted a proposed rule, Regulation Identifier Number (RIN): 0648-AW23, requesting comments from the public. NMFS received 21 letters of comment opposing some of the proposed information collection requirements, but because Option B was selected instead of Option A (see response to #1), some of the information will not be required. Comments received were: The proposed paperwork requirement for monitoring the annual catch limit is burdensome and time consuming for operators and anglers. The requirement to print the angler name is redundant. It would be better to collect youth and senior angler information for inclusion in the database when issuing the harvest cards. Furthermore, the proposed requirement for anglers to retain their licenses for three years is unreasonable, the license paper is flimsy and hard to keep track of, and retention is a burden for clients.

NMFS responded to the comments as follows: Under Option A, which would have implemented an annual catch limit for Area 2C, it would have been necessary for anglers to retain their licenses in the event that discrepancies arose in the logbook data. However, because NMFS is implementing Option B, the one fish daily bag limit, the requirement to retain angler licenses is no longer necessary and has been removed from the final rule. Other requirements for recording the angler name and license number are retained to improve accuracy of recorded information.

One comment was received requesting that NMFS issue harvest tags with licenses instead of the burdensome recordkeeping and reporting requirements proposed to monitor and enforce an annual catch limit. NMFS responded the proposed annual catch limit will not be implemented because that management tool would not reduce the Area 2C charter vessel harvest sufficiently to avoid exceeding the 2008 GH. Harvest tags are not required for the monitoring and enforcement of a one-fish daily bag limit.

One comment was received urging NMFS to keep the angler signature provision because that will lead to more accurate reporting. NMFS responded that it agrees and has maintained this requirement.

ADF&G staff from the Sport Fish Division were consulted in the design of this information collection and how best to integrate it into the current ADF&G logbook format. The individuals were: Mr. Douglas Vincent-Lang, Fishery Biologist (907)267-2339; and Ms. Dora Sigurdsson, Fishery Biologist, (907)267-2390. In response to discussions with Mr. Vincent-Lang and Ms. Sigurdsson, federal logbook requirements were modified and better integrated into the existing ADF&G logbook format currently used by charter vessel businesses.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be provided under this program.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

The responses to this information request are not confidential under Federal law. The information submitted in the ADF&G logbook collected is protected by Alaska State confidentiality statute AS 16.05.815.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

This information collection does not involve information of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

Estimated total respondents: 93,090. Estimated total responses: 116,302. Estimated total burden hours: 3,134 hr. Estimated total (personnel) costs: \$78,350.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

Estimated total miscellaneous costs: \$0.

**14. Provide estimates of annualized cost to the Federal government.**

Estimated total (personnel) costs: \$ 655,000.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This is a new program.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

This information collection is for monitoring purposes and will not be published by NMFS. The data collected from individual charter vessel businesses is confidential under State law. Fishery management agencies, fishermen, researchers, economists, etc. may request from ADF&G and receive ad hoc summary reports (non-confidential data) from the ADF&G logbook database for various reasons.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Because the logbook, fish license, and catch cards are ADF&G forms, the OMB number and expiration date will not be displayed.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.



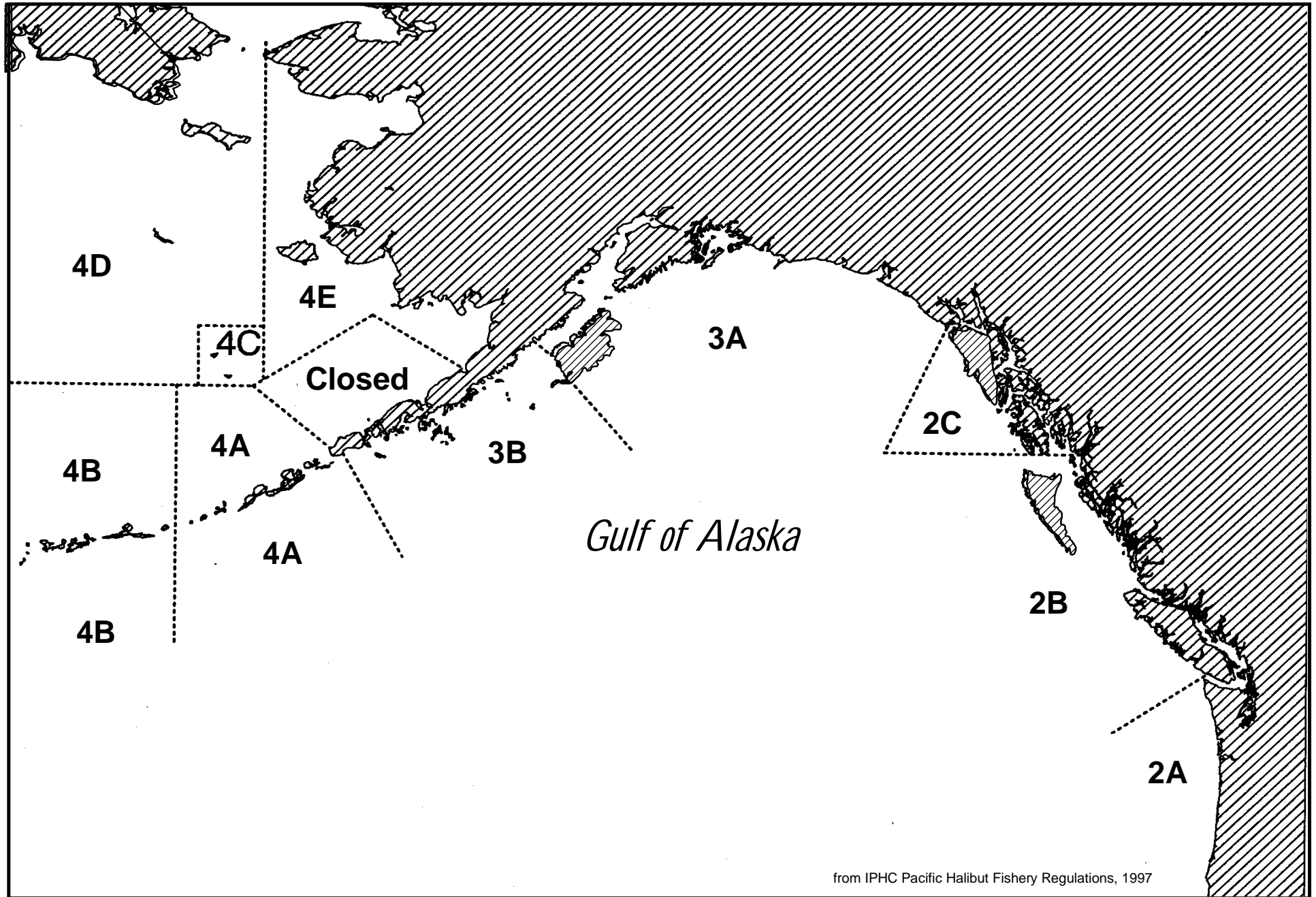


Figure 15 to Part 679. Regulatory Areas for the Pacific Halibut Fishery  
 a. Map

Figure 15 to Part 679. Regulatory Areas for the Pacific Halibut Fishery  
b. Coordinates

Area	Regulatory Area Description
2A	All waters off the states of California, Oregon, and Washington;
2B	All waters off British Columbia
2C	All waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11'57" N. lat., 136°38'18" W. long.) and south and east of a line running 205° true from said light;
3A	All waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41'15" N. lat., 155°35'00" W. long.) to Cape Ikolik (57°17'17" N. lat., 154°47'18" W. long.), then along the Kodiak Island coastline to Cape Trinity (56°44'50" N. lat., 154°08'44" W. long.), then 140° true;
3B	All waters between Area 3A and a line extending 150° true from Cape Lutke (54°29'00" N. lat., 164°20'00" W. long.) and south of 54°49'00" N. lat. in Isanotski Strait;
4A	All waters in the GOA west of Area 3B and in the Bering Sea west of the closed area defined below that are east of 172°00'00" W. long. and south of 56°20'00" N. lat.;
4B	All waters in the Bering Sea and the GOA west of Area 4A and south of 56°20'00" N. lat.;
4C	All waters in the Bering Sea north of Area 4A and north of the closed area defined below which are east of 171°00'00" W. long., south of 58°00'00" N. lat., and west of 168°00'00" W. long.;
4D	All waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00'00" W. long.;
4E	All waters in the Bering Sea north and east of the closed area defined below, east of 168°00'00" W. long., and south of 65°34'00" N. lat.
Closed areas	All waters in the Bering Sea north of 54°49'00" N. lat. in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36'00" N. lat., 164°55'42" W. long.) to a point at 56°20'00" N. lat., 168°30'00" W. long.; thence to a point at 58°21'25" N. lat., 163°00'00" W. long.; thence to Strogonof Point (56°53'18" N. lat., 158°50'37" W. long.); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light.
	In Area 2A, all waters north of Point Chehalis, WA (46°53'18" N. lat.).

CHECK 2008  
REGULATIONS FOR  
NEW LIMITS

HARVEST TICKET  
NUMBERS

---

---

---

---

---

---

---

---

ALASKA  
FISH & WILDLIFE  
SAFEGUARD



(800) 478-3377  
Callers remain  
anonymous and are  
eligible for a reward.

STAMP

The following species have annual limits in specific areas. Check the 2008 sport fishing regulations for current annual limit provisions.

1. King Salmon -Fresh waters: Kenai Peninsula, Susitna-West Cook Inlet, Bristol Bay, Unalakleet River, Aniak River, Upper Copper River, Kodiak Island, Alaska Peninsula, Aleutian Islands, Southeast Alaska (non-residents only) and Yakutat (non-residents only); Salt waters: Cook Inlet, Southeast Alaska (non-residents only), and Yakutat (non-residents only).
2. Steelhead/rainbow trout - Kenai Peninsula, Susitna-West Cook Inlet, Southeast Alaska, Yakutat, Alaska Peninsula/Aleutian Islands, Kodiak Island, Prince William Sound, and Lower Kuskokwim River drainages.
3. Lingcod-Southeast Alaska (non-residents and guided anglers only).
4. Yelloweye Rockfish-Southeast Alaska (non-residents only).

Immediately upon harvesting a fish for which an annual limit exists you are required to record the water, species, and date of harvest (in ink) in the space provided below.

water	species	date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Disclosure of Facility Surcharges per A.S. 16.05.340:** The following amounts will provide for sport fishing facilities and has been applied to sport fishing licenses: Class 1: \$9; Class 4: \$9; Class 5: \$9; Class 6A: \$30; Class 6B: \$15; Class 6C: \$10; Class 6D: \$25; Class 7: \$45; Class 9: \$45; Class 11: \$9; Class 12: \$9; Class 14: \$9.

Note: License does not have to be returned to ADF&G at end of season.



# State of Alaska

## Department of Fish & Game

### Division of Sport Fish

## 2008 Saltwater Charter Logbook and Vessel Registration

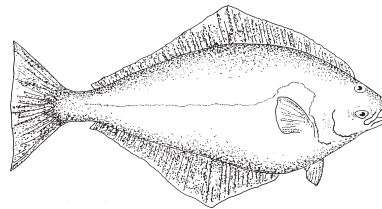
*Vessel  
Name:*

(THIS LOGBOOK MUST REMAIN WITH THIS VESSEL)

**AND**

*Vessel AK. #:  
or  
U.S.C.G. #:*

Please follow the **INSTRUCTIONS** carefully as they have changed.



### **LOGBOOK INSPECTION**

*Upon request from any representative of the Department or any peace officer of the state, a person is required to present this Alaska Department of Fish and Game Saltwater Sportfishing Charter Vessel Logbook for inspection.*



State of Alaska, Department of Fish & Game  
 Division of Sport Fish - RTS  
 333 Raspberry Rd.  
 Anchorage, AK 99518

**2008 Saltwater Sport Fish Charter Logbook Sign-Out AND Vessel Registration**

*Must be completed*

**INSTRUCTIONS TO ADF&G REPRESENTATIVE:** Please forward the white copy of this form to Sport Fish Research & Technical Services, 333 Raspberry Rd., Anchorage, AK 99518. ADF&G area offices should keep the pink copy.

**SPORT FISH BUSINESS INFORMATION:**

Name of Sport Fishing Business: \_\_\_\_\_

Sport Fish Business Owner License Number (Avail. from ADF&G): 08- \_\_\_\_\_

*(A logbook WILL NOT be issued without a current ADF&G Business License Number)*

IF A VESSEL WILL BE USED TO PROVIDE SPORT FISH CHARTER SERVICES, PROCEED TO VESSEL REGISTRATION.

**SPORT FISHING CHARTER VESSEL REGISTRATION :**

DMV issued AK No. or Vessel U.S.C.G. Documentation No. (**REQUIRED**): \_\_\_\_\_

*(A logbook WILL NOT be issued without a current AK or U.S.C.G. number)*

Vessel Name: \_\_\_\_\_ *(Put vessel name and AK No. or U.S.C.G. # on cover also).*

Primary Alaska port from which this vessel will operate during 2008: \_\_\_\_\_

**DEPARTMENT USE ONLY**

Did you issue a Stat. Area Map? YES  NO  If No, Explain:

ADF&G Representative: *(print)* \_\_\_\_\_

Area Office: \_\_\_\_\_ Date of Issue: \_\_\_\_\_

**ADF&G REPRESENTATIVE:**

**DO NOT ISSUE A LOGBOOK UNLESS YOU HAVE THE FOLLOWING:**

⇒ 2008 ADF&G Sport Fish Business and Guide License

⇒ Current AK Vessel Number issued by DMV or  
 Current U.S.C.G. Vessel Documentation No.

**NONE OF THE ABOVE CAN BE "PENDING"**

A logbook issued without the above items will result in a processing delay and a return of the sign-out sheet to the issuing office for your completion and follow-up. Subsequent data sheets will not be processed until the information is complete.

2008 ADF&G Sport Fish Business owner and Guide License applications are available at all ADF&G offices and on online at:

<http://www.admin.adfg.state.ak.us/license/>

AK Vessel Registration # is available from Alaska Div. of Motor Vehicles at (907)269-5551 or online at:

<http://www.state.ak.us/local/akpages/ADMIN/dmv/reg/boat.htm>

# INSTRUCTIONS FOR COMPLETING THE 2008 SALTWATER SPORT FISHING CHARTER TRIP LOGBOOK FORMS

## WHEN TO COMPLETE A LOGBOOK

### CLIENT INFORMATION:

#### **BEFORE A TRIP BEGINS, THE GUIDE MUST RECORD:**

- The 2008 sport fish license number for anyone that will fish during any part of the trip, including paying and non-paying (comped), anglers and crew.
- The first and last name of each angler in the space provided below their license number.
- The first and last name and birth date of each youth angler under the age of 16.
- The permanent identification number (PID) or disabled veteran (DAV) license number, if applicable.
- For each angler, the number of Halibut kept year-to-date (YTD) in IPHC area 2C in the "YTD in 2C" box from the back side of the angler's fish license or 2008 Harvest Record card.

#### **AT THE END OF A FISHING TRIP:**

- The guide that lead the trip must sign and complete the logbook page at the end of each day of fishing or at the end of each trip within a day (for multiple trips within a day) as described below through the last trip of the season.

#### **THE GUIDE THAT LEADS THE TRIP IS REQUIRED TO FILL OUT THIS LOGBOOK PER THE FOLLOWING SCHEDULE:**

#### **RETURNING TO A DOCK:**

- **Complete the logbook before offloading any fish from the vessel. If no fish were kept, complete the logbook before offloading any clients.**

#### **NO DOCKING FACILITIES (e.g., trailered vessels):**

- **Complete the logbook before the vessel or guide departs the launch/landing site AND before offloading any fish from the vessel:**
- **If no fish were kept, complete the logbook before the vessel or guide departs the launch/landing site.**

#### **NO VESSEL USED (aircraft, highway vehicles, walk-in, ATVs, etc.):**

- **Complete the logbook before the guide leaves the fishing site. Fishing site is defined as the location where fishing activity took place.**

## WHEN TO COMPLETE A LOGBOOK (cont'd)

**A TRIP IS DEFINED** as one outing with one group of clients that ends when that group of clients OR fish (if fish were kept), are off-loaded or dropped off.

A trip that consists of ALL "comped" anglers is NOT considered a chartered trip and no logbook data sheet would be completed.

#### **MULTIPLE TRIPS PER DAY**

Each trip of multiple trips in a day should be logged on a separate logbook sheet. Complete the logbook at the end of each trip as described above.

#### **MULTIPLE DAY TRIPS**

Complete the logbook at day's end for each day of the trip. Use a separate logbook data sheet for each day of that trip.

**Do not complete trip information for those days when guided fishing activity did not occur. For example, if a multi-day trip of five days occurred and only three days were fished, only three logbook sheets should be completed and returned.**

## RETURN THE LOGBOOK REPORTS WEEKLY

All charter fishing activity that occurs between April 1, 2008 through December 31, 2008 must be received by ADF&G offices or postmarked per the **WEEKLY** schedule provided on the inside cover of this logbook.

Fishing activity that occurs prior to April 1, 2008 is due to ADF&G by April 16, 2008.

## RESPONSIBILITY OF OWNER & GUIDE

It is the responsibility of the guide to ensure that daily trip activity is accurately recorded as previously described.

It is the responsibility of the business owner (owner of the sport fish operator's license) to ensure that all data for fishing activities from January 1, 2008 through December 31, 2008 is submitted to ADF&G in the manner previously described.

## VESSEL REGISTRATION

If a vessel used in sport fishing guide activities it must be registered with ADF&G. All vessels must have a current AK number issued by the Division of Motor Vehicles (DMV) or a U.S.C.G. documentation number prior to registering with ADF&G. **If the vessel has an AK number, the AK number must be displayed during guided fishing operations.**

If a vessel is purchased, leased, or borrowed in mid-season, it must have a current AK number for it, and ADF&G must be notified (see contact information on page iv). New decals can be acquired from ADF&G, or decals from an unused vessel can be transferred. All vessels used in the sport fishing guide industry with clients onboard, must have two decals visibly displayed. A **new logbook** must be issued to this vessel if this vessel is intended to be used for the remainder of the season OR used for more than **seven (7) consecutive days**.

## VESSEL DECALS/RENEWAL TAGS

One set of ADF&G decals will be issued per registered vessel. Decals must be applied and visible on both sides of the vessel. Decals do not have to be applied directly to the hull of the vessel. Decals can be adhered to wood, fiberglass or "Plexiglas", which in turn is secured to both sides of the vessel. Decals can be transferred from one vessel to another, as long as the receiving vessel has a current AK number from DMV and has been registered with ADF&G. Decals are designed to withstand several years of use. Annual renewal stickers or tags will be issued as vessels are registered. Annual renewal tags are to be adhered directly to the decal in the designated area.

## TRANSFERRING A LOGBOOK

A logbook is issued to a specific business for a specific vessel. If a **new vessel** is added to the same business, that vessel must be registered and a new logbook will be issued from a local ADF&G office.

If another vessel is substituted for the primary vessel during a temporary period, the **substituted vessel** must have a current AK number or a U.S.C.G. documentation number and be registered with ADF&G (see contact information on page iv). Vessel decals must be displayed on the substitute vessel. The original logbook can be used on the substitute vessel for up to **seven (7) consecutive days**. A temporary vessel used for a longer period of time must be issued a new logbook. See vessel registration instructions below.

# INSTRUCTIONS FOR COMPLETING THE 2008 SALTWATER SPORT FISHING CHARTER TRIP LOGBOOK FORMS

BUSINESS INFORMATION	
<b>Business Owner License Number</b>	The license number issued to by the Department of Fish and Game (ADF&G) upon meeting all the requirements to become a sport fish charter business.
<b>Guide License Number</b>	The 2008 guide license number issued by ADF&G to the guide that led the fishing trip.
TRIP INFORMATION	
<b>Date</b>	The date (month and date) for each trip taken. If two or more trips were taken on the same day, that date will appear on as many data sheets as there were trips. Although the date would be the same, client information and trip specifics may differ.
<b>Port or Community where fishing trip began</b>	The port or community where clients were loaded on to a vessel to begin a fishing trip. If no vessel was used, the nearest port or community from which the fishing trip started.
<b>Port or Community of Off-Loading</b>	The port or community where clients and/or fish were off-loaded at the conclusion of the trip. On a multi-day trip, indicate the community where fish and clients are off-loaded.
<b>Total no. of clients on the vessel.</b>	The total no. of paying clients on board the vessel. Include even those who did not catch anything and those that did not fish. Do <b>not</b> include crew members or “comped” anglers. A “ <b>comped</b> ” angler is an angler who is <b>not paying</b> for the trip, and can include family, friends or other acquaintances.
<b>Primary Stat Area Fished</b>	The 6-digit area code where most of the fish were caught or targeted on the trip. Write the code down next to either salmon or bottomfish, depending on what was primarily caught. <b>An operator must decide if gear and fishing methods were effectively targeting salmon, bottomfish, or both fishing groups.</b> If no fish were caught, write the 6-digit code for the location primarily fished on this date and trip. Refer to the maps provided by ADF&G.
<b>No. of Boat Hours Fished</b>	The number of boat hours where at least one rod/line was fished. Record only the number of hours spent fishing, NOT hours spent running to or from fishing areas. Round to the nearest whole hour.

TRIP INFORMATION (cont'd)	
<b>Circling IPHC area fished</b>	Circle the IPHC area fished where halibut were kept. The IPHC area fished must be circled for each trip taken.  If multiple IPHC areas were fished during a trip when halibut were kept, a separate logbook data sheet must be completed for each IPHC area fished.
<b>Page no.</b>	On each logsheet, record the page no. if multiple pages were necessary to fit in all the client information. Note the total no. of pages used for that trip.

INDIVIDUAL ANGLER INFORMATION	
<b>Sport Fish License No. and Angler Name</b>	Record the 2008 Alaska Sport fish License number, resident PID (permanent identification number) or DAV (disabled veteran license number) of <b>each angler, comped angler, and crew that will, before beginning sport fishing.</b>  Angler’s first and last name <b><u>MUST</u></b> be printed by the guide <b>below the client’s sport fish license number.</b>  Record the <b>First and Last Name</b> and the <b>Date of Birth</b> (i.e. Johnny Doe, 8/28/98) for youth anglers under the age of 16.
<b>Residency, Crew status and “Comped” anglers</b>	Next to each fishing license number: <ul style="list-style-type: none"> <li>➤ circle <b>C</b> if angler is a <b>Crew member</b>,</li> <li>➤ circle <b>X</b> if angler is “<b>Comped</b>” (nonpaying),</li> <li>➤ All other anglers, circle <b>N</b> for Nonresident or <b>R</b> for Resident</li> </ul> <p style="text-align: center;"><b>DO NOT MARK RESIDENCY FOR CREW and “COMPED”, CIRCLE “C” or “X” ONLY.</b></p>

CATCH INFORMATION	
<b>Recording Catch Information</b>	After completing the <b>Primary Stat Area Fished</b> under <b>Trip Information</b> on the left side of the page, record the catch information under <b>salmon</b> or <b>bottomfish</b> , depending on whichever species were primarily caught or targeted. Indicate the number of fish <b>Kept</b> (retained) and <b>Released</b> (let go) by species type.
<b>EXAMPLE 1: One target Salmon</b>	If bottomfish were caught while targeting salmon <b>only</b> , record the number of bottomfish in the appropriate columns in the bottomfish section. <b>Trip Information</b> on the left should still reflect salmon as the targeted species.  If salmon were targeted but no salmon were caught, record the trip and stat area fished information within the salmon section under <b>Trip Information</b> .
<b>EXAMPLE 2: One target Bottomfish (incl. Halibut)</b>	If salmon were caught while targeting bottomfish <b>only</b> , record the number of salmon in the appropriate columns in the salmon section. <b>Trip Information</b> on the left should still reflect bottomfish as the targeted species.  If bottomfish were targeted but no bottomfish were caught, record the trip and stat area fished information within the bottomfish section under <b>Trip Information</b> .
<b>EXAMPLE 3: Two targets Salmon and Bottomfish</b>	Record the maximum number of boat hours spent fishing simultaneously for both salmon AND bottomfish under the <b>Trip Information, Primary Stat Area</b> section. For example, if mooching or jigging for 7 hours record 7 hours in the salmon effort row, and 7 hours in the bottomfish effort row.
CONTINUING TRIP INFORMATION	
Check the box in the lower right corner if trip information is continued on extra pages. Check this box if there are more than 8 anglers or if more than one IPHC area is fished during a trip. Subsequent pages should contain angler license numbers, angler names, and IPHC area if different from the previous page(s).	

CONTACT INFORMATION
For questions or to register a vessel, please contact:
<ul style="list-style-type: none"> <li>• Division of Sport Fish, Guide Licensing and Logbook Program in Anchorage, Alaska at (907) 267-2369, or</li> <li>• Email to <a href="mailto:dfg.dsf.guides@alaska.gov">dfg.dsf.guides@alaska.gov</a></li> </ul>

# INSTRUCTIONS FOR COMPLETING THE 2008 SALTWATER SPORT FISHING CHARTER TRIP LOGBOOK FORMS

## SPECIAL NOTES AND INSTRUCTIONS

<b>Halibut (YTD in 2C)</b>	Before beginning a fishing trip, the guide must record the number of <b>HALIBUT</b> kept, year-to-date, in IPHC Area 2C as recorded on the back of the sport fish license or Harvest Record card in the <b>YTD in 2C</b> column of the logbook for <b>EACH</b> angler. <b>Area 2C is defined</b> as all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58° 11' 54" N. lat., 135° 38' 24" W. long.) and south and east of a line running 205° true from said light.
<b>"Shakers"</b>	King salmon that are under the 28" minimum size (Southeast Region only) that must be released upon capture, unless caught in designated terminal harvest areas.
<b>Pelagic Rockfish</b>	Includes black, dark and dusky rockfish (commonly called "black bass") and yellowtail rockfish. These species of rockfish are uniformly gray, green, brown, or black (see rockfish ID chart in your regulation booklet).
<b>Yelloweye Rockfish</b>	Commonly called "red snapper." Primarily orange with a pale yellow line running along the lateral line of the fish. Distinctive yellow eyes. Measure up to 36 inches.
<b>Other Non-pelagic Rockfish</b>	All other rockfish not mentioned above. Includes quillback, and copper rockfish, as well as numerous other species.
<b>Salmon Shark</b>	This is a single "species," <i>Lamna ditropis</i> . These sharks are large, firm, dark brown or black on top, with white bellies with dark blotches. Do not include spiny dogfish ("sand shark") or sleeper sharks ("mud sharks") in this category.
<b>Other Fish (optional)</b>	Record all <b>OTHER</b> fish kept that do not fit into any listed category of fish. This column is <b>optional</b> and intended to assist you in keeping track of other species of fish that were kept. It is <b>not mandatory</b> that you fill this column out.

## PROXY FISHING INSTRUCTIONS

If a paying client is also proxy fishing for a beneficiary, that client **MUST** have the fishing license or PID of the person for whom he/she is fishing. Write down the license number of the recipient of the fish (beneficiary), followed by a "P" to indicate proxy, e.g. **8123456-P**.

Use two lines on the logbook data sheet, one for the angler's license number and one for the beneficiary's license number. Indicate **R** for Resident in the adjacent column. Beneficiaries and those fishing for them **must** be residents of Alaska.

For **permanent** licenses (residents only), write down the entire license number, including the preceding alpha character, which can be a **P, D, T** or **Z**, i.e. **Z50148- P**.

Federal law prohibits the taking of more than two **HALIBUT** per person per day. You may **NOT** take two bag limits of **HALIBUT** on the same day, even when proxy fishing.

## WHAT A GUIDE MUST HAVE IN POSSESSION WHILE GUIDING

While providing sport fishing guide services, a sport fishing guide shall have the following readily available for inspection by request of a representative of the Department or a peace officer of the state:

- Valid sport fishing guide license issued by ADF&G;
- Copy of the current ADF&G sport fishing operator's (business owner) license of the guide's employer;
- Valid Alaska sport fishing license, tags, stamps or permits that are required to engage in the sport fishery for which guide services are being provided;
- Identification card issued to the sport fishing guide by a state or federal agency that bears a photo of the sport fishing guide.
- **Other agencies may have additional requirements (e.g. U.S.C.G). It is your responsibility to determine what those requirements are.**

## 2008 HALIBUT CHARTER CHANGES TO THE SALTWATER LOGBOOK

1. **PORT OR COMMUNITY WHERE FISHING TRIP BEGAN.**
2. **IPHC AREA (2C, 3A, 3B or 4) WHERE HALIBUT WERE KEPT.**
3. **ANGLER FIRST AND LAST NAME.**
4. **FIRST AND LAST NAME AND DATE OF BIRTH OF YOUTH ANGLERS UNDER 16.**
5. **NUMBER OF HALIBUT KEPT YEAR-TO-DATE (YTD) IN IPHC AREA 2C.**

**For additional information on new National Marine Fisheries Service charter logbook requirements for halibut, contact;**

**Marla Trollan at (907) 586-7639 or  
marla.trollan@noaa.gov**





**COMPLETE THIS SECTION FOR EVERY TRIP**

⇒ 2008 FISH & GAME BUSINESS OWNER LICENSE #:

(License # assigned to you by ADF&G)

⇒ 2008 FISH & GAME GUIDE LICENSE #:

If same as Business Owner license #, check here:

**TRIP INFORMATION**

⇒ DATE FISHED: MO: \_\_\_\_\_ DAY: \_\_\_\_\_, 2008.

⇒ PORT OR COMMUNITY WHERE FISHING TRIP BEGAN:

(Port or Community where clients were loaded and trip began).

⇒ PORT OR COMMUNITY OF OFF-LOADING:

(Port or Community where fish or clients were off-loaded from vessel).

⇒ TOTAL NO. CLIENTS ON THE VESSEL: \_\_\_\_\_

(Include all paying clients, even those that did not fish and those who did not catch anything).  
(DO NOT include "comped" anglers and crew members that fished).

⇒ PRIMARY STATAREA & BOAT HOURS:

Targeted Species	Primary Stat. Area where most fish were caught. (6-digit Code)	No. of Boat Hours Fished this Trip
Salmon		
Bottomfish		

**COMPLETE THE FOLLOWING FOR ALL TRIPS**

Circle the IPHC Area Fished where HALIBUT were Kept during this trip: 2C 3A 3B or 4  
(Circle Only One)

If HALIBUT were kept in more than one IPHC area during this trip, a separate logbook data sheet must be used for each IPHC area fished.

⇒ PAGE NO. \_\_\_\_\_ OF \_\_\_\_\_ (TOTAL NO. OF PAGES FOR THIS TRIP).

**INSTRUCTIONS: Complete one row below for each angler who fished on this trip.**

**INDIVIDUAL ANGLER AND CATCH INFORMATION**

Sport Fishing License Number AND printed name of each angler that fished	Circle next to each License if Resident, Nonresident, X for "Comped" or Crew	Number of King Salmon						Number of Other Salmon					Number of Halibut		Number of Lingcod		Number of Pelagic Rockfish (black bass, etc.)		Number of Yelloweye Rockfish		Number of Nonpelagic Rockfish (not including Yelloweye)		Number of Salmon Shark	All Other Fish (optional)	
		28" and Larger		"Shakers" Less Than 28"		Coho	Sockeye	Pink	Chum	YTD Kept in 2C	Kept	Rele	Kept	Rele	Kept	Rele	Kept	Rele	Kept	Rele	Kept				
		Kept	Rele	Kept	Rele	Kept	Rele	Kept	Rele													Kept			Rele
		<b>SALMON</b>										<b>BOTTOMFISH</b>													
1. LICENSE NUMBER	R N X C																								
ANGLER NAME																									
2. LICENSE NUMBER	R N X C																								
ANGLER NAME																									
3. LICENSE NUMBER	R N X C																								
ANGLER NAME																									
4. LICENSE NUMBER	R N X C																								
ANGLER NAME																									
5. LICENSE NUMBER	R N X C																								
ANGLER NAME																									
6. LICENSE NUMBER	R N X C																								
ANGLER NAME																									
7. LICENSE NUMBER	R N X C																								
ANGLER NAME																									
8. LICENSE NUMBER	R N X C																								
ANGLER NAME																									

**CERTIFICATION:** I certify that the information contained in this document is true and correct to the best of my knowledge.

X \_\_\_\_\_ GUIDE SIGNATURE

CONTINUE ON NEXT PAGE IF MORE THAN 8 ANGLERS.

CHECK IF TRIP INFORMATION IS CONTINUED ON NEXT PAGE:

**The National Marine Fisheries Service (NMFS)** requires each angler on a charter vessel who keeps halibut caught in IPHC Area 2C to sign the backside of the logbook data sheet on the line number that corresponds to the angler's information on the front side of the sheet to acknowledge that his or her information and the number of halibut kept are recorded correctly. NMFS regulations also require each angler to record the number of halibut kept in Area 2C on his or her sport fish license or harvest record card and retain this information for a period of three years.

For additional information on the new National Marine Fisheries requirements for halibut, contact  
Marla Trollan – (907) 586-7639 or [marla.trollan@noaa.gov](mailto:marla.trollan@noaa.gov)

<u>Angler Number</u>	<u>Angler Signature</u>
1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____
7.	_____
8.	_____

**Fold and Insert into an Envelope and mail to the following address:**

**Alaska Department of Fish and Game  
Division of Sport Fish – RTS  
Logbook Program**



***Up to 3 pages can be mailed for the cost of one first class stamp.***

**333 Raspberry Road  
Anchorage, AK 99518-1599**

(Fold here)

(Fold here)

From the U.S. Code Online via GPO Access  
[wais.access.gpo.gov]  
[Laws in effect as of January 3, 2005]  
[Document not affected by Public Laws enacted between  
January 3, 2005 and June 19, 2006]  
[CITE: 16USC773c]

## TITLE 16--CONSERVATION

### CHAPTER 10--NORTHERN PACIFIC HALIBUT FISHING

#### SUBCHAPTER IV--NORTHERN PACIFIC HALIBUT ACT OF 1982

##### Sec. 773c. General responsibility

###### (a) Secretary of Commerce

The Secretary shall have general responsibility to carry out the Convention and this subchapter.

###### (b) Adoption of regulations; cooperation with Canadian officials

In fulfilling this responsibility, the Secretary--

(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this subchapter; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of Canada.

###### (c) Regional Fishery Management Council involvement

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 1853(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges: Provided, That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a 3 year development period.

(Pub. L. 97-176, Sec. 5, May 17, 1982, 96 Stat. 79; Pub. L. 104-208, div. A, title I, Sec. 101(a) [title II, Sec. 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

#### Amendments

1996--Subsec. (c). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1853(b)(6) of this title.

#### Effective Date of 1996 Amendment

Section 101(a) [title II, Sec. 211(b)] of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

#### Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**Title 50: Wildlife and Fisheries**  
PART 300—INTERNATIONAL FISHERIES REGULATIONS

**Subpart E—Pacific Halibut Fisheries**

**Authority:** 16 U.S.C. 773–773k.

**§ 300.60 Purpose and scope.**

This subpart implements the North Pacific Halibut Act of 1982 (Act) and is intended to supplement, not conflict with, the annual fishery management measures adopted by the International Pacific Halibut Commission (Commission) under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention).

**§ 300.61 Definitions.**

In addition to the terms defined in §300.2 and those in the Act and the Convention, the terms used in this subpart have the following meanings. If a term is defined differently in §300.2, the Act, or the Convention, the definition in this section shall apply.

*Alaska Native tribe* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a Federally recognized Alaska Native tribe that has customary and traditional use of halibut and that is listed in §300.65(g)(2) of this part.

*Area 2A* includes all waters off the States of California, Oregon, and Washington.

*Area 2C* includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58° 11' 54" N. lat., 136° 38' 24" W. long.) and south and east of a line running 205° true from said light.

*Charter vessel* means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

*Commercial fishing* means fishing, the resulting catch of which either is, or is intended to be, sold or bartered but does not include subsistence fishing.

*Commission* means the International Pacific Halibut Commission.

*Commission regulatory area* means an area defined by the Commission for purposes of the Convention identified in 50 CFR 300.60 and prescribed in the annual management measures published pursuant to 50 CFR 300.62.

*Customary trade* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, the non-commercial exchange of subsistence halibut for anything other than items of significant value.

*Fishing* means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area.

*Guideline harvest level (GHL)* means a level of allowable halibut harvest by the charter vessel fishery.

*Halibut harvest* means the catching and retaining of any halibut.

*Head-on length* means a straight line measurement passing over the pectoral fin from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail.

*Individual Fishing Quota (IFQ)*, for purposes of this subpart, means the annual catch limit of halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of halibut.

*IFQ fishing trip*, for purposes of the subpart, means the period beginning when a vessel operator commences harvesting IFQ halibut and ending when the vessel operator lands any species.

*IFQ halibut* means any halibut that is harvested with setline or other hook and line gear while commercial fishing in any IFQ regulatory area defined at §679.2 of this title.

*Overall length* of a vessel means the horizontal distance, rounded to the nearest ft/meter, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments).

*Person* includes an individual, corporation, firm, or association.

*Rural* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a community or area of Alaska in which the non-commercial, customary and traditional use of fish and game for personal or family consumption is a principal characteristic of the economy or area and in which there is a long-term, customary and traditional use of halibut, and that is listed in §300.65(g)(1).

*Rural resident* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a person domiciled in a rural community listed in the table in §300.65(g)(1) of this part and who has maintained a domicile in a rural community listed in the table in §300.65(g)(1) for the 12 consecutive months immediately preceding the time when the assertion of residence is made, and who is not claiming residency in another state, territory, or country.

*Setline gear* means one or more stationary, buoyed, and anchored lines with hooks attached.

*Sport fishing* means:

- (1) In regulatory area 2A, all fishing other than commercial fishing and treaty Indian ceremonial and subsistence fishing; and
- (2) In waters in and off Alaska, all fishing other than commercial fishing and subsistence fishing.

*Subarea 2A-1* includes all U.S. waters off the coast of Washington that are north of 46°53'18" N. lat. and east of 125°44'00" W. long., and all inland marine waters of Washington.

*Subsistence* means, with respect to waters in and off Alaska, the non-commercial, long-term, customary and traditional use of halibut.

*Subsistence halibut* means halibut caught by a rural resident or a member of an Alaska Native tribe for direct personal or family consumption as food, sharing for personal or family consumption as food, or customary trade.

*Treaty Indian tribes* means the Hoh, Jamestown S'Klallam, Lower Elwha S'Klallam, Lummi, Makah, Port Gamble S'Klallam, Quileute, Quinault, Skokomish, Suquamish, Swinomish, and Tulalip tribes.

[61 FR 35550, July 5, 1996, as amended at 64 FR 52469, Sept. 29, 1999; 68 FR 18156, Apr. 15, 2003; 68 FR 47264, Aug. 8, 2003; 72 FR 30727, June 4, 2007; 72 FR 67669, Nov. 30, 2007]

#### **§ 300.62 Annual management measures.**

Annual management measures may be added and modified through adoption by the Commission and publication in the Federal Register by the Assistant Administrator, with immediate regulatory effect. Such measures may include, *inter alia*, provisions governing: Licensing of vessels, inseason actions, regulatory areas, fishing periods, closed periods, closed areas, catch limits (quotas), fishing period limits, size limits, careful release of halibut, vessel clearances, logs, receipt and possession of halibut, fishing gear, retention of tagged halibut, supervision of unloading and weighing, and sport fishing for halibut. The Assistant Administrator will publish the Commission's regulations setting forth annual management measures in the Federal Register by March 15 each year. Annual management measures may be adjusted inseason by the Commission.

#### **§ 300.63 Catch sharing plan and domestic management measures in Area 2A.**

(a) A catch sharing plan (CSP) may be developed by the Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, Northwest Region, NMFS.

(b)(1) Each year, before January 1, NMFS will publish a proposal to govern the recreational fishery under the CSP for the following year and will seek public comment. The comment period will extend until after the Commission's annual meeting, so the public will have the opportunity to consider the final area 2A total allowable catch (TAC) before submitting comments. After the Commission's annual meeting and review of public comments, NMFS will publish in the Federal Register the final rule governing sport fishing in area 2A. Annual management measures may be adjusted inseason by NMFS.

(2) A portion of the commercial TAC is allocated as incidental catch in the salmon troll fishery in Area 2A. Each year the landing restrictions necessary to keep the fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register along with the annual salmon management measures.

(3) A portion of the Area 2A Washington recreational TAC is allocated as incidental catch in the primary directed longline sablefish fishery north of 46°53.30' N. lat. (Pt. Chehalis, Washington), which is regulated under 50 CFR 660.372. This fishing opportunity is only available in years in which the Area 2A TAC is greater than 900,000 lb (408.2 mt,) provided that a minimum of 10,000 lb (4.5 mt) is available above a Washington recreational TAC of 214,100 lb (97.1 mt). Each year that this harvest is available, the landing restrictions necessary to keep this fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register. These restrictions will be designed to ensure the halibut harvest is incidental to the sablefish harvest and will be based on the amounts of halibut and sablefish available to this fishery, and other pertinent factors. The restrictions may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings.

(i) In years when this incidental harvest of halibut in the directed sablefish fishery north of 46°53.30' N. lat. is allowed, it is allowed

only for vessels using longline gear that are registered to groundfish limited entry permits with sablefish endorsements and that possess the appropriate incidental halibut harvest license issued by the Commission.

(ii) It is unlawful for any person to possess, land or purchase halibut south of 46°53.30' N. lat. that were taken and retained as incidental catch authorized by this section in the directed longline sablefish fishery.

(4) The commercial longline fishery in area 2A is governed by the annual management measures published pursuant to §§300.62 and 300.63.

(5) The treaty Indian fishery is governed by §300.64 and tribal regulations. The annual quota for the fishery will be announced with the Commission regulations under §300.62

(c) *Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A.*

(1) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the Commission Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations:

(i) The action is necessary to allow allocation objectives to be met.

(ii) The action will not result in exceeding the catch limit for the area.

(iii) If any of the sport fishery subareas north of Cape Falcon, Oregon are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea.

(iv) If any of the sport fishery subareas south of Leadbetter Point, Washington, are not projected to utilize their respective quotas by their season ending dates, NMFS may take inseason action to transfer any projected unused quota to another Oregon sport subarea.

(2) Flexible inseason management provisions include, but are not limited to, the following:

(i) Modification of sport fishing periods;

(ii) Modification of sport fishing bag limits;

(iii) Modification of sport fishing size limits;

(iv) Modification of sport fishing days per calendar week; and

(v) Modification of subarea quotas north of Cape Falcon, Oregon.

(3) Notice procedures. (i) Actions taken under this section will be published in the Federal Register.

(ii) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishers should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.

(4) Effective dates. (i) Any action issued under this section is effective on the date specified in the publication or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.

(ii) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the Federal Register. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after publication of the action in the Federal Register.

(iii) Any inseason action issued under this section will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(5) Availability of data. The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, Washington.

(d) *Fishery Election in Area 2A.* (1) A vessel that fishes in Area 2A may participate in only one of the following three fisheries in Area 2A:

(i) The sport fishery under Section 24 of the annual domestic management measures and IPHC regulations;

(ii) The commercial directed fishery for halibut during the fishing period(s) established in section 8 of the annual domestic management measures and IPHC regulations and/or the incidental retention of halibut during the primary sablefish fishery described at 50 CFR 660.372; or

(iii) The incidental catch fishery during the salmon troll fishery as authorized in section 8 of the annual domestic management measures and IPHC regulations.

(2) No person shall fish for halibut in the sport fishery in Area 2A under section 24 of the annual domestic management measures and IPHC regulations from a vessel that has been used during the same calendar year for commercial halibut fishing in Area 2A or that has been issued a permit for the same calendar year for the commercial halibut fishery in Area 2A.

(3) No person shall fish for halibut in the directed commercial halibut fishery during the fishing periods established in section 8 of the annual domestic management measures and IPHC regulations and/or retain halibut incidentally taken in the primary sablefish fishery in Area 2A from a vessel that has been used during the same calendar year for the incidental catch fishery during the salmon troll fishery as authorized in Section 8 of the annual domestic management measures and IPHC regulations.

(4) No person shall fish for halibut in the directed commercial halibut fishery and/or retain halibut incidentally taken in the primary sablefish fishery in Area 2A from a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A or that is licensed for the sport charter halibut fishery in Area 2A.

(5) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A, or that is licensed for the sport charter halibut fishery in Area 2A.

(6) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the directed commercial halibut fishery during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations and/or retained halibut incidentally taken in the primary sablefish fishery for Area 2A or that is licensed to participate in these commercial fisheries during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations in Area 2A.

(e) *Area 2A Non-Treaty Commercial Fishery Closed Areas.* (1) Non-treaty commercial vessels operating in the directed commercial fishery for halibut in Area 2A are required to fish outside of a closed area, known as the Rockfish Conservation Area (RCA), that extends along the coast from the U.S./Canada border south to 40°10' N. lat. Between the U.S./Canada border and 46°16' N. lat., the eastern boundary of the RCA is the shoreline. Between 46°16' N. lat. and 40°10' N. lat., the RCA is defined along an eastern boundary approximating the 30–fm (55–m) depth contour. Coordinates for the 30–fm (55–m) boundary are listed at §300.63 (f). Between the U.S./Canada border and 40°10' N. lat., the RCA is defined along a western boundary approximating the 100–fm (183–m) depth contour. Coordinates for the 100–fm (183–m) boundary are listed at §300.63 (g).

(2) Non-treaty commercial vessels operating in the incidental catch fishery during the sablefish fishery north of Pt. Chehalis, Washington, in Area 2A are required to fish outside of a closed area. Under Pacific Coast groundfish regulations at 50 CFR 660.382, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA). It is unlawful to take and retain, possess, or land halibut taken with limited entry fixed gear within the North Coast Commercial YRCA. The North Coast Commercial YRCA is an area off the northern Washington coast, overlapping the northern part of North Coast Recreational YRCA, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.390.

(3) Non-treaty commercial vessels operating in the incidental catch fishery during the salmon troll fishery in Area 2A are required to fish outside of a closed area. Under the Pacific Coast groundfish regulations at 50 CFR 660.383, fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish within the Salmon Troll YRCA. The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.390 and in salmon regulations at 50 CFR 660.405.

(f) The 30–fm (55–m) depth contour between 46°16' N. lat. and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:

- (1) 46°16.00' N. lat., 124°13.05' W. long.;
- (2) 46°16.00' N. lat., 124°13.04' W. long.;
- (2) 46°07.00' N. lat., 124°07.01' W. long.;
- (3) 45°55.95' N. lat., 124°02.23' W. long.;
- (4) 45°54.53' N. lat., 124°02.57' W. long.;
- (5) 45°50.65' N. lat., 124°01.62' W. long.;

- (6) 45°48.20' N. lat., 124°02.16' W. long.;
- (7) 45°46.00' N. lat., 124°01.86' W. long.;
- (8) 45°43.46' N. lat., 124°01.28' W. long.;
- (9) 45°40.48' N. lat., 124°01.03' W. long.;
- (10) 45°39.04' N. lat., 124°01.68' W. long.;
- (11) 45°35.48' N. lat., 124°01.90' W. long.;
- (12) 45°29.81' N. lat., 124°02.45' W. long.;
- (13) 45°27.97' N. lat., 124°01.90' W. long.;
- (14) 45°27.22' N. lat., 124°02.66' W. long.;
- (15) 45°24.20' N. lat., 124°02.94' W. long.;
- (16) 45°20.60' N. lat., 124°01.74' W. long.;
- (17) 45°20.25' N. lat., 124°01.85' W. long.;
- (18) 45°16.44' N. lat., 124°03.22' W. long.;
- (19) 45°13.63' N. lat., 124°02.69' W. long.;
- (20) 45°11.05' N. lat., 124°03.59' W. long.;
- (21) 45°08.55' N. lat., 124°03.47' W. long.;
- (22) 45°02.81' N. lat., 124°04.64' W. long.;
- (23) 44°58.06' N. lat., 124°05.03' W. long.;
- (24) 44°53.97' N. lat., 124°06.92' W. long.;
- (25) 44°48.89' N. lat., 124°07.04' W. long.;
- (26) 44°46.94' N. lat., 124°08.25' W. long.;
- (27) 44°42.72' N. lat., 124°08.98' W. long.;
- (28) 44°38.16' N. lat., 124°11.48' W. long.;
- (29) 44°33.38' N. lat., 124°11.54' W. long.;
- (31) 44°28.51' N. lat., 124°12.04' W. long.;
- (32) 44°27.65' N. lat., 124°12.56' W. long.;
- (33) 44°19.67' N. lat., 124°12.37' W. long.;
- (34) 44°10.79' N. lat., 124°12.22' W. long.;
- (35) 44°09.22' N. lat., 124°12.28' W. long.;
- (36) 44°08.30' N. lat., 124°12.30' W. long.;
- (37) 44°00.22' N. lat., 124°12.80' W. long.;
- (38) 43°51.56' N. lat., 124°13.18' W. long.;
- (39) 43°44.26' N. lat., 124°14.50' W. long.;
- (40) 43°33.82' N. lat., 124°16.28' W. long.;
- (41) 43°28.66' N. lat., 124°18.72' W. long.;
- (42) 43°23.12' N. lat., 124°24.04' W. long.;
- (43) 43°20.83' N. lat., 124°25.67' W. long.;
- (44) 43°20.48' N. lat., 124°25.90' W. long.;
- (45) 43°16.41' N. lat., 124°27.52' W. long.;
- (46) 43°14.23' N. lat., 124°29.28' W. long.;
- (47) 43°14.03' N. lat., 124°28.31' W. long.;
- (48) 43°11.92' N. lat., 124°28.26' W. long.;
- (49) 43°11.02' N. lat., 124°29.11' W. long.;
- (50) 43°10.13' N. lat., 124°29.15' W. long.;
- (51) 43°09.26' N. lat., 124°31.03' W. long.;
- (52) 43°07.73' N. lat., 124°30.92' W. long.;
- (53) 43°05.93' N. lat., 124°29.64' W. long.;
- (54) 43°01.59' N. lat., 124°30.64' W. long.;
- (55) 42°59.72' N. lat., 124°31.16' W. long.;
- (56) 42°53.75' N. lat., 124°36.09' W. long.;
- (57) 42°50.00' N. lat., 124°38.39' W. long.;
- (58) 42°49.37' N. lat., 124°38.81' W. long.;
- (59) 42°46.42' N. lat., 124°37.69' W. long.;
- (60) 42°46.07' N. lat., 124°38.56' W. long.;
- (61) 42°45.29' N. lat., 124°37.95' W. long.;
- (62) 42°45.61' N. lat., 124°36.87' W. long.;
- (63) 42°44.27' N. lat., 124°33.64' W. long.;
- (64) 42°42.75' N. lat., 124°31.84' W. long.;
- (65) 42°40.50' N. lat., 124°29.67' W. long.;
- (66) 42°40.04' N. lat., 124°29.20' W. long.;
- (67) 42°38.09' N. lat., 124°28.39' W. long.;
- (68) 42°36.73' N. lat., 124°27.54' W. long.;
- (69) 42°36.56' N. lat., 124°28.40' W. long.;
- (70) 42°35.77' N. lat., 124°28.79' W. long.;
- (71) 42°34.03' N. lat., 124°29.98' W. long.;
- (72) 42°34.19' N. lat., 124°30.58' W. long.;
- (73) 42°31.27' N. lat., 124°32.24' W. long.;
- (74) 42°27.07' N. lat., 124°32.53' W. long.;
- (75) 42°24.21' N. lat., 124°31.23' W. long.;
- (76) 42°20.47' N. lat., 124°28.87' W. long.;
- (77) 42°14.60' N. lat., 124°26.80' W. long.;
- (78) 42°13.67' N. lat., 124°26.25' W. long.;
- (79) 42°10.90' N. lat., 124°24.56' W. long.;
- (80) 42°07.04' N. lat., 124°23.35' W. long.;
- (81) 42°02.16' N. lat., 124°22.59' W. long.;
- (82) 42°00.00' N. lat., 124°21.81' W. long.;



- (83) 41 °55.75' N. lat., 124°20.72' W. long.;
- (84) 41 °50.93' N. lat., 124°23.76' W. long.;
- (85) 41°42.53' N. lat., 124°16.47' W. long.;
- (86) 41°37.20' N. lat., 124°17.05' W. long.;
- (87) 41°24.58' N. lat., 124°10.51' W. long.;
- (88) 41°20.73' N. lat., 124°11.73' W. long.;
- (89) 41°17.59' N. lat., 124°10.66' W. long.;
- (90) 41°04.54' N. lat., 124°14.47' W. long.;
- (91) 40°54.26' N. lat., 124°13.90' W. long.;
- (92) 40°40.31' N. lat., 124°26.24' W. long.;
- (93) 40°34.00' N. lat., 124°27.39' W. long.;
- (94) 40°30.00' N. lat., 124°31.32' W. long.;
- (95) 40°28.89' N. lat., 124°32.43' W. long.;
- (96) 40°24.77' N. lat., 124°29.51' W. long.;
- (97) 40°22.47' N. lat., 124°24.12' W. long.;
- (98) 40°19.73' N. lat., 124°23.59' W. long.;
- (99) 40°18.64' N. lat., 124°21.89' W. long.;
- (100) 40°17.67' N. lat., 124°23.07' W. long.;
- (101) 40°15.58' N. lat., 124°23.61' W. long.;
- (102) 40°13.42' N. lat., 124°22.94' W. long.; and
- (103) 40°10.00' N. lat., 124°16.65' W. long. (g) The 100–fm (183–m) depth contour used between the U.S. border with Canada and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:
- (1) 48°15.00' N. lat., 125°41.00' W. long.;
- (2) 48°14.00' N. lat., 125°36.00' W. long.;
- (3) 48°09.50' N. lat., 125°40.50' W. long.;
- (4) 48°08.00' N. lat., 125°38.00' W. long.;
- (5) 48°05.00' N. lat., 125°37.25' W. long.;
- (6) 48°02.60' N. lat., 125°34.70' W. long.;
- (7) 47°59.00' N. lat., 125°34.00' W. long.;
- (8) 47°57.26' N. lat., 125°29.82' W. long.;
- (9) 47°59.87' N. lat., 125°25.81' W. long.;
- (10) 48°01.80' N. lat., 125°24.53' W. long.;
- (11) 48°02.08' N. lat., 125°22.98' W. long.;
- (12) 48°02.97' N. lat., 125°22.89' W. long.;
- (13) 48°04.47' N. lat., 125°21.75' W. long.;
- (14) 48°06.11' N. lat., 125°19.33' W. long.;
- (15) 48°07.95' N. lat., 125°18.55' W. long.;
- (16) 48°09.00' N. lat., 125°18.00' W. long.;
- (17) 48°11.31' N. lat., 125°17.55' W. long.;
- (18) 48°14.60' N. lat., 125°13.46' W. long.;
- (19) 48°16.67' N. lat., 125°14.34' W. long.;
- (20) 48°18.73' N. lat., 125°14.41' W. long.;
- (21) 48°19.67' N. lat., 125°13.70' W. long.;
- (22) 48°19.70' N. lat., 125°11.13' W. long.;
- (23) 48°22.95' N. lat., 125°10.79' W. long.;
- (24) 48°21.61' N. lat., 125°02.54' W. long.;
- (25) 48°23.00' N. lat., 124°49.34' W. long.;
- (26) 48°17.00' N. lat., 124°56.50' W. long.;
- (27) 48°06.00' N. lat., 125°00.00' W. long.;
- (28) 48°04.62' N. lat., 125°01.73' W. long.;
- (29) 48°04.84' N. lat., 125°04.03' W. long.;
- (30) 48°06.41' N. lat., 125°06.51' W. long.;
- (31) 48°06.00' N. lat., 125°08.00' W. long.;
- (32) 48°07.08' N. lat., 125°09.34' W. long.;
- (33) 48°07.28' N. lat., 125°11.14' W. long.;
- (34) 48°03.45' N. lat., 125°16.66' W. long.;
- (35) 47°59.50' N. lat., 125°18.88' W. long.;
- (36) 47°58.68' N. lat., 125°16.19' W. long.;
- (37) 47°56.62' N. lat., 125°13.50' W. long.;
- (38) 47°53.71' N. lat., 125°11.96' W. long.;
- (39) 47°51.70' N. lat., 125°09.38' W. long.;
- (40) 47°49.95' N. lat., 125°06.07' W. long.;
- (41) 47°49.00' N. lat., 125°03.00' W. long.;
- (42) 47°46.95' N. lat., 125°04.00' W. long.;
- (43) 47°46.58' N. lat., 125°03.15' W. long.;
- (44) 47°44.07' N. lat., 125°04.28' W. long.;
- (45) 47°43.32' N. lat., 125°04.41' W. long.;
- (46) 47°40.95' N. lat., 125°04.14' W. long.;
- (47) 47°39.58' N. lat., 125°04.97' W. long.;
- (48) 47°36.23' N. lat., 125°02.77' W. long.;
- (49) 47°34.28' N. lat., 124°58.66' W. long.;
- (50) 47°32.17' N. lat., 124°57.77' W. long.;
- (51) 47°30.27' N. lat., 124°56.16' W. long.;
- (52) 47°30.60' N. lat., 124°54.80' W. long.;
- (53) 47°29.26' N. lat., 124°52.21' W. long.;
- (54) 47°28.21' N. lat., 124°50.65' W. long.;

(55) 47°27.38' N. lat., 124°49.34' W. long.;  
(56) 47°25.61' N. lat., 124°48.26' W. long.;  
(57) 47°23.54' N. lat., 124°46.42' W. long.;  
(58) 47°20.64' N. lat., 124°45.91' W. long.;  
(59) 47°17.99' N. lat., 124°45.59' W. long.;  
(60) 47°18.20' N. lat., 124°49.12' W. long.;  
(61) 47°15.01' N. lat., 124°51.09' W. long.;  
(62) 47°12.61' N. lat., 124°54.89' W. long.;  
(63) 47°08.22' N. lat., 124°56.53' W. long.;  
(64) 47°08.50' N. lat., 124°57.74' W. long.;  
(65) 47°01.92' N. lat., 124°54.95' W. long.;  
(66) 47°01.08' N. lat., 124°59.22' W. long.;  
(67) 46°58.48' N. lat., 124°57.81' W. long.;  
(68) 46°56.79' N. lat., 124°56.03' W. long.;  
(69) 46°58.01' N. lat., 124°55.09' W. long.;  
(70) 46°55.07' N. lat., 124°54.14' W. long.;  
(71) 46°59.60' N. lat., 124°49.79' W. long.;  
(72) 46°58.72' N. lat., 124°48.78' W. long.;  
(73) 46°54.45' N. lat., 124°48.36' W. long.;  
(74) 46°53.99' N. lat., 124°49.95' W. long.;  
(75) 46°54.38' N. lat., 124°52.73' W. long.;  
(76) 46°52.38' N. lat., 124°52.02' W. long.;  
(77) 46°48.93' N. lat., 124°49.17' W. long.;  
(78) 46°41.50' N. lat., 124°43.00' W. long.;  
(79) 46°34.50' N. lat., 124°28.50' W. long.;  
(80) 46°29.00' N. lat., 124°30.00' W. long.;  
(81) 46°20.00' N. lat., 124°36.50' W. long.;  
(82) 46°18.40' N. lat., 124°37.70' W. long.;  
(83) 46°18.03' N. lat., 124°35.46' W. long.;  
(84) 46°17.00' N. lat., 124°22.50' W. long.;  
(85) 46°16.00' N. lat., 124°20.62' W. long.;  
(86) 46°13.52' N. lat., 124°25.49' W. long.;  
(87) 46°12.17' N. lat., 124°30.74' W. long.;  
(88) 46°10.63' N. lat., 124°37.96' W. long.;  
(89) 46°09.29' N. lat., 124°39.01' W. long.;  
(90) 46°02.40' N. lat., 124°40.37' W. long.;  
(91) 45°56.45' N. lat., 124°38.00' W. long.;  
(92) 45°51.92' N. lat., 124°38.50' W. long.;  
(93) 45°47.20' N. lat., 124°35.58' W. long.;  
(94) 45°46.40' N. lat., 124°32.36' W. long.;  
(95) 45°46.00' N. lat., 124°32.10' W. long.;  
(96) 45°41.75' N. lat., 124°28.12' W. long.;  
(97) 45°36.95' N. lat., 124°24.47' W. long.;  
(98) 45°31.84' N. lat., 124°22.04' W. long.;  
(99) 45°27.10' N. lat., 124°21.74' W. long.;  
(100) 45°20.25' N. lat., 124°18.54' W. long.;  
(101) 45°18.14' N. lat., 124°17.59' W. long.;  
(102) 45°11.08' N. lat., 124°16.97' W. long.;  
(103) 45°04.39' N. lat., 124°18.35' W. long.;  
(104) 45°03.83' N. lat., 124°18.60' W. long.;  
(105) 44°58.05' N. lat., 124°21.58' W. long.;  
(106) 44°47.67' N. lat., 124°31.41' W. long.;  
(107) 44°44.54' N. lat., 124°33.58' W. long.;  
(108) 44°39.88' N. lat., 124°35.00' W. long.;  
(109) 44°32.90' N. lat., 124°36.81' W. long.;  
(110) 44°30.34' N. lat., 124°38.56' W. long.;  
(111) 44°30.04' N. lat., 124°42.31' W. long.;  
(112) 44°26.84' N. lat., 124°44.91' W. long.;  
(113) 44°17.99' N. lat., 124°51.04' W. long.;  
(114) 44°12.92' N. lat., 124°56.28' W. long.;  
(115) 44°00.14' N. lat., 124°55.25' W. long.;  
(116) 43°57.68' N. lat., 124°55.48' W. long.;  
(117) 43°56.66' N. lat., 124°55.45' W. long.;  
(118) 43°56.47' N. lat., 124°34.61' W. long.;  
(119) 43°42.73' N. lat., 124°32.41' W. long.;  
(120) 43°30.92' N. lat., 124°34.43' W. long.;  
(121) 43°20.83' N. lat., 124°39.39' W. long.;  
(122) 43°17.45' N. lat., 124°41.16' W. long.;  
(123) 43°07.04' N. lat., 124°41.25' W. long.;  
(124) 43°03.45' N. lat., 124°44.36' W. long.;  
(125) 43°03.91' N. lat., 124°50.81' W. long.;  
(126) 42°55.70' N. lat., 124°52.79' W. long.;  
(127) 42°54.12' N. lat., 124°47.36' W. long.;  
(128) 42°50.00' N. lat., 124°45.33' W. long.;  
(129) 42°44.00' N. lat., 124°42.38' W. long.;  
(130) 42°40.50' N. lat., 124°41.71' W. long.;

- (131) 42°38.23' N. lat., 124°41.25' W. long.;
- (132) 42°33.02' N. lat., 124°42.38' W. long.;
- (133) 42°31.90' N. lat., 124°42.04' W. long.;
- (134) 42°30.08' N. lat., 124°42.67' W. long.;
- (135) 42°28.28' N. lat., 124°47.08' W. long.;
- (136) 42°25.22' N. lat., 124°43.51' W. long.;
- (137) 42°19.23' N. lat., 124°37.91' W. long.;
- (138) 42°16.29' N. lat., 124°36.11' W. long.;
- (139) 42°13.67' N. lat., 124°35.81' W. long.;
- (140) 42°05.66' N. lat., 124°34.92' W. long.;
- (141) 42°00.00' N. lat., 124°35.27' W. long.;
- (142) 41 °47.04' N. lat., 124°27.64' W. long.;
- (143) 41 °32.92' N. lat., 124°28.79' W. long.;
- (144) 41 °24.17' N. lat., 124°28.46' W. long.;
- (145) 41 °10.12' N. lat., 124°20.50' W. long.;
- (146) 40°51.41' N. lat., 124°24.38' W. long.;
- (147) 40°43.71' N. lat., 124°29.89' W. long.;
- (148) 40°40.14' N. lat., 124°30.90' W. long.;
- (149) 40°37.35' N. lat., 124°29.05' W. long.;
- (150) 40°34.76' N. lat., 124°29.82' W. long.;
- (151) 40°36.78' N. lat., 124°37.06' W. long.;
- (152) 40°32.44' N. lat., 124°39.58' W. long.;
- (153) 40°30.00' N. lat., 124°38.13' W. long.;
- (154) 40°24.82' N. lat., 124°35.12' W. long.;
- (155) 40°23.30' N. lat., 124°31.60' W. long.;
- (156) 40°23.52' N. lat., 124°28.78' W. long.;
- (157) 40°22.43' N. lat., 124°25.00' W. long.;
- (158) 40°21.72' N. lat., 124°24.94' W. long.;
- (159) 40°21.87' N. lat., 124°27.96' W. long.;
- (160) 40°21.40' N. lat., 124°28.74' W. long.;
- (161) 40°19.68' N. lat., 124°28.49' W. long.;
- (162) 40°17.73' N. lat., 124°25.43' W. long.;
- (163) 40°18.37' N. lat., 124°23.35' W. long.;
- (164) 40°15.75' N. lat., 124°26.05' W. long.;
- (165) 40°16.75' N. lat., 124°33.71' W. long.;
- (166) 40°16.29' N. lat., 124°34.36' W. long.; and
- (167) 40°10.00' N. lat., 124°21.12' W. long.

[61 FR 35550, July 5, 1996, as amended at 63 FR 13009, Mar. 17, 1998; 63 FR 24752, May 5, 1998; 64 FR 52469, Sept. 29, 1999; 65 FR 67308, Nov. 9, 2000; 65 FR 8373, Jan. 31, 2001; 66 FR 36208, July 11, 2001; 66 FR 42156, Aug. 10, 2001; 68 FR 11003, Mar. 7, 2003; 68 FR 18156, Apr. 15, 2003; 69 FR 24532, May 4, 2004; 70 FR 16751, Apr. 1, 2005; 71 FR 10863, Mar. 3, 2006; 72 FR 11807, Mar. 14, 2007]

**§ 300.64 Fishing by U.S. treaty Indian tribes.**

(a) Halibut fishing in subarea 2A–1 by members of U.S. treaty Indian tribes located in the State of Washington is governed by this section.

(b) Commercial fishing for halibut by treaty Indians is permitted only in subarea 2A–1 with hook-and-line gear in conformance with the season and quota established annually by the Commission.

(c) Commercial fishing periods and management measures to implement paragraph (b) of this section will be established by treaty Indian tribal regulations.

(d) Commercial fishing for halibut by treaty Indians shall comply with the Commission's management measures governing size limits, careful release of halibut, logs, and fishing gear (published pursuant to §300.62), except that the 72-hour fishing restriction preceding the opening of a halibut fishing period shall not apply to treaty Indian fishing.

(e) Ceremonial and subsistence fishing for halibut by treaty Indians in subarea 2A–1 is permitted with hook-and-line gear from January 1 to December 31.

(f) No size or bag limits shall apply to the ceremonial and subsistence fishery, except that when commercial halibut fishing is prohibited pursuant to paragraph (b) of this section, treaty Indians may take and retain not more than two halibut per person per day.

(g) Halibut taken for ceremonial and subsistence purposes shall not be offered for sale or sold.

(h) Any member of a U.S. treaty Indian tribe who is engaged in commercial or ceremonial and subsistence fishing under this section must have on his or her person a valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, and must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in *United States v. Washington* 384 F. Supp. 312 (W.D. Wash., 1974).

(i) The following table sets forth the fishing areas of each of the 12 treaty Indian tribes fishing pursuant to this section. Within subarea 2A-1, boundaries of a tribe's fishing area may be revised as ordered by a Federal Court.

Tribe	Boundaries
HOH	Between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River), and east of 125°44'00" W. long.
JAMESTOWN S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1486, to be places at which the Jamestown S'Klallam Tribe may fish under rights secured by treaties with the United States.
LOWER ELWHA S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049 and 1066 and 626 F. Supp. 1443, to be places at which the Lower Elwha S'Klallam Tribe may fish under rights secured by treaties with the United States.
LUMMI	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 360, as modified in Subproceeding No. 89-08 (W.D. Wash., February 13, 1990) (decision and order re: cross-motions for summary judgement), to be places at which the Lummi Tribe may fish under rights secured by treaties with the United States.
MAKAH	North of 48°02'15" N. lat. (Norwegian Memorial), west of 123°42'30" W. long., and east of 125°44'00" W. long.
PORT GAMBLE S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1442, to be places at which the Port Gamble S'Klallam Tribe may fish under rights secured by treaties with the United States.
QUILEUTE	Between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River), and east of 125°44'00" W. long.
QUINAULT	Between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis), and east of 125°44'00" W. long.
SKOKOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 377, to be places at which the Skokomish Tribe may fish under rights secured by treaties with the United States.
SUQUAMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Suquamish Tribe may fish under rights secured by treaties with the United States.
SWINOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Swinomish Tribe may fish under rights secured by treaties with the United States.
TULALIP	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1531-1532, to be places at which the Tulalip Tribe may fish under rights secured by treaties with the United States.

**§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.**

(a) A catch sharing plan (CSP) may be developed by the North Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, Alaska Region, NMFS.

(b) The catch sharing plan for Commission regulatory area 4 allocates the annual TAC among area 4 subareas and will be implemented by the Commission in annual management measures published pursuant to 50 CFR 300.62.

(c) *Guideline harvest level.* (1) The annual GHs for regulatory areas 2C and 3A are determined as follows:

If the Annual Total Constant Exploitation Yield for Halibut in Area 2C is More Than:	Then the GH for Area 2C will be:	If the Annual Total Constant Exploitation Yield for Halibut in Area 3A is More Than:	Then the GH for Area 3A will be:
(i) 9,027,000 lbs. (4094.5 mt)	1,432,000 lbs. (649.5 mt)	21,581,000 lbs. (9,788.9 mt)	3,650,000 lbs. (1655.6 mt)
(ii) 7,965,000 lbs. (3612.9 mt)	1,217,000 lbs. (552.0 mt)	19,042,000 lbs. (8637.3 mt)	3,103,000 lbs. (1407.0 mt)
(iii) 6,903,000 lbs. (3,131.2 mt)	1,074,000 lbs. (496.7 mt)	16,504,000 lbs. (7,485.9 mt)	2,734,000 lbs. (1266.4 mt)
(iv) 5,841,000 lbs. (2,649.4 mt)	931,000 lbs. (447.2 mt)	13,964,000 lbs. (6334.0 mt)	2,373,000 lbs. (1,139.9 mt)
(v) 4,779,000 lbs. (2,167.7 mt)	788,000 lbs. (357.4 mt)	11,425,000 lbs. (5,182.3 mt)	2,008,000 lbs. (910.8 mt)

(2) NMFS will publish a notice in the Federal Register on an annual basis establishing the GHL for Area 2C and Area 3A for that calendar year within 30 days of receiving information from the Commission which establishes the constant exploitation yield for that year.

(3) If the GHL in either Area 2C or 3A is exceeded, NMFS will notify the Council in writing that the GHL has been exceeded within 30 days of receiving information that the GHL has been exceeded.

(d) In Commission Regulatory Area 2C, halibut harvest on a charter vessel is limited to no more than two halibut per person per calendar day provided that at least one of the harvested halibut has a head-on length of no more than 32 inches (81.3 cm). If a person sport fishing on a charter vessel in Area 2C retains only one halibut in a calendar day, that halibut may be of any length.

(e) The Local Area Management Plan (LAMP) for Sitka Sound provides guidelines for participation in the halibut fishery in Sitka Sound.

(1) For purposes of this section, Sitka Sound means (See Figure 1 to subpart E):

(i) With respect to paragraph (e)(2) of this section, that part of the Commission regulatory area 2C that is enclosed on the north and east:

(A) By a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and

(B) By a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.; and

(C) That is enclosed on the south and west by a line from Cape Edgecumbe at 56°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long., and

(D) To the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(ii) With respect to paragraphs (e)(3) and (e)(4) of this section, that part of the Commission regulatory area 2C that is enclosed on the north and east:

(A) By a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and

(B) A line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. lat.; and

(C) That is enclosed on the south and west by a line from Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long.,

(D) To the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(2) A person using a vessel greater than 35 ft (10.7 m) in overall length, as defined at 50 CFR 300.61, is prohibited from fishing for IFQ halibut with setline gear, as defined at 50 CFR 300.61, within Sitka Sound as defined in paragraph (e)(1)(i) of this section.

(3) A person using a vessel less than or equal to 35 ft (10.7 m) in overall length, as defined at 50 CFR 300.61:

(i) Is prohibited from fishing for IFQ halibut with setline gear within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31; and

(ii) Is prohibited, during the remainder of the designated IFQ season, from retaining more than 2,000 lb (0.91 mt) of IFQ halibut within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, per IFQ fishing trip, as defined in 50 CFR 300.61.

(4) No charter vessel shall engage in sport fishing, as defined at §300.61, for halibut within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(i) No charter vessel shall retain halibut caught while engaged in sport fishing, as defined at §300.61, for other species, within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(ii) Notwithstanding paragraphs (e)(4) and (e)(4)(i) of this section, halibut harvested outside Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, may be retained onboard a charter vessel engaged in sport fishing, as defined in §300.61, for other species within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(f) Sitka Pinnacles Marine Reserve. (1) For purposes of this paragraph (f), the Sitka Pinnacles Marine Reserve means an area totaling 2.5 square nm off Cape Edgecumbe, defined by straight lines connecting the following points in a counterclockwise manner:

56°55.5'N lat., 135°54.0'W long;

56°57.0'N lat., 135°54.0'W long;

56°57.0'N lat., 135°57.0'W long;

56°55.5'N lat., 135°57.0'W long.

(2) No person shall engage in commercial, sport or subsistence fishing, as defined at §300.61, for halibut within the Sitka Pinnacles Marine Reserve.

(3) No person shall anchor a vessel within the Sitka Pinnacles Marine Reserve if halibut is on board.

(g) *Subsistence fishing in and off Alaska*. No person shall engage in subsistence fishing for halibut unless that person meets the requirements in paragraphs (g)(1) or (g)(2) of this section.

(1) A person is eligible to harvest subsistence halibut if he or she is a rural resident of a community with customary and traditional uses of halibut listed in the following table:

**Halibut Regulatory Area 2C**

<b>Rural Community</b>	<b>Organized Entity</b>
Angoon	Municipality
Coffman Cove	Municipality
Craig	Municipality
Edna Bay	Census Designated Place
Elfin Cove	Census Designated Place
Gustavus	Census Designated Place
Haines	Municipality
Hollis	Census Designated Place
Hoonah	Municipality
Hydaburg	Municipality
Hyder	Census Designated Place
Kake	Municipality
Kasaan	Municipality
Klawock	Municipality
Klukwan	Census Designated Place
Metlakatla	Census Designated Place
Meyers Chuck	Census Designated Place
Pelican	Municipality
Petersburg	Municipality
Point Baker	Census Designated Place
Port Alexander	Municipality

Port Protection	Census Designated Place
Saxman	Municipality
Sitka	Municipality
Skagway	Municipality
Tenakee Springs	Municipality
Thorne Bay	Municipality
Whale Pass	Census Designated Place
Wrangell	Municipality

**Halibut Regulatory Area 3A**

<b>Rural Community</b>	<b>Organized Entity</b>
Akhiok	Municipality
Chenega Bay	Census Designated Place
Cordova	Municipality
Karluk	Census Designated Place
Kodiak City	Municipality
Larsen Bay	Municipality
Nanwalek	Census Designated Place
Old Harbor	Municipality
Ouzinkie	Municipality
Port Graham	Census Designated Place
Port Lions	Municipality
Seldovia	Municipality
Tatitlek	Census Designated Place
Yakutat	Municipality

**Halibut Regulatory Area 3B**

<b>Rural Community</b>	<b>Organized Entity</b>
Chignik Bay	Municipality
Chignik Lagoon	Census Designated Place
Chignik Lake	Census Designated Place
Cold Bay	Municipality
False Pass	Municipality
Ivanof Bay	Census Designated Place
King Cove	Municipality
Nelson Lagoon	Census Designated Place
Perryville	Census Designated Place
Sand Point	Municipality

**Halibut Regulatory Area 4A**

<b>Rural Community</b>	<b>Organized Entity</b>
Akutan	Municipality
Nikolski	Census Designated Place
Unalaska	Municipality

**Halibut Regulatory Area 4B**

<b>Rural Community</b>	<b>Organized Entity</b>
Adak	Census Designated Place
Atka	Municipality

**Halibut Regulatory Area 4C**

<b>Rural Community</b>	<b>Organized Entity</b>
St. George	Municipality
St. Paul	Municipality

**Halibut Regulatory Area 4D**

<b>Rural Community</b>	<b>Organized Entity</b>
Gambell	Municipality
Savoonga	Municipality
Diomede (Inalik)	Municipality

**Halibut Regulatory Area 4E**

<b>Rural Community</b>	<b>Organized Entity</b>
Alakanuk	Municipality
Aleknegik	Municipality
Bethel	Municipality
Brevig Mission	Municipality
Chefornak	Municipality
Chevak	Municipality
Clark's Point	Municipality
Council	Census Designated Place
Dillingham	Municipality
Eek	Municipality
Egegik	Municipality
Elim	Municipality
Emmonak	Municipality
Golovin	Municipality
Goodnews Bay	Municipality
Hooper Bay	Municipality
King Salmon	Census Designated Place
Kipnuk	Census Designated Place



Kongiganak	Census Designated Place
Kotlik	Municipality
Koyuk	Municipality
Kwigillingok	Census Designated Place
Levelock	Census Designated Place
Manokotak	Municipality
Mekoryak	Municipality
Naknek	Census Designated Place
Napakiak	Municipality
Napaskiak	Municipality
Newtok	Census Designated Place
Nightmute	Municipality
Nome	Municipality
Oscarville	Census Designated Place
Pilot Point	Municipality
Platinum	Municipality
Port Heiden	Municipality
Quinhagak	Municipality
Scammon Bay	Municipality
Shaktoolik	Municipality
Sheldon Point (Nunam Iqua)	Municipality
Shishmaref	Municipality
Solomon	Census Designated Place
South Naknek	Census Designated Place
St. Michael	Municipality
Stebbins	Municipality
Teller	Municipality
Togiak	Municipality
Toksook Bay	Municipality
Tuntutuliak	Census Designated Place
Tununak	Census Designated Place
Twin Hills	Census Designated Place
Ugashik	Census Designated Place
Unalakleet	Municipality
Wales	Municipality
White Mountain	Municipality

(2) A person is eligible to harvest subsistence halibut if he or she is a member of an Alaska Native tribe with customary and traditional uses of halibut listed in the following table:

**Halibut Regulatory Area 2C**

<b>Place with Tribal Headquarters</b>	<b>Organized Tribal Entity</b>
Angoon	Angoon Community Association

Craig	Craig Community Association
Haines	Chilkoot Indian Association
Hoonah	Hoonah Indian Association
Hydaburg	Hydaburg Cooperative Association
Juneau	Aukquan Traditional Council Central Council Tlingit and Haida Indian Tribes Douglas Indian Association
Kake	Organized Village of Kake
Kasaan	Organized Village of Kasaan
Ketchikan	Ketchikan Indian Corporation
Klawock	Klawock Cooperative Association
Klukwan	Chilkat Indian Village
Metlakatla	Metlakatla Indian Community, Annette Island Reserve
Petersburg	Petersburg Indian Association
Saxman	Organized Village of Saxman
Sitka	Sitka Tribe of Alaska
Skagway	Skagway Village
Wrangell	Wrangell Cooperative Association

#### Halibut Regulatory Area 3A

Place with Tribal Headquarters	Organized Tribal Entity
Akhiok	Native Village of Akhiok
Chenega Bay	Native Village of Chanega
Cordova	Native Village of Eyak
Karluk	Native Village of Karluk
Kenai-Soldotna	Kenaitze Indian Tribe Village of Salamatoff
Kodiak City	Lesnoi Village (Woody Island) Native Village of Afognak Shoonaq' Tribe of Kodiak
Larsen Bay	Native Village of Larsen Bay
Nanwalek	Native Village of Nanwalek
Ninilchik	Ninilchik Village
Old Harbor	Village of Old Harbor
Ouzinkie	Native Village of Ouzinkie
Port Graham	Native Village of Port Graham
Port Lions	Native Village of Port Lions
Seldovia	Seldovia Village Tribe
Tatitlek	Native Village of Tatitlek
Yakutat	Yakutat Tlingit Tribe

#### Halibut Regulatory Area 3B

Place with Tribal Headquarters	Organized Tribal Entity
--------------------------------	-------------------------

Chignik Bay	Native Village of Chignik
Chignik Lagoon	Native Village of Chignik Lagoon
Chignik Lake	Chignik Lake Village
False Pass	Native Village of False Pass
Ivanof Bay	Ivanoff Bay Village
King Cove	Agdaagux Tribe of King Cove Native Village of Belkofski
Nelson Lagoon	Native Village of Nelson Lagoon
Perryville	Native Village of Perryville
Sand Point	Pauloff Harbor Village Native Village of Unga Qagan Tayagungin Tribe of Sand Point Village

#### Halibut Regulatory Area 4A

Place with Tribal Headquarters	Organized Tribal Entity
Akutan	Native Village of Akutan
Nikolski	Native Village of Nikolski
Unalaska	Qawalingin Tribe of Unalaska

#### Halibut Regulatory Area 4B

Place with Tribal Headquarters	Organized Tribal Entity
Atka	Native Village of Atka

#### Halibut Regulatory Area 4C

Place with Tribal Headquarters	Organized Tribal Entity
St. George St. Paul	Pribilof Islands Aleut Communities of St. Paul Island and St. George Island

#### Halibut Regulatory Area 4D

Place with Tribal Headquarters	Organized Tribal Entity
Gambell	Native Village of Gambell
Savoonga	Native Village of Savoonga
Diomed (Inalik)	Native Village of Diomed (Inalik)

#### Halibut Regulatory Area 4E

Place with Tribal Headquarters	Organized Tribal Entity
Alakanuk	Village of Alakanuk
Aleknagik	Native Village of Aleknagik
Bethel	Orutsarmuit Native Village
Brevig Mission	Native Village of Brevig Mission

Chefornak	Village of Chefornak
Chevak	Chevak Native Village
Clark's Point	Village of Clark's Point
Council	Native Village of Council
Dillingham	Native Village of Dillingham Native Village of Ekuak Native Village of Kanakanak
Eek	Native Village of Eek
Egegik	Egegik Village Village of Kanatak
Elim	Native Village of Elim
Emmonak	Chuloonawick Native Village Emmonak Village
Golovin	Chinik Eskimo Community
Goodnews Bay	Native Village of Goodnews Bay
Hooper Bay	Native Village of Hooper Bay Native Village of Paimiut
King Salmon	King Salmon Tribal Council
Kipnuk	Native Village of Kipnuk
Kongiganak	Native Village of Kongiganak
Kotlik	Native Village of Hamilton Village of Bill Moore's Slough Village of Kotlik
Koyuk	Native Village of Koyuk
Kwigillingok	Native Village of Kwigillingok
Levelock	Levelock Village
Manokotak	Manokotak Village
Mekoryak	Native Village of Mekoryak
Naknek	Naknek Native Village
Napakiak	Native Village of Napakiak
Napaskiak	Native Village of Napaskiak
Newtok	Newtok Village
Nightmute	Native Village of Nightmute Umkumiute Native Village
Nome	King Island Native Community Nome Eskimo Community
Oscarville	Oscarville Traditional Village
Pilot Point	Native Village of Pilot Point
Platinum	Platinum Traditional Village
Port Heiden	Native Village of Port Heiden
Quinhagak	Native Village of Kwinhagak
Scammon Bay	Native Village of Scammon Bay
Shaktoolik	Native Village of Shaktoolik
Sheldon Point (Nuna Iqua)	Native Village of Sheldon's Point
Shishmaref	Native Village of Shishmaref
Solomon	Village of Solomon

South Naknek	South Naknek Village
St. Michael	Native Village of Saint Michael
Stebbins	Stebbins Community Association
Teller	Native Village of Mary's Igloo Native Village of Teller
Togiak	Traditional Village of Togiak
Toksook Bay	Native Village of Toksook Bay
Tuntutuliak	Native Village of Tuntutuliak
Tununak	Native Village of Tununak
Twin Hills	Twin Hills Village
Ugashik	Ugashik Village
Unalakleet	Native Village of Unalakleet
Wales	Native Village of Wales
White Mountain	Native Village of White Mountain

(h) *Limitations on subsistence fishing.* Subsistence fishing for halibut may be conducted only by persons who qualify for such fishing pursuant to paragraph (g) of this section and who hold a valid subsistence halibut registration certificate in that person's name issued by NMFS pursuant to paragraph (i) of this section, provided that such fishing is consistent with the following limitations.

(1) Subsistence fishing is limited to setline gear and hand-held gear, including longline, handline, rod and reel, spear, jig and hand-troll gear.

(i) Subsistence fishing gear set or retrieved from a vessel when fishing under a subsistence halibut registration certificate or a Community Harvest Permit (CHP) must not have more than 30 hooks per person registered in accordance with paragraph (i) of this section and on board the vessel and shall never exceed 3 times the per-person hook limit except that:

(A) No hook limit applies in Areas 4C, 4D, and 4E;

(B) In Area 2C, subsistence fishing gear set or retrieved from a vessel when persons are fishing under a subsistence halibut registration certificate must not have more than 30 hooks per vessel;

(C) In Area 2C, subsistence fishing gear set or retrieved from a vessel when fishing under a Ceremonial or Educational Permit pursuant to paragraph (k) of this section must not have more than 30 hooks per vessel; and

(D) In Area 2C within the Sitka LAMP from June 1 to August 31, setline gear may not be used in a 4 nautical mile radius extending south from Low Island at 57°00'42" N. lat., and 135°36'34" W. long. (see Figure 1 to Subpart E).

(ii) All setline gear marker buoys carried on board or used by any vessel regulated under this section shall be marked with the following: first initial, last name, and address (street, city, and state), followed by the letter "S" to indicate that it is used to harvest subsistence halibut.

(iii) Markings on setline marker buoys shall be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

(2) The daily retention of subsistence halibut in rural areas is limited to no more than 20 fish per person eligible to conduct subsistence fishing for halibut under this paragraph (h) and on board the vessel, except that:

(i) No daily retention limit applies in Areas 4C, 4D, and 4E;

(ii) No daily retention limit applies to persons fishing under a community harvest permit (CHP) pursuant to paragraph (j) of this section;

(iii) The total allowable harvest for persons fishing under a Ceremonial or Educational Permit pursuant to paragraph (k) of this section is 25 fish per permit; and

(iv) In Area 2C the daily retention limit is 20 fish per vessel.

(3) Subsistence fishing may be conducted in any waters in and off Alaska except for the following four non-rural areas defined as follows:

(i) *Ketchikan non-subsistence marine waters area in Commission regulatory area 2C* (see Figure 2 to subpart E) is defined as those waters between a line from Caamano Point at 55°29.90' N. lat., 131°58.25' W. long. to Point Higgins at 55°27.42' N. lat., 131°50.00' W. long. and a point at 55°11.78' N. lat., 131°05.13' W. long., located on Point Sykes to a point at 55°12.22' N. lat., 131°05.70' W. long., located one-half mile northwest of Point Sykes to Point Alava at 55°11.54' N. lat., 131°11.00' W. long. and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines, including within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point at 132°07.23' W. long., and north of the latitude of the southernmost tip of Mary Island at 55°02.66' N. lat.;

(ii) *Juneau non-subsistence marine waters area in Commission regulatory area 2C* (see Figure 3 to subpart E) is defined as those waters of Stephens Passage and contiguous waters north of the latitude of Midway Island Light (57°50.21' N. lat.), including the waters of Taku Inlet, Port Snettisham, Saginaw Channel, and Favorite Channel, and those waters of Lynn Canal and contiguous waters south of the latitude of the northernmost entrance of Berners Bay (58°43.07' N. lat.), including the waters of Berners Bay and Echo Cove, and those waters of Chatham Strait and contiguous waters north of the latitude of Point Marsden (58°03.42' N. lat.), and east of a line from Point Couverden at 58°11.38' N. lat., 135°03.40' W. long., to Point Augusta at 58°02.38' N. lat., 134°57.11' W. long.;

(iii) The Anchorage-Matsu-Kenai non-subsistence marine waters area in Commission Regulatory Area 3A (see Figure 4 to subpart E) is defined as:

(A) All waters of Cook Inlet north of a line extending from the westernmost point of Hesketh Island at 59°30.40' N. lat., except those waters within mean lower low tide from a point one mile south of the southern edge of the Chuitna River (61°05.00' N. lat., 151°01.00' W. long.) south to the easternmost tip of Granite Point (61°01.00' N. lat., 151°23.00' W. long.) (Tyonek subdistrict); and

(B) All waters of Alaska south of 59°30.40' N. lat. on the western shore of Cook Inlet to Cape Douglas (58°51.10' N. lat.) and in the east to Cape Fairfield (148°50.25' W. long.), except those waters of Alaska west of a line from the easternmost point of Jakolof Bay (151°31.90' W. long.), and following the shore to a line extending south from the easternmost point of Rocky Bay (151°18.41' W. long.); and

(iv) *Valdez non-subsistence marine waters area Commission regulatory area 3A* (see Figure 5 to subpart E) is defined as the waters of Port Valdez and Valdez Arm located north of 61°02.24' N. lat., and east of 146°43.80' W. long.

(4) Waters in and off Alaska that are not specifically identified as non-rural in paragraph (h)(3) of this section are rural for purposes of subsistence fishing for halibut. Subsistence fishing may be conducted in any rural area by any person with a valid subsistence halibut registration certificate in his or her name issued by NMFS under paragraph (i) of this section, except that:

(i) A person who is not a rural resident but who is a member of an Alaska Native tribe that is located in a rural area and that is listed in the table in paragraph (g)(2) of this section is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership.

(ii) A person who is a resident outside the State of Alaska but who is a member of an Alaska Native tribe that is located in a rural area and that is listed in the table in paragraph (g)(2) of this section is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership.

(iii) For purposes of this paragraph, "area of tribal membership" means rural areas of the Commission regulatory area or the Bering Sea closed area in which the Alaska Native tribal headquarters is located.

(i) *Subsistence registration.* A person must register as a subsistence halibut fisher and possess a valid subsistence halibut registration certificate in his or her name issued by NMFS before he or she begins subsistence fishing for halibut in waters in and off Alaska.

(1) A subsistence halibut registration certificate will be issued to any person who registers according to paragraph (i)(2) of this section and who is qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section. The Alaska Region, NMFS, may enter into cooperative agreements with Alaska Native tribal governments or their representative organizations for purposes of identifying persons qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section.

(2) *Registration.* To register as a subsistence halibut fisher, a person may request a cooperating Alaska Native tribal government or other entity designated by NMFS to submit an application on his or her behalf to the Alaska Region, NMFS. Alternatively, a person may apply by submitting a completed application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, PO Box 21668, Juneau, AK 99802-1668. The following information is required to be submitted with the application:

(i) For a Rural Resident Registration, the person must submit his or her full name, date of birth, mailing address (number and street, city and state, zip code), community of residence (the rural community or residence from 50 CFR 300.65(g)(1) that qualifies the fisher as eligible to fish for subsistence halibut), daytime telephone number, certification that he or she is a "rural resident" as that term is defined at §300.61, and signature and date of signature.

(ii) For an Alaska Native Tribal Registration, the person must submit his or her full name, date of birth, mailing address (number and street, city and state, zip code), Alaska Native tribe (the name of the Alaska Native Tribe from 50 CFR 300.65(g)(2) that qualifies the fisher as eligible to fish for subsistence halibut), daytime telephone number, certification that he or she is a member of an "Alaska Native tribe" as that term is defined at §300.61, and signature and date of signature.

(3) *Expiration of registration.* Each subsistence halibut registration certificate will be valid only for the period of time specified on the certificate. A person eligible to harvest subsistence halibut under paragraph (g) of this section may renew his or her registration certificate that is expired or will expire within 3 months by following the procedures described in paragraph (i)(2) of this section. A subsistence halibut registration certificate will expire:

(i) 2 years from the date of its issuance to a person eligible to harvest subsistence halibut under paragraph (g)(1) of this section, and

(ii) 4 years from the date of its issuance to a person eligible to harvest subsistence halibut under paragraph (g)(2) of this section.

(j) *Community Harvest Permit (CHP).* An Area 2C community or Alaska Native tribe listed in paragraphs (g)(1) or (g)(2) of this section 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 to harvest subsistence halibut from a single vessel under reduced gear and harvest restrictions. The CHP consists of a harvest log and up to five laminated permit cards. A CHP is a permit subject to regulation under §679.4(a) of this title.

(1) *Qualifications.* (i) NMFS may issue a CHP to any community or Alaska Native tribe that applies according to paragraph (j)(2) of this section and that is qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section.

(ii) NMFS will issue a CHP to a community in Area 2C only if:

(A) The applying community is listed as eligible in Area 2C according to paragraph (g)(1) of this section; and

(B) No Alaska Native tribe listed in paragraph (g)(2) exists in that community.

(iii) NMFS will issue a CHP to an Alaska Native tribe in Area 2C only if the applying tribe is listed as eligible in Area 2C according to paragraph (g)(2) of this section.

(iv) Eligible communities or Alaska Native tribes may appoint only one CHP Coordinator per community or tribe.

(2) *Application.* A community or Alaska Native tribe may apply for a CHP by submitting an application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668. A complete application must include:

(i) The name of the community or Alaska Native tribe requesting the CHP;

(ii) The full name of the person who is designated as the CHP Coordinator for each community or Alaska Native tribe, the designated CHP Coordinator's mailing address (number and street, city, state, and zip code), community of residence (the rural community or residence from paragraph (g)(1) of this section) or the Alaska Native tribe if applicable (as indicated in paragraph (g)(2) of this section), and the daytime telephone number; and

(iii) Any previously issued CHP harvest logs.

(3) *Restrictions.* Subsistence fishing for halibut under a CHP shall be valid only:

(i) In Area 2C, except that a CHP may not be used:

(A) Within the Sitka LAMP defined in paragraph (e) of this section (see Figure 1 to subpart E); or

(B) Within the Juneau and Ketchikan non-rural areas defined in paragraph (h) of this section (see Figures 2 and 3 to subpart E);

(ii) To persons in possession of a valid subsistence halibut registration certificate issued in accordance with paragraph (i) of this section for the same community or Alaska Native tribe listed on the CHP;

(iii) On a single vessel on which a CHP card is present; and

(iv) If subsistence fishing gear set or retrieved from a vessel on which the CHP card is present does not exceed the restrictions of paragraph (h) of this section.

(4) *Expiration of permit.* Each CHP will be valid only for the period of time specified on the permit. A CHP will expire one year from the date of issuance to a community or Alaska Native tribe eligible to harvest halibut under paragraph (g) of this section. A

community or Alaska Native tribe eligible to harvest subsistence halibut under paragraph (g) of this section may renew its CHP that is expired or will expire within three months by following the procedures described in paragraph (j)(2) of this section.

(5) *Duties of the CHP coordinator.* Each CHP Coordinator must ensure:

(i) The designated harvesters who may fish under the CHP are identified on the Community Harvest Permit harvest log when the CHP is issued to the designated harvesters;

(ii) The CHP remains in the possession of the CHP Coordinator or other tribal or government authority when not in use and is issued to the designated harvesters when necessary; and

(iii) All required recordkeeping and data reporting of subsistence harvests under the CHP are performed.

(6) *Harvest log submission.* Each Community Harvest Permit harvest log must be submitted to NMFS on or before the date of expiration by facsimile or mail. Harvest logs must be mailed to RAM at the address given in paragraph (j)(2) of this section or faxed to 907-586-7354. The log must provide information on:

(i) The subsistence fisher's identity including his or her full name, subsistence halibut registration certificate number, date of birth, mailing address (number and street, city, state, and zip code), community of residence, daytime phone number, and tribal identity (if appropriate); and

(ii) The subsistence halibut harvest including whether the participant fished for subsistence halibut during the period specified on the permit, and if so, the date harvest occurred, the number and weight (in pounds) of halibut harvested, the type of gear and number of hooks used, the Commission regulatory area and local water body from which the halibut were harvested, and the number of lingcod and rockfish caught while subsistence fishing for halibut.

(k) *Ceremonial Permit or Educational Permit.* An Area 2C or Area 3A Alaska Native tribe that is listed in paragraph (g)(2) of this section may apply for a Ceremonial or Educational Permit, allowing the tribe to harvest up to 25 halibut per permit issued. The Ceremonial and Educational Permits each consist of a harvest log and a single laminated permit card. Ceremonial and Educational Permits are permits subject to regulation under §679.4(a) of this title.

(1) *Qualifications.* (i) NMFS may issue a Ceremonial or Educational Permit to any Alaska Native tribe that completes an application according to paragraph (k)(2) of this section and that is qualified to conduct subsistence fishing for halibut according to paragraph (g)(2) of this section.

(ii) Eligible Alaska Native tribes may appoint only one Ceremonial Permit Coordinator per tribe.

(iii) Eligible educational programs may appoint only one authorized Instructor per Educational Permit.

(2) *Application.* An Alaska Native tribe may apply for a Ceremonial or Educational Permit by submitting an application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

(i) A complete application must include:

(A) The name of the Alaska Native tribe requesting the Ceremonial or Educational Permit;

(B) The name of the person designated as the Ceremonial Permit Coordinator for each Alaska Native tribe or the name of the person designated as the Instructor for an Educational Permit, the Ceremonial Permit Coordinator or Instructor's mailing address (number and street, city, state, and zip code), and the daytime telephone number;

(C) Any previously issued Ceremonial Permit harvest logs from any expired Ceremonial Permit if applying for a Ceremonial Permit; and

(D) Any previously issued Educational Permit harvest logs from any expired Educational Permit if applying for an Educational Permit.

(ii) NMFS will issue a Ceremonial Permit for the harvest of halibut associated with traditional cultural events only if the application:

(A) Indicates the occasion of cultural or ceremonial significance; and

(B) Identifies the person designated by the eligible Alaska Native tribe as the Ceremonial Permit Coordinator.

(iii) NMFS will issue an Educational Permit only if the application:



(A) Includes the name and address of the educational institution or organization;

(B) Includes the instructor's name;

(C) Demonstrates the enrollment of qualified students;

(D) Describes minimum attendance requirements of the educational program; and

(E) Describes standards for the successful completion of the educational program.

(3) *Restrictions.* Subsistence fishing for halibut under Ceremonial or Educational Permits shall be valid only:

(i) In Area 3A, except in the Anchorage-Matsu-Kenai and Valdez non-rural areas defined in paragraph (h) of this section (see Figures 4 and 5 to subpart E);

(ii) In Area 2C, except in the Juneau and Ketchikan non-rural areas defined in paragraph (h) of this section (see Figures 2 and 3 to subpart E) and a Ceremonial Permit may not be used within the Sitka LAMP from June 1 through August 31;

(iii) On a single vessel on which the Ceremonial or Educational Permit card is present;

(iv) On the vessel on which the instructor is present for Educational Permits;

(v) To persons in possession of a valid subsistence halibut registration certificate issued in accordance with paragraph (i) of this section for the same Alaska Native tribe listed on the Ceremonial or Educational Permit, except that students enrolled in an educational program may fish under an Educational Permit without a subsistence halibut registration certificate; and

(vi) If subsistence fishing gear set or retrieved from a vessel on which the Ceremonial or Educational Permit card is present does not exceed the restrictions of paragraph (h) of this section.

(4) *Expiration of permits.* Each Ceremonial or Educational Permit will be valid only for the period of time specified on the permit. Ceremonial and Educational Permits will expire 30 days from the date of issuance to an Alaska Native tribe eligible to harvest halibut under paragraph (g)(2) of this section. A tribe eligible to harvest subsistence halibut under paragraph (g)(2) of this section may apply for additional Ceremonial or Educational Permits at any time.

(5) *Duties of Ceremonial Permit Coordinators and Instructors.* Each Ceremonial Permit Coordinator or Instructor must ensure:

(i) The designated harvesters or students who may fish under the Ceremonial or Educational Permit are identified on the Ceremonial/Educational Permit harvest log when the permit is used;

(ii) The Ceremonial Permit remains in the possession of the Ceremonial Permit Coordinator or other tribal authority when not in use and is issued to designated harvesters when necessary; and

(iii) All required recordkeeping and data reporting of subsistence harvests under the Ceremonial or Educational Permit are performed.

(6) *Harvest log submission.* Submission of a Ceremonial or Educational Permit log shall be required upon the expiration of each permit and must be received by Restricted Access Management within 15 days of the expiration by facsimile or mail. Harvest logs must be mailed to RAM at the address given in paragraph (k)(2) of this section or faxed to 907-586-7354. The log must provide information on:

(i) The subsistence fisher's identity including his or her full name, subsistence halibut registration certificate number if applicable (students do not need a SHARC), date of birth, mailing address (number and street, city, state, and zip code), community of residence, daytime phone number, and tribal identity;

(ii) The subsistence halibut harvest including whether the participant fished for subsistence halibut during the period indicated on the permit, and if so, the date when harvest occurred, the number and weight (in pounds) of halibut harvested, the type of gear and number of hooks used, the Commission regulatory area and local water body from which the halibut were harvested, and the number of lingcod and rockfish caught while subsistence fishing for halibut.

(l) *Appeals.* If Restricted Access Management (RAM) determines that an application is deficient, it will prepare and send an Initial Administrative Determination (IAD) to the applicant. The IAD will indicate the deficiencies in the application or any additional provided information. An applicant who receives an IAD may appeal RAM's findings pursuant to §679.43 of this title.

[68 FR 18156, Apr. 15, 2003, as amended at 68 FR 47264, Aug. 8, 2003; 70 FR 16751, Apr. 1, 2005; 70 FR 41160, July 18, 2005; 71 FR 38298, July 6, 2006; 72 FR 30727, June 4, 2007; 72 FR 67669, Nov. 30, 2007; 72 FR 68762, Dec. 6, 2007]

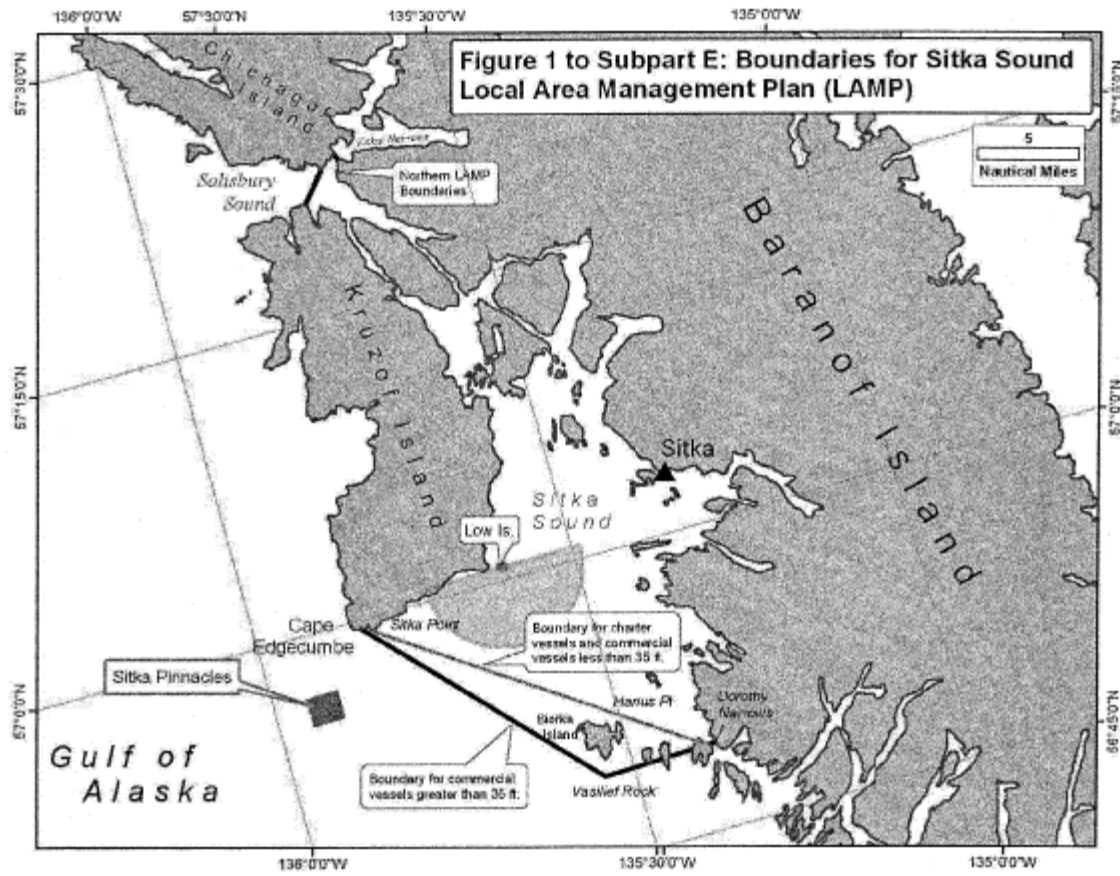
**§ 300.66 Prohibitions.**

In addition to the general prohibitions specified in 50 CFR 300.4, it is unlawful for any person to do any of the following:

- (a) Fish for halibut except in accordance with the annual management measures published pursuant to 50 CFR 300.62.
- (b) Fish for halibut except in accordance with the catch sharing plans and domestic management measures implemented under 50 CFR 300.63 and 50 CFR 300.65.
- (c) Fish for halibut in Sitka Sound in violation of the Sitka Sound LAMP implemented under 50 CFR 300.65(e).
- (d) Fish for halibut or anchor a vessel with halibut on board within the Sitka Pinnacles Marine Reserve defined at 50 CFR 300.65(f).
- (e) Fish for subsistence halibut in and off Alaska unless the person is qualified to do so under §300.65(g), possesses a valid subsistence halibut registration certificate pursuant to §300.65(i), and makes this certificate available for inspection by an authorized officer on request, except that students enrolled in a valid educational program and fishing under an Educational Permit issued pursuant to §300.65(k) do not need a subsistence halibut registration certificate.
- (f) Fish for subsistence halibut in and off Alaska with gear other than that described at 50 CFR 300.65(h)(1) and retain more halibut than specified at 50 CFR 300.65(h)(2).
- (g) Fish for subsistence halibut in and off Alaska in a non-rural area specified at 50 CFR 300.65(h)(3).
- (h) Retain on board the harvesting vessel halibut harvested while subsistence fishing with halibut harvested while commercial fishing or from sport fishing, as defined at §300.61, except that persons authorized to conduct subsistence fishing under §300.65(g), and who land their total annual harvest of halibut:
  - (1) In Commission regulatory Areas 4D or 4E may retain, with harvests of Community Development Quota (CDQ) halibut, subsistence halibut harvested in Commission regulatory areas 4D or 4E that are smaller than the size limit specified in the annual management measures published pursuant to §300.62; or
  - (2) In Commission regulatory Areas 4C, 4D or 4E may retain, with harvests of CDQ halibut, subsistence halibut harvested in Commission regulatory areas 4C, 4D or 4E that are equal to or greater than the size limit specified in the annual management measures published pursuant to §300.62.
- (i) Retain subsistence halibut that were harvested using a charter vessel.
- (j) Retain or possess subsistence halibut for commercial purposes, cause subsistence halibut to be sold, bartered or otherwise enter commerce or solicit exchange of subsistence halibut for commercial purposes, except that a person who qualified to conduct subsistence fishing for halibut under 50 CFR 300.65(g), and who holds a subsistence halibut registration certificate in the person's name under 50 CFR 300.65(i) may engage in the customary trade of subsistence halibut through monetary exchange of no more than \$400 per year.
- (k) Retain subsistence halibut harvested under a CHP, Ceremonial Permit, or Educational Permit together in any combination or with halibut harvested under any other license or permit.
- (l) Fillet, mutilate, or otherwise disfigure subsistence halibut in any manner that prevents the determination of the number of fish caught, possessed, or landed.
- (m) Possess halibut onboard a charter vessel in Area 2C that has been mutilated or otherwise disfigured in a manner that prevents the determination of size or number of fish, notwithstanding the requirements of the Annual Management Measure 25(2) and (7) (as promulgated in accordance with §300.62 and relating to Sport Fishing for Halibut). Filleted halibut may be possessed onboard the charter vessel provided that the entire carcass, with the head and tail connected as single piece, is retained onboard until all fillets are offloaded.

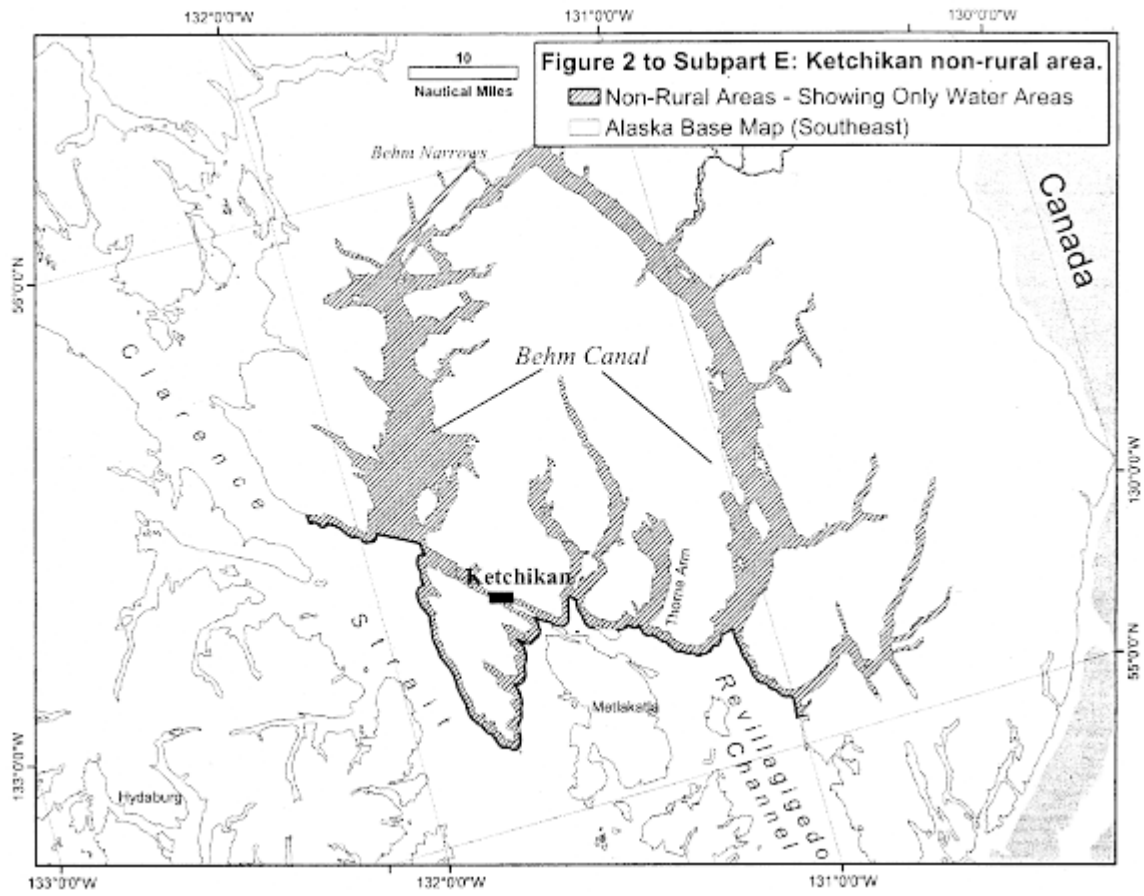
[68 FR 18156, Apr. 15, 2003, as amended at 70 FR 16754, Apr. 1, 2005; 72 FR 30728, June 4, 2007; 72 FR 67669, Nov. 30, 2007]

Figure 1 to Subpart E—Sitka Local Area Management Plan



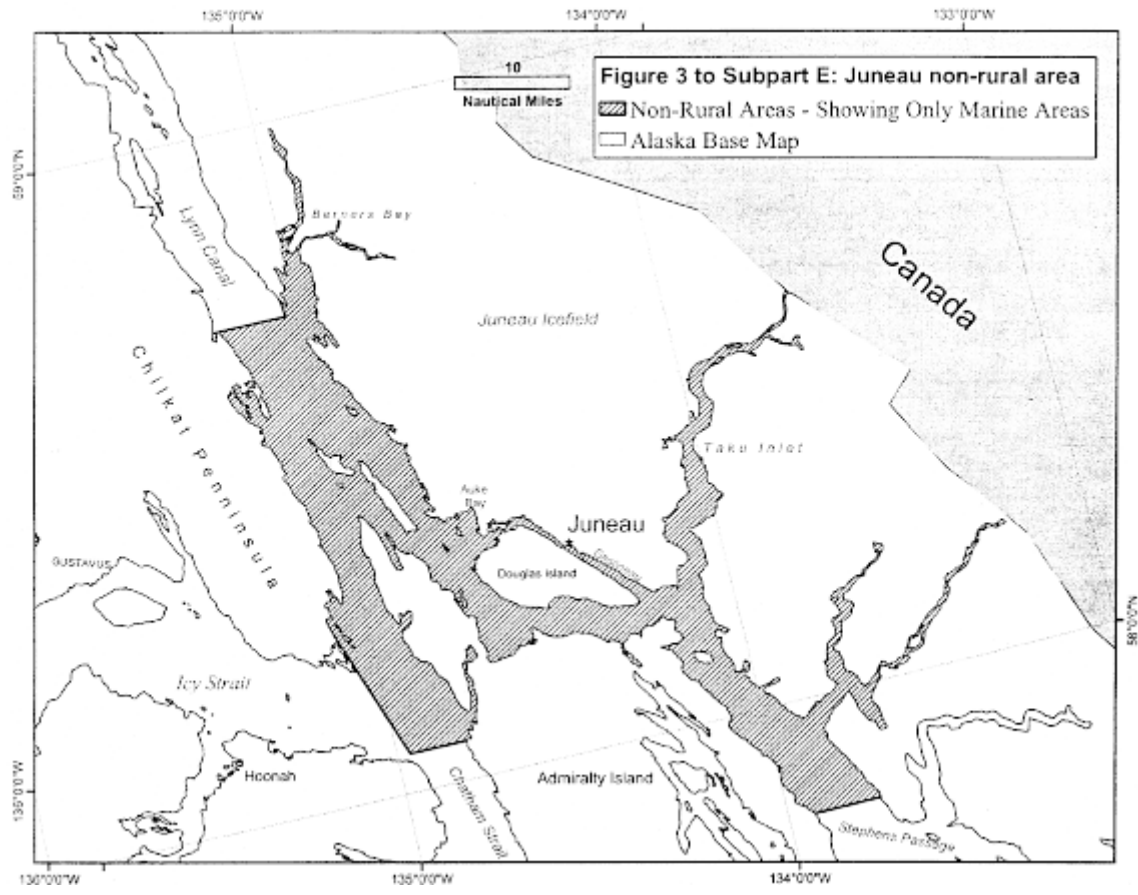
[View or download PDF](#)

Figure 2 to Subpart E—Ketchikan Non-Rural Area



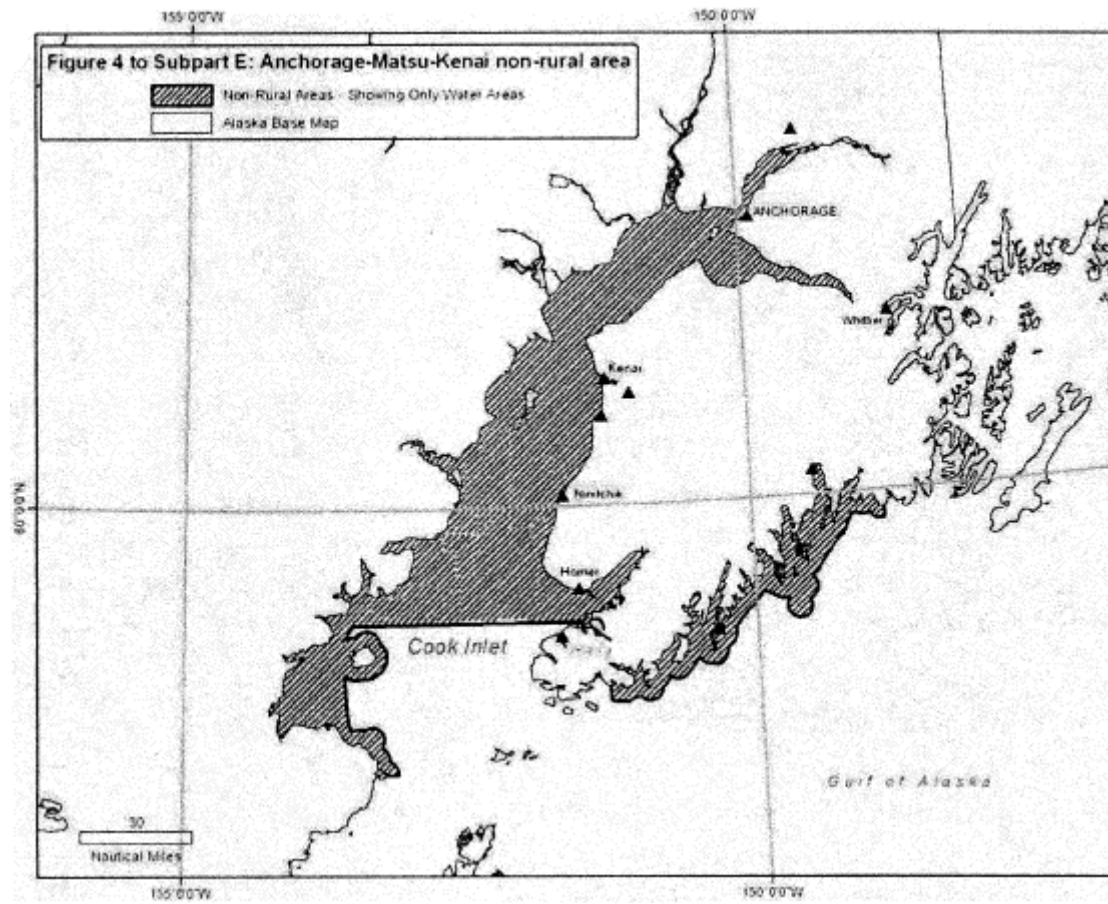
[View or download PDF](#)

Figure 3 to Subpart E—Juneau Non-Rural Area



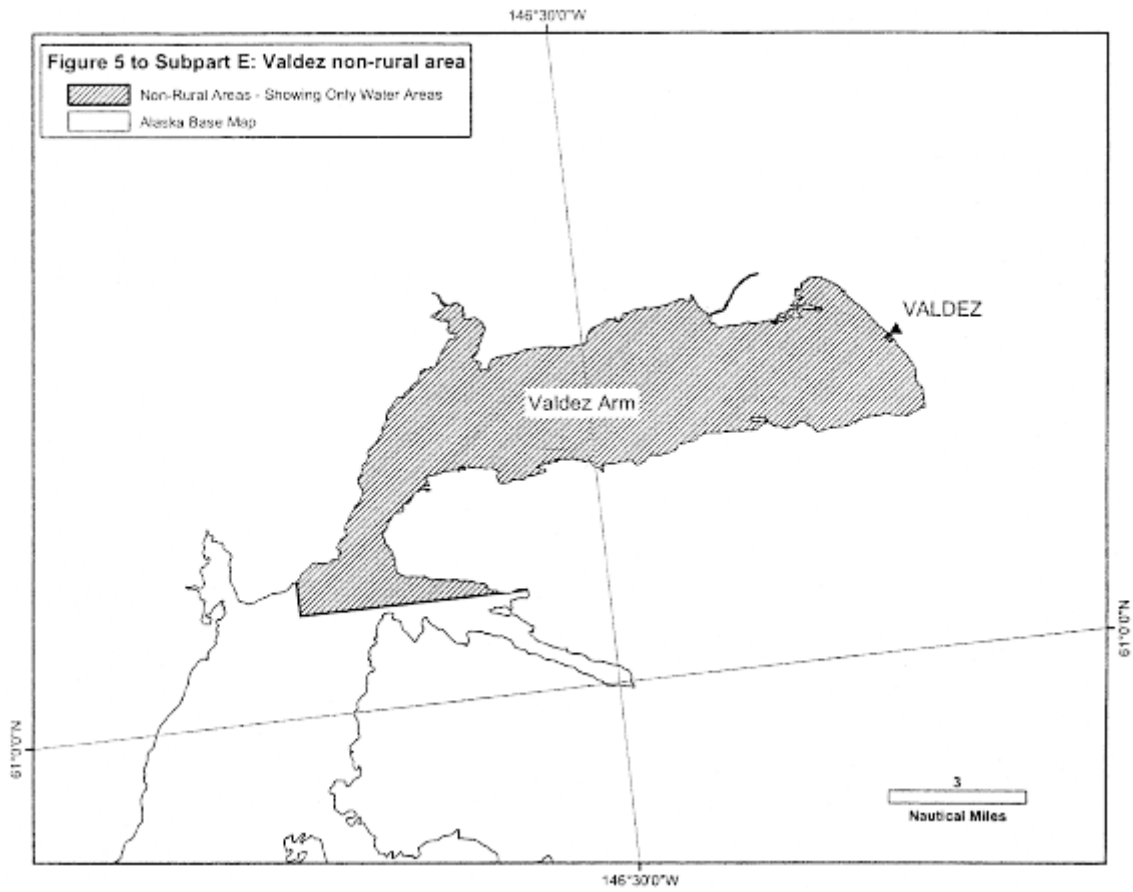
[View or download PDF](#)

Figure 4 to Subpart E—Anchorage-Matsu-Kenai Non-Rural Area



[View or download PDF](#)

**Figure 5 to Subpart E—Valdez Non-Rural Area**



[View or download PDF](#)

[64 FR 52471, Sept. 29, 1999; 66 FR 36208, July 11, 2001, as amended at 68 FR 23361, May 1, 2003; 70 FR 41160, July 18, 2005]

## SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION GUIDELINES

### Background

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, aka the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” OMB complied by issuing guidelines which direct each federal agency to 1) issue its own guidelines; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines or the agency guidelines; and 3) report periodically to OMB on the number and nature of complaints received by the agency and how the complaints were handled. The OMB Guidelines can be found at:

<http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

The Department of Commerce Guidelines can be found at: <http://www.osec.doc.gov/cio/oipr/iqg.htm>

The NOAA Section 515 Information Quality Guidelines, created with input and reviews from each of the components of NOAA Fisheries, went into effect on October 1, 2002. **The NOAA Information Quality Guidelines are posted on the NOAA home page under “Information Quality.”** <http://www.noaanews.noaa.gov/stories/iq.htm>

The guidelines apply to a wide variety of government information products and all types of media, including printed, electronic, broadcast or other. The guidelines define “Information” as, “any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.” For example, this definition includes information that an agency disseminates from a web page. The guidelines define “Dissemination” as, “agency initiated or sponsored distribution of information to the public.” Explicitly **not** included within this term is distribution limited to “government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.” It also does not include distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes. (See the NOAA IQ Guidelines, pgs 5-6).

To assist in Data Quality Act compliance, NOAA Fisheries has established a series of actions that should be completed for each new information product subject to the Data Quality Act. (See “Information Generation and Compliance Documentation” and “Pre-Dissemination Review” below.) **In addition to the information contained in this document, familiarity with the NOAA Section 515 Information Quality Guidelines (<http://www.noaanews.noaa.gov/stories/iq.htm>) is crucial for NOAA Fisheries employees who engage in the generation and dissemination of information.**

### Information Generation and Compliance Documentation

- The fundamental step in the process is to create a Sec. 515 Information Quality file for each new information product. To aid in this process, a Section 515 Pre-Dissemination Review and Documentation form has been created. These guidelines are intended to serve as a supplement to the Pre-Dissemination Review and Documentation Form. The basic steps to the documentation process are outlined below.
- Complete general information (e.g., author/responsible office, title/description) section of the form.
- Determine the information category (i.e., original data; synthesized products; interpreted products; hydrometeorological, hazardous chemical spill, and space weather warnings, forecasts, and advisories; experimental products; natural resource plans; corporate and general information). **For most information products, you will only need to check one box.** More complex documents may be an “aggregate” of different categories of information products.
- Generate the information in a way that meets each of the applicable standards for the appropriate information category. See the NOAA Information Quality Guidelines.
- Document how the standards for **utility, integrity and objectivity** are met for each information product, describing what measures were taken to meet each of the applicable standards. Use the 2 page Pre-Dissemination Review & Documentation Form to document compliance with the Utility and Integrity standards contained in NOAA’s Information Quality Guidelines. The Utility and Integrity standards pertain to all categories of information disseminated by NOAA. Use these guidelines (pgs 4-11) to document compliance with the applicable objectivity standards for your information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.
- Maintain the Sec. 515 Information Quality file in a readily accessible place. [Pre-Dissemination Review](#)
- Before information is disseminated, it must be reviewed for compliance with the NOAA Sec. 515 Information Quality Guidelines. This is accomplished by reviewing the information and the Sec. 515 Information Quality file.
- The Pre-Dissemination Review should be conducted during the normal course of clearing the information product for release. The person conducting the Pre-Dissemination Review will sign and date the Pre-Dissemination Review & Documentation Form. The reviewing official must be at least one level above the person generating the information product.
- The Pre-Dissemination Review form and the supporting information quality documentation must accompany the information product through the clearance process and be maintained on file.

### Completing the Section 515 Pre-Dissemination Review & Documentation Form

Using the Section 515 Pre-Dissemination Review & Documentation Form and these guidelines, document how the information product meets the



following standards for **Utility, Integrity and Objectivity**. **Please note:** Use the Pre-Dissemination Review & Documentation Form to document how the information product complies with the Utility and Integrity standards that pertain to all categories of information products. The Utility and Integrity standards are presented here for your convenience. Use these guidelines to explain how the information product meets the applicable Objectivity standards for the information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.

### I. Utility of Information Product

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain or use.

- A. Is the information helpful, beneficial or serviceable to the intended user? Explain.
- B. Who are the intended users of the data or information product? (e.g., the American public; other federal agencies; state and local governments; recreational concerns; national and international organizations). Is this data or information product an improvement over previously available information? Is it more detailed or current? Is it more useful or accessible to the public? Has it been improved based on comments or interactions with users?
- C. What media are used in the dissemination of the information? Printed publications? CD-ROM? Internet?  
Is the product made available in a standard data format?  
Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs?

### II. Integrity of Information Product

Integrity refers to security - the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination, NOAA information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. **Please note: all electronic information disseminated by NOAA adheres to the standards set forth in paragraph A below. If the information product is disseminated electronically, simply circle paragraph II(A) on the form.** You may also contact your IT Manager for further information.

Explain (circle) how the information product meets the following standards for integrity:

- A. All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.
- B. If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U. S. Code (confidentiality of census, business and financial information).
- C. Other/Discussion  
(e.g., 50 CFR 600, Subpart E, Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

### III. Objectivity of Information Product

(1) Indicate which one of the following categories of information products apply for this product (check one):

- Original Data - go to Section A
- Synthesized Products - go to Section B
- Interpreted Products - go to Section C
- Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories - go to Section D
- Experimental Products - go to Section E
- Natural Resource Plans - go to Section F
- Corporate and General Information - go to Section G

(2) Describe how this information product meets the applicable objectivity standards.

General Standard: Information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an acceptable degree of imprecision or error appropriate to the particular kind of information at issue and otherwise meets commonly accepted scientific, financial and statistical standards.

If the information is "influential," that is, it is expected to have a genuinely clear and substantial impact on major public policy and private sector decisions, it is noted as such and it is presented with the highest degree of transparency. If influential information constitutes an assessment of risks to human health, safety or the environment, indicate whether the risk assessment was qualitative or quantitative, and describe which SDWA-adapted quality standards at page 9 of NOAA's Section 515 Information Quality Guidelines were applied to the information product.

Use of third party information in the product (information not collected or generated by NOAA) is only done when the information is of known quality and consistent with NOAA's Section 515 Guidelines; any limitations, assumptions, collection methods, or uncertainties concerning the information are taken into account and disclosed.

Specific Standards: Specific objectivity standards for categories of information products disseminated by NOAA are listed below. Document how the general and specific objectivity standards for the particular information product were met.

**A. Original Data**

Original Data are data in their most basic useful form. These are data from individual times and locations that have not been summarized or processed to higher levels of analysis. While these data are often derived from other direct measurements (e.g., spectral signatures from a chemical analyzer, electronic signals from current meters), they represent properties of the environment. These data can be disseminated in both real time and retrospectively. Examples of original data include buoy data, survey data (e.g., living marine resource and hydrographic surveys), biological and chemical properties, weather observations, and satellite data.

Objectivity of original data is achieved using sound quality control techniques.

Detail how the data collection methods, systems, instruments, training, and/or tools are appropriate to meet the requirements of the intended users.

Were the methods, systems, instruments, etc., validated before use?

Were standard operating procedures (SOPs) followed for time series data collections? If not, document the valid scientific reasons for the deviation.

Document the quality control techniques used, for example:

- Gross error checks for data that fall outside of physically realistic ranges (e.g., a minimum, maximum or maximum change)
- Comparisons made with other independent sources of the same measurement
- Examination of individual time series and statistical summaries
- Application of sensor drift coefficients determined by a comparison of pre- and post-deployment calibrations
- Visual inspection of data

Describe any evolution and/or improvements in survey techniques, instrument performance and/or data processing.

Have metadata record descriptions and explanations of the methods and quality controls to which original data are subjected been included in the disseminated product? If not, they must be made available upon request.

**B. Synthesized Products**

Synthesized Products are those that have been developed through analysis of original data. This includes analysis through statistical methods; model interpolations, extrapolations, and simulations; and combinations of multiple sets of original data.

While some scientific evaluation and judgment is needed, the methods of analysis are well documented and relatively routine.

Examples of synthesized products include summaries of fisheries landings statistics, weather statistics, model outputs, data display through Geographical Information System techniques, and satellite-derived maps.

The objectivity of synthesized products is achieved by using data of known quality, applying sound analytical techniques, and reviewing the products or processes used to create them before dissemination. For synthesized products, please document the following:

Identify data sources (preferred option) or be prepared to make them available upon request.

Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities?

Are the methods used to create the synthesized product published in standard methods manuals or generally accepted by the relevant scientific and technical communities? Are the methods documented in readily accessible formats by the disseminating office?

Describe the review process used to ensure the validity of the synthesized product or the procedures used to create them, e.g., statistical procedures, models, or other analysis tools.

If the synthesized product is unique or not regularly produced, was this product reviewed by internal and/or external experts?

If this is a routinely produced synthesized product, was the process for developing the product reviewed by internal and/or external experts?

Does the synthesized product include information about the methods used to create the product? If not, the methods must be made available upon request.

**C. Interpreted Products**

Interpreted Products are those that have been developed through interpretation of original data and synthesized products. In many cases, this information incorporates additional contextual and/or normative data, standards, or information that puts original data and synthesized products into larger spatial, temporal, or issue contexts. This information is subject to scientific interpretation, evaluation, and judgment. Examples of interpreted products include journal articles, scientific papers, technical reports, and production of and contributions to integrated assessments.

Objectivity of interpreted products is achieved by using data of known quality or from sources acceptable to the relevant scientific and technical communities and reliable supporting products, applying sound analytical techniques, presenting the information in the proper context, and reviewing the products before dissemination.

Are all data and information sources identified or properly referenced?

Are the methods used to create the interpreted product generally accepted by the relevant scientific and technical communities?

Is information concerning the quality and limitations of the interpreted product provided to help the user assess the suitability of the product for the user's application?

Describe the review process used to ensure that the product is valid, complete, unbiased, objective and relevant. For example, peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to formal, independent, external peer review. The review should be conducted at a level commensurate with the importance of the interpreted product.

Does the interpreted product include a description of the methods used to create the product? If not, they must be made available upon

request.

**D. Hydrometeorological, Hazardous Chemical Spill, and Space Weather**

**Warnings, Forecasts, and Advisories**

Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories are time-critical interpretations of original data and synthesized products, prepared under tight time constraints and covering relatively short, discrete time periods. As such, these warnings, forecasts, and advisories represent the best possible information in given circumstances. They are subject to scientific interpretation, evaluation, and judgment. Some products in this category, such as weather forecasts, are routinely prepared. Other products, such as tornado warnings, hazardous chemical spill trajectories, and solar flare alerts, are of an urgent nature and are prepared for unique circumstances.

Objectivity of information in this category is achieved by using reliable data collection methods and sound analytical techniques and systems to ensure the highest possible level of accuracy given the time critical nature of the products.

What is the source of the data or information used in the product? Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities? Are the sources included in the information product? If not, they must be made available upon request. Are the methods used to create the product generally accepted by the relevant scientific and technical communities?

Please note if individual best judgment was used due to the time-critical nature of the product.

What mechanisms were used to evaluate the accuracy of the information product? Statistical analysis may be carried out for a subset of products for verification purposes.

**E. Experimental Products**

Experimental products are products that are experimental (in the sense that their quality has not yet been fully determined) in nature, or are products that are based in part on experimental capabilities or algorithms. Experimental products fall into two classes.

They are either (1) disseminated for experimental use, evaluation or feedback, or (2) used in cases where, in the view of qualified scientists who are operating in an urgent situation in which the timely flow of vital information is crucial to human health, safety, or the environment, the danger to human health, safety, or the environment will be lessened if every tool available is used. Examples of experimental products include imagery or data from non-NOAA sources, algorithms currently being tested and evaluated, experimental climate forecasts, and satellite imagery processed with developmental algorithms for urgent needs (e.g., wildfire detection).

Objectivity of experimental products is achieved by using the best science and supporting studies available, in accordance with sound and objective scientific practices, evaluated in the relevant scientific and technical communities, and peer-reviewed where feasible.

Describe the science and/or supporting studies used, the evaluation techniques used, and note any peer-review of the experimental product. Were the results of initial tests or evaluations made available where possible? Describe the review, by the appropriate NOAA unit, of the experimental products and capabilities documentation, along with any tests or evaluations.

Are explicit limitations provided concerning the quality of the experimental product? Is the degree of uncertainty indicated?

Describe the testing process used, e.g., the experimental product or capabilities are used only after careful testing, evaluation, and review by NOAA experts, and then are approved for provisional use only by selected field offices or other NOAA components. This process is repeated as needed to ensure an acceptable and reliable level of quality.

**F. Natural Resource Plans**

Natural Resource Plans are information products that are prescribed by law and have content, structure, and public review processes (where applicable) that will be based upon published standards, e.g., statutory or regulatory guidelines. Examples of such published standards include the National Standard Guidelines (50 CFR Part 600, Subpart D), Essential Fish Habitat Guidelines, and Operational Guidelines - Fishery Management Plan Process, all under the Magnuson-Stevens Fishery Conservation and Management Act; and the National Marine Sanctuary Management Plan Handbook (16 U.S.C. section 1434) under the National Marine Sanctuary Act. These Natural Resource Plans are a composite of several types of information (e.g., scientific, management, stakeholder input, and agency policy) from a variety of internal and external sources. Examples of Natural Resources Plans include fishery, protected resource, and sanctuary management plans and regulations, and natural resource restoration plans.

Objectivity of Natural Resource Plans will be achieved by adhering to published standards, using information of known quality or from sources acceptable to the relevant scientific and technical communities, presenting the information in the proper context, and reviewing the products before dissemination.

What published standard(s) governs the creation of the Natural Resource Plan? Does the Plan adhere to the published standards? (See the NOAA Sec. 515 Information Quality Guidelines, Section II(F) for links to the published standards for the Plans disseminated by NOAA.)

Was the Plan developed using the best information available? Please explain.

Have clear distinctions been drawn between policy choices and the supporting science upon which they are based? Have all supporting materials, information, data and analyses used within the Plan been properly referenced to ensure transparency?

Describe the review process of the Plan by technically qualified individuals to ensure that the Plan is valid, complete, unbiased, objective and relevant. For example, internal review by staff who were not involved in the development of the Plan to formal, independent, external peer review. The level of review should be commensurate with the importance of the Plan and the constraints imposed by legally enforceable deadlines.

**G. Corporate and General Information**

Corporate or general information includes all non-scientific, non-financial, non-statistical information. Examples include program and organizational descriptions, brochures, pamphlets, education and outreach materials, newsletters, and other general descriptions of NOAA operations and capabilities.

Corporate and general information disseminated by NOAA must be presented in a clear, complete, and unbiased manner, and in a context that enhances usability to the intended audience. To the extent possible, identify the sources of the disseminated information, consistent with confidentiality, privacy and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Information disseminated by NOAA is reliable and accurate to an acceptable degree of error as determined by factors such as the importance of the information, the intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available.

For non-scientific, non-statistical information, has the information product been reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination?

Describe the review process for the information product. Review can be accomplished in a number of ways, including but not limited to combinations of the following:

- Active personal review of information by supervisory and management layers, either by reviewing each individual dissemination, or selected samples, or by any other reasonable method.
- Use of quality check lists, charts, statistics, or other means of tracking quality, completeness, and usefulness.
- Process design and monitoring to ensure that the process itself imposes checks on information quality .
- Review during information preparation.
- Use of management controls.
- Any other method, which serves to enhance the accuracy, reliability and objectivity of the information.

Alaska Statutes.

Title 16. Fish and Game

Chapter 5. Fish and Game Code

Section 815. Confidential Nature of Certain Reports and Records.

previous: Section 810. Burden of Proof.

next: Section 820. Research By the Federal Government.

**AS 16.05.815. Confidential Nature of Certain Reports and Records.**

(a) Except as provided in (b) and (c) of this section, records required by regulations of the department concerning the landings of fish, shellfish, or fishery products, and annual statistical reports of fishermen, buyers, and processors required by regulation of the department are confidential and may not be released by the department or by the Alaska Commercial Fisheries Entry Commission except as set out in this subsection. The department may release the records and reports set out in this subsection to the Alaska Commercial Fisheries Entry Commission. The department and the Alaska Commercial Fisheries Entry Commission may release the records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) - (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release

- (1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;
- (2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;
- (3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;
- (4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;
- (5) such records and reports as necessary to be in conformity with a court order;
- (6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;
- (7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;
- (8) any of the records and reports to the Department of Public Safety for law enforcement purposes;
- (9) fish tickets, fish ticket information, and annual statistical reports of fishermen, buyers, and processors and information in those reports to the law enforcement personnel of the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration for the purpose of enforcing fishery laws in waters of this state and in waters of the exclusive economic zone adjacent to this state;
- (10) fish tickets and fish ticket information regarding halibut to the International Pacific Halibut Commission;
- (11) any of the records and reports to the child support services agency created in AS 25.27.010, or the child support enforcement agency of another state, for child support purposes authorized under law; and
- (12) [Effective January 1, 2005]. any of the records and reports to the Department of Natural Resources to assist the department in carrying out its statutory responsibilities in regard to sport fishing operations and sport fishing guides within the Kenai River Special Management Area under AS 41.21.500 - 41.21.514.

(b) Except as provided in (c) of this section, records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

(c) Crab stock abundance survey information that reveals crab catch by sampling location is confidential and is not subject to inspection or copying under AS 40.25.110 - 40.25.120 until the close of the fishing season for which the survey was conducted.

(d) Except as otherwise provided in this section, the department shall keep confidential (1) personal information contained in fish and wildlife harvest and usage data; and (2) the records of the department that concern (A) telemetry radio frequencies of monitored species; (B) denning sites; (C) nest locations of raptors that require special attention; (D) the specific location of animal capture sites used for wildlife research or management; and (E) the specific location of fish and wildlife species. The department may release records and information that are kept confidential under this subsection if the release is necessary to comply with a court order, if the requestor is a state or federal agency, if the requestor is under contract with the state or federal agency to conduct research on a fish or wildlife population, or if the requestor has been authorized by the department to perform specific activities and agrees to use the records and information only for purposes as provided under a contract or agreement with the department. After 25 years, the records and information that are kept confidential under this subsection become public records subject to inspection and copying under AS 40.25.110 - 40.25.140 unless the department determines that the release of the records or information may be detrimental to the fish or wildlife population. In this subsection, "personal information" has the meaning given in AS 44.99.350.