

ALASKA SUBSISTENCE HALIBUT PROGRAM

This **Small Entity Compliance Guide** satisfies the Small Business Regulatory Enforcement Fairness Act of 1996, which requires a plain language guide to assist small entities in complying with this program. This is a summary of the Federal subsistence halibut regulations.

If you are required to comply with the regulations, **you should rely on the actual regulatory text** and not on this guide. Please refer to the subsistence halibut regulations under 50 CFR 300 found at <http://alaskafisheries.noaa.gov/regs/summary.htm>

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Alaska Region, National Marine Fisheries Service (NMFS) Restricted Access Management Program (RAM)
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Background

The United States and Canada participate in the International Pacific Halibut Commission (IPHC) and promulgate regulations governing the Pacific halibut fishery under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). Regulations governing the allocation and catch of halibut in U.S. Convention waters that are in agreement with the Halibut Act may be developed by the North Pacific Fishery Management Council (Council). Regulations recommended by the Council must be approved by the Secretary of Commerce (Secretary) before being implemented through the National Marine Fisheries Service (NMFS). NMFS has responsibility for managing the subsistence fishery for halibut according to regulations approved by the Secretary.

In October 2000, the Council adopted a subsistence halibut program that recognizes the Alaska subsistence halibut fishery. This program was approved by the Secretary and regulations that carry out this program have been in effect since May 15, 2003. Amendments to the subsistence program were made through changes to the initial regulations in May 2005 and October 2008.

The regulations that govern the subsistence halibut fishery can be found in the Code of Federal Regulations (CFR) at 50 CFR Part 300 (see links at <http://alaskafisheries.noaa.gov/regs/summary.htm>).

Eligibility

Persons eligible to subsistence halibut fish include:

1. Residents of rural communities with customary and traditional uses of halibut; and
2. Members of federally recognized Alaska Native Tribes with customary and traditional uses of halibut.

Definitions

For purposes of the subsistence halibut program, the following terms are defined as follows:

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.

NOTE: You must not:

- Retain or possess subsistence halibut for commercial purposes;
- Allow subsistence halibut to be sold, bartered, or otherwise enter into commerce; and
- Solicit the exchange of subsistence halibut for commercial purposes.

Rural Resident means a person who is domiciled in a rural community [see list of communities in the regulations at [50 CFR 300.65\(g\)\(1\)](#)] and who has maintained a domicile in that rural community for 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.

Alaska Native Tribe means a federally recognized Alaska Native tribe that has customary and traditional use of halibut [see list of tribes in the regulations at [50 CFR 300.65\(g\)\(2\)](#)].

Customary Trade means the non-commercial exchange of subsistence halibut for anything other than items of significant value.

Registration Process

Before subsistence fishing for halibut, you must register for, and must hold a valid Subsistence Halibut Registration Certificate (SHARC) issued by NMFS. The SHARC (a plastic card) will be issued by the Restricted Access Management (RAM) program after an application from an eligible person is received and processed.

To apply: Complete and submit an online SHARC registration application at <https://alaskafisheries.noaa.gov/webapps/halibutsubsistence/Initial>

Alternatively, application forms are available at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov or by contacting RAM at 1-800-304-4846 (select option 2). Completed paper applications must be submitted to RAM at the following address:

**NMFS, Alaska Region
Restricted Access Management (RAM)
P.O. Box 21668
Juneau, Alaska 99802-1668**

The application also may be hand-delivered to the RAM offices in Juneau:

**Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801**

If you meet the eligibility requirements and submit a complete application to RAM, RAM will prepare a SHARC and mail it to the mailing address that you put on the application form. Once you are in possession of your SHARC, you may legally participate in the subsistence halibut fishery under the subsistence halibut fishery regulations. See the Frequently Asked Questions at the end of this document for additional information on subsistence halibut program requirements.

Harvest Surveys

An important goal of the subsistence halibut program is to learn more about the fishery. So that we can better estimate the annual harvest of subsistence halibut and related catch and effort, SHARC holders may be periodically surveyed. Your participation in the surveys is encouraged, but not required.

Conclusion

Following is a list of frequently asked questions to assist you in understanding the subsistence halibut regulations. For specific regulatory requirements, see 50 CFR 300.2, 300.4, 300.60, 300.61, 300.65 and 300.66, and [annual management measures](#) published in the *Federal Register* pursuant to 50 CFR 300.62. These regulations, in their entirety, can be found by following the links at <http://alaskafisheries.noaa.gov/regs/summary.htm>.

For answers to any questions about the program, including specific information on SHARC registration requirements, please contact the Alaska Region NMFS RAM office:

**NMFS, Alaska Region
Restricted Access Management (RAM)
P.O. Box 21668
Juneau, Alaska 99802-1668**

1-800-304-4846 (select option 2)

or e-mail RAM.Alaska@noaa.gov

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Frequently Asked Questions

1. To what extent may I cut up my subsistence halibut while onboard the vessel?

You may not fillet, mutilate, or otherwise disfigure subsistence halibut in any manner that prevents the determination of the number of fish caught, possessed, or landed. (See [50 CFR 300.66\(1\)](#)).

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

Yes, a SHARC holder may fish as many poles as they want so long as they don't exceed the maximum hook limit. (See [50 CFR 300.65\(h\)\(1\)](#))

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

NMFS strongly encourages SHARC holders to report their subsistence harvests when requested for a government survey. Past surveys of subsistence halibut harvests have been voluntary.

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

No, unless you are fishing under a Community Harvest Permit (CHP), ceremonial permit, or educational permit. But keeping a log or notebook will help you remember your fishing activities so that you can complete a voluntary survey report more accurately if requested.

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

It depends. The State of Alaska manages subsistence fishing for all other fish species. For more information regarding state regulations, contact the nearest ADF&G office.

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

Yes, all setline gear marker buoys carried on board or used by any vessel for subsistence halibut fishing must 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. Markings on setline marker buoys must 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 must be maintained so the markings are clearly visible." (See [50 CFR 300.65\(h\)\(1\)\(ii\) and \(h\)\(1\)\(iii\)](#).)

7. May I keep subsistence halibut while commercially trolling for salmon?

Yes, if you are a commercial salmon troller and meet all of the following conditions:

- You do not have any commercial- or sport-caught halibut on board;
- You have a SHARC and are fishing in halibut subsistence waters;
- You are not fishing more than 30 hooks, except in Sitka Sound (see answer to question 30); and
- You do not have halibut Individual Fishing Quota (IFQ) in the International Pacific Halibut Commission (IPHC) regulatory area in which you are fishing.

If you are fishing for commercial salmon as a troller and you have halibut IFQ, you must retain, land, and report any legal sized halibut that is caught, up to your annual IFQ, as IFQ halibut if you meet all of the following conditions:

- You have halibut IFQ in the IPHC regulatory area in which you are fishing, and
- You have halibut IFQ for the vessel category from which you are fishing.

You **may not** retain commercial- or sport-caught halibut and subsistence halibut on a vessel at the same time. Any harvested halibut that is over 32" **must be retained** and reported as IFQ halibut if anyone onboard the vessel has any unused IFQ for halibut for the area that the vessel is fishing in, and for the vessel category that the vessel belongs to. Any harvested halibut that is retained as required by the IFQ regulations (see [50 CFR 679](#)) would prevent you from retaining any halibut for subsistence use (except as described in the answer to question 10).

8. How does the subsistence halibut program affect commercial and sport fishing for halibut?

Commercial, sport, and subsistence are three separate fisheries for halibut that are governed by separate regulations. Commercial halibut fishermen must comply with IFQ or CDQ Program regulations (see [50 CFR 679](#)), and sport halibut fishermen must comply with State and Federal sport fishing regulations.

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

It depends. You may not hire someone to take you subsistence fishing for halibut. A charter vessel may not be used for subsistence halibut fishing while charter vessel anglers are on board the vessel. However, the owner of a vessel that is registered with the State of Alaska as a charter vessel may use that vessel to harvest subsistence halibut provided the owner has a valid SHARC. Only the vessel owner and members of the vessel owner's immediate family may be on board the vessel while subsistence halibut fishing. Only the vessel owner and members of the vessel owner's immediate family who hold a valid SHARC may fish for subsistence halibut from the charter vessel. ([50 CFR 300.66\(i\)](#))

10. May I subsistence fish for halibut while commercial halibut is onboard?

In general, you may NOT have subsistence halibut and commercial halibut onboard the same vessel at the same time. However there are exceptions if you have a SHARC and land your entire annual halibut harvest in Areas 4C, 4D, or 4E. In Areas 4C, 4D, and 4E, you may retain legal-sized subsistence halibut along with CDQ halibut. In Areas 4D and 4E, you may retain sub-legal halibut along with CDQ halibut.

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

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

Yes. There is no limit to the number of SHARC holders who may fish from a single vessel. However, the SHARC holders onboard the vessel must abide by the gear and harvest restrictions for the Area in which they are fishing (see tables at questions 30 and 31). (These tables may be found under [50 CFR 300.65](#).)

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

Subsistence halibut may not be transferred to charter vessel anglers. But, you may share your subsistence halibut with anyone else provided that you do not allow subsistence halibut to be sold, bartered, or otherwise entered into commerce or solicit exchange of subsistence halibut for commercial purposes. (Also see answers to questions 13 and 14.)

13. Can subsistence halibut be sold?

No. You must not retain or possess subsistence halibut for commercial purposes; cause subsistence halibut to be sold, bartered, or otherwise entered into commerce; or solicit exchange of subsistence halibut for commercial purposes. ([50 CFR 300.66 \(j\)](#))

14. May I be reimbursed by others for any costs I have in harvesting subsistence halibut?

Yes, but your reimbursement is limited as follows:

If you hold a valid SHARC as a rural resident (see [50 CFR 300.65\(g\)\(1\)](#)), you may be reimbursed for actual expenses for ice, bait, food, and fuel directly related to subsistence fishing for halibut, by residents of the same rural community listed on your subsistence halibut registration application; or

If you hold a valid SHARC as an Alaska native tribal member (see [50 CFR 300.65\(g\)\(2\)](#)) you may be reimbursed for actual expenses for ice, bait, food, and fuel directly related to subsistence fishing for halibut, by any Alaska Native tribe, or its members, or residents of the same rural community listed on your subsistence halibut registration application.

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

No. There is no proxy fishing for subsistence halibut. Anyone subsistence halibut fishing must have a valid SHARC in his or her own name and be present on the vessel fishing for subsistence halibut. But a SHARC holder may give their subsistence halibut to anyone.

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

Ceremonial and Educational Permits may be used in non-subsistence marine areas by SHARC holding members of 12 specific Alaska Native Tribes whose traditional fishing grounds fall within those areas. These tribes are listed in regulations at [50 CFR 300.65\(k\)](#).

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

It depends on whether your current residence is in a rural area. If you move your residence from one rural area to another rural area, then you may subsistence fish for halibut anywhere subsistence halibut fishing is open. However, if you move to a non-rural area, or if you move outside of Alaska, you must return to your IPHC regulatory area (Area 2C, 3A, etc.) of tribal membership to do your subsistence halibut fishing. ([50 CFR 300.65 \(h\)\(4\)](#))

18. Is there a size limit for subsistence halibut?

No.

19. What are non-subsistence waters?

These are areas closed to subsistence fishing for halibut by anyone, except as noted in question 16. In general, these are waters around Ketchikan, Juneau, Valdez, and Anchorage. Please refer to location maps and boundary descriptions in the regulations at <http://www.fakr.noaa.gov/ram/subsistence/halibut.htm#regs>.

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

Either way works. If the tribe applies for you, a SHARC will be sent directly to the address the tribe has indicated on the application. Similarly, if you fill out your own application, the SHARC will be sent to the address that you wrote on your application.

21. Who is eligible to receive a CHP?

An Area 2C or 3A community or Alaska Native tribe eligible to fish for subsistence halibut may apply for a CHP. The CHP would allow a community or Alaska Native tribe to appoint one or more individuals from its respective community or tribe to harvest subsistence halibut from a single vessel under reduced gear and harvest restrictions. Note however that:

- NMFS will issue a CHP to a community in Area 2C or 3A only if the applying community is eligible, that is, listed at 50 CFR 300.65(g)(1) and no Alaska Native tribe exists in that community.
- NMFS will issue a CHP to an Alaska Native Tribe in Area 2C or 3A only if the applying tribe is listed as eligible in Area 2C or 3A under 50 CFR 300.65(g)(2).
- A CHP consists of a harvest log and up to five laminated permit cards.

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

See answer to question 30.

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

There is no retention limit when fishing under a CHP (see table at question 31). The CHP consists of a harvest log and up to five laminated permit cards.

24. Who can obtain a Ceremonial Permit or Educational Permit?

An Area 2C or Area 3A Alaska Native tribe that is listed at 50 CFR 300.65(g)(2) 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.

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

See table in answer to question 30.

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

Each valid Ceremonial Permit or Educational Permit authorizes harvest of a total of 25 halibut. Only 25 fish may be harvested under each permit, regardless of how many SHARC holders participate in fishing under the permit or the number of days over which fishing occurs using the permit. For instance, a skiff from Hoonah with three SHARC holders on board that also has a Ceremonial Permit on board may retain a total of 25 halibut under that permit, not 25 halibut per person on board the vessel. For more information, see table at question 31.

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

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

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

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

29. What happens if I do not return a Ceremonial, Educational, or CHP Log?

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

30. What are the gear limits in the regulatory area where I fish?

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

Regulatory Area	Permit Type	Gear Restrictions
2C--Except Sitka Sound, and Ketchikan and Juneau non-subsistence marine waters areas	SHARC	30 hooks per vessel
	Ceremonial Permit	30 hooks per vessel
	Educational Permit	30 hooks per vessel
	Community Harvest Permit	30 hooks per person onboard up to 90 hooks per vessel
2C--Sitka Sound	SHARC	September 1 through May 31: 30 hooks per vessel
		June 1 through August 31: 15 hooks per vessel; no power hauling
	Ceremonial Permit	September 1 through May 31: 30 hooks per vessel
		June 1 through August 31: fishing under Ceremonial Permit not allowed
	Educational Permit	30 hooks per vessel
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
2C--Ketchikan and Juneau non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed
	Ceremonial Permit	30 hooks per vessel
	Educational Permit	30 hooks per vessel
	Community Harvest Permit	fishing under Community Harvest Permit not allowed

Regulatory Area	Permit Type	Gear Restrictions
3A--Except Chiniak Bay, and Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	30 hooks per person onboard up to 90 hooks per vessel
	Ceremonial Permit	30 hooks per person onboard up to 90 hooks per vessel
	Educational Permit	30 hooks per person onboard up to 90 hooks per vessel
	Community Harvest Permit	30 hooks per person onboard up to 90 hooks per vessel
3A--Chiniak Bay	SHARC	30 hooks per person onboard up to 60 hooks per vessel
	Ceremonial Permit	30 hooks per person onboard up to 90 hooks per vessel
	Educational Permit	30 hooks per person onboard up to 90 hooks per vessel
	Community Harvest Permit	30 hooks per person onboard up to 90 hooks per vessel
3A--Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed
	Ceremonial Permit	30 hooks per person onboard up to 90 hooks per vessel
	Educational Permit	30 hooks per person onboard up to 90 hooks per vessel
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
3B	SHARC	30 hooks per person onboard up to 90 hooks per vessel
4A and 4B	SHARC	30 hooks per person onboard up to 90 hooks per vessel
4C, 4D, and 4E	SHARC	no hook limit

31. What are the harvest limits in the regulatory area where I fish?

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

Regulatory Area	Permit Type	Retention Limits
2C--Except Sitka Sound, and Ketchikan and Juneau non-subsistence marine waters areas	SHARC	20 halibut per day per vessel and in possession
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	no daily or possession limit
2C--Sitka Sound	SHARC	September 1 through May 31: 10 halibut per day per vessel and in possession
		June 1 through August 31: 5 halibut per day per vessel and in possession
	Ceremonial Permit	September 1 through May 31: 25 halibut per permit
		June 1 through August 31: fishing under Ceremonial Permit not allowed
	Educational Permit	25 halibut per permit
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
2C--Ketchikan and Juneau non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	fishing under Community Harvest Permit not allowed

Regulatory Area	Permit Type	Retention Limits
3A--Including Chiniak Bay, but excluding Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	20 halibut per person per day and in possession
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	no daily or possession limit
3A--Anchorage-Matsu-Kenai and Valdez non-subsistence marine waters areas	SHARC	general subsistence halibut fishing not allowed
	Ceremonial Permit	25 halibut per permit
	Educational Permit	25 halibut per permit
	Community Harvest Permit	fishing under Community Harvest Permit not allowed
3B	SHARC	20 halibut per person per day and in possession
4A and 4B	SHARC	20 halibut per person per day; no possession limit
4C, 4D, and 4E	SHARC	no daily or possession limit

Note: This is a summary of regulations governing the Subsistence Halibut fishery and is not the complete list of limitations and prohibitions specific to this program. See [50 CFR 300.2, 300.4, 300.60, 300.61, 300.65, and 300.66](#) and [annual management measures](#) published annually in the *Federal Register*, pursuant to 50 CFR 300.62 for actual regulatory requirements.