

Alaska Subsistence Halibut Program Information

May 2003

Greetings:

Regulations to recognize and formally authorize the Alaska subsistence halibut fishery have been published in the Federal Register and are effective on May 15, 2003 (note that sport fishing for halibut is not affected by these regulations). To help provide information on the new program, we have prepared this brief guide. Any questions about the program may be directed to the National Marine Fisheries Service (NMFS), Restricted Access Management (RAM) Program; contact information is at the bottom of the page.

Background

Management of the Alaska halibut fishery is based on an international agreement between Canada and the United States and is given effect by the Northern Pacific Halibut Act of 1982. The Act provides that, for the halibut fishery off Alaska, the North Pacific Fishery Management Council (Council) may develop regulations, including limited access regulations, to govern the fishery, provided that the Council's actions are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC). Further, any Council action must be approved and implemented by the U.S. Secretary of Commerce (Secretary).

It was under this general authority that the Council, in October 2000, voted to adopt a subsistence halibut policy. The National Marine Fisheries Service (NMFS), Alaska Region prepared regulations formalizing the Council's subsistence halibut policy. These regulations were adopted by the Secretary and published in the Federal Register on April 15, 2003. The effective date of the regulations is May 15, 2003.

What the Regulations Say - Eligibility and Definitions

The regulations (which can be found in the Federal Regulations at 50 CFR Parts 300, 600, and 679) authorize eligible persons to conduct subsistence halibut fishing in waters off Alaska.

Eligible persons are identified as:

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.

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For purposes of the program,

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 for customary trade.

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 (list attached), 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, 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 (list attached).

What the Regulations Say - Registration Process

Before fishing under the subsistence halibut program, an eligible person must register, and must hold a valid Subsistence Halibut Registration Certificate (SHARC) issued by NMFS.

The SHARC (a plastic card) will be issued by RAM after an application from an eligible person is received and processed. To apply, a person should:

- Complete a SHARC application form and submit it to NMFS/RAM at the following address:

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

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

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

Finally, after May 15, 2003, the forms may be accessed, completed, and submitted on the internet by logging on to www.fakr.noaa.gov/ram, and following the links to the subsistence halibut program.

- When RAM has processed the application, the card will be prepared and mailed to the applicant at the mailing address provided on the application form.
- The SHARC holder may then legally participate in the subsistence halibut fishery under the subsistence halibut fishery rules and regulations (summarized below) .

What the Regulations Say - Rules for Subsistence Halibut Fishing

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 300.4 and 300.65 and 300.66 for actual regulatory requirements.

Subsistence halibut fishing is allowed by SHARC holders under the following rules and limitations:

Allowable Gear: The legal gear for harvesting subsistence halibut is limited to setline and hand-held gear of not more than 30 hooks, including longline, handline, rod and reel, spear, jig, and hand-troll gear.

Gear marker buoys carried on board or used by any person fishing under the subsistence halibut rules shall be marked with the following: First initial, last name and address (street, city, and state). The letters and numbers should be at least 4 inches high and 0.5 inch wide and written in a contrasting color. The writing should be visible above the water line and must be maintained so the markings are clearly visible.

Daily Bag Limit: The daily retention of subsistence halibut outside of Areas 4C, 4D, and 4E is up to 20 halibut per person eligible to conduct subsistence fishing under this program. There is no limit in Areas 4C, 4D, and 4E.

Harvesting Areas: Subsistence halibut fishing may be conducted in any area off Alaska except for the following four “non-rural” areas:

1. *Ketchikan non-subsistence marine waters area*, defined generally as the waters of Behm Canal;
2. *Juneau non-subsistence marine waters area*, defined generally as the waters of Gastineau Channel and Stephens Passage as far south of Juneau to Snettisham and north of Juneau in Chatham Strait to include Berners Bay;
3. *Anchorage/Mat-Su/Kenai non-subsistence marine waters* defined generally as the waters of Cook Inlet as far south as Seldovia and the waters of Resurrection Bay and off the south end of the Kenai Peninsula; and,
4. *Valdez non-subsistence marine waters area*, defined generally as the waters of Valdez Arm as far south as the Narrows and Jack Bay.

Further, subsistence halibut fishing within the *Sitka Pinnacles Marine Reserve* is not allowed.

Finally, an Alaska Native Tribal SHARC holder who resides outside the State of Alaska or in a non-rural Alaska community, and whose tribe headquarters is located in a rural area, may only harvest subsistence halibut in the halibut regulatory area (i.e., 2C, 3A, etc.) in which the tribe is located.

Other Restrictions: A SHARC holder who has harvested subsistence halibut may not:

- combine the subsistence halibut with commercial or sport halibut on board the harvesting vessel (except for persons who land their subsistence halibut in areas 4D or 4E);
- retain the subsistence halibut if it has been harvested from a charter vessel; or,
- retain subsistence halibut for commercial purposes (i.e., sell it, barter it, or otherwise cause it to enter commerce), except that a SHARC holder may engage in the customary trade of subsistence halibut through monetary exchange of no more than \$400 per year; or,
- fillet, mutilate, or otherwise disfigure subsistence halibut in any manner that prevents the determination of the number of fish caught, possessed, or landed.

What the Regulations Say - Annual Harvest Surveys

An important goal of the subsistence halibut program is gaining additional information about the fishery. To estimate the annual harvest of subsistence halibut and related catch and effort information, SHARC holders may be periodically surveyed. Although encouraged, participation in the survey is not required.

Conclusion

Developing and implementing the Alaska Subsistence Halibut Program has taken several years and the cooperation of representatives of rural residents and Alaska Natives, the Alaska Department of Fish and Game, the Council, and NMFS. It is our hope that the program will meet its goal of providing legal recognition of, and regulations for, this important fishery.

Finally, any person with questions about the program, including specific information on SHARC registration requirements, may be directed to the NMFS/RAM office, as set out on the first page of this document.