


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence Pautzke
Executive Director 

DATE: November 27, 2001

SUBJECT: Halibut Subsistence

ESTIMATED TIME
6 HOURS

ACTION REQUIRED

Final action on regulatory analysis to amend proposed halibut subsistence program.

BACKGROUND

In October 2000, the Council took action to define the legal harvest of halibut for subsistence use in Convention waters in and off Alaska. As part of that action, the Council requested that the Alaska Board of Fisheries forward any recommendations for changes affecting: 1) legal gear; 2) daily limits; 3) reporting requirements; 4) customary and traditional use areas of tribes and rural communities; and 5) non-rural area definitions for halibut fishing areas in Areas 2C, Area 3, and Area 4. In June 2001, the Board presented its recommendations and the Council initiated an analysis for the following potential changes affecting: 1) gear limits, 2) stacking of gear limits, 3) harvest (daily) limits, 4) proxy fishing, and 5) changing the Cook Inlet non-subsistence fishing area southern boundary.

The proposed action (Alternative 2) is designed to better reflect local halibut subsistence fishing needs to feed families in all areas and balance concerns about rockfish stocks in four local areas adjacent to more densely populated centers. It may affect as many as 82,000 Alaska residents deemed eligible under the previous action whose fishing practices occur in the affected areas. The proposed action is not designed to decrease the amount of total harvest for subsistence use in those waters, but may require subsistence fishermen to fish in less restricted waters. The analysis was hampered by the lack of biological data upon which to assess impacts of halibut subsistence removals on local fish removals and rockfish populations, the lack of economic data upon which to assess the potential effects of the proposed measures on the affected individuals, and the lack of sociological data upon which to assess the potential effects of the proposed regulatory changes on the abilities of eligible halibut subsistence users to feed their families.

The Environmental Assessment/Regulatory Impact Review was mailed to you on November 9. There are no "small entities" as defined by the Regulatory Flexibility Act affected by the proposed action. A formal RFA certification by the Secretary is expected for the original halibut subsistence analysis and would also be sought for this action. The executive summary is attached as Item C-2(a). Six issues under Alternative 2 would benefit from additional discussion and clarification; these are listed in Item C-2(b).

HALIBUT SUBSISTENCE EA/RIR

EXECUTIVE SUMMARY

The Halibut Subsistence EA/RIR analyzes proposed changes to an October 2000 action to define the legal harvest of halibut for subsistence use in Convention waters in and off Alaska. That regulatory amendment is being prepared for Secretarial review. As part of that action, the Council requested that the State of Alaska Board of Fisheries reexamine its recommendations on: 1) legal gear; 2) daily limits; 3) reporting requirements; 4) customary and traditional use areas of tribes and rural communities; and 5) non-rural area definitions for halibut fishing areas. The Board forwarded its recommendations for changes affecting Areas 2C, Area 3, and Area 4 to the Council in June 2001. The Board's recommendation is to adopt more liberal limits for Areas 4C, 4D, and 4E; slightly more restrictive limits for Areas 3B, 4A, 4B, and most of Areas 2C and 3A; more restrictive limits in four local areas in Areas 2C and 3A (Sitka Sound, Kodiak and Chiniak Bay, Cook Inlet, and Prince William Sound). In response, the Council initiated this analysis for potential changes to its previous action on: 1) gear limits, 2) stacking of gear limits, 3) harvest limits, 4) proxy fishing, and 5) changing the Cook Inlet non-subsistence fishing area southern boundary.

The proposed action is designed to better reflect local halibut subsistence fishing needs to feed families in all areas and balance concerns about rockfish stocks in four local areas adjacent to more densely populated centers. It may affect as many as 82,000 Alaska residents deemed eligible under the previous action whose fishing practices occur in the affected areas. The proposed actions are not designed to decrease the amount of total harvest for subsistence use in those waters, but to develop regulations that better reflect local subsistence fishing practices in all areas and complement precautionary measures adopted by the State to conserve local populations of rockfish in waters under its jurisdiction. The biological data to assess local fish removals and rockfish populations are not currently available, but the potential effects are expected to be marginally positive in those local areas. The economic data to assess the potential effects of the proposed measures on the affected individuals also are not available, but they are expected to be marginally negative in those same areas. The Council must weigh these effects in making its decision.

None of the alternatives is expected to result in a "significant regulatory action" on the human environment as defined in E.O. 12866. The proposed action is not expected to be "economically significant." The affected entities in this analysis are not considered "small entities" under the Regulatory Flexibility Act.

North Pacific Fishery Management Council

David Benton, Chairman
Clarence Pautzke, Executive Director

Telephone: (907) 271-2809



Visit our website: www.fakr.noaa.gov/npfmc

605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax: (907) 271-2817

MEMORANDUM

TO: Ed Dersham
FROM: Jane DiCosimo
DATE: November 7, 2001
SUBJECT: Board of Fisheries recommendations on halibut subsistence

I am preparing the regulatory analysis of the May 2001 Board of Fisheries recommendation on changes to the Council's previous action on defining the halibut subsistence program. I have identified a number of issues on which additional Board clarification would benefit the Council in its determination of its preferred alternative. The proposed action and the issues that would benefit from additional rationale are listed below. Thank you for considering to provide additional discussion in support of your recommendation to the Council.

Alternative 2. Modify the previous action on halibut subsistence.

- Part 1: in Areas 4C, 4D, and 4E: eliminate gear and harvest restrictions on subsistence halibut;
Part 2: in Areas 3B, 4A, and 4B, allow stacking up to three times the number of hooks on a single unit of gear provided the subsistence user(s) are on board the vessel;
- Part 3: in Area 3A,
A) Kodiak Road Zone and Chiniak Bay:
1) decrease the harvest limit to 5 hooks,
2) create a 20 fish annual limit,
3) allow stacking up to three times the number of hooks on a single unit of gear;
4) allow proxy fishing;
B) Prince William Sound:
1) decrease the harvest limit to 5 hooks;
2) allow stacking up to three times the number of hooks on a single unit of gear;
C) Cook Inlet:
1) decrease the harvest limit to 5 hooks;
2) allow stacking up to three times the number of hooks on a single unit of gear,
3) increase the size of the Cook Inlet non-subsistence fishing area by adjusting its southern boundary;
- Part 4: in Area 2C, Sitka:
1) decrease the gear limit to 2 hooks,
2) create a 20 fish annual limit,
3) allow proxy fishing;
4) decrease the daily harvest limit to 2 fish (Council option).

Stacking gear limits

- The Board recommended a gear stacking limit of three in certain areas. **Why was three chosen and not other limits (2, 4, 7)?**
- Fishermen appear to be required to be aboard the vessel in Areas 3B, 4A, and 4B, but not in the three local areas in Area 3A. **What is the rationale for onboard requirements in some areas, but not others?**
- There is an apparent gear stacking limit for a single string of longline gear, but no total gear limit per vessel. That is, a single string of gear is limited to no more than 90 hooks (30 hooks times 3 fishermen) in Areas 3B, 4A, and 4B and no more than 15 hooks in the three local areas of Area 3A. However, there is no recommendation to limit a vessel to only one string of gear or to limit the number of individual gear limits (e.g., six limits of 30 hooks per string of gear in Western Alaska or 5 limits of 5 hooks per string off Kodiak). Perhaps there is an inherent assumption that for the stacking limit, the catching power of 15 hooks, in Kodiak for example, on a single string of longline gear is less, the same, or greater than 15 hooks on three sets of gear of 5 hooks each. **What is the rationale for the gear stacking limit?**
- The Board recommendations do not comment on the relationship between gear stacking and proxies for waters off Kodiak. Restricting gear stacking could constrain the ability of subsistence fishers to engage in proxy fishing. **Is the stacking limit without the onboard requirements for fishermen off Kodiak the same as limiting the proxy allowance to three?** If not, please clarify how these management measures would interact.

Proxies

- The Council identified the State of Alaska proxy system as a model for the proposed federal proxy system. The State (sport fish) proxy system permits proxy fishing only for persons who are 70 percent or greater disabled, 65 years old or older, or legally blind. *The State system also only allows a fisher to act as a proxy for a single beneficiary at a time.* **Are these restrictions too binding for the halibut subsistence program that is more consistent with current C&T subsistence fishing practices?**

Cook Inlet non-subsistence area geographic boundary

- The Board's findings report that its recommendation leaves open the customary and traditional use area of the villages qualified for halibut subsistence by the October 2000 NPFMC action. The non-subsistence use area north of this line consists of waters not customarily and traditionally used by those qualifying users. **Additional discussion of the specific latitude chosen by the Board (compared with another latitude) would aid the Council in adopting this recommendation.**

P.O. Box 33
Pelican, Alaska 99832
November 25, 2001

North Pacific Fisheries Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Re: Draft for Public Review/Halibut Subsistence Fishery

Dear NPFMC Members:

Please amend:

1.3.1.4 Legal gear that can be used for harvesting halibut for subsistence purposes.
Modify to include as legal gear, Troll gear retrieved by hydraulic gurdies used for salmon trolling.

Justification:

The draft rule includes longline and handline. A provision for hand troll gurdies is in place. Salmon power gurdies are a long-established method of harvesting the incidental take of halibut. This method does not negatively impact the halibut resource. It recognizes the historic take by salmon trollers, that are from a community identified as having C & T determination for the harvest of halibut.

1.3.1.5 Customary trade of subsistence halibut

Modify to read


Customary Trade between Rural residents – The exchange for cash of subsistence-harvested halibut legally taken under a halibut subsistence fishery, processed or unprocessed using customary and traditional methods is permitted as customary.
Customary Trade – You may exchange for cash of subsistence harvested halibut legally taken under NMFS halibut subsistence management regulations.

Justification:

The annual subsistence harvest of halibut is not significant. Alaska Statute already protects the commercial sale of halibut. AS 43.75.011, No person or entity licensed under State of Alaska regulations, to engage in fisheries business, may receive for commercial purposes or barter or solicit to barter for subsistence taken fish, their parts, or their eggs.

Thank you for the opportunity to comment. Have a Great Holiday season!

Sincerely,



Patricia Phillips

Petersburg Vessel Owners Association

P.O. Box 232
Petersburg, Alaska 99833
Phone (907) 772-9323 Fax (907) 772-4495

November 28, 2001

Mr. David Benton, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RECEIVED
NOV 28 2001
N.P.F.M.C.

Subject: December 2001 Agenda Item C-2: Halibut Subsistence Regulations

Dear Chairman Benton:

Petersburg Vessel Owners Association is a diverse group of commercial fishermen, many of whom participate in the halibut fishery that will be affected by the proposed amendments to the halibut subsistence regulations. We would like to take this opportunity to ask the Council to consider the possible impacts of a 20 fish per day limit with no annual limit on the halibut stocks and strongly urge the Council to consider expanding the current amendment package beyond the recommendations made by the board of fish.

Although there are some areas of the state where it may be appropriate to have a 20 fish limit and no annual limit, 2C and 3A are certainly not such areas. We understand that an attempt is being made to strike a balance between adequately providing for traditional uses and creating a new fishery with the potential for almost unlimited expansion on an already fully utilized resource. The proposed limit not only encourages waste and provides temptation for subsistence users to sell halibut, but creates an expectation that a person should reasonably be able to catch that amount of halibut every day. It is our fear that when someone sets gear and does not catch 20 fish on any given day, they will be back asking for commercial and charter catches to be curtailed to provide them with a "reasonable" opportunity.

We also feel that the public process on this amendment package is lacking. The Council gave responsibility for holding public meetings and gathering input to the Board of Fish. The only meeting held in Southeast was held in Sitka. The chair of our local advisory committee traveled to the meeting and submitted minutes and comments that indicated that Petersburg residents were very concerned with the 20 fish per day limit and felt an annual limit or a lower bag limit would be more appropriate. However, in reviewing the minutes taken by the Board of Fish at the Sitka meeting, there is no mention of the concerns of Petersburg residents beyond a vague reference to the LAMP process. We feel that the Board did not fully fulfill the responsibility given to it by the Council. In the absence of the opportunity to provide reasonable public comment to the Board of Fish, we are left dealing with an amendment package that does not address our concerns. We would ask the Council to recognize that the Board did not fully consider public comment and therefore the Board of Fish recommendations do not fully reflect the concerns of the people of Alaska.

PVOA members are strong stakeholders in the health of the halibut resource and are greatly concerned about the continued strength of 2C and 3A halibut stocks if the 20 fish per day limit is allowed to stand. We propose an annual bag limit of 20 fish per person in these areas as being more appropriate and a better reflection of historical and necessary subsistence opportunity, and would ask the council consider this as you deliberate on this amendment package. Concerns have been raised in the process by subsistence users who regularly harvest for other users. If this is the case, the appropriate measure is a proxy permit system, not an extremely liberal bag limit.

We also have strong concerns about the lack of any recordkeeping requirement to go along with this program. If regulations are going to be enacted that have the effect of allowing liberal harvests and sale of subsistence caught halibut, it will be necessary to institute a recordkeeping and reporting requirement to ensure that subsistence harvesters stay within their designated limit and do not sell more halibut than is allowed by law. The \$400 limit was set to keep subsistence from becoming a commercial enterprise. However, in order for the limit to be effective, adequate monitoring and reporting will be required. If this does not happen, the potential exists for serious abuse of subsistence regulations to the detriment of legitimate subsistence users and well as other users of the resource.

In summary, PVOA is concerned that the amendment packed based on the recommendations of the Board of Fish is inadequate to address the concerns of Alaska residents and subsistence, commercial, and sport halibut fishermen. Our recommendation is that a 20 fish annual limit be enacted for areas 2C and 3A along with adequate recordkeeping and reporting requirements that will ensure that the subsistence harvest does not grow exponentially due to regulations that are too liberal and do not accurately reflect traditional use of the resource. Thank you for your consideration of these comments.

Sincerely,



Cora Crome
Director

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NOV 28 2001

NPFMC

P.O. Box 33
Pelican, Alaska 99832
November 25, 2001

North Pacific Fisheries Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Re: Draft for Public Review/Halibut Subsistence Fishery

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Thank you for the opportunity to comment. Have a Great Holiday season!

Sincerely,


Patricia Phillips

Alaska Longline Fishermen's Association
403 Lincoln Street, Ste. 237
Sitka, AK 99835

December 1, 2001

Dear Members of the Council,

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to submit the following comments relative to the Council pending action on **Amendments to the Halibut Subsistence Regulations in Sitka Sound.**

After much consideration, **ALFA's membership voted to support limiting subsistence harvest in Sitka Sound to one line, two hooks, and two fish per day. The membership believes proxy fishing should be allowed consistent with current sport fish regulations.** The membership adopted this position for the reasons described below.

ALFA actively participated for several years in developing the Sitka Local Area Management Plan. This effort demanded an enormous amount of commitment and compromise from all participants, participants who represented the entire community of people in Sitka who depend on or enjoy eating halibut. At the end of this effort, all participants were satisfied with the product—provided the package of regulations remained intact. The Council must understand the weight placed by different groups on various elements of the package. Like a house of cards, it falls apart if any supporting item is removed. When the Council approved the State-wide subsistence halibut regulations, many Sitka residents felt as if their work on the Sitka LAMP had been a waste of time, and their trust in the process had been betrayed. Restricting subsistence halibut fishing in Sitka Sound to one line, two hooks, and two fish per day will reaffirm the Sitka LAMP and the work of the Community to achieve a management plan acceptable to all fishermen.

This year, residents recognized a significant increase in the availability of halibut in Sitka Sound. In other words, the LAMP seems to be working. Allowing subsistence fishermen to use a skate of gear and retain up to 20 fish would undermine this success. It would also place at a disadvantage subsistence fishermen who are not equipped to fish halibut with a skate of gear, nor to travel outside the Sound to meet their subsistence needs. The goal of the LAMP is to provide Sitka residents with a fair opportunity to fill their halibut subsistence needs, while accommodating the legitimate safety concerns of the operators of small commercial and charter fishing boats. ALFA's membership believes that this goal will only be achieved by reaffirming regulations designed by participants in the Sitka LAMP. ALFA recommends that subsistence regulations for the Sitka Sound local area be amended to one line, two hooks and two fish per day.

Thank you for the opportunity to comment.

Sincerely,

Gordon Blue
(ALFA Board)

Sitka Tribe of Alaska

Tribal Government of Sitka, Alaska



Post-it® Fax Note	7671	Date	# of pages
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Company			
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Fax #		Fax #	

December 5, 2001

Mr. David Benton, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

RE: Sitka Sound Subsistence Halibut Harvest Regulations

Dear Mr. Benton:

The Tribal Council of the Sitka Tribe of Alaska is responsible for the health, safety and welfare of more than 3,000 enrolled tribal citizens. As representatives of the largest group of subsistence users in Sitka we would like to take this opportunity to provide comments to the North Pacific Fishery Management Council regarding your consideration of the State of Alaska Board of Fish recommendations for regulating subsistence halibut fishing in the Sitka Sound area.

The Sitka Tribe of Alaska would like to go on record stating that the Sitka area subsistence halibut regulations proposed by the Alaska Board of Fish are too restrictive. The Sitka Tribe of Alaska proposes the following subsistence regulations for the Sitka area:

- 15 hooks per person
- 5 fish per day
- 2 stacking

LAMP

The Sitka Sound Local Area Management Plan (LAMP) is a tool to address difficulties harvesting halibut in the Sound area. The collaborative spirit of the LAMP and the process to arrive at the LAMP are a source of accomplishment for all who participated in the creation of the LAMP, including the Sitka Tribe of Alaska. However, it is very important that your Council understands - *the LAMP was never intended to regulate subsistence harvest in the Sound and should not be used as a reason to restrict subsistence gear or bag limits.* If the Council were to accept the State's restrictive subsistence halibut guidelines, the LAMP would be turned against itself by unduly restricting subsistence in the Sound. If the Council wants to use the LAMP process to regulate subsistence uses, the Council should first request that the LAMP participants take up the issue of subsistence and then make recommendations to the Council.

DEC. 6.2001 4:36AM

NO. 623 P. 3

SAFETY AND OPPORTUNITY

It is not reasonable to expect subsistence halibut harvesters who use their halibut to feed their family and to provide for Elders and dependents to travel 25 miles from town to open waters to harvest their food. The skiffs used by most subsistence harvesters are simply too small to safely make the trip to open waters unless the conditions are perfect. Moreover, if the weather takes a turn, there are few spots to take shelter so far from home. Subsistence harvesters whose needs are not met by the State's proposed Sitka area halibut subsistence guidelines will bear the brunt of a decision to support the Board's recommendation. Subsistence harvesters who wish to comply with the Board's recommended Sitka area regulations and are forced to travel to outside waters to fill their needs will pay for this compliance with their personal safety.

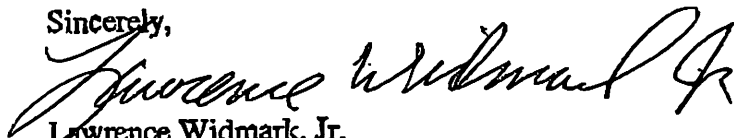
ENFORCEMENT

If its proposal is accepted, the Tribe fully supports the need to develop a subsistence reporting system to monitor the take of halibut, rockfish and lingcod in Sitka Sound. *It is important to note, successful harvest reporting depends upon regulations which provide a reasonable opportunity to satisfy subsistence needs.* The Tribe's proposal is much more reasonable and in keeping with the gear necessary to sustain a subsistence harvest. Therefore, harvesters are more likely to comply with the Tribe's proposal than an unreasonably restrictive regulation. And, subsistence harvesters are more likely to report their harvest of halibut, rockfish and lingcod if they are harvesting in compliance with existing guidelines.

MONITORING

The Sitka Tribe of Alaska has the ability to collect, manage and maintain subsistence halibut (and, if necessary, rockfish and lingcod) harvest data for the Council. The Tribe proposes a cooperative agreement with the National Marine Fishery Service whereby individuals who wish to utilize the Tribe's subsistence proposal would be required to register at our Tribal Offices. Qualified subsistence harvesters who register at the Tribal Offices will be issued a permit and reporting guidelines. This data will be maintained in a Microsoft Word Access Database and reports can be generated quarterly and/or as needed by the Council or other authorized research and management entities.

Sincerely,



Lawrence Widmark, Jr.
Sitka Tribe of Alaska, Chairman

Malutin remembers a simpler time

August 2001

By ERIN HARRINGTON
Mirror Writer

In the 70 years since Ivar Malutin was born, Kodiak has undergone remarkable transformations, in size and culture.

The townscape he describes from his youth tickles the imagination — one where cattle walked in the streets and a trip to Mill Bay Beach meant a long hike through the woods on a buggy track.

He also remembers a time before the word "subsistence" had any meaning — a time when he and his family would harvest fish or ducks or other marine animals according to rhythms of season and need, without the restrictions of "hunting seasons" or "fishing seasons."

Today, Malutin lives in a house he and his wife built on the hill overlooking Mill Bay Beach, a place he fished with his father as a child.

There was not a single building on the way to Mill Bay from town, Malutin remembers. The trail was a very narrow path going out there, like a buggy trail.

As he got older, he fished at what is now known as Mission Beach.

The Mission wasn't there at the time, though, Malutin said. Instead, it was called Shahafka.

"We would row out from town in a little rowboat, and we had a little seine in it. The trout would come in and we would seine for the trout. We'd

take them to town and give them to everybody who wanted fish," he said.

The town of Kodiak was small at that time. Malutin described what a person would have seen from a vantage point atop Pillar Mountain, just after World War II.

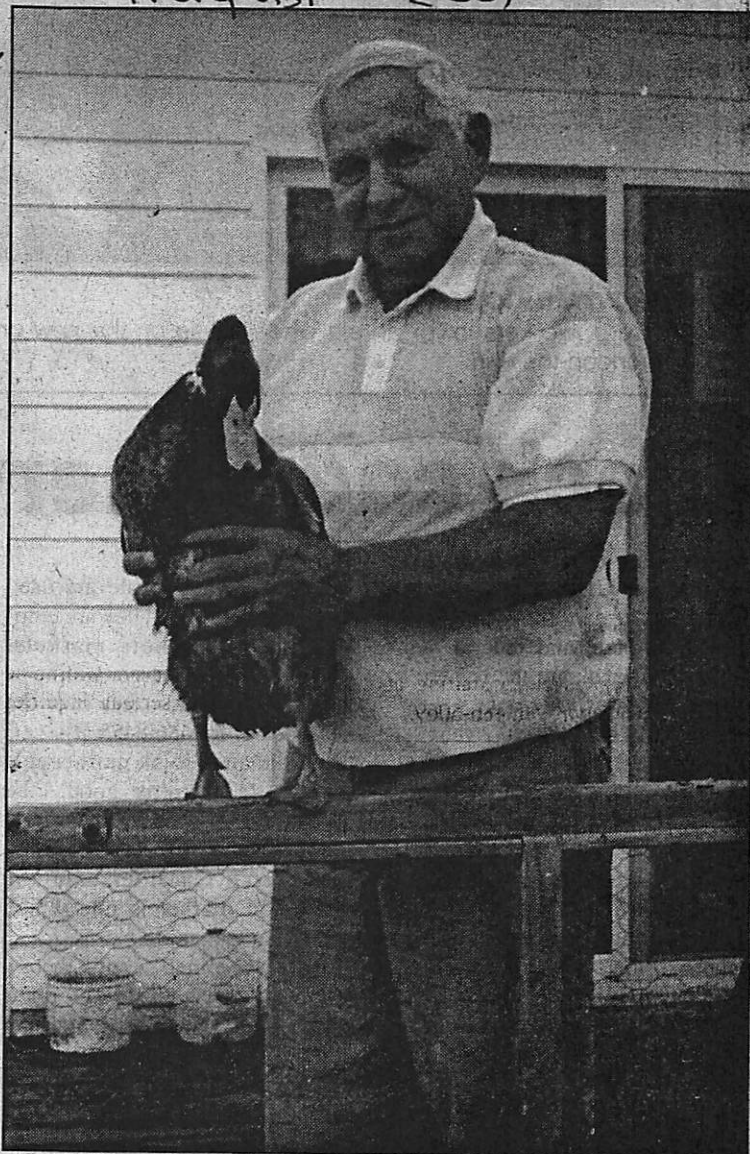
A person "would see a really, really peaceful little town with rarely a vehicle in sight. (There was) still a lot of military in Kodiak, and friendly people, and everybody walking. There were still cattle walking on the roads in those days."

Looking out toward what is now the Mill Bay Beach area, a person would have seen nothing but trees, he said. There were very few trees on Pillar at that time, though.

But times were changing. With the military presence on Kodiak during the war came different concepts about land and water use. Sportfishing became popular, and the waters around Shahafka Cove — the present Mission Beach — were closed to their traditional users, Malutin said.

In response, the traditional harvesters moved down the coast to the present-day site of St. Paul Harbor. A salmon stream flowed to the ocean where the large culvert now spills a trickle into the harbor, Malutin said.

But more regulatory changes pushed harvesters out to the Buskin River, which at that



144' old IVAR MALUTIN ... and his pet duck 1937

time was accessible only by boat, Malutin said.

Those changes were all indicative of a greater theme, he said — that of the government taking over traditional Native hunting and fishing grounds.

"Whether people know it or not, whether people like it or not, we've been restricted by the federal government all our lives," Malutin said.

Subsistence fishing is still off-limits in most of the waters surrounding the town of Kodiak, including around Shahafka Cove.

Malutin would like to see that change, and has submitted a proposal to state fishery regulators asking them to reopen the waters of Shahafka Cove, where he fished in his youth, for traditional fishing.

Larry
Mercurieff
C-2

**COMMENTS OF THE ALASKA NATIVE
SUBSISTENCE HALIBUT WORKING GROUP**

REGARDING

**CONSIDERATION BY THE NORTH PACIFIC FISHERIES
MANAGEMENT COUNCIL**

OF

**ALASKA BOARD OF FISHERIES'
RECOMMENDATIONS FOR
REGULATING SUBSISTENCE HALIBUT FISHING**

December 6, 2001

Submitted by:

***Alaska Native Subsistence Halibut Working Group
c/o Rural Alaska Community Action Program
731 E. 8th Avenue
Anchorage, Alaska 99501
Ph: 279-2511***

THE ALASKA NATIVE SUBSISTENCE HALIBUT WORKING GROUP'S COMMENTS

Regarding

ALASKA BOARD OF FISHERIES' RECOMMENDATIONS FOR REGULATING SUBSISTENCE HALIBUT FISHING

The ANSHWG has consulted with tribes in the areas effected by the BOF recommendations, and the summary below reflects the tribes' willingness to compromise in some areas on gear and bag limits in order to address those conservation and allocation issues perceived by the BOF. Restrictions beyond those suggested below are strongly opposed by the working group because such restrictions would cause great hardship by failing to provide subsistence users the opportunity necessary to satisfy their subsistence needs. Moreover, the BOF has not provided biological or harvest data demonstrating the need to take action during this meeting to restrict subsistence uses.

The Working Group fully supports a subsistence harvest reporting program, and is currently working with the NMFS and the IPHC to develop such a program. The harvest reports should include rockfish and lingcod taken while subsistence fishing in areas where these stocks are of concern. Rather than unnecessarily restricting subsistence without any biological or other information supporting the need for subsistence restrictions, the Council should first review subsistence harvest records to determine if there is a problem. The Working Group believes the harvest reporting program will confirm that the subsistence harvest of halibut, rockfish and ling cod is minimal relative to other fisheries, and not a conservation or allocation concern. If, however, the harvest monitoring demonstrates otherwise, the Council will have the data and can take those actions it deems necessary.

Board of Fisheries Recommendations: Alternative 2

Alternative 2. Part 1: Areas 4C, 4D, and 4E: BOF recommendation – Eliminate gear restrictions

The ANSHWG supports the recommendation to eliminate gear restrictions and harvest restrictions for these areas, and agrees with the BOF that such restrictions may unnecessarily prevent subsistence users from catching the amount of halibut necessary to satisfy subsistence needs, given the harsh conditions and short fishing season in these areas.

Alternative 2. Part 2: Area 3B, 4A and 4B: BOF recommendation to allow stacking of up to 3 time the number of hooks on a single unit of gear

The ANSHWG supports the BOF recommendation for stacking in these areas.

Alternative 2. Part 3(A): In Area 3A- Kodiak Road Zone and Chiniak Bay

The ANSHWG support the position of the Kodiak tribes on these recommendations which is to retain the 30 hook limit previously adopted by the Council, and to accept the 20 annual bag limit recommended by the BOF with proxies **provided that proxies are modeled after the federal subsistence proxy system** rather than the state proxy system. The State proxy system applies identically to sport as well as subsistence users and is inconsistent with customary subsistence harvest and distributions. The State proxy system will not adequately provided for subsistence uses.

Alternative 2. Part 3(B) In Area 3A- Prince William Sound – BOF recommendation for reducing gear from 30 hooks to 5 hooks with stacking up to 15 hooks provided three subsistence harvesters are on board.

The ANSHWG opposes the BOF recommendations and supports the 30 hook limit previously adopted by the Council. The BOF has provided no biological or harvest data supporting the need for subsistence restrictions in Prince William Sound in order to conserve rockfish stocks. BOF sport fishery regulations for rockfish remain quite liberal (10 per day 2 of which may be non-pelagic) and do not reflect the precautionary and restrictive harvest regime the BOF recommends for subsistence users. Rockfish are not considered by-catch by subsistence users, but are valued and utilized if harvested. Subsistence users take less than 1 percent of the resource and should not be asked to bear an unfair burden of conservation. Rather than unnecessarily restricting subsistence without any biological or other information supporting the need for subsistence restrictions, the Council should first review the subsistence harvest reporting data and then determine if there is a problem that needs to be addressed through restrictions.

Alternative 2. Part 3(C) In Area 3A- Cook Inlet Sound – BOF recommendation for reducing gear from 30 hooks to 5 hooks with stacking up to 15 hooks provided three subsistence harvesters are on board, and to increase the fishing waters closed to subsistence uses in Cook Inlet.

The ANSHWG supports the position of the Native Villages of Port Graham and Nanwalek that the minimum amount of gear a subsistence harvester needs to meet subsistence needs is 20 hooks, with the option of stacking up to 60 hook on a single unit of gear provided the subsistence user(s) are on board.

The Working Group opposes expanding the area in Cook Inlet closed to subsistence halibut fishing. The complete closure of productive fishing grounds is the harshest of restrictions, and nothing in the BOF record support such a drastic measure. The BOF has not adopted in state regulation the expansion of closed waters it recommends to the Council. The Council should not adopt a more restrictive subsistence area than the State has in place in its own regulations. The Board rests on a claim that the new boundaries reflect the customary and traditional fishing grounds of qualified users. The Working Group, which includes Cook Inlet subsistence users, very much disagrees with this claim.

Alternative 2. Part 4: in Area 2C, Sitka Sound LAMP area – BOF recommendation to decrease gear to 2 hooks, 20 fish annual limit, allow proxy fishing; Option added by the Council – 2 fish daily bag limit

In response to the above recommendations, the ANSHWG supports the position of the Sitka Tribe in the LAMP area for: 1) a 15 hook limit with stacking of up to 30 hooks on a single piece of gear provided at least two subsistence harvesters are on board; 2) a 5 fish daily bag limit; and 3) allow proxy fishing provided that proxies are modeled after the federal subsistence proxy system rather than the state proxy system. The State proxy system applies identically to sport as well as subsistence users and is inconsistent with customary subsistence harvest and distributions. The State proxy system will not adequately provided for subsistence uses.

As explained in the comments submitted by the Sitka tribe, the tribe is fully supportive, and committed to participate in a subsistence harvest reporting system that will monitor harvests of halibut, rockfish and ling cod. If this data demonstrates a conservation problem, the tribe will work with the Council and LAMP participants to address the problem. On the other hand, if the data demonstrates the minimal impact of subsistence uses on fishing in the LAMP area, the above restrictions should be reduced to allow greater subsistence opportunity. In the meantime, the gear, bag limit and proxy system proposed above will provide subsistence users with some opportunity for subsistence harvests while addressing the perceived issues raised by the BOF.

The proxy system suggested above for Sitka and proposed by the BOF for Kodiak should be implemented for Native Villages and tribal members through cooperative agreements between tribes and tribally authorized organizations and the proxy system should be modeled after federal subsistence proxies and enable

the continuation of the Village's customary and traditional harvest and distribution patterns.

Many tribal members, including those without boats or gear, children and community elders, are unable to fish for themselves. And not everyone has the knowledge and skill to efficiently and effectively harvest halibut for the tribal community. Tribal subsistence is a community rather than an individual or family activity. Sharing the harvest with the community is as much a part of the traditional harvest practice as setting gear. The Council intended to protect the subsistence way of life. It also intended to provide the opportunity to satisfy subsistence needs. In order to fulfill this intent, any proxy system considered by the Council must include provisions for tribal involvement and to allow for customary harvest patterns and practices.

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PUBLIC TESTIMONY TO
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
ON SUBSISTENCE HALIBUT
December 6, 2001
At the Hilton

My name is Gabe Sam, I am the subsistence advocate for the non-profit organization RurAL CAP, Inc. The address is 731 East 8th Ave., Anchorage, Alaska 99501.

First of all we would like to recognize the North Pacific Fishery Management Council for forming the Alaska Native Subsistence Halibut Working Group. The subsistence halibut fisherman possess a vast amount of knowledge and experience in the halibut fishery, which they have been practicing for thousands of years. It is good science for the agencies to credit Traditional Knowledge and Wisdom into their scientific data.

RurAL CAP, Inc. supports the position and recommendations of the *Alaska Native Subsistence Halibut Working Group*.

On the issue of gear restrictions, I have personally done a small-scale interview with subsistence fishers. The over all comments that I have received was that subsistence halibut fishing is hard, dangerous, and sometimes not a successful harvest. Sometimes if the weather is real rough they do not catch any halibut. Many of the subsistence fishers have small skiffs and if the waters are too rough have to wait out the storm. It is not cheap to go out subsistence fishing. The way gas prices are, it would almost be economically better to buy your halibut from the store. But to the subsistence fisher it is much more than just fishing, it is a cultural way of life that has been passed down from one generation to the next.

Considering that subsistence halibut fishers take less than one percent of the total halibut caught, we could not see any biological reasoning why subsistence halibut fishers should be further restricted?

On the issue of "By-catch". Subsistence halibut fishers do not have any by-catch. What ever is caught will be used to feed their families. The term "By-catch" should not be equated with subsistence halibut fishers. Subsistence fishers do not waste food.

When I think of the "proxy system", I think about when I go home to Huslia to go moose hunting every year. After harvesting my moose, my father who is now 63 years old signs over to me his harvest ticket and usually my brothers and a few friends go out and hunt for a moose for them. After that hunt is completed, I hunt for my sister that has no husband but have two kids to raise and we get her a moose too. The point I would like to make is that what ever is caught is not only for one person, it is shared through out the community to other people that need meat. We believe strongly as a community, that we are a big family. We do not let our people go hungry. We believe that what you give will come back to you when you need help.

With that, Mr. Chair I thank you and the board for this time to speak before you and the decisions that you make today I hope that the council keep in mind that the subsistence fishers are not greedy people and only catch what they need. Subsistence fishers are the first stewards of the waters.

Presented by
Sue Unger 12/01
C-2

In Regard to Restrictions on Subsistence Take of Halibut from Commercial Vessels in Area 3B

David Osterback
Commercial Fisherman/Tribal Council President
Sand Point, Alaska

In many Aleutian villages, the harvest of halibut for subsistence and commercial use is undertaken in the same way using the same boats, the same gear, and at the same time. In the time honored tradition of fisherman around the world, a small percentage of the catch is brought home to feed our families. This is a practical decision because of the efficiency of the commercial gear and because we want to bring fresh fish home to our families. Local fisherman are engaged with the fishery all year round, there is little time to undertake separate subsistence fishing efforts. As in region 4C, Sand Point families would like to have the opportunity to catch their subsistence take from their commercial vessels, and using their commercial gear.

Local fisherman and residents are very concerned about the health of halibut resources. The survival of our village as we know it, is inseparable from the health of these commercial and subsistence resources. The Qagan Tayagungin Tribe would welcome opportunities to more actively participate in the monitoring and management of halibut and other stocks.

In Regards to Restrictions on Subsistence Take of Halibut from Commercial Vessels in Area 4B

Mark Snigaroff
Commercial Fisherman/Tribal Council President
Atka, Alaska

Like in many Aleutian communities, fisherman in Atka meet their subsistence halibut harvest needs during commercial activities. All commercially taken fish are reported on the fish ticket, but some are brought home for personal use. When we collect our subsistence salmon we often do so from a small skiff. However, when we collect our halibut, we usually do so from our commercial boats which are larger and safer.

The people of Atka are also concerned about the protection of our fisheries resources commercial and subsistence and are actively involved in research. Through our tribal council, we are currently involved in a four year study with the National Institute of Environmental Health to better understand the health benefits and risk of a diet based on these marine resources. We would be interested in increased cooperation for other research activities which can help to better manage halibut and other subsistence resources.