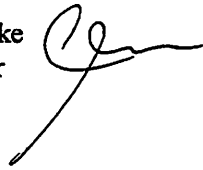


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director



ESTIMATED TIME
(2 Hours)

DATE: January 26, 1997

SUBJECT: Halibut Issues

ACTION REQUIRED

- (a) Report on IPHC Annual Meeting.
- (b) Review Area 4 catch sharing plan.
- (c) Consider seabird avoidance measures for halibut longline fishery.
- (d) Report from Halibut Subsistence Committee.

BACKGROUND

(a) International Pacific Halibut Commission Annual Meeting

The IPHC met January 27-30, 1997, in Victoria, British Columbia to review the revised stock assessment for halibut and set catch limits for 1997. IPHC staff will report on halibut catch limits and other action taken by the Commission. A report from the IPHC meeting will be distributed during the Council meeting.

The Council and IPHC will meet jointly during the April 1997 Council meeting to discuss halibut management issues of mutual interest. During that meeting, IPHC staff will present the recent halibut assessment and bycatch reduction models to the SSC for their review.

(b) Area 4 Catch Sharing Plan

In February 1995, the IPHC requested that the Council consider a change in apportioning Area 4 subarea quotas for 1996 and beyond. IPHC staff had recommended distributing halibut quotas in Area 4 subareas according to the proportion of biomass in each area, which was calculated in 1994 based on habitat area estimates. IPHC staff had recommended moving towards the biomass method for subareas 4A and 4B given the considerable stock separation in those subareas. Staff noted that there was no biological or conservation basis for catch limits in subareas 4C, 4D, and 4E and suggested that the IPHC apportion catch limits based on biomass distributions for subareas 4A, 4B, and combined subareas 4C-E, with the Council making subarea allocations (4C, 4D, and 4E) for the combined subarea (4C-E) catch limit.

In December 1995, the Council approved an interim catch sharing plan based on the 1995 status quo halibut allocations until such time as the IPHC approved a biomass-based apportionment for Area 4 quotas. Contained in the plan are allocations of: 4A: 33%; 4B: 39%; 4C: 13%; 4D: 13%; and 4E: 2%. The catch sharing plan also set aside 80,000 lb of quota greater than 5,920,000 lb (1995 and 1996 total Area 4 quota) to Area 4E.

The IPHC staff recommendations for 1997 include subarea apportionments for Area 4A, 4B, and combined 4C-E. At its January 1997 meeting, the IPHC deferred implementation of biomass-based subarea apportionments until 1998 to allow the Council to amend its catch sharing plan. The Council's current catch sharing plan will direct the first 80,000 lb of the total 1997 halibut Area 4 catch limit to Area 4E, with the remaining amount to be allocated according to the above percentages.

Possible revisions to the Council's catch sharing plan changes would remove Areas 4A and 4B and continue to apportion the IPHC combined Area 4C-E catch limit with the Council status quo subarea apportionments: 4C: 46.4%; 4D: 46.4%; and 4E: 7.2%. The Council may also choose alternative apportionments. The Council may also reexamine the 80,000 lb allocation to Area 4E, given the significant increase in halibut catch limits in all Area 4 subareas for 1997. With the proposed removal of Areas 4A and 4B from the catch sharing plan beginning in 1998, the formula for allocating the additional 80,000 lb to Area 4E may need to be revised so as to be deducted from Areas 4C and 4D only.

(c) Seabird avoidance

At its December 1996 meeting, the Council approved gear modifications, seabird avoidance devices, or changes in fishing methods designed to reduce the incidental mortality of seabirds for the groundfish fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands. The Council deferred action for the halibut hook-and-line fishery until the IPHC had reviewed proposed regulations at its annual meeting. Approved measures for groundfish fisheries include the following:

1. All hook-and-line fishing operations would be conducted in the following manner:
 - Baited hooks must sink as soon as possible after they are put in the water. This could be accomplished by the use of weighted groundlines or thawed bait.
 - The dumping of offal shall be avoided to the extent practicable while gear is being set or hauled; if discharge of offal is unavoidable, the discharge must take place aft of the hauling station or on the opposite side of the vessel to that where gear is set or hauled.
 - Every effort shall be made to ensure that birds brought aboard alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the bird.
2. One or more of the following measures would be employed at all times when baited hooks are being set:
 - A buoy, board, stick, broom, or other like device shall be towed behind the vessel at a distance appropriate to prevent birds from taking baited hooks. Multiple devices may be employed, or;
 - A streamer line designed to effectively discourage birds from settling on baits during deployment of gear, shall be towed, or;
 - Gear shall be set only at night (between the times of nautical twilight). When fishing at night, only the minimum vessel's lights necessary for safety shall be used; or
 - Baited hooks shall be deployed under water using a lining tube designed and manufactured for such a purpose, or;
 - With the approval of the Regional Administrator, other experimental seabird avoidance devices may be substituted for those listed above.

The required measures to reduce the incidental mortality of seabirds would be applicable to vessels using hook-and-line gear in both the GOA and BSAI directed groundfish fisheries. Rulemaking to require seabird avoidance measures would be initiated separately for the groundfish fisheries and the halibut fishery to provide the IPHC opportunity to review the proposed measures. Recommendations by the IPHC on seabird avoidance in halibut

fisheries will be provided at the meeting. Item C-1(c)(1) is a letter from NMFS concerning the application of these measures to the halibut fisheries.

(d) Halibut Subsistence

At its December 1996 meeting, the Council appointed a working group to provide recommendations to the Council for the development of regulations to allow the subsistence harvest of halibut. The committee met on January 22, 1997. A report of that meeting will be provided at meeting time. Council member Robin Samuelsen chaired the committee meeting. NMFS, Council, IPHC, and ADF&G staff provided management, regulatory, and enforcement background to the committee as summarized in an interagency staff meeting report, provided under Agenda C-1(d)(1).

The Halibut Subsistence Committee's recommendations are summarized below:

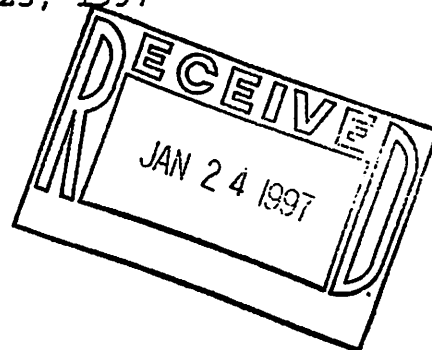
- The North Pacific Council should encourage the State Department to petition the United States and Canada to amend the Halibut Convention to recognize subsistence rights for aboriginal users.
- The National Marine Fisheries Service should not enforce regulations prohibiting halibut subsistence harvests while the Council is developing subsistence regulations.
- The need and intent for halibut subsistence regulations is to allow the continued practice of long-term traditions of fishing halibut for food for their families in a non-commercial manner for non-economic consumption. Subsistence should be defined as 'non-commercial fishing for food.'
- Eligibility for halibut subsistence should be defined as "members of Alaska Native Federally-recognized Tribes with customary and traditional use of halibut."
- Hook-and-line gear (including set and hand-held gear) with a maximum of 60 hooks, along with rod-and-reel gear should be allowed as legal halibut subsistence gear. An individual would be limited to one skate of gear up to 1,800 ft long (not including the buoy line), with hooks set 18-20 ft apart, with a legibly marked buoy.
- No minimum size should be imposed for subsistence harvests of halibut. The commercial halibut minimum size regulations should be revised to read, "except in Area 4E where halibut under 32 inches caught with authorized commercial halibut gear may be retained for subsistence use."
- Halibut subsistence users should be allowed existing levels of bycatch.
- The commercial sale of subsistence-caught halibut should not be allowed. The committee further indicated an interest in allowing low monetary, non-commercial sale of halibut to legalize current practice of compensating subsistence fishermen for fuel or other fishing expenses in exchange for fish. The Council may wish to consider allowing trade and barter only among Native Tribal members, limiting the monetary exchange, or other limitations.
- The committee considered a suggestion that monitoring of halibut subsistence removals for stock assessment purposes could be best achieved through cooperative agreements between federal agencies and the Tribes.

FEBRUARY 1997



UNITED STATES DEPARTMENT
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 23, 1997



Mr. Richard B. Lauber
Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Dear Rick,

At its December 1996 meeting, the North Pacific Fishery Management Council (Council) recommended seabird avoidance measures be implemented for hook-and-line vessels in the Bering Sea and Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA) groundfish fisheries. The Council might recommend these or similar measures be implemented in the Pacific halibut fishery in convention waters off Alaska. The International Pacific Halibut Commission will review the Council recommendations during its annual meeting on January 27-30, 1997. Further action by the Council to apply seabird avoidance measures to the halibut fishery would be initiated separately.

Because the proposed seabird avoidance measures for the BSAI and GOA groundfish fisheries would only apply to Federally-permitted vessel operators in the EEZ and in State of Alaska waters, I recommend that the Council encourage the State of Alaska to implement parallel measures for vessel operators that do not have a Federal fisheries permit and are participating in groundfish fisheries that occur in State waters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve".

Steven Pennoyer
Administrator, Alaska Region



REPORT
INTERAGENCY STAFF MEETING ON HALIBUT SUBSISTENCE
NOVEMBER 26, 1996

An interagency staff meeting was held in Juneau, Alaska on Tuesday, November 26, 1996, to discuss potential regulatory changes affecting halibut subsistence. Steve Pennoyer, Ron Berg, Jay Ginter, Phil Smith, and John Lepore (NMFS), Lisa Lindeman, Jon Pollard, and Bob Babson (NOAA GC), Steve Meyer (NMFS Enforcement), Steve Hoag (IPHC), Dave Benton, Earl Krygier, Seth Macinko, Doug Vincent-Lang, Bob Wolfe, Mary Pete, Bob Schroeder, and Rob Bentz (ADFG), Bonnie Harris and Laura Bottger (ADOL), Ken Thompson (USFS), and Clarence Pautzke and Jane DiCosimo (NPFMC) were in attendance. Previously prepared reports and memos from NPFMC, NMFS, IPHC, and ADF&G were distributed as background for the meeting. The meeting agenda is attached to the minutes.

Jane DiCosimo provided background as to the purpose and goal of the staff meeting. In September 1996, the Council designated a halibut subsistence working group yet to be appointed to advise the Council on management of subsistence halibut harvests. The staff meeting was scheduled to identify and describe the policy and legal aspects of subsistence uses of halibut for the Council and its working group. Ms. DiCosimo reviewed: (1) recent federal and state enforcement actions in Western Alaska and Southeast coastal communities for violations of federal regulations from halibut subsistence harvests, (2) resultant meetings to discuss enforcement sponsored by the Coastal Villages Fisheries Cooperative in Bethel with Western Alaska coastal villagers and NMFS and Council staff in August 1996 and in Anchorage with statewide representatives of coastal villagers and ADFG and Council staff, and (3) written requests to the Council by native councils for recognition of subsistence rights for halibut.

Agency staff presented the following topics related to halibut subsistence for discussion: (1) applicable federal law (Northern Pacific Halibut Act, Magnuson-Stevens Act, Alaska State Constitution, ANILCA, Ninth Circuit Court decision); (2) current enforcement efforts in coastal communities and effects of IFQ and CDQ regulations; (3) current federal and state fishing regulations for harvesting halibut; (4) deduction of estimated halibut subsistence takes prior to setting commercial quotas by IPHC; (5) recognition and legalization of established fishing practices for halibut by native communities; (6) state definitions of sport, personal use, and subsistence harvests; (7) application of subsistence rights by racial preference (i.e., Native Alaskan vs. all residents) in any Alaskan community or by economy/rural community (any legal resident in eligible rural community); (8) customary trade or barter of halibut that would allow sale of subsistence halibut; (9) the lack of biological issues related to subsistence harvests; (10) possible IPHC conservation closures due to localized depletion from combined commercial, charter, recreational, and subsistence harvests in local communities; (11) applicability of Migratory Bird Act/Department of Interior experience with subsistence hunting rights.

Discussion of the above issues provided an increased understanding of the different agency perspectives on possible management alternatives for halibut subsistence for the Council's consideration in 1997 and will aid staff in their preparation of materials for the Council and its halibut subsistence working group. On the whole, staff ended their meeting with the following conclusions.

- NMFS and IPHC regulations never intended to limit the subsistence use of halibut by Native Alaskans;
- IPHC and NMFS subsistence regulations would need to conform;
- ANILCA does not apply to halibut harvests by Native Alaskans;
- Council is not compelled by federal law to grant subsistence rights for halibut;
- Council may elect to grant subsistence rights to only Native Alaskans;
- resulting halibut subsistence regulations should be simple and straightforward;
- village economies also include non-natives;
- subsistence harvests are included under state personal use harvests;

- subsistence take allowance should not result in significant increase in harvest, if additional user groups are not included i.e., communities have a natural limit of consumption of resource;
- working group would assist in identifying mechanism for identifying qualified subsistence users, areas, and gear;
- public testimony would benefit development of management alternatives;
- commingling of commercial and subsistence harvests occurs in coastal communities;
- may need funding for monitoring/reporting/surveys of halibut subsistence takes;
- all Alaskan communities are classified as “native” under Marine Mammal Protection Act;
- DOI experience with the Migratory Bird Act may prove illustrative to the Council and working group.

The staff from the participating agencies recommends that the Council and its working group consider regulations that would identify the legal gear, areas, and users of subsistence halibut, and more specifically to resolve enforcement issues in Western Alaska, allow retention of undersized halibut in IPHC Regulatory Area 4E.

Dr. Clarence Pautzke

February 5, 1997

Page 2

The Commission's Processor Advisory Group (PAG) recommended that the IPHC oppose any bycatch quota program (VBA, IBQ, etc.) until the National Marine Fisheries Service can conclusively demonstrate:

1. Ability to collect real time bycatch data;
2. A bycatch database that is statistically reliable and acceptable both to NMFS enforcement and NOAA General Counsel;
3. Additional observer coverage and catch weighing on factory trawlers;
4. A reliable funding source that will sustain a stringent program adequate to maintain system integrity.

Presentations on regulations concerning the incidental take of sea birds were made to the Commission and its advisory groups by Mr. Thorn Smith and Mr. Mark Lundsten. The Commission, its Conference Board, and Processor Advisory Group urge the Council to accept the proposed sea bird protective regulations for the halibut fishery.

The Processor Advisory Group recommended a weighmaster program be instituted to weigh all halibut landings. They claimed that some landing were not properly accounted for. The Commission understands that the Council will consider this proposal at its April meeting, and supports the Council's interest in ensuring accurate accounting of all removals from the halibut stocks.

The Commission wishes to thank the Council for providing Ms. DiCosimo as an advisor during its deliberations. Ms. DiCosimo was extremely helpful and provided the input necessary for the continued coordination and cooperation between our institutions.

Sincerely yours,



Donald A. McCaughran
Director

DAM:ps

REPORT
HALIBUT SUBSISTENCE COMMITTEE
January 22, 1997

The Halibut Subsistence Committee met in Anchorage on January 22, 1997 to provide to the Council their recommendations for developing halibut subsistence regulations. Committee members Robin Samuelson (Chairman), Harold Martin, Matt Kookesh, Robert Sundown, Flore Lekanoff, Jack Lorigan for Theodore Borbridge, Jude Henzler, and David Bill were in attendance. The meeting agenda and documents distributed at the meeting are attached to this report. The Council, IPHC, NOAA GC, NMFS, NMFS Enforcement, ADF&G, and Alaska Department of Law provided staff support.

Jane DiCosimo, Council staff, provided background as to the purpose and goal of the meeting. She related the findings of agency staff at their November 1996 meeting. At the December 1996 Council meeting, the Council indicated its intention to develop regulations to provide for halibut subsistence harvests during 1997 for effect in 1998.

Bob Wolfe, ADF&G Subsistence Division staff, distributed tables and figures of noncommercial halibut harvests by community and Native Group with subsistence halibut uses. The committee adopted the table of rural communities with customary and traditional use of halibut and associated Alaska Native group as developed by the Alaska Board of Fisheries for identifying eligible participants for halibut subsistence harvests. Those Native groups not on the approved list could petition for subsistence privileges.

Dr. Don McCaughran, IPHC staff, discussed a possible revision of the Halibut Convention to separate subsistence from sportfish regulations. He reported that discussions to renegotiate the treaty for other reasons were currently underway. At present, the treaty language does not specifically address subsistence harvests and subsistence users are restricted to sportfish limits of two fish per person per day and rod and reel gear with a limit of two hooks per reel. He also explained that the 32 inch minimum commercial size was imposed by the IPHC to maximize yield in weight and was not imposed for personal use since yield for that sector is maximized in numbers. **The committee recommended that the North Pacific Council encourage the State Department to petition the United States and Canada to amend the Halibut Convention to recognize subsistence rights for aboriginal users.**

The committee discussed the level of halibut removals for subsistence (approximately 300,000 lb) compared with bycatch removals from commercial fishing (approximately 15.5 million lb).

Steve Meyer, NMFS Enforcement, reported that he is required by law to enforce the current halibut commercial and sportfish regulations. The committee noted that the IPHC acknowledged that halibut subsistence harvests did not affect the conservation of the halibut resource. **The committee recommended that the National Marine Fisheries Service not enforce regulations prohibiting halibut subsistence harvests while the Council is developing subsistence regulations.**

The committee described the need and intent for halibut subsistence regulations to allow the continued practice of long-term traditions of fishing halibut for food for their families in a non-commercial manner for non-economic consumption, and defined subsistence as 'non-commercial fishing for food.'

The committee recommended that eligibility for halibut subsistence be defined as "**members of Alaska Native Federally-recognized Tribes with customary and traditional use of halibut.**" The committee decided to accept as eligible those Tribes that were identified by the Alaska Board of Fisheries as having customary and traditional (CAT) halibut uses (Attachment 2). The Tribes are identified with a specific coastal community. The organized Tribal entity within a community would be responsible for deciding which individual members were eligible from Tribal enrollment. An individual's Tribal membership card and a subsistence permit would qualify

that person to subsistence fish for halibut from the community in which he/she is enrolled. Using Tribal enrollment would also allow the community to allow members from other Tribes to join their community and fish. Those Tribes not on the BOF list, but with reasonable access to the fishery and that may have a tradition or need to harvest halibut for subsistence may petition for eligibility. The process and criteria for petitioning would be discussed further by the committee at a subsequent meeting.

The committee discussed a proposal to include "other rural residents in areas of Alaska with halibut uses." The committee discussed the opportunities for non-Tribal Alaskans to harvest halibut and concluded that the two fish per day sportfish limit would meet their needs for supplying their families with halibut for food. The determining factor in this conclusion was the stated need to recognize existing, traditional practice at current levels of halibut removals. The management plan for a halibut subsistence program should legalize the current halibut removals and fishing practices by Tribal members. Expansion of subsistence harvests to non-traditional users may create resource concerns within the IPHC regarding increased levels of halibut removals and localized depletion in some rural and urban communities.

The committee recommended that **hook-and-line gear (including set and hand-held gear) with a maximum of 60 hooks, along with rod-and-reel gear** be allowed as legal halibut subsistence gear. An individual would be limited to one skate of gear up to 1,800 ft long (not including the buoy line), with hooks set 18-20 ft apart, with a legibly marked buoy. More than one fisherman may fish from the same boat.

The committee recommended that **no minimum size be imposed for subsistence harvests of halibut**. The committee recognized that the levels of halibut subsistence removals, including fish less than 32 inches, compared with commercial and sportfish removals, are not a conservation concern to the IPHC. The committee further recommended that the commercial minimum size regulations be revised to read, "**except in Area 4E where halibut under 32 inches caught with authorized commercial halibut gear may be retained for subsistence use.**" This minimum size exemption would allow for retention of undersized halibut with legal CDQ halibut harvests in Area 4E only, in accordance with local beliefs that releasing any fish is too damaging to the entire stock from which it came.

The committee discussed seasonal and bag limit restrictions for halibut subsistence, but deferred any recommendations to the Council on legal advice that the aforementioned restrictions are within the purview of the IPHC. Interest was expressed for a twelve month season in the Southeast and no bag limit.

The committee recommended that halibut subsistence users be allowed existing levels of bycatch. They recommended unlimited black cod bycatch, noting that there was a black cod subsistence fishery under State designation and that low levels of bycatch occurred in halibut subsistence fishing. They also recommended that halibut subsistence users be allowed to retain rockfish bycatch, and that the Council and State analyze appropriate bycatch levels.

The committee considered a suggestion that **monitoring of halibut subsistence removals for stock assessment purposes could be best achieved through cooperative agreements between federal agencies and the Tribes.**

The committee discussed trade and barter of subsistence halibut and **endorsed and recommended the sharing and exchange (barter) of halibut since this is a vital part of the traditional subsistence halibut fishery, but that the commercial sale of subsistence-caught halibut not be allowed.** The committee further indicated an interest in **allowing low monetary, non-commercial sale** of halibut to legalize current practice of compensating subsistence fishermen for fuel or other fishing expenses in exchange for fish. The Council may wish to consider allowing trade and barter only among Native Tribal members, limiting the monetary exchange, or other limitations.

The committee expressed interest in continuing to meet to provide recommendations to the Council on the development of halibut subsistence regulations.

HALIBUT SUBSISTENCE COMMITTEE
UAA Observer Training Facility
707 A Street, Suite 205
Anchorage, Alaska

JANUARY 22, 1997
10 a.m - 5 p.m.

AGENDA

I. Approve Agenda

II. Review halibut subsistence issues before the North Pacific Council

- a) coastal community requests for Council action (DiCosimo/NPFMC)
 - 1) Central Council of Tlingit-Haida Indian Tribe of Alaska
 - 2) Toksook Bay Traditional Council
 - 3) CVFC, Central Council/Tlingit-Haida, APICDA, Southeast Native Subsistence Commission
- b) Halibut subsistence harvests not subject to Title 8/ANILCA (Lindeman/NOAA General Counsel)
- c) subsistence versus personal use harvests (Wolfe/ADFG Subsistence Division)
- d) report of November 1996 staff meeting (DiCosimo/NPFMC)

III. Develop recommendations for NMFS/IPHC regulations for halibut subsistence use

- a) users
 - i) Native Alaskans only
 - ii) all residents
- b) area
 - i) economy-based
 - ii) community-based
 - iii) state-wide
- c) gear
 - i) identify legal subsistence gear
 - ii) any gear would be legal
- d) minimum size
 - i) 32 inches total length
 - ii) none for IPHC Area 4E (100% CDQ)
 - iii) none for all areas

IV. Other Business

V. Adjourn

Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of Alaska Rural Places in Areas with Subsistence Halibut Uses

Source: Household Surveys, Division of Subsistence, ADF&G

	<u>Halibut Coastal District</u>	<u>Survey Year</u>	<u>Removed from Commercial Gear</u>	<u>Other Non- Commercial Gear</u>	<u>Rod and Reel Gear</u>	<u>Gear Not Ascertained</u>	<u>Total Halibut Harvest</u>	<u>Estimated Per Capita Harvest</u>
District 2C								
Angoon	2C	1987	2,930	*	13,314		16,244	35
Coffman Cove	2C	1987	172	*	6,821		6,993	38
Craig	2C	1987	3,891	*	17,125		21,016	18
Edna Bay	2C	1987	1,760	*	4,060		5,820	84
Elfin Cove	2C	1987	956	*	1,513		2,470	41
Gustavus	2C	1987	552	*	12,133		12,685	83
Haines	2C	1987	5,809	*	26,190		31,999	20
Hollis	2C	1987	41	*	940		982	12
Hoonah	2C	1987	11,674	*	23,176		34,850	50
Hydaburg	2C	1987	4,127	*	7,929		12,056	32
Hyder	2C	1987	1,351	*	3,584		4,935	63
Kake	2C	1987	4,386	*	13,523		17,909	28
Kasaan	2C	1987	21	*	511		532	13
Klawock	2C	1987	1,265	*	31,955		33,220	42
Klukwan	2C	1987	0	*	193		193	1
Metlakatla	2C	1987	4,095	*	12,442		16,537	11
Meyers Chuck	2C	1987	0	*	3,075		3,075	103
Pelican	2C	1987	5,038	*	13,048		18,086	76
Petersburg	2C	1987	15,596	*	142,902		158,498	42
Point Baker	2C	1987	862	*	766		1,628	47
Port Alexander	2C	1987	708	*	3,695		4,402	41
Port Protection	2C	1987	505	*	2,252		2,757	47
Saxman	2C	1987	141	*	3,352		3,492	13
Sitka	2C	1987	16,418	*	240,708		257,126	32
Skagway	2C	1987	0	*	4,941		4,941	8
Tenakee Springs	2C	1987	608	*	5,257		5,865	62
Thome Bay	2C	1987	13,179	*	11,450		24,628	51
Whale Pass	2C	1987	106	*	1,325		1,431	28
Wrangell	2C	1987	13,963	*	58,600		72,563	26
TOTAL 2C	2C	**	110,156	*	666,779	0	776,934	31
			(Percent Gear)	14.2%	*	85.8%	0.0%	100.0%
			* In 2C, household surveys did not ask about "other non-commercial gear".					
District 3A								
Akhiok	3A	1992	41	1,845	32		1,918	24
Chenega Bay	3A	1992	469	1,973	2,154		4,596	68
Cordova	3A	1991	33,391	154	33,906		67,451	29
Karluk	3A	1990	0	3,273	1,073		4,346	53
Kodiak City	3A	1991	64,164	53,985	274,893		393,042	27
Larsen Bay	3A	1990	4,905	1,882	8,115		14,902	103
Nanwalek	3A	1991	0	1,954	5,856		7,810	48
Old Harbor	3A	1991	2,240	10,575	4,967		17,782	89
Ouzinkie	3A	1990	6,868	3,451	2,951		13,270	66

Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of Alaska Rural Places in Areas with Subsistence Halibut Uses

Source: Household Surveys, Division of Subsistence, ADF&G

	<u>Halibut Coastal District</u>	<u>Survey Year</u>	<u>Removed from Commercial Gear</u>	<u>Other Non-Commercial Gear</u>	<u>Rod and Reel Gear</u>	<u>Gear Not Ascertained</u>	<u>Total Halibut Harvest</u>	<u>Estimated Per Capita Harvest</u>
Port Graham	3A	1991	2,212	6,445	3,101		11,758	73
Port Lions	3A	1993	850	2,353	8,065		11,268	63
Seldovia	3A	1991	5,424	100	17,178		22,702	67
Tatitlek	3A	1991	92	852	1,613		2,557	31
Yakutat	3A	1987	3,031	*	29,844		32,875	56
TOTAL 3A	3A	**	123,687	88,842	393,749	0	606,278	32
			(Percent Gear)	20.4%	14.7%	64.9%	0.0%	100.0%
			* In Yakutat, household surveys did not ask about "other non-commercial gear".					
District 3B								
Chignik Bay	3B	1991	8,380	2,708	1,737		12,825	134
Chignik Lagoon	3B	1989	1,237	738	0		1,975	48
Chignik Lake	3B	1991	2,173	1,849	0		4,022	16
Cold Bay	3B	Est				5,920	5,920	
False Pass	3B	1988	1,971	403	1,137		3,511	27
Ivanof Bay	3B	1989	0	1,091	638		1,729	54
King Cove	3B	1992	7,685	1,696	454		9,835	18
Nelson Lagoon	3B	1987					0	0
Perryville	3B	1989	420	5,398	1,506		7,324	63
Sand Point	3B	1992	11,037	12,265	1,427		24,729	31
TOTAL 3B	3B	**	32,904	26,148	6,899	5,920	71,871	35
			(Percent Gear)	45.8%	36.4%	9.6%	8.2%	100.0%
District 4A-D								
Akutan	4A-D	1990	2,926	8,082	548		11,556	114
Atka	4A-D	1994	427	3,949	551		4,926	58
Nikolski	4A-D	1990	0	11,837	0		11,837	244
St. George	4A-D	1994	1,205	4,929	0		6,132	34
St. Paul	4A-D	1994	18,671	49,682	125		68,479	139
Unalaska	4A-D	1994	14,106	12,580	117,226		143,911	79
TOTAL 4A-D	4A-D	**	37,335	91,059	118,449	0	246,841	90
			(Percent Gear)	15.1%	36.9%	48.0%	0.0%	100.0%
District 4E								
Chefornak	4E	Est				12,800	12,800	40
Gambell	4E	**					**	
Mekoryak	4E	Est				7,080	7,080	40
Newtok	4E	Est				8,280	8,280	40
Nightmute	4E	Est				6,120	6,120	40
Savoonga	4E	**					**	
Toksook Bay	4E	Est				16,800	16,800	40
Tununak	4E	1986				40,754	40,754	124
Wales	4E	**					**	
Aleknagik	4E	**					**	
Clark's Point	4E	**					**	
Dillingham	4E	1984					0	0

Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of Alaska Rural Places in Areas with Subsistence Halibut Uses

Source: Household Surveys, Division of Subsistence, ADF&G

	<u>Halibut Coastal District</u>	<u>Survey Year</u>	<u>Removed from Commercial Gear</u>	<u>Other Non-Commercial Gear</u>	<u>Rod and Reel Gear</u>	<u>Gear Not Ascertained</u>	<u>Total Halibut Harvest</u>	<u>Estimated Per Capita Harvest</u>
Egegik	4E	1984	0	0	286		286	3
King Salmon	4E	**					**	
Kipnuk	4E	**					**	
Kongiganak	4E	**					**	
Levelock	4E	1989		528			528	5
Manokotak	4E	**					**	
Naknek	4E	**					**	
Nome	4E	**					**	
Pilot Point	4E	1987	229	0	70		299	5
Port Heiden	4E	1987	0	197	0		197	2
South Naknek	4E	1992	116	28	0		144	1
Alakanuk	4E	**					**	
Bethel	4E	**					**	
Brevig Mission	4E	**					**	
Chevak	4E	**					**	
Eek	4E	**					**	
Elim	4E	**					**	
Emmonak	4E	**					**	
Golovin	4E	**					**	
Goodnews Bay	4E	**					**	
Hooper Bay	4E	**					**	
Kotlik	4E	**					**	
Koyuk	4E	**					**	
Kwigillingok	4E	**					**	
Napakiak	4E	**					**	
Napaskiak	4E	**					**	
Oscarville	4E	**					**	
Platinum	4E	**					**	
Quinhagak	4E	**					**	
Scammon Bay	4E	**					**	
Shaktolik	4E	**					**	
Sheldon Point	4E	**					**	
St. Michael	4E	**					**	
Stebbins	4E	**					**	
Teller	4E	**					**	
Togiak	4E	**					**	
Tuntutuliak	4E	**					**	
Twin Hills	4E	**					**	
Ugashik	4E	1987					0	0
Unalakleet	4E	**					**	
White Mountain	4E	**					**	
TOTAL 4E	4E	**	0	0	286	91,834	92,120	54
	(Percent Gear)		0.0%	0.0%	0.3%	99.7%	100.0%	

Note: Round Weight (Not Eviscerated, Head On) = Usable Wt (Eviscerated, Head Off)/.7519

**Noncommercial Halibut Harvests (Lbs Rd Wt) by Residents of
Alaska Rural Places in Areas with Subsistence Halibut Uses**

Source: Household Surveys, Division of Subsistence, ADF&G

	<u>Halibut Coastal District</u>	<u>Survey Year</u>	<u>Removed from Commercial Gear</u>	<u>Other Non- Commercial Gear</u>	<u>Rod and Reel Gear</u>	<u>Gear Not Ascertained</u>	<u>Total Halibut Harvest</u>	<u>Estimated Per Capita Harvest</u>
DISTRICT SUMMARY								
District 2C	2C	**	110,156	*	666,779	0	776,934	31
District 3A	3A	**	123,687	88,842	393,749	0	606,278	32
District 3B	3B	**	32,904	26,148	6,899	5,920	71,871	35
Districts 4A-D	4A-D	**	37,335	91,059	118,449	0	246,841	90
District 4E	4E	**	0	0	286	91,834	92,120	54
TOTAL DISTRICTS		**	304,081	206,049	1,186,162	97,754	1,794,045	36
		(Percent Gear)	16.9%	11.5%	66.1%	5.4%	100.0%	

* In 2C, household surveys did not ask about "other non-commercial gear".

**Alaska Rural Places and Native Groups
in Areas with Subsistence Halibut Uses**

Source: Alaska Department of Fish and Game

<u>Place</u>	<u>Organized Entity</u>	<u>Halibut Coastal District</u>	<u>Use Pattern</u>
			1 = regular 2 = periodic 3 = undocumented
Alaska Rural Places*			
Angoon	Municipality	2C	1
Coffman Cove	Municipality	2C	1
Craig	Municipality	2C	1
Edna Bay	Census Designated Place	2C	1
Elfin Cove	Census Designated Place	2C	1
Gustavus	Census Designated Place	2C	1
Haines	Municipality	2C	1
Hollis	Census Designated Place	2C	1
Hoonah	Municipality	2C	1
Hydaburg	Municipality	2C	1
Hyder	Census Designated Place	2C	1
Kake	Municipality	2C	1
Kasaan	Municipality	2C	1
Klawock	Municipality	2C	1
Klukwan	Census Designated Place	2C	1
Metlakatla	Census Designated Place	2C	1
Meyers Chuck	Census Designated Place	2C	1
Pelican	Municipality	2C	1
Petersburg	Municipality	2C	1
Point Baker	Census Designated Place	2C	1
Port Alexander	Municipality	2C	1
Port Protection	Census Designated Place	2C	1
Saxman	Municipality	2C	1
Sitka	Municipality	2C	1
Skagway	Municipality	2C	1
Tenakee Springs	Municipality	2C	1
Thome Bay	Municipality	2C	1
Whale Pass	Census Designated Place	2C	1
Wrangell	Municipality	2C	1
Akhiok	Municipality	3A	1
Chenega Bay	Census Designated Place	3A	1
Cordova	Municipality	3A	1
Karluk	Census Designated Place	3A	1
Kodiak City	Municipality	3A	1
Larsen Bay	Municipality	3A	1
Nanwalek	Census Designated Place	3A	1
Old Harbor	Municipality	3A	1
Ouzinkie	Municipality	3A	1
Port Graham	Census Designated Place	3A	1
Port Lions	Municipality	3A	1
Seldovia	Municipality	3A	1
Tatitlek	Census Designated Place	3A	1

**Alaska Rural Places and Native Groups
in Areas with Subsistence Halibut Uses**

Source: Alaska Department of Fish and Game

<u>Place</u>	<u>Organized Entity</u>	<u>Halibut Coastal District</u>	<u>Use Pattern</u>
			1 = regular 2 = periodic 3 = undocumented
Yakutat	Municipality	3A	1
Chignik Bay	Municipality	3B	1
Chignik Lagoon	Census Designated Place	3B	1
Chignik Lake	Census Designated Place	3B	1
Cold Bay	Municipality	3B	1
False Pass	Municipality	3B	1
Ivanof Bay	Census Designated Place	3B	1
King Cove	Municipality	3B	1
Nelson Lagoon	Census Designated Place	3B	1
Perryville	Census Designated Place	3B	1
Sand Point	Municipality	3B	1
Akutan	Municipality	4A-D	1
Atka	Municipality	4A-D	1
Nikolski	Census Designated Place	4A-D	1
St. George	Municipality	4A-D	1
St. Paul	Municipality	4A-D	1
Unalaska	Municipality	4A-D	1
Chefomak	Municipality	4E	1
Gambell	Municipality	4E	1
Mekoryak	Municipality	4E	1
Newtok	Census Designated Place	4E	1
Nightmute	Municipality	4E	1
Savoonga	Municipality	4E	1
Toksook Bay	Municipality	4E	1
Tununak	Census Designated Place	4E	1
Wales	Municipality	4E	1
Aleknagik	Municipality	4E	2
Clark's Point	Municipality	4E	2
Dillingham	Municipality	4E	2
Egegik	Municipality	4E	2
King Salmon	Census Designated Place	4E	2
Kipnuk	Census Designated Place	4E	2
Kongiganak	Census Designated Place	4E	2
Levelock	Census Designated Place	4E	2
Manokotak	Municipality	4E	2
Naknek	Census Designated Place	4E	2
Nome	Municipality	4E	2
Pilot Point	Municipality	4E	2
Port Heiden	Municipality	4E	2
South Naknek	Census Designated Place	4E	2
Alakanuk	Municipality	4E	3
Bethel	Municipality	4E	3
Brevig Mission	Municipality	4E	3

Alaska Rural Places and Native Groups in Areas with Subsistence Halibut Uses

Source: Alaska Department of Fish and Game

Place	Organized Entity	Halibut Coastal District	Use Pattern	
			1 = regular	2 = periodic 3 = undocumented
Chevak	Municipality	4E		3
Eek	Municipality	4E		3
Elim	Municipality	4E		3
Emmonak	Municipality	4E		3
Golovin	Municipality	4E		3
Goodnews Bay	Municipality	4E		3
Hooper Bay	Municipality	4E		3
Kotik	Municipality	4E		3
Koyuk	Municipality	4E		3
Kwigillingok	Census Designated Place	4E		3
Napakiak	Municipality	4E		3
Napaskiak	Municipality	4E		3
Oscarville	Census Designated Place	4E		3
Platinum	Municipality	4E		3
Quinhagak	Municipality	4E		3
Scammon Bay	Municipality	4E		3
Shaktoolik	Municipality	4E		3
Sheldon Point	Municipality	4E		3
St. Michael	Municipality	4E		3
Stebbins	Municipality	4E		3
Teller	Municipality	4E		3
Togiak	Municipality	4E		3
Tuntutuliak	Census Designated Place	4E		3
Twin Hills	Census Designated Place	4E		3
Ugashik	Census Designated Place	4E		3
Unalakleet	Municipality	4E		3
White Mountain	Municipality	4E		3
Alaska Native Groups**				
Angoon	Angoon Community Association	Tlingit	2C	1
Craig	Craig Community Association	Tlingit	2C	1
Haines	Chilkoot Indian Association	Tlingit	2C	1
Hoonah	Hoonah Indian Association	Tlingit	2C	1
Hydaburg	Hydaburg Cooperative Association	Haida	2C	1
Juneau	Aukquan Traditional Council***	Tlingit	2C	1
Juneau	Central Council Tlingit & Haida Indian Tribes	Tlingit-Haida	2C	1
Juneau	Douglas Indian Association	Tlingit	2C	1
Kake	Organized Village of Kake	Tlingit	2C	1
Kasaan	Organized Village of Kasaan	Haida	2C	1
Ketchikan	Ketchikan Indian Corporation	Tlingit	2C	1
Klawock	Klawock Cooperative Association	Tlingit	2C	1
Klukwan	Chilkat Indian Village	Tlingit	2C	1

Alaska Rural Places and Native Groups in Areas with Subsistence Halibut Uses

Source: Alaska Department of Fish and Game

<u>Place</u>	<u>Organized Entity</u>		<u>Halibut Coastal District</u>	<u>Use Pattern</u>
				1 = regular 2 = periodic 3 = undocumented
Metlakatla	Metlakatla Indian Community, Annette Island Reserve	Tsimshian	2C	1
Petersburg	Petersburg Indian Association	Tlingit	2C	1
Saxman	Organized Village of Saxman	Tlingit	2C	1
Sitka	Sitka Tribe of Alaska	Tlingit	2C	1
Skagway	Skagway Village	Tlingit	2C	1
Wrangell	Wrangell Cooperative Association	Tlingit	2C	1
Akhiok	Native Village of Akhiok	Alutiiq	3A	1
Chenega Bay	Native Village of Chanega	Alutiiq	3A	1
Cordova	Native Village of Eyak	Eyak-Alutiiq	3A	1
Karluk	Native Village of Karluk	Alutiiq	3A	1
Kenai	Kenaitze Indian Tribe	Dena'ina	3A	1
Kenai	Village of Salamatoff	Dena'ina	3A	1
Kodiak City	Lesnoi Village (Woody Island)	Alutiiq	3A	1
Kodiak City	Native Village of Afognak	Alutiiq	3A	1
Kodiak City	Shoonaq' Tribe of Kodiak***	Alutiiq	3A	1
Larsen Bay	Native Village of Larsen Bay	Alutiiq	3A	1
Nanwalek	Native Village of Nanwalek	Alutiiq	3A	1
Ninilchik	Ninilchik Village	Dena'ina	3A	1
Old Harbor	Village of Old Harbor	Alutiiq	3A	1
Ouzinkie	Native Village of Ouzinkie	Alutiiq	3A	1
Port Graham	Native Village of Port Graham	Alutiiq	3A	1
Port Lions	Native Village of Port Lions	Alutiiq	3A	1
Seldovia	Seldovia Village Tribe	Dena'ina-Alutiiq	3A	1
Tatitlek	Native Village of Tatitlek	Alutiiq	3A	1
Yakutat	Yakutat Tlingit Tribe	Tlingit	3A	1
Chignik Bay	Native Village of Chignik	Alutiiq	3B	1
Chignik Lagoon	Native Village of Chignik Lagoon	Alutiiq	3B	1
Chignik Lake	Chignik Lake Village	Alutiiq	3B	1
False Pass	Native Village of False Pass	Aleut	3B	1
Ivanof Bay	Ivanoff Bay Village	Alutiiq	3B	1
King Cove	Agdaagux Tribe of King Cove	Aleut	3B	1
King Cove	Native Village of Belkofski	Aleut	3B	1
Nelson Lagoon	Native Village of Nelson Lagoon	Aleut-Alutiiq	3B	1
Perryville	Native Village of Perryville	Alutiiq	3B	1
Sand Point	Pauloff Harbor Village	Aleut	3B	1
Sand Point	Native Village of Unga	Aleut	3B	1
Sand Point	Qagan Toyagungin Tribe of Sand Point Village	Aleut	3B	1
Akutan	Native Village of Akutan	Aleut	4A-D	1
Atka	Native Village of Atka	Aleut	4A-D	1
Nikolski	Native Village of Nikolski	Aleut	4A-D	1

Alaska Rural Places and Native Groups in Areas with Subsistence Halibut Uses

Source: Alaska Department of Fish and Game

Place	Organized Entity	Halibut Coastal District	Use Pattern	
			1 = regular	2 = periodic 3 = undocumented
St. George	Pribilof Islands Aleut Communities of St. Paul Island & St. George Islands	Aleut 4A-D		1
St. Paul	Pribilof Islands Aleut Communities of St. Paul Island & St. George Islands	Aleut 4A-D		1
Unalaska	Qawalingin Tribe of Unalaska	Aleut 4A-D		1
Chefomak	Village of Chefomak	Yup'ik 4E		1
Gambell	Native Village of Gambell	Siberian Yup'ik 4E		1
Mekoryak	Native Village of Mekoryak	Cup'ik 4E		1
Newtok	Newtok Village	Yup'ik 4E		1
Nightmute	Native Village of Nightmute	Yup'ik 4E		1
Nightmute	Umkumiute Native Village	Yup'ik 4E		1
Savoonga	Native Village of Savoonga	Siberian Yup'ik 4E		1
Toksook Bay	Native Village of Toksook Bay	Yup'ik 4E		1
Tununak	Native Village of Tununak	Yup'ik 4E		1
Wales	Native Village of Wales	Inupiat 4E		1
Aleknagik	Native Village of Aleknagik	Yup'ik 4E		2
Clark's Point	Village of Clark's Point	Yup'ik 4E		2
Dillingham	Native Village of Dillingham	Yup'ik 4E		2
Dillingham	Native Village of Ekuq	Yup'ik 4E		2
Egegik	Egegik Village	Alutiiq-Yup'ik 4E		2
Egegik	Village of Kanatak	Alutiiq-Yup'ik 4E		2
Kipnuk	Native Village of Kipnuk	Yup'ik 4E		2
Levelock	Levelock Village	Yup'ik 4E		2
Manokotak	Manokotak Village	Yup'ik 4E		2
Naknek	Naknek Native Village	Alutiiq-Yup'ik 4E		2
Nome	King Island Native Community	Inupiat 4E		2
Nome	Nome Eskimo Community	Inupiat 4E		2
Pilot Point	Native Village of Pilot Point	Alutiiq-Yup'ik 4E		2
Port Heiden	Native Village of Port Heiden	Alutiiq 4E		2
South Naknek	South Naknek Village	Alutiiq-Yup'ik 4E		2
Alakanuk	Village of Alakanuk	Yup'ik 4E		3
Bethel	Orutsaramuit Native Village	Yup'ik 4E		3
Brevig Mission	Native Village of Brevig Mission	Inupiat 4E		3
Chevak	Chevak Native Village	Cup'ik 4E		3
Council	Native Village of Council	Inupiat 4E		3
Eek	Native Village of Eek	Yup'ik 4E		3
Elim	Native Village of Elim	Yup'ik 4E		3
Emmonak	Chuloonawick Native Village	Yup'ik 4E		3
Emmonak	Emmonak Village	Yup'ik 4E		3
Golovin	Chinik Eskimo Community	Inupiat-Yup'ik 4E		3
Goodnews Bay	Native Village of Goodnews Bay	Yup'ik 4E		3
Hooper Bay	Native Village of Hooper Bay	Cup'ik 4E		3
Hooper Bay	Native Village of Paimiut	Cup'ik 4E		3

**Alaska Rural Places and Native Groups
in Areas with Subsistence Halibut Uses**

Source: Alaska Department of Fish and Game

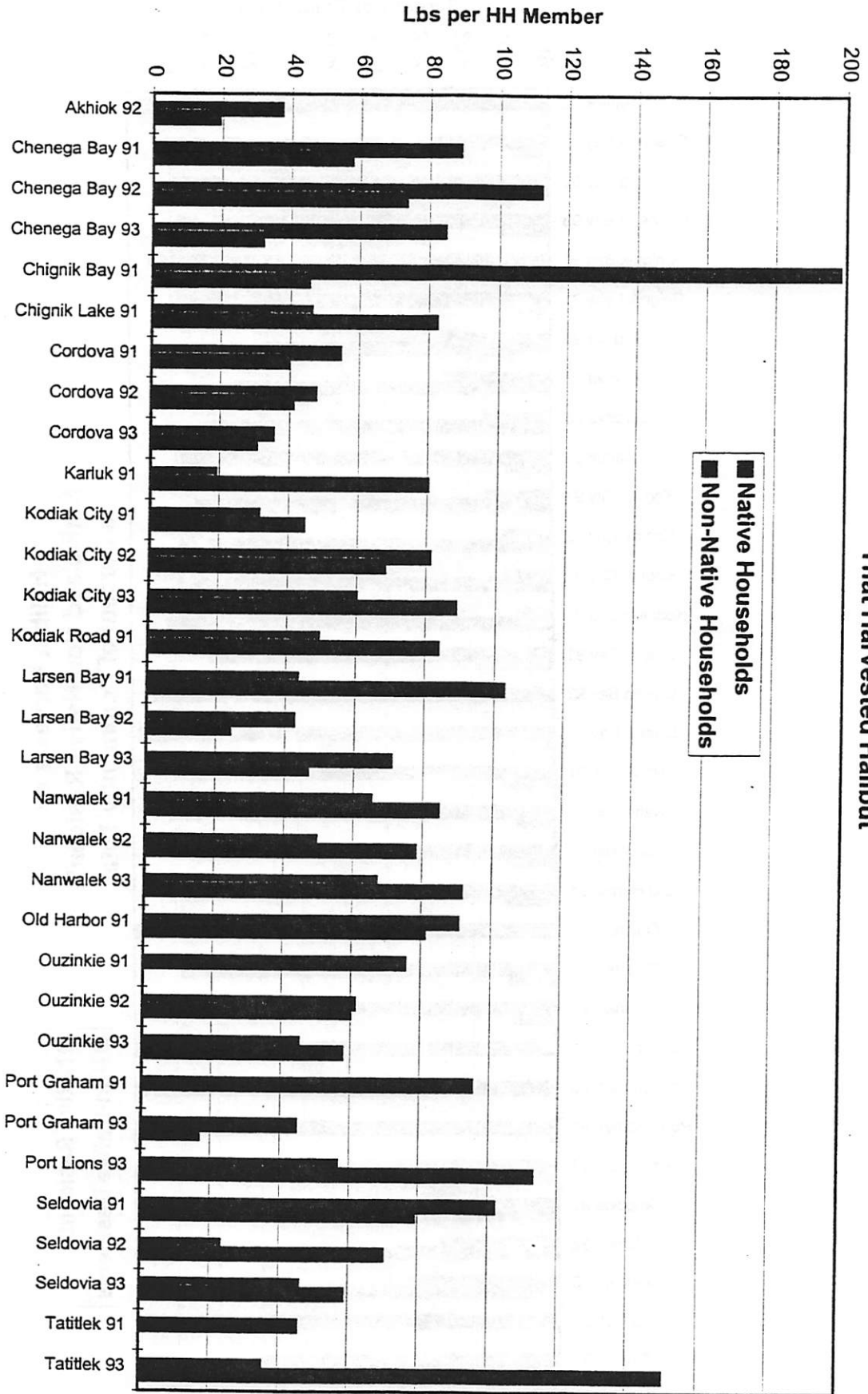
<u>Place</u>	<u>Organized Entity</u>		<u>Halibut Coastal District</u>	<u>Use Pattern</u>
				1 = regular 2 = periodic 3 = undocumented
Kongiganak	Native Village of Kongiganak	Yup'ik	4E	3
Kotlik	Native Village of Hamilton	Yup'ik	4E	3
Kotlik	Village of Bill Moore's Slough	Yup'ik	4E	3
Kotlik	Village of Kotlik	Yup'ik	4E	3
Koyuk	Native Village of Koyuk	Inupiat	4E	3
Kwigillingok	Native Village of Kwigillingok	Yup'ik	4E	3
Napakiak	Native Village of Napakiak	Yup'ik	4E	3
Napaskiak	Native Village of Napaskiak	Yup'ik	4E	3
Oscarville	Oscarville Traditional Village	Yup'ik	4E	3
Platinum	Platinum Traditional Village	Yup'ik	4E	3
Quinhagak	Native Village of Kwinhagak	Yup'ik	4E	3
Scammon Bay	Native Village of Scammon Bay	Yup'ik	4E	3
Shaktoolik	Native Village of Shaktoolik	Inupiat-Yup'ik	4E	3
Sheldon Point	Native Village of Sheldon's Point	Yup'ik	4E	3
Solomon	Village of Solomon	Inupiat	4E	3
St. Michael	Native Village of Saint Michael	Yup'ik	4E	3
Stebbins	Stebbins Community Association	Yup'ik	4E	3
Teller	Native Village of Mary's Igloo	Inupiat	4E	3
Teller	Native Village of Teller	Inupiat	4E	3
Togiak	Traditional Village of Togiak	Yup'ik	4E	3
Tuntutuliak	Native Village of Tuntutuliak	Yup'ik	4E	3
Twin Hills	Twin Hills Village	Yup'ik	4E	3
Ugashik	Ugashik Village	Alutiq-Yup'ik	4E	3
Unalakleet	Native Village of Unalakleet	Inupiat-Yup'ik	4E	3
White Mountain	Native Village of White Mountain	Inupiat	4E	3

* Places where subsistence (wild food harvest and use) is a principal characteristic of the community's economy and way of life.

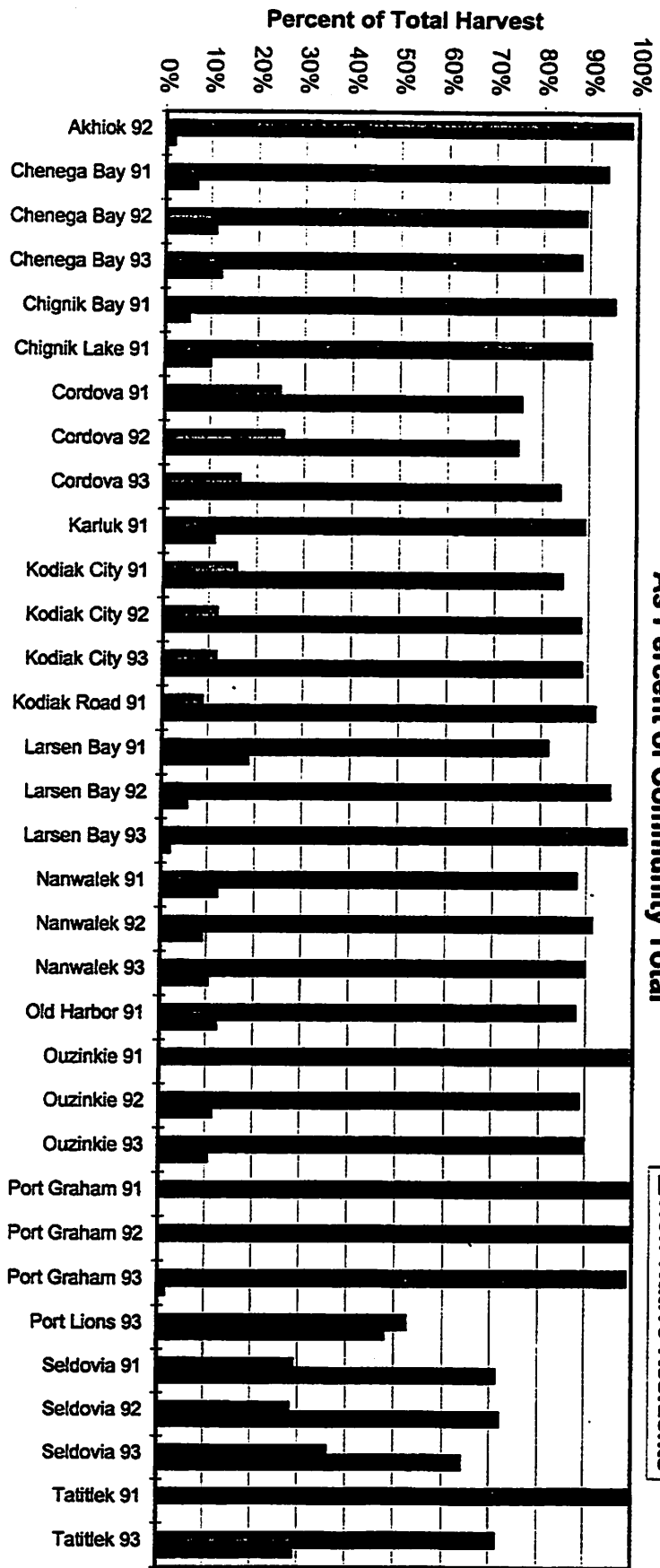
** Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs, cf., Federal Register, February 16, 1995, v. 60, no. 32, p. 9249-9255.

*** Applying for recognized status.

Mean Halibut Harvests by Native and Non-Native Households That Harvested Halibut

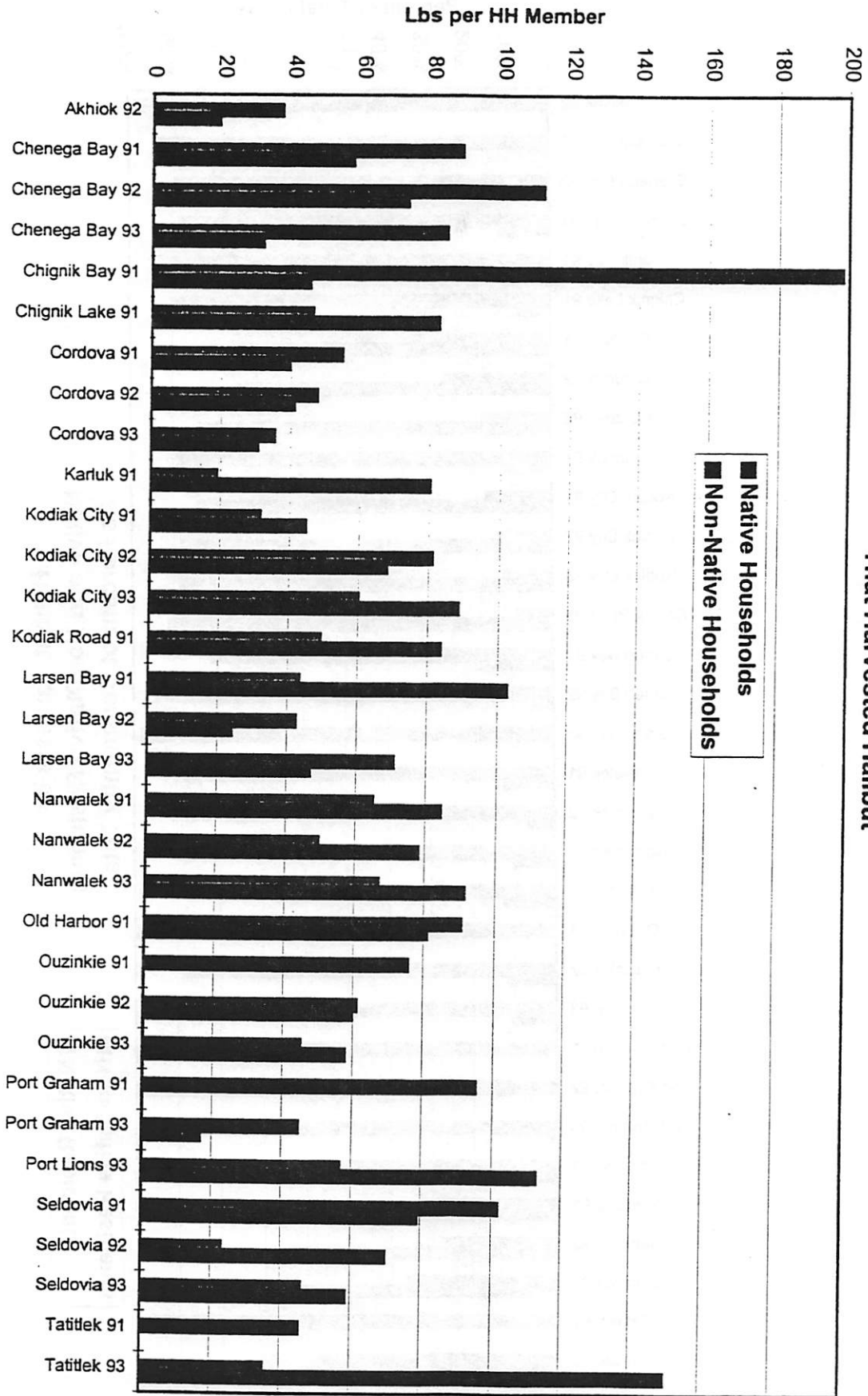


**Halibut Harvests by
Native and Non-Native Residents
As Percent of Community Total**

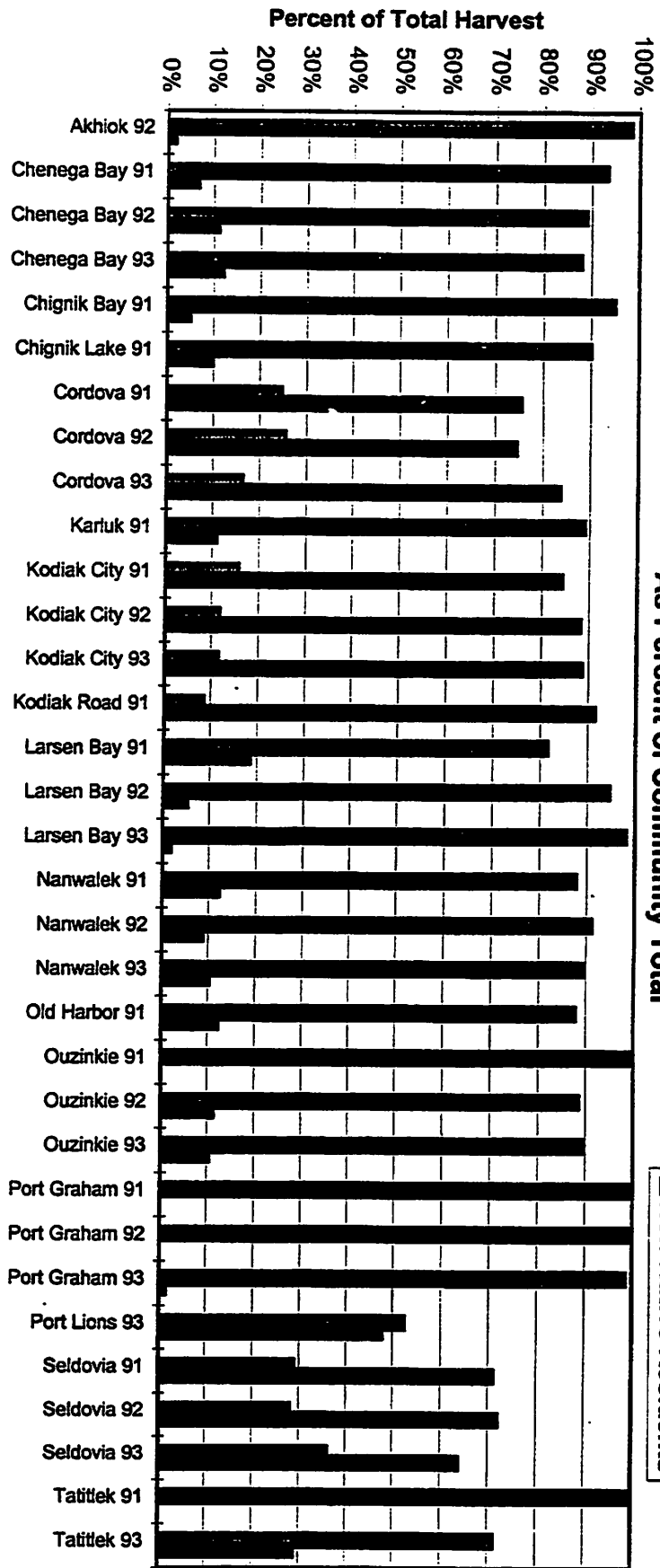


Source: Robert Wolfe, Division of Subsistence, ADFG

Mean Halibut Harvests by Native and Non-Native Households That Harvested Halibut



**Halibut Harvests by
Native and Non-Native Residents
As Percent of Community Total**



■ Native Residents
■ Non-Native Residents

SOUTHEAST NATIVE SUBSISTENCE COMMISSION

**320 West Willoughby Avenue, Suite 300
Juneau, Alaska 99801**

CONCEPTS

- **Subsistence halibut.** "Subsistence use of halibut" refers to the noncommercial harvest and use of halibut for food by Alaska Natives and other rural residents in areas of Alaska with halibut uses.
- **Eligibility.** Alaska Natives and other rural residents in areas with halibut uses.
- **Rural residents** are persons whose principal domicile is in a rural Alaska area.
- **Rural areas** for the purpose of subsistence halibut regulations are areas where subsistence (wild food production and use) is a principal characteristic of the area's economy and way of life.
- **Gear.** Hook and line gear (including set and hand-held gear), with a maximum of 60 hooks.
- **Special provisions.** The commercial sale of subsistence-caught halibut is not allowed. The noncommercial sharing and exchange of subsistence-caught halibut is allowed.
- **Permits.** Subsistence permits may be required in particular areas if necessary for identifying subsistence fishers or special area provisions.
- **Local area management plans.** Local area management plans may be developed on an area basis to deal with special management issues such local stock depletion.

NATIVE VILLAGE OF TUNUNAK

Tununak IRA Council
P.O. Box 77
Tununak, Alaska 99681
(907)652-6527 / Fx. 652-6011

Halibut Regulation Proposal

In absence of subsistence regulations on halibut fishery in and around Nelson Island region and after having encountered a National Marine Fisheries Enforcement Officer in just past summer season, the Native Village of Tununak, on behalf of the local commercial and subsistence fishermen, want following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulation for Nelson Island Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sportfishing regulations should not be used to develop subsistence regulations)
2. No bag limit for subsistence caught halibut. (Sportfishing regulations should not be used to develop subsistence regulations)
3. Not count subsistence catch as part of quota.

REASONS:

1. Traditionally, our people use three hook lines and many still make traditional hooks although some use regular 1 hook rod and reels, many prefer 3 hook lines for jigging.
2. Weather is not always reliable and every trip counts especially to catch as many halibut they can catch. The halibut (both dried and frozen.) is the main food gathered by local residents besides herring fish.
3. With commercial herring and halibut being the main economic source for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submit to IPHS, NPHS through Coastal Villages Fishing Cooperative is self explanatory and can be used for reference on this proposal. Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause."

NATIVE VILLAGE OF MEKORYUK
INDIAN REORGANIZATION ACT COUNCIL
P.O. Box 66
Mekoryuk, Alaska 99630
(907) 827-8828
Fax (907) 827-8133

MEKORYUK NATIVE COMMUNITY

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations and halibut fishery in and around Nunivak Island region. On behalf of the local commercial and subsistence fishermen, want the following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulations for Nelson Island Region subsistence halibut fishermen in particulars:

1. No limit on number of hooks to be used. (Sports fishing regulations should not be used to develop subsistence regulations).
2. Not count subsistence catch as part of the quota.

REASONS:

1. Traditionally, our people use two hook line and many still make traditional hooks although some use regular hook rod and reel, many prefer three-hook lines (jigging).
2. Weather is not always reliable and every trip counts especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is the main food gathered by local residents.
3. With commercial halibut being the main economic source for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause."

PAST PRESIDENTS

Moses Nayiruk • Peter Smith, Sr. • Tom Dotomain • Jesse Moses • Walter Amos • George K. Whitman, Sr.
Edward J. Shavings, Sr. • George King, Sr. • Henry J. Shavings • Joseph David, Sr. • Jerry David, Sr

KIPNUK TRADITIONAL COUNCIL

Box 57 • KIPNUK, ALASKA 99814
(907) 896-8515 • FAX (907) 896-8240

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations on the halibut fishery in and around the Cape Avinoff region and after having observed a National Marine Fisheries Enforcement Officer in Toksook Bay this past season, the Kipnuk Traditional Council, on behalf of the local commercial and subsistence fishermen, want to submit the following proposal to be seriously considered to become part of the Commercial Halibut Regulations for the Cape Avinoff Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sportfishing regulations should not be used to develop subsistence regulations.)
2. No bag limit for subsistence caught halibut. (Sportfishing regulations should not be used to develop subsistence regulations.) Traditional and culture methods are used by families in our villages to determine how much they need for subsistence purposes, and should not be regulated because of these present conditions.
3. Subsistence catch of halibut should not be considered a part of the Commercial fishery established quota.

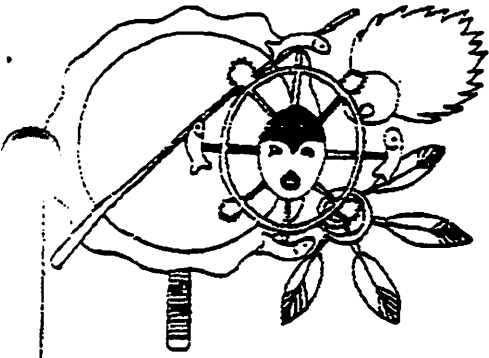
REASONS:

1. Traditionally, our people use three hook lines and many still make traditional hooks although some use regular 1 hook rod and reel.
2. Weather is not always reliable and every trip counts, especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is one of the main food groups gathered by local residents besides herring.
3. With commercially caught herring and halibut being the main economic resource for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submitted to IPHS, NPFS through Coastal Villages Fishing Cooperative is self explanatory and can be used for reference on this proposal. Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under a term, "subsistence clause."

NOTE: The Kipnuk Traditional Council is submitting this proposal in conjunction and agreement with the Toksook Bay Traditional Council. Our proposal is identical to the proposal submitted by the Toksook Bay Traditional Council, because our way of life is the same. We are closely related as families of the coast, with the same language with traditions and cultures that have a concern for the natural resources we depend on for food. Thank-you for considering our proposal.



Toksook Bay Traditional Council

TOKSOOK BAY NATIVE COMMUNITY

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations on halibut fishery in and around Nelson Island region and after having encountered a National Marine Fisheries Enforcement Officer in just past summer season, the Toksook Bay Traditional Council, on behalf of the local commercial and subsistence fishermen, want following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulations for Nelson Island Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sportfishing regulations should not be used to develop subsistence regulations)
2. No bag limit for subsistence caught halibut. (Sportfishing regulations should not be used to develop subsistence regulations)
3. Not count subsistence catch as part of the quota.

REASONS:

1. Traditionally, our people use three hook line and many still make traditional hooks although some used regular 1 hook rod and reel, many prefer three-hook lines.(jigging)
2. Weather is not always reliable and every trip counts especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is the main food gathered by local residents besides herring fish.
3. With commercial herring and halibut being the main economic source for our community, we do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submit to IPHS, NPFS through Coastal Village Fishing Cooperative is self-explanatory and can be used for reference on this proposal. Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause".

Nightmute Traditional Council

P.O. Box 90021
Nightmute, AK 99690
(907) 647-6215 Fax (907) 647-6112

HALIBUT REGULATION PROPOSAL

In absence of subsistence regulations on halibut fishery in and around Nelson Island region and after having encountered a National Marine Fisheries Enforcement Officer in just past summer season, the Nightmute Traditional Council, on behalf of the local commercial and subsistence fishermen, want following suggestive ideas to be seriously considered to become part of the Commercial Halibut Regulations for Nelson Island Region subsistence halibut fishermen in particular:

1. No limit on number of hooks to be used. (Sport fishing regulations should not be used to develop subsistence regulation.)
2. No bag limit for subsistence caught halibut. (sport fishing regulations should not be used to develop subsistence regulations)
3. Not count subsistence catch as part of the quota.

REASON:

1. Traditionally, our people use three hook line and many still make traditional hooks although some used regular hook rod and reel, many prefer three-hook lines. (jigging)
2. Weather is not always reliable and every trip counts especially to catch as many halibuts they can catch. The halibut (both dried and frozen) is the main food gathered by local residents besides herring fish.
3. With commercial herring and Halibut being the main economic source for our community, We do not want subsistence caught halibut to be counted as part of the quota for commercial halibut fishing.

CONCLUSION:

Our resolution and its supplement that we submit to IPES, NPES through Coastal Village Fishing Cooperative is self explanatory and can be used for reference on this proposal.

Therefore, on behalf of the local fishermen, both commercial and subsistence, we recommend that our proposal be seriously considered to become part of the Commercial Halibut Regulation under "subsistence clause."

**Title: Halibut as a Customary and Traditional Subsistence Resource of
Alaska Natives
Submitted by Southeast Native Subsistence Commission**

WHEREAS, halibut is a customary and tradition resource for Alaska Natives; ancient Tlingit halibut hooks were designed to allow only harvestable-sized fish to be taken; and

WHEREAS, halibut continue to be a vital subsistence food source in coastal Native communities, an essential food at cultural celebrations, and important for sharing with elders and others who cannot harvest for themselves; and

WHEREAS, ANILCA Title VIII provides for the harvesting of fish and wildlife resources for subsistence usage in a non-wasteful manner; and

WHEREAS, Natives have been cited for harvesting halibut because of exceeding the bag limit of two fish per day and for using a long line with multiple hooks; and


WHEREAS, these regulations are not reflective of Native communities' customary and traditional methods, means, bag limits, and sharing; and

WHEREAS, these regulations are ethnocentric and have been difficult to change, due to lack of action from the concerned government agencies: the State of Alaska, National Marine Fisheries Service, the North Pacific Fisheries Management Council, and the International Pacific Halibut Commission.

NOW, THEREFORE, BE IT RESOLVED that the General Assembly of the Alaska Federation of Natives respectfully request that managing agencies recognize and acknowledge that halibut is a customary and traditional subsistence resource and that they allow Alaska Natives to use efficient means of harvest, including multiple hooks, rod and reel, and long line gear.

BE IT FURTHER RESOLVED, that this resolution be sent to the State of Alaska Board of Fisheries, to the National Marine Fisheries Service, to the North Pacific Fisheries Management Council, and the International Pacific Halibut Commission.

Approved for submission by participants at the Bering Sea Fishermen's Association workshop on Wednesday October 16th @ 1 P.M.


Attest: Dan Albrecht, Program Director
Bering Sea Fishermen's Ass'n

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Sixty-First Annual General Assembly
CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
April 17-20, 1996
Juneau, Alaska

Resolution 96-13

Title: HALIBUT IS A CUSTOMARY & TRADITIONAL SUBSISTENCE RESOURCE OF ALASKA NATIVES
Submitted by: Angoon T&H Community Council

WHEREAS, halibut is a customary and traditional resource for Alaska Natives; ancient Tlingit halibut hooks were designed to allow only harvestable-sized fish to be taken; and

WHEREAS, ANILCA provides for the harvesting of fish and wildlife resources for subsistence usage in a non-wasteful manner; and

WHEREAS, Natives have been cited for harvesting halibut because of exceeding the bag limit and for using a long line with multiple hooks; and

WHEREAS, Natives have had to endure regulations that only allow 2 halibut and a hand-held line with two hooks; and

WHEREAS, these regulations are not reflective of Native communities' customary and traditional methods, means and bag limits; and

WHEREAS, these regulations are ethnocentric and are difficult to change, due to lack of action from both the State and the International Pacific Halibut Commission (IPHC) which will not address this issue until the State does.

NOW, THEREFORE, BE IT RESOLVED that the General Assembly of Tlingit and Haida Central Council respectfully request the assistance of Alaska's delegation in Washington D.C. to amend the Northern Pacific Halibut Act, "To recognize and acknowledge halibut as a customary and traditional subsistence resource, and to assure subsistence harvesting of halibut by Alaska Natives is protected."

BE IT FURTHER RESOLVED that the Central Council also request the Board of Fisheries endorse this resolution with a follow-up letter of support.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Southeast Native Subsistence Commission, the International Pacific Halibut Commission, Board of Fisheries.

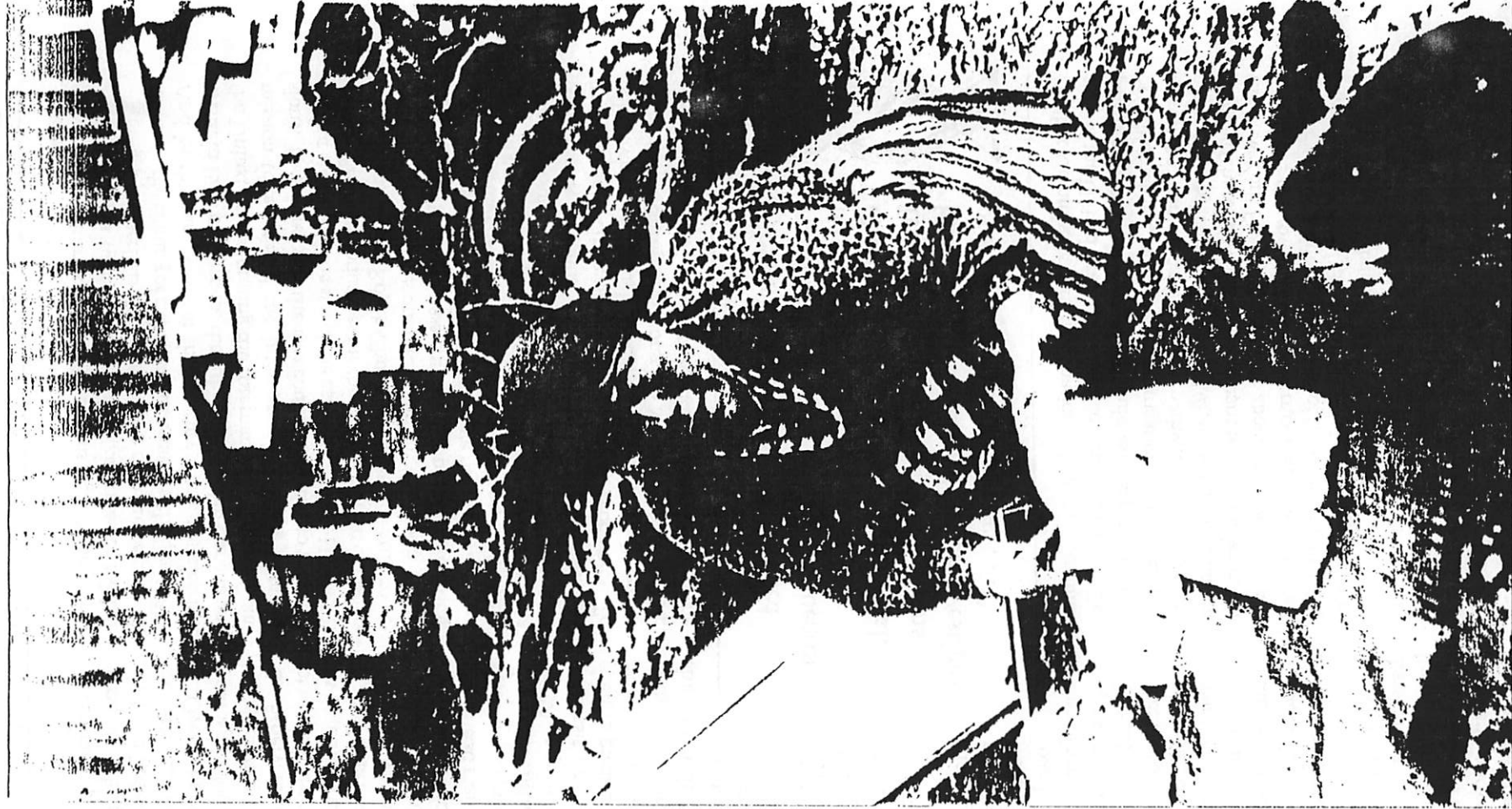
Chute ON Halibut

George Roger Chute's
1938 study of the
Northwest halibut fishery
strongly supported
Native American
fishing rights and
practices—but it was
never published!



By David M. Brumbach

*Kwakwaka'wakw woman preparing
halibut for drying.*



Special Collections, Washington State Historical Society

For centuries Native Americans from Neah Bay to Alaska had harvested large quantities of halibut, but a serious depletion of the resource began with the coming of the white fishermen in the late 1880s. And by the early years of this century there was clearly a crisis. In 1923 concern for the fishery resulted in Canada and the United States forming the International Fisheries Commission (often called the International Halibut Commission). That same year the two countries agreed to limit the halibut season and the size of the catch. In 1935 R. H. Fielder, chief of Fisheries Industries for the Federal Bureau of Fisheries, invited George Roger Chute to come to Seattle to research and write an economic report on the North Pacific halibut fishery. Chute's assignment was part of an ongoing effort to better understand and conserve the fishery.

Roger Chute was born in southern Minnesota but spent his childhood in eastern Washington, first in the Yakima Valley at Outlook and then on a farm along the Columbia River between Wallula and Burbank. In 1925 he graduated from Stanford University with a degree in economics. To help pay his way through college he worked for the Bureau of Fisheries, collecting data along the Mississippi River system and the Gulf Coast. After graduation he held jobs with the

government publications were so often poorly written, the general reading public usually ignored them and, therefore, they had little or no effect. Relying on his journalistic skills, he determined to write an interesting and informative report.

Over the next several months, following a practice he had used while doing his trawler research, Chute set about gathering information from those who were directly involved in the fishery. Altogether, he interviewed about 80 men, many of whom had worked in the commercial halibut industry from its beginnings on the West Coast in the late 1880s, including Native Americans, ship's captains, railroad personnel, and packers. Once he became convinced that available secondary sources were incomplete and often inaccurate, he used the eyewitness accounts to form the foundation for his study. Because so many of his informants were old men, Chute saw this study as probably the last opportunity to tell the story of the halibut fishery in the words of its earliest participants.

What gives Chute's halibut study special interest is his emphasis on Native American aspects of the fishery. He spent a great deal of time getting to know coastal Indians from Washington to Alaska and making himself familiar with their fishing practices. One of his most enduring friendships was with Elliott Anderson of Neah Bay, the last surviving

member of the Ozette tribe. In fact, the two men corresponded over a period of several years. Anderson and several members of the Makah tribe told Chute how important the halibut fishery was to their way of life. Roger came to appreciate the fact that the Indian halibut fishery was highly developed and had been far greater than most whites realized. He explained to his superior:

Most whites entertain the absurd notion that halibut fishing was begun by white immigrants to the West Coast. The idea is almost universal. It is entirely unsound. The Indians had a highly developed fishery, vestiges of which remain even now, and caught millions of pounds of halibut a year. Everybody knows that there never have been big halibut on the Cape Flattery banks, but the notion is absurd that the fish didn't grow there. Nothing could have been more erroneous; the reason fish have been small on Flattery is that since before the remembrance of men there has been a severe Indian fishery on those banks—not severe enough to depopulate or strip them, as the whites did the job when they started in, but at least enough to catch up most of the big "whales" and keep the average size of fish pretty low.

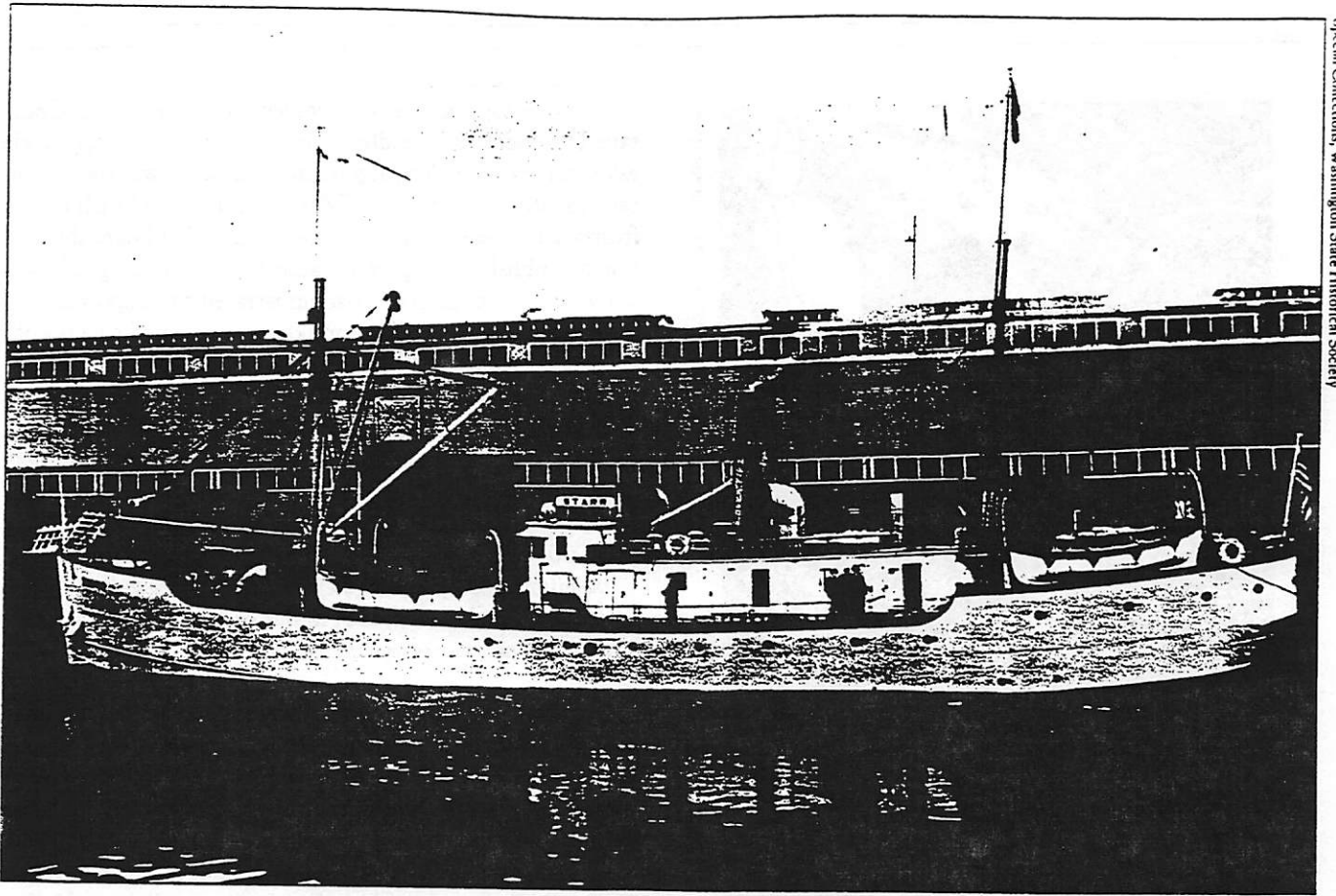
In his study Chute provided a lengthy explanation of Indian fishing techniques, maintaining that the Indian handlining methods were, in fact, "superior to the best in use by whites today." He described how the coastal people had sun-cured and smoked their catch in great quantities, and also how they used halibut as a trade item with their inland neigh-



“Most whites entertain the absurd notion that halibut fishing was begun by white immigrants to the West Coast. The idea is almost universal. It is entirely unsound. The Indians had a highly developed fishery, vestiges of which remain even now. . . .”

Halibut Commission, the International Fisheries Commission of the United States and Mexico, and California's Department of Natural Resources. While working for the state of California he conducted an investigation into trawler fishing off the Pacific Coast, and his lengthy report helped bring about new regulatory legislation. When not in government employ, Chute served in the merchant marine and wrote for the *New York Fishing Gazette*. For about three years he was editor and part owner of a California-based journal, *West Coast Fisheries*. Chute's knowledge of fisheries, as well as his journalism skills, indicated that he was the right man to write a report on the halibut industry.

However, Chute was not one to stick to a narrow task. Instead of limiting his study to economics, he decided to write a general history of the West Coast halibut fishery. He believed that this was necessary in order to place the economic aspects in a proper context. He also felt that, because



The Starr was built in 1912 for the San Juan Fishing and Packing Company. After 1922 she carried the mail between Seward, Alaska, and the Aleutians. Chute collected numerous photos of the halibut fleet.

bors. He concluded that an annual Indian harvest of five million pounds of halibut was a safely conservative estimate.

Chute understood that, though extensive, the Indian fishery had not depleted the resource. As an expert in fisheries he explained that the Indian harvest actually "was a benefit in that it prevented the fish population from increasing beyond the food supply, and maintained the available stock in a fat and healthy condition." When white fisherman arrived, however, they simply stripped banks of the fish and then moved on to new grounds. "As early as 1893 the sailing vessels undertook difficult voyages to reach undepleted areas, and the quest continued for a quarter century."

Chute also learned that, in depleting the halibut off Cape Flattery, white fishermen had deprived the Makahs of one of their main sources of food. Because their homeland was unsuitable for agriculture and poor in natural resources, the Makahs had always depended on the ocean for their livelihood. Furthermore, they insisted that the white fishermen were acting in violation of an 1855 treaty with Governor Isaac Stevens that guaranteed them rights to the Cape Flat-

tery banks. The Makahs wanted these restored "as a sort of marine reservation, that will enable a continuance of their natural mode of living." They further charged that attempts to obtain copies of the treaty had been in vain and thus they had been unable to prove their claim. One of the Makahs shared with Chute his tribe's oral tradition about the council:

We all agreed to keep the peace as we always before had done, but we told him that we must always have the halibut bank, and he [Stevens] agreed that it should never be taken from us, but was to remain ours forever. . . . We always shall claim that bank, which has been ours all through history, and shall insist that it should be returned to us, as was promised by Governor Stevens in solemn treaty council.

Chute believed that his findings about the scope and importance of the native fishery would strengthen the claims of the Indians for a restoration of their treaty rights. And, in fact, one of his reasons for wanting to put the Indian testimony in a government report was the hope that this would give their claims official status.

Chute planned to include photographs in his study, many depicting Indian aspects of the fishery. One who helped him obtain such photographs was George T. Emmons. Over a period of many years Emmons had collected a vast amount of material about the coastal Indians, becoming the authority on the Tlingits. But it was not until 1991 that his research was



Special Collections, Washington State Historical Society

Roger Chute was an avid hunter and fisherman.

THE CHUTE COLLECTION

A RECENT ADDITION to the Special Collections of the Washington State Historical Society, a collection of George Roger Chute's papers are now available for the first time. The collection is relatively small, but the diversity of its material makes it a valuable resource to a wide variety of researchers. There are some personal letters, mostly to family and friends. Other correspondents included several Native Americans, Lucullus V. McWhorter, Click Relander, and Secretary of the Interior Harold L. Ickes.

Also in the collection are Chute's research and journal articles about fisheries off southern and Baja California, as well as his extensive investigation into the early days of the North Pacific halibut fishery. Notes on Northwest Indian and pioneer lore that he compiled during the last 30 years of his life make up another important part of the material. Next are articles he wrote for local newspapers.

And, finally, there are scores of photographs depicting various aspects of the fisheries, Native Americans, and many of the places he traveled. It should be noted that these include only a small fraction of the pictures he took during his life. In the years following his death in 1977, and before the Historical Society acquired the collection, many hundreds were sold to private parties.

compiled into a book.

Because he became so involved in his research, Chute failed to meet the deadline for completing his report. He asked for an extension, arguing that his study was too important to rush to completion. When at last he did finish he was frustrated to learn that the bureau's editorial board decided not to publish his report because it was too long. He was convinced that the board had underrated the importance of his work, as he somewhat immodestly explained to a friend:

The Bureau (or, better say, the sub-chief concerned) balked on the report because of its size. What he wanted was a short, terse, dry, statistical digest. I produced a voluminous work containing conversation, explanations, and all of the color and side-lights necessary to make the thing read 100 or 200 or 1,000 years from now. . . . I have given a permanent place in the history of the fishery to the men who founded the fishery and developed it. No work such as this ever before has been produced by any writer or investigator.

Over the next few months several of Chute's friends (with his encouragement) wrote to the commissioner of the Bureau of Fisheries urging publication of the report, but to no avail. One who closely followed the progress of Chute's halibut study was Lucullus V. McWhorter. McWhorter is best remembered as a leading advocate of Indian rights in the Yakima Valley and also as an authority on Chief Joseph and the Nez Perce war. When he learned that Chute's report had been shelved, McWhorter suggested that its pro-Indian stance was the real reason why the government refused to publish it. He thought that the federal authorities would find it inconvenient to acknowledge the fact that Makahs had treaty rights to the halibut banks off the coast of Washington.

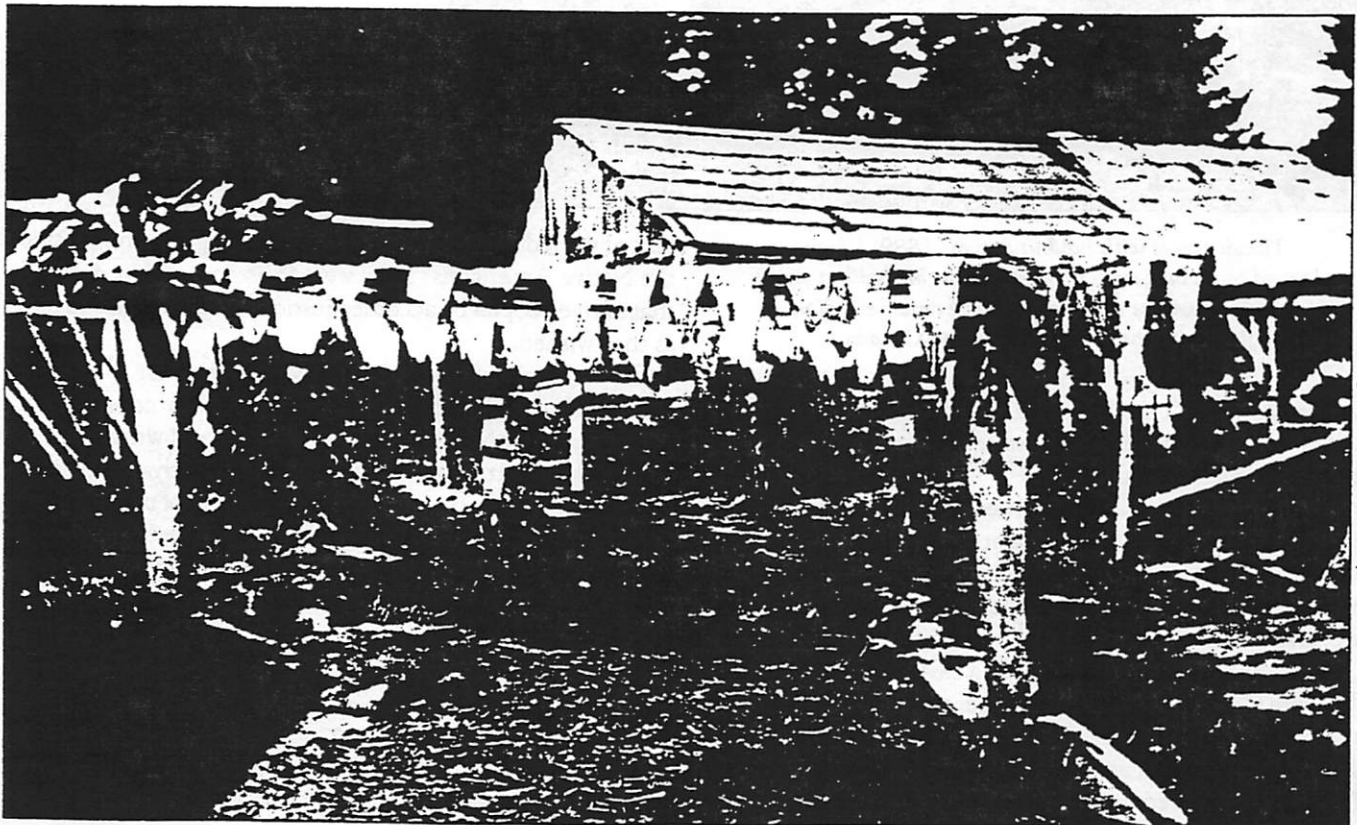
McWhorter may have had a point, and perhaps there was reluctance on the part of the federal government to take seriously Indian treaty claims. But one must also admit that there were other factors that influenced the decision to shelve Chute's report. In the first place, the bureau did not have the money to publish everything that was submitted to it each year, and Chute's report was book length. Moreover, in 1930 the International Halibut Commission had published a history on the beginnings of the West Coast halibut fishery. Although Chute had included some original research in his report, it is possible that the editorial board concluded that it did not have the funds to publish another history so soon after the first.

Because the bureau would not include his study in its annual report, Chute tried to get the press at Stanford University to accept the manuscript. The editor told him that it had no market value, but went on to suggest that he might reconsider were Chute to eliminate all of his interview material. Nowadays, there is such a strong appetite for oral histories that this reaction is almost inconceivable. Although not

a trained historian. Chute was careful and precise in gathering his information. One acquaintance described him as "sincere, energetic, and a demon for accuracy." A draft of the unpublished study, as well as the interview transcripts, are now in the Chute Collection at the Washington State Historical Society.

Whether or not Chute's report would have made a difference for the Makahs' claim to the halibut bank off Cape Flattery is impossible to say. It is clear that in 1938 a desire to honor treaties with Native Americans was not high on the national agenda. And it was not until 1952, some 14 years after Chute completed his study, that the Makahs filed a claim against the federal government for their halibut fishing rights. After seven years of litigation their case was dismissed. Finally, in 1986 the federal government recognized that the Indians of northwest Washington did indeed have legitimate treaty claims and granted them a special allocation of halibut. In 1987 additional allocations were granted to Indians with treaty rights within Puget Sound.

Halibut drying racks on Vancouver Island, c. 1895. In the 1930s Chute visited Neah Bay, Vancouver Island and the Queen Charlottes. His visits convinced him that the government was ignoring Indian treaty rights.



George T. Emmons photo, Special Collections, Washington State Historical Society

It is important to note that Chute was not a crusader or conservationist in the sense that we think of today. He was politically conservative and held Roosevelt and his New Deal in contempt. He came to his convictions about Native American fishing rights through his work as a government investigator. But as a civil servant he did not have an effective forum from which to advance his views. The result was that most of his findings went unpublished, and he remains



Chute came to his convictions about Native American fishing rights through his work as a government investigator. But as a civil servant he did not have an effective forum from which to advance his views. . . . Most of his findings went unpublished.

virtually unknown to most scholars of both fisheries and Native American history.

Chute's halibut study was only the beginning of his enduring interest in Native American issues. During the 1950s and '60s he focused his attention on many inland tribes, and became especially concerned about the salmon runs on the Columbia River. In his view the problem was twofold. First,

there was a blatant disregard for Indian fishing rights. Second, the poorly constructed fish ladders at the hydroelectric dams on the Columbia were destroying the fishery. In one newspaper article he put forth the Indians' claim that white fishermen who took salmon at the Columbia's mouth were committing larceny because the salmon runs belonged to the Indians. Furthermore, they stated that blockading the river with dams was an additional violation of their treaty with the federal government. Chute himself was convinced that the fish ladder at Bonneville Dam was a disaster, as he explained in a letter to a friend: "You couldn't find EVEN ONE old time professional fish wheel man on the lower Columbia who

friendships with native peoples. Relander particularly appreciated Chute's insights about the Columbia River fisheries.

In addition to his concern about Native American fishing rights, Chute was also keenly interested in Indian legends, collecting a great many. He intended to some day publish an anthology of these stories. But if Roger Chute had one critical flaw, it was his wanderlust. Whenever he could, he traveled. In fact, he visited Mexico and Central America more than 30 times, made many trips to Canada and throughout the United States, went to the South Pacific at least three times, and to Europe once. It was his travel more than anything else that prevented him from becoming a published author. He did pen occasional articles for local Washington newspapers, but like many others he was seduced by the love of doing research and had not the discipline to write.

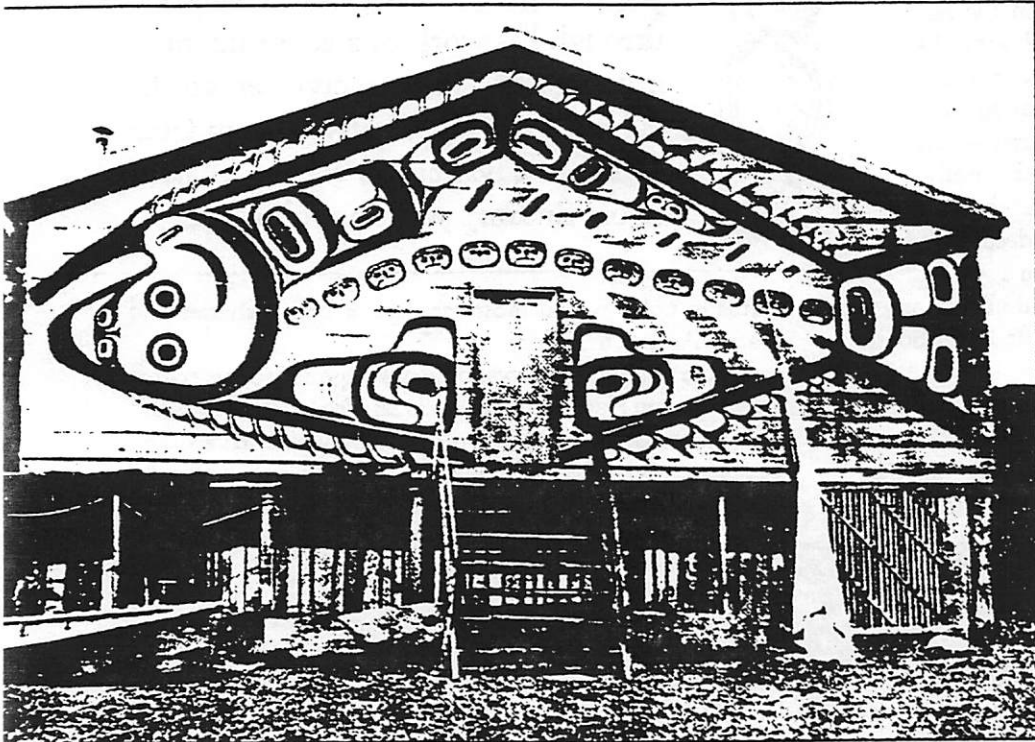
As an advocate for Northwest Native Americans, Chute stands alongside fellow Washingtonians Click Relander and L. V. McWhorter. It was precisely such amateurs who were in the white vanguard of those defending Native American rights. Their research and friendships taught them to respect the culture and history of their Indian neighbors. All three men were painstaking and patient researchers, skilled at conducting oral interviews and convinced of the importance of the photographic record. They would not accept the seeming in-

tent of the federal government to either forget or shunt aside the Native Americans. They were insistent in their demand that native peoples be accorded justice and the chance to live as they wished.

To be candid, Chute's legacy is less than that of his two friends. He left behind no great book and a considerably smaller archive. Nonetheless, his research and writings are a useful supplement to a wider study of Northwest Native Americans, especially in regard to the matter of tribal fishing rights. Now that his papers are available in the Special Collections of the Washington State Historical Society, perhaps Chute will, at last, realize a measure of the recognition that eluded him during his life.

David M. Brumbach holds a doctorate in American history from Washington State University. In 1992-93 he organized the Chute papers for the Washington State Historical Society. He is currently organizing a set of papers for the National Archives office in Seattle.

George T. Emmons photo, Special Collections, Washington State Historical Society



Tlingit house with halibut design, 1889. Chute planned to include such photographs in his halibut study to help illustrate the ancient and extensive Indian fishery in the United States and Canada.

couldn't have built the Bonneville ladder better. . . . The so-called biologists in federal and state employ are responsible for the destruction of the fish."

In that same letter Chute insisted that the mistakes could be corrected so as to accommodate the returning salmon. However, he pessimistically concluded that nothing would be done, that the federal government would pay off the Indians, and that Columbia River salmon would become extinct.

Over the years, Chute developed a close personal relationship with Click Relander, a newspaper man from Yakima and a leading advocate for the Wanapum people. The two men shared their research and encouraged one another to write. They often attended Indian ceremonials, and both had deep

WRITTEN TESTIMONY FOR THE RECORD

**By
Carl Jack**

In support of the recommendation of NPFMC Subsistence Committee

Mr. Chairman, Members of NPFMC, Staff, and Ladies and Gentlemen. My name is Carl Jack, Director of the Subsistence and Natural Resources Dept., Rural Alaska Community Action Program, Inc. (RurAL CAP). Let the record show that my testimony is in full support of the recommendations of your Subsistence Halibut Committee. It is my understanding that all recommendations were accepted by your Advisory Panel with the possible exception of its recommended hook and line gear maximum hook quota. My recommendations are divided to two areas: First, a communiqué should be sent by North Pacific Fisheries Management Council (NPFMC) petitioning the United States and Canada to amend the Halibut Convention to legalize subsistence halibut fishing in waters under the jurisdiction of the United States. Second, NPFMC should adopt the Committee's recommendations with no changes and proceed with the promulgation of regulations. Subsistence fishing of halibut has been part of the tradition and culture of Alaska's Indigenous People since time out of mind. Contrary to the western belief that subsistence fishing of halibut is largely for nutrition, subsistence fishing of halibut and other anadromous fish has been a key element of every Alaska Native Culture.

Specific to one-line and 60 hooks, I urge you to adopt the committee's recommendation for the following reason. The indigenous people of Alaska do not take more than they need. Once a level is met where the supply will meet one's families subsistence need, they will stop fishing. If you put a quota, you will set the stage for Natives to be prosecuted. Quota's, bag limits, time and area closures are all western management concepts. Putting individual limits, i.e. quotas on subsistence harvest, is fundamentally premised on belief that unless western management agencies impose their western management concepts on Native fishing and hunting, that hunting or fishing will be uncontrolled, and will lead to over-harvest and conservation problems. To the contrary, Mr. Chairman, Native culture have historically practiced, and they continue to practice, a comprehensive system of regulation of their own activities. While the

regulations do not rely on standard western techniques such as seasons and bag limits or individual quota's, they nevertheless effectively ensure the species are protected. "Legal" subsistence fishing for halibut does not have to mean fishing under sport fishing regulations. Rather, the subsistence regulations can, and must, reflect Native ways, just as is required under the Marine Mammal Protection Act, and the proposed Protocol Amendments to the Migratory Bird Treaty Act of 1916.

Finally, I recommend that you continue to involve Alaska's Native people in the management of subsistence halibut fishing. If the recommendations of your halibut committee are not adopted, the indigenous peoples of Alaska will have to risk becoming criminals in order to feed their families. We, the indigenous people of Alaska, do not want to create problems by breaking bad laws and regulations that are not consistent with our way of life. Right now, a majority of the people in rural Alaska are not aware that it is technically illegal to take Halibut for subsistence. The silence of the Halibut Convention on the subsistence uses of Alaska Natives is apparently being interpreted by the State of Alaska, and your enforcement personnel, as making Native subsistence harvests illegal. While an equally persuasive argument can be made that the silence of the Halibut Convention on subsistence fishing is not a prohibition on subsistence fishing, we the Indigenous people of Alaska do not want to risk becoming criminals to feed our families. Your enforcement officers may have but no choice but to enforce the sport regulations because of the silence of the treaty. In conclusion, let us work together first in developing regulations that recognize the traditions and cultures of Alaska Natives in taking halibut for subsistence uses, after all what better evidence is there than the Native halibut hooks in the museums to attest to the historical use of halibut for subsistence uses. Let us also work together in amending the Halibut Convention to do the same. We are ready to work with you on this very important endeavor. Thank you Mr. Chairman.

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Subarea	IPHC Staff recommendation	IPHC % allocation	NPFMC % allocation	NPFMC CSP	NPFMC Subarea catch limits	CDQ % allocations
4A	3,000,000	33.3%	33	.33*8,920,000 =	2,943,600	0
4B	3,200,000	35.6%	39	.39*8,920,000 =	3,478,800	20
4C	2,800,000	[31.1%	13	[28% .13*8,920,000 =	1,159,600	50
4D	for	for	13	for .13*8,920,000 =	1,159,600	for 30
4E	[4C-4E]	4C-E]	2	4C-E] 80,000 + (.02*8,920,000) =	258,400	4C-E] 100
4A-E	9,000,000		100		9,000,000	

Agenda C-1(d)

January 30, 1997

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, AK

RE: Council and Public Review of Proposed Bird Avoidance Regs

Dear Rick:

In December the longline industry came to the Council with proposed bird avoidance regulations that were promptly and unanimously adopted. We thank you warmly for your response. Earlier this week the IPHC, its Conference Board and its Processor Advisory Group unanimously adopted the Council's proposal, verbatim.

As you know the industry-proposed regulations were modeled closely after the Commerce-approved CCAMLR regulations governing longline fishing in Antarctica. They were released to the environmental community through the International Union for the Conservation of Nature - they have been posted on the internet and praised worldwide as an industry-led effort in environmental stewardship. The whole world is watching.

Our proposal was circulated in the longline industry three times. The measures were all debated at length and language carefully crafted to assure effectiveness in avoiding birds and acceptance by industry. The vigor of the internal debate and the ardent manner in which compromises were agreed make it clear that the industry will not tolerate changes in the proposed scheme. In turn, we hope the Council will not.

The industry proposal consisted of seven elements, three to be required at all times, and five to be employed in the alternative (see Council motion, attached). Each of these elements is critical to our scheme, and each must be a part of the regulations, not the preamble.

We have heard that there is concern about the "enforceability" of the proposed regulation. We observe that the CCAMLR regulations are no more or less enforceable than ours. We also observe that there is a million-pound hammer hanging over our heads in the form of the Endangered Species Act. The regulations will be self-enforcing. We are deeply and honestly concerned that neither the industry nor the environmental community will approve of changes in the Council motion.

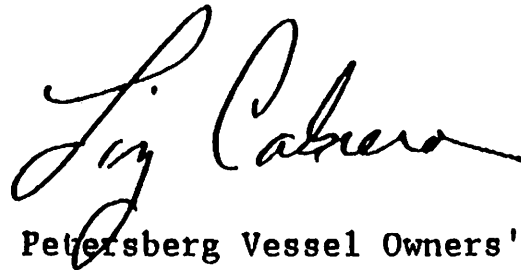
A version of the proposed regulations has been forwarded to NMFS in Washington, D.C., and will presumably appear soon in the Federal Register. Since a short comment period is contemplated, the Council will have no opportunity to review the regulations for consistency with its approved motion before they become final unless it reviews the proposed regs at the February meeting. The item is to be addressed for the halibut fishery on Wednesday afternoon (Agenda C-1). The halibut fishermen are expecting exactly the same regulations as the longline groundfish fishermen - and we all need a chance to address this before the Council.

The undersigned representatives of longline organizations respectfully request that the specific proposed regulations in their entirety be made available to the Council and the public well in advance of Wednesday afternoon.

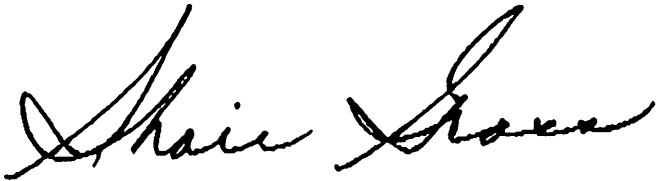
Sincerely,



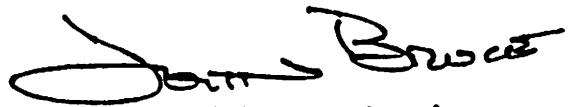
Fishing Vessel Owners' Association



Petersberg Vessel Owners' Association



Halibut Association of North America



Deep Sea Fishermens' Union



Kodiak Vessel Owners' Association



North Pacific Longline Association

Supreme Court to Rule on Assisted Suicide

With advances in modern medical technology, doctors have been able to keep extremely sick people alive longer and longer. However, some terminally ill people say that they are in unyielding pain and no longer want to live. They want their doctors to help them commit suicide. Should physicians be allowed to help terminally ill patients, or patients in unceasing pain, kill themselves? On January 8, 1997, the U.S. Supreme Court heard two hours of arguments on this issue. The court's decision is expected in mid-1997. Observers say the ruling will be one of the most influential ones since the court legalized abortion in 1973.

The cases

Most states have laws prohibiting physicians from helping people commit suicide. Challenges to these laws in New York and Washington were brought by seven doctors, six terminally ill patients and the Seattle-based patients' rights organization Compassion In Dying. All of the terminally ill patients involved in the cases have died.

In 1996, two federal courts ruled that states could not legally ban physician-assisted

suicide. [See story, May 1996, page 201] The rulings in both cases, *Vacco v. Quill* in New York and *Washington v. Glucksberg*, were appealed to the Supreme Court. Besides hearing arguments from both sides, the Supreme Court received 60 "friend-of-the-Court" briefs from people and organizations that either supported or opposed physician-assisted suicide.

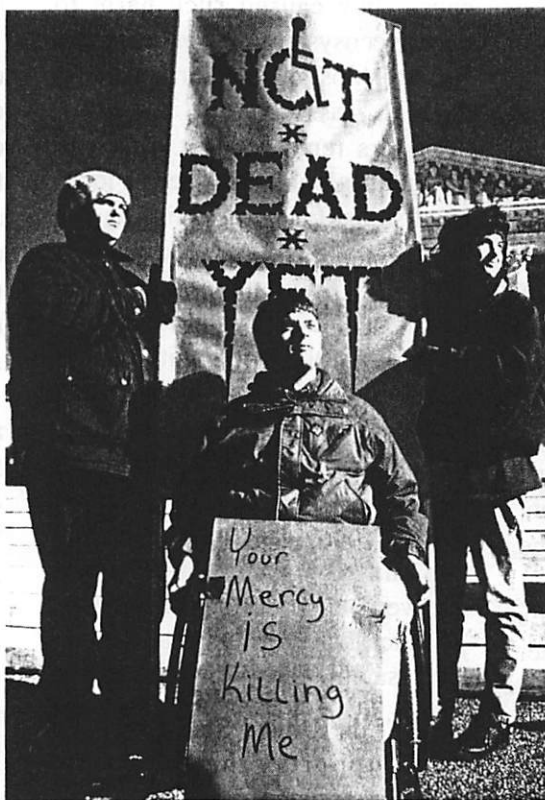
Fear of painful death

Up until the early 1900s, medicine had not advanced enough to keep alive people who were severely injured or ill. People often died at home, surrounded by family.

By the late 1900s, the field of medicine had advanced enough that physicians could prolong the lives of many who were severely injured

or ill. However, some of these patients were not restored to complete health. They were kept alive with feeding tubes and machines that forced air in and out of their lungs. In some cases, physicians were unable to provide complete pain relief. As a result, many people feared that their last days would be spent in extreme pain in a sterile hospital room, kept alive only by beeping machines attached to their bodies.

Medicine's great advances raised major ethical, religious and philosophical questions. Do people have a right to refuse medical treatment, even though doing so will cause them to die? Do people have a right to ask for and receive lethal doses of drugs if their pain becomes unbearable? Do family members have the right to request such services if their loved ones are unconscious or unable to re-



Brad Markel/Gamma Liaison

Some people with disabilities joined Not Dead Yet, a group opposed to physician-assisted suicide. The group protested outside the Supreme Court as the justices inside listened to arguments for and against the practice.

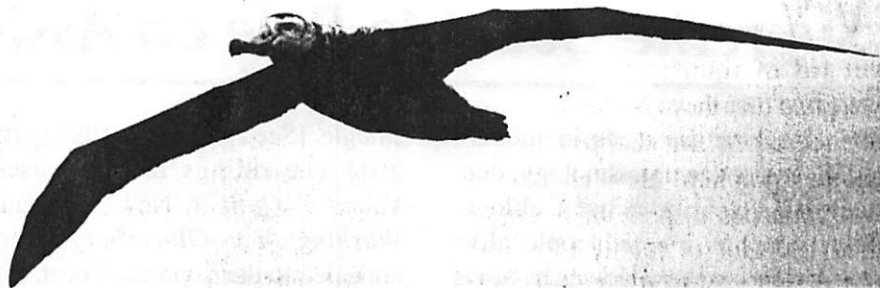
Long-Line Fishers Rally to Protect Seabirds

An albatross in the air sees a morsel of food bobbing just below the surface of the ocean and dives to catch it. When the bird tries to gobble the food, it is snagged by a sharp hook attached to a fishing line. The hook holds the giant bird underwater and drowns it.

This scene has been repeated thousands of times in recent years, causing a decline in the populations of the seafaring birds. The baited hooks of long-line fishers are the culprits. Long-line fishers extend lengthy stretches of fishing line into the open ocean from their boats. The bait dangling from the lines is supposed to attract fish, but it sometimes draws seabirds. Fishers have recently begun to develop techniques to protect birds from their fishing hooks.

Advances in fishing technology have allowed fishers to catch more fish. Fishers can track schools of fish with satellites and sonar. Automated equipment allows them to haul in more fish. Such techniques remove so many fish from the oceans that some fish populations have decreased to near extinction. [See stories September 1995, page 15; June 1994, page 238]

Some fishing technologies threaten more than just fish. Other marine animals, such as sea turtles, sea lions, dolphins, whales and sea birds, have also died. In the 1980s, many fishers used drift nets. Drift nets consisted of 50-kilometer (30-mile) expanses of mesh that caught almost everything in their path. The nets pulled in endangered marine mammals along with the fish they



Johnny Johnson/Animals Animals

Wandering albatrosses, like the one shown here, are among the 40,000 albatrosses killed every year by long-line fishing.

were meant to catch. Most countries have banned large-scale drift-netting in their territorial waters because they caused such harm to marine ecosystems. However, some fishing ships still use drift nets on the high seas.

Fishers replaced drift nets with less harmful methods, such as long-line fishing. In long-line fishing, the lines extend as far as 130 kilometers (80 miles). Shorter lines with baited hooks dangle from the main line. Fishers bait the hooks with chunks of fish or squid. The longest lines hold as many as 3,000 hooks each. Large long-line boats bait about 50,000 hooks per day. To catch fish species that live near the ocean bottom, such as cod and halibut, fishers use weights to pull the lines down. To catch fish that live near the surface, such as tuna, swordfish and sharks, fishers use floats to keep the lines from sinking.

Catching birds

.....

Long-line fishing is much less harmful to marine mammals than drift-net fishing. However, long-

line fishing poses more of a threat to seabirds. Bait dangling from a shallow line looks like an easy meal to a passing bird.

Albatrosses have been hit especially hard. Albatrosses spend most of their time gliding over the open ocean on wind currents, searching for fish to eat. They can travel as far as 800 kilometers (500 miles) a day, cruising at speeds of up to 80 kilometers (50 miles) an hour. Albatrosses have no predators besides humans and the occasional shark.

Australian scientists recently estimated that long-line fishers in the Southern Hemisphere pull in about 40,000 dead albatrosses each year. They reported that the wandering albatross population in the Southern Hemisphere is decreasing by 1% to 2% per year. Environmental scientist Charles F. Wurster, of the State University of New York at Stony Brook, claimed that the global wandering albatross population is decreasing by 10% per year. He blames long-line fishing for the birds' decline.

The estimates of albatross deaths caused by long-line fishing are

based on the number of dead birds fishers pull in on their lines. Long-line fishers admit that they don't see all the birds that die as a result of being hooked. Some birds escape with injuries that eventually kill them. Some are eaten by sharks, and others fall off the hooks before the fishers haul them in. Fishers estimate that they never see 30% of all birds killed by hooks.

Recently fishers have implemented several techniques to prevent the deaths of albatrosses.

Bird-avoidance gear

One is to use a tori line (tori means bird in Japanese). Tori lines are lines of twine that run above the water over a baited long line. Streamers dangle from the twine and scare birds away. Tori lines can become less effective as birds become accustomed to the streamers.

Another technique, called bird bags, consists of buoys fastened to the long line directly above the baited hooks. A buoy is a floating object. The bird bags are supposed to prevent birds from diving for the bait. Another tactic is to set long lines at night, when most sea birds do not hunt. *

FURTHER READING:

"Long-Line Fishing Seen as Damaging to Some Fish and to the Albatross." William K. Stevens. *New York Times*, November 5, 1996, page C1.

"For the Birds." Brad Matsen. *National Fisherman*, January 1997, page 20.

Internet: www.enn.com

KEYWORDS To find related information in other publications and electronic databases, search for these terms: *albatross, short-tailed albatross, endangered seabirds, long-line fishing, North Pacific Longline Association, fishing and seabirds.*

Short-Tailed Albatross Spurs Fishers to Action

Although tens of thousands of albatrosses have died on the hooks of long-line fishers, it was the deaths of three short-tailed albatrosses that spurred long-line fishers in the North Pacific Ocean to protect seabirds.

The short-tailed albatross, *D. albatrus*, is an endangered species. In fact, it is the most endangered albatross species. In the late 1900s, hunters gathered the eggs of these birds and captured adults to collect their feathers. The species nearly became extinct. At the end of 1996, there were about 800 adult pairs of short-tailed albatrosses, all breeding on the Japanese islands of Torishima and Senkaku.

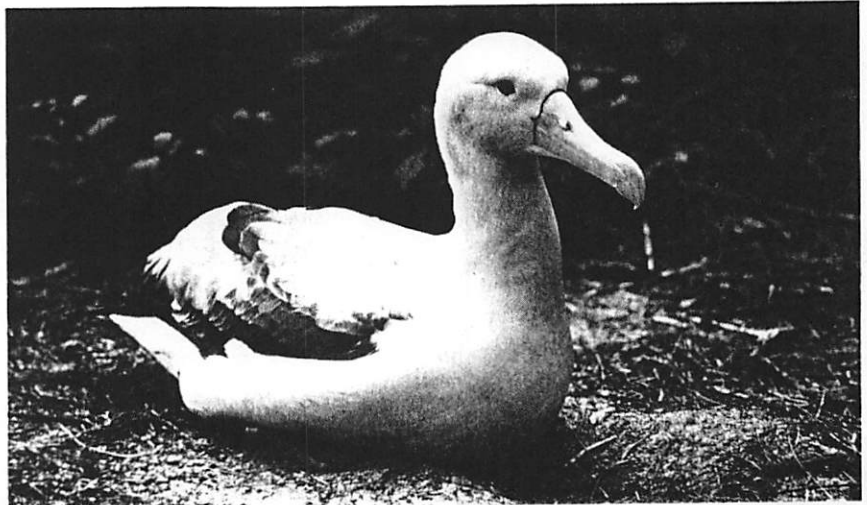
Fishing fleets are prohibited from killing more than two short-tailed albatrosses per calendar year. If fishers exceed that limit, they are required to inform the U.S. government how they intend to prevent more deaths.

Instead of waiting for government officials to act, long-line fishers developed emergency regulations to protect the fish. *

The North Pacific Longline Association (NPLA), a Seattle-based organization that represents a fleet of more than 4,000 long-line fishing boats in the North Pacific Ocean, drafted a set of regulations intended to prevent birds from getting killed. The regulations require NPLA members to use tori lines or bird bags [See story, page 134]

The NPLA's regulations also demand that fishers make every effort to keep injured birds alive aboard their boats until they can be cared for, and to release uninjured birds immediately.

NPLA officials recommended to the North Pacific Fishery Management Council that the council impose the NPLA regulations on all northern long-line fleets. Rick Lauber, chair of the council, told *National Fisherman*, "They've come to us with a program that sounds reasonable, so let's put it into effect. This is really a model for how fishermen should respond to a situation like this." The council expected the new rules to take effect in 1997. *



Gilbert S. Grant/Photo Researchers

Short-tailed albatrosses are the most endangered albatrosses in the world.

MAIL BUOY

We want to hear from you. Address letters to Mail Buoy, National Fisherman, 121 Free St., Portland, ME 04112-7438. You can also fax them to us at 207 842-5603; or e-mail letters to editor@NationalFisherman.com. All letters may be edited for length, clarity and style.

Bird-watching draws praise, caution and folly

To the Editor:

On behalf of the North Pacific Longline Association and all longliners fishing off Alaska, I would like to thank Brad Matsen and *National Fisherman* for the recent cover story "For the birds" (*NF* Jan. '97, p. 20)

The article is a fair and balanced one and tells it like it is. Longliners in the North Pacific have a successful, proactive track record in minimizing bycatch and associated mortality of non-target fish species. We must now apply the same approach to marine birds or get hammered by the law.

Matsen's article spells it out in four-part harmony with full syncopation.

We have had a remarkably positive response from the fleet, but, with 6,000 boats out there, it's hard to get the word to everybody. Then *National Fisherman* pokes the oblate spheroid through the uprights with a cover story to blow your autolining system off. Wetboaters who own IFQ shares are also



coming to realize that the shares ain't worth much if you can't fish 'em.

All hail Matsen and *National Fisherman* for aggressive, responsible and conservation-oriented journalism — and for encouraging the fleet to clean up its act. Save them birds. Better green than gone!

Thorn Smith
North Pacific Longline Association
Seattle, Wash.



To the Editor:

"For the Birds" may mislead some readers to believe that the Environmental Defense Fund (EDF) is calling for a shutdown of the North Pacific longline fishery as a result of short-tailed albatross mortality. Had the author interviewed EDF, however, he would have learned that we are instead championing a cooperative approach to solving the seabird bycatch problem.

Far from calling for a shutdown, we have been urging the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to follow the lead of the North Pacific Longline Association and require the use of seabird-bycatch-prevention methods. EDF strongly supports efforts by North Pacific fishermen to reduce seabird bycatch.

In addition, we have encouraged the U.S. State Department to persuade other nations to adopt seabird-bycatch-prevention regulations similar to those recently approved by the North Pacific Fishery Management Council at the request of the fishing industry. According to State Department officials, the fact that U.S. fishermen in the North Pacific requested that these regulations be imposed on themselves will provide a big boost to the United States' efforts to get other nations to do the same.

EDF has never suggested or recommended a fishery shutdown to protect seabirds. We are committed to working

with the fishing industry on this and other conservation issues, and we will continue to work cooperatively with the fishing industry, fishery managers and governments to ensure that fishermen all over the world adopt preventative measures that make sense for each fishery.

Rodney M. Fujita, Ph.D.
Environmental Defense Fund
Oakland, Calif.

To the Editor:

On Sept. 28 last year, I was walking a stretch of beach near the Copalis River here in Washington state and came upon the body of a black-footed albatross in the sand. It is unusual to find this species, so I examined the body and found that it had been killed by a shotgun blast.

These birds stay so far from shore that about the only people who get to see them are fishermen, researchers, freighters and people on pelagic bird-watching trips. As a gillnetter in Puget Sound and Alaska, I would hate to think that the ignorant person who shot that bird was a commercial fisherman. We've got enough trouble without senselessly causing ourselves more.

Lanny Carpenter
Olympia, Wash.

PROPOSED MEASURES TO REDUCE SEABIRD BYCATCH IN HOOK-AND-LINE FISHERIES

(Revised December 12, 1996)

Alternative 1: Status quo, no action. Any gear modifications, seabird avoidance devices, or changes in fishing methods intended to reduce the incidental mortality of seabirds would continue to be voluntary.

Alternative 2: Gear modifications, seabird avoidance devices, or changes in fishing methods designed to reduce the incidental mortality of seabirds would be required in regulation. Required measures would include the following:

1. All hook-and-line fishing operations would be conducted in the following manner:
 - Baited hooks must sink as soon as possible after they are put in the water. This could be accomplished by the use of weighted groundlines or thawed bait.
 - The dumping of offal shall be avoided to the extent practicable while gear is being set or hauled; if discharge of offal is unavoidable, the discharge must take place aft of the hauling station or on the opposite side of the vessel to that where gear is set or hauled.
 - Every effort shall be made to ensure that birds brought aboard alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the bird.

2. One or more of the following measures would be employed at all times when baited hooks are being set ~~and birds are close enough to the vessel to take baited hooks:~~
 - A buoy, board, stick, broom, or other like device shall be towed behind the vessel at a distance appropriate to prevent birds from taking baited hooks. Multiple devices may be employed, or;
 - A streamer line designed to effectively discourages birds from settling on baits during deployment of gear, shall be towed, or;
 - Gear shall be set only at night (between the times of nautical twilight). ~~During fishing at night, only the minimum vessel's lights necessary for safety shall be used.~~ When fishing at night, only the minimum vessel's lights necessary for safety shall be used; or (moved from #1 above and expanded; identical to the CCAMLR regulation)
 - Baited hooks shall be deployed under water using a lining tube designed and manufactured for such a purpose, or;
 - With the approval of the Regional Administrator, other experimental seabird avoidance devices may be substituted for those listed above.

The required measures to reduce the incidental mortality of seabirds would be applicable to vessels using hook-and-line gear in:

Option 1: BSAI directed groundfish fisheries.

Option 2: both the GOA and BSAI directed groundfish fisheries.

Option 3: both the GOA and BSAI directed groundfish fisheries and the halibut fishery. Rulemaking to require seabird avoidance measures would be initiated separately for the groundfish fisheries and the halibut fishery to provide the IPHC opportunity to review the proposed measures.