

Public Testimony Sign-Up Sheet

Agenda Item C-2 HALIBUT SUBSISTENCE

2/25/05
35


	NAME (PLEASE PRINT)	AFFILIATION
1	TOMY OLIVERA	KAWATAIK TRIBAL COUNCIL
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Madam Chair, I would like to testify today. I am from the Kawataik Tribal Council. I am a member of the council and I am interested in the halibut fishery. I would like to provide testimony regarding the halibut fishery. I would like to provide testimony regarding the halibut fishery. I would like to provide testimony regarding the halibut fishery.

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

DATE: May 25, 2007

SUBJECT: Subsistence Halibut Rural Definition

ESTIMATED TIME 1 HOUR

ACTION REQUIRED

Review discussion paper and take action as necessary.

BACKGROUND

At its February 2007 meeting, the Council asked staff to prepare a discussion paper on how the subsistence halibut rural definition may be inadvertently excluding individuals who otherwise may be deemed eligible for participation in the program. Immediately after regulations were implemented to authorize a subsistence halibut fishery, the Council and NMFS offices began receiving letters and calls from individuals who: 1) lived in rural places of less than 30 individuals (the minimum population to be deemed a "rural place;" 2) lived in a rural place (both above and below the minimum of 30 people) adjacent to closed waters; and 3) do not live within the boundaries of designated communities, but may live in close proximity to and/or have a post office box in that community. Item C-2(a) contains a review of this issue and potential regulatory solutions. Item C-2(b) contains correspondence from individuals who seek inclusion in the program.

Additionally, Item C-2(c) contains a request by the Kanatak Tribal Council to revise Federal regulations to correctly reflect its location and fishing area. Regulations incorrectly list the tribe with the Native Tribe of Egegik in Area 4E. The Kanatak Tribe is a landless tribe whose traditional lands are near Shelikof Strait and headquarters are in Wasilla. The tribe reports that 11 subsistence halibut permit holders have been issued permits for Area 4E, but none of them have fished. If the regulations were revised, tribal members could fish in lower Cook Inlet or other open waters in IPHC Regulatory Area 3A. Mr. Tony Olivera, Kanatak Tribal Administrator, plans to speak on the tribe's behalf during the Council meeting.

Discussion Paper on Subsistence Halibut Eligibility for Individuals: Rural Definition¹
Council and NOAA staffs
May 25, 2007

With the receipt of another letter in January 2007 from an individual seeking inclusion in the subsistence halibut fishery (under Item C-2(b)), the Council asked staff to prepare a discussion paper on how the subsistence halibut rural definition may be inadvertently excluding individuals who otherwise may be deemed eligible for participation in the program. Since regulations were implemented to authorize a subsistence halibut fishery in April 2003 (68 FR 18145), the Council and NMFS offices have been receiving letters and calls from individuals who either:

- 1) live in a rural place of less than 30 individuals;
- 2) live in a rural place (either above and below the population threshold for inclusion) adjacent to closed waters (which therefore disqualifies them from further State consideration); or
- 3) do not live within the boundaries of designated communities, but may live in close proximity to and/or have a mailing address in that community.

► **Individuals do not meet the minimum population threshold for a census designated place.** Some subsistence halibut applicants are “too rural” to be eligible under current regulations, as the minimum population threshold to be deemed a “census designated place” (CDP), and thus eligible under Federal regulations, is 30 individuals (Attachment 1). The list of rural places implemented in regulation was originally prepared by ADF&G Subsistence Division staff and was derived from positive customary and traditional (“c & t”) findings for halibut and bottomfish made by the Board prior to the McDowell decision in December 1989. As described by ADF&G staff in its February 2004 report to the Board, “after that decision, state regulations direct the Boards of Fisheries and Game to determine whether each fish stock or game population in subsistence use areas of the state is subject to customary and traditional uses. Hence, the focus of the c & t determination process is not on communities or areas that conduct the use, *but on the pattern of uses of that stock or population.* Although the Council has used a community-based approach, there is nothing preventing the board from nominating areas, such as remote homesteads for eligibility for subsistence halibut. It is reasonable to find that individuals or families in remote locations within the subsistence use areas of the state practice the same patterns of use as nearby communities that have customary and traditional uses, and as such should qualify for subsistence halibut fishing eligibility” (Attachment 2). However, early in its consideration of alternatives for analysis, the Council chose to not consider individual eligibility due to lack of subsistence expertise and funds to consider individual cases or appeals.

The subsistence halibut program identifies a process for seeking eligibility. First, a written request is required to be sent to the Board for its consideration. In October 2003, the Board received seven appeals from Southeast and Southcentral communities and individuals requesting positive customary and traditional use findings for halibut. ADF&G staff considered only the applications of those appeals generated from outside of a nonsubsistence use area. Appeals from the Emerson family within the Juneau borough nonsubsistence area, the Williams family and from Loring, both within the Ketchikan borough nonsubsistence area, the Haeg family from within the Anchorage-Matsu-Kenai Nonsubsistence Area were not addressed in this analysis. David Hashagan, a resident of Southeast Alaska living on a float house in Nakat Inlet near the abandoned village of Old Port Tongass submitted an appeal to the council requesting a customary and traditional use finding for halibut and rockfish. Staff wrote, “The department has no harvest or pattern of use data for this area. However, the surrounding area supports stocks subject to c & t uses. . . . It is conceivable that this area has similar patterns of use as the larger area that is determined to

¹ A request by the Kanatak Tribal Council to have its fishing area corrected from Area 4E to Area 3A will be addressed by the Council separately.

have c & t uses.” However, in an analysis dated November 2004, the Council did not recommend that Naukati be approved for eligibility because it determined that one person did not constitute a community, and that the Council did not make individual subsistence halibut determinations.

► **Individuals live adjacent to closed waters.** As described in Attachment 2, ADF&G staff did not address requests for eligibility determinations by individuals who were domiciled adjacent to nonsubsistence fishing areas, because they would not be granted fishing rights under State criteria. However, the Council could choose to develop an approach for these people.

► **Individuals live outside of legal boundaries of census designated places.** One practice has been for applicants to report a legitimate mailing address of a qualified community on their applications, rather than a physical address for the previous 12 months (Attachment 3). Reporting the location of their physical address would result in denial of their applications. The requirement to renew Subsistence Halibut Registration Certificates (SHARC) identified this mismatch between the application (which required a mailing address) and the regulation (which required that an applicant be domiciled in an eligible physical location). For example, more than 100 individuals who are domiciled outside of the legal boundaries of Petersburg may be offered the opportunity to return their SHARC cards, with no legal consequences. This scenario likely occurs for other, unidentified communities around the State.

Further, the CDP boundaries can change every 10 years. So, some people may qualify for a CDP SHARC now, but they may not qualify in the future (e.g., 2009) if the CDP boundary changes. Inversely, some people who do not qualify for a SHARC now may become eligible if the boundary changes in the future.

► **Staff recommendations for potential solutions:**

- The **simplest solution** may be for the Council to recommend that the regulations be revised to redefine “rural.” The regulations could be revised to mirror existing regulations by the Federal Subsistence Board which allows fishing in non-rural areas. Current federal regulations allow fishing except in designated non-rural areas around Adak, Anchorage, Fairbanks, Homer, Juneau, Kenai area, Ketchikan, Wasilla, Seward, and Valdez (Attachment 3). This may be more inclusive than the Council intends, therefore, it could exclude some of these “urban” or interior maps, which do not have a halibut c & t history. Making federal subsistence halibut regulations consistent with other federal subsistence regulations. This could potentially add an increased undetermined number of eligible persons. This may remedy the situation for rural coastal residents living outside of communities but would also include a number of rural residents who do not live on the coast as well. This would potentially add an unknown number of rural interior non-Alaskan natives, since Alaska natives have another route to qualify. The number of unknown or unintended 'rural' applicants could be limited, perhaps significantly, by including a requirement that, in order to qualify for the SHARC as a rural resident, the rural domicile/residence must also be located within (e.g., 5, 10, 20?) miles of coastal waters or the inside passage waters of Southeast Alaska. Any domicile/residence located within the boundaries of a designated nonrural municipality, including Juneau or Ketchikan in the southeast, would not qualify for a SHARC as a rural resident.

For comparison, the instructions for other federal subsistence fisheries include, *“All communities and areas of Alaska are rural, except for the areas shown on the map as nonrural areas. You must be a rural Alaska resident to harvest wildlife under Federal subsistence regulations. You must have a primary, permanent place of residence in a rural area to qualify to hunt, trap, fish under federal subsistence regulations. A seasonal resident does not qualify you as rural resident.”*

- A combination of the following selective, but less inclusive, actions could be adopted by the Council:
 1. Add certain (but which?) communities (e.g., Kupreanof near Petersburg), which may only partially address the problems described above and may result iterative regulatory amendments as excluded “communities” are identified.
 2. Add the unorganized borough portion of Southeast Alaska (Attachment 4). The unorganized borough is a legal entity, which is all the area not contained in a borough. First class cities, which are not in a borough, are also in the unorganized borough category.
 3. For the remainder of Alaska:
 - a. Add geographic “rings” around designated communities (this was considered and rejected in the community portion of the charter moratorium analysis). But this also may only partially address the issue since settlement patterns conform to landforms and coastlines (and circles do not).
 - b. Add the unorganized borough within “X” miles of the coast, similar to how CDQ communities were designated.

Separate from Council action, NMFS restricted Access Management Division may revise the SHARC application (Attachment 5), which would necessitate OMB clearance for compliance with the Paperwork Reduction Act. The application could add: 1) identification of the physical address and 2) the signature of a witness to affirm that the applicant has domiciled at the physical location for the required ~~previous~~ 12 months (similar to Permanent Fund Dividend witness requirement).

previous

Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and

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

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

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

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

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

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

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

(4) No charter vessel, as defined at 50 CFR 300.61, shall engage in sport fishing, as defined at 50 CFR 300.61(b), for halibut within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(i) No charter vessel shall retain halibut caught while engaged in sport fishing, as defined at 50 CFR 300.61(b), for other species within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(ii) Notwithstanding paragraphs (d)(4) and (d)(4)(i) of this section, halibut harvested outside Sitka Sound, as defined in (d)(1)(ii) of this section, may be retained on board a charter vessel engaged in sport fishing, as defined in 50 CFR 300.61(b), for other species within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

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

- 56°55.5'N lat., 135°54.0'W long;
- 56°57.0'N lat., 135°54.0'W long;
- 56°57.0'N lat., 135°57.0'W long;

56°55.5'N lat., 135°57.0'W long.

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

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

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

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

HALIBUT REGULATORY AREA 2C

Rural Community	Organized Entity
Angoon	Municipality
Coffman Cove	Municipality
Craig	Municipality
Edna Bay	Census Designated Place
Elfin Cove	Census Designated Place
Gustavus	Census Designated Place
Haines	Municipality
Hollis	Census Designated Place
Hoonah	Municipality
Hydaburg	Municipality
Hyder	Census Designated Place
Kake	Municipality
Kasaan	Municipality
Klawock	Municipality
Klukwan	Census Designated Place
Metlakatla	Census Designated Place
Meyers Chuck	Census Designated Place
Pelican	Municipality
Petersburg	Municipality
Point Baker	Census Designated Place
Port Alexander	Municipality
Port Protection	Census Designated Place
Saxman	Municipality
Sitka	Municipality
Skagway	Municipality
Tenakee Springs	Municipality
Thome Bay	Municipality
Whale Pass	Census Designated Place
Wrangell	Municipality

HALIBUT REGULATORY AREA 3A

Rural Community	Organized Entity
Akhiok	Municipality
Chenega Bay	Census Designated Place
Cordova	Municipality

**HALIBUT REGULATORY AREA 3A—
Continued**

Rural Community	Organized Entity
Karluk	Census Designated Place
Kodiak City	Municipality
Larsen Bay	Municipality
Nanwalek	Census Designated Place
Old Harbor	Municipality
Ouzinkie	Municipality
Port Graham	Census Designated Place
Port Lions	Municipality
Seldovia	Municipality
Tatitlek	Census Designated Place
Yakutat	Municipality

HALIBUT REGULATORY AREA 3B

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

HALIBUT REGULATORY AREA 4A

Rural Community	Organized Entity
Akutan	Municipality
Nikolski	Census Designated Place
Unalaska	Municipality

HALIBUT REGULATORY AREA 4B

Rural Community	Organized Entity
Adak	Census Designated Place
Atka	Municipality

HALIBUT REGULATORY AREA 4C

Rural Community	Organized Entity
St. George	Municipality
St. Paul	Municipality

HALIBUT REGULATORY AREA 4D

Rural Community	Organized Entity
Gambell	Municipality
Savoonga	Municipality

**HALIBUT REGULATORY AREA 4D—
Continued**

Rural Community	Organized Entity
Diomedes (Inalik)	Municipality

HALIBUT REGULATORY AREA 4E

Rural Community	Organized Entity
Alakanuk	Municipality
Aleknegik	Municipality
Bethel	Municipality
Brevig Mission	Municipality
Chefornak	Municipality
Chevak	Municipality
Clark's Point	Municipality
Council	Census Designated Place
Dillingham	Municipality
Eek	Municipality
Egegik	Municipality
Elim	Municipality
Emmonak	Municipality
Golovin	Municipality
Goodnews Bay	Municipality
Hooper Bay	Municipality
King Salmon	Census Designated Place
Kipnuk	Census Designated Place
Kongiganak	Census Designated Place
Kotlik	Municipality
Koyuk	Municipality
Kwigillingok	Census Designated Place
Levelock	Census Designated Place
Manokotak	Municipality
Mekoryak	Municipality
Naknek	Census Designated Place
Napakiak	Municipality
Napaskiak	Municipality
Newtok	Census Designated Place
Nightmute	Municipality
Nome	Municipality
Oscarville	Census Designated Place
Pilot Point	Municipality
Platinum	Municipality
Port Heiden	Municipality
Quinhagak	Municipality
Scammon Bay	Municipality
Shaktoolik	Municipality
Sheldon Point (Nunam Iqua)	Municipality
Shishmaref	Municipality
Solomon	Census Designated Place
South Naknek	Census Designated Place
St. Michael	Municipality
Stebbins	Municipality
Teller	Municipality
Togiak	Municipality
Toksook Bay	Municipality
Tuntutuliak	Census Designated Place
Tununak	Census Designated Place

**HALIBUT REGULATORY AREA 4E—
Continued**

Rural Community	Organized Entity
Twin Hills	Census Designated Place
Ugashik	Census Designated Place
Unalakleet	Municipality
Wales	Municipality
White Mountain	Municipality

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

HALIBUT REGULATORY AREA 2C

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

HALIBUT REGULATORY AREA 3A

Place with Tribal Headquarters	Organized Tribal Entity
Akhiok	Native Village of Akhiok
Chenega Bay	Native Village of Chanega

**HALIBUT REGULATORY AREA 3A—
Continued**

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

HALIBUT REGULATORY AREA 3B

Place with Tribal Headquarters	Organized Tribal Entity
Chignik Bay	Native Village of Chignik
Chignik Lagoon	Native Village of Chignik Lagoon
Chignik Lake	Chignik Lake Village
False Pass	Native Village of False Pass
Ivanof Bay	Ivanoff Bay Village
King Cove	Agdaagux Tribe of King Cove Native Village of Belkofski
Nelson Lagoon	Native Village of Nelson Lagoon
Perryville	Native Village of Perryville
Sand Point	Pauloff Harbor Village Native Village of Unga Qagan Toyagungin Tribe of Sand Point Village

ALASKA NORTH PACIFIC FISHERY MANAGEMENT COUNCIL—Continued

Fishery	Permissible gear type
11. Octopus/Squid Longline Fishery (Non-FMP)..	Longline.
12. Finfish Handline and Hook-and-line Fishery (Non-FMP).	Handline, hook and line.
13. Recreational Fishery (Non-FMP).	Handline, rod and reel, hook and line.
14. Commercial Fishery (Non-FMP).	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

PART 679— FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; and 3631 *et seq.*; Title II of Division C, Pub. L. 105-277; Sec. 3027, Pub. L. 106-31; 113 Stat. 57; 16 U.S.C. 1540(f); and Sec. 209 Pub. L. 106-554.

2. In § 679.2, the definitions for "commercial fishing" and "IFQ halibut" are revised as follows:

§ 679.2 Definitions.

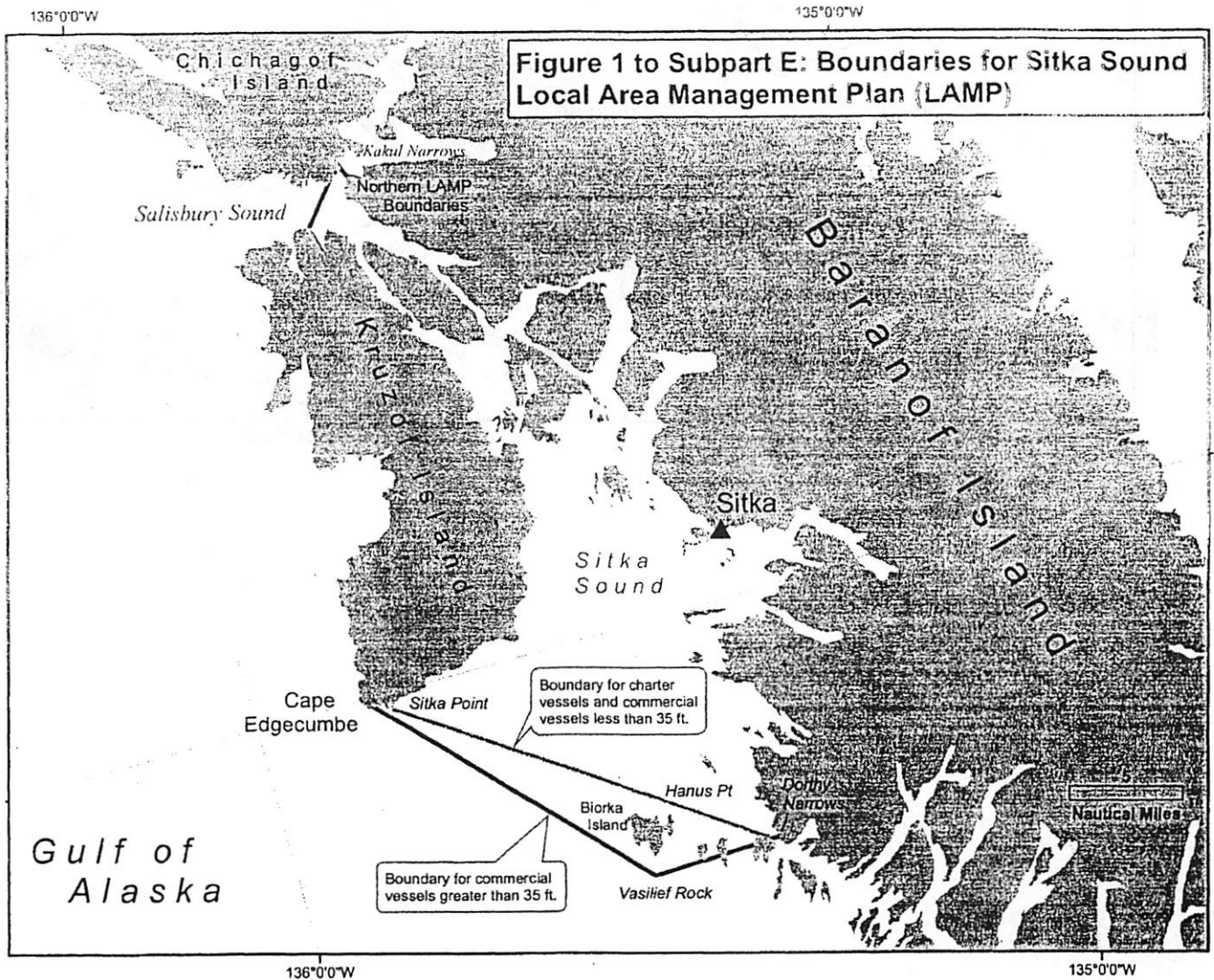
Commercial fishing means:

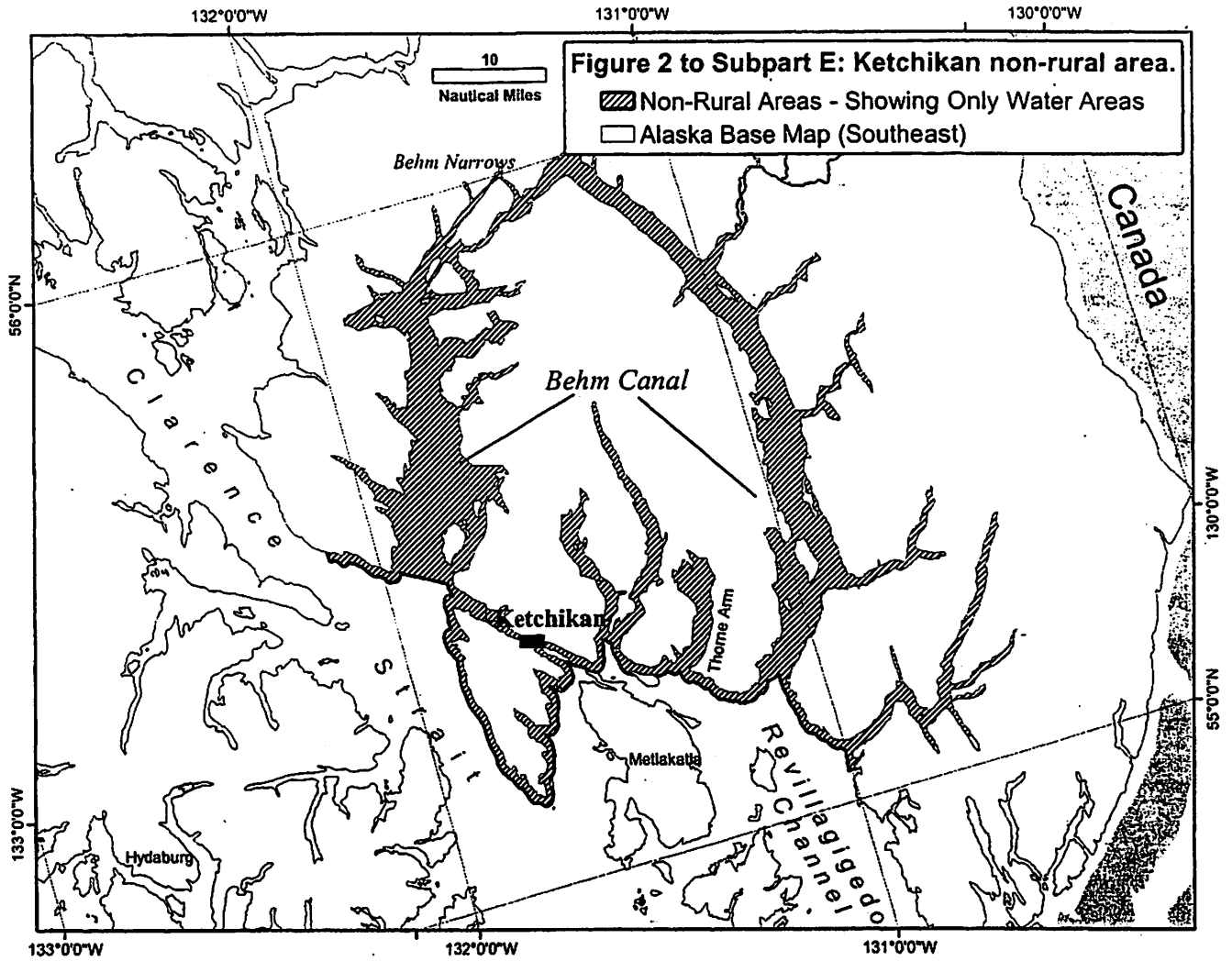
(1) For purposes of the High Seas Salmon Fishery, fishing for fish for sale or barter; and

(2) For purposes of the Pacific halibut fishery, fishing, the resulting catch of which either is, or is intended to be, sold or bartered but does not include subsistence fishing for halibut, as defined at 50 CFR 300.61.

IFQ halibut means any halibut that is harvested with setline or other hook and line gear while commercial fishing in any IFQ regulatory area defined in this section.

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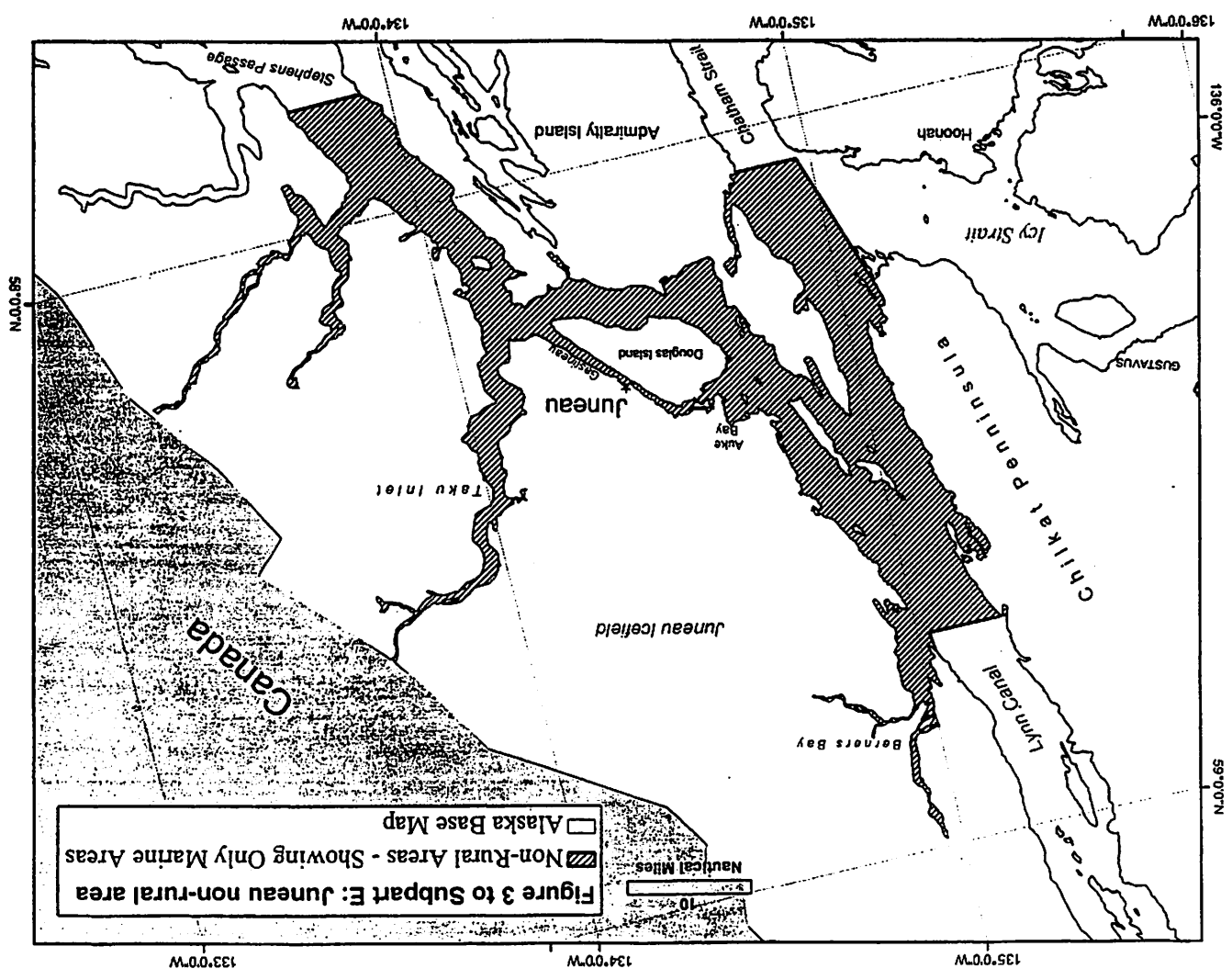
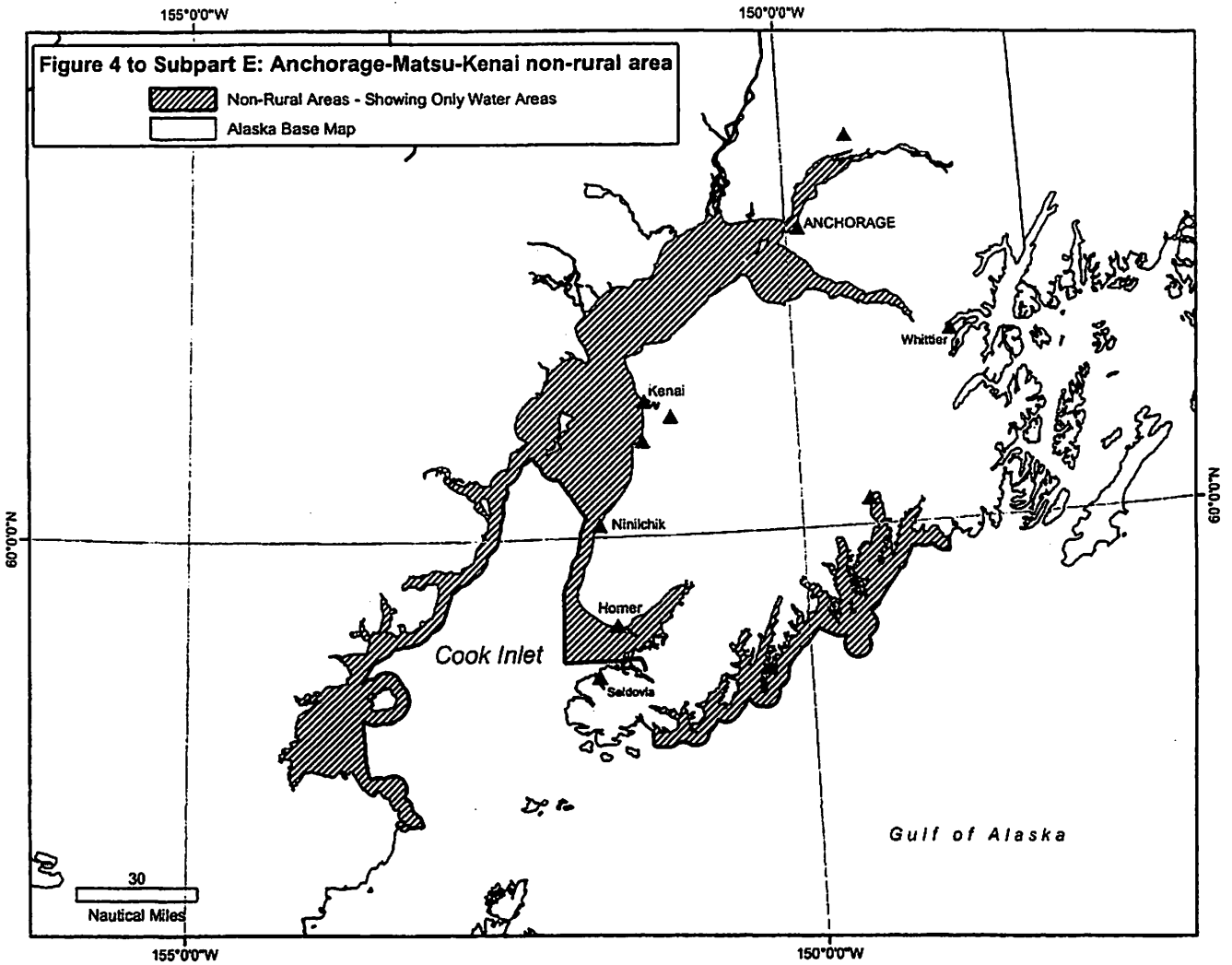
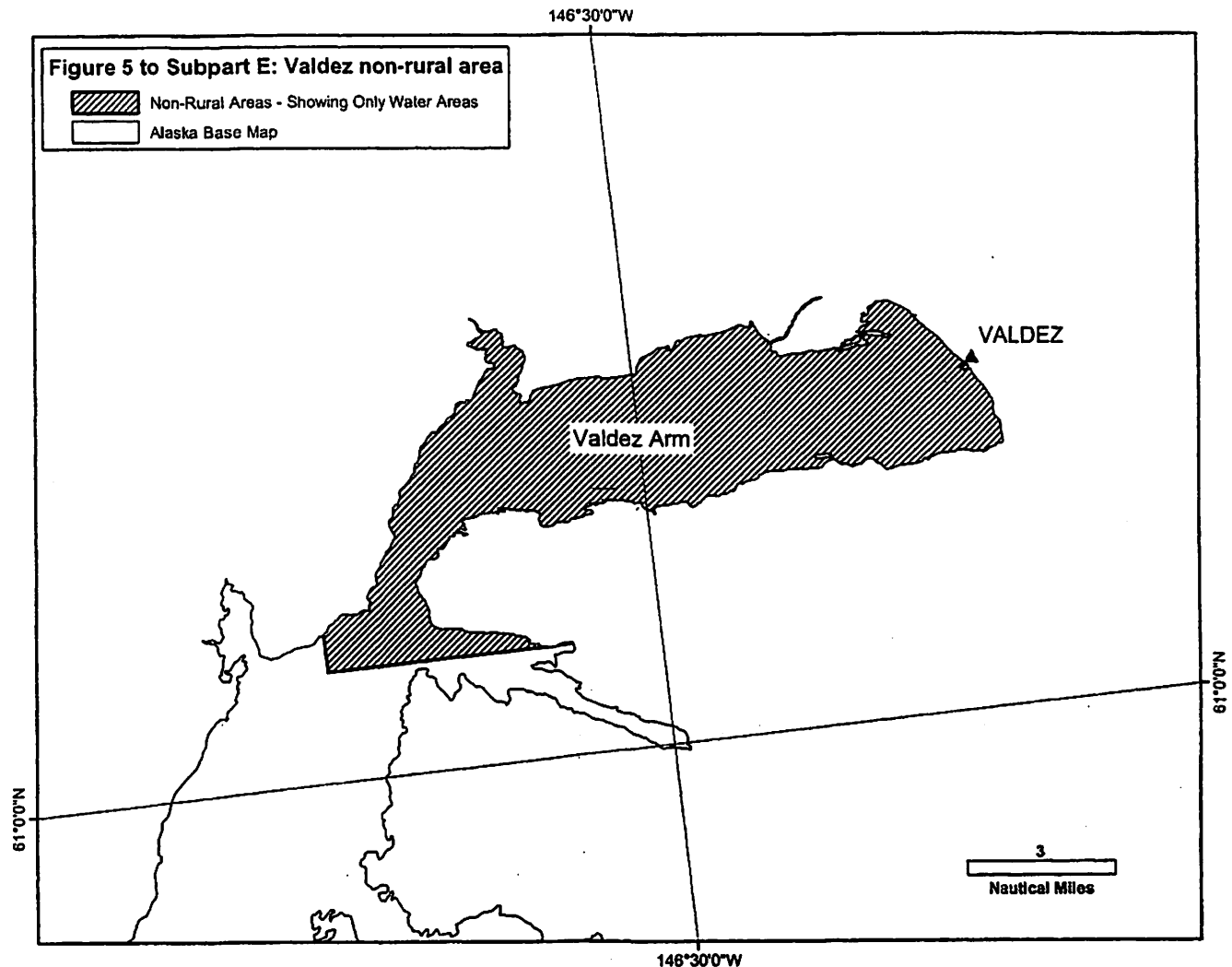


Figure 3 to Subpart E: Juneau non-rural area
 Non-Rural Areas - Showing Only Marine Areas
 Alaska Base Map





[15 FR Doc. 03-8822 Filed 4-14-03; 8:45 am]
BILLING CODE 3510-22-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 660

[Docket No. 021209300-3048-02; I.D.
112502C]

**Magnuson-Stevens Act Provisions;
Fisheries off the West Coast States
and in the Western Pacific; Pacific
Coast Groundfish Fishery; Groundfish
Fishery Management Measures;
Correction**

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Final rule; correction.

SUMMARY: This document contains
corrections to the final rule published
on March 7, 2003, for the Pacific Coast
groundfish fishery.

DATES: Effective April 15, 2003.

FOR FURTHER INFORMATION CONTACT:
Carrie Nordeen or Jamie Goen (NMFS,
Northwest Region), 206-526-6140.

SUPPLEMENTARY INFORMATION: The
specifications and management
measures for the 2003 fishing year
(January 1 - December 31, 2003) were
initially published in the Federal
Register as an emergency rule for
January 1 - February 28, 2003 (68 FR
908, January 7, 2003), and as a proposed
rule for March 1 - December 31, 2003
(68 FR 936, January 7, 2003). The
emergency rule was amended at 68 FR
4719, January 30, 2003, and the final
rule for March 1 - December 31, 2003,
was published in the Federal Register
on March 7, 2003 (68 FR 11182).

Management measures for the Pacific
Coast groundfish fishery, effective

March 1 - December 31, 2003 (68 FR
11182, March 7, 2003), contained
remnant sablefish size limit language
and typographical and transposing
errors in the boundary coordinates for
the Rockfish Conservation Areas (RCA)
that require correction. Coordinates for
the following lines are corrected in this
document: the 60-fm (110-m) depth
contour used between 40°10' N. lat. and
34°27' N. lat. as an eastern boundary for
the trawl RCA in March through
October; the 75-fm (137-m) depth
contour used north of 40°10' N. lat. as
eastern boundary for the trawl RCA
in the months of July and August; and
the 100-fm (183-m) depth contour used
north of 40°10' N. lat. as an eastern
boundary for the trawl RCA and as a
western boundary for the non-trawl
RCA. In addition, this correction
removes language referring to size limits
and size limit conversions for sablefish.
The 2003 management measures do not
include a size limit for sablefish.

A Report to the Alaska Board of Fisheries
on
Subsistence Halibut Fishing Eligibility Appeals, 2004

by
Division of Subsistence
Alaska Department of Fish and Game
Juneau, Alaska

Alaska Board of Fisheries
Anchorage, Alaska
February 2004

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The Alaska Department of Fish and Game administers all programs and activities free from discrimination on the bases of race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information please write to ADF&G, P.O. Box 25526, Juneau, AK 99802-5526; U.S. Fish and Wildlife Service, 4040 N. Fairfield Drive, Suite 300, Arlington, VA 22203, or O.E.O., U.S. Department of the Interior, Washington, DC 20240.

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Background

In July 1999, the North Pacific Fishery Management Council (council) requested the Board of Fisheries (board) provide recommendations concerning subsistence use of halibut in Alaska. The board held hearings and provided a report to the council with recommendations regarding legal gear, daily limits, reporting requirements, customary and traditional use areas of tribes and rural communities, and nonrural area definitions for subsistence halibut fishing.

In October 2000 the council defined halibut subsistence harvesting eligibility standards. Eligibility is extended to members of federally-recognized Alaska Native tribes with customary and traditional uses of halibut through board findings and other rural residents of communities with customary and traditional uses of halibut (Appendix A). The council's action allowed for additional communities to request positive customary and traditional use findings for subsistence halibut. Specifically, the board has been designated as the entity to receive, review, and make recommendations to the council on appeals for eligibility for subsistence halibut fishing.

The list of communities and areas that the council found is eligible to subsistence fish for halibut was derived from positive c & t findings for halibut and bottomfish made by the board prior to the McDowell decision in December 1989. After that decision, state regulations direct the Boards of Fisheries and Game to determine whether each fish stock or game population in subsistence use areas of the state is subject to customary and traditional uses. Hence, the focus of the c & t determination process is not on communities or areas that conduct the use, but on the pattern of uses of that stock or population. Although the council has used a community-based approach, there is nothing preventing the board from nominating areas, such as remote homesteads for eligibility for subsistence halibut. It is reasonable to find that individuals or families in remote locations within the subsistence use areas of the state practice the same patterns of use as nearby communities that have customary and traditional uses, and as such should qualify for subsistence halibut fishing eligibility.

In October 2003, the Board received a total of seven appeals from Southeast and Southcentral communities and individuals requesting positive customary and traditional use findings for halibut. One community submitted more than one appeal and one person provided information multiple times to support his appeal. Table 1 lists appeals, with the appeal number (e.g. H-1) and whether the community or area is situated in the nonsubsistence use area and the fishing district adjacent to the community or area. Nonsubsistence use area and other maps showing the locations of communities or areas submitting appeals are attached as Appendix B.

None of the groups or communities submitting appeals is a federally recognized tribe. Discussion and analysis will include only those appeals generated from outside of the nonsubsistence use area. Therefore, appeals from the Emerson family within the Juneau borough nonsubsistence area, the Williams family and from Loring, both within the Ketchikan borough nonsubsistence area, the Haeg family from within the Anchorage-Matsu-Kenai Nonsubsistence Area, and the Qutekcak tribe, which is not a federally-recognized tribe and located in Seward, also within the Anchorage-Matsu-Kenai Nonsubsistence Area will not be addressed in this analysis. Nonsubsistence area boundaries are set by the Joint Boards of Fisheries and Game.

Table 1. Source of Subsistence Halibut Eligibility Appeals and Location

Appeal No.	Community/Group/Individual (Former Numbers)	Location-In or Not in Nonsubsistence Area (Fishing District)
H-1	(H-1, H-7) Naukati ; a community petition by the Homeowners' Association (H-1); and another by 59 residents (H-7)	North Prince of Wales Island outside the nonsubsistence areas (3-C)
H-2	(H-2, H-3, H-4, H-11) Old Port Tongass Village site ; David Hashagan	52 miles south of Ketchikan outside of the nonsubsistence areas (1-B)
H-3	(H-5) Qutekcak Tribe ; an Alaska Native non-profit organization	Seward, within a nonsubsistence area
H-4	(H-6) Funter Bay ; Emerson Family	NW Admiralty Island within a nonsubsistence area (12-B)
H-5	(H-8) Boathouse Cove ; Williams Family	10 miles south of Ketchikan within a nonsubsistence area (1-F)
H-6	(H-9) Chinitna Bay ; Haeg Family	Cook Inlet within a nonsubsistence area
H-7	(H-10) Loring ; a cannery site	10 miles north of Ketchikan within a nonsubsistence area (1-E)

Southeast

Five appeals for subsistence halibut eligibility from one community and four individuals or families in Southeast were received. Three are within nonsubsistence areas and two outside the nonsubsistence areas. A c & t worksheet for halibut and bottomfish in Southeast Alaska is in Appendix C. This was the basis for board findings on c & t uses of halibut and bottomfish and subsequently for the community-based list the council found was eligible for subsistence halibut fishing.

Previous board decisions have found that there are customary and traditional uses of bottomfish, including halibut in some parts of Southeast Alaska. In winter 1989, the board made c & t determinations covering all Southeast Alaska communities for all fisheries. The Board determined that there were positive c & t subsistence uses for residents of the following 12 communities: Angoon, Craig, Haines, Hoonah, Hydaburg, Kake, Kasaan, Klawock, Klukwan, Saxman, Sitka, and Yakutat. The board also made negative or no c&t determinations regarding all fish stocks for the following 17 communities: Coffman Cove, Edna Bay, Elfin Cove, Gustavus, Hollis, Hyder, Meyers Chuck, Pelican, Petersburg, Point Baker, Port Alexander, Port Protection, Skagway, Tenakee Springs, Thorne Bay, Whale Pass, and Wrangell, or for residents living outside named communities. The Board did not consider subsistence use by Metlakatla. Basically, the board made positive findings for communities that had predominantly Alaska Native populations, and made either negative or no findings for communities that were predominantly non-Native.

In 1989 the board chair encouraged communities and individuals to return to the board at subsequent meetings to refine customary and traditional use determinations.

Customary and traditional findings by community were repealed in spring 1993, due to constitutional challenges of the rural preference of the subsistence priority law. At its spring 1993, meeting the board reauthorized subsistence regulations for Southeast Alaska, reestablishing subsistence fisheries that had existed prior to passage of the 1992 State of Alaska subsistence law for the Yakutat and Southeast Areas. The new regulations do not include reference to communities and do not permit subsistence fishing in nonsubsistence areas.

Since 1993, the board has made other c & t findings in Southeast Alaska. At its March 1995 meeting the Board recognized that fishing for salmon and other species, including bottomfish and halibut, near Pt. Baker and Port Protection qualified as c & t uses. At its January 2003 meeting the board recognized that fishing for salmon and other species, including bottomfish and halibut near Wrangell and Petersburg qualified as c & t uses.

A resident (David Hashagan-H-2)) of Southeast Alaska living on a float house in Nakat Inlet (Section 1-B) near the abandoned village of Old Port Tongass submitted an appeal to the council requesting a customary and traditional use finding for halibut and rockfish. The department has no harvest or pattern of use data for this area. However, the surrounding area supports stocks subject to c & t uses. As mentioned, after its 1989 findings in Southeast, the board had invited public input to refine c & t use findings when the McDowell decision modified the c & t determination focus from communities and areas, to stocks subject to c & t uses. It is conceivable that this area has similar patterns of use as the larger area that is determined to have c & t uses.

Residents of Naukati Bay (H-1) submitted an appeal requesting a customary and traditional use finding for halibut and rockfish in Section 3-C. Naukati Bay is located on the west coast of Prince of Wales Island in Southeast Alaska. The bay was "named 'Naukatee Bay' in 1904 by the U.S. Coast & Geodetic Survey, who recorded it as the local Indian name. Naukati Bay was originally established as a logging camp and later settled as a Department of Natural Resources land disposal site. Until recently the community derived most of its jobs and income from logging. Employment is seasonal. Two community non-profit associations have been organized for planning and local issue purposes. Naukati is accessed primarily by float plane or from the Prince of Wales Island North Island Road.

Naukati Bay appears in the U.S. Census of Population for the first time in 1990, with a population of 93. Its population reached a high of 170 in 1998, followed by a decline to 135 in 2000. There were 60 households in Naukati Bay in 2000 with an average household size of 2.25 people. The median age of population in Naukati Bay in 2000 was 36.6 years. The 2000 census reported an Alaska Native population of 9.6 percent.

The Alaska Department of Fish and Game, Division of Subsistence conducted household surveys of harvest and use of wild resources in Naukati Bay in 1998. The pattern of harvest and use in Naukati Bay is similar to Craig, Klawock, and Petersburg (Tables 3 through 7), communities that are eligible for subsistence halibut use under council regulations. In 1998, 36 of Naukati households harvest halibut, 42 percent harvested rockfish, 2.0 percent harvested sablefish (black cod), and 22 percent harvested lingcod (Table 2). The mean household harvest in 1998 showed that halibut with the highest production by weight at 70.9 pounds, followed by rockfish at 60

pounds., sablefish (black cod) at 0.2 pounds, and lingcod at 8.3 pounds (Table 2). The 1998 survey showed that all of the halibut and rockfish harvested by residents of Naukati were taken with rod and reel tackle (Table 4). Survey data indicate that sharing is common in Naukati. While 36 percent of households reported harvesting halibut, 70 percent reported using it; 46 percent received halibut and 20 percent shared halibut with those outside of their household (Table 2).

Bottomfish continue to be part of a wide range of resources used in Naukati, including salmon, deer, and shellfish. The top ten resources used by the most households in Naukati included halibut, the third-most important resource which 70 percent of the households reporting use. Rockfish was the 10th most used resource with 52 percent of the households reporting use (Table 3). This use is comparable to the communities of Craig, Klawock, and Petersburg, which all have positive c & t uses of halibut in state and council regulations.

Table 2. Estimated Harvest and Use of Bottomfish, Naukati Bay, 1998

Resource Name	Percentage of Households					Pounds Harvested			Amount Harvested	
	Use	Attempt	Harv	Recv	Give	Total	Mean HH	Percapita	Total	Mean HH
All Resources	98.0	94.0	94.0	90.0	66.0	35,387.56	536.18	241.52		
Fish	96.0	76.0	72.0	62.0	54.0	17,820.63	270.01	121.63		
Cod	2.0	2.0	2.0	0.0	2.0	9.90	0.15	0.07	19.80	0.30
Pacific Tom Cod	2.0	2.0	2.0	0.0	2.0	9.90	0.15	0.07	19.80	0.30
Flounder	2.0	2.0	2.0	0.0	0.0	3.96	0.06	0.03	1.32	0.02
Unknown Flounder	2.0	2.0	2.0	0.0	0.0	3.96	0.06	0.03	1.32	0.02
Greenling	34.0	24.0	24.0	10.0	12.0	568.66	8.62	3.88	106.92	1.62
Lingcod	32.0	22.0	22.0	10.0	10.0	548.86	8.32	3.75	87.12	1.32
Rock Greenling	4.0	4.0	4.0	0.0	2.0	19.80	0.30	0.14	19.80	0.30
Halibut	70.0	38.0	36.0	46.0	20.0	4,678.08	70.88	31.93		
Rockfish	52.0	42.0	42.0	16.0	10.0	3,954.72	59.92	26.99	1,054.68	15.98
Black Rockfish	6.0	6.0	6.0	0.0	0.0	158.40	2.40	1.08	105.60	1.60
Red Rockfish	50.0	40.0	40.0	16.0	10.0	3,796.32	57.52	25.91	949.08	14.38
Sablefish (black cod)	2.0	2.0	2.0	0.0	0.0	14.65	0.22	0.10	3.96	0.06

SOURCE: Alaska Department of Fish and Game, Division of Subsistence, Household Survey, 1999

Table 3. Top Ten Resources Used by the Most Households in Naukati, and Other Selected Communities with Customary and Traditional Uses of Halibut and Bottomfish, 1997-2000*

	Species in Rank Order for Naukati	% of HH in Naukati (1998)	Species in Rank Order for Klawock	% of HH in Klawock (1997)	Species in Rank Order for Craig	% of HH in Craig (1997)	Species Rank Order for Petersburg	% of HH in Petersburg (2000)
1	Coho Salmon	82.0%	Halibut	85.8%	Halibut	80.9%	Halibut	69.6%
2	Dungeness Crab	72.0%	Deer	71.7%	Deer	75.7%	Dungeness Crab	65.6%
3	Halibut	70.0%	Sockeye salmon	68.9%	Coho Salmon	64.2%	Chinook Salmon	63.2%
4	Deer	68.0%	Coho Salmon	67.9%	Dungeness Crab	63.6%	Berries	55.2%
5	Berries	68.0%	Berries	67.9%	Berries	61.8%	Deer	40.0%
6	Wood	60.0%	Chinook Salmon	60.4%	Rockfish	58.4%	Coho Salmon	39.2%
7	Shrimp	58.0%	Dungeness Crab	54.7%	Chinook Salmon	57.2%	King Crab	35.2%
8	Mushrooms	58.0%	Rockfish	52.8%	Shrimp	55.5%	Clams	32.8%
9	Clams	56.0%	Shrimp	46.2%	Sockeye Salmon	54.9%	Shrimp	32.8%
10	Rockfish	52.0%	Herring Spawn on Kelp	43.4%	Wood	37.0%	Tanner Crab	26.4%

* The year indicates the survey year.

Table 4. Estimated Harvest of Bottomfish by Gear Type, Naukati Bay, 1998

	Harvest Units	Subsistence Gear		Removed From Commercial Catch		Rod and Reel		Any Method	
		Total	HH Mean	Total	HH Mean	Total	HH Mean	Total	HH Mean
Bottomfish	pounds	0.00	0.00	0.00	0.00	9,229.97	139.85	9,229.97	139.85
Pacific Cod (gray)	pounds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pacific Tom Cod	pounds	0.00	0.00	0.00	0.00	9.90	0.15	9.90	0.15
Unknown Cod	pounds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Unknown Flounder	pounds	0.00	0.00	0.00	0.00	3.96	0.06	3.96	0.06
Lingcod	pounds	0.00	0.00	0.00	0.00	548.86	8.32	548.86	8.32
Rock Greenling	pounds	0.00	0.00	0.00	0.00	19.80	0.30	19.80	0.30
Halibut	pounds	0.00	0.00	0.00	0.00	4,678.08	70.88	4,678.08	70.88
Black Rockfish	pounds	0.00	0.00	0.00	0.00	158.40	2.40	158.40	2.40
Red Rockfish	pounds	0.00	0.00	0.00	0.00	3,796.32	57.52	3,796.32	57.52
Unknown Rockfish	pounds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sablefish (black cod)	pounds	0.00	0.00	0.00	0.00	14.65	0.22	14.65	0.22
Buffalo Sculpin	pounds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Red Irish Lord	pounds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Table 5. Estimated Harvest and Use of Bottomfish, Craig, 1997

Resource Name	Percentage of Households					Pounds Harvested			Amount Harvested	
	Use	Att	Harv	Recv	Give	Total	Mean HH	Percapita	Total	Mean HH
All Resources	98.8	91.3	90.2	91.3	70.5	409,242.03	673.09	231.96		
Fish	96.0	79.8	78.0	73.4	58.4	224,288.53	368.90	127.13		
Cod	8.7	5.2	5.2	3.5	2.9	1,856.26	3.05	1.05	664.23	1.09
Pacific Cod	6.4	3.5	3.5	2.9	2.9	1,630.71	2.68	0.92	509.60	0.84
Pacific Tom Cod	1.2	1.2	1.2	0.0	0.0	12.30	0.02	0.01	24.60	0.04
Walleye Pollock	1.2	1.2	1.2	0.0	0.6	152.53	0.25	0.09	108.95	0.18
Unknown Cod	1.2	0.6	0.6	0.6	0.0	60.73	0.10	0.03	21.09	0.03
Flounder	2.3	2.3	2.3	0.0	0.0	105.43	0.17	0.06	35.14	0.06
Unknown Flounder	2.3	2.3	2.3	0.0	0.0	105.43	0.17	0.06	35.14	0.06
Greenling	32.9	26.0	25.4	10.4	14.5	5,759.83	9.47	3.26	1,047.31	1.72
Kelp Greenling	0.6	0.6	0.6	0.0	0.0	42.17	0.07	0.02	42.17	0.07
Lingcod	32.9	26.0	25.4	10.4	14.5	5,601.68	9.21	3.18	889.16	1.46
Rock Greenling	2.9	2.3	2.3	0.6	0.0	115.98	0.19	0.07	115.98	0.19
Hallbut	80.9	52.0	46.2	49.1	35.3	54,115.51	89.01	30.67		
Perch	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00	0.00
Sea Perch	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00	0.00
Unknown Perch	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00	0.00
Rockfish	58.4	42.2	41.0	24.3	19.1	15,651.68	25.74	8.87	4,762.08	7.83
Black Rockfish	14.5	12.1	12.1	2.9	2.9	1,855.63	3.05	1.05	1,237.09	2.03
Red Rockfish	55.5	39.3	38.2	23.1	16.8	12,806.66	21.06	7.26	3,201.66	5.27
Unknown Rockfish	4.0	3.5	3.5	1.2	0.6	989.39	1.63	0.56	323.33	0.53
Sablefish	8.7	4.0	3.5	5.2	1.7	1,066.28	1.75	0.60	288.18	0.47

SOURCE: Alaska Department of Fish and Game, Division of Subsistence, Household Survey, 1998

Table 6. Estimated Harvest and Use of Bottomfish, Klawock, 1997

Resource Name	Percentage of Households					Pounds Harvested			Amount Harvested	
	Use	Att	Harv	Recv	Give	Total	Mean HH	Percapita	Total	Mean HH
All Resources	100.0	92.5	90.6	94.3	77.4	271,071.05	894.62	320.36		
Fish	97.2	76.4	75.5	81.1	62.3	154,669.55	510.46	182.80		
Cod	2.8	1.9	1.9	0.9	1.9	496.81	1.64	0.59	177.23	0.58
Pacific Cod	0.9	0.0	0.0	0.9	0.9	0.00	0.00	0.00	0.00	0.00
Pacific Tom Cod	0.9	0.9	0.9	0.0	0.0	2.86	0.01	0.00	5.72	0.02
Walleye Pollock	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00	0.00
Unknown Cod	0.9	0.9	0.9	0.0	0.9	493.95	1.63	0.58	171.51	0.57
Flounder	1.9	1.9	1.9	0.9	0.0	42.88	0.14	0.05	14.29	0.05
Unknown Flounder	1.9	1.9	1.9	0.9	0.0	42.88	0.14	0.05	14.29	0.05
Greenling	29.2	22.6	22.6	7.5	4.7	2,528.05	8.34	2.99	437.35	1.44
Lingcod	29.2	22.6	22.6	7.5	4.7	2,485.17	8.20	2.94	394.47	1.30
Rock Greenling	0.9	0.9	0.9	0.0	0.0	42.88	0.14	0.05	42.88	0.14
Hallbut	85.8	50.9	48.1	50.9	38.7	35,390.97	116.80	41.83		
Perch	0.9	0.9	0.9	0.0	0.0	5.72	0.02	0.01	5.72	0.02
Sea Perch	0.9	0.9	0.9	0.0	0.0	5.72	0.02	0.01	5.72	0.02
Unknown Perch	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00	0.00
Rockfish	52.8	41.5	41.5	15.1	13.2	7,954.44	26.25	9.40	2,781.31	9.18
Black Rockfish	8.5	7.5	7.5	1.9	1.9	1,775.12	5.86	2.10	1,183.42	3.91
Red Rockfish	50.0	37.7	37.7	15.1	9.4	5,488.30	18.11	6.49	1,372.08	4.53
Unknown Rockfish	2.8	2.8	2.8	0.0	1.9	691.01	2.28	0.82	225.82	0.75
Sablefish	3.8	1.9	1.9	1.9	0.9	84.61	0.28	0.10	22.87	0.08

SOURCE: Alaska Department of Fish and Game, Division of Subsistence, Household Survey, 1998

Table 7. Estimated Harvest and Use of Bottomfish, Petersburg, 2000

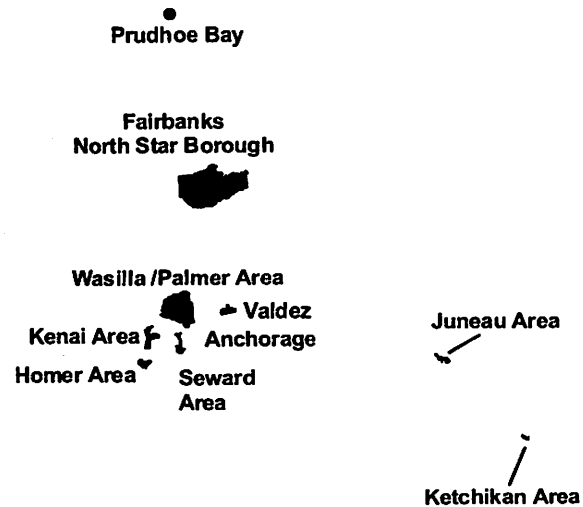
Resource Name	Percentage of Households					Pounds Harvested Total	Mean HH	Percapita	Amount Harvested	
	Use	Att	Harv	Recv	Give				Total	Mean HH
All Resources	93.6	80.8	77.6	80.8	43.2	475,321.38	444.23	161.42	475,321.38 lbs	444.23
Fish	89.6	62.4	58.4	70.4	36.8	301,580.36	281.85	102.42	301,580.36 lbs	281.85
Cod	14.4	7.2	7.2	8.0	1.6	5,204.48	4.86	1.77	1,626.40 ea.	1.52
Pacific Cod (gray)	12.8	7.2	7.2	6.4	1.6	5,204.48	4.86	1.77	1,626.40 ea.	1.52
Pacific Tom Cod	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00 ea.	0.00
Walleye Pollock (whiting)	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00 ea.	0.00
Unknown Cod	1.6	0.0	0.0	1.6	0.0	0.00	0.00	0.00	0.00 ea.	0.00
Flounder	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00 ea.	0.00
Greenling	6.4	4.8	4.8	1.6	1.6	4,422.10	4.13	1.50	701.92 ea.	0.66
Lingcod	6.4	4.8	4.8	1.6	1.6	4,422.10	4.13	1.50	701.92 ea.	0.66
Rock Greenling	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.00 ea.	0.00
Halibut	72.0	39.2	33.6	49.6	17.6	55,973.84	52.31	19.01		
Perch	0.8	0.0	0.0	0.8	0.8	0.00	0.00	0.00	0.00 ea.	0.00
Sea Perch	0.8	0.0	0.0	0.8	0.8	0.00	0.00	0.00	0.00 ea.	0.00
Rockfish	26.4	16.0	15.2	12.8	2.4	8,423.04	7.87	2.86	2,105.76 ea.	1.97
Black Rockfish	3.2	3.2	3.2	0.0	0.0	1,369.60	1.28	0.47	342.40 ea.	0.32
Red Rockfish	23.2	12.8	12.0	12.0	2.4	5,855.04	5.47	1.99	1,463.76 ea.	1.37
Unknown Rockfish	2.4	1.6	1.6	0.8	0.0	1,198.40	1.12	0.41	299.60 ea.	0.28
Sablefish (black cod)	17.6	4.0	4.0	13.6	4.0	2,533.76	2.37	0.86	633.44 ea.	0.59

SOURCE: Alaska Department of Fish and Game, Division of Subsistence, Household Survey, 1998

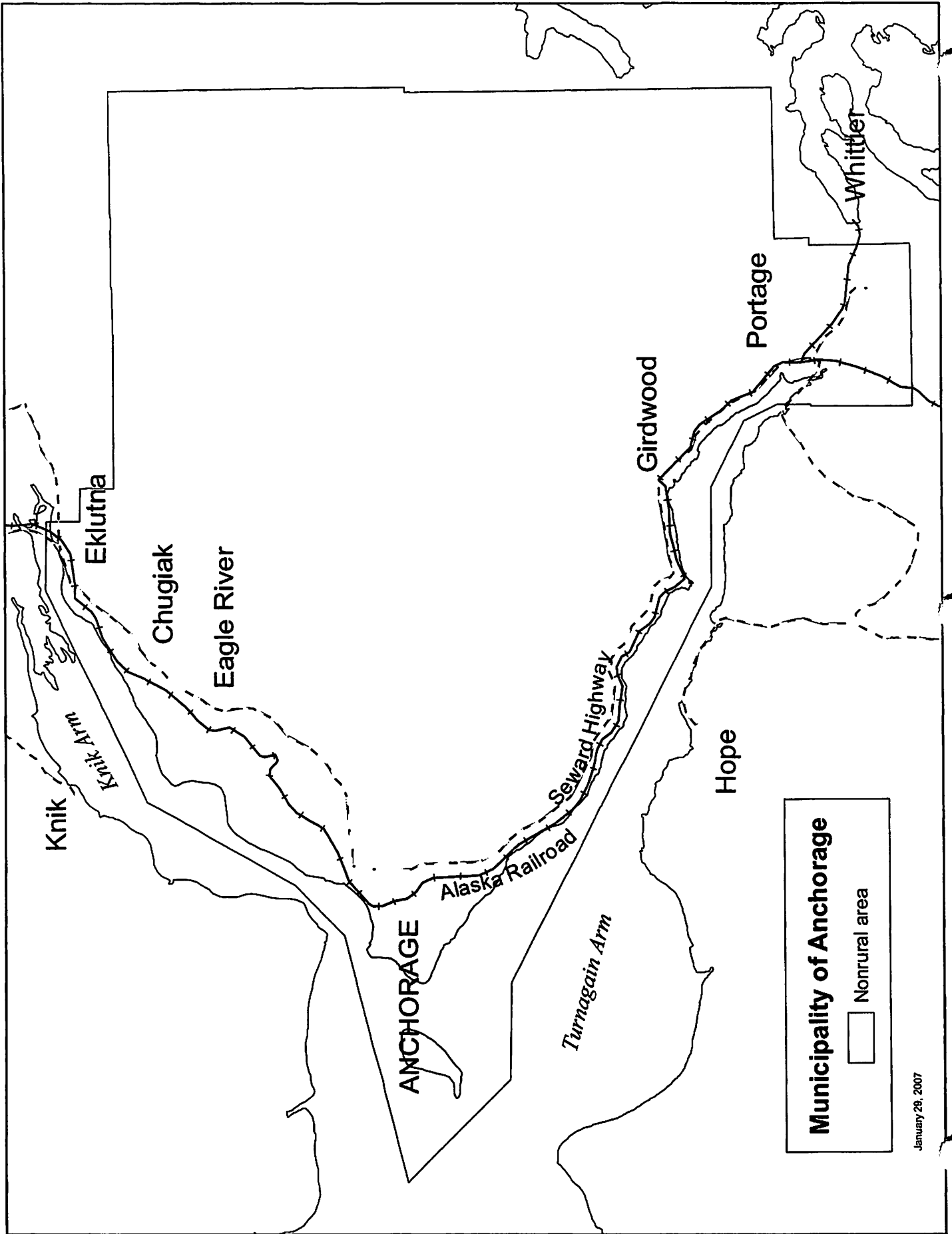
**Federal Subsistence
Management Program**

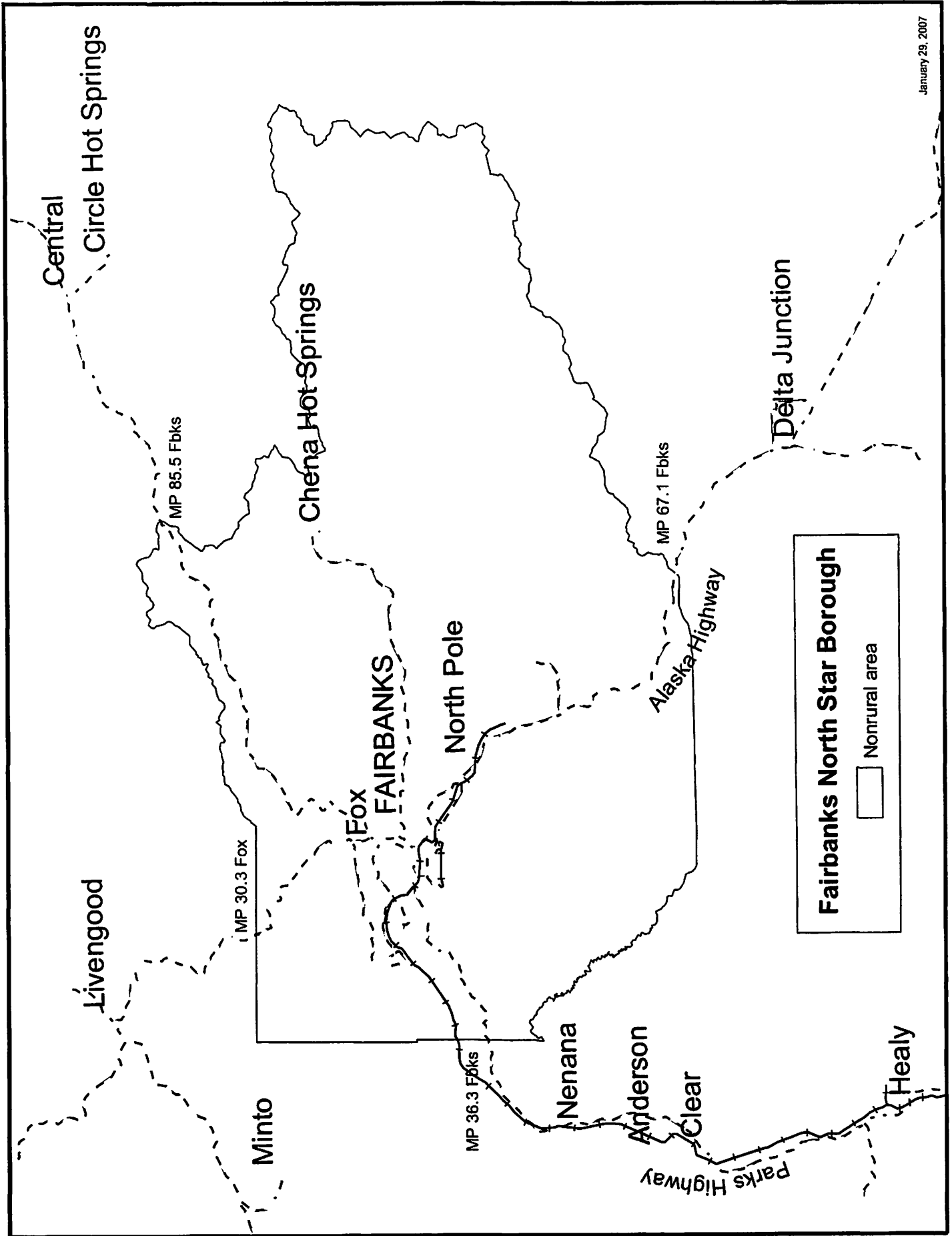
Rural areas
■ Nonrural areas

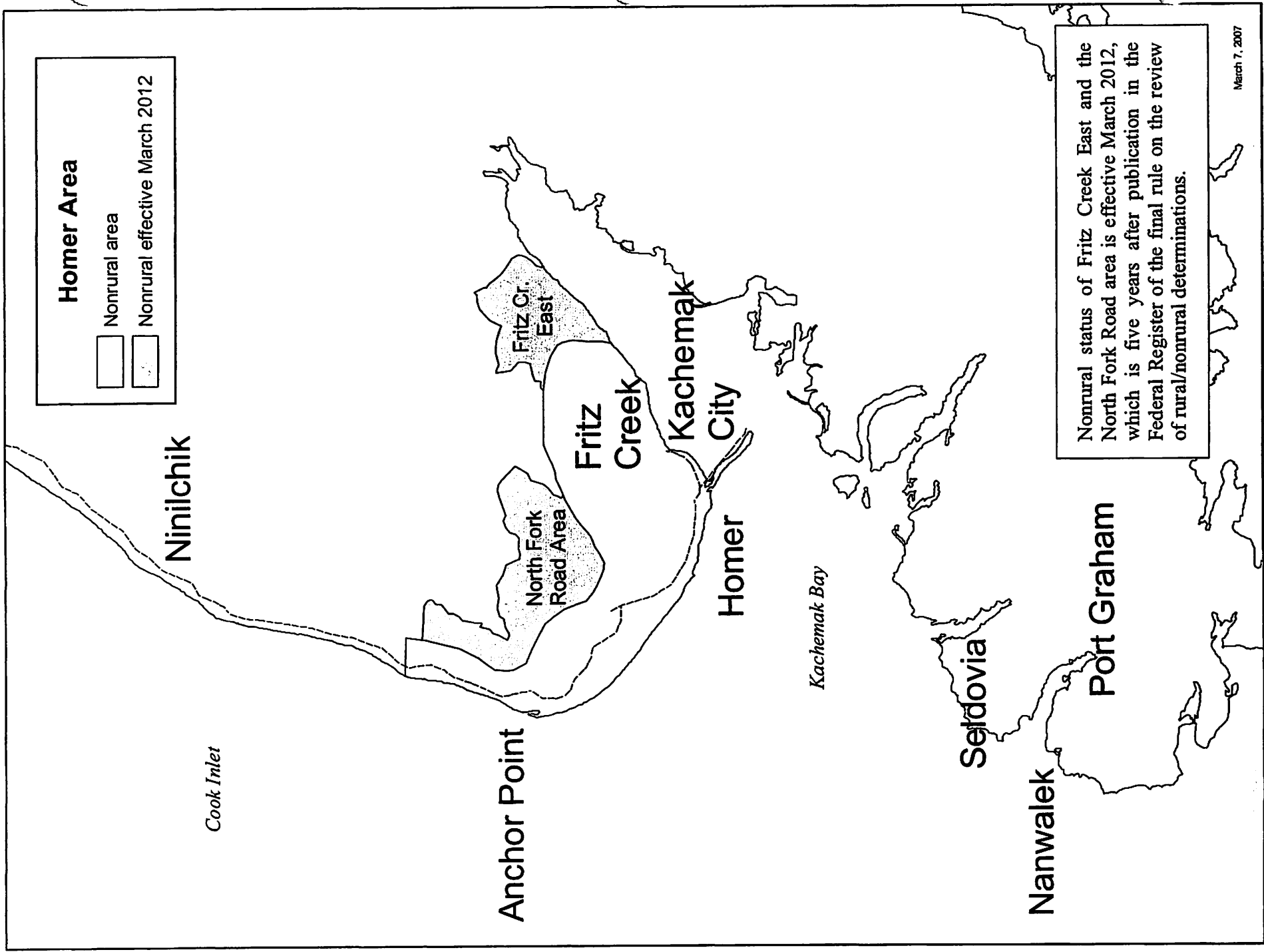
Nonrural status of Prudhoe Bay, and of expanded portions of some existing nonrural areas as detailed on accompanying maps, is effective March 2012, which is five years after publication in the Federal Register of the final rule on the review of rural/nonrural determinations.

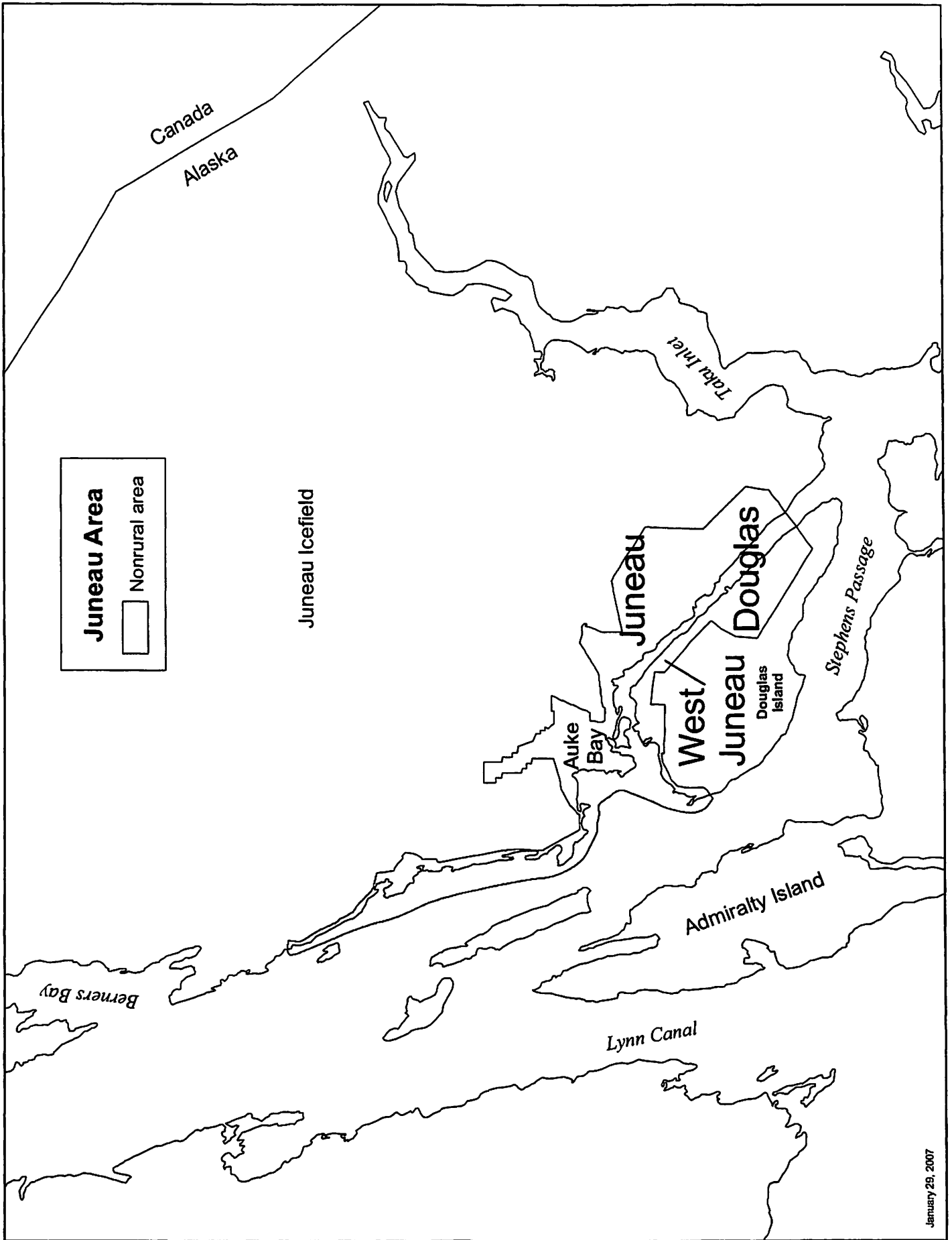


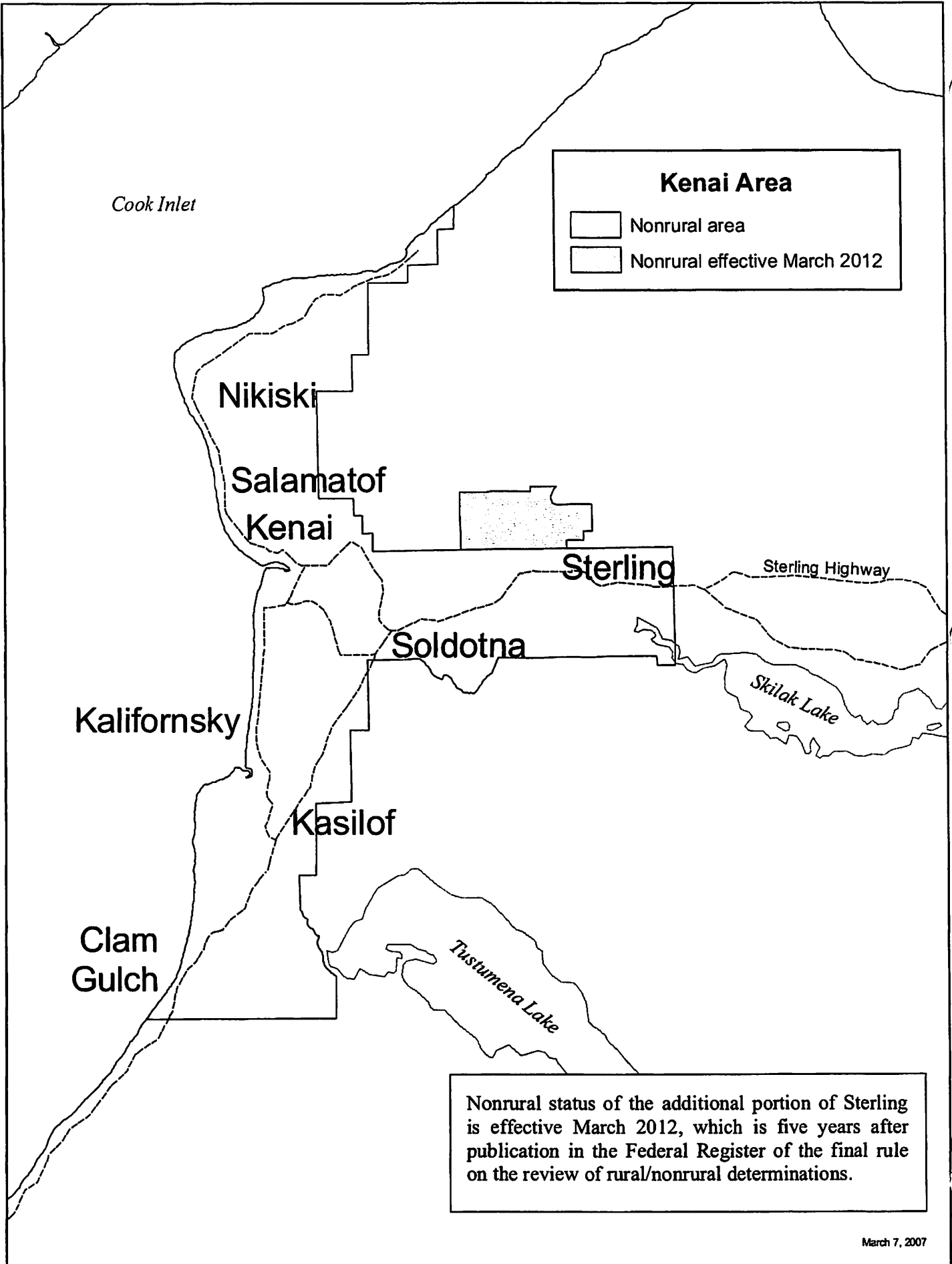
March 7, 2007



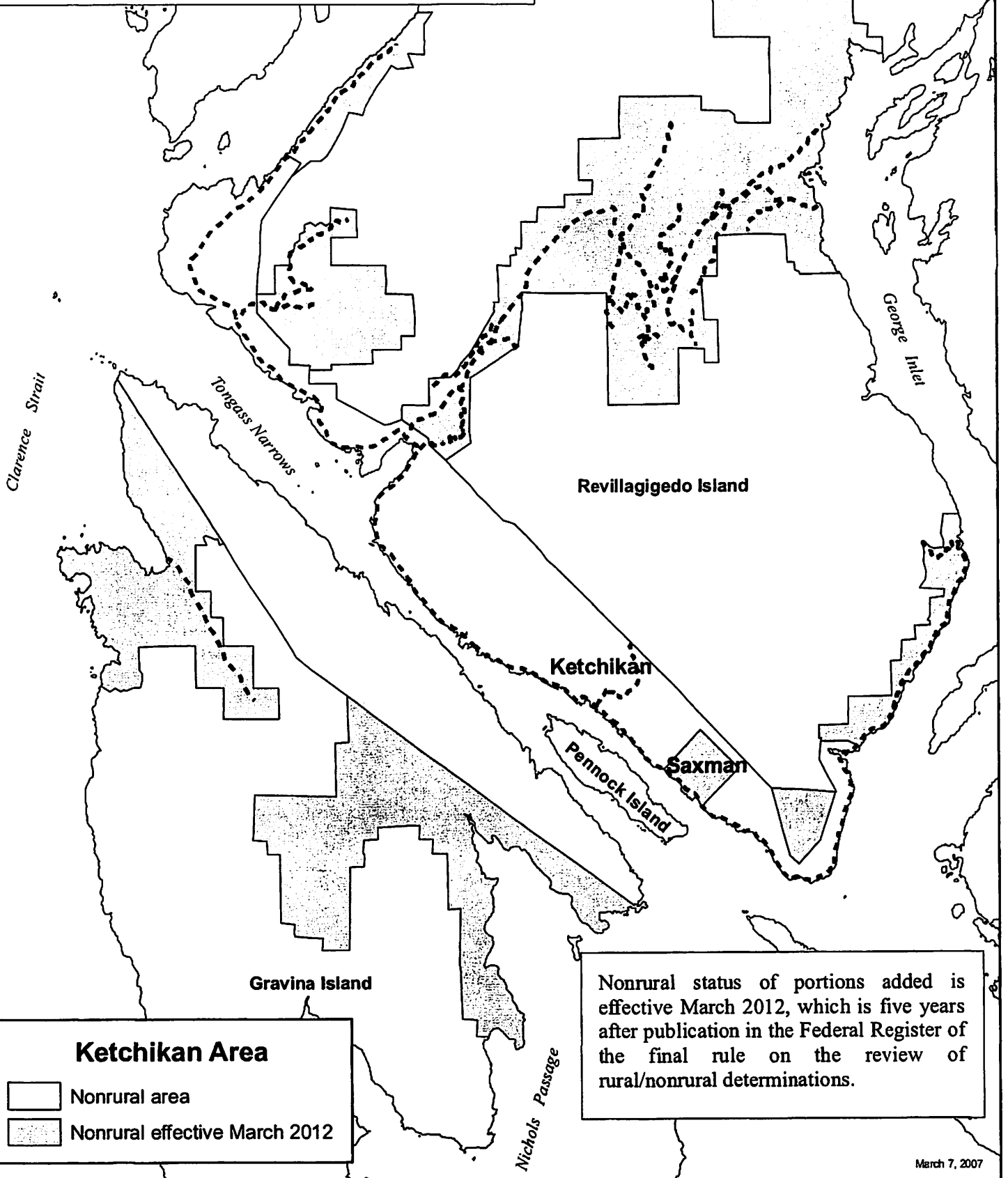








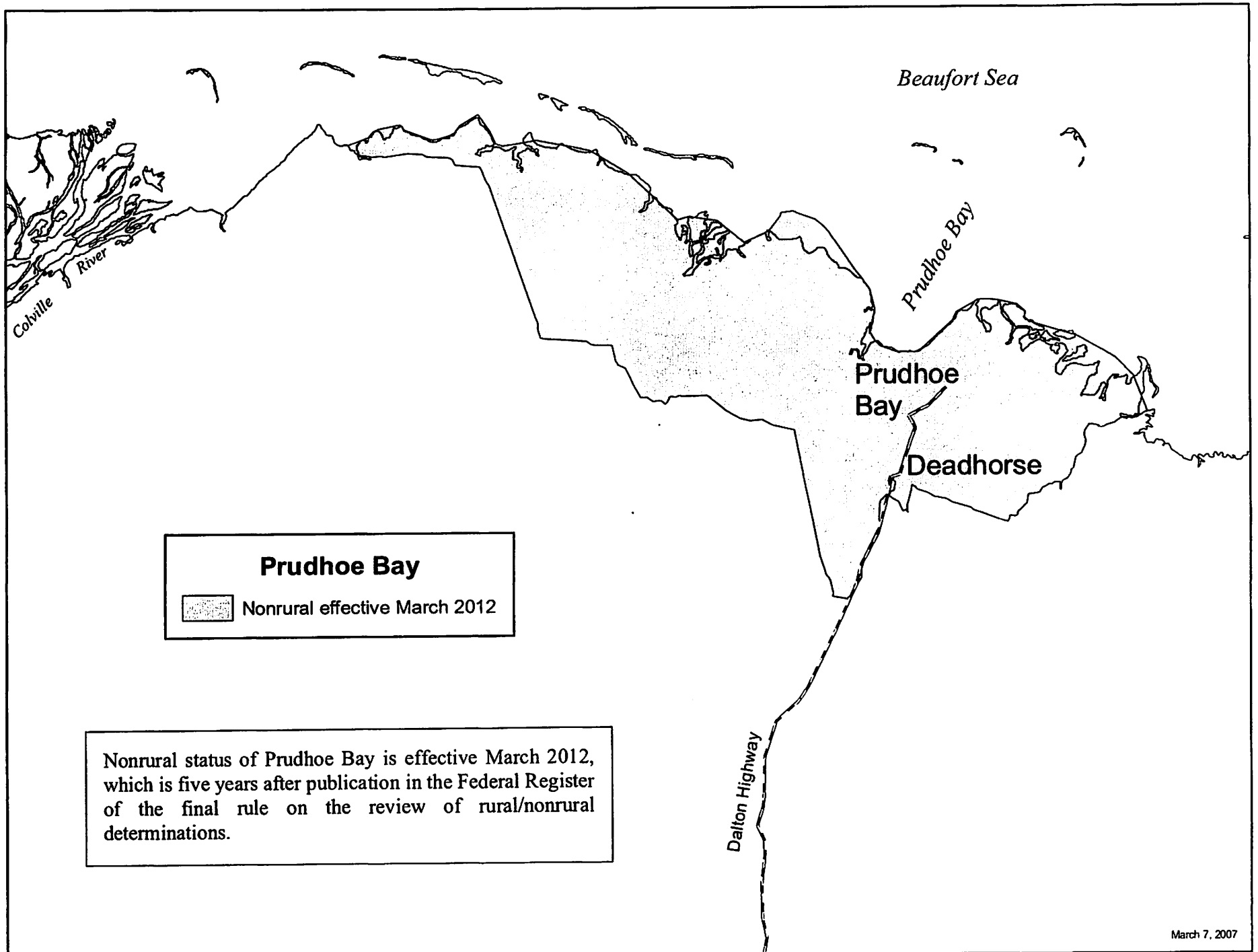
Note: The nonrural area includes all parts of the road system connected to the City of Ketchikan (including Saxman), Pennock Island, and parts of Gravina Island. If the road system connected to the City of Ketchikan expands, the newly connected areas would, by regulation, therefore be included in the nonrural Ketchikan Area.



Ketchikan Area

- Nonrural area
- Nonrural effective March 2012

Nonrural status of portions added is effective March 2012, which is five years after publication in the Federal Register of the final rule on the review of rural/nonrural determinations.



Prudhoe Bay

 Nonrural effective March 2012

Nonrural status of Prudhoe Bay is effective March 2012, which is five years after publication in the Federal Register of the final rule on the review of rural/nonrural determinations.

Seward Area

□ Nonrural area

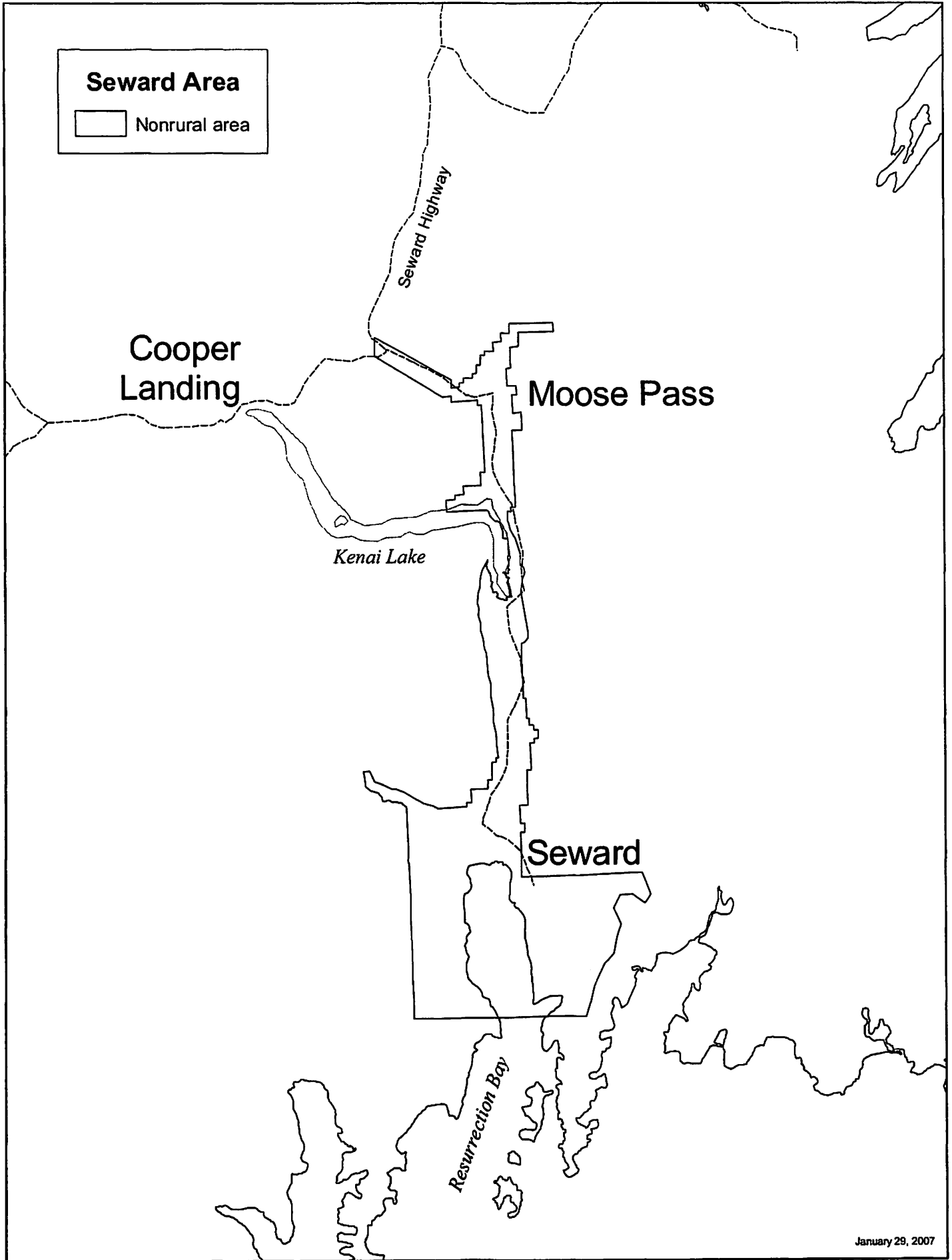
Cooper
Landing

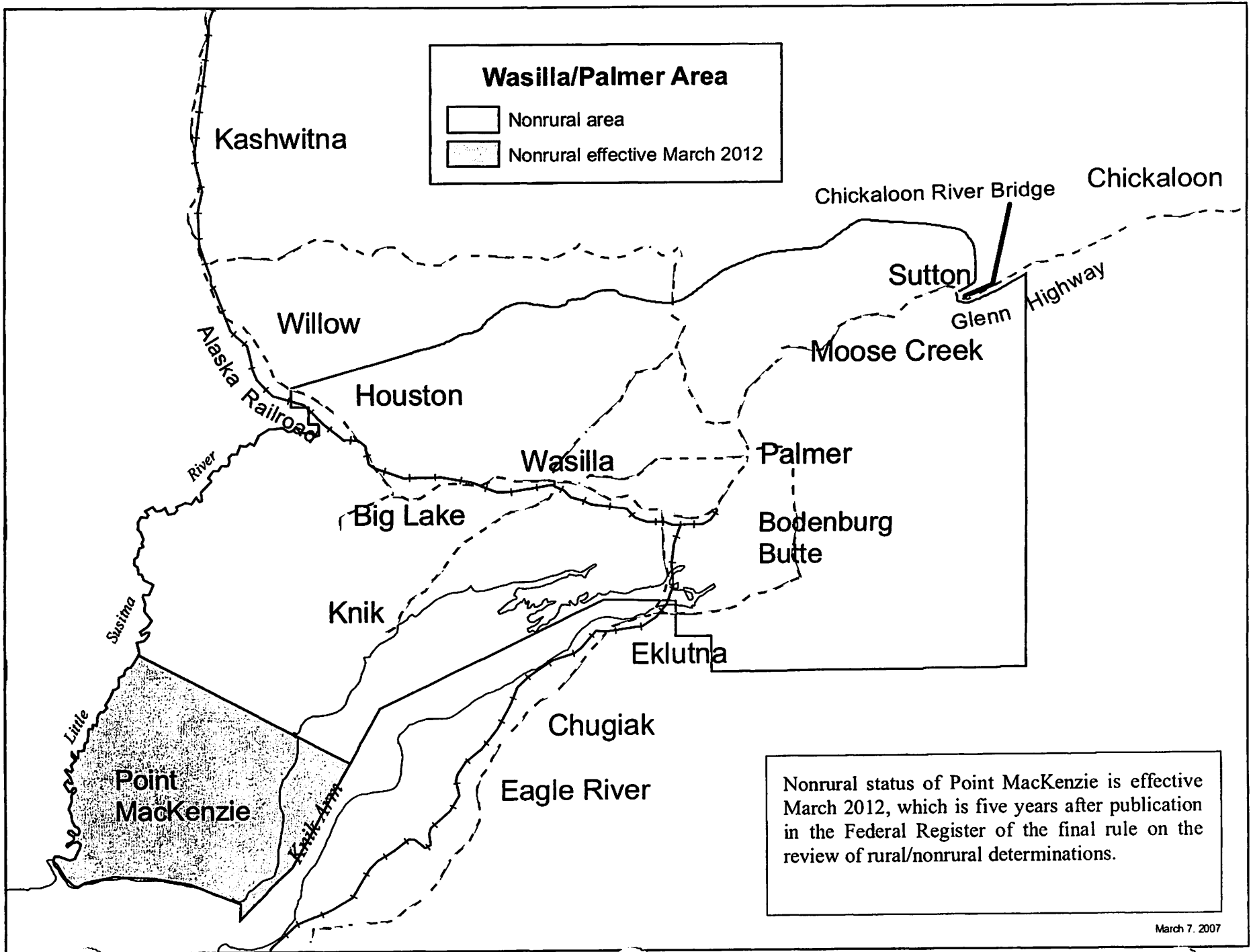
Moose Pass

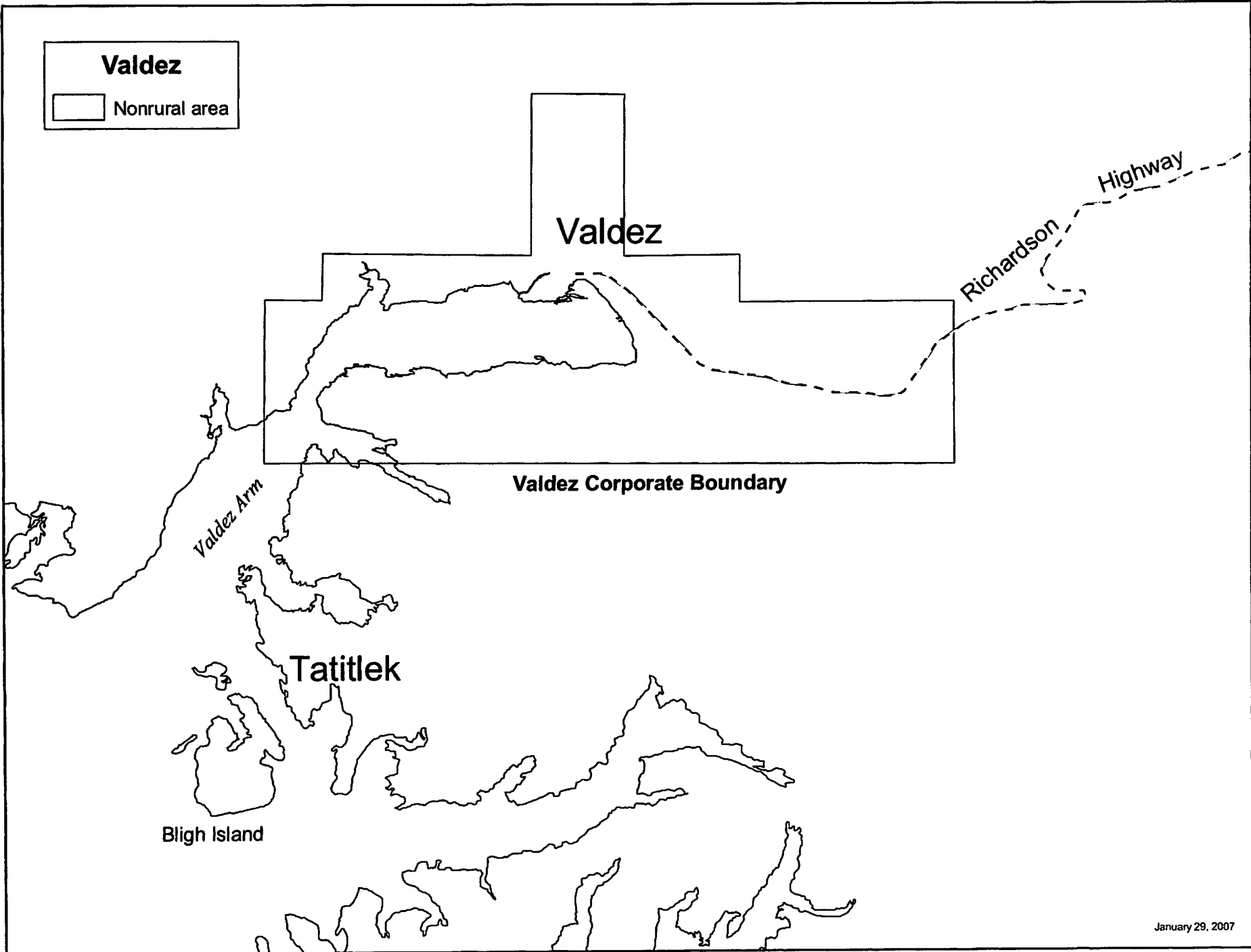
Kenai Lake

Seward

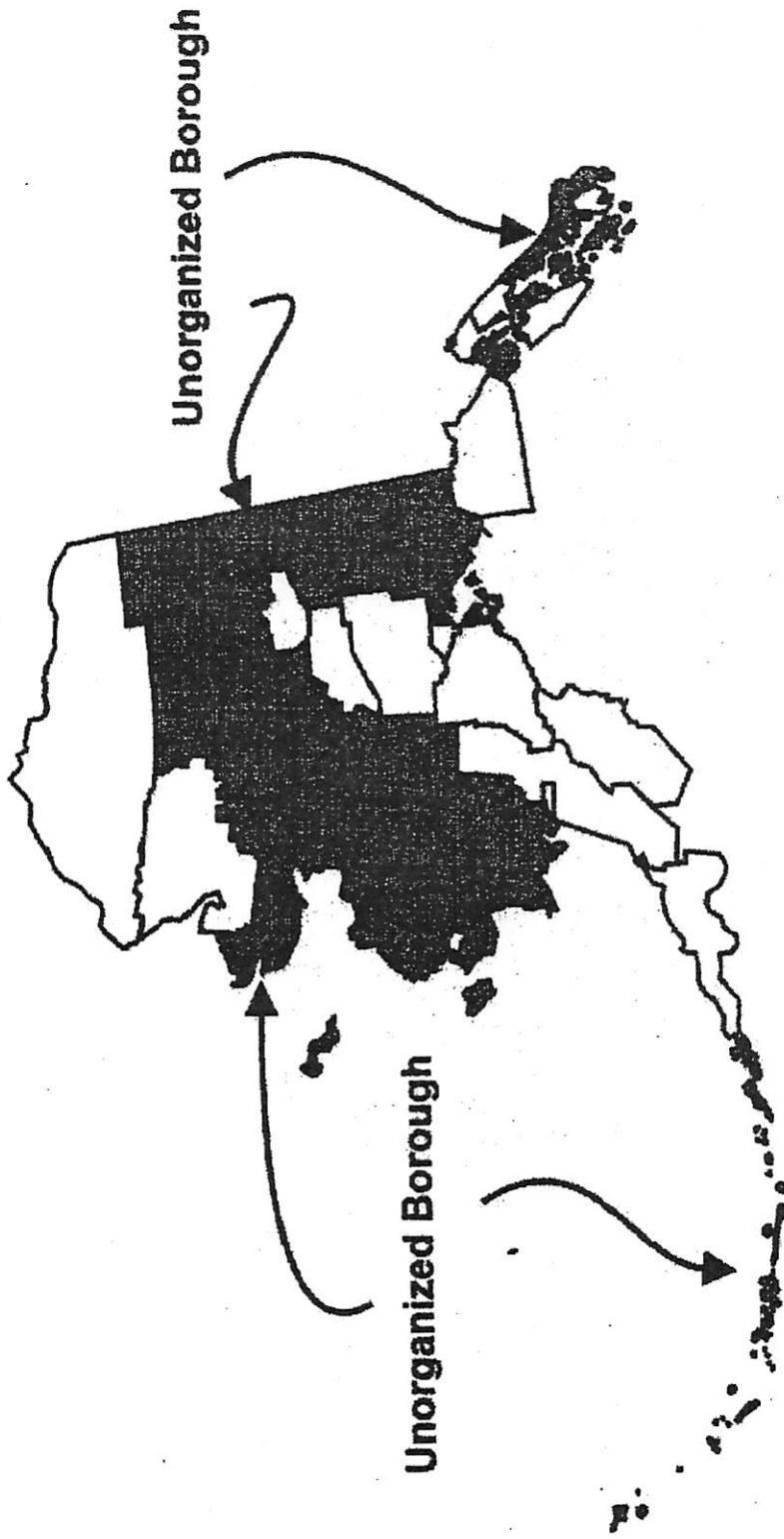
Resurrection Bay








Local Boundary Commission Report to the First Session of the Twenty-Fourth Alaska State Legislature



REV. 3/30/07

OMB No. 0648-0460, Exp. 1/31/2010

<p>Subsistence Halibut Registration Certificate Application</p>	<p>U.S. Dept of Commerce/NOAA National Marine Fisheries Service Restricted Access Management P.O. Box 21668 Juneau, Alaska 99802-1668</p> 
--	---

Block A - Type of Subsistence Halibut Registration

Please indicate the type of registration under which you are applying (please mark only one):

Rural Resident Registration Alaska Native Tribal Registration

If you are applying as a resident of an Alaska rural community as defined in 50 CFR 300.65(f)(1) (see instructions), please complete **Block B**. Those applying as a member of an Alaska Native Tribe as defined in 50 CFR 300.65(f)(2) (see instructions), please complete **Block C**.

Are you applying for a new SHARC or a renewal of an existing SHARC? New Renewal

If a Renewal, enter SHARC number

Block B - Alaska Rural Resident Registration

<p>1. Name of Fisherman: (First, Middle, Last)</p>	<p>2. a. Community of Residence</p> <p>b. Dates of residence in this community: ___/___/___ to ___/___/___</p>
<p>3. Mailing Address: (Number, Street, City, State, Zip Code)</p>	<p>4. Date of Birth:</p> <p>5. Social Security Number (voluntary)</p> <p>6. Daytime Telephone Number</p>

7. I certify that I am a Rural Resident as defined at 50 CFR 300.65(f)(1).

Signature of Applicant _____ Date: _____

Block C - Alaska Native Tribal Registration

1. Name of Fisherman: (First, Middle, Last)	2. Name of Alaska Native Tribe
	3. Community of Residence
4. Mailing Address: (Street, City, State, Zip Code)	5. Date of Birth:
	6. Social Security Number (voluntary)
	7. Daytime Telephone Number
8. I certify that I am a member of an Alaska Native Tribe as defined at 50 CFR 300.65(f)(2).	
Signature of Applicant	Date:

Privacy Act Statement: Federal regulations at 50 CFR part 300.60 through 300.66 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to Pacific halibut subsistence registrants. Where the requested information is a Social Security number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records. The birthdate and SSN are confidential under the Privacy Act.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to monitor the Alaska Subsistence Halibut Program; 3) Federal law and regulations require and authorize NMFS to manage subsistence halibut program in Alaska; 4) Submission of this information is required of all persons seeking to participate in directed fishing for Pacific halibut under the subsistence halibut program; 5) Except for the social security number, which is voluntary, this information is mandatory and is required to monitor the subsistence halibut program under the Northern Pacific Halibut Act of 1982; 6) The birthdate and social security number are confidential under the Privacy Act.

Instructions for Completing the Subsistence Halibut Registration Application

Program Information

The Halibut Subsistence Fishery is authorized by Federal regulations at 50 CFR Part 300 and provides for eligible persons to conduct subsistence halibut fishing in Convention waters off Alaska.

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

Eligible persons are:

- (1) residents of rural places. **Rural Resident** means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a person domiciled in a rural community, as listed in 50 CFR Part 300.65(f)(1) (reprinted as Attachment 1 to this form), who has maintained a domicile in a rural community for 12 consecutive months immediately preceding the time when the assertion of residence is made and who is not claiming residency in another state, territory, or country.
- (2) all identified members of federally recognized Alaska Native tribes. **Alaska Native tribe** means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a federally recognized Alaska Native tribe that has customary and traditional use of halibut and that is listed in 50 CFR 300.65(f)(2) (reprinted as Attachment 2 to this form).

Completing the Application

Block A – Type of Subsistence Halibut Registration

Check whether you, as an eligible person, are registering for subsistence halibut as an Alaska Rural Resident or as a member of a federally recognized Alaska Native tribe as defined for purposes of this program. If applying as an Alaska Rural Resident, please complete Block B. If applying as a member of a federally recognized Alaska Native tribe, complete Block C. Please indicate whether you are applying for a new SHARC or a renewal of an existing SHARC. If a renewal, please list your current SHARC number in the space provided.

Block B – Alaska Rural Resident Registration

1. Enter your full name (First, Middle, Last). Please include any suffixes such as Jr., Sr., etc.
2. Enter your Community of Residence (city and state). This Community must be one of the rural communities listed in 50 CFR 300.65(f)(1) (see Attachment 1).
3. Enter your **permanent** mailing address, including P.O. Box, street, state, and zip code. The SHARC will be sent to this address.
4. Enter your date of birth (Month/Day/Year).
5. Social Security Number (voluntary). **Privacy Act Statement:** Federal regulations at 50 CFR part 300 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records

related to Pacific halibut subsistence registrants. Where the requested information is a Social Security number, disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

6. Enter a daytime telephone number, including area code.

7. Sign and date the application. You must sign and date the application certifying all information contained in the application is true, correct, and complete to the best of your knowledge and belief. The application will be considered incomplete without your signature and will not be processed.

Block C – Alaska Native Tribal Registration

1. Enter your full name (First, Middle, Last). Please include any suffixes such as Jr., Sr., etc.

2. Enter the name of the Alaska Native Tribe of which you are a member that qualifies you as eligible to fish for subsistence halibut. This tribe must be one of the Alaska Native Tribes listed in 50 CFR 300.65(f)(2) (see Attachment 2).

3. Enter your **permanent** mailing address, including P.O. Box, street, state, and zip code. The SHARC will be sent to this address.

4. Enter your Community of Residence (city and state)

5. Social Security Number (voluntary). **Privacy Act Statement:** Federal regulations at 50 CFR part 300 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to Pacific halibut subsistence registrants. Where the requested information is a Social Security number, disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

6. Enter a daytime telephone number, including area code.

7. Enter your date of birth (Month/Day/Year).

8. Sign and date the application. You must sign and date the application certifying all information contained in the application is true, correct, and complete to the best of your knowledge and belief. The application will be considered incomplete without your signature and will not be processed.

Mail the completed application to:

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

Or deliver the completed application to:

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

If you have questions when completing the application, please

- call RAM at (800) 304-4846 (select option 2) or (907) 586-7202 (select option 2),
- check our web site at www.fakr.noaa.gov/ram, or
- e-mail your questions to RAM.Alaska@noaa.gov.

Special Handling of Certificates

Please allow at least 10 days for processing your SHARC. You may FAX your application to us at (907) 586-7354, to expedite processing, or use the alternative methods mentioned below.

If you would like to have your SHARC sent by a method other than regular mail, please attach a note indicating a method, and follow the appropriate procedure below.

Express Mail

If you would like to have your SHARC sent to you by U.S. Postal Express Mail, send us an express mail envelope with the correct amount of postage prepaid or send express mail stamps UNATTACHED to an envelope.

NOTE: If the express mail envelope you send is too small or the postage attached is less than the amount required, your SHARC will be sent to you by regular U.S. mail.

Other Express Carriers

If you would like to have your SHARC sent to you by a private express carrier, e.g., Federal Express, UPS, DHL, etc., submit your account number and name of carrier or a prepaid envelope with the permit application.

RECEIVED
JUN 1 2007

N.P.F.M.C.

To: Whom it MAY CONCERN

My name is William Brent. I have lived in Alaska for 34 years. In 1975 I bought 16 acres of land on Wheeler Creek, on the North West Side of Admiralty Island. The property was ~~part~~ part of a 1916 homestead.

In the mid 70's me and my family built a log home while we grew garlic, Horse radish, and leeks to sell in Juneau, while we subsisted off halibut, Salmon, and Deer.

In 1980 when Admiralty Island became Admiralty Island Monument Wilderness. At that time "ANILCA" gave us certain rights because we were living on private inholdings inside the Monument.

One of these rights, was the right to subsistence. I have lived off of, and put up, halibut, Salmon, and Deer on my Wheeler Creek property for over 30 years. It is who I am.

I have called your office 1888-586-6822 3 different times and was turned down 3 times, because I did not live in a rural community.

I live on the Wheeler Creek property now and vote in Angoon.

I do not receive mail at Wheeler Creek, that is why I have a Juneau P.O. Box, 33143.

Please help me get a halibut subsistence permit. Enclosed are some papers that might help me.

Nov 15 '04

David E. Haskagen

RECEIVED
DEC 1 2004
N.P.F.M.C.

ATTN:

Jane DiCosimo

please find my petition I sent to
the ADFG Board!

No place does it say I live in a
float house in Nackat Bay or Inlet

When the Council was given the
information they (the council) could only
conclude I was lying on my appeal
to have (Port Tongass village site included on
the sub list) as my petition to the ADFG
states and is under lined from the only Res
at the village site (that I get my mail at
Ketchikan (as there is no mail service there
I go to Ketchikan for repairs on my fishing boat
last fall I did a complete major overhaul of
my main engine & Red gear (3 1/2 months) get
insured & retanked my fish hold (2 months)

Mary
Perry

A Report to the Alaska Board of Fisheries

on

Subsistence Halibut Fishing Eligibility Appeals, 2004

by

Division of Subsistence
Alaska Department of Fish and Game
Juneau, Alaska

~~Some of the appeals will~~

I also come in on The Holiday ~~to~~ To
be with my kids

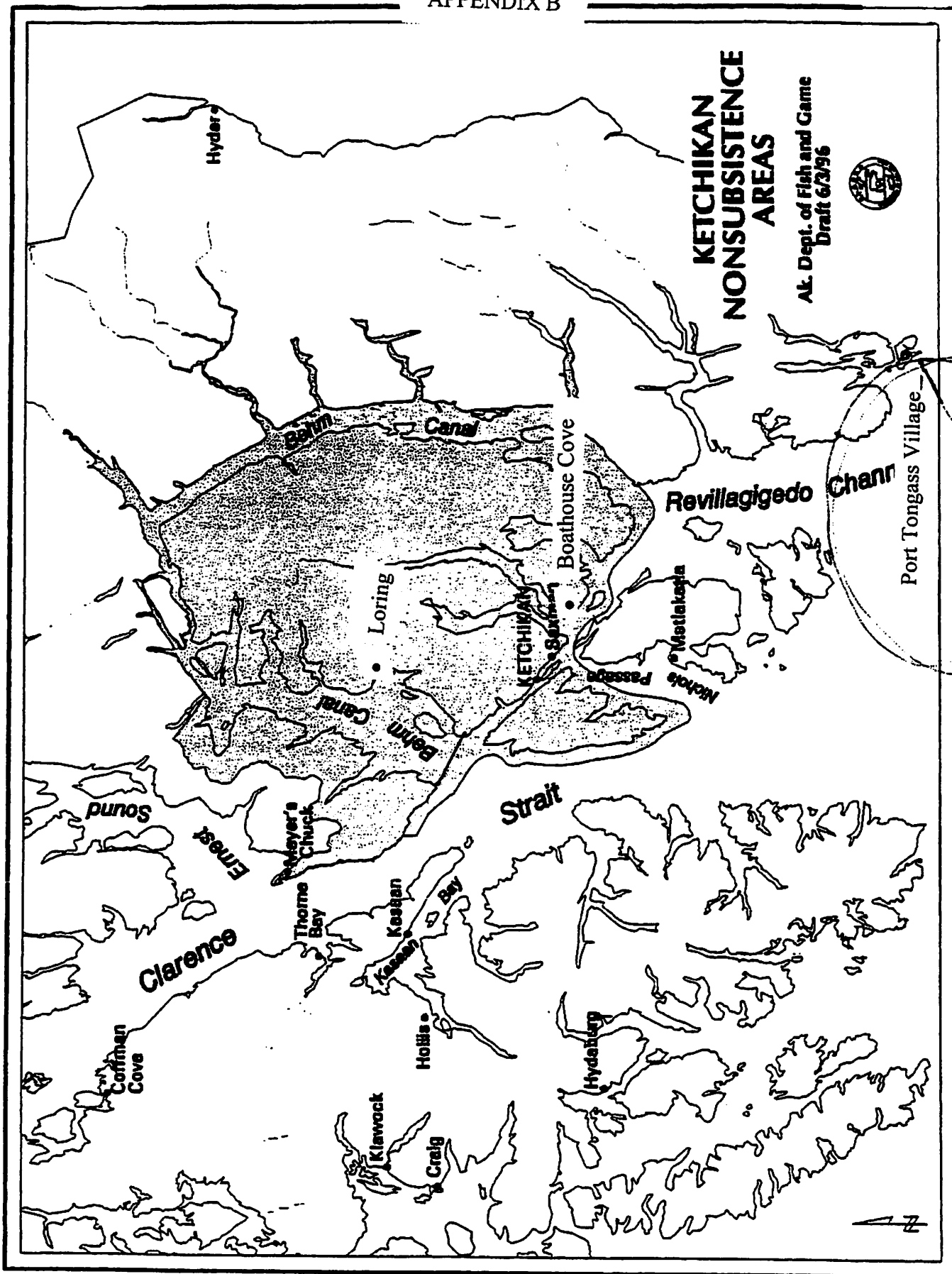
I hope this will clear up
some of the miss'information the Council got!!

Thank
again

Could you
Please give this
copy to each
Council members
PH

Alaska Board of Fisheries
Anchorage, Alaska
February 2004

[Signature]



**KETCHIKAN
NONSUBSISTENCE
AREAS**

Al. Dept. of Fish and Game
Draft 6/2/96



Port Tongass Village

Port Tongass Village

1 - OF 3

Supplimental Information
To Board of Fishines

ATTN: Boards support section

ATTN: Diana CoTe Executive Director
ATTN: Art Hughes Pub. Tec. II

In Reply To our Telephone call on
nove 5 2003. For more detailed info.
on my petition To Board To have
(Port Tongass Village) included on
The List of villages for subsistence
eligibty. in the only Residents
please find inclosed.

1 # NOAA. Chant # 17437 with village
site marked (X), NOS survey Date
Land use Permitt 1900-1939 (see Inclosed Source char
Permitt N Las 24359 marked * APX 52 miles South
Dec 1 03 of Ketchikan 1/2 mile north of
Dec 1 08 Canada Boarder.

PS 5014 H-2

2 # state of Alaska + Corps of
engineers Permitt + Additional Info.
Inc: 2 state letter
Corps engineer. Permitt Approval
State approval & ADec ect.

7 Pages

Port Tongass Village

2 of 3

H-2

I am now a Full Time Res. of
 Port Tongass Village as I
 Gillnett + Trap Fur from There
 Summer Fall + winter + Spring I go to
 Ketchikan for Repairs ect. I receive my mail
 AT Ketchikan as I have no mail service Her
 I can all my food + Smok
 The Summer + Winter halibut
 as I have no Refrigeration
 I also salt some for smooking
 at a later Date. in The year.

I use a short Longline
 for Halibut + my Gillnett for salmon
 my pots for Prawns + Crab

I have Commerical Fished (Salmon
 Gillnett) (shrimp pot) + Traped from
 my float at Port Tongass site
 Since apx 1963 every year. I have
 Traped Heron for The Last 10-12 year

I have qualified for all my permit
 when first Issued, from Long Paragation

I have become a Full Time Res. at Port

Ps. 6 of 14

3 of 3 Port Tongass Village

Village site after I raised my family and they grew up and are ~~on~~ on their own. I raised them at Bennock Id + Ketchikan then I could not be at Port Tongass as it is very remote (good!) and not the best place to have young kids and no school.!! They need to be around other kids

I hope this is enough info for the Board to find ~~me~~ me a Substantive Halibut + Salmon Ruel User + Port Tongass village site
I think young
Dad E. Hughes

PS! Thanks to Diana Cote + art Hughes for walking me through the process of applying

Port ~~Tongass~~
90 Po Box 8311
Ketchikan
AK 99901

D H.

H-2
Pg. 7 of 14

Post Tongass village
30 Box 9311
Ketchikan
AK. 99901

ATTN: David Benton

RECEIVED

MAY 27 2003

N.P.F.M.C

S!
as we are ^{writing} you today
we have been told that (Port
Tongass village) in ~~and~~ NOT on
your Substance List.

we would like to have
us put on the Substance List
we are approx 53 miles south of
Ketchikan at Lincoln Channel Chart 17437

Thank you

Joe Hahn

pg. 4 of 14 H-2

Dec 1, 2004

To: North Pacific Fishery management Council

From: Kevin Kristovich, Subsistence committee member, Ketchikan Indian Community

Re: Proposed halibut regulation changes

Madam Chairman, Stephanie Madsen,

I am Kevin Kristovich. I am a committee member for the Ketchikan Indian Community subsistence/ culture board. I am here today to express our concerns regarding some of the proposed subsistence halibut regulation changes.

1. Adding Naukati is supported by Ketchikan to be listed and allowed to be an eligible community to receive halibut subsistence permits under the rural status. However, As I had testified on behalf of the Ketchikan Community, We cannot support allowing Port Tongass Village rural status as there is no population to warrant a legitimate community. Upon our findings with information provided to us at the October meeting in Sitka from information printed by the national marine fisheries service the findings were: only one individual claiming to live in a float house near the abandoned village of old port tongass requested a customary and traditional findings on fish stocks to see if there in fact could be stocks in the area to warrant a fishery. The ADF&G did the survey and in fact, did find stocks available for harvest. I spoke to Jane Di Cosimo of NMFS and asked who the individual was trying to get Port Tongass Village into rural status trying to obtain a halibut subsistence permit card she identified the individual. As I testified to the NPFMC council with you present, I stated that this cannot be supported as it is only one person who lives on his fishing boat and has a mailing address in Ketchikan and who also registers his vessel with CFEC for a commercial vessel license as Port Tongass Village rentals. What is he renting? Nothing. There are no structures there to warrant a community and the surrounding land above mean high water is property of the forest service. So, Please, On behalf of the Tongass tribe and members of the Ketchikan Indian Community tribal members, I ask that the council only allow Naukati as an eligible community. I am willing to provide you with information on this individual mentioned if you so request. 2. Allowing tribes to fish within non-subsistence area should be allowed with the use of special permits. According to the halibut act of 1982 section 773 c. It states": The regional fishery management council having authority for the geographic area concerned may develop regulations governing the united states portion of convention waters, including limited access regulations, applicable to nationals or vessels of the united states, or both, which are in addition to, and not in conflict with regulations adopted by the commission. Such regulations shall only be implemented with the approval of the secretary, shall not discriminate between residents of different states, and shall be consistent with the limited entry criteria set forth, in section 1853 (b) (6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fisherman, such allocation shall be fare and equitable to all such fisherman, based upon the rights and obligations in existing federal law, reasonable calculated to promote conservation, and carried out in such manor that no particular

individual, corporation, or other entity acquires an excessive share of the halibut privileges. What my point is, How come the IFQ and sport and commercial charter fisherman be allowed to fish in the waters surrounding the Ketchikan area that is designated " non-subsistence" and not the subsistence halibut fishermen cannot? This seems like discrimination to many people in the Ketchikan area. As I had testified to the advisory panel at the October meeting, the surrounding area in Ketchikan is regulated so bad that the subsistence fishermen must travel great lengths of open waters to be able to access the resource. This poses a possibility of loss of life. 3. Use of charter boats to be able to participate in the subsistence halibut fishery. Ketchikan supports the action taken in the October meeting as long as everyone onboard a charter vessel has in their possession a subsistence halibut permit card. I would like to be able to attend the upcoming meeting in Anchorage but cannot due to a prior engagement. I hope that my appeals will be taken into serious consideration and that the council makes the right decision that will benefit all communities at large. Thank you for your time, Kevin Kristovich. 125 Main St. # 114 Ketchikan, Alaska 99901 e-mail: halibutfisherman@yahoo.com

----- Original Message -----

Subject: port tongass village...

Date: Tue, 30 Nov 2004 11:41:29 -0800 (PST)

From: Kevin Kristovich <halibutfisherman@yahoo.com>

To: jane.dicosimo@noaa.gov

Jane, I am still trying to get our point across to the state BOF on the port tongass issue. They seem to think there is a legitimate community there when there isn't. I have information on the area and the BOF needs to know about this. I, and other residents of ketchikan and members of the tongass tribe who had descendants come from the area are concerned about this Dave Hashagen fella trying to obtain a sharc card when he claims there is a community there and there is none at all. What is the criteria to having a legitimate community? structures, population? post office, schools? I know Naukati met the requirements for a eligible community but, we cannot see the state recommending port tongass village. I would like to go to Anchorage for the next meeting but, I will be in Las Vegas getting married. I attended the S.E inter tribal fish & wildlife commission meeting in Juneau last week and was asked by the ADF&G division of subsistence to conduct halibut information surveys in our area and I accepted. It was nice to have met with you in Sitka and I think if I did not attend the October meeting, we would have never knew about this issue at hand. i will be getting a copy of a video from one of the people who came from port tongass village and I am waiting for some info from the university of Alaska on the area. Dave Hashagen is a B.S. specialist and he is trying to con the system when he does not qualify for a sharc card as he resides on his boat which is his home and he spends the summer salmon season months down in the area he claims is a community and as I testified, what he claims is a floathouse is acually a work float with a smokehouse on one end. I believe the surrounding land belongs to the forest service. Maybe, if it is not asking too much, you can forward this to members off the BOF as they recommend making port tongass village a eligible community. They need to look into this further before acting. Please get back to me. Take Care and happy holidays to you. Kevin

Do you Yahoo!?

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21688
Juneau, AK 99802-1668

Phil and Donna Emerson
Funter Bay
P.O. Box FNB
Juneau, AK 99850-0140
790-4060, 209-8131
funterbay@starband.net

To whom it may concern,

We sent a letter to Chairman David Benton in June 2003 asking why Funter Bay was not included in Halibut subsistence. We never heard a word until we made some phone calls to the Alaska Division of Subsistence and found out that we were excluded from this program because we were in the Juneau Borough. We would like to appeal this ruling by the board.

Funter Bay is not in the Juneau Borough, in fact we are closer to the Haines Borough. Funter Bay is on the opposite side of Admiralty Island from Juneau. Funter Bay is just as close to Hoonah as to Juneau. Our mailing address was just changed from Funter Bay to Juneau as a city designation not long ago because of some new computerized system. I moved here in 1972 when there were two mail planes a week and a mail boat. Today there is one mail plane a week and no way to get larger items here except by my fishing boat. There are no roads, no stores; we live extremely remote and take care of all our own needs, electricity etc.

We are subsistence as far as our deer hunting. My family and I were unaware of the formation of halibut subsistence areas; Funter Bay residents were not included in this decision making. From the first day we arrived we have been bartering, exchanging services, and what just might be called, doing unto others, helping our neighbors. We were told that the local natives used the area to gather fish and berries; this was before our time. There were old native canoes rotting in the woods, so there is a history of past subsistence use. During the war the Pribilof Island's natives were interned here and many of the local fishermen supplied them with fish; this was not a barter situation, just fishermen keeping hungry people alive.

If this area must stay non-subsistence, so be it; we can travel a few miles to harvest halibut if we are allowed to do so. We have done it for moose in the Haines borough. We cannot see why our family is excluded from halibut subsistence simply because someone drew a line on a map and left us out of the decision process.

The majority of our food is harvested here at Funter Bay. Our diet is venison, salmon from my commercial fishing, clams, crab, shrimp, and a variety of bottom fish usually supplied by friends. We gather wild berries, seaweed, and local wild greens. We have a large garden that we get our vegetables and some small fruit from. As I said we have little contact with Juneau and receive no services from the city. We are part of the Unorganized Borough.

If we can supply further information please write or call and when you make a decision could you please inform us.

Thank you



Phil Emerson



Donna Emerson

October 18, 2004



RECEIVED

DEC 21 2003

Dec. 20, 2003

NPFMC

Dear Sirs;

I recently sent a letter of inquiry on behalf of some of our community members regarding their inclusion in the subsistence Halibut fishery. Your reply did not answer my question.

Our community members wish to know whether *individuals* can petition for eligibility? We have several community members who have been participating in the Halibut fishery for many years. They feel they are being excluded because of where they choose to live. Indeed, it is difficult to reconcile that a school teacher from New York who moves into Cordova to teach school for a couple of seasons and makes \$50,000 a year, has more rights to fish than a retired Commercial Halibut fisherman who may happen to live in Paxson.

Sincerely,
John Schandelmeier, Chair
Paxson Fish and Game Advisory
HC 72 Box 7193
Paxson, Alaska 99737

John Schandelmeier

LATE COMMENT

10/5/2003
RECEIVED

OCT - 5 2003

To Dennis Austin,

I am writing you **NPEMO** letter
to try & get Loring AK. put on the
subsistence Halibut List. We are located
approximately 30 miles north of Metlakatla.
There are no roads, power, water or
mail service. Loring used to be an
old Cannery town. Where most people
including my father in law & relatives made
there living off of salmon, trading
on Halibut. I and my family commercial
fish for salmon & shrimp in the winter
a subsistence Halibut permit ~~was~~ would
surely help. SORRY FOR THE HAND-
WRITTEN LETTER

Thank you

[Signature]

REX BARBER
P.O. Box 5074
Metlakatla AK 99901
Phone # (907) 209-0707 cell

RECEIVED

SEP 16 2003

N.P.F.M.C

Sept. 1, 2003
Robert J. Haeg
Chinitna Bay, Via
P. O. Box 338
Soldotna, Alaska
99669-0338

North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, Alaska
99501-2252

DEar Sirs,

This is an appeal for my denial of my halibut subsistence card # 007716 for Robert J. Haeg, which I received from National Oceanic and Atmospheric Administration dated July 29, 2003. I have contacted them as to my situation of mail and they did understand that we don't have regular mail service so were unable to return this at an earlier date.

My home is in Chinitna Bay which is on the North Shore of the Lake Clark National Park and is on the West side of Cook Inlet on the Alaska Peninsula. I have lived year round here since May of 1976 and have used the fishery resources for my living. We have used fish and game for our subsistence since we moved here in 1976. We have subsistence use in the Lake Clark National Park. We feel that the denial of our use of halibut subsistence is a mistake.

There was a mistake made when we applied for this subsistence permit after we were called by National Oceanic and told that if it were possible we could apply right away if we could have the use of a computer. Well we went into city of Soldotna which is 1 1/2 hour flight from our home and had a friend help us thru the use of her computer. The mistake being that Chnitna Bay was not on your list so she thought it best to use King Salmon which appeared to be the closest to us. Then when we sent papers in to them they looked at our PO Box return address that was in Soldotna as we have no POST OFFICE HERE IN CHINITNA BAY...

We do have letter that they sent to us if you need it and we would be happy to try to get it to you. We have no fax machine or computer here so we can not send it that way.

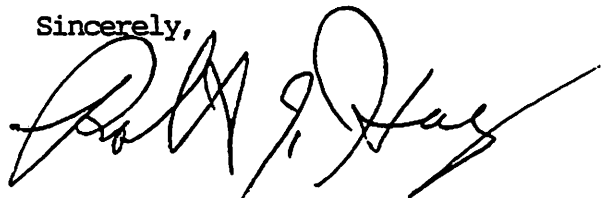
Living as we do we need the use of subsistence especially after the terrible oil spill that ruined almost all of the fishery returns in this area.

We can be reached here at our home in Chinitna Bay by a cell phone which doesn't work in bad weather as we must use a repeater. That number is 398-1866.

This claim of rural residency can be verified by our voter registration, Soldotna, Post Office, and also the Alaska longevity program.

We do hope you will reinstate our halibut subsistence certificate.

Sincerely,



copies sent:

RECEIVED

AUG 27 2003

North Pacific Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252

N.P.F.M.C

Dear Personage;

In June we applied for a Subsistence Halibut Registration Certificate. Our Application has been denied because we are not residents of Rural Communities listed in 50 CFR Part 300.65 (f) (1) and we are not members of a federally recognized Alaska Native Tribe also listed in 50 CFR Part 300.65 (f)(2).

We are writing to try to get our Cove listed in 50 CFR Part 300.65 (f)(1).. We realize that the Subsistence Certificates are issued to some rural communities, such as Myers Chuck, Hollis, Port Protection, Whale Pass, Point Eaker, and Edna Bay to name a few. So our question is what determines rural?

Our physical location is Boathouse Cove, ten miles south of Ketchikan. The only access to our Cove is by boat or float plane. We have no mail service, hence our Post Office Box in Ketchikan. There is no power source to our cove, we have to provide our own power. There is no school (our cove only has 3 homes) Our 2 children went through all 12 years of schooling by taking correspondence courses. There is no phone access and only in the last 7 years have we had Cell phone access and this is marginal as our cove is on the very edge of the signal. By most standards we are considered remote and ask that you consider us rural..

Boathouse Cove was a wintering place for quite a few trollers in the early years.. They would hole up here to try to make their summer earnings last through the winter to another summer season. They supplemented their food supply by subsistence hunting and fishing. It was the way of life for them.

In conclusion we would like to ask that our Cove be included in the designated rural areas list. We are limited access to Ketchikan by storms and consider our cove to be very rural.

Thank you for your consideration.

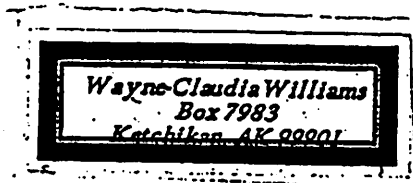
Respectfully;

Wayne Williams

Wayne Williams

Claudia M. Williams

Claudia M. Williams



AGENDA C-2 (c)
JUNE 2007

Kanatak Tribal Council
PO BOX 872231
Wasilla AK 99687
907-357-5991/907-357-5992fax
888-417-7271toll free
kanatak@mtaonline.net

May 2, 2007

Dear NOAA:

This letter is in reference to the Native Tribe of Kanatak, current Regulatory Area for the Subsistence Halibut Fisheries.

The first issue is that Kanatak is currently listed under the Native Tribe of Egegik under Table 2 of Alaska Native Tribes with Customary and Traditional Uses of Halibut within Specified Halibut Regulatory Ares. Kanatak is not part of Egegik; in fact the traditional land of Kanatak lies on the other side of Bristol Bay near the Shelikof Straits.

Kanatak is a landless tribe with its offices located in Wasilla, Alaska. According to what the regulations say we should be eligible to fish in waters within the region of the tribal headquarters and operations, which in fact is Wasilla Alaska; not Egegik as listed on your table.

The Village of Kanatak currently has eleven SHARC Holders listed under Area 4E, Kanatak is requesting that all eleven permit holders' area be changed to represent the area that the Native Tribe of Kanatak is headquartered. The current listing by NOAA has restricted our tribal members from participating in these traditional subsistence fisheries.

We have enclosed an application for other members of our tribe. If you have any further questions, please don't hesitate to contact me at 907-357-5991.

Sincerely,



Tony Olivera
Kanatak Tribal Administrator



**Kanatak Tribal Council
PO BOX 872231
Wasilla AK 99687
907-357-5991/907-357-5992fax
888-417-7271toll free
kanatak@mtaonline.net**

RECEIVED
MAY 23 2007
N.P.F.M.C.

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Sincerely,



Tony Olivera
Kanatak Tribal Administrator

Table 2. (Continued)

<u>Place With Tribal Headquarters</u>	<u>Organized Tribal Entity*</u>	<u>Halibut Regulatory Area in Which Residents May Fish</u>
Regulatory Area 3B		
Chignik Bay	Native Village of Chignik	3B
Chignik Lagoon	Native Village of Chignik Lagoon	3B
Chignik Lake	Chignik Lake Village	3B
False Pass	Native Village of False Pass	3B
Ivanof Bay	Ivanoff Bay Village	3B
King Cove	Agdaagux Tribe of King Cove	3B
King Cove	Native Village of Belkofski	3B
Nelson Lagoon	Native Village of Nelson Lagoon	3B
Perryville	Native Village of Perryville	3B
Sand Point	Pauloff Harbor Village	3B
Sand Point	Native Village of Unga	3B
Sand Point	Qagan Toyagungin Tribe of Sand Point Village	3B
Regulatory Area 4A		
Akutan	Native Village of Akutan	4A
Nikolski	Native Village of Nikolski	4A
Unalaska	Qawalingin Tribe of Unalaska	4A
Regulatory Area 4B		
Atka	Native Village of Atka	4B
Regulatory Area 4C		
St. George	Pribilof Islands Aleut Communities of St. Paul Island & St. George Islands	4C
St. Paul	Pribilof Islands Aleut Communities of St. Paul Island & St. George Islands	4C
Regulatory Area 4D		
Gambell	Native Village of Gambell	4D
Savoonga	Native Village of Savoonga	4D
Diomedé (Inalik)	Native Village of Diomedé (Inalik)	4E
Regulatory Area 4E		
Alakanuk	Village of Alakanuk	4E
Aleknagik	Native Village of Aleknagik	4E
Bethel	Orutsararmult Native Village	4E
Brevig Mission	Native Village of Brevig Mission	4E
Chefornak	Village of Chefornak	4E
Chevak	Chevak Native Village	4E
Clark's Point	Village of Clark's Point	4E
Council	Native Village of Council	4E
Dillingham	Native Village of Dillingham	4E
Dillingham	Native Village of Ekuk	4E
Dillingham	Native Village of Kanakanak**	4E
Eek	Native Village of Eek	4E
Egegik	Egegik Village	4E
Egegik	Village of Kanatak	4E
Elim	Native Village of Elim	4E
Emmonak	Chuloonawick Native Village	4E
Emmonak	Emmonak Village	4E