


MEMORANDUM

TO: Council, AP, and SSC Members

FROM: Chris Oliver 
Executive Director

ESTIMATED TIME 6 HOURS

DATE: November 29, 2004

SUBJECT: Subsistence Halibut

ACTION REQUIRED

Final action on six subsistence halibut regulatory amendments

BACKGROUND

In October 2004, the Council approved the release of an analysis for six proposed amendments to regulations implementing the subsistence fishery for Pacific halibut. These regulatory amendments consist of one action that was bifurcated from an April 2002 preferred alternative, together with new proposals that the Council adopted for analysis in October 2003. Action 1 would revise subsistence gear and harvest limits and add a community harvest permit program in Kodiak, Prince William Sound, Cook Inlet, and revise subsistence gear and harvest limits in the Sitka Sound local area management plan, with an option to apply those latter measures to all of Southeast Alaska. Action 2 would add Port Tongass Village and/or Naukati to the list of eligible subsistence halibut communities. Action 3 would implement a possession limit equal to one or two daily limits. Action 4 would either eliminate a prohibition on the use of charter vessels for hire or revise the regulatory language to more explicitly define who may harvest subsistence halibut from the charter vessel. Action 5 would revise the regulations that allow a \$400 customary trade limit for subsistence halibut to eliminate cash trade, lower it to \$100, or more narrowly define with whom exchanges for cash may occur. Action 6 would allow the use of special permits by tribes whose traditional fishing grounds are located within areas designated as non-subsistence use areas. The analysis was distributed in early October.

The actions and alternatives under consideration are listed under Item C-8(a). The Alaska Board of Fisheries informed the Council on its positions regarding the six proposed amendments in a letter to the Chair, dated November 17, 2004 (Item C-8(b)). Supplemental data was recently provided by ADF&G for Southeast and Westward areas (Item C-8(c)). If approved, it is unlikely that the proposed changes could be implemented for the start of the 2005 fishing year.

PROPOSED ACTIONS TO REVISE THE SUBSISTENCE HALIBUT PROGRAM

Action 1. Revise the subsistence halibut regulations for gear and harvest to address local area issues.

Alternative 1. No action.

(a) - (c):	30 hooks three times the individual gear limit	(d):	30 hooks per vessel power hauling 20 halibut per vessel
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Alternative 2. Change gear and annual limits in local areas.

(a) in Kodiak road zone and Chiniak Bay:

Issue 1. Gear limit, annual limit, and community harvest permit program:

Option 1. 5 hooks and 20 fish annual limit

Option 2. 10 hooks and 20 fish annual limit

Issue 2. Limit stacking on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

Option 1. one hook limit (no stacking)

Option 2. two times the hook limit

(b) in Prince William Sound:

Issue 1. Gear limit and community harvest permit program:

Option 1. 5 hooks

Option 2. 10 hooks

Issue 2. Limit stacking on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

Option 1. one hook limit (no stacking)

Option 2. two times the hook limit

(c) in Cook Inlet:

Issue 1. Gear limit and community harvest permit program:

Option 1. 5 hooks

Option 2. 10 hooks

Issue 2. Limit stacking on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

Option 1. one hook limit (no stacking)

Option 2. two times the hook limit

(d) in Sitka Sound LAMP:

Seasonal gear and vessel limits:

June 1 to August 31

15 hooks per vessel

no power hauling

5 halibut per day/vessel

September 1 to May 31

10 halibut per day/vessel

Option: Apply above seasonal restrictions to all of Area 2C

Option for areas (a) - (d): Require mandatory retention of rockfish. A fisherman would be required to stop subsistence halibut fishing for that day if the legal limit of rockfish allowed under State regulations were caught. This applies to the current State limits for rockfish only. Subsistence users would not be restricted below current bag limits.

Action 2. Revise the list of eligible subsistence halibut communities.

Alternative 1. No action.

Alternative 2. Add to list of eligible communities:

Option 1. Naukati

Option 2. Port Tongass Village

Action 3. Create a subsistence halibut possession limit for Area 2C, and/or 3A, and/or 3B.

Alternative 1. No action.

Alternative 2. Possession limit equal to two daily limits.

Option: Possession limit equal to one daily limit.

Action 4. Revise the definition of charter vessels.

Alternative 1. No action.

Alternative 2. Allow the use of charterboats for subsistence halibut fishing

Alternative 3. Adopt the State of Alaska definition of charter vessels to redefine a charterboat vessel as State registered. Restrict the use of the charter vessel to the owner of record and the owner's immediate family (the owner must be an eligible subsistence user). Prohibit the use of a charter vessel for subsistence fishing while clients are on board. Prohibit the transfer of subsistence halibut to clients.

Action 5. Revise the \$400 customary trade limit for subsistence halibut by IPHC regulatory area.

Alternative 1. No action.

Alternative 2. Revise the customary trade limit to \$100.

Alternative 3. Eliminate the customary trade limit (\$0).

Alternative 4. Eliminate the \$400 customary trade limit but allow:

1. Rural residents eligible for subsistence harvest of halibut to share the expenses directly related to subsistence harvest of halibut with other members of their community; and
2. Allow customary trade and barter between a member of an Alaska tribe eligible to harvest halibut for subsistence and any other member of an Alaska tribe provided that monetary exchange be limited to sharing expenses directly related to the subsistence harvest of halibut.

Action 6. Allow subsistence halibut fishing in non-subsistence areas under special permits.

Alternative 1. No action.

Alternative 2. Allow the use of community harvest permits, educational permits, and ceremonial permits in non-subsistence use areas by tribes whose traditional fishing grounds are located within these areas, with the associated daily bag limit.

STATE OF ALASKA

ALASKA BOARD OF FISHERIES

FRANK H. MURKOWS

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

November 17, 2004

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W. Fourth Ave., Suite 306
Anchorage, AK 99501-2252

RECEIVED
NOV 19 2004

N.P.F.M.C.

Dear Ms. Madsen:

At its November 2004 meeting, the Board of Fisheries took action on two requests relating to subsistence use of halibut. This letter reports the board's recommendations to the council for its future consideration.

In accordance with the request by the council, the board reviews requests to include additional communities seeking eligibility for customary and traditional use findings of halibut and provides recommendations to the council. The board reviewed the request of Mr. Henry Kroll regarding the designation of Tuxedni Bay as a community that would be eligible for a positive finding regarding subsistence halibut use. The board found that this community lies within a nonsubsistence area and therefore recommends that the request be denied.

The board received an overview of the 2003 subsistence harvest report. The board also was briefed by Commissioner Duffy regarding the Department of Fish and Game's recommendations on the various actions that will be before the council at its December 2004 meeting. The board adopted the positions on gear and harvest issues, new communities, possession limits, definition of charter vessels, the \$400 trade limit, and special permits in nonsubsistence use areas, which are included as an enclosure to this letter.

The board looks forward on continuing work with the council on halibut subsistence issues.

Sincerely,



Art Nelson, Chair
Alaska Board of Fisheries

Enclosure

cc: Kevin Duffy, ADF&G

Action 1.: Gear and harvest issues

The department recommends support of the earlier Board of Fisheries (BOF) recommendation of a 5 hook limit, with stacking of two times the hook limit per vessel for the Cook Inlet, Prince William Sound, and Kodiak areas. We also continue to support the annual limit provision of 20 fish for the Kodiak area. These positions were based on conservation concerns brought before the BOF when they adopted more restrictive sport and subsistence regulations for rockfish and lingcod. It also provides consistency between federal and state gear regulations.

The department agrees with the proposed provisions for the Sitka LAMP area. We disagree with extending the Sitka provisions to all of Area 2C.

The department supports the mandatory retention of rockfish idea, but believes this should be a state BOF regulation rather than a federal Council regulation.

Action 2.: New communities

The department supports including the rural towns of Naukati and Port Tongass Village into the list of eligible communities.

Action 3.: Possession Limits

Alternative 3. Possession limit equal to one daily bag limit or daily vessel limit will best answer the problem statement raised by federal enforcement staff.

Action 4.: Definition of charter vessel

Alternative 3. Use the state definition of charter vessel.

Action 5.: \$400 trade limit

Wait until the department reviews new wording being developed by the halibut subsistence committee on what activities may qualify for traditional trade.

Action 6.: Special permits in non-subsistence areas

The department does not agree with allowing subsistence harvest under special federal permits within the existing state non-subsistence areas.

Table 1. Kodiak, Chignik, and South Alaska Peninsula Areas state waters groundfish harvest as reported on fish tickets, 2003.

Species	Kodiak			Chignik			South Ak. Peninsula			Total		
	Harvest ^a	Discards		Harvest ^a	Discards		Harvest ^a	Discards		Harvest ^a	Discards	
		at-sea	shore ^b		at-sea	shore ^b		at-sea	shore ^b		at-sea	shore ^b
Pacific cod	14,403,925	4,738	556	4,759,683	5,267	0	24,982,603	7,288	285	44,146,211	17,293	841
Walleye pollock	16,422,471	16,769	74,198	100,967	0	0	20,179,316	52	2	36,702,754	16,821	74,200
Skate Unidentified	1,166,087	2,783	2,849	7,396	3,400	0	9,281	3,370	200	1,182,764	9,553	3,049
Arrowtooth Flounder	265,347	9,316	13,406	748	970	0	106,057	1,517	5	372,152	11,803	13,411
Capelin	240,549	0	0	0	0	0	0	0	0	240,549	0	0
Black Rockfish	85,387	0	0	46,952	0	0	8,926	0	0	141,265	0	0
Flathead Sole	48,672	90	3,665	825	0	0	79,631	440	0	129,128	530	3,665
Rock Sole	70,264	0	140	0	0	0	37,196	24	607	107,460	24	747
Octopus	55,538	38	0	979	20	0	425	16,850	59	56,942	16,908	59
Eulachon	22,677	20,000	3,066	0	0	0	0	0	0	22,677	20,000	3,066
Lingcod	21,502	42	0	969	0	0	0	0	0	22,471	42	0
Sablefish	20,938	932	6	4	1,057	0	1,404	357	0	22,346	2,346	6
Dusky Rockfish	17,910	0	53	50	0	0	7	3	0	17,967	3	53
Pacific Ocean Perch	11,606	72,139	0	0	0	0	67	0	0	11,673	72,139	0
Pacific Herring	8,508	0	0	0	0	0	0	0	93	8,508	0	93
Grenadier Unidentified	5,064	2,960	0	0	0	0	0	126	0	5,064	3,086	0
Squid Unidentified	4,259	235	45	0	0	0	0	0	0	4,259	235	45
Rex Sole	2,794	1	170	29	0	0	1,379	0	0	4,202	1	170
Yelloweye Rockfish	1,687	0	0	1,014	0	0	1,033	166	39	3,734	166	39
Starry Flounder	3,356	0	0	7	0	0	35	0	0	3,398	0	0
Butter Sole	271	0	0	0	0	0	2,895	0	0	3,166	0	0
Lumpsucker Unidentified	1,762	38	0	0	0	0	846	0	348	2,608	38	348
Chum Salmon	2,535	10	1,192	0	0	0	0	0	1,568	2,535	10	2,760
Rougheye Rockfish	2,176	70	0	152	1	0	12	24	0	2,340	95	0
Chinook Salmon	2,167	13	2,229	0	0	57	0	4	3,640	2,167	17	5,926
Shark Unidentified	1,022	3,315	51	0	0	0	54	400	2,321	1,076	3,715	2,372
Greenland Turbot	0	0	0	0	0	0	915	17	0	915	17	0
Sculpin Unidentified	128	482	0	10	1,416	0	366	9,704	113	504	11,602	113
Shortraker Rockfish	479	1	0	0	0	0	7	7	0	486	8	0
Pacific Sleeper Shark	423	54,495	0	0	62,929	0	0	19,857	0	423	137,281	0
Spiny Dogfish	369	5,335	0	0	146	0	0	91	0	369	5,572	0
Northern Rockfish	321	0	0	0	0	0	0	0	0	321	0	0
Yellowtail Rockfish	233	0	0	0	0	0	0	0	0	233	0	0
Other (13 different species)	219	0	0	8	0	0	301	6,860	17	824	20,841	23
Total	32,890,646	193,802	101,626	4,919,793	75,206	57	45,412,756	67,157	9,297	83,223,491	350,146	110,986

^aIncludes prohibited species, forage fish, and other species utilized in the production of fish meal.

^bDiscarded on shore after delivery, before processing.

Table 13. Catch and effort, Kodiak Area black rockfish fishery, 1990-2003.

Year	Vessels	Landings	Directed GHL	Total Harvest	Price per pound
1990	12	NA	NA	66,703	\$0.22
1991	58	NA	NA	868,560	\$0.29
1992	45	NA	NA	487,251	\$0.25
1993	18	NA	NA	107,831	\$0.22
1994	19	NA	NA	128,508	\$0.25
1995	41	NA	NA	315,682	\$0.36
1996	52	NA	NA	312,035	\$0.32
1997	65	NA	NA	224,050	\$0.27
1998	74	277	190,000	200,193	\$0.32
1999	92	320	185,000	135,601	\$0.40
2000	95	346	185,000	256,267	\$0.41
2001	55	236	185,000	225,877	\$0.40
2002	26	121	185,000	204,565	\$0.43
2003	50	108	185,000	85,387	\$0.36

Table 14. Catch and effort, Chignik Area black rockfish fishery, 1990-2003.

Year	Vessels	Landings	Directed GHL	Total Harvest	Price per pound
1990	0	0	NA	0	NA
1991	0	0	NA	0	NA
1992	0	0	NA	0	NA
1993	4	NA	NA	312	\$0.26
1994	0	0	NA	0	NA
1995	12	NA	NA	28,665	NA
1996	12	NA	NA	201,825	NA
1997	10	NA	NA	80,742	NA
1998	15	30	100,000	87,774	\$0.23
1999	15	41	100,000	11,437	\$0.25
2000	13	24	100,000	95,747	\$0.41
2001	14	35	100,000	102,904	\$0.35
2002	7	13	100,000	81,043	\$0.41
2003	15	46	100,000	46,952	\$0.39

Table 15. Catch and effort, South Alaska Peninsula, Eastern District, black rockfish, 1990-2003.

Year	Vessels	Landings	Directed GHL	Total Harvest	Price per pound
1990	*** ^d	NA	NA	*** ^a	NA
1991	6 ^a	NA	NA	145 ^a	NA
1992	0	0	NA	0	NA
1993	*** ^b	NA	NA	*** ^b	NA
1994	*** ^b	NA	NA	2,118 ^b	NA
1995	14	NA	NA	120,974	NA
1996	26	NA	NA	164,051	NA
1997	15	NA	NA	110,912	NA
1998	18	277	100,000	90,135	\$0.23
1999	23	320	100,000	55,441	\$0.37
2000	27	346	100,000	94,882	\$0.35
2001	32	85	100,000	101,636	\$0.35
2002	9	29	100,000	102,939	\$0.32
2003	10	12	100,000	8,926	\$0.24

^a South Alaska Peninsula data from 1990 and 1991 combined to maintain confidentiality.

^b South Alaska Peninsula data from 1993 and 1994 combined to maintain confidentiality.

NA = Not Available

Rockfish and Lingcod Commercially landed in 2C IPHC Area.

Source = Neptune Groundfish fish ticket database

Date ran: 2004-11-19-12.02.26.450000

Columns selected:

Year, CFEC Permit Fishery, Stat Area, Species Code, Delivery Code,
Landed Pounds, Amount, Whole Pounds, Harvest Code

Criteria for report:

Region = (equal to) 1

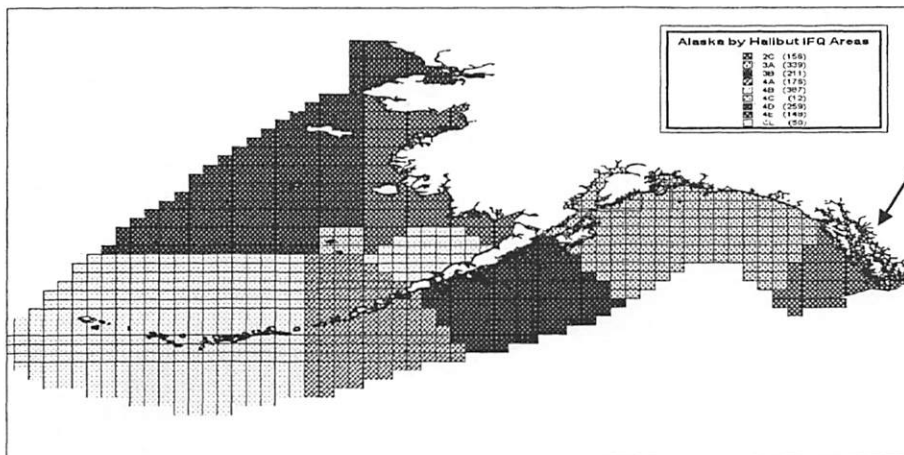
Species = (equal to) 130,138,(145-150),(135-137),142,143,175,(151-158)

Year = (equal to) 2004,2003,2002,2001

MgtDistrict = (equal to) NSEO,CSEO,SSEO,NSEI,SSEI,EYKT

Stat Area != (not equal to) (375700-375832),(385600-385903),(395430-395903),365803,365801

Sum of Whole Pounds	Year				Grand Total
Species Code	2001	2002	2003	2004	Grand Total
130	142,684	192,596	231,767	117,256	684,302
135	3	1	6	15	26
136	36				36
137	614	1,033	1,056	549	3,252
138	77	568	700	346	1,691
142	17,661	94,545	94,812	47,388	254,406
143	355,303	301,787	216,604	233,404	1,107,098
145	592,956	633,947	589,600	479,458	2,295,961
146	8,383	7,756	9,872	7,959	33,971
147	42,037	68,730	52,738	30,313	193,819
148	1,174	1,157	2,733	1,288	6,352
149	475	993	1,184	806	3,457
150	615	235	326	203	1,379
151	261,198	179,597	172,529	132,135	745,459
152	226,163	204,667	156,465	120,538	707,834
153	72,332	52,813	50,553	41,481	217,179
154	14,344	10,826	14,030	13,699	52,899
155	1,516	1,686	6,434	3,917	13,552
156	413	55	241	1	710
157	13,999	16,100	18,630	11,863	60,591
158	417	352	98	156	1,022
175	11		22		33
Grand Total	1,752,412	1,769,442	1,620,400	1,242,773	6,385,028



Area 2C

Source: Kamala Carroll
22-Nov-04

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

FRANK H. MURKOWSK

AGENDA C-8
Supplemental
DECEMBER 2004

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

November 23, 2004

Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 W. 4th Street, Ste. 306
Anchorage, AK 99501

RECEIVED
NOV 29 2004
N.P.F.M.C.

Dear Mr. Oliver:

As requested by the North Pacific Fishery Management Council (council), the Alaska Board of Fisheries (board) has set up a process by which it will consider appeals to the council's subsistence halibut eligibility findings, in order to consider additional communities for which customary and traditional use findings are developed in the future.

Currently, we have on file an appeal that was forwarded to the board on April 14, 2004, from Henry Kroll, requesting a positive finding for subsistence use of halibut in Tuxedni Bay in Cook Inlet. The board considered the request at its November 14 – 17, 2004 meeting in Anchorage and determined that area is in a state nonsubsistence use area. Therefore the board recommends to the council that the area is not eligible.

If you have any questions, please contact me.

Sincerely,



Diana Cote, Executive Director
Alaska Board of Fisheries

Enclosure

North Pacific Fishery Management Council

Stephanie Madsen, Chair
Chris Oliver, Executive Director



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

Telephone: (907) 271-2809

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

April 23, 2004

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APR 26 2004

BOARDS

Mr. Henry Kroll
P.O. Box 526
Kasilof, Alaska 99610

Dear Mr. Kroll:

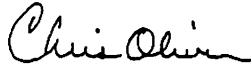
I have received your letter dated April 12, 2004 regarding two subsistence halibut issues. One relates to eligibility to participate in the fishery. Developing eligibility criteria for the halibut subsistence fishery was the most difficult determination for the Council. The Council crafted its own criteria for eligibility to fit the specific needs of the halibut subsistence program using the State of Alaska criteria for determining rural areas in which a subsistence lifestyle may be practiced. The Council also identified that petitions for inclusion on the list of rural places should be directed to the Alaska Board of Fisheries. The Council requested the Board to review proposals and forward its recommendations prior to any Council action on such proposals. The Board noticed its intent to review proposals for inclusion on the list of eligible rural places at its February 2004 meeting. The Board reviewed proposals for six communities and approved two. Four petitions were denied because the communities were located in non-subsistence areas. The information provided by the Board to the Council does not reflect that a proposal for inclusion of Tuxedni Bay had been received; however, the Board will accept new proposals through October 2004 for its next review cycle. Diana Cote, the Board's Executive Director, may be reached at 465-6095 for additional information.

The second issue addressed in your letter pertains to the Council's recommendation in 2003 to extend the southern boundary of the Anchorage/Matsu/Kenai non-subsistence area to a line extending across the entirety of Cook Inlet along latitude 59 E30.40' N. The Council took this action upon recommendation of the Board of Fisheries, to address concerns about localized depletion of halibut due to the potential of increased fishing pressure from an easily accessible road system. The Council noted that subsistence harvest of halibut would be prohibited in all areas of Cook Inlet-north of this adopted boundary and that the areas open to subsistence halibut fishing are sufficient to meet the needs of eligible participants. The Council recognized that some participants may incur additional transportation costs to access open waters, but determined those costs were warranted for halibut conservation. It also noted that the 2-fish sport daily bag limit could be used to feed Alaska families.

The Council's action on the Cook Inlet boundary has now been forwarded to the Secretary of Commerce, who has ultimate authority for making the proposed change. NMFS staff is currently preparing the proposed rule for the action, which also will have a public comment associated with it. The comment period is likely to occur in late spring too early summer. Mr. Alfred Cook, NMFS-Alaska Region, may be reached at 586-7425 for more information.

I understand that your application and appeal to NMFS were denied in 2003, and I also can understand the difficulties imposed on you by these new regulations. However, further review of your case is still available through the Board of Fisheries process, as noted above. In the meantime we will distribute your letter to our Council members as well. Please contact Jane DiCosimo on my staff if you have further questions.

Sincerely,



Chris Oliver
Executive Director

cc: Dr. James Balsiger
Mr. Ed Hein
Ms. Diana Cote

ALASKA LONGLINE FISHERMEN'S ASSOCIATION
403 Lincoln Street Ste. 237 Sitka, AK 99835

September 27 2004

Members of the Council,

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to submit the following comments on Agenda item C-7: Halibut Subsistence.

As we testified in October, ALFA members are concerned that subsistence regulations in 2C are inadequate and have allowed a new fishery to develop under the guise of subsistence. While ALFA members continue to support providing subsistence opportunities to traditional harvesters, we do not support the development of this new fishery.

The ADFG subsistence report indicates that in 2003, 60% of the reported State-wide harvest came out of 2C and 17% came out of the Sitka LAMP. The 2C subsistence harvest increased 20% between 2002 and 2003—or 30% if the sport harvest is included in the 2003 data as it is in the 2002 number. Keep in mind that accounting did not start until May—months after subsistence halibut fishing started. Also that 85% of the 2C harvest was taken with setline gear—gear which was not traditional prior to 2003 because it was not legal. While the reported State-wide harvest may not be cause for alarm, these numbers should be—particularly when members have reason to believe that actual harvest is higher than reported. Clearly, additional measures are needed in these areas to maintain consistency with the Council's goal in specifying a subsistence fishery—to legitimize an existing fishery, not create a new one--and to prevent the localized depletion the Sitka LAMP was created to address.

The Council needs to recognize that the halibut subsistence fishery in 2C has provided a loophole for people wishing to fish outside the IFQ halibut program. The abusers of this loophole are not traditional subsistence fishermen; they are people who are exploiting the opportunity for commercial gain. ALFA believes that the Council should accommodate traditional subsistence harvesters through the community harvest permit system, while severely limiting other subsistence opportunities in 2C.

With this in mind, ALFA urges the Council to approve measures contained in the regulatory amendment package before you that move the fishery back to what it was intended to be: a subsistence fishery. Monetary exchange should be prohibited, along with the use of charter vessels during the summer months. A possession limit equal to two daily bag limits should be implemented. And customary and traditional trade should be more narrowly defined to eliminate existing abuses. Again, harvesters operating under the community harvest permits should be allowed more lenient hook and bag limits.

ALFA supports implementation of the measures developed by the Sitka Halibut Work Group for the Sitka LAMP. Two years of subsistence fishing in the Sound undid the

stock recovery observed since implementation of the LAMP. The measures were carefully developed through a consensus process and should be adopted in their entirety.

For the rest of 2C, ALFA urges the Council to adopt reduced hook and bag limits and to prohibit the use of power hauling during the summer months. While it may not be appropriate to apply the same measures developed for the LAMP, the data indicates that subsistence provisions in 2C need to be tightened and should fall within the range between measures currently in place and those proposed for the LAMP.

In closing: while ALFA members continue to support halibut subsistence opportunities, we maintain that the subsistence halibut fishery in 2C and the Sitka LAMP in particular is developing into a new and significant fishery. We are concerned about localized depletion of halibut, rockfish and lingcod stocks, as well as abuses of the halibut IFQ program. Again, we do not believe traditional harvesters are exploiting the system, but we do recognize that the system is being exploited. We urge the Council to take all possible steps to hold this fishery to the intent of legitimizing an existing fishery, not creating a new one. For these reasons, ALFA urges the Council to adopt the proposed changes for Sitka Sound, as well as more restrictive measures for 2C that include reduced hook and bag limits as well as a prohibition on power hauling during the summer months.

Thank you for the opportunity to comment.

Sincerely,

Linda Behnken
(Director, ALFA)

To: 907-271-2817

Nov. 9, 2004
TO:NPFMC

RECEIVED
NOV 29 2004
N.P.F.M.C.

I feel that the subsistence rules for halibut need some drastic tightening up- and changing. It is my opinion that there should be the following changes:

1. No selling of subsistence halibut.
2. There should be some system so that there is accounting for what each individual takes under subsistence so that it is not abused.
3. No one should be able to receive payment for taking others out to harvest their subsistence- like a charter.
- 4.Reducing hook and bag limits.
5. There should be a limit on how much gear can be stacked on one boat.
- 6.Prohibit power hauling.
7. There should be a lower limit than 400 pounds a year- as I feel it is the rarest of families who will consume that much per year and with this high limit is leading to a black market on halibut. If you take the number of actual people who participated in the subsistence fishery and divide it into the pounds harvested the average is 210 pounds per person for 2003. This equates to a bit more than 1/2 pound halibut per day all year per person which is a highly unlikely amount to be consumed so if the allowable limit was 200 pounds per year it would still leave plenty to pass on to others too.

The economic impacts of the subsistence harvest as it is presently are just the tip of the iceberg I feel. The council put all the commercial longliners under IFQ's. The sport fishery is being redirected to this too- The subsistence fishery used to be taken out of the sport fishery- why is it now being wholly taken from the commercial quota and how does the council plan to repay those who have just lost - in the case of 2C 5%of their quota for next year? Why should anyone with a loan on buying IFQ's bother to pay back the 5% they just bought but got taken away? At today's price on quota shares that amounts to about a \$40,000 loss. Is it really legal for the government to create this quota system, which created the sellable shares- allow them to be bought and sold , but then take them away but still make the buyers pay for them even tho they got taken away thru no fault of the buyer? Is the federal government going to pay back those lost amounts to the commercial fishermen? Is the subsistence catch an open ended scale that will be only taken from the commercial quota? Does this mean the figures for the sport harvest in the future will be adjusted down accordingly to reflect the fact that the subsistence numbers are no longer taken from their quota and will it be reflected in their initial allocation of IFQ when it goes to that? It certainly should be removed from their historic catch and added onto the commercial quota if it is going to be taken from the commercial quota in the future!

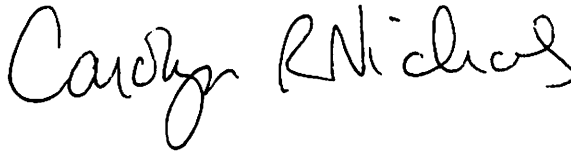
Some accurate accounting of where these numbers of subsistence halibut are being caught and how being used (consumed-traded-sold-etc) needs to be established. I feel that a fish ticket of some kind needs to be generated for subsistence halibut- or a swipe card as in the IFQ system so as to help prevent abuse of this is needed.

Overall I feel subsistence rules need tightening up. This open ended system for one user group against a closed system for others (IFQ's) creates a very unstable situation which will only lead to management problems. The subsistence fishery as it is managed now has led to a whole new fishery that has no limitations on its overall catch and has many participants that prior to the subsistence fishery caught enough halibut for their

own consumption that are now catching large quantities that is given away to friends and relatives in other states. Is subsistence halibut fishing meant to be for the whole United States? I don't think so and feel that this new fishery needs restrictions placed on it to keep it under control. Another idea would be to implement the restrictions for the Sitka LAMP area to all of the subsistence areas. Or at least to all of 2C as it is getting the bulk of the pressure from subsistence fishing.

I hope the council acts on this issue quickly as it is a growing problem.

Thank You
Carolyn Nichols
305 Islander Drive
Sitka, AK 99835

A handwritten signature in cursive script that reads "Carolyn R. Nichols". The signature is written in black ink and is positioned to the right of the typed name and address.

Cordova District Fishermen United

Celebrating 69 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 Telephone 907.424.3447 Fax 907.424.3430

November 30, 2004

Stephanie Madsen, Chair
North Pacific Fishery Management Council

RECEIVED

DEC - 1 2004

N.P.F.M.C.

Madame Chair and members of the Council,

On behalf of the Groundfish Division of CDFU I am providing comments on agenda item **C-8 Halibut Subsistence**.

Members of the CDFU Groundfish Division include owners in the B, C and D vessel classes of the halibut and sablefish IFQ program, but the majority of our vessels are D class fishing primarily for halibut. These D class QS holders fish within Prince William Sound and along the outer coast in the Gulf of Alaska, and their business operations typically combine longlining with salmon gillnetting. Also, some of our members hold SHARC permits as eligible residents from Cordova. Therefore, our membership has a keen interest in the proposed changes to the halibut subsistence regulations.

The CDFU Groundfish Division's positions on the actions and alternatives before the Council are stated below. A discussion of these positions follows.

Action 1. Revise subsistence halibut regulations for gear and harvest.

We support Alternative 1, the "no action" alternative for the Prince William Sound area only, and have no position for changes to other areas

We also support the option to require mandatory retention of rockfish in PWS, and defer to the Council as to whether or not that regulation ought to be adopted by the State of Alaska instead of the Council.

Action 3. Create a subsistence halibut possession limit for Area 2C, and/or 3A, and/or 3B.

We support the option under alternative 2, a possession limit equal to one daily limit.

Action 4. Revise the definition of charter vessels

We support Alternative 3.

Action 5. Revise the \$400 customary trade limit for subsistence halibut by IPHC regulatory area.

We support Alternative 4, but are willing to consider new alternatives that we understand may be forthcoming from the halibut subsistence working group.

We have heard allegations in Cordova that a few individuals are abusing the original intent of restricting the trade of subsistence caught halibut to "customary and traditional exchanges", as well as exceeding the customary trade limit of \$400, and selling halibut into the commercial market. Even though the abuse is not widespread, we remain concerned that difficulties enforcing the provisions of the customary trade limit will allow expansion of commercial activities that clearly were not intended in the development of the subsistence harvest regulations. We encourage the Council to find a way to allow truly traditional and customary exchanges to continue, and at the same time to severely curtail the potential for commercial and for-profit sales of subsistence caught halibut.

Action 6. Allow subsistence halibut fishing in non-subsistence areas under special permits. We support Alternative 1, the "no action" alternative. Alternative 2 is likely to cause confusion and contention about where SHARC permit holders can fish, as well as cause conflict between different user groups in the non-subsistence area around Valdez.

ISSUES NOT INCLUDED AMONG THE ACTIONS BEFORE THE COUNCIL:

1. We believe it is critical to develop an annual subsistence halibut harvest reporting system (including the incidental catch of other species) over the long term. Such a reporting system will help to understand changes in use patterns in Prince William Sound, and will provide valuable information for all user groups when it comes to making decisions about the use, protection and allocation of fisheries resources in Prince William Sound.
2. Although not listed among the alternatives, we also believe that an annual 10 fish limit per SHARC permit holder is appropriate for PWS. This is consistent with current harvests per permit holder, and at an average net weight of 22.7 lbs per fish (for Area 3A) this amount equals 227 pounds of fish for each permit holder.

DISCUSSION

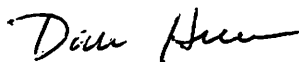
In past comments to the Council and the Board of Fisheries we have supported a five hook gear limit in PWS. Given the number of eligible SHARC permit holders in Cordova, we believed that a 30 hook limit with provisions for stacking 3 gear limits per vessel would lead to significant increases in harvest rates of halibut and incidental catches of rockfish greater than the limits allowed under previous regulations. We felt this would increase the potential for problems of local depletion of halibut and rockfish, and associated conflicts between sport, commercial and subsistence users in the area. In addition, no clear need for the change in legal gear for the subsistence take of halibut was demonstrated. Subsistence needs appeared to be met under the previous two-hook limit, notwithstanding some indications that traditional practices included the use of short sets of longline gear.

However, in light of the Prince William Sound subsistence catch and effort data reported in "Subsistence Harvests of Pacific Halibut in Alaska, 2003" (ADF&G Technical Paper No. 288), and the lack of more specific data regarding conservation concerns for rockfish and lingcod in the Council analysis, we are no longer certain that reducing hook limits is necessary. More specifically, we think it is reasonable to maintain hook limits at the current level, and to address the incidental catch of rockfish and lingcod by other means, such as mandatory retention regulations, and improved enforcement and catch reporting.

We understand the reasons for ADF&G's general concerns about the potential for overfishing, and we support measures to improve catch reporting and to better understand the status of fish stocks in Prince William Sound. We also realize that the catch and effort in the subsistence halibut fishery in 2004 is likely to be greater than in 2003 as more fishermen adopt the use of setline gear. However, we have not been convinced that the risk of retaining a 30 hook limit is as great as ADF&G believes, given the data available to us. Just as new entrants into the commercial longline fisheries have learned to avoid rockfish, and abide by new regulations, so can the subsistence halibut fishermen. Local knowledge and anecdotal information indicate that the enforcement of customary trade and barter regulations and the prohibition against selling subsistence caught halibut into the commercial market are more problematic than the overharvest of halibut, rockfish or lingcod. We believe that the proper enforcement of regulations will help to ensure that the subsistence harvests are truly self-limiting.

We also understand that the legal issue of maintaining consistency between federal and state regulations may make it difficult to retain the 30 hook limit, and that this is critical to implementing regulations that will stand over time. However, the extent to which this issue really will impact Council's decision regarding hook limits is not clear to us; the threat of "legal problems" associated with particular policy decisions is often hard to discern or understand. If this legal issue is truly a determining factor, we ask that the Council provide clarification for the public when action is taken on this package of regulatory amendments.

Thank you for considering our comments.



Dan Hull, Co-Chairman
CDFU Groundfish Division



**T
H
B** **BOAT COMPANY**
Wilderness Adventure Tours

Captain Joel Hanson
417 Arrowhead Street
Sitka, AK 99835
(907) 747-9834
joelh@theboatcompany.com

December 1, 2004

Chair Stephanie Madsen and Council Members
North Pacific Fisheries Management Council
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Subsistence Halibut

Dear Chair Madsen,

The Boat Company (TBC) continues to have concerns regarding existing and proposed new Subsistence Halibut regulations. We would appreciate your consideration of the following arguments during your December meeting in Anchorage.

We feel that there is a problem when commercial fishermen are allowed to intermix subsistence halibut with commercial catch of other species. Unless this problem is corrected NOW, the Council will surely have to address increased claims in future of localized halibut depletion, similar to those the Council is now hearing from fishermen in Area 2C.

TBC realizes, of course, that current regulations prohibit commercial fishermen from intermixing subsistence halibut with commercial catch of halibut, except in the case of undersized halibut in Areas 4D and 4E. We totally approve of these current rules. But they do not address or attempt to fix a separate problem, which lies in the fact that subsistence halibut harvests are being intermixed with NON-HALIBUT commercial catch, such as salmon, shrimp, Dungeness crab, sea urchins, etc. This kind of intermixing should also be generally prohibited. Here is the reasoning:

Prior to implementation of the current subsistence halibut provisions, if a commercial salmon, crab, shrimp, or sea urchin fisherman wanted to take some fish home for his family and friends, he simply hung-on to some of his commercial catch when he unloaded at the dock. This may have meant he would get a smaller check from the buyer, but at least his family and friends would have fish in the freezer if they needed it. NOW, under current subsistence halibut regulations, a commercial salmon seiner or Dungeness crabber no longer needs to hang on to a portion of his commercial catch in order to fill his freezer, he merely needs to set and haul some subsistence halibut long line gear while he is out conducting his normal commercial activities, and voila: he gets to sell every bit of his commercial catch when he gets back to the dock, PLUS he gets to take home as much halibut as he could possibly want. If he catches more halibut than he can use himself, Bravo!...he can fill his neighbor's freezer; and his sister's freezer; and her husband's cousin's freezer; too, when he gets home. What a deal!

The Boat Company
December 1, 2004

NPFMC Subsistence Halibut Comments

Page 2 of 3

When we look at it this way, *current subsistence halibut regulations actually serve to provide a financial incentive for qualified commercial fishermen to participate in the program.* Fishermen can now avoid the age-old practice of setting-aside some commercial catch to meet subsistence needs. Instead, they can sell all of their commercial catch and still take home subsistence catch.

Even if a fisherman has no need for halibut himself, he may very-well want to take advantage of the subsistence halibut program because it makes it possible for him to treat his friends and neighbors to gifts of fish. It's a simple equation: people are happier when they can make their friends happy. Thus, if regulations make it possible for a licensed commercial salmon or crab fisherman (and all crewmembers) to treat friends at home to gifts of halibut at no cost to the commercial operation, those regulations, in effect, offer a considerable social incentive for commercial fishermen to participate. Commercial fishermen can now be lavish gift-givers, whereas, previously, they may have been somewhat more restrained in their willingness to pass-out portions of hard-earned commercial catch.

TBC believes this new circumstance may be the single biggest problem with the current subsistence halibut regulations and, unless it is corrected soon, fisheries managers will soon discover that the level of participation in the subsistence program by commercial fishermen has become totally disproportionate to the actual subsistence needs of the individuals involved. This over-participation will inevitably lead to undesirable localized depletions of the resource, particularly in areas where a large number of commercial fishermen operate, like in Southeast Alaska Area 2C.

It would be unfortunate for the Council to misinterpret the cause of such localized depletions, perceiving incorrectly that the problem can be fixed through subsistence gear restrictions and reductions in daily bag limits alone. In fact, such actions will primarily serve to make it considerably more difficult for tribal members and rural residents to meet their needs for subsistence halibut...while only marginally inhibiting overall harvest rates by commercial fishermen. Rural residents and tribal members are not the problem here, but they will be the victims if the Council implements regional or local hook limits for subsistence gear or reduces the daily subsistence bag limit to near sport fish levels.

I have been a commercial fisherman (20 years halibut long-line, shrimp pot and salmon troll) and I have lived remotely in Southeast Alaska (18 years on a State land lottery parcel at the south end of Wrangell Island) so I understand what it means to have both commercial interests and subsistence needs. I live in Sitka now, and sold my boat and commercial permits some years ago to begin my current work with The Boat Company. If I still owned my boat and permits, however, I would surely be tempted to set a subsistence halibut long line while I was out trolling or shrimp potting. It would make sense for me to do so, since it would only involve a small amount of extra effort and the potential benefits would be so substantial. I would not NEED to do so, however, since I could always just retain a portion of my commercial catch in order to meet my non-commercial take-home requirements. At the end of the season, if I still felt a need to put more fish in my freezer (or my sister's or neighbor's freezer), I could always take my boat and head-out on a dedicated subsistence halibut fishing trip to see if I could meet my subsistence needs.

The Boat Company
December 1, 2004

NPFMC Subsistence Halibut Comments

Page 3 of 3

TBC believes that, yes, regulations should strive to ensure that Alaska Native tribal members can continue to carry-out customary and traditional practices; and, yes, rural residents and tribal members alike should be allowed to set short skates of subsistence halibut gear. We also concede that there may be special considerations for some areas, such as 4D and 4E, where Council may see fit to tailor exceptions and allow the retention of undersize commercial halibut as subsistence catch. Otherwise, we feel commercial fishermen should be prohibited from intermixing any species of commercial catch with subsistence caught halibut. We feel that commercial fishermen have other options beside setting short skates for halibut while they are out commercial fishing...they have the option of retaining a portion of their commercial catch when they get back to the dock. This is their tradition!

It is our hope that this matter may be attended-to during the Council's Subsistence III final action at this time. The corrective regulatory language would be easy for NMFS to prepare on short-order under the 'prohibitions' section found in 50 CFR 300.66 (h) which could read something like, "...it is unlawful for any person to....Retain, on board the harvesting vessel, halibut harvested from subsistence fishing with halibut harvested from sport fishing or with any species of fish or shellfish from commercial fishing..." In lieu of this, it is our hope that the Council will at least discuss and come to understand the nature of this problem, and avoid the adoption of measures which, though intended to resolve possible localized depletion problems such as we are apparently experiencing here in Southeast, in fact will only serve to hurt subsistence harvesters.

Thank you for your consideration.

Respectfully,



Captain Joel Hanson
TBC Alaska Affairs Liaison

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 fair 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

Nov 15 04

David E Hashagen

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DEC - 1 2004

N.P.F.M.C.

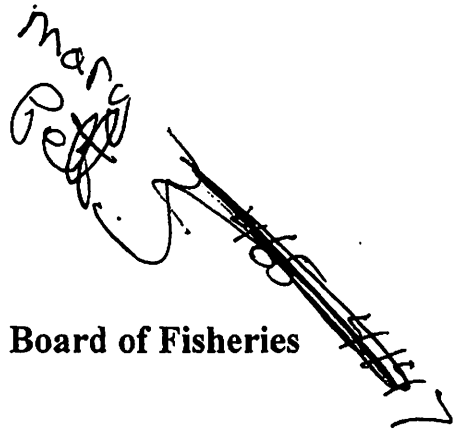
ATTN:

Jane DiCosimo

please find my petition I sent to
the ADFG Board!

No place Dose it say I Live in a
Flat 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
inspired I Retanked my fish hold (2 months)

Mary
Pett


A Report to the Alaska Board of Fisheries

on

Subsistence Halibut Fishing Eligibility Appeals, 2004

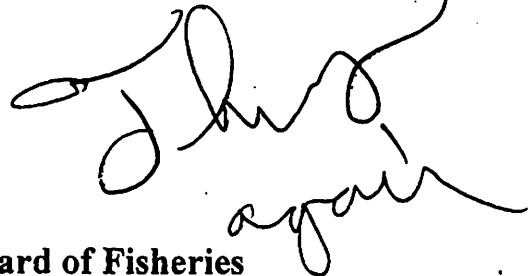
by

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

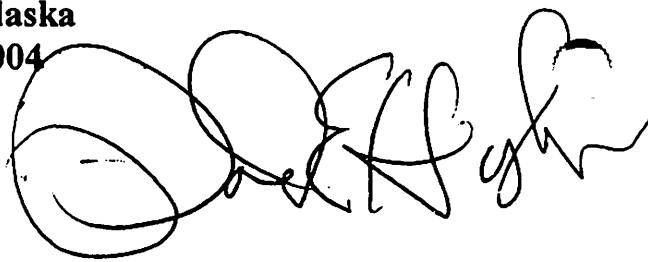
~~Some of the appeals will~~

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

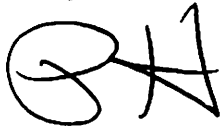
I hope this will clear up
some of the miss'information the Council got



**Alaska Board of Fisheries
Anchorage, Alaska
February 2004**

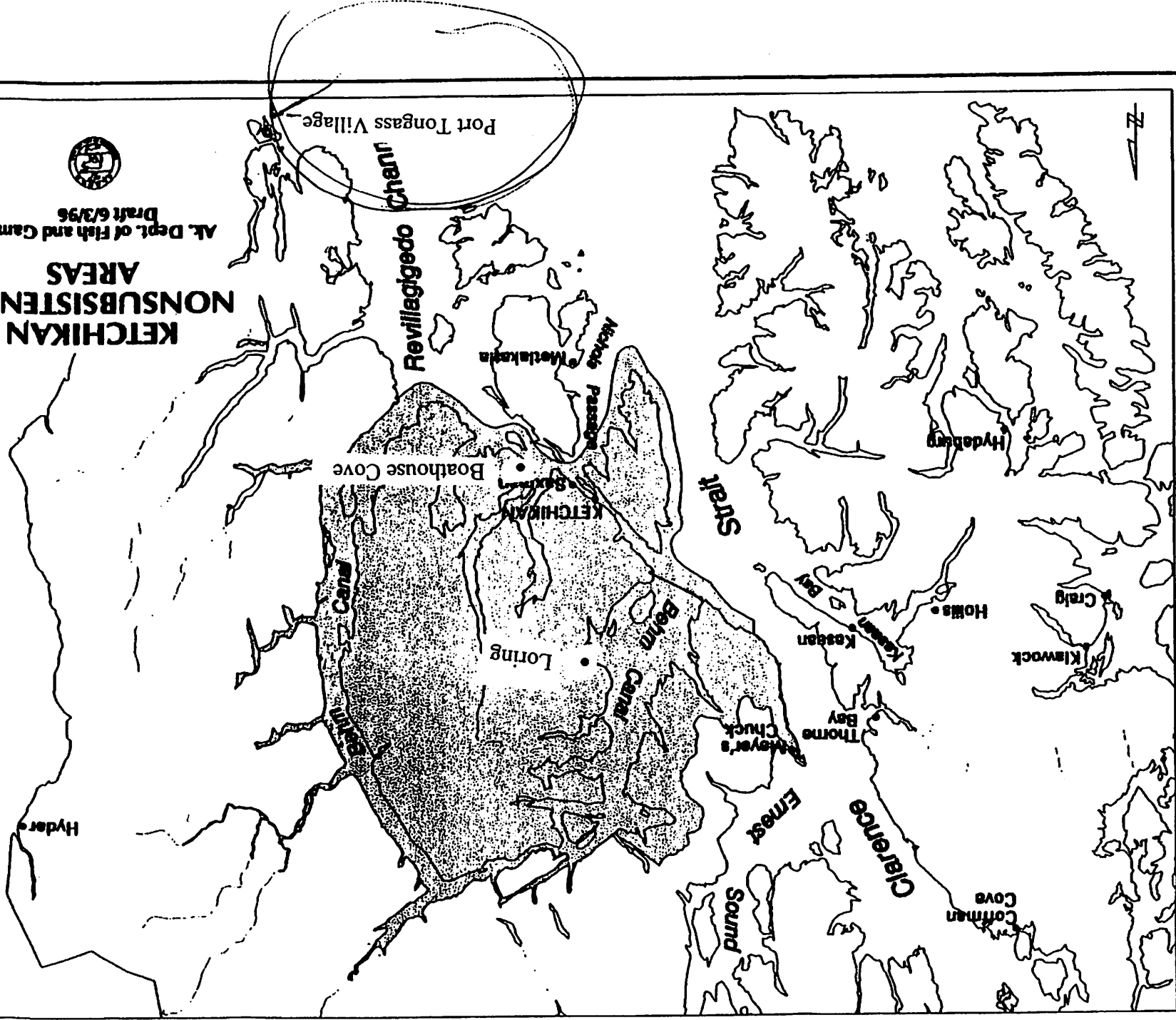


Could you
Please give this
copy to each
Council members



KETCHIKAN NONSUBSISTENCE AREAS

Al. Dept. of Fish and Game
Draft 6/3/96



Port Tongass Village

1-OF 3

Supplemental Information
To Board of Fisheries

ATTN: Boards support section

ATTN: Diana Cote Executive Director

ATTN: Art Hughes Pub. Tec. II

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

1 # NOAA. Chart # 17437 with village
site marked (X), NOS survey Date
Land use Permitt 1900-1939 (see enclosed source char
Permitt N Las. 24389 marked * APX 52 miles South
Dec 1 03 of Ketchikan 1/2 mile north of
To Dec 1 08 Canada Boarder.
Enc

PS 5 of 14 H-2

2 # state of Alaska + Corps of
engineers Permitt + Additional Info.
Inc 2 state letter
Corps engineer. Permitt Approval
State approval & A Dec 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 have my mail service at Ketchikan as I have no mail service here. I can all my food + smook 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 Commercial Fished (Salmon Gillnett) (shrimp pot) + Traped from my float at Port Tongass site since approx 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 ^{CFEC}

I have become a Full Time Res. at Port

3 of 3 Port Tongass Village

Village site after I raised my family and they grew up and are ~~on~~ ~~own~~ on their own. I raised them at Bennett 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 substantial Halibut + Salmon Ruel User + Port Tongass village site
I hope 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
PO Box 9311
Ketchikan
AK. 99901

ATTN:
David Benton

RECEIVED

MAY 27 2003

N.P.F.M.C

S!

we are writing you today
as we have been told that (Post
Tongass village) is ~~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

with you

DoE Hahn

pg. 4 of 14 H-2

Henry Kroll
Po Box 526
Kasilof, Alaska 99610

RESIDING AT: TUXEDNI BAY

April 12, 04

RECEIVED

APR 14 2004

N.P.F.M.C.

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

Dear Sirs:

I have been informed that the organization you work for has closed all of lower Cook Inlet including Tuxedni Bay for subsistence caught halibut—the reason stated for this closure is there is no history of subsistence fishing in the area.

Did you or your organization bother to investigate or even ask if there had been subsistence fishing in the area?

When were you going to inform me of this closure?

When were you going to answer my subsistence appeal?

I have written to you repeatedly about my appeal. Why don't you answer me? Why are you ignoring me? Is it because you know I am right and you are wrong?

Do you people have some kind of agenda to close down subsistence halibut fishing in Cook Inlet no matter what?

Enclosed is a picture of me with subsistence-caught halibut in Cook Inlet and at Sung Harbor cannery. I used a 16-foot skiff to pull half a skate of ground line with fifty or so halibut hooks. I did this between salmon fishing periods. I used an old cable spool with a pole through the middle and lashed to the guardrails of my skiff on each side. The ground-line ran through a snatch block bolted to a 2X4 sticking up in the bow. I nailed sticks on one side of the spool to turn it.

I am not the only person to do this. David Foye is also an avid subsistence halibut fisherman and several others in Tuxedni Bay. They fish halibut and crab to feed their families. Why are you taking food out of people's mouths?

Sincerely,

Henry Kroll
Henry Kroll

CC North Pacific Fisheries Management Council
605 W 4th Suite 306
Anchorage, Alaska 99610

with in nonsubsistence use area

Time: 10:23a

ACTION: fails ²⁻⁵ *win*

DATE: 11/17/04

To: 907-271-2817

Nov. 9, 2004

TO:NPFMC

I feel that the subsistence rules for halibut need some drastic tightening up- and changing. It is my opinion that there should be the following changes:

1. No selling of subsistence halibut.
2. There should be some system so that there is accounting for what each individual takes under subsistence so that it is not abused.
3. No one should be able to receive payment for taking others out to harvest their subsistence- like a charter.
4. Reducing hook and bag limits.
5. There should be a limit on how much gear can be stacked on one boat.
6. Prohibit power hauling.
7. There should be a lower limit than 400 pounds a year- as I feel it is the rarest of families who will consume that much per year and with this high limit is leading to a black market on halibut. If you take the number of actual people who participated in the subsistence fishery and divide it into the pounds harvested the average is 210 pounds per person for 2003. This equates to a bit more than 1/2 pound halibut per day all year per person which is a highly unlikely amount to be consumed so if the allowable limit was 200 pounds per year it would still leave plenty to pass on to others too.

The economic impacts of the subsistence harvest as it is presently are just the tip of the iceberg I feel. The council put all the commercial longliners under IFQ's. The sport fishery is being redirected to this too- The subsistence fishery used to be taken out of the sport fishery- why is it now being wholly taken from the commercial quota and how does the council plan to repay those who have just lost - in the case of 2C 5% of their quota for next year? Why should anyone with a loan on buying IFQ's bother to pay back the 5% they just bought but got taken away? At today's price on quota shares that amounts to about a \$40,000 loss. Is it really legal for the government to create this quota system, which created the sellable shares- allow them to be bought and sold, but then take them away but still make the buyers pay for them even tho they got taken away thru no fault of the buyer? Is the federal government going to pay back those lost amounts to the commercial fishermen? Is the subsistence catch an open ended scale that will be only taken from the commercial quota? Does this mean the figures for the sport harvest in the future will be adjusted down accordingly to reflect the fact that the subsistence numbers are no longer taken from their quota and will it be reflected in their initial allocation of IFQ when it goes to that? It certainly should be removed from their historic catch and added onto the commercial quota if it is going to be taken from the commercial quota in the future!

Some accurate accounting of where these numbers of subsistence halibut are being caught and how being used (consumed-traded-sold-etc) needs to be established. I feel that a fish ticket of some kind needs to be generated for subsistence halibut- or a swipe card as in the IFQ system so as to help prevent abuse of this is needed.

Overall I feel subsistence rules need tightening up. This open ended system for one user group against a closed system for others (IFQ's) creates a very unstable situation which will only lead to management problems. The subsistence fishery as it is managed now has led to a whole new fishery that has no limitations on its overall catch and has many participants that prior to the subsistence fishery caught enough halibut for their

RECEIVED
NOV 23 2004
N.P.F.M.C.

November 29, 2004

Dear Chairman Madsen and Council Members,

I am writing to comment on Halibut Subsistence III. I urge the NPFMC to support Action 1, Alternative 2(d) and the option to extend these limits to all of 2C.

I am concerned with the rapid growth in the 2C subsistence fishery for halibut. In 2003 this catch was estimated at nearly 700,000 lbs – 6% of the commercial IFQ for 2C. The halibut resource is limited and it is likely that the stock (and quota) will decrease in the near future. If the new subsistence fishery continues to expand it will have a significant negative economic impact on coastal communities in 2C. The NPFMC implemented subsistence fishery regulations to recognize traditional use, not to sanction a new use of a fully utilized resource. The commercial longline fishery for halibut is also a traditional fishery, having existed in SE for over 100 years.

The NPFMC needs to take action now to protect the true traditional uses of the halibut resource (both commercial and subsistence) by limiting increased harvest in subsistence fisheries that are non-traditional. The proposal under Alternative 2 (d) moves in this direction by limiting power hauling and decreasing hooks and bag limits. These actions need to extend beyond the Sitka LAMP into all 2C. Most of the increase in subsistence harvest has occurred in 2C, which has a relatively small quota. The subsistence catch in 2C is more than double that of 3A, but the 3A quota is much greater than 2C. Subsistence catches in western Alaska, a region that largely depends on subsistence, is relatively minor. Obviously 2C needs different regulations than the rest of Alaska.

Ideally, NPFMC should implement annual limits for 2C such as those proposed for Kodiak. The ADF&G Subsistence Division report shows an average annual catch of 270 lbs of halibut per user. An annual limit of 20 fish would be similar to that amount of poundage. This limit would provide for documented traditional subsistence needs but prevent unreasonable harvest under the guise of subsistence. This protects the resource, local subsistence use, and traditional commercial fisheries. This in turn benefits coastal communities.

Thank you for the opportunity to comment.

Dick Curran
F/V Cherokee
Box 1336
Sitka, Alaska 99825

Nov, 26 2004

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NOV 29 2004

N.P.F.M.C.

To the North Pacific Management Advisory Counsel
605 W 4th Ave, Suite 306
Anchorage, AK 99501-2252

I would to comment on the proposed changes to subsistence halibut in Prince William Sound.

First off, I don't understand why these proposals were made in the first place. So far, by your own survey, there doesn't seem to be a problem, so why are you trying to fix something? Personally, I don't like to fish in the waters near to Cordova that are popular sport fishing locations. This means I have to travel a bit. With the price of fuel, (over \$2.00 locally), it makes sense to try to maximize your effort so you make less trips. Reducing the amount of hooks means we will probably be making more trips to catch the halibut we need. Setting 5 or 10 hooks doesn't make much sense. As it is, I would guess I catch 1 or 2 halibut per 30 hook set. With 30 hooks I can spread them out and cover a lot of ground.

The same thinking goes for stacking gear. If two people go out on the same boat, they save money and resources fishing together. Why not let us fish efficiently and be done with it.

I haven't sold any fish yet to help pay for my fuel, but if I have to make more trips to catch what I need, I might be forced to.

From what I've seen, nobody here in Cordova is abusing this system, none of us wants to catch more fish than they need, or to waste fish. This fishery is self limiting. I have seen no gear conflicts with other fisheries. I don't see a need for a change in the way the fishery is conducted.

That being said, what I wouldn't mind seeing is a reporting system like we use with subsistence salmon here. Having us clip the fins, and writing down the # of fish we have retained before returning to port would be no bother, and would help stop any abuse that you think might be going on. It would also make it easier for law enforcement to enforce the rules.

In closing, I would be more in favor of a reduced bag limit to 10 or 15 fish, than a reduction in the amount of gear used, which is already minimal. Don't make us spend more money and use more fuel to catch our subsistence fish.

With Regards,
Rick Bray
PO BOX 1895
Cordova, AK 99574
(907)424-5506



RECEIVED
NOV 29 2004
N.P.F.M.C.

November 29, 2004

Charles E Wilber
F/V Alexa K
705 Etolin
Sitka, Alaska 99835
cwilber@pci.net

To NPFMC,

I am a subsistence and IFQ harvester of Halibut in Area 2C. I strongly urge the Council to limit the subsistence fishery in 2C.

60% or 627,476 # of the subsistence Halibut harvest were caught in 2C during the 2003 season (2004 should be even greater). Therefore; approximately 5% of the 2C commercial IFQ was lost to the subsistence fishery in just one year! The incredibly loose regulations for the subsistence fishery need to be tightened up.

Reducing the daily limit from 400#/day and reducing the number of hooks would be a good start. Our family of 4 consumes 200-250 lbs of Halibut a year. Allowing 400# per day per family encourages abuse and promotes illegal trafficking. By allowing this increasing volume of subsistence Halibut harvesting to continue, the Council threatens the viability of Halibut stocks for both the Commercial and Subsistence fisheries in the 2C area. Thanks for considering my concern about this dilemma.

Yours truly,

Charles E Wilber



F/V Alexa K

----- 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 actually 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!?

November 30, 2004

Dear NPFMC Members:

My family and I commercially fish in areas 2C and 3A and subsistence fish in the Sitka area.

We support Alternative 2d for the Sitka LAMP. It should also apply to all of areas 2C and 3A.

In the Sitka area, the biggest users of the subsistence resource are Coast Guard personnel and the large charter fleet and their clients. These people should not be entitled to the privilege of using and abusing the subsistence resource. Perhaps the Sitka LAMP should be considered for closure to subsistence in the future.

Other actions of the council we would support are Action 3, Alternative 3; Action 4, Alternative 3; Action 5, Alternative 4; and Action 6, Alternative 1.

Thanks you for your time in reading our comments.

**Walter C. and Megan R. Pasternak
F/V Christi-Rob
Box 830
Sitka, AK 99835
907-747-5943
mwpstnk@ptialaska.net**

Nov. 30, 2004

Hello Madam Chair , and members of the North Pacific Fisheries Management Council.

It is my hope that you will adopt changes that will reduce, what to myself and many commercial halibut fishermen, is an exorbitant amount of subsistence halibut taken in area 2C.

I saw no provision in the list of alternatives assigning an annual subsistence limit for harvesters. I firmly believe an annual limit for areas 2C and 3A is essential to prevent further increases in halibut subsistence take which now exceed what the commercial halibut fishery should be expected to compensate for.

I support alternative 2d for the Sitka LAMP, and would like to apply it to all of area 2C.

I support action 4 alternative 3 restricting charter boat harvests to owners and families only.

I oppose the monetary exchange of subsistence halibut, and I support action 5 alternative 3.

I'd be pleased if the Council adopts regulations that prevent an open ended re-allocation of halibut.

Many of us were convinced three years back, that statewide halibut subsistence regulations would not suffice. Regionally distinct regulations make good sense.

Thank you for your consideration,

Richie Davis
2347 Kevin Ct. Juneau Alaska 99801

Nov 28,

North Pacific Fishery Management Council

I have observed a lot of abuse of the subsistence halibut fishery in the area around Throne Bay, Pottman Cove and Ketchikan.

A lot of these subsistence users are catching a lot more fish than they can sell process, or give away. The longline gear that is being used looks to be a lot more than 30 hooks, and some have been left in the water for a number of days unattended.

Allowing subsistence users to sell halibut is really getting out of hand. Its creating a completely new commercial fishery to the detriment of sport fishermen, charter boats, and I.F.Q. holders.

There is no problem with those who need it, but there should be an income limit for subsistence users. There also needs to be an accounting system such as permits for specific time periods, and postage. The "customary Trade" allowance and cash reimbursement should be eliminated.

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DEC - 1 2004

N.P.F.M.C.

Thank you

Leonard Beach

Box 6017 Ketchikan

AK 99901

PH. 225-5894

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

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OCT 21 2004

N.P.F.M.C.

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

Nov. 29, 2004

To : NPFMC
605 West 4 th ave., Ste. 306
Anchorage, AK 99501-2252

RECEIVED

DEC - 1 2004

N.P.F.M.C.

Re : Rural Eligibility

Dear Council,

I would like to petition the North Pacific Fisheries Management Council to have my community of Halibut Cove added to the list of eligible rural communities for subsistence halibut fishing.

We are a roadless rural community and are eligible for community halibut quotas.

Sincerely,



Kathryn McNevin
PO Box 6446
Halibut Cove, AK 99603

November 30, 2004

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

REC-1D
DEC - 1 2004
N.P.F.M.C.

Re: Comment on agenda item C-8, December 2004 meeting, Halibut Subsistence

Council members,

Please adopt Alternative 1, no change, when considering gear and catch limits for halibut subsistence fishing in the Kodiak road zone. I oppose reducing the gear limit and establishing an annual harvest limit for the following reasons.

- 1) The problem statement supporting action addresses concern for local depletion of rockfish and lingcod. However, the bycatch of those species in the Kodiak road zone is very low. The SHARC survey by ADF&G showed 112 lingcod and 856 rockfish in 2003. That is less than 10% of the commercial and sport harvest. It doesn't seem right to restrict the halibut opportunity because of these few rockfish.
- 2) The proposed 20 fish annual limit implies a local depletion of halibut resources. That has not been the case as commercial, sport and subsistence harvests have all been relatively abundant. If conservation measures are necessary then all users should share in the conservation burden.
- 3) In my experience you need to set a lot of hooks to catch any fish in the Kodiak road zone. Most of the gear gets covered with starfish and quickly stops fishing.

Thank you for considering my opinion during your deliberations.

Sincerely,



Dave Jackson
Kodiak resident and road zone subsistence fisherman

PUBLIC TESTIMONY SIGN-UP SHEET FOR 12-11-04

AGENDA ITEM C-8 Halibut Subsistence

	NAME (PLEASE PRINT)	AFFILIATION
1		
2 ³	Bert Bergman	Seabed Producers Co-op.
3 ⁶	TOM McLAUGHLIN	SEAFARM PRODUCERS COOP
4 ⁶	DAN FALOWY	ALFA
5 ⁶	Pat, Schulerberg ^(handwritten)	Time Unlimited Sourd Trout
6 ⁶	Pat Norman	Cook Inlet Lake Port Graham
7 ⁶	John Littlefield	SERAC of PERSONAL
8 ⁶	Mike Miller	Sitka Trout
9 ⁴	Mac Ormest	Klawock Co-op. ASSOCIATION
10 ⁶	Iver Malutin	Kodiak TRIBE NATIVE ASS.
11 ⁶	McH tookesh	ANISHNAB + ANISHNAB TRIBE
12 ³	Sty Starkey	ANISHNAB
13 ⁶	Bob Alverson	FVUA Seattle
14 ³	GERRY MERRIGAN	SELF - 200 Morrison
15	Eric Chrome Eric Chrome	PVOA
16	Bob Storrs	Unalaska Nat. Fish. Assn.
17		
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on 12-10

on 12-10

Jun AREA ASS.

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.



Chugach Regional Resources Commission

**Testimony of Patty Brown-Schwalenberg, Executive Director
Chugach Regional Resources Commission
to the North Pacific Fisheries Management Council**

December 11, 2004

Madam Chair and Members of the Council:

Thank you for the opportunity to provide testimony to the North Pacific Fisheries Management Council regarding the proposed actions affecting the Subsistence Halibut regulations.

I represent the Chugach Regional Resources Commission (CRRC), a Tribal nonprofit organization comprised of the seven Tribes located in Prince William Sound and Lower Cook Inlet. CRRC was formed by the Tribes to collectively address mutual concerns and issues regarding stewardship of the natural resources, subsistence, the environment, and to develop culturally appropriate economic projects that promote the sustainable development of their natural resources. As such, we offer the following comments.

There are four villages within our organization that are affected by these proposed actions: Tatitlek and Chenega in Prince William Sound, and Nanwalek and Port Graham in Lower Cook Inlet. These communities have long depended upon the marine resources, including halibut, for their livelihoods, for subsistence as well as commercially. We are also a member of the Alaska Native Halibut Working Group, and have worked cooperatively with the National Marine Fisheries Service to develop regulations that most accurately reflect the traditional fishing practices of the Tribes who depend upon this resource for subsistence. It is unfortunate that the actions before the Council today totally erode what we have worked so long and hard to establish. Not to mention that these proposed actions are not based on sound science, but appear to stem from emotions and gloom and doom predictions.

Proposed Action 1, Alternative 2 would reduce the allowable number of hooks from 30 to 5 or 10 in Prince William Sound and Cook Inlet, the Kodiak road zone, and Chiniak Bay, and establish a 20 fish annual limit in the Kodiak road zone. This action is unnecessary, particularly due to the fact that these recommendations were made two years prior to the new subsistence regulations came into effect and before there were any data available on participation and harvest in the subsistence halibut fishery.

Chenega Bay

Eyak

Nanwalek

Port Graham

Qutekcak
Native Tribe

Tatitlek

Valdez Native
Tribe

The CRRC worked cooperatively with the Alaska Department of Fish & Game Subsistence Division on a subsistence harvest study in Prince William Sound and Cook Inlet earlier this year, collecting data on 2003 harvest levels. Studies were also done in other areas of the state as well. The overall study results clearly show that the participation levels and conservation concerns expressed by the Board of Fish are nonexistent. The study shows that there were only 4,935 individuals who actually participated in this fishery statewide, as opposed to the 82,000 anticipated by the Board of Fish.

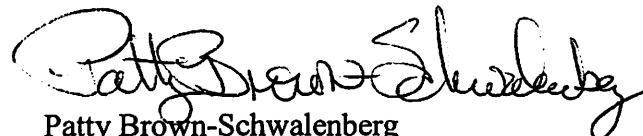
In Prince William Sound specifically, the 2003 harvest was 773 rockfish by 63 subsistence halibut fishers. The sport harvest in this same area was 17,888 fish and the commercial harvest was 47,494 pounds during this same time period. Likewise, in Cook Inlet the 2003 harvest was 817 rockfish by 37 subsistence halibut fishers. The sport harvest in this same area was 37,656 fish and the commercial harvest was 92,349 pounds during this same time period. It is important to note, that the Board of Fish found that 7,500-12,500 rockfish in Prince William Sound and 750-1,350 rockfish in Cook Inlet was reasonably necessary for subsistence used in these respective areas, far more than what was actually harvested.

It should also be noted that subsistence fishers retain incidental harvests of rockfish for subsistence use. They are not discarded or wasted. Further, Division of Subsistence studies have shown that most subsistence harvests of rockfish take place with hand lines, not long lines. Halibut is a key subsistence resource and to reduce the number of hooks so dramatically will severely limit the ability of subsistence fishers to provide food for their families.

Rather than change the regulations now with no scientific evidence to support such changes, we recommend that the Council consider supporting additional collaborative research between state and federal management agencies and members of the Alaska Native Subsistence Halibut Working Group to document subsistence harvest of rockfish and traditional ecological knowledge about rockfish on a continuous basis.

Thank you for the opportunity to provide these comments and if you have any questions, I'd be happy to answer them at this time.

Respectfully submitted,



Patty Brown-Schwalenberg
Executive Director

C-8 Pub. Test. handout
12-11-04 2:30p
Sky Starkey ANSHWG

Alaska Native Subsistence Halibut Working Group's Comments on Actions before the NPFMC during its December 11, 2004 Meeting

Action 1: Revise subsistence halibut regulations for gear in Areas 3A and 2C.

The ANSHWG believes that there is no data that supports the gear or bag limit restrictions proposed in Action 1 except for the action in the Sitka LAMP area that has the support of the Sitka Tribe.

The ANSHWG also supports mandatory retention of rockfish by all fishers.

Action 2: Revise the list of eligible subsistence halibut communities.

The ANSHWG support the inclusion of Naukati, but believes that Port Tongass Village, which is really one individual, does not meet the criteria for inclusion.

Action 3: Create a possession limit.

The ANSHWG supports a possession limit equal to one daily bag limit.

Action 4: Revise the definition of charter vessels.

The ANSHWG supports Alternative 3 with the language proposed by the Advisory Panel.

Action 5: Revise the customary trade limit.

The ANSHWG supports eliminating the \$400 limit and limiting customary trade as follows:

- 1) rural residents eligible for subsistence harvest halibut may be reimbursed by other residents of their rural community for ice, bait, food and/or fuel expenses directly related to the harvest of subsistence halibut.
- 2) Members of an Alaska tribe eligible for subsistence harvest halibut may be reimbursed by other members of an Alaska tribe for ice, bait, food and/or fuel expenses directly related to the harvest of subsistence halibut.

Action 6: Allow subsistence halibut fishing in a non-subsistence use area under special permits.

At a minimum, the ANSHWG believes that tribes must be able to fish for halibut in traditional fishing grounds located in non-subsistence use areas under educational and ceremonial permits. The state allows tribes to fish for salmon under educational permits in non-subsistence use areas, and there is a special exception to take deer and moose for Alaska Native ceremonial uses like potlatches. These permits will allow tribes to pass on vital fishing customs and traditions to their youth and catch halibut when necessary to provide this very important food for ceremonial purposes. It is the right thing to do, it is consistent with State practices, and it does not hurt the resource.



Tom McLaughlin C-8 Pub. Test. (out of order)
12-10-04 4:45pm

SEAFOOD PRODUCERS COOPERATIVE

PRODUCERS, PROCESSORS & MARKETERS OF PREMIUM QUALITY SEAFOODS

To: North Pacific Fishery Management Council

From: Tom McLaughlin, President/CEO

Date: December 6, 2004

On behalf of Seafood Producers Cooperative and our several hundred member/owners with a vital interest in Alaska's halibut fishery, we appreciate the opportunity to present our concerns and support for change in the subsistence regulations for Area 2C.

The current subsistence regulations have virtually created a new commercial fishery on an already fully utilized resource, and harvest levels are in excess of what is customary and traditional.

We support alternative 2d for Sitka LAMP, but would urge the council to apply this regulation to all of Area 2C. We would ask consideration be given to reducing the number of hooks per vessel to equal other areas of Alaska. Subsistence halibut harvest in Area 2C is excessive and a 15 hook limit only adds to reducing the most exploited regional resource.

We support mandatory retention of rockfish and the cessation of fishing for that day if the allowable limit of rockfish is caught.

We also urge the following regulatory changes:

- Community and ceremonial harvesters operate under the same gear regulations as individual harvesters.
- We would urge the council to consider establishing an annual fish limit of 10 fish and one subsistence permit per family.
- Commercially licensed vessels be permitted to subsistence fish only for the vessel owner or children of the owner.

We support the elimination of the monetary exchange, which would remove the allowance for receiving cash for subsistence halibut.

Three years ago, SPC and our members expressed our concern to this body, that statewide subsistence regulations would prove disastrous. The exorbitant harvest of subsistence halibut in Area 2C will significantly impair a commercial fishery that provides livelihood for several thousand families. Current subsistence halibut levels are unreasonable, any expansion is untenable.

We urge you to adopt these changes

12-11-04 11:55 am
handout during C-8

DRAFT
NPFMC Enforcement Committee Report

December 2004

The Council's Enforcement Committee met on December 7 with the following members in attendance: Jeff Passer/Kenneth Hansen (NMFS Enforcement), Mike Cerne/Al McCabe (USCG), Sue Salvesson (NOAA Fisheries), James Cockrell (State of Alaska). NOAA GC, ADF&G, and the Committee Chair were unable to attend. At the concurrence of members present, Chris Oliver chaired the meeting. Several members of the public and other agency staff were in attendance. The Committee discussed the following issues:

Halibut Subsistence Regulatory Amendments

- (1) Gear and annual limits in local areas - the Committee recommends that hook limits be established which are consistent across state and federal waters. While enforcement per se is not affected when different limits are established, it creates significant problems for fishermen.
- (2) Possession limit: Although a possession limit equal to one daily limit maybe the simplest to enforce, a limit equal to two daily limits currently is used in other recreational fisheries, and is satisfactory from *one an* enforcement perspective.
- (3) Regarding the definition of a charter vessel, the Committee believes that it is extremely difficult to prove 'hire', therefore it should be vessel based rather than activity based. Alternative 3 as revised does not accomplish the necessary specificity - therefore, the Committee recommends the definition as described on page 64 of the analysis, including reference to licensing by State of Alaska.
- (4) \$400 customary trade allowance - the Committee believes that, while no allowance would be the clearest from a strict enforcement perspective, Alternative 4 refines and clarifies the allowance (geographically and otherwise) such that it provides greater clarity to subsistence fisheries and communities, and facilitates community based compliance efforts, and therefore represents an acceptable compromise relative to enforcement concerns. The reference to FAA regulations need not apply. The Committee assumed that either provision one or two could apply and that both provisions need not be met for compliance. However, the discussion by the Committee on this issue suggests the Council may want to clarify its intent.

EFH Alternative 5B

The Committee discussed the difficulties associated with 'stair-step' shaped open zones, and that overflight enforcement would be very difficult, though given that the restricted areas have not been typically fished, the threat of violation is likely minimal. Creating straightline boundaries will make enforcement more effective. A VMS requirement should also be included to assist enforcement efforts, due to the remoteness of these areas, and the analysis expanded to discuss enforcement concerns. The analyses also would be enhanced by including chart overlays with known coral locations.

Amendment 80

The Committee discussed two specific issues associated with this amendment package, as described on pages 8-9 of the staff discussion paper. The Committee concurred with NMFS Enforcement concerns over enforcing the GRS standard (per Amendment 79) over a two year period. The issues are vessels entering and exiting cooperatives from one year to another, and associated problems such as knowing to whom an enforcement action would apply. The Committee recommends applying the GRS standard over a one-year

period. Specific penalties should be left to the discretion of Enforcement and NOAA GC, on a case-by-case basis.

Regarding the participation of vessels less than 125' in cooperatives, it should be clarified and understood that scale and observer requirements would have to apply to these vessels when fishing in a cooperative; otherwise, Enforcement feels it is impossible to determine a GRS rate for any coop containing vessels not subject to the above-125' LOA requirements.

Enforcement Precepts Paper

NMFS Enforcement and USCG are still finalizing an enforcement precepts paper which will be reviewed by the Committee in February and provided to the Council at that time.

Enforcement Seat on the Advisory Panel

The Committee was asked to discuss a suggestion that a non-voting enforcement seat be specifically added to the Council's AP. While the Committee has no specific recommendation, the following points were raised:

- A recent IG report emphasized the need for enforcement input early in the decision process.
- Issues addressed by the AP would likely be more relevant (in most cases) to advice from NMFS Enforcement than Coast Guard.
- NMFS Enforcement would have to occupy such a seat with various agents, depending on the issue at hand.
- Such input would likely be very beneficial to AP actions, by including enforcement throughout the evolution of all discussions/actions; however, similar input from other divisions of the agency (NOAA GC, NMFS management, Observer Program, etc) may be just as beneficial.
- Current practices, which include advice to the AP on an issue-by-issue basis (from all agency divisions), and regular Enforcement Committee meetings, do provide input to the AP, but could be enhanced by establishing more specific mechanisms for timely and substantive input.

VMS

In October, the Committee briefly discussed an issue raised before the Steller Sea Lion Mitigation Committee - that of the VMS requirement for vessels when pollock, cod, or Atka mackerel fisheries are open, regardless of whether they are fishing for those species. The Committee expressed the position that these requirements did not constitute a significant problem. The Council requested that the Committee provide additional rationale for this position. NMFS Enforcement and USCG provided the following points in this regard (which reflect the Committee discussion in October):

1. VMS is a largely reliable system. In the very infrequent occurrence of equipment failure, NMFS to date, has not required any fishing vessel to cease fishing due to an inoperable VMS unit.
2. There is already a mechanism to remove a permit endorsement, hence the VMS requirement, when targeting a non-VMS species. NMFS will investigate means to improve efficiencies in this process.
3. NMFS/USCG are both promoting the expanded use of VMS. VMS will be part of the crab rationalization program. We have and will continue to advocate its use in future BSAI/GOA rationalization programs as well.

4. NMFS/USCG both have limited assets to enforce an increasingly complex North Pacific fishery management regime. VMS is an excellent tool which helps us to protect the resources of North Pacific. To devise a complex suite of exemptions under the current VMS program would lessen the enforcement efficiencies gained by VMS.

5. Fishing for non-VMS species often takes place in proximity to sea lion no transit areas and there is value in monitoring this activity as well.

6. Understanding that the underlying purpose of current VMS requirements is to protect sea lions (no transit/fishing areas), the program has had a tremendous amount of additional proven benefits to enforcement. Just a few examples include: violations of state/federal waters boundaries, US-Russian EEZ boundary, BSAI/GOA/IPHC management area boundaries (e.g., 3A/3B), and illegal transshipments.

C-8 handout (Staff Jared)
12-11-04 11:00am

**Actions adopted by the Council in April 2002, and reconfirmed in October 2003
under Subsistence II:**

1. Remove gear restrictions in IPHC Areas 4C, 4D, and 4E to mirror the absence of harvest levels in those areas.
2. Legal size halibut would be allowed to be retained for subsistence use by residents of eligible Area 4C, 4D, and 4E communities while CDQ fishing on their own vessels.
3. Stacking up to 3 times the number of hooks on a single unit of gear per trip per vessel would be implemented in Areas 3A, 3B, 4A and 4B, provided that the subsistence users are on board the vessel.
4. Add a vessel limit of 30 hooks and 20 fish to the 30 hook gear limit and 20 fish per day individual limit in Area 2C, excluding the Sitka LAMP area. Stacking of gear and proxy fishing are not permitted. A community harvest permit system would be allowed in eligible Area 2C communities because of these additional restrictions.
5. The Cook Inlet non-subsistence use area southern boundary would be set at 59°30.40'N
6. Longline fishing would be prohibited in a four nautical miles radius extending south from Low Island at 57°00'42 N and 135°36'34 W (inside the Sitka LAMP area).
7. A ceremonial, cultural, or educational harvest permit system would be implemented for Alaska Native Tribes that are eligible for halibut subsistence to conduct cultural/educational camps and for ceremonial purposes. The permit would be limited to a harvest of 25 fish.

DRAFT
12-11-04

Council Motion for Subsistence Halibut

Action 1: Revise subsistence halibut regulations for gear:

Alternative 2:

(a) in Kodiak road zone and Chiniak Bay:

Limit stacking on a single unit of gear per trip provided the subsistence users are on board the vessel to two times the hook limit and provide for a community harvest permit program.

(b) in Prince William Sound:

No Action

(c) in Cook Inlet

No action

(d) in Sitka LAMP

Seasonal gear and vessel limits:

June 1-August 31

15 hooks per vessel

no power hauling

5 halibut per day/vessel

September 1 through May 31

10 halibut per day/vessel

The Council supports mandatory retention of Rockfish

Action 2: Revise list of eligible subsistence halibut communities:

Alternative 2: Add Naukati to the list of eligible communities.

Action 3: Create a subsistence halibut possession limit for Areas 2C, 3A and 3B:

Alternative 2: Possession limit equal to one daily bag limit.

Action 4: Revise the definition of charter vessels:

Alternative 3: A charter vessel is one that is registered as such with the Alaska Department of Fish and Game. Restrict the use of the charter vessel to the owner of record and the owner's immediate family (the owner must be an eligible halibut subsistence user). Prohibit the use of a charter vessel for subsistence halibut fishing while clients are on board. Prohibit the transfer of subsistence halibut to clients.

Action 5: Revise the customary trade limit for subsistence halibut by IPHC regulatory area.

Alternative 4: Eliminate the \$400 customary trade limit.

Subsistence caught halibut may not enter commerce.

Customary trade is limited to:

- 1) Rural residents eligible for subsistence harvest of halibut may be reimbursed by other residents of their rural community for ice, bait, food and/or fuel expenses directly related to the harvest of subsistence halibut;
- 2) Members of an Alaska tribe eligible for subsistence harvest of halibut may be reimbursed by other members of an Alaska tribe for ice, bait, food and/or fuel expenses directly related to the harvest of subsistence halibut.

Action 6: Allow subsistence fishing in non-subsistence areas under special permits:

Alternative 2: Allow the use of educational and ceremonial permits in non-subsistence use areas by tribes whose traditional fishing grounds are located within these areas, with the associated permit limit.