


MEMORANDUM

TO: Council and AP Members  
FROM: Chris Oliver   
Executive Director  
DATE: March 19, 2003  
SUBJECT: Halibut Subsistence

ESTIMATED TIME 2 HOURS
---------------------------

**ACTION REQUIRED**

- (a) Final action on whether to include Ninilchik as an eligible community.
- (b) Review discussion paper on additional communities and discuss next steps.

**BACKGROUND**

Final action to include Ninilchik as an eligible community

In October 2000, the Council adopted a preferred alternative to define halibut subsistence in Alaska; this action is pending Secretarial approval. In April 2002, the Council approved five amendments to the proposed regulations based on recommendations by the Alaska Board of Fisheries (Board). The current proposed action (include Ninilchik as an eligible community) is supplemental to the April 2002 EA/RIR and would thus become the sixth proposed regulatory amendment prior to submission to the Secretary of Commerce.

The Council adopted a dual (State and Federal) standard for halibut subsistence eligibility in its original October 2000 preferred alternative. The Council explicitly adopted a list of rural places and Alaska federally-recognized Tribes with a finding of customary and traditional use of halibut for subsistence based on State of Alaska criteria. The Council also referenced Federal law as being a second way to qualify for eligibility.

The Council stated its intent that residents or Tribal members who believe that their rural place or Federally recognized Alaska Native tribe was inadvertently left out of the tables, or who are seeking eligibility for the first time, are encouraged to petition either the Alaska Board of Fisheries or Federal Subsistence Board for a customary and traditional uses designation before petitioning the Council for inclusion as an eligible community or Tribe. A resident of Ninilchik submitted such a petition in September 2002. Although Ninilchik does not meet the Council's State-based set of criteria, it does meet the Federal definition of rural and is within a larger area that has been found to have a customary and traditional use finding for subsistence.

Final action is scheduled on a proposal to include Ninilchik on the list of eligible rural places whose residents would be allowed to harvest halibut for subsistence purposes, which is currently under Secretarial review. Inclusion of Ninilchik would add approximately 650 non-Native residents (and perhaps 500 Alaska Native and non-Native Happy Valley residents under an option) who could retain halibut for subsistence purposes. A total of 34,000 total pounds of halibut were harvested by those residents, with an average of 85 lb per household, and about 32 lb per person. Translated to number of fish, residents harvested 2,079 halibut, or an average of 5.2 per household. Sport rod and reel and commercial longline gear comprised 95 and 5 percent, respectively, of halibut harvests. These harvests are not characterized by ADFG as subsistence use.

The analysis was mailed to the Council on March 18, 2003. The management action alternatives are:

Alternative 1: No action.

Alternative 2: Add Ninilchik to the list of rural places eligible to harvest halibut for subsistence use.

Option: Include the community of Happy Valley under the federal definition or rural for Ninilchik.

At this meeting, the Council will take final action on this issue.

Discussion paper on additional communities

Council staff prepared a discussion paper addressing the potential of an additional 4,117 residents of 20 communities which may meet Federal criteria for rural and customary and traditional uses of "fish." This list was generated by USFWS at the request of the Council. These communities have not received a "rural" or "halibut subsistence" finding by the Federal Subsistence Board (FSB) but appear to meet the Council's criteria using Federal standards. Residents of these communities could petition the Council for a determination of eligibility once they are found to meet FSB standards. Six of those communities have Alaska Native Tribes, which also could petition to be included.

Although all listed communities appear to meet the Federal rural definition, it is unclear which communities rely on halibut for subsistence use given their geographic location and population structure. Staff recommends that the Council review the list of communities and demographic information in the discussion paper and provide additional guidance to staff. The Council also may choose to review its policy of using both state and federal standards as the basis for its own eligibility criteria, given the policy issues raised under the dual standard.

**Table 1. Summary of communities identified as meeting Federal criteria for "rural" and "fish subsistence."**

Rural Place	Population	% Alaska Native	# Alaska Native	# non-Native	Tribal status
Akiachak	622	96.4%	600	22	Tribe
Aleneva	92	1.5%	1	91	
Atmautluak	291	95.9%	279	12	Tribe
Covenant Life	142	2.0%	3	139	
Ekwok	114	93.8%	107	7	Tribe
Eyak	159	8.3%	13	146	Tribe*
Game Creek	35	8.6%	3	32	
Halibut Cove	26	2.9%	1	25	
Kasigluk	527	96.7%	510	17	Tribe
Kupreanof	23	0.0%	0	23	
Kwethluk	693	94.8%	657	36	Tribe
Lutak	43	10.3%	4	39	
Mud Bay	158	4.4%	7	151	
Naukati Bay	110	9.6%	11	99	
Nunapitchuk	512	95.9%	491	21	Tribe*
Port Clarence	22	0.0%	0	22	military base
Portage Creek	48	86.1%	41	7	CDQ group
Shemya Station	27	0.0%	0	27	military base
Thorn's Place	12	13.6%	2	10	
Tuluksak	461	94.2%	434	27	Tribe
<b>Total</b>	<b>4,117</b>		<b>3,164</b>	<b>953</b>	



# Ninilchik Traditional Council

P.O. Box 39070

Ninilchik, Alaska 99639

Ph: 907 567-3313 / Fx: 907 567-3308

E-mail: [ntc@ninilchiktribe-nsn.gov](mailto:ntc@ninilchiktribe-nsn.gov)

Web Site: [www.ninilchiktribe-nsn.gov](http://www.ninilchiktribe-nsn.gov)

March 07, 2003

North Pacific Fishery Management Council

Attn: David Benton, Chairman

605 W. 4<sup>th</sup> Ave., Suite 306

Anchorage, AK 99501-2252

RECEIVED

MAR 10 2003

N.P.F.M.C

Dear Mr. Benton:

The Ninilchik Traditional Council (NTC), the federally and state recognized tribal government of the Ninilchik Village Tribe, would like to extend our complete and total support for the pursuit of a halibut subsistence ruling.

It is our understanding that the North Pacific Fishery Management Council (Council) has adopted a policy recommendation to the Secretary of Commerce (Secretary) concerning the subsistence use of Pacific halibut in and off of Alaska by populations living in rural areas and Alaska Natives. Subsistence fishing and hunting is a traditionally fundamental practice of Alaskan Natives and those who live in rural areas. The approval of this ruling would have multiple and numerous benefits to our tribe and community. What we would like to propose is that the waters off of the Ninilchik coast be included in the proposed subsistence area.

We would like to encourage you to use this letter with your policy recommendation to illustrate our solid support for an approval of a halibut subsistence rule. Thank you.

Sincerely,

Sarah E. Stokes

NTC Executive Director/Deputy CEO

c: file

North Pacific Fishery Management Council  
Attn: Jane DiCosmio  
605 West 4<sup>th</sup> Suite 306  
Anchorage Alaska 99501-2252

RECEIVED

MAR - 6 2003

N.P.F.M.C

March 1, 2003

To the NPFMC

My name is Dave Tyner, I'm sorry but do to my work schedule I won't be able to attend the meetings in April. I would like the council to approve Halibut subsistence for Ninilchik.

Subsistence in this community is more then just a word it's a connection to the past. Both natives and non-natives have relied on it since the village was founded in 1847. Sharing of fish and game holds this community to it's cultural past and provides the youths of this area solid roots.

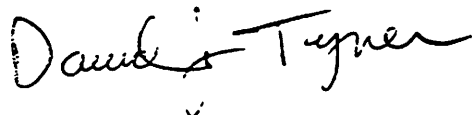
I hope the council will move halibut subsistence forward the first weekend of April by approving a final ruling for the Ninilchik rural area.

These Ninilchik residents (see enclosed documents) would like the council to approve subsistence halibut fishing for the Ninilchik rural area as defined by the Federal Subsistence Board.

We believe all of the subsistence users in this area both native & non-native will benefit from your ruling.

Sincerely,

David Tyner



I OLGA M MCCORMICK support Dave Tyner's effort to ensure that all residents in Ninilchik are . . . considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 242 years and should be included for subsistence use, both native and non-native.

Olga M McCormick

I DAVE + Nan Cooper, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 56 years and should be included for subsistence use, both native and non-native.

Dave A. Cooper & Nan Cooper  
650 95 Lingonberry Ave  
Ninilchik AK. 99639

I Cynthia R. Schnabl, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 10 years and should be included for subsistence use, both native and non-native.

Cynthia R. Schnabl  
10275 Holly St.  
Ninilchik, AK.

I Rod Van Saun, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 10 years and should be included for subsistence use, both native and non-native.

R. Van Saun

Box 622

Ninilchik AK 99639



I Kevin Zimmerman, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 12 years and should be included for subsistence use, both native and non-native.

Kevin Zimmerman

PO Box 39307  
Ninilchik AK. 99639

I Severine Basham, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 15 years and should be included for subsistence use, both native and non-native.

Severine Basham

P.O. Box 832  
Ninilchik, AK  
99639

I JEFF BURGESS support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 17 years and should be included for subsistence use, both native and non-native.

JEFF BURGESS

I Deanna Smith, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 19 years and should be included for subsistence use, both native and non-native.

Deanna Smith

P O Box 128

Ninilchik, AK. 99639

I Ruth Taggart, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 20 years and should be included for subsistence use, both native and non-native.

Ruth Taggart

I Lloyd Taggart, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 20 years and should be included for subsistence use, both native and non-native.

Lloyd TAGGART  
65525 Green Tree  
NINILCHIK

I MARK PIERCE, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 21 years and should be included for subsistence use, both native and non-native.

Mark Pierce

65090  
Lingonberry St  
Ninilchik AK

I John L. MYERS support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 24 years and should be included for subsistence use, both native and non-native.

John L. Myers



I Helena Bock support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 30 years and should be included for subsistence use, both native and non-native.

Helena Bock

Box 38  
Ninilchik, AK  
99639

I KEN KVASNIKOFF, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 32 years and should be included for subsistence use, both native and non-native.

Ken Kvasnikoff

1665 HOLM ST  
NINILCHIK AK

I Earl M Simmonds, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 35 yrs years and should be included for subsistence use, both native and non-native.

Earl M Simmonds

I Stephen Vanek, support Dave Tyner's effort to ensure that all residents in Ninilchik are . considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 38 years and should be included for subsistence use, both native and non-native.

Stephen Vanek

I Nancy Webb, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 40 years and should be included for subsistence use, both native and non-native.

Nancy E Webb

PO Box 572

Ninilchik AK 99639

I PAUL M SIMONDS, support Dave Tyner's effort to ensure that all residents in Ninilchik are considered and eligible for subsistence use of fish. The people of the Ninilchik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 50 years and should be included for subsistence use, both native and non-native.

Paul M. Simonds

16646 Holly St  
Ninilchik, AK 99639  
907-567-1020

I John Tyler, support Dave Tyner's effort to ensure that all residents in Niniichik are considered and eligible for subsistence use of fish. The people of the Niniichik Rural Area on the Kenai Peninsula are using fish & game for subsistence. We catch and use fish as part of our staple meals for the last 51 years and should be included for subsistence use, both native and non-native.

Ann Tyler 15579 Sterling Hwy