

Subsistence Halibut Program

Small Entity Compliance Guide

December 21, 2015



NOAA FISHERIES SERVICE

Frequently Asked Questions are
online at:

<https://www.fisheries.noaa.gov/alaska/subsistence-fishing/subsistence-halibut-fishing-alaska>

This Small Entity Compliance Guide satisfies the Small Business Regulatory Enforcement Fairness Act of 1996 that requires a plain language guide to assist small entities in complying with this program. If you are required to comply with the regulations, you should consult and rely on the actual regulatory text. The subsistence halibut regulations can be found under 50 CFR Part 300.

Background

The United States and Canada participate in the International Pacific Halibut Commission (IPHC) and promulgate regulations governing the Pacific halibut fishery under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). Regulations governing the allocation and catch of halibut in U.S. waters that are in agreement with the Halibut Act may be developed by the North Pacific Fishery Management Council (Council). Regulations recommended by the Council must be approved by the Secretary of Commerce (Secretary) before being implemented through the National Marine Fisheries Service (NMFS). NMFS has responsibility for managing the subsistence fishery for halibut according to regulations approved by the Secretary.

In October 2000, the Council adopted a subsistence halibut program that recognizes the Alaska subsistence halibut fishery. This program was approved by the Secretary and regulations that carry out this program have been in effect since May 15, 2003. Amendments to the subsistence program were made through changes to the initial regulations in May 2005 and October 2008. The regulations that govern the subsistence halibut fishery can be found in the Code of Federal Regulations (CFR) at 50 CFR Part 300.

Definitions

For purposes of the subsistence halibut program, the following terms are defined as follows:

Subsistence Halibut means halibut caught by a rural resident or a member of an Alaska Native tribe for direct personal or family consumption as food, sharing for personal or family consumption as food, or customary trade. NOTE: You must not:

- Retain or possess subsistence halibut for commercial purposes;
- Allow subsistence halibut to be sold, bartered, or otherwise enter into commerce; or
- Solicit the exchange of subsistence halibut for commercial purposes.

Rural resident means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska:

- An individual domiciled in a rural community listed in the table at §300.65(g)(1) and who has maintained a domicile in rural communities listed in the table at §300.65(g)(1), or in rural areas described at §300.65(g)(3), for the 12 consecutive months immediately preceding the time when the assertion of residence is made, and who is not claiming residency in another state, territory, or country; or
- An individual domiciled in a rural area described at §300.65(g)(3) and who has maintained a domicile in rural areas described at §300.65(g)(3), or in rural communities listed in the table at §300.65(g)(1), for the 12 consecutive months immediately preceding the time when the assertion of residence is made, and who is not claiming residency in another state, territory, or country.

Alaska Native Tribe means a federally recognized Alaska Native tribe that has customary and traditional use of halibut [see list of tribes in the regulations at 50 CFR 300.65(g)(2)].

Customary Trade means the non-commercial exchange of subsistence halibut for anything other than items of significant value.



Subsistence Halibut Program

Eligibility

Persons eligible to subsistence halibut fish include:

- Residents of rural communities with customary and traditional uses of halibut;
- Individuals domiciled in a rural area described at §300.65(g)(3); and
- Members of federally recognized Alaska Native Tribes with customary and traditional uses of halibut.

Registration Process

Before subsistence fishing for halibut, you must register for, and must hold a valid Subsistence Halibut Registration Certificate (SHARC) issued by NMFS. The SHARC will be issued by the Restricted Access Management (RAM) program after an application from an eligible person is received and processed. First time applicants must submit a paper application to the address listed below. Renewal applications may be submitted online. Application forms are available at the NMFS Alaska Region website or by contacting RAM. Completed paper applications must be submitted to RAM at the following address:

By mail:
NMFS, Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, Alaska 99802-1668

In person:
Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801

If you meet the eligibility requirements and submit a complete application to RAM, RAM will prepare a SHARC and mail it to the mailing address that you put on the application form. Once you are in possession of your SHARC, you may legally participate in the subsistence halibut fishery under the subsistence halibut fishery regulations. See the Frequently Asked Questions online for additional information on subsistence halibut program requirements.

Harvest Surveys

An important goal of the subsistence halibut program is to learn more about the fishery. So that we can better estimate the annual harvest of subsistence halibut and related catch and effort, SHARC holders may be periodically surveyed. Your participation in the surveys is encouraged, but not required.

For More Information

A list of frequently asked questions is available to assist you in understanding the subsistence halibut regulations. For specific regulatory requirements, see 50 CFR Sections 300.2, 300.4, and Subpart E, including annual management measures published in the *Federal Register* pursuant to 50 CFR 300.62. These regulations, in their entirety, can be found by following the links at <https://www.fisheries.noaa.gov/alaska/rules-and-regulations/regulations-acts-treaties-and-agreements-federal-fisheries-alaska>.

For answers to any questions about the program, including specific information on SHARC registration requirements, please contact the Alaska Region NMFS RAM office:

Restricted Access Management Program
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668
Phone: (907) 586-7474 or 586-7202 (option #2), or toll-free (800) 304-4846 (option #2)
Fax: (907) 586-7354
Email: ram.alaska@noaa.gov
Webpage: <https://www.fisheries.noaa.gov/alaska/subsistence-fishing/subsistence-halibut-fishing-alaska>