

Alaska Trollers Association

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April 1, 2015

Representative Louise Stutes, Chairman
House Fisheries Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

RE: Oppose HB 110 Personal Use Priority

Dear Representative Stutes and Committee Members:

The Alaska Trollers Association (ATA) opposes HB 110, which seeks to provide a priority for personal use fisheries second only to subsistence. Our members do not believe that such a priority is necessary or reflects the true nature of most personal use fisheries, nor does it allow for the orderly and sustainable management of our state's fisheries resources.

ATA represents the Southeast commercial troll fleet. Our members are professional hook and line salmon fishermen. The troll fleet is one of the largest salmon fleets in the state and is 85% resident. A large number of troll permit holders live in rural communities. Many of our members participate in other commercial, sport, personal use, and subsistence fisheries.

The most significant problem with HB 110 is that it ties the hands of the Alaska Board of Fisheries (BOF) and could confound sustainable fisheries management. Personal use fisheries are conducted inriver and can have a significant impact on spawning stocks. While personal use fishermen may harvest fewer fish compared to commercial, they still bear a responsibility to conserve the resource. It is important to realize that the Board of Fish has rarely, if ever, significantly restricted personal use fisheries.

The BOF is the best forum to analyze with ADFG and the public the biological reasons for dips in salmon production, and then distribute the conservation burden proportionate to the impact of the fishery. From there, a system exists to allocate surplus production when stocks rebound. Allocation by the BOF is governed by a policy that has been in place since the early 90's.¹ The

¹ [AS 16.05.251\(a\)\(17\)\(e\) Board of Fisheries Allocation Criteria](#)

policy recognizes history of use and dependence by residents, and also allows for distinctions between guided and unguided harvesters, as approved by the legislature in 1992, which should address the sponsors concern about folks coming from outside Alaska to harvest fish. This policy provides ample opportunities for the BOF to protect important personal use needs for residents, while at the same time avoiding undue hardship on all other fisheries of importance to local communities. A full set of BOF policies can easily be found online.²

A troublesome aspect of the bill is that it would hold personal use fisheries above sport and commercial for regulatory and allocation purposes, no matter what the circumstance, which has never been the intent.

Subsistence fisheries have been granted highest priority in times of resource shortages, because they are intended to provide the basic necessities of **life** for rural residents.

Personal use fisheries allow individuals to take finfish, shellfish, or aquatic plants, often at higher levels than sport fisheries, for use as food or bait by that individual or their immediate family. Ostensibly, the higher bag and possession limits reflect the food and bait needs of residents who, for one reason or another, do not qualify for subsistence.

While our association supports the intent behind true personal use fisheries – to feed Alaskans - we question whether or not the current conduct of some of these fisheries actually meets the intended goal, which is to provide food and bait for individuals who need more than a basic sport license can provide.

Of the personal use permit holders, those who would appear to most need the liberal harvest limits are not necessarily the ones removing high volumes of fish. Let's look at the Chitina personal use fishery as an example.

The 2000 census counted 123 people, 52 households, and 30 families residing in the Chitina area. The Alaska Subsistence Fisheries 2003 Annual Report (ADFG, 2005), states that just 29 personal use permits were issued to Copper Basin residents. Of those, 19 fished, with a harvest of 232 fish and just 0.3% of the total Chitina personal use harvest (Table XII-5).

The vast majority of the fish caught in the Chitina personal use fishery were harvested by people traveling from the urban areas of Fairbanks (2,034 permits issued/ 28,949 fish caught) and Anchorage (1,475 permits issued/ 19,443 fish caught). Rounding out the top five communities harvesting in the Chitina personal use fishery were Delta Junction, Eagle River, and Eilsen Air Force Base (Table XII-5). Most of these communities can hardly be described as subsistence in nature, much less lacking significant opportunities to secure the basic **necessities of life**. **Yet that is essentially what granting a personal use priority would imply.**

What justifies granting urban personal use fishermen more protection than resident sport and commercial fishermen and their resident customers, who all rely on the same stocks?

² [Board of Fisheries Findings and Policies](#)

Most fishermen who travel to Chitina from urban communities, often at great expense, are not low income. Not only do they pay the cost of traveling a long distance to this remote community, they often secure the services of guides, water taxis, and custom process facilities. Those services are not cheap, particularly when compared to purchasing salmon at their local store. This makes the need for personal use by such fishermen questionable to other Alaskans. There are personal use opportunities closer to Fairbanks and Anchorage, so the methods and means of harvest are neither efficient nor economic in terms of effort and cost. Obviously, these folks simply enjoy going to Chitina and bringing back lots of fish and the Board of Fish is allowing that. Not a problem, but also not worthy of a higher priority than is granted to sport and commercial fishermen.

The regulatory history of the Chitina dipnet fishery clearly shows that the Board of Fisheries considered it an area worthy of personal use designation, not special priority.

Over time, the BOF has established specific parameters around personal use fisheries, to delineate this use from subsistence and protect both the resource and other, longstanding fishing interests. When establishing the personal use category in 1981, the BOF made its intent quite clear with respect to personal use priority:

7. ...It is the intent of the Board that subsistence, commercial, and sport users have a reasonable opportunity to take any surplus before a personal use fishery is allowed.

While the BOF intended that personal use fisheries would not harm sport and commercial fisheries, they also provided ample opportunity for personal use fishermen when developing regulatory measures. This is revealed in harvest limits that far exceed what many Alaskans consider necessary for basic sustenance. The Board's intention to be liberal in the application of personal use is also revealed in a memo to ADFG Commissioner Frank Rue dated March 21, 1996 from Assistant Attorney General Stephen Daugherty indicating that (*emphasis added*):

...although *the proposal for creation of personal use fisheries presented to the Board of Fisheries was very restrictive, the board adopted a much less restrictive regulatory scheme for personal use fisheries.* As originally proposed, personal use fisheries could only be conducted where they would not negatively impact an existing resource use, and initial bag limits were proposed at very low levels. The board modified the proposed regulations to allow for the *provision of personal use fisheries if they were in the broad public interest*, and it also adopted bag limits based on amounts taken under subsistence regulations. *The board explicitly rejected some uses permissible under subsistence* regulations and provided that it was illegal to buy, sell, trade, or barter fish taken in a personal use fishery, but the board did not provide an explicit prohibition on sharing. See Board of Fisheries Proposal 107 (Apr. 1982); 5 AAC 77.010(b).

The legislature also took up personal use fisheries, as noted by Daugherty, and clearly stated that personal use fisheries were to be granted status equal to – not higher or lower than - other fisheries (*emphasis added*):

The record indicates that although personal use fisheries were not intended to have a priority over sport and commercial fisheries, they were also not considered lower in priority. The legislation treated personal use fisheries on the same basis as sport and commercial fisheries and subjected them to the same allocation criteria.

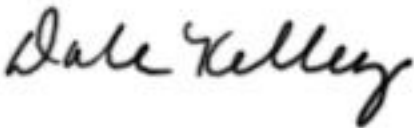
Unfortunately, what is obvious to many of us around the state is that despite extremely liberal management of personal use fisheries by the BOF, it's still not enough for some personal use fishermen from urban areas who seem more interested in putting their wants over the needs of the resource and fellow fishermen, Alaska consumers, and Alaska communities.

While we do not deny that the personal use fishery is important to many Alaska residents, including some that we represent, please note that *giving personal use fisheries priority over other uses of the resource could negatively impact a great many more Alaskans than it will help.* Sport and commercial fisheries and the consumers served by the seafood industry, are part and parcel of the 'broad public interest'. Our fisheries provide thousands of jobs and significant economic value to the state overall; for instance, through substantial general fund assessments on seafood landings. The impacts of initiatives like this, which chronically erode commercial fishing access, are felt by ALL of the state's citizens.

ATA opposes priority status for personal use fisheries and considers such a designation to be contrary to sound resource management; potentially harmful to other Alaskan residents; and, out of sync with the true intent that underpinned establishment of personal use fisheries.

Thank you for considering ATA's point of view. Please don't hesitate to contact me if I can provide additional information on this or other issues of concern to the commercial fishing industry.

Best regards,

A handwritten signature in cursive script that reads "Dale Kelley".

Dale Kelley
Executive Director