

Alaska State Legislature



REPRESENTATIVE LOUISE STUTES

House District 5-Kodiak, Cordova, Seward

Responses to Representative Saddler's Committee Questions from 3/24/25.

We heard much testimony that multiple members of a family may hold separate limited entry permits that the family uses to “fish together.” If permits are held by children or older people who are physically unable to do the work of fishing, doesn’t that effectively make such arrangements into fishing by proxy?

No, not at all. These permit holders are participating in the fishery even though they may not always be in the skiff, picking nets, or making deliveries. Shoreside duties include mending nets, supplying fuel, repairing skiffs, outboards, and other equipment, as well as a variety of other support duties, such as cooking for the group, and more. To be clear, shoreside participants do go out in skiffs, pick the nets, and deliver; however, they are in that role less often depending on the logistics, weather, and other issues. These members have always been considered active participants in the fishery, which is not in question under current laws or regulations; what’s currently in question are the transportation and delivery requirements.

Additionally, current statutes and regulations provide that permit holders do not always need to be working the nets:

AS 16.05.253

*(a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to **be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of***

*(1) **a sale of fish caught in the gear; or***

*(2) **other stationary gear of the permit holder.***

*(b) **In this section, “fishing site” means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.***

AND

5 AAC 39.107 (d)

*(d) A person who holds a limited entry permit or an interim-use permit for stationary fishing gear **must** be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of (1) a sale of fish caught in the gear; or (2) other stationary gear of the permit holder. For purposes of this subsection "fishing site" includes any structure used for providing shelter in support of the operation of net gear or other stationary gear.*

Where are the statutory or regulatory standards for “being present at all times” and “actively engaged in the (fishing) operation” defined?

There are no current definitions in the bill; however, we intend to amend the legislation to use the definition of “physically present” as defined in AS 16.05.253 and 5 AAC 39.107(d) (referenced previously) rather than “present at all times.”

“Actively engaged” is not currently defined either, but we are unsure it needs to be. The intent here is that permit holders, at a minimum, are working to support the group within the “physically present” area referenced above through shoreside support. There are already standards regarding what constitutes being a fishery participant, and we don’t want to narrow that.

Are these terms used elsewhere in law or regulation, or are these newly established standards?

They are used elsewhere, referenced above. “Actively engaged” is also referenced in AS 16.43.140 (b), although that statute is speaking to a crewmember being unable to operate unit of gear unless the permit holder is “...present at all times and actively engaged in the operation...”

What is the definition of a fishing “cooperative”?

There is no definition, but the bill clearly describes what a cooperative is. We are open to suggestions from the committee as far as adding a definition or sidebars to the bill.

How is a fishing cooperative similar to, or different from, a “joint venture” of no more than two fishing permit holders?

There are certainly some similarities, but they serve different purposes. A joint venture is limited to two permits and is specific to Kodiak (versus statewide for what is contemplated in the bill). This is a statewide issue, not simply one in Kodiak. A joint venture permit would not allow most setnet operations to continue the way they have historically across the state.

Further, joint ventures were created, in part, to allow for more options for gear configuration. For example, a solo setnetter in Kodiak can fish **one** or **two** lengths of net up to 175 fathoms in aggregate. A joint venture operation allows two permit holders to fish together but allows **up to three** lengths of nets of no more than 350 fathoms in aggregate. This would allow joint venture permits the same amount of gear per permit (175 fathoms) but would allow for three, 116-fathom nets to be fished (or another configuration that equals 350 fathoms in aggregate), which, in many cases, is more effective and efficient than simply fishing a 100 and a 75-fathom net.