

SB

1966

COMMITTEE REPORT

SENATE

March 1, 1977

4/11/77 Date

Mr. President:

The Committee on Resources has had SB 196
(regulation of shellfish pots)
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for SB 196 and that
CS for SB 196 do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

[Signature] _____
[Signature] _____
[Signature] _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____
_____ recommends: _____
_____ recommends: _____

[Signature]
Chairman

AMENDMENT

OFFERED IN THE HOUSE:

BY: Terry Gardiner

To: _____ HOUSE BILL No. HB 444

SENATE BILL No. _____

PAGE: _____

LINE: _____

Page 1, Line 10

Insert "(a)" before the word "Reports"

Page 1, Line 29

Add a subsection "(b)" as follows:

(b) Information under ^{Sec 4} ~~this section~~ may be released to qualified applicants defined in section (a) for valid statistical or other information-gathering purposes if

(1) any information which would identify the person to whom the record pertains is deleted; and

(2) disclosure is made in a manner which would not compromise or defeat the purposes of any statutory provision designed to maintain the confidentiality of certain information.

TO: R.D. Stevenson
Special Assistant
Department of Revenue

DATE : March 9, 1977

FROM: R. H. Pilcher, Manager
Juneau Field Office
Department of Revenue

SUBJECT: SB 196 Regulation of Shellfish Pots

Passage of SB 196 will require positive identification of shellfish pots (and buoys) by means of individually numbered registration tags designating year of issuance which are to be issued with each license and permanently affixed to each pot.

It is believed the tag would have to be of a composition that would withstand rough handling and exposure to the elements, including long periods of submersion in salt water. The information required on the tag, individually numbered designating year of issuance, will necessitate a tag at least 3/4 inch by 2 1/2 inches in size, if not larger. A reliable manufacturer estimates that such a tag could be produced in .032 gauge stainless steel with stamped in eight digit numbers and with drilled holes at each end, for approximately \$.20 cents each.

In 1976, 989 shellfish pot licenses were sold. Pot limits run from 40 to 900 pots that can be legally fished, but the average in 1976 was approximately 200 pots per license. Therefore, approximately 200,000 tags would have to be produced at a cost of approximately \$40,000.00. Shipping, postage and other handling charges would amount to approximately \$20,000.00. Therefore, it is believed that registration tags could be issued for a fee of \$1.00 per tag.

SB 196 requires registration tags and buoys to conform to regulations, other specifications and requirements considered appropriate by the Board of Fisheries, and be issued under procedures considered appropriate by the Department of Revenue. If these regulations, specifications, requirements and procedures result in a tag different from that proposed above, the fee per tag may have to be adjusted.

There is no effective date on the bill. An effective date of January 1, 1978 is required to allow time to design, order, manufacture and ship the tags.

ANALYSIS OF MAJOR CHANGES BETWEEN SB 196 AND CSSB 196
BY JOHN FARLEIGH, ADMINISTRATIVE ASSISTANT, SENATE RESOURCES

SB 196

CSSB 196

- | | |
|--|--|
| (a) Requires tags for <u>all</u> shellfish pots. | (a) Requires tags only for king crab pots in areas with pot limits. |
| (b) Tags are issued by Dept. of Revenue with each shellfish pot license. | (b) Tags are issued by Dept. of Fish & Game at the time the fisherman notifies the Dept. of his intent to fish in an area with a pot limit. (He must notify the Dept. by August 1) |
| (c) Requires the tags to be attached directly to the pot (the pot would have to be pulled to be checked for the proper tag). | (c) Requires the tags to be attached to the pot <u>and/or</u> buoy at the Board of Fisheries' discretion. |
| (d) Allows the Dept. of Revenue to set the fees in an appropriate manner. | (d) Requires the Dept. of Fish & Game to charge the fisherman for the cost of the tags including reasonable administrative costs. |
| (e) Requires <u>all</u> shellfish pots to be connected to a "sea lion" buoy. | (e) Requires only king crab pots to be connected to a "sea lion" buoy (license revocation clause does not apply to this requirement). |

In addition to these changes CSSB 196 also includes:

- (f) A provision to make tags nontransferable unless the gear license is transferred under emergency provisions. (A.S. 16.05.670)
- (g) A prohibition against unauthorized sale, reproduction, exchange, or use of tags.
- (h) A definition of "registration tags" that allows the Board of Fisheries to require any device or method determined to be appropriate.
- (i) A requirement that the court, in addition to any other penalty imposed by law, revoke the shellfish pot license of a person convicted of fraud or misuse of registration tags for a period of one to five years.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 196
 Title An Act relating to the Regulation of Shellfish Pots
 Requested by Poland Date 3/1/77

II. FISCAL DETAIL

Agency Affected Department of Revenue
 Program Category Affected Natural Resources Management & Environmental Conservation
 Budget Request Unit(s) Affected Fish & Game Licensing

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		90.8	90.8	90.8	90.8	90.8
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		60.8	60.8	60.8	60.8	60.8
FEDERAL FUNDS						
OTHER (Specify)						
Program Receipts		30.0	30.0	30.0	30.0	30.0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE ATTACHED MEMORANDUM

300 CONTRACTUAL

200,000 Shellfish Registration Tags	\$ 40,000
Postage, shipping & handling	20,000
2,000 Four-part forms for control of issuance	750
15% Vendor fees	30,000

IV. DATE 3/9/77 PREPARED BY R. H. Pilcher
 AGENCY Department of Revenue
 Original: Legislative Finance PHONE 586-1870
 cc: Budget and Management
Prime Sponsor (First Legislator Named)

MEMORANDUM

TO: R.D. Stevenson
Special Assistant
Department of Revenue

DATE : March 9, 1977

FROM: R. H. Pilcher, Manager
Juneau Field Office
Department of Revenue

SUBJECT: SB 196 Regulation of Shellfish Pots

Passage of SB 196 will require positive identification of shellfish pots (and buoys) by means of individually numbered registration tags designating year of issuance which are to be issued with each license and permanently affixed to each pot.

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In 1976, 989 shellfish pot licenses were sold. Pot limits run from 40 to 900 pots that can be legally fished, but the average in 1976 was approximately 200 pots per license. Therefore, approximately 200,000 tags would have to be produced at a cost of approximately \$40,000.00. Shipping, postage and other handling charges would amount to approximately \$20,000.00. Therefore, it is believed that registration tags could be issued for a fee of \$1.00 per tag.

SB 196 requires registration tags and buoys to conform to regulations, other specifications and requirements considered appropriate by the Board of Fisheries, and be issued under procedures considered appropriate by the Department of Revenue. If these regulations, specifications, requirements and procedures result in a tag different from that proposed above, the fee per tag may have to be adjusted.

There is no effective date on the bill. An effective date of January 1, 1978 is required to allow time to design, order, manufacture and ship the tags.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SENATE BILL 196
 Title Regulation of Shellfish Pots & Buoys Used In Taking King Crab
 Requested by POLAND Date 4/13/77

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Commercial Fisheries

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	0	12.7	12.7	12.7	12.7	12.7
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	7.3	7.3	7.3	7.3	7.3
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	20.0	20.0	20.0	20.0	20.0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	12.7	12.7	12.7	12.7	12.7

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached.

GENERAL FUNDS TO BE OFFSET BY PROGRAM RECEIPTS.

IV. DATE 4/19/77

PREPARED BY Robin Glauthier
 AGENCY Commercial Fisheries
 PHONE 465-4210

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

M E M O R A N D U M

19 April 1977

RE: HB 444 Confidentiality of Fishery Reports

TO: House Resources Committee Members

Please note the attached Committee Substitute. Perhaps this will clear up some of the problems that the Committee had with the bill.

DRAFT RESOLUTION

The Board recognizes the socio-economic advantages of pot limits in certain areas and urges the Protection Division to enforce it to the best of its abilities.

Furthermore, Mr. Harder's proposal may be applicable on some king crab fisheries of the state while in other major production areas new refinements may be necessary to implement it on a reasonable cost-benefit ~~ratio~~ *basis*.

The Alaska Board of Fisheries urges the legislature to explore the possibilities of funding a comprehensive program that would incorporate a realistic and enforceable approach to this pot limit problem.

Here it is Ray
Dee

Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN RECORDS.

(a) Reports required by regulations of the department concerning the landing of fish, shellfish, or fishery products, and annual statistical reports of buyers and processors required by regulations of the department, insofar as they are in the form of individual records, are confidential. They may be released to the Department of Revenue, the Division of Fish and Wildlife Protection, and the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities. However, the commissioner may not release a report if he determines that to do so would abuse the intent of this section, and he may limit or condition any release to insure that proper confidentiality is maintained. Confidential reports held by the department, or received from the department by the agencies or organizations mentioned in this section, may not be communicated or distributed in the form of individual records to any other agency, organization, or individual unless required by a court order.

(b) Reports under section (a) may be released to the North Pacific Fisheries Management Council, the University of Alaska, and the Department of Commerce & Economic Development for valid statistical or other information-gathering purposes if

- (1) any information which would identify the person to whom the record pertains is deleted; and
- (2) disclosure is made in a manner which would not compromise or defeat the purposes of any statutory provision designed to maintain the confidentiality of certain information.

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TENTH LEGISLATURE

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 AGENCY Department of Revenue
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 Original: Legislative Finance
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DRAFT RESOLUTION

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Furthermore, Mr. Harder's proposal may be applicable on some king crab fisheries of the state while in other major production areas new refinements may be necessary to implement it on a reasonable cost-benefit-ratio. *basis*

The Alaska Board of Fisheries urges the legislature to explore the possibilities of funding a comprehensive program that would incorporate a realistic and enforceable approach to this pot limit problem.

My name is Ole Harder, I'm a crab fisherman from Kodiak. I started fishing in Kodiak in 1948, and except for a few years I've fished there ever since. I'd like to express myself on the King Crab pot limit to the Resources Committee and the House and Senate. I'd like to start out with a little background on the pot limit. We started with 30 pots in Kodiak, then went to 60 pots, and then to 75. Kodiak fishermen signed a petition to bring it back to 60 a number of years ago, and everyone signed it with the exception of a few boats. Somehow the petition was lost at the Board meeting in Seward. Since that time we have had a 75 pot limit, and up until three or four years ago we hadn't had major problems. Somewhere, and somehow the chiseling has gotten worse. I would say that guys are fishing as high as 250 pots in Kodiak now, while fishermen who abide by the limit and fish 75 pots could be penalized for \$100,000 or better in gross stock because he is living within the law. Now we have to find an answer to this problem. One of the things we can do is throw the pot limit out. If we do that let's see how that might affect Kodiak. We have a population of around ten or eleven thousand people that are totally dependent on fishing. Without fishing there would be nothing, except a little logging. I can predict what might happen without the pot limit. I understand we have a quota of around 12 or 13 million pounds of 7 inch crab this season. If a hundred boats fished with 200 pots, 50 with 150, and 50 with 75 pots. If my arithmetic is right, it would come to around 31,250 pots. If in three days we came up with a thousand pounds per pot (which, by the way, is a very reasonable catch at around 120 crab per pot in three days) we would then be talking around 31,000,000 pounds. While these figures are high, believe

you me, in not too many years you might see to throw the pot limit out. What this will do to the local economy I'm sure I don't have to tell you. Even if I cut my figures in half, or even in thirds, it would be disastrous. For instance if the Bering Sea and Dutch Harbor opens on September 15, and we open on September 1, we might be seeing the beginning of the end to the local fishermen and particularly the smaller boats. We also have to consider the resource. If fishing is better than the Department of Fish and Game anticipated, we could very well catch more than the allowable harvest which would, of course, be disastrous for the future. The pot limit is not any different in my opinion than the size of the seine or gill net in this state. If we get away with the size of the seines and gill nets and so forth, we will also see a drastic change in the gearing of the boats. Most everybody who wants to stay in business will have to buy a bigger boat in order to compete with the bigger seines and bigger gill nets and so on. Now I've heard the argument quite frequently as a matter of fact, that the National Marine Fisheries Service wants to do away with it. Well, I talked to Mr. Chingham who is on the Council and he reassured me that if the Council would implement whatever the State does and it will stick. And furthermore, I think that the new administration in Washington, D.C. is committed to put people to work, not take work away from them, which would be the case if the pot limit were thrown out. The Department of Fish and Game or the enforcement people so far have not been able to come up with a workable solution to the pot limit. My suggestion is that the State has a tape made up and put on every pot the fishermen fish. It can be a four

inch tape by the Fish and Game Department and they can be numbered from 1 to 75. They can even have reflector tape stuck on the tape that will work for radar. The reflector could also work for lights, and the tape could even be infra-red. All we have to do is apply it around the center of the buoy (I think a 60 inch buoy is the biggest size to my knowledge anyone uses) and every year we can change the color code. In other words, once you use the color one year that color is out - the next year you use a different color. I also suggest that you have ten extra tags. If a fisherman loses a pot, for instance pot number 16, you then put pot number 76 on after notifying the Department of Fish and Game. A total of ten extra pots should be sufficient to cover what might be lost in one year. There might be various questions about the enforcement of this policy. The fishermen I have talked to so far all seem to think that there is a workable solution, and they will in turn testify. I feel that if I am on the grounds and I see a pot without the State tag on the pot bouys, I will consider it a lost pot and treat it as such. I also suggest that we put a permanent plastic tag with the Fish and Game number on it fastened below the pivot buoy. Thank you very much.

My name is Kenneth Moore from Homer, Alaska. I have fished lower Cook Inlet area. I've fished for 11 years, the past 7 I've fished in the king crab area. In lower Cook Inlet and Kachemak Bay, we have a problem with people fishing too many pots. It's an unenforceable problem, as near as we can see there is very little attempt has been made to enforce it, however, it is a very difficult thing to enforce. The tape that Ole just brought up is probably the only possible means that I have heard that might work to enforce it. I feel very strongly that it would work, and I think it should be considered along with considering in

however, there is also enforcement would have to take place, and I think that if enforcement would look into it, they will probably find that it could be enforced in this manner. Thank you very much.

My name is Hank Gain, I am a commercial fishermen from Seldovia. I have been fishing Kachemak Bay since 1953. We feel that removing the pot limit at this time would be disaster to the communities bordering on Kachemak Bay. As it is we have a law on the books, and to my knowledge has never been even attempted to be enforced. We have asked the department previously while the protection agency was with the department to enforce this law and they said it was unenforceable. Since the State Police have taken over the protection, we hear the same thing. We think we do have a workable plan now that can be enforced, and with the enforcement of this law, it will stop a lot of the influx of the gear coming into the Bay, which is over the pot limit. Some of the boats fishing as high as 150 pots are causing an economic hardship on the fishermen and the residents of Seldovia. Therefore, we recommend that they adopt the proposal that was submitted previously on this tape to put, in effect, taping of the bouys which we highly endorse. This tape can be made or bought in its form now that cannot be peeled off the bouy that you will destruct, whereas other tapes can possibly be removed. But this tape can be applied to these bouys and cannot be used over again. We firmly and highly endorse this method of identifying pots and with this, we feel certain that the pot limit can be enforced and preserve the fishers of the small areas and preserve the economy of the towns surrounding Kachemak and Kamishak Bay.

Members of the House and Senate Committees, I'm Bill Bledso, a fisherman from Homer, and I fish king and tanner crab in the lower Cook Inlet. I think it's a real good idea to get some kind of enforcement going on this pot limit thing. The law has been on the books for quite a long time and the many comments we get when we bring it up to people who are supposed to be enforcing it, is that they don't have any way to do it, because at the present time they have to go out and pull every pot that a fisherman has to be sure that the pot itself is fishing king crab before they can even start to make a case. In addition, there are quite a number of pots in Cook Inlet that are fishing, and people are using them are completely unmarked with even Fish and Game numbers of the boats, there are a couple of bouys tied on. If we could set up some system where the pots could be accounted for, and this tape idea that Ole presented earlier might be a real good idea. Might make the whole system a lot more enforceable and help us out a lot and help out the resource as far as conserving the crab and making the season last a little bit longer and spreading it out so the processors could handle the crab. I think it would also be necessary to enact some kind of a rule or regulation or a law that stated that any pot that had this particular tape on it was a king crab pot, and that would not make it necessary for the enforcement people to have to pull the pot and determine that it was a king crab pot. There are going to have enough trouble locating all 75 pots or more of person's string anyway to be sure that they have more than 75 pots there. So I think it would be a real good idea, all in all, to somehow enforce this provision. I talked to a fisherman the other day and he said that he didn't know of anybody fishing in Cook Inlet who had only 75 pots. So that might give you some idea of the magnitude of this problem. So I would urge you to adopt this proposal and how to get us some help there on enforcing this regulation.

Thank you.

Ruel Homberg from Sand Point. I've fished here since 1954. My organization has a proposal to the Fish and Game to abolish the pot limit for our area. However, we've considered this a long time before we finally did put the proposal in. I wasn't one of the original members, that submitted that proposal this year, however, after talking to various people about the , someway to enforce the pot limit, I would feel that may be we should consider or take another look that the pot limit before we go to far. However, I don't know what the Board's action is going to be, but I would say if the Board did abolish the pot limit for our area now, possibly when they did come up with some way of enforceing the pot limit, I could see where this could really be a great help to us because as we are looking at some other things with the tanner crab, for instance, wanting a area registration or a an exclusive area registration were we could work a pot limit into that to be in effect and would probably eliminate need for area registration then. I have been trying to get ahold of some of the people from other organizations to find out what their feeling was on what we have talked about here but I haven't been able to , so what I'm saying here, I just have to speak for myself right now. I don't have much more to say other than that after talking with Ole here, I think maybe what he has is probably about the only way that there may be some way to enforce this.

Thank you.