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1 3 7

STEVE COWPER, GOVERNOR

COMMERCIAL FISHERIES ENTRY COMMISSION

P.O. BOX KB
JUNEAU, ALASKA 99811-0302
PHONE: (907) 465-4081

October 29, 1990

Glen A. Wilber
Vice-President
Alaska Underwater Harvesters Association
3311 Halibut Point Rd.
Sitka, Ak. 99835

Dear Mr. Wilber:

Thank you for your letter of Sept. 25, 1990, and the petition from concerned citizens and members of the Alaska Underwater Harvesters Association. Your petition asks us to "to issue an immediate "moratorium" on the issuance of any new permits for the harvest of sea cucumbers in Alaska and that a study be conducted into the possibility of future "limited entry".

We must deny your request for the moratorium as we lack the statutory authority to implement a simple moratorium. Under the existing limited entry statutes, the only way we can restrict the number of participants in a fishery is by committing to a full-scale, salmon-type limited entry program.

As the State's limited entry program can be relatively expensive to implement (due to the initial allocation process), we must necessarily be conservative in using the program. We usually do not undertake a limitation unless we are convinced that the program is appropriate, will serve the purposes of the statute, and will produce substantial benefits. At this point, we do not feel that we can draw such conclusions in this fishery.

As you may be aware, we recently directed our research staff to conduct a study into the possibility of using the existing limited entry program in the Southeastern Alaska diving fisheries. There are many issues to consider. We would like to see the results of our staff's study and hear the thoughts of the Board of Fisheries on appropriate management measures before we contemplate any full-scale limitation proposals.

1125

RECEIVED

SEP 27 1990

COMMERCIAL FISHERIES
ENTRY COMMISSION

September 25, 1990

Entry Commission
Alaska Commercial Fisheries
8800-109 Glacier Highway
Juneau, Alaska 99801

Dear Sirs:

Please accept the enclosed petition from concerned citizens and members of the Alaska Underwater Harvesters Associated based in Sitka, Alaska. In this petition we ask that the commission issue an immediate "moratorium" on the issuance of any new permits for the harvest of sea cucumbers in Alaska and that a study be conducted into the possibility of future "limited entry".

If you have any questions, please feel free to contact me by correspondence (3311 Halibut Point Rd., Sitka, AK 99835) or phone (907-747-3177). Thank you for your assistance.

Sincerely,

Glenn A. Wilber
Vice President
Alaska Underwater Harvesters Association

Enclosure: Petition With 75 Signatures

747 322-8

Response
Deadline
10/29/90

STEVE COWPER, GOVERNOR

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In the meantime, we are hopeful that the interim management measures in the sea cucumber fishery will be adequate and will discourage those who might seek to enter the fishery on a speculative basis. Hopefully, the new plan will "buy time" so that other potential management measures can be considered more carefully.

Even though we lack the power to act, we are sympathetic toward your request for a moratorium on new entrants and we might consider using such authority if we had it. Representative Ben Grussendorf has indicated that he wants to explore the need for new legislation to provide the Commission with the authority to implement a simple moratorium in such situations. We plan to work with Representative Grussendorf to help in every way that we can.

Again, thank you for your letter and petition. We share your concerns about the fishery. Your continued help as we investigate these issues will be greatly appreciated. If you have further questions or thoughts on these matters, please do not hesitate to contact us.

By Direction of the

COMMERCIAL FISHERIES ENTRY COMMISSION

Bruce Twomley, Chairman
Phil Smith, Commissioner
Rich Listowski, Commissioner

By: 

cc: All Petitioners
The Honorable Ben Grussendorf
State House of Representatives
✓ Doug Rickey, Aide to Rep. Grussendorf
Eric Jordan, Chair - Sitka Advisory Committee

1125

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SEP 27 1990

COMMERCIAL FISHERIES
ENTRY COMMISSION

September 25, 1990

Entry Commission
Alaska Commercial Fisheries
8800-109 Glacier Highway
Juneau, Alaska 99801

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If you have any questions, please feel free to contact me by correspondence (3311 Halibut Point Rd., Sitka, AK 99835) or phone (907-747-3177). Thank you for your assistance.

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Deadline
10/29/90

WE THE UNDERSIGNED PETITION THE STATE OF ALASKA LIMITED ENTRY COMMISSION AS CONCERNED CITIZENS AND MEMBERS OF THE ALASKA UNDERWATER HARVESTERS ASSOCIATION. IN THIS PETITION WE ASK THAT THE COMMISSION ISSUE AN IMMEDIATE "MORATORIUM" ON THE ISSUANCE OF ANY NEW PERMITS FOR THE HARVEST OF SEA CUCUMBERS IN ALASKA AND THAT A STUDY BE CONDUCTED INTO THE POSSIBILITY OF FUTURE "LIMITED ENTRY".

PRINTED NAME	SIGNATURE	ADDRESS	DATE
JAMES A WEIS	James A. Weis	Box 6042 SITKA AK.	5-10-
Kayla Perala	Kayla Perala	405 Dearmond ^{SITKA}	5-
Michael S Wolf	Michael S Wolf	Box 6266 SITKA	5-
David Whillier	David Whillier	General Delivery ^{SITKA}	5-
Jennifer Carlson	Jennifer Carlson	414 Dearmond St. ^{SITKA}	5-
WAYNE CARLSON	Wayne Carlson	414 DEARMOND ST ^{SITKA}	5-
Susan C. Weis	Susan C. Weis	410 Andrews AK 998.	
Dyane Lebeck	Dyane Lebeck	410 Andrews AK, 998	
Gary Wolf	GARY WOLF	P.O. Box 6266 SITKA	
Florence L. Smith	Florence L. Smith	101 Sharon Dr. SITKA	

SEP 27 1990

YES
ON

WE THE UNDERSIGNED PETITION THE STATE OF ALASKA LIMITED ENTRY COMMISSION AS CONCERNED CITIZENS AND MEMBERS OF THE ALASKA UNDERWATER HARVESTERS ASSOCIATION. IN THIS PETITION WE ASK THAT THE COMMISSION ISSUE AN IMMEDIATE "MORATORIUM" ON THE ISSUANCE OF ANY NEW PERMITS FOR THE HARVEST OF SEA CUCUMBERS IN ALASKA AND THAT A STUDY BE CONDUCTED INTO THE POSSIBILITY OF FUTURE "LIMITED ENTRY".

PRINTED NAME	SIGNATURE	ADDRESS	DATE
JACK WOODL	Jack Woodl	Box 920	5/8/9
RANDY SPIEGGS	Randy Spiggs	110 EAGLE WAY	5/8-
Greta L Eliason	Greta L Eliason	207 Cedar Hts	5-8-
MITCH COWAN	Mitch Cowan	Box 6349	5-8
MARILYN KUEHA	Marilyn Kueha	408 LAKE ST	5-8-9
Boquslow Fryze	Fryze	806 Lake St	5-8-7
Glenn A Wilber	Glenn A Wilber	3311 HPR	
Juan H. Roeker	Juan H Roeker	3311-HPR	5-8-9
Greg Meurs	Greg Meurs	P.O. - Box 604	5-8-
Clyde Coursey	Clyde Coursey	232 KOSWATON	9 MAY 9
KRIS HOFFMAN	Kris Hoffman	10 1/2 MAKOUTOFF	5-9-9
D. FORD	D. Ford	Box 2351 SITKA AK.	5/9/9
PAUL L DRAKE	Paul L Drake	1812 Sawmill Creek	5/8/9
Ch Keene	Ch Keene	470 KATHIAN	5/9/1
L.T. Smotherman	L.T. Smotherman	Box 6270 SITKA AK	5-9-
Paul B Maren	PAUL B MARENO	Box 295 SITKA AK	5-
J.C. Loch	J.C. Loch	617 KATHIAN M-	
DEACON H. REEDER	Deacon H. Reeder	107 SHELLUCKE DR	
BRIAN G. BERGMAN	Brian G. Bergman	212 LAKEVIEW DR SITKA.	
GARY ATKINSON	Gary Atkinson	P.O. Box 1953 SITKA	5-9-97

SEP 27 1990

RES
SION

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PRINTED NAME	SIGNATURE	ADDRESS	DATE
Larry Pearson	<i>Larry Pearson</i>	Box 1143	5-8-90
Jim Cushing	<i>Jim Cushing</i>	404 Lake St.	5/9/90
Terry Lindvall	<i>Terry Lindvall</i>	313 Lake	5/9/90
DIANNE LINDVALL	<i>Dianne Lindvall</i>	313 Lake	5/9/90
For Thomas A Summers	<i>Thomas A Summers</i>	P.O. Box 21	5-14/90
Jim Girdland	<i>Jim Girdland</i>	Box 1362	5/9/90
Jim Stewart	<i>Jim Stewart</i>	717 Katkukan	5/9/90
Les Richardson	<i>Les Richardson</i>	214 Brady	5/9/90
STEPHEN C. SHAFER	<i>Stephen C. Shafer</i>	315 Southeast	5-9-90
Carl R Sangster	<i>Carl R Sangster</i>	101 Kubala Dr	5-10-90
Ron Heathman	<i>Ron Heathman</i>	1511-3 SMC	5/10/90
Ross R. Brigham	<i>Ross R. Brigham</i>	3106 HPR	5/10/90
William Froust	<i>William Froust</i>	3109 HPR	5/10/90
Jerry Sutton	<i>Jerry Sutton</i>	4014 HPR	5/11/90
FRANK LOUCKS	<i>Frank Loucks</i>	Box 3154 SITKA	5/11/90
Brian Oman	<i>Brian Oman</i>	Box 2991 SITKA	5/11/90
George Kubik	<i>George Kubik</i>	1752 HPR Sitka	5/11/90
<i>Jan Kubik</i>	<i>Jan Kubik</i>	713 Kathleen Sitka	
<i>Kat Miller</i>	<i>PAT MILLER</i>	Box 1284 Sitka	
<i>Bryan Paul</i>	<i>Bryan J Paul</i>	1022 ANGE DR Apt #2	5/11/90

U.S. DEPARTMENT OF COMMERCE

SEP 27 1990

IES
ON

SEP 27 1990

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PRINTED NAME	SIGNATURE	ADDRESS	DATE
Eric Quintin	Eric Quintin	3914 HPR	5-11-90
C-J Mulkey	C.J. Mulkey	P.O. Box 1649	5-11-90
Ben Taylor	Ben Taylor	Box 965	5-10-90
MILTON HUNT	Milton Hunt	Box 2355	5-11-90
SANDRA HUNT	Sandra H. Hunt	Box 2355	5-11-90
Bradley F. Scougale	Bradley F. Scougale	Box 6276	5-11-90
David M. Chivers	DAVID CHIVERS	617 KAZIAN STR-12	5-11-90
MIKE ANGUS	Mike Angus	Box 3204 SITKA	5-11-90
LAUREN ROGERS	Lauren Rogers	Box 6102 SITKA	5-11-90
TOM DEPIE	Tom DePie	Box 6102 SITKA	5-11-90
Kirk Van Winkle	Kirk Van Winkle	P.O. 842 SITKA	5-11-90
Steve Branch	Steve Branch	Schaefer #23 Sitka	5-11-90
JEROME BROWN	Jerome Brown	Box 1917 SITKA	5-11-90
Stuart Denslow	Stuart Denslow	Box 6191 SITKA	5-11-90
Carroll Campbell	Carroll Campbell	2604 Sawmill Creek Sitka	5-11-90
Kelly L. White	Kelly White	P.O. Box 2402 SITKA	5/11/90
Beverly S. Brill	Beverly S. Brill	Box 1439 Sitka	5/11/90
Jersey D. Bowen	Jersey Bowen	310 Marine Blvd	5/11/90
EARL B. SHAFER	Earl B. Shafer	Box 1421 Sitka	5/11/90
ED CAITY	Ed Caity	Box 423 Vestavik Ave. Sitka	

MEMORANDUM**STATE OF ALASKA****TO:** Doug Rickey**DATE:** April 25, 1991**FILE NO:****TELEPHONE NO:****FROM:** Susan Shirley
CFEC**SUBJECT:** Dungeness crab
permits issued

The following table presents the number of people who purchased permits for the Dungeness crab fisheries in 1990 and 1991, categorized by purchaser's residence, as of April 19 of each year. These data include all permits for Dungeness crab (D09B, D91B, D99B, D12B). NOTE: These are statewide permits; there is no way to determine at this time where in the state these permits will be fished or if the permits will be fished. Please contact me if I can be of further assistance.

<u>Year</u>	<u>Residents</u>	<u>Non-Residents</u>
1990	352	30
1991	348	55

cc: R. Listowski
K. Schelle



Alaska State Legislature

Please enter into the record my testimony to the House Resources
 committee name
 committee on HB137 , dated May 10, 1991
 bill/subject

See Attached (1 p.)

Signed: Glenn Wilber, President
 Testifier
AK Underwater Harvesters Assn.
 Representing (Optional)
3311 HPR, Sitka AK 99835
 Address

 Phone No.

REPRESENTATIVE
BEN GRUSSENDORF
1221 HALIBUT POINT ROAD
SITKA, ALASKA 99835
(907) 747-8458

RULES COMMITTEE
LEGISLATIVE COUNCIL

DISTRICT 3
ELFIN COVE
PELICAN
POPT ALEXANDER
SITKA
TENAKEE

Alaska State Legislature



House of Representatives
SPEAKER OF THE HOUSE

WHILE IN JUNEAU
PO BOX V
JUNEAU, ALASKA 99801
(907) 465-3824
(907) 465-3720

MEMORANDUM

TO: Rep. Cliff Davidson
Chairman
House Resources Committee

FROM: Rep. Ben Grussendorf

DATE: May 9, 1991

RE: House Bill 137

Since the initial hearing on House Bill 137 by your committee, there have been numerous discussions among the parties interested in this legislation. Various legislators and staff, representatives of the Alaska Department of Fish & Game ("ADF&G"), Commercial Fisheries Entry Commission ("CFEC") members, and commercial fishermen have all offered their views on how this bill could be improved. In addition, the Senate Resources Committee held a hearing on SB 241, a measure similar to HB 137, sponsored by Senator Lloyd Jones.

As a result of these hearings and discussions, I have concluded the following:

1. There appears to be general agreement that the CFEC should be given the authority to impose a moratorium on new participants in those new or "emerging" fisheries that experience unusually high levels of participation and for which accurate biological data is unavailable.

2. There appears to be significant opposition to that portion of the bill which grants the CFEC moratorium authority over fisheries which aren't considered new or "emerging", those fisheries which have been in existence for a long period of time. Much of this opposition stems from the notion that good biological data should already be available for a long time fishery, and that the CFEC should already be in a position to know whether a "limited entry" program would be appropriate for such a fishery.

3. It appears that one fishery that has been in existence for a long time - the Southeast dungeness crab fishery - should be considered for inclusion among those fisheries for which the CFEC would be given moratorium authority. I have come to this conclusion after talking to Southeast dungeness crab fishermen and ADF&G biologists responsible for that fishery. It's my understanding that ADF&G has relatively little biological data on this fishery, due principally to the allocation of the department's research budget to other fisheries. The second problem is the strong indication that the fishery is about to experience a tremendous increase in participation. This increase could seriously impact the continued health of the fishery.

In order to accomplish the purposes for which I sponsored House Bill 137, and at the same time garner the support needed to pass the bill, I would very much appreciate it if the House Resources Committee would consider adopting the attached substitute in place of the original bill.

The major differences between the original HB 137 and the proposed substitute are as follows:

A. FISHERIES ELIGIBLE FOR A MORATORIUM.

As Sec. 5 [page 4, lines 9-15] of the substitute makes clear, only a fishery that has

1) "experienced recent increases in fishing effort that are beyond a low, sporadic level of effort" and

2) "achieved a level of harvest that may be approaching or exceeding the maximum sustainable level"

would be eligible to be considered for a moratorium. This new language was taken from a regulation recently adopted by the Board of Fish. The regulation (a copy of which is attached) deals with "High Impact Emerging Fisheries," the type of fisheries with which my bill is primarily concerned.

I believe this new language will give the Dept. of Fish & Game and the CFEC the necessary authority to deal with a fishery that is threatened by a sudden increase in participation, while at the same time ensuring that the grant of authority is not too broad.

B. THE MORATORIUM "TRIGGER" MECHANISM.

The proposed substitute [page 4, lines 16-19] requires the Commissioner of Fish & Game to petition the CFEC to establish a moratorium of the bill requires the Commissioner of Fish & Game to petition the CFEC for review of any fishery for which the Commissioner concludes a moratorium may be needed. The bill as introduced would have left the moratorium process entirely in the hands of the CFEC. This change is supported by the CFEC and the Department of Fish & Game, and should give some assurance to those who are concerned that the original bill granted too much authority to the CFEC. Because a moratorium on entrants is, in practical terms, a management tool, I believe it is appropriate that a moratorium trigger should be initially in the hands of the fishery managers (i.e., the Department of Fish & Game).

As with the original bill, the proposed substitute [page 4, lines 20-26] requires that, prior to the imposition of a moratorium, the CFEC must find that (1) "the fishery has reached a level of participation that may threaten the conservation and sustained yield management of the fishery resource and the economic health and stability of commercial fishing"; and (2) the CFEC does not have enough information to conclude that a full blown limited entry program is appropriate.

C. THE SOUTHEAST DUNGENESS CRAB FISHERY.

Although it is not a fishery that has "experienced recent increases in fishing effort that are beyond a low, sporadic level of effort," and would therefore not otherwise be eligible for a

moratorium, the Southeast dungeness crab fishery may very soon need the protection that a moratorium could offer. The proposed substitute [page 5, lines 13-28] specifically authorizes the CFEC to impose a moratorium on new entrants to the Southeast dungeness crab fishery, should the CFEC conclude that such an action is warranted. This is the only "long time" fishery for which a moratorium could be imposed. I believe that the members of the House Resources Committee, once they hear the testimony of the fishermen and biologists involved in the Southeast dungeness crab fishery, will agree that the CFEC should at least have the ability to impose a moratorium on this fishery should it become necessary.

You will also find attached to this memo a copy of a recent ADF&G press release announcing a closure of the dungeness crab fishery in Cook Inlet. I don't think anyone wants to see the same thing happen in Southeast.

I am aware of the fact that designating in statute a particular fishery for special treatment could lead to a court challenge of that statute on constitutional grounds. However, I am advised by our legal services division that such a designation will survive a court challenge if it is supported by legislative history indicating the potential need for special treatment. I believe that the testimony before the House Resources Committee will create such a record and defeat any court challenge. The bill merely authorizes (rather than directs) the CFEC to impose a moratorium if it finds that a moratorium is appropriate for the fishery. I would also note that HB 137 has a Judiciary Committee referral, and any issues regarding future court challenges will be dealt with in that committee.

Thank you for your consideration of House Bill 137. I hope the committee concludes, as I did, that this bill, while not a cure for all our fishery management problems, will be of great benefit to those fisheries which become threatened by the dangerous combination of over-participation and lack of adequate biological data.

cc: House Resources Committee members

Attachments

CS FOR HOUSE BILL NO. 137 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Hudson, Koponen, Ulmer, Gruenberg, B.Davis, Mackie, C.Davis, Kubina, Taylor

A BILL
FOR AN ACT ENTITLED

1 "An Act authorizing the Alaska Commercial Fisheries Entry Commission to establish a
2 moratorium on new entrants into certain commercial fisheries and relating to qualifications
3 for entry permits; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

6 (1) the continuation of a commercial fishery may be threatened by the lack of adequate
7 biological and resource management information necessary to determine the amount of fishing effort that
8 a fishery resource can sustain;

9 (2) the continuation of a commercial fishery may be threatened by an increase in fishing
10 effort that is coupled with a lack of sufficient biological and resource management information necessary
11 to ascertain, consistent with the principles of sustained yield, whether the fishery can support additional
12 fishing effort;

13 (3) the provisions of the current commercial fisheries limited entry statutes, developed
14 for commercial salmon fisheries, may not be appropriate for certain other commercial fisheries in the

1 state;

2 (4) the time consuming process required to consider, adopt, and implement a limited entry
3 program for a fishery, coupled with public discussion of a proposal for limiting entry into the fishery,
4 can stimulate a rush of new entrants into the fishery before the limited entry program can be
5 implemented.

6 (b) It is the purpose of this Act to

7 (1) authorize the Alaska Commercial Fisheries Entry Commission to temporarily prevent
8 additional participants from entering certain commercial fisheries in order to

9 (A) allow the fisheries to continue in an orderly and controlled manner until
10 additional data can be gathered from the commercial harvest and from biological research;

11 (B) protect the fisheries and participating fishermen dependent upon the fisheries
12 by lessening the risk of closure of the fisheries for lack of an effective management plan; and

13 (C) allow control of the development of the fisheries; and

14 (2) avoid potential risk to certain commercial fisheries, as well as a rush to limit entry
15 into the fisheries, while allowing sufficient time for research and careful consideration and discussion
16 of all management alternatives for regulating the fisheries and entry into the fisheries among interested
17 parties, including the public, fishery managers, the Board of Fisheries, the Alaska Commercial Fisheries
18 Entry Commission, and the legislature.

19 * Sec. 2. AS 16.43.100(a) is amended to read:

20 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall [:]

21 (1) regulate entry into the commercial fisheries for all fishery resources in the
22 state;

23 (2) establish priorities for the application of the provisions of this chapter to the
24 various commercial fisheries of the state;

25 (3) establish administrative areas suitable for regulating and controlling entry into
26 the commercial fisheries;

27 (4) establish, for all types of gear, the maximum number of entry permits for each
28 administrative area;

29 (5) designate, when necessary to accomplish the purposes of this chapter,
30 particular species for which separate interim-use permits or entry permits will be issued;

31 (6) establish qualifications for the issuance of entry permits;

- 1 (7) issue entry permits to qualified applicants;
- 2 (8) issue interim-use permits as provided in AS 16.43.210, [AND] 16.43.220, and
- 3 16.43.225;
- 4 (9) establish, for all types of gear, the optimum number of entry permits for each
- 5 administrative area;
- 6 (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320
- 7 to reduce the number of outstanding entry permits to the optimum number of entry permits;
- 8 (11) provide for the transfer and reissuance of entry permits to qualified
- 9 transferees;
- 10 (12) provide for the transfer and reissuance of entry permits for alternative types
- 11 of legal gear, in a manner consistent with the purposes of this chapter;
- 12 (13) administer the collection of the annual fees provided for in AS 16.43.160;
- 13 (14) administer the issuance of commercial fishing vessel licenses under
- 14 AS 16.05.490;
- 15 (15) issue educational entry permits to applicants who qualify under the provisions
- 16 of AS 16.43.340 - 16.43.390;
- 17 (16) establish reasonable user fees for services;
- 18 (17) issue landing permits under [IN ACCORDANCE WITH] AS 16.05.675 and
- 19 regulations adopted under that section; [AND]
- 20 (18) establish and collect annual fees for the issuance of landing permits that
- 21 reasonably reflect the costs incurred in the administration and enforcement of provisions of law
- 22 related to landing permits; and
- 23 (19) establish a moratorium on entry into commercial fisheries as provided
- 24 in AS 16.43.225.

25 * Sec. 3. AS 16.43.180(a) is amended to read:

26 (a) The commission shall adopt regulations providing for the temporary emergency

27 transfer of entry permits and interim-use permits when illness, disability, death, required military

28 or government service, or other unavoidable hardship prevents the permit holder from

29 participating in the fishery. To alleviate hardship pending a final determination of the permit

30 holder's eligibility for an entry permit, the commission shall adopt regulations providing for the

31 temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or

1 16.43.225.

2 * Sec. 4. AS 16.43.210(a) is amended to read:

3 (a) Pending the establishment of the maximum number of entry permits under
4 AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue
5 interim-use permits under regulations adopted by the commission for each fishery, not subject
6 to a moratorium under AS 16.43.225, to all applicants who can establish their present ability
7 to participate actively in the fishery for which they are making application.

8 * Sec. 5. AS 16.43 is amended by adding new sections to read:

9 Sec. 16.43.225. MORATORIUM ON NEW ENTRANTS INTO CERTAIN FISHERIES.

10 (a) Subject to (b) of this section, the commission may establish a moratorium on new entrants
11 into a fishery that has

12 (1) experienced recent increases in fishing effort that are beyond a low, sporadic
13 level of effort; and

14 (2) achieved a level of harvest that may be approaching or exceeding the
15 maximum sustainable level for the fishery.

16 (b) The commission may establish a moratorium on new entrants into a fishery described
17 in (a) of this section if

18 (1) the commissioner of fish and game petitions the commission under
19 AS 44.62.220 to establish a moratorium on new entrants into the fishery; and

20 (2) the commission finds that

21 (A) the fishery has reached a level of participation that may threaten the
22 conservation and the sustained yield management of the fishery resource and the
23 economic health and stability of commercial fishing; and

24 (B) the commission has insufficient information to conclude that the
25 establishment of a maximum number of entry permits under AS 16.43.240 would further
26 the purposes of this chapter.

27 (c) The commission may establish a moratorium under this section for a continuous
28 period of up to four years. A fishery that has been subject to a moratorium under this section
29 may not be subjected to a subsequent moratorium under this section unless five years have
30 elapsed since the previous moratorium expired.

31 (d) While a moratorium is in effect, the commission shall conduct investigations to

1 determine whether a maximum number of entry permits should be established under
2 AS 16.43.240 by

3 (1) conducting research into conditions in the fishery;

4 (2) consulting with the Department of Fish and Game and the Board of Fisheries;

5 and

6 (3) consulting with participants in the fishery.

7 (e) The commission shall establish by regulation the qualifications for applicants for an
8 interim-use permit for a fishery subject to a moratorium under this section. The qualifications
9 must include the minimum requirements for past or present participation and harvest in the
10 fishery. The commission may not issue an interim-use permit for a fishery subject to a
11 moratorium under this section unless the applicant can satisfy the qualifications established under
12 this subsection and establish the present ability and intent to participate actively in the fishery.

13 Sec. 16.43.227. SOUTHEAST ALASKA DUNGENESS CRAB FISHERY. (a) The
14 commission may establish a moratorium on new entrants into the southeast Alaska dungeness
15 crab fishery for a continuous period of up to four years. While the moratorium is in effect, the
16 commission shall

17 (1) conduct the investigation required under AS 16.43.225(d);

18 (2) establish by regulation the qualifications for an interim-use permit for the
19 fishery, including minimum requirements for past or present participation and harvest in the
20 fishery; and

21 (3) issue interim-use permits for the fishery to applicants who satisfy the
22 qualifications established under (2) of this subsection and who establish the present ability and
23 intent to participate actively in the fishery.

24 (b) Notwithstanding AS 16.43.225, for the purposes of this chapter

25 (1) an interim-use permit issued under this section shall be treated as an interim-
26 use permit issued under AS 16.43.225;

27 (2) a moratorium established under this section shall be treated as a moratorium
28 established under AS 16.43.225.

29 * Sec. 6. AS 16.43.240(b) is amended to read:

30 (b) When the commission finds that a fishery, not designated as a distressed fishery under
31 AS 16.43.230 or not subject to a moratorium under AS 16.43.225, has reached levels of

1 participation that [WHICH] require the limitation of entry in order to achieve the purposes of
2 this chapter, the commission shall establish the maximum number of entry permits for that
3 fishery.

4 * Sec. 7. AS 16.43.240 is amended by adding a new subsection to read:

5 (c) When the commission finds that a fishery subject to a moratorium under
6 AS 16.43.225 has reached levels of participation that require the limitation of entry in order to
7 achieve the purposes of this chapter, the commission shall establish the maximum number of
8 entry permits for that fishery.

9 * Sec. 8. AS 16.43.260(a) is amended to read:

10 (a) The commission shall accept applications for entry permits only from applicants who
11 have harvested fishery resources commercially while participating in the fishery as holders of
12 gear licenses issued under AS 16.05.536 - 16.05.670 or [AND] interim-use permits under
13 AS 16.43.210(a) or 16.43.225 before the qualification date established in (d), [OR] (e), or (f) of
14 this section. The commission may specify by regulation the calendar years of participation that
15 will be considered for eligibility purposes.

16 * Sec. 9. AS 16.43.260(d) is amended to read:

17 (d) Except as provided in (e) or (f) of this section, an applicant shall be assigned to a
18 priority classification based solely upon the applicant's qualifications as of January 1, 1973.

19 * Sec. 10. AS 16.43.260(e) is amended to read:

20 (e) Except as provided in (f) of this section, when [WHEN] the commission establishes
21 the maximum number of entry permits for a particular fishery under AS 16.43.240 after
22 January 1, 1975, an applicant shall be assigned to a priority classification based solely upon the
23 applicant's qualifications as of January 1 of the year during which the commission establishes
24 the maximum number of entry permits for the fishery for which application is made.

25 * Sec. 11. AS 16.43.260 is amended by adding a new subsection to read:

26 (f) When the commission establishes the maximum number of entry permits under
27 AS 16.43.240 for a fishery that is subject to a moratorium under AS 16.43.225, an applicant for
28 an entry permit for the fishery shall be assigned to a priority classification based solely upon the
29 applicant's qualifications as of the effective date of the regulation establishing the moratorium.

30 * Sec. 12. This Act takes effect immediately under AS 01.10.070(c).

5AAC 39.210. MANAGEMENT PLAN FOR HIGH IMPACT EMERGING FISHERIES.

(a) Many of Alaska's fishery resources are not yet commercially harvested to a significant extent. However, changes in catching and processing technology or in markets, coupled with fisheries that are open-to-entry, can precipitate rapid expansion of a fishery. When new fisheries are small, they can be successfully managed under the department's existing statutory and permitting authorities. However, rapid development of a fishery can proceed faster than the department's ability to manage, protect, and maintain the resource. The consequences include resource depletion, boom-bust development, and de facto reallocation among users. When these circumstances develop, only total closure of the fishery or the implementation of a very conservative management plan, that discourages large effort, can ensure that newly exploited stocks are conserved. This can hinder the orderly development of the state's under utilized resources. Compliance with the department's statutory responsibilities, to manage commercial fisheries, makes it reasonable to differentiate high impact emerging fisheries commercial fisheries from other new or small scale commercial fisheries based upon evaluation of recent growth in participation, purpose of fishery, impact on existing users, conservation concerns, and status of management programs. A plan is needed to guide management of high impact emerging commercial fisheries that ensures resource conservation, minimizes impacts on existing users, and provides orderly development of new fishery resources.

(b) A commercial fishery may be regulated as a high impact emerging fishery if the commissioner determines that any of the following conditions apply to a species or species group in an area or region:

(1) harvesting effort has recently increased beyond a low sporadic level;

(2) interest has been expressed in harvesting the resource by more than a single user group;

(3) the level of harvest may be approaching what may not be sustainable on a local or regional level;

(4) the board has not developed comprehensive regulations to address issues of conservation, allocation, and conduct of an orderly fishery.

(c) The commissioner shall notify the board when a determination is made to manage a fishery as a high impact emerging fishery.

(d) The department shall close a high impact emerging fishery once it is designated as such by the commissioner and may not reopen the fishery until an interim management plan and associated regulations have been developed. If an interim management plan and regulations have been adopted, the commissioner

may allow the fishery to continue.

(e) The department shall develop interim management plans for high impact emerging commercial fisheries. Interim management plans shall contain at least the following information:

(1) a review of the history of commercial exploitation of the species in Alaska and other relevant jurisdictions;

(2) a review of the life history of the organism;

(3) identification of specific management goals and objectives;

(4) an evaluation of potential impacts on existing users;

(5) designation and justification of the preferred management measures;

(6) an evaluation of the conservation impacts of the preferred management approach on non-target species and on non-target individuals of the same species;

(7) a plan for determining the productivity of the species and impact of the fishery;

(8) a listing of proposed interim regulations;

(9) a cost estimate for plan implementation;

(10) analysis of customary and tradition subsistence use patterns.

(f) The commissioner may adopt regulations and open the fishery consistent with measures identified in the plan; the regulations would remain in effect until the board adopts regulations under section (g).

(g) The department, upon completion of a draft interim plan, shall petition the board under 5AAC 96.625 to consider adoption of the management plan and associated regulations at its next regularly scheduled meeting.

(h) The department may require onboard observers aboard fishing vessels, catcher/processor, and floating processors, as specified in 5AAC 39.141 and 5AAC 39.645, that participate in high impact emerging fisheries. (Effective ___/___/91, Register)
Authority: AS 16.05.251

COMMERCIAL FISHERIES



NEWS RELEASE

ALASKA DEPARTMENT
OF FISH & GAME



State of Alaska
Department of Fish and Game
Carl L. Rosier, Commissioner

Central Region
3298 Douglas Street
Homer, AK 99603

Denby Lloyd, Director
Division of Commercial Fisheries

Al Kimker
Regional Shellfish Biologist

and

Norval Netsch, Director
Division of Sport Fish

Dave Nelson
Area Sport Fish Biologist

NEWS RELEASE

April 1, 1991

1991 COOK INLET SPORT, PERSONAL USE AND COMMERCIAL DUNGENESS CRAB SEASON

Based on the decline of the Dungeness crab stock in the Southern District (Kachemak Bay) of the Cook Inlet Management Area, there is a very limited probability of a sport, personal use or commercial Dungeness crab fishery in 1991. Since full development of the commercial fishery in 1978 the average annual harvest has been one million pounds. The catch however declined severely in 1989 to a level of 178 thousand pounds. The commercial harvest further declined in 1990 to 29,000 pounds.

The goal of the closure will be to re-establish an abundance of adult crabs which will not only enhance the reproductive capabilities of the stock but also once again provide for both quantity and quality in the sport, personal use and commercial fisheries. The department will charter a commercial vessel to conduct test fishing in both the waters east and west of Homer spit to determine molt timing, female reproductive condition and a relative index of abundance. The test fishing will begin in early June and extend on a monthly basis through early September.

Emergency orders will be issued in late May canceling the openings for all types of Dungeness fisheries that normally open by regulation in June. The department/industry test fishing in part is designed to identify recruitment into both the adult and legal segments of the stock. If an unexpectedly significant number of crabs appear throughout the gear, a limited opening of all fisheries will be evaluated.

Alaska State Legislature
House of Representatives
Rep. Cliff Davidson, Chairman
House Resources Committee

May 10, 1991

Hello:

The arguments for and against HB 137 and SB 241 are well known to all of you I believe, but the new emerging fisheries that this Bill will help to manage more effectively are possibly not as familiar to all of you.

Sea Cucumbers are the most well known dive fishery in S.E., but may soon take a back seat to several other emerging fisheries. Sea Urchins are probably the most promising emerging fishery considering the potential capital, and the quantity of resource, but there are also geoducks, a potential hard-shell clam fishery, and several lesser potential fisheries that could benefit from this legislation.

I know that all of you can see the potential value of being able to manage a fishery prior to a problem rather than manage from a reactionary position.

Thank you,

Glenn Wilber, President
Alaska Underwater Harvesters Assn.
3311 HPR Sitka, Alaska 99835

P.S.: The first House Resources telethon was called during the Sea Cucumber opening when most divers were out; the last was the day following the Halibut opening when most of us were trying to off-load, still out of town, or possibly just trying to recuperate. We all realize the necessity for the legislature to schedule committee meetings at their own convenience, but please take these factors into consideration when taking notice of the poor turnout for the telethons.

cc: Rep. Ben Grussendorf
Sen. Lloyd Jones, Sponsor of SB 241

GW/gj

Board Agrees to Manage Cukes

by Bob Tracy

It took more than two full days to put together, and a pending lawsuit didn't seem to slow it down. Alaska's Board of Fisheries wrote a sea-cucumber management plan allowing the lucrative harvest of one of the most unusual creatures in the sea.

The new management plan, which won't take effect until a Department of Law and lieutenant governor's review, will increase both the weekly and the annual duration of the cuke season.

Under the new plan, openings take place for two 48-hour periods per week: Saturday 12:01 a.m. to Sunday 12:59 p.m., and the same times Wednesdays to Thursdays. The season

will run from Oct. 1 through March 31.

The existing "interim" sea-cucumber plan allows only 36-hour fisheries, which vary slightly between northern and southern Southeast. Previously, the season ran from Oct. 14 to March 31.

Hand-picking sea cukes using SCUBA or "hookah" submersion gear or by skin diving are the only legal means of harvesting under the plan. In order to provide refuge for sea cucumbers below 18 meters of water, the plan prohibits the use of mixed gases or saturation diving.

As with other fisheries and ADF&G activities in general, the state budget

will plan an influential role in sea cucumber management.

The Board requires a biomass assessment to be conducted before any area can be opened for commercial harvest.

Robert Larson, developing fisheries project leader for the Department, told the Board that without a budget increase, few harvest areas would probably be opened in the next budget year.

"It will depend entirely upon funding," Larson explained.

In the past year the Department surveyed 13 areas at a cost of about \$60,000. Dives on the more than 100 harvest areas will cost an estimated

\$150,000 that the Department is not scheduled to receive under the fiscal 1992 budget submitted by Gov. Walter J. Hickel.

Potential fishing areas are spread throughout Southeast from the Ivy Strait to Lower Clarence Strait. Large sectors in another 14 legal descriptions are designated as sea-cucumber refuge areas and closed to commercial harvest.

Some of the refuge areas will never be open to any harvest and will be used to study sea cucumbers. Others will be used in a three-year cycle outlined by the plan. Each fishing area opened for a year will be closed for the next two.

One local diver became upset when some of the visitors dove the same area he was harvesting. The unnamed diver surfaced, returned to his boat and began lobbing seal bombs into the water, Dennis said.

The plan also provides for emergency order closures as the Department finds necessary.

Those precautions may not have been enough for the Central Council of the Tlingit and Haida Indian Tribes. The Council in April sued the state and ADF&G in state Superior Court seeking to have the fishery closed until the sea-cucumber stock can be assessed.

Department biologists admitted during the Board meeting that they have little general knowledge about sea cucumbers in Southeast Alaska, and not much reliable data on their life cycle.

Most controversial, according to David Crosby, the attorney representing the Central Council, is the so-called surplus production computer model used to compute catch quotas.

Before and after the Board meetings Crosby called the model "a formula for disaster."

The actual formula says the harvest quota is equal to $3 \times CF \times GF \times M \times P_0$.

CF is equal to the scaling factor relating to maximum sustainable fishing mortality to unexploited population. GF is a correction factor to allow for errors in assumptions the model is based upon. M is the estimated instantaneous mortality rate for sea cucumbers using specified methods. P_0 is, of course, "the virgin population size taken as the lower bound of the one-sided 90 percent

confidence interval."

Clear as a sea cucumber in a mud bath to some, perhaps, but even the Department's own report to the Board said, "The model structure is overly simplistic, the parameters required are sometimes difficult to estimate accurately and there is an attendant risk of fishery collapse."

"This is not a model for sustained yield. This is a smoke screen for a return to the gold rush," Crosby told the Fish Board. Fisheries in British Columbia and the Lower 48 came near to collapse using the same formula, he charged.

The attorney explained, after his testimony, that the Central Council suit was on hold, pending the Board's action. He also noted that the Department had been cooperating with the Council to that point.

Other proposals seeking a shut-down of the fishery around Prince of Wales Island and throughout Section 3B received no action from the Board.

The week after the meeting, Crosby hadn't yet decided on his plan of action, but indicated there was room for resolution.

"If we were a conservation organization as opposed to folks who are concerned with subsistence, we might be concerned with any fishery. We just wanted to make sure they don't experiment in the areas that are critical for subsistence use," Crosby said.

However, he remained critical of

the quota formula. "They will soon enough find that the sustained production model could very well lead to the same kind of crash they experienced with abalone, and we want to make sure they don't."

Chairman Bud Hodson indicated the suit played no part in Board deliberations. "We get sued all the time," he said, explaining that the Board just follows the laws as they exist on the state's books at present.

Crosby also noted that dive fisheries are difficult to enforce. Testimony from a diver who worked the past season suggested they could be difficult to survive as well.

Jim Dennis, from Craig, described a meeting of local divers and others from elsewhere in Southeast and from Outside.

"There were some fireworks, literally," Dennis said. One local diver became upset when some of the visitors dove the same area he was harvesting. The unnamed diver surfaced, returned to his boat and began lobbing seal bombs into the water, Dennis said.

In another incident, a second local diver "punched the guy out under water," Dennis said.

Asked what regulations the Board could enact to bring order to the fishery, Dennis said they couldn't do much. He said the young fishery would develop its traditions and courtesies over time as others have before it. □

WESTPAC

Entry Commission Scuttles Dungeness

Cotter Fears More Outside Effort

Alaska
Fishing News
2-91

by Bob Tkacz



Commissioners don't believe a limited-entry system would promote better management and the economic health of the Dungeness fishery.

For the third time in six years, the Alaska Commercial Fisheries Entry Commission (CFEC) is telling Southeast fishermen it won't order limited-entry rules for the Dungeness crab fishery.

While the latest effort to shut the entry door has not yet been presented as a formal petition, the relatively new Southeast Alaska Dungeness Crabbers Association (SADCA) has retained an attorney and a consultant to help their cause succeed.

"Our initial response to the petition was to say no," said Bruce Twomley, chairman of the Commission.

A CFEC representative told the state Board of Fisheries the same thing at its Juneau meeting and was scheduled to visit Petersburg, home of the limited-entry movement, to deliver the same message Jan. 30.

"The problem for us at the outset is that we can't rationalize the initial decision that we have to make to go forward with this limited-entry system," Twomley said.

To order a limited-entry regime, Alaska law requires the CFEC to find that a limitation system would promote better management and the economic health of the fishery, he explained.

The current status of the fishery, and regulations controlling it, could result in "a tremendous opportunity for expansion of effort, even after limitation," he added.

Dungeness fishermen now are limited to no more than 300 crab pots, but very few of the more than 200 fishermen now participating in the fishery run that much gear. And only an estimated five to 10 percent of those fishermen work Dungeness any-

where close to full time, according to Larry Cotter, SADCA's consultant and a member of the North Pacific Fishery Management Council.

The Commission's concern is that limited-entry systems would result in more of the participating fishermen putting more effort into the fishery and using more of the 300 allowable pots.

"What we face there is if we limit the number of participants, we really haven't constrained the fishery," said Kurt Schelle, CFEC manager of research and planning.

"That sounds logical, but actually kind of begs the question," responded Cotter.

"As long as that 300-pot limit is in effect and they don't impose limited access, what's to stop the [participating] fishermen or new ones that are going to come up, from increasing effort and having the same detrimental effect?" Cotter asked.

Cotter also complained that the Commission is talking out of two sides of the argument it used in 1984 to reject a limited-entry request.

In 1984 the CFEC did set a formal petition.

In its 1986 response, the Commission wrote, "Limiting participation at these historically unprecedented levels would convey no benefit or benefits, particularly if effort by the transient [Lower 48] fishermen is expected to decline in the near future."

At the time, the "unprecedented level" numbered about 140 fishermen, with an estimated 60 percent coming from Alaska. But Dungeness stocks in Lower 48 waters were believed to be rising then.

continued on page 14

The Commission expected Dungeness effort to drop. As fishermen chased more bountiful waters down south, the need for limited entry as a conservation measure would be removed.

By 1989, however, the number of fishermen participating in the fishery had risen to 255, from 35 or less in the 1980-81 season, according to a CFEC report.

At the same time the number of Alaska residents in the fishery has risen to about 80 percent. But now Dungeness stocks off the Lower 48 are apparently declining.

The SADCA, Cotter said, "is afraid that we're going to see an increased nonresident effort" resulting in more

competition and less income per boat.

Unlike the North Pacific Fishery Management Council, the CFEC can, under its enabling statute, consider economic impact to involved fishermen in addition to conservation questions.

SADCA members "are concerned about the future of their fishery. They've worked hard to develop it, and the Dungeness fishery has become viable," Cotter said.

And while he conceded the group is concerned with its pocketbooks, it isn't trying to stop anyone who has been crabbing from continuing.

"They're approaching this from an inclusive perspective as opposed to exclusive. When it comes to those who

have participated in the fishery in the past four years, the approach of this group is, 'Hell, I give a license to everybody who's fished in the last four years,'" Cotter said.

These arguments haven't cut any ice with the CFEC. Twomley said that imposition of a limitation system would require identification of a maximum number of permits based on the highest level of participation in the three years before a decision to impose limitations.

"That requirement and the possible increase in pots per fisherman combine to dissuade the CFEC that limited entry would be beneficial.

"It would be so open to further effort that we can't see a control on

this basis would be of much merit," Twomley said.

But Cotter said SADCA is open to other approaches such as a decrease in the number of pots per fisherman if it could grandfather those members of the fleet who do run 300 pots.

Rumors in the industry suggest a possible legislative solution may be in the works.

Twomley also said the CFEC is not closed to new suggestions.

"It's still open to people to persuade us that there are facts and trends to support limitations," he said, adding, "That's not what we see." □

Commission studies moratorium for emerging fisheries

By SUZANNE HANCOCK
Staff Writer

Every action has a reaction. Especially in fishing. Once any species is fished, regulating that fishery is not far behind.

Commissioner Richard Listowski of Commercial Fisheries Entry Commission was in Kodiak during ComFish.

One of the topics he was discussing with members of the local fishing industry is House Bill 137 which is an act authorizing the CFEC to establish a moratorium on new entrants into certain commercial fisheries and relating to qualifications for entry permits.

Rep. Ben Grussendorf, Speaker of the Alaska House of Representatives, has introduced

legislation that would authorize the CFEC to establish a moratorium in certain commercial fisheries. Since the proposal was introduced, a number of questions have been asked.

Listowski said merging fisheries and established fisheries create some of the problem. Until the addition of established fisheries such as Dungeness crab, no one had much problem with new fisheries such as sea cucumbers or sea urchins.

The Dungeness issue was brought forward by southeast fishermen who have twice petitioned the entry commission to limit that fishery.

With a 300-pot limit, 272 permits, and 464 vessels involved
See Limited entry, Page 3



High winds

Wind gusts as high as 110 mph were recorded Friday afternoon about the time the 140-foot FV Lady Patricia broke loose from the mooring buoy in the channel and was blown against the small boat harbor breakwater. Here the tug Kodlak King takes the vessel in tow to assist it back to a safe moorage. (Photo by Cat Klinkert)

Limited entry—

Continued from Page 1
in Dungeness fishing to date, Listowski says limited entry is not the panacea fishermen think it is.

Costly and unwieldy, the end result of limited entry in that fishery could mean increased capitalization. Vessels which now fish a hundred pots would think they had to fish the limit, for example.

The bill has a sunset clause. The sunset on the moratorium means that at the end each one, a fishery is looked at individually to determine how it will be managed. Under one alternative when the moratorium ends is a new management plan. A new management plan can mean individual fishing quotas as one potential outcome for a particular fishery, he said.

Two other options after the moratorium ends is an open entry fishery and limited entry.

A "moratorium" is a simple way to temporarily stop new people from entering a fishery. It does not directly affect anyone who is already actively participating in the fishery.

Under the terms of HB 137, during the time that a moratorium is in effect, the CFEC would be required to work with the Department of Fish and Game, the Board of Fisheries, and representatives of the industry to examine conditions within the fishery to devise an appropriate management plan.

This management plan could or could not include the establishment of a maximum number under the current limited entry authority.

No moratorium would remain in place for longer than four years. No fishery would be placed under a moratorium more than once.

Rather than risking a total closure of the fishery while the necessary data are gathered, a moratorium could allow the fishery to continue by establishing a temporary cap on the number of persons fishing to control growth and to provide an orderly fishery.

In new, emerging fisheries, experiencing a rapid growth in participation, there may not be enough information available on the biology of the resource to make informed decisions on how much effort the fishery can sustain and how to manage the fishery under the sustained yield principle.

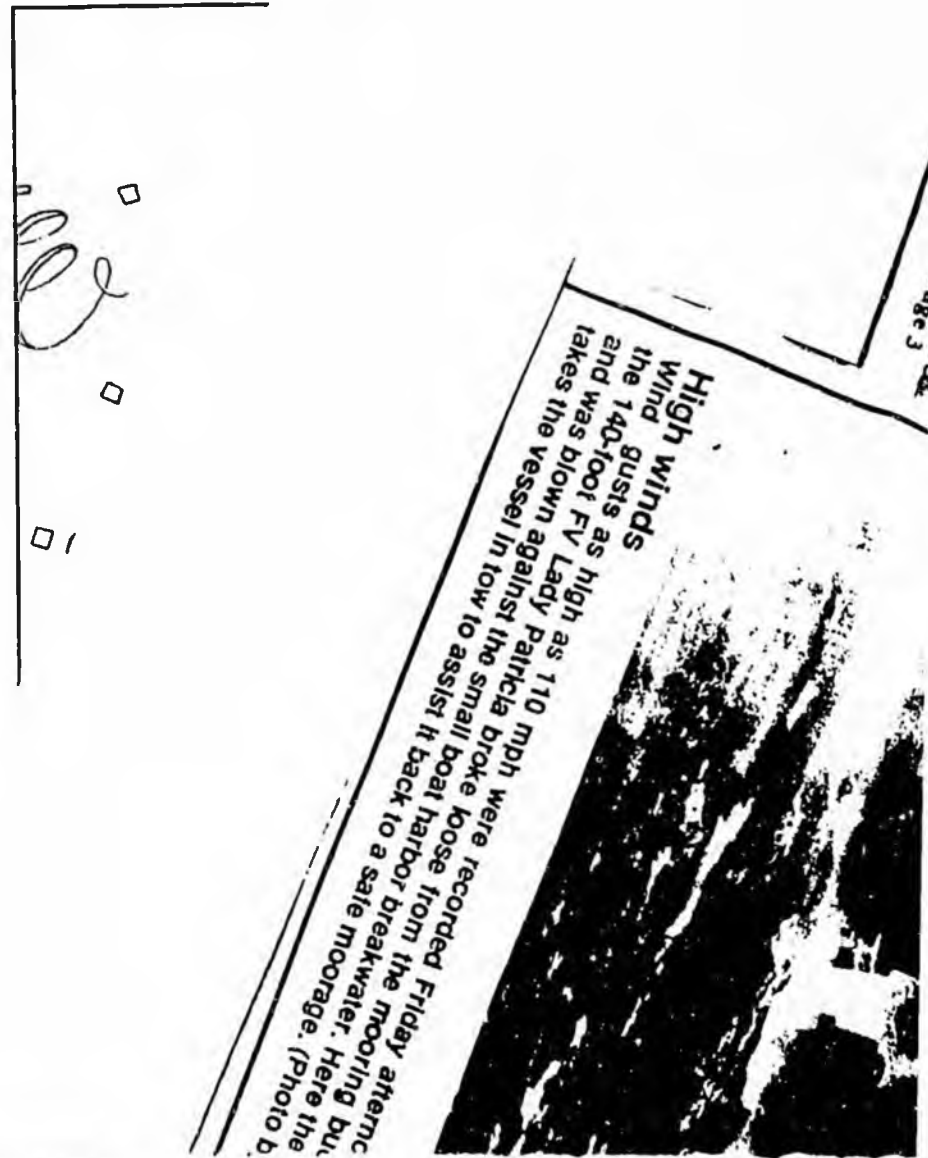
In existing fisheries, where the conservation of the resource and the economic viability of the fishery is threatened by increased effort, but where the current limited entry program may not be an appropriate management alternative, a moratorium would give managers, biologists and the industry time to develop an alternative management solutions.

There is frequently an increase in the number of persons buying interim-use permits when

there is discussion of limited entry in a fishery.

But, just buying an interim-use permit would not qualify someone for an interim-use permit during the time that a moratorium is in effect, or qualify someone to apply for a permanent limited entry permit.

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TESTIMONY ON HB 137

by

Larry Cotter
Southeast Alaska Dungeness Crab Association

May 10, 1991

Mr Chairman, Members of the House Resources Committee:

I appear today on behalf of the Southeast Alaska Dungeness Crab Association in support of the proposed Committee Substitute for HB 137. The Southeast Alaska Dungeness Crab Association is an organization of dungeness crab fishermen from throughout Southeast who fear for the future of the dungeness crab resource and their ability to derive a living from the commercial harvest of that resource.

The Southeast dungeness crab fishery is a fairly unique fishery in Alaska. The fishery occurs totally in the relatively sheltered inside waters, and is the only crab fishery in Southeast which has not been limited. The fishery is prosecuted predominantly by small boat, resident Alaska fishermen. According to the Commercial Fishery Entry Commission Briefing Report 90-5 (CFEC 90-5), less than 1% of the vessels in the fleet since 1986 have exceeded 60 feet in length. In fact, during the 1988-89 season, "the predominant vessel size class was 29 feet or less (45%), and over 75% of the fleet was smaller than 40 feet". (pg.70, CFEC 90-5) Seven vessels were between 50 and 59 feet, and only 2 were larger than 70 feet. (pg. 83, CFEC 90-5) Ninety percent of the total dungeness catch since 1981-82 was harvested by vessels less than 50 feet.

	<u>1989/80</u>	<u>1988/89</u>	<u>1987/88</u>	<u>1986/87</u>
Less than 50 foot boat:	222	312	373	428
More than 50 ft. boat:	13	16	21	32

The fishery is also one in which new participants have been entering at a rapid pace. 86% of current participants have fished dungeness for less than 5 years. Sixty-six persons entered the fishery for the first time in 1989-90. (CFEC 90-5) Anecdotal information indicates substantial new entrants for 1991, including several large boats from West Coast Dungeness crab fisheries.

In terms of residency, the most recent year for which information is available, the 1988-89 fishing year, showed that 91% of the participants in the Southeast dungeness fishery were Alaskan residents. This is a dramatic shift from the early 1980's when 30% of the participants were non-residents. (pg. 12, CFEC 90-5) The level of resident and non-resident participation appears directly related to the health of West Coast dungeness stocks. According to the CFEC Briefing Report, "[t]he number of non-residents in the... fishery was high in 1982, historically one of the lowest harvest periods in the Pacific Coast fishery". The high level of non-resident participation continued through 1985/86 when it dramatically dropped. This coincided with substantially increased harvest levels of dungeness off the coast of Washington State.

One of the concerns of Southeast dungeness fishermen is that West Coast Dungeness stocks are once again declining and we will experience a large influx of non-resident fishermen with large vessels entering the Southeast fishery during the next few years. Dungeness crab populations in northern California, Oregon and Washington have exhibited cyclic variations in abundance during the past several decades. The period of the cycle has been fairly regular at about ten years, with very large harvests occurring toward the later part of a decade followed by very low harvests the remainder of the decade. The following table shows West Coast dungeness landings since 1985 (in thousands of pounds):

	<u>1985/86</u>	<u>1986/87</u>	<u>1987/88</u>	<u>1988/89</u>	<u>1989/90</u>
Wash.	5,430	4,806	17,858	23,892	6,700*
Oregon	7,171	4,747	8,685	11,154	N/A
Calif.	5,990	8,597	8,754	9,552	N/A

Source: Pacific Marine States Fishery Commission/Wash. Dept. of Fisheries

* Does not include Puget Sound landings which were approx. 1 million pounds.

There is little dispute the West Coast dungeness stocks are currently entering their cyclical downturn. Washington State Dept. of Fisheries reports that total landings to date for the 1990/91 dungeness season are 6 million pounds. They do not expect the total harvest to exceed 7 million pounds. Typically, the Washington State harvest occurs during December and January (approx. 55% of total harvest) with most of the remainder taken early in the spring. (personal communication)

Southeast dungeness crab fishermen fear these vessels will move north to Alaska and displace them from their fishery and adversely affect the overall health of the stocks.

A substantial increase in effort may adversely affect the biological health of the stocks as well as cause social and economic harm to participants. The CFEC Briefing Report states: "...Significant changes in effort in the southeast Alaska fishery may affect biological interpretation of population abundance and may mask cycles of abundance". In other words, increases in effort may result in a larger overall harvest which may indicate a large and healthy legal age population. If, however, the amount of effort (or numbers of pots) used in the harvest is inaccurately accounted, the reason for the increased harvest may not be due to a large and healthy population but to increased effort. This could lead to misinterpretation by the managing biologists of the overall health of the stocks.

The CFEC Briefing Report continues: "An additional problem for management... is the overlap of part of the dungeness crab season with the sensitive molting and mating periods of the crab. An intense fishery such as this can inflict substantial handling mortality on newly molted crab". (pg. 87)

Most crab fisheries are scheduled to avoid the molting period in order to minimize adverse impact upon the sensitive crab. Southeast dungeness, however, does overlap the molting period (at least in some areas) due to the positive economic benefit derived from the sale of dungeness during the summer tourist season. Allowing effort to continue increasing in this fishery, particularly if the increased level of effort stems from several large vessels intensely fishing 300 pots, will likely result in increased handling mortality which could adversely affect the overall health of the stocks. An alternate choice would be to close the commercial fishery during the molting period, but this would have severe adverse economic impacts upon the small boat fleet that depends upon the summer trade.

Finally, this is the only crab fishery in Southeast Alaska which is not currently subject to limited entry. As a result, there is no method currently available to control new entry to this fishery. We know that new entrants are increasingly entering the fishery. We fear additional entrants on a scale we haven't seen before. There are legitimate reasons for concern for the resource, and legitimate reasons for concern for the social and economic impact upon existing Dungeness participants. We believe the future of our fishery is at stake, and urge you to provide CFEC with the ability to address our problems in the event the evidence warrants action.

Thank you.

SOUTHEAST DUNGENESS CRAB ASSOCIATION
P.O. BOX 935
PETERSBURG, ALASKA 99833

April 25, 1991

WHY IS THE DUNGENESS RESOURCE IN TROUBLE?

- * Over saturation of gear on the fishing grounds.
- * More efficient gear, and sophisticated electronics.
- * Ever increasing Non-resident participants.
- * Greater mobility and experience in the present fleet.

WHY WOULD A MORATORIUM BE MORE APPROPRIATE NOW
THAN TRADITIONAL LIMITED ENTRY?

* Limited entry was designed for the salmon fisheries and has been successful. However, CFEC is adamant that this form of Limited Entry is dangerously inappropriate for crab. Therefore, time is needed to develop the appropriate Limited Entry program.

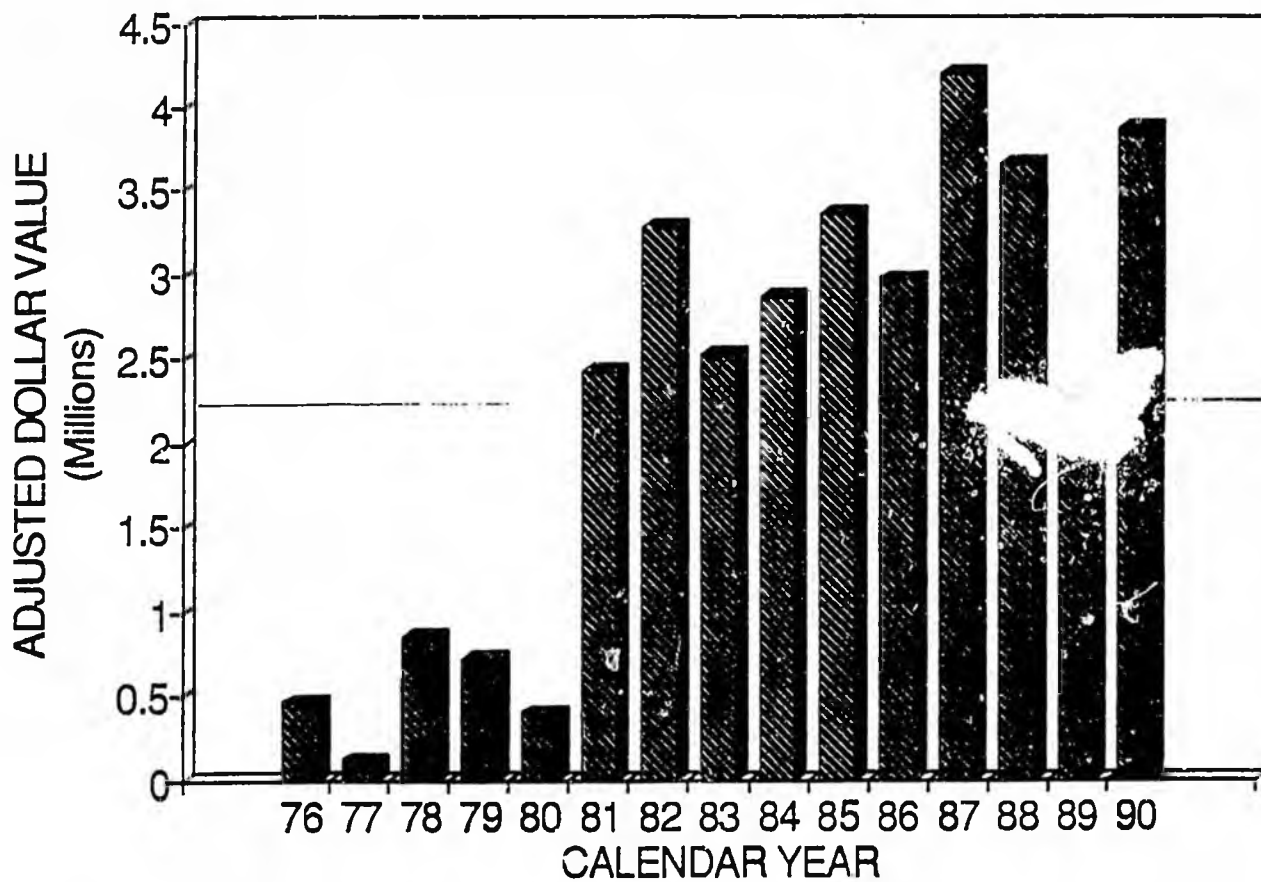
WHY NOT ADDRESS THE THREAT TO THE DUNGENESS FISHERY
THROUGH THE BOARD OF FISH?

- * Pot limits: ineffective without first limiting the number of participants.
- * Quota: At the present there is insufficient data due to lack of funding.
- * Shorter season: Creates derby mentality which is extremely dangerous to the resource in the name of efficiency and greed, i.e. Halibut and Black Cod.
- * Present 3 S Management: It provides the Department a simplified management approach to a complex resource - By definition "management by default".

SUMMARY

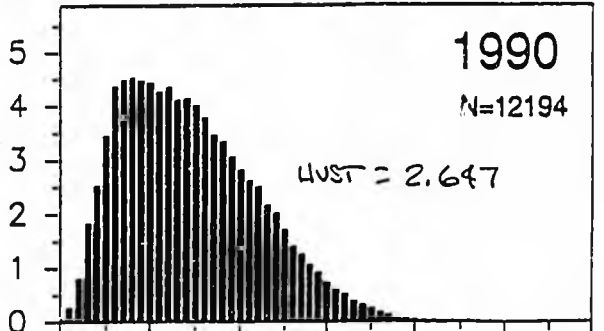
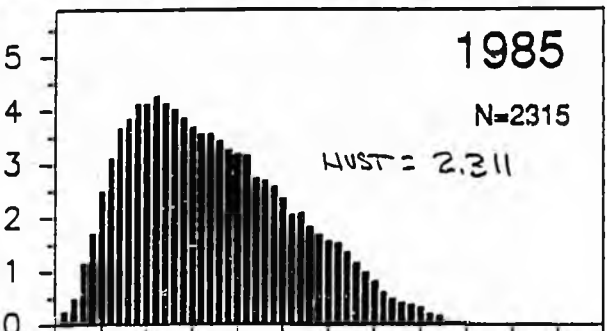
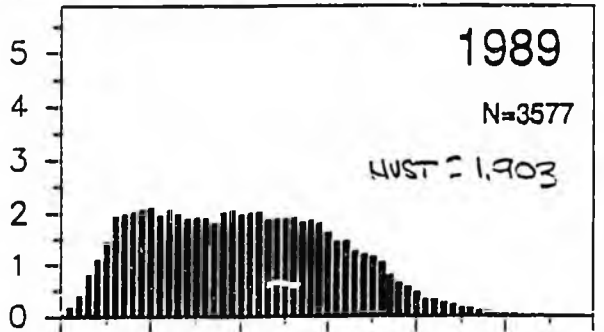
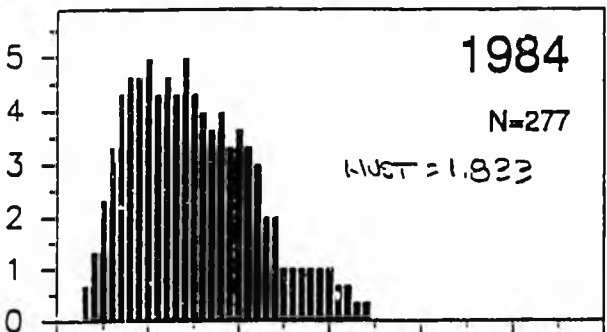
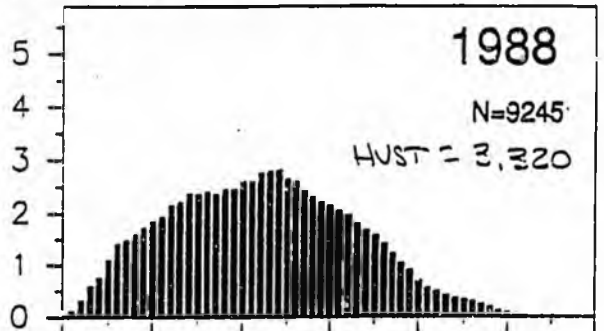
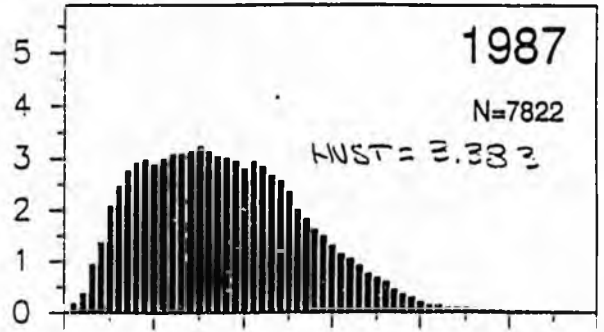
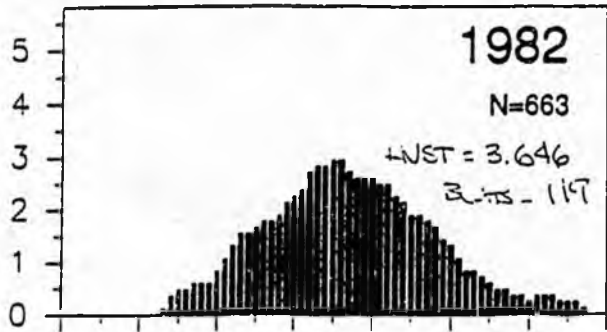
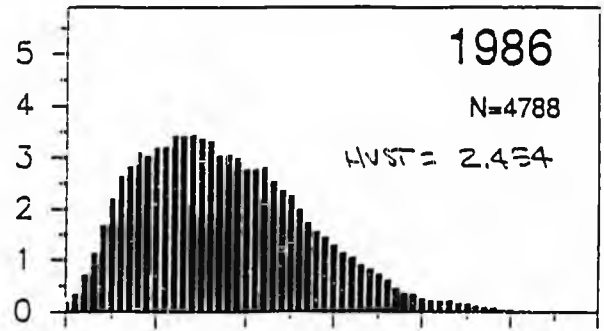
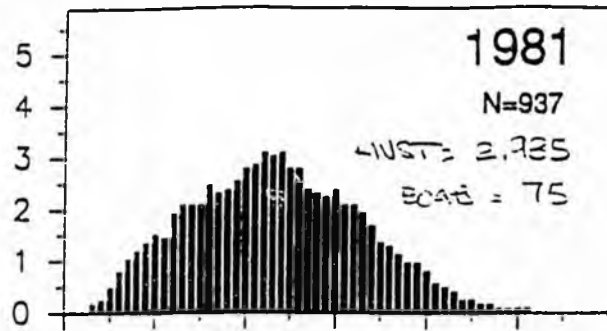
Dungeness is similar to emerging fisheries in their lack of department funding and hence biological data. Pressure from out of state also threatens these resources of our Southeast coastal communities.

VALUE OF SE ALASKA DUNGENESS FISHERY BASED UPON DOLLARS ADJUSTED TO 1990 CPI



Size Frequency of Dungeness Crabs (new shell) All of Southeast Alaska

Percent of Crabs



160 170 180 190 200 210 220

160 170 180 190 200 210 220

Shoulder Width (mm)

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill No: H.B. 137

Sponsor: Rep. Grussendorf

Division: Commercial Fisheries

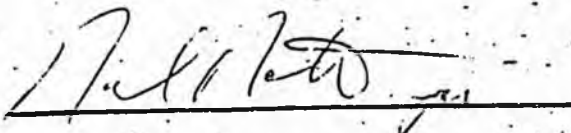
Bill Title: Moratorium on Commercial Fisheries Entry

Department Position: Support

The ability of CFEC to place a moratorium on new entrants to a fishery will be of benefit to the Division of Commercial Fisheries management programs. It will be of particular benefit when applied to new developing fisheries for which the division has little or no biological resource data, effort is growing rapidly, and funds for management of the fishery are lacking or inadequate.

The institution of a moratorium would stop the growth of effort in a fishery at a level that would most likely allow a continuance of the fishery at some harvest level which would provide an economic return to the industry and the state. The moratorium would provide an opportunity for the department to work with the public in development of a management plan for the fishery. That plan would then be presented to the Board of Fisheries for their consideration. The moratorium would also provide a time period during which the department and the industry could seek the funds needed for management of the fishery.

Commissioner's Signature



Date 2/26/91

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 137

Revision Date: 2-26-91 Department Affected: Fish and Game
 Title: Moratorium on Commercial Fisheries Entry BRU: Commercial Fisheries
 Component: Commercial Fisheries
 Sponsor: Rep. Gussendorf
 Requestor: Governor COMPONENT SERIAL NO.

	4	5	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Bob Clasby Phone: 465-4210
 Division: Commercial Fisheries Date: 2/25/91
 Approved by Commissioner: [Signature]
 Agency: _____ Date: 2/26/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 1
 Bill Version: CSHB 137(RES)
 (H) Publish Date: 5/13/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: 2-26-91 Department Affected: Fish and Game
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	4	5	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

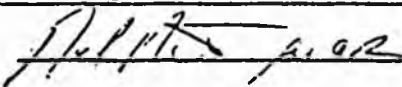
GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Bob Clasby Phone: 465-4210
 Division: Commercial Fisheries Date: 2/25/91
 Approved by Commissioner:  Date: 2/26/91
 Agency: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

COMMITTEE COPY

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Authorizing DESS to Implement
Maratorium in Certain Fisheries
 Sponsor: Rep. Goussard
 Requestor: Rep. Davidson
 Agency Affected: Fish & Game
 BRU: Commercial Fisheries
Fishing Commission
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES				0	0	
TRAVEL				0	0	0
CONTRACTUAL				0	0	0
SUPPLIES				0	0	0
EQUIPMENT				0	0	0
LAND & STRUCTURES				0	0	0
GRANTS, CLAIMS				0	0	0
MISCELLANEOUS				0	0	0
TOTAL OPERATING				0	0	0
CAPITAL				0	0	0
REVENUE				0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME				0	0	0
PART-TIME				0	0	0
TEMPORARY				0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Phil Smart Phone: 789-6160
 Division: Commercial Fisheries Entry Commission Date: 5/13/91
 Approved by Commissioner: [Signature] Date: 5/13/91
 Agency: COMMERCIAL FISHERIES ENTRY COMMISSION

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 13, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 5/10/91

The RESOURCES Committee considered:

HB 137

HOUSE BILL NO. 137.

MORATORIUM ON COMMERCIAL FISHERIES ENTRY

"An Act authorizing the Commercial Fisheries Entry Commission to establish a moratorium on new entrants into certain commercial fisheries and relating to qualifications for entry permits."

RECOMMENDATIONS:

be replaced with CS HB 137 (Res) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____


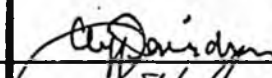
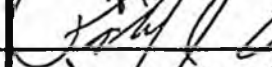

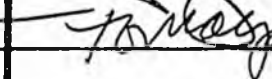
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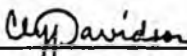
zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
 HUDSON	 DAVIDSON	<input checked="" type="checkbox"/>		
	 CARNEY	<input checked="" type="checkbox"/>		
	 LINCOLN		<input checked="" type="checkbox"/>	
	 MOYER		<input checked="" type="checkbox"/>	



 Chairman's Signature

(7)

HOUSE COMMITTEE REPORT

Date Referred: May 13, 1991

FURTHER REFERRALS:

Date of Committee Action: 5-13-91

The JUDICIARY Committee considered:

HB 137

HOUSE BILL NO. 137

MORATORIUM ON COMMERCIAL FISHERIES ENTRY

"An Act authorizing the Commercial Fisheries Entry Commission to establish a moratorium on new entrants into certain commercial fisheries and relating to qualifications for entry permits."

RECOMMENDATIONS:

be replaced with CS HB 137 (Jud)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Fish? Game 5-13-91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Terry Martin</i>	<input checked="" type="checkbox"/>				
<i>Kevin Pad Parnell</i>	<input checked="" type="checkbox"/>	<i>Kevin Pad Parnell</i>		<input checked="" type="checkbox"/>	
<i>H. Ellis</i>	<input checked="" type="checkbox"/>	<i>Mark Hanley</i>		<input checked="" type="checkbox"/>	
<i>David Buckley</i>	<input checked="" type="checkbox"/>				

David Buckley
 CHAIRMAN'S SIGNATURE