

HB

137

DATE: 5/16/91

FURTHER: *Rub*

DATE TURNED INTO OFFICE: 5-17-91

Resources Committee considered CS FOR HOUSE BILL NO. 137 (JUDICIARY)

Authorizing the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into the Southeast Alaska dungeness crab fishery and certain other commercial fisheries, relating to petitions by the commissioner of fish and game for the establishment of a moratorium, and relating to qualifications for entry permits; EFD.

and recommended: <sup>and a majority of the committee recommends it be replaced with</sup>

- replace with Senate CS CS HB 137 (Res)  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title
- attached amendment(s) <sup>and do pass</sup>  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

*P.F.M.S*

ATTACHES NEW FISCAL NOTE(S): Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS: Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) for 8CS  
F+G 2/25/91  
F+G 5/13/91

Governor's bill w/fiscal note

SIGNING DO PASS:

*Sen Gota* Cot  
*Sen M... ..* Mha  
*Sen ... ..* Gls

OTHER RECOMMENDATIONS:

*W... .. No Rec 3/11*  
*Fred J. Zhanoff No Rec 3/11*

*David Jones (Do Pass)*  
Chair: Signature and Recommendation

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.

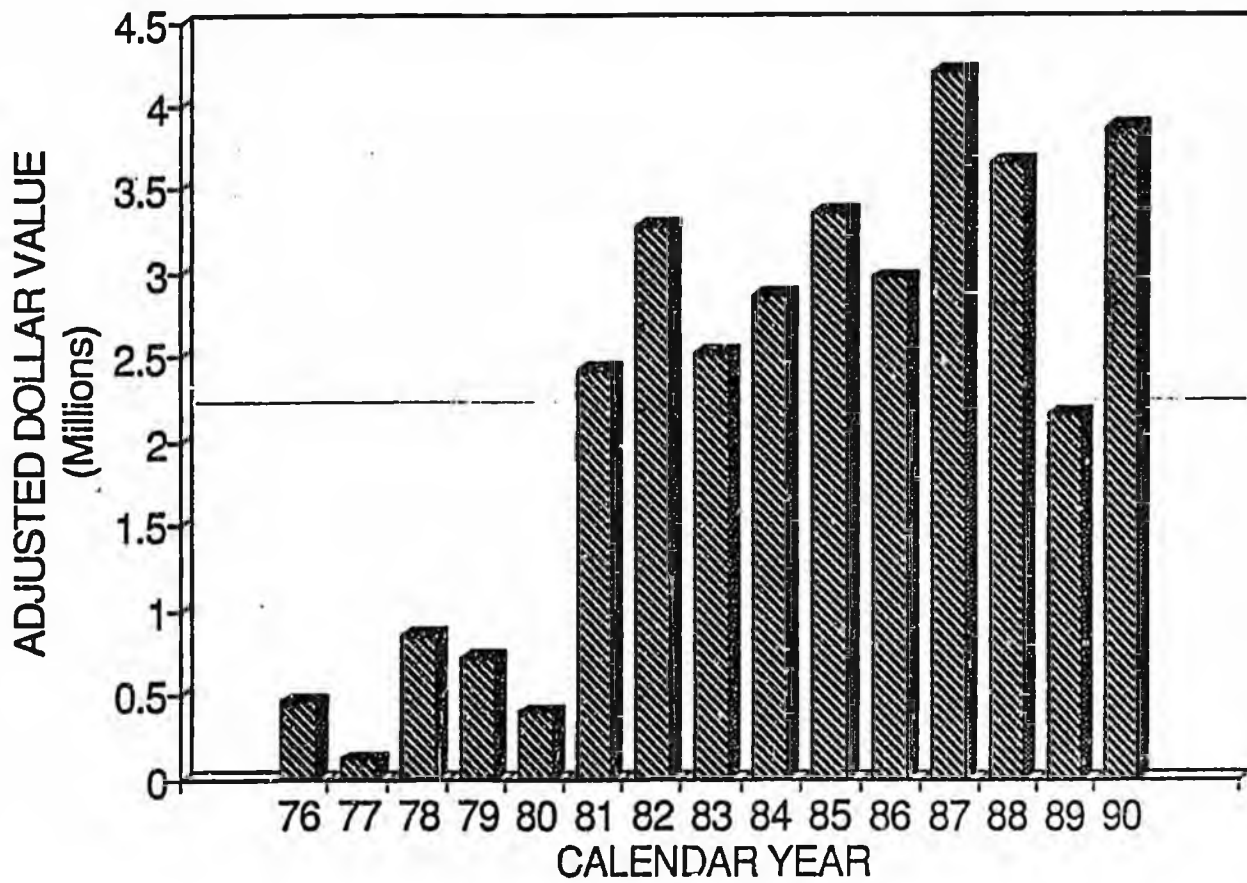
WHY NOT ADDRESS THE THREAT TO THE DUNGENESS FISHERY  
THROUGH THE BOARD OF FISH?

- \* 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

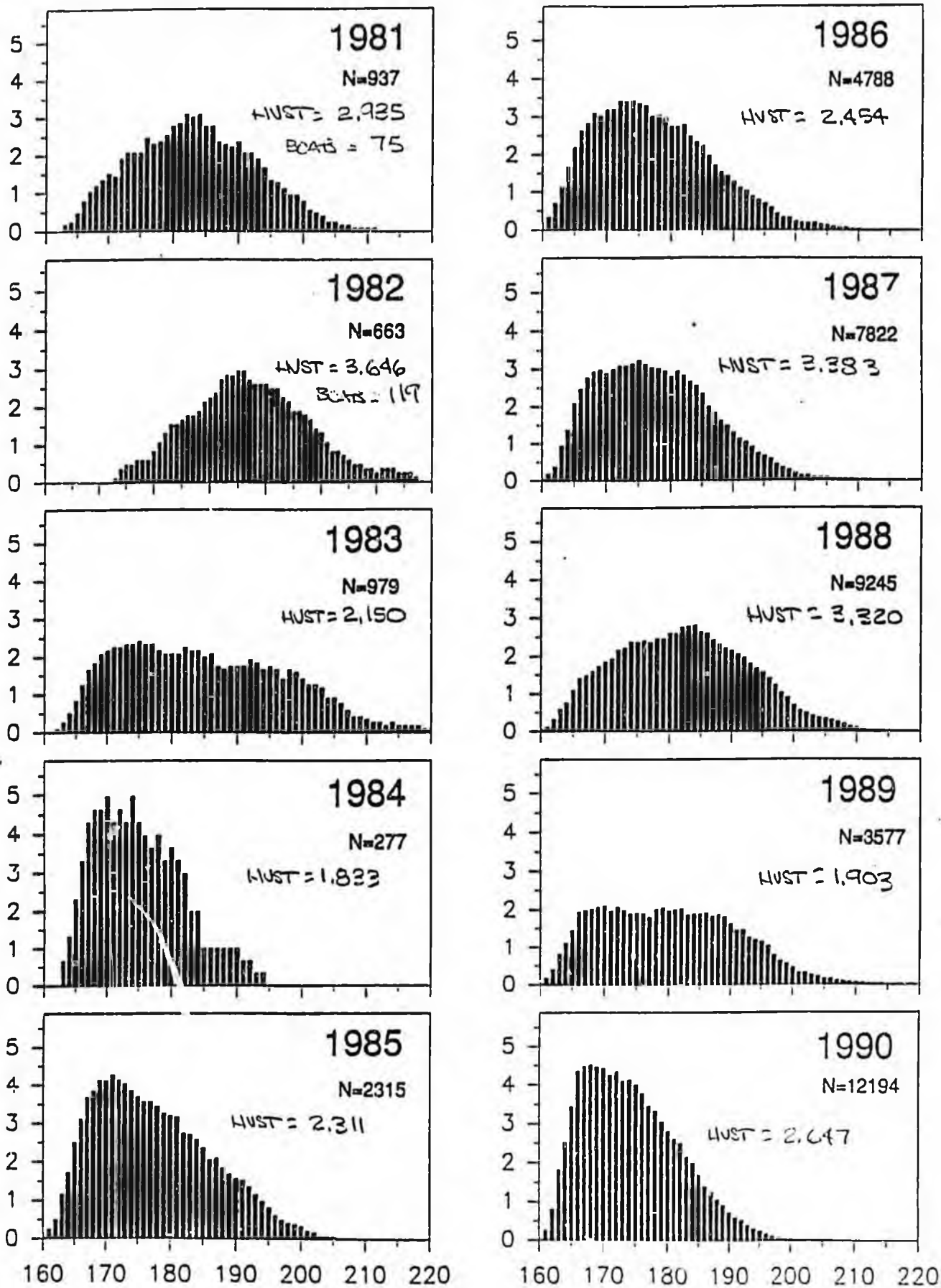
Dungeness is similar to emerging fisheries in their lack of department funding and hence biological data. Pressure from out of state also threatens these resources of our Southeast coastal communities.

# 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



Shoulder Width (mm)

FISCAL NOTE

No. 1

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill Version: CSHB 137(RES)

(H) Publish Date: 5/13/91

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					
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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					
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

REQUEST:

Revision Date: \_\_\_\_\_  
 Title: Authorizing OESC to Implement  
Maratorium in Certain Fisheries  
 Sponsor: Rep. Gausson-dorf  
 Requestor: Rep. Davidson  
 Agency Affected: Fish + Game  
 BRU: Commercial Fisheries  
Fishery 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
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REVENUE				0	0	0
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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 Smith Phone: 789-6160  
 Division: Commercial Fisheries Safety Commission Date: 5/17/91  
 Approved by Commissioner: [Signature] Date: 5/13/91  
 Agency: Commercial Fisheries Safety Commission

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7-LS0479S  
Utermohle  
5/16/91

SENATE CS FOR 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 the Southeast Alaska dungeness crab fishery and certain  
3 other commercial fisheries, relating to petitions by the commissioner of fish and game for  
4 the establishment of a moratorium, and relating to qualifications for entry permits; and  
5 providing for an effective date."

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

7 \* Section 1. FINDINGS. The legislature finds that

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

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

1 can support additional fishing effort;

2 (3) the provisions of the current commercial fisheries limited entry statutes, developed  
3 for commercial salmon fisheries, may not be appropriate for certain new and emerging commercial  
4 fisheries in the state;

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

9 \* Sec. 2. AS 16.05.050 is amended by adding a new paragraph to read:

10 (20) to petition the Alaska Commercial Fisheries Entry Commission to establish  
11 a moratorium on new entrants into certain commercial fisheries as provided in AS 16.43.225 if  
12 the commissioner <sup>requests funding,</sup> requests approval of the petition from the Board of Fisheries under  
13 AS 16.05.251(g) and the Board of Fisheries does not disapprove the petition.

14 \* Sec. 3. AS 16.05.251 is amended by adding a new subsection to read:

15 (g) The Board of Fisheries shall consider a request of the commissioner for approval of  
16 a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on  
17 new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special  
18 meeting that follows the receipt by the board of the request for approval of the petition and that  
19 allows time for the notice required under this subsection. The board may consider the request  
20 of the commissioner for approval of the petition only after 15 days' public notice of the board's  
21 intention to consider approval of the petition. <sup>commissioner</sup> ~~In reviewing the petition, the board shall consider~~  
22 whether the fishery that is the subject of the petition has experienced recent increases in fishing  
23 effort that are beyond a low, sporadic level of effort and has achieved a level of harvest that may  
24 be approaching or exceeding the maximum sustainable level for the fishery and whether there  
25 is insufficient biological and resource management information that is necessary to promote  
26 conservation and sustained yield management of the fishery. ~~Unless the board by a majority vote~~  
27 of its members at the meeting when the petition must be considered disapproves the petition, the  
28 petition shall be ~~transmitted to the Alaska Commercial Fisheries Entry Commission~~

29 \* Sec. 4. AS 16.43.100(a) is amended to read: <sup>cons. board approved by the Board</sup>

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

31 (1) regulate entry into the commercial fisheries for all fishery resources in the

- 1 state;
- 2 (2) establish priorities for the application of the provisions of this chapter to the
- 3 various commercial fisheries of the state;
- 4 (3) establish administrative areas suitable for regulating and controlling entry into
- 5 the commercial fisheries;
- 6 (4) establish, for all types of gear, the maximum number of entry permits for each
- 7 administrative area;
- 8 (5) designate, when necessary to accomplish the purposes of this chapter,
- 9 particular species for which separate interim-use permits or entry permits will be issued;
- 10 (6) establish qualifications for the issuance of entry permits;
- 11 (7) issue entry permits to qualified applicants;
- 12 (8) issue interim-use permits as provided in AS 16.43.210, [AND] 16.43.220, and
- 13 16.43.225:
- 14 (9) establish, for all types of gear, the optimum number of entry permits for each
- 15 administrative area;
- 16 (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320
- 17 to reduce the number of outstanding entry permits to the optimum number of entry permits;
- 18 (11) provide for the transfer and reissuance of entry permits to qualified
- 19 transferees;
- 20 (12) provide for the transfer and reissuance of entry permits for alternative types
- 21 of legal gear, in a manner consistent with the purposes of this chapter;
- 22 (13) administer the collection of the annual fees provided for in AS 16.43.160;
- 23 (14) administer the issuance of commercial fishing vessel licenses under
- 24 AS 16.05.490;
- 25 (15) issue educational entry permits to applicants who qualify under the provisions
- 26 of AS 16.43.340 - 16.43.390;
- 27 (16) establish reasonable user fees for services;
- 28 (17) issue landing permits under [IN ACCORDANCE WITH] AS 16.05.675 and
- 29 regulations adopted under that section; [AND]
- 30 (18) establish and collect annual fees for the issuance of landing permits that
- 31 reasonably reflect the costs incurred in the administration and enforcement of provisions of law

1 related to landing permits; and

2 (19) establish a moratorium on entry into commercial fisheries as provided  
3 in AS 16.43.225.

4 \* Sec. 5. AS 16.43.180(a) is amended to read:

5 (a) The commission shall adopt regulations providing for the temporary emergency  
6 transfer of entry permits and interim-use permits when illness, disability, death, required military  
7 or government service, or other unavoidable hardship prevents the permit holder from  
8 participating in the fishery. To alleviate hardship pending a final determination of the permit  
9 holder's eligibility for an entry permit, the commission shall adopt regulations providing for the  
10 temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or  
11 16.43.225.

12 \* Sec. 6. AS 16.43.210(a) is amended to read:

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

18 \* Sec. 7. AS 16.43 is amended by adding new sections to read:

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

20 (a) Subject to (b) of this section, the commission may establish a moratorium on new entrants  
21 into a fishery

22 (1) that has experienced recent increases in fishing effort that are beyond a low,  
23 sporadic level of effort;

24 (2) that has achieved a level of harvest that may be approaching or exceeding the  
25 maximum sustainable level for the fishery; and

26 (3) for which there is insufficient biological and resource management information  
27 necessary to promote the conservation and sustained yield management of the fishery;

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

30 (1) the commissioner of fish and game, subject to AS 16.05.251(g), petitions the  
31 commission under AS 44.62.220 to establish a moratorium on new entrants into the fishery; and

1 (2) the commission finds that

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

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

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

12 (d) While a moratorium is in effect, the commission shall conduct investigations to  
13 determine whether a maximum number of entry permits should be established under  
14 AS 16.43.240 by

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

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

18 (3) consulting with participants in the fishery.

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

25 Sec. 16.43.227. SOUTHEAST ALASKA DUNGENESS CRAB FISHERY. (a) The  
26 commission may establish a moratorium on new entrants into the southeast Alaska dungeness  
27 crab fishery for a continuous period of up to four years without complying with  
28 AS 16.43.225(a) - (c). While the moratorium is in effect, the commission shall

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

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

1 fishery; and

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

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

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

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

10 \* Sec. 8. AS 16.43.240(b) is amended to read:

11 (b) When the commission finds that a fishery, not designated as a distressed fishery under  
12 AS 16.43.230 or not subject to a moratorium under AS 16.43.225, has reached levels of  
13 participation that [WHICH] require the limitation of entry in order to achieve the purposes of  
14 this chapter, the commission shall establish the maximum number of entry permits for that  
15 fishery.

16 \* Sec. 9. AS 16.43.240 is amended by adding a new subsection to read:

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

21 \* Sec. 10. AS 16.43.260(a) is amended to read:

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

28 \* Sec. 11. AS 16.43.260(d) is amended to read:

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

31 \* Sec. 12. AS 16.43.260(e) is amended to read:

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

6   \* Sec. 13. AS 16.43.260 is amended by adding a new subsection to read:

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

11   \* Sec. 14. This Act takes effect immediately under AS 01.10.070(c).

## MEMORANDUM

## STATE OF ALASKA

TO: Bruce Twomley  
Larry Cotter

DATE: May 16, 1991

FILE NO:

FROM: Susan Shirley *SS*

TELEPHONE NO:

SUBJECT: Petition to Sen.  
Jones opposing the  
inclusion of S.E.  
Dungeness crab in  
HB 137

Eight of the 22 persons who signed the petition held interim use permits for Dungeness crab in at least one of the past 5 years (1986 through 1990). One additional person purchased a Dungeness permit for the first time in 1991.

Five of the 8 permit holders recorded Dungeness crab landings in Southeast Alaska on their permits from 1986 through 1990. Two persons fished 4 years, one person fished 3 years and 2 persons fished 1 year. Some of the annual landings were sizeable; some could be considered minimal.

Limited entry permits currently held by the petitioners include the king/Tanner crab permits - K69A, K59A and K49A (5 persons). Limited entry permits previously held by the petitioners include Southeast hand troll (S05B, 5 persons), Norton Sound herring gill net (G34Z, 1 person), Southeast herring gill net (G04A, 1 person) and Southeast salmon gill net (S03A, 1 person).

If you have any questions regarding this information, please give me a call.

cc: Rich Listowski  
Phil Smith  
Kurt Schelle

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
Rocky Littleton	P.O. Box 1373 Psg	Rocky Littleton	Carolyn Allen
VERONIQUE E. BOSWORTH	P.O. Box 553 Psg AK	Veronique E. Bosworth	Moonrise
CARL R. ANDERSON	Box 1422 Psg AK	Carl R. Anderson	Aerie
Michael L. Nilson	Box 1084 Psg AK	Michael L. Nilson	Carole Louise
Bobbie A. Anderson	Box 1672 Psg AK	Bobbie A. Anderson	AERIE
RUDY NANNACK	Box 732 Psg AK	Rudy Nannack	Cannery Lumpkin
Steve Clausen	Box 2081 Seward, AK	Steve Clausen	Deborah
JOHN P. DEBOER	Box 455 PETERSBURG	John P. DeBoer	INGOT
George J. Steek	Box 742 Petersburg	George J. Steek	Keku Connie
Robert D. Minton	Box 1414 Petersburg	Robert D. Minton	Fire Fly
Brian L. Gorman	P.O. Box 1234 Petersburg	Brian L. Gorman	" "
Stacey Thorsen	P.O. Box 784 Psg	Stacey Thorsen	
Augusta M. Anderson	P.O. Box 1672 Psg	Augusta M. Anderson	AERIE
Chris Sharpsteen	P.O. Box 1255 Psg	Chris Sharpsteen	Woodstock
John W. Enge	P.O. Box 166	John W. Enge	
DAN VICK	P.O. Box 1271	Dan Vick	FRIGIDLAND
GENE KAWASHIMA	Box 1428	Gene Kawashima	
Jane Kawashima	Box 1428 Psg, AK	Jane Kawashima	
Glorianne M. DeBoer	Box 455 Psg	Glorianne M. DeBoer	INGOT

MAY-16-91 THU 16:12

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
Ole R. Nilsen	Box 1287	Ole R. Nilsen	Sweet P
Andy Jimbach	Box 844	Petersburg AK	
BRENDA NORHEIM	Box 935	Brenda Norheim	Brenda Lee
Todd B. Nohem	Box 935 Petersburg, AK	Todd B. Nohem	Brenda Lee
Elaine Whittemore	Petersburg, AK	Elaine Whittemore	
Richard Tambini	Box 1657	Richard Tambini	
Lerald J. Whitehorn	Box 1550	Lerald J. Whitehorn	None
Norman J. Tenjoid	Box 476	Norman J. Tenjoid	Reel Lady
Andy J. Felt	Box 1738	PETERSBURG AK 99833	
Steve DAVIS	Box 1554	Steve Davis	
Charles Narraway	Box 1056	Charles Narraway	
Dick M. Kowitz	Box 1011	Dick M. Kowitz	
Ronald J. Nohem	Box 748 Petersburg		
Tora Nohem	" " "		
Evelyn J. Nohem	" " "		
Arnold P. Warwick	Box 493 Petersburg		
MARK WEAVER	Box 1181 PETERSBURG AK	Mark Weaver	SKIFF
Hunt & Robin Parr	Box 418 Petersburg	Hunt & Robin Parr	Dancer
Marce & Marva Martinsen	Box 331 Petersburg	Marce & Marva Martinsen	MARVA ANNE
1 ANK 5 119905 N	Box 257 PETERSBURG AK	Lance Deeden	SEAWEED II

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
Bob Cummings	Box 1754	Bob Cummings	Ridge Runner
Patricia A. Starr	Box 632	Patricia Starr	Princess
RONALD B. SIMPSON	Box 632	Ronald B. Simpson	Princess
ROBERT T. ROGERS	Box 893	R.T. Rogers	N/A
Mr. & Mrs Ken Madson	Box 918	Ken Madson	
Arlin Litterer	Box 546	Arlin Litterer	
BORY SMITH	Box 38	Bory B. Smith	
CHARLES F. INFANGER	Box 1530	C. F. Infanger	
THOMAS SMITH	Box 1123	Thomas Smith	
ERLING W. HUSVIK	Box 297	Erling W. Husvik	
Majine S. Husvik	Box 297	Majine S. Husvik	
CHARLES W. FLINT	Box 690	Charles W. Flint	
Terry L. Brokaw	Box 1646	Terry L. Brokaw	
Peter J. Brokaw	Box 1646	Peter J. Brokaw	
CHRIS CHRISTENSEN, SR	Box 1	Chris Christensen Sr.	
<del>Christ</del> Chris			
GENEVA M. CHRISTENSEN	Box # 1113 Nordic	Geneva Christensen	
Charles Christensen	Box # 824	Charles Christensen	
PATRICIA NORHEIM	Box 642	Patricia Norheim	
Genevieve A. Short	Box 1724	Genevieve A. Short	

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	"SIKA" VESSEL
WILLIAM P. FLOE	Box 262	William P. Floe	BARANOF
DAVID M. BEEBE	BOX 148	David M. Beebe	PAMELA
DAN KOWALSKI	BOX 477	Dan Kowalski	SUE ANN
GARY MERRILL	BOX 1065	Gary Merrill	JLADOR
JAMES STROMOAH	Box 1326	James Stromoah	Amber Tide
BILL BEAL	Box 561	William Beal	MISS LEE II
<del>BOB</del> CURTIS R. NOBENCK	Box 1165	Curtis R. Nobenck	SKIFF
DANIEL V. HUCKMAN	Box 108	Daniel Huckman	CINDY
Harold Bergman	" 607	Harold Bergman	Delight
Jack H. Torrey	Box 215	Jack H. Torrey	Tamron
J. Pederson	" - 403	James Pederson	Andrew Henry III
Earl N. Benitz	Box 1113	Earl N. Benitz	Howland
Deborah A. Hurley	Box 1551	Deborah A. Hurley	
LOYD PEDERSON	" 447	Lloyd Pederson	Middleton
Jeff Erickson	Box 53	Jeff Erickson	SKIFF
Debora Cross	Box 1575	Debora Cross	Zephyr
Scott Cross	Box 1575	Scott A. Cross	Zephyr
Kuer Wohlhueter	Box 1312	Kurt Wohlhueter	70. Betty
Sheri Wohlhueter	Box 1312	Sheri Wohlhueter	70. Betty
Kenneth K. Pederson	Box 122	Quincy A. Pederson	

MAY-17-91 FRI 11:08

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
JOSEPH S. BELLINA	GEN DEL PETERSBURG AK	Joseph S Bellina	TERRY
MILDRED T. ZINK	GEN. DEL. PETERSBURG AK	Mildred T. Zink	PINTA
Kraig Vonheim	Box 878 Psg.	Kraig J. Vonheim	Hood Point
Linda K. Kito	Box 1567 Psg.	Linda Kay Kito	
DENNIS L. HEIMDANL	Box 256 Psg.	Dennis L. Heimdahl	SEILER
CHARLES H. HARRIS	Box 555 Psg	Charles H Harris	Cathy - II
GAYLE M EASTWOOD	Box 1185 PETERSBURG	Gayle M Eastwood	CHARLES T
Dave N. Ohmer	Box 13 Petersburg	Dave N. Ohmer	AG5F
CHRISTINE RUMPLE	Box 52 Psg. AK	Christine M. Rumpel	
Mary Helena Silva	Box 58 Psg AK	Mary Helena Silva	
Marylene P. Silva	BOX 58 Psg AK	Marylene P. Silva	
Diane M. Olson	Box 1055 Psg. AK	Diane M. Olson	Amber ID
Juan R. Slavin	Box 534 Psg. AK	Juan R. Slavin	Gold 'n Pride
Theodora M. Smith	Box 841 Psg AK	Theodora M. Smith	EDWARD J
Patricia Thomassen	Box 608 206 1/2 2nd St	Patricia Thomassen	SARA BRAN
BARBARA A. GRENIER	Box 114 Psg AK 99833	Barbara A. Grenier	Charles W
JENICE CHRISTOPHER	Box 513 Psg. AK 99833	Jenice Christopher	MAJIE NAK
Heltzer Olson	Box 814 1056, AK 99833	Heltzer W. Olson	Circi 15
Catherine Harris	Box 555 Psg. AK 99833	Catherine Harris	stiff
HIGH HARRIS	Box 207 Pt 99833	High Harris	

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PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
John N. Williams	Box 867	John N. Williams	
Deborah M. Williams	Box 867	Deborah M. Williams	
Lloyd Roundtree	Box 552	Lloyd Roundtree	
Irene Roundtree	Box 552	Irene Roundtree	
Liv Ewing	Box 1335	Liv Ewing	
Heidi S. Lyons	Box 527	Heidi S. Lyons	
Andy Wright	Box 1432	Andy Wright	Lady Lisa
L. Sydney Wright	Box 624	L. Sydney Wright	Chau III
Peter B. Wright	4107 Oakkerby	Peter B. Wright	Sharon Kay
Rob Schwartz	Box 1533	Rob Schwartz	F/V Ladyhawk
Michael Schwartz	Box 434	Michael Schwartz	Wind Power
Dean Jewell	Box 257	Dean Jewell	SEA-WEED
Evelyn Wrosvick	Box 493	Evelyn Wrosvick	
Elda A. Reid	Box 463	Elda A. Reid	
Stanley D. Reid	Box 463	Stanley D. Reid	
David M. Muir	Box 1712	David M. Muir	
William Moulton	Box 456	William Moulton	
PAT WEAVER	Box 1181	Pat Weaver	
Camille MARIFERN	Box 175	Camille Mariferen	
Jeannette L. Snider	Box 1307	Jeannette L. Snider	

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This is a result of a quick pass through POTENSE JRG

5-15-91

HERE IS A LIST OF PEOPLE OPPOSED TO DUNGEONESS AS BEING PART OF HOUSE BILL 131.

NAME	ADDRESS
1. JOHN E. JENSEN	Box 681 PETERSBURG AK
2. Max Workatch II	Box 986 Petersburg, AK
3. PETER A. NILSEN	Box 427 P. 56, AK
4. Richard W. Durant	1620 Broadway, Boise, ID.
5. Phillip Z. Max	PHILIP Z. MAX Box 1514 P. 55 AK 99
6. Gordon Scott OLSEN	Box 433 Psg AK 998
7. MARK LEE JENSEN	Box 457 Psg AK 998
8. Terry S. Hasbrouck	Box 486 P. 56 AK 998
9. Brian D. Lapeyre	Box 44 " " "
10. Jim Miller	Box 1184 " " "
11. Davis Whittebury	Box 636 P. 56 AK 99
12. Jennie Rose	Box 572 Psg " 99
13. Cole Rhoden	Box 426 P. 56, AK 99
14. Pamela R. Jensen	Box 681 Petersburg, AK 99
15. Nathan Midkiff	Box 1607 Petersburg, AK 99
16. <del>Max Workatch</del> OR	Box 1455 PETERSBURG AK
17. Max Workatch	Box 1208 PETERSBURG AK 99
18. Maxine Workatch	Box 986 Petersburg AK 99
19. Dan Vick	Box 1271 PETERSBURG AK
20. Douglas M. Kono	Box 295 PETERSBURG, AK
21. George Wood	Box 902 Petersburg
22. Rick D. Versteeg	Box 63 Petersburg, Alaska 99933

This is a result  
of a quick pass  
through Petersburg

5-15-91

HERE IS A LIST OF PEOPLE OPPOSED  
TO DINGEESS LAB BEING PART  
OF HOUSE BILL 1371

NAME	ADDRESS
1. JOHN E. JENSEN	John Jensen Box 681 PETERSBURG AK
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4. Richard W. Durant	Richard W. Durant 1620 Broadway, Boise, ID
5. Phillip E. Meeks	Phillip E. MEERKS Box 1514 P. 55 AK 99
6. Gordon Scott OLSEN	Gordon Scott Olsen Box 433 Psg AK 998
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8. Terry S. Hasbrouck	Terry S. Hasbrouck Box 486 P. 56 AK 998
9. Brian D. Lapeyre	Brian D. Lapeyre Box 44 " " "
10. Jim Miller	Jim Miller Box 1184 " " "
11. DAVIS WHITATHUM	Davis Whitathum Box 636 P. 56 AK 99
12. JAMES ROSE	James Rose Box 572 Psg " " "
13. Cole Rhoden	Cole Rhoden Box 426 P. 56, AK 99
14. Pamela R. Jensen	Pamela R. Jensen Box 681 Petersburg, AK 99
15. Nathan M. Kiff	Nathan M. Kiff Box 1607 Petersburg AK 99
16. <del>Richard W. Durant</del>	<del>Richard W. Durant</del> Box 1455 PETERSBURG AK
17. Max Werhatch	Max Werhatch Box 1208 PETERSBURG AK 99
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19. Dan J. Dick	Dan J. Dick VICK Box 1271 PETERSBURG AK
20. Douglas M. Kano	Douglas M. Kano Box 295 PETERSBURG AK
21. George Wood	George Wood Box 902 Petersburg
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Alaska Department of Fish and Game  
March 26, 1991  
Approved Regulatory Language  
Management Plan for High Impact Emerging Fisheries

5AAC 39.XXX. 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 a 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.

RCV BY: XEROX Telecopier 7017; 3-27-91 ; 10:27 ;  
SENT BY: XEROX Telecopier 7017; 3-27-91 ; 10:28 ;

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(h) The department may require onboard observes 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.

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. 88, 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 highest in 1983: 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.

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.

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(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

WALTER J. HICKEL, GOVERNOR

COMMERCIAL FISHERIES ENTRY COMMISSION

8800-109 GLACIER HIGHWAY  
JUNEAU, ALASKA 99801  
(907) 789-6150 Licensing Calls  
(907) 789-6160 Other CFEC Calls  
(907) 789-6170 FAX

April 24, 1991

Hon. Lloyd Jones, Chair  
Committee on Resources  
Alaska State Senate  
P.O. Box V  
Juneau, AK 99811

Re: Southeast Alaska Dungeness Crab Fishery

Dear Senator Jones:

This letter will address the Commission's reluctance, under current statutory constraints, to establish a maximum number ("limit entry") in the Southeast Alaska Dungeness crab fishery.

Our staff has conducted considerable research into conditions within the fishery. We have met, on several recent occasions, with fishermen, management biologists, and other interested individuals. Further, some six years ago, we did propose limited entry and held hearings on the proposal in almost all Southeast Alaska communities. The result of all of that effort is that we are very concerned that moving to limited entry in the fishery may not, in the long run, serve either the interests of the current participants or the purposes set forth in the Limited Entry Act.<sup>1</sup> In short, under current constraints, limiting entry may serve no practical purpose and (as a result) such an action may be vulnerable to legal challenges for failure to demonstrate that the purposes of the Limited Entry Act would be served.

Alaska's Limited Entry Act was originally designed for the salmon fisheries in the early 1970's. It provides for licenses (limited entry permits) to be issued to individuals on the basis of the individual's past participation in, and economic dependence on, the fishery in question. Although it provides for a limitation on the number of people who may

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<sup>1</sup> ...to promote the conservation and sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry into the commercial fisheries in the public interest ... AS 16.43.010

April 24, 1991

participate in a fishery it does not address the amount of fishing effort those people may put forth. Therefore, in many fisheries, limiting entry by itself will not have the effect of controlling the total effort directed against a particular species.

This is certainly the case with the Southeast Dungeness fishery. Data developed by our Research staff show that the current level of effort (i.e., the number of crab pots registered to fish), as reported to the Department of Fish and Game, is approximately 48,000. The pot limit established by the Board of Fish is 300/fisherman. If the Commission issued 272 entry permits (the maximum number that would be required by the Act), and every permit holder fished 300 pots, the total number of pots could increase to 81,600 (a 70% increase over current effort). Limiting entry in the fishery would encourage this increased capitalization, as "competition" would be limited; ironically, it would also defeat the purpose of limiting entry in the first place.

We believe, therefore, that other regulatory (or, perhaps, statutory) steps need to be taken before we can conclude that limiting the number of permits issued will accomplish anything of value for the fishery and those who currently participate in it. Meanwhile, current participants are concerned that significant increases in effort (from new entrants in the fishery) may well be imminent. Under the terms of your SB 241, the Commission could adopt a moratorium regulation and foreclose new entry. During the time that the moratorium would be in effect, the Commission, together with the fishermen, the Department of Fish and Game, the Board of Fish (and, possibly, the Legislature) could work together to devise a regulatory framework for the fishery that would be more appropriate to actual conditions.

Thank you for your inquiry. Be assured that we remain available to further explore this topic with you, your constituents, and other legislators at your convenience.

Sincerely,

COMMERCIAL FISHERIES ENTRY COMMISSION  
Bruce Twomley, Chairman  
Rich Listowski, Commissioner  
Phil Smith, Commissioner

By: 