HB

218

HOUSE COMMITTEE REPORT

(9)

Date Referred: March 29, 1993 FURTHER REFERRALS:

Date of Committee Action: 4/5/93

The RESOURCES Committee considered: HB 218

HOUSE BILL NO. 218 REPEAL 58 FT. LIMIT FOR SEINE VESSELS

"An Act repealing the restriction on the maximum length of salmon seine vessels; and providing for an effective date."

RECOMMENDATIONS:
be replaced with CS HB 218 (FSH)

[ ] the same title
[X] a new title

[ ] have attached amendments(s)
[X] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal impact _____

[ ] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) _____

[ ] zero fiscal note(s) Fish & Game, 3-12-93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
[illegible]	✓	[illegible]		✓	
[illegible]	✓	[illegible]		✓	
W.K. Williams	✓				

W.K. Williams
CHAIRMAN'S SIGNATURE

Alaska State Legislature

Representative Carl E. Moses

CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
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FISH AND GAME
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SPONSOR STATEMENT

HOUSE BILL 218 (Fish Committee Substitute)
58 FOOT SALMON SEINE LIMIT

In 1970 the Alaska Legislature passed a law banning the use of seine vessels larger than 58 feet from fishing for salmon in state waters. Twenty years ago, the Puget Sound salmon fisheries were alive and strong, and with their larger boats, Washington state fishermen had their eyes on the rich salmon resources of Alaska. In order to keep these larger boats from competing with the smaller boat fisheries of local Alaska residents, the Legislature actually put into statute a prohibition against the use of larger vessels in these fisheries.

During the past 10 years, there have been several efforts to repeal this provision. Opponents of repealing it argue that it would merely raise the level of capital investment needed to participate in the fishery, forcing many Alaska fishermen out of the fishery.

I believe, however, that repealing this restriction would allow for better diversification of Alaska's fishing fleets. A fisherman could use the same boat for salmon, groundfish and crab, rather than needing two separate vessels at much greater expense. This restriction has essentially resulted in giving much of our crab and groundfish fisheries to the nonresident fishermen. However, these fisheries are constantly in flux, especially with IFQs on the way, and it is not too late to help Alaskans participate in them.

In some regions of the state there may be legitimate reasons for keeping the 58 foot limit. For that reason, the Fisheries Committee adopted CSHB 218 (FSH) which would make clear that length restrictions for salmon seine vessels should be determined by the Board of Fisheries on a regional basis. It would also give the Board a three year period to address this issue as they take up each region's salmon fisheries.

DEPARTMENT OF FISH AND GAME
POSITION PAPER

Bill No:	CSHB 218
Sponsor:	Representative Moses
Division:	Division of Commercial Fisheries
Bill Title:	"An Act relating to the maximum length of salmon seine vessels; and providing for an effective date."
Department Position:	Neutral

The Alaska limit on the length of purse seine vessels has been around for a long time. Prior to 1970, the limit was in regulation. In 1970, it was put into Alaska statute. The purpose of the limit was to exclude larger vessels from Puget Sound from participation in salmon fisheries in Alaska. The state of Washington has no limit on the length or salmon seine vessels.

At the time the limit was enacted, larger vessels were being constructed for use in the salmon fisheries in Washington State. Alaskan's were concerned about these vessels providing a competitive advantage to nonresidents participating in Alaska's fisheries.

The Division of Commercial Fisheries doesn't believe that the removal of the 58 foot would result in any negative impacts on the management of the salmon fisheries.

The department has one amendment to propose. The present draft of HB 218 would repeal the limit unless the Board of Fisheries choose to adopt the limit. The Board of Fisheries is on a three year cycle for taking up the various fishing regions of the state. It would be advisable to amend the legislation so that the 58 foot limit would remain in effect in an area until the Board has an opportunity to address whether or not to eliminate the limit in that area. The reason for this is that fishermen in some areas may support keeping the limit, while in other areas fishermen may want to have it repealed.

Dep. Commissioner's Signature _____ Date: 3/25/13

ment for not more than six months, or by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted. (§ 3 ch 99 SLA 1975; am § 18 ch 132 SLA 1984)

Revisor's notes. — This section was enacted in section 3 of both ch. 89 and ch. 99, SLA 1975. Chapter 99 had an immediate effective date (May 30, 1975), so the section was already in effect when ch. 89, enacting identical language, took effect on August 20, 1975.

Collateral references. — 35 Am. Jur. 2d, Fish and Game, § 51.

Sec. 16.05.835. Maximum length of salmon seine vessels. A salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels. In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers. (§ 1 ch 252 SLA 1970; am § 1 ch 24 SLA 1990)

Effect of amendments. — The 1990 amendment deleted "50 feet, official coast guard registered length, and" after "longer than" in the first sentence and added the second sentence.

Sec. 16.05.840. Fishway required. If the commissioner considers it necessary, every dam or other obstruction built by any person across a stream frequented by salmon or other fish shall be provided by that person with a durable and efficient fishway and a device for efficient passage for downstream migrants. The fishway or device or both shall be maintained in a practical and effective manner in the place, form, and capacity the commissioner approves, for which plans and specifications shall be approved by the department upon application to it. The fishway or device shall be kept open, unobstructed, and supplied with a sufficient quantity of water to admit freely the passage of fish through it. (§ 30 art I ch 94 SLA 1959)

Cross references. — See also AS 16.10.010 — 16.10.050.

NOTES TO DECISIONS

Stated in Southeast Alaska Conservation Council, Inc. v. State, 665 P.2d 544 (Alaska 1983).

Sec. 16.05.850. Hatchery required. If a fishway over a dam or obstruction is considered impracticable by the commissioner because of cost, the owner of the dam or obstruction, in order to compensate for the loss resulting from the dam or obstruction shall, at the owner's option

UNITED FISHERMEN OF ALASKA

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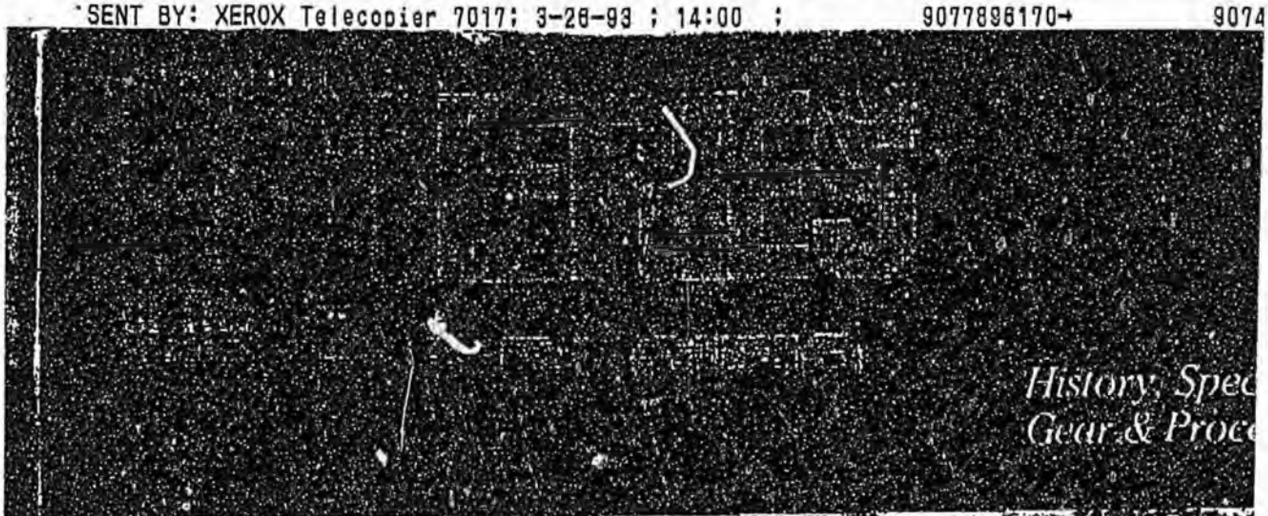
Testimony of Jerry McCune, President
United Fishermen of Alaska
on House Bill 218
before the
House Special Committee on Fisheries
Friday, March 26, 1993

Mr. Chairman and Members of the House Special Committee on Fisheries:

My name is Jerry McCune and I am President of United Fishermen of Alaska.

United Fishermen of Alaska has discussed House Bill 218 and has decided that if all the fishing organizations and fishermen agree to the repeal the 58-foot limit for seine vessels, UFA would support the portion of the bill that makes it clear that length restrictions for salmon seine vessels should be determined by the Board of Fisheries on a regional basis.

If House Bill 218 is repealed, then the Board of Fisheries will have to take some time to address this issue, so any one area would not be put at a disadvantage.



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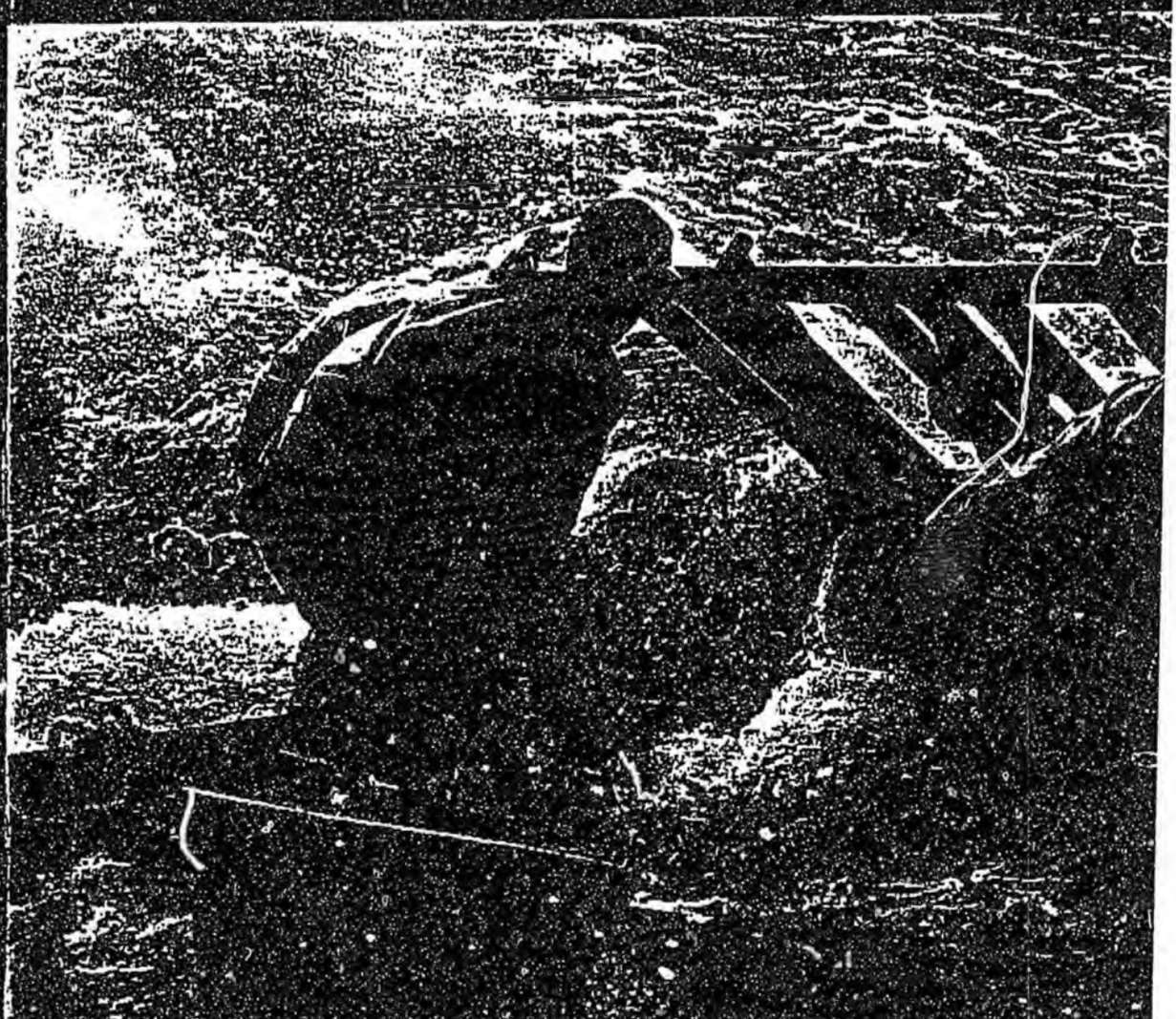

by Robert

for the mid-size class of combination vessels to be used by this country's fishermen in the North Pacific.

The *Sunset Bay* measured 108 feet long, with a beam of 28 feet, 11 inches (32.9 and 8.8 meters) and full-load draft of 14 feet, 6 inches (4.5 meters), with brake horsepower of 850 and a maximum speed of 11.5 knots.

The vessel was different from most of her contemporaries in one respect. She carried a stern ramp for future use as a trawler. The piping for the additional hydraulic winches needed when she was put into the drag fishery was already in place, thus requiring a minimum of conversion at that time. In anticipation of the greater power needed for towing a large net across the sea bottom, the vessel was fitted with a Kort nozzle propulsion system. This design develops greater propeller thrust for trawling, although it tends to lower vessel speed when running.

The *Sunset Bay* was built with three insulated, steel-lined fish holds, with a total space of 7,500 cubic feet (212.4 cubic meters). Other features included a system of loading hatches, fish gates and a fish elevator well for fish handling, as well as a chilled seawater system if the vessel were to be used as a salmon tender, a likely mission in years of heavy salmon runs to Western Alaska. The mast was strengthened to take the additional loads thrown upon it by trawling; the wheelhouse was extended on the starboard side to enclose the trawl control console from the weather and to permit a clear view of trawling operations. The *Sunset Bay* was the seventh combination crabber/trawler between 94 and 122 feet (28.7 and 37.2 meters) built and launched by the company during 1978, an optimistic assessment of the future of the North Pacific bottom fisheries.

The eighth of the class followed *Sunset Bay* into service just 45 days later. The vessel was *Discovery Bay*, of the same dimensions, but with differing gear. *Discovery Bay* was rigged first as a dragger, although she carried much of the equipment needed for crabbing and salmon carrying. The vessel did not enter the crab fishery like her sister-ships, but went right to work as a trawler based in Westport, Washington. For several months she was the largest stern ramp vessel working off the Washington and Oregon coasts.

During that same year, the first two vessels of the largest class projected at that time for use by United States fishermen in the bottom fisheries came closer to realization in Puget Sound yards. One was a 154-foot (46.9 meters) vessel, the *Jeffron*, built by Sea-Tac Alaska Corp., of Tacoma, Washington. The other was *American No. 1*, a 160-foot (48.8 meters) Marine Construction and Design Co., vessel. (Vessels of those sizes and similar capabilities began to appear in the North Pacific in 1978, but the handful of these that did go to work were conversions from other craft, particularly navy hulls. All were of different design and, together, they did not constitute a "class" of vessels.)

The *American No. 1* was designed as the first of a new class of vessels with multi-purpose use a major consideration. Her maximum beam was designed at 41 feet, 2 inches (12.5 meters), with the maximum draft at 19 feet (5.8 meters). She was designed with two decks below the main deck, with a stateroom and galley deck above the fo'c'sle deck and a wheelhouse—with 360° vision—atop. Below the main deck, the upper hold deck allowed for a lazarette aft, an upper fish hold, a processing area and upper engine room. The lowest deck carried fuel tanks, water, the lower fish hold, a chilled holding area for fish awaiting processing and the main engine room. Stern gantries, a hydraulic crane almost amidships and booms swung from the mast characterized her profile. Her stern ramp was installed during building to allow quick conversion to trawling. She first crabbed in autumn 1979, then began dragging in the Bering Sea in February 1980.

The Alaska Limit

In the mid-1920's, the United States Bureau of Fisheries, predecessor agency to the National Marine Fisheries Service (in the interim, it was designated Bureau of Commercial Fisheries) and at that time overlord of Alaska fisheries, imposed something called the "Alaska-limit" on all vessels working in the Alaska salmon seine fishery.

As finally honed down, the regulation limited seine vessels to 58 feet (17.7 meters) overall length. The merits of the rule were debatable, but it stood and all who wished to seine for salmon in Alaska were forced to observe it or do their seining elsewhere. All the following years of experience with construction under the rule resulted in a compact boat as efficient as it could be under regulations meant to favor inefficiency. Development of the small western combination boat may have reached its finest state in this vessel in its varied configurations.

However, interest in the Alaska-limit size began to dwindle during the 1970's, as attention—and money—began to be diverted into the shrimp and crab fisheries of Western Alaska where much larger vessels became the norm. Little that could be described as innovative went into the design and construction of the limit boats during the decade, and many designers ended their work on them altogether. Those designing smaller vessels tended to concentrate on boats of about 45 feet (13.7 meters) for the Western Alaska seine fisheries, because these small boats also were handy for one- or two-man operations in the inshore shrimp fishery or for use as trollers in Alaska and the lower coastal states.

The first western boats were designed especially for the seine fishery and all other western boats stem from the seine boats. (British Columbia salmon seiners, unhampered by any length limit, have tended to settle for two sizes—one looking much like the Alaska-limit boat but reaching into the mid-60-foot (18-20 meters) length, the other resembling the old American sardine boat with a two-deck house and a length over 75 feet (22.9 meters). Vessels like these are also found on Puget Sound where no limit on length exists.) Over the years, designers have sweated over their boards to come up with the optimum combination of favorable characteristics. But the arbitrary maximum length of 58 feet (17.7 meters) imposes a certain limit on the talents of even the most ingenious designer and the only way to go is sideways. Thus, these latter-day limit boats tend to revert to a design popular about the time of Sir Francis Drake—short, wide and bluff-bowed. These boats of the 1970's and later do have somewhat better power than that enjoyed by Drake and his freebooters; so consequently, they make a bit better time through the water than those people did.

This trend toward wider and handsomer Alaska-limit boats can be illustrated by four vessels built between World War II and 1969. The first, *Ocean Mist* (launched as *Midway*), all wood, delivered in 1949, is 58 feet long (57 feet, 11 inches or 17.7 meters actually, to meet the technicalities of the regulations) with a beam of 15-1/2 feet (4.7 meters) and draft, light, of 6 feet (1.8 meters). The second, *Patty J*, delivered in 1957, wood also, is 58 by 16 by 7 feet (17.7 by 4.9 by 2.1 meters). The third, *Josie J*, welded aluminum (perhaps one of the first applications of this metal in American fishing vessels) measures 58 by 18-1/2 by 7-1/2 feet (17.7 by 5.6 by 2.3 meters). The fourth is *Jamie C*, welded steel, launched in 1969, with dimensions of 58 by 20-1/5 by 10 feet (17.7 by 6.2 by 3.0 meters).

The concurrent evolution of good looks in fishing vessel design is quickly apparent among these four boats. The *Ocean Mist*, first of the four, with her nearly-vertical stem and relative lack of curved lines through her bow, shows the influence of a design period when utility, not beauty, was the rule. But along those 20 years betwen *Ocean Mist* and *Jamie C*, a softening of angles crept through the drawings, a corollary, perhaps, of the increasing American concern with beauty and purity of environment. This interest in good looks was not universal when *Jamie C* was built. Another limit boat, laid down and launched almost simultaneously with the *Jamie*, resembles the *Ocean Mist* far more than she does the *Jamie*. Her hull is welded steel, too, but she measures only 56-1/2 by 16-1/2 by 6 feet (17.2 by 5 by 1.8 meters). Her bow lines are but slightly refined from those of *Ocean Mist*, although her gunwale does run aft in a smooth, sweeping line. The *Jamie's* hull profile is easier to look at than that of the other boat, however, with its sharp break at the fo'c'sle deck and the long sweep aft. The vessel has scarcely a straight line in her except for the rectangular windows of the wheelhouse.

The *Jamie C*, after outfitting, represented the peak of limit boat design. No finer Alaska-limit vessel has been launched in the years since. She was built to the specifications of an experienced fisherman interested in more than summertime salmon seining. The vessel is quickly convertible to trawling, crabbing and albacore trolling. She has been equipped more elaborately than many owners are willing to finance or able to afford. Her complement of electronics gear is as nearly complete as that of the new king crabbers. She reportedly was the first fishing vessel in the United States to be built with a hold of stainless steel; more than 5 tons of that semi-precious metal were used. Her stanchions and pen boards are aluminum. Her refrigeration system allows for brine spray for salmon and circulating sea water for crab. Hold temperature and outside water temperature are recorded simultaneously on a 7-day graph on a monitor mounted on a galley bulkhead, a position where it is almost impossible to avoid an up-to-the-minute appraisal of the vital temperature of the hold. Stainless steel was not confined to the hold; the net shield and bulwarks to a point amidships are faced with it to reduce web chafing and the time spent patching it. She carries 5,200 gallons (almost 22,000 liters) of oil and 1,500 gallons (6,340 liters) of fresh water. Two 20-kilowatt auxiliaries supply electric power. Her wheel is stainless steel, 58 by 44 inches (1,473 by 1,118 mm).

The owners of vessels built as bulkily as the *Jamie C* necessarily have to pay something of a penalty when it comes to main engine power. It takes more horsepower to move these big boats at the accepted cruising speed of 10 knots or thereabouts. Bigger engines cost more going in and bigger engines use more oil per mile of travel. The *Patty J*, almost 13 years old when the *Jamie* went to work, cruises at a comfortable 10 knots with a 220-horsepower engine, one of the "Jimmies" so popular with West Coast fishermen. The *Jamie*, with her beam, needs a 472-horsepower engine of the same make to achieve a similar speed. Men experienced in the handling of vessels of similar beam and semi-cruiser stern report they steer awkwardly in a following sea of any size.

The *Jamie* and limit boats contemporary with her or later make older vessels of her kind look something very like slave ships. Just as some designers gave little thought to looks, good or awkward, neither did most owners pay much atten-

tion to crew comfort. Fo'c'sles were (and a lot still are, of course) cramped and crowded, uncomfortable the year-round—warm, stuffy and smelly in summer; cold damp and smelly in winter. Gear stowage was mostly nonexistent and the fo'c'sle deck seemed paved with boots. Living conditions were especially poor below decks in the boats that fished eight to 10 men in the days before the Puretic Block or the drum slimmed crews down to four to six men. Sanitary facilities were exceedingly primitive on older boats, and on some consisted of no more than a tin wash basin and a pail that doubled as deck bucket. Most boats built after World War II have sink and running water in the fo'c'sle, and some have showers. People playing around with design of these limit vessels might well show a bit more ingenuity in allotting position and reckoning size of the head, but here is a place where most seem to have developed a blind spot. In any event, though, even the skimpiest of heads is superior to the drafty bucket. A handful of newer vessels such as the *Josie J* have two staterooms on deck and enough bunk space for a four-man crew, if fishing with the drum.

No Limit

To the south of that Pacific Northwest area so much oriented to the salmon seine fishery, Oregonians and Californians build to the lengths they wish, free from restrictions imposed by the Alaska limit. Vessels designed for the fisheries of those states run well over the Alaska limit, because all fishing along that coast is offshore. All salmon seining from Puget Sound to Central Alaska takes place in usually sheltered waters. The only open water seining is done around Kodiak Island, Unimak Island and the south side of the Alaska Peninsula, although even there it still is a close-to-the-beach operation because of the salmon's preference for routes along the beaches after coming inshore on the spawning migration. But no matter the size of these southern vessels, they show the characteristics bequeathed them by their western combination ancestry.

In mid-California, however, there appeared smaller vessels with lines reflecting the Mediterranean inheritance of the men who fished them. These were the Monterey hulls with clipper bow, canoe stern and rakish lines that would look pretty much at home with a lateen sail rigged above them. This Monterey influence appeared in the north for the first time about 1966, when a big troller built at Moss Landing on Monterey Bay showed up in the Southeastern Alaska salmon fishery. Similarly, a stranger appeared on the Kodiak shrimp grounds in 1969, with the coming of a trawler built on Gulf of Mexico lines. This boat was built in Mobile, Alabama, and its proving out resulted in more construction orders for the same firm, mostly because the vessels could be built in Alabama for less money than on the West Coast.

As for new-boat construction on the West Coast, Puget Sound yards built more boats through the 1960's and 1970's than California, Oregon and Alaska combined. This did not necessarily mean that Washington's fisheries were that much healthier than those of the other states. It merely indicated that the Puget Sound yards were building most of Alaska's boats as well as its own. Included in this construction was that for the distant water tuna fleet, based in Tacoma, where the first of the super-seiners, *Royal Pacific*, was launched in 1961. This trend toward distinctively bigger seine vessels was typified by the *Hornet* class of 167-foot (50.9 meters) seiners built since 1962 in Tacoma. The *Hornet*, when she was launched, was the largest tuna vessel in the world. She and her sisters had a beam of 35 feet (10.7 meters) and drew 21 feet (6.4 meters). They cruised at from 12-1/2 to 13 knots loaded. They carried from 750 to 800 tons of fish in 14 wells. In practical use, they were world-ranging. Bigger vessels have since been built. The largest was the 258-foot (78.6 meters) *Apollo*, designed to carry 2,000 tons of tuna.

The Pack Mule

One other big vessel, big at least as West Coast fishing and support vessels are counted, has played an important (but undramatic) part in development and supply of fisheries of the North Pacific, especially in the fisheries of British Columbia and Alaska. This vessel is the homely and humble power scow, the self-propelled pack mule of western fisheries, destined to spend its working days lifting bundles and toting bales from Puget Sound to the Bering Sea. The power scow does not even have the good looks of the least attractive fishing vessel; its profile is as unglamorous as any marine profile anywhere, with its two-deck house squatting on the stern and its deck running almost flatly forward to its snub nose. There is a minute rise only along the bulwarks from house to bow, its bottom is almost as flat as its deck and it waddles across the water as ungracefully as a duck on land. But it is a mule for work, comparatively inexpensive to build and blessed with a long working life.

The power scow comes in several sizes and a typical one measures 81 by 26 by 7.7 feet (24.7 by 7.9 by 2.3 meters), that draft being about that of the average Alaska-limit boat. This particular scow had twin 230-horsepower diesels, enough to move at about 7 or 8 knots with a following breeze. The scow is found wherever salmon are fished from Puget Sound north, as well as in a few other capacities where an inexpensive freight-hauler not needing licensed officers can be used. On Bristol Bay, a fleet of smaller scows works freight and packs salmon from