

**HB**

**107**

FISH USE COMMITTEE REPORT

(9)

Date Referred: February 10, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/1/95

The RESOURCES Committee considered:

HB 107

HOUSE BILL NO. 107

RESTRICTED LIMITED ENTRY PERMITS

"An Act relating to restrictions attached to certain commercial fisheries limited entry permits."

recommends it be replaced with the following committee substitute CSHB 107 (FSH)  the same title  a new title

additional referral to \_\_\_\_\_ Committee

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

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

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

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

zero fiscal note(s) ADF+G

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<u>Gene Nicholiz</u>	Nicholiz			X	
<u>Joe Davies</u>	Davies	X			
<u>Eileen P. Maclean</u>	Maclean	X			
<u>Joseph Green</u>	Green	✓			
<u>W.K. Williams</u>	Williams	✓			
<u>John Ogan</u>	Ogan	✓			
<u>Alvin Austerman</u>	Austerman			X	
		(5)		(2)	

CHAIR'S SIGNATURE W.K. Williams

# Alaska State Legislature

REPRESENTATIVE  
BEN GRUSSENDORF  
1221 HALIBUT POINT ROAD  
SITKA, ALASKA 99836  
(907) 747-0460

FINANCE COMMITTEE

DISTRICT 2  
KUPREANOF  
PETERSBURG  
SITKA  
WRANGELL



WHILE IN JUNEAU  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1102  
(907) 486-0824

House of Representatives

## SPONSOR STATEMENT

### HOUSE BILL 107

"An Act relating to restrictions attached to certain commercial fisheries limited entry permits."

In 1994 the Commercial Fisheries Entry Commission held meetings, at the request of the Southeast Crab Fleet, to come to agreement on a management plan for Dungeness crab. The meetings were held in Juneau, Ketchikan, Sitka, Petersburg, and Wrangell. This bill allows the Commercial Fisheries Entry Commission to implement the consensus reached at those meetings.

This bill does not alter or limit any powers of the Board of Fisheries. Under section 3 of the bill, the Commercial Fisheries Entry Commission is given the authority, if it chooses to exercise it, to implement the tiered pot system that was determined to be the fairest solution to the limited entry problem.

The pot limit must be based on the past participation in the fishery. It has the benefit of limiting the pressure on the resource. The present maximum limit is 300 pots. Since the 1980's catches averaged 2.5 million pounds. Last year dungeness crab was worth \$4.5 million dollars to fishermen in Yakutat, Kodiak and Southeast Alaska. Without establishing the tiered pot limit for entry permits, the effect of limited entry could actually increase the pressure on this valuable economic resource.

HB 107 will allow the Commercial Fisheries Entry Commission to manage a natural resource and to preserve an economically viable industry. I respectfully request your support.

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

February 9, 1995

**SUBJECT:** Sectional Summary of CSHB 107 (FSH); An Act relating to restrictions attached to certain commercial fisheries limited entry permits.

**TO:** Representative Ben Grussendorf

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have requested a sectional summary of CSHB 107 (FSH); An Act relating to restrictions attached to certain commercial fisheries limited entry permits.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill sets out the findings of the Legislature regarding the need to restrict fishing capacity associated with entry permits in certain fisheries.

Section 2 of the bill amends AS 16.43.150(a) to conform with AS 16.43.270(d), as added by sec. 3 of the bill.

Section 3 of the bill adds a new subsection to AS 16.43.270 in order to authorize the Alaska Commercial Fisheries Entry Commission to restrict the fishing capacity that may be employed under certain kinds of entry permits. The commission determines the manner in which fishing capacity is to be limited. The maximum fishing capacity that may be allowed under an entry permit issued under this provision is based on the past fishing practices of the person who initially receives the permit. The restriction on fishing capacity that is attached to the permit may not be exceeded by the permit holder or the permit holder's transferees. This provision may be applied only to fisheries that are subjected to limited entry after this bill takes effect.

If I may be of further assistance, please advise.

GEM:klb  
95-056.klb

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 107

Revision Date: 1/30/95 Dept. Affected: Fish and Game  
 Title: Relating to limited entry permits BRU: Commercial Fisheries (Limited) Entry Commission  
 Component: Limited Entry Program Administration  
 Sponsor: Rep. Grussendorf  
 Requester: Rep. Grussendorf COMPONENT SERIAL NO. 0471

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE (Thousands of Dollars)

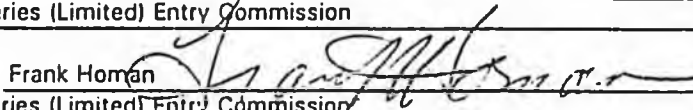
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Roger Kolden Phone: 789-6160  
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/30/95  
 Approved by Commissioner: Frank Homan   
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/30/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 107

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Restrictions on Limited Entry Permits BRU: CFMD  
 Component: Fisheries Management  
 Sponsor: Rep. Grussendorf  
 Requester: House Resources COMPONENT SERIAL NO. 1941

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Bob Clasby  
 Division: CFMD  
 Approved by Commissioner: [Signature]  
 Agency: \_\_\_\_\_

Phone: 465-4210  
 Date: 2/24/95  
 Date: 2-25-95

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# DEPARTMENT OF FISH AND GAME

## POSITION PAPER

Bill No. HB 107

Sponsor: Representative Grussendorf

Division: Commercial Fisheries Management and Development

Bill Title: Restrictions to Certain Limited Entry Permits

Department Position: Support

Background/Legislative Intent:

This legislation would allow CFEC to restrict the fishing capacity of fisheries entering into a limitation program. Limited entry was originally designed for salmon and herring fisheries where a single unit of gear, such as a seine or gillnet, is used. In crab, groundfish, and many developing fisheries, the unit of gear is variable and fishing capacity of the fleet is a function of vessel size - larger vessels carry more pots, shots of longline, or accommodate more divers. In some fisheries the fishing capacity has continued to increase following limitation due to increases in vessel size and corresponding increases in amount of gear fished. As a result, the biological and management advantages of limitation are significantly diluted.

Analysis of Bill/Program Effects:

Rational management to ensure conservation and maximize reproductive potential of a fish resource depends on: (1) effort levels that allow fisheries to be opened and managed without risk of overfishing; (2) fishing seasons of sufficient length to allow accumulation of adequate fishery performance data to validate preseason guideline harvest levels and assure that overfishing does not occur; and (3) reasonable control of gear to prevent loss. Excessive fishing capacity can lead to shortened seasons and fewer data upon which to make management decisions. Such derby style fisheries place both fishermen and resource at a higher level of risk.

Under this legislation, limitation should serve to set a ceiling on fishing capacity of a fishing fleet. It would enable CFEC to implement a program where limited entry permits would be tied to, for example, a vessel size, pot limit, or Board of Fisheries specified fixed or proportional quantity of gear.

Commissioner's Signature

  
Frank Rue, Commissioner

Date

2/2/95

# HOUSE COMMITTEE REPORT

(7)  
Date Referred: January 20, 1995

FURTHER REFERRALS:

Resources

Date of Committee Action: 2/8/95

The HOUSE SPECIAL COMMITTEE ON FISHERIES Committee considered:

HB 107

HOUSE BILL NO. 107

RESTRICTED LIMITED ENTRY PERMITS

"An Act relating to restrictions attached to certain commercial fisheries limited entry permits."

recommends it be replaced with the following committee substitute CSHB 107 (FSH)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

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

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

zero fiscal note(s) ADFG (CFEC)

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE *[Signature]*

**PETERSBURG FISHERIES**

division of  
ICICLE SEAFOODS, INC.  
P.O. BOX 1147  
PETERSBURG, ALASKA 99833  
907-772-4294  
FAX 907-772-4472



February 11, 1995

House Fisheries Committee  
Alan Austerman, Chairman  
Carl Moses  
Kim Elton  
Scott Ogan  
Gary Davis

Dear House Fisheries Committee:

After having the opportunity to further review and assess new information presented to me regarding HB107, I would like to lend my support to the Bill at this time.

However, I would like to emphasize my belief that the C.F.E.C. should allow for a competitive fishery equitable to the investments of both large and small operators, with regard to their "grandfathered" participation.

It is important that the act allow for further restrictions on fishing capacity (ie. quantity of gear) should the stocks become stressed. In attempting to relieve this stress on the stocks I would hope that the C.F.E.C. would seriously consider the limitations put on the smaller capacities when establishing criteria in an effort to maintain economic viability for all harvesting participants.

Sincerely,

John G. Baird  
S.E. Fleet Manager

cc: CFEC  
Senate Resource Committee

SOUTHEAST DUNGENESS CRAB ASSOCIATION  
P.O. BOX 262  
PETERSBURG, ALASKA 99833  
907-772-9248  
December 22, 1994

Dear Representative Grussendorf:

It's been almost four years since we passed the moratorium legislation which placed our S.E. Dungeness fishery in it's current moratorium status. This will expire Jan. 2, 1996.

At the request of the S.E. crab fleet the Commercial Fisheries Entry Commission held hearings this fall to try and work out a solution for a more permanent limited access scheme. Four main ideas were discussed: traditional limited entry, IFQ, tiered pot system, and fractional licensing. CFEC is reluctant to impose a traditional limited entry because of a possible increase in effort. (We currently fish a 300 pot limit but average 150 pots, hence the possibility to double the gear in the water.)

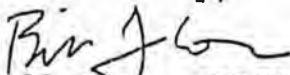
The other three ideas discussed required some type of legislative work. Both IFQ and fractional licensing were seen as too contentious and complicated with little possibility of success.

The tiered pot system was embraced by CFEC and the fleet both for it's fairness and possibility of achievement. Simply stated it places a crabber within a gear strata (i.e. 300/200/100) depending upon past effort. The fairness of this idea lies in that no one is excluded. There are many variations but our hope is that a sufficiently simple bill can be worked out that could achieve passage.

We have contacted CFEC to draft a proposed tiered system bill which we hope you would introduce and support.

Timing is critical. Our moratorium expires after this year and without further protection the S.E. Dungeness fishery will be in serious trouble (Ca., Or., and Wa. limited their dungeness fisheries this year.) We're counting on you to continue your support and looking forward to working with you.

Sincerely,

  
Bill Flor, SEDCA

c.c. Senator Robin Taylor,  
C.F.E.C.

S.E. DUNGENESS CRAB ASSOCIATION  
Box 262, Petersburg, Ak. 99833

January 26, 1995

Representative Alan Austerman  
Room 434, State Capital  
Juneau, Ak. 99801-1182

Dear Rep. Austerman:

I would like to provide a few comments on HB 107 and hopefully win your support on this important legislation.

When the Limited Entry Act was passed in 1974 it was designed for salmon and herring fisheries. These fisheries use one unit of gear (i.e. a seine or a gillnet) and when a particular fishery was limited all the participants were using the same type and amount of gear; neat, simple, and predictable.

Other fisheries often use multiple units of gear (i.e. longline/skates, shrimp/pots, crab/pots) and in these fisheries the Limited Entry Act has posed problems.

In the S.E. dungeness crab fishery growth in the late 1980's created enough concern for the crab resource to prompt the Commercial Fisheries Entry Commission to study limited entry possibilities. The CFEC found that the fleet consisted of a large proportion of part-time fishermen (because of the passive nature of the fishery) who fished considerably less than the 300 pot limit and while qualifying for a limited entry permit would potentially increase the actual gear fishing over pre-limited entry levels. While seeing a real need for participant limitation CFEC could not grant limited entry because of this problem. The Board of Fish also cannot adequately address this situation. The fleet of 325 averages less than 150 pots with approximately 30-40,000 actual pots in the water. Even with a severe cut in pot limits of 50% to 150 pots there is potential to increase effort significantly as well as penalizing those

who do use this fishery as their main source of income. Instead, industry, ADF&G, and the CFEC worked with the 1991 Legislature to pass/create a moratorium for the S.E. dungeness crab fishery in order to study the possibilities of managing this resource.

In the fall of 1994 meetings were held in Juneau, Ketchikan, Sitka, Petersburg, and Wrangell and the overwhelming consensus was to try a tiered approach where fishermen would be given permits tied to gear levels consistent with their past participation. All agreed that this idea was fair because of its inclusive nature and yet provided a solid control for a multi-gear fishery.

This approach can be applied to many fishery resources and gear types as yet uncontrolled but in real need of conservation. The CFEC will be able to design specific limited entry programs that will solve many of the problems of fishery resource conservation as well as provide fair levels of participation.

We urge you to support this amendment and thank you for your time.

Sincerely,

William Flor, SEDCA

To: Representative Joe Green  
From: Dan Kowalski, Box 477, Petersburg, AK 99833  
Date: February 10, 1995  
RE: HB 107: Support for tiered pot system for Dungeness

Representative Green,

I want to express my strong support for HB 107— a tiered pot system for the S.E. Dungeness crab fishery. I believe it is a crucial tool enabling the State to manage the fishery for continued sustainability. Without the bill I fear that the existing limited entry process would require pot reductions that would put the large boats that are able to fish distant waters out of business.

I believe HB 107 would be 1) Fair, 2) Enforceable, & 3) Effective.

I hope that it makes its way successfully through the committee process and becomes law. I fear the consequences if it doesn't.

Thank you for your help & leadership in this matter.

Sincerely,

Dan Kowalski

THANK YOU CHAIRMAN AUSTERMAN:

Box 262  
P.S.

WE URGE YOU TO SUPPORT THIS LEGISLATION. SINCE 1984 WE'VE BEEN TRYING TO ACHIEVE SOME PROTECTION FOR THE CRAB RESOURCE THROUGH LIMITED ACCESS TO THE COMMERCIAL USERS. BECAUSE OF THE NATURE OF THIS TYPE OF FISHERY WHICH USES MULTIPLE UNITS OF GEAR A PERSON CAN PARTICIPATE VERY MINIMALLY. THIS PRESENTS SERIOUS PROBLEMS WHEN A TRADITIONAL LIMITED ENTRY IS CONSIDERED BECAUSE THE POTENTIAL FOR INCREASING THE ACTUAL NUMBER OF POTS IN THE WATER CAN GROW SIGNIFICANTLY, THE RESOURCE CAN SUFFER AND THE MANAGERS HAVE NO REAL WAY OF KNOWING THE ACTUAL FISHING EFFORT.

IN 1991 THE LEGISLATURE PASSED A BILL IMPOSING A MORATORIUM ON NEW ENTRANT INTO THE DUNGENESS FISHERY SO THAT WE COULD STUDY VARIOUS POSSIBILITIES FOR CONSERVING THE RESOURCE. HB 107 IS A DIRECT CONTINUATION OF THIS PROCESS.

CFEC HELD HEARINGS THROUGHOUT S.E. IN SEPT OF 94 AND THE CRAB INDUSTRY WAS UNITED IN TRYING TO DEVELOPE AN INCLUSIVE-TIERED ACCESS SYSTEM WHERE FISHERMEN WOULD BE GIVEN PERMITS TIED TO GEAR LEVELS CONSISTENT WITH THEIR PAST PARTICIPATION. THIS IS FAIR BECAUSE ALL PARTICIPANTS ARE INCLUDED BUT IT GIVES THE MANAGERS SOLID CONTROL OVER THE TOTAL NUMBER OF POTS ACTUALLY FISHING & EFFICIENTLY CONTROLS GROWTH.

THANK YOU, BILL FLOR, PRESIDENT

C/E DUNGENESS ASSOC.

February 8, 1995

Regarding House Bill No. 107

I am against limiting entry into the Southeast Alaska Dungeness crab fishery. I feel it is unnecessary and the people (namely the SEDCA) pushing for limited entry are in effect attempting to deny other people the same opportunities they received.

I believe personal gain is the singular motivating factor behind the push for limited entry into this fishery. I do not believe conservation and preservation of the species is a valid argument for limited entry. I have come to these conclusions after a conversation with our area shellfish biologist Tim Koeneman. He explained two theories to me, one being the Size, Sex, Season method, which is mostly self explanatory. The legal Size is larger than that reached at maturity, so there are always mature crab for mating that are not necessarily large enough for harvest. Only males may be harvested, leaving females for breeding, this is the Sex factor. Ideally the Season would occur after the molting/mating period, which the summer season currently does not.

The other method involves trying to eliminate the large up and down cycles of the crab stocks. This involves recruitment and other things best left to the biologists to explain.

All of the solutions discussed, including harvest limits, changing the seasons, or limiting the amount of gear in the water remain viable under an open access fishery. I would urge you to consult openly with biologists instead of asking singular, one sided, carefully worded yes or no questions as was reportedly the case at the moratorium hearings.

Who would benefit from limiting entry into this fishery? NOT the crab stocks. There is a set number of legal crab, most of which get caught, no matter if its by 200 people with 300 pots each, or 400 people

with 150 pots each. These numbers are random but not unrealistic, and they do show twice as many Alaskans benefiting from the fishery.

So once again, who would benefit from limited entry? Only those who are pushing so hard for limiting entry. Just by mentioning limited entry a few years ago their numbers grew considerably. Throw out limited entry and many will be content with Bristol Bay, or seining, or longlining or whatever is more lucrative that they do anyway. Maybe no one will get rich crabbing but many others will be able to add a few thousand dollars to their annual income.

Limiting entry does not make sense for the crab or for the economy, only for those wanting to deny others the opportunity they were able to take advantage of themselves.

There are very few fisheries left a person can participate in without having to invest in a permit. As a result, it has become virtually impossible for a person to buy a boat and make a living fishing without major financial backing. I would like to see Dungle fishing remain an option for myself and for my children. What a great way to for our kids to learn to work for themselves and to earn money for school.

Please consult with the biologists and let them manage the fishery for the benefit of the crab as well all Alaskans.

Thank You,

Chris Cenis

PO Box 145

Petersburg, Ak. 99833

(907) 772 4602

SUSAN AND JEFF ERICKSON  
F/V PRIEST POINT  
POST OFFICE BOX 53  
PETERSBURG, ALASKA 99833

February 7, 1995

Re: Dungeness crab permits  
SB42 & HB107

Dear Senator:

I attended the teleconference held February 6, 1995 regarding the above bill and I strongly urge you not to pass SB42. I have been involved in the dungeness crab fishery for the last eleven years and have been following the discussions and proposals concerning the Southeast Dungeness crab fishery during that time.

I was a member of the Southeast Alaska Dungeness Crab Association (SEDCA) in the years prior to the moratorium. SEDCA was actively involved in getting the moratorium passed. Although I supported SEDCA with the moratorium, I am no longer a member in SEDCA anymore because I feel that they do not support how I, and most of the other crabbers want the 'pie' split up. The membership of SEDCA group has dropped significantly over the years to just the few who stand to gain the most by the proposal presented in SB42. Theirs is the voice being heard in SB42 but that is not the only voice. We all want something done about the current situation in the dungie fishery but it shouldn't favor a limited number if people and their fishing style. This bill supports their calculations on how the permitting process will benefit their fishing style the most.

In the Bering Sea they passed a pot limit! The same maximum number for everyone, not picking a few to have more than someone else for whatever reason. Past participation is influenced by many factors including conflicting fisheries, illness, low harvest record etc... In the Bering Sea fishery they distributed the number of permissible pots equally.

I listened to the gentleman from the CFEC and I disagree on the system used to determine the number of pots fished in the past. At times I have I fished 300 pots but maybe for a couple of weeks out of a four month season. Other years it may have been different depending on harvest and other factors. Others do the same because they have conflicting fisheries. Very few fish 300 pots for the full four month season. This is still the longest opening of any fishery currently on line in Alaska.

I think you should limit everyone to 150 to 200 pots. This corresponds to the current standard for the limited entry of this

fishery. Equal number of pots per participant. This spreads the resources out for people to participate on a level playing field. It would be cut and dry.

Another problem with SB42 is the enforcement of dungeness crabbing in Southeast Alaska in the past. I feel that there has never been scientific data collected and studied on this fishery. They have only speculated on the number of pots fished but have no idea of the true length of time pots were fished or where they were fished. The CFEC can only speculate based on the information provided. There is not accurate documentation to any claims of pots fished in years past. There are a lot of crab grounds that are not even fished and there is not hard data that the existing fishery is in bad shape.

There are not vessels for enforcement or for any type of a tagging system. There are just too many unanswered questions about regulation enforcement. It would be worse than it is now and it is impossible to enforce the rules now. It would be more practical for enforcement to have everyone play by the same rules with a smaller number of pots. Three Hundred is too many for anyone! I feel that the most people possible should be included equally in this fishery.

Thank you for this opportunity to voice my opinion. Let's keep it simple. We don't need to pass this bill because CFEC already has the proper tools to manage this fishery fairly. SB42 favors a few and leaves the majority with less.

I would be happy to discuss this in greater detail with you. I can be reached at (907) 772-9237.

Sincerely,

Jeff Erickson

REPRESENTATIVE GRUSSENDORF  
SENATE RESOURCE COMMITTEE  
HOUSE FISHERIES COMMITTEE

RE: SENATE BILL 42  
HOUSE BILL 107

RECEIVED

FEB 08 1995

Am'd.....

1-8-95

DEAR LEGISLATORS,

I OPPOSE THE TIER SYSTEM FOR DUNGENES CRAB. I FEEL THAT ENFORCEMENT WOULD BE NEXT TO IMPOSSIBLE DUE TO VARIOUS AMOUNTS OF POTS. THE ADFG POT REGISTRATION IS A LOCAL JOKE. I WAS LAUGHED AT BY OTHER CRABBERS WHEN I TOLD THEM I ONLY HAD REGISTERED 60 POTS IN 1988 WHEN I FIRST STARTED. THEY SAID I SHOULD HAVE CLAIMED 300 POTS LIKE EVERYONE ELSE.

I SUPPORT TRADITIONAL LIMITED ENTRY. IF THERE ARE TOO MANY POTS LET THE CFEC / ADFG REDUCE THE LIMIT TO 200 OR EVEN 150 POTS PER BOAT.

THE TIER SYSTEM IS NOT DESIGNED TO SAVE THE FISHERY. IT IS DESIGNED TO SAVE THE INCOME OF THE ELETE "300" POT CLUB. LET EVERYONE CONTRIBUTE IN REDUCING POT EFFORT. PLEASE DON'T LET THE GREED OF A FEW RUIN THIS FISHERY FOR THE SMALL INDEPENDENT FISHERMAN,

THOMAS O. DRENNAN  
BOX 823 PETERSBURG, AK 99877

THANK YOU  
*Thomas O. Drennan*

February 7, 1995

House Fisheries Committee  
Alan Austerman, Chairman  
Carl Moses  
Kim Elton  
Scott Ogan  
Gary Davis

RECEIVED  
FEB 07 1995  
Ans'd.....

Dear Sirs;

I would like to say a few things about the Southeast Dungeness Crab Fishery and the proposed tiered system.

The "Crab Coalition" was formed several years ago by a few local fishermen who had originally entered the dungeness fishery because there were no other unlimited fisheries for them to get into. They learned very quickly that the dungeness fishery was wide open with very few people knowing how lucrative it was. They have made a lot of money over the last 10 or so years with dungeness and thus have all been able to buy into other fisheries that are limited entry fisheries. They formed the "Coalition" because they simply do not want to share their wealth with their neighbors and friends who got into the fishery a few years after them.

If there is a dungeness crab stock problem then shouldn't ADFG shorten the dungeness season?

If there really are too many pots in the water shouldn't we lower the pot limit for everybody?

I believe the "Crab Coalition" got their heads together and agreed on the tiered system which would "look" as if it is being fair to the other fishermen but which in fact would eliminate many of those others as competition for dungeness crab.

I view dungeness pots and corresponding incomes as follows:

300 pots = A very good income  
200 pots = A reasonable living  
100 pots = Unable to make expenses

The "Coalition" would like you to believe that fishermen who qualify for 100 pots or less would be able to buy into being able to fish more. I do not believe that anybody fishing a 100 or less pots will be able to make expenses let alone be able to buy into being able to fish more. 100 pots or less would probably

eliminate those fishermen from the fishery. The "Coalition" is not interested in the "stocks", they are simply interested in eliminating their competition. If they are successful at this tiered system it will adversely affect many Southeast commercial fishermen and their families.

Please be very careful when deciding the fate of the Southeast Dungeness Fishery. The "Coalition" has made very, very good money with this fishery and are speaking very loudly to control this fishery for themselves alone. There is no reason that this fishery shouldn't be able to support equal effort from everybody who has been involved. If this means lowering pot limit slightly or shortening the season so be it. If we need limited entry then please consider equal treatment for all those fishermen who invested time and money in the fishery from the moratorium year back.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Curtiss".

Vicki Curtiss

# MEMORANDUM

## STATE OF ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION

TO: Representative Bill Williams  
Representative Joe Green  
Co-Chairs  
House Resources Committee

DATE: February 27, 1995

FAX NO: 789-6170

TELEPHONE NO: 789-6160

SUBJECT: Position Statement for  
CSHB107(FSH)

*Frank Homan*  
FROM: COMMERCIAL FISHERIES  
ENTRY COMMISSION  
Bruce Twomley, Chairman  
Frank Homan, Commissioner  
Dale G. Anderson, Commissioner

### CFEC POSITION STATEMENT

CFEC supports CSHB107(FSH). Under Alaska's current limited entry program, CFEC can limit the number of persons (permit holders) in a fishery but does not have the explicit authority to limit the fishing capacity of similarly situated classes of entry permit holders within a fishery. The legislation is forward oriented and only applies to fisheries limited in the future after completion of the public hearing process. It will have no impact on established limited fisheries. This legislation does not alter or limit the powers of the Board of Fisheries to impose additional restrictions of fishing capacity. CSHB 107 would provide CFEC with improved resource conservation tools.

The impetus for this legislation was generated by the Southeast Alaska Dungeness crab fishers after public hearings and research during the current moratorium. The need for immediate action is in the impending expiration of the CFEC moratorium on new entrants into the fishery. By law (AS 16.43.227), this moratorium will expire on January 2, 1996. A majority of participants at the public hearings favored a limited entry program for this fishery. If CFEC does not move to limit the fishery before January 2, 1996 it will return to open access.

The current limited entry program has proven effective in limiting the growth in fishing capacity and effort when administered in salmon and herring fisheries when utilization is already maximized. However, the existing program thwarts the Commission's efforts to achieve effective resource conservation goals in Alaska's fisheries that employ a broad spectrum of vessel size and quantity of gear. Simply limiting the number of participants will fail to contain growth in fishing capacity and effort.

In such fisheries, smaller more part-time operations would tend to sell out to larger more full-time operations after limited entry. For example, this is true of the Southeast Alaska Dungeness crab fishery where many small boat participants currently fish a small number of pots on a part-time basis. This is also true in many of the state's other crab fisheries and state managed groundfish fisheries. By setting the fishing capacity of entry permits roughly at pre-limitation levels, entry limitation would do a better job of resource conservation by controlling the growth of excessive fishing capacity and effort.

This legislation would also help preserve the diverse nature of the fleet in such fisheries and help ensure that some of the entry permits in limited fisheries will be available and more affordable to smaller part-time and entry level operations.

Many of Alaska's valuable fisheries that coastal communities depend on may soon be facing an influx of new fishermen because of recent limitation programs and closures in other jurisdictions. In some of these fisheries, access restrictions may be needed in the near future to help conserve stocks and preserve the benefits of development for Alaska. This legislation would allow limitation programs better designed to fit the diverse nature of Alaska's fisheries.

Box 4349  
Kodiak, Ak 99615  
January 28, 1994

Alaska Board of Fisheries  
Box 3 - 2000  
Juneau, Ak 99802 - 2000

Dear Commissioners:

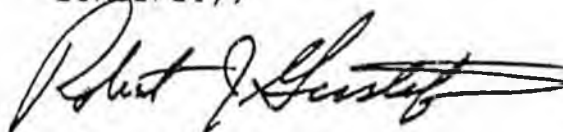
For years the Kodiak Dungeness fishery has been the perfect fishery with biological protection of the resource managed solely by size, sex and season. With implementation of halibut and black cod I.F.Q.s eminent in 1995, the advent of limited entry in many other dungeness fisheries in Alaska and the West Coast, and Council proposed limited entry in other crab fisheries and bottom fish fisheries; the Kodiak District Dungeness Fishery will experience a catastrophic influx of new fishing effort in this open access fishery.

A petition for limited entry has been endorsed and submitted by many Kodiak area dungeness fishermen. In conjunction with our request for limited entry we request emergency consideration for implementation of pot limits for the Kodiak Dungeness Regulatory District. The enclosed request form for a change in the regulation discusses an 850 pot limit.

To protect the resource of the Kodiak Dungeness Fishery and the economic viability of this fishery we feel both the institution of a pot limit and limited entry by permit be approved. We must look forward to saving the biological resource and economic viability of this fishery before it is destroyed.

Thank you for consideration of this emergency request.

Sincerely,



Robert J. Gustafson  
F/V Alska

RECEIVED  
FEB 4 1994  
COMMERCIAL FISHERIES  
ENTRY COMMISSION

Petition for Limited Entry  
for the  
Kodiak Area Dungeness Fishery

Management of fisheries on the West Coast of the U.S. including Alaska, is changing drastically. Government intervention by virtue of instituting various forms of limited entry in most if not all fisheries is eminent. Halibut and Black Cod I.F.Q.s will be implemented by 1995 or sooner. The Dungeness crab fishery in Southeast Alaska is closed to new access by moratorium. The West Coast; Washington and Oregon are currently working on a plan to close their Dungeness fishery to new access with a Limited Entry Plan. California already has limited entry for dungeness crab. Salmon and herring have been closed for a long time. Discussions in the North Pacific Fisheries Management Council now include Limited Entry for Pacific cod [longline, pot and trawl], all other forms and species of trawl, and Bering Sea crab. Other areas of the State of Alaska are in the process of developing limited entry proposals for dungeness crab.

The balance of the small Dungeness fishery of the Kodiak area will experience a catastrophic increase in fishing pressure from boats from all over the West Coast. This fishery could be destroyed as a viable fishery for all participants if not protected from a massive influx of boats that are displaced from other fisheries. The Kodiak Dungeness fishery may be over capitalized based on the number of boats which would qualify for limited entry permits currently.

Considering the need for a stable, economic dungeness fishery; we the following Kodiak Area Dungeness Fishermen request that the Kodiak Dungeness Fishing Area be placed under limited entry by the State of Alaska.

The precedent for expediting this limited entry permit system request for Kodiak dungeness fisheries can be seen from the Chatham Black Cod limited entry and Southeast Alaska dungeness limited entry.

We propose this fishery's limits be based on the following criteria;

- [1] Retain size, sex and season as the biological criteria for season harvest.
- [2] Limit entry by access, one boat/one permit.

- [3] The base period for consideration to qualify for entry should be only those boats which were registered and delivered crab harvested from the Kodiak harvest area from any years from 1991 through 1993.
- [4] The permit belongs to the boat owner or lease holder of record. Only one permit will be qualified for each boat active for the qualifying period.
- [5] A pot limit is being requested currently from the State Board of Fish.

We strongly urge the State to consider our petition for immediate action. This method of management appears to be the only way to save the dungeness fishery in Kodiak from economic chaos. Thank you for your concern.

Sincerely,

  
F/U Alaska



# ALASKA BOARD OF FISHERIES & ALASKA BOARD OF GAME REGULATION PROPOSAL FORM

Box 3-2000, Juneau, Alaska 99802-2000

## BOARD OF FISHERIES REGULATIONS

- Fishing Area Stat Area J, Kodiak Distri  
 Subsistence  Personal Use  
 Sport  Commercial

## JOINT BOARD REGULATIONS

- Advisory Committee  Regional Council  Rural

## BOARD OF GAME REGULATIONS

- Game Management Unit (GMU) \_\_\_\_\_  
 Hunting  Trapping  
 Subsistence  Other \_\_\_\_\_  
 Resident  
 Nonresident

Please answer all questions to the best of your ability. All the answers will be printed in the proposal packets along with the proposer's name (addresses and phone nos. will not be published). Use separate forms for each proposal.

1. Alaska Administrative Code Number 5 AAC 32.425 Regulation Book Page No. 50

2. What is the problem you would like the Board to address? The dungeness crab resource in the Kodiak Regulatory Area is threatened by unregulated pot access as well as a dynamic increase in boats to the fishery due to displacement from other areas by various limited access schemes.

3. What will happen if this problem is not solved? The dungeness fishery in the Kodiak Regulatory Area will go unchecked to the point of threatening the biological resource as well as the economic viability of the fishery.

4. What solution do you prefer? In other words, if the Board adopted your solution, what would the new regulation say?  
 Under section 5 AAC 32.425. Lawfull gear part A. stays the same.  
 Part B. would be-- In Statistical Area J, Kodiak District, no more than 850 dungeness crab pots may be used by a vessel to take dungeness crab.

5. Solutions to difficult problems benefit some people and hurt others:

A. Who is likely to benefit if your solution is adopted?

The existing dungeness fleet and the resource as well as ADF&G in the process of managing the fishery.

B. Who is likely to suffer if your solution is adopted?

Those boats wishing to fish more than 850 dungeness pots.

6. List any other solutions you considered and why you rejected them.

An IFQ form of limit was considered but rejected due to the nature of this fishery.

Submitted By: Name Robert J. Gustafson

Address Box 4349 Kodiak, Ak. Zip Code 99615 Phone (907) 487-4430

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
DIVISION OF PUBLIC SERVICES

**PETERSBURG LEGISLATIVE INFORMATION OFFICE**

PHONE: 772-3741 FAX: 772-3779

**FAX TRANSMISSION**

TO: House Resources Committee 3/1/95 TELECONFERENCE

FAX #: 465-3793

DATE: 3/1/95

MESSAGE: Hb 107.....Testimony by fax.....per Marine Operator call

From Bob Tepley....Box 1728, Petersburg, AK. 99833

I believe we do need a limited entry system to save the resource. I believe the number of pots should be limited equally, Fishing capacity should be equal for all who participate.

Teleconference - HB 107

My name is Liv Kwing my husband  
Lynn Kwing and I are a  
commercial fishing family and  
we support House Bill 107 and  
its management of the resource.  
Box 1335 Psg. 772-3644

Teleconference - HB 107

My name is Gwynne Short. My husband  
Joe Short has been in the fisheries since  
1979. We are both for House bill 107.  
Gwynne Short Box 1224 Psg 772-3585

Teleconference for HB 107 Limited Entry Permit:

My name is Beth Flor. I am in favor of HB 107. This amendment will enable CFEC to design specific limited entry programs that will solve many problems for resource conservation as well as providing equitable levels of participation.

Thank you. Box 262 772-3829 ext. 2626

Teleconference - HB-107

P.O. Box 1312 - Psa. AK. 99833

My name is Sheri Wohlhaeter, I'm strongly in favor of HB-107 - This bill would give CFEC a Responsible management tool for this Resource, which is crucial for the longevity of this Resource Fishery.

Teleconference - HB-107

My name is Heidi Lyons. My husband, Jack Lyons is a Dungeness fisherman and we both support House Bill 107.

Thank you. PO Box 527 Pk. 772. 37154  
Psa



Erling W. Husvik  
P.O. Box 297 • Petersburg, Alaska 99833

MARCH 1, 1995

I SUPPORT HOUSE BILL NO. 107.

ERLING W. HUSVIK  
*Erling W Husvik*

Maxine Husvik  
P.O. box 297  
Petersburg, Ak. 99833

I support HOUSE BILL No. 107.

Thank You.

Maxine Husvik

*Maxine Husvik*