

HB

547

Alaska State Legislature



Representative William K. Williams

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Committees:
House Resources
Co-Chairman
World Trade &
State Federal Relations
Transportation
Rules
Oil & Gas

HOUSE BILL 547

Concurrence

The sponsor concurs with the changes made in the Senate.

Changes:

1. Section 1. LEGISLATIVE FINDINGS

Deleted finding (1)

Added a new finding which became (9) in the amended bill.

2. Changed lines 22-24, page 4, by adding language which would further instruct the limited entry commission to investigate additional alternative methods for management programs for the fisheries included under the moratorium.



Official Business

Alaska State Legislature

SENATE CONCUR MESSAGE

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3701

April 25, 1996

MESSAGE TO THE HOUSE

MADAM SPEAKER:

The Senate passed CS FOR HOUSE BILL NO. 547(RES) am
"An Act relating to a four-year moratorium on entry into Southeast Alaska
dive fisheries; and providing for an effective date." with the following
amendment:

Page 1, lines 5-7

Delete all of Section 1.

Page 2, following line 16:

Insert a new paragraph to read:

"(10) it is in the best interests of the state, the communities,
and the fishing industry that appropriate management options for the
various dive fisheries be identified and implemented as soon as possible in
order that the entry moratorium on any or all of the dive fisheries may be
lifted;"

Renumber the following paragraphs accordingly.

Page 4, line 21, following "(3)":

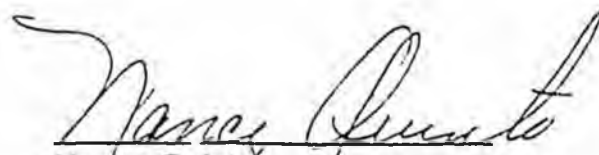
Insert "in cooperation with the Department of Fish and Game,"

Page 4, line 22:

Delete "limited entry"

Insert "a nontransferable limited entry or other management"

and so, CS FOR HOUSE BILL NO. 547(RES) AM S is returned for
consideration.


Nancy Quinto
Secretary of the Senate

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Juneau, Alaska 99801-2105

MEMORANDUM

April 30, 1996

SUBJECT: Moratorium on entry into the Southeast Alaska sea urchin fishery (CSHB 547(kES) am))

TO: Representative Bill Williams
Attn: Cheryl Sutton

FROM: George Utermohle *GU*
Legislative Counsel

You have asked whether the state may establish a moratorium on entry into the Southeast Alaska sea urchin fishery.

The Southeast Alaska commercial sea urchin fishery is currently closed. Apparently the fishery has been closed due to management decisions of the Board of Fisheries and the Department of Fish and Game. The fishery may be reopened when the board and department consider it appropriate to do so. The fact that the commercial sea urchin fishery is currently closed, does not prevent the legislature from determining that there is a need for a moratorium if the sea urchin fishery is opened in the future. The state does not have to wait until actual experience shows that there are too many participants in a fishery or that the fishery resource is overexploited before establishing a moratorium. There is nothing in the Alaska Constitution that would preclude the imposition of a valid moratorium on entry into a fishery that has been previously closed for management reasons. As long as a moratorium on entry into the sea urchin fishery satisfies the purposes for which the Alaska Constitution (Art. VIII, sec. 15) authorizes limited entry, i.e. resource conservation and prevention of economic distress among fishermen and those dependent upon them for a livelihood, it seems evident that the state should be able to establish the moratorium.

It is my understanding that one of the reasons the commercial sea urchin fishery has not been opened is concern by the department that anticipated participation in the fishery may exceed the ability of the department to successfully manage the fishery on a sustained yield basis if the fishery is opened. If that is indeed the case, a moratorium on the fishery would have the effect of fostering greater participation in the fishery than would otherwise occur.

In my opinion, there is nothing in the Alaska Constitution or AS 16.43 that would preclude the state from establishing a moratorium on entry into the Southeast Alaska sea urchin fishery, if, as CSHB 547(RES) am states in sec. 1 of the bill, there is a need to do so in order

Representative Bill Williams

April 30, 1996

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to protect the sustained yield management of the resource and economic health of the fishery. The question of whether the state can establish a moratorium on entry into a fishery like the sea urchin fishery, is less important than the process by which the moratorium is established and the manner in which it is implemented.

If I may be of further assistance, please advise.

GU:pl:klb

96-145.plm

9-LS1802\F
Utermohle
3/26/96

CS FOR HOUSE BILL NO. 547(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a four-year moratorium on entry into Southeast Alaska dive
2 fisheries; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1. LEGISLATIVE FINDINGS.** The legislature finds that

5 (1) limited entry is an important fishery management measure to promote
6 conservation and sustained yield management of fisheries resources of Alaska and to preserve
7 and sustain the benefits of fisheries development in Alaska;

8 (2) the Southeast Alaska dive fisheries for sea cucumber, abalone, and geoduck
9 may be approaching or exceeding the maximum sustainable harvest levels for these fishery
10 resources in the areas where the fisheries occur;

11 (3) the number of divers participating in the Southeast Alaska dive fisheries
12 was precariously high at the end of 1995;

13 (4) a moratorium on entry into the Southeast Alaska dive fisheries is necessary
14 to allow a proper review and analysis of the sea cucumber, abalone, geoduck, and sea urchin

1 fisheries before permanent damage is done to these fishery resources due to the accelerated
2 growth in participation in these fisheries;

3 (5) in recent years the Southeast Alaska dive fishery for sea urchin could not
4 be opened due to the lack of research and management tools and concern that a large number
5 of new divers would be difficult to manage and may threaten the sustained yield management
6 of the sea urchin resource;

7 (6) individuals who participated in the abalone, sea cucumber, and geoduck
8 fisheries in Southeast Alaska during 1994 and 1995, would have been likely to participate in
9 a sea urchin fishery during those years if a fishery had occurred;

10 (7) current economic dependence on a fishery is best demonstrated by recent
11 participation in, and economic reliance upon, a fishery;

12 (8) information currently available is insufficient to conclude whether entry
13 limitation under AS 16.43 would serve the purposes of AS 16.43;

14 (9) a moratorium on entry into the Southeast Alaska dive fisheries is necessary
15 to provide an opportunity to investigate alternative means of fishing effort regulation that may
16 be more appropriate for these fisheries;

17 (10) the Southeast Alaska dive fisheries have reached a level of participation
18 that may threaten the conservation of the sea cucumber, abalone, geoduck, and sea urchin
19 resources and the economic health and stability of the sea cucumber, abalone, geoduck, and
20 sea urchin fisheries; and

21 (11) the Alaska Commercial Fisheries Entry Commission has insufficient
22 information to determine whether the establishment of a maximum number of entry permits
23 for the Southeast Alaska dive fisheries under AS 16.43.240 would further the purposes of
24 AS 16.43.

25 * Sec. 2. AS 16.43 is amended by adding a new section to read:

26 Sec. 16.43.228. SOUTHEAST ALASKA DIVE FISHERIES. (a) A person
27 may not take sea cucumber in the Southeast Alaska sea cucumber fishery without an
28 interim-use permit issued by the commission. The commission may not issue an
29 interim-use permit for the Southeast Alaska sea cucumber fishery unless the applicant
30 presents proof satisfactory to the commission that during calendar year 1994 or 1995
31 the applicant commercially harvested sea cucumber in the Southeast Alaska sea

1 cucumber fishery while holding an interim-use permit for the Southeast Alaska sea
2 cucumber fishery.

3 (b) A person may not take abalone in the Southeast Alaska abalone fishery
4 without an interim-use permit issued by the commission. The commission may not
5 issue an interim-use permit for the Southeast Alaska abalone fishery unless the
6 applicant presents proof satisfactory to the commission that during calendar year 1994
7 or 1995 the applicant commercially harvested abalone in the Southeast Alaska abalone
8 fishery while holding an interim-use permit for the Southeast Alaska abalone fishery.

9 (c) A person may not take geoduck in the Southeast Alaska geoduck fishery
10 without an interim-use permit issued by the commission. The commission may not
11 issue an interim-use permit for the Southeast Alaska geoduck fishery unless the
12 applicant presents proof satisfactory to the commission that between January 1, 1994,
13 and January 31, 1996, the applicant commercially harvested geoduck in the Southeast
14 Alaska geoduck fishery while holding an interim-use permit for the Southeast Alaska
15 geoduck fishery.

16 (d) A person may not take sea urchin in the Southeast Alaska sea urchin
17 fishery without an interim-use permit issued by the commission. The commission may
18 not issue an interim-use permit for the Southeast Alaska sea urchin fishery unless the
19 applicant presents proof satisfactory to the commission that

20 (1) during calendar year 1992 or 1993, the applicant commercially
21 harvested sea urchin in the Southeast Alaska sea urchin fishery while holding the
22 appropriate interim-use permit;

23 (2) during calendar year 1994 or 1995, the applicant commercially
24 harvested sea cucumber or abalone in the Southeast Alaska sea cucumber or abalone
25 fishery while holding the appropriate interim-use permit; or

26 (3) between January 1, 1994, and January 31, 1996, the applicant
27 commercially harvested geoduck in the Southeast Alaska geoduck fishery while
28 holding an interim-use permit for the Southeast Alaska geoduck fishery.

29 (e) During the four years that a moratorium established by this section is in
30 effect, the commission shall

31 (1) issue interim-use permits for each fishery subject to (a) - (d) of this

1 section to applicants who satisfy the appropriate qualifications established under (a) -
2 (d) of this section and who establish the present ability and intent to participate
3 actively in the fishery;

4 (2) conduct investigations to determine whether a maximum number
5 of entry permits should be established under AS 16.43.240 for each fishery subject to
6 this section by

7 (A) conducting research into conditions in the fishery;

8 (B) consulting with the Department of Fish and Game and the
9 Board of Fisheries; and

10 (C) consulting with participants in the fishery; and

11 (3) conduct investigations to determine whether an alternative form of
12 limited entry program is appropriate for a fishery subject to this section.

13 (f) Notwithstanding AS 16.43.225, for the purposes of this chapter,

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

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

18 (g) The commission may not consider participation in a fishery, subject to a
19 moratorium on entry under this section, that occurs during the period of the
20 moratorium in determining eligibility for an entry permit that may be issued for the
21 fishery after termination of the moratorium.

22 * Sec. 3. AS 16.43.260(f) is amended to read:

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

28 * Sec. 4. AS 16.43.228(a), 16.43.228(b), 16.43.228(c), and 16.43.228(d), added by sec. 2
29 of this Act, are repealed July 1, 2000.

30 * Sec. 5. This Act takes effect July 1, 1996.

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Juneau, Alaska 99801-2105

MEMORANDUM

March 20, 1996

SUBJECT: Draft bill providing for a moratorium on entry into the Southeast Alaska dive fisheries (Work Order No. 9-LS1802\A)

TO: Representative Bill Williams
ATTN: Cheryl Sutton

FROM: George Utermohle 
Legislative Counsel

This memorandum accompanies the draft bill relating to the Southeast Alaska dive fisheries that you requested. The bill may be subject to challenge as unconstitutional local or special legislation.

Article II, section 19 of the Alaska Constitution provides in part:

The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination.

The test employed by the Alaska Supreme Court under Article II, section 19 is substantially the same as that applied under equal protection analysis. Upon examining the legislative goals and the means used to advance them, the court determines whether the legislation bears a fair and substantial relationship to a legitimate state purpose. State v. Lewis, 559 P.2d 630, 643 (Alaska 1977), cert. denied, 432 US 901 (1977). To satisfy the fair and substantial relationship standard, the classification established by the legislation must be tailored to the purpose of the legislation. The classification must be neither overinclusive nor underinclusive. Isakson v. Rickey, 550 P.2d 350, 362 (Alaska 1976). If the "fair and substantial relationship" standard is met, the bill will not be invalidated because of incidental local or private advantages. Lewis, 559 P.2d at 643. In Lewis, the court agreed that an Act of statewide significance need not have an effect in all parts of the state; legislation does not become "local" merely because it operates only on a limited number of geographical areas rather than on a statewide geographical basis. The Lewis case involved the Cook Inlet land exchange and the court accepted the premise that the land exchange, while only affecting land in Southcentral Alaska, required legislation to be accomplished and was of statewide significance. The court relied heavily on the record developed by the legislature in support of the need for the land exchange and the decision to resolve serious issues surrounding Native land selections under the Alaska Native Claims Settlement Act through legislation authorizing the Cook Inlet land exchange.

Representative Bill Williams

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In a case where a violation of sec. 19 was found, the court said that legislation establishing the Eagle River Borough was special and peculiar to the locality where the borough was established. Since there was nothing in the nature of the Eagle River-Chugiak area that justified a departure from the general law scheme for the establishment of boroughs, the Act violated sec. 19. Abrams v. State, 534 P.2d 91 (Alaska 1975).

The proposed bill provides for the establishment of a moratorium on entry into four Southeast Alaska dive fisheries. Presumably the purpose of the bill is to further the goals of the limited entry program which are "to promote the conservation and the 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 and without unjust discrimination." AS 16.43.010(a). Whether a moratorium on new entrants into these fisheries in Southeast Alaska bears a "fair and substantial" relationship to the purpose of the limited entry program is the critical issue.

In order to establish the necessary relationship between the moratorium and the purpose of the bill, it will be important for the legislature to identify the problem that it is trying to address and to document in the legislative history that the approach taken by the bill is reasonably tailored to address that problem. It would be helpful in supporting the bill, if the legislature could establish that the problem to be addressed by the bill is a problem unique to Southeast Alaska and that moratoria on entry in other parts of the state would not be necessary, or would be counterproductive, or otherwise conflict with the goals of the limited entry program. If the legislature relies on such testimony and evidence contained in the legislative history in deciding to limit the application of the bill to a particular fishery in Southeast Alaska, then the fair and substantial relationship between the means and ends of the bill could be established by the evidence before the legislature. Such testimony would also support the conclusion that regulation of new entrants into the fisheries through moratoria is "a matter which is unique, but of statewide concern" (Lewis, 559 P.2d at 643) and not local legislation, thus potentially avoiding the local and special legislation issue altogether.

However, the question of whether general legislation could be made applicable to the situation presented to the legislature remains a question "subject to judicial determination" under the Alaska Constitution. The burden on the state to justify this special legislation is made more difficult by the existence of general legislation, AS 16.43.225, that provides for the same result.

If I may be of further assistance, please advise.

GU:klb

96-214.klb

Enclosure

THE CASE FOR OPEN ACCESS

"And judgement is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter." (Isaiah 54:14).

Please consider the following reasoning of the basic precepts of law in the following essay.

The important question here is: Should certain individuals have liberty to apply their faculties to a particular resource and certain others totally restricted from it?

"We hold these truths to be self evident, that all men are created equal and are endowed by their Creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness." (The Unanimous Declaration-1776).

"We hold from God the gift which includes all others. This gift is life--Physical, intellectual, and moral life. But life cannot maintain itself alone. The Creator of life has entrusted us with the responsibility of preserving, developing, and perfecting it. In order that we may accomplish this, he has put us in the midst of a variety of natural resources. By application of our faculties to these natural resources we convert them into products, and use them. This process is necessary in order that life may run its appointed course.

Life, faculties, production--in other words individuality, liberty, property--this is man. And in spite

of the cunning, artful political leaders, these three gifts from God precede all human legislation, and are superior to it.

Life, liberty and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty and property existed beforehand that caused men to make laws in the first place.

What then is law? It is the collective organization of the individual right to self defense." (The Law, Bastiat-1848).

Now therefore, in consideration of the above two quotations, please understand that all men (including harvest divers) justly have liberty to use their faculties to accumulate property to fulfill their responsibility of sustaining their lives.

"And he has put us in the midst of a variety of natural resources." (Bastiat, 1848). Is it not true then, that natural resources are a most important element in the sustenance of life?

Let us consider these natural resources, the subject of this moratorium question.

I. OWNERSHIP- In a communist country the state owns all the land and all of natural resources, the state is god and one must obtain license from the state to use his faculties in accumulating property; The state owns these creatures (sea cucumbers, abalone, geoducks and urchins). In a monarchy then, the king owns these creatures. The battle cry of our

War for Independence was "No King but Jesus!". Truly whether the state or king assumes ownership of these creatures, they are the King of kings creatures, The Creator is owner.

II. STEWARDSHIP- Stewardship of this natural resource and the responsibility for conservation is the common law public. So, then we have regulatory agencies to manage, preserve and conserve this resource, (Alaska Department of Fish and Game) acting on behalf of the common law public.

III. BENEFICIAL INTEREST- The people.

FIRST - Those individuals who desire to spend their time and energies (faculties) should have liberty (not license) to endeavor to accumulate this fish resource (property) for their personal use, not to sell it.

SECOND - As their might be abundantly more of the resource than personal use might require, then those and/or other individuals might acquire permission of the public to fish commercially, to catch and sell all that they might, under conservational guidelines instituted by these agencies of the common law public in the public's' best interest.

In the case of limited entry, would the state of Alaska government officials be creating harvest diver barons? Just as the European kings would grant lands to their nobles for their exclusive use (freeholding)? It seems to us that our state government might be doing just that!

"What then is law? It is the collective organization of the individual right to lawful defense." (Bastiat, 1848), or maybe better said ...in order to secure these rights,

governments are instituted among men. "(The Unanimous Declaration-1776). The de jure government of the several states was instituted with these aforementioned principles in writing. The founders were opposed to having a class of nobility (Article 1, Section 9, U.S. Constitution) where certain individuals would have more right than others (access to the God owned public resources, for one) to accumulate property (pursue happiness).

If we lived in a state that protected the rights of the individual, then a limited entry program would not even be a question.

The government that is upon us, however, is really a government "of the people". The problem is most of the "people" have been mis-educated. Some, perhaps, will never learn to put truth, justice and individual liberty first, ahead of short-sighted selfishness.

The worst problem with the present limited entry programs already in place in our state is the transferability of them where the permit holder suddenly has the privilege of selling "their" (created) privilege to another in order that this next person might enter these fisheries. The high price of entry into these commercial fisheries has nothing to do with conservation, research, enhancement or regulation of these fisheries nor does it go for public use, but to a private party who already got his reward in selling the public resource!

It would be an injustice if consideration is not given

to future entrants, be it crewmembers or potential fishermen, including future generations. Would we again be selling our posterity into bondage? They would probably need to borrow "money" in order to apply their faculties to endeavor to accumulate property (harvest these creatures - a common resource). This would make future harvest divers servants to a lending institution in order to enter this fishery. Entry should be a matter of right, not privilege. Enter as a matter of right: harvest (from the common resources) commercially as a matter of privilege!

Those pushing for a moratorium (and later a transferable limited entry system) are not so interested in justice, but rather, just us and nobody else. To prove this, this committee suggests that the conductors of this hearing pose the following question and take a "straw vote": Of those in attendance at this teleconference, how many would be for this moratorium if you would not qualify?

Harvest divers should ask nothing from the State but to protect the individuals' right to life, liberty and the pursuit of happiness. I expect the state to "promote the general welfare, and secure the blessings of liberty to ourselves and our posterity" (The Constitution of The United States). This has to include open access to these God owned (not State or nobility owned) public resources, within conservational guidelines.

We of this committee, would remind the officials on the House Resources Committee that Alaska State Representatives

are to re-present their constituents. We are not suggesting that these harvest divers that attend these meetings and correspond so much in order to push there agenda through are not constituents of representatives in their respective districts. We are asking you to re-present the vast majority who are not presently concerned with this particular moratorium but are trusting their elected officials to "promote the general welfare, and secure the blessings of liberty to ourselves and our posterity"

Please respond to:

Two if By Sea!
Committee of Correspondence.

c/o

Jay Clifton for

~~c/o Samuel Adams~~
c/o 231 Katlian #2-18
Sitka, Alaska 99835
747-7323

3/25/96

Scott D. Thomas
945 Lincoln ST.
Ketchikan AK. 99901
Ph. (907) 225-3189
Fax(907) 247-5308

Alaska Legislature

Dear: Fellow Alaskans

I Am writing in regards to Rep. Bill Williams bill to enact a for 4 year moratorium on all Southeast Alaska Dive fisheries. I support the bill as written.

As a fourth generation Alaskan and committed commercial Fisherman I have struggled in recent years to maintain my Southeast Seine operation and with current market conditions in the Salmon industry I see the struggle getting worse. Over the past ten years in the Salmon business, as an owner operator, I have diversified my operation into as many different fisheries as I could i.e. Halibut, Blackcod, Herring, Tendering, and most recently I have participated for the past 3 years in the Sea Cucumber and Geoduck dive fisheries.

During the short time I have been involved in these dive fisheries I have seen the participation increase dramatically, as I am sure CFEC can confirm. This past years participation reached a level to where both the Geoduck and Sea Cucumber fishery were no longer feasible to operate my vessel and it's my opinion these fisheries are right at the edge of being unmanageable in the eyes of the Dept. of Fish&Game.

Although I feel this moratorium comes "a day late and a dollar short" if passed it would provide the opportunity to salvage these fisheries, which we have invested our lives. In hindsight I blame no one but myself for not getting involved the process sooner.

This bill would solve some significant problems for the industry.

- 1.) It would give the Dept. the power to manage these recourses much more effectively.
- 2.) It would provide opportunity to the fishermen who have made a commitment to the industry.
- 3.) It would protect the opportunity for all of Southeastern Alaska's dive harvesters to participate in the now controversial Urchin fishery from droves of out of state divers who are now other wise sure to come.

In conclusion this bill tells me that our local representatives, legislature and State are willing to make the same commitment to fishermen like myself as I have made to the State. It gives us the opportunity to continue servicing debt on State loan, boat mortgages and other commitments we have made to the State of Alaska. The bill maintains opportunity, after all it's really the opportunity we are after.

Sincerely
Scott D. Thomas



Member

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Wrangell, Alaska
March 22, 1996

To the house resource committee my name is Richard Head, I am also a member of the Wrangell Harvest Divers Association, and have participated in the southeast Alaska dive fisheries for several year, Abalone and Sea Cucumbers.

I also believe that there should be a moratorium put on southeast Alaska dive fisheries but there needs to be some way for the divers that qualify to move inside the fisheries from one to another.

Where Wrangell is located there has been very little that Wrangell divers could participate in, only in the last two years has there been a area open to Sea Cucumbers that was close enough for them to dive in, and now that the mill has closed down there are several divers that just starting would like to move inside the fishery. There are only two area's that are open to Geoduck and if Fish and Game will open more area's there will be room for more divers but not only Geoducks, in the other dive fisheries also.

Sincerely,

Richard Head

March 22, 1996

To Cheryl Sutton
House Resources Committee Aide

From: Kevin Kulm \ Sec.
Wrangell Harvest Divers Assoc.
P.O. Box 952
Wrangell, AK 99929
(907)874-3015

RE: Dive fisheries moratorium

First of all Cheryl we would like to thank you for your efforts in containing the explosion of divers coming into the dive fisheries. These fisheries must be kept viable for the fisherman that count on them for their incomes. As you are aware of we agreed to moratorium on sea cucumbers, abalone, and sea urchin, but objected to the geoduck moratorium. I believe if it came down to the loss of this bill we would support it as it was originally drafted with the moratorium on geoducks.

Although we feel that as a public resource, that this belongs to all the people of southeast and should have an avenue for expansion written into this bill. The reason for this is the room for development in all dive fisheries. We know that Fish and Game has purposely kept quotas low in open access fisheries to discourage out of state interest. We also know that funding has not been available for allot of the servey work which would enable larger quotas and more areas convenient to ours and other communities. So with proper funding and expansion of the dive fisheries, we feel their is allot of room for grow where these fisheries could provide income to the existing divers and somehow leave the door open for expansion to new divers in the future.

Arlan J. Erickson
P.O. Box 14
Petersburg, Alaska
99833
(907) 772-4890
(907) 772-4808 FAX

Post-It™ Fax Note	7671	Date	2/22	# of pages ▶	1
To	Bill Williams	From	AK Dive Harvesters		
Co./Dept.		Co.			
Phone #	465 3424	Phone #			
Fax #	465 3793	Fax #	772-4431		

Representative William K. Williams
P.O. Box 6374
Kelchikan, Alaska
99901

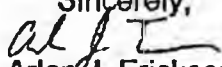
Dear Congressman Williams,

I am a member of the Alaska Harvest Divers, Petersburg Chapter, and am writing to you to let you know that I support your work draft of the urchin bill as it stands.

While I would personally stand to lose out on participation in the abalone and geoduck fisheries I also see the need to stop the huge influx of divers that those two fisheries would receive should a moratorium not be placed on those two fisheries.

The moratorium on the cucumber fishery is an absolute must and should be placed in effect as quickly as possible. Also a moratorium on urchins based on past participation in other dive fisheries During the years 94-95 seems like the best way to limit the number of diver from other states from qualifying.

I think that it is wonderful that you are working on this bill so late in the session and I commend you on your efforts. If you have any questions please feel free to call or fax me at either of the above numbers.

Sincerely,

Arlan J. Erickson



Grand Camp
Alaska Native Brotherhood

One Sealaska Plaza - Suite 200
Juneau, Ak 99801-1276
907-586-9219

March 26, 1996

The Honorable Joe Green, Co-Chairman
Honorable William K. Williams Co-Chairman
House Resources Committee
Room 124, State Capitol-MS 3100
Juneau, Alaska 99801-1182

Mr. Chairmen:

The House Resources Committee has before it, the question of whether there should be a moratorium on the Dive Fishery in the Southeast Alaska.

The Grand Camp of the Alaska Native Brotherhood believes that the State of Alaska should impose a moratorium in the Dive Fishery, particularly in the Sea Urchin and the Sea Cucumber. May we presume that such a moratorium will include other species as well. It follows that it is our hope that such a moratorium take effect this year.

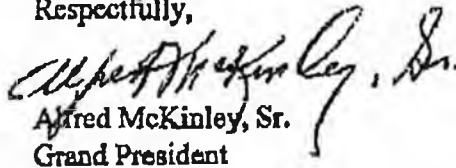
There are two primary reasons for our concern. One, the viability of the resource; and , two, the customary and traditional harvest by subsistence users. Our local Native people in Sitka, Klawock/Craig, and Ketchikan areas express concern over the decline in the Sea Urchin and Sea Cucumber populations.

We believe that the State should learn more of the dynamics of the species before permitting commercial harvesting to occur.

May we suggest the State consult with our local Native people that have knowledge of the resource; the dynamics of the resource; the area, terrain and effects of weather; and develop a management plan that assures the continued viability of the resources. To continue the dive fishery now, would result in depletion of the resources.

If we can be of assistance, we are prepared to assist, as we do have persons that have knowledge and experience.

Respectfully,



Alfred McKinley, Sr.
Grand President

Date: Thurs. Evening March 21, 1996

To: Alaskan State Senate and House of Representatives

Re: House Bill _____ Dive Fishery Moratorium

Distinguished Ladies and Gentlemen of the Legislature;

If you should ever wonder if all your hard work, late night / early morning and weekend overtime efforts spent arranging telconference sessions, drafting house bills and public concerns are truly noticed and appreciated allow me this chance to say you're *not* forgotten and thank you. I read once that in this world of ours there are millions of talented people but only a few who are willing to work. I dare to say that there are even fewer who are willing to work together towards a common good. I deeply appreciate your "willingness" to work and make a difference for good.

I am Alaskan by choice since 1991.

I have been a commercial blackcod/halibut crewman and commercial harvest diver since 1992, also by choice. And a lucrative choice it was at times. Unfortunately, because of an L.F.Q. opportunity my blackcod/halibut skipper chose to pursue (more power to him and much success) I am, not by choice, an unemployed crewman (Not so lucrative!) Regardless of lifes' changes and challenges I am still a husband, new father, and a hopeful S.E. Alaskan harvest diver.

This evening I was excited to take part in a teleconference arranged by Rep. Bill William's and staff, and other distinguished persons, concerning a four year moratorium act on entry into S.E. Alaskan dive fisheries to include Abalone, Geo-ducks, Sea-cucumbers, and Sea-Urchins. In a word let me say "YES". In a phrase let me say "I fully support this Moratorium House Bill developed by Rep. William's and staff." In a letter, well, please keep reading.

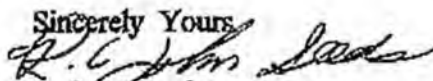
I believe that this "moratorium" is a fair, applicable, and crucial step for all S.E. Alaskan Dive fisheries. Already, our Sea-cucumber, Geo-duck, and Red Sea-Urchin resources have attracted "National" and even "International" attention. A "Gold-Rush" mentality to participate in any or all the discussed dive fisheries is currently finding its way to S.E. Shores. "Gold-Diggers" only interested in qualifying for any limited entry permit regardless of residency, past participation in fishery involvement and development, and occupation are coming to Alaska. The "Danger" inherent, is a tidal wave of "non-resident would-be divers" that will make it impossible to have any manageable and profitable dive fishery whatsoever.

As I have previously stated, I am Alaskan by choice.
I am husband, father, and harvest diver by choice as well.
I am getting involved with our legislative process by choice, too.
Whether our S.E. Alaskan dive fisheries remain profitable and feasible depends on
legislation in favor the house Bill for a 4 year moratorium on all dive fisheries as
developed by Rep. William's and staff.

By choice I support such a House Bill and salute you all in your continued efforts as
Alaska's Legislative body.

Thank you !

Sincerely Yours



R. John Seeds

Alaskan, Husband, Father, Harvest Diver, & Registered, informed Voter.

3-27

7:32

Cheryl,

Here's our members vote.

Record it as such. Our majority
feels a vote is our testimony.

Thanks

Cheryl Ryzh

225-3738

Res	Non-Res	Name	Phone #	town	Vote
X		1. Clay Bezenek	225-3738	Ketch	Yes
X		2. Brett Stillwaugh	No phone	Warrington	Yes
X		3. Tim Scanlon	5-5033	Ketch	Yes
X		4. Lance Pihlman	5-3868	Ketch	Yes
X		5. Rudy Frankovich	5-6240	Ketch	Yes
X		6. Bryan Philbrook	5-2882	Ketch	Yes
X		7. Jim L. Anti	5-7539	Ketch	Yes
X		8. Terry Gans	5-7539	Ketch	Yes
X		9. David Hashagen	247-3283	Ketch	Yes
X		10. Greg Harrison	247-5000 ^{Voice Mail} Bx 2006	Ketch	Yes
X		11. Scott Hertman	5-9227	Ketch	Yes
X		12. Scott Thomas	5-3189	Ketch	Yes
X		13. Kurt Morn	247-8438	Ketch	Yes
X		14. Ryan Morn	225-1318	Ketch	Yes
X		15. Steve LaCroix	254-0891	Seattle	Yes
X		16. Doug Thomas	247-8578	Ketch	Yes
X		17. Michael Shawa Murphy	247-5662	Ketch	Yes
X		18. Curtis Anderson	5-2456	Ketch	Yes
X		19. Stan Oaksma	247-8555	Ketch	Yes
X		20. Scott Sabra	No phone	Ketch	Yes
X		21. Kurt Gloore	No phone	Ketch	Yes
X		22. Nick Hashagen	225-8220	Ketch	Yes
X		23. Mark Nugent	247-8383	Ketch	No contact
X		24. Greg Rice	225-3693	Ketch	Yes
X		25. Leann McCollom	5-2465 message	Ketch	Yes
X		26. Jim Moody	247-1643	Ketch	No
X		27. Joe Britton Joe	247-3073	Ketch	Yes
X		28. Joe Bover	247-2234	Ketch	Yes
X		29. Darrell Walk	5-7475	Ketch	Yes

Res	Non-Res	Name	Phone #	Town	Vote
X		30. Larry Jackson	5-5368 #233	Ketchikan	No-contact YES
X		31. Greg Midway	5-2290	Ketchikan	No-contact YES
X		32. Brian M. Gierard	5-2270	Ketchikan	Fishing
X		33. Dan Castle	5-1777	Ketchikan	Fishing
X		34. Ken Eichner	5-4517	Ketchikan	Fishing
X		35. John A. Hendricks	5-4384 mess.	Ketchikan	YES
X		36. Dale Pihlman	5-3458	Ketchikan	YES
	X	37. Brad Nelson	254-0891	Sealth	YES
X		38. Mike Paulsen	5-7337	Ketchikan	YES
X		39. Dan Knight	247-1829	Ketchikan	YES
X		40. Alan Benitz	772-4831	Petersburg	YES
X		41. Chris Ponts	772-4062	Petersburg	YES
X		42. Kurt Kuernvik	772-3595	Petersburg	YES
X		43. Brian Mattson	772-2170	Petersburg	YES
X		44. Andy Kittens	772-4823	Petersburg	YES
X		45. Harley E. Melboch	772-4832	Petersburg	YES
X		46. Highliner Launchmut	225-6520	Ketchikan	YES
X		47. Ross Nagamine (Evergreen)	247-1307	Ketchikan	NO CONTACT
X		48. Ktn Ent. Center	5-9011	Ketchikan	NO CONTACT
X		49. Silver Lining Seated	5-9317	Ketchikan	YES
X		50. E.C. Phillips & Son	5-3121	Ketchikan	NO CONTACT
X		51. U.S.A. Co.	463-4646	Juneau	YES
X		52. Dave Thynes	772-4433	Petersburg	YES
X		53. Derek Thynes	772-3709	Petersburg	YES

Alaska State Legislature



Representative William K. Williams

Committees:
House Resources
Co-Chairman
World Trade &
State Federal Relations
Transportation
Rules
Oil & Gas

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

SPONSOR STATEMENT

House Bill 547

"An Act relating to a four-year moratorium on entry into Southeast Alaska dive fisheries."

House Bill 547 would place a moratorium on new entrants into four of the Southeast Alaska dive fisheries. It would include sea urchin, sea cucumber, geoduck and abalone.

Commercial fishermen are attempting to diversify within commercial fisheries. In the Southeast dive fisheries, diversification is occurring by fishing for more than one species. This increased interest and effort caused the number of divers to be precariously high at the end of 1995.

The purpose of this moratorium is to set aside a period of time for examination of each aspect of the Southeast dive fisheries absent concern of increasing harvest effort. There is more than keen interest in the dive fisheries from residents and non-residents. The Department of Fish & Game has been gathering assessment and management data on these fisheries. A moratorium on new entry into the Southeast Alaska dive fisheries is necessary to allow a proper review and analysis of the sea cucumber, abalone, sea urchin and geoduck fisheries.

The Southeast Alaska sea urchin fishery cannot be opened due to lack of research and management. The large number of new divers interested in this fishery would be difficult to manage and may threaten the sustained yield management of the sea urchin resource.

House Bill 547 places a four-year moratorium on entrants into the sea cucumber, sea urchin, geoduck and abalone fisheries. The moratorium is necessary to provide an opportunity to investigate alternative means of fishing effort regulation that may be more appropriate for these fisheries.

Coordination of available data and investigation into the management of these fisheries should provide long-term opportunities to the state and its residents. These valuable fishery resources need special attention. House Bill 547 would provide the mechanism for the development of sustainable fisheries which provide the best economic opportunity to the participants and the best economic return for the state.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB547

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Moratorium on entry into Southeast Alaska dive fisheries BRU: Commercial Fisheries (Limited) Entry Commission
 Component: Limited Entry Program Administration
 Sponsor: House Resources Committee
 Requester: House Resources Committee **COMPONENT SERIAL NO.** 0471

(Thousands of Dollars)

Expenditures/Revenues	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING EXPENDITURES						
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						
CHANGE IN REVENUES ()						

(Thousands of Dollars)

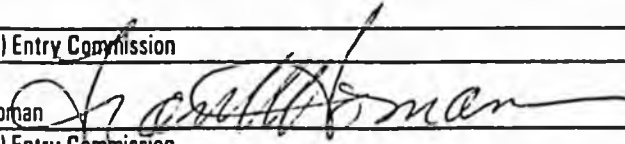
FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill would place a moratorium on the Southeast Alaska dive fisheries in order for the Commercial Fisheries Entry Commission to work with the Alaska Department of Fish and Game, the Board of Fisheries and the participants in the fisheries to develop a long range plan.

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 3/26/96
 Approved by Commissioner: Frank Homan 
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 3/26/96

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03/27/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
09:11:14 PARTICIPANT LIST (TESTIFIERS ONLY) BY:JNU
TCN:60598 SCHEDULED FOR:03/27/96 08:00 TO 10:00 FOR:KTN
PUBLIC HEARING HOUSE RESOURCES

LOCATION: KETCHIKAN

HB 547	MR. CLAY	BEZENEK ✓	SEAHAD	TESTIFY
HB 547	MR. SCOTT	HEITMAN	SEAHAD	TESTIFY
HB 547	MR. PATRICK	MCCASSIN	URCHIN TEST FISHTESTIFY	
HB 547	MR. TOM	CARRUTH		TESTIFY

03/27/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:23:35 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SIT
TCN:60598 SCHEDULED FOR:03/27/96 08:00 TO 10:00 FOR:SIT
PUBLIC HEARING HOUSE RESOURCES

LOCATION: SITKA

HB 547	JAMES	LECRONE ✓		TESTIFY
HB 547	LARRY	TRANI ✓		TESTIFY
HB 547	GRANT	THOMPSON ✓		TESTIFY
HB 547	BURGESS	BAUDER ✓		TESTIFY
HB 547	MICHAEL	REIF ✓		TESTIFY

03/27/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
09:21:48 PARTICIPANT LIST (ALL PARTICIPANTS) BY:PSG
TCN:60598 SCHEDULED FOR:03/27/96 08:00 TO 10:00 FOR:PSG
PUBLIC HEARING HOUSE RESOURCES

LOCATION: PETERSBURG

HB 547	MR. MATT	LICHTENSTEIN	KFSK	OBSERVE
HB 547	MR. MIKE	BANGS	DIVER ✓	TESTIFY

03/27/96

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

09:16:59

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KTN

TCN:60598

SCHEDULED FOR:03/27/96 08:00 TO 10:00

FOR:KTN

PUBLIC HEARING

HOUSE RESOURCES

LOCATION:KETCHIKAN

HB 547

MR.

CLAY

BEZENEK ✓

SEAHAD

TESTIFY

HB 547

MR.

SCOTT

HEITMAN ✓

SEAHAD

TESTIFY

HB 547

MR.

PATRICK

MCCASSIN ✓

URCHIN TEST FISHTESTIFY

HB 547

MR.

PHIL

DOHERTY

ADFG

TESTIFY

HB 547

MR.

TOM

CARRUTH ✓

TESTIFY

03/27/96

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

09:45:44

PARTICIPANT LIST (TESTIFIERS ONLY)

BY:JNU

TCN:60598

SCHEDULED FOR:03/27/96 08:00 TO 10:00

FOR:ALL

PUBLIC HEARING

HOUSE RESOURCES

LOCATION: ANCHORAGE

HB 342 BECKY GAY RESOURCE DEV CNCTESTIFY

HB 342 BRIAN CREWDSON TESTIFY

LOCATION: KENAI LIO

LOCATION: KETCHIKAN

HB 547 MR. CLAY BEZENEK SEAHAD TESTIFY

HB 547 MR. SCOTT HEITMAN SEAHAD TESTIFY

HB 547 MR. PATRICK MCCASSIN URCHIN TEST FISHTESTIFY

HB 547 MR. PHIL DOHERTY ADFG TESTIFY

HB 547 MR. TOM CARRUTH TESTIFY

LOCATION: PETERSBURG

HB 547 MR. MIKE BANGS DIVER TESTIFY

LOCATION: SITKA

HB 547 JAMES LECRONE TESTIFY

HB 547 LARRY TRANI TESTIFY

HB 547 GRANT THOMPSON TESTIFY

HB 547 BURGESS BAUDER TESTIFY

HB 547 MICHAEL REIF TESTIFY

LOCATION: OFFNET 1

FAIRBANKS

HB 342 MR. MAC MCCLEAN TESTIFY

**PRELIMINARY DATA
SOUTHEAST ALASKA DIVE FISHERY
1983-1995**

CFEC Report 96-5
March 20, 1996

Al Tingley

Alaska Commercial Fisheries Entry Commission
8800 Glacier Hwy, #109
Juneau, AK 99801

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Abalone

Table A1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska abalone fishery, 1983-1995.

Table A2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska abalone fishery, 1983-1995.

Table A3. Number of unique individuals who fished in the Southeast Alaska abalone fishery during the given time period, 1983-1995.

Sea Cucumbers

Table C1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska sea cucumber fishery, 1983-1995.

Table C2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska sea cucumber fishery, 1983-1995.

Table C3. Number of unique individuals who fished in the Southeast Alaska sea cucumber fishery during the given time period, 1983-1995.

Geoducks

Table G1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska geoduck fishery, 1983-1995.

Table G2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska geoduck fishery, 1983-1995.

Table G3. Number of unique individuals who fished in the Southeast Alaska geoduck fishery during the given time period, 1983-1995.

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Sea Urchins

Table U1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska sea urchin fishery, 1983-1995.

Table U2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska sea urchin fishery, 1983-1995.

Table U3. Number of unique individuals who fished in the Southeast Alaska sea urchin fishery during the given time period, 1983-1995.

Combined Dive Fishery

Table T1. Number of unique individuals who fished in the combined abalone, sea cucumber, geoduck and sea urchin fisheries during the given time period, 1983-1995.

Southeast Abalone Fishery, 1983-1995
Participation/Landings/Earnings

Table A1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska abalone fishery, 1983-1995.

Year	Number of Persons	Pounds			Earnings		
		Average	Median	Total	Average	Median	Total
83	22	2,127	1,056	46,804	\$5,945	\$2,454	\$130,788
84	28	3,411	2,031	95,512	\$8,373	\$4,869	\$234,445
85	28	2,680	1,081	75,053	\$7,793	\$3,189	\$218,198
86	23	2,638	1,099	60,666	\$7,254	\$3,046	\$166,838
87	42	1,623	803	68,173	\$5,021	\$2,453	\$210,901
88	45	1,691	1,684	76,100	\$6,830	\$6,802	\$307,368
89	66	936	686	61,804	\$5,010	\$3,797	\$330,678
90	97	705	371	68,386	\$3,855	\$2,430	\$373,905
91	95	464	321	44,034	\$2,816	\$2,025	\$267,512
92	99	362	246	35,863	\$3,885	\$2,528	\$384,602
93	85	410	331	34,852	\$5,964	\$4,730	\$506,976
94	101	227	162	22,879	\$3,398	\$2,273	\$343,194
95	95	151	87	14,352	\$1,332	\$825	\$126,560

Southeast Abalone Fishery, 1983-1995
Participation/Landings/Earnings
Resident vs. Nonresident

Table A2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska abalone fishery, 1983-1995.

Year	Resident				Nonresident					
	Number of Persons	Pounds		Earnings		Number of Persons	Pounds		Earnings	
		Average	Total	Average	Total		Average	Total	Average	Total
83	22	2,127	46,804	\$5,945	\$130,788					
84	28	3,411	95,512	\$8,373	\$234,445					
85	28	2,680	75,053	\$7,793	\$218,198					
86	*									
87	38	1,778	67,570	\$5,501	\$209,020	4	151	603	\$470	\$1,881
88	40	1,670	66,792	\$6,744	\$269,773	5	1,862	9,308	\$7,519	\$37,595
89	60	937	56,228	\$5,031	\$301,843	6	929	5,576	\$4,806	\$28,835
90	78	668	52,109	\$3,634	\$283,461	19	857	16,277	\$4,760	\$90,444
91	78	460	35,906	\$2,891	\$225,530	17	478	8,128	\$2,470	\$41,983
92	79	379	29,918	\$4,259	\$336,498	20	297	5,945	\$2,405	\$48,104
93	71	410	29,116	\$5,986	\$425,003	14	410	5,736	\$5,855	\$81,973
94	91	237	21,540	\$3,555	\$323,482	10	134	1,339	\$1,971	\$19,712
95	90	158	14,211	\$1,393	\$125,361	5	28	141	\$240	\$1,199

* Confidential Data

Southeast Abalone Fishery, 1983-1995
Unique Participation Count

Table A3. Number of unique individuals who fished in the Southeast Alaska abalone fishery during the given time period, 1983-1995.

Year Combination	Cumulative Unique Individuals
Jan. 1, 1996 to Jan. 1, 1995	95
Jan. 1, 1996 to Jan. 1, 1994	154
Jan. 1, 1996 to Jan. 1, 1993	187
Jan. 1, 1996 to Jan. 1, 1992	225
Jan. 1, 1996 to Jan. 1, 1991	253
Jan. 1, 1996 to Jan. 1, 1990	276
Jan. 1, 1996 to Jan. 1, 1989	292
Jan. 1, 1996 to Jan. 1, 1988	298
Jan. 1, 1996 to Jan. 1, 1987	311
Jan. 1, 1996 to Jan. 1, 1986	315
Jan. 1, 1996 to Jan. 1, 1985	325
Jan. 1, 1996 to Jan. 1, 1984	332
Jan. 1, 1996 to Jan. 1, 1983	335

Southeast Sea Cucumber Fishery, 1983-1995
Participation/Landings/Earnings

Table C1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska sea cucumber fishery, 1983-1995.

Year	Number of Persons	Pounds			Earnings		
		Average	Median	Total	Average	Median	Total
83	*						
84	*						
87	12	6,131	5,738	73,567	\$1,287	\$1,205	\$15,449
88	5	10,081	13,351	50,403	\$2,127	\$2,817	\$10,635
89	94	13,797	7,586	1,296,931	\$5,768	\$3,164	\$542,168
90	238	9,149	4,758	2,177,433	\$5,375	\$2,886	\$1,279,278
91	204	6,117	3,585	1,247,907	\$4,908	\$2,869	\$1,001,141
92	240	5,207	3,734	1,249,621	\$4,828	\$3,554	\$1,158,799
93	320	3,014	2,333	964,343	\$3,112	\$2,462	\$995,783
94	232	4,168	2,746	966,873	\$7,439	\$4,901	\$1,725,868
95	440	3,830	2,475	1,685,235	\$4,909	\$3,051	\$2,159,804

* Confidential Data

Southeast Sea Cucumber Fishery, 1983-1995
Participation/Landings/Earnings
Resident vs. Nonresident

Table C2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska sea cucumber fishery, 1983-1995.

Year	Resident					Nonresident				
	Number of Persons	Pounds		Earnings		Number of Persons	Pounds		Earnings	
	Average	Total	Average	Total	Average	Total	Average	Total		
83	*									
84	*									
87	*									
88	5	10,081	50,403	\$2,127	\$10,635					
89	67	12,373	828,963	\$5,147	\$344,864	27	17,332	467,968	\$7,308	\$197,304
90	165	8,316	1,372,091	\$4,967	\$819,491	73	11,032	805,342	\$6,298	\$459,787
91	146	6,664	972,904	\$5,338	\$779,304	58	4,741	275,003	\$3,825	\$221,837
92	136	5,144	699,610	\$4,737	\$644,192	104	5,289	550,011	\$4,948	\$514,607
93	145	3,180	461,109	\$3,257	\$472,264	175	2,876	503,234	\$2,992	\$523,519
94	190	4,227	803,224	\$7,546	\$1,433,755	42	3,896	163,649	\$6,955	\$292,113
95	348	3,769	1,311,529	\$4,886	\$1,700,392	92	4,062	373,706	\$4,994	\$459,412

* Confidential Data

Southeast Sea Cucumber Fishery, 1983-1995
Unique Participation Count

Table C3. Number of unique individuals who fished in the Southeast Alaska sea cucumber fishery during the given time period, 1983-1995.

Year Combination	Cumulative Unique Individuals
Jan. 1, 1996 to Jan. 1, 1995	440
Jan. 1, 1996 to Jan. 1, 1994	472
Jan. 1, 1996 to Jan. 1, 1993	636
Jan. 1, 1996 to Jan. 1, 1992	688
Jan. 1, 1996 to Jan. 1, 1991	756
Jan. 1, 1996 to Jan. 1, 1990	866
Jan. 1, 1996 to Jan. 1, 1989	887
Jan. 1, 1996 to Jan. 1, 1987	892
Jan. 1, 1996 to Jan. 1, 1984	894

Southeast Geoduck Fishery, 1983-1995
Participation/Landings/Earnings

Table G1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska geoduck fishery, 1983-1995.

Year	Number of Persons	Pounds			Earnings		
		Average	Median	Total	Average	Median	Total
83	*						
84	*						
85	*						
86	7	18,709	7,330	130,961	\$3,725	\$1,466	\$26,075
87	*						
88	6	31,643	35,104	189,856	\$9,556	\$10,719	\$57,338
89	14	14,603	5,285	204,441	\$7,397	\$2,643	\$103,562
90	16	16,925	6,240	270,806	\$8,600	\$3,120	\$137,600
91	22	11,254	8,104	247,594	\$6,966	\$5,129	\$153,255
92	22	8,877	7,246	195,286	\$9,813	\$8,098	\$215,897
93	39	5,367	4,683	209,322	\$7,882	\$6,795	\$307,417
94	52	2,827	2,667	147,010	\$4,625	\$4,363	\$240,508
95	106	2,460	1,677	260,808	\$4,956	\$3,069	\$525,341

* Confidential Data

Southeast Geoduck Fishery, 1983-1995
Participation/Landings/Earnings
Resident vs. Nonresident

Table G2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska geoduck fishery, 1983-1995.

Year	Resident				Nonresident					
	Number of Persons	Pounds		Earnings		Number of Persons	Pounds		Earnings	
		Average	Total	Average	Total		Average	Total	Average	Total
83	*									
84	*									
85	*									
86	*									
87	*									
88	6	31,643	189,856	\$9,556	\$57,338					
89	*									
90	12	9,609	115,311	\$4,988	\$59,853	4	38,874	155,495	\$19,437	\$77,748
91	10	6,575	65,746	\$4,087	\$40,873	12	15,154	181,848	\$9,365	\$112,382
92	*									
93	*									
94	13	1,097	14,260	\$1,795	\$23,329	39	3,404	132,750	\$5,569	\$217,179
95	51	1,097	55,934	\$2,016	\$102,812	55	3,725	204,874	\$7,682	\$422,529

* Confidential Data

Southeast Geoduck Fishery, 1983-1995
Unique Participation Count

Table G3. Number of unique individuals who fished in the Southeast Alaska geoduck fishery during the given time period, 1983-1995.

Year Combination	Cumulative Unique Individuals
Jan. 1, 1996 to Jan. 1, 1995	106
Jan. 1, 1996 to Jan. 1, 1994	114
Jan. 1, 1996 to Jan. 1, 1993	124
Jan. 1, 1996 to Jan. 1, 1992	125
Jan. 1, 1996 to Jan. 1, 1991	133
Jan. 1, 1996 to Jan. 1, 1990	139
Jan. 1, 1996 to Jan. 1, 1989	143
Jan. 1, 1996 to Jan. 1, 1988	144
Jan. 1, 1996 to Jan. 1, 1986	147

Southeast Sea Urchin Fishery, 1983-1995
Participation/Landings/Earnings

Table U1. Number of persons, average, median and total pounds and earnings, by year, for the Southeast Alaska sea urchin fishery, 1983-1995.

Year	Number of Persons	Pounds			Earnings		
		Average	Median	Total	Average	Median	Total
83	*						
84	11	9,762	2,814	107,380	\$1,787	\$374	\$19,656
85	12	10,498	4,787	125,973	\$1,312	\$598	\$15,747
86	13	21,722	13,550	282,384	\$3,059	\$1,911	\$39,763
87	19	34,367	5,102	652,965	\$5,057	\$750	\$96,085
88	4	13,602	11,744	54,409	\$5,535	\$5,285	\$22,141
89	10	14,207	15,985	142,068	\$3,509	\$3,948	\$35,091
90	5	3,254	3,040	16,270	\$856	\$800	\$4,279
91	6	29,039	25,186	174,233	\$8,741	\$7,581	\$52,444
92	37	11,574	5,647	428,220	\$3,345	\$1,632	\$123,756
93	17	8,440	7,940	143,485	\$2,405	\$2,263	\$40,893
95	*						

* Confidential Data

Southeast Sea Urchin Fishery, 1983-1995
Participation/Landings/Earnings
Resident vs. Nonresident

Table U2. Number of participants, average and total pounds and earnings, by year and residency in the Southeast Alaska sea urchin fishery, 1983-1995.

Year	Resident					Nonresident				
	Number of Persons	Pounds		Earnings		Number of Persons	Pounds		Earnings	
		Average	Total	Average	Total		Average	Total	Average	Total
83	*									
84	*									
85	*									
86	*									
87	13	32,162	418,110	\$4,736	\$61,562	6	39,143	234,855	\$5,754	\$34,524
88	4	13,602	54,409	\$5,535	\$22,141					
89	*									
90	*									
91	*									
92	14	8,022	112,309	\$2,318	\$32,457	23	13,735	315,911	\$3,969	\$91,298
93	9	6,067	54,604	\$1,729	\$15,562	8	11,110	88,881	\$3,166	\$25,331
95	*									

* Confidential Data

Southeast Sea Urchin Fishery, 1983-1995
Unique Participation Count

Table U3. Number of unique individuals who fished in the Southeast Alaska sea urchin fishery during the given time period, 1983-1995.

Year Combination	Cumulative Unique Individuals
Jan. 1, 1996 to Jan. 1, 1993	17
Jan. 1, 1996 to Jan. 1, 1992	50
Jan. 1, 1996 to Jan. 1, 1991	53
Jan. 1, 1996 to Jan. 1, 1990	58
Jan. 1, 1996 to Jan. 1, 1989	64
Jan. 1, 1996 to Jan. 1, 1988	65
Jan. 1, 1996 to Jan. 1, 1987	80
Jan. 1, 1996 to Jan. 1, 1986	85
Jan. 1, 1996 to Jan. 1, 1985	90
Jan. 1, 1996 to Jan. 1, 1984	96

Southeast Alaska Diving Fisheries, 1983-1995
Abalone, Sea Cucumber, Geoduck and Sea Urchin
Unique Participation Count

Table T1. Number of unique individuals who fished in the combined abalone, sea cucumber, geoduck and sea urchin fisheries during the given time period, 1983-1995.

Year Combination	Cumulative Unique Individuals
Jan. 1, 1996 to Jan. 1, 1995	474
Jan. 1, 1996 to Jan. 1, 1994	533
Jan. 1, 1996 to Jan. 1, 1993	709
Jan. 1, 1996 to Jan. 1, 1992	797
Jan. 1, 1996 to Jan. 1, 1991	876
Jan. 1, 1996 to Jan. 1, 1990	986
Jan. 1, 1996 to Jan. 1, 1989	1015
Jan. 1, 1996 to Jan. 1, 1988	1021
Jan. 1, 1996 to Jan. 1, 1987	1042
Jan. 1, 1996 to Jan. 1, 1986	1051
Jan. 1, 1996 to Jan. 1, 1985	1060
Jan. 1, 1996 to Jan. 1, 1984	1070
Jan. 1, 1996 to Jan. 1, 1983	1073

HOUSE RESOURCES STANDING COMMITTEE
March 27, 1996
8:31 a.m.

HB 547 - MORATORIUM ON S.E. DIVE FISHERIES

CO-CHAIRMAN WILLIAM K. "BILL" WILLIAMS stated his intent to move HB 547 out of committee. He requested a motion to adopt the committee substitute for HB 547 version (F) for purposes of discussion.

Number 131

REPRESENTATIVE IRENE NICHOLIA moved for the adoption of CSRB 547. Hearing no objection, it was so ordered.

Number 150

CHERYL SUTTON, Legislative Staff to Representative Williams, read the sponsor statement into the record:

"House Bill 547 would place a moratorium on new entrants into four of the Southeast Alaska dive fisheries. It would include sea urchin, sea cucumber, geoduck and abalone. The Southeast dive fisheries is a discreet fishery different from other parts of the state and the participants are unique to Southeast.

fishery ←

MS. SUTTON read, "Commercial fishermen are attempting to diversify within commercial fisheries. In the Southeast dive fisheries, diversification is occurring by fishing for more than one species. This increased interest and effort caused the number of divers to be precariously high at the end of 1995.

MS. SUTTON said, "The purpose of this moratorium is to set aside a period of time for examination of each aspect of the Southeast dive fisheries absent concern of increasing harvest effort. There is more than keen interest in the dive fisheries from residents and non-residents. The Department of Fish and Game has been gathering assessment and management data on these fisheries. A moratorium on new entry into the Southeast Alaska dive fisheries is necessary to allow a proper review and analysis of the sea cucumber, abalone, sea urchin and geoduck fisheries.

MS. SUTTON continued, "The Southeast Alaska sea urchin fishery cannot be opened due to lack of research and management. The large number of new divers interested in this fishery would be difficult to manage and may threaten the sustained yield management of the sea urchin resource.

Number 263

MS. SUTTON proceeded, "House Bill 547 places a four-year moratorium on entrants into the sea cucumber, sea urchin, geoduck and abalone fisheries. The moratorium is necessary to provide an opportunity to investigate alternative means of fishing effort regulation that may be more appropriate for these fisheries.

MS. SUTTON said, "Coordination of available data and investigation into the management of these fisheries should provide long-term opportunities to the state and its residents. These valuable fishery resources need special attention. House Bill 547 would provide the mechanism for the development of sustainable fisheries which provide the best economic opportunity to the participants and the best economic return for the state."

Number 315

MS. SUTTON briefed the committee on the CS for HB 547 to explain changes from the original bill. Section 1. Legislative Findings, add:

(6) individuals who participated in the abalone, sea cucumber, and geoduck fisheries in Southeast Alaska during 1994 and 1995, would have been likely to participate in a sea urchin fishery during those years if a fishery had occurred;

(7) current economic dependence on a fishery is best demonstrated by recent participation in, and economic reliance upon, a fishery;.

Number 355

MS. SUTTON explained, Section 2 (d) add: (1) during calendar year 1992 or 1993, the applicant commercially harvested sea urchin in the Southeast Alaska sea urchin fishery while holding the appropriate interim-use permits;.

Number 369

MS. SUTTON briefed the committee on the intent of the legislation:

Section 1. Legislative Findings that support placing a moratorium on these four species.

Section 2. ^{Deals} ~~We deal~~ with how it will be executed. We have created two years for each species for qualifying years to fish during the moratorium. If someone has fished for sea cucumber, geoduck, or abalone during calendar years 1994-1995, they would be allowed to fish during the moratorium. For sea urchin, because there has not been a commercial fishery in recent years and they are in an assessment ~~in~~ test fishery mode, ~~we went~~ ^{the bill goes} back to calendar years

1992 and 1993 to be consistent with qualifying years. ^{The} ~~We extended~~ ^{qualification was extended} geoduck through January 1996 because the fishery was occurring then and there were residents who were participating in the fishery.

MS. SUTTON explained that the Limited Entry Commission does not know at this time whether it will be necessary to limit entrance into all these fisheries and that is what the moratorium ^{provides time} ~~buys us~~ ^{to} ~~buy us~~ ^{examine}. It ~~buys us~~ the time to look at it. There is a real concern within the Department of Fish and Game on the increased effort. ^{There is} ~~We have~~ an enormous amount of interest from places like Maine, Oregon, Washington State and California in these resources. They have harvested some of these resources in other parts of the country and some in Alaska. ^{Alaska} ~~We really need~~ to get a handle on the management of these fisheries and ~~this will buy us~~ the time to do that.

^{the moratorium}

Number 536

CO-CHAIRMAN JOE GREEN wanted to know if HB 547 is sunsetted limited entry.

MS. SUTTON replied that the bill allows people who have participated in those dive fisheries during the qualifying years laid out in the bill to participate ^{the fisheries} in during the period of the moratorium which is up to four years. Anyone of those species can come out by the legislature creating another law to bring them out. ~~So~~ ^{It} just limits the people during the period of the moratorium, it does not necessarily mean that Commercial Fisheries Entry Commission will find that each one of these species needs to have a limited access by whatever means. It just is for the period of the moratorium. After that period, ~~then whatever the findings are~~ ~~during that time will determine whether or not its...~~ ^{who, what, when and where.}

CO-CHAIRMAN GREEN interjected so it is limited entry for a four year period.

Number 601

CO-CHAIRMAN WILLIAMS noted the arrival of Representatives Ogan, Kott and Austerman.

Number 605

REPRESENTATIVE DON LONG wondered if this legislation would be extension of the limited entry program.

MS. SUTTON stated that the moratorium falls under the commission's present duties and responsibilities. What the Commercial Fisheries Entry Commission will do during the time of the moratorium is place, is they will work with the participants in the fishery, the Department of Fish and Game, the Board of Fisheries and their own staff to look at all the available information and make determinations about the effort in these fisheries.

Number 662

REPRESENTATIVE ALAN AUSTERMAN professed his support for the concept of the moratorium saying that the state needs to look at more of its fisheries, especially, the new fisheries, and make sure that we do not disallow what the state has done in the past with crab and shrimp. He advocated private enterprise, but stressed that this is a finite resource, and by allowing the private sector to come in and devour everything, we end up destroying a fishery.

REPRESENTATIVE AUSTERMAN pointed out that the bill will give the state time to protect the fisheries while fishing continues and information can be gathered. He contended that this is not really a limited entry system in the true sense but it does give us a moratorium.

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Number 662

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REPRESENTATIVE AUSTERMAN deduced that at the end of four years, there may be fisheries that do not need to be limited. We do not know that because of how we, as legislators, continue to cut the Department of Fish and Game's budget. For example, there are only two crab biologists in the state of Alaska; one crab biologist is retiring and the department is leaving that position vacant because of budget constraints.

Number 777

REPRESENTATIVE JOHN DAVIES questioned the eligibility requirements of the moratorium suggesting that the bill appears to gerrymander the dates and recommended the committee look at a definite interval.

REPRESENTATIVE DAVIES said the bill seems to allow people to cross fish sea urchins and asked ^{for an} explanation.

MS. SUTTON replied that sea urchins were commercially fished a

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MS. SUTTON replied that sea urchins were commercially fished a number of years ago and ^{were} ~~was~~ not fished very strongly because the market did not support the fishery. Sea urchins are in a test fishery mode, with no commercial opportunity. They ^{are} ~~is~~ trying to investigate how they might manage this fishery.

The Dept. of Fish and Game

MS. SUTTON referred to Legislative Finding (6) ^{Rep. Williams} stating that the sea urchin fishery was treated differently. ~~we~~ ^{the} did not want to exclude the folks who did participate before it went into an assessment mode so that is why ^{the qualifying years 90} ~~we~~ went back to the early calendar years in 1992 and 1993. ^{The bill is} ~~we~~ cross-pollinated it because the folks who were fishing in the other dive fisheries probably would have fished in the sea urchin fishery had it been open for that opportunity.

MS. SUTTON explained the reason the geoduck fishery was extended is because the season was open in January 1996. There were local residents who participated and ~~we~~ ^{Rep. Williams} did not want to exclude those folks because the fishery was open.

Number 949

REPRESENTATIVE DAVIES wanted to know if the abalone fishery closes at the end of the calendar year.

MS. SUTTON deferred to Frank Homan, Commercial Fisheries Entry Commission.

ok
with
changes

participants in the fishery.

MR. HOMAN related that the sea urchin fishery has been closed for two years because the department cannot control the number of participants into that fishery. In the bill, the other dive fisheries would be allowed to fish in that fishery, that is, only if it opens. As long as the sea urchin fishery remains closed, even those eligible under this bill would not be allowed to fish. Whether that clears itself up in the four year moratorium or not, it is possible that there would not be a sea urchin fishery in that time except for the test fishery.

Number 1433

MR. HOMAN applauded Representative Williams office, the department and the divers, forming a unit in Southeast Alaska, working toward alternatives in the long term.

MR. HOMAN said the moratorium just stops the procedure of entry into the fishery and but does not necessarily lead to a limitation of any of the four fisheries in question.

Number 1518

MR. HOMAN returned to the origin of limited entry program: two criteria set out in statute say a fishery can be limited for two purposes: resource conservation and the economic health of the fishery. If the fisheries are in distress, they can easily be closed completely by the department so that no one is able to participate. However, with the ^{IN} limited entry ^{purpose of the} commission purpose ~~is~~ they do add a balance in there saying the economic health of the fishery. What the legislature was trying to craft at that time was to allow the fishermen in Alaska to participate in a balance with the resource so that both would remain healthy and have a sustained yield over time.

Ch
this fishery.

Number 1870

MR. HOMAN answered that the constitution allowed the limited entry commission to limit any commercial fishery in the state. In order to do that, the commission has to investigate that fishery and do substantial research into who is participating and the resource that is available. These determinations take a long time to investigate and to consult with the Department of Fish and Game in each specific fishery.

MR. HOMAN informed, at the very beginning, there were 19 different salmon fisheries that the legislature said were distressed and the commission did not have to do the economic analysis because it was, at the time, evident that they were distressed, particularly, Bristol Bay fisheries were in a disaster. The legislature told the commission on those specific fisheries they could limit without the analysis. Since that time, on every fishery that has been limited, the commission had conducted that analysis and public hearings.

Number 1966

REPRESENTATIVE DAVIES reasoned that the bill establishes limited entry for a short period of time. He questioned the need for a bill when it appears that the commission has the authority to establish a four year moratorium.

MR. HOMAN explained one of the problems with the moratorium statute is that the Commercial Fisheries Entry Commission cannot instigate the moratorium. It requires a request from the commissioner of the Department of Fish and Game and the approval of the Board of Fish. The moratorium legislation was adopted at a time when there was concern about fisheries limitations and, particularly, what the federal agencies were doing. The commission was restricted from

the ability to adopt a moratorium and, on our own initiative, we cannot adopt a moratorium. It has to come from outside the agency.

Number 2077

OK
REPRESENTATIVE AUSTERMAN reiterated that if the Department of Fish and Game had the staff to research these fisheries to find out how big they are and what they can sustain, the state would not be in this kind of situation. He argued that until that time, the state has to have the ability to come in and stop the over fishing of a resource. Even within the four year period, it will be difficult for ADF&G and the commission to come up with guidance because they do not have money to do the work that needs to be done.

Number 2150

REPRESENTATIVE DAVIES asked for clarification on the interim use permits.

MR. HOMAN responded, Title 16, Chapter 43, the commission issues permits for all fisheries in the state but only some of them are limited. The permits that are not permanent limited entry permits are called interim use permits and they are not transferrable.

Number 2233

GERON BRUCE, Legislative Liaison, Department of Fish and Game, stated the department's support of the concept of the moratorium and explained the department's perspective to the problems that occur in managing these fisheries: Effort, what kind of resource you are harvesting, what its productivity is, what level of harvest it can sustain and then what kind of effort is going to be harvesting that resource so that effort can be matched through season and bag limits to what the resource can sustain over time.

OK
WITH
CHANGES

Number 1594

MR. HOMAN clarified for Chairman Green that during the time of the moratorium, the commission would issue "interim permits" and an interim use permit has no value and they are non-transferable except in some very extenuating circumstances, such as a medical reason.

Number 1671

MR. HOMAN explained a reason for the bill is also the timeliness of the legislature being able to act on a moratorium. By this bill, the legislature can declare the moratorium as of a specific date. The commission has a statute that allows for moratorium, but it is a very complex statute and requires the Department of Fish and Game and the commissioner to make findings, ^{IT ALSO} requires the Board of Fisheries to make findings before the commissioner can act. ^{TO PETITION THE COMMISSION TO ACT ON A MORATORIUM} ^{ESTABLISH} ^{BE} ^{THAT A MORATORIUM SHOULD}

MR. HOMAN predicted that testimony from the divers would indicate that time is of the essence and the longer that these fisheries remain open to entry, the higher the numbers will be and the worst ^{THE} ^{OF} situations will be.

Number 1692

MR. HOMAN related that there is a model available for a moratorium. Four years ago, the legislature adopted a moratorium for the Southeast Dungeness Crab fishery and during that four year period, the commission was able to work with the department and the fleet and come up with an acceptable solution to the increasing numbers. He encouraged legislative consideration of HB 547.

Number 1728

REPRESENTATIVE RAMONA BARNES understood Alaska's constitution, Article A, Section III, that the fish and game resources of the