

FISHERIES OVERVIEW

1/26/01

House RESOURCES Minutes

ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE
January 17, 2001
1:08 p.m.

COMMITTEE CALENDAR

ORGANIZATIONAL MEETING

TAPES

01-1, SIDE A

CALL TO ORDER

REPRESENTATIVE DREW SCALZI, Co-Chair, convened the House Resources Standing Committee meeting at 1:08 p.m.

PRESENT

Committee members present were Representatives Scalzi, Fate, Chenault, Stevens, Kapsner, and McGuire.

SUMMARY OF INFORMATION

CO-CHAIR SCALZI introduced the House Records secretary and staff for the co-chairs of the House Resources Standing Committee. He stated that Representative Masek and he would split the duties of the committee by various issues. He then asked the committee members to give a brief overview of their expectations for this year.

REPRESENTATIVE STEVENS stated that his interest lies in fisheries. He noted that he is a co-chair of the House Special Committee on Fisheries.

REPRESENTATIVE CHENAULT expressed his interest in fisheries and oil and gas issues.

REPRESENTATIVE MCGUIRE stated that all resource issues are of interest to her. Of particular importance were gas pipeline and fisheries issues.

REPRESENTATIVE FATE conveyed interest in oil and gas and the fish and game sustained yield concept in the state constitution.

REPRESENTATIVE KAPSNER mentioned that fisheries and oil and gas are of importance to her.

CO-CHAIR SCALZI discussed the upcoming agenda, including HJR 6 [which was passed out of the Transportation Committee 1/16/01 and will be brought to the Resources Committee].

ANNOUNCEMENTS

HJR 6 will be heard Wednesday, January 24, in committee. On February 6, there will be a joint meeting with the Senate Resources Committee for an overview of the mining industry. On January 26, there will be a joint meeting with the House Special Committee on Fisheries for an overview of the Alaska Department of Fish and Game.

COMMITTEE ACTION

The committee took no action.

ADJOURNMENT

CO-CHAIR SCALZI adjourned the House Resources Standing Committee meeting at 1:20 p.m.

NOTE: The meeting was recorded and handwritten log notes were taken. A copy of the tape(s) and log notes may be obtained by contacting the House Records Office at State Capitol, Room 3, Juneau, Alaska 99801 (mailing address), (907) 465-2214, and after adjournment of the second session of the Twenty-Second Alaska State Legislature this information may be obtained by contacting the Legislative Reference Library at (907) 465-3808.

Forwarded to
Gordy
1/16

Joint Resources/Fisheries Meeting
Feb. 22, House Resources 1-3 PM

Proposed Questions

asked Katrina
for other ?/
members

Rep. Coahill

Guided sport limited entry question for "in river" fisheries
Logistical studies of habitat; how they come about and how they interface
w/other state agencies; history of law changes

Rep. Wilson

SE questions regarding funding research money for opening viable areas for
shrimping, etc.; questions on area closure for chums

Rep. Green

Predictions on salmon runs such as Bristol Bay – are there spikes in trends or is a
definite downtrend predicted?

Rep. Dyson

Identify what gaps of knowledge the department feels most critical and how
plans to complete research to fill gaps.
Clarify the test fishing done by the department which generates funding for the
department and the legal and legislative directive that is being applied

Information on the imported species into Alaska via ballast discharge; individual
stocking of fresh water lakes and monitoring by the department, concerns,
remedies, penalties.

Pat,

Please forward these questions to
Kevin Duffy + Gordy if they are the ones
who will be attending. Ask that they
please call me for clarification if
needed.

Please explain that this is to be a
very informal and introductory meeting only.

Thanks,
Dun

Alaska State Legislature

Representative Beverly Masek
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Representative Drew Scalzi
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House Resources Committee

AGENDA – 1 PM
January 26, 2001

Joint Resources and Fisheries Committee Meeting **Fisheries Overview**

- Call to Order
- Roll Call
 - Introduction and Department Overview: Frank Rue, Commissioner
 - Kevin Duffy, Deputy Commissioner
 - Doug Mecum, Director, Division of Commercial Fisheries
 - Mary Pete, Director, Division of Subsistence
 - Kelly Hepler, Director, Division of Sport Fish
 - Wayne Reglelin, Director, Division of Wildlife Conservation
 - Ken Taylor, Director, Division of Habitat and Restoration
- Adjournment
- Upcoming: Wednesday, January 31, AK Soil and Water Conservation
Friday, February 2, status of statehood defense cases

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Rep. Kerttula

As we understand it, fishers are concerned with the department's change in the management of shrimp and dungeness crab in Southeast to a "guideline harvest levels or ranges" approach. Why the switch, and how will the department get the research data to support this approach?

With respect to commercial fisheries, what research is the department doing this year to support fisheries management decisions? How does the department prioritize research?

What is the department's position on the potential connection between Southeast and Prince William Sound hatchery chum salmon production and the decline in salmon returns in Western Alaska on the Yukon and Kuskokwim Rivers. Has the department presented its findings to the Alaska Board of Fish?

What is the current status of the proposed shellfish regulations proposed by the department. What is the status of the pending geoduck court cases?

**TEST FISH RECEIPTS POLICY
DIVISION OF COMMERCIAL FISHERIES
SOP CF-005**

INTRODUCTION

Within the budget of the Division of Commercial Fisheries is a funding source entitled Test Fish Receipts, commonly referred to as the Test Fish Fund. The Test Fish Fund is a Designated Program Receipts account that funds a variety of vital fisheries resource monitoring and assessment projects including salmon run strength, migratory timing, stock identification, catch sampling, and escapement enumeration projects, crab pot surveys, groundfish longline surveys, and herring and pollock hydro-acoustic surveys. Fish and shellfish taken during test fisheries or harvested under direct contracts, are sold, as authorized by AS 16.05.050(15) and the receipts deposited in the Test Fish Fund. The revenues generated from the sale of these fish and shellfish are then used to pay for the costs of the projects. The purpose of this policy is to document the history of the fund and establish policies for its use. A companion divisional standard operating procedure provides detailed instructions and guidelines to be followed by users and administrators of Test Fish Funds.

BACKGROUND

The Test Fish Fund was first established in the early 1960s. Prior to the inception of the fund, fish that were taken and killed during department resource assessment programs were returned to the water. The department and some of the public believed this was an unnecessary waste of valuable resources and that a system should be developed to curtail the waste. Concurrently, the department did not have adequate funds to carry out resource assessment projects that would provide important data for managing the fisheries. A method that would allow the department to sell fish and then utilize those proceeds to fund stock assessment projects was needed. The establishment of dedicated funds is prohibited by the Alaska Constitution. However, the department, through the Legislature, was able to institute a program receipts fund as a mechanism to finance the test fish program.

Program receipt funds allow an agency to charge for a service or sell a product, place the proceeds in a special account, and then draw upon that account to cover expenses of the program. Program receipts are part of a department's budget and must therefore be approved by the Legislature and the Governor. The Legislature sets the limit on the amount of money that may be expended from the fund and may place other limitations on the fund by expressing intent as to its use, limiting expenditures by line item, or specifying the sources of income for the fund. In the case of the Test Fish Fund, the Legislature has only set the expenditure limit for the fund; they have not expressed any other intent relative to the use of the fund.

Throughout the 1970's and early 1980's the Test Fish Fund was used primarily as a mechanism to help offset the cost of test fishing operations. Such projects primarily caught fish and shellfish in order to estimate abundance, collect age, size, and sex data, or tag animals for later recovery to better understand migration routes, run timing, harvest rates, etc.

Beginning in Fiscal Year 1988, the Alaska Legislature decided to expand use of the Test Fish Fund to pay for fishery management and research. The Legislature shifted General Fund projects over to Test Fish Funds in order to prevent cuts due to seriously declining oil revenues. At that time, the focus of the Test Fish Fund changed, and projects that did not involve actually catching fish as a means of stock assessment, were transferred to the Test Fish Fund. Examples of such projects are stock identification, catch sampling, salmon smolt enumeration, hydro-acoustic surveys, and aerial surveys. These projects were judged to be sufficiently important to justify the harvest and sale of fish in order to assure their continuation.

Absent legislative intent, the department has developed its own policies on operation of the Test Fish Fund. The policies have been expressed, either explicitly or implicitly, in various memoranda and personal conversations. The Test Fish Fund policy and companion standard operating procedures formally document the policies, procedures, and guidelines governing the use of the Test Fish Fund.

POLICY

1. The following guidelines govern the use of the Test Fish Fund. All personnel using the fund must adhere to these guidelines, unless directed to do otherwise by the Director of the Division of Commercial Fisheries.
2. The Division recognizes that in conducting projects under the Test Fish Fund, fish are harvested that could otherwise be taken in common property fisheries. Therefore, all Test Fish Fund projects must be operated as efficiently as possible.
3. It is preferable to sell fish only when they are killed in the normal conduct of the project. However, there are projects for which no revenue would be generated under such a restriction. Therefore, this policy specifically allows generation of revenue by selling fish for the purpose of funding projects that would otherwise not be funded.
4. Test Fish Fund projects will generally fall into one of two categories:
 - a) **CATEGORY 1:** Projects that harvest enough fish or shellfish during their normal operation to generate revenues sufficient to pay for the entire cost of the project.
 - b) **CATEGORY 2:** Projects that will not harvest enough fish or shellfish during their

normal operation to generate revenues sufficient to pay for the entire cost of the project.

5. Operation of projects and sale of fish or shellfish for projects in these categories will be handled as follows:
 - a) **CATEGORY 1:** For projects in this category, it is not necessary to harvest fish in addition to those normally harvested during the conduct of the project. In these cases the department will ensure there is adequate public support for the project, that the project is operated in the most efficient manner possible, and that the highest possible value is received for the fish or shellfish sold.
 - b) **CATEGORY 2:** For projects in these categories, it will be necessary to harvest and sell fish or shellfish specifically for the purpose of generating revenue necessary to pay for all, or part of, the projects costs. In these cases the Director will review the project to determine if the project; 1) is important to the sustained yield management of the resource, 2) has substantial public support, and 3) there is no other practical means of funding the project. The need for and objectives of the project must be explained to the public and their support measured using existing structures such as local Fish and Game Advisory Committees and industry organizations using public meetings, surveys, or other similar means. Results of the public meetings and surveys will be presented to the Director who will approve or disapprove the program. The Department will operate the projects and manage the revenue generated in the most efficient manner possible. The department will also attempt to receive the highest possible value for the fish or shellfish sold.
6. As part of the department's budget, Test Fish Fund expenditures are approved by the Legislature and signed by the Governor. If, in spite of this, there is substantial industry opposition to a Test Fish Fund expenditure, the Department will bring the issue before the Board of Fisheries for discussion.
7. The Department will review projected test fish harvests relative to stock levels to ensure that the harvest does not significantly affect the reproductive potential, sustainability, or recovery of the stock.
8. Since the amount of fish taken to fund most projects is generally very low relative to the total biomass, those catches will not usually affect common property fishery harvest levels. However, for some fisheries, little or no information may exist in an area. In order to gain the information necessary (abundance estimates, basic biological information, and adequate management controls) to allow the development of the fishery on a sustained yield basis, it may be necessary to take a substantial portion of the allowable harvest to pay for management and research. In such cases it may be necessary to reduce common property

fishery harvest levels. The Director may allow the harvest of fish or shellfish in accordance with the guidelines listed in 5(b) above for Category 2 Test Fish Fund projects.

9. Proceeds from the fund should only be used to pay for costs directly associated with Test Fish Fund projects. These costs may include such items as personnel costs, personal service contracts, vessel or aircraft charters, scientific equipment and supplies, fishing gear and equipment, food, and fish wheel and set net site rentals or leases. This guideline has been adopted to minimize and hopefully eliminate the perception that the department is harvesting fish to generate funds for that part of its operational budget not directly related to Test Fish Fund projects.
10. For each fiscal year, the receipts and expenditures of the fund must balance and the expenditures may not exceed the level set by the Legislature. It is recognized that not every project's revenues and expenditures will balance because some Test Fish Fund projects generate surplus revenue and others show a deficit. Unless otherwise authorized in advance by the Director, the total sum of revenues for each Region and for the Division must be sufficient to offset the cost of the projects under the Test Fish Fund at the end of the fiscal year.
11. As a general rule, Test Fish Fund revenues are to be kept within the fishery that generates those revenues. The Director may, however, authorize the use of excess revenues from one project to offset expenditures in other Test Fish Fund projects within the management area that generated those revenues. Test fish revenues in excess of those needed to offset test fish expenditures within a management area will normally lapse into the General Fund, unless the Director determines that those revenues are needed to address other resource assessment needs within the region or division.
12. The priority use of fish or shellfish taken during Test Fish Funded projects is for stock assessment and other scientific research if necessary. During the sampling process, care should be taken to preserve the marketability of those fish to the extent practical. The second priority for the use of fish is for sale to cover project expenditures. When fish are available in excess of research and revenue needs and there is no readily available market for the fish, the fish may be donated to the general public to help meet subsistence needs, charitable institutions, and nonprofit organizations. The division will not be responsible for processing of such fish.
13. The division may authorize private organizations to operate assessment projects at their own expense. This may occur when the division lacks the general funds to operate the project and the project will not produce enough revenues to cover costs, or the project is not a high enough priority to operate as part of the division's program. Fish taken during the operation of such projects are the property of the state and will be sold in the name of the department. Revenues are to be deposited in the Test Fish Fund. Revenues generated by privately

operated assessment projects may be used to offset division expenses related to the project, such as monitoring and data analysis, or to reduce the need for additional harvests to pay for other Test Fish Fund projects. Revenues generated from privately operated assessment projects will not be returned to the operator to offset their expenditures unless approved by the Director, and then only for projects which meet all the criteria laid out in this policy.

APPROVED:

Robert D. M...um, Director
Division of Commercial Fisheries

Date

**TEST FISH FUND
STANDARD OPERATING PROCEDURES
DIVISION OF COMMERCIAL FISHERIES
SOP CF-006**

The following Standard Operating Procedures must be followed unless otherwise specified in writing by the Director of the Division of Commercial Fisheries.

1. The Director, or the Director's designee, shall act as administrator (Administrator) of the Test Fish Fund and must approve all allocations within the fund.
2. The Test Fish Fund Administrator will periodically review the fund's performance, and make whatever changes may be needed to both ensure the integrity of the fund and to meet statewide Test Fish Fund needs.
3. The Headquarters Administrative Manager, under the direction of the Administrator, shall establish accounting procedures for the Test Fish Fund, monitor the accounts, and provide reports of the fund's balance and activities when requested.
4. Regional Supervisors are responsible for the proper administration and accounting of Test Fish Fund projects under their jurisdiction. This includes all normal aspects of project review, approval, and reporting, as well as ensuring that proper administrative procedures are followed.
5. Each Regional Supervisor will provide semi-annual financial reports on Test Fish Fund projects to the Headquarters Administrative Manager, unless otherwise directed.
6. Each Regional Supervisor shall submit to the Administrator all Test Fish Fund budget requests for preparation of fiscal year budgets. The request shall include the project's description and justification along with staffing and line item allocations.
7. Each Regional Supervisor shall submit to the Administrator an annual summary of all Test Fish Fund projects for the region. This summary must include a description of all Test Fish Fund projects in the region including the location, timing, contact person, primary objective, details on catch and sales, expected receipts, and an authorization/expenditure history of the project if it has operated in the past. This report is to be made freely available to the public.
8. The Administrator will evaluate budget requests, prioritize those that are approved, and submit

to the Director for inclusion in the division's budget request.

9. Once the budget has passed the Legislature and signed by the Governor, allocations from the fund will be made. The Administrator shall notify each Regional Supervisor that the budget has been approved and what the allocations are for that fiscal year.
10. Once the allocations have been approved, Test Fish Fund projects can start. Preplanning, up to and including, the acceptance of bids, can be done before the allocations are approved. Contracts cannot be awarded (an encumbrance against the fund) until the allocations are approved.
11. All standard operating procedures, such as those dealing with bidding, contract awards, and vessel charters, must be adhered to. Pertinent SOPs and guidelines are included in the Test Fish Fund manual.
12. Project Leaders shall ensure that all sales of fish for Test Fish Fund projects comply with all applicable administrative guidelines.
13. Regional Supervisors are responsible for obtaining Test Fish Fund permit cards from the Commercial Fisheries Entry Commission. This is done directly with the Commercial Fisheries Entry Commission and is required for the sale of fish to processors and buyers. A separate card should be obtained for each project.
14. All fish caught during a test fish project immediately become the property of the state.
15. Project Leaders shall do all in their power to ensure that the highest quality product is delivered to the buyer and that the best price is obtained.
16. The Project Leader shall sell fish only to a licensed buyer and ensure that the buyer of the fish has all the required licenses and permits for his or her operation prior to any sale of fish.
17. The Project Leader shall obtain receipts for the sale of all fish. Fish tickets shall be used as the receipt and must be imprinted with the proper CFEC card, contain the species, number, and weight of the fish sold, the price paid, and be signed by the seller (department employee making the delivery) and the buyer. Payment should be by check made out to the state. Cash payments should be discouraged.
18. Records of all Test Fish Fund related documents must be maintained by the regional offices.

19. The Project Leader shall specify the manner and timing of payment and ensure all payments are made.
20. All FPO's issued for vessel charters must be submitted to the regional office. A copy of the vessel charter contract must be attached to the FPO.
21. Test Fish Fund revenues are credited to a fiscal year based on the delivery date on the fish ticket, except for post-season settlements that are treated as current-year revenues in the fiscal year received.

Approved:

Robert D. Mecum, Director
Division of Commercial Fisheries

Date

Alaska State Legislature

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