

SB

1 1 3

Senate Resources

March 9, 2005

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Alaska State Legislature

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Senate President

SPONSOR STATEMENT

Senate Bill 113

"An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

Senate Bill 113 provides statutory authority for the Board of Fisheries (BOF) and the Commercial Fisheries Entry Commission (CFEC) to jointly develop a Dedicated Access Privilege (DAP) program for Gulf of Alaska (GOA) groundfish as species, areas, and gear types warrant. The legislation provides for a full public process and grants appropriate authorities to the Commission and Board for development and implementation of a form of fisheries limitation for state water Gulf groundfish fisheries reflective of historic involvement in these fisheries. It does not predetermine whether a fishery will become a DAP fishery or how it will be managed.

The Alaska Board of Fisheries has led a joint effort to explore how best to respond to the changes facing Gulf of Alaska groundfish fisheries. A diverse fishing fleet utilizing different gear types and vessel sizes harvest multiple species of migratory groundfish from 0-3 miles off the Alaska Gulf coast. The GOA groundfish fisheries in state waters from 0-3 miles are comprised of two distinct components: a state waters fishery managed under an established Guideline Harvest Level (GHL), and a parallel fishery managed under a federal Total Allowable Catch (TAC). Efficiency has increased in many of these fisheries resulting in shortened seasons, an increased race for fish, decreased quality, and lost opportunities for value added products. The consequences are lower ex-vessel values. In addition, the federal government, through the North Pacific Fishery Management Council (NPFMC) is "rationalizing" the groundfish stocks and fisheries under its jurisdiction from 3-200 miles. This is likely to result in additional fishing effort and exacerbation of existing problems in the 0-3 mile state waters.

Because the Gulf of Alaska groundfish fisheries in state waters are managed by harvest limits, a dedicated access privilege program (DAP) may be feasible and appropriate for managers to meet harvest objectives. It may better serve the goals of resource conservation and prevention of economic distress among fishermen and those dependent upon fishermen for a livelihood. It will also promote the safety of those involved in prosecuting these fisheries.

With the passage of Senate Bill 113, a lengthy, public process will ensue. ADF&G collects and CFEC holds all the fisheries harvest and vessel participation information. This information will have to be compiled and analyzed for a fishery being considered as a potential DAP fishery. Both the CFEC and the BOF have extensive public hearing processes and the public will have ample opportunity to participate in the development of any potential DAP program for GOA groundfish fisheries.

Senate Bill 113 protects the state's interests. It provides an important new tool for ensuring our state water groundfish fisheries can be developed to maximize the state's interests and protect the resource and those who depend upon it.

Alaska State Legislature

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Senate President

SENATE BILL 113

"An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

FACT SHEET

Senate Bill 113 *Does Not*

- Does *not* provide processor Designated Access Privileges (DAPs) or "processor quota shares" for Gulf of Alaska groundfish in state waters
- Does *not* set a precedent for "processor quota shares" in GOA groundfish, salmon, or any other state fisheries
- Does *not* predetermine which, if any, species, areas, or gear types may have a DAP program developed
- Does *not* predetermine DAP recipients

Senate Bill 113 *Does*

- Does grant sufficient statutory authority to the Alaska Board of Fisheries and the Commercial Fisheries Entry Commission to adequately address fisheries development plans for Gulf of Alaska groundfish species
- Does clearly define the respective roles of the Alaska Board of Fisheries and the Commercial Fisheries Entry Commission in developing dedicated access privilege programs
- Does provide ample opportunities for the public to participate in the development of any DAP programs through the Board of Fisheries and Commercial Fisheries Entry Commission public hearing process
- Does offer the opportunity to be a more inclusive limited entry program than the existing statutes allow through the license limitation model

SB 113

"An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

ADF&G Discussion Points

March 2005

- The Gulf of Alaska (GOA) groundfish fisheries are comprised of a diverse group of users, vessels, gears, areas, and species. The fisheries are currently managed under open access, "race for fish" conditions that do not provide for maximization of the economic value of the fisheries to fishermen, processors, coastal communities, or the state, nor for addressing fisheries management issues such as bycatch reduction, habitat protection, and localized depletion, or for the safety of fisheries participants.
- Over time, because of the "race for fish," fishermen have become more efficient at harvesting, and therefore, seasons are compressed in time (and sometimes in area), exacerbating the concerns previously described. Additionally, planned rationalization of the federal GOA groundfish fisheries has the potential to further aggravate the problems inherent in the "race for fish."
- While Alaska's current Limited Entry program satisfactorily addresses fisheries and social issues in many fisheries, it may not best serve all of Alaska's diverse groundfish fisheries given the demands of today's global marketplace for consistent supply, quality, and market and product diversity.
- SB 113 provides authorities to the Board of Fisheries (BOF) and the Commercial Fisheries Entry Commission (CFEC) that allow them to explore innovative GOA groundfish fisheries allocation and management strategies that can provide solutions to the changing global marketplace and that will benefit the resource, the resource users, and the communities dependent upon them.
- One size will not fit all in addressing the needs of these diverse fisheries. Therefore, SB 113 has been purposefully written to provide for maximum flexibility without predetermining any programmatic outcome. It is intended that program development for each GOA groundfish fishery will be developed in the transparent BOF and CFEC public processes, and not within this legislation.
- This is "process" legislation, not "programmatic."

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU
February 28, 2005

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

As you know, the groundfish fisheries in the Gulf of Alaska (GOA) are facing significant challenges from changing economic conditions and management practices in the Exclusive Economic Zone (EEZ) that affect fisheries and fishery resources in state waters. These economic and fishery management changes are likely to result in increased biological pressures. To fulfill its mandate of conserving, developing, and utilizing fishery resources, the State of Alaska is carefully considering the nature of those changes and evaluating the ways in which state management should respond in order to best serve the interests of Alaskans.

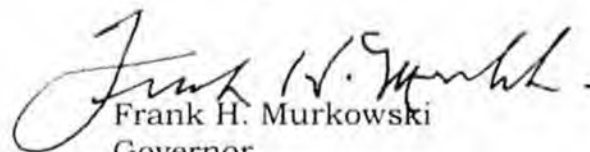
This evaluation has been underway for over six years by Alaska's representatives to the North Pacific Fishery Management Council (NPFMC). In addition, the Alaska Board of Fisheries (BOF) has been addressing these issues for almost two years. Both of these public processes have resulted in broad agreement that an integrated and coordinated state/federal management system for the GOA groundfish stocks migrating across jurisdictional lines best meets the public interest and assures that critical issues of mutual concern are responsibly addressed.

I support the Alaska Board of Fisheries' findings on this issue and appreciate your support in drafting legislation that seeks to confer authority to the Commercial Fisheries Entry Commission to authorize access to GOA groundfish fisheries based upon historical harvests.

At its December 2004 meeting, the NPFMC unanimously endorsed the approach sought by the BOF.

As always, thank you for your efforts in support of Alaska's fisheries.

Sincerely yours,


Frank H. Murkowski
Governor

SENATE BILL NO. 113

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY SENATOR BEN STEVENS BY REQUEST

Introduced: 2/23/05
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

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

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 **FINDINGS AND PURPOSE.** (a) The Alaska State Legislature finds that
6 (1) groundfish fisheries in the Gulf of Alaska are facing significant challenges
7 from changing economic conditions and fishery management practices in the federal
8 exclusive economic zone that affect fisheries and fishery resources in a manner that is likely
9 to increase pressures on groundfish stocks;

10 (2) some form of limitation on access into the fisheries may be necessary to
11 provide for the economic health of fishermen in the Gulf of Alaska groundfish fisheries and
12 those dependent upon them for a livelihood and to ensure conservation of the biological and
13 capital resources of the fishery;

14 (3) groundfish fisheries in the Gulf of Alaska are prosecuted by a diverse
15 fishing fleet using many different types of gear and sizes of vessels to harvest multiple species

*UNCODIFIED
LAW*

1 of groundfish;

2 (4) the current forms of limited entry authorized under AS 16.43 may not be
3 well-suited to promote the best interests of the State of Alaska in the Gulf of Alaska
4 groundfish fisheries;

5 (5) the Alaska Board of Fisheries has led an effort to explore how best to
6 respond to the changes facing the Gulf of Alaska groundfish fisheries;

7 (6) the Alaska Board of Fisheries has concluded that either the board or the
8 Alaska Commercial Fisheries Entry Commission or both the board and the commission
9 should have statutory authority, applicable only to the Gulf of Alaska groundfish fisheries, to
10 limit participation in the fisheries to persons or vessel owners, or both, with a history of
11 participation in the fisheries;

12 (7) the Alaska Board of Fisheries has concluded that, for the Gulf of Alaska
13 groundfish fisheries, the board or commission, or both, should have authority to allocate
14 differential, exclusive harvest shares to persons or vessel owners, or both, either individually
15 or as members of a harvesting association, based on the history of harvests in the fishery;

16 (8) because the Gulf of Alaska groundfish fisheries are managed by harvest
17 limits, dedicated access privileges may be feasible and appropriate and may better serve the
18 goals of resource conservation, prevention of economic distress among fishermen and those
19 dependent upon fishermen for a livelihood, and promoting the safety of fishermen involved in
20 the fisheries.

21 (b) It is the purpose of this Act to authorize a new type of access limitation program,
22 called a dedicated access privilege program, as best serves the interests of the State of Alaska.
23 The dedicated access privilege program, if adopted and implemented, should result in the
24 allocation of harvest share privileges, in the Gulf of Alaska groundfish fisheries, in a manner
25 that serves the purposes of limited entry under art. VIII, sec. 15, Constitution of the State of
26 Alaska, with the least impingement on the open access principles embodied in art. VIII,
27 Constitution of the State of Alaska.

28 * Sec. 2. AS 16.05 is amended by adding a new section to article 5 to read:

29 Sec. 16.05.740. Allocation of Gulf of Alaska groundfish fishery resources.

30 (a) If the Alaska Commercial Fisheries Entry Commission has adopted a dedicated
31 access privilege program under AS 16.43.530, the holder of a dedicated access

1 privilege is entitled to share in the overall harvest authorized by the Board of Fisheries
2 to the extent provided by the dedicated access privilege.

3 (b) The Board of Fisheries may adopt regulations to allocate portions of the
4 harvestable surplus of Gulf of Alaska groundfish species to associations of dedicated
5 access privilege holders authorized by the board based on the combined dedicated
6 access privileges held by the members of each association.

7 (c) In considering whether to approve allocation of Gulf of Alaska groundfish
8 species, to the extent practicable, the board shall seek to promote

9 (1) sound fishery management;

10 (2) resource conservation;

11 (3) the economic health of the commercial Gulf of Alaska groundfish
12 fisheries;

13 (4) the economy of the state and of regions of the state dependent on
14 the Gulf of Alaska groundfish fisheries;

15 (5) the enforcement and enforceability of the allocations;

16 (6) coordination with the fishery management system for Gulf of
17 Alaska groundfish fisheries in the adjacent federal exclusive economic zone;

18 (7) the safety of participants in the commercial Gulf of Alaska
19 groundfish fisheries;

20 (8) other important goals as identified by the board.

21 * Sec. 3. AS 16.43.210(a) is amended to read:

22 (a) For each fishery that is not subject to a maximum number of entry permits
23 under AS 16.43.240 and not subject to a moratorium under AS 16.43.225 or a
24 dedicated access privilege program under AS 16.43.530, the commission shall issue
25 interim-use permits under regulations adopted by the commission to all applicants who
26 can establish their present ability to participate actively in the fishery for which they
27 are making application.

28 * Sec. 4. AS 16.43.210 is amended by adding a new subsection to read:

29 (f) An interim-use permit for a fishery subject to a dedicated access privilege
30 program established under AS 16.43.530 may be issued only to a person who qualifies
31 under regulations adopted by the commission under AS 16.43.530.

1 * Sec. 5. AS 16.43 is amended by adding new sections to read:

2 **Article 7A. Gulf of Alaska Groundfish Fisheries.**

3 **Sec. 16.43.530. Dedicated access privileges for Gulf of Alaska groundfish**
 4 **fisheries.** (a) If the commission finds that entry into a Gulf of Alaska groundfish
 5 fishery should be limited on the basis of dedicated access privileges to serve the
 6 purposes of this chapter, the commission may adopt regulations, developed in
 7 conjunction with the Board of Fisheries, that are necessary to establish and implement
 8 a dedicated access privilege program for that fishery. The amount of dedicated access
 9 privileges initially issued to qualified applicants under a dedicated access privilege
 10 program may be based on the quantity of qualified past landings credited to the
 11 applicant.

12 (b) In adopting a dedicated access privilege program for a Gulf of Alaska
 13 groundfish fishery, to the extent practicable, the commission shall seek to promote

14 (1) sound fishery management;

15 (2) resource conservation;

16 (3) the economic health of the commercial Gulf of Alaska groundfish
 17 fisheries;

18 (4) the economy of the state and of regions of the state dependent on
 19 the Gulf of Alaska groundfish fisheries;

20 (5) the enforcement and enforceability of the allocations;

21 (6) coordination with the fishery management system for Gulf of
 22 Alaska groundfish fisheries in the adjacent federal exclusive economic zone;

23 (7) the safety of participants in the commercial Gulf of Alaska
 24 groundfish fisheries;

25 (8) other important goals as identified by the commission.

26 (c) If the commission adopts regulations under (a) of this section to establish a
 27 dedicated access privilege program, the commission shall in writing

28 (1) identify how a limitation on access into the fishery on the basis of
 29 dedicated access privileges serves the purposes of this chapter;

30 (2) describe why other access limitation programs authorized under
 31 this chapter would not best serve the purposes of the chapter, would not be feasible, or

1 would not serve the best interests of the State of Alaska and its citizens;

2 (3) describe why other feasible access limitation programs authorized
3 under this chapter would be expected to be more exclusive than the dedicated access
4 privilege program adopted by the commission.

5 (d) Regulations adopted by the commission to establish a dedicated access
6 privilege program under this section must address

7 (1) the qualification date, eligibility period, landings threshold, and
8 years of participation in the fishery to be used to determine qualified landings in the
9 fishery, qualified applicants, and initial access to implement the dedicated access
10 privilege program;

11 (2) the permits that must be held by qualified interim-use permit
12 holders, entry permit holders, vessel owners, dedicated access privilege holders, and
13 commercial fishing license holders before and after dedicated access privileges are
14 issued;

15 (3) qualifications for receiving and holding an interim-use permit for a
16 fishery subject to a dedicated access privilege program and requisite restrictions on the
17 holder of an interim-use permit under a dedicated access privilege program;

18 (4) whether the qualified past landings are to be credited, solely or
19 partially, to interim-use permit holders, entry permit holders, vessel owners, or
20 commercial fishing license holders;

21 (5) whether qualified past landings or the dedicated access privileges
22 based on those qualified landings are transferable and the terms and conditions under
23 which the landings or privileges may be transferred;

24 (6) whether dedicated access privileges expire or attenuate over time
25 and the terms and conditions under which the privileges expire or attenuate;

26 (7) the procedures by which persons or vessels without qualified past
27 landings may gain entry into the fishery;

28 (8) the process by which the commission will prevent the fishery from
29 becoming too exclusive;

30 (9) other issues the commission determines appropriate.

31 (e) In this section, "groundfish" means a species of marine finfish other than

1 halibut, osmerids, herring, or salmonids.

2 **Sec. 16.43.535. Dedicated access privileges; general provisions.** (a) A
3 dedicated access privilege issued under AS 16.43.530 constitutes a use privilege that
4 may be modified or revoked by order of the commission or by law without
5 compensation.

6 (b) A dedicated access privilege issued under AS 16.43.530 may not be
7 pledged, mortgaged, encumbered, attached, distrained, or sold on execution of
8 judgment or under any other process or order of any court.

9 (c) Nothing in AS 16.43.530 - 16.43.540 limits the powers of the Board of
10 Fisheries or the Department of Fish and Game.

11 **Sec. 16.43.540. Dedicated access privileges; fees.** (a) The commission shall
12 establish fees for the issuance and renewal of dedicated access privileges. Fees
13 established under this subsection must reasonably reflect the rate of economic return
14 of the dedicated access privileges.

15 (b) Subject to AS 37.10.050(a), the commission may establish fees for
16 processing applications for dedicated access privileges and, if authorized by the
17 commission, transfer of dedicated access privileges.

18 (c) The commission may charge interest at a rate not to exceed the legal rate
19 of interest established in AS 45.45.010(a) on fees established under this section that
20 are more than 60 days overdue.

21 * **Sec. 6.** AS 16.43.945 is amended to read:

22 **Sec. 16.43.945. Commercial fishing privileges exempt from claims of**
23 **creditors.** Except as provided in AS 16.10.333 - 16.10.338, AS 16.43.170(g),
24 AS 44.81.211, and 44.81.231 - 44.81.250, commercial fishing privileges granted under
25 this chapter, including entry permits and dedicated access privileges, are exempt
26 from claims of creditors, including claims under AS 09.38.065 and AS 45.29.408.

27 * **Sec. 7.** AS 16.43.960(a) is amended to read:

28 (a) The commission may revoke, suspend, or transfer all entry or interim-use
29 permits, vessel entry permits, [OR] vessel interim-use permits, or dedicated access
30 privileges held by a person or entity who knowingly provided or assists in providing
31 false information, or fails to correct false information provided to the commission for

1 the purpose of obtaining a benefit for self or another, including the issuance, renewal,
 2 duplication, or transfer of an entry or interim-use permit, vessel license, vessel entry
 3 permit, [OR] vessel interim-use permit, or dedicated access privilege. The
 4 commission may suspend, as appropriate, that person's or entity's eligibility to hold an
 5 entry or interim-use permit, vessel entry permit, [OR] vessel interim-use permit, or
 6 dedicated access privilege for a period not to exceed three years, and may impose an
 7 administrative fine of not more than \$5,000 on the person or entity whose officers,
 8 employees, representatives, or agents knowingly provide or assist in providing false
 9 information, or fail to correct false information provided, to the commission for the
 10 purpose of obtaining a benefit.

11 * **Sec. 8.** AS 16.43.960(b) is amended to read:

12 (b) The commission shall serve the respondent personally or by certified or
 13 registered mail with a notice to show cause why the proposed action should not take
 14 place. The notice to show cause must

15 (1) be supported by an affidavit, which may be made on information or
 16 belief, setting out the facts that are the basis of the proposed actions;

17 (2) provide for a least 30 days' notice of the place, date, and time of the
 18 hearing where the respondent may present evidence in opposition to the proposed
 19 action; unless waived in writing by the respondent, the hearing shall be held within the
 20 judicial district in which the respondent resides if the respondent resides in the state;
 21 the hearing place shall be at the discretion of the commission for those respondents
 22 residing outside the state;

23 (3) specify the statutes or regulations violated;

24 (4) state with particularity the action proposed to be taken;

25 (5) indicate to the respondent that the respondent's ability to
 26 permanently transfer the permits or dedicated access privileges that [WHICH] are
 27 the subject of the show cause proceedings has been suspended as of the date of the
 28 notice and will continue to be suspended until the exhaustion of all administrative and
 29 judicial remedies; and

30 (6) provide other information the commission considers proper.

31 * **Sec. 9.** AS 16.43.960(c) is amended to read:

1 (c) A permit or dedicated access privilege subject to show cause proceedings
2 under this section may not be transferred after the date of the notice in (b) of this
3 section pending exhaustion of all administrative and judicial remedies arising from
4 action taken under this section.

5 * Sec. 10. AS 16.43.960(g) is amended to read:

6 (g) The provisions of this section apply to conduct occurring after January 1,
7 1973, but do not affect a permit or dedicated access privilege held by a person who is
8 a bona fide purchaser. Failure to correct false information is a continuing offense.

9 * Sec. 11. AS 16.43.970(b) is amended to read:

10 (b) A person or entity who knowingly makes a false statement to the
11 commission for the purpose of obtaining a benefit, including the issuance, renewal,
12 duplication, or transfer of an entry or interim-use permit, vessel license, vessel
13 interim-use permit, [OR] vessel entry permit, or dedicated access privilege, or a
14 person who assists another by knowingly making a false statement to the commission
15 for the purpose of obtaining a benefit for another, is guilty of the crime of unsworn
16 falsification as set out in AS 11.56.210. Upon conviction, the person or entity is also
17 subject to suspension of commercial fishing privileges and revocation of commercial
18 fishing permits under (i) of this section.

19 * Sec. 12. AS 16.43.970(d) is amended to read:

20 (d) If a permit holder or a dedicated access privilege holder is charged by
21 the state with violating a provision of this chapter or a regulation adopted under this
22 chapter, the holder may not transfer any interim-use or entry permit under
23 AS 16.43.170, [OR] any transferable vessel entry permit under AS 16.43.450 -
24 16.43.520, or any dedicated access privilege until after the final adjudication or
25 dismissal of the charges.

26 * Sec. 13. AS 16.43.970(e) is amended to read:

27 (e) Notwithstanding any other provision of this section, an interim-use or entry
28 permit, [OR] transferable vessel entry permit, or dedicated access privilege may not
29 be transferred while under suspension, without the consent of the commission.

30 * Sec. 14. AS 16.43.970(j)(2) is amended to read:

31 (2) "commercial fishing privileges" means the privilege of

1 participating in an activity for which a commercial fishing permit or dedicated access
2 privilege is required and the privilege of obtaining a commercial fishing permit or
3 dedicated access privilege.

4 * Sec. 15. AS 16.43.990 is amended by adding a new paragraph to read:

5 (12) "dedicated access privilege" means a harvest-use privilege issued
6 by the commission under AS 16.43.530 that authorizes the holder of the privilege to
7 harvest a specified portion of the overall harvest of a specified fishery resource
8 allowed by the Board of Fisheries in a specified fishery.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: S.B. 113
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: An Act Relating to Entry into and RDU: Administration and Support
Management of Gulf of Alaska Groundfish Component: Boards of Fisheries and Game
 Sponsor: Senator Ben Stevens by Request
 Requester: Senate Resources Committee Component No. 2048

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	*	*	*	*	*
Travel	28.8	*	*	*	*	*
Contractual	16.8	*	*	*	*	*
Supplies	0.0	*	*	*	*	*
Equipment	0.0	*	*	*	*	*
Land & Structures	0.0	*	*	*	*	*
Grants & Claims	0.0	*	*	*	*	*
Miscellaneous	0.0	*	*	*	*	*
TOTAL OP. RATING	45.6	*	*	*	*	*
CAPITAL EXPENDITURES	0.0	*	*	*	*	*
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	*	*	*	*	*
1003 GF Match	0.0	*	*	*	*	*
1004 GF	45.6	*	*	*	*	*
1005 GF/Federal Receipts	0.0	*	*	*	*	*
1037 GF/Mental Health	0.0	*	*	*	*	*
Other (Specify Type--Do not abbreviate)	0.0	*	*	*	*	*
TOTAL	45.6	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The authorities provided in S.B. 113 allow the Alaska Board of Fisheries (board) to explore innovative Gulf of Alaska (GOA) groundfish fisheries allocation and management strategies in ways that benefit the resource, the resource users, and the communities dependent upon them.

The GOA groundfish fisheries are comprised of a diverse group of users, vessels, gears, areas, and species. In order to implement this legislation, the board will do the following:

(continued on page 2)

Prepared by: Sarah Gilbertson, Legislative Liaison Phone: (907) 465-6137
 Division: ADF&G Commissioner's Office Date/Time: 3/8/05 11:37 AM
 Approved by: Wayne Regelin, Acting Commissioner Date: 3/8/2005
 Agency: Alaska Department of Fish and Game

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. S.B. 113

ANALYSIS CONTINUATION

(continued from page 1)

(1) Continue the board's GOA Groundfish Rationalization Task Force; hold 3 to 4 additional meetings prior to community hearings. Costs for these task force meetings include 3 board members travel, 2 to 3 ADF&G staff travel, and meeting room costs.

(2) Hold hearings in affected communities around the Gulf of Alaska (e.g., Kodiak, Homer, Sand Point and others) in order to receive public and community input on options for structuring the groundfish fisheries to maximize fishery benefits. It is intended that program development for each GOA groundfish fishery will be developed in the transparent board public process, and not within this legislation.

(3) Add 2 to 3 meeting days to its schedule during FY 06 to specifically report to the full board on input from the community hearings, to receive further public input, and to work further on program development.

Passage of this legislation gives the board and the Commercial Fisheries Entry Commission (CFEC) a new tool in their toolbox, and in and of itself has no immediate fiscal impact. However, as the board and CFEC consider the development of a new program, the Alaska Department of Fish and Game anticipates some modest costs for travel and extended meetings as noted above.

At this point, it is unknown how program development might effect future data technology and personnel needs. Therefore, subsequent costs are indeterminate pending the shape and extent of any "designated access privilege" program established by the board and CFEC.

Senate Resources

March 9, 2005

#2 SB 113 Packet – supplemental materials

- ADF&G Goals & Objectives – Groundfish Fisheries: 1 page
- SB 113 Sectional Analysis: 2 pages
- Fiscal Note CFEC 3-8-05: 2 pages

Gulf of Alaska Groundfish Fisheries Rationalization

Goals and Objectives

February 2005

- The Alaska Department of Fish and Game (ADF&G) and the Board of Fisheries (BOF) support protection of the State's authority to preserve and manage its own resources.
- The BOF is responsible for conservation and development of the state's commercial, subsistence, sport, and personal use fisheries through an efficient and effective public regulatory process.
- ADF&G and the BOF support efforts to maximize fisheries benefits to Alaskans and Alaskan communities by minimizing the race for fish and its attendant "turn and burn" high volume/low value fisheries. We support instead, orderly fisheries conducted over time that allows for maximization of quality, value-added processing, product diversity, and increased value and stability to fishery participants, processing workers, processors, communities, and the State of Alaska.
- ADF&G and the BOF support a diverse fishing fleet and maintenance of entry level access to Alaska's fisheries.
- ADF&G and the BOF believe that a rationalized Gulf of Alaska (GOA) groundfish fishery should result in benefits to Alaska's harvesters, processors, and communities utilizing a phased-in approach that acknowledges the risks and investments assumed by those pioneering the fisheries and does not destabilize the status quo that provides hundreds of Alaskans with employment in coastal Alaska that:
 - Increases efficiencies, resulting in economic benefits and stability
 - Improves safety
 - Improves stock conservation
 - Reduces bycatch
 - Reduces gear conflicts
- ADF&G and the BOF support transferability of harvest privileges in order to justify limitation of Alaska's fisheries in meeting the constitutional requirement to avoid exclusivity.
- ADF&G and the BOF agree that achieving the goals of a rationalized GOA groundfish fishery cannot occur without a coordinated state/federal management approach to migratory fish stocks that move between state and federal jurisdictions.
- ADF&G and the BOF support the development of a GOA groundfish rationalization program that responsibly and proactively interacts with the NPFMC rationalization process to assure that the following mutually critical issues can be satisfactorily addressed:
 - Management and data costs
 - Enforcement costs
 - Endangered Species Act issues
 - Observer coverage and costs
 - Bycatch, incidental take, and prohibited species caps
 - Community provisions that the State is constitutionally prevented from implementing
 - Essential Fish Habitat/Habitat Areas of Particular Concern (HAPC)

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 5, 2005

SUBJECT: Sectional summary of SB 113; An Act relating to entry into and management of Gulf of Alaska groundfish fisheries (Work Order No. 24-LS0306\L)

TO: Senator Ben Stevens,
Senate President
Attn: Cheryl Sutton

FROM: George Utermohle
Legislative Counsel

You have requested a sectional summary of SB 113; An Act relating to entry into and management of Gulf of Alaska groundfish fisheries.

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

Section 1 of the bill sets out the findings of the legislature and a statement of the legislative purpose for the bill.

Section 2 of the bill amends AS 16.05 by adding a new section (AS 16.05.140) to provide that the holder of a dedicated access privilege, issued by the Alaska Commercial Fisheries Entry Commission, is entitled to share in the overall harvest of a Gulf of Alaska groundfish species authorized by the Board of Fisheries, to the extent authorized by the privilege. The Board of Fisheries is also authorized to allocate portions of the harvestable surplus of Gulf of Alaska groundfish species to associations of holders of dedicated access privileges. In considering whether to approve an allocation of a Gulf of Alaska groundfish species, the board is to seek to promote specific fisheries, economic, and social goals.

Section 3 of the bill amends AS 16.43.210(a) to provide that the Alaska Commercial Fisheries Entry Commission shall issue interim-use permits under this subsection for fisheries that are not subject to a dedicated access privilege program.

Section 4 of the bill amends AS 16.43.210 by adding a new subsection to provide that an interim-use permit for a fishery subject to a dedicated access privilege program may be issued only to a person who qualifies for the permit under regulations adopted by the commission.

Senator Ben Stevens,
Senate President
March 5, 2005
Page 2

Section 5 of the bill amends AS 16.43 by adding a new article relating to the Gulf of Alaska groundfish fisheries.

Sec. 16.43.530 provides that the Alaska Commercial Fisheries Entry Commission may adopt regulations, developed in conjunction with the Board of Fisheries, to establish and implement a dedicated access privilege program for a Gulf of Alaska groundfish fishery, if the commission finds that a dedicated access privilege program is necessary to limit entry into the fishery in order to achieve the purposes of AS 16.43. The goals that the commission is to promote, and the findings that the commission is to make, in adopting a dedicated access privilege program are set out. The subject matter to be addressed in regulations establishing a dedicated access privilege program is set out.

Sec. 16.43.535 provides that a dedicated access privilege is a use privilege that can be modified or revoked by the commission or by law without compensation. A dedicated access privilege may not be pledged, mortgaged, encumbered, attached, distrained, or sold on execution or other process or order of a court. The grant of authority for the commission to establish a dedicated access privilege program does not limit the statutory powers of the Board of Fisheries.

Sec. 16.43.540 provides that the commission may establish fees for the application, issuance, renewal, and transfer of dedicated access privileges. The commission may also charge interest on overdue fees.

Sections 6 - 14 of the bill make technical changes to AS 16.43.945, 16.43.960(a), 16.43.960(b), 16.43.960(c), 16.43.960(g), 16.43.970(b), 16.43.970(d), 16.43.970(e), and 16.43.970(j)(2) to conform to authorization of a dedicated access privilege program under sec. 5 of the bill.

Section 15 of the bill amends AS 16.43.990 by adding a definition of "dedicated access privilege."

GU:med
05-150.mcd

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB113
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: An Act Relating to Entry into and RDU: Comm. Fish Entry Commission
Management of Gulf of Alaska Groundfish Component: Commercial Fisheries Entry
 Sponsor: Senator Ben Stevens by Request Commission
 Requester: Senate Resources Committee Component No. 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	*	*	*	*	*
Travel	20.0	*	*	*	*	*
Contractual	0.0	*	*	*	*	*
Supplies	0.0	*	*	*	*	*
Equipment	0.0	*	*	*	*	*
Land & Structures	0.0	*	*	*	*	*
Grants & Claims	0.0	*	*	*	*	*
Miscellaneous	0.0	*	*	*	*	*
TOTAL OPERATING	20.0	*	*	*	*	*

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	*	*	*	*	*
1003 GF Match	0.0	*	*	*	*	*
1004 GF	20.0	*	*	*	*	*
1005 GF/Program Receipts	0.0	*	*	*	*	*
1037 GF/Mental Health	0.0	*	*	*	*	*
1156 Receipt Supported Services	0.0	*	*	*	*	*
TOTAL	20.0	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of SB113 will allow but not mandate establishment of a new type of limitation program for the participation in Gulf of Alaska groundfish fisheries. It also provides a new procedural working relationship between the Alaska Board of Fish and the Commercial Fisheries Entry Commission for the Gulf of Alaska groundfish fisheries. Initially there will be some modest costs for travel as the two agencies conduct joint groundfish public hearings to determine the scope of these fisheries and analyze the need for limitation protection. At this time subsequent costs are indeterminate pending the shape and extent of any "designated access privilege" (DAP) programs established. CFEC will need to consider the integration of any new program into its existing responsibilities, for example: additional groundfish fisheries research,

Continued on page 2

Prepared by: Shirley Penrose, Administrative Officer Phone: 907-790-6960
 Division: Commercial Fisheries Entry Commission Date/Time: 3/8/05 1:42 PM
 Approved by: Frank M. Homan, Commissioner Date: 3/8/2005
 Agency: Commercial Fisheries Entry Commission

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. SB113

ANALYSIS CONTINUATION

adjudications resulting from any new DAP program, licensing and management of any DAPs issued and likely significant need for information technology services. If any DAP limitations are authorized under this legislation a key component of costs could be the design and implementation of an electronic resource harvest reporting system. Future analyses will be needed to investigate the current federal reporting system and its applicability to state fisheries.

CFEC anticipates an FY06 cost of \$20,000 for the agency to participate in the series of meetings with the Alaska Board of Fisheries and its Groundfish Working Group that comprise the initial step in the process set forth in SB 113. CFEC's current travel budget is insufficient to cover this additional expense, so a travel line increment is necessary. Because permit and license renewal fees are not currently generating enough revenue to cover an increase with Receipt Supported Services (RSS) funding, General Fund funding is requested for this small increment. However, if SB 93 (CFEC fee bill) is passed by the legislature this session, the resulting increase in CFEC-generated revenues in subsequent years should be sufficient to fund anticipated future CFEC costs associated with implementing the provisions of SB113 with RSS funds.

ALASKA LEGISLATURE - ONLINE TELECONFERENCE ORDER FORM

Note: All Fields Must Be Completed

Sponsor and/or Committee Name:

Date of Teleconference:

Start Time: End Time:

Chairing Site: Juneau Room:

Testimony: Yes No Invitation Only N/A

Testimony Time Limit: 1 min 2 min 3 min 5 min no time limit other - see instructions

Contact Person

Telephone Number

LIO sites:	<input checked="" type="checkbox"/> Anchorage	Other sites may add?	<input checked="" type="radio"/> Yes	Offnet Name (s)
	<input type="checkbox"/> Barrow		<input type="radio"/> No	
	<input type="checkbox"/> Bethel			
	<input type="checkbox"/> Cordova			
	<input type="checkbox"/> Delta Junction			
	<input type="checkbox"/> Dillingham			
	<input type="checkbox"/> Fairbanks			
	<input type="checkbox"/> Glennallen			
	<input type="checkbox"/> Homer			
	<input type="checkbox"/> Juneau			
	<input type="checkbox"/> Kenai			
	<input type="checkbox"/> Ketchikan			
	<input type="checkbox"/> Kodiak			
	<input type="checkbox"/> Kotzebue			
	<input type="checkbox"/> Matsu			
	<input type="checkbox"/> Nome			
	<input type="checkbox"/> Petersburg			
	<input type="checkbox"/> Seward			
<input type="checkbox"/> Sitka				
<input type="checkbox"/> Tok				

- Valdez
- Wrangell
- No LIOs

Subject of meeting and/or Bills on Agenda

SB 113: GULF OF ALASKA GROUDFISH FISHERY

ALASKA LEGISLATURE - ONLINE TELECONFERENCE ORDER FORM

Note: All Fields Must Be Completed

Sponsor and/or Committee Name:

Date of Teleconference:

Start Time: End Time:

Chairing Site: Juneau Room:

- Testimony: Yes No Invitation Only N/A
- Testimony Time Limit: 1 min 2 min 3 min 5 min no time limit other - see instructions

Contact Person

Telephone Number

- LIO sites: Anchorage Barrow Bethel Cordova Delta Junction Dillingham Fairbanks Glennallen Homer Juneau Kenai Ketchikan Kodiak Kotzebue Matsu Nome Petersburg Seward Sitka Tok
- Other sites may add? Yes No
- Offnet Name (s)

- Valdez
- Wrangell
- No LIOs

Subject of meeting and/or Bills on Agenda

SB 113: GULF OF ALASKA GROUDFISH FISHERY

NOTE: LIO's: please help limit the testimony to 3 minutes on your end.
thank you.

mary j

SB 113 Public Comments
(Received Order)

<u>Lname</u>	<u>Fname</u>			<u>format</u>	<u>date</u>	<u>con</u>	<u>pro</u>	<u>notes</u>
Smith	Edgar	???	???	email	3/9/05	1		
Rickman	Neil	Box 16142	Sitka	POM	3/9/05	1		
Blessum	Kristopher	2506 East Leonora	Mesa, AZ	fax via lio	3/8/05	1		
Buchanan	Victor	Box 4114	Kodiak	fax via lio	3/8/05	1		
Cheledinas	Brian	Box 692	Kodiak	fax via lio	3/8/05	1		
Clark	Michael	Box 2009	Kodiak	private fax	3/8/05	1		
Clark	Robin	Box 2009	Kodiak	private fax	3/8/05	1		
Dochtermann	Shawn	Box 3886	Kodiak	email	3/8/05	1		
Dochtermann	Shawn	Box 3886	Kodiak	fax via lio	3/8/05	0		duplicate of email
Farnsworth	Steven	Box 8163	Nikiski	fax via lio	3/8/05	1		
Finley	Locke	Box 3849	Kodiak	fax via lio	3/8/05	1		
Garr	Edward	145 Fern	Kenai	fax via lio	3/8/05	1		
Henson	Jon	Box 176	Kodiak	fax via lio	3/8/05	1		
Kavanaugh	Ronald	Box 3890	Kodiak	fax via lio	3/8/05	0		
Kavanaugh	Julie	Box 3890	Kodiak	fax via lio	3/8/05	0		duplicate of email
Kwachka	Alexus	326 Cope St	Kodiak	fax via lio	3/8/05	1		
Lawhead	Donald	3865 Coho Circle	Kodiak	fax via lio	3/8/05	1		
Magnusson	Harold	Box 531	Blaine, WA	fax via lio	3/8/05	1		
Martin	Robert	Box 3544	Kodiak	fax via lio	3/8/05	1		
Mathieu	Steven	Box 586	Kodiak	fax via lio	3/8/05	0		Pres AK Jig Assn - 34 mbrs
Miles	Frank	Box 2744	Kodiak	fax via lio	3/8/05	1		
Perkins	Greg	1255 Tierra Grande Pl.	Wasilla	fax via lio	3/8/05	1		
Schauff	Barry	???	???	private fax	3/8/05	1		
Thompson	Charles	Box 2193	Kodiak	fax via lio	3/8/05	1		Pres Divers Mkg Assn
Wade	Mark	5103 Chuckanut Dr.	Kodiak	fax via lio	3/8/05	1		
Whidman	Ronald	Box 1961	Petersburg	fax via lio	3/8/05	1		
Yarbrough	Joseph	Box 2973	Kodiak	fax via lio	3/8/05	1		
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Kavanaugh	Julie	Box 3890	Kodiak	email	3/7/05	0		

Mary Jackson

From: Sen. Tom Wagoner
Sent: Wednesday, March 09, 2005 8:14 AM
To: Mary Jackson
Subject: FW: Senate Bill 113

-----Original Message-----

From: Smith [mailto:smit15@alaska.net]
Sent: Tuesday, March 08, 2005 9:29 PM
To: Sen. Tom Wagoner
Subject: Senate Bill 11

Dear Senator Wagoner:

This letter is in regards to Senate Bill 113, "An Act relating to entry into and management of Gulf of Alaska ground fish fisheries." Please do a little research and you will conclude this bill goes against the pure intentions of the original writers of the Alaska Constitution and what they stood for.

This bill 's the liquidation of Alaska's Natural Resources and the prostitution of Alaskan's Sovereignty in its territory. I am also saddened of the actions of Alaska's Board of Fisheries for "even" proposing this bill to be introduced by Senator Stevens in this legislature. Do you want to go down as the Congressperson, committee, and legislature that liquidated Alaska's natural resources to special interest groups and the Federal Government? God help Alaskans if this happens!

Edgar Smith
Alaskan

Mary Jackson

From: Sen. Tom Wagoner
Sent: Wednesday, March 09, 2005 8:46 AM
To: Mary Jackson
Subject: FW: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Tuesday, March 08, 2005 11:23 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

Neil Rickman
Po Box 16142

Sitka 99835,

I'm opposed to SB 113 on the grounds that it is too vague. Better avenues for public comment need to be included in a bill that can have far reaching consequences like this bill can have. Town meetings in coastal communities would be good.

Joseph Yarbrough

PO Box 2973
Kodiak, Alaska 99615

(907) 654 6919

F/V Jireh

I am opposed to Senate Bill 113. I feel that this bill is far too broad and unspecific. This is the most dramatic legislation proposed since the inception of salmon limited entry of 1973. In this bill there are too many undefined powers without guidelines handed to the Alaska Board of Fisheries and/or the Commercial Fisheries Entry Commission. Since there has been no public testimony from the coastal communities that would be affected by this bill, public hearings are necessary. The management tools are available at this time to prosecute these fisheries in a safe and timely manner. I feel any action along these lines would be unjust and unacceptable for the fisherman that participate in these fisheries and coastal communities that would be affected.

A handwritten signature in cursive script, appearing to read "J Yarbrough". The signature is written in black ink on a white background.

Whidman Ronald

**Po Box 1961
Petersburg, Alaska 99833**

(907) 772 2743

F/V Torpedo

I am opposed to State Bill 113, because it will screw up my way of living financially.

A handwritten signature in black ink, appearing to read "W. Ronald". The signature is written in a cursive, somewhat stylized font. The first letter "W" is large and prominent, followed by a period and the name "Ronald".

Mark Wade

**5103 Chuckanut Drive
Bow, Washington 98232**

(360) 766 7123

F/V Falcon

I am strongly opposed to Senate Bill 113. I have been fishing for thirty three years in Alaskan waters and I think dedicated access is absolutely the worst idea to come along. I would rather see a limited entry type system, but before anything happens we need public meetings and comments from communities that the Board of Fish wants to rule.

A handwritten signature in black ink that reads "MARK WADE". The signature is written in a cursive, slightly slanted style. The letters are connected, and there is a long, thin horizontal stroke extending from the end of the word "WADE".

I am opposed to Senate Bill 113. I feel that this bill is far too broad and unspecific. This is the most dramatic legislation proposed since the inception of salmon limited entry of 1973.

In this bill there are too many undefined powers without guidelines handed to the Alaska Board of Fisheries and/or the Commercial Fisheries Entry Commission. Since there has been no public testimony from the coastal communities that would be affected by this bill, public hearings are necessary.

The management tools are available at this time to prosecute these fisheries in a safe and timely manner. I feel any action along these lines would be unjust and unacceptable for the fishermen that participate in these fisheries and coastal communities that would be effected.

Pres. Kodiak Area Divers Marketing Assoc., Board of Directors, Alaska Jig Association
Charles L. Thompson
Box 2193
Kodiak Ak 99615
dsfisheries@yahoo.com
907 486 3034
F/V Stargazer

A handwritten signature in black ink that reads "C. L. Thompson". The signature is written in a cursive, flowing style.

3-805


Barry Schaff

My name is Barry Schaff, as a long time
owner/operator of several different boats in
various fisheries I must say that I am
firmly against Bill SB 113. I believe that it
puts too much power in to few of hands.

Senator Wagner
ATTN: Mary Jackson

GREG PERKINS
1255 TIERRA GRANDE PL.
WASILLA, AK. 99654
F/V GROUPER

S.B. 113

TO WHOM IT MAY CONCERN;

I AM A 30 YEAR LONG ALASKA COMMERCIAL FISHERMAN. THIS IS MY SOLE MEANS OF INCOME. I AM FUNDING MY 3 CHILDRENS' COLLEGE EDUCATIONS WITH MY INCOME AND WITH THE DIMINISHED PRICE OF SALMON IT HAS CREATED MUCH HARDSHIP FOR ME. IF I LOSE MY RIGHT TO TIG FOR MISCELLANEOUS FINFISH (COD) I WILL NOT BE ABLE TO CONTINUE MY EFFORT TO GIVE MY CHILDREN THEIR CONTINUED EDUCATION.

MY SON LUCAS, BORN IN SOLDOTNA, JUST COMPLETED 4 YEARS AT REEDS COLLEGE IN PORTLAND, OREGON. HE HAS JUST RECEIVED A FULL RISE OFFERING FROM DUKE UNIVERSITY FOR HIS P.H.D. I AM ELATED. THIS IS GOOD FOR ALASKANS. IT KEEPS US PROUD AND SELF-SUPPORTING.

PLEASE ALLOW PUBLIC HEARINGS AND TIME FOR ANY AND ALL CONSIDERATIONS CONCERNING S.B. 113. IT COULD TAKE MYSELF AND MY 3 CHILDREN ALL OUT OF BUSINESS. THANKYOU

Greg Perkins

Frank Miles
Box 2744
Kodiak, AK 99615

Senate Resources Committee:

My name is Frank Miles. I have been a commercial fisherman for the last 29 years, and I have fished for salmon, crab, herring, shrimp, halibut, black cod, and ground fish. I am married and the father of three children ages 21/18/9. My wife and I own the F/V Bay Harvest, a 35' combination vessel and are second generation IFQ stakeholders. Kodiak has been my home for the last 34 years.

SB 113 stands to be the most drastic change in fisheries management to state waters since the inception of the limited entry system. DAP(Dedicated Access Privilege) which is really IFQ reinvented, is plainly an attempt to pull an end around the State Constitution which guarantees equal access for all our state residents to fish stocks.

The State of Alaska already possesses the tools to effectively manage the state waters groundfish fishery by the use of limited entry permits, tiered permits, or gear restrictions. Why veer away from precedent(limited entry) for just groundfish?

If the State of Alaska feels that DAP is the cure all for what is perceived to be ailing our state waters fishery, I urge the state to tie the access to fishing rights to "working fishermen", and the dock. I have seen first hand the devastating effects that the federal IFQ program subjects "working fishermen" to. Absentee ownership allows those with the fishing access to sit on the beach and to charge royalties/lease fees which currently run between 30%-60% for IFQ fishing privileges while never leaving the comforts of home. Under a DAP type program, any initial granting of access rights needs to include working fishermen(hired skippers/crewmembers).

I do not agree, with giving an appointed board such as the Board of Fish the authority to develop a plan to divide fish access rights.

In closing I would add that this committee should hold special meetings in the coastal communities which will be effected by the drastic change in direction towards state fisheries management. Would DAP set a new precedent which could be applied to other state fisheries such as salmon, crab, herring, etc?

Respectfully;

Frank Miles

Frank Miles

March 8, 2005

To the Senate Resources Committee
From The Alaska Jig Association

The Alaska Jig Association is opposed to Senate Bill 113. We feel that this bill is far to broad and unspecific. This is the most dramatic legislation proposed since the inception of salmon limited entry of 1973.

In this bill there are too many undefined powers without guidelines handed to the Alaska Board of Fisheries and/or the Commercial Fisheries Entry Commission. Since there has been no public testimony from the coastal communities that would be affected by this bill, public hearings are necessary.

The management tools are available at this time to prosecute these fisheries in a safe and timely manner. We feel any action along these lines would be unjust and unacceptable for the fishermen that participate in these fisheries and coastal communities that would be effected.

With registered opposition,



Steve Mathieu, President
Shaun Kosun, Vice President
Locke Finley, Sec/Tres

Board of Directors
Chuck Thompson
Shawn C. Dochtermann
Jim Brighenti
Leonard Carpenter
Anita Carpenter



attached: 2 pages (list of Jig members)

*Note: only 1-page
was attached*

1. PETER ALI 'N PO BOX 2160 KODIAK, AK 99615 907-487-2333 F/V
 ORION
 2. CECELIO AROZCO BOX 2221 KODIAK 486-5086
 F/V HEIDI KAY
 3. CHERYL A. BOBLAND BOX 8529 KODIAK 486-8529
 F/V BIG DIPPER
 4. BOB BOWHAY BOX 187 KODIAK
 F/V MOONDANCE
 5. MICHAEL BOURAY 3291 BALIKA LN KODIAK 486-4054 F/V
 BLUE FOX
 6. JAMES BRIGHENTI (BOD) BOX 4361 KODIAK
 486-3579 F/V SHEARWATER
 7. DANIEL BYRON BOX 95 FT LIONS, AK 99550 454-2556 F/V
 THUNDER BAY
 8. LEONARD CARPENTER (BOD) BOX 1970 KODIAK 486-5852
 F/V FISH TALE
 9. BRENT CATHEY BOX 3264 KODIAK
 F/V HARVEST
 10. BRIAN CHELEDINAS
 F/V IRON MAIDEN
 11. KENNETH R. CHRISTIANSEN BOX 1801 KODIAK 486-4323 F/V
 MAKENNA C
 12. ROBERT CLOKE BOX 1433 KODIAK 486-5459
 13. ANDRE COSETTE BOX
 486-1780 F/V RED RIDER
 14. SHAWN C. DOCHTERMANN (BOD) BOX 3886 KODIAK 486-8777
 F/V ISANOTSKI
 15. FRED R. DEVOUE SR. BOX
 486-6813
 16. RALIEGH EAGRE BOX 8238 KODIAK 481-2864
 17. STEVEN FRARNSWORTH 325 COLUMBIA ST CATHLAMET, WA F/V TORPEDO
 18. JOHN FINLEY BOX 3849 KODIAK
 487-9791 F/V LINDY II
 19. LOCKE FINLEY (S/T)
 487-9703 F/V ST. HERMAN
 20. DONALD J. GALLAGHER BOX 111 KODIAK 486-1469 F/V NORMA KAY
 21. ED GARR 145 FERN ST KENAI, AK
 283-0676
 22. TIM GOSSETT BOX 4232 KODIAK 486-2378 F/V
 LAGUNA STAR
 23. ALAN GRAUEL BOX 2669 KODIAK 486-
 5452 F/V LORI ANN
 24. JON HENSON BOX 176 KODIAK
 486-0200 F/V BEVERLY J
 25. CLARK HO'DIMAN BOX 56 FT LIONS
 F/V MISS TAYLOR
 26. OLIVER HOLM BOX 3865 KODIAK
 486-6957 F/V SULINA
 27. JIM HOUSTON BOX 8399 KODIAK
 F/V NAOMI
 28. CLINT T. JOHNSON BOX 909 KODIAK
 487-2329 F/V KAJWIK
 29. DARRIUS KASPRZAK 1226 MISSION RD KODIAK 486-2014 F/V
 MALKA
 30. JOSHUA KOSON BOX 5594 KODIAK 486-0050
 31. RUTH KOSON BOX 5594 KODIAK 486-0050
 32. SHAUN KOSON (VP) BOX 5594 KODIAK
 486-0050 F/V LANA E
 33. ALEXUS KWACHKA BOX KODIAK
 486-5558 F/V NO POINT
 34. DAVE KUBIAK BOX 193 KODIAK 486-5536 F/V MYTHOS

DEAR SENATOR / CONGRESSMAN

This Letter is to briefly address my concerns with SB113.

In my interpretation of the bill, it would give the Board of Fisheries the Authority to Rationalize State waters groundfish without the public testimony or input from the fishermen AND coastal communities that it effects most.

Rationalization decisions are very important to Alaska and its people. To give authority, to make such critical decisions, concerning livelihoods, businesses etc. to a small group of biased individuals such as the Board of Fisheries is WRONG!

Rationalization has been a hot topic for some time and fishermen and involved parties have many ideas as the best ways to rationalize.

As a small boat fisherman, I'm asking PLEASE do not allow such critical decisions to be handed to those who have little touch with the people it will effect most.

Sincerely,

Robert Martin

PO Box 3544
Kodiak 99615
- 907-481-3221

F/V ARGONAUT - Member Alaska Tug Association

Harold Bruce Magnusson

**PO Box 531
Blaine, Washington 98231**

(360) 332 7328

F/V Breanna Holly

I support the Jig Association on this stand and I'm strongly opposed to State Bill 113. I have commercial fished in Alaska for twenty eight years. I was in the Bering Sea with the first draggers who sold bait for the crab fleet. I have trolled all my life. There is nothing left for me to make a living on except this open access commercial jig fishery because of all the changes that are happening in this industry. I think it is very important to leave room for growth and new blood in this industry. If this bill goes through, this will not be the case.

A handwritten signature in cursive script that reads "Harold B. Magnusson". The signature is written in black ink and is positioned in the lower right quadrant of the page.

March 7, 2005

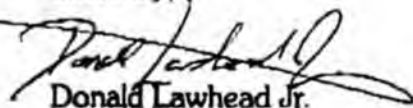
To: Senate Resources Committee

Re: SB 113

My name is Donald Lawhead Jr. I'm married with a four and three year old. I've been fishing Alaskan waters for 14 years and am the main source of income for my family. This includes Cod, Crab, Halibut, Sablefish, and Salmon. I own two boats, one for Kodiak and one for Bristol Bay. Senate Bill 112 will ultimately affect everyone including myself and family. The State Constitution prohibits granting special rights or special privileges of a fishery in the natural water of the State. This means equal access and everyone should have the right to State fisheries. The State has the ability to have a limited entry system for its fisheries for conservation and economic dependant fisherman. This has worked for more than 30 years. Everyone understands it and can trust what it represents. SB 113 wants to create DAP or Dedicated Access Privileges to individuals and associations. This is IFQ's or Individual Fishing Quotas. This is unequal access and shouldn't be passed. This is bad for the coastal communities of Alaska. You will put the power of the fisheries to a select few, resulting in less fishing jobs and processing jobs. Consolidation looks good for big businesses, but Alaskan coastal communities aren't big businesses. We are a bunch of small businesses who must fish all of the fisheries to stay afloat. SB 113 is too broad and gives too much power to the BOF and CFEC to create anything they want.

The big boats and companies out of state will reap the benefits of SB 113. The Federal program and State would mirror each other. I'm worried if this passes it would create a chain reaction for all of States fisheries and resources, including Salmon, Herring, Game, and Subsistence. Everything will change; this is the biggest change in State managed fisheries since limited entry in 1972. We need community hearings in all coastal communities in Alaska. Everyone has the right to be heard.

Sincerely,



Donald Lawhead Jr.

3865 COHO CIRCLE
KODIAK AK 99615

To the Resource committee,

SB113

My name is Alexis Kwachka and I have been fishing out of Kodiak for 18 years, 15 of which on the same boat. I worked on the f/v Major, first as a deckhand, then deck boss, engineer, and finally skipper for the last 8 years. In my spare time I own the f/v No Point, I hold a limited entry license for Bristol Bay salmon drift, Kodiak herring gillnet, and Kodiak tanner crab.

SB 113 could start a very bad precedent for the State. Unequal access is a road we as a State should not be willing to go, and have not been willing to go in the past. This Bill is a roadmap around the intent of our States Constitution. Once we agree on unequal access rights, as Legislators how far will you be willing to go? This is the biggest policy change since limited entry! Basically this is giving the Board of Fish and CFEC the ability to do whatever they want with our Resource. (Groundfish) Is this regulation or will it be Statute? Can this be changed by the next Administration or Board of Fish? What is the plan? Lets see the plan first. Get public comment and go from there. Once you know that this is truly what our States RESIDENTS want, then move forward if it's in the States best interest to do so.

I'll end with a little history. I have been participating on the Federal side of this process for years! I have been one of the lone voices advocating for Skipper and crew rights. On the Federal side all rights go to the vessel owners. On the State side all rights go to the operator. In our Federal waters we have seen massive consolidation. The Federal program allows for absentee ownership of our resources. As a fisherman I have been turned into a sharecropper. I do not like it! Whatever comes with SB113 you as Legislators must make sure whoever gets rights to the States Resource must pull their Boots on to harvest it! Absentee Ownership, Leasing, and CO OP's will kill coastal Alaska. DO NOT MOVE TO QUICKLY ON THIS BILL YOU MUST GET THIS ONE RIGHT BEFORE IT SHOULD MOVE AT ALL!

Remember it is the economic inefficiencies in our fisheries that keep coastal Alaskan communities alive. The average dollar spent in Kodiak gets passed around our community 8 to 10 times before leaving our community. KEEP THIS CHAIN ALIVE AND WELL. The Board of Fish has tools already to deal with a lot of these issues. Coastal Alaska is made up of a very diverse group of small boat fisherman, we rely on multifaceted fisheries to stay alive.

Sincerely, Alexis Kwachka

326 Cope St.

Kodiak, Alaska 99615

907-486-5558

Island1@ptialaska.net

 3-8-05

Senator Wagoner

Attention: Mary Jackson

3/7/05

As a member of a fishing family and an Alaskan resident, I am deeply concerned about SB113. It is my belief that this bill creates an authority so broad and potentially damaging that the public policy of the State of Alaska would be rewritten to benefit those wealthy and powerful enough to lobby for SB113's ability to allocate. This bill, if passed does nothing until acted upon. It is what I see as a sleeper. As a legislator you do no harm by passing the SB113. But as a legislator, you would be giving the awesome authority to a faceless future Board of Fish to award the exclusive right to public resources. The question is "Do we solve the problems of a select group (of fishermen) by compromising the Constitution of the State of Alaska?"

I see the "road map around the constitution" written in this bill. I see a change in policy on all levels in this bill. I see allocation for fish to timber to minerals and oil to game-bird and small-substance and commercial. The question is "Do we solve the problems of a select group and create a larger more difficult problem in the future?"

I am a parallel fisherman. SB 113 is suppose to protect my history, give me something comparable (to federally granted IFQs). What the DAP program does is create a second class federal fishermen. A fisher who then must compete against fishers who have IFQS (a bankable asset enabling them to recoup the taxation of the programs creation); and also compete against CDQ holders whom qualify for low interest, almost free loans; and also compete against entry level fishers qualifying for allocation I don't qualify for. I cannot remain viable without the ability to recoup the losses (shares of quota given to programs) created out of rationalization. The need to preserve the fishing rights/history of the parallel fisher is necessary. Without consideration for this group of fishers, their ability to survive Rationalization would be grossly compromised. The question is "Do we solve the problems of a select group, while creating an economic imbalance?"

The question is "Who then does this bill serve?" I challenge the chair and this committee to look at the demographics of who might be in favor of this bill. While I acknowledge there are some resident Alaskans supporting SB113, I would challenge that the majority (of supporters) are home ported outside of Alaska. It is my belief that this bill serves specific gear types and high volume fishers afraid of losing out on an IFQ system. It is time to consider/reconsider options that do not so profoundly compromise the intent of our constitution.

SB113 is an attempt to meet the "least impingement" clause of the State Constitution, but is just this clause that it so blatantly runs over. I am a parallel fisher, afraid of losing my right to fish, my history in the fishery, my ability to draw a living from the sea, and my coastal community's economic stability. I care about my future, my children's future, and Alaska's future. How does the authority to allocate our resources benefit me, my children, and Alaska? The question might be. "In the game of Rationalization, who should the winners be? Resident Coastal Alaskan Fishers or Corporate Fishers?"

Julie Kavanaugh
 Julie Kavanaugh
 PO Box 3890
 Kodiak AK 99615

March 8, 2005

Senator Wagoner,

My name is Ron Kavanaugh. I have been a resident of Kodiak Alaska since 1966. I have been a commercial fisherman since 1976. Along with my wife Julie, I own and operate the 58' FV Sylvia Star. Currently I participate in the P-cod, Tanner Crab, and Salmon fisheries of Alaska. We have also fished for Halibut, Black Cod, Herring, Dungeness Crab, Sea Cucumbers, and Octopus...

I have participated in the Gulf of Alaska groundfishery since 1990. With the threat of impending halibut and sable fish IFQ's, I began to focus heavily on P-cod. I felt this would fill an economic gap that would soon arise. P-cod did elevate the loss of income we incurred due to implementation of halibut and sable fish IFQ's.

I began fishing for P-cod in the federal fishery. (There was no State Fishery at the time) I was required to carry a federal fisheries permit and fill out a federally required log book. This qualified me under a federal moratorium to fish P-cod in the Gulf of Alaska. As time progressed, the moratorium was replaced by a federal LLP. I received a LLP for the Central Gulf and S.E. Outside. I further purchased Western Gulf and Bering Sea LLPs, to guarantee access to those federal ground fisheries, as the central gulf was seeing increased pressure resulting in shorter seasons. I moved to the western gulf and Bering Sea to remain economically viable.

In 1997, the State of Alaska first implemented a State Water ground fishery for pot & jig gear, inside three miles. To my knowledge, this was the first time I had ever participated in a State Water ground fishery. I participated in every ensuing State Water ground fishery. Switching from Kodiak, Chignik, and Sand Point, I chose different areas based on effort, quota, and other variables to remain economically viable. I also fished in the Fall cleanup openings in Kodiak. Together, with a small group averaging less than six vessels, we caught the remaining quota available. This allowed the State Waters fishery to obtain their incremental increases from the original 15% to the cap of 25%.

I continued to participate in the groundfishery during the Federal and State seasons and have a significant history in what became known as the "PARALLEL FISHERY". The parallel fishery is Federal fish (TAC) caught inside three miles (in state waters). The Parallel fishery has corresponding emergency orders issued by Alaska Dept of Fish & Game mirroring the Federal manager's openings & closings for the Gulf of Alaska. During the parallel fishery, I operated under Federal regulations, using a Federal LLP and a Federal fisheries permit. I was harvesting Federal TAC and considered myself to be engaged in a Federal fishery.

To follow up, I do not support any Federal or State Rationalization Plan that gives away public resources and creates wealth. I believe that the ground fishery could be managed with gear restrictions, horsepower limits, sector allocations, better observer coverage, and trip limits (eliminating deck loads or full cod ends).

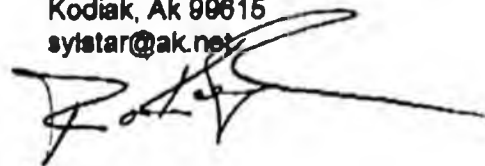
By the same token any Federal Plan that disenfranchises fishers inside three miles that fished in the federal (Parallel) fishery will greatly weaken the economic health of Coastal Alaska.

The two fisheries that occur inside three mile, the Federal Parallel fishery and the State Water P-cod fishery are two very different fisheries and should not be acted upon the same.

If the Federal fishery must be rationalized, I strongly encourage you not to take the State Water P-cod fishery down this same path.

Regarding SB 113 – The Constitution of the State of Alaska would not allow unequal access to Fish & Game for subsistence use. So, I must ponder the intent of SB113 which would seem to allow just that in the state ground fishery.

Ron Kavanaugh
FV Sylvia Star LLC
PO Box 3890
Kodiak, Ak 99615
sytstar@ak.net

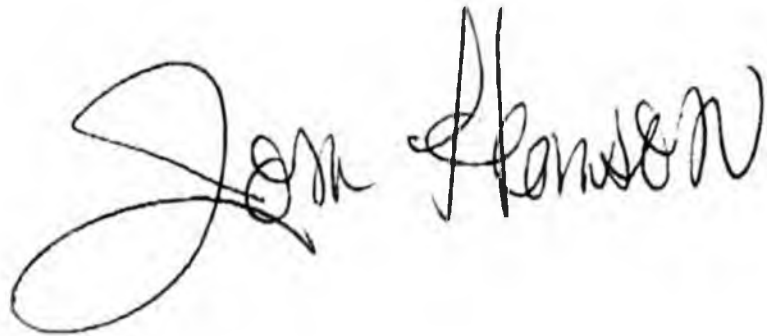


Jon Henson

PO Box 176
Kodiak, Alaska 99615

(619) 341 2464

I am opposed to Senate Bill 113. This bill is too broad and too unspecific. It's the most dramatic legislation since salmon limited entry in 1973. There are too many undefined powers without guidelines. There has been no public testimony from coastal communities, and public hearings are necessary. It's important to prosecute these fisheries in a safe and timely manner. The management tools are available. I think action along these lines would be unjust and unacceptable for fisherman that participate in these fisheries.

A handwritten signature in black ink that reads "Jon Henson". The signature is written in a cursive style with a large, looping initial "J".

Ed Garr

145 Fern St.

Kenai AK 99611

283-0676

Senate Resources committee

I regards to Senate Bill 113, I
Edward L. Garr (Voter ID No. 09075759),

Veteran, Kenaiatze tribal member,
yes and fisherman (Republican
party member, what a SLAP in
my struggling boat project and future
jigging association member participant.

This bill will force me out of
an area I've struggled to move to
Kodiak when I boat is running (fixed)
I don't intend to get rich, but I will
work at something I'm comfortable with

Cod jigging should stay open and
accessible to anyone wanting to participate
in, the way our legislature get it

up to do, appoint a program for the
people. "Us Small People" the one that
I voted for you Edward L. Garr

Locke Finley

PO Box 3849
Kodiak, Alaska 99615

(907) 487 9791

F/V Lingy II

I am opposed to Senate Bill 113 because it grants too much power to the Board of Fish to allocate fish to people. I prefer the open access fishery that we currently have. Regardless of our differences as fisherman, in regards to how we would like to see our fishery continue, we all agree that we do not want to see a rationalized state water fishery. I would like to see more public hearings on this bill and shed some more light on this issue.

A handwritten signature in cursive script, appearing to read "L Finley", written in dark ink on a white background.

Steve Farnsworth

PO Box 8163
Nikiski, Alaska 99635

(907) 252 1616

F/V Torpedo

I am opposed to State Bill 113, because I am sure it will be detrimental to our livelihood and the coastal communities.

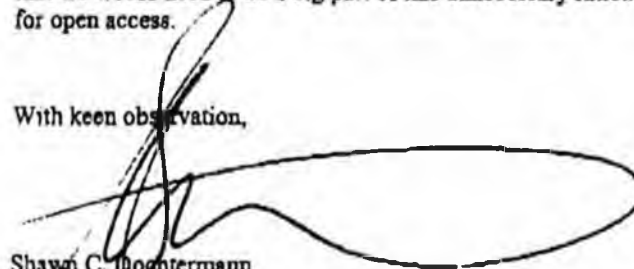
Steve Farnsworth

SENATE BILL 113

I've been a fisherman and lived in Kodiak for 28 years. I own a small vessel and depend on the jig groundfish fishery to stay economically solvent. At the present time with open access I can survive. If you rationalize the state waters you will be making me and many others go bankrupt. I am completely against the whole idea of SB 113. There are no guidelines for the AK BOF or CFEC. If this blank check was handed over to them they will have the powers to manipulate the state water fisheries as they please. When 4 votes are all it takes to change my life I don't like it. None of the members of BOF are even fisherman. In fact, I think the BOF (is a load deck) is for the special interest groups and don't follow the true concerns of the fisherman and its communities. In the future these leaseable IFQ rights might end up in the hands of an elite few, such as the processors and special interest groups (aka draggers). I would like all state water fisheries left to open access, as most participants are Alaskans. Although, I do realize that limited entry with a snapshot of today's picture is the safest bet otherwise. I feel that the fisheries will limit themselves. Take a look at salmon and tanner crab in the Kodiak area, not all the limited entry permits are being utilized. If the legislators would do the math they would figure out that to implement and run a plan for quota shares would cost more than the value of the fish at the dock. This kind of boondoggle will only put more stress on the small vessel owners of Alaska. Public hearings must be taken so that every individual in every coastal community can share their opinion.

What about the impact on the coastal communities? If this bill passes the economy of Kodiak and other communities will drop like a rock. Don't you realize that the small boat fleets are the ones keeping our communities alive financially? Once again special interest groups are trying to bully us into a new realm of privatization. Why is it that we as fisherman have the smallest voice in the creation of fisheries legislation? It seems no matter what we say you never really listen and try to work with us. As far as I am concerned this state government is working against the little guy. Until you recognize that we would need to be a big part of this unnecessary rationalization we will keep fighting for our rights for open access.

With keen observation,



Shawn C. Doontermann
PO Box 3886 Kodiak, AK
907-486-8777
drdrmann@hotmail.com

Mary Jackson

From: Sen. Tom Wagoner
Sent: Tuesday, March 08, 2005 7:57 AM
To: Mary Jackson
Subject: FW: SB113 personal opinion

-----Original Message-----

From: Shawn Dochtermann [mailto:drdrmann@hotmail.com]
Sent: Tuesday, March 08, 2005 4:18 AM
To: Sen. Tom Wagoner
Subject: SB113 personal opinion

I've been a fisherman and lived in Kodiak for 28 years. I own a small vessel and depend on the jig groundfish fishery to stay economically solvent. At the present time with open access I can survive. If you rationalize the state waters you will be making me and many others go bankrupt. I'm totally against the whole idea of SB113. There are no guidelines for the AK BOF or CFEC. If this blank check was handed over to them they will have the powers to manipulate the state water fisheries as they please. When 4 votes is all it takes to change my life I don't like it.

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With keen observation,

Shawn C. Dochtermann
PO Box 3886 Kodiak, AK
907-486-8777
drdrmann@hotmail.com

3-8-05
Kodiak, AK.

Senator Wagner
AHN. Mary Jackson

We're writing in response to SB 113. As longtime Alaskan fisherman we are against this bill. My husband has crewed and run commercial fishing vessels in Alaskan waters for over 25 years. I have also crewed for over 20 of my 38 years. We have owned Alaskan fishing boats and my husband fishes Kodiak, Sandpoint and Dutch Harbor with the current 58 foot vessel we are buying into. Thank you for your time

Mike & Rebin Clark
Box 2009
Kodiak AK. 99615
(907) 486-8557

x Michel E Clark
x Rebin R Clark

Brian Cheledinas

**PO Box 692
Kodiak, Alaska 99615**

206 390 5792

F/V Iron Maign

I oppose State Bill 113. I have made a large investment in this industry and if this bill goes through newcomers will be shut out of the fishery as well as myself. I was looking to this fishery as a way to diversify myself solely from a salmon fisherman. Financial trouble will undoubtedly be a problem.

A handwritten signature in black ink, appearing to read "Brian Cheledinas", with a long horizontal flourish extending to the right.

Victor Buchanan

PO Box 4114
Kodiak, Alaska 99615

(907) 486 2051

F/V Chisik Island, F/V Jade Alaska, F/V Decca Dawn

I oppose Sate Bill 113. I have been a fisherman for thirty eight years and I have watched the beginning of the limited entry program. I had to fight to stay in the fisheries as a kid. Then, the IFQ program came along. The state fisheries were set up for a lot of people who could not get IFQ's or didn't have them. It was the last fishery that our children would be able to get into without a banker. I also feel that the state waters should be managed by the state. If there are too many people in it, then maybe there should be a moratorium put on the fleet rather than IFQ's and limited entry.

A handwritten signature in black ink, appearing to read "Victor Buchanan", with a long horizontal flourish extending to the right.

Kristopher Blessum

**2506 East Leonora
Mesa, Arizona 85213**

(360) 333 9862

F/V Falcon

I am opposed to State Bill 113.

A handwritten signature in black ink, appearing to read "Kristopher Blessum". The signature is written in a cursive style with a large initial "K" and is underlined with a single horizontal line.

March 7, 2005

Dear Alaska Senator:

I am asking you to take action to prevent the passage of SB 113. This bill proposes a dramatic change in policy that would threaten the livelihoods of many Alaska fishermen, myself included. It places the welfare of too many Alaskans in the hands of too few individuals. SB 113 is far too broad in scope, effectively giving the Board of Fisheries and the CFEC the power to take any action they want to take.

These agencies already have sufficient power without giving them this additional blank check. The BOF has the tools to rationalize the state water fisheries with limited entry. There is no justification or need for the allocation of additional power to these agencies.

Sincerely,



Timothy J. Tripp
P.O.Box 3614
Kodiak, AK 99615
(907) 487-2529

Mary Jackson

From: Lisa Robbins [rrobbins@ak.net]
Sent: Tuesday, March 08, 2005 8:57 AM
To: Mary Jackson
Subject: Re: Please include in SB 113 packet

P.O. Box 2284

Kodiak, Alaska 99615

March 7, 2005

Senator Thomas Wagoner

State Capitol Room 427

Juneau, Alaska 99801-1182

Dear Senator Wagoner:

Re: SB 113 "An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

We are 30+ year residents of Alaska, vessel owners and participants in the groundfish fishery since 1992. Groundfish represents a large portion of our fishing operation. We are very much against SB 113.

This bill gives the Board of Fisheries carte blanche to do as it will with fishermen's shares. *Before this bill is passed, the proposed plan by the Board of Fisheries should be stipulated.*

It is reported fifty percent of the shores have been promised to other entities besides fishermen. From the remaining fifty percent, subtract shares for new fishery entrants. Groundfish is a low margin fishery. It will be economically not feasible for me to participate, and I along with other long time participants will be forced out of the fishery by SB 113.

Unlike what is promised in the bill, it represents a sacrifice of a fisherman's history to communities, organizations, and anybody else who have made the case they will be disenfranchised by SB 113.

If the bill is not passed, no one need feel disenfranchised, least of all Alaskan fisherman who have fished groundfish over the years.

The Alaska Board of Fisheries has the necessary tools to effectively manage the fishery, as it has since the inception. SB 113 does nothing to improve the state of the fishery for past participants. SB 113 can very well take this fishery away from those of us who have fished it since inception.

Sincerely,

3/8/2005

Phil and Lisa Robbins

----- Original Message -----

From: Mary Jackson
To: rrobbins@ak.net
Sent: Tuesday, March 08, 2005 8:14 AM
Subject: FW: Please include in SB 113 packet

I'm not able to open this document - can you either save it to word or convert it to pdf?

If can't do that, then just copy from your document and paste it into an email to me - I'll convert it to pdf from there.

thanks

Mary Jackson, staff
Senate Resources Committee

From: Sen. Tom Wagoner
Sent: Tuesday, March 08, 2005 8:03 AM
To: Mary Jackson
Subject: FW: Please include in SB 113 packet

From: Lisa Robbins [mailto:rrobbins@ak.net]
Sent: Monday, March 07, 2005 7:53 PM
To: Sen. Tom Wagoner
Subject: Please include in SB 113 packet

Please attach this email to SB 113.

Thankyou,

Lisa Robbins

Monday, March 07, 2005

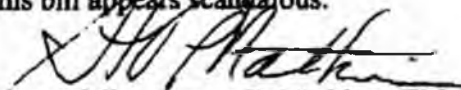
Att; Chair Senator Thomas Wagner, Vice Chair Senator Ralph Seekins,
Senator Ben Stevens, Senator Fred Dyson, Senator Bert Stedman,
Senator Gretchen Guess-Senate Resource Committee

Dear Resource Committee members,

I have worked in Alaska for 30 years. 28 of those years I have been a fisherman in Alaska state waters. 21 of those 28 years I have owned and operated a 32 foot boat around the Alaskan Peninsula. All of my present family and past families have fished with me. We all still live in Alaska. I speak for them only in this letter.

I have jigged cod fish and rockfish in Alaska waters since and before the official state jig fishery started. I have jigged since the early 90's and am proud to say it is one of the cleanest fisheries in regards to by-catch in the state possibly equal to drift net fishing in Bristol Bay. Jigging is one of the most controllable fisheries in regards to management since our catch rate is so slow. We have the fastest growing user rate of any of the fisheries which brings in more money to Alaska's coastal communities related marine businesses. We have the greatest prices per pound potential of any of the user groups of fin fish in state waters, which should interest any fishing community that collects fish taxes. And we probably represent the user group with the most Alaskan residents. This allows me to qualify my opinion of Senate Bill 113.

I find it very difficult to object to SB113 because it is very vague, very general and lacks any clearly define directives but in this I find one of my strongest objections. It seems very irresponsible to place this much control of so many fishing communities in the hands of so few people, the Fish Board, without the understanding of all the people in each community to which this bill will influence. It would seem very irresponsible for any city council or borough assembly to advocate this bill without first educating those communities of the possible gains and or shortcomings of this bill to their representative community. Any such representative would surely expect to face a vote of confidence and be suspect of conflicts of interest. Many people suspect already that this bill has been worked on for years in closed sessions without any input from certain fishery user groups. The speed of which the approval process is moving is certainly objectionable because of the public lack of education and participation in public hearing. The possibility of being taxed to administer and enforce this new bill leaves a person with a sour taste in his mouth. The possibility of defining what is dedicated access to every users satisfaction sounds like freezing quotas and unequal access, how un-American how un-productive. It seems unscienable to all the fishing user groups in state waters and to all the fishing communities on Alaska's coast to have law makers decide their futures without first being asked how the fishing resources should be used and how those fishing user groups feel their industry and futures should be governed. This bill also provides nothing to insure something that feels like a continuity of management. This threatens everyone ability to plan for and be successful in the future. I will continue to object until the local assemblies in all the communities have public hearing on SB113 and have a say in its creation. Until the state develops the infrastructure to allow fishermen to move and sell their fish where they want, this bill appears scandalous.


Respectfully, Steven P. Mathieu, Fisherman

PO Box 3586
Kodiak, AK 99615
907-401-2117

Mary Jackson

From: Ron Kavanaugh [sylvia@ak.net]
Sent: Monday, March 07, 2005 10:10 PM
To: Mary Jackson
Subject: SB 113

Senator Wagoner

Attention: Mary Jackson,

As a member of a fishing family and an Alaskan resident, I am deeply concerned about SB113. My family owns and operates the 58 ft FV Sylvia Star, home ported out of Kodiak. Our income is 100% dependant on commercial fishing and has been for 29 years. It is my belief that SB113 creates an authority so broad and potentially damaging that the public policy of the State of Alaska would be rewritten to benefit those wealthy and powerful enough to lobby for SB113's ability to allocate. This bill, if passed does nothing until acted upon. It is what I see as a sleeper. As a legislator you do no harm by passing the SB113. But as a legislator, you would be giving the awesome authority to a faceless future Board of Fish to award the exclusive right to public resources. The question is **"Do we solve the problems of a select group (of fishermen) by compromising the Constitution of the State of Alaska?"**

I see the "road map around the constitution" written in this bill. I see a change in policy on all levels in this bill. I see allocation for fish to timber to minerals and oil to game-big and small-subsistence and commercial. The question is **"Do we solve the problems of a select group and create a larger more difficult problem in the future?"**

I am a parallel fisherman. SB 113 is supposed to protect my history and give me something comparable (to federally granted IFQs). What the DAP program does is create a second class federal fisherman. A fisher who then must compete against fishers who have IFQS (a bankable asset enabling them to recoup the taxation of the programs creation); and also compete against CDQ holders whom qualify for low interest, almost free loans; and also compete against entry level fishers qualifying for allocation I don't qualify for. I cannot remain viable without the ability to recoup the losses (shares of quota given to programs) created out of rationalization. The need to preserve the fishing rights/history of the parallel fisher is necessary. Without consideration for this group of fishers, their ability to survive Rationalization would be grossly compromised. The question is **"Do we solve the problems of a select group, while creating an economic imbalance?"**

The question is **"Who then does this bill serve?"** I challenge the chair and this committee to look at the demographics of who might be in favor of this bill. While I acknowledge there are some resident Alaskans supporting SB113, I would challenge that the majority (of supporters) are home ported outside of Alaska. It is my belief that this bill serves specific gear types and high volume fishers afraid of loosing out on an IFQ system. It is time to consider/reconsider options that do not so profoundly compromise the intent of our constitution.

SB113 is an attempt to meet the "least impingement" clause of the State Constitution, but is just this clause that it so blatantly runs over. I am a parallel fisher, afraid of loosing my right to fish, my history in the fishery, my ability to draw a living from the sea, and my coastal community's economic stability. Why then don't I grasp hold of an idea touted as the answer to my fears? Because I care about my future, my children's future, and Alaska's future. How does the authority to allocate our resources benefit me, my children, and Alaska? The question might be, **"In the game of Rationalization, who should the winners be? Resident Coastal Alaskan Fishers or Corporate Fishers?"**

Julie Kavanaugh
FV Sylvia Star
PO Box 3890
Kodiak Ak
907-486-5061

3/8/2005

March 7, 2005

Public Testimony—SB 113

I own a business on Kodiak Island and have observed closely for the last twenty years those factors, which affect the fishing economy of this Island. In order for Kodiak's economy to flourish, all of its harvester groups must be participating above a minimum threshold necessary to secondarily support the canneries, the fuel docks, the fishing service industries, and other businesses benefiting from the "multiplier effect" of this fishing activity. Kodiak (and all coastal fishing communities) are now at a cross road in the fishing resource harvester allocation road. This crossroad is whether to allocate groundfish harvest rights to groundfish within State waters based on catch histories rather than "open access" as is presently provided in our State Constitution.

SB 113 pencils for the trawlers but not for the majority of other fishers such as seiners, other smaller jig and longline boats which need State water allocations of cod and rockfish to supplement their incomes in the winter when their primary fishery such as salmon experiences a decline.

SB 113 is one of the most important changes to affect fishing harvest allocations in State waters since Limited Entry, yet it is one of the least debated and understood pieces of legislation to date.

I request that SB 113 be shelved for this year and immediately after this Legislative Session is over, that a Legislative Task Force be formed which travels to all coastal fishing communities in Alaska taking testimony from fishermen on the merits of this

bill. Similarly, I request that an "Economic Impact Study" be commissioned by the State to determine whether the economies of coastal communities (including Kodiak) will be negatively impacted by this legislation.

The Board of Fish allocation process has its detractors but for the most part has worked fairly well in insuring that all fishers have a say in the process. With fish stocks going up and down, the demand for fish fluctuating due to demand changes, currency changes, maintaining a flexible Board of Fish process is a desirable in my opinion. I believe that before we change the way we allocate fish stocks in State waters, we had better first try to determine what the effects of this change might bring to the economies of communities such as Kodiak.

Respectfully submitted,

Andy Lundquist -Box 589, Kodiak

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Donald Gallagher Iii wrote the following message On 3/7/2005 at 11:39
In opposition of *SB 113*

Message:

SB113 is the largest change in State fisheries since Limited Entry 30 years ago. It lacks specificity. Change this big deserves extended public input from coastal alaskans. This bill will represent big tax dollars for Alaska if passed, therefore, the state CAN afford to send Rep's out for EXTENSIVE public testimony.

Message was delivered by Pom

Contact Info:

Donald Gallagher Iii

Po Box 4428

Kodiak AK, 99615-4428

Work:486-1469

Email:donaldg67@yahoo.com

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Sen. Gary Stevens's office

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1 record returned

Donald Gallagher Iii wrote the following message On 3/7/2005 at 11:58
In opposition of *SB 113*

Message:

Giving such large unpecific power to only 7 Governor appointed Board of Fish members and the CFEC sounds like a potential for disaster.

Message was delivered by Pom

Contact Info:

Donald Gallagher Iii

Po Box 4428

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3-3-05

Senator Wagoner

My Testimony @ dec. North Pacific
fisheries management council

October 11, 2004

To date, Limited access systems in fisheries management have failed to address the negative social and economic impacts to local coastal fishing communities by providing an inequitable distribution of the public resource. Without provisions for initial allocation to captains and crew members of IFQ programs many jobs have been lost in coastal communities within the harvesting sector. Consolidation of Quota Share has lead to the retirement of many vessels who's goods and services were provided for by the coastal communities small businesses at large. By not providing for access to new entrants in the effected fisheries IFQ programs have stymied new small business growth in the coastal communities. By concentrating the wealth provided by the economic benefits of these programs, the direct benefits to coastal communities has been minimalized . The loss of economic opportunities for small boat fishing families and consolidation within the larger vessel component hasten the flight of younger members of our communities who otherwise might have chosen to remain at home further contributing to our abundant heritage.

Historically , Fishing has been a joint business venture between the captain, crew members , and the owners of the fishing vessel. Captain and crew are sub contracted by the owners or their agents to locate concentrations of the resource , harvest the fish by which ever gear type is employed and deliver a product to the processor of the highest quality. Captain , crew and the owners traditionally have shared expenses for provisioning the boat, fuel expenses , costs of bait and in many instances the cost of gear loss or repair costs. The costs of federal observers and fisheries related taxes are also shared.. Uncompensated labor by the captain and crew is provided for maintenance and upgrades of the vessels while in dry dock. Owners are exempt from providing an hourly wage or unemployment compensation. IFQ programs to date have completely disenfranchised the human element of the harvesting sector. These fishermen are the ones who shoulder the inequitable burden and suffer the largest economic hardship of these programs and the consolidation that follows their implementation. Please do not try to minimize risk , by using the word to only consider venture capital investment . We fishermen share the risks on the return along with the owners in the harvest of the fish.

Consolidation has negatively impacted the economic viability of our coastal communities. One of the most obvious results of the consolidation of quota shares is the reduction of numbers within the harvesting sector. Vessel retirement directly results in the loss of jobs in the harvesting sector affecting fishing families who rely on the income that these vessels provided. The loss of jobs results in lost income to those supplying the consumables element of the fleet. Grocers , Hotels , restaurants , Taverns , and gear supply stores are all negatively impacted. Fewer vessels result in the lost sales of petroleum products , sales by vendors supplying machinery , parts and hardware. Fewer vessels require fewer welders , mechanics ,

electricians and others providing the skills and services that maintain and improve our fleets. All have suffered economic hardship. Lost sales result in lost tax revenues. Our local government's struggle to provide services are exasperated by these lost revenues.

The failure of past IFQ programs to address the issue of allowing new entrants into the affected fisheries has stymied the economic growth of small businesses within the coastal fishing communities. Without the leveraged initial quota allocation it is prohibitively expensive to enter IFQ affected fisheries. Small boat fishing families like my own are unable to feasibly enter or expand our operations as past IFQ programs have heavily favored large scale fishing operations and/or corporations who have the financial resources to buy large blocks of quota share. By providing for new entrants in the small boat sector, each vessel, a small business, you will allow for participation and eventual quota share purchase. The initial costs of gear can be amortized through the entry level fishery before the necessary real costs of quota. Eventually IFQ's assignment from the entry level can again be used to amortize quota purchase. Entry level programs will allow for lower volume/lower impact gear types that currently would not qualify for very much allocation history because of their more recent introduction made possible by an open access statute's waters managed fishery. From a conservation stand point the small vessel jig fishery harvest pacific cod with a significantly smaller impact on the ecosystems habitat than traditional trawl, long line or pot gear. Without an entry level fishery most jig boats will qualify for little if any federal quota, yet in state waters of the Kodiak district our fleet was able to harvest nearly 4 million pounds in just over two months. Sustained participation by the small boat sector would be further ensured by a 100% ownership on board provision for the harvest of IFQ systems management. This would keep the quota of the fisheries in the hands of those that do the actual harvesting. A 7 year sunset on grand fathered shares should be sufficient to alleviate any hardships. Consolidation caps should be considered not only within different gear types but also by the harvesting vessel's size. Most small vessels are owned by working fishermen and their families. These stake holders interest in marine stewardship of the resources are far more personal than the large scale, corporate fishing owned vessel. We understand that we are in it for the long haul and our families depend on responsible management of the ecosystem.

In past IFQ programs, the economic benefits have been realized by a relatively small percentage of the fishing communities. The resulting concentration of benefit wealth has done little to benefit the fishing communities as a whole. The wind fall of initial allocation has been parlayed through consolidation into the corporations defacto ownership of the public resource. Fewer fishermen is a not benefit to the coastal community. Economically and socially the demographic changes have caused hardship. Perhaps reversing the trend toward big business, large scale corporate ownership of the resource back to a small scale, small vessel, community ownership will provide the same benefits sought by IFQ programs without the resulting hardships. Conservation, and value for the product, can be realized without the reward of windfall allocation to the few weighted by historical participation and the disenfranchisement

of the many on whom the burdens of IFQ's in-equality will fall. It must be an equitable distribution of a public resource.

I do not support Senator Ted Steven's assertion that we do not need National Standards for IFQ's for the reasons stated in this letter I support the efforts of Senator Snowe , Senator Kerry and Representative Allen on HR2621 and National Standards for IFQ's . They are necessary and must be a part of re-authorization of the Magnuson Stevens Federal Fisheries Act.

Please make sure that any council IFQ plans now and in the future will be affected by these National Standards.

Thank-you

Shaun Koson,
Ruth Koson
Joshua koson

PO Box 5594, Kodiak
99615

(907) 486-0050 (home)
koson@ak.net

Alaska State Public Opinion Message System:

Sen. Gary Stevens's office

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Susan Payne wrote the following message On 3/3/2005 at 11:23 about *Fish & Game (fish)*

Message:

Oppose rationalization. Dedicated access priveledge or whatever jingo you want to call it to give certain special "entities" or persons sole use of a public resource be it federal or state. Family fisheries, individuals, communities will suffer economic hardship from these exclusive give aways of our fisheries.

Message was delivered by Pom

Contact Info:

Susan Payne

Po Box 1903

Kodiak AK, 99615

Work:907 486 3737

Email:sourdoughsolar@att.net

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Amy L. Seitz

From: Ron Kavanaugh [sylstar@ak.net]
Sent: Monday, February 28, 2005 7:57 PM
To: Sen. Tom Wagoner
Cc: 'Senator Ralph'; 'Senator Ben'; 'Senator Fred'; 'Senator Bert'; 'Senator Kim'; 'Senator Gretchen'
Subject: *****SPAM***** SB 113

Senator Wagoner,

We are emailing you as the chair of the Resources Committee. We are a fishing family from Kodiak, Alaska. We are 100% dependant on the health of our fisheries. Our family owns and operates a 58ft vessel, home ported in Kodiak. We participate through out the year in many fisheries, in many areas. For today's purpose, we are participants in the State and Federal Ground Fisheries from Kodiak to Akutan.

It is our desire to stress to the Senator, that SB113 is a bill that will have an impact on the management and entry into State Water fisheries, greater than anything preceding it. We would plea with the Senator, that a bill of this magnitude, should have ample time to be brought before the public. There is plenty of time for this bill to complete its journey through the legislative process, as we are still in the first session of the year. It is our opinion that the public deserves a reasonable amount of time to become aware of this bill, that the input of that public is of the utmost importance, and that community meetings addressing the concerns of State Waters Ground Fisheries are crucial.

Ron and
Julie Kavanaugh
FV Sylvia
Star LLC
PO Box
3890
Kodak, Ak
99615
sylstar@ak.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, March 07, 2005 11:59 AM
To: Mary Jackson
Subject: FW: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Monday, March 07, 2005 11:57 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

Donald Gallagher Iii
Po Box 4428

Kodiak 99615-4428,
donaldg67@yahoo.com
486-1469

SB113 is the largest change in State fisheries since Limited Entry 30 years ago. It lacks specificity. Change this big deserves extended public input from coastal alaskans. This bill will represent big tax dollars for Alaska if passed, therefore, the state CAN afford to send Rep's out for EXTENSIVE public testimony.

Alaska State Public Opinion Message System:

Sen. Gary Stevens's office

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1 record returned

Donald Gallagher Iii wrote the following message On 2/14/2005 at 11:57
about *Miscellaneous*

Message:

Rationalization plan for Pot cod in the G.O.A. is wrong. Processor linkage to any quota will be bad for Kodiak people as well as fishermen. This will eliminate new markets with innovative marketing ideas. Traditionally new markets have higher ex-vessel prices.

Message was delivered by Pom

Contact Info:

Donald Gallagher Iii

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Kodiak AK, 99615-4428

Work:486-1469

Email:donaldeg67@yahoo.com

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SENATOR BEN STEVENS

CHANGES IN SENATE BILL 113

CS SB 113 – “An Act relating to entry into and management of Gulf of Alaska groundfish fisheries.”

1. Page 2, ll. 24-25 – ADDS “except for mechanical jigging machine fisheries”

This would remove mechanical jigging fisheries within state waters from consideration of a DAP program.

2. Page 6, ll. 3-7 – ADDS “(2) “Gulf of Alaska groundfish fishery” means a fishery in the Gulf of Alaska in which groundfish are taken in a specified administrative or registration area using a specified type of fishing gear that is either pelagic trawl, non-pelagic trawl, pot, or longline gear; “Gulf of Alaska groundfish fishery” does not include mechanical jigging machine fisheries.”

This clarifies what fisheries would be available for consideration of a DAP program.

3. Page 6, ll. 17-20 – ADDS “(d) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission or the Department of Fish and Game may release to the owner of a vessel information on the vessel’s history of harvests in a fishery that is necessary to apply for a dedicated access privilege issued under AS 16.43.530.”

The success of a dedicated access privilege program may depend on the state's ability to limit access of skippers and vessels based on their past fishing history. Through its licensing and catch records, the state has information to determine vessel eligibility. This addition enhances the breath or scope of the bill.

Currently the vessel owner does not have direct access to this information. The vessel owner can get the information only by (1) locating former captains and obtaining their authorization to release the catch information (not always a workable option); or (2) obtaining a court order under AS 16.05.815 for release of the information. Either of these two options can be too burdensome to a vessel owner attempting to establish the vessel's eligibility under state-imposed deadlines.

24-LS0306S
Utermohle
4/14/05

CS FOR SENATE BILL NO. 113()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATOR BEN STEVENS BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."**

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

3 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 **FINDINGS AND PURPOSE.** (a) The Alaska State Legislature finds that

6 (1) groundfish fisheries in the Gulf of Alaska are facing significant challenges
7 from changing economic conditions and fishery management practices in the federal
8 exclusive economic zone that affect fisheries and fishery resources in a manner that is likely
9 to increase pressures on groundfish stocks;

10 (2) some form of limitation on access into the fisheries may be necessary to
11 provide for the economic health of fishermen in the Gulf of Alaska groundfish fisheries and
12 those dependent upon them for a livelihood and to ensure conservation of the biological and
13 capital resources of the fishery;

14 (3) groundfish fisheries in the Gulf of Alaska are prosecuted by a diverse
15 fishing fleet using many different types of gear and sizes of vessels to harvest multiple species

1 of groundfish;

2 (4) the current forms of limited entry authorized under AS 16.43 may not be
3 well-suited to promote the best interests of the State of Alaska in the Gulf of Alaska
4 groundfish fisheries;

5 (5) the Alaska Board of Fisheries has led an effort to explore how best to
6 respond to the changes facing the Gulf of Alaska groundfish fisheries;

7 (6) the Alaska Board of Fisheries has concluded that either the board or the
8 Alaska Commercial Fisheries Entry Commission or both the board and the commission
9 should have statutory authority, applicable only to the Gulf of Alaska groundfish fisheries, to
10 limit participation in the fisheries to persons or vessel owners, or both, with a history of
11 participation in the fisheries;

12 (7) the Alaska Board of Fisheries has concluded that, for the Gulf of Alaska
13 groundfish fisheries, the board or commission, or both, should have authority to allocate
14 differential, exclusive harvest shares to persons or vessel owners, or both, either individually
15 or as members of a harvesting association, based on the history of harvests in the fishery;

16 (8) because the Gulf of Alaska groundfish fisheries are managed by harvest
17 limits, dedicated access privileges may be feasible and appropriate and may better serve the
18 goals of resource conservation, prevention of economic distress among fishermen and those
19 dependent upon fishermen for a livelihood, and promoting the safety of fishermen involved in
20 the fisheries.

21 (b) It is the purpose of this Act to authorize a new type of access limitation program,
22 called a dedicated access privilege program, as best serves the interests of the State of Alaska.
23 The dedicated access privilege program, if adopted and implemented, should result in the
24 allocation of harvest share privileges, in Gulf of Alaska groundfish fisheries, except for
25 mechanical jigging machine fisheries, in a manner that serves the purposes of limited entry
26 under art. VIII, sec. 15, Constitution of the State of Alaska, with the least impingement on the
27 open access principles embodied in art. VIII, Constitution of the State of Alaska.

28 * **Sec. 2.** AS 16.05 is amended by adding a new section to article 5 to read:

29 **Sec. 16.05.740. Allocation of Gulf of Alaska groundfish fishery resources.**

30 (a) If the Alaska Commercial Fisheries Entry Commission has adopted a dedicated
31 access privilege program under AS 16.43.530, the holder of a dedicated access

1 privilege is entitled to share in the overall harvest authorized by the Board of Fisheries
2 to the extent provided by the dedicated access privilege.

3 (b) The Board of Fisheries may adopt regulations to allocate portions of the
4 harvestable surplus of Gulf of Alaska groundfish species to associations of dedicated
5 access privilege holders authorized by the board based on the combined dedicated
6 access privileges held by the members of each association.

7 (c) In considering whether to approve allocation of Gulf of Alaska groundfish
8 species, to the extent practicable, the board shall seek to promote

9 (1) sound fishery management;

10 (2) resource conservation;

11 (3) the economic health of the commercial Gulf of Alaska groundfish
12 fisheries;

13 (4) the economy of the state and of regions of the state dependent on
14 the Gulf of Alaska groundfish fisheries;

15 (5) the enforcement and enforceability of the allocations;

16 (6) coordination with the fishery management system for Gulf of
17 Alaska groundfish fisheries in the adjacent federal exclusive economic zone;

18 (7) the safety of participants in the commercial Gulf of Alaska
19 groundfish fisheries;

20 (8) other important goals as identified by the board.

21 * Sec. 3. AS 16.43.210(a) is amended to read:

22 (a) For each fishery that is not subject to a maximum number of entry permits
23 under AS 16.43.240 and not subject to a moratorium under AS 16.43.225 or a
24 dedicated access privilege program under AS 16.43.530, the commission shall issue
25 interim-use permits under regulations adopted by the commission to all applicants who
26 can establish their present ability to participate actively in the fishery for which they
27 are making application.

28 * Sec. 4. AS 16.43.210 is amended by adding a new subsection to read:

29 (f) An interim-use permit for a fishery subject to a dedicated access privilege
30 program established under AS 16.43.530 may be issued only to a person who qualifies
31 under regulations adopted by the commission under AS 16.43.530.

1 * **Sec. 5.** AS 16.43 is amended by adding new sections to read:

2 **Article 7A. Gulf of Alaska Groundfish Fisheries.**

3 **Sec. 16.43.530. Dedicated access privileges for Gulf of Alaska groundfish**
4 **fisheries.** (a) If the commission finds that entry into a Gulf of Alaska groundfish
5 fishery should be limited on the basis of dedicated access privileges to serve the
6 purposes of this chapter, the commission may adopt regulations, developed in
7 conjunction with the Board of Fisheries, that are necessary to establish and implement
8 a dedicated access privilege program for that fishery. The amount of dedicated access
9 privileges initially issued to qualified applicants under a dedicated access privilege
10 program may be based on the quantity of qualified past landings credited to the
11 applicant.

12 (b) In adopting a dedicated access privilege program for a Gulf of Alaska
13 groundfish fishery, to the extent practicable, the commission shall seek to promote

14 (1) sound fishery management;

15 (2) resource conservation;

16 (3) the economic health of the commercial Gulf of Alaska groundfish
17 fisheries;

18 (4) the economy of the state and of regions of the state dependent on
19 the Gulf of Alaska groundfish fisheries;

20 (5) the enforcement and enforceability of the allocations;

21 (6) coordination with the fishery management system for Gulf of
22 Alaska groundfish fisheries in the adjacent federal exclusive economic zone;

23 (7) the safety of participants in the commercial Gulf of Alaska
24 groundfish fisheries;

25 (8) other important goals as identified by the commission.

26 (c) If the commission adopts regulations under (a) of this section to establish a
27 dedicated access privilege program, the commission shall in writing

28 (1) identify how a limitation on access into the fishery on the basis of
29 dedicated access privileges serves the purposes of this chapter;

30 (2) describe why other access limitation programs authorized under
31 this chapter would not best serve the purposes of the chapter, would not be feasible, or

1 would not serve the best interests of the State of Alaska and its citizens;

2 (3) describe why other feasible access limitation programs authorized
3 under this chapter would be expected to be more exclusive than the dedicated access
4 privilege program adopted by the commission.

5 (d) Regulations adopted by the commission to establish a dedicated access
6 privilege program under this section must address

7 (1) the qualification date, eligibility period, landings threshold, and
8 years of participation in the fishery to be used to determine qualified landings in the
9 fishery, qualified applicants, and initial access to implement the dedicated access
10 privilege program;

11 (2) the permits that must be held by qualified interim-use permit
12 holders, entry permit holders, vessel owners, dedicated access privilege holders, and
13 commercial fishing license holders before and after dedicated access privileges are
14 issued;

15 (3) qualifications for receiving and holding an interim-use permit for a
16 fishery subject to a dedicated access privilege program and requisite restrictions on the
17 holder of an interim-use permit under a dedicated access privilege program;

18 (4) whether the qualified past landings are to be credited, solely or
19 partially, to interim-use permit holders, entry permit holders, vessel owners, or
20 commercial fishing license holders;

21 (5) whether qualified past landings or the dedicated access privileges
22 based on those qualified landings are transferable and the terms and conditions under
23 which the landings or privileges may be transferred;

24 (6) whether dedicated access privileges expire or attenuate over time
25 and the terms and conditions under which the privileges expire or attenuate;

26 (7) the procedures by which persons or vessels without qualified past
27 landings may gain entry into the fishery;

28 (8) the process by which the commission will prevent the fishery from
29 becoming too exclusive;

30 (9) other issues the commission determines appropriate.

31 (e) In this section,

1 (1) "groundfish" means a species of marine finfish other than halibut,
2 osmerids, herring, or salmonids;

3 (2) "Gulf of Alaska groundfish fishery" means a fishery in the Gulf of
4 Alaska in which groundfish are taken in a specified administrative or registration area
5 using a specified type of fishing gear that is either pelagic trawl, non-pelagic trawl,
6 pot, or longline gear; "Gulf of Alaska groundfish fishery" does not include mechanical
7 jigging machine fisheries.

8 **Sec. 16.43.535. Dedicated access privileges; general provisions.** (a) A
9 dedicated access privilege issued under AS 16.43.530 constitutes a use privilege that
10 may be modified or revoked by order of the commission or by law without
11 compensation.

12 (b) A dedicated access privilege issued under AS 16.43.530 may not be
13 pledged, mortgaged, encumbered, attached, distrained, or sold on execution of
14 judgment or under any other process or order of any court.

15 (c) Nothing in AS 16.43.530 - 16.43.540 limits the powers of the Board of
16 Fisheries or the Department of Fish and Game.

17 (d) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission or the
18 Department of Fish and Game may release to the owner of a vessel information on the
19 vessel's history of harvests in a fishery that is necessary to apply for a dedicated access
20 privilege issued under AS 16.43.530.

21 **Sec. 16.43.540. Dedicated access privileges; fees.** (a) The commission shall
22 establish fees for the issuance and renewal of dedicated access privileges. Fees
23 established under this subsection must reasonably reflect the rate of economic return
24 of the dedicated access privileges.

25 (b) Subject to AS 37.10.050(a), the commission may establish fees for
26 processing applications for dedicated access privileges and, if authorized by the
27 commission, transfer of dedicated access privileges.

28 (c) The commission may charge interest at a rate not to exceed the legal rate
29 of interest established in AS 45.45.010(a) on fees established under this section that
30 are more than 60 days overdue.

31 * **Sec. 6.** AS 16.43.945 is amended to read:

1 **Sec. 16.43.945. Commercial fishing privileges exempt from claims of**
2 **creditors.** Except as provided in AS 16.10.333 - 16.10.338, AS 16.43.170(g),
3 AS 44.81.215, and 44.81.231 - 44.81.250, commercial fishing privileges granted under
4 this chapter, including entry permits and dedicated access privileges, are exempt
5 from claims of creditors, including claims under AS 09.38.065 and AS 45.29.408.

6 * **Sec. 7.** AS 16.43.960(a) is amended to read:

7 (a) The commission may revoke, suspend, or transfer all entry or interim-use
8 permits, vessel entry permits, [OR] vessel interim-use permits, or dedicated access
9 privileges held by a person or entity who knowingly provides or assists in providing
10 false information, or fails to correct false information provided to the commission for
11 the purpose of obtaining a benefit for self or another, including the issuance, renewal,
12 duplication, or transfer of an entry or interim-use permit, vessel license, vessel entry
13 permit, [OR] vessel interim-use permit, or dedicated access privilege. The
14 commission may suspend, as appropriate, that person's or entity's eligibility to hold an
15 entry or interim-use permit, vessel entry permit, [OR] vessel interim-use permit, or
16 dedicated access privilege for a period not to exceed three years, and may impose an
17 administrative fine of not more than \$5,000 on the person or entity whose officers,
18 employees, representatives, or agents knowingly provide or assist in providing false
19 information, or fail to correct false information provided, to the commission for the
20 purpose of obtaining a benefit.

21 * **Sec. 8.** AS 16.43.960(b) is amended to read:

22 (b) The commission shall serve the respondent personally or by certified or
23 registered mail with a notice to show cause why the proposed action should not take
24 place. The notice to show cause must

25 (1) be supported by an affidavit, which may be made on information or
26 belief, setting out the facts that are the basis of the proposed actions;

27 (2) provide for a least 30 days' notice of the place, date, and time of the
28 hearing where the respondent may present evidence in opposition to the proposed
29 action; unless waived in writing by the respondent, the hearing shall be held within the
30 judicial district in which the respondent resides if the respondent resides in the state;
31 the hearing place shall be at the discretion of the commission for those respondents

1 residing outside the state;

2 (3) specify the statutes or regulations violated;

3 (4) state with particularity the action proposed to be taken;

4 (5) indicate to the respondent that the respondent's ability to
5 permanently transfer the permits or dedicated access privileges that [WHICH] are
6 the subject of the show cause proceedings has been suspended as of the date of the
7 notice and will continue to be suspended until the exhaustion of all administrative and
8 judicial remedies; and

9 (6) provide other information the commission considers proper.

10 * Sec. 9. AS 16.43.960(c) is amended to read:

11 (c) A permit or dedicated access privilege subject to show cause proceedings
12 under this section may not be transferred after the date of the notice in (b) of this
13 section pending exhaustion of all administrative and judicial remedies arising from
14 action taken under this section.

15 * Sec. 10. AS 16.43.960(g) is amended to read:

16 (g) The provisions of this section apply to conduct occurring after January 1,
17 1973, but do not affect a permit or dedicated access privilege held by a person who is
18 a bona fide purchaser. Failure to correct false information is a continuing offense.

19 * Sec. 11. AS 16.43.970(b) is amended to read:

20 (b) A person or entity who knowingly makes a false statement to the
21 commission for the purpose of obtaining a benefit, including the issuance, renewal,
22 duplication, or transfer of an entry or interim-use permit, vessel license, vessel
23 interim-use permit, [OR] vessel entry permit, or dedicated access privilege, or a
24 person who assists another by knowingly making a false statement to the commission
25 for the purpose of obtaining a benefit for another, is guilty of the crime of unsworn
26 falsification as set out in AS 11.56.210. Upon conviction, the person or entity is also
27 subject to suspension of commercial fishing privileges and revocation of commercial
28 fishing permits under (i) of this section.

29 * Sec. 12. AS 16.43.970(d) is amended to read:

30 (d) If a permit holder or a dedicated access privilege holder is charged by
31 the state with violating a provision of this chapter or a regulation adopted under this

1 chapter, the holder may not transfer any interim-use or entry permit under
2 AS 16.43.170, [OR] any transferable vessel entry permit under AS 16.43.450 -
3 16.43.520, or any dedicated access privilege until after the final adjudication or
4 dismissal of the charges.

5 * Sec. 13. AS 16.43.970(e) is amended to read:

6 (e) Notwithstanding any other provision of this section, an interim-use or entry
7 permit, [OR] transferable vessel entry permit, or dedicated access privilege may not
8 be transferred while under suspension, without the consent of the commission.

9 * Sec. 14. AS 16.43.970(j)(2) is amended to read:

10 (2) "commercial fishing privileges" means the privilege of
11 participating in an activity for which a commercial fishing permit or dedicated access
12 privilege is required and the privilege of obtaining a commercial fishing permit or
13 dedicated access privilege.

14 * Sec. 15. AS 16.43.990 is amended by adding a new paragraph to read:

15 (12) "dedicated access privilege" means a harvest-use privilege issued
16 by the commission under AS 16.43.530 that authorizes the holder of the privilege to
17 harvest a specified portion of the overall harvest of a specified fishery resource
18 allowed by the Board of Fisheries in a specified fishery.

ADOPTED AS A LETTER
OF INTENT TO SB 113
BY SEN. RES. 4-18-05 *[Signature]*

Memorandum of Understanding between the Alaska Board of Fisheries and the Alaska Commercial Fisheries Entry Commission with respect to the Gulf of Alaska Groundfish Fisheries

SB113 (the Act) is now pending before the Alaska State Legislature and, if passed, would authorize (but not mandate) a dedicated access privilege program (as defined in the Act) as a new, alternative form of limited access potentially applicable for limiting access to the Gulf of Alaska groundfish fisheries within State of Alaska jurisdiction.

AS 16.43.530(a) [Sec. 5, lines 4-8] provides in relevant part:

If the commission finds that entry into a Gulf of Alaska groundfish fishery should be limited on the basis of dedicated access privileges to serve the purposes of this chapter, the commission may adopt regulations, developed in conjunction with the Board of Fisheries, that are necessary to establish and implement a dedicated access privilege program for that fishery.

This Memorandum of Understanding (MOU) between the Alaska Board of Fisheries (the Board) and the Alaska Commercial Fisheries Entry Commission (the Commission or CFEC) sets forth the agreement between the Board and the Commission outlining the procedure by which the two bodies intend to develop regulations in conjunction with each other. The purpose of this MOU is to provide a working definition of the phrase "in conjunction with" as understood by the two bodies. When this agreement is finalized, the Board and the Commission will present the agreement to the legislature and propose the agreement be incorporated into the legislative history of the Act.

This agreement will take effect on passage of the Act.

In this agreement, references to the Board and to the Commission include representatives of each body delegated to ensure the outlined procedure may go forward in a timely fashion not restricted by the public meeting schedule of either full body.

In this memorandum, the term fishery refers only to Gulf of Alaska groundfish fisheries as specified in AS 16.43.530(a).

To outline the steps in the process by which the Board and the Commission will develop regulations for the Gulf of Alaska Groundfish fisheries under the Act, the Board and the Commission agree as follows.

(1) As practicable, the Board will continue to explore options through the Gulf of Alaska Groundfish Rationalization Committee process and will continue to include the Commission or its representative in such meetings.

(2) As soon as practicable, the Board, in consultation with the Alaska Department of Fish and Game (ADF&G), will identify for the Commission the particular fisheries the Board believes to be most in need of immediate review. Similarly, the Board will identify those fisheries the Board believes do not require limited access at this time. The Board may also transmit any guidance the Board wishes to offer with respect to the fisheries.

Neither the Board nor the Commission will be proposing limited access for a fishery in the absence of an express request from participants in the fishery to do so. This practice pre-exists this agreement: in more than 20 years, the Commission has not proposed limitation of any fishery without a specific request from the public to do so, and the commission has turned down many requests it has received.

(3) In light of the information presented by the Board and ADF&G, the Commission will develop data and analyses of the fisheries and generally examine the fisheries under the standards set forth in the Act.

(4) When the Commission develops preliminary findings or a proposal for any of the fisheries, prior to making a public proposal for the adoption of regulations, the Commission will present its preliminary

findings or proposal to the Board for the Board's review and guidance under the standards set forth in the Act. The Board and the Commission will meet to discuss these matters. The Board may concur in the Commission's preliminary findings or proposal. In the event the Board takes issue with any preliminary findings or the proposal, the Board shall specify for CFEC how the particular matters fail to meet the standards set forth in the Act or other policy goals of the Board. Upon notice of such issues, CFEC will reconsider any of its preliminary findings or its proposal and report the results of its reconsideration to the Board.

(5) When CFEC proposes regulations for a fishery, during the following public comment period, the Board and CFEC will hold joint hearings to receive public comment on the proposal. In addition, the Commission will share any written public comment it receives with the Board.


(6) In addition to the Board's opportunity to comment under the procedures of paragraphs (2), (4), and the following paragraph (7), the Board is free to comment throughout the public comment period.

(7) Following the public comment period, based on public comment received, the Commission will develop and present to the Board its preliminary findings with respect to the proposed regulations including proposed modifications of the original proposal. The Board may concur in these preliminary findings. In the event the Board takes issue with any of the preliminary findings, the Board may ask the Commission to reconsider its preliminary findings specifying where they failed to serve standards set forth in the Act or other policies of the Board. In the event the Board raises such issues, the Commission will reconsider any of its preliminary findings.

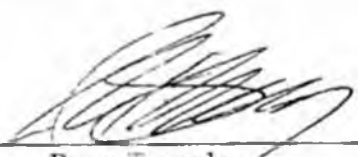
(8) In making their final decision on proposed regulations for a fishery, the Commission will fully consider any comments by the Board and will specifically address those comments in writing in the Commission's rationale supporting its final decision.

(8) Future Commission regulatory proposals pursuant to the Act will be governed by the procedures outlined herein.

Alaska Board of Fisheries

by  4/6/2005
Arthur N. Nelson Date
Chair

Alaska Commercial Fisheries Entry Commission

by  4/5/2005
Bruce Twomley Date
Chair

Apr. 22, 05

Chairman Wagoner, and Senators,

I am Julie Kavanaugh, thank you for this final opportunity to address SB113. It has been a long and thought provoking journey.

SB113 is a bill written to support a Dedicated Access Privilege in State Waters. DAP is a concept closely mirroring the Federal IFQ program. It is the closest to outright ownership of a resource that could be conceived. The DAP program is an attempt to finagle its way through the constitution. There are two major legal roadblocks holding up Dedicated Access Privilege.

#1 the intent to reserve ownership of a specific amount of the resource for an individual prior to retention

#2 the access rights to the resource awarded to that other than an individual

The intent that you can provide exclusive rights to harvest a specific amount of fish creates ownership prior to catching it. There is no separating permanent ownership and time specific ownership. Fish as a resource can only be available to the public for the predetermined lifecycle of that specific fish. Exclusive harvesting rights apportioned to specific amounts of public resource effectively predetermines ownership of that specific resource. The thought that a time sure privilege lends itself to a less than ownership situation, is a misrepresentation of fact, and an attempt to divert attention from fact. Ownership is determined by claim and possession. DAP creates a claim and an exclusive right to possess. To highlight this: fish have a predetermined life cycle. If you guarantee the right to capture it, you have created a special privilege.

Ownership of Access Rights.

If the State creates the authority to assign access to persons not actively participating in the fishery, it ignores constitutional assignment. The access rights in a State Waters Fishery must remain in the hands of fishermen. Access rights awarded to vessel owners and corporations will begin the downward spiral toward absentee ownership.

I would like to like to draw a parallel for this committee. The Board of Fish choose to create the ChignikCO-OP. After its inception fishermen began to make economic decisions based on this new system. They sold their boats and their gear, they no longer pilgramiged to Chignik during the Summer, some moved to find crew jobs that were lost, some trained and took up alternate occupations.

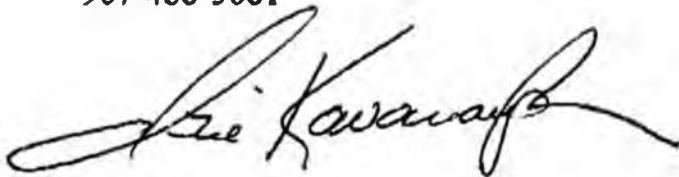
With the recent court decision that the BoF exceeded its authority, these fishermen are now left without a viable way to execute their fishery.

If SB113 passes through legislature, and the DAP program is implemented, Fishermen will begin to make those same decisions. Marginalization will force us to consider leasing our fish, our boat will have no job and no value, our crews will have no jobs and will move on.

It is not likely that a legal challenge of SB113 will occur, it is a surety. The arguments are clear, and SB113 is directly in conflict with our State's Constitution. Do not be mislead with a probable DAP program upholding SB113's constitutionality. It is not reasonable to request flawed legislation pass without first requiring substantial support.

Please understand that SB113 is not what the Gulf of Alaska desires or requires. We hope that a responsible Resource Committee will recognize the inherent problems within, and allow SB113, to fade while more substantial bills are given priority.

Julie Kavanaugh
FV Sylvia Star
PO Box 3890
Kodiak, AK 9961
907-486-5061



Testimony Robin Clark Kodiak SB113 - opposed

Hello, my name is Robin Clark and I am testifying on behalf of myself and my husband Mike Clark who is currently out fishing. We've both been members of the Kodiak, as well as the fishing community for over 20 years. As members of both of these communities we are strongly opposed to Senate Bill 113.

My husband Mike has significant history in the State and Federal Pacific cod fisheries, but as an operator only. This bill infringes on his constitutional right to retain the ability to fish in an equal access fishery. The state has historically given the right to fish to the operator of the vessel who is legally licensed to harvest a species in the State of Alaska. With the passage of SB113, our income will be compromised once again, ~~for many years now well over half of our family's income has come from pot cod.~~

as ~~is~~ with the Federal IFQ system, where skippers and crew have seen significant reductions in their wages. Control to the access to the fish, means control of everything, including wages paid out.

This bill is purported to be of economic value to its coastal communities... but we don't see it that way.

cont. testimony Robin Clark, Kodiak, SB113 - opposed -2-

Hundreds of small businesses will be removed from the fishery through marginalization and consolidation. As to increasing the efficiencies of the fisheries, which has also been listed as a benefit under SB113, to fishers and communities, we disagree. We say SB113 and the DAP program will fatally undermine the coastal communities economic stability. Our towns need a diverse fleet that has equal access. A dual system of equal and history based fisheries will not work. The imbalance will compromise those not protected, they will be forced out or forced to join in.

Our fishermen deserve to be recognized. We ask this committee again, How does this benefit us? Explain how we will be better off or at least able to maintain our past and current income level?

Christine Holland
F/V Point Omega
PO Box 608
Kodiak, AK 99615
Ph. (907)486-3764

Oral testimony on SB 113
April 23, 2005

Chairman Wagoner and Members of the Senate Resources Committee:

For the record my name is Christine Holland, I am representing myself and my husband we own and operate the 72ft F/V Point Omega. We live and work out of Kodiak, our children and our grandchildren live in this community. I have been an Alaskan my whole life and I love the life I have lived in coastal communities.

SB 113 provides a tool for state regulators to help get federal rationalization for the fisheries in Alaska. We are frequently told two things about this:

#1 Don't fight this bill it is meant for you and it will give you something equal to the federal IFQ.

I find the idea of the State making something equal to Federal IFQs, scary and possibly unconstitutional in the State of Alaska. Does the State need a tool to do something with fisheries that is not in the best interests of the people who live here?

#2 This program is not formed, it can be made in anyway you want if you will just go through the process.

Unfortunately for us we are fishermen and we frequently need to be fishing, otherwise we have no money to follow anything. If we have to be on top of a BOF/CFEC process we will need considerable time and money.

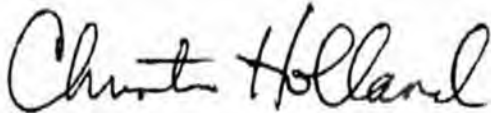
I find it hard to believe that so many rosy pictures can be painted of DAPs (dedicated access privileges) when I am assured that this program has no form.

I also find it hard to believe that people keep telling me this bill and the DAP program will fix the problem we have as federal fishers fishing inside three miles.

The federal rationalization process seemingly is going to go through no matter what. The State program that isn't even developed yet is a way for the state to hold hostage our history in the federal Pacific Cod pot fishery in side three miles. We are totally against having our federal history used against us in a fight that will in the end make the State do something that our constitution dictates against. The *interests of some* are pressuring the State to adopt a plan that is not fully thought through and may damage our coastal communities in ways we can't even imagine at this time.

Make sure that you don't let SB 113 divide us into the "winners and the losers" as some people have said to me. Let us all be winners in this, find a different way to manage the fisheries inside State waters and let those of us who were fishing on the Federal TAC during a federal season be treated equally to others fishing on the same Federal TAC. Do not make these fish a reason to adopt a program for the State of Alaska that is so divisive to the people who live and work here.

Thank you for your consideration in this matter.



Christine Holland

Kenneth N. Holland, Jr.
Christine Holland
F/V Point Omega
PO Box 608, Kodiak, Alaska 99615
tel/fax (907)486-3764

Testimony
Alaska Senate Resources Committee
April 23, 2005
SB 113

Dear Chairman Wagoner and Members of the Senate Resources Committee,

My name is Ken Holland, and my wife Chris and I own and operate the 72 ft F/V Point Omega. I am the primary operator of the Point Omega. I have been fishing in Alaska since 1963, and fishing pacific cod with pots since 1987. My father was a fisherman, and my son now fishes with me. I was one of the pioneers of this fishery in Kodiak.

There are many Alaskans who are in a very similar situation to what I describe to you today.

We operated in the federal Gulf of Alaska p. cod fishery with pots since 1987. In any given year, I, along with many other Alaskans, fished on the federal GOA p. cod quota when the feds opened fishing on this quota, and I stopped fishing on the federal GOA p. cod quota when the feds closed fishing on this quota. We qualified for a federal moratorium permit to fish federal p. cod with pots in the GOA, and we later earned a federal LLP to fish federal GOA p. cod with pots when the LLP replaced the moratorium permit.

We have earned approximately 95% of our federal GOA p. cod history during the federal fishery from inside three miles.

We anticipate that we will qualify for a significant amount of fishing history and federal p. cod IFQ under the federal GOA groundfish rationalization program.

We, as well as many other Alaskan p. cod pot fishermen, fully expected that we were earning the same federal history as those fishermen who fished outside of three miles during the same federal fishery from the same federal quota.

Unfortunately, the State of Alaska seems intent upon claiming our federal history and life's investment, and that of other Alaskans, and influencing the Secretary of Commerce to give our federal p. cod history to the state.

SB 113 appears to enforce the state's claim and attempt to confiscate to our federal history and investment.

So, while SB 113 might be acceptable to some people in that it gives the state an additional tool to make allocations based on history, it, more importantly, from our viewpoint, dangerously appears to overwhelmingly disenfranchise my operation, and extinguish my total life's investment, and that of so many other Alaskans, by indirectly supporting the states prejudice to unjustly and unfairly claim the hard-earned federal history and investment of so many Alaskan fishermen.

I respect that SB 113 might give justifiable comfort to other people, in other groundfish fisheries, for other good reasons. And, as I said previously, it may be OK for the state to have the tools at their disposal to allocate according to history.

However, at this point, SB 113 does not address our problem, and the problem that is faced by many Alaskans who earned their federal history inside three miles. And, it should not be sold as doing so.

We are very concerned that some people are selling SB 113 as solving the parallel fishing problem, and it clearly does not. Several people in the industry who are in support of SB 113, and who appear to be involved in the design of SB 113, have told us not to worry about losing our hard earned federal history and investment because SB 113 will permit us to be protected through a process

whereby the State will "mesh" and "incorporate-by-reference" the federal regulations that are adopted for GOA Groundfish Rationalization, and, therefore, that we will receive our federal history and investment according to the same qualifying criteria for which the Council and the Secretary of Commerce would otherwise directly allocate it to us.

I am new to this business of reading and understanding Bills and legislation, but I don't see this "incorporate by reference" guarantee and protection anywhere in SB 113, and I don't find it anywhere in all of the paperwork that you have posted on your website about SB 113. Nor do I see any reference in the Memorandum of Understanding that you adopted last Monday as part of SB 113 to "meshing" and "incorporating by reference" those federal regulations that allocate our full history and investment to us.

Maybe SB 113 can be fixed by inserting language that clearly stipulates that the State of Alaska will "incorporate by reference" federal GOA groundfish rationalization regulations for people like us.

We have heard that the Senate does not want to make amendments to SB 113, but we would ask you to insert the "incorporate by reference" language very clearly in SB 113.

And frankly, it would be much easier for the state to leave us alone, and to not try to claim and confiscate our investment and history.

We are also very concerned that DAPs are vastly inferior to federal fishing privileges. They will not be permanent, and will be unacceptably temporary in nature. Also, from what we hear, DAPs will not be usable for collateral, not be transferable, not be saleable, not be leaseable, will probably require stringent and restrictive owner-on-board provisions, will probably represent a much diminished allocation of fish to the harvesters who earned the underlying history, may be discounted so that some of our history may be given to skippers, crew and

communities, and --- please explain this to us --- may not even be allocated or adopted by the Board and CFEC at all.

Please understand that we want our federal GOA p. cod history and investment allocated to us in its entirety, in the same manner and according to the same formula and criteria that the Secretary of Commerce will distribute GOA federal groundfish history to fishermen who earned their history outside of three miles, and we do not want the state to confiscate our history or investment.

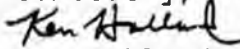
I respect that SB 113 might give justifiable comfort to other people in other groundfish fisheries for other good reasons. And, as I said previously, it may be OK for the state to have the tools at their disposal to allocate history. However, at this point, SB 113 does not address our problem, and the problem that is faced by many Alaskans who made their investment and earned their federal history inside three miles.

We have been pretty much forced to offer to fish our federal harvesting privileges outside of three miles, but the state still seems intent upon claiming our federal history.

The real solution is that the state should not unjustly and unfairly claim our hard earned federal history, or take away our life's investment. And SB 113 should not give the State the authority to do so.

Thank you for your consideration of our standing and concern with respect to the serious shortcomings and omissions of SB 113.

Sincerely,


Ken Holland



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
COMMITTEE NAME
 committee on SB 113, dated 4-18-05
BILL SUBJECT TODAY'S DATE

To Senator Wagner:

I am a Homer based fisherman, having participated in the local pot cod state fishery since before its inception. I currently own a boat and fish this fishery. I am strongly opposed to SB 113 as I believe IFQs to be detrimental to small boat fisherman and deckhands.

Signed: _____
TESTIFIER
Matthew Stover
REPRESENTING
Po Box 921 Homer AK 99603
ADDRESS
399-0076
PHONE NO.

Filed 4/18/05



State of Alaska
Legislative Affairs Agency
Kenai LIO
145 Main St Lp Ste 217
Kenai, AK 99611
(907) 283-2030

Date: 4-18-05

Please accept the enclosed original(s) of written testimony for the
SRES teleconference hearing that was
scheduled on 4-18-05.

A copy of this testimony was transmitted to your committee via fax on
4-18-05.

Thank you,

M. B. Byrne



Alaska State Legislature

Please enter into the record my testimony to the

SRES

committee name

Committee on

SB 113

bill # / subject

, dated

4-18-05

public hearing date

SEE THE ATTACHED PAGE

Signed:

STEVE WEBB (+ ALL)

Testifier

Representing (optional)

Box 1127 KASLOF AK 99610

Address

Phone number



North Pacific Fisheries Association

P.O. Box 796

Heimer, Alaska 99603

April 18, 2005

Senator Ben Stevens
Senate Resources Committee

Dear Senator Stevens:

Please find the attached resolution in support of the Legislature's efforts to allow the Board of Fish and the CFEC to develop a dedicated access privilege system for the state groundfish fisheries.

Sincerely,

A handwritten signature in black ink, appearing to read "Buck Laukitis".

Buck Laukitis
President, NPFA
907-299-0112

cc: Senator Gary Stevens
Senator Tom Wagoner
Representative Paul Seaton

**A RESOLUTION OF THE NORTH PACIFIC FISHERIES ASSOCIATION
SUPPORTING A GULF OF ALASKA GROUND FISH RATIONALIZATION PLAN**

A Resolution of the North Pacific Fisheries Association (NPFA) supporting a Gulf of Alaska Groundfish Rationalization plan that unlocks the value of our renewable resources, ensures competitive processing markets (and allows for reasonable economic growth) for Kenai Peninsula ports, and promotes conservation of our fishery resources:

Whereas, in 2002 Homer was the third most important fishery port in Alaska by value (eleventh in the nation)

Whereas, the combined value of Kenai Peninsula ports (\$82 million dollars) is second only to Dutch Harbor in 2002 for Alaska and the third highest by value in the nation.

Whereas, the majority of NPFA's members who participate in the groundfish fisheries are fixed gear vessels (longliners and pot boats) who are generally small boat, independent family fishermen

Whereas, the majority of Homer's processing businesses are generally small entrepreneurial enterprises specializing in fresh high-valued products; and the strength of Homer's waterfront is the ability to innovate and meet changing market demands and consumer tastes for fishery products

Whereas, certain "processor provisions" and "community protection" measures (closed class of processors, linkages to processors, and regionalized landing requirements), which are stated goals of the GOA Rationalization Plan at the NPFMC, may advantage Kodiak and seriously curtail economic development of the GOA groundfish resources processed on the Kenai Peninsula

Whereas, NPFA previously passed a Resolution opposing processor quotas

Whereas, NPFA members include both long term participants who have made significant capital investments as well as new entrants to the groundfish fisheries in both state and federal waters

Whereas, rationalized fisheries generally slow down the race for fish, promote safety at sea, allow for more orderly management, and promote conservation benefits such as reduced bycatch and wastage

Whereas, NPFA supports the retention of bycaught halibut (only by longliners who own IFQs for halibut) in a rationalized winter cod fishery, as this would reduce wastage of halibut and would also bring high-valued halibut into port for the fresh market – effectively extending the halibut season

Whereas, NPFA supports measures in the GOA Rationalization Plan to include Prohibited Species Caps and/or trawl area closures to provide for the recovery of tanner and king crab and to reduce the bycatch of king salmon

Whereas, NPFA supports measures in the GOA Rationalization Plan to allow voluntary gear conversions so that trawlers would be allowed to fish cod with pots, as this measure could significantly reduce halibut bycatch and lessen adverse effects on marine habitat

Whereas, NPFA supports adequate fishery observer coverage (such as the fee based program being analyzed by the NPFMC) to insure that the conservation goals of the GOA rationalization program are being met

Whereas, NPFA generally supports maintaining an owner on board fleet of harvesters (while protecting existing business practices) where fishermen remain vitally connected to the waterfronts of our coastal communities

Whereas, NPFA supports balancing hired-skippers, permit holders and vessel owners interests in allocations of harvest shares based on their historical participation

Whereas, NPFA supports maintaining entry level opportunities for young fishermen in any rationalized fishery knowing that such opportunities may not be open access opportunities

Whereas, NPFA recognizes that the federal LLP does not control effort in state waters or the parallel fisheries and that compressed seasons present management complications and the risk of over harvest increases

Whereas, NPFA supported the establishment of the state waters cod fishery in 1997

Whereas, NPFA members have been active participants in the Board of Fish Groundfish Task Force, and the members have conducted a thorough, expansive and informed inquiry into possible programs to successfully manage state water groundfish resources into the future

Whereas, NPFA recognizes that the Board of Fish and ADF&G must act proactively to prevent state water fishermen from being seriously disadvantaged by the pending Federal rationalization plan

Whereas, NPFA supports the state control of resource management inside three miles, but recognizes that a program that integrates to the extent possible program design, data collection, observers and management with the federal program may be in the best interest of fishermen and the state

Whereas, NPFA does not support hard on bottom trawling inside three miles

Whereas, NPFA recognizes that limited entry may not be the best means to control overcapitalization and enhance fishery product value or provide economic stability in the state water groundfish fisheries

Whereas, NPFA recognizes that the Board of Fish, ADF&G, and CFEC all have the state's best interest in mind and have proposed a new method (tool in the tool box) to attempt to craft a solution that best fits groundfish fishery management

AND NOW, THEREFORE, BE IT RESOLVED, that the North Pacific Fishermen's Association supports options in the Gulf of Alaska Rationalization Plan that increase the value of our fisheries resources; and allows open deliveries without processor restrictions for the entire fixed gear catcher fleet, that provides opportunities for our small processors to purchase high quality groundfish; and furthermore if any regionalized landing requirements are imposed in the Plan that the Kenai Peninsula have reasonable opportunity to increase groundfish landings for economic development into the future;

AND FURTHERMORE BE IT RESOLVED that NPFA supports the Legislature, Board of Fish, ADF&G and CFEC in their attempt to develop a Dedicated Access Privilege system for the state groundfish fisheries.

PASSED AND ADOPTED by the North Pacific Fisheries Association of Homer this 15th day of April, 2005.



Buck Laukitis
President, North Pacific Fisheries Association

We oppose SB113 because of its broad based powers it will gran. the Alaska Board of Fish. It would allow granting state fishing rights to vessel owners and "associations" which will result in absentee ownership and create sharecroppers of working Alaskans. SB113 is in direct conflict with the philosophy of the State of Alaska as to fishery resource allocation. Senator Wagoner we urge you to reject this poorly crafted piece of legislation.

NAME Print	Sign	ADDRESS	VESSEL
MARK DUCKER	<i>[Signature]</i>	23259 Southwood LP	SKIFF
Crystal Ducker	<i>[Signature]</i>	22363 Paulof Drive	SKIFF
Samantha Ducker	<i>[Signature]</i>	22363 Paulof Drive	SKIFF
Jeanne L. Ducker	<i>[Signature]</i>	23259 S. Chirel, Rd Kenai	SKIFF
Danell S. Ducker	<i>[Signature]</i>	22363 Paulof Drive	SKIFF
Jeanette M. Ducker	<i>[Signature]</i>	22363 Paulof Drive	SKIFF
BRANDIE LEVARE	<i>[Signature]</i>	P.O. Box 7479 Ni Kiski Alaska	SKIFF
Axel Jensen	<i>[Signature]</i>	P.O. Box 1172 Kenilof	SKIFF
MARK DUCKER	<i>[Signature]</i>	P.O. Box 148 Kenai	SKIFF
Heidi Meehan	<i>[Signature]</i>	1101 First St Kenai	subaru
Shannon Webb	<i>[Signature]</i>	44180 Keni Saw #30	TRAWL ASSOCIATION
Lelah Kaser	<i>[Signature]</i>	1692 Poplar Cir Kenai AK	SKIFF
Tony ANDRUS	<i>[Signature]</i>	1692 Poplar Cir Kenai AK	SKIFF
Anthony PISA	<i>[Signature]</i>	545 Shane CT Kenai AK	other
Raqueel PISA	<i>[Signature]</i>	545 Shane Ct Kenai	other
DAN NICKOL	<i>[Signature]</i>	BOX 2721, KENAI	OTN 612

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 1:41 PM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Monday, April 11, 2005 11:16 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

Kenton Bear
1101 Breckenridge Rd

Fairbanks 99709-6850,

Please vote yes for ATV access especially snowmachining. They don't harm the environment. I would like me and my co-workers, friends, and other people wanting to do so have a way to get to fishing and trapping areas. I do not hunt with ATVs and don't plan on starting. Thanks.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 18, 2005 10:40 AM
To: Mary Jackson
Subject: FW: CS for HB130(RES) and SB96

From: Bob Loeffler [mailto:Bob_Loeffler@dir.state.ak.us]
Sent: Sunday, April 17, 2005 12:00 AM
To: Mike Rieves
Cc: Rep. Mike Chenault; Rep. Kevin Meyer; Rep. Bill Stoltze; Rep. Carl Moses; Rep. Richard Foster; Rep. Eric Croft; Rep. Reggie Joubert; Sen. Tom Wagoner; Sen. Ralph Seekins; Sen. Ben Stevens; Sen. Fred Dyson; Sen. Bert Stedman; Sen. Kim Elton; Sen. Gretchen Guess; Richard H Mylius; Janet Burleson Baxter
Subject: Re: CS for HB130(RES) and SB96

Dear Mr. Rieves:

I received a copy of your e-mail to legislators. I would like to address your concerns.

1) Hollis Watershed. First, I testified that tht the language in the amendment would allow us to fix the problem of Hollis watershed. At Rep. Thomas's request, the bill was changed to allow DNR to make the changes. I believe the legislative intent is sufficient; especially, since I testified in public session that DNR would make the change. Quite simply, land issues are too complex to make boundary changes in statute. It would not surprise me to find other boundary changes of this sort needed during the title search process.

2) With respect to Hollis waterline. The correct thing to do was to apply for a right-of-way for a waterline. That should probably have been done years ago. However, it is not a great problem. Either contact DNR (before the land is conveyed), or the University, afterwards. The need to get a simple right-of-way need not involve the legislature.

3) With respect to the RU land within the Settlement Area near the Harris River. The recreation/habitat land that is mixed in with settlement is done at the scale of subdivision design. The management intent makes clear that the area is for settlement, but that certain areas should be reserved during settlement design. That can be done at the land disposal design stage by the University and, again, need not be done by the legislature. I do not see this as inconsistent with conveyance.

I hope this helps.
 -- Bob Loeffler

Mike Rieves wrote:

Dear Representatives and Senators;

Comments regarding Hollis Selections (MAP PW.HO.1001)

During the course of prior hearings and testimony ((H) RES) and communications with Bob Loeffler, I identified part of one of the two selections in Hollis as being inconsistent with the Prince of Wales Island Area Plan (POWIAP). The subject area is designated Water Resources with management provisions stipulating no

4/18/2005



SB113

North Pacific Fisheries Association

P.O. Box 796
Homer, Alaska 99603

April 18, 2005

Senator Ben Stevens
Senate Resources Committee

Dear Senator Stevens;

Please find the attached resolution in support of the Legislature's efforts to allow the Board of Fish and the CFEC to develop a dedicated access privilege system for the state groundfish fisheries.

Sincerely,

A handwritten signature in cursive script, appearing to read "Buck Laukitis".

Buck Laukitis
President, NPFA
907-299-0112

cc: Senator Gary Stevens
Senator Tom Wagoner
Representative Paul Seaton

**A RESOLUTION OF THE NORTH PACIFIC FISHERIES ASSOCIATION
SUPPORTING A GULF OF ALASKA GROUND FISH RATIONALIZATION PLAN**

A Resolution of the North Pacific Fisheries Association (NPFA) supporting a Gulf of Alaska Groundfish Rationalization plan that unlocks the value of our renewable resources, ensures competitive processing markets (and allows for reasonable economic growth) for Kenai Peninsula ports, and promotes conservation of our fishery resources:

Whereas, in 2002 Homer was the third most important fishery port in Alaska by value (eleventh in the nation)

Whereas, the combined value of Kenai Peninsula ports (\$82 million dollars) is second only to Dutch Harbor in 2002 for Alaska and the third highest by value in the nation

Whereas, the majority of NPFA's members who participate in the groundfish fisheries are fixed gear vessels (longliners and pot boats) who are generally small boat, independent family fishermen

Whereas, the majority of Homer's processing businesses are generally small entrepreneurial enterprises specializing in fresh high-valued products; and the strength of Homer's waterfront is the ability to innovate and meet changing market demands and consumer tastes for fishery products

Whereas, certain "processor provisions" and "community protection" measures (closed class of processors, linkages to processors, and regionalized landing requirements), which are stated goals of the GOA Rationalization Plan at the NPFMC, may advantage Kodiak and seriously curtail economic development of the GOA groundfish resources processed on the Kenai Peninsula

Whereas, NPFA previously passed a Resolution opposing processor quotas

Whereas, NPFA members include both long term participants who have made significant capital investments as well as new entrants to the groundfish fisheries in both state and federal waters

Whereas, rationalized fisheries generally slow down the race for fish, promote safety at sea, allow for more orderly management, and promote conservation benefits such as reduced bycatch and wastage

Whereas, NPFA supports the retention of bycaught halibut (only by longliners who own IFQs for halibut) in a rationalized winter cod fishery, as this would reduce wastage of halibut and would also bring high-valued halibut into port for the fresh market - effectively extending the halibut season

Whereas, NPFA supports measures in the GOA Rationalization Plan to include Prohibited Species Caps and/or trawl area closures to provide for the recovery of tanner and king crab and to reduce the bycatch of king salmon

Whereas, NPFA supports measures in the GOA Rationalization Plan to allow voluntary gear conversions so that trawlers would be allowed to fish cod with pots, as this measure could significantly reduce halibut bycatch and lessen adverse effects on marine habitat

Whereas, NPFA supports adequate fishery observer coverage (such as the fee based program being analyzed by the NPFMC) to insure that the conservation goals of the GOA rationalization program are being met

Whereas, NPFA generally supports maintaining an owner on board fleet of harvesters (while protecting existing business practices) where fishermen remain vitally connected to the waterfronts of our coastal communities

Whereas, NPFA supports balancing hired-skippers, permit holders and vessel owners interests in allocations of harvest shares based on their historical participation

Whereas, NPFA supports maintaining entry level opportunities for young fishermen in any rationalized fishery knowing that such opportunities may not be open access opportunities

Whereas, NPFA recognizes that the federal LLP does not control effort in state waters or the parallel fisheries and that compressed seasons present management complications and the risk of over harvest increases

Whereas, NPFA supported the establishment of the state waters cod fishery in 1997

Whereas, NPFA members have been active participants in the Board of Fish Groundfish Task Force, and the members have conducted a thorough, expansive and informed inquiry into possible programs to successfully manage state water groundfish resources into the future

Whereas, NPFA recognizes that the Board of Fish and ADF&G must act proactively to prevent state water fishermen from being seriously disadvantaged by the pending Federal rationalization plan

Whereas, NPFA supports the state control of resource management inside three miles, but recognizes that a program that integrates to the extent possible program design, data collection, observers and management with the federal program may be in the best interest of fishermen and the state

Whereas, NPFA does not support hard on bottom trawling inside three miles

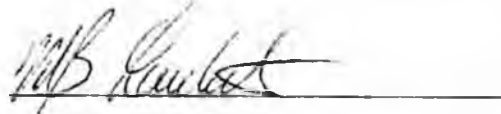
Whereas, NPFA recognizes that limited entry may not be the best means to control overcapitalization and enhance fishery product value or provide economic stability in the state water groundfish fisheries

Whereas, NPFA recognizes that the Board of Fish, ADF&G, and CFEC all have the state's best interest in mind and have proposed a new method (tool in the tool box) to attempt to craft a solution that best fits groundfish fishery management

AND NOW, THEREFORE, BE IT RESOLVED, that the North Pacific Fishermen's Association supports options in the Gulf of Alaska Rationalization Plan that increase the value of our fisheries resources; and allows open deliveries without processor restrictions for the entire fixed gear catcher fleet, that provides opportunities for our small processors to purchase high quality groundfish; and furthermore if any regionalized landing requirements are imposed in the Plan that the Kenai Peninsula have reasonable opportunity to increase groundfish landings for economic development into the future;

AND FURTHERMORE BE IT RESOLVED that NPFA supports the Legislature Board of Fish, ADF&G and CFEC in their attempt to develop a Dedicated Access Privilege system for the state groundfish fisheries.

PASSED AND ADOPTED by the North Pacific Fisheries Association of Homer this 15th day of April, 2005.



Buck Laukitis
President, North Pacific Fisheries Association

NORTHWEST ARCTIC BOROUGH

P.O. BOX 1110

KOTZEBUE, ALASKA 99752

(907) 442-2500 / FAX (907) 442-2930

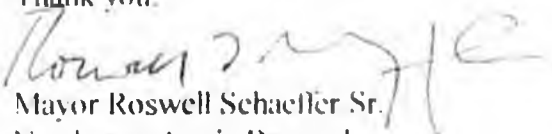
Northwest Arctic Borough
P.O. Box 1110
Kotzebue, Alaska 99752

Hon. Senator Thomas Wagoner
145 Main Street Loop Ste 226
Kenai, Alaska 99611
Ph. (907) 283-7996
Fax (907) 283-8127
Re: SB 102

Dear Senator,

I respectfully request from you, as the Senate Resources Committee Chairman, to schedule a hearing for SB 102 as soon as possible. This extension is clearly in our best interests as well as many districts within this state. Your consideration in this matter would be greatly appreciated.

Thank you.


Mayor Roswell Schaeffer Sr.
Northwest Arctic Borough

Cc: Senator Seekins, Vice-Chair Senate Resource Committee

SB 102

Mary Jackson

From: Melanie Lesh
Sent: Tuesday, April 05, 2005 10:37 AM
To: tomlohman2@aol.com; marvsmith.lpboro@starband.net; seabries@olypen.com
Cc: Mary A Jackson; Douglas Letch; Melanie Lesh
Subject: SB 102 - Senate Resources Committee testimony

The Senate Resources Committee has asked SB 102 sponsor (Sen. G. Stevens) to help coordinate the testimony in an invitation-only hearing tomorrow.

Mary Jackson, the Resources Committee aide, indicated their intent to allow three people to testify on CS SB 102 (CRA)
<http://www.legis.state.ak.us/PDF/24/Bills/SB0102B.PDF>

The hearing is Wednesday, April 6th convening at 3:30 p.m.

The "bridge number" to join the teleconference is: 1-800-395-5073.

These are the names I've submitted on behalf of Senator Stevens:

1. Tom Lohman, North Slope Borough, phone: 349-2606
2. Gabrielle LaRoche, Contractor, Aleutians West (+), email: seabries@olypen.com
3. Marv Smith, Lake and Peninsula Borough, phone: 246-3421

If you know of anyone else wishing to testify, please encourage them to submit written testimony to the sponsor, or Senator Tom Wagoner, Chairman of the Senate Resources Committee.
Thank you.

Melanie Lesh, Aide

Senate Community & Regional
Affairs Committee

Senator Gary Stevens, Chair

465-4989

New

SB 113

Attn: Mary Jackson, *Resources Committee Aide*

Fax

To: Sen. Thomas Wagoner, Chair Senate Resources Committee
and full resources committee

From: Alan Parks
65055 Nearly Level Ave
Homer, Alaska 99603
235-5680
amparks@xyz.net

Re: SB113

Thought this paper would be of benefit to the committee as they look at Dedicated Access Privileges (DAP) as a new tool for the BOF and or CFEC.

It was presented at the conference "*Managing Our Nations Fisheries 2 focus on the future*" held in Washington D.C. March 24th - 25th 2005.

Thanks,



**In Search of Transition, Community, and a New Federalism:
6 Questions to Confront on the Road Towards a
National Policy on Dedicated Access Privileges**

Seth Macinko

Introduction

The founding premise for this paper is the same as that underlying our entire national fishery management system under the Magnuson-Stevens Act: fishery resources in the EEZ are national, public assets. I suggest that consistency with this premise requires challenging much of the prevailing wisdom in contemporary fisheries policy. For example, the concept of national resources implies national interests; it is simply inconsistent with these interests to permit the regional Councils to effectively negate or to throw into doubt the founding premise by virtue of the design of dedicated access programs. I reject the notion that we should leave *all* important decisions regarding dedicated access privileges up to the regional Councils. In the rush to embrace user-self regulation masquerading under the names of co-management and community-based management, there is a forgotten federalism to fisheries policy these days. National standards for dedicated access programs are necessary to reinforce and preserve the national interest in our fishery resources. But federalism cuts both ways. There is also a national interest in vibrant, adaptive coastal communities. We need to place much greater focus on the potential roles of communities in dedicated access programs. However, the current emphasis on "protecting" communities is misguided. Let's enable communities, not protect them. In large part, the damage done to both the national interest and communities arises from the prevailing approach to the initial allocation of dedicated access privileges. This approach is characterized by the awarding of permanent allocations to individuals in response to what are transitional impacts. Ironically, this approach substitutes the initial allocation for a transitional strategy. We need to recover the idea of a meaningful, planned transition between policy regimes. The current approach to the initial allocation and the attendant denial of a transition period retards adoption, and thus realization of the promise, of management systems based on assigned catches.

I offer the following recommendations for national standards for dedicated access programs:

- 1) Prohibit permanent allocations. Mandate fixed, limited terms for dedicated access privileges. Congress should set the upper bound at 15 years and require the Councils to explain why their management goals cannot be met with shorter terms.
- 2) Authorize use of auctions and Community Fishing Trusts. The use of Community Fishing Trusts as a means of administering auction systems should be encouraged.
- 3) Mandate identification of a specific transition period and specific transitional features, as opposed to permanent features, for all dedicated access programs.
- 4) Establish a minimum threshold for revenue sharing with the federal government.

These recommendations result from consideration of six key questions that confront conventional wisdom:

- 1) What is the Purpose of the Initial Allocation?
- 2) Whatever Happened to the Idea of a Transition?
- 3) Why Does Anyone Warrant a Permanent Allocation?
- 4) Who Should Be the Lessor?
- 5) Who's Afraid of Auctions?
- 6) What About Communities?

These questions are sequentially interrelated in a knee-bone-connected-to-the-thigh-bone fashion. As a result, I devote proportionally more attention to the early questions.

1) What is the Purpose of the Initial Allocation?

I do not think we have confronted this question in any serious manner up until now. In very broad terms, it seems that there are essentially two ways to answer to this question and these answers shape our policy options. The first answer is that the purpose of the initial allocation is to make a select group of individuals in the present generation rich. The second answer is that the purpose of the initial allocation is to assist in the transition between the current management regime and a new, presumably preferred regime in the future. I suggest that, although no one would openly admit it, the first interpretation of the initial allocation is in fact our current default position. But making people rich is different than a transitional strategy and I caution strongly against conflating the two concepts.

We are inducing opposition to dedicated access privileges and imposing losses in terms of foregone opportunities. These unfortunate outcomes are self-inflicted wounds and arise from two aspects surrounding the initial allocation. First, there is the design of the initial allocation. Second, there is the matter of how we talk about heartfelt concerns associated with those design decisions. Ultimately, our current approach to the initial allocation is unsustainable as an approach to fisheries policy. Because we are effectively treating the initial allocation as an event whose purpose is to make people rich (and because lots of parties would like to be rich), we are building increasingly complex, some might say bizarre, allocation schemes that threaten to collapse under their own weight.

a) Picking Winners (and killing Transition in the process)

Most of the opposition to assigned catch programs can be traced to a particular combination of key design features characterizing the initial allocation scheme. The prevailing approach to the initial allocation features assigned catches that are: i) fully transferable; ii) awarded free of charge to initial recipients; iii) effectively permanent; and iv) awarded to a subset of vessel owners chosen through an inherently political process. At bottom, this approach to the initial allocation amounts to a profound exercise in the government "picking winners." While not exhaustive, a listing of the concerns engendered by this approach to the initial allocation that give rise to opposition to future programs includes the following:

- Rampant speculative "fishing for catch history"—a new kind of race (in other fisheries) in which the cure promotes the disease.

- Inter-generational equity concerns, particularly those associated with the so-called transitional gains trap (c.f. Copes, 1986). All subsequent generations face significantly heightened entry costs precisely because the original assignments are into perpetuity while at the same time the future wealth of the fishery is transferred into the hands of the recipients of the original allocation.
- Intra-generational equity concerns (i.e., distributional equity concerns among the present generation) associated with the same transfer of wealth.
- Concerns for the social and economic impacts on coastal fishing communities arising from permutations of all three of the above concerns coupled with concerns over "permit drain" (and permit dearth) in such communities. In particular, there is a profound fear that the form of the initial allocation will inevitably promote absentee ownership thus redefining both what it means to be a fisherman and the distinctive "way of life" in fishing communities by radically altering cherished relations of production.
- The unleashing and encouragement of massive rent-seeking in the political arena (as well as on the water, see 1 above).
- National patrimony concerns. The indefinite nature of the assignments plus the relentless accompanying emphasis on "property rights," "rights-based fishing," and/or "privatization" inherently sows confusion regarding the status of fishery resources as national, publicly owned assets.¹

If not allayed, these concerns give rise to opposition to assigned catch programs. At the same time, these concerns represent costs in the overall net benefit calculation. Not addressing them results in a loss of potential benefits. But these are consequences of specific design decisions not preordained outcomes generically associated with dedicated access privileges. All of these concerns are associated with the form of initial allocation that currently prevails, particularly our penchant for permanent allocations. Permanent allocations can attain extraordinarily high values precisely because they are permanent (and transferable) and thus embody the entire future benefit stream from the fishery. High values make for high entry costs (and all kinds of subsequent concerns) and large windfalls (another source of many subsequent concerns). These properties of permanent allocations compel consideration of the initial allocation from a functional perspective; what is the function of the initial allocation? *If* (and this qualification will be examined further below) permanent allocations are not necessary to achieve the on-the-water behavior we seek to promote and if permanent allocations are a critical contributor to concerns over (and opposition to) dedicated access programs, then what is their positive role? The positive function of permanent allocations is simply that they make some initial recipients rich off the initial allocation alone.

But permanent allocations make still more mischief. Significantly, when the initial allocation involves the conveyance of permanent endowments, the very idea of a transition is eliminated. There is no real transition, there is simply the initial allocation and thus everything rests on the initial allocation (see below for further discussion of the problem of the missing transition). Under these conditions, a lot of attention is rightly focused on the initial allocation

¹ The U.S. Commission on Ocean Policy (USCOP) recommended that dedicated access programs "assign quota shares for a limited period of time to reduce confusion concerning public ownership of living marine resources, allow managers flexibility to manage fisheries adaptively, and provide stability to fishermen for investment decisions [USCOP 2004:290]."

and on the implications the particular form of the initial allocation holds for things people care deeply about. However, the responses of managers, theoreticians, and analysts to these expressions of concern often compound the controversy surrounding the initial allocation and adoption of dedicated access programs.

b) The Opportunity Cost of Defending the Indefensible. Or, The Marie Antoinette School of Public Policy (I, II, and III)

Expressions of concern along the lines itemized above have frequently been met with brazen dismissals by those urging us to simply get on with the inevitable business of privatizing public assets and to suffer through the design of the initial allocation; with good graces, humor, and some measure of compassion. Of course, this nostrum represents nothing less than an ends-justifies-the-means invocation and such invocations are frequently upsetting to people of good conscience.² Further, this brazenness carries its own opportunity cost in the policy arena. Below, I present three quotations culled from the annals of fisheries policy debates involving dedicated access privileges that demonstrate the kind of inflammatory brazenness to which I refer.

i) *Let Them Work Elsewhere*

One implication of this [theoretical] insight is that reducing the number of fishermen and gear will usually increase the income of those enterprises that remain by more than it will reduce the incomes of those that are excluded. In principle, at least, a system that transferred part of the gains from the first group to the second could leave both of them better off than they had been, while the rest of society would benefit from the labor and capital freed for other useful activity [Tussing, 1972:8].

This quote demonstrates both just how long we have been employing this sort of brazen dismissal and how such brazenness applies generically to consideration of dedicated access privileges. Indeed, this quote represents a timeless example of how we explain to ourselves removing people from the fishery under any form of limited entry or "rationalization" program. Sometimes, people form funny ideas about being greeted as liberators; for example, it has always struck me as a bit delusional to expect people to be grateful for having been removed from their current employment (for both their own and society's benefit). On the other hand, there is nothing like the prospect of being so liberated (by the prevailing qualification scheme) to turn even the most ardent supporter of dedicated access privileges into a dedicated opponent.

ii) *Let Them Find Another Community*

I wonder what the effect the share quota systems . . . [would have on] Alaska's coastal communities or industries.

² The damage done springs largely from the insistence (mostly by fisheries economists) that *allocation* is the paramount policy concern while *distribution* (think distributional equity) is a decidedly secondary (if not tertiary or lower) concern. A variant on the same dichotomy is the frequent pitting of "efficiency" concerns in inevitable opposition to equity concerns. If those schooled in the discipline do not acknowledge that true economic efficiency (in the sense of the Pareto criterion) admits, rather than opposes, equity concerns (see Saraydar 1989; Bromley 1990), what is a mere "lay" participant in fisheries debates to do? But of course, real people involved in real initial allocation debates know that distribution is everything, indeed the only thing (especially when the allocations are permanent).

Well, I suppose I don't know. To some extent, I'd like those questions to be on the other side of the ledger. What I'm interested in and what I think we need to focus our attention on is the aggregate effect over the entire U.S. economy, initially ignoring the question of how particular groups, and particular individuals and particular regions come out.

... You know the political system as well as I do. There's no shortage of opportunity for you to raise the issue of how is this and how is that community going to come out.³

I am not sure much more needs to be said about this exchange over the fate of communities under "rationalization" programs. People are and will continue to be concerned about impacts on fishing communities. Simply telling them that these concerns are wrong (e.g., lecturing them to focus on "allocation" not "distribution"), is not terribly productive. Community concerns are discussed further below under Question 6.

iii) *Let Them Cease Processing*

The flow of product over a much longer period would mean that processors would either have to adapt schedules to allow processing to occur throughout the season, arrange for deliveries only during specified periods, or cease processing sablefish. [NPFMC, 1989:117].

This little-known quote from the official analysis of what became the halibut/sablefish IFQ program in Alaska provides perhaps the most instructive lesson on the dangers of treating distributional issues in the transition period with callous disregard. Processors could simply cease processing? And thus did the world (eventually) come to know the terms "two-pie" and "processor quotas." Seriously, telling people you are doing them a favor by, as the British would say, making them redundant; telling people that there is always another community; and telling processors they can simply stop processing are all examples of how *not* to handle the initial allocation if you indeed want to make progress towards wider application of dedicated access privileges. The debate over the initial allocation often seems like it is interminable precisely because we have fashioned the initial allocation into a high stakes game of chance (or political opportunism). That is, the debate is interminable because the stakes are so high and the stakes are so high largely because the initial allocation involves permanent allocations. Permanent allocations mean everything rests on the initial allocation. Exhorting people to disregard the only moment that counts (because we have designed it to be the only moment that counts) is illogical, if not irresponsible.

2) Whatever Happened to the Idea of a Transition?

Transition. The word implies a certain temporal dimension, a *period of change*. But our approach to the initial allocation effectively negates any transition period. There is simply the instantaneous switch to the new regime effected the moment permanent allocations are awarded to the lucky sweepstakes winners. To argue that this switch involves a transition is akin to arguing that being shot by firing squad at dawn involves a transition. I argue that permanent allocations eliminate the possibility of planned transition periods and that this result severely limits our policy options. In an interesting twist, the specter of transitional impacts produces

³ This exchange (between a Kodiak fisherman and a fisheries economist) is taken from the panel discussion section in Frady (1985:145-146).

demands for permanent allocations that in turn remove the option of transitional policies. A particularly striking example of this process was presented at this conference last year.

In his presentation last year, Mr. Joseph T. Plesha (General Counsel for Trident Seafoods Corporation)⁴ asked us to imagine that a valuable fishery resource was discovered off a remote U.S.-owned island in the Pacific ocean and fishery managers wanted the ensuing fishery to operate in a rational fashion from the beginning. Given this hypothetical, Mr. Plesha's recommendation for what would/should follow next was startlingly concise and candid: The government should conduct an auction. After all, Mr. Plesha reasoned, "[o]ur Nation's fishery resources are owned by the general public. . . and not a group of fishing vessel owners [Plesha, 2004; see Appendix A]" nor, as he made clear in another portion of his statement, a group of processors. Further, Mr. Plesha argued for an auction on the grounds that "the general public should receive the full economic benefit from the resources they own [Plesha, 2004; see Appendix A]."

But of course, we are not starting from scratch. In real world applications, Mr. Plesha argued for a far different solution—an allocation of permanent "rights" to both vessel owners and processors. The reason for Mr. Plesha's abandonment of the auction idea is highly instructive. When not presented with the luxury of Mr. Plesha's hypothetical "new" fishery, we face fisheries with existing interests in place. In view of these existing interests, Mr. Plesha reasoned "[b]oth fishing vessel owners and processing plant owners should, therefore, receive rights in a rationalized fishery as compensation for having the value of their existing investments expropriated by the new management system [Plesha, 2004; see Appendix A]."

Notice what has happened: a much-warranted focus on the issue of transitional impacts has been transformed into a claim for a permanent endowment. But transitional impacts do not require permanent therapy. Investments by a select few members of the present generation (whether processors or vessel owners) cannot logically be the basis for conveying public assets into private hands on a *perpetual* basis. At best, the current generation (of *all* affected parties) warrants some form of consideration in the transition to a future policy regime. The very idea of attention to the transition, which by definition is a limited period, is obliterated by the leap involved in laying claim to a permanent allocation. We need to consider the transitional impacts on all parties more than we have done in the past, but we must insist that treatment of transitional impacts be consistent with, not undermine, our founding premise.

3) Why Does Anyone Warrant a Permanent Allocation?

The question that we need to confront in this context is why does *anyone* warrant a permanent allocation? The argument against permanent allocations is perhaps easiest to grasp in the case of the processors. As noted in the quotation presented earlier, processors may indeed suffer regulatory-induced impacts during the transition to an elongated season. But these are, by definition, transitional impacts and potentially warrant temporary, not permanent redress. The same conclusion applies to the harvesting side of the industry. Existing interests (investments) in

⁴ For those not familiar with the industry in the North Pacific, Trident Seafoods is a major, if not the major, processor and a principle advocate for as well as beneficiary of the various forms of processor considerations (including processor quota shares) that have graced the North Pacific arena in recent years. Mr. Plesha's presentation at this conference was echoed in his testimony before a subsequent Congressional hearing into processor shares and it is that testimony that is relied upon here. An excerpt of Mr. Plesha's Congressional testimony is attached as Appendix A to this paper.

vessels may suffer in the transition but these are transitional impacts and again call for at most temporary mediating measures.

At this point, the objection is usually raised that the race for fish is perpetual and therefore permanent allocations are warranted on the harvesting side of the equation. But we know this reasoning is specious. Permanent allocations are not necessary to address the race for fish. We know this to be empirically true because we already have programs that feature limited duration assignments and these programs are widely hailed for their ability to ameliorate the race for fish. I am referring to the widespread presence of leasing. Leasing demonstrates that what is important is that each and every operation on the water is in pursuit of an assigned catch, period, not the term of that assignment. Leasing by definition involves limited fixed-term assignments and those that lease do not race more than those in possession of permanent assignments. So we know that permanent allocations are not necessary to produce the on-the-water results we covet. Both harvesters' and processors' demands for permanent allocations rest on a profound conflation of interests with rights⁵ and the subsequent transformation of potential transitional impacts into claims of entitlement to a permanent benefit stream. Those who object to processors holding the policy process hostage over transitional impacts yet insist that harvesters warrant permanent allocations practice hypocrisy.

Close inspection reveals that the function of permanent allocations is not to end the race for fish but to deliver a reward to those chosen to receive the initial allocation. But, as outlined earlier, these rewards carry a high opportunity cost. Finally, there is another dimension to the hypocrisy involved in our current approach to dedicated access programs. Permanent allocations have the curious effect of shielding a select few vessel owners (and perhaps processors) in the current generation from the market forces we believe are so salubrious for all others. If we actually believe in the market, we ought to use it across all generations of participants. This will require, in some form, a system in which all participants operate under lease arrangements.

The maximum term of any allocations/leases should be established by Congress as a matter of national policy for a national resource.⁶ I would suggest that 15 years is sufficient for any fishery both in terms of a reasonable planning horizon and scale of investment involved. The Councils should then set specific lease terms within this broad overall guidance from Congress in accordance with local circumstances. I would further suggest that there is a direct relationship between the term of the lease and the scale of industry that will prevail. That is, the more industrial the fleet desired the longer the lease term should be. The smaller scale desired, the shorter the lease term should be (shorter terms result in lower entry costs and more opportunity

⁵ On the endemic confusion of interests with rights in the fisheries literature, see Macinko and Bromley (2002). For a more damning account of the failure to recognize established legal scholarship on "rights" within the economics literature generally, see Cole and Grossman (2002). Despite these contributions, the tendency towards cavalier usage of the term "rights" continues unabated in the field of fisheries. Whatever the "rights" contents of specific dedicated access programs, it is clear that these programs are not rights-based. To say that they are rights-based is to assert a causal analysis declaring that the programs work because of the putative rights involved. See Macinko and Bromley (2004) for discussion of why this causal analysis is fatally flawed.

⁶ Note that limited term allocations/leases are fundamentally different than "sunset provisions" for dedicated access programs. Sunset provisions are non-starters. No one is likely to vote (when the sunset date comes due) to terminate (or conversely to fail to renew) a system (any system) that has vanquished the race for fish. In contrast, a system of constantly renewing limited term allocations provides the kind of periodicity that motivates interests in sunset provisions in the first place.

for entry and more dynamism within the fleet due to more frequent turnover of leases). And this brings us to the next critical question.

4) Who Should Be the Lessor?

Once we have liberated ourselves from the option-constricting belief that allocations have to be permanent to work, we are presented with the interesting question of who should be the lessor. Currently, we have programs in which many, or in some cases most, actual participants are lessees and a group of vessel owners (though they may not still be vessel owners) are the lessors. But there is no basis for believing that a system in which some level of government acted as the lessor (rather than individual vessel owners) would not offer exactly the same amelioration of the race for fish into the future. Yet such a system would offer considerable additional benefits in terms of addressing the intra and intergenerational equity issues outlined earlier and would clearly reinforce our founding premise.

Publicly administering limited duration allocations via leases raises the question of how to distribute and redistribute the allocations when lease terms expire. Three broad options exist for distributing/redistributing limited term allocations: (1) the government can engage in an ongoing cycle of picking winners; (2) distribution could occur by lottery; or (3) we could employ the market—i.e., via periodic lease auctions. I am simply assuming a preference for the market and auction systems.

5) Who's Afraid of Auctions?

Limited duration allocations could eliminate many, if not most, of the problems associated with our current approach to dedicated access programs. Auctions are intuitively appealing as a means of administering programs based on limited duration allocations. But, auctions are scary, to lots of people. Perhaps the first thing to say regarding auctions is to note that we already have lease auction systems in place. This is most notably true in the case of the Community Development Quota (CDQ) program in Alaska but I would argue that the existing market in privately contracted leases under dedicated access programs already in place is, in effect, an auction system. Recognition of these existing auction systems returns us to the question of who should be the lessor (examined above), while mediating any tendency to regard auctions as a radical departure from current practice.

I think we need to have an honest national conversation about 'auctions without fear' rather than promoting such fears. If we wanted to make sure that public auctions never saw the light of day, I would suggest that we instantly switch to a 100% auction system (i.e., overnight we auction off all of the available catch) and deposit all the proceeds into the general treasury of the nation. Such an approach takes us back to Mr. Plesha's thought experiment and the apparent conflict between existing interests and a policy shift to auction systems. The conflict is artificial and rests entirely on the negation of a transition. That is, does anyone seriously believe we can never transition to auction systems? The key issue of course is *how to transition* to auction systems.

I suggest that if we really wanted to use auction systems to improve our fisheries, we would fashion a planned transition period, devise auction systems that partitioned the TAC into segments and stagger the lease periods for these segments so that they did not come up for auction at the same time (i.e., it is desirable both to have frequent opportunities to enter the

fishery and to not have one's entire portfolio of leases possibly expire at once), directly involve our local fishing communities in the administration of auctions and as recipients of the proceeds from auction systems (see below under Question 6), and we would fashion many of the same kinds of provisions we attach to dedicated access programs generally to meet important goals.⁷ I do not know which of the various claims for consideration during the transition period we should honor, that is for the Councils to decide, but I do know that we should keep treatment of such claims as short as possible. That is, some temporary shielding from the very market forces we are trying to introduce may be warranted as a matter of transitional policy but we cannot exempt any participants on a permanent basis. Moreover, it is not clear that shielding from the market forces we are introducing is the obvious choice for addressing transitional impacts. Fortunately, auctions offer extreme flexibility in crafting transitional strategies.

For example, in commenting on the crab plan developed by the North Pacific Council, the Department of Justice (DOJ 2003) noted that auctions:

[C]ould improve efficiency. In addition, an auction would capture for the public some of the value from the scarce resource, which could be used for public purposes. The proceeds could, for example, be reinvested in the fisheries, used to fund conservation programs or used to partially compensate harvesters and/or processors for overcapitalization.

Here we see the fusion of two important ideas. First, the transition is important and claims of transitional impacts deserve careful consideration not brazen dismissal. Second, there are ways to use the market to assist in the transition (that do not involve bestowing permanent awards in response to transitional claims). Of course, auctions systems present other options for fashioning a transition. The transition to an auction system could be phased in (say, e.g., 10% of the TAC per year could be devoted to the auction pool, thus offering a 10 year phase-in period). If impacts on present participants are judged especially severe, an initial allocation could be given to selected participants (say 50% of the TAC,⁸ the remaining 50% going straight into the auction pool) for a fixed period (say 5 years, to then revert into the auction pool). These are just examples, the possible permutations are many.

Finally, auctions should not be thought of as a way to pump up the federal coffers while pushing beleaguered fishermen into penury. In fact, I argue that we need to see, and to fashion, auctions as a critical component of fleet and community revitalization not deprivation.

6) What About Communities?

There is a forgotten federalism in fisheries policy these days. We need national standards on dedicated access programs to reinforce the national interest in our fishery resources (c.f., Scheiber 2002). But federalism runs both ways and there is also a national interest in vibrant, adaptive coastal communities. We need to place much greater focus on the potential roles of communities in dedicated access programs. However, the current emphasis on "protecting"

⁷ The point here is that the kinds of social, political, and economic goals the Councils may wish to attain are really not a function of whether or not auctions are employed. All (or none) of the various "bells and whistles" used to reach these goals may be used in conjunction with auction systems.

⁸ The choice of the 50% figure is not completely arbitrary. In the Alaska halibut fishery, ex-vessel prices approximately doubled following introduction of the IFQ program. A similar increase is projected by Weninger and Waters (2003) for the red snapper fishery in the Gulf of Mexico.

communities is misguided. Protectionism often has the unfortunate effect of eventually killing that which we wish to protect. This ironic outcome results from the fact that protectionism promotes ossification which is the very opposite of what is needed in a dynamic, vibrant, competitive world. We should focus on enabling communities, not protecting them. For example, instead of protection, let's just stop systematically disadvantaging communities via our obsessive focus on individual, permanent, portable endowments. Communities are not portable.

McCay (2004) has argued persuasively future programs featuring individually assigned catches will require much greater integration of community perspectives and treatment of community concerns if such programs are to be truly sustainable. While I agree, I think we need to fundamentally rethink what I would call the sequencing of this integration. We need to consider endowing communities (or regions) first and then letting the magic of individual initiative flourish underneath these community endowments rather than trying to tack "community protection" measures onto programs focused on permanent individual endowments. Elsewhere, I have likened this reversed sequencing to thinking about fisheries as "community gardens" (Macinko, 2004). The benefits of thinking of fisheries as resource endowments for places and regions are manifest (see Cunningham, 1994) and yet curiously relatively unexplored in any serious operational context.⁹ The concept of fisheries as resource trusts (or conservation trusts, see Fairfax and Guenzler 2001) deserves much more consideration. I suggest that a system of lease auctions locally administered through Community Fishing Trusts has much promise. As noted, federalism cuts both ways. Congress should establish a minimum level of revenue sharing with the federal government but the Councils should be given broad discretion to enable, not protect, our coastal fishing communities.

Conclusion

National standards are appropriate and necessary for dedicated access programs. In devising such standards, we need to challenge much of the conventional wisdom that lies behind our current approach to dedicated access programs. We must wean ourselves off of the belief that permanent allocations are necessary or even beneficial. All dedicated access privileges should be of limited duration terms (not sunsets). We must stop telling people to "get over" or "get on with" the initial allocation when we have fashioned the initial allocation to be the only thing that matters and a substitute for a transitional strategy. We must use the initial allocation as part of a transitional strategy, not as a tool to make some people rich. We must treat the subject of the transition between policy regimes as a period requiring direct management attention. We must consider transitional impacts as a distinct category; but that means resisting the tendency to turn some claims of transitional impacts into a basis for permanent allocations. Finally, we must reinforce the founding notion that fishery resources are national assets but realize that we can do so in ways that endow, not disadvantage, fishing communities.

⁹ The Community Development Quota (CDQ) program in Alaska (NRC 1998) being the obvious exception.

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Appendix A

Excerpt, first five paragraphs from:

http://commerce.senate.gov/hearings/testimony.cfm?id=1066&wit_id=3008
(last visited, 2/27/05)

Given at a Full Committee Hearing:
Seafood Processor Quotas Hearing
Wednesday, February 25 2004 - 9:30 AM - Sr - 253
The Testimony of
Mr. Joseph T. Plesha
General Counsel, Trident Seafoods Corporation

Our Nation's fishery resources belong to the general public. Logically then, the general public should receive the full economic benefit from the resources they own—through a simple auction by the Federal government to the highest bidder—when fishery stocks are rationalized. Neither processing plant owners nor fishing vessel owners have an absolute right to be included in the allocation of the public's fishery resources.

If a large stock of cod were discovered off a remote U.S.-owned island in the Pacific ocean and fishery managers wanted to rationalize it, I assume the Federal government would auction the rights to this undeveloped cod resource instead of allocating rights to vessel owners or processors based in Portland, Oregon or Portland, Maine.

Why should any participant in the seafood industry be allocated rights when open access fishery resources are rationalized? Under most circumstances there is a compelling reason to include both fishing vessel owners and primary processing plant owners in the allocation. In an overcapitalized "open access" fishery that is capital intensive, and where that capital invested in fishing vessels and processing plants is relatively non-inalleable, the owners of that capital will suffer enormous losses during the transition between the open access and rationalized fishery equilibrium conditions. The capital investments in primary processing and harvesting are transferred to quota owners when an open access fishery is rationalized.

Simply put, you do not need all of the harvesting and processing capacity that exists when an overcapitalized fishery is rationalized. Primary processing plants and fishing vessels with no alternative uses become nearly worthless. Both fishing vessel owners and processing plant owners should, therefore, receive rights in a rationalized fishery as compensation for having the value of their existing investment expropriated by the new management system.

Although including processors in the allocation of rights may be controversial, it should be embraced by fishing vessel owners. The rationale for including primary processing plant owners in the allocation of rights is also the only rationale for including vessel owners. Otherwise, open access fisheries should be rationalized by the Federal government through an auction of the resource to the highest bidder. Our Nation's fishery resources are owned by the general public after all, and not a group of fishing vessel owners.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Tuesday, March 22, 2005 9:26 AM
To: Mary Jackson
Subject: FW: SB 113

From: Dr. Bob Johnson [mailto:mj.bj@keconnect.net]
Sent: Tuesday, March 22, 2005 9:18 AM
To: Sen. Con Bunde
Cc: Sen. Tom Wagoner; Sen. Donny Olson; Sen. Ben Stevens
Subject: SB 113

Senator Bunde et al:

I am a retired physician, resident of Kodiak since 1938, active in my community since my return to practice medicine in 1955. Having heard from a number of local fisherman and talked with others in positions of authority, I am concerned about the trend that would be established by SB 113. In studying the bill, I see that it sets up a system for the allocation of the fisheries by an exclusive organization (whatever form that takes). The organization would decide which processors and which fishermen can be involved in a given fishery. It definitely limits the choice of individual fishermen: some may not qualify for permits by virtue of not having a recent record of involvement in the fishery; none can shop for processors that pay a more favorable price; it restricts entry of youngsters into the fishery unless they can pay the price and convince someone they qualify.

In short, this looks to me like "incorporation" of the fish business, which takes it out of the hands of the individual and puts it in the organization, a trend that is too apparent in this country and really hampers individual freedom, or "human rights," the basis of our democracy. I fear you are willing to sacrifice the individual for the benefit of the State. There are better ways to conserve the fisheries.

Dr. Bob Johnson
Box 945, Kodiak AK 99615
907-486-5171

3/22/2005

Mary Jackson

From: Sen. Tom Wagoner
Sent: Thursday, March 10, 2005 9:18 AM
To: Mary Jackson
Subject: FW: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Wednesday, March 09, 2005 11:50 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

Eva Holm
P.O. Box 3465

Kodiak 99615-3865,

I am a lifelong Alaskan resident and commercial fisherperson opposed to SB 113. It would allow reallocation of fishery resources away from Alaskan fishing families and communities to outside interests.



UNITED FISHERMEN OF ALASKA

SB 113 read 3/14/05
- ml

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 14, 2005

Senator Tom Wagoner, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Senator Wagoner,

United Fishermen of Alaska (UFA) supports passage of Senate Bill 113 relating to entry into and management of Gulf of Alaska groundfish fisheries (SB 113). UFA includes members and member associations with extensive involvement in Gulf of Alaska groundfish fisheries. UFA members and member associations have been actively engaged on this issue in the regulatory processes at the Board of Fisheries (BOF) and at the North Pacific Fishery Management Council (NPFMC) for many years. This bill has the unanimous support of the BOF and NPFMC and agency support from the Commercial Fisheries Entry Commission (CFEC) and Department of Fish and Game (ADFG).

SB 113 seeks to authorize the BOF and CFEC to develop a new management program for Gulf of Alaska groundfish fisheries called Dedicated Access Privileges (DAP).

The Gulf of Alaska groundfish fisheries are very complicated fisheries, with multiple gear types catching multiple species of fish. There are two groundfish fisheries conducted in State waters, a directed State managed Pacific Cod fishery, and a Parallel fishery that catches fish from a federal allocation. In addition, fish stocks commonly wander back and forth, in and out of State and federal waters. GOA groundfish fisheries today face rapidly increasing environmental pressure and decreasing economic efficiencies. Sustainable GOA groundfish fisheries are essential to the well being of coastal Alaska and to the overall fishing industry. Anticipated rationalization of federally managed GOA groundfish fisheries will likely increase fishing pressure inside State water and exacerbate economic and environmental problems. To do nothing is not likely to preserve the status quo of state managed groundfish fisheries.

Limited Entry may be inadequate to address the complications of GOA groundfish, and the impacts to state fisheries from changes in the federal management. In part because these fisheries are managed under a quota system already, DAPs may be appropriate.

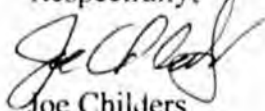
DAP program development will seek to recognize and reflect historic participation in GOA groundfish fisheries and to promote the best interests of the State of Alaska and its participants in state water groundfish fisheries.

No future DAP program elements are established in SB 113. The bill does not pre-suppose any outcome from the development of DAP programs. Any potential future DAP programs will follow additional extensive public process at the BOF and CFEC. UFA notes its longstanding opposition to processor quota shares and acknowledges that SB 113 does not move the CFEC or BOF towards allocation of processing privileges.

UFA supports the BOF and CFEC processes, and believes that they are the proper authority and can provide essential public participatory process to develop new management programs.

UFA recognizes that our fisheries need to be as economically efficient and possible and as environmentally responsive as possible. We support the prompt passage of SB 113 to initiate the necessary process to address this issue of widespread concern and impact.

Respectfully,



Joe Childers
Vice President



Mark D. Vinsel
Executive Director



Alaska State Legislature

Please enter into the record my testimony to the (S) RES
COMMITTEE NAME

committee on SB 113, dated 3/10/05
BILL / SUBJECT TODAY'S DATE

This bill is REALLY BAD.

Have we forgotten in this state that one of the MAIN reasons to become a state was to REMOVE out of state and out of country PROCESSORS from owning, mismanaging and controlling our fish!

This bill is simply an underhanded way of bypassing our STATE CONSTITUTION (which protects Alaska's FISHERMEN) in order to GIVE ALASKA'S FISH to the FOREIGN AND OUT of State PROCESSORS!

Signed: Jenny Roth JENNY ROTH Steven Roth Steven Roth
TESTIFIER (Signed, PRINTED NAME)

REPRESENTING

P.O. Box 3171 Homer AK 99603
ADDRESS


907-235-5572
PHONE NO.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resource
committee name
 committee on SB113/Groundfish . dated 3/9/05
bill/subject

Please see
 Attached (4pgs)

Signed:  Tim Gossett
Testifier
SELF
Representing (Optional)
P. O. Box 4232 KODIAK AK 99615
Address
907 486-2378
Phone No.

MY NAME IS TIM BOSSETT.

I STARTED COMMERCIAL FISHING IN
1971 AT THE AGE OF 16. I
HAVE LIVED IN ALASKA SINCE 1978.
I CAME UP AS A DECKHAND AND
STARTED RUNNING MY OWN BOAT
IN 1987. FOR THE PAST 8 YEARS
I HAVE USED MY 1600 TON LICENSE
TO WORK ON FREEZER LONGLINES IN
THE BEARING SEA IN THE WINTER TIME TO
HELP MAKE ENDS MEET. I ALSO
CURRENTLY OWN A 42' SEINE BOAT
WHICH MY SON AND I FISH
EACH SUMMER.

I THINK I TAKE A DIFFERENT
VIEW / ~~AS~~ THAN MOST. IT SEEMS
THAT A LOT OF US SMALL BOAT FISHERMEN
~~AND~~ FISH STATION IN THE SUMMERTIME SOME
WHERE IN THE STATE. THE DEMISE OF
THE ~~ALASKA~~ ^{STATION} FISHERY IN ALASKA IS
WELL DOCUMENTED. I VIEW COD
TERMINAL FISHING AS A WAY TO
SUPPLEMENT
KEEP ~~SUBSIDIZE~~ MY STATION OPERATION.
I HAVE ALSO WAITED FOR MY SON
TO COME OF AGE AND FISH W/ ME.
HE IS ~~17~~ ¹⁷ NOW AND THE TIMES WE
HAVE SPENT TOGETHER ON THE WATER
ARE PRICELESS TO BOTH OF US...

GULF RATIONALIZATION HAS TAKEN AWAY OPPORTUNITY FOR US (UNLESS OF COURSE YOU HAVE THE CAPITAL TO BUY IN) AND NOW OUR WATERS WITHIN 3 MILES ARE THREATENED WITH SB 113.

I AM AFRAID OF SB 113. MY INTERPRETATION IS THAT IT GIVES THE BOARD OF FISH (OR CFPD) TOO MUCH POWER TO PICK AND CHOOSE WHO RECEIVES FISH ALLOCATIONS, (ALTHOUGH I MUST SAY THAT ITS TRUE INTENTIONS ARE UNCLEAR TO ME) IT IS MUCH TOO AMBIGUOUS!!

TO ME IT IS NO COINCIDENCE THAT THE DRIVING FORCES BEHIND THIS STATE BILL ARE GENERALLY THE SAME AS THOSE WHO BACKED THE FEDERAL GULF PLAN. THE

I WOULD LIKE THE SAME OPPORTUNITY
THAT DREW ME INTO COMMERCIAL FISHING IN
THE FIRST PLACE, THE OPPORTUNITY TO COMPETE
W/ MY FELLOW FISHERMEN AND SELL OR
MARKET MY FISH TO WHOM I CHOOSE...



Alaska State Legislature

Please enter into the record my testimony to the SENATE RESOURCES
 committee name
 committee on SB113 . dated MARCH 9, 2005
 bill/subject

PLEASE SEE ATTACHED
 (3pgs)

Signed: Steve Drago Vice Pres.
 Testifier
ALASKA DRAGGERS ASSOC.
 Representing (Optional)
PO BOX 2260 KODIAK 99615
 Address
3910
907 486-~~3334~~ msej
 Phone No

BULLET SHEET ON SB 113

My name is Steve Drage and I am the vice president of the Alaska Dragger's Association - which represents ³⁰ ~~47~~ trawl vessels that fish out of Kodiak.

The Alaska Dragger's Association supports SB 113

Presently the Governor of Alaska, the BOF rationalization task force, BOF, NPFMC, and the United Fishermen of Alaska all support SB 113.

For today's hearing, it is important to note, that many of the industry members who are in favor of this bill are unable to testify today due scheduling conflicts.

State Jurisdiction

A substantial amount of both Pacific cod and Pollock has been caught inside 3 miles during the federal fisheries, otherwise known as the parallel fishery. Even though vessels thought that they were operating in a federal fishery, having all the appropriate licenses and follow all the federal fishery regulations, it turns out that the State of Alaska has jurisdiction over this catch.

SB 113 will allow the state to maintain authority over inside three mile catch, and allow these fishers to have somewhat equal treatment when compared to potential fishing privileges in the federal program, since both would receive fishing privileges based on catch history.

SB 113 allows for a coordinated fishery management approach for stocks that are migratory across the three-mile jurisdictional lines such as management and data costs, enforcement costs, observer coverage and costs, Bycatch, and incidental catch.

No Action By the State

The state must take action to protect the fishery resource and Alaskan fishers, otherwise it puts at risk inside three miles fishers with excessive effort by new fishers joining in the fray of open access fisheries. The state must respond to groundfish rationalization of the federal groundfish fisheries.

With the State taking action with SB 113 the state of Alaska has the ability to drive the outcome in the federal process.

Senate Bill 113 Does Not

- Does *not* provide processor Designated Access Privileges (DAPs) or "processor quota shares" for Gulf of Alaska groundfish in state waters
- Does *not* set a precedent for "processor quota shares" in GOA groundfish, salmon, or any other state fisheries
- Does *not* predetermine which, if any, species, areas, or gear types may have a DAP program developed
- Does *not* predetermine DAP recipients

STEVE DRAGG
AK. DRAGG ASSOC. 2

Senate Bill 113 Does

- Does grant sufficient statutory authority to the Alaska Board of Fisheries and the Commercial Fisheries Entry Commission to adequately address fisheries development plans for Gulf of Alaska groundfish species
- Does clearly define the respective roles of the Alaska Board of Fisheries and the Commercial Fisheries Entry Commission in developing dedicated access privilege programs
- Does provide ample opportunities for the public to participate in the development of any DAP programs through the Board of Fisheries and Commercial Fisheries Entry Commission public hearing process
- Does offer the opportunity to be a more inclusive limited entry program than the existing statutes allow through the license limitation model

PWS pollock fishery:

- The PWS pollock fishery is managed by the State of Alaska and is one of the other State groundfish fisheries that could be limited with the DAP approach
- A run away unmanageable fishery when federal rationalization occurs
- Amount of excessive capacity in this fishery for 2005
- That you have tried to do a license limitation model via CFEC but at this point the fishery does not meet the statutory requirements
- That this fishery is a perfect candidate for a DAP fishery approach for management
- That you will be taking your case to the BOF and CFEC to work to design an appropriate limitation system for this fishery as the process moves forward

~~4199-4199~~

②

STEVE DRAGE 3
AK DRAGGERS ASSOC

PWS POLLOCK

- PWS POL FISHERY IS MANAGED BY THE STATE + IS ONE OF THE "OTHER" SEASIDE GROUNDFISH FISHERIES THAT COULD BE EFFECTIVELY MANAGED WITH A DAP APPROACH.
2. PWS POL WOULD BECOME A RUNAWAY FISHERY WHEN FEDERAL RATIONALIZATION OCCURS. AS IT NOW STANDS PWS POL IS THE ONLY OPEN TRAWL FISHERY BETWEEN MEXICO & RUSSIA.
 3. THIS YR THE BOATS REGISTERED HAD 17% HOLD CAPACITY OF PWS POL QUOTA AN UNMANAGEABLE SITUATION.
 4. WE TRIED TO HAVE CFEL INSTITUTE A LIMITED ENTRY PROGRAM AROUND 4 YRS AGO, BUT AT THE TIME, THE FISHERY DIDN'T MEET THE STATUTORY REQUIREMENTS.
 5. THIS FISHERY IS A PERFECT CANDIDATE FOR DAP APPROACH.
 6. WE WILL TAKE OUR SITUATION OF PWS POL TO BOF + CFEL TO DESIGN AN APPROPRIATE LIMITATION SYSTEM AS THE PROCESS MOVES FORWARD.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resource
committee name
 committee on SB 113 - Groundfish, dated 3/9/05
bill/subject

Please see testimony
 attached (3pgs)

Signed: Leonard R Carpenter Leonard Carpenter

Testifier

SELF

Representing (Optional)

P.O. Box 1970 KODIAK AK 99615

Address

(907) 406-5852

Phone No

Good afternoon (MR CHAIRMAN ^{SOOKINS})

Thank you for the opportunity to speak today about SB 113. My name is Leonard Carpenter and I am speaking on behalf of myself and my family. My wife Anita, my son Matthew and I own and operate the 36' Fish Tale. We have long lined and jigged for cod and rock fish since 1999 during both the federal parallel and state seasons, all inside 3 mi. We are adamantly opposed to SB 113 because it gives the BOF and the CFEC such broad and extensive powers. SB 113 is so vague and lacking of substance that creating a fishery around it is like signing a blank contract. We feel that the BOF & CFEC have adequate tools to effectively manage our ground fish stock in the Gulf of Alaska, and until ~~and~~ they are thoroughly investigated ~~and~~ debated through the public process it would be premature and unexcusable to lend support to it.

and

Lets explore other options, First, ones that would guarantee our future and our childrens with a permit or license that is permanent and has value as opposed to a D.A.P. A privilage that could be taken away

I dont understand the States
rational that we need to "mesh
as closely as possible" our
management of the GOA with
the federal rationalization plan.
In the past our State fought
Against IFAs for the small
independent fisherman, the people
that built and help keep coastal
communities and Alaska alive
and healthy, so why embrace a
DAP that is strikingly similar to
an IFA a quota or privilege
that most likely could not be
bought or sold, leased or transferred
and there for has no market value

As independent fisherman we
need flexibility and security in
the GOA Groundfish fishery to
ensure our future survival and
our childrens future, the next
generation of fishermen & women.

In closing we need to move
slowly and carefully on this issue
because too much is at stake for
Alaska and its coastal communities
we have to get it right. We need
to keep the control of this fishery
in the hands of ^{the} people not in
the hands of ^{the} ~~for~~ who can change
the rules and ~~regs~~ as ~~the~~
the political climate or their will

Changes. Feel free to call or email us with any questions or comments you have, and please keep our communities engaged & informed in this process, because it is very important to us, and schedule as many regional hearings as possible.

Thank-you

J/V FishTale
P.O. Box 1970
Kodiak, AK 99615

Sincerely
Ronald R. Layton

(907) 486-5852

email - fishtalerulza@yahoo.com



Alaska State Legislature

Please enter into the record my testimony to the Senate Res.
 committee name
 committee on SB 113 dated 3/9/05
 bill/subject

My name is Lonnie White. I am a small business owner here in Kodiak.

SB 113 is the instrument needed to line the state policy with federal to change our fishery from open entry into closed class. We know that rationalization of state water fisher is illegal under our State Constitution. Ben Stevens bill is amazingly simple and mostly true - however it is radical and contrary to the spirit and intent of the State Constitution and the limited entry amendment.

The truth however is that jobs and money will be lost with the new efficiency and it will mean fewer jobs and the export of money to other states as we have seen with halibut and black cod. D.A.P. - Privilege will migrate into ownership in time.

Like the limited entry amendment, this shou^t not be passed as bill but needs to be voted on by the people of the State of Alaska - anything else is highly unethical if not illegal as it goes against the spirit and intent of the State Constitution. I can not support SB 113.

Signed: [Signature] Lorne E White

Testifier

[Signature]

Representing (Optional)

PO Box 476

Address

907 487-2292

Chamber No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resource
 committee name
 committee on SB113 - Groundfish, dated 3-9-05
 bill/subject

March 9, 2005
 Testimony to the Senate Resources Committee

RE: SB 113

My name is Theresa Peterson and my husband and I are commercial fishermen and own a fishing vessel. We participate in crab, herring, salmon, halibut and groundfish around Kodiak and have done so for the past 18 years.

Groundfish has become increasingly more important to our livelihood over the last few years and this is true for a number of independent fishing families. In fact, the volume and value of groundfish in Kodiak has been at a steady increase and is expected to continue to do so according to the Chamber of Commerce. Kodiaks economy is stable and a willingness to invest in the community is illustrated by the boom of construction. Within the existing fisheries management, this town is thriving.

As I heard a 17 year old say last night, 'It's all the little people that keep this town running, without them we'd just be a poor fishing town with a few rich people.'

We, the little guys, without a lot of history, cannot afford to lose access to the groundfish. This bill, as written, is so fact it is impossible to predict how this will impact stakeholders. We do not want to allow Board of Fish to allocate directly to 'associations' with virtually no guidelines. We do not support this bill and feel that the state has the management tools in hand to address concerns brought on with Gulf Rationalization.

We need regional hearings on this, this is huge!

Thank-you

Signed: Theresa Peterson

Testifier

Self

Representing (Optional)

PO Box 347 Kodiak 99615

Address

907 486 2991

Phone No

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

PETERSBURG LEGISLATIVE INFORMATION OFFICE

PHONE: 772-3741

FAX: 772-3779

FAX TRANSMISSION

TO: Senate Resources Committee
FAX: 707.465.4779
DATE: March 9, 2005

MESSAGE:

SR Committee chair, 3 members,

I have sent up the North Pacific Fisheries Management Council motion from ^{the} December 2004 NPFMC meeting. I hope you will consider adding this to your packet.

The council supports this legislation and the State of Alaska's efforts to develop this program.

Arne Fuglwig

president of Petersburg Vessel Owners
member of the North Pacific Fisheries Management Council

Motion to Support Coordinated Federal/State GOA Groundfish Rationalization
12/04

The North Pacific Fisheries Management Council (NPFMC) and the State of Alaska share the goal of creating a management system for Gulf of Alaska (GOA) groundfish fisheries on stocks that are migratory across jurisdictional lines that:

- Increases efficiencies, resulting in economic benefits and stability
- Improves safety
- Improves stock conservation
- Reduces bycatch
- Reduces gear conflicts

It is unlikely that these goals can be achieved unless the GOA groundfish fisheries are rationalized in both state and federal waters.

Therefore, the NPFMC acknowledges and supports the efforts of the State of Alaska to develop a management system in state waters that coordinates with a management system in federal waters to assure that the following mutually critical issues can be satisfactorily addressed while meeting the shared goals stated above:

- Management and data costs
- Enforcement costs
- Endangered Species Act issues
- Observer coverage and costs
- Bycatch, incidental take, and prohibited species caps
- Community provisions (that the state is constitutionally prohibited implementing)
- Essential Fish Habitat/HAPC

In order to achieve an integrated and coordinated federal/state management system for GOA groundfish fisheries across jurisdictions, the NPFMC supports the State of Alaska's pursuit of legislative authority enabling the Alaska Board of Fisheries (BOF) to implement a dedicated access program, such as those currently under consideration by the NPFMC for GOA groundfish. For GOA groundfish, such authority would confer upon the BOF the authority to allocate fishery resources on the basis of historical landings to skippers, crew, vessel owners, or other entities, by fisheries, as deemed appropriate. Further, it would authorize either the BOF or the Commercial Fisheries Entry Commission (or some combination of the two) to provide access to such fisheries. Authority would also be sought allowing the BOF to allocate fishery resources to cooperatives. Provision of such authority would enable the BOF to implement—if ultimately approved by the BOF—a management program coordinated with the NPFMC, as long as such a program meets Alaska's constitutional mandates.

Further, the NPFMC acknowledges Alaska's constitutional mandates and constraints, and to the extent possible and desirable, will attempt to accommodate them in the interest of seeking a mutually beneficial federal/state management program for GOA groundfish fisheries.

Alaska State Public Opinion Message System:

Sen. Gary Stevens's office

Search Results

1 record returned

Oliver Holm wrote the following message On 3/9/2005 at 10:49 In
opposition of *SB 113*

Message:

I oppose SB 113. It flagrantly disregards the intent of the state
constitution. It would enable absentee, outside ownership of Alaskan
fishing rights and allow allocations to processors.

Message was delivered by Pom

Contact Info:

Oliver Holm
Po Box 3865
Kodiak AK, 99615

[View Case](#)

[Go to Main Menu](#)

[Go to Search Page](#)

New

Alaska State Public Opinion Message System:

Sen. Gary Stevens's office

Search Results

1 record returned

Eva Holm wrote the following message On 3/9/2005 at 11:44 In opposition of SB 113

Message:

I am a lifelong Alaskan resident and commercial fisherperson opposed to SB 113. It would allow reallocation of fishery resources away from Alaskan fishing families and communities to outside interests.

Message was delivered by Pom

Contact Info:

Eva Holm
Po Box 3865
Kodiak AK, 99615-3865

[View Case](#)

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[Go to Search Page](#)

New

Senator Wagoner
Attention: Mary Jackson
CC : Senate Resources Committee

April 7, 2005

There has been recent talk about the huge influx of POM's supporting SB113, largely coming from cannery processors. When we heard that the canneries were asking the workers to sign POM's in support of SB113, we chose not to inundate the LIO this way. If the legislators in Juneau are viewing this as overwhelming support, we would like to point out the repetitive nature of these messages. This is a very complex issue and we feel SB113 is not the right fix. If in fact, CFEC and the Board of Fish need this authority, first have them build the system. Let's find out if it meets Constitutional Muster and then have the Legislators vote it up or down. If this is for the better of our Coastal Communities, let's see it. Here are just a few more concerned citizens that have weighed in opposition. If need be, these signers are more than willing to convert this petition into POM's. We are relying on the Legislature to be the check and balance. To insure that the passage of any bill is legitimately scrutinized. And that the burden of challenge does not fall to the private sector.

Sincerely, Alexis Kwachka
F/V No Point
326 Cope Str
Kodiak, Ak 99615
(907) 486-5558



WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

Please Sign and Print Name	Community	Vessel/Occupation
Edward Pestrikoff <i>Edward Pestrikoff</i>	Old Harbor	Melina / Fisherman
William Takah <i>William Takah</i>	Kodiak	Processor
Lynn P <i>Lynn P</i> Lynn Pilleter	Kodiak	Fisherman
Craig S <i>Craig S</i>	Kodiak	Fisherman
Teresa S <i>Teresa S</i>	Kodiak	Tribal member
Hester D <i>Hester D</i>	Kodiak	fisherman
Loring O <i>Loring O</i>	Kodiak	
Sandra M <i>Sandra M</i>	Kodiak	housewife
Jimmy A <i>Jimmy A</i>	Kodiak	Bun - Maid old fisherman
Jan R <i>Jan R</i>	Kodiak	Rooper Tony's Inc
LARRY W <i>LARRY W</i>	Kodiak	RETAIL SLES Tony's Inc
LORIE C <i>LORIE C</i>	Kodiak	
Shane R <i>Shane R</i>	Kodiak	All-time
David K <i>David K</i>	Kodiak	Tony's Information
David J <i>David J</i>	Kodiak	Information Services PKI MC

mw

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

ADDRESS

Please Sign and Print Name	Community	Vessel/Occupation
Robert S. Sluett	Port Bailey owner	PROCESSOR
Susan K. Sluett Susan K. Sluett	Bare Island near Port Bailey	52 years in Kodiak over the hill ex fisherwoman/vessel owner
Amita Adams	PORT BAILEY	HEAD PROCESSOR W/BAILEY
Tom Sealey Tom Sealey	Anchorage	TRIDENT fish PROCESSING
Johnny Z. Bue Selma Bue	AFognak	mechanic on vessels
Lynn Deane	W. Wainona	fish boat
Kaitlyn Neely	KODIAK	FLORIST
Jimmy Clay	KODIAK	accountant
Jeffery JEFFERSON	PO BOX 8102 KODIAK AK	F/V NORTH POINT
D. Holladay Lynn Anderson	KODIAK	F/V BERING BAY
J. Anderson	KODIAK	Herring Pk.
Andy Beresloff	KODIAK	Commercial fisherman
Joe D. Ludvick Joe's Fishery	Sand Pt. AK	fisherman
ROBERT J. HILL III Robert J. Hill III	PO BOX 4025 KODIAK, AK	FISHERMAN
Jonathan J. Orloff Jonathan J. Orloff	516 Willow St KODIAK AK 99605	F/V Michelle Lee

PLEASE RETURN TO THERESA PETERSON 486-2491
OR SHAWN C. DOCHTERMAN 486-3777

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

Please Sign and Print Name	Community	Vessel/Occupation
John M. ... Abe McWright	KODIAK P.O. Box 8887	OR NAFA
Jean Rauden Jason Rauden	Anchorage AK 5501 E WAINWATER AVE	ISA notski
Michelle Carson MICHELLE CARSON	Kodiak AK	NAPA
WALTER DOUGHTER HANU Kodiak	P.O. Box 719 KODIAK, AK	STORMBIRD FISHER NORTH POINT
John W. Sejerston John W. Sejerston	P.O. Box 3784 KODIAK, AK 99548	STORMBIRD FISHER NORTH POINT
Tom Frost	P.O. Box 3096 Kodiak AK	American Lady Crabber
ROBERT AMBERG L.A.H.A.C.	P.O. Box 1056 KODIAK AK 99548	CUSTOM CONCRETS
KUNNA ERICKSON	Box 648 KODIAK	ERIKSON MARINE
RICHARD T. BURR	Box 2699 Kodiak	Richard Burr
Mike Milligan	77 The Mill 12056 Gorge Dr.	Concerned Citizen
Bob Bongher	2885 Pra. Hill	FLY WINDWARD
J. Howard Jessica Howard	Kodiak Box 155	Pinn Masters of Kodiak
Fred Stager	Kodiak POB 8243	Fly Siskiyou
K. Herman	Box 4116 KODIAK	FLY WINDWARD
D. ...	12227 Russian	NAFA

PLEASE RETURN TO
 THERESA PETERSON 486-2991
 OR STEVEN P. DOUGHTERMAN 486-8777

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

BOX NUMBER

Please Sign and Print Name	Community	Vessel/Occupation
Paul Agostine Paul Agostine	Kodiak	electrician
Mike Donoum Mike Donoum	Box 1724 KODIAK 99615	X FISHING BOAT OPERATOR HAZMAT TECH.
Bill Hinkle Bill Hinkle	Box 2177 KODIAK	KEA
Diana Mac Donell DIANA MAC DONELL	Kodiak AK	P/V woodstuck
Pat West Pat West	Kodiak AK	self-employed
Nick Troxell	12347-NOCH DR. Kodiak	Junkie
Ed West Ed West	Kodiak	Carpenter
Bill Harrington Bill Harrington	Kodiak	Fishermen
Stephen Keaton Stephen Keaton	Kodiak	SEVOL
Rhea Scholtz Rhea Scholtz	Kodiak	ST. V. H.
Larry Anox Larry Anox	Kodiak	Fl. Lazy Bay
Larry Anox LARRY ANOX JR	1210 Selict, lower Kodiak	Apt #10 Taxi idemist
Bob Francisco BOB FRANCISCO	PO BOX 4055	MILITARY
Kris Foster Kris Foster	491 - K. Knellaker Apt. 12	Custody
ada cople ada cople	Kodiak PO Box 7071	dispatcher

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill prevents the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

Please Sign and Print Name	Community	Vessel/Occupation
<i>[Signature]</i>	KODIAK	F/V LADY KODIAK
<i>[Signature]</i>	Kodiak	204 Lilly Lee 325 B3
<i>[Signature]</i>	Kodiak	Pine 2001
<i>[Signature]</i>	Kodiak	F/V LARRY J.
<i>[Signature]</i>	Kodiak	Fisherman
<i>[Signature]</i>	Kodiak	Bartender
Susan S. Hardell	Kodiak	Lost Soul
Jeffrey G. Goss	Anchorage	Cannery
<i>[Signature]</i>	Kodiak	Printer
<i>[Signature]</i>	KODIAK	COAST GUARD
Shannon Blake	KODIAK	HARRY'S
<i>[Signature]</i>	FADAN	F/V TORPEDO
Ryan Nelson	Kodiak	F/V HAZEL KODIAK
<i>[Signature]</i>	Kodiak	mechanic
<i>[Signature]</i>	KODIAK IS. ALASKA	N/A

[Large handwritten signature]

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

Please Sign and Print Name	Community	Vessel/Occupation
Joseph Szert Jr Joseph Szert	OLD Pt. 125 Harbor	CREW MAN
Norm D. IER	Kodiak	Self
[Signature]		
Franklin Carver	Anchorage	SELF
Ruben Hammer	Kodiak	construction
Nick Sardin Thyllis Perry	Nadav	retiree fisherman
[Signature]	Kodiak	Dental Asst.
Leki S. [Signature]	Kodiak	Insurance Salesman
Darius Kasprzak Darius Kasprzak	Kodiak	vessel owner skipper F/V Malka
Terry [Signature]	Kodiak	USCG
Keith Lee Wilson Kirk [Signature]	Kodiak Sand Point	Self
Steph [Signature]	Kodiak	Self tax
Nathaniel Newman Nathaniel Newman	Kodiak	Crew man
Jackie Wallace Jackie Wallace	Kodiak	Housekeeper
Elizabeth Still Elizabeth Still	Kodiak	Bartender

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Program

Please Sign and Print Name	Address PH #	Vessel/Occupation
BEN BILSTEIN <i>[Signature]</i>	523 LETO ST KODIAK 487-4523	BREWERY
ELIZABETH O'DONNELL <i>[Signature]</i>	135 MOUNTAIN VIEW KODIAK 6-2883	F/V CARAVELLE
RICHARD YULKER <i>[Signature]</i>	BT 3357 KOD. 7-2199	BREWERY HELP L.F.O. FISHERMAN
GARRICK PARKER <i>[Signature]</i>	3514 Woodyway CP KODIAK	SAFETY TECHNICIAN KODIAK OCEAN SAFETY SER.
Pete Cunniskey <i>[Signature]</i>	11513 Middle Bay Dr KODIAK 487-2790	BIOLOGIST
John Palke <i>[Signature]</i>	619 Thorshiem 486-4679	Fisherman Kimberly
Mark Humphreys <i>[Signature]</i>	178 Thorshiem 6-2786	Fisherman F/V Deliverance
Renee Harkenkamp <i>[Signature]</i>	P.O. 1104 6-0855	student.
KRISTOPHER BLESSIAN <i>[Signature]</i>	HALESA, AK KODIAK, AK	F/V FALCON / JIG/GILLNET F/V LEITHW / TENDER
Jennis Effers <i>[Signature]</i>	KODIAK, AK	Fisherman F/V DAWN
JASON BAGBY <i>[Signature]</i>	SALOTONA, AK	Fisherman/MANY
LIFE CHASER <i>[Signature]</i>	KODIAK	<i>[Signature]</i>
Robert Walton	Kodiak	Sport Fishing
Jason W. Davis	Kodiak	Ride on Boats
Angela M. Reynolds Amplified Records	Kodiak	Karting
Trista Abston Trista Abston	Kodiak	Fish site Chief Cook/waitress
Bryant Davis	Perthians	Monica Jean (Heaving)

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

Please Sign and Print Name	Community	Vessel/Occupation
James Stevens James Stevens	KODIAK	fisherman
Stephen C. Dichterman Stephen C. Dichterman	KODIAK PO Box 3836	F/V SIDR MISIKI F/V ISANDISKI
Leeland Maule	Kodiak	X-1 skerman
Katherine J Lopez Katherine J Lopez	Kodiak	marine supply sales associate
Jane Skarberg Jane Skarberg	Kodiak	Kodiak marine Sales Associate
Cherry Castaneda Cherry C Castaneda	Kodiak	Sutliffs Accounting Clerk
Diana Bridenstine Diana Bridenstine	Kodiak	Sutliffs
Evelyn Borg Evelyn Borg	Kodiak	Village Bar
M. Va Ferris Mike Ferris	Kodiak	F/V Nordic Viking Crew
Cheston Clark Cheston Clark	Sitka	F/V Nordic Viking F/V Lorne Row
Abram Fox Abram Fox	Kodiak	Northern Jager
Harold Lyons Harold Lyons	Kodiak	Northern Jager
MARY BARBER Mary Barber	Kodiak	ACCOUNTING TECH A/P KODIAK ISLAND BAR
Rebecca Hunter Rebecca Hunter	Kodiak	Bar Manager Tropic Lounge
KATHY CLIVER Kathy Cliver	Kodiak	RESM / ADMIN

WE, THE UNDERSIGNED CONCERNED CITIZENS OF COASTAL ALASKA, STAND UNITED AGAINST SB 113. This bill grants the ability to the State Board of Fishery and/or CFEC to issue history based fishing rights in State Waters in the form of a Dedicated Access Privilege Program

Please Sign and Print Name	Community	Vessel/Occupation
Denise Stameoff Denise Stameoff	Kodiak	Village Bar BARTENDER
JOHN POZYK John Pozik	KODIAK	PILE DRIVER
Harold Harkus Harold Harkus Barber	Fodega	Contractor
Pete Kluss Pete Kluss	Kodiak	Contractor
Charles Frobenius Charles Frobenius	Kodiak	Lugaa Star Fisherman
Howard Peterson Howard Peterson	KODIAK	F/V RAVEN Fisherman
Chris Deate Chris Deate	KODIAK	Fishing Construction
John W. Hupter John W. Hupter	KODIAK	JWA Coast Inc Contractor
Jacqueline Gaby Jacqueline Gaby	Kodiak	deck hand
Sheila Leary Sheila Leary	Kodiak	Waitress
Clat F. Johnson Clat F. Johnson	Kodiak	FISHMAN
Diana M. Shields Diana M. Shields	Kodiak	Admin. Assit. & Bartender
David Shields David Shields	KODIAK	POLICE OFF
Jamie Switzer Jamie Switzer	Kodiak	Fisherman
Brenda Huster Brenda Huster	KODIAK	Delivery Driver

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Please Sign and Print Name	Community	Vessel/Occupation
Kate Nerbe Kate Nerbe	Chiniak	
Frank Humphreys Frank Humphreys Jr.	Kodiak	Deliverance / Fisherman
Eleanor Weber Eleanor Weber	Kodiak	
Donna Jones	Kodiak	
LEONARD R. CARPENTER Leonard R. Carpenter Eric R. Carpenter	KODIAK	FISH TALE / ^{VESSEL OWNER} FISHERMAN
Eric R. Carpenter Eric R. Carpenter	Kodiak	F/V fish tale / ^{Vessel Owner} Fisherman
JP THOMET JP THOMET	KODIAK	SET-NET SITE OWNER F/V MAJOR
ALEXIUS KWACHKA	KODIAK	F/V NO POINT
Harvey Goodell Harvey Goodell	Kodiak	Set-net Salmon Crew
Ronald A. Thompson RONALD THOMPSON	KODIAK	NORTHERN JAEGER
Steve BRANSON SBR	Kodiak	CREWMAN ASSOC. Grunt
TERRY HAINES Terry Haines	KODIAK	FISH HEADS / GRUNT
MARK LEVINSOHN Mark Levinsohn	Kodiak	F/V Sea Dream
Philip J. Becker Philip J. Becker	Kodiak	MUSICIAN
THORVALD OLSEN	KODIAK	VIKING STAR

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Please Sign and Print Name	Community	Vessel/Occupation
Thelma Mackey	Anchorage AK	Fishman
Eva L. Holm	Kodiak	CONCERNED CITIZEN
Eva L. Holm	Kodiak	Commercial Fisher
LeYett B. Tibbets	Kodiak	FISHERMAN-CONCERNED CITIZEN
Cheryl Nugent	Kodiak	F/V Great Alaska
Richard Nugent	KODIAK	CONCERNED CITIZEN
Richard Nugent	KODIAK	F/V GREAT ALASKA
Robin Clark	Kodiak	F/V Linnea
Theresa Peterson	Kodiak	F/V Patricia Sue
Charlie Peterson	Kodiak	F/V Patricia Sue
Sue Miller	Kodiak	F/V Kenaghe

SB 113 Public Comment
(Alpha Order)

<u>Lname</u>	<u>Fname</u>			<u>format</u>	<u>date</u>	<u>con</u>	<u>pro</u>	<u>notes</u>
Blessum	Kristopher	2506 E. Leonora	Mesa, AZ	fax via lio	3/8/05	1		
Buchanan	Victor	Box 4114	Kodiak	fax via lio	3/8/05	1		
Cheledinas	Brian	Box 692	Kodiak	fax via lio	3/8/05	1		
Clark	Michael	Box 2009	Kodiak	private fax	3/8/05	1		
Clark	Robin	Box 2009	Kodiak	private fax	3/8/05	1		
Dochtermann	Shawn	Box 3886	Kodiak	email	3/8/05	1		
Dochtermann	Shawn	Box 3886	Kodiak	fax via lio	3/8/05	0		duplicate of email
Farnsworth	Steven	Box 8163	Nikiski	fax via lio	3/8/05	1		
Finley	Locke	Box 3849	Kodiak	fax via lio	3/8/05	1		
Gallagher	Donald	Box 4428	Kodiak	POM	2/14/05	1		
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Garr	Edward	145 Fern	Kenai	fax via lio	3/8/05	1		
Henson	Jon	Box 176	Kodiak	fax via lio	3/8/05	1		
Kavanaugh	Julie	Box 3890	Kodiak	email	3/7/05	0		
Kavanaugh	Julie	Box 3890	Kodiak	fax via lio	3/8/05	0		duplicate of email
Kavanaugh	Ron & Julie	Box 3890	Kodiak	email	2/28/05	2		
Kavanaugh	Ronald	Box 3890	Kodiak	fax via lio	3/8/05	0		
Koson	Joshua	Box 5594	Kodiak	fax via lio	3/4/05	1		testimony @ NPFMC 10/04
Koson	Ruth	Box 5594	Kodiak	fax via lio	3/4/05	1		testimony @ NPFMC 10/04
Koson	Shaun	Box 5594	Kodiak	fax via lio	3/4/05	1		testimony @ NPFMC 10/04
Kwachka	Alexus	326 Cope St	Kodiak	fax via lio	3/8/05	1		
Lawhea	Donald	3865 Coho Circle	Kodiak	fax via lio	3/8/05	1		
Lundquist	Andy	Box 589	Kodiak	letter	3/7/05	1		
Magnusson	Harold	Box 531	Blaine, WA	fax via lio	3/8/05	1		
Martin	Robert	Box 3544	Kodiak	fax via lio	3/8/05	1		
Mathieu	Steven	Box 3586	Kodiak	fax via lio	3/7/05	1		
Mathieu	Steven	Box 3586	Kodiak	fax via lio	3/8/05	0		Pres AK Jig Assn - 34 mbrs
Miles	Frank	Box 2744	Kodiak	fax via lio	3/8/05	1		
Payne	Susan	Box 190	Kodiak	POM	3/3/05	1		
Perkins	Greg	1255 Tierra Grande Pl.	Wasilla	fax via lio	3/8/05	1		

SB 113 Public Comment
(Alpha Order)

Rickman	Neil	Box 16142	Sitka	POM	3/9/05	1	
Robbins	Lisa	Box 2284	Kodiak	email	3/7/05	1	
Schauff	Barry	???	???	private fax	3/8/05	1	
Smith	Edgar	???	???	email	3/9/05	1	
Thompson	Charles	Box 2193	Kodiak	fax via lio	3/8/05	1	Pres Divers Mkg Assn
Tripp	Timothy	Box 3614	Kodiak	fax via lio	3/7/05	1	
Wade	Mark	5103 Chuckanut Dr.	Kodiak	fax via lio	3/8/05	1	
Whidman	Ronald	Box 1961	Petersburg	fax via lio	3/8/05	1	
Yarbrough	Joseph	Box 2973	Kodiak	fax via lio	3/8/05	1	
						34	Total


NOTE:
Cut off for this printing was at 2pm on 3-09-05.//mj

PHONE CALL

For: MAKO Haggerty Date: 3-23 Time: 10.46 AM
M: 235-9055 Home: Home
F: _____ Fax: _____

Remarks: Opposed to SB 113.

Incomplete
 Returned Your Call
 House Call
 Will Call Again
 Came to See You
 Wants to See You

Signed: MHS SP02 101 

To whom it may concern:

I am opposed to Senate Bill NO 113 !!!

My name is Ludger Dochtermann. I have lived in Kodiak for 32 years. I am a fixed gear fisherman. I am the owner of two 90' vessels that operate in the Gulf of Alaska and BSAI, long lining for halibut and groundfish and pot fishing for crab and codfish.

Senate Bill 113 encompasses all state waters and is inclusive of the state water fisheries for codfish, which is prosecuted by only two gear types, pot and jig. During the Federal Groundfish Fisheries trawling and long lining is allowed in state waters. The exclusive state water fishery which commenced with the 1997 season was requested by fisherman from Kodiak to allow entry level participation by ENVIRONMENTALLY responsible gear types that are target specific and virtually by catch free. The purpose was to take crab predator cod fish out of state waters without harming crab stocks and through these efforts bring about a resurgence of our crab resources. The crafters of this fishery also deliberately excluded long lining for cod in the state water fishery because of the high by-catch of halibut. After initially receiving a 10 % allocation of the cod TAC we were able to request an increase to 25 %, which is the present share. A 60-pot limit was instituted for the state water fishery to prevent large boats from taking an unfairly large share. The 25 % state water catch was also divided fairly between pot and jig gear type fishing.

There was vociferous opposition from the trawl fleet to any state water fishery, since it took away a quarter of the quota of which they were catching the lions share.

Around Kodiak all the bays and other crab sensitive areas are off limits to the trawl fleet for hard on bottom trawling

The positive impact of the state water cod fishery has been that we are seeing a resurgence of the tanner crab stocks, which has allowed a small fishery to be prosecuted the past 5 years. This has been a needed infusion of dollars into the community.

The other positive result is that it provides an entry-level fishery for the future fisherman of Alaska. These are local people who otherwise would have no starting point into the fishing life. This has been a boon to most coastal communities.

It is clear to everyone in this community that the hard on bottom cod trawl fleet could take the entire federal and state water quota in a few days. The federal pot fishery in the GOA is only possible because the TRAWLERS requested a stand down for the first 20 days of January. This year the quota was taken in 4 days once the trawlers entered the fray. The fishing power of a trawl is awesome. When a trawl is hard on bottom it is also all-inclusive with obscene by catch of everything that lives in the net's pass.

Page Two

The driving force behind the federal and state groundfish rationalization program is the trawl industry. Their lobby is very powerful. In Kodiak the non-trawl fishers call the GOA rationalization process the trawlers retirement program. The trawl sector wants to get a guaranteed share of the groundfish resources.

Times are changing and we are all becoming more conscious of our environment. The handwriting is on the wall. There will be more and more restrictions once the general public realizes the terrible impact of hard on bottom trawling. Can there be a better way of forestalling restrictions on their fishing practices than to privatize the resource and chisel it in stone?

This brief history was necessary for the majority of the legislators who come from non-fishing communities and who might be hoodwinked into buying into Senate Bill 113 because of not knowing the facts.

SB 113 Page 1 line 6: What are the changes in the significant economic conditions facing the fisheries? There has not been any increase in effort in either the trawl, pot, logline and jig fisheries in the central and westward region of the State.

I include here the data from the ADFG that shows the effort for all these fisheries.

Page 1 line 10: The economic health of fisherman will be detrimentally affected because the state wants to charge royalties, which will make it impossible for the jig, pot and long line fisherman to operate an already marginal profitable fishery. This would only benefit the trawl fleet, which has smaller labor, and fuel costs than the rest of the industry. They could outbid the more labor-intensive fisheries.

Page 1 line 12: Ensure conservation of biological and capital resources.

The NPFMC sets the quotas in most Alaska fisheries. WE catch what they give us for quotas. How would this program conserve the resource? This bill would sanction obscene by-catch in the trawl sector instead of reducing it, which would help biological conservation.

Page 1 line 13: Capital resources of the fishery.

Since there has been virtually no effort change in the fishing fleet, how would this bill affect the capital resources of the fishery? The negative impact would be that by having to pay resource fees marginally profitable mostly small operators would be forced out of business. The resulting trickle down effect on the local businesses supplying goods and services will be devastating. The resulting consolidation, especially in the trawl sector, will cause shrinkage in the fleet as new owner barons sell their quotas and/or fishing rights and retire to other climes.

Page 2 Sec 5,6,7: This is the old-fashioned money grab. The LLP program controls access into most fisheries. There is no entry unless you are already qualified. The state water cod fishery is the only one that allows free entry as the crafters had intended. The statistics prove my point. There is fluctuation, but the effort now is lower than it was at the beginning of the fishery.

Page Three

Page 2 Sec 8 I addressed lines 16,17 and 18 above. Promoting Safety: I do not see how this bill promotes safety. When the weather is bad the fleets here do not go out and fish. The foolish people have either left or are dead.

The rest of SB 113 goes into specifics to establish this new bureaucracy and justify its perpetuation.

If the reason for Senator Ben Stevens introduction of this bill is to get more tax money from the fishing industry, then it would be a lot cheaper to just increase the fish tax for which there is a bureaucracy already in existence. I think that approach would be a lot more palatable to fisherman then to establish more paper work, more licenses, more laws and regulations of which we are burdened with already. The State of Alaska is already bloated with regulatory agencies; logic would suggest to stop now with this nonsense bill.

If on the other hand SB 113 is only there to guarantee wealth and retirement benefits for the already wealthy fishing industry vessel owners then I consider this to be abject irresponsibility on part of the legislature to pass this bill or even give it serious consideration.

In order for costal communities to maintain their economic vibrancy it is essential that the Federal and State RATIONALIZATION process must be STOPPED!

When all is said and done,
and this bill and rationalization should go through,
the carpetbaggers will be gone and leave us with another empty basket.

My suggestion is for an immediate increase of the state water cod fishery to 40 % of the TAC and an eventual phase out of the trawl fishery of directed cod fishing in the GOA. To be generous I will concede them 25 % of the quota so they can keep their by-catch of cod in their other fisheries.

Respectfully,



Ludger W. Dochtermann
Owner Operator F/V Stormbird and F/V North Point

State Managed Season Cook Inlet Area

Year	Vessels	Landings	Jig/troll	Vessels	Landings	Pot	Harvest	State GHL	% of OHL
1997	46	233	361,947	10	136	276,966	838,913	2,549,646	32.9 %
1998	29	123	188,209	13	183	542,260	730,469	2,434,565	30.0 %
1999	14	51	127,229	24	278	1,390,678	1,517,907	2,637,445	57.5 %
2000	5	12	13,885	17	219	1,135,903	1,149,788	2,160,255	53.2 %
2001	5	13	19,428	9	196	875,923	895,351	1,917,195	46.7 %
2002	6	15	18,163	9	306	1,310,684	1,328,847	1,571,455	84.6 %
2003	15	160	429,684	10	140	1,023,854	1,453,538	1,438,516	101.04%
2004	18	20	326,298	12	170	1,785,386	2,111,684	2,367,765	89.2%

2005 5 9

State Managed Season Prince William Sound Area

Year	Vessels	Landings	GHL	Pots	Jig ^b	Total
1997	9	36	880,000	192,142	8,378	200,520
1998	9	33	860,000	385,817	33,177	418,994
1999	7	27	930,000	314,987	79,147	394,134
2000	12	36	2,950,000	268,765	22,377	291,142
2001	3	3	2,620,000		228	228
2002	0	0	1,900,000			
2003			Confidential Data			
2004			Confidential Data			

^bincludes mechanical jig and hand troll

Westward Region Registration by Year and Area 3/16/05
Trawl Vessels

2005

Kodiak	26
SAP	17
Chignik	1

2004

Kodiak	46
SAP	13
Chignik	0

2003

Kodiak	41
SAP	19
Chignik	0

2002

Kodiak	40
SAP	24
Chignik	0

2001

Kodiak	54
SAP	17
Chignik	0

2000

Kodiak	36
SAP	19
Chignik	0

1999

Kodiak	66
SAP	21
Chignik	0

1998

Kodiak	74
SAP	23
Chignik	0

Table 5. Catch and effort by gear type from the Kodiak Area state-waters Pacific cod fishery, 1997-2003.

Year	Gear	Vessels	Landings	Pounds	Price per pound
1997	Jig	73	481	1,972,638	\$0.26
	Pot	40	231	5,522,243	\$0.24
1998	Jig	91	663	2,114,833	\$0.20
	Pot	52	31	6,385,069	\$0.22
1999	Jig	119	794	2,294,870	\$0.40
	Pot	81	465	8,438,912	\$0.34
2000	Jig	146	1,227	2,814,748	\$0.40
	Pot	69	482	5,748,549	\$0.38
2001	Jig	70	433	1,254,910	\$0.34
	Pot	36	239	3,656,702	\$0.30
2002	Jig	51	340	1,389,838	\$0.38
	Pot	33	212	7,436,013	\$0.44
2003	Jig	102	689	3,196,069	\$0.27
	Pot	42	149	4,959,262	\$0.32

2004	JG	120	960	4,212,416
	POT	47	160	5,823,605
2005	JIG	106	—	—
	POT	53	120	3,977,834

Table 11. Catch and effort by gear type from the South Alaska Peninsula Area state-waters Pacific cod fishery, 1997-2003.

Year	Gear	Vessels	Landings	Pounds	Price per pound
1997	Jig	45	179	347,119	\$0.18
	Pot	56	494	9,112,587	\$0.20
1998	Jig	28	124	437,708	\$0.16
	Pot	51	307	8,192,803	\$0.17
1999	Jig	27	166	706,951	\$0.28
	Pot	53	388	11,115,028	\$0.29
2000	Jig	28	145	757,953	\$0.48
	Pot	67	505	14,286,151	\$0.32
2001	Jig	69	16	3,034,026	\$0.28
	Pot	55	311	10,421,593	\$0.26
2002	Jig	70	324	2,065,554	\$0.24
	Pot	50	277	10,699,395	\$0.22
2003	Jig	65	413	3,633,007	\$0.24
	Pot	41	191	7,927,656	\$0.22

2004

81

317

1 671 401

86

278

10 786 947

2005

26

0000

40

0000

Table 8. Catch and effort by gear type from the Chignik Area state-waters Pacific cod fishery, 1997-2003.

Year	Gear	Vessels	Landings	Pounds	Price per pound
1997	Jig	4	14	35,002	\$0.18
	Pot	10	60	1,098,970	\$0.18
1998	Jig	11	59	167,283	\$0.22
	Pot	33	230	5,130,396	\$0.18
1999	Jig	11	5	218,408	\$0.34
	Pot	33	397	6,217,279	\$0.30
2000	Jig	5	12	38,453	\$0.31
	Pot	19	150	1,737,326	\$0.30
2001	Jig	15	57	287,106	\$0.25
	Pot	16	123	2,332,744	\$0.26
2002	Jig	13	59	320,339	\$0.20
	Pot	12	139	3,903,246	\$0.20
2003	Jig	16	106	433,067	\$0.27
	Pot	15	151	4,034,504	\$0.27

2004 14 57 141,697
 17 243 5,592,997 23

2005 18 OPEN

Senate Resources Committee, legislators, and citizens of the State of Alaska,

It is well known that the state wants to rationalize the state water fisheries before the feds finish their own rationalization of the Gulf of Alaska (GOA). The parallel fish should be allocated from the federal water so we don't have to spend a bunch of money to create a new program to rationalize the state water fisheries. If dedicated access privileges were introduced a major portion of the state water quota would be placed into the hands of possibly 100 people. This sounds like the lobbyism for the trawl fleet is strong and convincing. The trawl fleet will receive the majority of the federal allocations of groundfish. My question is when is enough enough? Only when the trawl fleet owners have their arms around both the federal and state water allocations will they be happy. This is pure greed and doesn't take in the concerns of the rest of the fishing fleet in the GOA.

In regards to the issues of discussion of the state water groundfish rationalization. At the present time there is not a race to fish in the pot and jig fisheries. Those that participate in these competitive fisheries execute them in a safe and reasonable manner. We can't prosecute these fisheries in rough weather as it is not safe or productive. I personally watched the trawl fleet leave the night after the last hearing was initiated. The trawl fleet was leaving into 25 ft. seas. They're the ones with the race to fish. Here is the number of vessels that were engaged in the groundfish fisheries within in the past 8 years. The pot and jig fleet have 53 and 106 harvesters in the Kodiak area at the present time. The all-time high number of registered vessels was 81 (1999) and 146(2000) respectively. The trawl fleets in Kodiak and AK Peninsula have shrunk from 85 vessel in 1998 to the present 43 in 2005. Actually there has been a decrease in effort. If there is a decrease in effort why would there be a need to rationalize fisheries that are limiting themselves economically.

Maximization of the economic values of fish only applies to the trawl caught fish. The quality of pot and jig caught fish is at it's all time high. The trawl caught fish are of lesser quality and value, so why should they even fish in the state waters. In the past 2 months buyers from Iceland and Norway have visited Kodiak to investigate the possibility of purchasing cod. Both parties stated that the fish are worth \$1.00 per pound at the dock, for the pot and jig caught fish. The price at dock at present is \$.31-.34 per lb. They aren't even interested in the trawl caught fish because of the quality issue. The issue of value added products has no backing. The surimi, fishsticks, and fillets produced are the values added products already in the market place. The pot and jig fishery have almost no bycatch, and what is brought aboard is returned alive. The trawl fishery has a history of enormous amounts of bycatch. I have trawled and personally witnessed the waste and dumping of dead bycatch.

There will be great economic distress to all the coastal communities if dedicated access privileges are endorsed. At the present time most of the communities are just getting back on their feet after the rationalization of halibut and black cod of 1995. Anytime you take a public resource and make it a private industry many jobs are lost and the trickle down effect is substantial.

Limited entry has worked for all the fisheries that it has been attached to in the past. Why can't the criteria for limited entry be changed, so it is proactive to an overcapitalization of a fishery? The global market place for consistent supply and quality in the marketplace already exist and are at the their maximum efficiency in groundfish in GOA. Limited entry with the tools already in the Alaska Board of Fish's' pocket are all that are necessary to keep these fisheries in check.

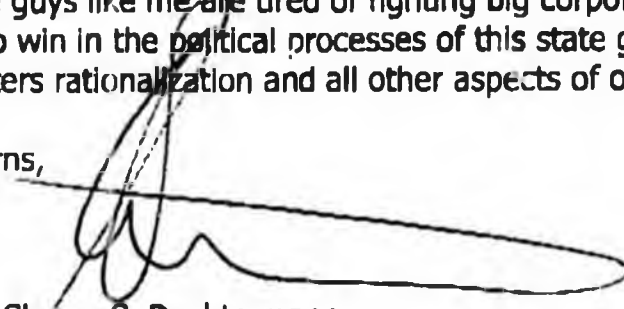
How will this dedicated access privilege benefit the resource? Also the users and communities dependent on these resources?

If you take a fish allocation and you give 5 people apiece rather than 20:then you are making it economically more difficult for the other 15 plus the businesses that are supported by them. This legislation gives the BOF the power to allocate the resource and hurt the economies of the communities. Yes, we do need to be concerned with biological and resources of these fisheries. The next concern should be the people that are engaged and affected by the fisheries, such as fisherman, processors, support businesses, and all others in the coastal communities. It's my belief that the people are the state and their concerns come first before state government. Remember that the government is there to protect and serve. I feel that in this case they are halting our abilities as fisherman to engage in harvesting a public resource. The state would be taking ownership of a public resources and it making it a private industry within a state government. Doesn't that sound wrong to you? It sure does to me!

The best way to fix this problem is to administer limited entry to the pot and jig fisheries and put the trawlers outside 3 miles. Limited entry would be the present right to participate, so all that participants fish until the TAC is caught. There is another issue that needs to be resolved and that is the BOF. The Alaska board of fish should be made up of 13 elected officials from the demographics of the state fish and game commercial and subsistence areas.

This new provision should be drafted into this bill to protect all fisherman that will be affected by DAP if this bill is passed into law. That would make it less likely for special interests groups to be involved in issues pertaining to commercial fisheries. I believe that the BOF doesn't always do what is in the best interest of the people of this state. There is far too much corruption in lobbying and all the little guys like me are tired of fighting big corporations and associations that stand to win in the political processes of this state government with regards to state waters rationalization and all other aspects of our lives.

With the gravest concerns,



Shawn C. Dochtermann
Kodiak, Alaska
P.O. Box 3886

SB113 "An Act relating to PRIVILEGED AND UNEQUAL ACCESS to the Gulf of Alaska groundfisheries "

Let's take a real walk of the dock... and talk about Senate Bill 113. SB113 is about changing the State of Alaska's public policy on who qualifies for the ability to use a resource. SB113 is about the Alaska Board of Fish receiving the authority to allocate ground fish and the right to choose to whom the fish will be given. This bill, if passed is about trading equal access to our resources, for leased unequal access.

If there is a hitch in the road to Gulf of Alaska Rationalization, it is the Federal Parallel ground fishery executed within state waters. The Constitution of the State of Alaska guarantees equal access to its resources to all Alaskans. Therefore IFQ's are unconstitutional. The Federal Parallel fishers stand to receive no history in the game of rationalization because their fish has been caught inside three miles. This will leave them without ownership rights like their counterparts fishing just outside of three miles.

Senate Bill 113 attempts to reconcile this with a leased access privilege called DAP or dedicated access privilege. This is constitutional because it's a privilege and can be revoked without compensation. So far ok?

Under the State Constitution, it is not ok to grant access rights to anyone other than individuals. SB113 gives the authority to give access rights to "persons or vessel owners" (line 10, page 2). The word persons under the legal definition means any entity... this could be an individual, association, corporation, group, etc. **THIS IS WHERE THE CHANGE IN PUBLIC POLICY AND THE IMPINGEMENT TO THE CONSTITUTION STARTS.** No longer will individual fisherman be the card holders... businesses and corporations will be enabled to own and lease these rights.

Equal access (to resources) is guaranteed in the State of Alaska. We could not even attempt to solve unequal access for subsistence... Therefore we allowed the Federal government to take control (of our subsistence rights). Now, it seems when monetary value is involved, we can solve our "problems". Senate Bill 113 creates unequal access through allocating history based "privileges" (non-permanent IFQ's). DAP is as close as the State has gotten to IFQ's without a Constitutional amendment. Unequal access will lead to consolidation of the fishing fleet. Our communities will suffer economically. This bill is written to benefit a few and encourage the continuation of Gulf Rationalization.

As a Federal Parallel Fisher, we do not feel SB113 will give us the benefit/security that is promised. This program will marginalize small boat fishermen. It will encourage selling out (consolidation) and lead to co-operatives due to marginalization. As a Federal Parallel Fisher, we prefer to be given our IFQ's in the Federal Program and fish them outside three miles. Thereby, we would not be compromising the State's constitution.

There are several points we'd like to address: Protection, Safety, Biology, and Race for Fish

First, there is the protection SB113 is promised to be. SB113's professed purpose is to protect State Waters from the Rationalized Federal program.... We say sideboards (or rules) can be enacted to prevent boats from adversely affecting State Waters. It is also true that the Feds are not supposed to enact a program fishery that may adversely affect another. Sideboards were created in previous rationalization programs and can be here.

Secondly, safety has been cited as a concern for the Gulf's ground fishery. As fishers we are always safety minded. Safety in our Gulf of Alaska ground fishery is not a problem. We have a great track record. New Coast Guard regulations and the enforcement of those regs have and are working. When looking at Halibut and Sablefish fisheries, we could point out that safety concerns there are considerably less due to the consolidation of the fleet (5000 vessels > 1800vessels) after rationalization.

Next, is the biology of our ground fish. The Alaska Dept of Fish and Game is generally neutral on issues that concern allocation. They did weigh in favor of SB 113, even though SB113 is unquestionably the most allocative movement in the last 30 years. Their list of reasons (for supporting SB113) include diverse group of fishers, race for fish, market place, benefit to fishers and the coastal communities, and innovative allocation and management. It should be noted that while the race for fish concerns Fish and Game that at this time Fish and Game has "NO BIOLOGICAL CONCERNS ABOUT THE EXISTING GRC JND FISH STOCKS". To generalize, Fish and Game is more apt to support management issues for biology, and stay neutral when allocation is brought into play.

This leads us nicely into the problematic "race for fish". Ground fish will always be harvested when and how it is economically feasible. When the fish are worth their most they will be caught. Allocation and IFQ's will not slow down the fishery. Simple restrictions such as not allowing deck loads or full cod ends, having other gear restrictions such as pot limits, etc. can address the quality & marketability of the fish and also reduce pace of the fishery.... Without DAP or IFQ's.

As a commercial fishing family and a parallel fisher, we have a lot at stake; but coastal communities have as much and more. Hopefully, our above letter interests you and involves you in the process that is going on. This bill involves everyone. It involves not just fishermen, but also every resident of Kodiak and of Alaska. Is the benefit of a DAP/IFQ program to a select user group worth the compromise to our Constitution?

Ron & Julie Kavanaugh
Owners: FV Sylvia Star LLC
PO Box 3890, Kodiak Ak 99615

***The Kavanaughs have been Kodiak residents for 36 and 22 years respectively. Their fishing history goes back to 1976. Ron has participated in a diverse group fisheries throughout the years. He actively runs the family boat and is on the water 8-10 months out of the year. Julie is an at home mom of four children. She manages their second business, Anchor K Stables, and enjoys crewing on the boat in the summer.

Against Legislative Bill 113

I am here to speak against Senate Bill 113. It is my understanding that this bill will allow the Board of Fish to make decisions without going through the legislature. Our legislative system is set up to protect us and if we allow that protection to be taken away- then we are going against our state constitution and our rights will no longer be preserved or protected. This is not constitutionally sound and should not be allowed to happen under - ANY circumstances. Thank you.

Mr. Justy Jones 13 years old
1524 Nompala St
Kodiak, AK 99615

Against-Senate Bill 113

My name is Leigh Thomet, My family is 100% dependent on commercial fishing for a living. We are against Senate Bill 113 for many reasons. This bill clearly goes against our state constitution in two ways-first it bypasses our basic right to our legislative process by allowing the Board of Fish to make decisions that should be made on the legislative level and second, it allows the allocation of our State Fishery resources, that equating to the privatization of our public resources. Both of these issues are seriously impingent to my rights as an Alaskan citizen.

It has been eluded to that this will benefit coastal communities-The benefit to specific user groups is outweighed by the economic loss to our local residents and our communities. We do not see this as beneficial to the majority of stake holders that being our fishermen, their families and our local community. This Senate Bill will only benefit a select few and the bill itself is not even clear as to who those are.

If our State is in need of a new program to address issues within the fishery it should follow the normal process of starting at the local level to see what would be the most beneficial to the communities and those that are involved. Any program that is implemented needs the support of all those that will ultimately be affected. Thank you for taking the time to listen to my testimony and I hope that my ideas will be taken into consideration.

LEIGH GORMAN THOMET
KIP AND LEIGH@YAKKO.COM
P.O. BOX 3258
KODIAK, AK. 99615

Testimony to the Senate Resource Committee – SB 113

March 16, 2005

My name is Theresa Peterson and I am here to testify on behalf of myself and my family in opposition to SB 113.

While my overall concerns with this bill are very similar to many of our local fishermen, concerned citizens and business owners alike, let me share the concerns of how this may impact one coastal family, my own.

My husband was born and raised on Douglas Island. He started commercial fishing when he was 12, set netting with his brother on the South end of Kodiak Island in the summer and continues fishing to this day. We met out long lining in the Bering Sea in 1985 and a couple years later pooled our crew shares, bought our own boat and thought we had it made as seining salmon around Kodiak Island in 1988 was our first season.

Well as those of us who invested in salmon know we had some tough years ahead financially but we diversified to other fisheries, continued crewing on larger vessels with IFQ's and generally did whatever we could to stay afloat. One of the moves was to invest in pots and participate in the federal p cod season where we always fished inside 3 miles due to the constraints of a 42 foot vessel in the winter. While our history isn't very strong in that many smaller vessels don't generally produce much p cod during rough winter seasons, his ability to fish was also curtailed when one season was lost to take care of his father after surgery and part of another was lost to the death of his mother and the need to return to Douglas for awhile.

If this is to be a historical based program then we need to be made aware long before any tools are given to the Board of fish as to what the qualifying years will be, who the participants are and an idea as to what they may receive. The we need take a look at what's left over for the small boat fleet.

As Lisa Murkowski said, and I quote, "We must all work to protect Alaska fisheries from unfair attacks that seek to weaken our ability to manage our stocks for the benefit of Alaskans and the nation. Fishing is the heart of Alaska's way of life and if I have it my way, that heart will beat even stronger in 2005."

Well our hearts are beating here in Kodiak all right, to the level of an anxiety attack for the most part. Many of us may not have much history but we are Alaskans. Shouldn't we be protected? This bill seeks to skirt around the intent of the constitution in granting unequal access rights and an inequitable distribution of a public resource. We do not want to have any part with a program that strips the opportunity to get into fishing for future generations.

I quote Governor Murkowski "Alaskans deserve to be heard at all levels of the debate over fisheries management."

Well there's a very diverse group of people that have been speaking out here in Kodiak and around the state against this bill. I sure hope someone is listening.

Governor Murkowski goes on to say "This bill protects Alaska's interest. If our groundfish fisheries in state waters are going to be developed to maximize the state's interest, and the interests of the fisheries' participants, passage of SB113 is necessary."

Well I just illustrated above that this bill will not protect, but will marginalize our level of participation in the fishery, not to mention the fact that we would be willing to give our history up rather than go down this road.

I believe the state has proven itself well the ability to protect the states fisheries and there are plenty of tools in place to protect Alaska's interest and that of coastal fishermen from the impact of the federal program. I will not attempt to go into these due go to time constraint and the obvious myriad of complexities, all of which I believe can be solved without SB 113 and its dedicated access privilege program.

We cannot discount the face of the water front now, in 2005. We have a diversified small boat fleet that has come to depend on this groundfish resource, most of whom are Kodiak fishing families. Will we be thrown a crumb?

If the only ones in the industry who support this bill have something to gain and the bulk of the fleet, even those with something to gain, along with businesses and active concerned citizens, unite together against it, shouldn't that tell us all something? It's time to take a look at who this will benefit before anyone gets the keys to the car.

Thank - you

A handwritten signature in cursive script, appearing to read "Theresa Peters". The signature is written in dark ink on a white background.

Legislative Information Office-Regarding Senate Bill 113

My name is Donna Jones and I speak simply as a concerned citizen. My greatest concern is for that of our Community-its future constituents that being our children and their children's, children. I am against Senate Bill 113 for many reasons.

I do not support any Bill or Resolution that allows the Board of Fish the ability to take control over our State Legislatures decisions in regards to the allocation of fishing rights within State Waters. It is unconstitutional for any Board to have jurisdiction to bypass our legislative process in regards to any issue regarding our basic rights, in this case our rights over our State waters and the equal access that we are guaranteed according to our State constitution. To try and allocate our State water fisheries is ultimately stealing the food right out of the mouth of our children, we would be pilphering their future to satisfy a very select group. This is a very good example of why we need the legislative process as a protection for our State, our Community and its resident's best interest.

I do not agree or support the concept of creating a Dedicated Access Privilege. This particular subject of allocating our State Waters is being fueled out of the concern for the issues at the Federal level in regards to the Parallel Fishery. The concern is for the boats that fished in both the federal and state waters during the Federal fishery. It seems quite clear that although some of the fish were caught within state waters, it was a federal fishery-with federally allocated quota. These vessels should be given the full allocations through the federal program. At which point the state could decide whether they will continue to open the state waters or whether to have those boats fish the full allocation in federal waters. This specific issue should not encourage our State to feel pressured into an allocation system that is not supported by the public and is against the State's best interest.

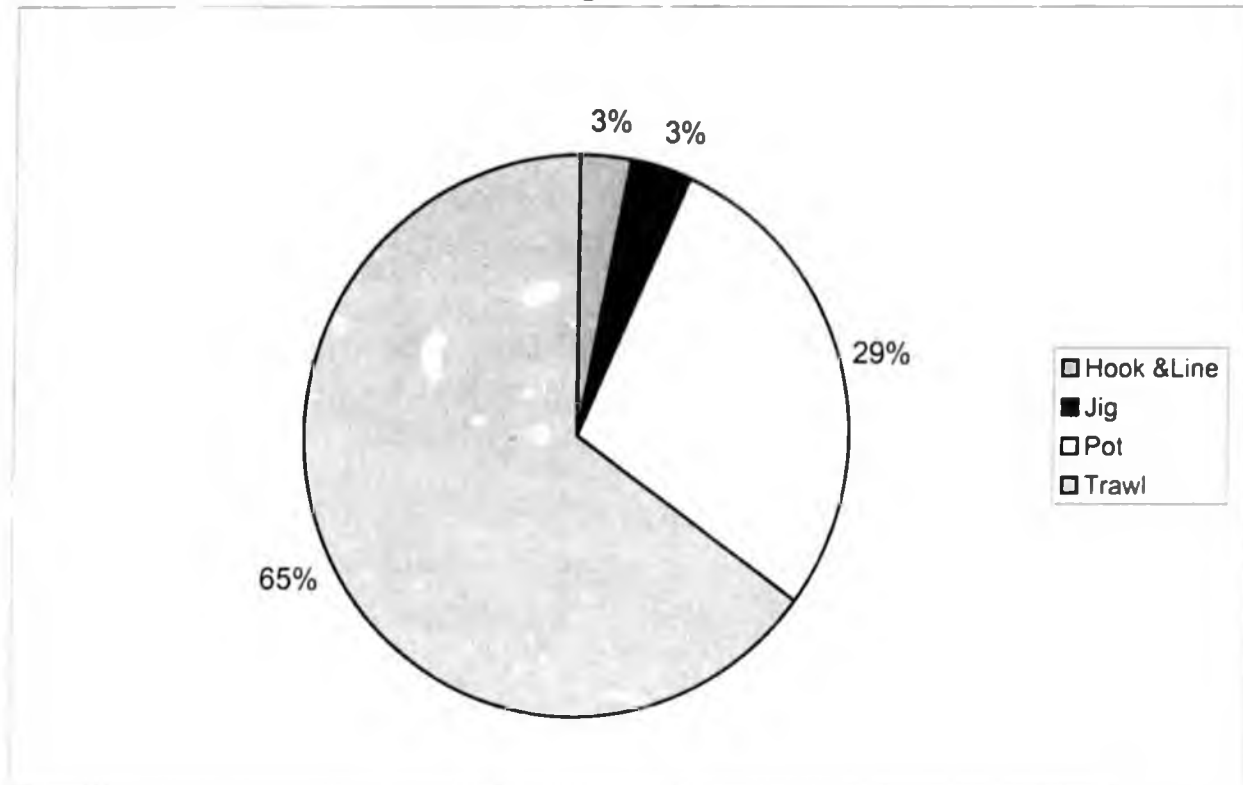
One of my greatest concerns in this Senate Bill 113 is that it advocates the privatization of our public resources. These state fishing rights should be left open to be fished by all residents. I believe that the pressure incurred due to Federal Gulf Rationalization has forced our State to feel that they must follow or they will be at a loss. We must slow down this process long enough to inform the public, analyze and consider the many concerns that we all have.

If the Board of Fish feel they need to create a program to better suit the fishermen within the State-they should go directly to the fishermen, work with them and the Community to build a plan that would be suitable. At that point the Board of Fish could take this plan to our legislatures for support and approval. **Under no circumstances should we bypass on legislative process.**

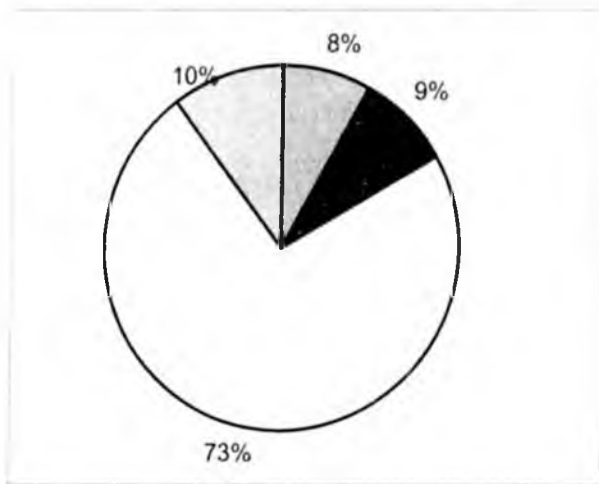
1524 Usmanov St
Kodiak, AK 99615

Gulf of Alaska groundfish¹ commercial harvest in state waters
 (state managed and parallel fishery)
 1998-2002

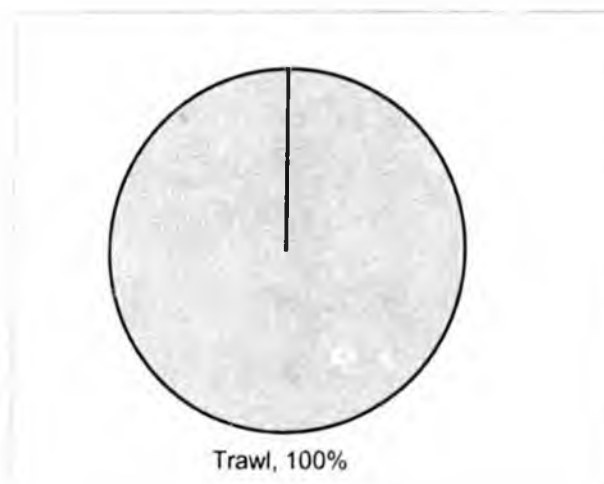
All groundfish



Pacific cod



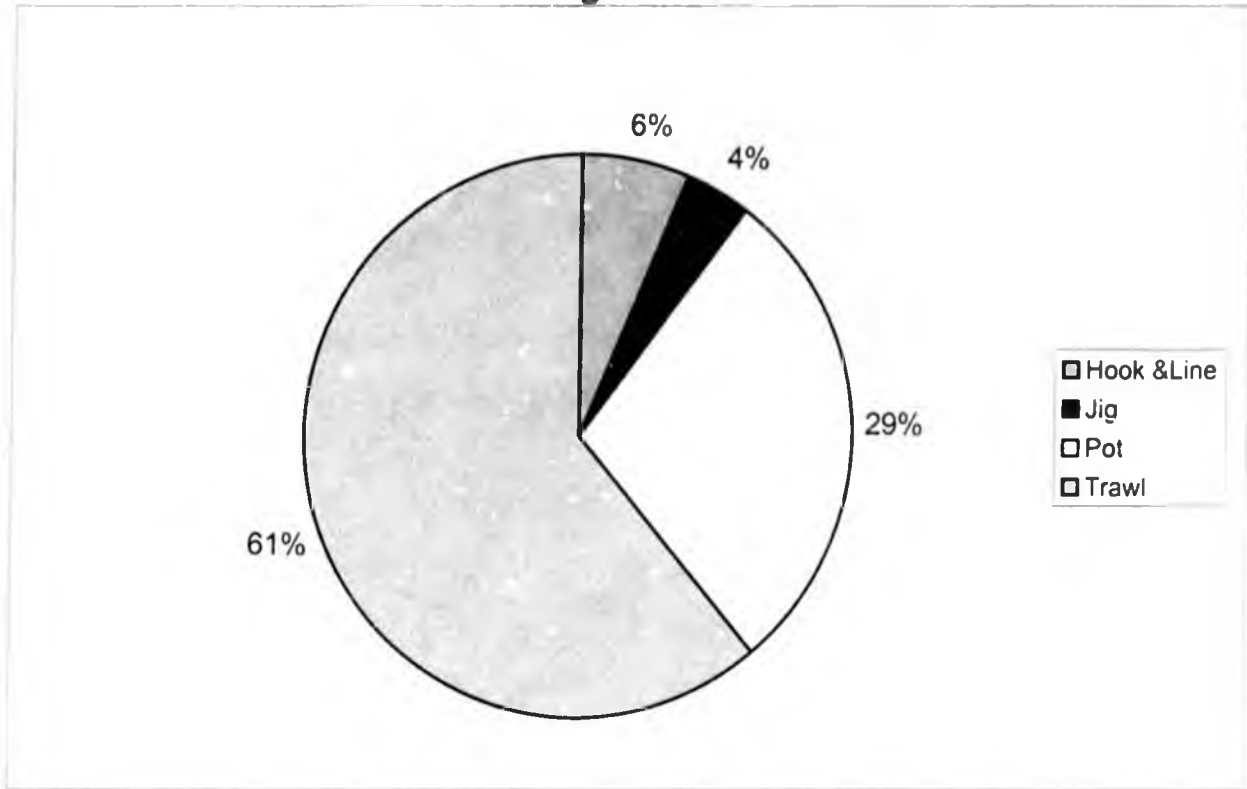
Other groundfish (primarily pollock)



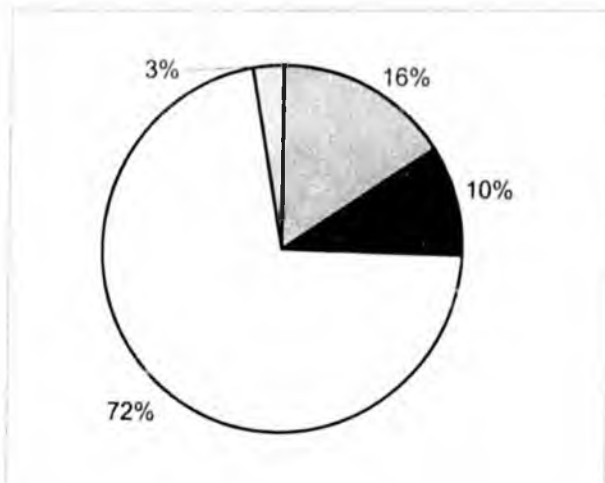
¹Halibut are not considered groundfish.

Central Gulf of Alaska groundfish¹ commercial harvest in state waters
 (state managed and parallel fishery)
 1998-2002

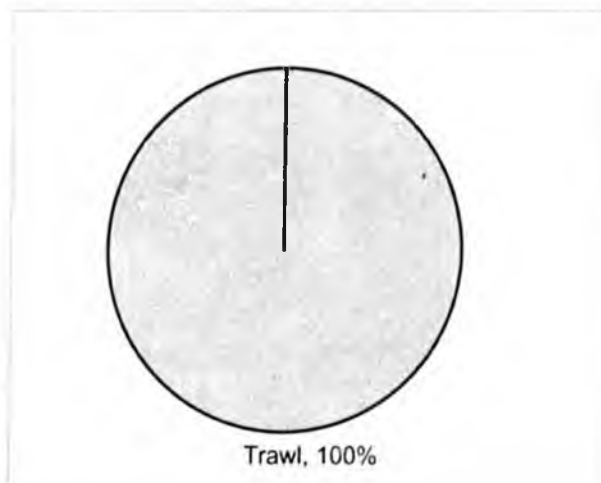
All groundfish



Pacific cod



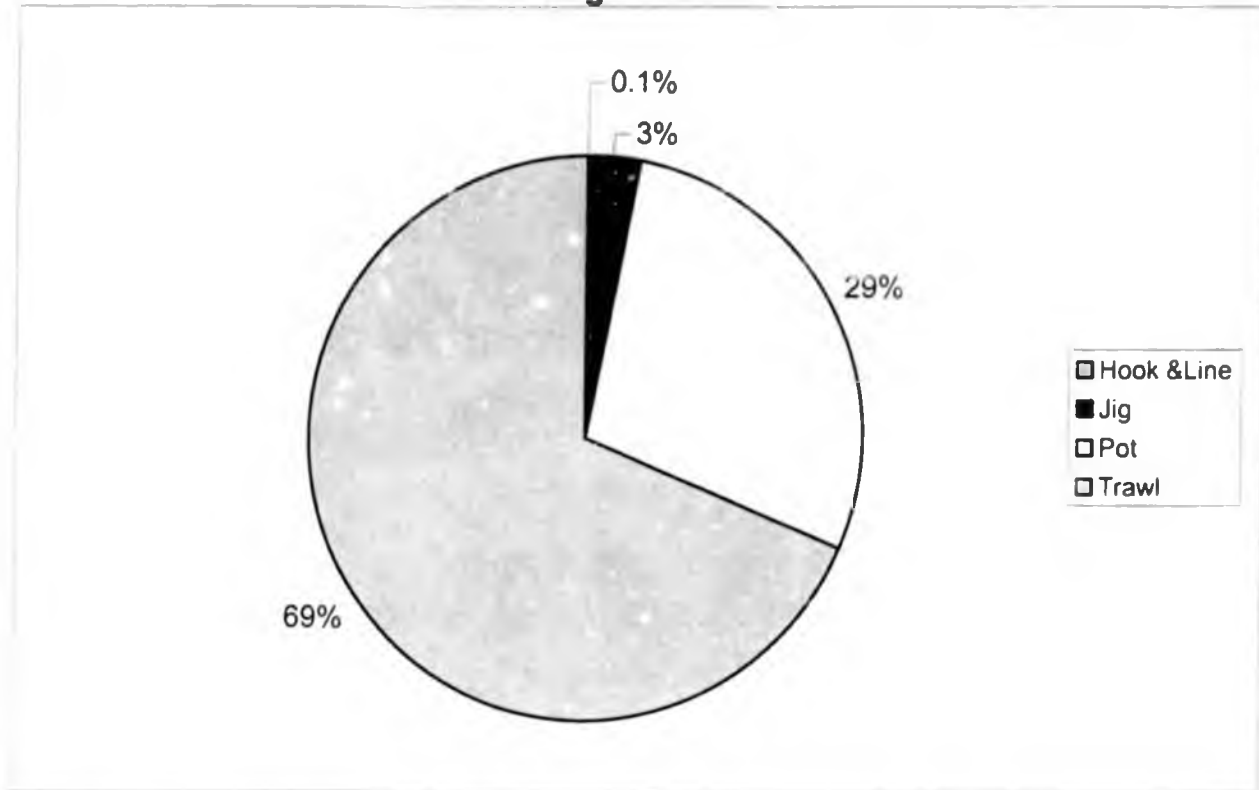
Other groundfish (primarily pollock)



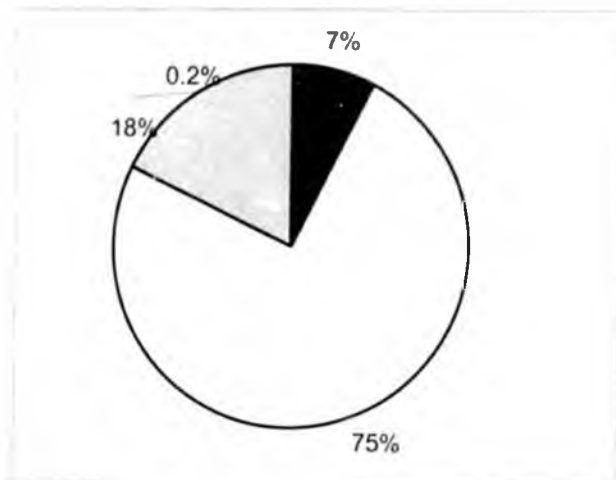
¹Halibut are not considered groundfish.

Western Gulf of Alaska groundfish¹ commercial harvest in state waters
(state managed and parallel fishery)
1998-2002

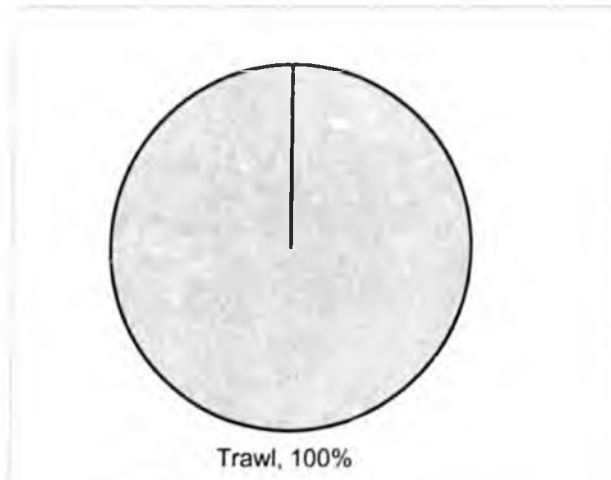
All groundfish



Pacific cod



Other groundfish (primarily pollock)



¹Halibut are not considered groundfish.

Commercial harvest of Gulf of Alaska groundfish in state water and parallel fisheries

1998-2002 commercial retained pounds

Central Gulf - Pacific cod						Western Gulf - Pacific cod					
	H&L	Jig	Pot	Trawl	Total Central Gulf		H&L	Jig	Pot	Trawl	Total Western Gulf
1998						1998					
State water	0	2,355,048	10,975,358	0	13,330,404	State water	0	c	8,904,859	0	8,904,859
Parallel	4,060,618	68,371	5,856,629	1,064,368	11,049,984	Parallel	30,584	c	4,200,408	3,866,278	8,097,268
Total 1998	4,060,618	2,423,417	16,831,987	1,064,368	24,380,388	Total 1998	30,584	440,329	13,105,265	3,866,278	17,442,456
1999						1999					
State water	0	2,404,027	14,916,056	0	17,320,083	State water	0	794,973	11,422,512	0	12,217,485
Parallel	4,681,782	48,583	9,708,784	1,272,959	15,712,108	Parallel	18,166	0	3,495,308	5,308,288	8,821,762
Total 1999	4,681,782	2,452,610	24,624,840	1,272,959	33,032,191	Total 1999	18,166	794,973	14,917,820	5,308,288	21,039,247
2000						2000					
State water	0	2,757,621	8,578,352	0	11,335,973	State water	0	784,412	14,117,511	0	15,101,923
Parallel	4,361,814	80,699	5,535,243	247,788	10,225,524	Parallel	67,434	11,499	5,732,085	6,745,033	12,556,051
Total 2000	4,361,814	2,838,320	14,113,600	247,788	21,561,502	Total 2000	67,434	795,911	20,049,596	6,745,033	27,657,974
2001						2001					
State water	0	1,408,576	6,515,804	0	7,924,380	State water	0	3,066,276	10,733,478	0	13,799,755
Parallel	2,571,557	22,416	3,233,695	224,381	6,052,029	Parallel	46,818	340,882	3,305,292	2,387,400	6,060,402
Total 2001	2,571,557	1,430,992	9,749,499	224,381	13,976,409	Total 2001	46,818	3,407,171	14,038,768	2,387,400	19,860,157
2002						2002					
State water	0	1,536,751	11,150,005	0	12,688,756	State water	0	2,181,813	11,744,439	0	13,926,252
Parallel	1,879,687	6,047	2,818,047	293,152	4,996,933	Parallel	2,232	397,490	6,108,558	762,657	7,270,937
Total 2002	1,879,687	1,542,798	13,968,052	293,152	17,683,689	Total 2002	2,232	2,579,303	17,852,997	762,657	21,197,189
Total Pacific cod 98-02	17,555,456	10,688,137	79,287,978	3,102,608	110,634,179	Total Pacific cod 98-02	165,234	8,017,687	79,964,446	19,049,656	107,197,023
Gear % of total harvest	16%	10%	72%	3%	100%	Gear % of total harvest	0.2%	7%	75%	18%	100%
Average 98-02	3,511,091	2,137,627	15,857,596	620,522	22,126,836	Average 98-02	33,047	1,603,537	15,992,889	3,809,931	21,439,405
Central Gulf Trawl - Other species*						Western Gulf Trawl - Other species*					
	H&L	Jig	Pot	Trawl		H&L	Jig	Pot	Trawl		
1998						1998					
State water	-	-	-	0		State water	-	-	-	0	
Parallel	-	-	-	71,231,271		Parallel	-	-	-	38,425,063	
Total 1998	-	-	-	71,231,271		Total 1998	-	-	-	38,425,063	
1999						1999					
State water	-	-	-	0		State water	-	-	-	0	
Parallel	-	-	-	40,755,672		Parallel	-	-	-	27,986,561	
Total 1999	-	-	-	40,755,672		Total 1999	-	-	-	27,986,561	
2000						2000					
State water	-	-	-	0		State water	-	-	-	0	
Parallel	-	-	-	4,522,680		Parallel	-	-	-	37,655,008	
Total 2000	-	-	-	4,522,680		Total 2000	-	-	-	37,655,008	
2001						2001					
State water	-	-	-	0		State water	-	-	-	0	
Parallel	-	-	-	18,555,911		Parallel	-	-	-	49,915,319	
Total 2001	-	-	-	18,555,911		Total 2001	-	-	-	49,915,319	
2002						2002					
State water	-	-	-	0		State water	-	-	-	0	
Parallel	-	-	-	31,573,748		Parallel	-	-	-	18,905,416	
Total 2002	-	-	-	31,573,748		Total 2002	-	-	-	18,905,416	
Total other species 98-02				166,639,282		Total other species 98-02				172,887,367	
Average 98-02				33,327,856		Average 98-02				34,577,473	
Total Pcod + Other species	17,555,456	10,688,137	79,287,978	169,741,890	277,273,461	Total Pcod + Other species	165,234	8,017,687	79,964,446	191,937,023	280,084,390
Average 98-02 Pcod + other species	3,511,091	2,137,627	15,857,596	33,948,378	55,454,692	Average 98-02 Pcod + other species	33,047	1,603,537	15,992,889	38,387,405	56,016,878
Gear % of total harvest	6%	4%	29%	61%	100%	Gear % of total harvest	0.1%	3%	29%	69%	100%

c - Confidential

* All other groundfish primary species except Pacific cod. Walleye pollock constitutes approx. 99% of other species harvested
Prepared by Alaska Dept. of Fish Game from data compiled by North Pacific Fishery Management Council staff

Alaska State Legislature – Juneau, Ak
Senate Resource Committee
10:00 Hearing, Saturday, April 23, 2005

Re: Senate Bill 113A- An Improper Act Needing Withdrawal
Title: "An act relating to entry into and management of Gulf of Alaska groundfish fisheries"

For the record
PUBLIC COMMENT OF:

SHAWN C. DOCHTERMANN
907.486.8777
drdrmann@hotmail.com
PO Box 3886
Kodiak, Ak 99615
JigPermit# M26B21162W
F/V ISANOTSKI ADFG# 61661

INTRODUCTION:

Mr.Chairman,

I'm Shawn Dochtermann from Kodiak Island, representing my jig permit holder rights. I have fished statewide for 28 years and hold halibut IFOs, a Bristol Bay Drift permit, and fish crab in the Bering Sea. I'm also on the board of directors at the Alaska Jig Association.

Please read my attached Summary Analysis of SB113A's flaws in the 3 page handout before you.

As presented, this bill represents (1) a disenfranchisement of fish harvester rights, (2) negatively impacts jobs and the communities economic well-being, and (3) avoids accountability and transparency.

I'd like to challenge you to answer. (a) Why ^{is} this Ben Stevens' sponsored bill once again being fast tracked? Any such policy should originate at the Kodiak Fisheries Advisory Board, not from unknown authorship. (b) Who wrote this bill and what is their agenda? (c) Where are the guarantees of Total Allowable Catch (TAC) apportionments and will they even occur for the jig fleet? (d) Why does it appear we are being opted-out and could receive nothing? The jig fleet never asked to be opted-out of this bill. Ben Stevens and his backers have not yet written the jig fisherman into economic demise. The rest of you have the power to stop this bill here and now!

First, this dedicated access privilege (DAP) program would impinge on my rights to equal access and clearly allows for special privileges to be issued in contravention of the first sentence of article VIII section 15 of the Alaska State Constitution. Second, allocating apportionments to associations, co-ops, and/or processing groups is in direct violation of the Limited Entry Act amendment of 1972, rights to fish can only be issued to an individual to prosecute a fishery. The reversal of the Chignik Co-op should remind us all of the care required in formulating such powers.

Public hearings will have no meaning if the Alaska Board of Fisheries(BOF) and the Commercial Fisheries Entry Commission (CFEC) have no mandates or guidelines. Without full disclosure of the plan for DAP this bill should not be passed into law. Likewise, most of the groundfish stakeholders group appointed by the NPFMC does not constitute a legitimate cross-section representative of the harvesting sectors interests. A new stakeholders group must be appointed through a democratic process, including full representation from the harvester sectors and small businessman who's livelihoods depend upon us.

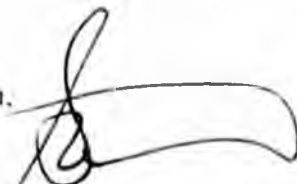
The Magnuson-Stevens and Sustainable Fisheries Acts prohibit policies whose primary purpose is economic reapportionment. The concern over a Race to fish is a façade about safety, used for political leverage to shift rights to processors. Yet, processors have already stated that we'll have 2 weeks to catch and deliver the Bering Sea king crab quota, regardless of weather and potential loss of life at sea. This contravenes the stated goal of achieving safety.

I believe the Senator Ben Stevens does NOT represent fixed-gear harvesters' best interests.

The handout includes a 3 year summary of his form AL-0117 financial disclosures. It shows over 1 million dollars received, mostly from those who do not represent harvester, community, and state interests. Did he also receive undisclosed payments from the United Fisherman of Alaska (UFA), or Southeast Seiners Association (SEAS), or other groups?

In conclusion, this bill is an improper act needing immediate withdrawal under your powers.

Thank You,



Shawn C. Dochtermann

Included in the packet: (1) Article from Cascadia Times (2) Fishermans' News April 2005 pgs. 8-9 by Victor Smith "Ocean Reform and Stevens' Ocean's Eleven" (3) pg.1 by M. Baumen "Chignik Co-op gets shut down" , Ludger Dochtermann testimony on SB113

Senate Resources Committee, legislators, and citizens of the State of Alaska,

It is well known that the state wants to rationalize the state water fisheries before the feds finish their own rationalization of the Gulf of Alaska (GOA). The parallel fish should be allocated from the federal water so we don't have to spend a bunch of money to create a new program to rationalize the state water fisheries. If dedicated access privileges were introduced a major portion of the state water quota would be placed into the hands of possibly 100 people. This sounds like the lobbying for the trawl fleet is strong and convincing. The trawl fleet will receive the majority of the federal allocations of groundfish. My question is when is enough enough? Only when the trawl fleet owners have their arms around both the federal and state water allocations will they be happy. This is pure greed and doesn't take in the concerns of the rest of the fishing fleet in the GOA.

In regards to the issues of discussion of the state water groundfish rationalization. At the present time there is not a race to fish in the pot and jig fisheries. Those that participate in these competitive fisheries execute them in a safe and reasonable manner. We can't prosecute these fisheries in rough weather as it is not safe or productive. I personally watched the trawl fleet leave the night after the last hearing was initiated. The trawl fleet was leaving into 25 ft. seas. They're the ones with the race to fish. Here is the number of vessels that were engaged in the groundfish fisheries within in the past 8 years. The pot and jig fleet have 53 and 106 harvesters in the Kodiak area at the present time. The all-time high number of registered vessels was 81 (1999) and 146(2000) respectively. The trawl fleets in Kodiak and AK Peninsula have shrunk from 85 vessel in 1998 to the present 43 in 2005. Actually there has been a decrease in effort. If there is a decrease in effort why would there be a need to rationalize fisheries that are limiting themselves economically.

Maximization of the economic values of fish only applies to the trawl caught fish. The quality of pot and jig caught fish is at it's all time high. The trawl caught fish are of lesser quality and value, so why should they even fish in the state waters. In the past 2 months buyers from Iceland and Norway have visited Kodiak to investigate the possibility of purchasing cod. Both parties stated that the fish are worth \$1.00 per pound at the dock, for the pot and jig caught fish. The price at dock at present is \$.31-.34 per lb. They aren't even interested in the trawl caught fish because of the quality issue. The issue of value added products has no backing. The surimi, fishsticks, and fillets produced are the values added products already in the market place. The pot and jig fishery have almost no bycatch, and what is brought aboard is returned alive. The trawl fishery has a history of enormous amounts of bycatch. I have trawled and personally witnessed the waste and dumping of dead bycatch.

There will be great economic distress to all the coastal communities if dedicated access privileges are endorsed. At the present time most of the communities are just getting back on their feet after the rationalization of halibut and black cod of 1995. Anytime you take a public resource and make it a private industry many jobs are lost and the trickle down effect is substantial.

Limited entry has worked for all the fisheries that it has been attached to in the past. Why can't the criteria for limited entry be changed, so it is proactive to an overcapitalization of a fishery? The global market place for consistent supply and quality in the marketplace already exist and are at their maximum efficiency in groundfish in GOA. Limited entry with the tools already in the Alaska Board of Fish's pocket are all that are necessary to keep these fisheries in check.

How will this dedicated access privilege benefit the resource? Also the users and communities dependent on these resources?

If you take a fish allocation and you give 5 people apiece rather than 20: then you are making it economically more difficult for the other 15 plus the businesses that are supported by them. This legislation gives the BOF the power to allocate the resource and hurt the economies of the communities. Yes, we do need to be concerned with biological and resources of these fisheries. The next concern should be the people that are engaged and affected by the fisheries, such as fisherman, processors, support businesses, and all others in the coastal communities. It's my belief that the people are the state and their concerns come first before state government. Remember that the government is there to protect and serve. I feel that in this case they are halting our abilities as fisherman to engage in harvesting a public resource. The state would be taking ownership of a public resources and it making it a private industry within a state government. Doesn't that sound wrong to you? It sure does to me!

The best way to fix this problem is to administer limited entry to the pot and jig fisheries and put the trawlers outside 3 miles. Limited entry would be the present right to participate, so all that participants fish until the TAC is caught. There is another issue that needs to be resolved and that is the BOF. The Alaska board of fish should be made up of 13 elected officials from the demographics of the state fish and game commercial and subsistence areas.

This new provision should be drafted into this bill to protect all fisherman that will be affected by DAP if this bill is passed into law. That would make it less likely for special interests groups to be involved in issues pertaining to commercial fisheries. I believe that the BOF doesn't always do what is in the best interest of the people of this state. There is far too much corruption in lobbying and all the little guys like me are tired of fighting big corporations and associations that stand to win in the political processes of this state government with regards to state waters rationalization and all other aspects of our lives.

With the gravest concerns,

Shawn C. Dochtermann
Kodiak, Alaska

LEGISLATIVE FINANCIAL DISCLOSURE STATEMENTS = BEN STEVENS

Based on [REDACTED] Filings for STATE SENATE in Alaska, signed by Ben Stevens

[REDACTED] Filer:		2002	2003	2004	TOTAL
Employer's Name:					
State of Alaska - Legislature	Member	\$ 8,325.36	\$ 28,250.67	\$ 26,827.50	\$ 63,403.53
2001 Special Olympics World Winter Games	President & CEO	\$ 236,225.78			\$ 236,225.78
Stevens & Associates	President/Owner	\$ 20,000.00	\$ 48,000.00	\$ 48,000.00	\$ 116,000.00
		\$ 264,551.14	\$ 76,250.67	\$ 74,827.50	\$ 415,629.31
correct for transfers from below Business Name		\$ (20,000.00)	\$ (48,000.00)	\$ (48,000.00)	\$ (116,000.00)
Subtotal A (adj.) =		\$ 244,551.14	\$ 28,250.67	\$ 26,827.50	\$ 299,629.31

Sources Over \$5,000.00					
AFDC, LLC - Seafood Broker/Trader		\$ -		\$ -	\$ -
Advance North LLC		\$ -		\$ -	\$ -
BAS Inc. (Ben A. Stevens)				\$ -	\$ -

BEN A. STEVENS - Filer:					
Business Name: Stevens & Associates Inc.					
VECO Corporation	Consulting Services	\$ 52,500.00	\$ 47,500.00		\$ 100,000.00
VECO Corporation	Business Services			\$ 47,500.00	\$ 47,500.00
At-Sea Processors Association	Consulting Services	\$ 16,000.00	\$ 38,000.00		\$ 54,000.00
South West Alaska Municipal Conference	Consulting Services	\$ 12,800.00			\$ 12,800.00
North Pacific Crab Association	Consulting Services	\$ 12,000.00	\$ 44,000.00	\$ 44,000.00	\$ 100,000.00
Cook Inlet Regional Corporation (CIRI)	Consulting Services	\$ 72,920.00			\$ 72,920.00
Special Olympics Inc.	Consulting Services	\$ 42,000.00	\$ 15,000.00		\$ 57,000.00
NorQuest Seafoods Inc.	Consulting Services	\$ 25,002.00			\$ 25,002.00
Adak Fisheries Development Inc.	Consulting Services	\$ 15,000.00			\$ 15,000.00
Adak Fisheries LLP	Business Services		\$ 80,000.00	\$ 120,000.00	\$ 200,000.00
Aleut Enterprises Corporation	Member BODirectors	\$ 875.00	\$ 1,050.00		\$ 1,925.00
Highland Light Fisheries, Inc.	Business Services		\$ 4,200.00	\$ 25,200.00	\$ 29,400.00
Glacier Fish Company	Business Services		\$ 4,200.00	\$ 21,000.00	\$ 25,200.00
Semco Energy/Enstar Natural Gas Co.	Director/Citiz Advisory Bd		\$ 5,000.00		\$ 5,000.00
Subtotal B =		\$ 249,097.00	\$ 238,950.00	\$ 257,700.00	\$ 745,747.00

TOTALS - ANNUAL & GRAND (3-yr)	\$ 493,648.14	\$ 267,200.67	\$ 284,527.50	\$ 1,045,376.31
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Real Property Interests	
6654 Lakeway Drive, Anchorage, AK 99502	Owner = rental
6218 12th Road North, Arlington, VA 22215	Owner = rental
4901 Sportsman Drive, Anchorage, AK 99502	Owner = residence
10433 N. Crystal Shores Rd., Willow, AK	Owner = Rental Cabin
10455 N. Crystal Shores Road, Willow, AK	Owner = Rental Cabin

Ben and Ted's Ethically Challenged Adventures

Ted Stevens' son, Ben, worked in the fishing industry for 15 years, working his way up from dockhand to captain of a crab boat. In 1994, Ben started his own lobbying firm in Washington, D.C., and began working for several fisheries-related companies among other clients. In 2002, Ben was appointed to the Alaska State Senate and is now the Senate's majority leader. Over the years, the fishing industry and Ben-and-Ted have worked their connections to their own great reward:

Adak Seafood Interests

Ted sponsored legislation that granted the Aleut Corporation ownership of all pollock caught in the Aleutian chain, worth at least \$10 million annually. Ben is on the board of directors of the Aleut Enterprise Corp., a subsidiary of the Aleut Corporation whose sole function is to develop the Aleutian pollock fishery. The corporation plans to build a processing plant at a former Navy base at Adak, located 400 miles west of Dutch Harbor. Two companies involved in the Adak fish project are Adak Seafoods and Adak Fisheries, which combined paid Ben \$120,000 between 2000 and 2002 as a consultant.

At Sea Processors In 1998, Ted sponsored legislation allocating 40 percent of the Bering Sea pollock catch to the 19-members of the Seattle-based At-Sea Processors Association. In 2001, Ted sponsored legislation making that allocation permanent. For 2001 and 2002, the At-Sea Processors paid Ben \$54,000 in consulting fees.

Crab Boat Owners In 2000, Ted included funding for the buyout of unprofitable crab boats after Ben was hired as a consultant by the Bering Sea Crab Reduction Fund, a trade association for crab harvesters. The crabbers paid Ben \$42,500 for his work.

Pollock Industry In 2000, Ted chose Southwest Alaska Municipal Conference (SAMC) to distribute \$30 million federal disaster relief money following what he considered a "poor" fishing season. Most of the funds went to fishing companies, while the Pribilof Aleuts, who live in the center of Bering Sea fisheries, got nothing. SAMC paid Ben \$12,800 for consulting work in 2000. During this so-called "disaster," a near record 1.31 million tons of pollock were caught.

Seafood Marketers In 2003, Ted earmarked \$10 million to market Alaska seafood. His bill also required the military to purchase only domestic seafood. This benefited consulting clients who paid Ben \$549,976 from 2000 through 2002. Ben is a board member of the Alaska Seafood Marketing Institute.

Trident Seafoods

In 2003, Ted attached a rider to a spending bill to benefit crab processors by creating quotas for how much of the harvest they were entitled to process. The North Pacific Crab Association, a processor trade group that supported the rider, paid Ben \$56,000 for helping out. The rider gave about 24 seafood processors exclusive rights to purchase 90 percent of the snow and king crab harvest in the Bering Sea. Trident Seafoods, a lobbying client of Trevor McCabe — a former member of Stevens' staff — was awarded the largest share of the catch by the North Pacific Fishery Management Council. One of the council's 11 members is David Benson, a Trident employee in Seattle. A Native Aleut company based in the Pribilof Islands, which leases a major processing plant to Trident on St. Paul Island, received none of the processing shares. Brad Gilman, a friend of Ben's since fifth grade, also lobbies for Trident Seafood.

Sources: Alaska Public Offices Commission, Anchorage Daily News, Los Angeles Times



From the Fleet

There will be No Ocean Reform without Reform School for Senator Stevens' Ocean's Eleven

By Victor Smith

"From the Fleet" is intended to allow individuals and organizations the opportunity to express their opinions on commercial fishing-related issues and concerns. The views expressed herein are the opinions of the author, and do not reflect nor represent those of Fisherman's News staff and/or any related constituents.

Coming soon to a fishery near you

Since about 2001, it's been clear that Alaskan seafood processors—with implicit backing from specific fishermen's association leaders—intended to use fleet reduction plans (like the recently approved crab buyback program) as the carrot in a bait-and-switch scheme to acquire Processor Quota shares (PQS). Anyone who's followed this will remember that it was to be only for crab and only for safety. And anyone who's followed the spread of PQS will realize now that was baloney. PQS are about the money and they are for every fishery their proponents can apply them to. For crabbers, the stick was forcing those remaining to join "cooperatives" selling 90% of their catch to a few PQS holders.

Crab rights "restructuring" and the fleet buyback plan were joined at the hip by a shared dependence on US Senator Ted Stevens' power to forge Appropriation riders that legislated and funded the inseparable schemes. But Stevens doesn't deserve all the credit. Both of those deals were brokered through the National Marine Fisheries Service (NMFS) and the North Pacific Fisheries Management Council (NPFMC), who both answer to NOAA. So the policy is

also NOAA's.

"It was pretty obvious from the way the promised crab buyback money kept disappearing that it wouldn't occur until PQS were secured for processors," said Oliver Holm, a former United Fishermen of Alaska (UFA) vice president. "At one point, the money got shunted aside for use to pay trawlers and processors for supposed losses from the sea lion closures. Kodiak pot cod fishermen suffered the greatest losses from those closures in our region and didn't receive a dime. Of course, the pot cod fishermen weren't colluding with the processors like the trawlers were to lock up the resource rights."

"When I advanced a resolution, four years ago, against processor quotas in the Bering Sea Crab fishery at the UFA board [UFA president Bob Thorstenson, Jr.] came unglued. So did [UFA executive director] Tom Gemmel; he said, 'It would ruin everything.' Later that same year, UFA approved salmon restructuring. I was UFA vice president and had not been included in any of the discussions. The whole thing was obviously worked out by someone else."

Randy Babich, a widely respected seiner, told me that he had watched Thorstenson fishing fall chums in lower Hood Canal, well below quality cut off lines for other boats fishing for Nor-

Quest, the company Thorstenson was selling to. When he inquired with another fisherman as to why there were no other NorQuest boats, he said they were not allowed to go below a Canal line, 12 to 15 miles further out, due to quality concerns. Thorstenson was getting this apparent special treatment in Alaska, too, at a time when other fishermen were on strict limits.

Knowing this, I was concerned to learn that Thorstenson was at NorQuest's offices in Seattle in March of 2002. "He was just coordinating our positions for the Governor's Salmon Summit," quipped John Sund. "Whose positions?" It was NorQuest brass who had also just written several industry white papers seemingly intended to coordinate salmon processor's incredible market and pricing consolidation that put so many fishermen out of business that winter. And of course, NorQuest was a key player in coordinating the crab plan. It was the Salmon Summit that formally kicked off salmon industry restructuring and the Salmon Task Force, and where Thorstenson claimed the permit of his fishermen constituents didn't give them the right to fish.

"It was a setup," said Holm. "Get the UFA board to endorse an idea of restructuring, and then the real control would be in the processor's hands."

"I was at first surprised at the opposition to my processor quota resolution from all the SE seine groups, Petersburg Vessel Owners Association (PVVA), Purse Seine Vessel Owners Association (PSVOA) and South East Alaska Seiners

(SEAS)," Holm continued.

Surprised because at that time it appeared as if only a few fishermen's association executives were in on a dirty little secret that the eleven-member NPFMC—Senator Stevens' own Ocean's Eleven—had been seemingly rigged for a unanimous vote of approval for the BSAI plan that transferred rights to crab from fishermen to processors.

Conflicts of interest ran so deep and unchecked on the Council that the economic gospel endorsing PQS as the preferred option for the BSAI plan was written by an economist who referred to fishermen simply as parasites, or in his exact words, "those most egregious rent seekers."

The Council's unanimous vote wouldn't have been even plausibly credible if fishermen were opposed to it, so with the complicity and of fishermen's association leaders they appeared to be colluding with, processors made sure fishermen didn't "wreck everything" by weighing in.

"It later became clear that [Southeast seiners] were expecting to get bought off by receiving a big buyback payment from Senator Stevens... They were evidently perfectly willing to sell out other Alaska fishermen for their payoff," Holm said.

Payoff and the rest of the story on the seine buyback

Details of the seine buyback became public knowledge on November 13,

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From the Fleet

2004, in Lynnwood, Washington, as nearly 80 members of the PSVOA attentively listened to executive director Rob Zuanich's discussion of the annual meeting's main agenda item: the Southeast seine buyback. Although the seine buyback originated with SEAS when its board made fleet reduction a priority in 2001, SEAS membership has sagged under the heavy-handed leadership of Thorstenson necessitating PSVOA's assistance.

In his short presentation, Zuanich expressed cautious optimism that seiners might get a fleet reduction plan before the start of the 2005 salmon season. He also expressed confidence that buyback could be kept under control, in U.S. Senator Ted Stevens' hands, despite jurisdictional protests from NMFS over its administration. Then it became known that Ted's son, Alaska state senator Ben Stevens, was in the middle of the deal; a deal that has begun to look less like a payoff to seiners than a scam to funnel money into Ben's future Senate campaign war chest, and to support his continued efforts to transfer Alaskan state fisheries resources to processors.

Convoluted defined

"How are we going to pay the \$500,000 administration fee to Ben Stevens?" Randy Babich asked Zuanich. Zuanich replied it would "take some convoluted accounting" but he was "confident the payments could be kept off the books." He then approached Babich and suggested that a public meeting might not be the place for more such questions. It was soon discovered in the federal Congressional Record that exactly \$500,000 was set aside for the Pacific Salmon Treaty by language that Ted Stevens wrote in the Omnibus rider that funded the \$50 million buyback program and other pork. Knowing ahead of time about the fees arrange-

ment, it is only fair to ask, "Could this be a coincidence?" Or, is it the 'convoluted accounting' design creating those administrative fees?

Part of the reason SEAS hired Ben was said to have been because of his success in getting the crab plan funded and his obvious access to his father and the Congress. But when knowledge of Stevens' porcine riders were first made public, the senior Senator claimed he didn't know his son was involved in lobbying for the seine appropriation, so if part of Ben's sales pitch was that he had access it was either bravado, or someone wasn't telling the truth.

But in spite of Ben Stevens only getting seiners an ineffectual 130-word bill seemingly designed to fail, SEAS had another vote in December to continue the deal with Ben to get a grant in the next Congress.

If Oliver Holm was right that the crab buyout was held up until the Stevens could secure PQS in crab for the processors, perhaps salmon seiners like cooperative leaders at UFA are about to get their wish. On February 25th, with Thorstenson's and UFA's approval, Ben Stevens filed SB113A, "an Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

According to Holm, "If this bill is passed, it could grant broad powers to the Board of Fisheries to make quota allocations in State managed fisheries directly to processor controlled 'associations' very similar to 'pollock coops' or federal 'groundfish coops' proposed for federal Gulf of Alaska groundfish." Certainly if you imagined PQS were going to be allocated to Alaskan salmon processors you might expect the processors to be kicked off with a similar move. Could SB113 apply to other fisheries? What about halibut?

"Last fall, trawlers in the Kodiak region had an outrageous bycatch of halibut while targeting pacific cod," Holm

said. "Doug Hoedel's boat was one of the worst offenders. Afterwards, when a ruckus was raised locally by halibut fishermen, the response of both Doug and Julie Bonney (of the Alaska Groundfish Data Bank) was that the trawlers "needed" 8,000 MT of halibut bycatch instead of the 2,000 MT allowed now. They have also been pursuing being allowed to retain halibut, at least initially, to give to food banks. Doug sits on the North Pacific Management Council, which allocates halibut bycatch. You can see that 8,000 MT is 17,600,000 lbs. that would come out of area 3A and 3B quota. The trawlers have opted for rationalization which includes processor coops and they would get a big boost in revenue from selling the halibut and the processors would gain a guaranteed cheap supply. I believe that it would be a big enough share of the resource to wreck the open competitive halibut market."

Couldn't happen? That's exactly what Thorstenson was telling salmon fishermen several years ago. And rest assured every single pound of product acquired by Stevens' favored group of processors under this scheme works against the competitive markets of every other fishery.

"Thorstenson and the UFA board have endorsed Stevens' bill despite there being practically no guidelines as to how the BOF or the Entry Commission would allocate those fishing rights," said Holm. "This whole thing is nuts for fishermen. An intelligent board doesn't just endorse an unspecified concept for politicians to pursue. You work out the specifics of what you want first while you still have control." Exactly!

The UFA's is an intelligent board and that's exactly what Thorstenson has done on this and many other issues—worked out the specifics with his Seattle Seven friends who have control, and apparently it's all legal. Hoedel's and the trawlers halibut bycatch is an illuminat-

ing recent example. While it may be a matter for discussion, "There is no violation to investigate... (and) we do not investigate conflict of interest matters," said one official within NOAA's Office of Law Enforcement. "Conflicts of interest are the responsibility of a 'designated official', defined in the Magnusson-Stevens Act as a person with expertise in Federal conflict-of-interest requirements who is designated by the Secretary, in consultation with the Council...the MS Act addresses conflicts of interest, but it does not make them a crime...The fish allocation process is always sticky because typically, someone gains and someone loses. Unfortunately, that isn't illegal either."

Which leaves one to wonder what is illegal? It's hard to believe no distinction is possible between personal conflicts of interest and deal making by those with conflicts. Before the Magnuson Act was hyphenated there was undoubtedly no idea conflicts on the Council would reach such an apparent level of influence. Sadly, as we have seen, the only control that exists now is that of a complicit Government and few big corporations' intent on reducing fishermen to the status of share-cropping field hands. It is a one-way street when NMFS plays along with processors to link cooperative losses to buyback gains, without demanding processors give up their bargaining powers when receiving Title XI financing.

"Any input from fishermen to the Alaska legislature against the changes in fishing rights ownership that SB 113 would permit would be very helpful," Holm concluded.

Victor Smith is a life-long Alaskan fisherman, reluctantly retired in 2003, who now resides in Friday Harbor, WA, and has been a frequent contributor to industry media since 2001. He can be reached at 360-378-8124 or email guide@rockisland.com.



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VIA FAX

To whom it may concern:

I am opposed to Senate Bill NO 113 !!!

My name is Ludger Dochtermann. I have lived in Kodiak for 32 years. I am a fixed gear fisherman. I am the owner of two 90' vessels that operate in the Gulf of Alaska and BSAI, long lining for halibut and groundfish and pot fishing for crab and codfish.

Senate Bill 113 encompasses all state waters and is inclusive of the state water fisheries for codfish, which is prosecuted by only two gear types, pot and jig. During the Federal Groundfish Fisheries trawling and long lining is allowed in state waters. The exclusive state water fishery which commenced with the 1997 season was requested by fisherman from Kodiak to allow entry level participation by ENVIRONMENTALLY responsible gear types that are target specific and virtually by catch free. The purpose was to take crab predator cod fish out of state waters without harming crab stocks and through these efforts bring about a resurgence of our crab resources. The crafters of this fishery also deliberately excluded long lining for cod in the state water fishery because of the high by-catch of halibut. After initially receiving a 10 % allocation of the cod TAC we were able to request an increase to 25 %, which is the present share. A 60-pot limit was instituted for the state water fishery to prevent large boats from taking an unfairly large share. The 25 % state water catch was also divided fairly between pot and jig gear type fishing.

There was vociferous opposition from the trawl fleet to any state water fishery, since it took away a quarter of the quota of which they were catching the lions share.

Around Kodiak all the bays and other crab sensitive areas are off limits to the trawl fleet for hard on bottom trawling.

The positive impact of the state water cod fishery has been that we are seeing a resurgence of the tanner crab stocks, which has allowed a small fishery to be prosecuted the past 5 years. This has been a needed infusion of dollars into the community.

The other positive result is that it provides an entry-level fishery for the future fisherman of Alaska. These are local people who otherwise would have no starting point into the fishing life. This has been a boon to most coastal communities.

It is clear to everyone in this community that the hard on bottom cod trawl fleet could take the entire federal and state water quota in a few days. The federal pot fishery in the GOA is only possible because the TRAWLERS requested a stand down for the first 20 days of January. This year the quota was taken in 4 days once the trawlers entered the fray. The fishing power of a trawl is awesome. When a trawl is hard on bottom it is also all-inclusive with obscene by catch of everything that lives in the net's pass.

Page Two

The driving force behind the federal and state groundfish rationalization program is the trawl industry. Their lobby is very powerful. In Kodiak the non-trawl fishers call the GOA rationalization process the trawlers retirement program. The trawl sector wants to get a guaranteed share of the groundfish resources.

Times are changing and we are all becoming more conscious of our environment. The handwriting is on the wall. There will be more and more restrictions once the general public realizes the terrible impact of hard on bottom trawling. Can there be a better way of forestalling restrictions on their fishing practices then to privatize the resource and chisel it in stone?

This brief history was necessary for the majority of the legislators who come from non-fishing communities and who might be hoodwinked into buying into Senate Bill 113 because of not knowing the facts.

SB 113 Page 1 line 6: What are the changes in the significant economic conditions facing the fisheries? There has not been any increase in effort in either the trawl, pot, logline and jig fisheries in the central and westward region of the State.

I include here the data from the ADFG that shows the effort for all these fisheries.

Page 1 line 10: The economic health of fisherman will be detrimentally affected because the state wants to charge royalties, which will make it impossible for the jig, pot and long line fisherman to operate an already marginal profitable fishery. This would only benefit the trawl fleet, which has smaller labor, and fuel costs then the rest of the industry. They could outbid the more labor-intensive fisheries.

Page 1 line 12: Ensure conservation of biological and capital resources.

The NPFMC sets the quotas in most Alaska fisheries. WE catch what they give us for quotas. How would this program conserve the resource? This bill would sanction obscene by-catch in the trawl sector instead of reducing it, which would help biological conservation.

Page 1 line 13: Capital resources of the fishery.

Since there has been virtually no effort change in the fishing fleet, how would this bill affect the capital resources of the fishery? The negative impact would be that by having to pay resource fees marginally profitable mostly small operators would be forced out of business. The resulting trickle down effect on the local businesses supplying goods and services will be devastating. The resulting consolidation, especially in the trawl sector, will cause shrinkage in the fleet as new owner barons sell their quotas and/or fishing rights and retire to other climes.

Page 2 Sec 5.6.7: This is the old-fashioned money grab. The LLP program controls access into most fisheries. There is no entry unless you are already qualified. The state water cod fishery is the only one that allows free entry as the crafters had intended. The statistics prove my point. There is fluctuation, but the effort now is lower then it was at the beginning of the fishery.

Page Three

Page 2 Sec 8 I addressed lines 16,17 and 18 above. Promoting Safety: I do not see how this bill promotes safety. When the weather is bad the fleets here do not go out and fish. The foolish people have either left or are dead.

The rest of SB 113 goes into specifics to establish this new bureaucracy and justify its perpetuation.

If the reason for Senator Ben Stevens introduction of this bill is to get more tax money from the fishing industry, then it would be a lot cheaper to just increase the fish tax for which there is a bureaucracy already in existence. I think that approach would be a lot more palatable to fisherman then to establish more paper work, more licenses, more laws and regulations of which we are burdened with already. The State of Alaska is already bloated with regulatory agencies; logic would suggest to stop now with this nonsense bill.

If on the other hand SB 113 is only there to guarantee wealth and retirement benefits for the already wealthy fishing industry vessel owners then I consider this to be abject irresponsibility on part of the legislature to pass this bill or even give it serious consideration.

In order for costal communities to maintain their economic vibrancy it is essential that the Federal and State RATIONALIZATION process must be STOPPED!

When all is said and done,
and this bill and rationalization should go through,
the carpetbaggers will be gone and leave us with another empty basket.

My suggestion is for an immediate increase of the state water cod fishery to 40 % of the TAC and an eventual phase out of the trawl fishery of directed cod fishing in the GOA. To be generous I will concede them 25 % of the quota so they can keep their by-catch of cod in their other fisheries.

Respectfully,



Ludger W. Dochtermann
Owner Operator F/V Stormbird and F/V North Point

FROM : F/A NORTH POINT F/A STORMBIRD PHONE NO. : 907 486 2272 FAX NO. 907 235 2448
 Mar. 28 2005 02:42PM P4 P. 02

State Managed Season Cook Inlet Area

Year	Vessels	Landings	Jig/troll	Vessels	Landings	Pot	Harvest	State GHL	% of GHL
1997	46	233	561,947	10	136	276,966	838,913	2,549,646	32.9 %
1998	29	123	188,209	13	183	542,260	730,469	2,434,565	30.0 %
1999	14	51	127,229	24	278	1,390,678	1,517,907	2,637,445	57.5 %
2000	5	12	13,885	17	219	1,135,903	1,149,788	2,160,255	53.2 %
2001	5	13	19,428	9	196	875,923	895,351	1,917,195	46.7 %
2002	6	15	18,163	9	306	1,310,684	1,328,847	1,571,455	84.6 %
2003	15	160	429,684	10	140	1,023,854	1,453,538	1,438,516	101.04%
2004	18	20	326,298	12	170	1,785,386	2,111,684	2,367,765	89.2%

2005

5

9

State Managed Season Prince William Sound Area

Year	Vessels	Landings	GHL	Pots	Jig ^b	Total
1997	9	36	880,000	192,142	8,378	200,520
1998	9	33	860,000	385,817	33,177	418,994
1999	7	27	930,000	314,987	79,147	394,134
2000	12	36	2,950,000	268,765	22,377	291,142
2001	3	3	2,620,000		228	228
2002	0	0	1,900,000			
2003			Confidential Data			
2004			Confidential Data			

^bincludes mechanical jig and hand troll

11

Westward Region Registration by Year and Area 3/16/05
Trawl Vessels

2005

Kodiak 26
SAP 17
Chignik 1

2004

Kodiak 48
SAP 13
Chignik 0

2003

Kodiak 41
SAP 19
Chignik 0

2002

Kodiak 40
SAP 24
Chignik 0

2001

Kodiak 54
SAP 17
Chignik 0

2000

Kodiak 36
SAP 19
Chignik 0

1999

Kodiak 66
SAP 21
Chignik 0

1998

Kodiak 74
SAP 23
Chignik 0

Table 5. Catch and effort by gear type from the Kodiak Area state-waters Pacific cod fishery, 1997-2003.

Year	Gear	Vessels	Landings	Pounds	Price per pound
1997	Jig	73	481	1,972,638	\$0.26
	Pot	40	231	5,522,243	\$0.24
1998	Jig	91	663	2,114,833	\$0.20
	Pot	52	317	6,385,069	\$0.22
1999	Jig	119	794	2,294,870	\$0.40
	Pot	81	465	8,438,912	\$0.34
2000	Jig	146	1,227	2,814,748	\$0.40
	Pot	69	482	5,748,549	\$0.38
2001	Jig	70	433	1,254,910	\$0.34
	Pot	36	239	3,656,702	\$0.30
2002	Jig	51	340	1,389,838	\$0.38
	Pot	33	212	7,436,013	\$0.44
2003	Jig	102	689	3,196,069	\$0.27
	Pot	42	149	4,959,262	\$0.32

2004	Jig	120	960	4,212,416	
	POT	47	160	5,823,605	
2005	Jig	106	—	—	
	POT	53	120	3,977,836	

Table 11. Catch and effort by gear type from the South Alaska Peninsula Area state-waters Pacific cod fishery, 1997-2003.

Year	Gear	Vessels	Landings	Pounds	Price per pound
1997	Jig	45	179	349,119	\$0.18
	Pot	56	494	9,112,587	\$0.20
1998	Jig	28	124	437,708	\$0.16
	Pot	51	309	8,192,803	\$0.17
1999	Jig	27	166	706,951	\$0.28
	Pot	53	388	11,115,028	\$0.29
2000	Jig	28	145	757,953	\$0.48
	Pot	67	505	14,286,151	\$0.32
2001	Jig	69	416	3,034,026	\$0.28
	Pot	55	311	10,421,593	\$0.26
2002	Jig	70	324	2,065,554	\$0.24
	Pot	50	277	10,699,395	\$0.22
2003	Jig	65	413	3,633,007	\$0.24
	Pot	41	191	7,927,656	\$0.22

2004

51

317

1,671,401

86

2,778

10,786,947

2005

26

00050

40

00000

Table 8. Catch and effort by gear type from the Chignik Area state-waters Pacific cod fishery, 1997-2003.

Year	Gear	Vessels	Landings	Pounds	Price per pound
1997	Jig	4	14	35,002	\$0.18
	Pot	10	60	1,098,970	\$0.18
1998	Jig	11	59	167,283	\$0.22
	Pot	33	230	5,130,396	\$0.18
1999	Jig	11	56	218,408	\$0.34
	Pot	33	397	6,217,279	\$0.30
2000	Jig	5	12	38,453	\$0.31
	Pot	19	150	1,737,326	\$0.30
2001	Jig	15	57	287,106	\$0.25
	Pot	16	123	2,332,744	\$0.26
2002	Jig	13	59	320,339	\$0.20
	Pot	12	139	3,903,246	\$0.20
2003	Jig	16	106	433,067	\$0.27
	Pot	15	151	4,034,504	\$0.27

2004 114 50 141,697
 17 243 5,552,997 23

2005 17 OPEN

1. Speech – pale green
2. 3 page summary analysis of SB113A
3. Ben Stevens' financial disclosure
4. Cascadia Times article
5. Victor Smith "Ocean Reform and Stevens' Ocean's Eleven"
6. Chignik Co-op article
7. Ludger Dochtermann's testimony on SB113
8. Backing Sheet

cod 10% part & jig
0 90% drag.

drag is #2 product

Roland Lewis

Joe Childers = Support SB113

West Gulf of Alaska fishermen
Article 2, section 1 and 2: see below

2 forms Bd of Fish website

Stevie TOFFIN [GRAND Swell Fisheries
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PAGE 4
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Norm Botz	njbotz@gci.net	F/V Silversword	Y
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MIKE LONGRICH	P.O. Box 730 Kodiak AK 99615	F/V SPITFIRE	Y
Email address: (Please Print)	KILLFISH@MSN.COM		
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ALASKA STATE LEGISLATURE



Official Business

SENATE RESOURCES COMMITTEE

Senator Tom Wagoner, Chair

State Capitol, Room 427

Juneau, AK 99801-1182

Phone: (907) 465-4907 Fax: (907) 465-4779

Senator Ralph Seekins, Vice-Chair
Senator Ben Stevens
Senator Kim Elton

Senator Fred Dyson
Senator Bert Stedman
Senator Gretchen Guess

Letter of Intent – April 25, 2005

SB 113: Gulf of Alaska Groundfish Fishery

The Memorandum of Understanding between the Alaska Board of Fisheries (BOF) and the Alaska Commercial Fisheries Entry Commission (CFEC), with respect to the Gulf of Alaska Groundfish Fisheries, is hereby adopted as a Letter of Intent.

A copy of that four page document, signed by Bruce Twonley, Chair of the CFEC and Arthur N. Nelson, Chair of the BOF, dated April 5 and 6 2005 respectively, is attached and made part of this document.

Alaska State Legislature
PRESIDENT OF THE SENATE

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FAX (907) 465-3872

SENATOR BEN STEVENS

MEMORANDUM

TO: Senator Tom Wagoner, Chair
Senate Resources Committee

FROM: Senator Ben Stevens 

DATE: February 25, 2005

RE: Senate Bill 113

I respectfully request the scheduling of Senate Bill 113 – “An Act relating to entry into and management of Gulf of Alaska groundfish fisheries.” – for a hearing at your earliest possible convenience.