

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1198 SCOMM 36: HOUSE SPEC. COMMITTEE ON FISHERIES 1983-84/365

Canadians urge ratification of fishing treaty The Fishermen's News 2/83

by Carmel Finley

Portland—Canadian fishing on U.S. stocks could escalate unless the proposed fisheries treaty is signed by Canada and the U.S., a Canadian government official told the Pacific Fishery Management Council.

Robert Morley, of Fisheries and Oceans, asked the PFMCC to support the treaty for the "future of the fisheries in our two countries." Chief U.S. negotiator Lee Alverson, said in an emotional speech. "How are you going to secure your conservation goals without a treaty?"

"You've been sitting here talking for the last 10 bloody years about the need for a commitment with Canada," Alverson said in an emotional speech. "How are you going to secure your conservation goals without a treaty?"

Morley said the Canadian government views the proposed treaty as addressing "the issues that result in competitive over-fishing and depletion of the stocks. It's a fair compromise and a basis for cooperation to develop the resource."

But Morley said, Americans are apparently under some false assumptions that Canada will press on with some of the treaty's propos-

* River, "the vast majority of Canadians don't consider the sharing equitable." He said there was pressure to increase the Canadian catch of all stocks in the coast area, including U.S. chum and coho.

"While the treaty is not perfect, it provides for the future of the fisheries in our two countries," Morley said. "To come this far in negotiations, after more than a decade of work, and not conclude the treaty, will not allow negotiations to continue."

Morley said that if the treaty is rejected, negotiations probably would not resume for some time.

He also said that opposition from some Alaskan user groups "is causing delays with Canadian user groups."

Opposition to the treaty has come from Alaska trawlers, and from processors, gillnetters and seiners in

northern Puget Sound. The three groups of fishermen stand to lose a percentage of their catch during 1983-84 if the treaty is ratified.

But, as Dr. Alverson explained to the council, although the Puget Sound fisheries would give up 150,000 reds and 300,000 pinks for the next two years, beyond that there would be a 50/50 split on the Fraser stocks.

"Each side has used the other as a reason not to take action," Alverson said. "This has hindered development of a coastwide Chinook plan. There is total agreement the Chinook stocks are in trouble."

Alverson said it was important for opponents to realize that under the treaty fishing could not continue to escalate outside the convention waters controlled by the International Pacific Salmon Fisheries Commission. Last

year, the commission controlled about 40 percent of the Fraser runs because of fishing outside convention waters.

Alverson said further declines in Chinook stocks will set the two countries further from agreement.

"You have to live with a strong conservation goal, even if the Canadians don't," Alverson said, adding that the region will have to look at the impacts of an enhance-

ment plan on the Columbia in light of no treaty.

"If you decide you can't take the political heat, and it's obvious that if Oregon or Washington or Alaska chooses not to support the treaty it's not likely to go through and I will raise the white flag," Alverson said.

The Council said they would make a decision on the treaty at the next Council meeting in March.

Reef Net Owners elect officers

The annual meeting of the Washington Reef Net Owners Association was held January 8, at the Town and Country Motor Inn in Mt. Vernon.

The following officers were elected: Tom Philpott, Bellingham, president; Jack Giard, Lopez Island, vice president; Andy Yurov-

chak, Bellingham, executive secretary; Larry Roughton, Custer, treasurer; Ted Richey, Lopez Island; Ed Hopkins, Shaw Island; and Jerry Anderson, Lummi Island, trustees. Holdover trustees are Ralph Pauley and Bob Jewell of Bellingham.

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Canada will continue enhancement efforts because they are politically committed to that program," said Morley. "We're near the end of phase one on enhancement and we're considering further funding. Without a treaty to protect Canadian investment, new projects will provide maximum benefit to Canadian fisheries."

Morley said existing programs could be redirected, and cited the example of Robinson Creek on the West Coast of Vancouver Island. The hatchery currently produces large numbers of Chinook, but could be reprogrammed to raise coho.

Morley said it also widely assumed that Canadians must make some cuts to conserve their own Chinook stocks.

"The Fraser and West Coast Vancouver Island stocks can't be rebuilt by Canadian conservation alone," Morley said. "Without cooperation, they're doomed. Canada will not act alone and provide benefits to U.S. fisheries if we are unable to rebuild our Chinook stocks, we'll find alternatives and increase our catch of U.S. stocks."

A large percentage of the troubled upriver bright Columbia River stocks are caught off Canada.

Morley said that while Americans enjoy the benefits of efforts on the Fraser

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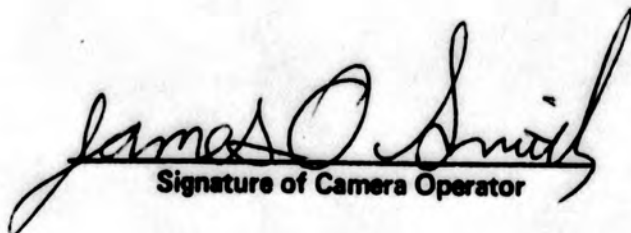
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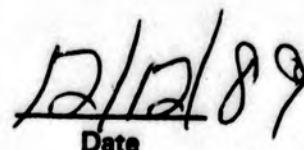


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Date

SCOMM

#36:25

IDENTIFICATION	BILL NAME Relating to the protection of Bering Sea fisheries		BILL NUMBER HJR 41
			DATE INTRODUCED 4/4/83
			RELATED BILLS PENDING
	SPONSOR(S) Vaska, Adams, Clocksin, mm Miller, Malone, Herrmann, Koponen, Hurlbert, Fuller, & Davis		REFERRALS Resources
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED		LEGAL DIVISION SUMMARY
			DEPT OF LAW SUMMARY
	SPONSOR CONTACTED FOR BACKUP MATERIALS		FISCAL NOTE
	AGENCY RESPONSE		OTHER INTERESTED LEGISLATORS NOTIFIED
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED		DATE & PLACE SET
	STAFF MEMO TO COMMITTEE		TELECONFERENCE
	BACKGROUND MATERIAL DISTRIBUTED		PSA/PRESS RELEASE
	LIST OF WITNESSES		SUGGESTED AMENDMENTS/CS DRAFTED

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: HJR 41
Title: "...protection of Bering Sea Fisheries."
Sponsor: Repr. Vaska
Requestor: House Special Committee on
Fisheries and Resources

II. FISCAL DETAIL

Agency Affected: Department of Law
Program Category Affected: General Gov't.
BRU, Program of Subprogram(s) Affected:
Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues Director
Division: Administrative Services Division

Phone: 465-3672
Date: April 6, 1983

Approved by Commissioner: Richard I. Pegues / for
Department: Department of Law

Date: April 6, 1983

Distribution:

Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
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HJR 41
Analysis

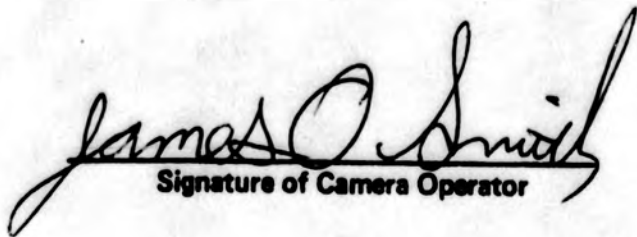
The resolution requests that the Department of Law, in concert with others, conduct a comprehensive review of the Final Environmental Impact Statement (FEIS) for Norton Sound OCS Lease Sale No. 57 to determine whether the state's interests, including interests in fisheries, were adequately represented in the EIS process, and to determine whether the EIS process for Norton Sound has been properly and lawfully observed by the federal government. The department's legal review of environmental impact statements concerned with state programs or resources is a long established duty and, consequently, fiscal impact will not occur.

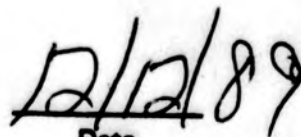


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IDENTIFICATION	BILL NAME An act relating to the licensing of commercial fishing; and providing for an effective date.		BILL NUMBER CSSB 52(Res) am
	SPONSOR(S) Mulcahy		DATE INTRODUCED 4/15/83
			RELATED BILLS PENDING
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS	DEPT OF LAW SUMMARY	
		FISCAL NOTE	
	AGENCY RESPONSE	OTHER INTERESTED LEGISLATORS NOTIFIED	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED	DATE & PLACE SET	
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	BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE	
	LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED	

CS SB 52 (Res) am

HOUSE

FURTHER:

RESOURCES

(7)

6/1/83

Date: February 23, 1984

Mr. Speaker:

HOUSE SPECIAL COMMITTEE
ON FISHERIES

The Committee on

has had

CSSB 52 (Res) am

"An Act relating to the licensing of commercial fishing; and providing for an effective date."

under consideration and reports it back as follows:

[] do pass

[] do not pass

☒ do pass with attached amendments(s)

[] replace with CS for

```
[ ] same title
[ ] new title
```

and recommends

[] AND attaches a "Letter of Intent"

[] New Fiscal Note

[] reports it back without recommendation

[] Zero Fiscal Note Attached

[] referred to the

Committee

MEMBERS SIGNING

DO PASS

MEMBERS HAVING

OTHER RECOMMENDATIONS:

Fred A. Ziegler
 Herb Sarnell
 Ben Sarnell
 John Stark
 Peter Jace

John G. Smith
CHAIRMAN

Offered: 4/15/83
Referred: Finance

Original sponsor: Mulcahy

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 52 (Resources) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the licensing of commercial
7 fishing; and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 16.05.450(a) is amended to read:
10 (a) The commissioner of revenue or the commissioner's [HIS]
11 authorized agent shall issue a crewmember fishing license under
12 AS 16.05.485 [AS 16.05.480] to each qualified person who files a
13 written application at a place in the state designated by the commis-
14 sioner, containing the reasonable information required by the commis-
15 sioner together with the required fee. The application shall be
16 simple in form and shall be executed by the applicant under the pen-
17 alty of perjury.
18 * Sec. 2. AS 16.05.460 is amended to read:
19 Sec. 16.05.460. COMMISSIONER OF REVENUE MAY APPOINT AGENTS. The
20 commissioner of revenue may appoint qualified [PERSONS AS HIS] agents
21 to receive applications, issue licenses, and collect license fees
22 under AS 16.05.440 - 16.05.485 [AS 16.05.440 - 16.05.480], and to
23 assist in the completion of annual application or renewal forms for
24 interim-use permits and entry permits issued under AS 16.43.
25 * Sec. 3. AS 16.05.470 is amended to read:
26 Sec. 16.05.470. AGENT'S FEE FOR ISSUANCE OF LICENSES AND ASSIS-
27 TANCE [INTERIM-USE OR ENTRY PERMITS]. (a) A person appointed and
28 authorized by the commissioner of revenue to sell licenses under
29 AS 16.05.440 - 16.05.485 [AS 16.05.440 - 16.05.480], except salaried

1 employees of the state, shall retain the sum of 15 percent of the fee
2 for the issuance of a license. An agent shall transmit monthly to the
3 commissioner all license fees collected by the agent [HIM], less the
4 authorized commission, together with a full accounting of the fees.
5 The commissioner shall make monthly remittances of the fees collected
6 to the proper state official. The commissioner [IS NOT LIABLE FOR
7 DEFALCATION OR FAILURE TO ACCOUNT FOR THE FEES COLLECTED BY AN AGENT,
8 BUT HE] shall require a bond in the sum the commissioner [HE] con-
9 siderers adequate, conditioned upon the faithful accounting of money
10 collected.

11 (b) A person appointed by the commissioner of revenue under
12 AS 16.05.460 to issue licenses under AS 16.05.440 - 16.05.485 [AS 16.-
13 05.440 - 16.05.480], except salaried employees of the state, shall
14 retain the sum of 15 percent of the interim-use or entry permit fee
15 for assisting in completion of the annual application or renewal form
16 for the interim-use or entry permit, as provided by regulations of the
17 Commercial Fisheries Entry Commission. An agent shall transmit
18 promptly to the Commercial Fisheries Entry Commission all application
19 or renewal forms and fees collected by the agent [HIM], less the
20 authorized commission, together with a full accounting of the fees.
21 The commissioner [AND THE COMMERCIAL FISHERIES ENTRY COMMISSION ARE
22 NOT LIABLE FOR DEFALCATION OR FAILURE TO ACCOUNT FOR THE FEES COL-
23 LECTED BY AN AGENT, BUT THE COMMISSIONER] shall require a bond in the
24 sum the commissioner [HE] considers adequate, conditioned upon the
25 faithful accounting of money collected.

26 * Sec. 4. AS 16.05.480 is repealed and reenacted to read:

27 Sec. 16.05.480. COMMERCIAL FISHING LICENSE. (a) A person
28 engaged in commercial fishing shall obtain a commercial fishing li-
29 cense. The annual fee for the license is \$15 for a resident who is

1 eligible for an entry permit or interim-use permit under AS 16.43.-
2 160(c) or who is eligible for a \$15 crewmember fishing license under
3 AS 16.05.485(a). The annual fee for a commercial fishing license for
4 all other residents is \$30. The annual fee for a commercial fishing
5 license for a nonresident is \$90.

6 (b) A commercial fishing license is included in and need not be
7 issued separately from a crewmember fishing license issued under
8 AS 16.05.485 and an entry permit or interim-use permit issued, re-
9 newed, or transferred under AS 16.43. The annual fee for a commercial
10 fishing license is included in the annual fee for a crewmember fishing
11 license issued under AS 16.05.485 and the first fee paid during a
12 calendar year for an entry permit or interim-use permit issued or
13 renewed under AS 16.43.

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

15 Sec. 16.05.485. CREWMEMBER FISHING LICENSE. (a) A person
16 engaged in commercial fishing who does not hold a valid entry permit
17 or interim-use permit issued, renewed, or transferred under AS 16.43
18 shall obtain a crewmember fishing license. The annual crewmember
19 fishing license fee is \$15 for a resident who has a net family income
20 falling within the Federal Community Services Administration poverty
21 guidelines, adjusted by the Department of Revenue to reflect appropri-
22 ate cost-of-living differentials. The annual crewmember fishing
23 license fee for all other residents is \$30. The annual crewmember
24 fishing license fee for a nonresident is \$90.

25 (b) A crewmember fishing license is nontransferable and shall be
26 retained in the possession of the licensee, readily accessible for
27 inspection at all times.

28 (c) A person applying for a resident crewmember fishing license
29 under this section shall provide the proof of residence that the

1 Department of Revenue requires by regulation.

2 (d) If a valid crewmember fishing license issued under this
3 section is lost or destroyed, the person to whom the license was
4 issued may, upon payment of a \$2 fee, obtain a duplicate license. A
5 person who recovers an original license for which a duplicate has been
6 issued shall immediately surrender the duplicate to the Department of
7 Revenue.

8 * Sec. 6. AS 16.05.680(1) is amended to read:

9 (1) to employ a person [HAVE IN HIS EMPLOY,] in the har-
10 vesting, transporting or purchasing of fish unless the person [, A
11 FISHERMAN WHO NEITHER] is licensed under AS 16.05.485 or [AS 16.05.480
12 NOR] is the holder of a permit issued under AS 16.43,

13 * Sec. 7. AS 16.05.710 is repealed and reenacted to read:

14 Sec. 16.05.710. LICENSE FORFEITURE. (a) Upon a first or second
15 conviction of a person for a violation of AS 16.05.440 - 16.05.720 or
16 a federal or state law or regulation for the protection of the commer-
17 cial fish of the state, the court may, in addition to the penalty
18 imposed by law, order

19 (1) a forfeiture of a crewmember fishing license, interim-
20 use permit, or entry permit held by the person;

21 (2) a loss of eligibility to hold a crewmember fishing
22 license, interim-use permit, or entry permit for a period of not more
23 than one year; and

24 (3) a suspension of fishing rights under a crewmember
25 fishing license, interim-use permit, or entry permit for a period of
26 not more than one year.

27 (b) Upon a third conviction, the court may, in addition to the
28 penalty imposed by law, order

29 (1) a forfeiture of the crewmember fishing license,

1 interim-use permit, or entry permit held by the person;

2 (2) a loss of eligibility to hold a crewmember fishing
3 license, interim-use permit, or entry permit for a period of not more
4 than three years; and

5 (3) a suspension of fishing rights under a crewmember
6 fishing license, interim-use permit, or entry permit for a period of
7 not more than three years.

8 * Sec. 8. AS 16.10.310(a)(1)(A) is amended to read:

9 (A) individual commercial fishermen who have been
10 state residents for a continuous period of five years immediately
11 preceding the date of application for a loan under AS 16.10.300 -
12 16.10.370 and have had a crewmember [OR COMMERCIAL] fishing
13 license under AS 16.05 [AS 16.05.480] or a permit under AS 16.43
14 for any one of the past five years, and who actively participated
15 in the fishery during that period, for the purchase of entry
16 permits;

17 * Sec. 9. AS 16.10.310(a)(1)(C) is amended to read:

18 (C) corporations, partnerships, or joint ventures, 100
19 percent of which are owned by individual commercial fishermen who
20 have been state residents for a continuous period of five years
21 immediately preceding the date of application for a loan under
22 AS 16.10.310(a)(1)(B) and have had a crewmember [OR COMMERCIAL]
23 fishing license under AS 16.05 [AS 16.05.480] or a permit under
24 AS 16.43 for any one of the past five years, and who actively
25 participated in the fishery during that period, for the repair,
26 restoration or upgrading of existing vessels and gear, for the
27 purchase of gear, and for the construction and purchase of ves-
28 sels;

29 * Sec. 10. AS 16.43.160(a) is amended to read:

1 (a) The commission shall establish annual fees for the issuance
2 and annual renewal of entry permits or interim-use permits. [THE
3 AMOUNT PAID BY A PERMIT HOLDER UNDER THE PROVISIONS OF AS 16.05.480
4 SHALL BE CREDITED BY THE COMMISSION TOWARD PAYMENT OF THE FEE CHARGED
5 UNDER THIS SECTION. NO MORE THAN ONE CREDIT MAY BE OBTAINED ANNUALLY
6 BY A PERSON.]

7 * Sec. 11. AS 16.43.160(b) is amended to read:

8 (b) Except as provided in (c) of this section, annual [ANNUAL]
9 fees established under this section shall be not [NO] less than \$30
10 nor [\$10 AND NO] more than \$750 and shall reasonably reflect the
11 different rates of economic return for different fisheries. The
12 amount of an annual fee for a nonresident shall be three times the
13 amount of an annual fee for a resident.

14 * Sec. 12. AS 23.35.060 is amended to read:

15 Sec. 23.35.060. CREATION AND ADMINISTRATION OF FISHERMEN'S FUND.
16 There is created a fund, designated as the "fishermen's fund." The
17 Department of Revenue is the custodian of the fund and the Department
18 of Labor shall administer it. The fund shall be composed of 60 per-
19 cent of the money derived by the state from all commercial fishing
20 [FISHERMEN'S] licenses required under AS 16.05.480 and money appropri-
21 ated to carry out the purpose of AS 23.35.

22 * Sec. 13. AS 23.35.150(4) is amended to read:

23 (4) "fisherman" means a person who is licensed by the state
24 to engage in commercial fishing under AS 16.05 [AS 16.05.480] or who
25 is the holder of a permit issued under AS 16.43 and who, at the time
26 injury is sustained or illness is contracted, is actually so engaged
27 or is occupied in Alaska in preparing or dismantling boats or gear
28 used in commercial fishing;

29 * Sec. 14. AS 43.75.017(1) is amended to read:

1 (1) the vessel is operated as a commercial fishing vessel
2 by a person holding [UNDER] a valid entry permit or interim-use permit
3 issued, renewed, or transferred under AS 16.43, or a valid crewmember
4 [COMMERCIAL] fishing license issued under AS 16.05.485;

5 * Sec. 15. AS 44.81.210(a)(20) is amended to read:

6 (20) make loans to individual commercial fishermen for
7 limited entry permits; a loan under this paragraph may be made only to
8 an individual commercial fisherman who has been a state resident for a
9 continuous period of five years immediately preceding the date of
10 application for the loan and who has had a crewmember [OR COMMERCIAL]
11 fishing license under AS 16.05 [AS 16.05.480] or a permit under
12 AS 16.43 for any one of the past five years, and who has actively
13 participated in the fishery during that period; loans made under this
14 paragraph are subject to the provisions of AS 44.81.230;

15 * Sec. 16. This Act takes effect January 1, 1984.
16

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON



LABOR AND COMMERCE COMMITTEE, CHAIRMAN
RESOURCES COMMITTEE
JUDICIARY COMMITTEE
FISHERIES SUB-COMMITTEE

P.O. BOX 143
SITKA, ALASKA 99835
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Rep. Adelheid Herrmann, Chair
House Committee on Fisheries

FROM: Sen. Eliason *Dick E*

DATE: June 10, 1983

RE: SB 52---Relating to the licensing of commercial fishing

When CSSB 52(res) was on the Senate floor we deleted some language regarding charging of interest on limited entry permit renewal fees.

Since that time I have received some suggested new language from the Entry Commission. I believe this suggestion to add this more specific language is a good one. I have attached a copy of the Entry Commission's memo for your information.

I urge your favorable consideration of inclusion of the Commission's proposed amendment when your committee considers CSSB 52.

Thank you.

MEMORANDUM

State of Alaska

TO: John Williams
Chairman

DATE: June 6, 1983

FILE NO:

TELEPHONE NO:

FROM: Sharman Haley
Special Assistant

SUBJECT: Amendments to SB 52

You have asked that I draft language authorizing the Commission to charge interest on fee arrearages to replace the language deleted from CSSB 52(Res) on the floor of the Senate. The language should apply to the fee arrearages of nonresidents who have been paying resident fees, and not to persons who fail to renew their permit one year and make it up the next.

The following draft language would insert at the end of AS 16.43.160(b) (CSSB 52 am Sec. 11):

The commission may charge interest on any unpaid fees due at the rate provided by AS 45.45.010(a) from the date of permit renewal.

This language would not apply to persons who choose not to renew their permit in a given year, then in the following year renew it for both years, because the fees do not become due and interest is not accrued until the time of actual permit renewal in the second year. The language would only apply in those few cases where the renewal application appeared to be in order with fees paid and the permit actually renewed by the commission before it was determined that additional fees are due, as in the case of a subsequent finding of nonresidency.

SH/dw

Proposed Amendments to CSSB 52 (Res) am
To Address CFEC Concerns

Page 1, lines 22 - 24

delete "and to assist in the completion of annual application or renewal forms for interim use permits and entry permits issued under AS 16.43"

Page 1, line 27

delete "(a)"

Page 2, lines 11 - 25

delete entire subsection

Proposed amendments to CSSB 52 (Res) am

To conform with HB 15 of Last Session

Page 5, line 10

delete "five"
insert "two"

Page 5, line 14

delete "anyone"
insert "the year immediately preceding the date of application and any
other two"

Page 5, line 20

delete "five"
insert "two"

Page 5, line 24

delete "anyone"
insert "the year immediately preceding the date of application and any
other two"

Page 7, line 9

delete "five"
insert "two"

Page 7, line 12

delete "anyone"
insert "the year immediately preceding the date of application and any
other two"

Amendments to CSSB 52 (Res) am

Adopted by Fisheries Committee - 2/16/84

Page 6, line 13

insert after, "resident."

"The commission may charge interest on any unpaid fees due at the rate provided by AS 45.45.010(a) from the date of permit renewal."

Page 4, line 20

insert after, "person"

"for a period of not more than one year"

Page 5, line 1

insert after, "person"

"for a period of not more than one year"

Page 7, line 15

delete "1984"

insert "1985"

Amendments to CSSB 52 (Res) am

Adopted by Fisheries Committee - 2/16/84

Page 6, line 13

insert after, "resident."

"The commission may charge interest on any unpaid fees due at the rate provided by AS 45.45.010(a) from the date of permit renewal."

Page 4, line 20

insert after, "person"

"for a period of not more than one year"

Page 5, line 1

insert after, "person"

"for a period of not more than one year"

Page 7, line 15

delete "1984"

insert "1985"



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Mulcahy	Bill Number SB 52
Department Position Support		
Division Director Steven Pennoyer S. P.	Date 1/21/83	Commissioner's Signature Don W. Collinsworth <i>[Signature]</i>
		Date 1-24-83

GOVERNOR'S OFFICE USE

Comments:

☐ Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting) Unknown	1. b) Other Agencies Affected by Bill Unknown
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill None

4. Fiscal Impact: ☒ None ☐ Fiscal Note Attached
--

5. Amendments Proposed: None
--

6. Comments: The bill eliminates present confusion over what type of license is required for persons involved in commercial fishing activities.

Position Papers

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE:

(907) 465-4210

February 2, 1982

The Honorable Bob Mulcahy
Alaska State Senate
Pouch V, Capitol Building
Juneau, AK 99811

Dear Senator Mulcahy:

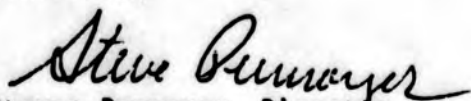
This is in response to your request for a review of a proposed bill entitled "An act relating to the licensing of commercial fishing; and providing for an effective date."

I am pleased that you are submitting this bill and hope that it will be adopted this session. There has been some confusion on the part of the public as to licensing requirements due to the ambiguity of present statutes. This ambiguity has also been used by some attorneys to argue against revocation of their clients CFEC permits. (See *Prettyman v. State*, No. 3D1-81-178, Court of Appeals No. 6224, Appeal from the District Court.) It has always been the position of the Department and the Board of Fisheries that fines and penalties should be strong enough to deter illegal fishing activities. Your bill should help in this area.

I do have some specific comments. Section 4, AS 16.05.480(b) is a bit confusing. The subsection should state more clearly that the commercial fishing license requirement is satisfied by the purchase of a crewmembers license or a CFEC permit. Section 5, AS 16.05.485(c): we do not define residency, but use the definition found in AS 16.05.940(14). The "department" referred to in AS 16.04.480(b) is the Department of Revenue. It would be best to specify the Department of Revenue rather than this department.

I thank you for the opportunity to review the draft bill. If I can be of further assistance please call me or Bob Clasby, my Regulation Specialist.

Sincerely,



Steven Pennoyer, Director
Division of Commercial Fisheries



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Mulcahy	Bill Number SB 755
Department Position Favor		
Division Director Steven Pennoyer	Date 2/17/82	Commissioner's Signature <i>[Signature]</i> Date 2-19-82

GOVERNOR'S OFFICE USE

Comments:

☐ Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting) SB 658	1. b) Other Agencies Affected by Bill CFEC, F&WP
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill None

4. Fiscal Impact: ☒ None ☐ Fiscal Note Attached
--

5. Amendments Proposed: None
--

6. Comments: This bill will clarify commercial fishing licensing procedures.
--

MEMORANDUM

State of Alaska

TO: The Honorable Bob Mulcahy
Senate
MAIL STOP: 3100

DATE: January 25, 1983

FILE NO:

TELEPHONE NO:

FROM: John Williams
Derrill Johnson
Commercial Fisheries Entry Commission
MAIL STOP: 0302

SUBJECT:

As requested by your office, the following comments are offered by the Entry Commission regarding the above referenced working draft. As we indicated last session, the Commission supports your clarification of Title 16, regarding crewmember licensing, commercial licensing and their relationship to interim-use and entry permits. We offer the following technical suggestions:

1. Sec. 16.05.470(b) page 2, line 16, should read, "...for the interim use or entry permit as specified by regulation."

Reason: Commission regulation 20 AAC 05.980, Assistance by Designated Agent, spells out exactly what constitutes assistance for which a 15% retention is allowed.

2. Sec. 16.05.710, License Forfeiture (a) (1) page 4, line 18, should read "(1) a forfeiture of all rights to a crewmember fishing license,"...and (b) (1) line 28, same page should read: "(1) a forfeiture of all rights to a (the) crewmember fishing license,"...

Reason: A recent Alaska Court of Appeals decision (Prettyman v. State, Opinion No. 175, October 6, 1982) has highlighted an inadvertent limitation on criminal sentencing which this section neatly corrects. The addition of the passage is suggested by John Grissberg of the Department of Law.

3. Sec. 8. AS 16.10.310, as you no doubt are aware, needs to comply with the durational requirement change in residency.

4. Sec. 14, AS 43.75.017 (1) page 7, line 3, should read: "by a person holding a valid commercial license or crewmember license, or entry permit or interim-use permit..."

Reason: A commercial license or crewmember license holder can operate a vessel engaged in fishing as long as there is a permit holder on board. The commercial license/crewmember may even own the vessel. A vessel utilized as a tender or processor must have licensed personnel on board, but not a permit holder.

5. Sec. 15. AS 44.81 210(a) (20), See our comments in suggestion No. 3.

6. During the second half of the 12th legislature, legislation cleaning up foreclosure procedures in the State commercial fisheries loan program was passed. It is suggested that a similar amendment be proposed to cleanup the C.F.A.B. loan program. Because you are

proposing to amend this statute in Sec. 15, you may wish to consider rewriting AS 44.81.250(c) to remove unworkable provision for assumption of foreclosed notes and allow C.F.A.B. the greatest flexibility possible to protect their members against financial loss.

JW:DJ:dan



Alaska State Legislature
House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811
(907) 465-4924

CHAIRMAN
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MEMBERS
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PETER GOLL
JACK MCBRIDE
FRED ZHAROFF

MEMORANDUM

TO: Special Committee on Fisheries Members
FROM: Mel *Morse*
DATE: March 8, 1984
SUBJECT: SB 52, Section 7 (License Forfeiture)

The current license forfeiture statute (AS 16.05.710) allows the forfeiture of commercial fishing licenses for violations of AS 16.05.440 - 16.05.720 (Attachment 1). Included in the definition of commercial fishing licenses are interim-use and entry permits.

In SB 52, Section 7, the license forfeiture statute is rewritten and during the Fisheries Committee discussion of this bill, concern was raised that forfeiture of an entry permit may be overly harsh (Attachment 2). To address this problem, the Committee amended the bill so that first and second conviction forfeitures can be for only one year and third conviction forfeitures can be for only three years (Attachment 3).

After researching this statute and discussing it with Legal Services (Ed Hein), several interesting points have been raised. First, forfeiture is not for a time period and should not have a time limit attached. If the Committee wants to limit the time period, a suspension should be used. Second, the license forfeiture language was enacted before limited entry and at that time forfeiture only meant giving up an annual and inexpensive license, not an expensive fishing privilege.

In order to address the Committee concerns with the section, I have drafted two options for the license forfeiture section. Under the first option, the court would have the option of suspension of permits for one year for first or second offenses and for three years for the third offense (attachment 4). Of course, the crewmember license could still be forfeited, but no forfeiture of permits for violation of 16.05 would be allowed.

Committee Members
March 8, 1984
Page Two

The second option is more strict and still allows for forfeiture of permits (attachment 5). Under first and second offenses, the available penalties are the same as the first option, but upon a third conviction, the courts have the option of forfeiting the permit permanently.

SB 52 is in the House Resources Committee at the present time and is on hold while the license forfeiture questions are answered. Once a decision is reached, a committee substitute can be drafted which includes both the Fisheries Committee amendments and any changes to Section 7. I will contact your offices shortly after you receive this memo to get direction on this issue.

ATTACHMENT #1

Sec. 16.05.710. License forfeiture. Upon a first or second conviction of a person for a violation of AS 16.05.440 — 16.05.720 or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, forfeit the commercial fishing license of the person for a period of one year. Upon a third conviction, the court may, in addition to the penalty imposed by law, forfeit the commercial fishing license for a period not to exceed three years. (§ 11 art III ch 94 SLA 1959; am § 1 ch 112 SLA 1961; am § 1 ch 75 SLA 1966)

ATTACHMENT #2

* Sec. 7. AS 16.05.710 is repealed and reenacted to read:

Sec. 16.05.710. LICENSE FORFEITURE. (a) Upon a first or second conviction of a person for a violation of AS 16.05.440 - 16.05.720 or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of a crewmember fishing license, interim-use permit, or entry permit held by the person;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than one year; and

(3) a suspension of fishing rights under a crewmember fishing license, interim-use permit, or entry permit for a period of not more than one year.

(b) Upon a third conviction, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of the crewmember fishing license, interim-use permit, or entry permit held by the person;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than three years; and

(3) a suspension of fishing rights under a crewmember fishing license, interim-use permit, or entry permit for a period of not more than three years.

ATTACHMENT #3

Sec. 16.05.710. LICENSE FORFEITURE. (a) Upon a first or second conviction of a person for a violation of AS 16.05.440 - 16.05.720 or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of a crewmember fishing license, interim-use permit, or entry permit held by the person for a period of not more than one year;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than one year; and

(3) a suspension of fishing rights under a crewmember fishing license, interim-use permit, or entry permit for a period of not more than one year.

(b) Upon a third conviction, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of a crewmember fishing license, interim-use permit, or entry permit held by the person for a period of not more than three years;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than three years; and

(3) a suspension of fishing rights under a crewmember fishing license, interim-use permit, or entry permit for a period of not more than three years.

ATTACHMENT #4

* Sec. 7. AS 16.05.710 is repealed and reenacted to read:

Sec. 16.05.710. LICENSE FORFEITURE. (a) Upon a first or second conviction of a person for a violation of AS 16.05.440 - 16.05.720 or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of a crewmember fishing license held by the person;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than one year; and

(3) a suspension of an interim-use permit or entry permit for a period of not more than one year.

(b) Upon a third conviction, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of a crewmember fishing license held by the person;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than three years; and

(3) a suspension of an interim-use permit or entry permit for a period of not more than three years.

ATTACHMENT #5

* Sec. 7. AS 16.05.710 is repealed and reenacted to read:

Sec. 16.05.710. LICENSE FORFEITURE. (a) Upon a first or second conviction of a person for a violation of AS 16.05.440 - 16.05.720 or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of a crewmember fishing license held by the person;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than one year; and

(3) a suspension of an interim-use permit or entry permit for a period of not more than one year.

(b) Upon a third conviction, the court may, in addition to the penalty imposed by law, order

(1) a forfeiture of the crewmember fishing license, interim-use permit, or entry permit held by the person;

(2) a loss of eligibility to hold a crewmember fishing license, interim-use permit, or entry permit for a period of not more than three years; and

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May, 1988

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Mary Van Nimwegen

House Special Comm. on Fisheries
2/16/84 4pm
2/23/84 8:04am



RECORDS CERTIFICATION



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Signature of Camera Operator


Date

SCOMM

#36:27

IDENTIFICATION	BILL NAME An act making an appropriation to the Fishery Industrial Technology Center for Salmon quality control education; and providing for an effective date.		BILL NUMBER CSSB 161 (Fin)
	SPONSOR(S) Kerttula By the Finance Committee		DATE INTRODUCED 4/11/83 RELATED BILLS PENDING CS HB ~~234~~ 25 242 REFERRALS FINANCE
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED		LEGAL DIVISION SUMMARY
	SPONSOR CONTACTED FOR BACKUP MATERIALS		DEPT OF LAW SUMMARY
	AGENCY RESPONSE		FISCAL NOTE
			OTHER INTERESTED LEGISLATORS NOTIFIED
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED		DATE & PLACE SET
	STAFF MEMO TO COMMITTEE		TELECONFERENCE
	BACKGROUND MATERIAL DISTRIBUTED		PSA/PRESS RELEASE
	LIST OF WITNESSES		SUGGESTED AMENDMENTS/CS DRAFTED

COMMITTEE REPORT

HOUSE

FINANCE

FURTHER:

(7)

4/11/83

Date: April 12, 1983

Mr. Speaker:

HOUSE SPECIAL COMMITTEE ON FISHERIES

The Committee on _____ has had CSSB 161(Fin)

An Act making an appropriation to the Fishery Industrial Technology Center for salmon quality control education; and providing for an effective date.

under consideration and reports it back as follows:

- [☒] do pass [] do not pass
- [] do pass with attached amendments(s)
- [] replace with CS for _____ [] same title
[] new title
- and recommends _____
- [] AND attaches a "Letter of Intent" [] New Fiscal Note
[] Zero Fiscal Note Attached
- [] reports it back without recommendation
- [] referred to the _____ Committee

MEMBERS SIGNING DO PASS

Robert J. ...
...
John H. Fuller
Jack M. Briede
Edelheid Hermann, D.R.S.
...
...
...

MEMBERS HAVING OTHER RECOMMENDATIONS:

Rep. Edelheid Hermann
CHAIRMAN

Offered: 3/25/83
Referred: Rules

Original sponsor: Kerttula

Funding Information

General Fund	\$142,240
Other Funds	-0-
	<u>\$142,240</u>

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 161 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making an appropriation to the Fishery Indus-
7 trial Technology Center for salmon quality control
8 education; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$142,240 is appropriated from the general fund
11 to the Fishery Industrial Technology Center (AS 16.52.010) of the Universi-
12 ty of Alaska for salmon quality control education conducted by the marine
13 advisory program.

14 * Sec. 2. The unexpended and unobligated portion of the appropriation
15 made by this Act lapses into the general fund June 30, 1984.

16 * Sec. 3. It is the intent of the legislature that future funding for
17 the Fishery Industrial Technology Center for salmon quality control educa-
18 tion be submitted as part of the continuation budget for the University of
19 Alaska.

20 * Sec. 4. This Act takes effect July 1, 1983.
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May, 1988

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Mary Van Nimwegen

House Special Committee on Fisheries

4/12/83 4:03pm

4/26/83 4:15pm



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Date

SCOMM

#36:28

NAME relating to the imposition of a halibut moratorium and the establishment of a shares system for halibut in Alaska.		BILL NUMBER CSSJR 7 (Res)
SPONSOR(S)		DATE INTRODUCED
		RELATED BILLS PENDING HJR 10
		REFERRALS Resources
INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
SPONSOR CONTACTED FOR BACKUP MATERIALS	DEPT OF LAW SUMMARY	
	FISCAL NOTE	
AGENCY RESPONSE	OTHER INTERESTED LEGISLATORS NOTIFIED	
SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES	OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC	
RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
CHAIRMAN BRIEFED	DATE & PLACE SET	
STAFF MEMO TO COMMITTEE	TELECONFERENCE March 4, 1983 5:30-7:00 / March 5, 1983 1:00-2:30	
BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE	
LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED	

COMMITTEE REPORT

HOUSE

RESOURCES
FURTHER:

Date: March 8, 1983

2/28/83

Mr. Speaker:

The HOUSE SPECIAL COMMITTEE ON FISHERIES has had CSSJR 7(Res)

Relating to the imposition of a halibut moratorium and the establishment of a shares system for halibut in Alaska.

under consideration and reports it back as follows:

- ☒ do pass ☐ do not pass
- ☐ do pass with attached amendments(s)
- ☐ replace with CS for _____ ☐ same title
- ☐ new title
- and recommends individual rec.
- ☐ AND attaches a "Letter of Intent" ☐ New Fiscal Note
- ☐ reports it back without recommendation ☐ Zero Fiscal Note Attached
- ☐ referred to the _____ Committee

MEMBERS SIGNING DO PASS

Adelheid Herrmann, Do Pass

MEMBERS HAVING OTHER RECOMMENDATIONS:

James McBeck NO REC.

Charles B. Brown NO REC.

Paul T. Zboroff Amended to Include HJR 10

Adelheid Herrmann
CHAIRMAN

**STATE OF ALASKA
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May, 1988

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Mary Van Nimwegen

*House Special Committee on Fisheries
3/10/83 4:05 pm*

This claim, which essentially asks that the Commission award the Makah separate quotas and seasons as traditional Indian halibut fishermen, has been presented annually for the past five years. Bushman said the Makahs were now pursuing legal avenues to assert their claim.

The Makah's traditional grounds—known now as the Swiftsure Grounds—are in both Canadian and U.S. waters, so the question is a very complicated one. The Commission took no action on the Makah's request, but many fishermen attending the meetings expressed concern that a decision similar to the Judge Boldt salmon decision could be in the offing. For now, the matter is pending.

The International Pacific Halibut Commission was established in 1923 by a treaty between the U.S. and Canada, and was the first international agreement providing for joint management of a marine resource. Each country appoints three commissioners and several members of a conference committee made up of fishermen and processors who advise the commission. □



Seattle business coalition
seeks to preserve a

Halibut moratorium: the timetable and the debate

The plan for imposing a moratorium on new entrants to the Alaska halibut fishery was published in the Federal Register as a Notice of Proposed Rulemaking on February 8, 1983. The deadline for comments on the proposal is March 19, 1983, and the final rule may be published May 26, if the final, 30-day "cooling off" period is waived.

After the March 19 public comment deadline, federal agencies including the North Pacific Council, NOAA, and the Office of Management and Budget will review the proposal and the public comments received. Then, the agencies could decide to enact the

moratorium, substantially revise the proposal, or abandon the entire matter.

If substantial revisions are necessary, it is unlikely that the moratorium will be in force by the time the 1983 season begins.

Until the federal regulation on the moratorium is in place, the halibut fishery is still open to all who apply for permits, as it has been in the past.

According to the Notice of Proposed Rulemaking published February 8, 6,500 fishermen will qualify to fish during the moratorium period, May 1, 1983 through December 31, 1985. To have

qualified, a fisherman must have delivered halibut at least once between January 1, 1978 and December 1, 1982.

When Congress amended the Magnuson Fisheries Conservation and Management Act to make moratorium and possible limited entry legal, Alaska's members of Congress succeeded in gaining an exception for native fishermen of the Pribilof Islands, Nelson Island and Nunivak Island. That exception was written into the law, which finally stated that the area north of 56 degrees North latitude would be excluded for the moratorium period to allow the development of commercial halibut fishery for local residents. The International Pacific Halibut Commission revised its area regulations this year to allow the fishery. (See story in this issue.)

At last year's Commission meeting in Seattle, a special conference of U.S. halibut fishermen met to endorse the moratorium and

PERFORMANCE NOT PROMISES.



Sig Jaeger, representing the Pribilof Island Fisheries and Rodger Davies of the Deep Sea Fishermen's Union at the conference committee meeting.

limited entry for their fishery. What appeared to be unanimity among the representatives from various ports along the coast dissolved into heated disagreement when Kodiak fishermen, and others, retracted their support. Since last March, those fishermen have been very vocal in their opposition to limited entry and the moratorium.

Though the amendment was passed to the MFCMA which gave the Council the authority to enact a moratorium, the debate has continued, and consensus does not appear possible at this time. All citizens have the right to comment during the public hearing process, and though a substantial number of fishermen will support a modified version of the moratorium as published in the federal register, many will oppose it.

Those fishermen who are interested in modifying the moratorium proposal—but who

generally support it—feel that changes must be made in the regulation which will limit effort, not just numbers of fishermen. They fear that permit holders now operating small, less efficient vessels will transfer their permits to larger vessels, thereby increasing the pressure on the stocks available during the already short seasons. Several proposals have been made which would limit a permit holder to the same size vessel he fished during the qualifying period for the moratorium.

"Unless we limit effort, we're talking about 6,500 licenses (permits) and we might as well hang it up," said Sig Mathisen of Petersburg.

"The message we must give to the Council is that we want to limit effort," said Mark Lundsten, a Seattle halibut crewman and a member of the Deep Sea Fishermen's Union. "We should just

get the moratorium in and then handle the details of the limited entry system when the time comes for that. But we should tell them we want to limit effort."

Sig Jaeger of Seattle pointed out that a simple yes or no on the moratorium wasn't enough, however. "According to the Council, you can't just say a simple yes or no on the moratorium. You have to provide a system for transferability during the moratorium. No matter what system we come up with, though, it's not going to be perfect; it's not going to please everybody," Jaeger said.

A representative of the Kodiak Halibut Fishermen's Association, Chip Threinen, said simply, "We are opposed to the moratorium; we are opposed to limited entry."

Threinen was supported vocally by Michael Mayo, a member of the newly-formed Independent Fishermen of Alaska, based in Sitka.

Mayo was admitted as a member of the Conference Committee this year.

"Kodiak is worried that the guy who is going to buy shares (under a share system of limited entry) is not going to be a new guy coming into the fishery; they're afraid it'll be a highliner with a big boat. Like Weyerhaeuser never sells timber rights to small gyppo loggers. The little guy is afraid of the big guy, it's that simple," said Nick Delaney, a fisherman who favors moderating the debate on limited entry to get the moratorium in place.

"What we have to do if we want to cut 30 days out of this (federal regulatory) process is to work around the clock for three weeks, just like you halibut fish, and get it done. We should put together a pool of money, say \$10,000 to hire an attorney so we can draft the language for the changes we want so we make it easier for NOAA to make them. If we don't get a moratorium in 1983, a lot of people are going to walk away from this fishery," Delaney said.

A lawyer attending the meetings as a representative of the Pribilof Islanders supported Delaney. "If you want to make modifications, hire an attorney, work with the NOAA lawyers, and don't change the proposed regulations so much that you trigger the whole process all over again," said Deborah Williams of Anchorage.

When the meetings ended in Vancouver, no decision had been made to follow the course of action proposed by Delaney, but fishermen on both sides of the debate continue to advocate their points of view.

Introducing the FUEL PINCHER SUZIE adaption



ALL WEATHER SYSTEM

OP ED

The views in this column do not necessarily reflect the editorial viewpoint of The Journal, but we think they will be of significant value to our readers.

An argument for the moratorium

Like many of the fishermen of Alaskan halibut, the members of the Deep Sea Fishermen's Union have voted to support a moratorium and have followed through on that vote with our statements to the Council during the public hearing process. In the past year especially, it seems that the word "moratorium" has taken on a life of its own, raising visions of anything from a communist threat to free enterprise to a get-rich-quick scheme to a temporary management plan that just might work and lead to some kind of acceptable limited entry plan. It is this last scenario that we are banking on and, working in conjunction with as many other fishermen as we can, hope to implement before the 1983 season begins.

We in the Deep Sea Fishermen's Union are not boat owners. We do not stand to make a lot of money from a permit suddenly made valuable. But we do consider ourselves professionals. The fact that we are able to maintain a skilled and organized pool of crewmen who are in demand is just one proof of that. Another is the fact that we have always played a strong role in the administration of the halibut fishery (we helped establish the Halibut Commission in the 20's) with the aim of perpetuating both the stocks and our livelihood. We support the moratorium for the sake of the fishery's future and of our profession's future, not for any monetary windfall. When we actually sit down to consider a permanent limited entry plan, it is up to all of us to insure that experienced and able crewmen have the opportunity to become skippers and owners, to insure that new blood is regularly infused in the fleet. For the period of a moratorium, the Union is willing to compromise its mobility into ownership for the sake of having a fishery in which it is worth investing.

Right now, halibut is like a safety valve for anyone in any other fishery who is looking for extra income or for compensation for a poor season somewhere else. With the stocks as available as they are, it doesn't take the prospecting and grinding that it did, not too long ago, to come in with a good trip. The increase in numbers of boats, and prospect of more in the future (for example, Bering Sea king crabbers) point to shorter and shorter seasons and the realization that the fishery is in danger of being considered an incidental one. As long as the fishery is overcrowded and in many cases only supplies an incidental income, the administrators will have less and less at stake in conserving the resource and more and more trouble in managing it properly.

Also, and perhaps more important, fewer fishermen will have the commitment to convince them that they should. (By the way, if you

Mark Lundsten
Deep Sea Fishermen's Union
F/V Grant



and 1984 seasons. For purposes of the moratorium those that may have to change vessels due to sinking or fire may not use a vessel of net tonnage greater than 10% of that used in the base period.

During the moratorium the transfer of the fishing privilege may only occur in a hardship case (illness or death, etc.). Any moratorium right may be used only by one who is actively fishing in the fishing period.

Any moratorium right to fish assigned to a vessel owned by a partnership or corporation will require those entities designate one individual to use the fishing permit.

Primarily, the impetus for this wording is to keep the moratorium open to whatever kind of limited entry plan we, the fishermen, can agree upon in two years. The previous plan was written almost expressly for the "shares" system, a plan obviously objectionable to many halibut fishermen. The share-quota plan has been studied, and that's fine; but, clearly, a very large segment of the fleet, including the Union and the Seattle owners, see at least as many problems as benefits with the idea. For any crewman, the plan primarily would benefit those with capital and not necessarily those with experience. We need to have a moratorium that keeps discussion and options open. We need the chance to design it *within the fishery*, not just at U.W. or in Washington, D.C.

After the recent Commission meetings in Vancouver, fishermen representing various organizations met and agreed to work from this plan toward a unified statement to be presented to the Council and to NOAA. Included in the meeting were: The Deep Sea Fishermen's Union, Fishing Vessel Owners' Association (Seattle), North Pacific Fisheries Association (Homer), Petersburg Vessel Owners, ALFA (Sitka), Seafood Producers Co-op (Sitka), various members of the Pribilof and Bering Sea groups, and Nick Delaney (Independent Kodiak fisherman).

If we are to have a vital halibut and longline industry, we should take this matter seriously and pursue it with all the solidarity we can find. We've learned a little bit how to communicate, and should continue. It will take some compromise and cooperation, sometimes hard to take. But, with a little persuasion and good fortune, we may still see good stocks of fish ten to twenty years from now and may still enjoy making a living catching them. □

THE GREAT DIVIDE

an incidental one. As long as the fishery is overcrowded and in many cases only supplies an incidental income, the administrators will have less and less at stake in conserving the resource and more and more trouble in managing it properly.

Also, and perhaps more important, fewer fishermen will have the commitment to convince them that they should. (By the way, if anyone thinks there's no pressure to make halibut an incidental catch, I urge you to attend a meeting of the Council and witness the lobbying personnel of the foreign and domestic drag fleets.)

The point to us is clear: we need to limit effort and maintain an involved, professional fleet. The first step is the moratorium. Certainly it will demand compromises, and from the Union as much as from anyone. But the fishery and the stocks simply can't stay healthy if they remain in their present, vulnerable position.

In the furor of discussion of this issue during the past year, with all the resultant divisiveness, an odd thing has happened: halibut fishermen's groups have cohered and communicated. At Council meetings, Halibut Commission meetings and on their own, groups have sought to say their piece, to have some effect. Right now, it looks like that energy that we've generated, from Seattle to the Bering Sea, is just what it will take to finally endorse any kind of moratorium, as well as future management of the halibut and longline fisheries.

Ever since a year ago, when the Halibut Act (enabling the Council to work out a limited entry plan) was still not law and groups both for and against the idea of limited entry had little comprehension of all the bureaucratic details involved, we have been somewhat educated. We've learned that this indeed is a government of laws, not of men and women, and that in order to get anything done, we either have to change the laws or work within them. Figuring that revolution may be a little rash at this point, it seems to me that our only alternative is to take the issues into our own hands and spell out very clearly what we want the lawmakers to do. They are paid by us, after all. From the Council to NOAA to the Senators and Congressmen who can have a lot to say about how NOAA executes the law and whether David Stockman's troops at the Office of Management and Budget approve of it, we have to address the matters at hand as completely and with as much unity as possible. The complexities of any government action are enormous; and the only way to effectively streamline their work is to make clear what we fishermen want. In this regard, the next few months are important.

The following is a proposal for the moratorium taken essentially from Council Vice-Chairman Harold Lokken's points presented at the December Council meeting and condensed by Bob Alverson of the Fishing Vessel Owners' Association of Seattle:

The proposed length of a moratorium two years, 1983 through the 1984 season.

Those individuals registered as selling halibut in 1978 through 1982 on vessels of less than or equal to five net tons during the base year (1978-1982) may continue to harvest halibut in 1983 and 1984 on vessels of no greater size than five net tons. Those vessels greater than five net tons and registered as selling halibut in 1978 through 1982 will have the moratorium license assigned to the ownership of the vessel for participation in the 1983

THE GREAT DIVIDE

Across the Northern Continent upthrusts the great
divide

From which two nations' rivers flow toward the Western
side

To the Pacific Ocean where two nations' boats are
riding

In search of the salmon that two nations are
dividing

Amongst two nations' eager hands, eager for
division

That favors them the most by most favorable
provision.

Some they will award—from some they will
divest.

For some there will be plenty and nothing for the
rest.

Or quite likely the result of a salmon that's
divisible;

Two nations may discover that he also is
invisible.

But for sure it will happen when two nations are
decisive

Remarks about each other are often quite
incisive

And set the stage for bitterness when salmon is
divided.

Lessen thus the chance a more important matter be
decided.

Could it be dividing salmon breeds two nations so
diverse

And intent upon division they fail to share the
universe?

*Harrison Smith
F/V Sea Miner*

LETTERS

continued from page 24

FVOA member
favors moratorium

Dear Editor,

I am getting damned tired of what are perceived to be the facts concerning the halibut moratorium. There is no question in my mind that the vast majority of fishermen that produce halibut in Alaska are for the moratorium and eventual limited entry in the halibut fishery.

I resent it being said that the Seattle based halibut group "Fishing Vessel Owners Association" is trying to bulldoze a moratorium and the share system upon the rest of the industry. What hasn't been said is that up until a few years ago FVOA was against limited entry in any way, shape or form. We were wrong.

Every legitimate fisherman in the North Pacific has seen what has happened to their various fisheries with the advent of the 200 mile limit legislation. All of a sudden our government and our bankers who had avoided us for so many years realized another place for growth and profits. Naturally they overdid it, and virtually all segments of the fishing industry are overcapitalized today.

If we are going to have a viable halibut fishery we simply must halt the new entrants. I have nothing against them coming in, but they must replace and not add to the effort that is already there. There is no more room.

I happened to be one of the

supporters of the so-called share system, I think it addressed many of the problems in the halibut fishery today. But it created some problems that are very basic. I felt I managed to debate the share system privately fairly well. One of the detractions of the share system that I never could find an argument against was that it would eliminate traditional competition in the fishery, and competition is such a basic element in this business. Because of that one argument I could never bring myself to sit down and write a letter defending the share system. Now I am writing a letter. Let's chuck the share system, let's call it what it is—dead, dead, dead.

Let's get on to a moratorium; let's call a halt to the issuance of new licenses for 3 years and let's try to come up with a limited entry plan that works.

I have often heard the statement that the Seattle-based halibut fishermen never diversified and that is their basic problem and there is some truth to that. But I submit that without the Seattle-based FVOA the Petersburg-based FVO and their crews, there would be no halibut fishery today. We were the people that went to all the meetings and lobbied against incidental catches by both the foreign and domestic trawlers. We fought for protection of the spawning grounds. We fought all the battles that had to be fought to preserve the fishery.

I find it ironic now, knowing I must diversify, that it appears the only other fisheries worth getting into are the ones that managed to limit their entry.

I was one of the members of FVOA that went to Alaska this

winter to try and state our case and dispel some of the myths that have been printed in almost all the trade papers. But just as important, we were pushing for the creation of a blanket group made up of all the user groups of halibut that could sit down together on a regular basis and talk about our common problems. When and if the moratorium does come, this blanket group is absolutely essential. I believe a limited entry plan could be developed by this group. I think the industry should address its own future and not leave it in the hands of politicians, lawyers and professors.

Now this letter is not meant to antagonize any segment of the halibut fishery. However, there are real problems that this fishery has never seen before and they must be resolved, or the hook and line halibut fishery could turn into an incidental catch fishery for the trawlers, followed by the depletion of the stocks and the end of a halibut fishery for anybody. This is a real possibility and anybody who disputes it is naive about the political and economic facts of the halibut fishery today.

Sincerely,
Pete Knutsen
F/V Northern—Seattle

A copy of the following letter was sent to the Journal for publication.
Ed

Don Young writes
to Ronald Reagan

Dear Mr. President:

I listened with interest to your

State of the Union message Tuesday night and was encouraged by the programs you announced to keep our nation moving forward. I may not be able to agree with all of your specific proposals, but I intend to work with you in the best interests of the United States to do what is right.

Unfortunately, there was one serious omission in your message: you mentioned farmers, loggers, auto workers and steel workers, but you had no words for a group of Americans who harvest one of our nation's most plentiful resources—fish.

You are not alone in avoiding mention of U.S. fishermen and fish processors. Since I began serving in the Congress in 1973, no President has ever recognized America's first industry. However, you have a unique opportunity to do so and I hope that you will not let that opportunity slip by.

The fishing industry is important to our nation. The 200 mile Fishery Conservation Zone off the U.S. contains 15-20% of the world's marine protein resources. Imports of fish products account for nearly 10% of our balance of trade deficit. Fishermen, fish processors, and those associated with the fishing industry contribute millions of dollars to our economy. Every \$1 spent by the fishing industry generates \$3.30 of additional spending. In some States, such as my State of Alaska, the fishing industry is one of the most significant factors in the economy. In 1980, the fishing industry employed 296,000 people directly, and that figure has been increasing every year. There is no doubt that

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NARWHAL

1983 Halibut Seasons and Quotas

Area	Period	No. of Days	Open	Close	Area	Period	No. of Days	Open	Close
2A 200,000 lbs.	1	13	June 15	June 28	4A** 1,200,000 lbs.	1	7	June 15	June 23
	2	13	July 14	July 27		2	7	July 15	July 22
	3	13	Aug. 13	Aug. 26	4B, 4D*** B 800,000 lbs. D 200,000 lbs.	1	7	June 15	June 23
	4	13	Sept. 11	Sept. 24		2	-	July 15	July 22
2B 5,400,000 lbs.	1	12	May 3	May 15	4C - The fishing season will consist of a succession of 4-day open periods with one-day closed periods starting June 16 and ending September 15. 400,000 lbs.				
	2	12	June 14	June 26					
	3	12	July 12	July 24	*The above notwithstanding, Area 3B will close with the final closure in Area 3A, and will then reopen on August 27 for the remaining scheduled periods.				
	4	12	Aug. 16	Aug. 28					
	5	12	Sept. 13	Sept. 25					
2C 3,400,000 lbs.	1	5	June 17	June 22	**The above notwithstanding, Area 4A will close with the final closure in Area 3A and will reopen 10 days later or on July 15, whichever is later, for a 12-day fishing period. Area 4A will then reopen on September 13-27 and October 9-25.				
	2	5	July 18	July 21					
3A 14,000,000 lbs.	1	7	June 16	June 23	***The above notwithstanding, Areas 4B and 4D will close with the final closure in Area 3A, and will then reopen 10 days later or on July 15, whichever is later, for a 14-day fishing period. Additional fishing periods in Areas 4B and 4D are September 13-29 and October 9-25.				
	2	7	July 15	July 22					
	3	5	Aug. 14	Aug. 19					
3B* 5,000,000 lbs.	1	7	June 16	June 23					
	2	7	July 15	July 22					
	3	5	Aug. 27	Sept. 1					
	4	5	Sept. 13	Sept. 18					

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Monday

2-28-83

Representative Adelheid Herrmann

Chairman - House Special Committee on Fisheries and Resources

State Capital - Bellevue - Room 212

Pouch V

Juneau, Alaska 99811

Dear Representative Herrmann,

My apology for the hand written letter, and the poor quality of reproduction on the accompanying material. We are late getting involved, but did not think things would escalate as ^{quickly as} they have.

We are strongly urging passage of HJR-10. Please share this information with others in the House of Representatives and the Senate. I would be particularly thankful if you would share the enclosed packet with Representative Charlie Bussell, and other members of your committee.

Please keep us posted of any new developments! We want to hear from you!

Sincerely,

Patricia DeRoche

Henry T Munson
SR Box 673
Anchor Point, Alaska
99556

2 November 1982

North Pacific Fisheries Association
Box 796
Ezer, Alaska
99603

Dear Sirs:

Attached you will find two pages of graphs-part of a larger document being compiled. Please note that these graphs simply illustrate information contained in sources to be listed and are not the source of concepts expressed in this letter. The sources from which these graphs and concepts have been formulated include:

IPFC Annual Report 1978 & 1981; IPFC Technical Report No. 16 1978; The Pacific Halibut-F. Eward Bell-1981; Fisheries of the North Pacific-Robert J Browning-1980; Pacific Fishing-Dec '81-Oct '82-Nov '82; The Network-Jan-Mar '82; Alaska Fishermen-Sep '81; Pacific Troller-Francis E Caldwell-1978; The Forests of the Sea-John L Cullinoy-1979; The Sea Against Hunger-C P Idyll-1978; and personal experience.

Indications from the above are that:

- * 1. Depletion of halibut stocks is a direct result of foreign (trawl) fishing pressure either as incidental catch or the targeted species.
- * 2. Influx of U.S. boats into Halibut Fishery is largely due to spill-over from Salmon Limited Entry Enactment and from anticipation of Halibut Limited Entry Enactment (Historical trends reversed.)
- * 3. Halibut stocks can be and have been protected and replenished without limited entry. They are currently on the upswing as a result of management measures.
- * 4. Development of a Bering Sea Halibut (Nursery Area) Fishery which is literally MANDATED by Moratorium Provisions may ultimately destroy the entire Pacific Halibut Fishery.
- * 5. Development of an extensive trawl fishery-domestic or foreign-will, if history is any indication, eliminate the Halibut Longline fishery through incidental catch, disruption of food chain, and destruction of habitat-both of the halibut and it's food species.
- 6. Current short seasons-comparable to those of 1950-1955- are probably due to a combination of the reduction of stocks by foreign fishing pressure coupled with small boat spill-over from Salmon Limited Entry Enactment competing with the large boat fleet leading to the abandonment of the Lay-In program in 1977.
- * 7. Without immediate curtailment of foreign fishing pressure regardless of domestic policies, a slump in IPFC halibut landings will probably occur about 1984.

With the possibility that a Bering Sea Halibut Fishery development may critically influence the entire Pacific Halibut Fishery and with a foreign catch equal to or greater than that fishery, it would appear that forcing additional pressure on the Bering Sea stocks while failing to REMOVE foreign pressure on all stocks is the worst possible combination with regard to continued viability of the IPFC longline fishery. The very programs now being pursued or developed along the Pacific Coast with groundfish are nearly carbon copies of those which destroyed the North Sea and Georges Bank Halibut fisheries in the Atlantic. To foreign and domestic fisheries trawling for groundfish the longline fishery is only a nuisance. In it's best year since 1929 the IPFC fleets landed about 75 million pounds of halibut. The annual landings of groundfish by foreign vessels in the

200 mile zone is about Three and One Half BILLION Pounds. U.S. landings- mostly Joint Ventures land about One Half BILLION Pounds. These fisheries have probably not yet reached their maximum landings. Their development in the Atlantic has resulted in the virtual destruction there of the Atlantic Salmon, The Atlantic Halibut, Crab, and Lobster Fisheries.

Placing a Moratorium and limited entry on the IPEC fishery can be likened to failing the teller for letting the bank get robbed. And FORCING development of another fishery for halibut in the Bering Sea can be likened to dispensing water for a stomach wound or alcohol for hypothermia- the patient may think he wants it and it may even give him a warm feeling- but either action can be fatal.

As I stated at the NPFA meeting at Homer, Alaska on 10-30-1982, I am opposed to all Limited Entry, except the limiting of foreign entry. In the event that the POWERS deem it necessary to alter the management of the IPEC fishery, I offer these suggestions, which are, of course, open to revision, deletion, or addition:

1. Divide fishery into large and small fleets with separate quotas, seasons, areas, etc. in keeping with the boats' physical capabilities and the optimum distribution of the catch over the halibut's migratory range.
2. Set some standard for commercial boats- possibly with an inspection program- to insure that they are legitimate commercial boats and not Reineells and Egg Harbors with a permit strictly for tax purposes. Allow the non commercial boats/fishermen a subsistence period not related to the sport fishery. Institute punch card program for sport fishery to correct the current practice of catching more than the 2 fish limit.
3. Institute some staggered period type season- probably only feasible in the small boat fleet- such as an Odd-Even system of 3 day periods:

Period opens June 1-3 all boats allowed to fish

Period closed June 4-6

Period open June 7-9 for Odd ADF&G numbers

Period open June 10-12 for Even ADF&G numbers

or

Area 3A open June 1-5 for all boats

Area 3A-1 open June 6-8 for Even ADF&G numbers

Area 3A-2 open June 6-8 for Odd ADF&G numbers

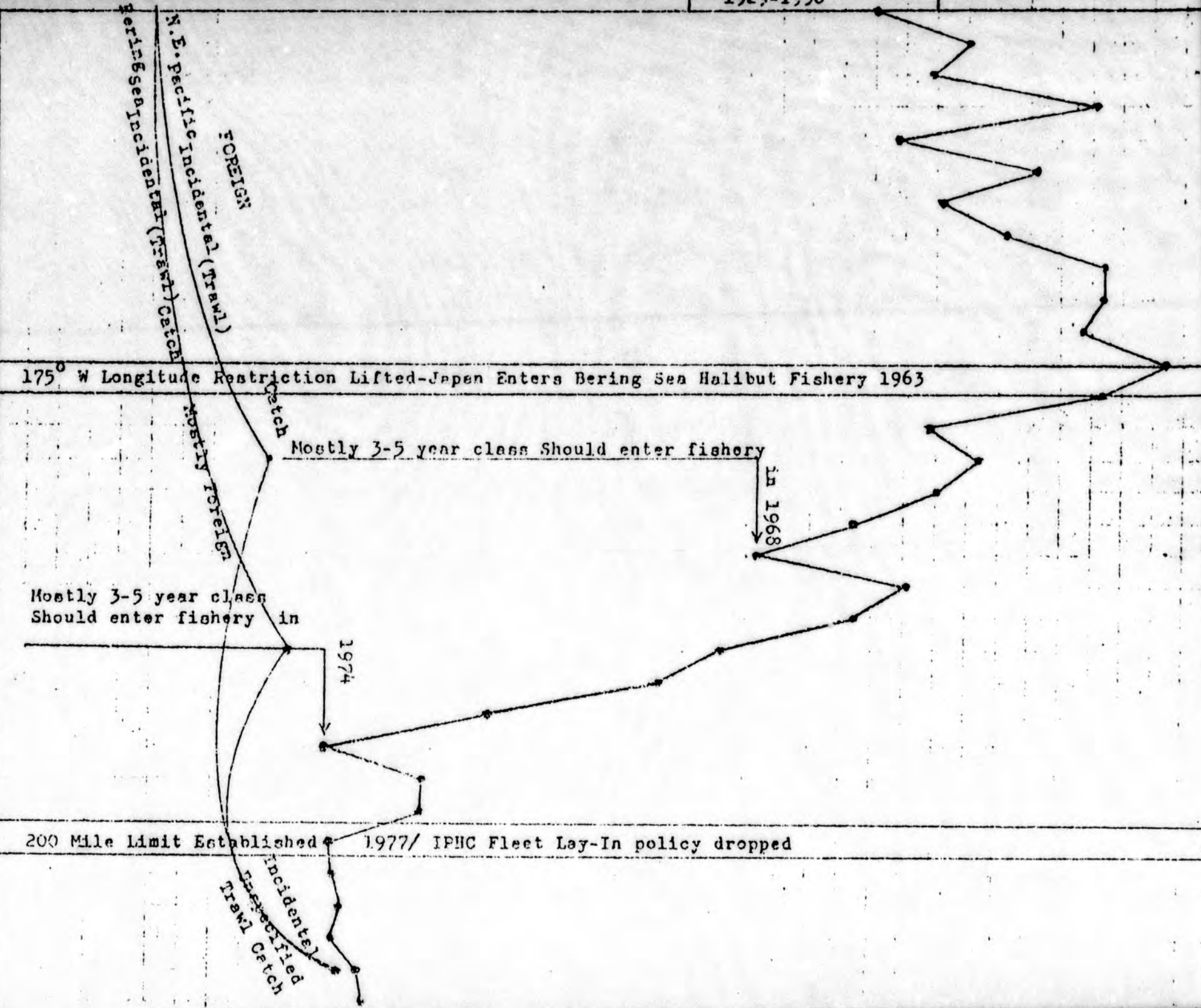
(This system could be reversed by periods or by years)

4. Any limited entry for commercial boats should consider the Charter Fleet.

These proposals are not offered as the final solution but, rather, as an interim control until enough research data can be compiled to implement a permanent management program directed at Maximum Sustainable Yield of ALL Commercial Species.

Henry T Munson

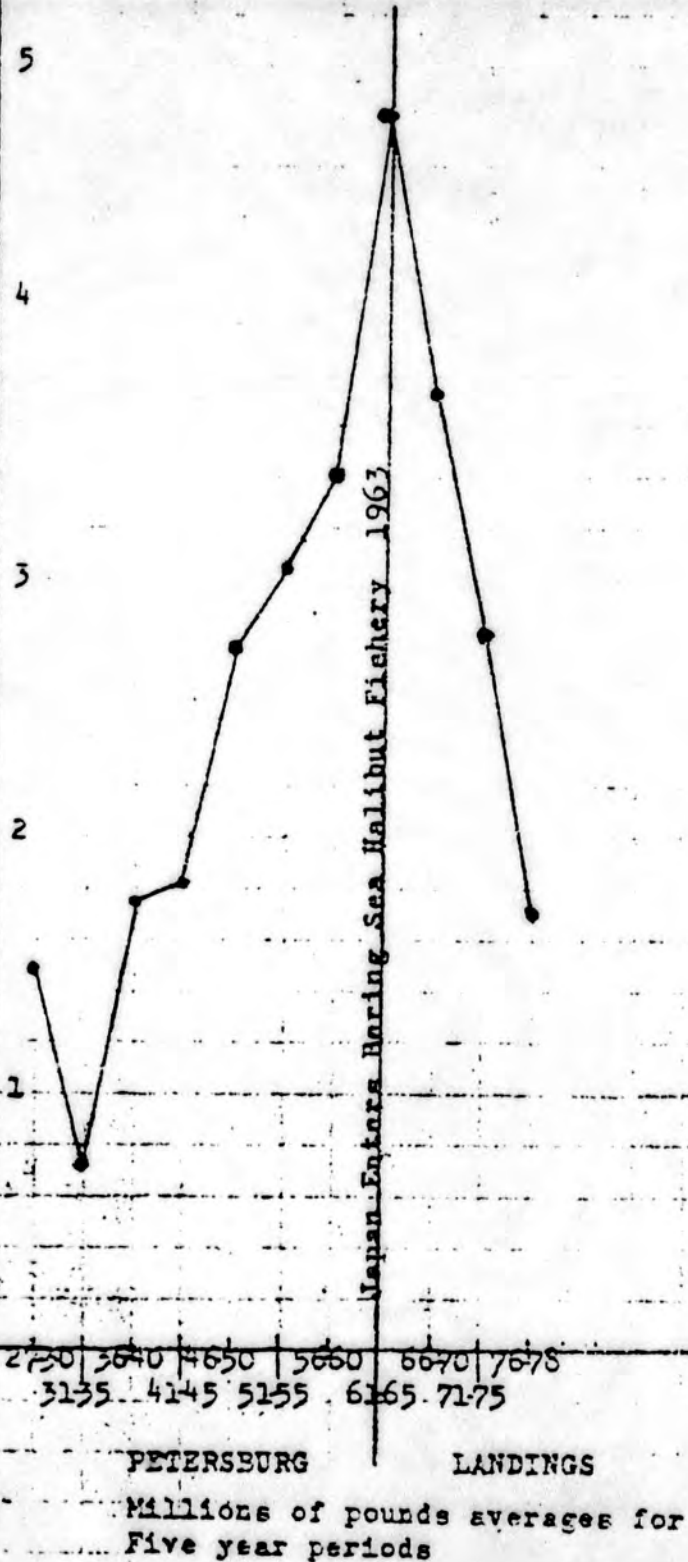
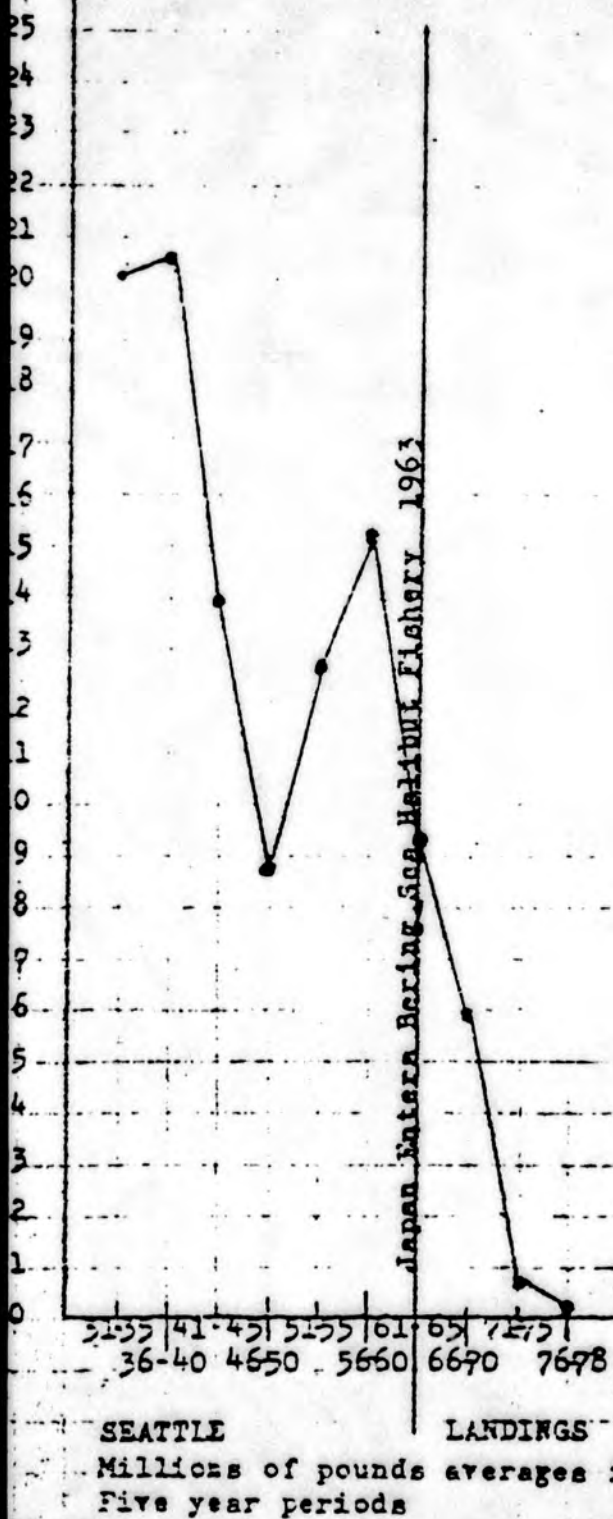
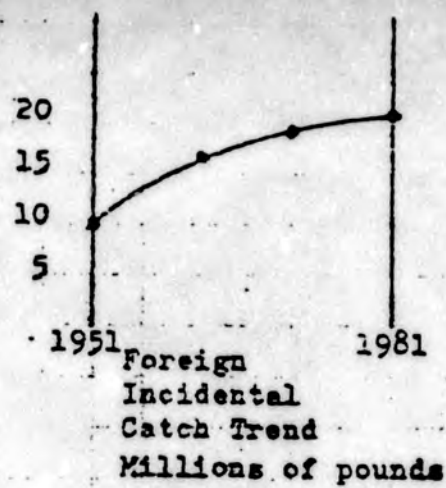
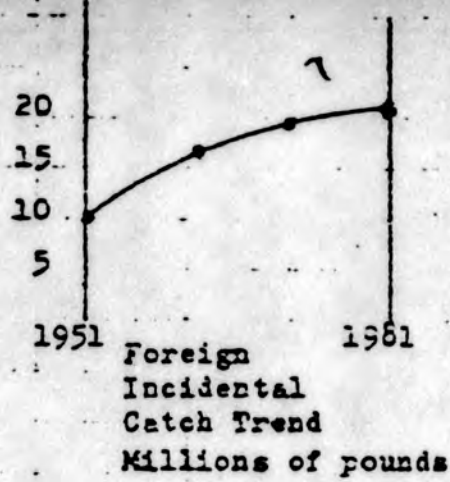
1929-1950



51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82

LANDINGS BY MILLIONS OF POUNDS PER YEAR FROM 1961 IPHC REPORT

NOTE: Does not include incidental catch in American or Foreign static gear or unreported (illegal) targeting. Foreign catch from 1961-1962.



Henry T. Munson
SR Box 673
Anchor Point, Alaska
99556

15 November 1982

The Honorable Ronald Reagan
President of the United States
1600 Pennsylvania Avenue Northwest
Washington, D.C.
20500

Dear Mr. President:

My concern for the future of the Pacific Halibut Longline Fishery compels me to write this letter. I have included material which I had previously presented to the North Pacific Fisheries Association (NPPA) of Homer, Alaska documenting my reasons for that concern.

Since the signing of the Northern Pacific Halibut Act of 1982, it has been revealed that the Kodiak group which "sponsored" the act did so without the consent of the membership. That group, by subsequent member vote, has rescinded its support of the Act. Likewise, the Homer group "sponsored" the Act without the consent or approval of the general membership. Recent votes taken at two meetings of the NPPA indicate fishermen may not be in agreement with the few who promoted the legislation requested by the North Pacific Fisheries Management Council (NPFMC). While a majority of fishermen voting favored some form of limited entry to protect their livelihoods, an even larger majority disapproved of the NPFMC's planned system which is based on economic rather than biological considerations. Several fishermen declined to vote due to the confused nature of available data.

One of the Seattle groups behind this bill is predominantly a trawler organization, which would stand to benefit from a reduction of competition by the longline fleet.

The Native Association backing this bill, as you may know, is reserving for the villages in the Bering Sea area (and possibly fishermen from other areas) the right/mandate to develop a halibut fishery in the Bering Sea in the next three years. This, as you may not know, may possibly adversely affect halibut stocks over their entire migratory range. Please Note: I AM NOT opposed to allowing the Bering Sea region's people to fish for halibut! My concern is that the conditions of the NPFMC's proposed moratorium force an unnatural pressure on this region to develop a fishery in a drastically short time period. The International Pacific Halibut Commission (IPEC) has evidence indicating that the Japanese entry of that fishery in 1963 adversely affected stocks in the entire Northeast Pacific Halibut fishery.

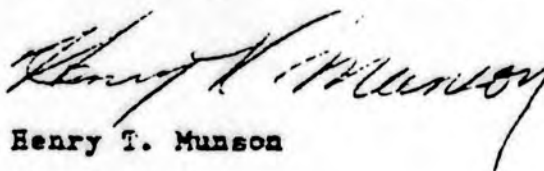
Add to the above the fact that "incidental" catches of halibut mostly by foreign trawlers (out with some domestic trawl and static gear) EXCEEDS the annual quotas allowed by the IPEC. Also add the fact that the IPEC Biologist at the October 30th meeting of the NPPA stated that halibut stocks can be managed without limited entry-they have been on the increase for the past three years-and one must seriously question the motives of those proposing a Moratorium/limit scheme for the domestic longline halibut fishery.

Historical evidence exists with regard to the destruction of the halibut fishery, first in the North Sea and European waters and then in the North Atlantic and Northeast U.S. waters. Other species are also gone or distressed in these areas. None of the above are attributable to a longline fishery. The identical process which led to the destruction of the halibut fishery in the Atlantic is now in the first stages of being repeated in the Pacific. In fact, some of the very boats which began their careers in the North Sea migrated to our Eastern Seaboard and eventually wound up in Alaska-their original masters long dead and their companies defunct.

If we are to continue to have a halibut industry at all, the limits, restrictions, moratoriums, etc. must be placed where the harm is being done. The ultimate question we must ask is not how to limit the halibut longline industry but whether, in the future, we would rather have halibut steak for Sunday dinner or fish cakes ground from some of the four Billion pounds of other species trawled off our Pacific coast each year.

I believe we can have both. We don't have to ABOLISH foreign or domestic trawlers or PROHIBIT halibut fishing in the Bering Sea by people of that region. There are gear types that do not destroy halibut stocks and habitat. We can regulate seasons, areas, and catch limits as well as gear requirements to minimize the incidental catch of halibut in other trawl and static gear. That catch, as previously stated, exceeds the IPHC quota for the U.S. and Canada combined. We can gradually phase out foreign fishing in domestic waters and replace it with domestic fishing effort. During this transition period, the new gear requirements, seasons, areas, etc. may be implemented, thus minimizing the economic burden on the domestic fleet.

Lest this should become a book instead of a letter, I shall close with this last thought: The Alaska Court System including, I believe, the State Supreme Court, has twice ruled Salmon Limited Entry Law to be Unconstitutional. Not being an attorney in Constitutional Law, I will not venture my opinion. It is, however, a thought to keep in mind. Thank you for your valuable time.


Henry T. Munson

EM

6 Incl.

CC: Secretary of Commerce
Senator Frank H. Murkowski



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

JAN 7 1983

F/M11:CB

Mr. Henry T. Munson
SR Box 673
Anchor Point, Alaska 99556

Dear Mr. Munson:

Thank you for your letter of November 15, 1982, to President Reagan conveying your concerns for the future of the Pacific halibut fishery. You obviously put considerable effort into your letter and have raised several points of interest.

We realize from the numerous public statements of various groups and the multitude of letters that positions on the halibut moratorium and potential subsequent limited entry are contentious and shifting. NOAA supports publication of proposed regulations on a moratorium on entry into the halibut fishery, especially to obtain additional public comment. NOAA does not yet have a position on the form of a moratorium or even if there should be a moratorium on entry into the halibut fishery. The draft proposed regulations on the moratorium are still under review by the Department of Commerce and the Office of Management and Budget.

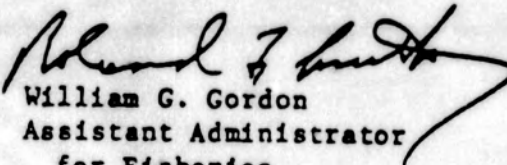
Your comments regarding the halibut fishery in the Bering Sea area are appreciated. The effect of increased fishing pressure on halibut in the Bering Sea is a matter of concern that is receiving considerable attention. You are correct in stating that the incidental catch by trawlers has, at times, exceeded the directed catch. The North Pacific Council is addressing this problem and is considering limiting the incidental catch of halibut by foreign vessels.

Regarding your last point, we are aware of the legal problems associated with limited entry. The North Pacific Halibut Act specifically authorizes limited entry although any limited entry (including a moratorium) must, among other things, be fair and equitable.



Once again thank you for your letter. We will make your letter (and attachments) part of the administrative record should proposed rules on the halibut moratorium be published.

Sincerely yours,

for 
William G. Gordon
Assistant Administrator
for Fisheries

Henry T Munson
SR Box 673
Anchor Point, Alaska
99556

19 January 1983

North Pacific Fishery Management Council
P. O. Box 3136 DT (605 West Fourth Avenue)
Anchorage, Alaska
99510

Dear Sirs:

Having attended several of the recent meetings of the NPFA at Homer, Alaska as well as the Council's public hearing on 17 January 1983 and having studied the Halibut problem for several years in addition to participating in the fishery since 1978 during all of which I have observed problems and attitudes in general, I would like to offer some comments on your proposed Moratorium.

First, I believe, all the fine rhetoric notwithstanding, that support for the Moratorium and Limited Entry is motivated by greed. I feel (As was expressed at the Homer public hearing) that if, in the future, Limited Entry becomes legal and necessary, permits should be issued on a yearly basis to those participants of record who are entitled by law. If those participants no longer wish to fish, the permit should revert to the issuing agency for re-issue to the appropriate applicant. The issue of permits could be on a first come-first served or a lottery basis. I am convinced that if this condition were imposed, you would lose more than 90% of the support now expressed for a Moratorium/Limited Entry program.¹ This basis of issuing permits, however, would avoid the possible Constitutional questions of grants of title and bills of attainder.

Second, it seems glaringly incongruent that (In the noble cause of preserving the resource) limits should be placed on the (domestic) fishery at a time when the resource is on the upswing.²

Third, ample opportunity to implement controls during nearly twenty years of drastic decline of the resource existed. Controls which would have been biologically effective could or should have been placed on foreign fleets during the period of decline from 1963 to 1980.³ Records show that the domestic fleet actually declined by up to 24% during this same period while foreign effort including Japan's entry of the Bering Sea Halibut Fishery increased geometrically. Prior to the great influx of foreign fleets and concurrent depletion of the halibut resource prices generally remained below 20¢/lb. During the period of depletion, prices rose steadily as stocks steadily declined. By 1978 halibut was \$1.70/lb. (Officially). High prices prompted an influx of domestic fishermen into the longline fishery. However, during the years of renewed domestic interest there was an increase in the apparent halibut stock levels. In short: None of the available statistical evidence supports Limited Entry of the domestic longline fishery as a necessary biological control.

Fourth, IPEC research and other data indicate that your proposed exemption of the Bering Sea area coupled with a mandated Halibut Fishery development could well contribute substantially to the demise of the Pac. Coast Halibut Fishery as a whole.

Fifth, incidental catch by foreign fleets, while showing yearly fluctuations, has generally increased during the past 30 years. In spite of any efforts at regulation, the highest levels (Total pounds) ever recorded have occurred during the past three years. Incidental catch now regularly equals or exceeds directed catch. As long as (Foreign) incidental catch is not reduced rapidly and substantially, I cannot even consider support for restrictions on the domestic fishery.

Sixth, your proposal is self contradictory. It forces the exact conditions upon the Bering Sea that it's avowed intent is to alleviate in the rest of the fishery. It sets a cutoff date of 1982 to prevent an influx of permit speculators into the fishery in the eventuality of Limited Entry. It then demands that anyone who wants (to speculate on) a halibut permit must enter the (critical) Bering Sea fishery during the next three years! AND while avowing an intent to relieve the current pressure of concentrated effort on relatively small segments of the resource by extending seasons, it demands that all new effort be concentrated on the Bering Sea stocks. Without the Moratorium, any new effort would be spread over the entire fishery.

Seventh, your proposal under the Northern Pacific Halibut Act of 17 May 1982 is patently Unconstitutional on at least one count. That count is Article 1, Section 9, Paragraph 6. The offense is in the Bering Sea exclusionary clause.

Eighth, your proposal may also have Constitutional problems with regard to bills of attainder, ex post facto law and grants of title.

Ninth, the history of the Northern European and Eastern United States halibut (And other) fishery is now being repeated in the North Pacific. Judging by the Commission's apparent disregard for that history, it's treatment of the critical Bering Sea fishery, and it's proposed Year Round (and presumably therefor through the four month spawning season) fishery, I cannot help but wonder if the Commission's INTENDED future for the Pacific Halibut is that of a valuable incidental catch for the trawl fleets. The 1982 ex-vessel for headed and gutted halibut in Maine was \$2.00/lb.

As mentioned in comments six and nine, I am aware of the desire to extend seasons supposedly for the sole purpose of benefitting the fresh fish consumer. (Some include the need to spread the catch over greater ranges.) However, there are serious biological, economic, and logistical problems involved. Halibut spawn from November until March. The very least of all things any endangered species needs is to be attacked during it's mating process! Most of the small boat owners (5-20 net tons) fishing for halibut also fish for salmon. Extending halibut seasons through the salmon seasons would result in the loss of halibut revenues to those fishermen. It would also result in the loss of gear through gear conflict, as I have had the misfortune to discover in a shrimp pot gear vs salmon sein conflict-the seiner still has his gear. The logistics of canneries operating at capacity on salmon attempting to handle an unpredictable amount of halibut present obvious problems. The salmon season begins as early as mid June and ends as late as mid September. Halibut spawn from November until March. The types of vessels that would be concerned with the salmon conflict

constitute the majority of permit holders but account for only about 15% of the halibut quota. Since "schooner" type operations account for 85% of the catch in a few days, a greatly extended season for those vessels would be a biological disaster. Extending the season for the small fleet (with the possible exception of a period in October) is not practical. The only solution under current conditions is to come up with more fish. The only practical method of obtaining more fish is as you well know, the reduction of incidental catch. From a purely practical standpoint, the appropriate halibut seasons could be only in April, May, October, and possibly parts of June and September.

The first problem you must face in the implementation of your Moratorium in 1983 is that the Northern Pacific Halibut Act of 1982 in conjunction with your proposed rule may well be EX POST FACTO law. The law enabling your actions was not signed by the President until the halibut season of 1982 was over in some areas and well under way or nearly over in others. The cutoff dates were then legally proposed AFTER the 1982 halibut season. The December 31 date is not applicable because the season did not extend to that time and no participation was legally possible on that date. As of this date (19 January 1983) the rule making 1983 the cutoff date for the qualifying period has not become law. Therefore no legal notification of the general public or fishermen as to the need to qualify within a certain time frame can have any effect until AFTER that time frame had already passed. Unfortunately your avowed attempt to avoid an influx of permit speculators, which paradoxically, you encourage in the landing log, may be a case of trying to lift yourselves by your bootstraps.

Fortunately there are alternatives to the Moratorium and limiting entry. The first, of course, is to limit incidental catch-both foreign and domestic. King crab pots in some areas are now required to be by loaders. This could be extended to all areas. Subsidized conversions if necessary and REQUIRE all new gear to be of this type.

The technology now exists to identify individual fish at great depths and on or near the bottom. Unfortunately, the equipment is expensive. This type of equipment could be required on all NEW domestic trawl operations. In 1982, according to information I got from the NMFS in Juneau, only about thirty boats of United States registry (John Ventrone) were involved in the bottom fish trawl industry on the Alaska coast. These boats could be required to upgrade their equipment to new electronic gear types. Also FUTURE operations can be more restricted than present operations. Those operations currently under way could gradually be brought under the new restrictions. Operators of the few American vessels now engaged in bottom fishtrawling could be compensated for gear change or restriction related losses. DO THIS NOW, BEFORE IT BECOMES FINANCIALLY AND POLITICALLY IMPOSSIBLE! And, yes, I would pay more taxes to accomplish this. American taxpayers have for years been subsidizing the Communist Bloc nations such as Poland whose government owned fleets have operated on U.S. tax dollars in Alaskan waters.

Foreign trawlers on the Pacific coast are subsidized directly in another way. Tax dollars from the Pacific coast states are used to rear salmon in hatcheries. These salmon are caught in abundance by foreign trawlers. Foreign fleets operating in United States waters catch over four billion pounds of fish annually.

According to a recent article in the Anchorage Times, the United States receives about thirty-eight million dollars for this fish. That is less than 1¢/lb. With ground fish values of from a few cents per pound to over one dollar per pound, it would appear that it might be possible to increase the fees to an average of two or three cents per pound without substantially crippling the foreign fishing industries. (Especially those supported by U.S. tax dollars) This would result in an increased revenue of thirty-eight to seventy six million dollars which could be devoted to fisheries research. The increases could be spread over a few years and credits could be given foreign vessels that upgrade gear to reduce incidental catches, prove reduction of incidental catches, or who pay for observer programs. Incidental catches which would qualify a catcher for reduced fees could be any species valuable to U.S. fisheries. (Reduced halibut or salmon)

The various fisheries of the North Pacific coast are a vast resource with an almost incomprehensible potential to generate revenue. They are, however, not inexhaustible. It would seem appropriate that those parties responsible for the greatest use or exploitation of that resource should contribute the most to the research and technology necessary for its preservation.

I have voiced these opinions at various of the local meetings. With regard to reduction of incidental catch by domestic trawlers, I have encountered outright derision and flat denial. With regard to incidental catch by foreign trawlers, I received such profound responses as, "you can't stop foreigners from fishing", "that won't work", "foreign countries have just as much right to the resource as we do", and my favorite, "how can we stop them?".

Gentlemen, the preamble "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Close scrutiny of the foregoing will reveal that no mention is made of Poland, Rumania, Bulgaria, Russia, Japan, Korea, or the E.E.C.

An alternative to any and or all of the above would be this: Make retention and preservation of incidental catch MANDATORY by foreign and domestic fishermen alike. Require incidental catch to be delivered to designated receiving stations convenient to the catcher for no fee to the catcher. Contract private industry to process and dispose of the commodities involved. Proceeds above the price of the contractor's service would go to the IPHC in the case of halibut and to the appropriate agencies for other species. The monies thus generated would be used for research and observer programs. In the case of halibut, this money could exceed twenty million dollars annually. The "no fee" clause would deter illegal targeting. Since the incidental catch of halibut occurs year round, this program would satisfy the Commission's avowed desire to provide a year round supply of fresh halibut to the consumer. Since the fish caught would

probably not survive if returned to the sea, this program would not adversely affect spawning stocks any more than the act of incidental catch itself. THIS DOES NOT IMPLY ALLOWING OPERATIONS ON SPAWNING GROUNDS!

As a compensation for possible competitive effect of sales of incidental catch on the market price, a percentage of revenue from those sales could be set aside to be divided (on a basis similar to the share quota system) among permit holders with catches/sales of record. This type of "bonus" system has been used in various government subsidized agricultural programs in the United States for years.

It is not unlikely that a bottom fish trawler of U.S. registry would also have a permit and fish for halibut. His "share" of the bonus would, like all others, be based on his degree of success in the directed halibut fishery. This and incidental CPU restrictions should discourage illegal targeting.

This system could also contain incentives for reduced incidental catches or for gear improvements designed to reduce that catch.

General proceeds from incidental catch of all species of incidentally caught fishes could go into a general fund and be distributed to fishermen on an as needed basis. However, I would rather see proceeds from a particular species be applied to the preservation of that species.

The important point of this system would be that revenues generated would be applied to the fishing industry (including marketing) and NOT used to pay Social Security or buy bombs and bullets. (And I spent two Christmases, New Years, and birthdays in Viet Nam in the 1st Infantry Division).

The danger in presenting a program of this type, I feel, is that there are many who would welcome retention of incidental catch and attempt to legislate disregard for the remainder of the proposal. Such a course of events successfully pursued would virtually destroy the halibut longline industry.

Henry T Munson

ASSOCIATION OF ALASKA HALIBUT FISHERMEN

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The questionnaire was just recently sent out to every halibut permit holder. Returns are just starting to come back at the rate of 50 or so per day.

Since this is a tally of approximately 300 returns the results should not be used as a basis for any decisions.

We'll keep you posted on future development. Pat

tion of Alaska Halibut Fishermen to gather information and ermen on the proposed Moratorium/Limited Entry, then to e North Pacific Fishery Management Council (NPFMC) before clude viewpoints of small boat, combination boat, dory and

fficient information concerning the NPFMC proposed Program. Without informed commercial fishermen of all ommercial fishery interests to the NPFMC is likely to be in- the more affluent fishermen and corporate operators will be

to Alaska fishermen is the incidental catch by the foreign l catch by the foreign fleet was approximately 28 million al Pacific Halibut Commission (IPHC) quota was 27.5 million hat the incidental catch has frequently exceeded the IPHC

he moratorium on entry into the halibut fishery please com- nnaire and any comments you have on this issue as soon as

Draft of Initial Returns
Questionnaire

Not For Publication at this time

1. Have you had enough information and time to consider and fully understand the moratorium for the Alaska halibut fishery?
Yes 48% No 51% 1% undecided
 2. Do you support the moratorium?
Yes 25% No 61% 14% undecided
 3. Would you support some form of international regulatory action requiring a reduction of the foreign fleets total incidental catch?
Yes 99% No 1%
 4. Do you feel foreign incidental catch should be reduced BEFORE a moratorium or limited entry is imposed upon the American halibut fishery?
Yes 89% No 8%
 5. List the years you have fished halibut. _____
 6. What is your approximate annual catch in pounds? _____
 7. What size of vessel do you use? net tons _____ length _____
- Signature _____ Date _____
- Address _____

Coast fisherman and several had gone to Norway to purchase them. In that year the commission, anticipating the introduction of such gear to the fishery, prohibited its use and has continued the prohibition to date. The basis for the action came from indications of very high selectivity of the gear for large spawning-sized fish (Devold, 1938).

TRAWLNET CAPTURE OF HALIBUT

Prior to 1944 there was no restriction upon the taking of halibut by trawl-net gear. However, since the late 1930s the quantity of trawl-caught halibut landed increased from 80,000 pounds in 1941 to 528,000 pounds in 1943 in Oregon and Washington alone. In addition, another 100,000 pounds was recorded for California and British Columbia.

In 1944 the Halibut Commission prohibited the retention of halibut taken by bottom trawl-net gear both on an incidental basis and as a target species. While this action forestalled the development of a domestic trawl fishery with halibut as a primary

target species, the inadvertent taking of halibut by an expanding domestic trawl fishery posed many problems amongst which were losses that accrue to the stocks of halibut through wastage. Also, the enormous expansion of foreign fishing in the late 1950s, chiefly trawling in the eastern Pacific Ocean including Bering Sea, would have had a disastrous impact upon the stocks of halibut, both of adults and juveniles.

What the future holds for the effects of trawling upon the Pacific halibut stocks under the new 200-mile limits in Canada and United States contains many imponderables. A great deal will depend on how each of the two countries exercises its new authority and manages its multispecies demersal fisheries. Will Canada and United States accede to the longstanding demands of their trawl fleets to retain the incidentally caught halibut—a position having considerable support in the research and administrative departments of the respective countries?

Magnitudes of Halibut Catches by Trawler by Sections of the Pacific Coast

While the Halibut Commission may prohibit Cana-

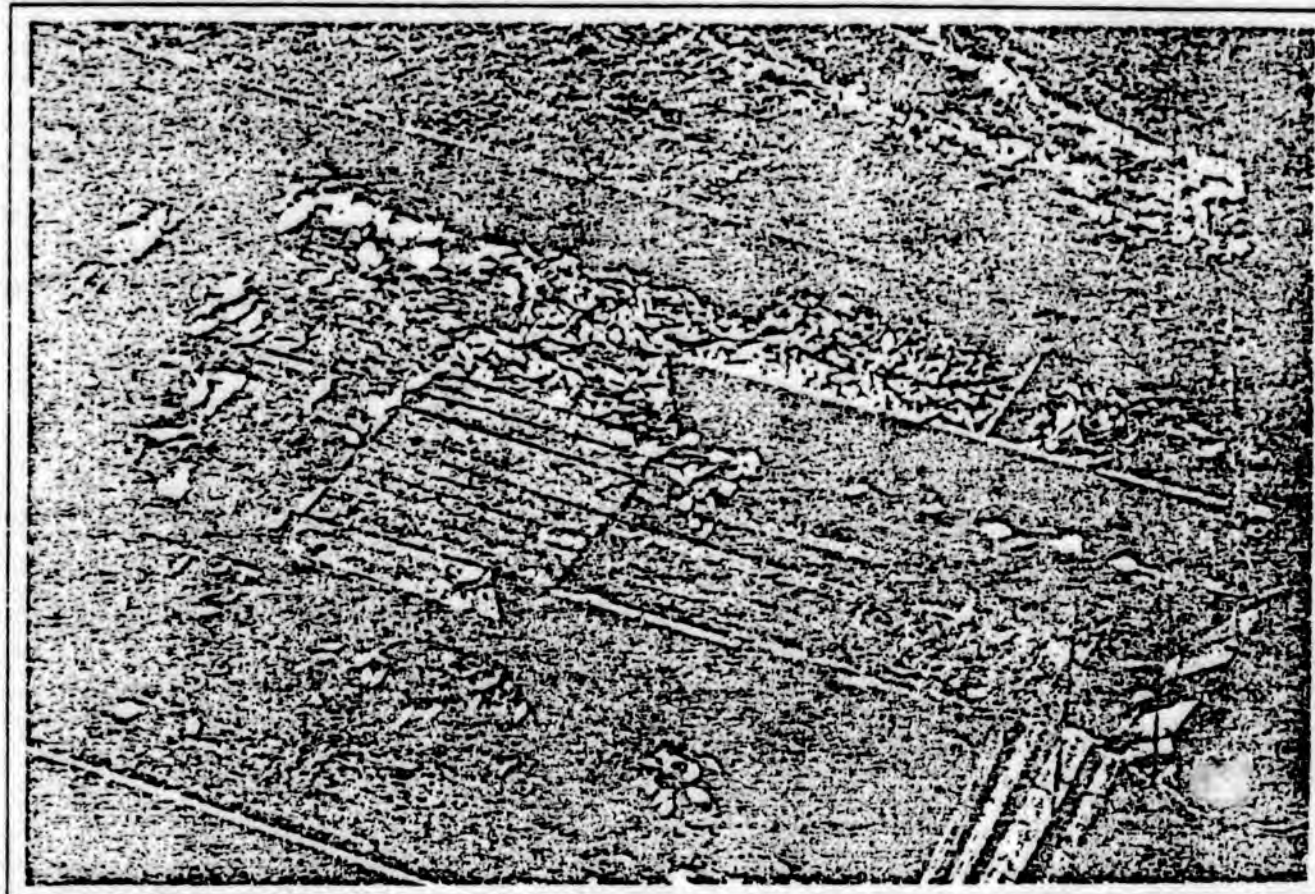


FIGURE E1. The deck of a foreign trawler fishing off Kodiak Island. Note the white-sided halibut apparent on the deck from their size and shape.
National Marine Fisheries Service

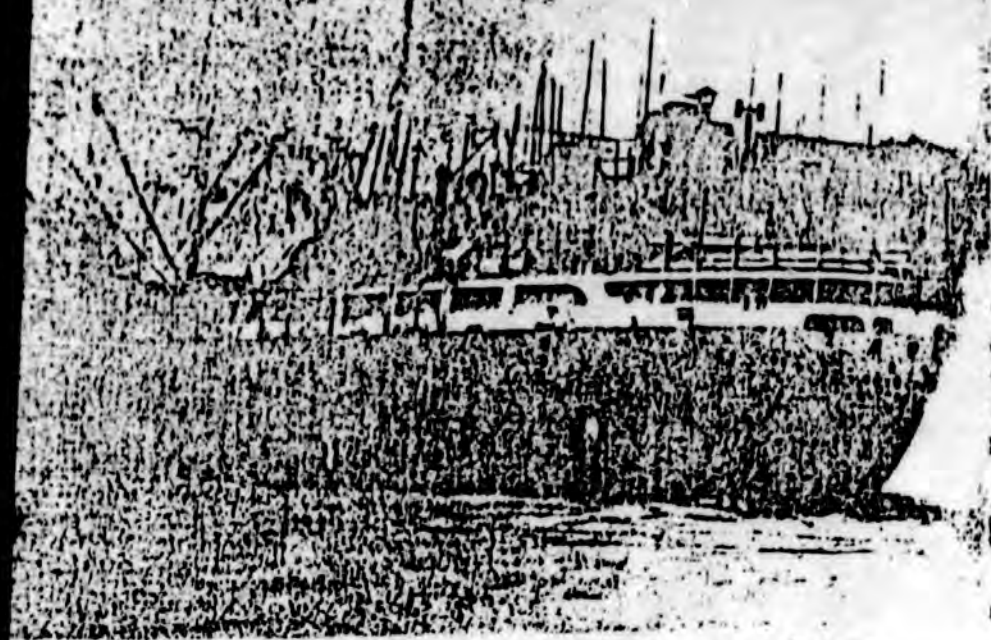
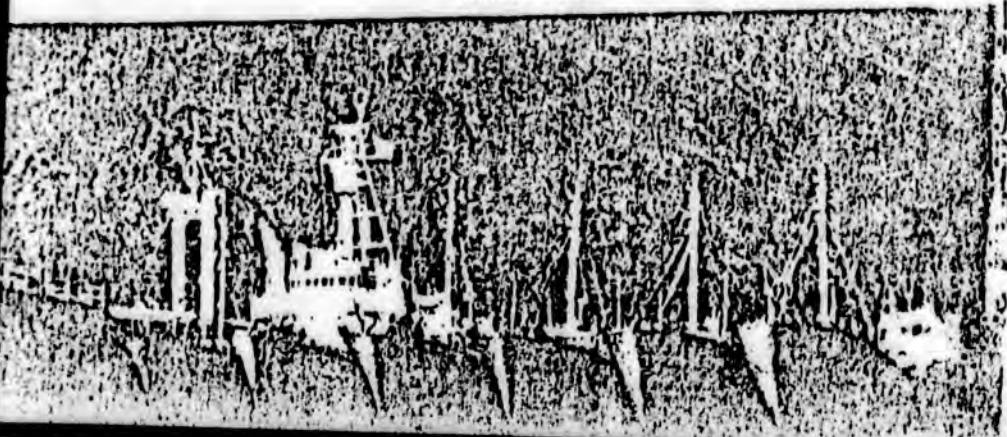


FIGURE 12.2. The Koyo Maru, a Japanese factory ship operating on the continental shelf of the Bering Sea, close to the Alaska coast. The upright poles are for stringing nets, to dry and repair them.

C. P. Idyll

FIGURE 12.3. South Korea is one of the most recent participants in global fishing, competing hard with Japan and other veteran fishing nations. Here a fleet of the Korean Samyang Fisheries is anchored in Dutch Harbor, waiting to fish in Alaskan waters.

Bureau of Commercial Fisheries, Alaska



nations to make agreements concerning specific fisheries or certain areas of the ocean. Such agreements have proven to be a partly effective means of dealing with international fishery problems to date. The United States, for example, is a party to eight bilateral and eleven international agreements for the protection, management, and (sometimes) the division of the catch. The fur seal fishery was entered into in 1911 when a treaty was signed with Great Britain (including Canada), Japan, and Russia for the protection of the waters of Alaska waters. This has been one of the most successful treaties, resulting in the restoration of a badly damaged resource from an estimated 200,000 animals in 1911 to half a million numbers (1 million) and a stabilized yearly harvest of fur sealeries with Canada have been partially successful in managing the waters of the North Pacific and notably successful in managing the salmon of the Fraser River.

Other fishery agreements that include the United States are more complicated and in most cases less successful to date than the fur seal, salmon, and halibut treaties. One dealing with the northwest Atlantic (the Grand Banks and other historic shallows) is shared by seventeen nations. It covers cod, haddock, ocean perch, and many other fishes. The multiplicity of countries and species involved has made this effort at international conservation difficult to study and to administer and therefore not fully effective. The International Whaling Commission has had no workable international inspection system and has been without power to enforce its suggested regulations. It has been unable to prevent the near-destruction of some species by countries that catch antarctic whales in the open sea.

However, the United States has not been fully satisfied with most of these agreements, even though they have often resulted in more effective conservation of fish stocks than our efforts to manage domestic fisheries. In the halibut fishery of the North Pacific, for example, the International Halibut Fisheries Commission of Canada and the United States had considerable success in restoring the populations of halibut. But this success led to the entrance of such large numbers of boats from the two nations into the fishery that profits to individuals have been far less than if fewer were engaged. And in recent years, Japan, the USSR, Korea, and others have fished so hard for bottom fish in the region controlled by the Halibut Commission that their incidental catch of halibut is double the amount that fishermen of Canada and the United States are allowed to take under the conservation rules of the Commission.

Other countries besides the United States have used the technique

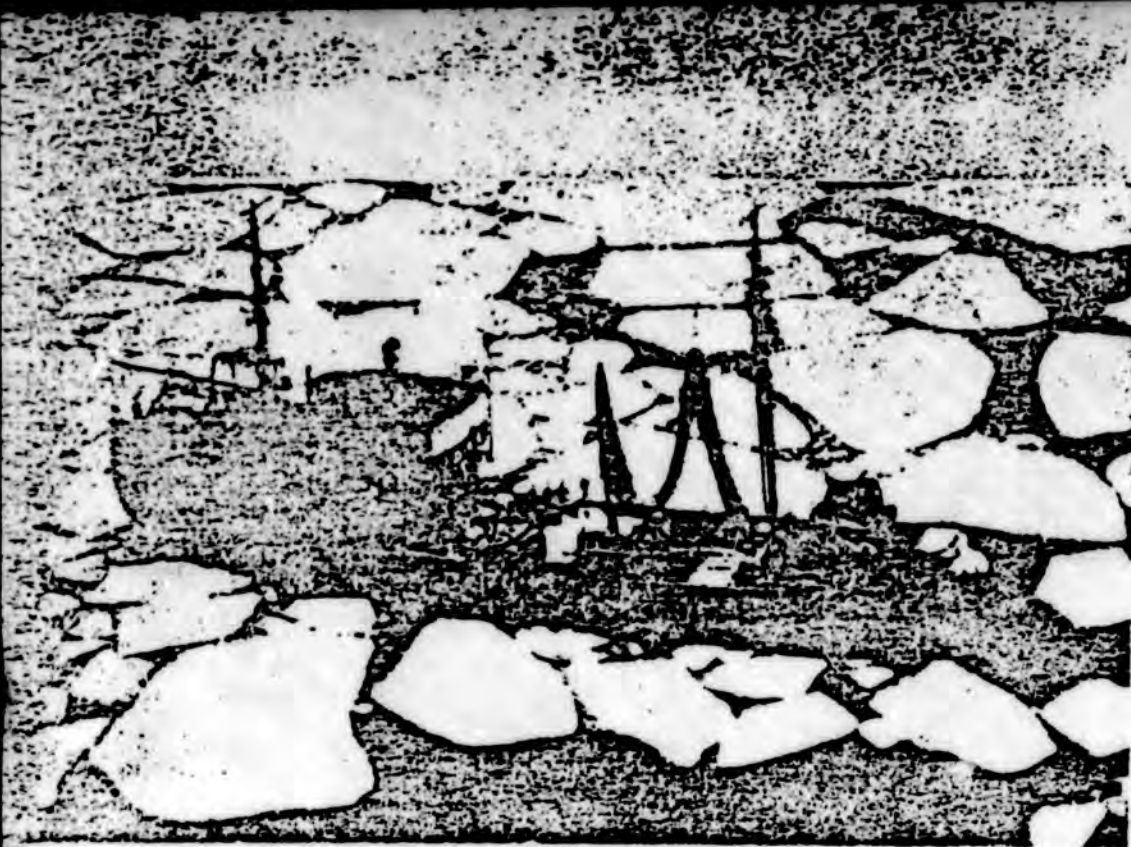


FIGURE 8.1. A Soviet trawler in the ice of the central Bering Sea. Russian vessels caught nearly 850,000 tons of fish off North American shores in 1967. = 1,700,000,000 lbs.

Bureau of Commercial Fisheries, Alaska

Because the stocks of fish off Soviet shores are inadequate to supply the national goals set by government planners, a high proportion of the Soviet catch comes from distant water fishing, with a complex array of catcher boats, factory ships and support vessels. With this kind of planning, and aggressive fulfillment of goals, the Soviet Union has advanced in world fishing in a steady and highly effective manner.

In 1917, the year of the Communist Revolution, nearly all the fish in the country came from fresh waters. In 1922 only about a fifth of Russia's half-million tons came from the sea, and right up to World War II Soviet boats fished close to land. But after the war agricultural development lagged, especially in the production of animal protein, and the Soviet planners turned their attention to the prospects of food from the sea. Their conclusions are of great significance not only to the Soviet Union but to the rest of the world as well.

It is often said that the USSR operates its industry without regard to economics, but in fact its decisions are based as much on the ratio of input to output—that is, to considerations of return on investment—as those of capitalist nations. It is only the level at which the profit or loss occurs that is different: the state, rather than the individual or private company, is the gainer or loser from a well-planned or a poorly planned operation.

Comparing the cost of protein from the sea with its cost from land,