

SCOMM

#48:21

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : 2/14/86

REQUEST

Bill/Resolution No. : HR 355
 Title : Authorizing the establishment of onboard observer programs
 Sponsor : Thompson
 Requestor : House Special Comm on Fisheries
 Date of Request : 2/14/86

FISCAL DETAIL

Agency Affected : Fish & Game
 BRU : Fisheries Resource Conservation
 Components : Commercial Fisheries

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		278.2	313.5	353.3	398.2	448.8
TRAVEL		18.0	20.3	22.8	25.7	29.0
CONTRACTUAL		2.2	2.5	2.8	3.2	3.6
SUPPLIES		2.8	3.2	3.6	4.1	4.6
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		301.2	337.0	382.5	431.2	486.0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		101.2	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER		200.0	337.0	382.5	431.2	486.0
TOTAL		301.2	337.0	382.5	431.2	486.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

*(See attached sheet)

Prepared by : Robert C. Clashy Phone : 465-4210
 Division : Commercial Fisheries Date : 2/14/86

Approved by Commissioner : [Signature] Date : 2/18/86
 Agency : Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis:

This fiscal note shows a reduction in expenses and change in funding source from the fiscal note dated 2/4/86. The expenditures have been reduced by 98.8 thousand dollars for FY 87, and reflected through FY 91, based on the assumption that the NMFS will fund an onboard observer program for the Pacific cod fishery in the Bering Sea. The funding sources have been changed to show 200.0 thousand dollars as coming from the Fish and Game fund. This change is based on the assumption that the 200.0 thousand dollars from the civil settlement of the Baranof case will be approved by Legislative Budget and Audit for expenditure on the onboard observer program for FY 87. The "other" funding source for FY 88 through FY 89 is based on the assumption that the State of Alaska and the Federal Government will develop a funding mechanism that is acceptable to the fishing industry and will ensure adequate coverage of fisheries that take place in both state and federal waters.

Salmon catch sampling, such as the program for the South Unimak and Shumagin Islands fishery, is not covered under this fiscal note, as that program is funded under the Division of Commercial Fisheries operational budget.

LETTER OF INTENT FOR CSHB 355

The Legislature believes it is critical that the state's onboard observer program be funded through a variety of sources and not be entirely dependent upon direct funding from the state and federal treasuries. The Legislature respectfully requests the commissioner of the Department of Fish and Game to thoroughly explore the following funding concepts: (1) reasonable fees upon the fishing fleets for which the observer coverage is targeted; (2) fines and confiscation of vessels, gear and catches resulting from fishing violations in state and federal waters; and (3) the limited sale of "prohibited species" bycatches from vessels utilizing state-certified observers. The commissioner is requested to report back to the Legislature with the results of this study not later than January 31, 1987.



Legislative
Information and
Teleconference Networks

SIGN-IN SHEET

Date: 2/11/86

Site/Location: Juneau

Sponsor/Subject: HB 355 On Board Fisheries
Observers

Name/Representing

Address

Phone

Here to
Testify

Here to
Observe

Rep. Goll
Rep. Thompson
Binkley
Merron
Navarre

Witness: Bob Cluby
Fish Lumber

Dept of Fish + Game, judging at 9:40
Pacific Food Processors Assoc.

Observers: 8

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* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 02/11/86 TIME: 16:58
* FROM: LIODLG
* SUBJECT: FINAL STATS
* PRINT DATE: 02/11/86 TIME: 16:58
*
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DATE: FEBRUARY 11, 1986--TUESDAY
SITE: DILLINGHAM, ANNA MAY
SPONSOR\SUBJECT: HOUSE SPECIAL COMMITTEE ON FISHERIES, HB 355: ON BOARD FISHERIES OBSERVERS

-2- TESTIFIED T\C STARTED 8:30 A.M.
-0- OBSERVED T\C ENDED 10:00 A.M.
-2- TOTAL

NAME\REPRESENTING ADDRESS\PHONE
*****TE
1. JOE MCGILL, WESTERN AK. COOP., MARKETING ASSOC, AND UNITED FISHERMEN ASSOC, DILLINGHAM, AK.99576
2. VAL ANGASAN, DILLINGHAM, AK.99576

-----REGIONAL STATS-----

NAKNEK

-1- TESTIFIED
-0- OBSERVED
-1- TOTAL

NAME\REP. ADDRESS\PHONE

NAKNEK
1. RALPH ANGASAN, BOX 334, KING SALMON, AK.99613, FH246-3371..EOM

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* DELIVER TO: TCJNU
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* ORIGINAL
* SENT: 02/11/86 TIME: 17:33
* FROM: TCMAT
* SUBJECT: 2/11 FNL STTS CRDVA/HB 355
* PRINT DATE: 02/11/86 TIME: 17:33
*
*****

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*** FINAL T/C STATS***

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DATE: _____2/11/86_____
SITE: _____CORDOVA_____
SPONSOR: _____HOUSE SPEC COMTE_____
SUBJECT _____HB 355 - FISHERIES_____
LOCAL MODERATOR _____BARCLAY KOPCHAK-JONES_____

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TESTIFIED:
NAME/REPRESENTING ADDRESS PHONE

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1. PARTICIPANT DID NOT COME

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OBSERVED:
NAME/REPRESENTING ADDRESS PHONE

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TESTIFIED: 0
OBSERVED: 0
TOTAL: 0
TIME START: _____
TIME END: _____

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DELIVER TO: TCJNU

ORIGINAL

SENT: 02/11/86 TIME: 09:33

FROM: TCANC

SUBJECT: FINAL STATS-(H) FISHERIES COMM

PRINT DATE: 02/11/86 TIME: 09:33

*** FINAL T/C STATS ***

DATE: FEB 11, 1986

SITE: ANCHORAGE

SPONSOR: (H) COMMITTEE ON FISHERIES

SUBJECT: HB 355

LOCAL MODERATOR: DAVID

TESTIFIED: ADDRESS PHONE

NAME/REPRESENTING

JIM BRANSON PO BOX 103136 ANCH 99510 274-4563

HENRY MITCHELL 632 CHRISTENSEN ANCH 277-5845

OBSERVED: ADDRESS PHONE

NAME/REPRESENTING

TESTIFIED: 02

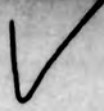
OBSERVED: 00

TOTAL: 02

TIME START: 8:30A

TIME END: 10:00

 DELIVER TO: TCJNU
 ORIGINAL
 SENT: 02/11/86 TIME: 10:06
 FROM: LIOPSG
 SUBJECT: FINAL STATS-2/11 FISH. T/C
 PRINT DATE: 02/11/86 TIME: 10:08



*** FINAL T/C STATS ***

DATE: FEB 11, 1986
 SITE: PETERSBURG
 SPONSOR: (H) SPEC. COMM. ON FISHERIES
 SUBJECT: HB 355 - ON BOARD OBSERVERS
 LOCAL MODERATOR: CRIS

TESTIFIED:
 NAME/REPRESENTING ADDRESS PHONE

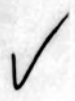
NONE

OBSERVED:
 NAME/REPRESENTING ADDRESS PHONE
 MATT HOLMES/KFSK RADIO BOX 149 PSG 99833 772-3808

TESTIFIED: 0 _TIME_START_: 8:30 AM
 OBSERVED: 1 _TIME_END_: 9:55 AM
 TOTAL: 1

EOM

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* DELIVER TO: TCJNU *
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* ORIGINAL *
* SENT: 02/11/86 TIME: 10:18 *
* FROM: ELAINE SUNDE *
* SUBJECT: FINAL STATS *
* PRINT DATE: 02/11/86 TIME: 10:23 *
* *



TO LISA FR ELAINE/SITKA

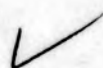
EINAL_SIAIS 2/11 HB 355

TESTIFYING IN SITKA:

1. BILL FROUST, ALASKA TROLLERS ASSOCIATION
SR 3009 HPR, SITKA 99835
747-8170
2. ERIC JORDAN, REPRESENTING SELF
609 BIORKA, SITKA
747-6743
3. ANN L. LOWE, TROLL PAC
415 ARROWHEAD, SITKA
747-8023

SUMMARY: 3 WITNESSES 0 OBSERVERS

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 * DELIVER TO: TCJNU
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 * ORIGINAL
 * SENT: 02/11/86 TIME: 09:52
 * FROM: LIOKOD
 * SUBJECT: KODIAK FINAL STATS
 * PRINT DATE: 02/11/86 TIME: 10:08
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*** FINAL T/C STATS ***

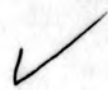
DATE: ___FEBRUARY 11, 1986___
 SITE: ___KODIAK L.I.O._____
 SPONSOR: ___HOUSE SPECIAL COMMITTEE ON FISHERIES_____
 SUBJECT: ___HB 355: ONBOARD FISHERIES OBSERVERS_____
 LOCAL MODERATOR: ___LORNA STEELMAN_____

OBSERVED:
 NAME/REPRESENTING ADDRESS PHONE

1. JOHN PFEIFER/ KMXT RADIO STATION, P.O. BOX 484, KODIAK 99615
 486-3181

TESTIFIED: ___0___ TIME START: 9:00AM
 OBSERVED: ___1___ TIME END: 10:00AM
 TOTAL: ___1___

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* DELIVER TO: TCJNU *
* *
* ORIGINAL *
* SENT: 02/11/86 TIME: 10:01 *
* FROM: LIOBET *
* SUBJECT: FINAL STATS *
* PRINT DATE: 02/11/86 TIME: 10:08 *
* *



FINAL STATS

T/C: HSC ON FISHERIES
SUBJECT: HB 355 ON BOARD FISHERIES OBSERVERS
DATE: 2-10-86
SITE: BETHEL
TIME IN: 8:27AM
TIME OUT: 10:00AM
MODERATOR: WALLY RICHARDSON

IN BETHEL TESTIFYING

1. DR. JOHN WHITE BOX 757 BETHEL, AK 99559 543-2926
WESTERN ALASKA SALMON COALITION
2. HAROLD SPARK BOX 267 BETHEL, AK 99559 543-2856

OBSERVING

1. JEFF SANDERS BOX 527 BETHEL; AK 99559 543-2379
WESTERN ALASKA SALMON COALITION

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*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 02/11/86 TIME: 10:39
* FROM: EVELYN JOHNSON
* SUBJECT: FINAL T/C STATS
* PRINT DATE: 02/11/86 TIME: 10:39
*
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*** FINAL T/C STATS ***

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DATE: ___FEBRUARY 11, 1986___
SITE: ___KETCHIKAN LIO___
SPONSOR: ___HOUSE SPECIAL COMMITTEE ON FISHERIES___
SUBJECT: ___HB 355/ON BOARD FISHERIES___
LOCAL MODERATOR: ___EVELYN JOHNSON___

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TESTIFIED:
NAME/REPRESENTING ADDRESS PHONE

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1. JIM BACON, SE SEINERS/UFA, BX 3065, KTN 99901 225-3723

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OBSERVED:
NAME/REPRESENTING ADDRESS PHONE

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NOTE: OUR PARTICIPANT WAS UNABLE TO TESTIFY/T/C TIME LIMITATIONS.

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TESTIFIED: ___0___ TIME START: ___9:00 AM___
OBSERVED: ___1___ TIME END: ___10:00 AM___
TOTAL: ___1___

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* DELIVER TO: TCJNU *
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* ORIGINAL *
* SENT: 02/18/86 TIME: 11:41 *
* FROM: LIOSOL *
* SUBJECT: NO PARTICIPANTS *
* PRINT DATE: 02/18/86 TIME: 13:27 *
*

* * * FINAL STATS * * *

DATE: 2/11/86
SITE: SOLDOT
SPONSOR: HOUSE SPECIAL COMMITTEE ON FISHERIES
SUBJECT: BOARD OF FISHERIES

NO PARTICIPANTS FOR THIS TELECONFERENCE.

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*
* DELIVER TO: TCJNU
*
* ORIGINAL
* SENT: 02/19/86 TIME: 08:26
* FROM: LIOSOL
* SUBJECT: FINAL STATS
* PRINT DATE: 02/19/86 TIME: 08:26
*

* * * FINAL STATS * * *

DATE: 2/11/86
SITE: HOMER
SPONSOR: HOUSE SPECIAL FISHERIES COMMITTEE
SUBJECT: BOARD OF FISHERIES

TESTIFIED:
1. PHIL MCCRUDDEN BOX 2271, HOMER, AK 99604

TOTAL TESTIFIED: 1
TOTAL OBSERVED:
TOTAL: 1

COMMITTEE REPORT
HOUSE

2/19
RESOURCES
FINANCE

(7)

FURTHER:

4/8/85

Date: 2-18-86

The Committee on HOUSE SPECIAL COMMITTEE ON FISHERIES has had HB 355

"An Act authorizing the establishment and implementation of onboard observer programs; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 355 (Fish) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" ^{first} New Fiscal Note Sept 88
 Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Peter Jace

David W. [unclear]

[unclear]

John [unclear]

Roger [unclear] No Rec

AD [unclear] N-Rec

Peter Jace

CHAIRMAN



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

February 18, 1986

Mr. Anthony Calio
NOAA Administrator
U.S. Department of Commerce
14th and Constitutional Avenue N.W.
Washington, D.C. 20730

Dear Mr. Calio:

The House Special Committee on Fisheries today approved legislation that would authorize an on-board observer program for domestic fishing vessels operating in Alaska waters. Since this is an issue of great concern to Alaska's fishing community, we are optimistic that the measure will be approved before the legislature adjourns in May.

We have directed the Alaska Department of Fish and Game to study methods of providing continuing funding for this program so it will not be solely dependent upon tax dollars in future years. The department also will be working closely with federal officials to ensure that we have a consolidated observer program in waters under state and federal jurisdictions.

The pilot program authorized by House Bill 355 will cost \$300,000, but this falls far short of covering the basic immediate need for observer coverage on domestic fishing vessels in Alaska's 200-mile zone. Consequently, we strongly urge your endorsement of a request by the Alaska office of the National Marine Fisheries Service to allocate \$250,000 for a pilot domestic observer program.

We hope to be working closely with the federal government in the structuring of a comprehensive on-board observer program that is funded through a variety of sources. Approval of these two pilot projects is essential to the establishment of a framework for an ongoing, cooperative effort.

Mr. Anthony Calio
February 18, 1986
Page Two

Again, we strongly urge your support of the \$250,000 NMFS pilot domestic fishing vessel observer program for Alaska waters. Thank you for your consideration of our request.

Sincerely,

Peter Goll
Chairman

c.c. Senator Ted Stevens
 Senator Frank Murkowski
 Representative Don Young

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 355
 Title : An Act authorizing the Board of Fisheries to establish onboard observer program.
 Sponsor : _____
 Requestor : Governor
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. of Fish & Game
 BRU : Commercial Fisheries BRU and Components
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		355.3	400.3	445.3	490.3	535.3
TRAVEL		37.5	42.5	46.3	50.9	55.3
CONTRACTUAL		3.2	3.2	3.8	4.0	4.3
SUPPLIES		4.0	4.0	4.6	4.8	5.1
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		400.0	450.0	500.0	550.0	600.0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		400.0	450.00	500.0	550.0	600.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		0	0	0	0	0
PART-TIME		20	20	20	20	20
TEMPORARY		0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

Prepared by : *JW Thornby* Phone : 465-4210
 Division : Commercial Fisheries Date : 1/30/86

Approved by Commissioner : _____ Date : _____
 Agency : Department of Fish and Game

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

MEMORANDUM

February 8, 1986

TO: Members, House Special Committee on Fisheries

FROM: Representative Peter Goll *P. Goll*

SUBJECT: House Bill 355 (Onboard Observer Program)

House Bill 355 authorizes and funds an onboard observer program for the domestic fishing fleet under state jurisdiction. It will be considered at a public hearing at 8:30 a.m. Tuesday, February 11.

The legislation allows the state of Alaska to require that certain fishing operations have on-board observers hired by the state. The observers monitor catches coming aboard the vessel to gather biological information and to enforce some regulations.

The federal government now requires observers on foreign fishing operations in our 200-mile zone. The cost of the federal observer program is paid by the foreign fishermen through a fee process. The need for a program placing observers on domestic fishing vessels is a source of concern as American fishermen displace the foreign fleets in our offshore fisheries.

Under the terms of the Magnuson Fisheries Conservation Management Act, the federal government is precluded from assessing U.S. fishermen for more than the basic costs of administering the program. Their fees cannot be used to pay observer salaries, provide insurance coverage for sea duty or cover training costs.

The National Marine Fisheries Service recently submitted a \$250,000 request to fund a pilot domestic observer programs, but the cost-cutting atmosphere currently surrounding the federal budgeting process raises many questions about whether the project will be funded.

Onboard Observers
February 8, 1986
Page Two

The North Pacific Fishery Management Council may have discovered a mechanism that may help alleviate the funding issue. The NPFMC recently closed an area of the Bering Sea to domestic trawlers, except for vessels targeting on Pacific cod which have federal observers onboard. The U.S. fishermen will have to pay for the cost of the observers if they wish to fish in that particular area.

The Alaska fishing industry and state fisheries managers have been closely watching the progress with the federal program. The offshore trawl and pot fishing operations can catch large numbers of "incidental" species as they target on stocks, such as pollock, sole and crab. Since these incidental catches include salmon, halibut, sablefish and crab, the support on the state level for a domestic observer program appears to be very widespread.

Trawl and pot fishermen are prohibited from keeping most of the higher value species taken as incidental catches, although most are dead by the time they are hauled aboard the vessels. Many of the offshore fisheries have incidental catch lids that will close the target fishery once a certain number of so-called "prohibited species" are taken. A primary function of the onboard observers is to monitor the incidental catch and take of these prohibited species. Many Alaskans who depend on these higher value "prohibited species" obviously favor the close monitoring.

The observer data also can benefit the trawl fleet because fisheries managers are conservative unless solid, unbiased information is available. Unverified reports from trawlers that they have reduced incidental catches in a particularly fishery often are not sufficient to convince managers to allow more fishing time.

Since the state only has clear jurisdiction over fishing vessels that operate within three miles of our coastline, a state observer program must be accompanied by a cooperative agreement with federal authorities to be truly effective. Jim Branson, executive director of the NPFMC, is confident that federal officials would be pleased to work with the state under a cooperative program.

The Alaska Board of Fisheries has established authority for a state-run domestic observer program by regulation (5 AAC 39.141). House Bill 355 clearly establishes statutory authority for such a program and provides funding (fiscal note attached) for implementation.

ADFG

On-Board Observer Program for groundfish and shellfish fisheries in the Central Gulf of Alaska, Alaska Peninsula and Bering Sea, and Southeast Alaska.

This document is designed to provide information and guidance for administrators in preparation of a budget document for a Westward groundfish--shellfish observer program. Attached is a detailed operational plan for groundfish observation procedures including the purpose, objectives and detailed sampling procedures. Included also is a table showing the proposed scheme of effort distribution relative to quarter, management area and species for the proposed budget by line item.

The primary purpose of this observer effort would be to monitor and document the composition of catches as they come aboard commercial groundfish and shellfish vessels during fishing operations. This purpose would be achieved through accomplishment of the following objectives:

1. Monitor the composition and catch per effort of target, incidental and prohibited species catches made by commercial shellfish-groundfish operations relative to time and area fished.
2. Study the spatial and temporal distribution of prohibited species catches in an effort to determine if cyclic spatial and/or temporal relationships can be detected for specific species groups.
3. Distribute observer effort on the various species based on the times and areas of primary fleet emphasis.
4. Work closely with the various user groups to learn the problem areas relative to prohibited species by-catches and the extent to which the fleet can avoid these species.
5. Continue to evaluate the sampling strategy, data collection procedures, and sampling methodologies used to collect, record and summarize shipboard observer data.

6. Determine the statistical validity of expanding prohibited species catch rates into the catch by the total fleet on a time-geographic area basis. Revise existing procedures, if necessary.
7. Continue to develop summaries and overviews of observer results. Attempt to develop routine summaries which answer the many questions posed by the various user groups.
8. Attempt to improve the data exchange on observer results with NMFS. The goal of this coordination would be to develop an integrated observer reporting system which includes the domestic as well as joint venture and directed foreign fishing effort.
9. Develop a data summarization program with the flexibility to summarize the accumulated data base on any desired group of parameters so as to satisfy needs of diverse user and agency groups.

This observation effort would be allocated quarterly on a prioritized basis among four fisheries management areas (Kodiak-Chignik, South Alaska Peninsula, the Bering Sea, and Southeast Alaska, and six species (Pacific cod, pollock, Tanner crab, Dungeness crab, king crab and sablefish). In terms of species priority, the catcher processing operations targeting on king crab, cod and pollock would have first priority, with the shore-based fleet targeting on cod and pollock having second priority. Effort would be most intense during the April-June quarter due to heavy effort for pollock and sablefish, with the least effort scheduled during the June-September quarter when the primary effort is for Pacific cod in the Bering Sea. This prioritization scheme is incorporated into the effort distribution table (Table 1) by quarter, management area and species group.

A breakdown of cost factors for this proposed observer effort by line item is shown in Table 2. Review of the proposed expenditures by line item shows that 88% of the costs would be in personnel services. These personnel services costs are based on Fishery Technician III salaries and the observers being paid sea pay for seven days a week during one-half of their total employment period. Sea pay is presently paid at the rate of 3.5 hours per weekday at sea

and 15 hours per weekend day or holiday while at sea. This calculates to 85 hours per full week at sea including base pay.

As mentioned above, this observation effort would be distributed over five fisheries-Pacific cod, king crab, pollock, sablefish and Tanner crab. The fisheries for cod and pollock use bottom trawl gear, those for king and Tanner crab utilize pots, and that for sablefish utilizes bottom trawls, longline gear as well as pots. While the majority of observation effort would be in the trawl and crab pot fisheries due to their higher potential for prohibited species catches, effort would be expended in the sablefish longline fishery on a time available basis due to its potential for catching halibut.

The final product of the observer data collection procedure would be estimates of the total catches of each species by haul. These estimates are coupled with the basic haul parameters from each tow via an integrated Lotus/R-base program which can summarize catches according to nearly any desired group of variables. In-depth operational plans for observation procedures including subsampling, effort distribution and data handling protocols trawl, have been developed and are available for use in this program.

Table 1. Distribution of FY 1987 shellfish and groundfish on-board observer effort (man-months) by quarter, management area, and species group.

Area	Species Group	Quarter			
		Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec
Kodiak	PC-Pol	6	8	-	8
	Tanner	2	-	-	-
	Dungeness	-	2	0.5	-
	Sablefish	-	2	-	-
Shumagin	PC-Pol	2	2	2	-
	Tanner	2	-	-	-
Bering Sea	PC-Pol	3	9	6	3
	Tanner	-	-	-	-
	King Crab	-	-	-	2
Southeast	Rockfish	1.5	2	0.5	1.5
	Sablefish	-	2	0.5	-
	Flatfish	1.5	-	-	1.5
Totals		18	27	9.5	16

Table 2. Shipboard observer cost distribution.

ON-BOARD OBSERVER PROGRAM
Shellfish/Groundfish FY87
Proposed Expenditures

LINE ITEM	<u>COST</u>
<u>100 Personal Services</u>	
FB I - 6.0 MM @ 2518/mo.	\$ 15.1
FT III - 64.6 MM @ \$2185/mo.	140.9
900 hrs. sea pay @ 16.78/hr (2 FB I's)	15.1
7316 hrs. sea pay @ 13.14/hr (18 FT III's)	96.1
	<hr/>
	267.2
Employee Benefits @ 33%	88.1
	<hr/>
Total	\$355.3
 <u>200 Travel</u>	
18 Roundtrip Kodiak-Dutch Harbor @ \$854	\$ 15.4
1080 days per diem on vessels @ 20	21.6
6 days commercial per diem @ \$80	0.5
	<hr/>
Total	\$ 37.5
 <u>300 Contractual Services</u>	
Xerox charges	\$.6
Contingency inter-island air charter	1.0
Telephone charges	0.8
Printing of forms	0.2
Computer supplies	0.6
	<hr/>
Total	\$ 3.2
 <u>400 Commodities</u>	
Sampling Equipment:	
Plastic baskets	\$.5
Scales	.5
Repair & equipping of survival equipment	.6
Misc. sampling equipment	.4
Raingear	.5
Professional and scientific supplies	1.5
	<hr/>
Total	\$ 4.0
GRAND TOTAL	\$400.0

GENERAL PROVISIONS

5 AAC 39.141. ONBOARD OBSERVER PROGRAM. (a) The Board of Fisheries finds that, in particular fisheries, observers on board fishing vessels would greatly enhance management, primarily by facilitating information gathering, and by improving regulatory compliance. Onboard observers may be the only practical fishery monitoring, data-gathering, or enforcement mechanism in some Alaska fisheries where a large component of vessels, such as catcher/processors and floating processors, rarely or never enter Alaskan ports. The Board of Fisheries, therefore, finds it necessary to authorize the Alaska Department of Fish and Game to implement onboard observer programs in particular fisheries when the board determines that it

- (1) is the only practical data-gathering or enforcement mechanism;
- (2) will not unduly disrupt the fishery; and
- (3) can be conducted at a reasonable cost.

(b) Onboard observers of the Departments of Public Safety and Fish and Game shall have free and unobstructed access to inspect the catch, equipment, gear or operations of the fishing vessel, tender or processor to which assigned while that vessel is

- (1) within waters under the jurisdiction of the state;
- (2) taking or intending to take any species of fish; or
- (3) transporting or processing any species of fish.

(c) Onboard observers must be as unintrusive to vessel operations as practicable and must make the scheduling and scope of their activities predictable and practicable.

(d) Onboard observers are not required to obtain criminal or administrative search warrants to conduct their duties.

(e) Onboard observers shall carry out such scientific and other duties as deemed necessary or appropriate to manage, protect, maintain, improve, and extend the fish and aquatic plant resources of the state.

Authority: AS 16.05.251

5 AAC 39.145. ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS. A sidewall of all shellfish and bottomfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. For shrimp pots, the opening may be on the top of the pot. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab and shrimp pots may have the pot lid tie-down strips secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

Authority: AS 16.05.251
AS 16.10.125

MEMORANDUM

State of Alaska

DRAFT

TO: Molly McCammon
Special Staff Assistant
Office of the Governor

DATE: February 4, 1986

FILE NO:

TELEPHONE NO: 465-4100

FROM: Steven Pennoyer
Deputy Commissioner
Department of Fish and Game

SUBJECT: Onboard Observer Bills,
SB 79 and HB 355

Enclosed is a bill analysis and fiscal note for HB 355, Representative Thompson's onboard observer bill. It is identical to the department's bill, SB 79, except that it contains no provision to fund the observer program through a fee structure system, or any other method.

During the last few years, there has been a growing interest, on the part of the public and the federal and state agencies, to develop an onboard observer program for the domestic fisheries. All feel that such a program is needed to provide basic biological data, particularly in the case of groundfish, as the domestic fleet replaces the foreign fleet. Observers can also be used to enforce regulations, such as those dealing with size and sex restrictions in the king and Tanner crab fisheries. Any effective observer program will have to be legally achievable in both federal and state waters and be funded.

The Magnuson Fishery Conservation and Management Act (MFCMA) allows the federal government to place observers on domestic fishing vessels. This authorization is by statute so does not require implementing regulations. The Board of Fisheries has authority to require onboard observers by regulation. Both the board and the North Pacific Fishery Management Council in 1984 decided to work towards a goal of complimentary onboard observer programs in state and federal waters. Since the regulatory mechanisms are in place, the major hurdle has been funding.

The department, in conjunction with the Department of Law, developed SB 79 as the state's answer to the funding problem. The primary purpose of that bill is to provide a source of funding, via permit fees, for the program. Declining revenues have caused reductions in operational budgets. The department cannot fund the observer program without taking cuts in other ongoing projects of high priority to the management of established fisheries. One option is for the program to fund itself. Originally, we thought this concept might be feasible. As it turns out, we are now unsure. The federal government cannot use such a fee structure to fund a domestic observer program since it is forbidden by the MFCMA. If the state accepts the king crab delegation, and I believe we will, we

*The Magnuson Fishery Conservation
& Management Act*

February 4, 1986

most likely will fall under that prohibition. Since the king crab fishery is one of the two fisheries most in need of observer, this loss of a funding source will gut the program. Additionally, there seems to be a great deal of opposition from fishermen and processors for a fee structure. They are saying the state should fund the program out of current revenue sources.

The bottom line is that there is no money for an onboard observer program in the FY 86 or FY 87 budget. The department priority for such a program is above the increment level, and it is very unlikely the Legislature will approve a permit fee structure. Since the Board of Fisheries has already adopted a program identical to that suggested in the bill, the legislation is no longer necessary for the department to legally implement such a program if funds were made available.

The key point to get across to the Legislature and the public is that passage of either bill, without some funding source, will not cure the problems they perceive are happening.

The enclosed fiscal note and proposal reflect the minimum level observer program that both we and the Board of Fisheries feel is needed to provide basic coverage of current fisheries. Any increase in the king and Tanner crab harvests or implementation of additional prohibited species catch levels in the groundfish fisheries would require increased funding above the level in the fiscal note.

Enclosures

cc: J. Ayers
B. Clasby
K. Parker

KODIAK FISH & GAME ADVISORY COMMITTEE
211 Mission Rd.
Kodiak, Alaska 99615

January 7, 1986

JAN 13 1986

Alaska State Board of Fish
Box 3-2000
Juneau, Alaska 99802

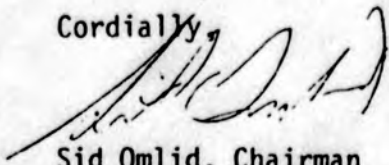
Dear Board Members,

The Kodiak Fish & Game Advisory committee met on January 3, 1986 to discuss time and area closures for trawl gear in king crab sensitive areas. Approximately seventy eight people were in attendance. As mentioned in our January 4 letter to you, the K.A.C. recommends specific time and area closures for hard on the bottom trawling and strongly urges protection of Kodiak's rebuilding king crab stocks.

One important issue discussed was ADF&G funding for observers on trawl vessels to document incidental catch statistics on all species, i.e. salmon, halibut, tanner crab, etc. The K.A.C. voted unanimously, vote 9-0, to put pressure on the ADF&G and the legislature stressing the importance of obtaining funds for observer programs for all fisheries which ADF&G needs to obtain incidental catch information.

It was brought to the K.A.C. attention that \$100,000 in fines from the "Baranof case" was earmarked to be spent on observers. The committee is also aware that in most cases fines from violations are deposited directly into the state's general fund. However, in this case, since the \$100,000 from the "Baranof case" has been specifically earmarked already for use in funding observers, the K.A.C. requests your assistance in assuring this much needed observer money does not get deposited into the General Fund but into the ADF&G observer program.

Cordially



Sid Omlid, Chairman
Kodiak Fish & Game Advisory Committee

cc Governor Sheffield
Don Collinworth, Commissioner ADF&G
Senator Fred Zharoff
Representative Dave Thompson



BUSINESS • FISHERMEN • PROCESSORS • INDIVIDUALS

ALASKA COASTAL COMMUNITIES ALLIANCE

P.O. Box 382 Kodiak, Alaska 99615 Phone (907) 486-5096

March 21, 1985

Senator Arliss Sturgulewski
Senate Resources Committee
Pouch V (NS 3100)
Juneau, Alaska 99811

Dear Senator Sturgulewski,

The Alaska Coastal Communities Alliance would like to express its support for Senate Bill 79 which would authorize an onboard observer program on certain fishing vessels engaged in Alaskan fisheries. We agree that direct benefits would be derived through enhanced management, more reliable data gathering, and improved compliance.

In addition to the obvious improved enforcement and compliance, the data gathered could certainly aid in the management of a particular fishery or fisheries. New knowledge gained could include, but definitely not limited to; predator-prey relationships between species of different fisheries, the effects that catching non-targeted species (incidental catch) have on one fishery by another fishery, the optimum timing or area of harvesting a given fishery to reduce any impact on other fisheries or to enhance the impact on the primary fishery, the benefits of a total ecological approach to managing a fishery versus a single species approach, and of course many other areas of needed new information.

Of particular concern to many fishermen and processors lately is the predator-prey and incidental catch relationships between fisheries. Examples of some questions that reflect on these relationships are in the following sentences. If one fishery targets on and harvests a predator species, does it directly enhance the yields and fortunes of another fishery engaged in harvesting a prey species? If one fishery takes a proportionately high incidental catch of a species being targeted on by another fishery, does it significantly detract from the yields and fortunes of the other fishery? We feel these and other questions could best be answered through the implementation of an onboard observer program.

Our support for the onboard observer program is not without qualifications however. First and foremost among these is the addition of subsection 14(D) to section 2AS 16.05.050 dealing with fees being assessed to the operators of vessels within the given fishery to pay for the onboard observer program. We are adamant and unanimous in our opposition to the assessment of any new and extraneous fees to cover the cost of this program. We feel the operators of these vessels and processors are currently paying sufficient fees (such as gear, vessel, and crew licenses, and etcetera) and taxes to support this and other management programs. We further feel that with the improved compliance resulting from this program the State should realize particular cost

Kevin O'Leary

*486-5096
488
try after 4:00*

Sena:or Arliss Sturgulewsk
March 21, 1985
Page 2

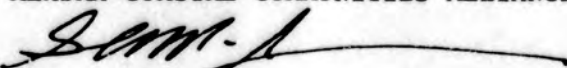
savings through reduced enforcement burden and overhead. Again, we ask that the offending 14(D) subsection be stricken from this bill.

A related area of concern is the increased operational costs incurred by the vessel operator due directly to the onboard observer program. We feel an actual reimbursement to these vessel operators needs to be considered. An example being the cost of food. Some operators pay insurance premiums based on crew size and with the addition of an observer onboard could be liable for increased insurance costs. Costs which we might add are already out of reach of some vessel operators and owners. In the case of insurance, simple reimbursement of increased premiums is not enough. We feel that the State should bear the full liability for the observer beyond the gross negligence of the operator or vessel owner. Some sort of hold-harmless clause protecting the vessel operators from frivolous or occupational related lawsuits needs to be considered to make this bill palatable to the majority of our fishermen.

If the above concerns are addressed then we feel we can be wholeheartedly behind the passage of Senate Bill 79. This bill properly enacted could go a long ways toward enhancing and protecting the various fisheries of Alaska.

In closing we wish to thank you for taking the time to consider this letter and wish you the very best in your decisions and deliberations. Again, thank you.

Sincerest Regards,
ALASKA COASTAL COMMUNITIES ALLIANCE



Slim M. Jorgensen
Member-Director

cc: Alliance's Member Organizations
Representative David W. Thompson
Senator Fred F. Zharoff

Domestic Observers: Is it Time to Start Watching Ourselves?

by John van Amerongen

"I feel like a doctor trying to find the cure for AIDS." That's how fisherman Bart Eaton described his frustration at the first meeting of the NPFMC workgroup on domestic observers. The seven-man team met in Seattle October 14 at the Wharf restaurant.

The challenge for the workgroup is to come up with a method for implementing observer coverage on U.S. vessels operating within the 200-mile FCZ. It's an ironic twist to the whole concept of Americanization—once the foreigners have gone, we have to start watching ourselves.

Since the Magnuson Act was amended in 1982 and provisions were made for an observer surcharge to foreign fleets, the NMFS goal has been to place an observer on every foreign fishing vessel. Actual coverage is somewhat less. During 1984 the Foreign Fisheries Observer Program provided more than 24,000 days of observer coverage on foreign and joint-venture fisheries. Actual coverage attained in the Bering Sea-Aleutians amounted to 86.3 percent and Gulf of Alaska coverage was better than 90 percent.

The federally mandated role of

the observer on a foreign vessel is twofold. Not only is he present to record catch data, but he is also there to ensure the vessel is operated in accordance with current U.S. fishery regulations.

As observers train their binoculars from the foreign to the domestic fleet, three key questions must be answered: 1) Will domestic observers continue to be both biologists and policemen? 2) How many will be needed to adequately cover the domestic fleet? 3) Who's going to pay for them? These questions, of course, are predicated on the assumption that observers are necessary at all.

Why do we need observers on U.S. vessels? According to Russ Nelson, who coordinates the NMFS observer program at the Northwest and Alaska Fisheries Center, observer data is necessary to round out and verify the data collected by NOAA vessels on their annual stock assessment surveys. As fishermen themselves often argue, survey data does not always mirror information collected from actual fishing vessels involved in an ongoing fishery.

Nelson, who did not attend the October meeting, admits that observers aren't necessary for all information on the domestic catch. Data on the total retained catch is

generally available when domestic vessels off-load, particularly when they off-load unprocessed fish.

When the catch is filleted, formed, or minced, however, it becomes much more difficult to generate information on the size, sex and age composition of the catch. Nevertheless, the focus isn't just on catcher/processors. Important data on incidental catches and discards of prohibited and low-quota species need to represent all vessels in the fishery if it's to be accurate. And accuracy counts.

If biologists and fishery managers don't get enough information, as Nelson puts it, "They have to live with the data they have."

According to Nelson, there are data gaps already developing as a result of Americanization. A prime area of concern right now is Shelikof Strait. Both foreign and joint-venture fisheries will likely be eliminated next year due to a decline in pollock stocks and an increase in domestic effort.

Shelikof stock assessments in the past have been based on a combination of survey and foreign observer data. Said Nelson, "For the past 4-5 years we've used both sources." Soon there will be no foreign observer data on that fishery, one less piece in the puzzle.

Faced with a shortage of verifiable data, managers take a more cautious, conservative approach to OY figures and quotas—at least that's what fishermen claim. Since nobody wants to take responsibility for wiping out a resource, ties go to the fish, not the fishermen.

Better domestic coverage, some argue, would not only decrease the possibility of a manmade resource disaster, but it would likely result in more liberal quotas for verifiably healthy stocks. Accurate recording might also open the door to retention of non-target species that would otherwise have to be discarded. That's the bottom-line reason for fishermen to support the domestic observer program—but unfortunately, nothing is simple.

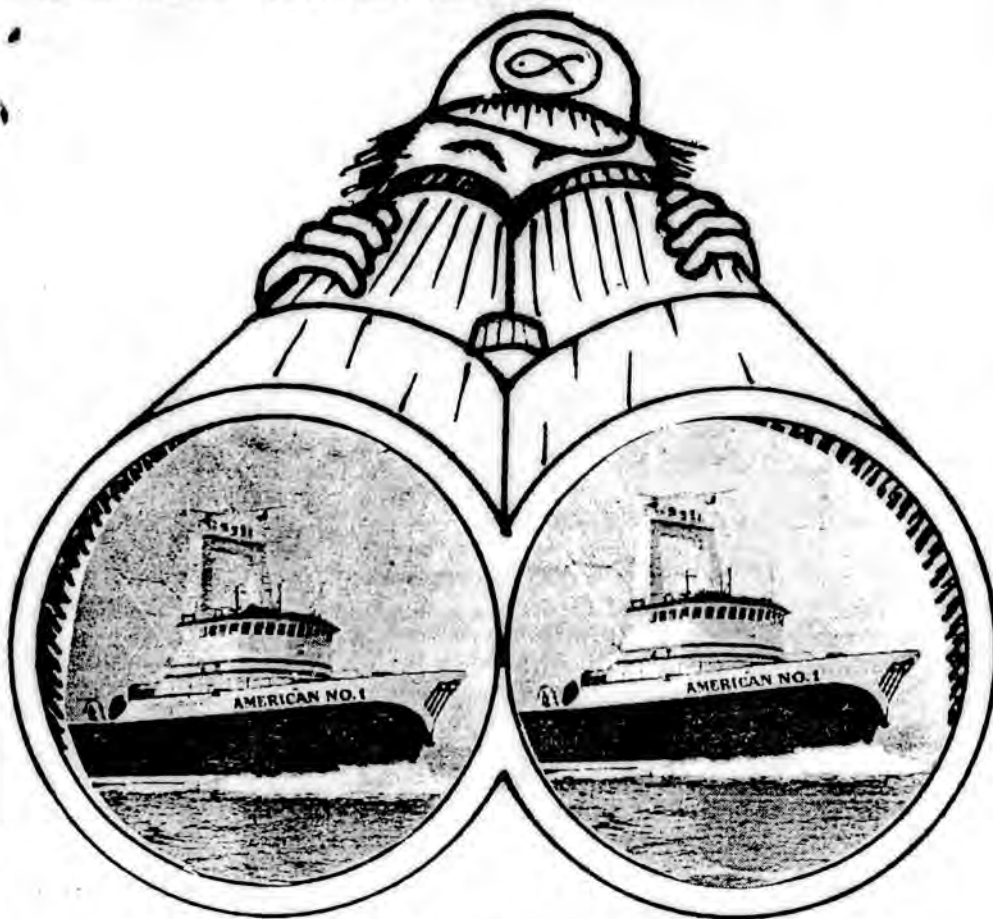
As Councilman Rudy Peterson put it, "It's a tough nut."

The first tough question is whether domestic observers should also be policemen. Most of those attending the October workgroup meeting agreed that fishermen would not likely welcome a Big Brother onboard.

Councilman Oscar Dyson questioned whether it would be reasonable to expect observers to report violations by domestic fishermen. "Unless the observer is trained," Dyson noted, "you put him in a hostile environment... he's not going to do it."

Bob Alverson, chairman of the workgroup, noted that observers and their logs would be subject to subpoena, whether the intent was scientific, or not.

The next big question deals with observer coverage. Just how many



If biologists and fishery managers don't get enough information . . . they have to live with the data they have.

observers would it take to handle the domestic fishery? According to Russ Nelson, and these were his personal ideas, "somewhere between 25 and 30 percent" coverage would be enough to get a scientific picture of the catch.

Nelson's estimate was a far cry from Oscar Dyson's suggestion to keep one observer in Kodiak year round and assign him to special target fisheries as needed. Dyson's philosophy was to "start small . . . and see where it goes."

One observer would be enough, said Nelson, if he were sampling a four-boat fishery. Larger fleets would require more observers to obtain a statistically representative sampling. Said Nelson, "You need to get enough to make some judgments about the data you get."

If you want observers to be enforcement officers in the domestic

fishery, coverage would have to be closer to 100 percent, Nelson said. It's safe to say that would cause a more than small rumble in the fishing community, especially if fishermen had to pay for the service themselves. And that brings up the third big question: Who's going to pay for this?

Foreign fleets pay for the observers on their own vessels through the observer surcharge authorized by Congress in 1982, but there are no funds currently available to fund domestic observers. Some fishermen think the federal government should pick up the tab for Americanization of the observer program, but Rudy Peterson thinks the Feds have other ideas.

Commenting on the federal trend toward user fees, Peterson said, "I don't think anybody in government has any other idea than this (fund-

ing) coming out of the industry."

That makes the nut particularly tough, especially when you figure in insurance cost. Some consider insurance liability the ultimate roadblock to the implementation of the program. Given the large awards available to crewmen injured at sea, what's to prevent an injured observer—or worse, the family of a dead observer—from suing the vessel owners for millions? The question has yet to be answered fully.

Bob Alverson brought with him some estimates of liability insurance premiums. According to Alverson, \$2 million worth of liability insurance for one observer on a dragger in the Bering Sea would cost the vessel owner about \$1800 a month. That's just for the insurance; the cost of the observer would be extra.

There are some in the industry who claim nothing will happen until the insurance crisis is solved. Still, there are plenty of other questions to be answered: Is this just a program for draggers, or are pot vessels and longliners eligible as well? Surely longliners would benefit from closer scrutiny of dragger bycatch, so wouldn't they be considered users and share the cost? What about salmon fishermen and crabbers? What if there isn't a bunk available for the observer? What if the skipper refuses to take an observer aboard? Who's going to administer the program, the Council or NMFS? And what if the Council can't get the information it needs to make sound management decisions?

Fishermen with answers, opinions, or further questions about the domestic observer program can attend the next meeting of the domestic observer workgroup to be held in conjunction with the Anchorage meeting of the North Pacific Fishery Management Council. Call the Council office (907) 274-5467 for time and location. Those not able to attend can send written comments to Ron Miller at the Council office (P.O. Box 103163, Anchorage 99501) or contact the following workgroup members: Bob Alverson, Rudy Peterson, Bart Eaton, John Winther, Barry Fisher or Oscar Dyson. □



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

February 18, 1986

Mr. Anthony Calio
NOAA Administrator
U.S. Department of Commerce
14th and Constitutional Avenue N.W.
Washington, D.C. 20730

Dear Mr. Calio:

The House Special Committee on Fisheries today approved legislation that would authorize an on-board observer program for domestic fishing vessels operating in Alaska waters. Since this is an issue of great concern to Alaska's fishing community, we are optimistic that the measure will be approved before the legislature adjourns in May.

We have directed the Alaska Department of Fish and Game to study methods of providing continuing funding for this program so it will not be solely dependent upon tax dollars in future years. The department also will be working closely with federal officials to ensure that we have a consolidated observer program in waters under state and federal jurisdictions.

The pilot program authorized by House Bill 355 will cost \$300,000, but this falls far short of covering the basic immediate need for observer coverage on domestic fishing vessels in Alaska's 200-mile zone. Consequently, we strongly urge your endorsement of a request by the Alaska office of the National Marine Fisheries Service to allocate \$250,000 for a pilot domestic observer program.

We hope to be working closely with the federal government in the structuring of a comprehensive on-board observer program that is funded through a variety of sources. Approval of these two pilot projects is essential to the establishment of a framework for an ongoing, cooperative effort.

Mr. Anthony Calio
February 18, 1986
Page Two

Again, we strongly urge your support of the \$250,000 NMFS pilot domestic fishing vessel observer program for Alaska waters. Thank you for your consideration of our request.

Sincerely,

Peter Goll
Chairman

c.c. Senator Ted Stevens
 Senator Frank Murkowski
 Representative Don Young

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 2/14/86

REQUEST

Bill/Resolution No.: HB 355
 Title: ... Authorizing the establishment of onboard observer programs ...
 Sponsor: Thompson
 Requestor: House Special Comm on Fisheries
 Date of Request: 2/14/86

FISCAL DETAIL

Agency Affected: Fish & Game
 BRU: Fisheries Resource Conservation
 Components: Commercial Fisheries

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		278.2	313.5	353.3	398.2	448.8
TRAVEL		18.0	20.3	22.8	25.7	29.0
CONTRACTUAL		2.2	2.5	2.8	3.2	3.6
SUPPLIES		2.8	3.2	3.6	4.1	4.6
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		301.2	337.0	382.5	431.2	486.0

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

REVENUE						
----------------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		101.2	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER		200.0	337.0	382.5	431.2	486.0
TOTAL		301.2	337.0	382.5	431.2	486.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

* (See attached sheet)

Prepared by: Robert C. Clashy Phone: 465-4210
 Division: Commercial Fisheries Date: 2/14/86

Approved by Commissioner: [Signature] Date: 2/18/86
 Agency: Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Analysis:

This fiscal note shows a reduction in expenses and change in funding source from the fiscal note dated 2/4/86. The expenditures have been reduced by 98.8 thousand dollars for FY 87, and reflected through FY 91, based on the assumption that the NMFS will fund an onboard observer program for the Pacific cod fishery in the Bering Sea. The funding sources have been changed to show 200.0 thousand dollars as coming from the Fish and Game fund. This change is based on the assumption that the 200.0 thousand dollars from the civil settlement of the Baranof case will be approved by Legislative Budget and Audit for expenditure on the onboard observer program for FY 87. The "other" funding source for FY 88 through FY 89 is based on the assumption that the State of Alaska and the Federal Government will develop a funding mechanism that is acceptable to the fishing industry and will ensure adequate coverage of fisheries that take place in both state and federal waters.

Salmon catch sampling, such as the program for the South Unimak and Shumagin Islands fishery, is not covered under this fiscal note, as that program is funded under the Division of Commercial Fisheries operational budget.



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

M E M O R A N D U M

February 8, 1986

TO: Members, House Special Committee on Fisheries
FROM: Representative Peter Goll *P. Goll*
SUBJECT: House Bill 355 (Onboard Observer Program)

House Bill 355 authorizes and funds an onboard observer program for the domestic fishing fleet under state jurisdiction. It will be considered at a public hearing at 8:30 a.m. Tuesday, February 11.

The legislation allows the state of Alaska to require that certain fishing operations have on-board observers hired by the state. The observers monitor catches coming aboard the vessel to gather biological information and to enforce some regulations.

The federal government now requires observers on foreign fishing operations in our 200-mile zone. The cost of the federal observer program is paid by the foreign fishermen through a fee process. The need for a program placing observers on domestic fishing vessels is a source of concern as American fishermen displace the foreign fleets in our offshore fisheries.

Under the terms of the Magnuson Fisheries Conservation Management Act, the federal government is precluded from assessing U.S. fishermen for more than the basic costs of administering the program. Their fees cannot be used to pay observer salaries, provide insurance coverage for sea duty or cover training costs.

The National Marine Fisheries Service recently submitted a \$250,000 request to fund a pilot domestic observer programs, but the cost-cutting atmosphere currently surrounding the federal budgeting process raises many questions about whether the project will be funded.



Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-4924

M E M O R A N D U M

February 13, 1986

TO: Representative Peter Goll
FROM: Rodger Painter
SUBJECT: Amendments to HB 355

Page 5, lines 11-18, replace existing language with the following:

(12) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c), after making a written determination that an onboard observer program

(A) is a practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs promulgated by other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council and the International Pacific Halibut Commission.

Page 1, line 21, make the following change after "(1) is":

[THE ONLY] a

Page 5, line 26, add a new section 5 as follows and renumber accordingly:

* Sec. 5. AS 16.05.055. ONBOARD OBSERVER PROGRAM. The commissioner may enter into appropriate contracts and agreements with other agencies, such as the National Marine Fisheries Service, North Pacific Fishery Management Council and the International Pacific Halibut Commission, designed to ensure onboard observer programs conducted in the fisheries off Alaska are coordinated and consistent for vessels operating in state and federal waters.

HB 355 Amendments
February 14, 1986
Page Two

Page 5, line 26, add the following language to session law:

The Legislature finds that it is important to explore long-term financing mechanisms that ensure a stable onboard observer program not solely dependent upon state and federal appropriations. The legislature believes that the program should be funded through a variety of sources. The legislature also finds it critical that fishing vessels within state and federal waters are subject to identical regulations, permits and fees. To this end, the commissioner of the Department of Fish and Game shall study funding and jurisdictional issues and report back to the legislature with his findings and recommendations no later than January 31, 1987.

Original sponsors: Thompson, Goll
and Binkley

1 IN THE HOUSE

BY THE HOUSE SPECIAL
COMMITTEE ON FISHERIES

2 CS FOR HOUSE BILL NO. 355 (Fisheries)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the establishment and implementa-
7 tion of on-board observer programs; and providing for
8 an effective date."

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

10 * Section 1. FINDINGS. (a) The legislature finds that, in particular
11 fisheries, observers on board fishing vessels would greatly enhance manage-
12 ment, primarily by facilitating information gathering, and additionally by
13 improving compliance. In fact, in those fisheries, on-board observers may
14 be the only practical data-gathering or enforcement mechanism. Some Alaska
15 fisheries include a large component of vessels, such as catcher/processors
16 and floating processors, that rarely or never enter Alaskan ports. These
17 situations are virtually impossible to monitor without the systematic
18 coverage of observers actually on board. The legislature therefore finds
19 it necessary to authorize the Board of Fisheries to establish, and the
20 Department of Fish and Game to implement, on-board observer programs in
21 particular fisheries if the board determines that it (1) is a practical
22 data-gathering or enforcement mechanism, (2) will not unduly disrupt the
23 fishery, and (3) can be conducted at a reasonable cost. The board may
24 require observers on board vessels registered under the laws of the state,
25 even if the vessels do not take fish within three miles of shore, because
26 the catch beyond three miles can have significant impact upon state manage-
27 ment considerations. A search warrant, criminal or administrative, should
28 not be required in the implementation of a program, since the process of
29 obtaining one would be so cumbersome as to defeat the purpose of the

1 program.

2 (b) The legislature finds that it is important to explore long-term
3 financing mechanisms that ensure a stable on-board observer program not
4 solely dependent upon state and federal appropriations. The legislature
5 believes that the program should be funded through a variety of sources.
6 The legislature also finds it critical that fishing vessels in state and
7 federal waters be subject to identical regulations, permits, and fees.

8 * Sec. 2. AS 16.05.050 is amended to read:

9 Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commis-
10 sioner has, but not by way of limitation, the following powers and
11 duties:

12 (1) assist the United States Fish and Wildlife Service in
13 the enforcement of federal laws and regulations pertaining to fish and
14 game;

15 (2) through the appropriate state agency, acquire by gift,
16 purchase, or lease, or other lawful means, land, buildings, water,
17 rights-of-way, or other necessary or proper real or personal property
18 when the acquisition is in the interest of furthering an objective or
19 purpose of the department and the state;

20 (3) design and construct hatcheries, pipelines, rearing
21 ponds, fishways, and other projects beneficial for the fish and game
22 resources of the state;

23 (4) accept money from any person under conditions requiring
24 the use of the money for specific purposes in the furtherance of the
25 protection, rehabilitation, propagation, preservation, or investiga-
26 tion of the fish and game resources of the state or in settlement of
27 claims for damages to fish or game resources;

28 (5) collect, classify, and disseminate statistics, data and
29 information that, in the commissioner's discretion, will tend to

1 promote the purposes of this title except AS 16.51 and AS 16.52;

2 (6) capture, propagate, transport, buy, sell, or exchange
3 fish or game or eggs for propagating, scientific or stocking purposes;

4 (7) provide public facilities where necessary or proper to
5 facilitate the taking of fish or game, and enter into cooperative
6 agreements with any person to effect them;

7 (8) exercise administrative, budgeting, and fiscal powers;

8 (9) construct, operate, supervise, and maintain vessels
9 used by the Department of Fish and Game;

10 (10) authorize the holder of an interim-use permit under
11 AS 16.43 to engage on an experimental basis in commercial taking of a
12 fishery resource with vessel, gear, and techniques not presently
13 qualifying for licensing under this chapter in conformity with stan-
14 dards established by the Alaska Commercial Fisheries Entry Commission;

15 (11) not later than January 31 of each year, provide to the
16 commissioner of revenue the names of those fish and shellfish species
17 which the commissioner of fish and game designates as developing
18 commercial fish species for that calendar year; a fish or shellfish
19 species is a developing commercial fish species if, within a specified
20 geographical region,

21 (A) the optimum yield from the harvest of the species
22 has not been reached;

23 (B) a substantial portion of the allowable harvest of
24 the species has been allocated to fishing vessels of a foreign
25 nation; or

26 (C) a commercial harvest of the fish species has
27 recently developed;

28 (12) initiate or conduct research necessary or advisable to
29 carry out the purposes of this title except AS 16.51 and AS 16.52;

1 (13) enter into cooperative agreements with agencies of the
2 federal government, educational institutions, or other agencies or
3 organizations, when in the public interest, to carry out the purposes
4 of this title except AS 16.51 and AS 16.52;

5 (14) implement an on-board observer program authorized by
6 the Board of Fisheries under AS 16.05.251(a)(12); implementation

7 (A) must be as unintrusive to vessel operations as
8 practicable;

9 (B) must make scheduling and scope of observers'
10 activities as predictable as practicable; and

11 (C) does not require criminal or administrative search
12 warrants.

13 * Sec. 3. AS 16.05 is amended by adding a new section to read:

14 Sec. 16.05.055. ON-BOARD OBSERVER PROGRAM. The commissioner may
15 enter into appropriate contracts and agreements with agencies, such as
16 the National Marine Fisheries Service, North Pacific Fishery Manage-
17 ment Council, and the International Pacific Halibut Commission, de-
18 signed to ensure that on-board observer programs conducted in the
19 fisheries of the state are coordinated and consistent with each other
20 for vessels operating in state and federal water.

21 * Sec. 4. AS 16.05.251(a) is amended to read:

22 (a) The Board of Fisheries may adopt regulations it considers
23 advisable in accordance with the Administrative Procedure Act (AS 44.-
24 62) for

25 (1) setting apart fish reserve areas, refuges and sanctu-
26 aries in the waters of the state over which it has jurisdiction,
27 subject to the approval of the legislature;

28 (2) establishing open and closed seasons and areas for the
29 taking of fish;

1 (3) setting quotas, bag limits, harvest levels, and sex and
2 size limitations on the taking of fish;

3 (4) establishing the means and methods employed in the
4 pursuit, capture and transport of fish;

5 (5) establishing marking and identification requirements
6 for means used in pursuit, capture and transport of fish;

7 (6) classifying as commercial fish, sport fish or predators
8 or other categories essential for regulatory purposes;

9 (7) watershed and habitat improvement, and management,
10 conservation, protection, use, disposal, propagation and stocking of
11 fish;

12 (8) investigating and determining the extent and effect of
13 disease, predation, and competition among fish in the state, exercis-
14 ing control measures considered necessary to the resources of the
15 state;

16 (9) prohibiting and regulating the live capture, posses-
17 sion, transport, or release of native or exotic fish or their eggs;

18 (10) establishing seasons, areas, quotas and methods of
19 harvest for aquatic plants;

20 (11) establishing the times and dates during which the
21 issuance of fishing licenses, permits and registrations and the trans-
22 fer of permits and registrations between registration areas is al-
23 lowed; however, this paragraph does not apply to permits issued or
24 transferred under AS 16.43;

25 (12) requiring, in a fishery, observers on board fishing
26 vessels, as defined in AS 16.05.475(d), that are registered under the
27 laws of the state, as defined in AS 16.05.475(c), after making a
28 written determination that an on-board observer program

29 (A) is the only practical data-gathering or

1 enforcement mechanism for that fishery;

2 (B) will not unduly disrupt the fishery;

3 (C) can be conducted at a reasonable cost; and

4 (D) can be coordinated with observer programs of other
5 agencies, including the National Marine Fisheries Service, North
6 Pacific Fishery Management Council, and the International Pacific
7 Halibut Commission.

8 * Sec. 5. AS 16.05.940 is amended by adding a new paragraph to read:

9 (28) "fishery" means a specific administrative area in
10 which a specific fishery resource is commercially taken with a speci-
11 fic type of gear; however, the Board of Fisheries may designate a
12 fishery to include more than one specific administrative area, gear
13 type, or fishery resource; in this paragraph "gear" and "type of gear"
14 have the meanings given in AS 16.43.990.

15 * Sec. 6. In order to further the goals set out in sec. 1(b) of this
16 Act, the commissioner of fish and game shall study funding and jurisdic-
17 tional issues related to the on-board observer programs, and submit a
18 report on the matter to the legislature not later than January 31, 1987.

19 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).