

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1786 SCOMM 74: SEN. SPEC. COMM. ON DOMESTIC & INTL. FISH. , 1991-92...3

92141B

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
OWNERS OF PERMANENT PERMITS
AGED 65 AND OLDER
WHO DID NOT FISH THEIR PERMITS IN 1991

92-04-16

1

FISHERY	TRANSFERABILITY		
	NON-TRAN SFERABLE	TRANSFER ABLE	Total
C61A	0	1	1
G01A	0	5	5
G01H	0	1	1
G34A	0	1	1
G34E	0	1	1
G34Y	0	3	3
K69A	0	1	1
S01A	0	10	10
S01E	0	6	6
S01H	0	3	3
S01K	0	9	9
S01L	0	2	2
S01M	0	1	1
S03A	0	5	5
S03E	0	5	5
S03H	0	4	4
S03M	0	1	1
S03T	0	26	26
S04D	0	4	4
S04H	0	13	13
S04K	0	4	4
S04M	0	1	1
S04P	0	6	6
S04T	5	12	17
S04W	0	1	1
S04X	0	8	8
S04Y	0	7	7
S04Z	0	11	11
S05B	93	43	136
S08P	0	4	4
S15B	0	20	20
Total	98	219	317

92141B

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S01A	0	10	10
S01E	0	6	6
S01H	0	3	3
S01K	0	9	9
S01L	0	2	2
S01M	0	1	1
S03A	0	5	5
S03E	0	5	5
S03H	0	4	4
S03M	0	1	1
S03T	0	26	26
S04D	0	4	4
S04H	0	13	13
S04K	0	4	4
S04M	0	1	1
S04P	0	6	6
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Total	98	219	317

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

WALTER J. HICKEL, GOVERNOR

8800 GLACIER HIGHWAY, #109
JUNEAU, ALASKA 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other CFECC Calls
(907) 789-6170 FAX

FAX TRANSMITTAL SHEET

TO: Mary McDowell

DATE: April 20, 1992

FAX#: 485-4928

PAGES: 2 pages
(following this page)

FROM: Bruce Twomley, Chairman

Commercial Fisheries Entry Commission

RE: SB 423

Changes made in CSSB 423(RES) to reach Draft CSSB 423(FSH)

SUBSTANTIVE CHANGES:

Section 2.

Added that fisherman must have held a permit or interim-use permit during the 10 years, not only have participated (as a crewman, etc.)

Added that the 10 years of participation must have been immediately preceding the transfer request, not at just any time during life.

Changed "medical problems" to "illness or disability"

Removed eligibility of non-transferable permits as those are intended for fishermen with less dependence on fishing and are presumed to be leaving the fishery as fishermen age.

Section 3.

Added five-year sunset clause.

Section 4.

Added immediate effective date.

OTHER CHANGES:

Title

Tightened language slightly to explain that the transfers are for permit holders who are over 65 and ill or disabled, and adding effective date.

Section 1. FINDINGS:

(2) Changed "medica problems" to "illness or disability"

Removed finding about fishermen needing a retirement program.

(5) Changed "will enable many young Alaskans" to "may enable young Alaskans"

(7) Added that the 10 years of participation must be "immediately preceding the request to transfer," not just any ten years. Also added "and current dependence upon"

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**** DRAFT ****

LETTER OF INTENT FOR CSSB 423 (FSH)

By the Senate Special Committee on Domestic and
International Commercial Fisheries

It is the intent of the Legislature that the Commercial Fisheries Entry Commission will monitor the temporary transfer of limited entry permits allowed under the provisions of this bill and will report back to the Legislature by January 15, 1997. The report should include an analysis of how the temporary transfer provision has been working, and any effects it has had on the availability and distribution of permits and levels of participation in limited fisheries.

(Proposed later in House)

AMENDMENT

7-LS2087M.2
Utermohle
05/09/92

OFFERED IN THE HOUSE

TO: CSSB 423(FSH)

Page 2, lines 18 - 23:

Delete all material and insert:

"(c) The commission shall adopt regulations providing for the temporary transfer from year-to-year of an entry permit, other than an entry permit that is not transferable to a person under AS 16.43.170(c) or (e), if the permit holder

(1) is at least 65 years of age;

(2) has

(A) been an interim-use or entry permit holder

(i) during each of the years the fishery has existed, provided that the fishery has been in existence at least five years; or

(ii) for at least 10 years immediately preceding the request to transfer the entry permit; or

(B) received the entry permit as a result of being a member of the class of persons who received an entry permit under the settlement of Wassillie v. Simon; and

(3) is unable to participate in the fishery for reasons of illness or disability."

10 George C. ...
From Miley McCann 4453
AMENDMENT TO CS FOR SB 423 (FSH)

p.2, line 20, add following permit holder: during each of the years the fishery has existed, or

line 21, add following entry permit: or if the permit holder has received a permit as a result of membership in the Wassillie v. Simon settlement

Explanation of amendment:

The new language would allow holders of permits in new fisheries, such as the Nelson Island and Nunivak Island herring fisheries (established in 1985), to benefit from this provision. It would also allow those who have recently received permits under the Wassillie v. Simon settlement to participate in this program.

The commission shall adopt regulations providing for the temporary transfer from year-to-year of an entry permit if the permit holder is at least 65 years of age, has participated in the fishery as an interim-use or entry permit holder during each of the years the fishery has existed, or for at least 10 years immediately preceding the request to transfer the entry permit, or if the permit holder has received a permit as a result of membership in the Wassillie v. Simon settlement, and is unable to participate in the fishery for reasons of illness or disability.



SENATE SPECIAL COMMITTEE ON DOM/INT
COMMERCIAL FISHERIES

DATE: 4/24/92

SB 423 Temporary Transfer of Entry Permits

SIGN-IN

NAME

ADDRESS

(MAILING) & (ZIP)

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

[illegible]

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

WALTER J. HICKEL, GOVERNOR

8800 GLACIER HIGHWAY, #107
JUNEAU, ALASKA 99801
(907) 789-6180 Licensing Code
(907) 789-6160 Other CFECC Code
(907) 789-6170 FAX

FAX TRANSMITTAL SHEET

TO: MARY McDowell DATE: 4/22/92
FAX#: 465-4928 PAGES: 1
(following this page)

FROM: FRANK Homan
CPEC -

MESSAGE: ① Percent 65 years of age in 1991 = 7%.

② Percent + 50 years of age in 1991 = 30%.

IF ALL THOSE 50 years and older stay
in the fishery, then in 15 years there
will be 30% of all permit holders
eligible for year to year emergency transfers.
EVEN GIVEN THE FACT THAT SOME WILL DIE
there would be somewhere between 20 and
30% eligible.

THIS IS JUST A BALLPARK NUMBER BUT IT
SHOWS THAT OVER TIME THE NUMBER
ELIGIBLE WILL LIKELY INCREASE.

COMMERCIAL FISHERIES ENTRY COMMISSION
8900 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 13, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Total Permits Not Fished	Percent Permits Not Fished
ALL LIMITED ENTRY FISHERIES	Under 50	9,968	8,352	83.79%	1,616	16.21%
	50 - 59	2,487	1,982	79.69%	505	20.31%
	60 - 64	869	699	80.44%	170	19.56%
	65 and over	1,006	743	73.86%	263	26.14%
	Fishery Totals	14,330	11,776	82.19%	2,554	17.82%

Note: All permits where the age of the permit holder is unknown are included in the "Under 50" category.

$$\begin{array}{r} 2487 \\ 869 \\ \hline 1006 \\ \hline 4362 \end{array} \quad \frac{4362}{14330} = 30\%$$

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

WALTER J. HICKEL, GOVERNOR

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JUNEAU, ALASKA 99801
(907) 789-6180 Licensing Calls
(907) 789-6160 Other CFEC Calls
(907) 789-6170 FAX

FAX TRANSMITTAL SHEET

TO: Mary McDowell DATE: 4/15/92
FAX#: 465-4928 PAGES: 2
(following this page)
FROM: Frank Homan
CFEC

MESSAGE: MARY - HERE IS A DRAFT OF AN
INTERNAL MEMO FROM ONE OF OUR STAFF.
I THOUGHT THE LANGUAGE MIGHT BE HELPFUL
FOR THE CS YOU ARE WORKING ON.
THIS IS ONLY A FIRST DRAFT AND I'M
WAITING FOR OTHER COMMENTS BUT I
THOUGHT THIS HIT SOME OF THE HIGH
POINTS WE DISCUSSED. I WILL BE
OUT OF TOWN THURSDAY AND FRIDAY SO
PLEASE CALL BRUCE TWOMLEY IF YOU HAVE
ANY QUESTIONS. PLEASE SEND BRUCE ANY
CS THAT MIGHT COME ABOUT IN THE
NEXT COUPLE OF DAYS. BRUCE WILL CALL
YOU WHEN WE GET SOMETHING BACK FROM
DATA PROCESSING.

Frank

DRAFT

The following changes in the language of SB 623 are offered to clarify: (1) that only the holders of transferable permits can benefit from the provision; (2) that the permit holder must have held a permit or interim-use permit for the fishery in question for 10 years immediately prior to the emergency transfer request; and (3) that illnesses and disabilities are grounds for emergency transfer under this provision.

Section 1. Findings. The legislature finds that

.....

(2) commercial fishermen 65 years of age or older who, because of [MEDICAL PROBLEMS] illness, can no longer participate .

.....

AS 16.43.180 is amended by adding a new subsection to read:

(c) The commission shall adopt regulations providing for the temporary transfer from year-to-year of an entry permit if the permit holder is at least 65 years of age, has participated as an entry permit or interim-use permit holder in the fishery [FOR WHICH THE PERMIT IS ISSUED] for at least 10 years immediately preceding the temporary transfer request, and is unable to participate in the fishery for [MEDICAL] reasons of illness or disability. The provisions of this subsection shall not apply to permits which are made non-transferable under AS 16.43.170(c) or (e).

Notes:

The language identifying non-transferable permits was taken, with a slight modification, from AS 16.43.180(f), (which provides that non-transferable permits do not survive the death of the holder).

AS 16.43.180(a) refers to "illness" and "disability" as reasons for emergency transfers. To be consistent within the statute, these words should substitute for "medical" in the proposal.

0077000170
007400402010 8

The reason for requiring that the transferor held the permit for 10 years immediately prior to the request is to prevent someone who had already left the fishery, or who had participated only as a crewmember, from buying a permit for the purpose of leasing it under this provision.

DRAFT

Changes made in CSSB 423(RES) to reach Draft CSSB 423(FSH)

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Revision Date: 04/24/92

Department Affected: Fish and Game

Title: Temporary transfer of commercial fisheries entry permits

BRU: Commercial Fisheries (Limited) Entry Commission

Component: Limited Entry Program Administration

Sponsor: Senator Sharoff

Requestor: Senate Special Comm. on F&G, COMPONENT SERIAL NO.

0 4 7 1

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank Bonan

Phone: 789-6160

Division: Commercial Fisheries (Limited) Entry Commission Date: 04/24/92

Approved by Commissioner: Frank Bonan

Agency: Commercial Fisheries (Limited) Entry Commission Date: 04/24/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBM, Gov. Legis. Ofc., & impacted Agency(ies).

Rev 10/7/91

Page 1 of 1



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 485-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Dick Eliason
Chairman
Senate Special Committee on Domestic and
Internacional Commercial Fisheries

FROM: Senator Fred F. Zharoff

DATE: April 23, 1992

RE: CS For Senate Bill No. 423 (Resources) - "An Act
relating to the temporary transfers of commercial
fisheries entry permits."

BILL SUMMARY: CSSB 423 amends the emergency transfers section of the limited entry statutes. It requires the Commercial Fisheries Entry Commission to provide for the temporary emergency transfer of limited entry permits held by individuals age 65 or older who, for medical reasons, are unable to continue to participate in the fishery.

The amendment allows the commission to renew the transfer annually for multiple years. It limits the privilege to long time commercial fisherman, those who have participated/held a permit in a specific fishery for at least 10 years.

A CS is being prepared which specifies that the transfer would only be applicable in cases where the permit-holder suffers from illness or disability.

PREVIOUS ACTION: Moved out of the Senate Resources Committee on April 14 (4 DP, 1 NR).

FISCAL IMPACT: Zero fiscal note from the Commercial Fisheries Entry Commission.

BACKGROUND INFORMATION: Under current law, older commercial fishermen have few options open to them when they reach the age where, for medical reasons (illness or disability), they are unable to continue to participate in physically demanding commercial fisheries. At that time, they must either sell or transfer their permits, forever giving up their privilege to own and operate commercial fishing operations.

CSSB 423 would allow commercial fishermen 65 years of age or older to temporarily transfer their permits to another

individual or a younger family member, continue to earn income, and -- if their health returns -- resume commercial fishing. In the meantime, younger individuals would have opportunities to gain experience in the fisheries and to earn incomes that they can put toward purchasing their own permits.

The age of 65 was chosen as the qualifying age because it conforms to precedent. The age of 65 is -- across the nation -- the standard age for retirement. It is the age in Alaska when people qualify for the longevity bonus and a host of other programs.

The requirement that a person participate in the fishery for at least 10 years is an effort to discourage speculators who would buy a permit without the intention of fishing it themselves and instead just live off the income generated by the person to whom they have transferred it. Our intent is to limit the beneficiaries of this provision to bonafide commercial fishermen who have invested considerable time and money in participating in specific fisheries. The 10 year requirement is the best method we could devise for accomplishing this goal.

ATTACHED BACKUP INFORMATION:

1. Fiscal note from the Commercial Fisheries Entry Commission.
2. Letter of support from Roger and Randy Briggs of Ugashik, April 8, 1992.
3. Copy of the emergency transfers statute, AS 16.43.180.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 423

Revision Date: _____ Department Affected: Fish and Game
 Title: Temporary transfer of commercial fish entry permits BRU: Commercial Fisheries (Limited) Entry Commission
 Sponsor: Senator Zharoff Component: Limited Entry Program Administration
 Requestor: Senator Zharoff COMPONENT SERIAL NO 0 4 7 1

EXPENDITURES/REVENUES:(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 4/6/92
 Approved by Commissioner: Thomas M. Hansen
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 4/6/92

Distribution (by preparer): Leg.Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Leg. Cfc., & Impacted Agency(ies).

Rev 10/7/91

Page 1 of 1

Ugashik, Alaska 99613

April 8, 1992

Senator Fred Zharoff

P.O. Box V, Juneau, Alaska 99011

Dear Senator Zharoff:

Re: Amendment to Limited Entry Law 16.43-180

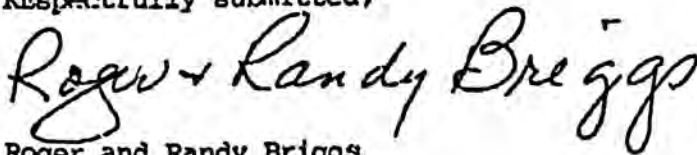
Add a new subsection c.

"The Commission shall adopt regulations providing for the temporary transfer from year to year of an entry permit if the permit holder is at least 65 years of age, has participated in the fishery for which the permit is issued for at least 10 years and is unable to participate in the fishery for medical reasons."

We support this bill for the following reasons:

1. No provision was made in the original Limited Entry Law or subsequent regulations for multiple year transfers for senior fishermen with continuing medical problems.
2. As of 1989, according to a Limited Entry Commission report requested by Senator Zharoff, 3222 fishermen in the state were between 60 and 70 years of age, while an additional 1364 were over 69 years of age.
3. This amendment is not a new concept because in two other circumstances multiple year transfers are permitted by the Commission.
 - a. An estate may emergency transfer a permit year after year until the estate is settled.
 - b. A permit inherited by a minor may be transferred year after year until the minor reaches the age-of-presumptive ability to participate.
4. This amendment would provide a fisherman 65 years of age or older an option to continue to participate in the fishery but in a less strenuous manner, thereby imparting the knowledge gained thru many years of experience to a younger fisherman..

Respectfully submitted,



Roger and Randy Briggs

Effect of amendments. — The 1989 amendment, effective May 31, 1989, added subsection (f).

The 1990 amendment, effective July 12, 1990, added the second sentence of subsection (a).

Editor's notes. — Section 6, ch. 63,

SLA 1989 provides that subsection (f) of this section, added by § 5, ch. 63, SLA 1989 is "applicable to cases involving a commercial fishing violation or theft of commercial fishing gear that occurs on or after May 31, 1989."

Sec. 16.43.180. Emergency transfers. (a) The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim-use permits when illness, disability, death, required military or government service, or other unavoidable hardship prevents the permit holder from participating in the fishery. To alleviate hardship pending a final determination of the permit holder's eligibility for an entry permit, the commission shall adopt regulations providing for the temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or 16.43.225.

(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate. (§ 1 ch 79 SLA 1973; am § 5 ch 73 SLA 1977; am § 5 ch 123 SLA 1978; am § 5 ch 34 SLA 1991)

Effect of amendments. — The 1991 amendment, effective June 13, 1991, added "or 16.43.225" to the end of subsection (a).

Article 3. Initial Issuance of Entry Permits.

Section

210. Interim-use permit; qualifications
225. Moratorium on new entrants into certain fisheries
227. Southeast Alaska dungeness crab fishery

Section

240. Determination of the maximum number of entry permits for initial issue
260. Application for initial issue of entry permits

Sec. 16.43.210. Interim-use permit; qualifications. (a) Pending the establishment of the maximum number of entry permits under AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue interim-use permits under regulations adopted by the commission for each fishery, not subject to a moratorium under AS 16.43.225, to all applicants who can establish their present ability to participate actively in the fishery for which they are making application.

(b) Before the issuance of the maximum number of entry permits for a given fishery, the commission may issue an interim-use permit to an applicant who may later become eligible for an entry permit under AS 16.43.270.

(c) To the extent that the commissioner of fish and game authorizes it under AS 16.05.050(10), the commission may grant an interim-use



Alaska State Senate

Office of the President

Senator Richard I. Eliason, President

All limited fishery
with perm permits

65+ - 267 - not
fished

60-64 - 170 - not
fished

13,000 - approx - TOTAL
perm permits

**Number of Permits Issued and Number of Permits Fished
By Year and Age
For the Limited Entry Fisheries**

**Prepared by:
Susan M. Shirley**

CFEC Report 92-08

April 10, 1992

**Commercial Fisheries Entry Commission
8800 Glacier Highway #109
Juneau, Alaska 99801
Telephone: (907) 789-6160 FAX: 789-6170**

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S01A SOUTHEAST SALMON SEINE	Under 50	281	262	93.24%	19	6.76%
	50 - 59	66	60	90.91%	6	9.09%
	60 - 64	33	28	84.85%	5	15.15%
	65 and over	40	33	82.50%	7	17.50%
	Fishery Totals	420	383	91.19%	37	8.81%
S03A SOUTHEAST SALMON DRIFT GILL NET	Under 50	321	314	97.82%	7	2.18%
	50 - 59	94	87	92.55%	7	7.45%
	60 - 64	35	33	94.29%	2	5.71%
	65 and over	35	32	91.43%	3	8.57%
	Fishery Totals	485	466	96.08%	19	3.92%
S15B SOUTHEAST SALMON POWER TROLL	Under 50	550	497	90.36%	53	9.64%
	50 - 59	227	197	86.78%	30	13.22%
	60 - 64	80	71	88.75%	9	11.25%
	65 and over	101	82	81.19%	19	18.81%
	Fishery Totals	958	847	88.41%	111	11.59%
S05B SOUTHEAST SALMON HAND TROLL	Under 50	1,019	439	43.08%	580	56.92%
	50 - 59	382	141	36.91%	241	63.09%
	60 - 64	136	48	35.29%	88	64.71%
	65 and over	209	72	34.45%	137	65.55%
	Fishery Totals	1,746	700	40.09%	1,046	59.91%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04D YAKUTAT SALMON SET NET	Under 50	124	121	97.58%	3	2.42%
	50 - 59	23	20	86.96%	3	13.04%
	60 - 64	6	6	100.00%	0	0.00%
	65 and over	15	14	93.33%	1	6.67%
	Fishery Totals	168	161	95.83%	7	4.17%
G01A SOUTHEAST SAC ROE HERRING SEINE	Under 50	29	10	34.48%	19	65.52%
	50 - 59	9	5	55.56%	4	44.44%
	60 - 64	5	4	80.00%	1	20.00%
	65 and over	8	3	37.50%	5	62.50%
	Fishery Totals	51	22	43.14%	29	56.86%
G34A SOUTHEAST SAC ROE HERRING GILL NET	Under 50	82	58	70.73%	24	29.27%
	50 - 59	28	20	71.43%	8	28.57%
	60 - 64	5	2	40.00%	3	60.00%
	65 and over	6	4	66.67%	2	33.33%
	Fishery Totals	121	84	69.42%	37	30.58%
C61A NORTHERN SE INSIDE SABLEFISH LONGLINE	Under 50	87	86	98.85%	1	1.15%
	50 - 59	16	16	100.00%	0	0.00%
	60 - 64	12	12	100.00%	0	0.00%
	65 and over	12	12	100.00%	0	0.00%
	Fishery Totals	127	126	99.21%	1	0.79%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
C61C SOUTHERN SE INSIDE SABLEFISH LONGLINE	Under 50	17	15	88.24%	2	11.76%
	50 - 59	6	6	100.00%	0	0.00%
	60 - 64	3	3	100.00%	0	0.00%
	65 and over	5	5	100.00%	0	0.00%
	Fishery Totals	31	29	93.55%	2	6.45%
C91C SOUTHERN SE INSIDE SABLEFISH POTS	Under 50	1	1	100.00%	0	0.00%
	50 - 59	1	0	0.00%	1	100.00%
	Fishery Totals	2	1	50.00%	1	50.00%
K19A SOUTHEAST RED/BLUE KING CRAB POTS	Under 50	2	2	100.00%	0	0.00%
	Fishery Totals	2	2	100.00%	0	0.00%
K29A SOUTHEAST RED/BLUE/BROWN KING CRAB POTS	Under 50	3	3	100.00%	0	0.00%
	Fishery Totals	3	3	100.00%	0	0.00%
K39A SOUTHEAST BROWN KING CRAB POTS	Under 50	1	1	100.00%	0	0.00%
	50 - 59	2	2	100.00%	0	0.00%
	Fishery Totals	3	3	100.00%	0	0.00%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
K49A SOUTHEAST RED/BLEU KING + TANNER POTS	Under 50	11	10	90.91%	1	9.09%
	50 - 59	4	3	75.00%	1	25.00%
	60 - 64	2	2	100.00%	0	0.00%
	65 and over	3	2	66.67%	1	33.33%
	Fishery Totals	20	17	85.00%	3	15.00%
K59A SOUTHEAST BROWN KING + TANNER POTS	Under 50	6	5	83.33%	1	16.67%
	65 and over	2	1	50.00%	1	50.00%
	Fishery Totals	8	6	75.00%	2	25.00%
K69A SOUTHEAST KING (ALL) + TANNER POTS	Under 50	29	28	96.55%	1	3.45%
	50 - 59	2	2	100.00%	0	0.00%
	60 - 64	4	4	100.00%	0	0.00%
	65 and over	6	5	83.33%	1	16.67%
	Fishery Totals	41	39	95.12%	2	4.88%
T19A SOUTHEAST TANNER CRAB POTS	Under 50	10	7	70.00%	3	30.00%
	50 - 59	5	4	80.00%	1	20.00%
	Fishery Totals	15	11	73.33%	4	26.67%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S01E PRINCE WILLIAM SOUND SALMON SEINE	Under 50	205	194	94.63%	11	5.37%
	50 - 59	39	38	97.44%	1	2.56%
	60 - 64	14	12	85.71%	2	14.29%
	65 and over	13	9	69.23%	4	30.77%
	Fishery Totals	271	253	93.36%	18	6.64%
S03E PRINCE WILLIAM SD SALMON DRIFT GILL NET	Under 50	406	393	96.80%	13	3.20%
	50 - 59	92	86	93.48%	6	6.52%
	60 - 64	24	23	95.83%	1	4.17%
	65 and over	19	15	78.95%	4	21.05%
	Fishery Totals	541	517	95.56%	24	4.44%
S04E PRINCE WILLIAM SD SALMON SET NET	Under 50	21	20	95.24%	1	4.76%
	50 - 59	5	5	100.00%	0	0.00%
	60 - 64	3	3	100.00%	0	0.00%
	65 and over	1	1	100.00%	0	0.00%
	Fishery Totals	30	29	96.67%	1	3.33%
G01E PRINCE WILLIAM SD SAC ROE HERRING SEINE	Under 50	82	80	97.56%	2	2.44%
	50 - 59	16	15	93.75%	1	6.25%
	60 - 64	5	5	100.00%	0	0.00%
	65 and over	4	4	100.00%	0	0.00%
	Fishery Totals	107	104	97.20%	3	2.80%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
G34E PRINCE WILLIAM SD SAC ROE HERR GILL NET	Under 50	18	18	100.00%	0	0.00%
	50 - 59	4	4	100.00%	0	0.00%
	60 - 64	1	1	100.00%	0	0.00%
	65 and over	1	1	100.00%	0	0.00%
	Fishery Totals	24	24	100.00%	0	0.00%
L21E PRINCE WILLIAM SD HERRING SPAWN POUND	Under 50	112	105	93.75%	7	6.25%
	50 - 59	13	11	84.62%	2	15.38%
	60 - 64	3	3	100.00%	0	0.00%
	Fishery Totals	128	119	92.97%	9	7.03%
S01H COOK INLET SALMON SEINE	Under 50	60	52	86.67%	8	13.33%
	50 - 59	11	8	72.73%	3	27.27%
	60 - 64	6	5	83.33%	1	16.67%
	65 and over	6	3	50.00%	3	50.00%
	Fishery Totals	83	68	81.93%	15	18.07%
S03H COOK INLET SALMON DRIFT GILL NET	Under 50	373	370	99.19%	3	0.81%
	50 - 59	122	121	99.18%	1	0.82%
	60 - 64	45	43	95.56%	2	4.44%
	65 and over	44	44	100.00%	0	0.00%
	Fishery Totals	584	578	98.97%	6	1.03%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04H COOK INLET SALMON SET NET	Under 50	535	463	86.54%	72	13.46%
	50 - 59	101	89	88.12%	12	11.88%
	60 - 64	48	43	89.58%	5	10.42%
	65 and over	61	53	86.89%	8	13.11%
	Fishery Totals	745	648	86.98%	97	13.02%
G01H COOK INLET SAC ROE HERRING SEINE	Under 50	60	46	76.67%	14	23.33%
	50 - 59	7	6	85.71%	1	14.29%
	60 - 64	6	4	66.67%	2	33.33%
	65 and over	3	2	66.67%	1	33.33%
	Fishery Totals	76	58	76.32%	18	23.68%
S01K KODIAK SALMON SEINE	Under 50	299	276	92.31%	23	7.69%
	50 - 59	53	44	83.02%	9	16.98%
	60 - 64	21	19	90.48%	2	9.52%
	65 and over	15	9	60.00%	6	40.00%
	Fishery Totals	388	348	89.69%	40	10.31%
S02K KODIAK SALMON BEACH SEINE	Under 50	28	15	53.57%	13	46.43%
	50 - 59	4	2	50.00%	2	50.00%
	60 - 64	1	0	0.00%	1	100.00%
	Fishery Totals	33	17	51.52%	16	48.48%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04K KODIAK SALMON SET NET	Under 50	143	142	99.30%	1	0.70%
	50 - 59	26	24	92.31%	2	7.69%
	60 - 64	8	7	87.50%	1	12.50%
	65 and over	12	12	100.00%	0	0.00%
	Fishery Totals	189	185	97.88%	4	2.12%
G01K KODIAK SAC ROE HERRING SEINE	Under 50	59	28	47.46%	31	52.54%
	50 - 59	9	3	33.33%	6	66.67%
	60 - 64	2	1	50.00%	1	50.00%
	Fishery Totals	70	32	45.71%	38	54.29%
G34K KODIAK SAC ROE HERRING GILL NET	Under 50	85	55	64.71%	30	35.29%
	50 - 59	12	7	58.33%	5	41.67%
	60 - 64	3	2	66.67%	1	33.33%
	65 and over	2	0	0.00%	2	100.00%
	Fishery Totals	102	64	62.75%	38	37.25%
S01L CHIGNIK SALMON SEINE	Under 50	66	66	100.00%	0	0.00%
	50 - 59	19	19	100.00%	0	0.00%
	60 - 64	8	8	100.00%	0	0.00%
	65 and over	8	8	100.00%	0	0.00%
	Fishery Totals	101	101	100.00%	0	0.00%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S01M PEN/ALEUTIANS SALMON SEINE	Under 50	77	76	98.70%	1	1.30%
	50 - 59	28	27	96.43%	1	3.57%
	60 - 64	11	10	90.91%	1	9.09%
	65 and over	10	7	70.00%	3	30.00%
	Fishery Totals	126	120	95.24%	6	4.76%
S03M PEN/ALEUTIANS SALMON DRIFT GILL NET	Under 50	135	134	99.26%	1	0.74%
	50 - 59	18	17	94.44%	1	5.56%
	60 - 64	4	4	100.00%	0	0.00%
	65 and over	7	7	100.00%	0	0.00%
	Fishery Totals	164	162	98.78%	2	1.22%
S04M PEN/ALEUTIANS SALMON SET NET	Under 50	90	87	96.67%	3	3.33%
	50 - 59	9	8	88.89%	1	11.11%
	60 - 64	5	5	100.00%	0	0.00%
	65 and over	10	10	100.00%	0	0.00%
	Fishery Totals	114	110	96.49%	4	3.51%
S03T BRISTOL BAY SALMON DRIFT GILL NET	Under 50	1,210	1,210	100.00%	0	0.00%
	50 - 59	416	413	99.28%	3	0.72%
	60 - 64	123	123	100.00%	0	0.00%
	65 and over	132	127	96.21%	5	3.79%
	Fishery Totals	1,881	1,873	99.57%	8	0.43%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04T BRISTOL BAY SALMON SET NET	Under 50	791	743	93.93%	48	6.07%
	50 - 59	129	113	87.60%	16	12.40%
	60 - 64	37	34	91.89%	3	8.11%
	65 and over	68	60	88.24%	8	11.76%
	Fishery Totals	1,025	950	92.68%	75	7.32%
L12T BRISTOL BAY HERRING SPAWN ON KELP	Under 50	369	200	54.20%	169	45.80%
	50 - 59	55	26	47.27%	29	52.73%
	60 - 64	14	9	64.29%	5	35.71%
	65 and over	10	6	60.00%	4	40.00%
	Fishery Totals	448	241	53.79%	207	46.21%
S04P UPPER YUKON SALMON GILL NET	Under 50	41	19	46.34%	22	53.66%
	50 - 59	10	6	60.00%	4	40.00%
	60 - 64	12	8	66.67%	4	33.33%
	65 and over	9	3	33.33%	6	66.67%
	Fishery Totals	72	36	50.00%	36	50.00%
S08P UPPER YUKON SALMON FISHWHEEL	Under 50	91	60	65.93%	31	34.07%
	50 - 59	28	18	64.29%	10	35.71%
	60 - 64	16	15	93.75%	1	6.25%
	65 and over	20	17	85.00%	3	15.00%
	Fishery Totals	155	110	70.97%	45	29.03%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04W KUSKOKWIM SALMON GILL NET	Unknown	1	1	100.00%	0	0.00%
	Under 50	649	638	98.31%	11	1.69%
	50 - 59	121	115	95.04%	6	4.96%
	60 - 64	42	40	95.24%	2	4.76%
	65 and over	20	20	100.00%	0	0.00%
	Fishery Totals	833	814	97.72%	19	2.28%
S04X KOTZEBUE SALMON GILL NET	Under 50	152	90	59.21%	62	40.79%
	50 - 59	40	29	72.50%	11	27.50%
	60 - 64	11	10	90.91%	1	9.09%
	65 and over	16	8	50.00%	8	50.00%
	Fishery Totals	219	137	62.56%	82	37.44%
S04Y LOWER YUKON SALMON GILL NET	Under 50	550	530	96.36%	20	3.64%
	50 - 59	106	103	97.17%	3	2.83%
	60 - 64	32	31	96.88%	1	3.13%
	65 and over	20	16	80.00%	4	20.00%
	Fishery Totals	708	680	96.05%	28	3.95%
S04Z NORTON SOUND SALMON GILL NET	Under 50	141	95	67.38%	46	32.62%
	50 - 59	23	11	47.83%	12	52.17%
	60 - 64	12	5	41.67%	7	58.33%
	65 and over	25	14	56.00%	11	44.00%
	Fishery Totals	201	125	62.19%	76	37.81%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
G34N NELSON ISLAND SAC ROE HERRING GILL NET	Under 50	110	0	0.00%	110	100.00%
	50 - 59	29	0	0.00%	29	100.00%
	60 - 64	8	0	0.00%	8	100.00%
	65 and over	2	0	0.00%	2	100.00%
	Fishery Totals	149	0	0.00%	149	100.00%
G34U NUNIVAK ISLAND SAC ROE HERRING GILL NET	Under 50	34	12	35.29%	22	64.71%
	50 - 59	11	4	36.36%	7	63.64%
	60 - 64	4	1	25.00%	3	75.00%
	65 and over	1	0	0.00%	1	100.00%
	Fishery Totals	50	17	34.00%	33	66.00%
G34Y LOWER YUKON SAC ROE HERRING GILL NET	Under 50	63	51	80.95%	12	19.05%
	50 - 59	20	14	70.00%	6	30.00%
	60 - 64	5	4	80.00%	1	20.00%
	65 and over	12	11	91.67%	1	8.33%
	Fishery Totals	100	80	80.00%	20	20.00%
G02Z NORTON SOUND SAC ROE HERRING BEACH SEINE	Under 50	9	6	66.67%	3	33.33%
	60 - 64	1	1	100.00%	0	0.00%
	65 and over	1	0	0.00%	1	100.00%
	Fishery Totals	11	7	63.64%	4	36.36%

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
G34Z NORTON SOUND SAC ROE HERRING GILL NET	Under 50	330	218	66.06%	112	33.94%
	50 - 59	46	33	71.74%	13	28.26%
	60 - 64	13	7	53.85%	6	46.15%
	65 and over	12	11	91.67%	1	8.33%
	Fishery Totals	49	269	67.08%	132	32.92%

tion in the forfeiture rate would result in faster depletion of non-transferable permits in the hand troll fishery than if no change occurred in the fishery.

Declines in non-transferable hand troll permits would be fastest in the first years after implementation of the conversion program, but the rate of decline would then decrease (Figure 3). Based on the current estimated forfeiture rate with no change in the law, the number of non-transferable hand troll permits is expected to decrease from 989 in 1990 to 8 in 2040.

At 100% conversion and a 25% reduction in forfeitures, all non-transferable permits would disappear from the hand troll fishery by the year 2029. At 10% conversion, 63 non-transferable permits would remain by 2029, and by 2040, 12 non-transferable hand troll permits would be left.

Impact on the power troll fishery

The impact on the power troll fishery by the addition of more permit holders will be determined in part on the productivity of the non-transfer-

Table 6
1990 Average Gross Earnings by Age Category
For the Hand Troll and Power Troll Fisheries

Fishery	Age ²⁵	Percent of Permits Fished	Number of Permits Fished	# NOT FISHED	Average Earnings
Power Troll	Under 25	100%	6	0	\$30,747
	25 to 34	94%	114	7	\$34,248
	35 to 44	91%	281	28	\$36,394
	45 to 54	87%	226	34	\$32,679
	55 to 61	81%	94	22	\$27,411
	62 to 70	83%	86	18	\$22,897
	71 and over	78%	32	9	\$16,613
			957 = 839 + 118		88% + 12% = 100
Hand Troll	Under 25	65%	24	13	\$8,002
	25 to 34	52%	120	111	\$7,597
	35 to 44	35%	189	351	\$6,656
	45 to 54	37%	181	308	\$6,083
	55 to 61	36%	80	142	\$4,940
	62 to 70	38%	75	122	\$4,910
	71 and over	34%	30	58	\$3,591
			1804 = 699 + 1105		39 + 61% = 100

²⁵ The age of the current permit holder at the end of the year was used to categorize earnings for the permit. If a permit was transferred to another person during the fishing season, all earnings for the permit were categorized by the age of the person who held the permit at the end of 1990.

Effect of amendments. — The 1989 amendment, effective May 31, 1989, added subsection (f).

The 1990 amendment, effective July 12, 1990, added the second sentence of subsection (a).

Editor's notes. — Section 6, ch. 63.

SLA 1989 provides that subsection (f) of this section, added by § 5, ch. 63, SLA 1989 is "applicable to cases involving a commercial fishing violation or theft of commercial fishing gear that occurs on or after May 31, 1989."

Sec. 16.43.180. Emergency transfers. (a) The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim-use permits when illness, disability, death, required military or government service, or other unavoidable hardship prevents the permit holder from participating in the fishery. To alleviate hardship pending a final determination of the permit holder's eligibility for an entry permit, the commission shall adopt regulations providing for the temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or 16.43.225.

(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate. (§ 1 ch 79 SLA 1973; am § 5 ch 73 SLA 1977; am § 5 ch 123 SLA 1978; am § 5 ch 34 SLA 1991)

Effect of amendments. — The 1991 amendment, effective June 13, 1991, added "or 16.43.225" to the end of subsection (a).

Article 3. Initial Issuance of Entry Permits.

Section	Section
210. Interim-use permit; qualifications	240. Determination of the maximum number of entry permits for initial issue
225. Moratorium on new entrants into certain fisheries	260. Application for initial issue of entry permits
227. Southeast Alaska dungeness crab fishery	

Sec. 16.43.210. Interim-use permit; qualifications. (a) Pending the establishment of the maximum number of entry permits under AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue interim-use permits under regulations adopted by the commission for each fishery, not subject to a moratorium under AS 16.43.225, to all applicants who can establish their present ability to participate actively in the fishery for which they are making application.

(b) Before the issuance of the maximum number of entry permits for a given fishery, the commission may issue an interim-use permit to an applicant who may later become eligible for an entry permit under AS 16.43.270.

(c) To the extent that the commissioner of fish and game authorizes it under AS 16.05.050(10), the commission may grant an interim-use

Ugashik, Alaska 99613

April 8, 1992

Senator Fred Zharoff

P.O. Box V, Juneau, Alaska 99811

Dear Senator Zharoff:

Re: Amendment to Limited Entry Law 16.43-180

Add a new subsection c.

"The Commission shall adopt regulations providing for the temporary transfer from year to year of an entry permit if the permit holder is at least 65 years of age, has participated in the fishery for which the permit is issued for at least 10 years and is unable to participate in the fishery for medical reasons."

We support this bill for the following reasons:

1. No provision was made in the original Limited Entry Law or subsequent regulations for multiple year transfers for senior fishermen with continuing medical problems.
2. As of 1989, according to a Limited Entry Commission report requested by Senator Zharoff, 3222 fishermen in the state were between 60 and 70 years of age, while an additional 1364 were over 69 years of age.
3. This amendment is not a new concept because in two other circumstances multiple year transfers are permitted by the Commission.
 - a. An estate may emergency transfer a permit year after year until the estate is settled.
 - b. A permit inherited by a minor may be transferred year after year until the minor reaches the age of presumptive ability to participate.
4. This amendment would provide a fisherman 65 years of age or older an option to continue to participate in the fishery but in a less strenuous manner, thereby imparting the knowledge gained thru many years of experience to a younger fisherman..

Respectfully submitted,

Roger & Randy Briggs
Roger and Randy Briggs

Support



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 485-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Lloyd Jones
Chairman
Senate Resources Committee

FROM: Senator Fred F. Zharoff

DATE: April 8, 1992

RE: Senate Bill No. 423 - "An Act relating to the temporary transfers of commercial fisheries entry permits."

BILL SUMMARY: SB 423 amends the emergency transfers section of the limited entry statutes. It requires the Commercial Fisheries Entry Commission to provide for the temporary emergency transfer of limited entry permits held by individuals age 65 or older who, for medical reasons, are unable to continue to participate in the fishery.

The amendment allows the commission to renew the transfer annually for multiple years. It limits the privilege to long time commercial fishermen, those who have participated in a specific fishery for at least 10 years.

PREVIOUS ACTION: Introduced on Feb. 18, 1992. Referred to the Senate Resources Committee and to the Senate Special Committee on International and Domestic Commercial Fisheries.

FISCAL NOTE: Zero fiscal note from the Commercial Fisheries Entry Commission.

BACKGROUND INFORMATION: Under current law, older commercial fishermen have few options open to them when they reach the age where, for medical reasons, they are unable to continue to participate in physically demanding commercial fisheries. At that time, they must either sell or transfer their permits, forever giving up their privilege to own and operate commercial fishing operations.

SB 423 would open up new options for commercial fishermen 65 years of age or older. They would be relieved of the pressure to permanently alter their lifestyles. They could temporarily transfer their permits to another individual or a younger family member, continue to earn income, and -- if their health returns -- resume commercial fishing. In the meantime,

younger individuals may have opportunities to gain experience in the fisheries and to earn incomes that they can put toward purchasing their own permits.

The bill is aimed at older fishermen who are nearing retirement. The age of 65 was chosen as the qualifying age because it conforms to precedent. The age of 65 is -- across the nation -- the standard age for retirement. It is the age in Alaska at which people qualify for the longevity bonus and a host of other programs.

The requirement that a person participate in the fishery for at least 10 years is an effort to discourage speculators who would buy a permit without the intention of fishing it themselves and instead just live off the income generated by the person to whom they have transferred it. Our intent is to limit the beneficiaries of this provision to bonafide commercial fishermen who have invested considerable time and money in participating in specific fisheries. The 10 year requirement is the best method we could devise for accomplishing this goal.

ATTACHED BACKUP INFORMATION:

1. Fiscal note from the Commercial Fisheries Entry Commission.
2. Letter of support from Roger and Randy Briggs of Ugashik, April 8, 1992.
3. Copy of the emergency transfers statute, AS 16.43.180.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 423

Revision Date:

Department Affected: Fish and Game

Title: Temporary transfer of commercial fisheries
entry permits

BRU: Commercial Fisheries (Limited) Entry Commission

Component: Limited Entry Program Administration

Sponsor: Senator Zharoff

Requestor: Senator Zharoff

COMPONENT SERIAL NO

0	4	7	1
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EXPENDITURES/REVENUES:(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Roger Kolden

Phone: 789-6160

Agency: Commercial Fisheries (Limited) Entry Commission

Date: 4/6/92

Approved by Commissioner: *John L. M. Herman*

Agency: Commercial Fisheries (Limited) Entry Commission

Date: 4/6/92

Distribution (by preparer): Leg.Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/7/91

Page 1 of 1

Fish + Game Fiscal Note

SCOMM

74:7

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN, SPECIAL COMMITTEE ON
DOMESTIC & INTERNATIONAL
COMMERCIAL FISHERIES



P.O. BOX 143
SITKA, ALASKA 99835

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 485-4916

FAX (907) 485-4928

MEMORANDUM

TO: Members of the Senate Special Committee on Domestic and
International Commercial Fisheries

FROM: Senator Dick Eliason

DATE: March 23, 1992

RE: For your info

For your information, I am attaching a copy of a letter concerning a question that was raised at last Wednesday's Fisheries Committee meeting on the Hatchery Review Project. During that meeting we discussed whether there is now, or should be, a mechanism for collecting and reporting information regarding statewide levels of production by ALL hatcheries, including state and PNP facilities. The letter was provided to my office after the meeting by the United Fishermen of Alaska. It is a response that organization received from the Department of Fish and Game to UFA's suggestion that just such a review be done.

Also, the Special Committee decided during the March 18 meeting to introduce a committee-sponsored bill regarding a wild stock priority, broodstock and cost recovery fish. That bill, SB 457, was introduced today and referred to the Senate Resources Committee. The bill contains the language the committee agreed upon, plus the addition of a "house-keeping" section suggested by Legal Services which amends the statutory definition of "fishery." This was necessary as the current definition, which should have been corrected long ago to be consistent with other statutes, uses the word "commercial." References to personal use, sport, and subsistence "fisheries" are used throughout state law, but this definition has never been corrected to match our useage of the term. It is appropriate to include this amended definition in this bill as we want to ensure that the Board of Fisheries will manage ALL fisheries, not just commercial fisheries, to meet the wildstock priority.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

February 28, 1992

Mr. Rich Davis
Aquaculture Committee Chairman
United Fishermen of Alaska
211 4th Street, Suite 112
Juneau, AK 99801

Dear Mr. Davis:

This letter responds to the United Fishermen of Alaska's request for the Division of Fisheries Rehabilitation, Enhancement and Development (FRED) to undertake a statewide hatchery production review process that involves the existing regional planning teams (RPT).

The Alaska Department of Fish and Game (ADF&G) has been considering the need for this type of review and methods by which it could be accomplished in conjunction with the legislative review of the Alaska salmon enhancement program. I have asked Dr. Jeff Koenings, Director of the FRED Division, to contact you to see if an efficient and effective review process can be established that has the potential of providing significant recommendations.

I and my staff look forward to coordinating this effort with the Senate Special Committee on Domestic and International Fisheries, the RPTs throughout the state, and the United Fishermen of Alaska.

Sincerely,



Charles P. Meacham
Deputy Commissioner

cc: Jeff Koenings
Kevin C. Duffy

RECEIVED

MAR 11 1992

UNITED FISHMEN
OF ALASKA



Alaska State Senate

Office of the President

Senator Richard I. Eliason, President

Bill History

SB 457 was sponsored and introduced by the Senate Fisheries Committee (as an outgrowth of the Hatchery Review Study). The bill was referred to the Senate Resources Comm. where Sen. Eliason was assigned to serve as a sub-committee to draft a Resources CS to refine the language. That version was the one that passed.

THE
CONSTITUTION
OF THE
STATE OF
ALASKA



John B. Coghill

Lieutenant Governor

Constitutional Issues

Health, Education and Welfare

n.
of its members chairman and may employ
presence of three members is required for a
a lesser number may conduct hearings or

Reapportionment Plan and Proclamation.

g the official reporting of each decennial
to the governor a plan for reapportionment
d in this article. Within ninety days after
prior shall issue a proclamation of reappor-
n accompanying statement shall explain any
ard. The reapportionment and redistricting
ion of members of the legislature until after
next decennial census.

nt.

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otherwise, to perform his reapportionment
or in redistricting or reapportionment. Ap-
rior to perform his reapportionment duties
days of the expiration of either of the two
in this article. Application to compel cor-
stricting or reapportionment must be filed
the proclamation. Original jurisdiction in
1 in the superior court. On appeal, the cause
reme court upon the law and the facts.

Article VII

Education and Welfare

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ns. Schools and institutions so established
ontrol. No money shall be paid from public
f any religious or other private educational

Natural Resources

Article VIII

Section 2 - State University.

The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

Section 3 - Board of Regents of University.

The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

Section 4 - Public Health.

The legislature shall provide for the promotion and protection of public health.

Section 5 - Public Welfare.

The legislature shall provide for public welfare.

Article VIII

Natural Resources

Section 1 - Statement of Policy.

It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 2 - General Authority.

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Section 3 - Common Use.

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Article VIII

Natural Resources

Section 4 - Sustained Yield.

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Section 5 - Facilities and Improvements.

The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

Section 6 - State Public Domain.

Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

Section 7 - Special Purpose Sites.

The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Section 8 - Leases.

The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

Section 9 - Sales and Grants.

Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall

TESTIMONY OF SEN. ELIASON ON SB:457

"RELATING TO MANAGEMENT OF WILD AND HATCHERY STOCKS OF FISH"

SENATE RESOURCES COMMITTEE - APRIL 1, 1992

The Senate Special Committee on Fisheries, which I chair, has been working for nearly a year on a review of the Alaska Salmon Enhancement Program. In February a draft report on this review was printed and distributed to interested parties all over the state. At that time we solicited the public's scrutiny of the report, and their comments and suggestions about the report and the enhancement program itself.

A good deal of public comment has been received both by teleconference and in written comment. The review project will be an on-going process, and will hopefully result in discussion and action over the next few years to make adjustments and improvements to many facets of the enhancement program.

As a starting point, the Fisheries Committee decided to introduce the legislation before us today. The subject of this bill is the action which has been requested the most frequently by those who have submitted comments to the Fisheries Committee. Most who have suggested this action have referred to it as "establishing a wild

stock priority in law." SB 457 is intended to do that by clarifying what responsibilities the state has in managing wild and enhanced fish stocks. It establishes that the state does have an obligation to manage wild stocks for sustained yield, but that hatchery stocks do not have that same level of mandatory protection. The bill basically sets out that wild stocks SHALL be managed for sustained yield, and that hatchery stocks MAY be managed for sustained yield. It states that the Board must CONSIDER the needs of hatcheries for broodstock, and then MAY provide for broodstock. For hatchery cost recovery fish, the board MAY consider hatchery needs, and MAY provide for it. This boils down to spelling out a prioritization of responsibilities in fish management as follows:

Sustained yield of wild stocks is top priority. After that has been achieved; fishery user groups , hatchery broodstock, and hatchery cost recovery fish are basically on equal footing. However, broodstock has a status that is slightly elevated from cost recovery in that the Board must at least CONSIDER the need for broodstock before making its allocation decisions.

SB 457 was introduced quickly after public comment had been gathered, in an effort to get this important matter before the Legislature and the public for consideration yet this session. It is a sort of working draft. And it has already generated several suggestions for amended language. The Department of Fish and Game is proposing several changes, and I am sure a representative of the Department will speak to those.

The group of legislative staffers who have been working on the Enhancement Review Project have met with both the legislative drafting attorney and the Assistant Attorney General who serves as the Board of Fisheries' attorney, to consider those ideas and others from review project research and the public testimony received on the draft report, and to propose some fine-tuning of the language in SB 457. In your folders you will find a possible Committee Substitute version that this group of staffers has drafted for the Resources Committee to use for discussions and consideration. This version starts with the suggestions being made by the Department of Fish and Game, and then goes on to add a phrase in sub-section (a) of the first page to make it clear that wild and hatchery stocks do not have the same level of guaranteed protection. In this version, the priority for wild stocks pertains to ALL fish stocks, not just anadromous or salmon stocks. In thinking over the goal of the bill, the directive being given to the Board, it didn't make sense not to do this. Right now our enhancement program focuses almost exclusively on anadromous fish, but if and when it expands into other species, this priority for protection of the wild stocks would be in place. This version also changes ~~the~~ all references in sections b and c to "hatcheries" to "enhancement projects and facilities." If broodstock or cost recovery fish are needed by enhancement projects, the responsibilities of the board would then be clear for All such efforts, not only hatcheries. ~~The~~ The final suggestion made in this version is in section (c) where reference is made to hatcheries authorized under AS 16.10.400. That is the private non-profit

hatchery statute. It was noted that there are also State-owned hatcheries which are contracted out to be run by Regional Aquaculture Associations. While these hatcheries themselves are not authorized under 16.10.400, the operators of them ARE allowed to take cost recovery fish, and so reference to such facilities has been added here to include them.

One thing that the committee should probably take a look at, is whether definitions should be added for "wild" and "enhanced" fish stocks. Both the original bill and the draft substitute version, leave the responsibility for defining these terms as they apply to this bill, to the Board of Fisheries. The definitions would not be easy to arrive at for either the Legislature OR the board. Where do you draw the line between wild and enhanced? For example, if eggs are taken from a stream, incubated at a hatchery, and then released back into the same stream, has it become an enhanced stock? What if they were released into a DIFFERENT stream? If a major goal of this bill is to protect genetic integrity and run strength of wild stocks, the definition of wild would have to be fairly narrow. It is a difficult question, and I urge the committee to discuss whether these definitions are best spelled out in statute or best left to the board.

In your folders you will find a copy of the chapter from the Enhancement Review Project regarding the legal issues which this bill addresses. Attached to that chapter is a copy of the letter from the Board of Fisheries last spring, explaining the need for

some statutory direction on these issues. The folders also contain samples of written testimony from various groups and individuals which all contain comments on the subject matter of this bill. Also in your folders are copies of the sections of the State Constitution which pertain to these issues.

It might be worthwhile to start with having Fish and Game explain their position and proposed amendments and where those fit in with the original bill and the draft substitute bill.



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366

SB 457 - ANADROMOUS FISH

The Alaska State Constitution mandates sustained yield of fish stocks, but because hatcheries did not exist when the Constitution was written, questions have arisen. The Department of Fish & Game and the Fish Board have always assumed that they are managing fisheries with the priority for sustained yield of wild fish stocks over hatchery stocks. But this concept has never been mentioned in statute.

SB 457 will give overriding protection to wild stocks. It clarifies that hatchery fish do not have the same status as wild fish. It won't change the way things have been done, it will simply enhance everyone's understanding of the law. This will guarantee that wild anadromous fish stocks will always have priority in Alaska.

The Alaska Environmental Lobby supports SB 457.

April 29, 1992 Issue Paper
Linda Franklin, citizen lobbyist

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • ALASKA FRIENDS OF THE EARTH
ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY • CLEAN AIR COALITION • DENALI CITIZENS' COUNCIL
DENALI GROUP, SIERRA CLUB • JUNEAU AUDUBON SOCIETY • JUNEAU GROUP, SIERRA CLUB
KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KNIK CANOERS AND KAYAKERS
KNIK GROUP, SIERRA CLUB • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • NORTHERN ALASKA ENVIRONMENTAL CENTER
PRINCE WILLIAM SOUND CONSERVATION ALLIANCE • SITKA CONSERVATION SOCIETY • SOUTHEAST ALASKA CONSERVATION COUNCIL



PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: PAUL MC COLLUM
TITLE: EXECUTIVE DIRECTOR, VALDEZ FISHERIES
ADDRESS: P.O. BOX 125
CITY: VALDEZ ZIP: 99686
PHONE: 835-4874
BILL NO: SB 457
SUBJECT: WILD/HATCHERY ANADROMOUS FISH MANAGEMENT
MESSAGE: WE NEED A STRUCTURED REVIEW PROCESS FOR ENHANCEMENT PROJECTS BUT
UNTIL SUCH IS IN EFFECT PROJECTS SHOULD NOT BE ELIMINATED BY
POLITICAL AMBIGUITY. A PERMITTED OPERATION SHOULD HAVE A REASONABLE
CHANCE TO SUCCEED. THE ATTORNEY GENERAL'S OPINION ON HATCHERY BROOD
STOCK BEING NO DIFFERENT THAN OTHER STOCKS SHOULD BE REFLECTED.

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DATE: 92/04/30
TIME: 10:38:11
LIONAME: VALDEZ INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATORS

CARNEY	KERTTULA
FINKELSTEIN	MENARD
HUDSON	
IVAN	
KUBINA	
LEMAN	
LINCOLN	
MOYER	
ZAWACKI	

PUBLIC OPINION MESSAGE

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NAME: PAUL MC COLLUM
TITLE: EXECUTIVE DIRECTOR, VALDEZ FISHERIES
ADDRESS: P.O. BOX 125
CITY: VALDEZ ZIP: 99686
PHONE: 835-4874
BILL NO: SB 457
SUBJECT: WILD/HATCHERY ANADROMOUS FISH MANAGEMENT
MESSAGE: WHILE I AGREE THAT CLARIFICATION IS NEEDED ON THIS ISSUE THE LANGUAGE
IS TOO AMBIGUOUS TOWARDS ENHANCED STOCKS. THE SUSTAINED YIELD CONCEPT
FROM THE CONSTITUTION IS VERY VAGUE. PLEASE CONSIDER STRIKING "MAY BE
MANAGED" FROM (A) CHANGE ALL REMAINING "MAY" TO "SHALL". PLEASE DON'T
WRITE OFF OUR HATCHERIES TOO SOON.

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DATE: 92/04/30
TIME: 10:42:25
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COPIES: REPRESENTATIVES SENATORS

CARNEY	KERTTULA
FINKELSTEIN	MENARD
HUDSON	
IVAN	
KUBINA	
LEMAN	
LINCOLN	
MOYER	
ZAWACKI	

To meet PWSAC concern
in section (c) - could
amend references to "cost of
operating" to refer to the
Statute that spells out
all the things that are
allowed under cost recovery
(operating costs, debt retirement,
etc).

We meant to be referring
to Bd. ^{may provide} ~~allowing~~ for all their
normal cost recovery activities.

THE
CONSTITUTION
OF THE
STATE OF
ALASKA



John B. Coghill
Lieutenant Governor

December 1990

Health, Education and Welfare

n.

of its members chairman and may employ
presence of three members is required for a
a lesser number may conduct hearings or

Reapportionment Plan and Proclamation.

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or in redistricting or reapportionment. Ap-
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Section 7 - Special Purpose Sites.

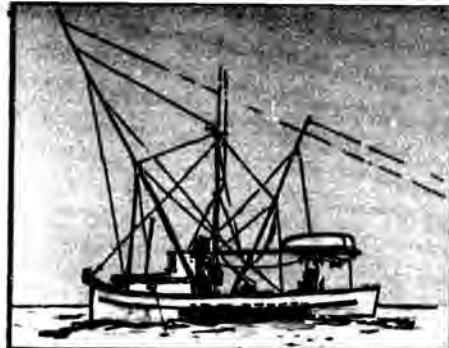
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Alaska Trollers Association

REPRESENTING ALASKA TROLLERS

130 Seward St., No. 213
Juneau, Alaska 99801
(907) 586-9400

April 3, 1992

Senator Dick Eliason, President
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Jones:

On behalf of the Alaska Trollers Association (ATA), I would like to issue support for the April 3, 1992 committee substitute for SB 457. This bill seeks to affirm Alaska's commitment to its fisheries resource by mandating a wild stock management priority; a policy which ATA has endorsed for many years.

Salmon fishermen throughout the state have been the beneficiaries of more stable fisheries due to hatchery programs. In addition, many wild stocks have enjoyed reduced fishing pressure because of the presence of hatchery fish. Unfortunately, one side-effect of hatchery production has been the confusion which has arisen, due to the lack of a definitive management policy regarding wild stocks.

The success of the fishing industry is deeply rooted in the health of our natural runs of fish. Our members recognize an obligation to sustain healthy populations of fish and do not wish to see enhanced runs given preferential treatment over wild. Also, our fishermen are concerned that without clear statutory wording, the potential exists whereby traditional fisheries could be disrupted to accommodate the needs of hatchery facilities.

ATA believes that by adopting the language in SB 457 the intent of the state, to protect wild stocks of fish above all others, is made sufficiently clear to the Board of Fisheries and the Department of Fish and Game. Without such language, increased levels of frustration, and subsequent polarization of fishing and hatchery interests, is likely. This would be unfortunate, given the obvious benefits that have been realized through our enhancement programs. Finally, it should also be noted that the language is not so restrictive as to prevent the Board of Fisheries from choosing to provide adequate passage of hatchery fish for cost recovery, so long as wild stock needs are given first priority.

Thank you for your efforts on this important piece of legislation. If I can be helpful on this or any other issue, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale", followed by a horizontal line.

Dale A. Kelley
Executive Director

PRINCE WILLIAM SOUND AQUACULTURE CORPORATION
P. O. BOX 1110
CORDOVA, ALASKA 99574

April 6, 1992

Senator Lloyd Jones, Chairman
Senate Resources Committee
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Mr. Chairman:

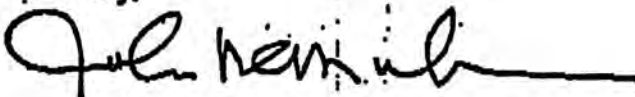
On April 1st, I testified before your committee on Senate Bill 457. A written copy of that testimony is included in your committee's files.

Prior to the time that I testified, a committee substitute for Senate Bill 457 was discussed by the committee. At the close of my testimony, an in response to a question from Senator Menard, I tentatively agreed to the language in the Bill.

Since that date, I have received the Committee Substitute and have had an opportunity to discuss it with some members of our board of directors. We are supportive of CSSB 457 as written.

Thank you very much for providing us the opportunity to participate in this legislative process.

Sincerely,



John McMullen
President

cc: PWSAC EXCOM Members

introduced by Europeans many decades ago. Stocking records going back thirty years established that there had been no hatchery fish releases in the brook or the kill.

He further explained that there is a difference between wild trout and hatchery trout. Hatchery trout are not as healthy, as large, or as adaptable as wild trout. They often die young and small, introduce diseases to the wild populations, reproduce at dramatically low rates, displace wild trout habitat, and generally disrupt wild populations. Indeed, recent studies establish that hatchery trout are sort of aquatic sociopaths, travelling in gangs and disturbing the wilderness. Worst of all, they taunt and disrupt the spawning rituals and rates of the wild fish, like heartless frat boys with floodlights on lovers' 'ane.

The electroshocking survey revealed almost no fish from the point of the spill on the small tributary to a low dam almost three miles away on the Stony Kill. A survey of the benthic macroinvertebrates in the sediment established that the viability of the ecosystem was not harmed by the slug of ammonium hydroxide. Rather, the chemical stunned the fish with immediate gill failure but left the stream system otherwise unharmed.

As we pushed through a beaver path near the banks of the Stony Kill, I casually asked our trout expert what fish populations might have been expected in an unpolluted stream. "Oh, I took electroshocking data all through here in 1988. I'll see if I can dig 'em up for you," he remarked. I danced and skipped as well as my hip boots permitted. Pre-release "baseline conditions" under the natural resource damage regulations had just fallen into place.

Extrapolation of the baseline data established a pre-release population in the impacted reaches of 25,000 - 30,000 fish, from minnows to lunkers. Species and sizes ranged from blacknose dace (*Rhinichthys atratulus*) as small as one inch to big boy brownies (*Salmo trutta*) sixteen inches long. Among these were about 5,000 trout, from young of the year fingerlings to "let 'em go" trophies.

My hard data compiled, I sized up the natural resource damage case. Our trout expert would defend the wilderness conditions of the stream to his death. Based on the degradation consequences of stocking, we prepared to refute the expected industry quick-fix stocking alternative. Rather, our restoration plan was to allow upstream and downstream surviving fish populations to gradually migrate back to the area of the kill. Since it takes three years for a brown trout to reach sixteen inches, we were prepared to maintain that the resource was severely impaired and thus unusable for three years.

These data were considered in arriving at "lost use" values, an economic methodology embraced by the new natural resource regulations. Geographic and demographic factors indicate angler use in the affected reaches of stream averages 170 hours per acre per year. Virtually all this angling is directed at trout. Lost angling opportunity for the projected three-year impact period would be a total of 1,689 angler trips. Trip related expenditures by New York resident anglers average about \$26.89 per day according to United States Department of Interior survey data, adjusted for inflation. The lost economic value of these trips was conservatively estimated to be \$45,417.21.

FLOOR COMMENTS

CSSB 457 (RES) "RELATING TO MANAGEMENT OF WILD AND ENHANCED STOCKS OF FISH"

SB 457 was introduced by the Senate Special Committee on Fisheries as a result of the Review Project it has been conducting on Alaska's Salmon Enhancement Program, and in response to a request from the Board of Fisheries for some clarification and direction about priorities in fisheries management.

The Enhancement Program is now producing a huge percentage of the fish in Alaska, which adds to the ever-increasing complexity of fish management. We need to spell out where enhanced stocks fit into the overall management picture in the state.

This bill does that by setting out in LAW, the policy that the Board of Fisheries and Department of Fish and Game have been using. That is: that the sustained yield of WILD fish stocks is the first obligation in management of fish in Alaska.

As long as that priority is met, the Board and the Department may also manage in a way that will provide broodstock and cost recovery fish to enhancement projects. All management would of course, still fall under the constitutional directive to maximize USE of fishery resources.

SB 457 has the support of the Department of Fish and Game, major fishing organizations, and aquaculture organizations, and it passed the Senate unanimously. It has a zero fiscal note.

This bill establishes sound groundrules for management of fish in the state, and I urge your support.

IN CASE OF QUESTIONS:

Do broodstock and cost recovery have equal status under this bill?

Status of broodstock is very slightly elevated above cost recovery fish in that Board is required to at least CONSIDER the needs of enhancement projects for broodstock, and is not obligated to consider cost recovery needs. But in both cases, there is no requirement that the Board provide for them.

Where does fishing fit into the prioritization?

Harvest of fish is clearly mandated by the "maximum use" clause of the state Constitution, but would essentially compete for specific allocations on equal footing with broodstock and cost recovery fish as the state's only obligation is to sustained yield of wild stocks. Balancing other uses is left to the discretion of the Board of Fisheries and the Department of Fish and Game.

Why is definition of "fishery" included in this bill (last section)?

"Housekeeping provision" as current definition in law should have been corrected long ago. Throughout statutes we refer to personal use, subsistence, and sport "fisheries," but definition of fishery had the word "commercial" in it. This bill is an especially appropriate place to fix the definition to match the use of "fishery" throughout the law, because we want to make it clear that ALL fisheries are to be managed consistent with sustained yield of wild stocks, not only commercial fisheries.

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN, SPECIAL COMMITTEE ON
DOMESTIC & INTERNATIONAL
COMMERCIAL FISHERIES



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MEMORANDUM

TO: ALL SENATORS

FROM: SEN. DICK ELIASON, CHAIRMAN
SENATE SPECIAL COMMITTEE ON DOMESTIC AND INTERNATIONAL
COMMERCIAL FISHERIES

DATE: APRIL 10, 1992

RE: CSSB 457 (RES) -- ON TODAY'S CALENDAR

A summary of CSSB 457 (RES), which is on today's Senate calendar,
is attached for your information.

I urge your support of this bill.

SB 457 "RELATING TO MANAGEMENT OF WILD AND ENHANCED STOCKS OF FISH"

**Explanation by Senator Dick Eliason, Chairman
Senate Special Committee on Domestic and International
Commercial Fisheries**

The Senate Special Committee on Domestic and International Commercial Fisheries has been working for nearly a year on a review of the Alaska Salmon Enhancement Program. SB 457 is the first piece of legislation to result from the Review Project. The subject of this bill, establishing a "wild stock priority," is the action most requested by those who have submitted comments during the review process. Also, it provides the statutory clarification which was requested last year by the Board of Fisheries.

The goal of SB 457 is to make it clear that the sustained yield of wild stocks is the top priority of state fish management. A number of developments have pointed to the value of establishing this priority in law. During the 20 years since Alaska's salmon enhancement statutes were enacted, hatcheries in the state have become very successful at producing huge numbers of salmon. Fisheries management has become increasingly complex as consideration must be given to harvest and escapement of both wild and hatchery stocks. During recent years we have also experienced poor salmon market conditions; questions about ocean carrying capacity; rising concerns over the genetic diversity of salmon, intermingling of wild and hatchery fish, and the potential genetic and disease problems generated by fish farming. We have also witnessed the disastrous plunge in the viability of salmon stocks along the west coast of the lower 48 states and the resulting threat of fishing closures under the Endangered Species Act. Factors such as these have made Alaskans more and more aware of the critical need to make a priority of taking care of our wild salmon stocks.

Our state Constitution mandates the management of fish on the sustained yield principal. But the Constitution was written before the evolution of our highly productive enhancement program. The question then arises as to whether the constitutional mandate for sustained yield applies equally to wild fish and "enhancement fish." What if providing for broodstock to a hatchery would jeopardize the sustained yield of a wild stock? Is the obligation to provide adequate escapement of wild salmon to their stream of origin equal to providing broodstock to a hatchery?

The Board of Fisheries and the Department of Fish and Game have been dealing with these questions for a number of years. They have managed fisheries under a self-imposed policy of making wild stock escapement a higher priority than providing for hatchery broodstock or cost recovery fish. SB 457 essentially puts that policy into law by clarifying what the state's responsibilities are in managing wild and hatchery stocks.

The bill establishes that the state has an OBLIGATION to manage for sustained yield of wild stocks, but that enhancement project stocks do not have that same level of MANDATORY protection. The bill states that the Board of Fisheries MUST CONSIDER the needs of enhancement projects for broodstock, and MAY consider their cost recovery needs, and then MAY provide for broodstock and cost recovery, IF doing so would be consistent with the sustained yield of wild stocks. This clarifies the different levels of consideration the Board must give to wild and enhanced stocks.

The Senate Resources Committee Substitute incorporates suggestions made during the hearing process, and more clearly meets the original intent of the legislation. CS SB 457 (Resources) has the support of the Departments of Fish and Game and Law, members of the Board of Fisheries, The United Fishermen of Alaska, other commercial fishing organizations, and regional aquaculture associations. The bill passed Senate Resources with a unanimous vote of "Do Pass," and no public opposition to the Committee Substitute version has been expressed.

CSSB 457 establishes sound statutory guidelines for the management of fish stocks based on a priority for our wild stocks. It is the result of the cooperative efforts of people involved in fishing, aquaculture, fish management, and the Legislature to learn from the mistakes made in other places, to recognize Alaska's fish stocks as a treasured heritage to be protected, and to acknowledge that the proper role of our fish enhancement program is to enhance, but not replace or displace, wild stocks.

SB 457 "RELATING TO MANAGEMENT OF WILD AND ENHANCED STOCKS OF FISH"

TESTIMONY BY SENATOR DICK ELIASON
BEFORE THE HOUSE RESOURCES COMMITTEE
APRIL 29, 1992

THE SENATE SPECIAL COMMITTEE ON DOMESTIC AND INTERNATIONAL COMMERCIAL FISHERIES HAS BEEN WORKING FOR NEARLY A YEAR ON A REVIEW OF THE ALASKA SALMON ENHANCEMENT PROGRAM. SB 457 IS THE FIRST PIECE OF LEGISLATION TO RESULT FROM THE REVIEW PROJECT.

THE SUBJECT OF THIS BILL, ESTABLISHING A "WILD STOCK PRIORITY," IS THE ACTION MOST REQUESTED BY THOSE WHO HAVE SUBMITTED COMMENTS DURING THE REVIEW PROCESS. ALSO, IT PROVIDES THE STATUTORY CLARIFICATION WHICH WAS REQUESTED LAST YEAR BY THE BOARD OF FISHERIES.

THE GOAL OF SB 457 IS TO MAKE CLEAR THAT THE SUSTAINED YIELD OF WILD STOCKS IS THE TOP PRIORITY OF STATE FISH MANAGEMENT. A NUMBER OF DEVELOPMENTS HAVE POINTED TO THE VALUE OF ESTABLISHING THIS PRIORITY IN LAW. DURING THE 20 YEARS SINCE ALASKA'S SALMON ENHANCEMENT STATUTES WERE ENACTED, HATCHERIES IN THE STATE HAVE BECOME VERY SUCCESSFUL AT PRODUCING HUGE NUMBERS OF SALMON. FISHERIES MANAGEMENT HAS BECOME INCREASINGLY COMPLEX AS CONSIDERATION MUST BE GIVEN TO HARVEST AND ESCAPEMENT OF BOTH WILD AND HATCHERY STOCKS.

DURING RECENT YEARS WE HAVE ~~DO~~ EXPERIENCED POOR SALMON MARKET CONDITIONS; QUESTIONS ABOUT OCEAN CARRYING CAPACITY; ^{AND} RISING CONCERNS OVER THE GENETIC DIVERSITY OF SALMON, INTERMINGLING OF

WILD AND HATCHERY FISH, AND THE POTENTIAL GENETIC AND DISEASE PROBLEMS GENERATED BY FISH FARMING.

WE HAVE ALSO WITNESSED THE DISASTROUS PLUNGE IN THE VIABILITY OF SALMON STOCKS ALONG THE WEST COAST OF THE LOWER 48 STATES, AND THE RESULTING THREAT OF FISHING CLOSURES UNDER THE ENDANGERED SPECIES ACT.

FACTORS SUCH AS THESE, HAVE MADE ALASKANS MORE AND MORE AWARE OF THE CRITICAL NEED TO MAKE A PRIORITY OF TAKING CARE OF OUR WILD SALMON STOCKS.

OUR STATE CONSTITUTION MANDATES THE MANAGEMENT OF FISH ON THE SUSTAINED YIELD PRINCIPAL. BUT THE CONSTITUTION WAS WRITTEN BEFORE THE EVOLUTION OF OUR HIGHLY PRODUCTIVE ENHANCEMENT PROGRAM. THE QUESTION THEN ARISES AS TO WHETHER THE CONSTITUTIONAL MANDATE FOR SUSTAINED YIELD APPLIES EQUALLY TO WILD FISH, AND "ENHANCEMENT FISH."

WHAT IF PROVIDING FOR BROODSTOCK TO A HATCHERY WOULD JEOPARDIZE THE SUSTAINED YIELD OF A WILD STOCK? IS THE OBLIGATION TO PROVIDE ADEQUATE ESCAPEMENT OF WILD SALMON TO THEIR STREAM OF ORIGIN, EQUAL TO PROVIDING BROODSTOCK TO A HATCHERY?

THE BOARD OF FISHERIES AND THE DEPARTMENT OF FISH AND GAME HAVE BEEN DEALING WITH THESE QUESTIONS FOR A NUMBER OF YEARS. THEY HAVE MANAGED FISHERIES UNDER A SELF-IMPOSED POLICY OF MAKING WILD STOCK

ESCAPEMENT A HIGHER PRIORITY THAN PROVIDING FOR HATCHERY BROODSTOCK OR COST RECOVERY FISH.

SB 457 ESSENTIALLY PUTS THAT POLICY INTO LAW BY CLARIFYING WHAT THE STATE'S RESPONSIBILITIES ARE IN MANAGING WILD AND HATCHERY STOCKS.

THE BILL ESTABLISHES THAT THE STATE HAS AN OBLIGATION TO MANAGE FOR SUSTAINED YIELD OF WILD STOCKS, BUT THAT ENHANCEMENT PROJECT STOCKS DO NOT HAVE THAT SAME LEVEL OF MANDATORY PROTECTION. THE BILL STATES THAT THE BOARD OF FISHERIES MUST CONSIDER THE NEEDS OF ENHANCEMENT PROJECTS FOR BROODSTOCK, AND MAY CONSIDER THEIR COST RECOVERY NEEDS, AND THEN MAY PROVIDE FOR BROODSTOCK AND COST RECOVERY, IF DOING SO WOULD BE CONSISTENT WITH THE SUSTAINED YIELD OF WILD STOCKS. THIS CLARIFIES THE DIFFERENT LEVELS OF CONSIDERATION THE BOARD MUST GIVE TO WILD AND ENHANCED STOCKS.

CS SB 457 (RESOURCES) HAS THE SUPPORT OF THE DEPARTMENTS OF FISH AND GAME AND LAW, MEMBERS OF THE BOARD OF FISHERIES, THE UNITED FISHERMEN OF ALASKA, OTHER COMMERCIAL FISHING ORGANIZATIONS, AND REGIONAL AQUACULTURE ASSOCIATIONS.

THE BILL HAS A ZERO FISCAL NOTE, AND PASSED BOTH THE SENATE RESOURCES COMMITTEE AND THE FULL SENATE UNANIMOUSLY. NO PUBLIC OPPOSITION TO THE COMMITTEE SUBSTITUTE VERSION HAS BEEN EXPRESSED.

③

CSSB 457 ESTABLISHES SOUND STATUTORY GUIDELINES FOR THE MANAGEMENT OF FISH STOCKS, BASED ON A PRIORITY FOR OUR WILD STOCKS. IT IS THE RESULT OF THE COOPERATIVE EFFORTS OF PEOPLE INVOLVED IN FISHING, AQUACULTURE, FISH MANAGEMENT, AND THE LEGISLATURE, TO LEARN FROM THE MISTAKES MADE IN OTHER PLACES, TO RECOGNIZE ALASKA'S FISH STOCKS AS A TREASURED HERITAGE TO BE PROTECTED, AND TO ACKNOWLEDGE THAT THE PROPER ROLE OF OUR FISH ENHANCEMENT PROGRAM IS TO ENHANCE, BUT NOT REPLACE OR DISPLACE, WILD STOCKS.

THE END

If questioned about last section of bill which re-defines "fishery" —

Only a "housekeeping" measure. Statutes have an out-dated definition of "fishery" now which refers to "commercial" gear, etc.

But throughout statutes we refer to "sport fisheries", "personal use fisheries", etc. So definition of "fishery" needs to be broadened.

This bill is appropriate vehicle for fixing this as we want to ensure that all fisheries are managed toward a wild stock priority.

4

IN CASE OF QUESTIONS:

Original bill only covered anadromous fish, SC says "fish". Why?

CS version covers ALL fish stocks (both finfish and shellfish).
Wild stock priority should logically extended to all species.
Already we

Do broodstock and cost recovery have equal status?

Status of broodstock is very slightly elevated above cost recovery fish in that Board is required to at least CONSIDER the needs of enhancement projects for broodstock, and is not obligated to consider cost recovery needs. But in both cases, there is no requirement that the Board provide for them.

Where does fishing fit into the prioritization?

Harvest of fish is clearly mandated by the "maximum use" clause of the state Constitution, but would essentially compete for specific allocations, in some instances, on equal footing with broodstock and cost recovery fish as the state's only obligation is to sustained yield of wild stocks. Balancing other uses is at the discretion of the managers.

Why is definition of "fishery" included in this bill (last section)?

Housekeeping measure as current definition in law should have been corrected long ago. Throughout statutes we refer to personal use, subsistence, and sport "fisheries," but definition of fishery had the word "commercial" in it. This bill is an especially appropriate place to fix the definition to match the use of "fishery" throughout the law, because we want to make it clear that ALL fisheries are to be managed consistent with sustained yield, not only commercial fisheries.

SUMMARY OF CHANGES MADE TO APRIL 1, 1992 PROPOSED CS FOR SB457 TO
RFACH APRIL 3 DRAFT CSSB457 (RESOURCES)

Throughout new version:

"to achieve sustained yield" is changed to "consistent with sustained yield."

Reason: "achieve" was stronger mandate and burden than State Constitution and other statutes require. Constitution requires "on the sustained yield principle."

This language change will keep this directive about wild stock priority at a consistent level of obligation.

Other changes:

Page 1, Sub-section (a)

First word, "Fisheries" is changed to "Fish Stocks."

Reason: This makes it clear that the goal of sustained yield of wild stocks applies to ALL management decisions regarding fish, not only to the management of the HARVEST of fish (fisheries)

Page 1, Sub-section (b)

Just a wordage change from "enhanced fish stocks" to "fish from enhanced stocks"

Reason: clarity of meaning as FISH, rather than STOCKS, return to enhancement projects

Page 2, Sub-section (c)

Throughout this section, references to fish that are "surplus" are changed to references to fish "not needed for broodstock" and "in addition to the fish needed for broodstock."

Reason: Term "surplus" was less accurate and descriptive

Throughout this section, "offset the cost of operating the enhancement project" has been replaced with reference to the harvest and sale of fish to "obtain funds for the purposes allowed under AS 16.10.450 or 16.10.480 (d)." (cost recovery statutes)

Reason: To make it clear that the board may provide for harvest of fish for ALL cost recovery allowed under law (including such things as debt retirement), not ONLY the operating costs.

"Return" of fish is changed to "harvest" of fish for cost recovery

Reason: Clarify that it is the actual harvest and selling of fish for cost recovery that may be provided for, not just the allowing of fish to return to the project.

In last line of sub-section (c), deleted "may adopt criteria for determining the reasonable needs of enhancement projects for surplus fish and"

Reason: Phrase was not necessary for purpose of the sentence which was to state that the board may adopt a plan for managing fisheries which will provide enhancement projects with the fish they are allowed under cost recovery statutes.

FAX TRANSMITTAL

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Prince William Sound
Aquaculture Corporation



TO: Mary McDowell
WITH: Sen. Ellison's Office
FAX#: 465-4928

DATE: April 3, 1992
TIME: 10:08 a.

FROM: John McMullen
CITY: Cordova

RE: SB 457 (CS)

Total pages including cover 3. For transmission error, please call sender.

MESSAGE: I received the CS for SB 457 which
you faxed this a.m. Thank you.
These revisions satisfy my concerns
that were included in my testimony of
April 1, 1992 (enclosed).

Armin Koernig has requested that
legislative intent be adopted for this
bill.

also --

does sustinial yield refer to
"harvest", "escapement" or both?

Thanks --

John McMullen

Prince William Sound Aquaculture Corporation

P.O. Box 1110 Cordova, Alaska 99574-1110 Phone (907) 434-7511 FAX (907) 434-7514
821 N St. #101B Anchorage, Alaska 99501-3285 Phone (907) 274-4066 FAX (907) 274-1999



April 1, 1992

Senator Lloyd Jones, Chairman
Senate Resources Committee
Alaska State Senate

Dear Mr. Chairman:

I am John McMullen, President of Prince William Sound Aquaculture Corporation. Thank you for the opportunity to testify before your committee.

I wish to comment on Senate Bill 457, an Act relating to management of wild and hatchery stocks of anadromous fishes.

Senate Bill 457 has melted down the issues associated with the nationalized aquaculture programs within the state. Those issues are:

1. The maintenance of a preference for wild stocks within fisheries management and conservation programs.
2. The determination of acceptable levels of hatchery production, by region.
3. The regulation of hatchery stocks in a manner which does not disrupt traditional fisheries.

It is our belief that existing Alaska statutes and the regulations of the Alaska Board of Fisheries and the ADF&G presently provide for wild stock preferences and the orderly operation of hatcheries.

At the same time, we understand that hatchery programs in some regions of the state were initiated without proper regard for the design of associated cost recovery programs which would not impact traditional fisheries.

We believe that unresolved issues are regional in scope, and that the resolution of these issues should be confined to each region.

Mr. Chairman, the specific statements in SB 457 upon which I will comment include the following.

Sec.16.05.730 (a); The board may manage fisheries in the state to achieve sustained yield for wild anadromous fish stocks.

Sec 16.05.730 (b) line 10; The board may manage fisheries in the state to achieve an adequate return of hatchery produced anadromous fish stocks to hatcheries for brood stock.

Sec 16.05.730 (c) page 2, line 2; The board may exercise its authority under this title as it considers necessary to provide a reasonable return of surplus fish to a hatchery to offset the cost of

operating the hatchery if the return of surplus fish to the hatchery or the harvest of surplus fish by the hatchery does not prevent achievement of sustained yield for wild anadromous fish stocks.

Sec. 16.05.730 (c) page 2, line 6; The board may adopt criteria for determining the reasonable needs of hatcheries for surplus fish, and may adopt a management plan to provide surplus fish to a hatchery.

Mr. Chairman, in Prince William Sound, levels of hatchery production are determined by adherence to the optimum sustained yield principle. The Regional Planning Team in Prince William Sound is basing its revision of the Regional Comprehensive Salmon Plan on the concept of optimum sustained yield for wild and enhanced stocks, rather than on wild stocks alone. At the same time, we recognize and agree with a priority for maintenance of wild stocks.

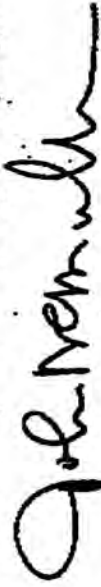
In February, 1991, the Alaska Board of Fisheries adopted a salmon management plan for Prince William Sound. That plan, which was developed by the Regional Planning Team through the public participation process, allocates all the salmon returning to the Sound to wild and hatchery brood stocks and to specific user groups including hatcheries. We do not utilize the concept of "surplus" fish as written into Senate Bill 457. We believe this is in keeping with Alaska Statute 16.10.440 (a) which states that "Fish released into the natural waters of the state by a hatchery operated under AS 16.10.430-470 are available to the people for common use and are subject to regulation under applicable law in the same way as fish occurring in their natural state until they return to the specific location designated by the department for harvest by the hatchery operator."

Mr. Chairman, regarding cost recovery and use of funds, AS 16.10.450 says, among other things, that a hatchery operator who sells salmon returning from the natural waters of the state "after utilizing the funds for reasonable operating costs, including debt retirement, expanding its facilities, salmon rehabilitation projects, fisheries research, or for costs of operating the regional association for the area in which the hatchery is located, shall expend the remaining funds on other fisheries activities of the qualified regional association."

However, Senate Bill 457 proposes that the board adopt criteria for determining reasonable needs for hatchery funding, which appears to conflict with the intent of present regulations and could serve as a mechanism to reduce hatchery operations.

Although the Prince William Sound Salmon Allocation and Management Plan is in place, and PWSAC's cost recovery fish are assured, we do not agree with the proposal that would authorize the board to establish hatchery funding levels. Instead, we presently work with the ADF&G on a regular basis to determine the annual revenue needs of our hatchery program.

Thank you very much for the opportunity to present this testimony.



John McMullen
President

PRINCE WILLIAM SOUND AQUACULTURE CORPORATION
P.O. BOX 1110
CORDOVA, ALASKA 99574

April 6, 1992

Senator Lloyd Jones, Chairman
Senate Resources Committee
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Mr. Chairman:

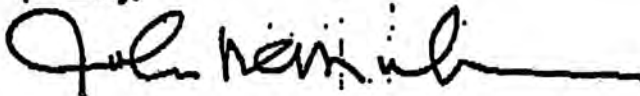
On April 1st, I testified before your committee on Senate Bill 457. A written copy of that testimony is included in your committee's files.

Prior to the time that I testified, a committee substitute for Senate Bill 457 was discussed by the committee. At the close of my testimony, in response to a question from Senator Menard, I tentatively agreed to the language in the Bill.

Since that date, I have received the Committee Substitute and have had an opportunity to discuss it with some members of our board of directors. We are supportive of CSSB 457 as written.

Thank you very much for providing us the opportunity to participate in this legislative process.

Sincerely,



John McMullen
President

cc: PWSAC EXCOM Members
