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HABITAT REQUIREMENTS AND EXPECTED
DISTRIBUTION OF ALASKA CORAL

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II. BACKGROUND REVIEW

The term "coral" is applied to several diverse orders within the Phylum Coelenterata (Table 1). This study covers those orders of Coelenterates having corals found in Alaska. These include the orders Alcyonacea (soft corals), Gorgonacea (sea fans or horny corals), and Scleractinia (cup corals, stony corals, or hard corals) in the class Anthozoa, and the order Stylasterina (hydrocorals) in the class Hydrozoa.

The morphology of corals varies. The living tissues are composed of polyps, each with a mouth surrounded by tentacles. Some species are composed of a single polyp, others are colonies of many polyps. Certain corals are upright and display varying degrees of branching, while others are low growing, encrusting forms. Corals vary in size from less than 1 cm to over 1 m. The skeletons of corals consist of spicules which are embedded within or are deposited outside the living tissues. The chemical composition (hardness) and size of the skeleton are important in determining the commercial value of each species.

Sexual reproduction usually takes place between individual polyps or colonies, since sexes in most corals are separate (Lacaze-Duthiers 1864; Bayer and Weinheimer 1974; Grigg 1977; Weinberg and Weinberg 1979). Female colonies harbor the eggs, which are fertilized by sperm from male colonies. Fertilized eggs develop within the female polyps into planula larvae.

The planula larva of many species has never been observed (Stimson 1978); those that have been studied are usually large (between 0.5 and 2.5 mm long), pink, ciliated, and slightly negatively buoyant (Sevens 1981). The larvae usually live between 2 and 10 days (Lacaze-Duthiers 1864; Gohar 1940; Kinzie 1973; Grigg 1977; Weinberg and Weinberg 1979) although some have been reported to survive up to 90 days in the laboratory (Vaughan and Wells 1943; Grigg 1979).

Table 1. Coelenterate Systematics. Orders covered in this study are asterisked (*).

<u>Phylum Coelenterata</u>	<u>Common Name; Distribution</u>
Class Anthozoa	
Subclass Octocorallia (Alcyonaria)	
* Order Alcyonacea	Soft corals, sea strawberries; found in Alaska.
Order Coenothecalia	Blue coral; found in tropical Pacific reefs.
* Order Gorgonacea	Sea fans, fan coral; found in Alaska.
Order Pennatulacea	Sea pens, sea pansies; found in Alaska.
Subclass Hexacorallia (Zoantharia)	
Order Actinaria	Sea anemones; found in Alaska.
Order Antipatharia	Thorny corals, black coral; found in tropics, subtropics.
Order Ceriantharia	Cerianthids; possibly in Alaska ¹ .
* Order Scleractinia (=Madreporaria)	Stony corals, cup corals; found in Alaska.
Order Zoanthidae	Zoanthids; not in Alaska.
Class Hydrozoa	
Order Hydroida	Hydroids and jelly fish; found in Alaska.
Order Milleporina	Fire coral, millepores; not found in Alaska.
Order Siphonophora	Jellyfish; found in Alaska.
* Order Stylasterina	Hydrocorals, hard corals; found in Alaska.
Order Trachylina	Jellyfish; found in Alaska.
Class Scyphozoa	Jellyfish; found in Alaska.

* Covered in this study

¹ Dr. Bruce Wing, personal communication

Planula larvae either swim, crawl, sink and perhaps float after being released. Planula of most corals are not usually dispersed very far from parent colonies (Fritchman 1974; Gerrodette 1981). The larva of one species creeps down the parent colony and settles nearby (Kinzie 1973). Larvae of other species can crawl and settle up to 40 m away (Weinberg and Weinberg 1979). There is one report of planula larvae floating (Butler 1980), but this observation has not been substantiated.

The planulae settle, often on current-swept solid substrates, and undergo metamorphosis into the primary polyp stage. Only a very small fraction of the larvae reach this stage; many are lost by landing on unfavorable substrates, others are eaten by predators, while still others are abraded and smothered by sediment and algae. In colonial species, subsequent budding (asexual reproduction) of the primary polyp stage produces additional polyps, each with a mouth surrounded by tentacles; these polyps form and share a common skeleton. The colony continues to grow by budding more polyps and secreting additional skeletal material. Growth of most corals is believed to be slow and may require over 100 years to reach maximum size. //

Causes of adult mortality include physical factors such as smothering by sand (Grigg 1977), toppling of large colonies by storm waves (Birkeland 1974), weakening of skeletons by boring organisms (Dr. Richard Grigg, personal communication), freshwater runoff, and exposure to air during extreme low tides. Biological factors include interspecific competition with other coral species, and predation. Corals compete with each other for space and light by overgrowing one another and/or by digesting adjacent colonies. Coral predators include snails (Kinzie 1973, Birkeland 1974), fish (Randall 1967; Clarke 1968), polychaetes (Dr. R. Kinzie, personal communication), starfish and nudibranchs (Sebens, personal communication). Recently man has caused mortalities as a result of thermal and chemical pollution from power plants, sewage (Smith et al. 1973), and oil and gas exploration and development (Dept. of Commerce 1979; Loya and Rinkevich 1980).

Coral distribution and abundance is affected by substrate size, currents, depth, and temperature. Most coral species require a solid, rocky substrate to survive, however, a few can live on sandy and muddy bottoms. Currents bring food, reduce sedimentation, and may assist in larval dispersal. Depth is important because of its relationship with other factors such as light, temperature, salinity, oxygen, and wave action. Light is necessary to many tropical, reef-building corals harboring commensal algae, which produce the necessary food for the host coral. Temperature is known to control the distribution of reef forming corals and the reproductive activity of certain temperate species (Grigg 1979). Corals are often found in association with other species and can provide a habitat for fish and invertebrates that fish might feed on.

Coral Loss Could Deplete Fish Stocks

by Frank Saxton

An important nursery area for tarakihi and snapper is located in one of the two declining coral beds in Tasman Bay.

In a recent study of the history of the beds, local fishermen were asked to compare conditions in the past with those prevailing today. The most important finding was that the Separation Point coral bed has been the site of a vast nursery of juvenile tarakihi and snapper. This nursery environment has all but disappeared, and there is cause for concern at the extent to which this will be detrimental to future stocks of these species.

The coral is a bryozoan. It usually occurs in large rock-like pieces, but is made up of the individual homes of very small, almost microscopic, animals, each living in a hard case into which it can withdraw for protection from predators. As each bryozoan dies new ones build their homes on top of the old, and so the colony grows — much like a true coral. The map shows the approximate area of Tasman Bay once covered with these coral colonies.

Foul Ground

Commercial trawling in Tasman Bay began in 1946, and it was soon discovered that large areas of the Bay were foul ground. Two coral areas were defined — the Torrent Bay and Separation Point beds, the Separation Point bed being the most dense.

The problem of trawling over coral was simply that the trawl net ripped whenever it encountered coral. If the net picked up coral blocks it became heavier and sank hard onto the bottom, increasing the likelihood of damage. Small pieces of coral in the cod

A sample of the coral from the beds in Tasman Bay.



Frank Saxton is a Fisheries Officer based in Nelson.

end also caused a lot of damage to the catch.

These problems were considerable in the years before 1956, as all trawl nets were made from natural fibres (mostly cotton) and were easily torn. However, even before synthetic materials appeared trawlers had devised techniques which allowed them to trawl over the Torrent Bay coral.

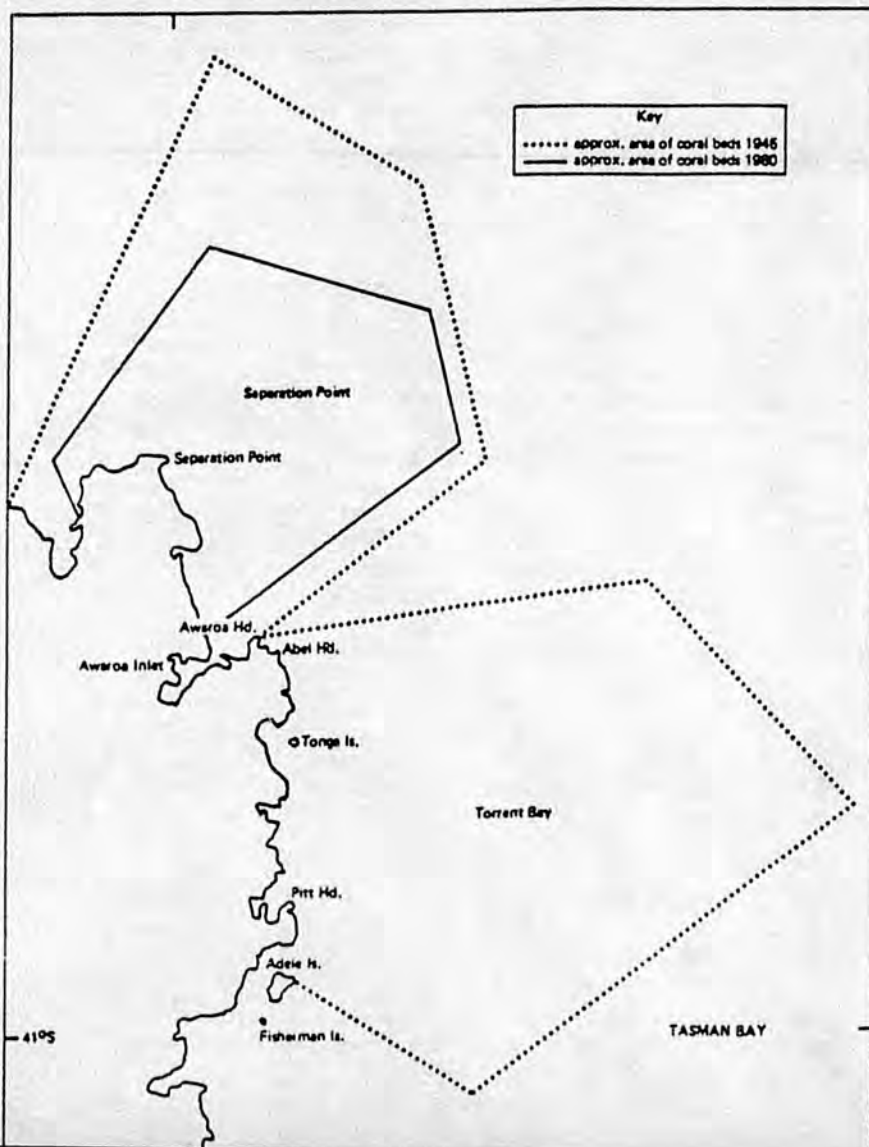
Some of the larger vessels attached cow hides under the cod end to protect the mesh, while other fishermen used extra floats on the net to keep it above the coral. Another widespread practice was the attachment of a sledge to the centre of the groundrope. The sledge slid along the bottom

and raised the groundrope up to half a metre.

Tickler chains were also dispensed with when trawling on new coral beds. Once the coral became "broken in" a skilled trawlerman could use a tickler provided it was a short one that travelled well ahead of the groundrope so that any coral thrown up off the bottom by the tickler had time to fall to the sea bed before the groundrope could pass over it.

"Breaking In"

However, all the fishermen interviewed stressed that whatever technique was used, it was impossible for an otter trawl to fish over coral without causing damage. This was often referred to as "breaking in" a coral bed. The sweeps and bottom bridles usually rub along the bottom for part of their length. Together with the heavy otter boards these will al-



ways tow long furrows of destruction over any coral bed even if the net itself is floating well clear of the bottom.

In the late 1940s and early 1950s the trawl fleet consisted only of a few low-powered trawlers using cotton nets. Even so, they slowly became more confident at trawling over the Torrent Bay coral bed. The Separation Point bed was never trawled as it was considered for too heavy. In 1956 the first synthetic twine (Nynack) came onto the market, and when the first buoyant synthetic (Drummoline) became available in 1964, it became possible to make an ideal "coral trawl". By the early 1960s however, the Torrent Bay coral was in an advanced state of decay after experiencing 15 years of trawling. Its final destruction was left to the scallop dredges of the 1960s, and although small patches still exist, they cause little concern to trawlermen.

The fish associated with the Torrent Bay coral were about the same size as those found in the rest of Tasman Bay. However, in the early days there were good quantities of John dory and blue cod, which are seldom seen today.

Separation Point

The Separation Point coral bed differs from the Torrent Bay bed in an important way: both fishermen and scientists consider it to be a home to big schools of small juvenile tarakihi and snapper. This is in addition to blue cod and two unmarketable species, red mullet and sea perch, which are fish not normally associated with trawl grounds.

The edges of the Separation Point bed slowly retreated inshore between 1946 and 1975. This was most noticeable in the northern boundary which retreated shorewards about two miles. The western boundary (known as the "smoke line") also shifted shorewards. These boundary retreats were caused by unintentional encroachments over the years as trawlermen attempted to fish near the coral.

Trawling did not begin its direct assault on this bed until the mid 1970s. By this time tough buoyant synthetic material was universally used in trawl nets, and forays began to be made onto the area over the coral.

In the winter of 1977 trawling on this coral bed became common with four boats consistently working the area. Huge bags of small unmarketable tarakihi and snapper were commonly taken and laboriously sorted through to find marketable-size fish; the rest were discarded overboard with little chance of survival. Often the nets would be seriously damaged, adding their toll to the profits of the operation.

With the serious decline in the scal-

There is an important lesson in fisheries management in this study of the Tasman Bay coral beds, both for MAF and fishermen. It might be said that MAF could or should have been aware of this problem much sooner, anticipating damage to the coral beds from trawling. However, it is not possible for MAF to be aware of all the problems which can or do arise in a fishery. The fishermen themselves are the most knowledgeable about their fishery because of their day-to-day participation and intimate contact with the fish and fishing grounds. They play a vital role as a source of information for MAF, and by relaying information to MAF, can encourage protection of their fishery.

MAF's responsibility is to ensure it can react to such information quickly, verify the problem, and take remedial action before damage is irreversible. The fact that Tasman Bay fishermen recognize the problem they are creating, yet are unable to stop the practice of fishing coral beds, suggests that they need the assistance of MAF to provide management protection.

*— Rick Boyd,
Fisheries Management Division, Auckland.*

lop fishery in the 1978 and 1979 seasons, more boats spent time trawling in Tasman Bay, chasing a seemingly ever-decreasing fish population. In the winter of 1979 at least six trawlers worked the coral. None of these trawlers exceeded 15 metres in length, and most were under 12 metres. There is no evidence that large trawlers with big nets have ceased any significant effects. As the coral is broken in it becomes easier to work, and it is therefore easier for trawlermen with less experience to enter the fishery.

Patches of coral still exist off Separation Point, but they are decreasing in size and number. The large bags of juvenile fish of the past are seldom taken these days. Those that are taken are now sold for about 4 cents a kilogram and are used for rock lobster bait. The coral that afforded them so much protection for so long has been broken up and so made them vulnerable to the ubiquitous trawl net.

Closure?

Three or four years ago, when trawling began in the Separation Point nursery area, local fishermen expressed concern at this new practice, and there was a lot of local support for legally closing the area. There was a novel suggestion that fasteners be placed throughout the area to deter would-be illegal trawling. A fastener would probably consist of a heavy block of concrete. If a trawler passed over a fastener its net would come fast and be badly damaged. This was said to be the only sure way of effectively enforcing a closed area such as that over the Tasman Bay coral areas.

More on-the-spot survey work is needed to define the extent of this coral bed, followed by the formulation of a practical method of closing the area to trawling. Bryozoan species can be fast-growing and this important nursery area may be yet re-established.

Sail-Powered Longliner

With rapidly rising fuel costs sail-powered fishing vessels are becoming increasingly common around the world. A 29-metre sail-assisted longliner is described in a recent issue of Canadian Fishing Report.

The vessel is being designed by Massachusetts marine architect Fran Morey, and Mr Morey has estimated fuel savings of over 50 percent. Main particulars will be roughly as follows: Length overall, 29.2 metres. Waterline length, 24.4 metres. Beam, 7.3 metres. Draft, 2.7 metres. Displacement, 161.9 tonnes. Moulded depth, 2.7 metres. Fish hold volume, 100.5 m³. Fuel oil capacity, 22 730 litres. Lube oil capacity, 909 litres. Hydraulic oil capacity, 1818 litres. Fresh water capacity, 8 183 litres. Accommodation for 9-10 men.

The vessel will use a single Cummins KT 1150M, 365 hp. Using the engine alone, the vessel will cruise at 11 knots, using about 54 litres per hour. With sails alone, the vessel will cruise at 11 knots, given a wind of 18-20 knots. Mr Morey predicts savings of fuel, compared with a conventional hard-chined vessel, of 50 to 70 percent.

Mr Morey said that the vessel should cost within 10-15 percent of a conventional vessel: perhaps US\$800,000 to \$1,000,000. A big saving comes from using a smaller engine. The most economical size for a sail vessel looks to be 20 metres to 30 metres.

"Smaller vessels wouldn't be that much more economical. And on vessels over 30 metres, to get good savings you'd almost have to jump to 60 metres".

Mr Morey, who has experience in designing yachts, said a good hull could cut fuel costs by 30 percent. The hull efficiency depends on a combination of shape and amounts of surface.

Do you know that in granting a licence to a foreign fishing vessel to fish in New Zealand's EEZ, the Minister of Fisheries may attach conditions relating to the use, transfer, transshipment, landing, and processing of fish taken?

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Coral-like bryozoan growths in Tasman Bay, and their protection to conserve commercial fish stocks

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Abstract Mounds of 'coral' off Separation Point, Tasman Bay, which have recently been protected to conserve ecologically associated commercial fish species, are predominantly growths of Bryozoa. Two species (*Celleporaria agglutinans*, *Hippomenella vellicata*) make up the bulk of these structures. Trawling through the 'coral' grounds has affected the fish populations to the extent that an area has been closed to trawling to conserve stocks.

Keywords *Celleporaria agglutinans*; *Hippomenella vellicata*; Bryozoa; fisheries; marine ecology; resource conservation

INTRODUCTION

Regular trawling off the northern coast of New Zealand's South Island began in 1946, and fishermen were quick to observe, in certain areas, the association of juveniles of important commercial fish with abundant clumps and mounds of 'coral'. The most valuable fish species were *Chrysophrys auratus* (Bloch & Schneider) (snapper), *Gelodactylus macropterus* (Bloch & Schneider) (brakili), and *Zeus faber* (Linnaeus) (john dory). The present study is based upon diving observations in the area known as the Separation Point coral bed (40°47'S, 173°00'E), lying between Tasman and Golden Bays. This bed is about 40 square nautical

miles in extent (Saxton 1980a) at depths of 10-35 m. There was formerly a similar bed immediately to the south, about 80 square nautical miles in area, known as the Torrent Bay coral bed (Saxton 1980b).

Similar coral beds of unknown extent are reported by commercial fishermen from the north-eastern side of Tasman Bay, and others occur in the outer Marlborough Sounds (pers. obs). The Separation Point coral bed, however, appears to be particularly significant as a nursery area for commercial fish.

CORALLINE GROWTHS

The water in the coral bed area is very turbid with very low light penetration and considerable current speeds (surface mean 0.72 kn and 0.4 kn at spring and neap tides respectively) (RNZN Hydrographic Office, Chart NZ 614).

The coralline growths are of 2 clearly distinguishable types, each of which comprises predominantly 1 of 2 species of gymnoeciate bryozoan. One, *Celleporaria agglutinans* (Hutton) (Fig. 1), grows in massive, heavy clumps attaining up to 50% cover and 0.5 m in height. There are 2 ways in which these growths may increase in size. *C. agglutinans* zooids have the capacity for frontal budding, enabling multiple layers of zooids to form upon one another. In this way, colonies of *C. agglutinans* can become quite rock-like, though minutely porous. Alternatively, growing edges can extend as prominent sheets, fans, or laminae around secondary components (other bryozoans, molluscs, and tube-dwelling polychaetes) of these coralline growths, firmly enclosing them within cavities. Most of the mass of these clumps is non-living skeletal material.

The other species, *Hippomenella vellicata* (Hutton) (Fig. 2), is not so robust and rock-like. It may occur sparsely with *C. agglutinans* or form separate, coarse foliaceous 'honeycombs' to 0.3 m across and 0.15 m high, of bilaminar sheets of zooids.

The mounds and honeycombs provide attachment surfaces for other calcareous frame-building components, including any of 92 additional species (as in 1 locality in Tasman Bay) (Appendix) of mainly encrusting bryozoans, plus serpulid tubes, and a homotrematid foraminiferan, *Miniocina miniacea* (Pallas). Branching bryozoans of some significance

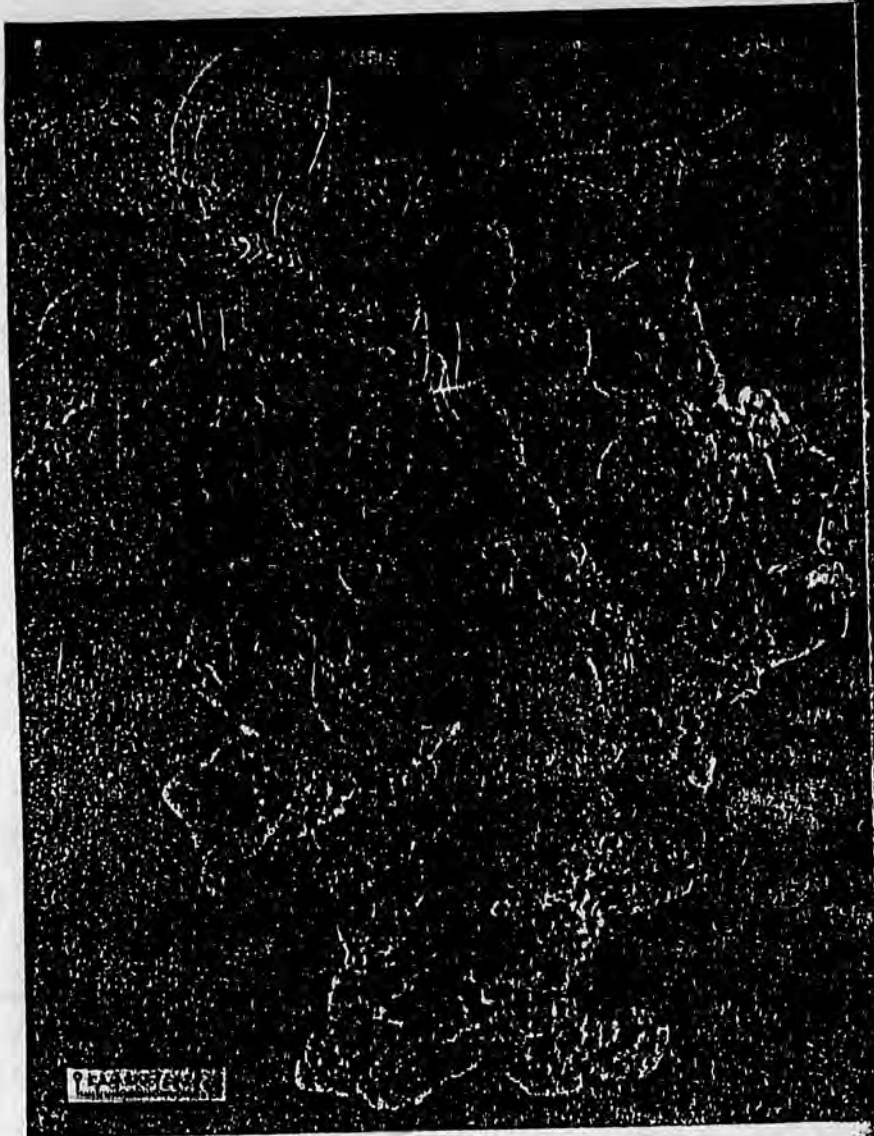


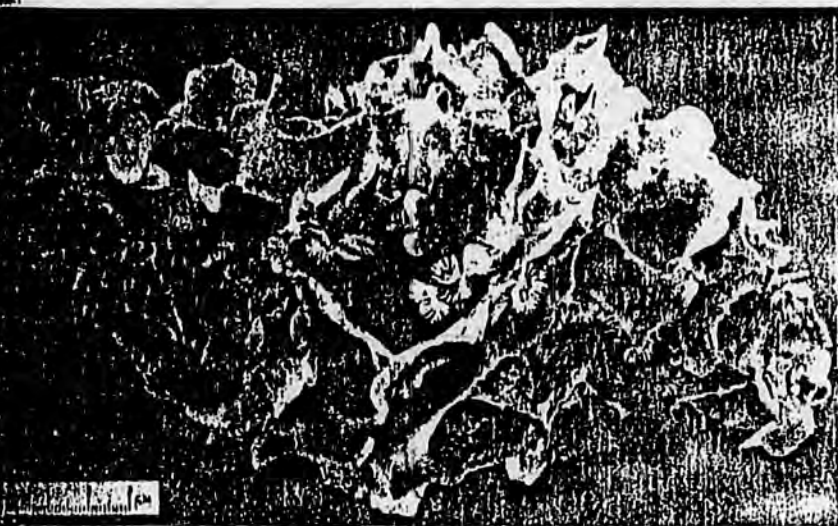
Fig. 1 A 0.22-m-high coralline mound, mainly comprising the bryozoan *Celleporaria agglutinans* (Hutton), from 33 m depth, 3.2 km off Anapai Bay, Abel Tasman National Park. (Photo: J. Whalan, Science Information Division, DSIR)

secondary frame components include *Galeopsis dipora* (Waters), *Galeopsis polypora* (Brown), and *Telopora digitata* (Busk). Comparable bryozoan growths are not well known, either geographically or ecologically, but where they occur an association of additional calcareous species has been noted (Culley 1977).

These growths are also characterised by an increased faunal diversity. By creating a vast surface area in the interstices and exposed parts of the coralline growths we have studied provide microhabitats for many epibionts including hydroids, sponges, simple and compound ascidians, and bivalve molluscs. Polychaete worms are particularly abundant. Dissection of a 6.4 kg (wet weight) colony of *C. agglutinans* (approximately $0.4 \times 0.35 \times 0.2$ m) yielded 51 polychaetes weighing 54 g. Of these, 31 were tube-dwelling and 20 'errant' worms. Many smaller, more delicate polychaetes were also found which could not be practically counted and weighed. Also found were 27 bivalve molluscs, 1 gastropod, 3 amphineurans, 9 decapod crustaceans, 1 solitary ascidian, and 1 small octopus. Ophiuroids have also been observed in bryozoan coral.

Some of these organisms are important in the diets of snapper and tarakihi (Godfriaux 1974). The coralline grounds are particularly favoured by 3-year-old tarakihi (20–27 cm long) and the snapper taken there are also commonly around 20–25 cm long (Vrouen 1975). Other associated demersal fish species include *Parika scaber* (Bloch & Schneider) (leatherjacket), *Parapercis colias* (Bloch and Schneider) (blue cod), *Upeneichthys porosus* (Cuvier & Valenciennes) (red mullet), and *Helicolenus papillosus* (Bloch & Schneider) (sea perch).

The Tasman Bay coralline growths are comparable with small submerged bryozoan reefs recently discovered in the Bahamas (Culley et al. 1977). In these, *Celleporaria albirostris* (Smith) occurs as a major framebuilder, with hermatypic corals and other encrusting bryozoans as secondary components. Of the 7 commonest secondary bryozoan genera, 4 (*Parasmittina*, *Rhynchozoon*, *Stegoporrella*, *Buffonellaria*) also occur in the New Zealand mounds. Serpulid tubes and the foraminiferan *Homotrema rubrum* (Lamarck), among others, contribute to the Bahamian bryozoan reefs which rise 0.3–3.0 m above the bottom in 2–5 m of water.



The major part of an originally larger colony of the bryozoan *Hippomastella vellicosa* (Hutton) ('cornflake coral' fishermen), from 33 m depth, 3.2 km off Anapai Bay, Abel Tasman National Park. The stellate colonies are those of *Telopora digitata* (Busk). (Photo: J. Whalan, Science Information Division, DSIR)

EFFECTS OF TRAWLING

Two major coralline grounds have been fished in the area studied by us in the Tasman Bay-Golden Bay area. Especially before 1956, fishermen avoided these grounds, whose boundaries were determined by experience, as their nets of natural fibres were easily snagged and torn by the bryozoan 'coral'. One of the grounds, off Torrent bay (40°58'S, 173°04'E) was subsequently able to be fished by specially designed nets, floating just clear of the seafloor, because the coral was dominated by the comparatively light and brittle *H. vellicosa*. By contrast, the Separation Point coral ground, comprising the mainly heavy *C. agglutnans*, was not fished until strong, buoyant synthetic netmaking fibres became available after 1960. Trawl nets were designed expressly for fishing these grounds, using chains, sledges, and rolling bobbins. Along with the sweep wires and otter boards common to all trawl gear, these caused extensive destruction of the coralline growths. Their size and extent was progressively reduced until, by the late 1970s, the Torrent Bay ground was virtually destroyed. Diving observations in 1980 revealed that where the growths persisted in the study area, they were markedly reduced in size compared to those previously taken there by fishermen. Their density was also less than that seen in an otherwise comparable ground off Separation Point. Clumps were often several metres apart and none was observed to stand taller than 0.15 m above the mud bottom.

With loss of shelter and availability of food organisms there has been a reduction in numbers of juvenile tarakihi and snapper in these important nursery grounds (Saxton 1980b). Accordingly, in December 1980, an area of seabed off Separation Point delimiting a coralline ground was closed (Mace 1981) to the power-fishing methods—

trawling, Danish seining, and dredging—which were likely to continue destroying the coralline growths. Restoration of the habitat is being monitored. To our knowledge this is the first time that bryozoans have become protected, in effect, to conserve commercial fishery.

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APPENDIX Bryozoa associated with *Celleporaria agglutinans* (Hutton) and *Hippomenella vellicata* (Hutton) (at NZOI Sta D273, 40°45'S, 173°49'E, 75 m depth, north-eastern Tasman Bay off D'Urville Island).

SYMPLOAEMATA

Parasitia parva Silén
Oreparitidia serrata (MacGillivray)
Billina sericea (MacGillivray)
Ossimarginatella corbula (Hincks)
Ossimarginatella cucullata (Waters)
Ossimarginatella fossa Uttley
Ossimarginatella pyrula (Hincks)
Ossimarginatella valdemundia (Hincks)
Akatopora circumscarpa (Uttley)
Akatopora sp.
Pocularia cyclops (Busk)
Chaperiopsis boninensis (Silén)
Chaperiopsis cervicornis (Busk)
Chaperiopsis funda (Uttley & Bullivant)
Chaperiopsis spiculata (Uttley)
Aster Taumali Jullien
Aster truncata (Landsborough)
Balanis decumbens (MacGillivray)
Balanis discodermiae (Ortmann)
Balanis magellanica (Busk)
Caberea rostrata (Busk)
Micropora mortenseni Livingstone
Maxtonella lepta (Hincks)
Reginoporella magnifica Harmer
Macropora grandis (Hutton)
Figularia carinata (Waters)
Figularia memae Uttley & Bullivant
Figularia spinea Brown
Orthocuticella margaritacea (Busk)
Buystomella foraminifera (Hincks)
Archynopusta unicomis (Hutton)
Ambonula bicuspis (Hincks)
Boeckella conjuncta Brown
Boeckella jelliae Brown
Boeckella micupsis (Hincks)
Hippoporina rostrata (MacGillivray)
Hypadenella margaritifera (Lamoureux)
Ichthomastella mucronifera Powell
Ichthomastella cf. neptuni Jullien
Ichthomastella punctigera (MacGillivray)
Maackia circinata (MacGillivray)
Boeckellodes rileyi (MacGillivray)
Maackia enigma Brown
Maackia gabriell Stach
Maackia longaevis Powell
Maackia sp.
Maackia purpurea (Hincks)

Smitina rosacea Powell
Smitina lanquet Powell
Schizosmitina maplesoni (MacGillivray)
Smitinidea flexuosa (Hutton)
Parasmitina aotea (Brown)
Parasmitina delicatula (Busk)
Hemismitinidea hexaspina (Uttley & Bullivant)
Porcella marsupium (MacGillivray)
Escharella spinosissima (Hincks)
Escharella sp.
Orepidacanthia crinispina Levisen
Orepidacanthia kirkpatricki Brown
Microporrella intermedia Livingstone
Microporrella sp.
Calloporina angustipora (Hincks)
Fenestulina disjuncta (Hincks)
Fenestulina reticulata Powell
Fenestulina sp.
Hippothoa flagellum Manzoni
Charizopora brongniartii (Audouin)
Celleporina costazii (Audouin)
Celleporina sp.
Buffonellaria biavicularis (Powell)
Buffonellaria regenerata (Powell)
Buffonellaria sp. 1
Buffonellaria sp. 2
Galenopsis grandipora (Waters)
Rhynchozoon larreyi (Audouin)
Rhynchozoon paa Uttley & Bullivant
Brodiaella longispinata (Busk)

STENOAEEMATA

Stomatopora sp.
Microecia rileyi Borg
Platonea sp.
Liripora lineata MacGillivray
Tubulipora sp.
Entalporhinea sp.
Telepora digitata (Busk)
Cinctipora elegans Hutton
Crisia sp. 1
Crisia sp. 2
Hornera sp.
Lichenopora novaezealandiae (Busk)
Dispora buski (Harmer)
Dispora fimbriata Busk
Dispora sp.



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Committee
committee name
committee on HJR 25, dated 3/1/95
bill/subject

I have been a deck hand fishing for halibut and blackcod for the last 14 years. Because of the narrow shelf the fishing effort is concentrated in a zone from 12-20 miles offshore. After watching the video from the ALASKA Department of fish & Game documenting the coral bottom that provide an ideal habitat for the fish that sustain the fishing communities in SE ALASKA. There can be no doubt the effect of dragging trawl gear through our coral bottom and the devastation of giving these boats ^{license} to perpetuate this ~~devastation~~ devastation. I urge you to support

HJR 25

Signed: _____

Testifier

Representing (Optional)

Address

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name

committee on HJR 25, dated Mar. 1, 1995
bill/subject

My profession is oceanographer. I am currently engaged in a fisheries research project concerning rockfish & bottom habitat. I am well aware of the difficulties of sampling these fisheries and their habitat, and the potential for great error in population estimates. I believe that the area East of 140° should be closed to trawling to protect the habitat & resources of this area. The large biomass harvested in short time frames by trawlers does not promote economic viability in ~~up to 140° shelf is narrow & rocky~~ our coastal resources communities. I am on the board of the Sitka Conservation Society. Our group supports sustainable use of the resources of our area. We feel that smaller vessels employing local people are more responsive to changes in the resource, preventing overharvesting.

Signed: Page V. Else
Testifier
self & Sitka Conservation Society
Representing (Optional)
2219 Sawmill Creek Hwy
Address
747-7448
Phone No.



P.O. Box 1229 Sitka, AK 99835 (907) 747-3400

**TESTIMONY ON HJR 25: RESOLUTION TO BAN TRAWLING OFF
SOUTHEAST ALASKA
House Fisheries Committee, March 1, 1995**

My name is Linda Behnken. I am testifying on behalf of the Alaska Longline Fishermen's Association, which has a membership that resides in communities throughout Southeast Alaska. I am testifying in support of HJR 25.

The socioeconomic health of Southeast Alaska depends on the region's coastal hook and line fisheries. The seafood industry is the largest private employer, and in many Southeast communities the only employer, providing a livelihood and a life-style to local residents. Residents of Southeast hold over 4,300 commercial fishing licenses; close to 6,000 people are employed as crew members. Another 1,400 people are employed in the shore-based processing sector, which has a total annual impact on the Southeast economy of \$547 million. The Southeast commercial fisheries pay over \$5.3 million in raw fish tax each year to local communities, and support a host of service industries. Down-sizing of the timber industry in Southeast has served to heighten the regional importance of the fisheries, and to emphasize the necessity of sustainable harvest. If properly managed, the seafood industry will be an increasingly important part of Southeast's socioeconomic base in the future.

The future socioeconomic health and stability of these communities is severely threatened by the incursion of trawl vessels into this hook and line zone. The oceanography, ecology and socioeconomic structure of Southeast combine to make this area unique--and uniquely vulnerable to trawl impact. The continental shelf/slope area, where most commercially valuable fish species reside, is rocky, relatively narrow, and close to the shore. The rocky substrate provides habitat for fragile deep water corals, making the benthic community particularly vulnerable to high-impact gear. The narrowness concentrates fishermen into the limited productive grounds, increasing potential conflicts between incompatible gear-types. The proximity of the shelf/slope to the shore makes the Southeast fishing grounds accessible to the local small boat fleet, boats too small in most cases to fish safely in other parts of the Gulf. The fishing families that operate these boats form the socioeconomic fabric of Southeast, weaving together livelihood and lifestyle.

The only trawlers that operate off Southeast are factory vessels. These vessels buy supplies, deliver product, and hire crew from outside the area--in most cases, from outside Alaska. Although the harvest from Southeast waters constitutes only a fraction of each factory trawler's annual catch, the 7-15 factory trawlers that may receive Southeast licenses under the limited entry plan currently being considered by the North Pacific Fishery Management Council could have a major impact on the six thousand local fishermen who wholly depend on the Southeast fisheries. By taking as bycatch species important to local fisheries, factory trawlers could shut down the Southeast fisheries. In sum, factory trawlers contribute nothing to the Southeast economy yet could trigger closures of local fisheries and damage Southeast's uniquely sensitive habitat, cutting off the lifeblood of Southeast.

Banning trawling in the waters east of 140 degrees West Longitude is Southeast's version of the Inshore/offshore allocation handed down by the Council in 1992. Alaskans must unite behind this resolution to provide Southeast with permanent protection. We ask that the Committee approve HJR 25 and move it swiftly forward.

Thank you for the opportunity to testify.

Linda Behnken



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries
committee name
committee on HJR 25 BAN TRAWLING, dated 3-1-95
bill/subject

AT LAST NIGHT'S MEETING IN SITKA OF "FRIENDS OF
SOUTHEAST'S FUTURE" 25 members were unanimously
IN AGREEMENT IN FAVOR OF HOUSE JOINT RESOLUTION #25.

MY HUSBAND & I ARE LONGLINE FISHERMEN, we do
depend on the Rock fishing for our livelihood - we pay for our
food, ~~home~~ & other bills this way. We'd like to see trawling
banned not only to preserve our cultural lifestyle in SE -
but more importantly to preserve the unique ocean habitat of
SE. IT IS TIME FOR ALL OF US TO USE ALL NATURAL
Resources in BALANCED SUSTAINABLE WAYS, to provide
for many generations in the future - people & fish. Please
ban Trawling permanently in the Easter Gulf of Alaska
last of 140. Thank you for this opportunity to comment.

Signed: Claire Johnson
Testifier

Myself & as member of "Friends of Southeast's
Future"
Representing (Optional)

C/O Box 6384 Sitka
Address

(907) 747-5011
Phone No.

SCOMM

95:42



Alaska State Legislature

House of Representatives Special Committee on Fisheries

SPONSOR STATEMENT

HJR 38 - "Reauthorization of the Magnuson Act"

April 10, 1995

House Joint Resolution 38 speaks to the upcoming Magnuson Fishery Conservation and Management Act reauthorization which was last re-authorized in Congress for a period of three years and is set to expire at the end of this year. The Act serves two purposes: 1) to make a national claim on the fisheries resources of the continental shelf in the band of marine waters from 3 to 200 miles offshore -- the exclusive economic zone (EEZ); and 2) to set up a system for managing and conserving the fisheries resources within the zone. To meet this management and conservation aim, Congress created the Regional Fishery Management Council system. Alaska is represented on the North Pacific Fishery Management Council.

In creating the Council system, Congress recognized the strong interest coastal states had in the fisheries resources of the EEZ off their shores. Congress charges the Councils with the primary responsibilities for determining management policy, within the EEZ, and mandates that the voting members of each of the eight regional Councils be drawn from the relevant coastal states. There is only one voting member representing the federal government on each



Alaska State Legislature

House of Representatives Special Committee on Fisheries

Council.

The North Pacific Fishery Management Council is unique among the eight regional Councils created by Congress. This Council is the only one assigned the EEZ lying directly and entirely off the coast of a single state -- Alaska. All of the other Councils' regions of authority span multiple state coastlines. Congress recognized this uniqueness, as well as the historic participation in the fisheries off Alaska by residents of Washington and Oregon, when prescribing the voting membership of the North Pacific Fishery Management Council. There are 6 votes from Alaska, 3 from Washington, 1 from the National Marine Fisheries Service.

Maintaining that Alaska majority on the NPFMC is one of the principal issues during this and former Magnuson Act reauthorizations and is addressed in this resolution. This resolution also suggests several provisions for the state's best interest be included within the reauthorization.

Thank you for your consideration of this resolution.

FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: Fisheries Committee
Title: "Relating to reauthorization of the Magnuson Fishery Conservation and Management Act."
Sponsor: Austerman BRU: _____
Requestor: Fisheries Committee Components: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 2000	FY 2001
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

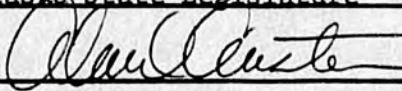
General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

Estimated FY 95 Impact: 0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By: House Special Committee on Fisheries Date: 4/10/95
Division: Alaska State Legislature Phone: 465-4230
Approved By:  Alan Austerman, Chairman
Agency: _____ Date: 4/10/95

DISTRIBUTION (BY PREPARER
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT AND BUDGET
AGENCY (IES)

STATE OF ALASKA MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT REAUTHORIZATION ISSUES AND CONCERNS

March 15, 1995

The following represents the position of the State of Alaska on key issues related to the reauthorization of the Magnuson Fishery Conservation and Management Act. This paper was developed in concert with the State of Alaska's Citizens Advisory Committee on federal legislation. Specific reference is made to HR 39 and S. 39 as introduced.

1. Council Membership

The State supports maintaining the current makeup of the North Pacific Fishery Management Council.

2. Conflict of Interest and Recusal

The State supports a recusal process for Council members to address perceived conflicts of interest. The standard should be such that recusal is required only if the decision before the council could provide a direct and significant personal financial benefit to that Council member, their family, company, etc. All Council members should be able to participate in deliberations, and recusal should be required only for the final vote.

The State can support the recusal provisions in either S. 39 or HR 39 as explained below:

The State supports the recusal process outlined in S. 39. The standard for recusal is acceptable so long as the "designated official" is chosen by the Secretary with the concurrence of the Council. This provides for a proper balance between the Secretary and the councils, and will prevent the Secretary from abusing this process. In addition, the State recommends the deletion of provisions requiring the Secretary to establish rules governing the recusal process.

The State can also support the recusal process outlined in HR 39. The definition of "an interest that would be significantly affected" as presented at page 18 should be retained. NOAA General Council ultimately represents the Secretary at the council, so this definition must be retained if NOAA General Council is going to make these determinations.

3. Conservation, Bycatch and Full Utilization

The State supports provisions to control, reduce, and minimize bycatch and discard waste in our nation's fisheries. Legislation should require that fishery management plans include measures to give priority to, or provide other incentives for the use of fishing practices within a gear group which result in the lowest bycatch and discards for the given harvest of a particular target species. Both HR 39 and S. 39 provide useful

Post-It Fax Note	7671	Date	4-10	Pages	4
To: Amy Daugherty		From:	Jay Nelson		
Co-Op. Rep. Arthur		Co:	can		ADFC
Phone #		Phone #			
Fax #	4956	Fax #	2232		

direction to the councils by establishing new definitions, new national standards and new requirements that Fishery Management Plans include incentives and allocation preferences to address the problem.

The State supports both the Senate and House definitions of "bycatch" and "economic discards." The State supports the national standard on conservation in HR 39. In addition, the State recommends S. 39 national standard on overfishing be added to HR 39. The State recommends replacing the proposed FMP language in HR 39 for Sec. 303 (a)(7)(E)(12), with the following: "conservation and management measures shall, to the maximum extent practicable, minimize economic discards, minimize bycatch and the mortality of living marine resources cause by bycatch;" and the State supports the general requirement for bycatch reduction measures to be adopted in FMPs as presented in HR 39 and S. 39.

The State supports language in S. 39 relating to the North Pacific Fisheries Conservation at page 19, and recommends that similar language be added to HR 39.

4. Optimum Yield

The State supports the Senate definition of optimum yield and recommends this language be added to HR 39.

5. Fishery Dependent Communities

The State supports the national standard on fishery dependent communities in S. 39 and recommends that it be added to HR 39.

6. Community Development Quotas

The State strongly supports statutory authorization which protects the Bering Sea Community Development Quota program.

7. Habitat

The State supports provisions in both HR 39 and S. 39 to strengthen the habitat conservation provisions in the Act. The State supports the definition of essential fishery habitat in S. 39 and recommends this language be added to HR 39.

While the State is supportive of the need to conserve fisheries habitats, we are also concerned about the ability of the Councils to effectively address habitat issues, given their present workload addressing fisheries conservation and management. The primary habitat protection role should be vested in the Secretary, with an enhanced opportunity for the councils to identify, review, and make recommendations on habitat issues.

8. Nationwide Data Collection and Vessel Registration

The State is strongly opposed to any centralized nationwide vessel registration system which would disrupt the comprehensive systems that already exist on the West Coast and in Alaska. Legislation should specifically include the states and councils as full partners and provide for regional data management systems.

A centralized national fisheries data collection system is also redundant for the West Coast/Alaska, and could disrupt data collection systems currently operated by federal, state, and tribal entities. The State supports the language in S. 39 only if the new Sec. 402.(a) data collection provisions include language similar to that in the new Sec. 401.(a) (2), (3), and (4). Data management systems must include the states, councils, and tribal entities as full partners, and provide for regional systems.

9. Fishery Rationalization Programs

Overcapitalization of the nation's fisheries has become a major problem on both coasts. The State believes that the goal of achieving economic efficiency in the harvest of our fishery resources is important, but should be balanced along with the need to achieve full utilization, reduce bycatch, maintain diversity in the fisheries and parity among the various segments of industry, as well as the necessity of meeting the economic and social needs of coastal fishing communities.

Both the House and Senate are struggling with the criteria for implementing limited access programs, including IFQ programs. The State recommends that the following be considered:

(i) requirements for full retention and utilization of target species, provisions establishing individual incentives to reduce bycatch, and specific measures to prevent high-grading;

(ii) criteria for transfer of limited access rights requiring 75 percent U.S. ownership (Sec. 802 (a)-(c) of Title 46 U.S.C.) of companies and corporations receiving such rights to reduce the extent of foreign ownership and control of private fishing rights in U.S. waters;

(iii) notwithstanding the MFCMA's confidentiality standards, provisions should be added to ensure that data such as cumulative catch histories by vessel are available to the Councils and the public when designating quota systems. This information is vital to determine "who gets how much" under different management options. Such information is necessary in order to meet the requirements of National Standard 4 to ensure that no individual or corporation receive an excessive share or quota allocation;

(iv) requirements to minimize negative economic impacts on coastal communities and provide increased economic opportunities for coastal communities which are dependent on fisheries;

(v) clear authority to provide for processing quotas if appropriate and necessary to maintain parity between segments of the processing sector, as well as between harvesters and processors;

(vi) strict requirements for effective monitoring and enforcement programs, including provision for catch inspection before leaving fishery management areas or waters under U.S. jurisdiction; and

(vii) include stiff penalties for violations of quota share systems such as provisions for revocation of fishing rights or quota shares for serious infractions.

10. Fees

The State supports provisions to assess reasonable fees on IFQ fisheries to cover the costs of fishery management. The IFQ transfer fee proposed by the Senate should be on the value of the quota, not the ex-vessel value of the fish. The State would also support an alternative fee system tied to vessel licenses or registration. Any fee system should provide a credit for federal, state, and local fishing assessments and fees.

Fees collected should go to management and enforcement in the region collected. An industry oversight advisory committee system should be created to assure that funds received from fees are appropriately spent.

11. State Jurisdiction

Amend section 306 accordingly:

(a)(3) Except as otherwise provided by paragraph (2), a State may not directly or indirectly regulate any fishing vessel outside its boundaries unless:

(A) the vessel is registered under the laws of that State;

(B) there are no federal fishing regulations established for the fishery pursuant to an approved fishery management plan; or

(C) pursuant to an approved fishery management plan.

12. Emergency Actions

The State supports provisions in both the Senate and House bills granting emergency regulation authority for 180 days with provision for an additional period of not more than 180 days. The State supports a provision excluding the NMFS regional director or his designee from voting on emergency actions for which a unanimous vote is required.

PROPOSED AMENDMENT OF SECTION 306 OF THE MFCMA

At the end of Section 306(a), add the following paragraph:

(4)(A) For any fishery for which there is no fishery management plan approved and implemented pursuant to this Title, a state may enforce its laws or regulations pertaining to the taking of fish in the EEZ off that state or the landing of fish caught in the EEZ providing there is a legitimate state interest in the conservation and management of that fishery.

(B)(1) For any fishery for which there is a fishery management plan approved and implemented pursuant to this Title, a state may enforce its laws or regulations pertaining to the taking or landing of fish caught in the EEZ, so long as such law or regulation is not inconsistent with any relevant fishery management plan approved and implemented under this Title. Any state may request that the Secretary of Commerce, in consultation with the relevant Regional Fishery Management Council, issue a determination of consistency with respect to any specific state law or regulation.

(2) Any state seeking a determination of consistency pursuant to this paragraph shall submit such a request to the Secretary and the relevant Regional Fishery Management Council. The Secretary shall immediately publish a notice in the Federal Register setting forth the request and inviting written data, views, or comments of interested parties. The state's laws or regulations subject to the request shall be deemed consistent with the Federal fishery management plan if the Secretary has not notified the state in writing of his denial of the consistency determination within 90 days of the receipt of the request by both the Secretary and the Council.

AMENDMENT # 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE AUSTERMAN

TO: HJR 38

1 Page 3, line 7:

2 Delete "Public Lands and"

3 Page 3, line 8:

4 Delete "member of the Alaska delegation in Congress."

5 Insert "Chair, United States Senate Subcommittee on Oceans and Fisheries of the
6 Committee on Commerce, Science, and Transportation."

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE AUSTERMAN

TO: HJR 38

1 Page 2, line 16:

2 Delete "and"

3 Page 2, after line 16:

4 Insert new paragraphs to read:

5 "(5) provide a portion of the annual harvest in a fishery subject to individual
6 transferrable quotas for entry level fishermen or small vessel owners who do not hold
7 individual transferrable quotas;

8 (6) require a portion of fees or rents collected from federally managed
9 fisheries be distributed to the adjacent coastal states for fishery conservation and management
10 purposes;

11 (7) require that the federal fee system for federally managed fisheries allow
12 a deduction for other local, state, and federal fishing fees and taxes that are paid by
13 fishermen;

14 (8) amend 16 U.S.C. 1856 to authorize the extension of state jurisdiction into
15 the exclusive economic zone when a North Pacific Fishery Management Council fishery
16 management plan does not exist; and"

17 Renumber the following paragraph accordingly.

SCOMM

95:43

Original sponsor(s): Rules Committee

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 92 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to subsistence use and commer-
6 cial fishing in Glacier Bay National
7 Park.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the National Park Service is currently addressing the issue of
10 subsistence use and commercial fishing in Glacier Bay National Park (Park)
11 and is considering the status of subsistence use and commercial fishing in
12 the park; and

13 WHEREAS subsistence use and commercial fishing have occurred in the
14 Park since before it was established as a national monument in 1925 up to
15 the present day; and

16 WHEREAS the National Park Service currently does not recognize the
17 right of residents of Hoonah and other local communities to use the area
18 now included in the Park for subsistence use, as their ancestors had done
19 for generations; and

20 WHEREAS the prohibition of subsistence use and commercial fishing in
21 the Park would have disastrous and widespread economic and social conse-
22 quences for fishers of northern Southeast Alaska and the communities in
23 which they reside; and

24 WHEREAS the continued subsistence and commercial use of fisheries
25 resources within the navigable waters of the Park is desirable and is
26 environmentally compatible with the purposes of the Park; and

27 WHEREAS the harvest of fisheries resources in the Park is conserva-
28 tively managed by the Alaska Board of Fisheries and the Alaska Department
29 of Fish and Game to promote the sustained health of the fish stocks; and

1 WHEREAS migratory species of fish that do not originate in the Park
2 constitute the majority of the fish harvested within the Park; a signifi-
3 cant portion of the salmon harvested in the Park is the result of salmon
4 enhancement and rehabilitation efforts by the State of Alaska, private
5 nonprofit aquaculture associations, and hatcheries in Washington, Oregon,
6 and British Columbia; and

7 WHEREAS the National Park Service must administer the Park subject to
8 existing rights, statutes, and regulations; and

9 WHEREAS National Park Service regulations specifically provide for
10 commercial sport fishing activities and for the use of large tour ships
11 within the Park; and

12 WHEREAS the State of Alaska has a claim to ownership of the submerged
13 lands and navigable waters of the Park; and

14 WHEREAS the State of Alaska exercises management authority over
15 natural resources of the Park, provided that the state does not interfere
16 with the purposes for which the Park and wilderness areas within the Park
17 were established; and

18 WHEREAS issues relating to state and federal jurisdiction in the Park
19 have not been resolved; and

20 WHEREAS subsistence use and commercial fishing in the Park do not
21 threaten Park resources, visitor enjoyment of Park resources, or whale
22 habitat in the Park;

23 BE IT RESOLVED that the Alaska State Legislature respectfully requests
24 the National Park Service to work with the state, other federal agencies,
25 and affected parties to study the resources in Glacier Bay National Park
26 and the effect of subsistence use, sport and commercial fishing, and
27 tourism on these resources; and be it

28 FURTHER RESOLVED that the National Park Service proceed expeditiously
29 to amend its regulations in order to

1 (1) allow commercial fishing under the laws of the State of
2 Alaska within the nonwilderness areas of the park; and

3 (2) expressly provide for subsistence uses in the Park.

4 COPIES of this resolution shall be sent to the Honorable George Bush,
5 President of the United States; the Honorable Manuel Lujan, Jr., Secretary
6 of the U.S. Department of the Interior; James M. Ridenour, Director,
7 National Park Service, U.S. Department of the Interior; Boyd Evison, Alaska
8 Regional Director, National Park Service, U.S. Department of the Interior;
9 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
10 Senators, and the Honorable Don Young, U.S. Representative, members of the
11 Alaska delegation in Congress.

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) 465-4916

FAX (907) 465-4928

Sept 19, 1991

TESTIMONY OFFERED BY SENATOR DICK ELIASON
ON NPS PROPOSAL TO CLOSE GLACIER BAY NATIONAL PARK
AND PRESERVE TO COMMERCIAL FISHING

Thank you for the opportunity to testify on the National Park Service's proposed regulations relating to commercial fishing and subsistence fishing and gathering in Glacier Bay National Park and Preserve. I speak to you as a commercial fisherman, and as a member of the Alaska State Senate. My Senate district runs from Metlakatla to Yakutat and includes not only the entire Preserve, but all the communities that will be most drastically affected if commercial fishing in the preserve is prohibited.

These communities include Gustavus, Pelican, Elfin Cove, and Hoonah. Subsistence fishing and gathering occurred in the Bay and in the area now included in the Preserve long before John

Muir discovered its beauty. Long before the National Monument was created in 1925, commercial fishermen plied these waters, and they have continued to do so each and every year. The cruise ship visitor who gets to see one of these small vessels in action generally considers it an enhancement of the experience of the Park. Subsistence fishing and gathering and small-scale commercial fishing should be viewed as part of the Park's values, not as something alien to the Park. I understand the push to curtail commercial fishing activity in wilderness areas of the Park, but I do not believe that most Southeast Alaskans, much less the members of Congress understand that the National Park Service intends to phase out fishing throughout the Preserve, including waters along the outside coast up to three miles from shore, rich fishing grounds on which hundreds of families rely. The closure of these waters to commercial fishing will have devastating economic and social consequences throughout the region, and will put tremendous pressure on fisheries resources in Southern Southeast Alaska where the

displaced fleet will be forced to turn in search of a livelihood. I urge the National Park Service personnel involved in studying the relationship between commercial fishing and park resources to consider the profound effect closing these waters will have on the human environment as well as the marine resources to the South. I believe that subsistence fishing and gathering should continue unrestricted in the Preserve. I recognize that this requires a change in ANILCA. I believe that small-scale commercial fishing is consistent with the purposes of the Park and will not impair the marine resources of the Park, and may in fact be considered among the Preserve's values. Commercial fishing should be allowed to continue, not just for the next seven years as part of an exemption, but in perpetuity. During the 1990 legislative session, the Alaska State Legislature enacted a resolve supporting continued commercial use and subsistence use of fisheries resources in the Park. The resolution asked that the Park Service amend its regulations to allow commercial fishing in the Park, and support amending

ANILCA to provide for subsistence use. It also requested the National Park Service to work with the state and other federal agencies to study the resources in the Park and the effect of subsistence and commercial fishing on these resources.

The Legislature's position has not changed. I hope that the National Park Service will do everything possible to ensure that its studies of Park resources are as thorough and accurate as possible, that the historical nature of commercial and subsistence fishing is recognized as one of the values to be protected in the Park, and that the Park Service will indeed involve the State of Alaska in the process of designing its studies and surveys relating to these regulations.

Thank you.

REPRESENTATIVE
BEN GRUSSENDORF

P.O. Box 928
SITKA, ALASKA 99835
(907) 747-8458

RULES COMMITTEE
LEGISLATIVE COUNCIL

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Alaska State Legislature



WILE IN JUNEAU
P.O. Box V
JUNEAU, ALASKA 99811
(907) 485-3824
(907) 485-3720

House of Representatives

RULES COMMITTEE CHAIRMAN

MEMORANDUM

TO: Rep. Cliff Davidson
Co-Chairman
House Resources Committee

Rep. Curt Menard
Co-Chairman
House Resources Committee

FROM: Rep. Ben Grussendorf

DATE: March 20, 1990

RE: HJR 92, "Relating to subsistence and commercial fishing in
Glacier Bay National Park"

The House Rules Committee introduced this bill in response to the concerns expressed by commercial fishermen and subsistence users. The Citizens' Advisory Commission on Federal Areas, at the request of the Park Service, held hearings in Juneau on March 5, 1990, regarding the closing of the entire Park, including three miles offshore, to commercial fishing and subsistence use. This fishing area is of critical importance to the fishing industry. Even though the Park Service has stated verbally that they will not enforce what they consider to be their statutory authority over this area, and will conduct studies to determine if commercial and subsistence use is harmful, we believe that a statement of the State of Alaska's position on this is critical to their consideration of the issues and their interpretations of their statutes.

We would like to request your scheduling of this resolution at your earliest convenience in order for the resolution's passage this session. We realize you have a heavy committee schedule. There are no opposing groups within the state that have testified, with the possible exception of the National Wilderness Society. (There was one individual ostensibly representing them at the hearings supporting the closing of the park.) The Southeast Alaska Conservation Council supports the use of the nonwilderness areas of the Park for commercial fishing and subsistence use.

Thank you for your consideration.

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 43

Revision Date:	Dept. Affect <u>Fish and Game</u>
Title: <u>Commercial and Subsistence Fishing in</u>	BRU: <u>CFMD</u>
<u>Glacier Bay National Park</u>	Component: <u>Fisheries Management</u>
Sponsor: <u>House Special Committee on Fisheries</u>	
Requester: <u>House Special Committee on Fisheries</u>	COMPONENT SERIAL NO. <u>1941</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Bob Clasby
Division: CFMD
Approved by Commissioner: *Frank*
Agency: Fish and Game

Phone: 465-4210
Date: 4/14/95
Date: 4.19.95

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FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: Fisheries Committee
Title: "Relating to commercial fishing and subsistence use in Glacier Bay National Park."
Sponsor: Austerman BRU: _____
Requestor: Fisheries Committee Components: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 2000	FY 2001
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

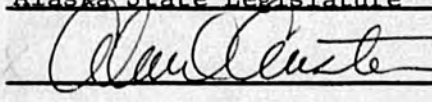
General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

Estimated FY 95 Impact: 0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By: House Special Committee on Fisheries Date: 4/10/95
Division: Alaska State Legislature Phone: 465-4230
Approved By:  Alan Austerman, Chairman
Agency: _____ Date: 4/10/95

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT AND BUDGET
AGENCY (IES)

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill Number: HJR 43

Sponsor: House Special Committee on Fisheries

Bill Title: Commercial and Subsistence Fishing in Glacier bay National Park

Department Position: Support

Background / Legislative Intent

Subsistence hunting, fishing, and gathering has taken place within the present boundaries of Glacier Bay National Park since the earliest human habitation in the Icy Straits area. Commercial fishing has taken place continuously in and near what is now Glacier Bay National Park since at least the turn of the century. In recent years, the NPS has put forth regulations denying subsistence harvests in the park. This ban is strongly contested by Tlingit residents of Hoonah, many of whom continue to harvest in the park. NPS has proposed phasing out all commercial fishing from waters under its jurisdiction. They maintain that such uses are not compatible with the park, and they have concerns about conservation of harvested species and stocks. Fishermen and the state maintain that those uses are compatible, particularly in non-wilderness areas, and that the state can maintain populations at healthy levels. The state and fishing interests are also willing to collaborate on fisheries research in the park. Elimination of commercial fishing would have detrimental effects on the economies of the communities neighboring the park (Pelican, Elfin Cove, Hoonah, and Gustavus) as well as larger impact on commercial fishing in the region. Closing commercial fishing in the park would concentrate the fishing fleet in areas already fully exploited and result in some portion of the harvestable fishery surplus not being taken.

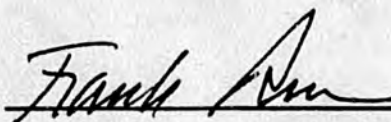
Analysis of Bill/Program Effects

This bill a) requests National Park Service to work with the state, other federal agencies, and interested parties to study the resources of Glacier Bay National Park and the effect of sport and commercial fishing, subsistence use, and tourism on these uses and b) resolves that National Park Service expeditiously amend its regulations to 1) allow commercial fishing under state law within the nonwilderness areas of the park and 2) expressly provide for subsistence uses in the Park. The *whereas* sections of the bill review past uses of Glacier Bay, recognize Hoonah and other communities' subsistence use, describe the management situation in Glacier Bay, and refers to key State of Alaska positions on use of Glacier Bay.

ADFG has consistently supported the right of both subsistence and commercial fishers to continue to use the waters of Glacier Bay. ADFG has not accepted a ban on fishing in wilderness waters. The department has provided documentation on subsistence and other harvests in the bay. The department has worked with affected interests to achieve a legislative solution to these issues, to no avail.

The proposed resolution would have no direct effect on the programs of either the Subsistence or CFMD divisions.

Commissioner's Signature



Date

4.19.85

GLACIER BAY NATIONAL PARK

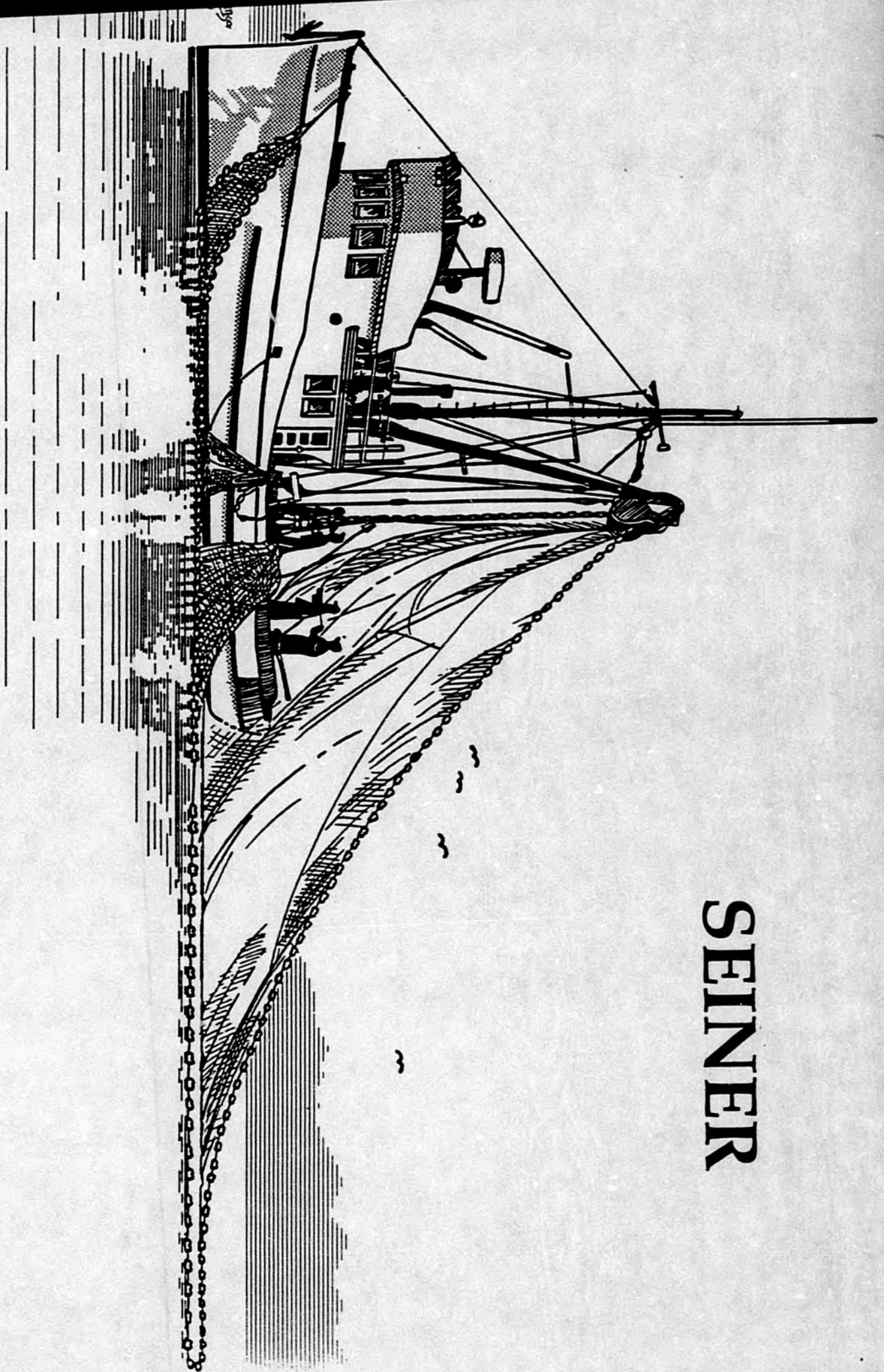
SEASONS OF USE

SPECIES	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
SALMON												
Chinook		Troll					Troll				Troll	
Coho							Troll					
Chum							Seine					
GROUND FISH												
Halibut					Longline					Longline		
Rockfish			Longline				Longline				Longline	
Black cod						Longline					Longline	
Pacific cod							Longline					
Ling Cod							Dinglebar					
SHELLFISH												
Dungeness crab							Pot			Pot		
Tanner crab		Pot										
Shrimp							Pot					
SUBSISTENCE												
WHALES												
TOURISTS												

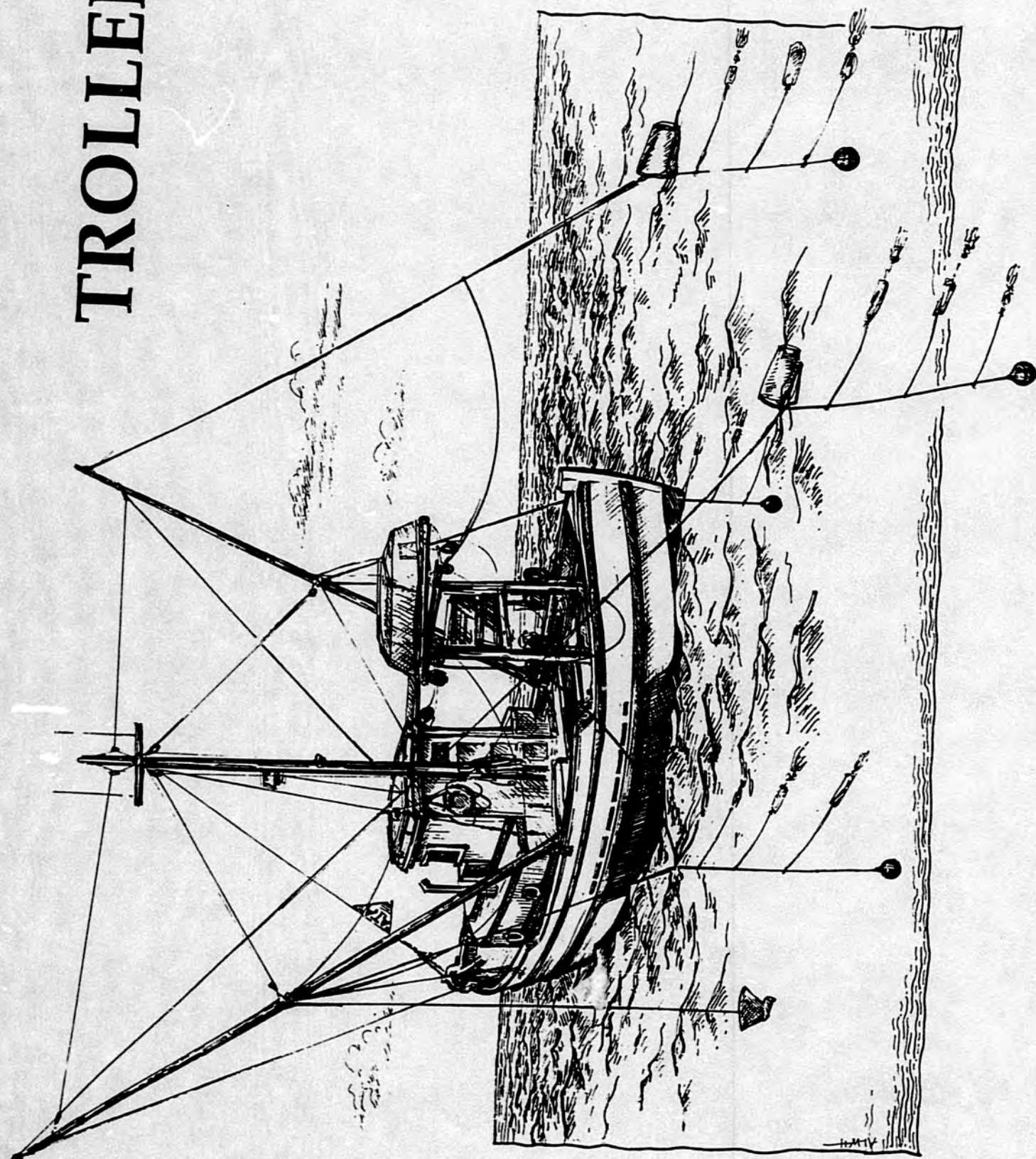
FISHERIES OF GLACIER BAY NATIONAL PARK
August 1993

Fishery	Harvest Quota	Seasons	Level of Effort	Limited Entry Program
TROLL				yes
Chinook	yes	January 1-April 15	Moderate	
		June (up to 6 days)	Light in Bay Heavy outside Bay	
		July 1 - mid July	Light in Bay Heavy outside Bay	
		October - December 31	Moderate	
Coho	yes	June 15 -September 20	Light in Bay Heavy outside Bay	
SEINE				yes
Chum	no	EXCURSION INLET ONLY June thru August	Light	
LONGLINE				
Halibut	yes	One 24-hr period in May or June	Moderate in Bay Heavy outside Bay	IFQ's pending
		One 24-48 hr period in September or October	Moderate in Bay Heavy outside Bay	
Black Cod	yes	INSIDE WATERS One 24-hr period in September	Light to Moderate	IFQ's pending
		OUTSIDE WATERS Two or three weeks in May	Moderate to Heavy	
Rockfish	yes	ICY STRAITS October 1 - May 15	Light to Moderate	no
		July 1 - August 31	Light to Moderate	
Pacific Cod	yes	Year round unless quota taken	Light	no
DINGLEBAR GEAR				no
Ling cod	yes	INSIDE WATERS June 1 - December 31	Light	no
		OUTSIDE WATERS Year round until quota taken		
CRAB				
Tanner	yes	February 15 - March 15		
Dungeness	no	June 15 - August 15	Light	moratorium
SHRIMP		Year round pot fishery	Light	no
SUBSISTENCE		Year round		n/a

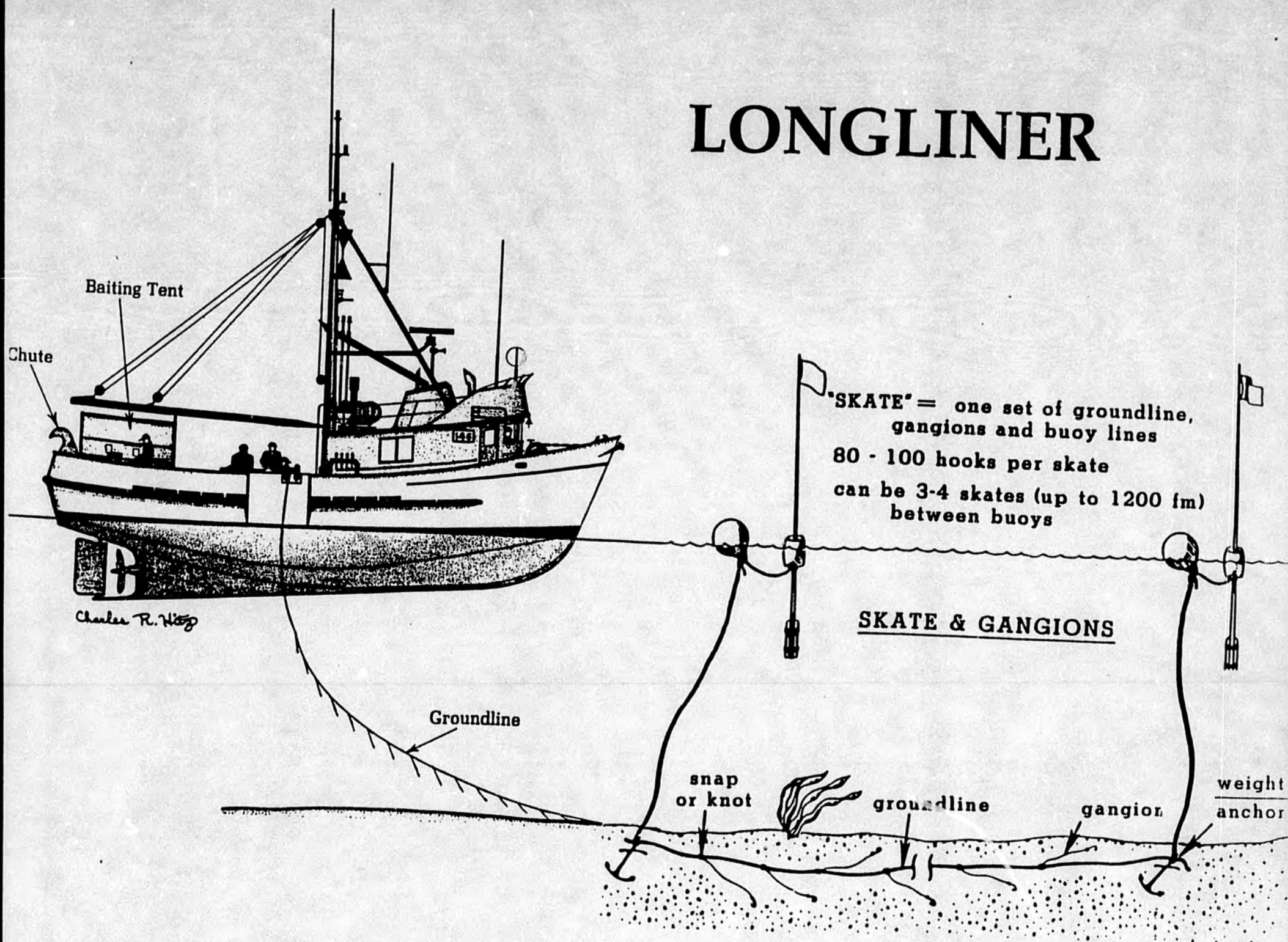
SEINER



TROLLER

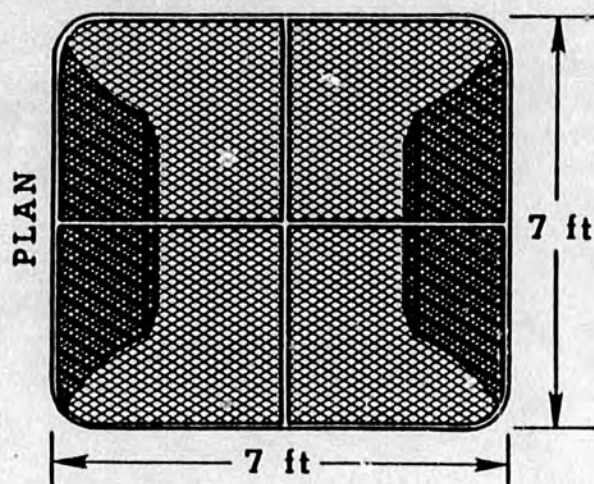


LONGLINER



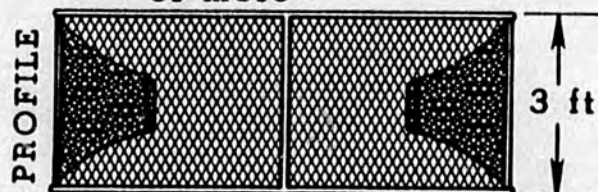
CRAB GEAR

Fixed Gear - King Crab Pot - Structure of Gear

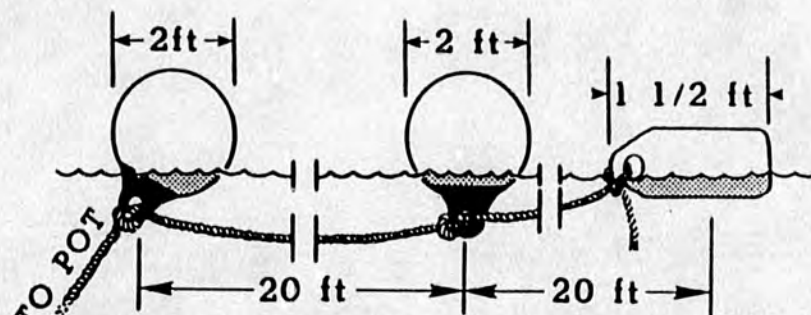
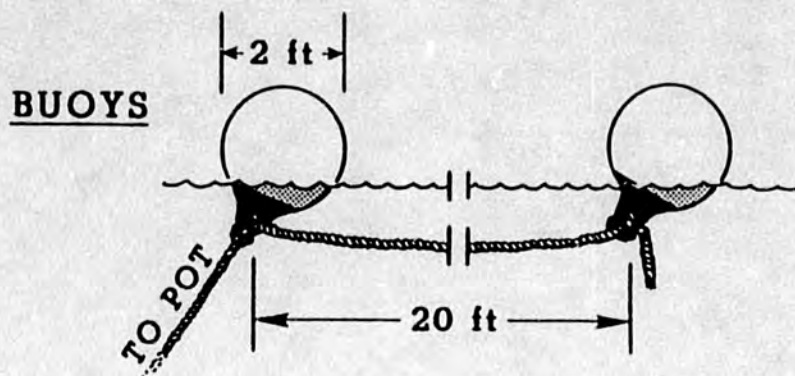


KING CRAB POTS

- are made of heavy steel frames
- are set on the bottom to 150 fm or more



- are spaced 100 - 300 fm apart
- may drift up to 1/4 mile horizontally during setting
- cost approx. \$1000 per pot, fully rigged
- may be stored in groups in less than 25 fm water
- are side-loading, so crabs enter from side



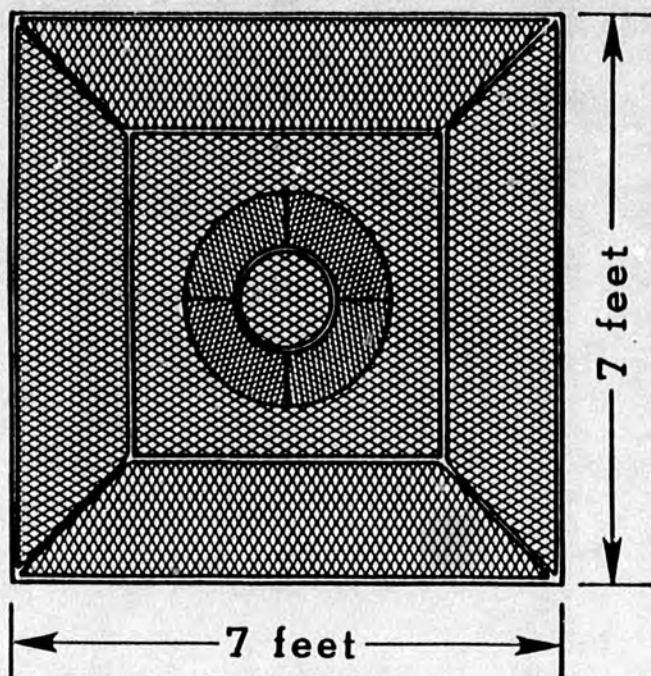
KING CRAB POT BUOYS

- are rigged 2 - 4 per pot (usually 2)
- one buoy has fisherman's ADFG number
- are brightly colored orange, yellow, red
- buoys of lost pots will bear large growth of moss
- carry no radar reflectors
- each fisherman has own color pattern
- the first or deepest buoy is the heaviest and toughest "Sea Lion Buoy"
- the last or top buoy is the lightest, for retrieval "Trailer Buoy"

CRAB GEAR

Fixed Gear - Tanner Crab Pot - Structure of Gear

Plan

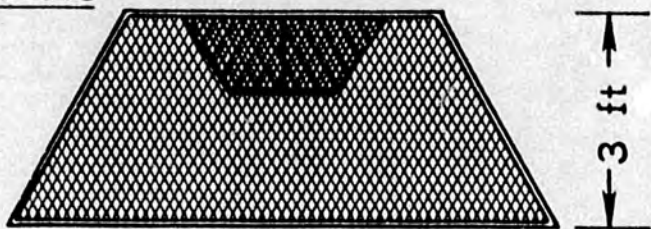


TANNER CRAB POT

- are like king crab pots except they are set in shallower water (100 fm or more)
- they can be top loading or side loading as on king crab type pot

Pyramid/Top Loading Type

Profile

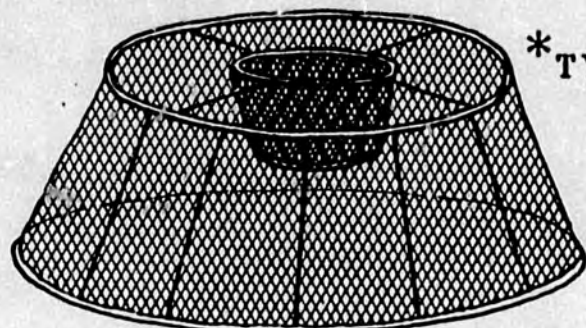


TANNER CRAB POT BUOYS

- look like king crab pot buoys

CRAB GEAR

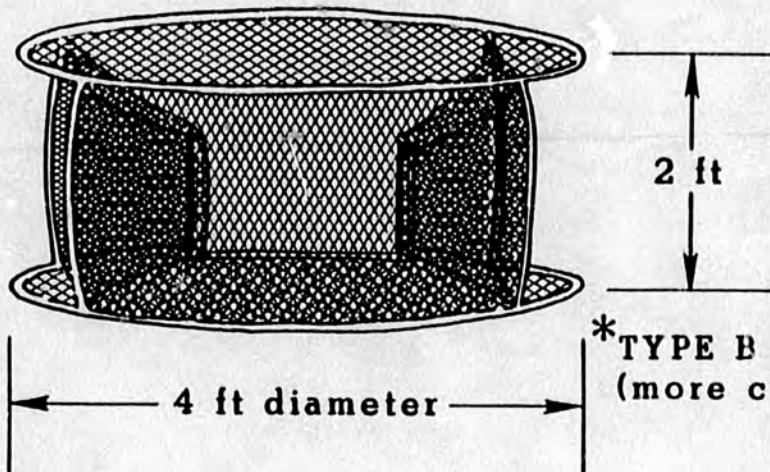
Fixed Gear - Dungeness Crab - Structure of Gear



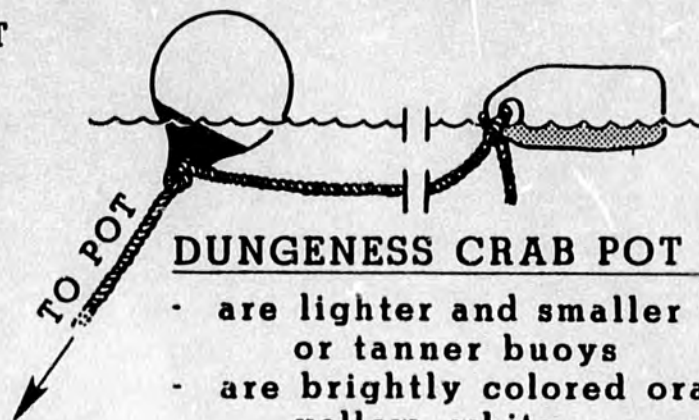
*TYPE A POT

DUNGENESS CRAB POTS

- are set on bottom to 44fm or more
- are made of heavy steel frame
- are conical or cylindrical in shape
- are top and side loading
- are spaced 100 - 300 ft apart



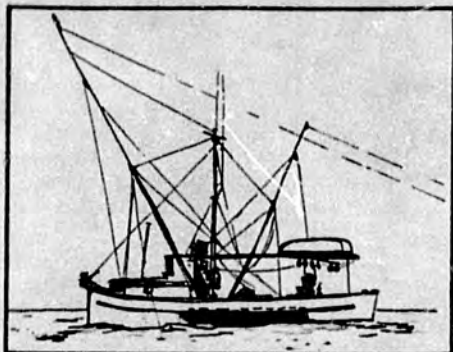
*TYPE B POT
(more commonly used)



DUNGENESS CRAB POT BUOYS

- are lighter and smaller than king or tanner buoys
- are brightly colored orange, yellow, white
- one buoy has fisherman's ADFG number
- usually 1 buoy per pot, occasionally 2
- carry no radar reflectors
- each fisherman has his own pattern of colors and buoys
- styrofoam buoys have ADFG number branded on them

*Sizes of both pot types are approx. same



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

March 22, 1995

Representative Alan Austerman
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99811

Dear Representative Austerman:

The Alaska Trollers Association (ATA) requests your assistance on an issue of critical concern to commercial and subsistence fishermen in Southeast Alaska.

In 1925, Glacier Bay was designated a National Monument. In 1979, Glacier Bay and the surrounding area became a National Park. Fishermen supported both designations, because they were promised that all traditional commercial and subsistence activity would continue.

In 1990, the Alaska Wildlife Alliance (AWA) and American Wildlands sued the National Park Service for allowing subsistence and commercial fishing, which they believe is illegal under ANILCA. The judge ruled against AWA last year and the case has been appealed to the Ninth Circuit court.

Also in 1990, the National Park Service made public draft regulations that would immediately stop subsistence fishing and phase out commercial fishing within seven years in Glacier Bay National Park (Park). In response to the NPS draft regulations, the Alaska legislature passed the attached resolution opposing restrictions on Park fisheries. Final regulations are due out any time.

In past years, Representative Don Young and Senator Frank Murkowski have each submitted legislation to secure fisheries in the Park. They have not submitted bills this session.

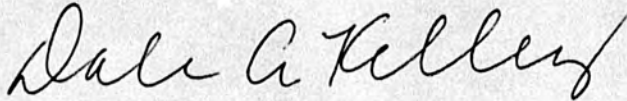
RECEIVED
MAR 25 1995
Ans'd.....

Alaska Trollers Association
Glacier Bay National Park
Page 2

In order to reaffirm the legislature's support of Park fisheries, ATA requests that you develop a resolution similar to that passed by the legislature in 1990.

Your assistance on this matter will be greatly appreciated. I look forward to your response and hope you won't hesitate to call if I can provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Dale A. Kelley". The signature is written in dark ink and is positioned above the printed name and title.

Dale A. Kelley
Executive Director



Alaska State Legislature

House of Representatives Special Committee on Fisheries

HJR 43 SPONSOR STATEMENT

"FISHING AND SUBSISTENCE IN GLACIER BAY"

This resolution has been introduced by the House Special Committee on Fisheries in response to concerns expressed by Southeast commercial fishermen and subsistence users.

Glacier Bay has been a National Monument since 1925. Congress created the Glacier Bay National Park as part of ANILCA in 1980. In 1990, environmental groups sued the National Park Service for, among other things, allowing commercial and subsistence fishing within Glacier Bay National Park. In 1991 the National Park Service promulgated draft regulations that would phase out commercial fishing in and around Glacier Bay within seven years, and completely prohibit subsistence fishing.

Last year, a federal judge ruled that ANILCA did not prohibit commercial fishing in Glacier Bay National Park, but that ruling has since been appealed to the Ninth Circuit Court of Appeals.

Elimination of the commercial and subsistence fisheries in the vast area contained in the Glacier Bay National Park would significantly harm the coastal communities of Northern Southeast. Both fisheries have utilized this area long before park designation. Also, if the area were closed to commercial fishing, other fisheries in Southeast would be harmed from increased pressure by those fishermen displaced by a closure of Glacier Bay waters.

STATE OF ALASKA

THE LEGISLATURE

1990

Source

CSHJR 92(Res)

Legislative
Resolve No.

89



Relating to subsistence use and commercial fishing in Glacier Bay National Park.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the National Park Service is currently addressing the issue of subsistence use and commercial fishing in Glacier Bay National Park (Park) and is considering the status of subsistence use and commercial fishing in the park; and

WHEREAS subsistence use and commercial fishing have occurred in the Park since before it was established as a national monument in 1925 up to the present day; and

WHEREAS the National Park Service currently does not recognize the right of residents of Hoonah and other local communities to use the area now included in the Park for subsistence use, as their ancestors had done for generations; and

WHEREAS the prohibition of subsistence use and commercial fishing in the Park would have disastrous and widespread economic and social consequences for fishers of northern Southeast Alaska and the communities in which they reside; and

WHEREAS the continued subsistence and commercial use of fisheries resources within the navigable waters of the Park is desirable and is environmentally compatible with the purposes of the Park; and

WHEREAS the harvest of fisheries resources in the Park is conservatively managed by the Alaska Board of Fisheries and the Alaska Department of Fish and Game to promote the sustained health of the fish stocks; and

WHEREAS migratory species of fish that do not originate in the Park constitute the majority of the fish harvested within the

Park; a significant portion of the salmon harvested in the Park is the result of salmon enhancement and rehabilitation efforts by the State of Alaska, private nonprofit aquaculture associations, and hatcheries in Washington, Oregon, and British Columbia; and

WHEREAS the National Park Service must administer the Park subject to existing rights, statutes, and regulations; and

WHEREAS National Park Service regulations specifically provide for commercial sport fishing activities and for the use of large tour ships within the Park; and

WHEREAS the State of Alaska has a claim to ownership of the submerged lands and navigable waters of the Park; and

WHEREAS the State of Alaska exercises management authority over natural resources of the Park, provided that the state does not interfere with the purposes for which the Park and wilderness areas within the Park were established; and

WHEREAS issues relating to state and federal jurisdiction in the Park have not been resolved; and

WHEREAS subsistence use and commercial fishing in the Park do not threaten Park resources, visitor enjoyment of Park resources, or whale habitat in the Park;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the National Park Service to work with the state, other federal agencies, and affected parties to study the resources in Glacier Bay National Park and the effect of subsistence use, sport and commercial fishing, and tourism on these resources; and be it

FURTHER RESOLVED that the National Park Service proceed expeditiously to amend its regulations in order to

(1) allow commercial fishing under the laws of the State of Alaska within the nonwilderness areas of the park; and

(2) expressly provide for subsistence uses in the Park.

COPIES of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Manuel Lujan, Jr., Secretary of the U.S. Department of the Interior; James M. Ridenour, Director, National Park Service, U.S. Department of the Interior; Boyd Evison, Alaska Regional Director, National Park Service, U.S. Department of the Interior; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: Fisheries Committee
Title: "Relating to commercial fishing and
subsistence use in Glacier Bay National Park."
Sponsor: Austerman BRU: _____
Requestor: Fisheries Committee Components: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 2000	FY 2001
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

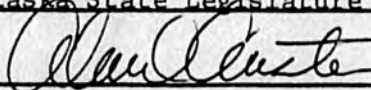
General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

Estimated FY 95 Impact: 0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By: House Special Committee on Fisheries Date: 4/10/95
Division: Alaska State Legislature Phone: 465-4230
Approved By:  Alan Austerman, Chairman
Agency: _____ Date: 4/10/95

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REQUESTOR
OFFICE OF MANAGEMENT AND BUDGET
AGENCY (IES)

HJR 43

This is a state's rights issue.

Another example of a branch of the federal government intervening in our state waters and our livelihoods.

This time it's Glacier Bay National Park, an area encompassing a half a million marine acres, an area comparable in size to the State of Connecticut.

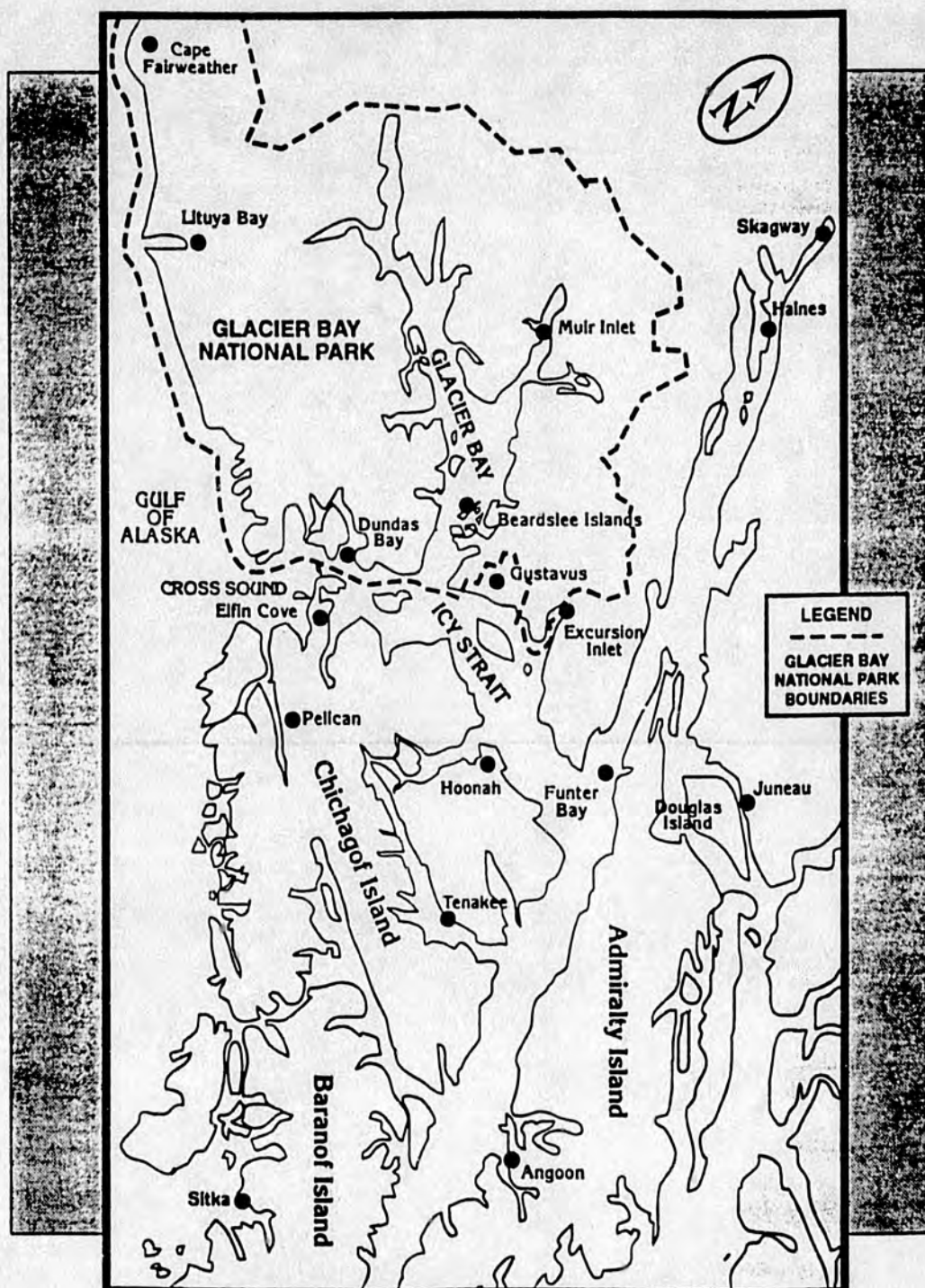
In response to a lawsuit brought by two conservation groups - The Alaska Wildlife Alliance (from Anchorage) and the American Wildlands (Colorado), the National Park Service has drafted regulations that would halt subsistence use and phase out commercial fishing.

The traditional fisheries (commercial and subsistence fishing) in this area predates the declaration of Glacier Bay as a National Monument (1925) and as a National Park (1980).

The effected fisheries contribute an estimated \$10.5 million annually to the southeast economy.

GLACIER BAY NATIONAL PARK

A LEGACY OF USE



Glacier Bay National Park encompasses a vast area comparable in size to the state of Connecticut, and incorporates more than half a million marine acres of the most productive fishing grounds in southeast Alaska. The park extends from Excursion Inlet to the east of Glacier Bay, to just north of Cape Fairweather on the outer coast, and includes all waters to three miles offshore.

HISTORY

300 years ago, advancing glaciers displaced several Tlingit clans from their ancestral homeland, Glacier Bay. The Tlingits settled the village of Huna (Hoonah) to the south but continued to travel to Glacier Bay to hunt, fish, and gather food. Today, many descendants of the original people of Glacier Bay conduct both subsistence and commercial fisheries in Glacier Bay National Park (GBNP).



Shaded area represents GBNP. The Park spans 500,000 marine acres.

Commercial fishing has occurred in the area waters for well over a century. A remote and bountiful region, northern Southeast Alaska has supported several generations of Alaskan fishermen. Bound to GBNP by proximity and need, the area residents have grown heavily reliant upon its resources. Hoonah is now just one of many rural villages whose people look to the Park for sustenance.

In 1925, Glacier Bay was declared a national monument by presidential proclamation. In 1980 it was declared a national park with the signing of the Alaska National Interest Lands Conservation Act (ANILCA), and some areas were designated wilderness. In 1925, and again in 1980, the federal government promised commercial and subsistence fishermen continued access to their historic fishing grounds. In 1983, the National Park Service (NPS) promulgated regulations prohibiting commercial fishing in national parks. However, the NPS chose not to enforce this policy in GBNP, until now.

LAWSUIT

The Alaska Wildlife Alliance (Anchorage), and American Wildlands (Englewood, Colorado), filed suit against the NPS in 1990, demanding an end to subsistence activities and commercial fishing in GBNP. The NPS subsequently proposed regulations that would halt subsistence use immediately and phase-out commercial fishing by 1997. The NPS also proposed a seven-year study to determine the impact of commercial fishing on the Park.

PROPOSED PHASE-OUT

The NPS claims that seven years will give GBNP fishermen enough time to amortize their equipment or move to other fishing grounds. This is absurd. It is no simple matter for a fisherman to relocate. Commercial fishing involves more than tossing some gear overboard and hauling in a harvest. Learning new fishing grounds, at minimum, involves a long period of adjustment, and the potential for conflicts with existing users is high. Closure of such a vast area would mean extensive crowding of other fishing grounds, short-term losses for fishermen, and a long-term loss of economic efficiency for the fleet as a whole.

There are few employment alternatives for fishermen who may be displaced from Glacier Bay. However, it's not just fishermen who would suffer, but the industries and communities that support the fleet.

COMMUNITY IMPACT

Banning commercial fishing in GBNP would directly impact such communities as Angoon, Sitka, Yakutat, Tenakee, Funter Bay, Gustavus, Pelican, Juneau, Douglas, Elfin Cove, and Hoonah, by depressing economies and disrupting the traditional lifestyles of the local people.

These towns have a combined population base of about 38,000 people, or 6% of Alaska's population, many of whom are dependent on the seafood industry. A recent study by Sealaska Corporation estimates the annual value of the Glacier Bay fisheries at \$10.5 million.

In Pelican, a village of 300, fishing is the primary revenue generator. Most residents of Pelican are fishermen. The local processing plant is the single largest employer and contributes heavily to the economic health of the community through local taxes and the employment of roughly 100 people. The GBNP crab harvest alone accounts for as much as 20% of all seafood processed in Pelican each year. To close or heavily restrict any of the Park's commercial fisheries would be financially devastating to Pelican's processing plant and, in turn, the city of Pelican.

The annual value of the Glacier Bay fisheries is an estimated \$10.5 million.

Each year, about 40 workers are employed to process the commercial catch landed in Hoonah. In Elfin Cove, all of the residents rely on fishing, either directly or indirectly, for their livelihoods. Processors in Sitka and Yakutat create jobs for more than 300 people. And, a number of small processors provide much needed employment opportunities for Juneau and Gustavus residents.

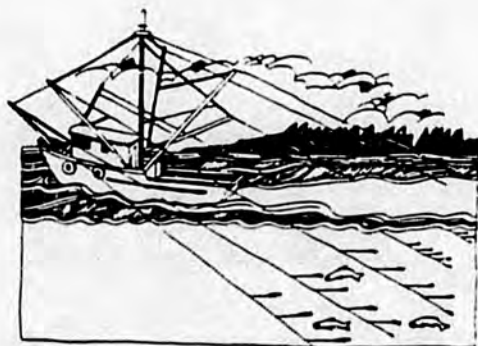
PARK RESOURCES

There is no evidence to suggest that fishing poses a threat to the Park resources. In fact, area fisheries stocks are returning at record high levels!

Most of the species targeted by fishermen in the Park are not native to Glacier Bay or the surrounding waters. There are no chinook salmon spawning streams in Glacier Bay, and halibut spawn in deep water far offshore. Some crab stocks may spawn within GBNP. However, crab larva are broadly distributed by water currents making it difficult to trace the origin of stocks caught in park waters.

In addition, many of the salmon harvested in the park are produced by southeast Alaska hatcheries, which are funded, in large part, by commercial fishermen.

Most fisheries do not coincide with the migration of humpback whales through GBNP, and fishermen do not harvest species that humpbacks feed on. Furthermore, studies conducted by the National Marine Fisheries Service (NMFS) show that local fishing vessel operations do not harm whales or alter their behavior. In fact, the data indicates that feeding humpback whales "apparently largely ignore the slowly moving vessels."



PARK VALUES

National Parks tout such values as healthy habitat, robust populations of fish and wildlife, and opportunities for recreation and solitude. Fishing has been an integral part of the cultural fabric of Glacier Bay for more than 100 years, and each of these "values" has endured. Congress identified Glacier Bay as an area worthy of preserving for future generations due to its unique and diverse character. Fishermen not only recognize the importance of preserving this natural wonder, but are proud to be a part of it.

The commercial fisheries of GBNP are composed of hundreds of family operated businesses, and it is not unusual to find several generations of a family active in the industry. Many children of

It's difficult for fishermen to imagine they're at odds with Park values...

fishing families grow up on the boat, learning a skill as well as putting money into the bank for college. The fishing lifestyle provides many parents the opportunity to enjoy quality time on a daily basis with their youngsters. The families that our small rural communities are built upon are hard-working people who have no desire to move or collect unemployment or welfare. These families, their lifestyle, and their fisheries, which provide food for our nation and the world, are at risk. Not the Park or its values, and certainly not the visitors who tour the Park.

Commercial fishing enhances the visitor experience in GBNP. Curious tourists often approach fishermen in order to get a first hand look at their operations and a sense of this unique lifestyle. Many people report feeling "safer" knowing commercial fishermen are nearby, particularly in foul weather. Over the years, many park visitors have received crucial assistance from fishermen.

There is no denying that Alaska is different than the Lower 48. Natural resources are unparalleled, and lifestyles are inextricably linked to the health of the resource. Southeast fishermen take pains to protect and preserve the integrity of the resource upon which they depend, as proven by a documented record of activism. It is difficult for fishermen to imagine that they could be at odds with park values, as they see no difference between protecting the Park and their continued existence--one is simply not possible without the other.

OVERVIEW

- *Commercial fishing has occurred in southeast Alaska for more than 100 years and predates the declaration of Glacier Bay as a National Monument (1925) and a National Park (1980).*
- *Glacier Bay National Park encompasses 500,000 marine acres, and commercial fisheries are conducted in most Park waters.*
- *The traditional fisheries of GBNP are particularly important to nearby fishing communities whose subsistence users, commercial fishermen, and processors depend on harvest from GBNP.*
- *The commercial fisheries which are conducted within GBNP waters are trolling, longlining, crabbing, and seining.*
- *Principal harvest species include salmon, halibut, and crab.*
- *There is no evidence to suggest commercial fishing harms the ecosystem within GBNP. Populations of salmon, halibut, and crab harvested in these waters have remained stable and healthy under current management practices. The marine environment is pristine.*
- *Residents of northern southeast Alaskan communities fish 678 troll permits, 39 seine permits, and 195 halibut licenses.*
- *GBNP fisheries contribute an estimated \$10.5 million annually to the southeast economy.*
- *In 1986, approximately 2 million pounds of seafood were harvested from GBNP waters.*
- *An average of 500,000 pounds of halibut are harvested annually in GBNP.*
- *In 1986, seiners harvested an estimated 260,000 chum salmon in Excursion Inlet.*
- *The estimated ex-vessel value for all troll-caught salmon from GBNP in 1986 was nearly \$1 million. The halibut harvest garnered an additional 600K for Southeast residents.*
- *In 1986, the gross value of dungeness crab harvested in Park waters was \$447,700. The value to the eight small vessels fishing in Glacier Bay proper was \$200,000, or about \$25,000 per boat.*

Support the fishermen of Glacier Bay National Park...Southeast depends on them!



SCOMM

95:44

FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: _____

Title: Proposing postage stamps honoring
Alaska salmon and centuries of ... BRU: _____

Sponsor: Rep. Kim Elton Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 2000	FY 2001
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						
---------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

Estimated FY 95 Impact: none

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

No fiscal impact.

Prepared By: Fisheries Committee Date: 4/25/95
Division: _____ Phone: _____

Approved By: Representative Alan Austerman, Chair
Agency: House Special Committee Date: 4/25/95

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT AND BUDGET
AGENCY(IES)

REPRESENTATIVE KIM ELTON
S P O N S O R S T A T E M E N T

H J R 44

Proposing postage stamps honoring wild Alaska salmon and centuries of continued use of wild Alaska salmon for subsistence, sport, and commercial fish harvesters.

This resolution proposes postage stamps which features Alaska salmon. Through this legislation, the State of Alaska requests the United States postmaster to issue a series of five stamps, each depicting one of Alaska's salmon species.

This postage stamp series will focus national attention on Alaska's thriving and healthy salmon fishery. This region boasts a long tradition of subsistence, commercial, and sport use of the salmon. The salmon fishery is a key element in the state's economy and a large draw to the sport fish and tourism industries.

Passage of this resolution will demonstrate the State of Alaska's support for this postage stamp series.

The more awareness of wild Alaska salmon we create, the easier it is to educate those outside Alaska about one of Alaska's most important, growing and economically-viable resources. At a time when too many Americans believe wild salmon are endangered, and erroneously believe that Atlantic salmon are a wild and natural consumer product, a postage stamp depicting Alaska's salmon species will help capture the interest of Americans, and others. It makes it easier to educate them about a resource that contributes hundred of millions of dollars each year to Alaska and Alaskans.



HOUSE SPECIAL COMMITTEE ON FISHERIES

DATE: 4/27/95

PLACE: Rm. 124

SUBJECT OF MEETING:

SB 21 - Fines
Economic Impacts of Shoreside Processing
HJR 44 - Postage Stamps

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Kick Lamber	PSRA					☒ Y ☐ N	Economic Impact
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	
						☐ Y ☐ N	

SCOMM

95:45

Alaska State Legislature



WHILE IN SESSION
CAPITOL BUILDING
JUNEAU, ALASKA 99801-1182
(907) 465-4031
(907) 465-4316 FAX

INTERIM ADDRESS
210 WEST 4TH AVENUE
ANCHORAGE, ALASKA 99501
(907) 258-8198
(907) 258-8171 FAX

CO-CHAIR, RESOURCES COMMITTEE
VICE CHAIR, JUDICIARY COMMITTEE
MEMBER, STATE AFFAIRS COMMITTEE

FINANCE SUBCOMMITTEES:
DEPT. OF NATURAL RESOURCES
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT
DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green
District 12

Sponsor Statement

HJR 51 - Constitutional Amendment to Limit Sport Fish Guides

HJR 51 proposes a constitutional amendment to grant the state the authority to limit entry into the sport fish guide profession. HJR 51 is needed because the state's authority to impose such limits is not clear at this time. We believe that without a constitutional amendment, litigation is sure to follow any attempt to limit sport fish guides under current law.

While it is anticipated that such limits will be the conclusion of a public process, based on scientific data, HJR 51 does not address the specifics of implementing such restrictions. HJR 51 simply grants a clear and concise line of authority from the voters to the state.

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

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

December 4, 1995

SUBJECT: "Open access" provisions of the Alaska Constitution and restrictions on sport fish guides (Work Order No. 9-LS1353)

TO: Representative Joseph Green

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum briefly discusses the implications that the "open access" provisions of article VIII of the Alaska Constitution would have for any proposal to limit the number of sport fish guides.

Any proposal to limit the number of sport fish guides would infringe on the "open access" provisions of the Alaska Constitution, because it would have the effect of restricting free entry into the fishery. See, McDowell v. State, 785 P.2d 1 (Alaska 1989); Owsichuk v. State, 763 P.2d 488 (Alaska 1988); Bozanich v. Noerenberg, Alaska Superior Court, First Judicial District, Juneau, Case No. 70-389, March 15, 1971. Even though they are not actually engaged in sport fishing while providing guide services, the Alaska Constitution protects the open access rights of sport fish guides to use fishery resources for professional purposes. "The common use clause makes no distinction between use for personal purposes and use for professional purposes." Owsichuk, 763 P.2d at 497; see also, Tongass Sport Fishing Association, 866 P.2d 1314 (Alaska 1994); Alaska Fish Spotters Association, 838 P.2d 798 (Alaska 1992).

The "open access" provisions of article VIII of the Alaska Constitution are the "common use" section¹, "no exclusive right of fishery" clause², and the "uniform application" section³.

¹ Article VIII, sec. 3 states:

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

² Article VIII, sec. 15 states (emphasis added):

No Exclusive Right of Fishery. No exclusive right or special privilege of fishery shall be created or
(continued...)

These provisions provide that all persons shall have an equal opportunity to participate in the use of fish and game resources.

The current limited entry system for commercial fisheries (AS 16.43) would violate the open access provisions of the Alaska Constitution, unless the constitution had been amended to allow limited entry. State v. Ostrosky, 667 P.2d 1343 (Alaska 1983), appeal dismissed sub nom. Ostrosky v. Alaska, 467 U.S. 1201, 81 L.Ed.2d 339 (1984). In 1972, article VIII, section 15 was amended to create a limited entry exception to the "no exclusive right of fishery" clause. The limited entry exception provides that "[t]his section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State." Article VIII, sec. 15, in relevant part.

In order to place a limit on the number of sport fish guides, it would be necessary for such limitations to fall under the limited entry exception. Though the limited entry exception was largely adopted in the context of commercial fisheries, the exception does not expressly limit itself to only commercial fisheries. The courts may construe "any fishery" to include sport fisheries as well as commercial fisheries. Thus there is a possibility that the limited entry exception would authorize some form of limitation on the number of sport fish guides.

Assuming that the limited entry exception is construed broadly to include limited entry for sport fish guides, the next obstacle to be overcome is to establish that limitations or restrictions on who may become sport fish guides achieves the three purposes of the limited entry exception: resource conservation, prevention of economic distress among fishermen and others, and promotion of aquaculture. When the Alaska Supreme Court approved the commercial fisheries limited entry program, the court did not examine in any detail whether the program satisfied all of the purposes that the limited entry exception was to achieve. Ostrosky, 667 P.2d at 1190-95. In other cases where the court had occasion to review commercial fisheries limited entry, the court did not rigorously examine whether the program achieved all three of the purposes, but instead seemed to accept a challenged provision if it furthered one or two of the purposes of the limited entry exception. Johns v. Commercial

^{2/}(...continued)

authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

^{3/} Article VIII, sec. 17 states:

Uniform Application. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

Representative Joseph ● en
December 4, 1995
Page 3

Fisheries Entry Commission, 758 P.2d 1256, 1263-64 (Alaska 1988); Commercial Fisheries Entry Commission v. Apokedak, 606 P.2d 1255, 1265 (Alaska 1980). The burden would fall upon the legislature to establish a substantial record in the legislative history that any legislation limiting the number of sport fish guides achieves those purposes.

If the limited entry exception cannot be construed to authorize a limitation on the number of sport fish guides, then the only remaining option is to amend the Alaska Constitution accordingly.

Please contact me, if I can provide additional information on the open access provisions of the Alaska Constitution or other issues relating to sport fish guides.

GU:glc
95-452.glc

JAN 19 1996



Jeff King
Kenai River Guide

Box 2711
Soldotna, Alaska 99669
(907) 262-4564

We're Not Small • We're Exclusive

Representative Joe Green
State Capital
Juneau AK.

Dear Joe;

I wanted to write and thank you for the introduction of HJR #51. Being a long time fishing guide here on the Kenai and seeing the industry grow from infancy I am heartened that someone is trying to help us nurture the guiding along into something the entire State can be proud of. I know you're aware of our unique problems here on the Kenai so I won't elaborate any more than to say that all the rationale behind the limited entry scheme of the early 70's pertains every bit as much to our current situation as it did then to the commercial industry.

I wish you success in this resolution and hope you understand that this legislation's introduction means we need it now more than ever. I'm sure you realize that speculation runs rampant anytime someone thinks they must get their "foot in the door" before the door closes. Now that we're having this discussion of limiting participation openly we are in a situation that if this program does not go to fruition its failure will have an entirely reverse effect on the industry.

This is certainly a complex issue with many questions about the administration of a limited entry scheme to be addressed. As of now I am of the thinking that limited entry has been a tremendous success for the state in the commercial fisheries and a guide / charter program should be patterned after it...entirely. After all, the infrastructure is in place for such a program and experience has been gained in identifying overused areas and utilizing our resources for the best value to the State, we should take advantage of this now and not expect our resources and our citizens to accommodate the guide industry from the entire west coast.

As you can imagine I could go on and on about reasons for this program so I will end this by thanking you again and making myself available for any discussions on this matter. I am a member of the statewide guide / charter task force and a 15 year veteran of guiding. I also talked to you two years ago after a resource committee meeting about the future of our industry and appreciated your interest then.

Sincerely,



Alaska State Legislature

Please enter into the record my testimony to the HOUSE STATE AFFAIRS
committee name
committee on HJR NO. 51, dated 12/29/95
bill/subject

I AM OPPOSED TO HJR NO. 51 TO LIMIT
THE SPORT FISH GUIDE PARTICIPATION. I AM
A LODGE OWNER AND CHARTER BOAT
OPERATOR IN KODIAK. I WOULD PREFER
THAT THE STATE NOT PLACE LIMITS ON
THE DAILY CATCH AS OPPOSED TO LIMITING
ENTRY FOR GUIDES. IF THE STATE WANTS
TO LIMIT THE RESOURCE THAT SEEMS LIKE
A MORE APPROPRIATE METHOD. WHY ARE
SPORT GUIDES BEING SINCELED OUT WHEN
RECREATIONAL FISHERMAN ARE NOT?

Signed: JOHN WITTEVEEN
Testifier

WILD CREEK LODGE & CHARTERS
Representing (Optional)

Box 2239 KODIAK, AK. 99615
Address

907-486-3853
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
committee name

committee on HJR 51, dated 2/13/96
bill/subject

Madame Chair:

I strongly urge that you allow the process to move forward. We, the state of Alaska are rapidly approaching a crossroads

The department of Fish & Game and the board of Fisheries can not deal with this issue under regulatory change. This resolution allows the exploration of "limited Entry" Allow this industry - "Sport Fish Guides" the opportunity to explore this issue as a management option:

Respectfully, ERIC C STIRREUP

Signed:

ERIC C STIRREUP

Testifier

KODIAK WESTERN CHARTERS

Representing (Optional)

Box 4123

Address

907-486-2200

Phone No.

92 KENAI RIVER GUIDE SUMMA

As of 10/15/92

March:	1 Res 0 NonRes	1 Fishing, 0 NFishing	1 Powerboat 0 Drift
April:	30 Res 1 NonRes	31 Fishing 0 NFishing	26 Powerboat 5 Drift
May:	98 Res 44 NonRes	120 Fishing 22 NFishing	113 Powerboat 29 Drift
June:	50 Res 25 NonRes	66 Fishing 9 NFishing	53 Powerboat 22 Drift
July:	13 Res 9 NonRes	19 Fishing 3 NFishing	18 Powerboat 4 Drift
August:	2 Res 1 NonRes	1 Fishing 2 NFishing	1 Powerboat 2 Drift
September:	0 Res 1 NonRes	0 Fishing 1 NFishing	0 Powerboat 1 Drift

275 GUIDES TOTAL:

194 Residents	238 Fishing	212 Powerboat
81 Non-Residents	37 NFishing	63 Drift

53 New guides registered in 1992

49 Brand new guides, 5 previously registered

93 1991 Guides did not re-register in 1992.

2 Guides went from Res. in 1991 to NRes in 1992

Steve Langston

Hal Borg

4 Guides went from NRes in 1992 to Res in 1992:

Terry King

Paul McMillen

C. Larry Mills

David VanLiere

134 Registered Drift boats on Kenai River in 1992

251 Registered Powerboats

Total: 385 Registered Kenai River Guide boats

124 Commercial Operators registered at Deep Creek, of those only 18 were not also registered for the Kenai River. (Note: 4 of the 18 were registered as Kenai River guides in previous years.)

127 Kenai River Guides also registered for Kasilof

24 Non-Competitive Commercial permits were issued for areas other than Deep Creek and Kenai River.

Total of 315 Non-Competitive Commercial Permits issued in 1992

1993 KENAI RIVER GUIDE SUMMARY
As of 10/11/93

February: 3	3 Res. 0 NonRes.	1 Fishing 2 NFishing	3 Powerboat 0 Drift
March: 2	2 Res. 0 NonRes.	2 Fishing 0 NFishing	1 Powerboat 1 Drift
April: 23	22 Res. 1 NonRes.	23 Fishing 0 NFishing	20 Powerboat 3 Drift
May: 131	105 Res. 26 NonRes.	115 Fishing 16 NFishing	99 Powerboat 32 Drift
June: 82	53 Res. 29 NonRes.	69 Fishing 13 NFishing	58 Powerboat 24 Drift
July: 21	10 Res. 11 NonRes.	11 Fishing 10 NFishing	13 Powerboat 8 Drift
August: 1	1 Res. 0 NonRes.	1 Fishing 0 NFishing	0 Powerboat 1 Drift

263 GUIDES TOTAL:

196 Residents	222 Fishing	194 Powerboat
67 Non-Residents	41 Non-Fishing	69 Drift

57 New guides registered in 1993

48 Brand new guides, 9 previously registered

64 1992 Guides did not re-register in 1993

0 Guides went from Resident to Non-Resident in 1993

6 Guides went from Non-Resident in 1992 to Resident in 1993:

Dale Benson	Greg Brush
Catherine Campbell	Rolland LaFond
Pat Tolar	Bill Whitney

127 Registered Drift boats on the Kenai River in 1993

169 Registered Powerboats on the Kenai River in 1993

Total: 296 Registered Kenai River Guide boats in 1993

124
135 Commercial Operators registered at Deep Creek, 109 are Kenai River Guides, 26 are registered for Deep creek only.

122 Kenai River Guides were also registered for Kasilof

27 Non-Competitive Commercial permits were issued for areas other than Deep Creek and Kenai River.

Total of 316 non-Competitive Commercial Permits issued in 1993

1994 KENAI RIVER GUIDE SUMMARY
As of 10/12/94

February: 3	3 Res. 0 NonRes.	3 Fishing 0 NFishing	3 Powerboat 0 Drift
March: 11	11 Res. 0 NonRes.	8 Fishing 3 NFishing	8 Powerboat 3 Drift
April: 33	31 Res. 2 NonRes.	30 Fishing 3 NFishing	24 Powerboat 9 Drift
May: 162	121 Res. 41 NonRes.	138 Fishing 41 NFishing	126 Powerboat 36 Drift
June: 78	44 Res. 34 NonRes.	63 Fishing 15 NFishing	43 Powerboat 35 Drift
July: 15	13 Res. 2 NonRes.	13 Fishing 2 NFishing	9 Powerboat 6 Drift
August: 2	1 Res. 1 NonRes.	2 Fishing 0 NFishing	1 Powerboat 1 Drift

+41

304 GUIDES TOTAL:

224 Residents ~~205~~
80 Non-Residents ~~80~~

257 Fishing ^{26R}
47 Non-Fishing ^{51NR}

214 Powerboat
90 Drift

^{17R}
^{30NR}

76 New guides registered in 1994

59 Brand new guides, 18 previously registered

49 1993 Guides did not re-register in 1994

1 Guides went from Resident to Non-Resident in 1994
Rolland LaFond

5 Guides went from Non-Resident in 1993 to Resident in 1994:
David Anderson David Corey Jerry Strieby
Richard Fowler Mark Glassmaker

157 Registered Drift boats on the Kenai River in 1994

182 Registered Powerboats on the Kenai River in 1994

+43 **Total: 339 Registered Kenai River Guide boats in 1994**

+64 219 Commercial Operators registered at Deep Creek, 187 are Kenai
River Guides, 32 are registered for Deep creek only.

210 Kenai River Guides were also registered for Kasilof

10 Boat Rental Commercial Operator permits were issued for rental
operations from the banks of the Kenai River

44 Non-Competitive Commercial permits were issued for areas
other than Deep Creek and Kenai River.

Total of 380 non-Competitive Commercial Permits issued in 1994

1995 KENAI RIVER GUIDE SUMMARY
As of 9/12/95

February: 3	3 Res. 0 NonRes.	3 Fishing 0 NFishing	3 Powerboat 0 Drift
March: 13	13 Res. 0 NonRes.	12 Fishing 1 NFishing	8 Powerboat 5 Drift
April: 40	38 Res. 2 NonRes.	39 Fishing 1 NFishing	33 Powerboat 7 Drift
May: 205	145 Res. 60 NonRes.	177 Fishing 28 NFishing	163 Powerboat 42 Drift
June: 77	49 Res. 28 NonRes.	66 Fishing 11 NFishing	48 Powerboat 29 Drift
July: 17	11 Res. 6 NonRes.	15 Fishing 2 NFishing	8 Powerboat 9 Drift
August: 2	1 Res. 1 NonRes.	2 Fishing 0 NFishing	0 Powerboat 2 Drift

357 GUIDES TOTAL:

260 Residents	314 Fishing	263 Powerboat
97 Non-Residents	43 Non-Fishing	94 Drift
of the 314 fishing guides, 243 are residents, 71 non-residents		
	77%	23%

94 New guides registered in 1995

84 Brand new guides, 10 previously registered

43 1994 Guides did not re-register in 1995

177 Registered Drift boats on the Kenai River in 1995

236 Registered Powerboats on the Kenai River in 1995

Total: 413 Registered Kenai River Guide boats in 1995

134 Commercial Operators registered at Deep Creek, 92 are Kenai River Guides, 42 are registered for Deep creek only.

174 Commercial Operators registered at Kasilof, 166 are Kenai River Guides, 8 are registered for Kasilof only.

10 Boat Rental Commercial Operator permits were issued for rental operations from the banks of the Kenai River. There are 51 rental boats under these permits.

54 Non-Competitive Commercial permits were issued for areas other than Deep Creek and Kenai River.

Total of 464 non-Competitive Commercial Permits issued in 1995

KENAI RIVER GUIDE TRENDS & NUMBERS
1982-1995 (As of 9/06/95)

YEAR	TOTAL GUIDES	RESIDENTS	NON RESIDENTS	MOTORIZED GUIDES	DRIFT GUIDES	TOTAL FISHING	NON FISHING
1995	357	260/ 73%	97/ 27%	263/ 74%	94/ 26%	314/ 88%	43/ 12%
1994	304	224/ 74%	80/ 26%	214/ 70%	90/ 30%	257/ 85%	47/ 15%
1993	263	196/ 75%	67/ 25%	194/ 74%	69/ 26%	222/ 84%	41/ 16%
1992	275	194/ 71%	81/ 29%	212/ 77%	63/ 23%	238/ 87%	37/ 13%
1991	315	214/ 68%	101/ 32%	229/ 73%	86/ 27%	290/ 92%	25/ 8%
1990	330	234/ 71%	96/ 29%	243/ 74%	87/ 26%	310/ 94%	20/ 6%
1989	312	212/ 68%	100/ 32%	215/ 69%	97/ 31%	292/ 94%	20/ 6%
1988	268	191/ 71%	77/ 29%	184/ 69%	84/ 31%	252/ 94%	16/ 6%
1987	232	188/ 81%	44/ 19%	155/ 67%	77/ 33%	222/ 96%	10/ 4%
1986	198	148/ 75%	50/ 25%	138/ 70%	60/ 30%	187/ 94%	11/ 6%
1985	171	131/ 77%	40/ 23%	131/ 77%	40/ 23%	160/ 94%	11/ 6%
1984	224					214/ 96%	10/ 4%
1983	208					198/ 95%	10/ 5%
1982	217					207/ 95%	10/ 5%

Number of river guides should be limited

A well-known, local Outdoors writer, one I have respect for, recently voiced his opinion concerning the number of guides operating on the Kenai River. I am excited to learn that his "second thoughts," as stated in Dec. 22, 1995, Outdoors section of the Peninsula Clarion, are finally more in line with my thinking. His fresh outlook will hopefully have an important impact on the Kenai River's future during 1996.

A writer's posture and comments made in print are always under attack. But make no mistake, they are important in a free society. On issues of grave importance such as overcrowding on the Kenai River, the "poison pen" carries an influential message that gives anyone an opportunity to make a darn fool out of themselves. And, I intend to make a darn fool out myself until something "realistic" is done to reduce the number of guides on this river!

I would like to clarify what that outdoor writer has recently, politely and carefully illustrated for you concerning Kenai River guides. I would like to allow you the opportunity to read selected parts of an important 1991 letter I wrote to Clem Tillion, the "fishing czar," who, by the way, was appointed by a governor to make recommendations concerning the river. No offense intended, but I question if Mr. Tillion even knows where Eagle Rock is located.

Before I do that, be aware of the fact that in 1974, I complained about too many Kenai River guides. I wrote a letter to Gov. Jay Hammond expressing my concern, and he responded by telling me he wasn't immediately concerned and that it was a local issue to be handled on the local level.

In 1976, I attended several meetings here and in Anchorage expressing my concern about the growing numbers of Kenai River guides. By 1978, I challenged the Coast Guard and demanded that all guides be licensed, registered and regulated. I won that battle which is another story. I never dreamed the guiding situation would be allowed to get so far out of hand.

In 1978, I retired my status as the "original Kenai River fishing guide" and elected to be no part of the guiding fraternity. I belong to no local fishing organizations, none of them represent me or speak for me. This information is much different than many have been led to believe. I was embarrassed to be put in the same category as some guides at the time. From that point, I constantly worked to control the number of guides working the Kenai River.

I have continued that mission ever since, in various ways. I sent several letters over the years to people who could have been influentially helpful but they proved useless. Now,



SPENCE
DE VITO

many of these folks are concerned. Too late!

Following are the brief, selected excerpts from a long letter with a list of recommendations I made to Mr. Tillion and Gov. Walter Hickel's office in 1991.

Dear Mr. Tillion:
After our conversation last evening concerning the "Kenai River Guide Problem," I did a bit of brainstorming in an attempt to find and produce a more graceful solution in which to reduce the number of guides on the Kenai River.

I was pleased to learn that we are in concert with our thinking and that we both believe in the need for a drastic reduction of guides on the Kenai River. I anticipated problems in making a compatible solution concerning the number we could all live with. That number has been suggested to you in my letter of Jan. 4, 1991, concerning the lower river. I would hope that the number of guides for the entire river will not exceed 75, including the non-powered drift boats.

I realize there are many potential solutions, some better than others. Whatever you do:

a. Enforce an immediate moratorium on the number of fishing guides able to obtain guide permits for the Kenai River. Issue no more permits as of 9 a.m. ... today. Call Kenai Parks and Recreation and tell them to delay all new permits until further notice from the governor's office.

b. Establish the number of guides you want to operate on the Kenai River. Obtain a Kenai River map and count the well-known holes that are labeled on that map. The map can be obtained at the Moose Range Headquarters located as you enter Soldotna coming in from Homer. For example, from the Soldotna bridge downstream multiply each hole by two (two guides per hole). On the upper reaches, multiply the suggested holes by four (four guides per hole). This should help give you a starting point in which to determine numbers.

c. Once you have established a highly conservative number of guides, send notice to all Kenai River guides that were ever registered with Kenai Parks and Recreation. Try to be fair to meet the least resistance from as many folks as possible.

A sample of ideas for you to ponder for this notice to guides:

NOTICE:

1. One guide, one permit
2. Change the 6 o'clock starting time and

closing time to read 7 and 5. One beginning at 7 a.m. and ending at noon and the other beginning at 1 p.m. and ending at 5 p.m. This would give the non-guide folks an opportunity to fish before or after work for a change without having to get up at 2 a.m. to beat the guides on the river. Clem, this also means that the guides not be allowed on the river before 7 or 1, and that they will be off the river by noon and 5 p.m. A guide will fish either in the morning or the afternoon rotation but not both. (By doing this, already one can see that twice as many guides could operate. Sure it would be a burden but isn't all this mess a burden on the rest of us?)

This equates to \$650 per day per license, x 6 days = \$3,900 per week x 8 June and July weeks = \$31,200. The May, August, September, October (fishing) is "gravy frosting"! One boat, one guide, one license. A hard working guide could easily make \$50,000 and spend the winter months in Mexico.

d. ALL guides who once held permits will receive a form to be completed along with the appropriate requirements. However, a new set of rules will be sent along and a warning will also be enclosed stating that not all guides will have the opportunity to fish this year. If they are not awarded or selected by the computer, or in an annual drawing, they will have to apply again next year, much like I have to when I apply for my sheep and goat permit.

When the rules are being passed out, everyone must have an equal opportunity. I realize it is difficult to wade through my suggestions but call on me if you need questions answered. I have more ideas on the rotating schedule but would hope we never have to come to that sort of participation.

I strongly feel, by limiting the guides, and by giving all guides the opportunity to go through the selection process, guides should be able to raise their premiums to somewhat compensate, and also to be able to adjust to the new ruling. At the same time they will make non-guided fishermen and local fishermen happier. Their reputation as a guide on the Kenai will have more credibility and possibly the economy will stabilize.

Good luck!

Finally, I agree, Mr. Outdoor Writer. Yes, the number of guides should be limited but there are only a handful of folks that can make it actually happen. I know! I have been working on it for over 20 years. One of those people is the governor. Another, is the head of the Department of Fish and Game and perhaps the borough mayor. Then there are guys who have the skill and power of the "poison pen." You know, guys like you. Keep up the good work!

Spence De Vito is a former guide and a retired educator.

CHARTER VESSELS
 By Community

COMMUNITY	# OF VESSELS	Cumulative TOTAL
ABERDEEN	1	1
AHSAHKA	1	2
ALEKNAGIK	1	3
AMANDA PARK	1	4
AMBLER	1	5
ANACORTES	3	8
ANCHOR POINT	22	30
ANCHORAGE	177	207
ANGOON	25	232
ANVIK	2	234
ARLINGTON	1	235
ASTORIA	1	236
AUKE BAY	31	267
BAINBRIDGE ISLAN	1	268
BALDWINVILLE	1	269
BARROW	2	271
BATTLE GROUND	1	272
BEAUFORT	1	273
BEAVERTON	1	274
BELLEVUE	3	277
BELLINGHAM	2	279
BELMONT	1	280
BEND	1	281
BETHEL	14	295
BIG LAKE	3	298
BIGFORK	1	299
BIRD CREEK	1	300
BOTHELL	1	301
BREMERTON	1	302
BROOKINGS	3	305
CAREFREE	5	310
CATHLAMET	1	311
CHATHAM	1	312
CHENEGA	1	313
CHIGNIK	3	316
CHIGNIK LAGOON	1	317
CHIGNIK LAKE	1	318
CHUGIAK	15	333
CLAM GULCH	6	339
CLOQUET	1	340
COFFMAN COVE	2	342
COLTON	1	343
COLUSA	2	345
COOPER LANDING	20	365
COPALIS BEACH	1	366
COPPER CENTER	2	368
CORDOVA	41	409
CRAIG	52	461
CRESENT CITY	1	462
DAVIS	1	463
DELTA JUNCTION	1	464
DES MOINES	2	466
DES MOINS	1	467
DILLINGHAM	20	487
DOUGLAS	14	501
DOWNEY	1	502
DURANGO	3	505
DUTCH HARBOR	6	511
EAGLE RIVER	16	527
EDMONDS	3	530
EDNA BAY	5	535
EIELSON AFB	1	536
ELFIN COVE	21	557
ELLENSBURG	2	559
ELMENDORF AFB	4	563
EVERETT	1	564
FAIRBANKS	43	607
FALSE PASS	2	609
FAYETTEVILLE	1	610
FEDERAL WAY	2	612
FERNDAL	3	615
FOREST GROVE	1	616
FORKS	2	618
FORT RICHARDSON	1	619
FRITZ CREEK	2	621
FUNTER BAY	2	623
GAINESVILLE	1	624
GAKONA	15	639
GALENA	1	640
GIRDWOOD	8	648
GOODNEWS BAY	1	649
GRANITE FALLS	1	650
GRANT PASS	1	651
GRANTS PASS	1	652
GRASS VALLEY	1	653
GREAT FALLS	1	654
GRESHAM	2	656
GUSTAVUS	27	683
HAINES	11	694
HALIBUT COVE	2	696
HARBOR	2	698
HEALY	1	699
HOBART BAY	1	700
HOFFMAN ESTATES	1	701
HOMEDALE	1	702

COMMUNITY	# OF VESSELS	Cumulative TOTAL
HOMER	114	816
HOOD RIVER	1	817
HOONAH	12	829
HOPE	2	831
HOUSTON	1	832
HUNTINGTON BEACH	1	833
HYDABURG	4	837
HYDER	1	838
IDAHO FALLS	1	839
IGIUGIG	6	845
ILIAMNA	7	852
INDIAN	1	853
JOSEPH	1	854
JUNEAU	136	990
KAKE	1	991
KASAAN	1	992
KASILOF	27	1019
KELLOGG	1	1020
KENAI	63	1083
KENT	2	1085
KETCHIKAN	246	1331
KIANA	1	1332
KING COVE	2	1334
KING SALMON	12	1346
KIRKLAND	1	1347
KLAWOCK	7	1354
KODIAK	68	1422
KOYUK	1	1423
KWETHLUK	1	1424
LACONNER	1	1425
LARSEN BAY	4	1429
LODI	1	1430
LONG BEACH	1	1431
LONGVIEW	1	1432
LONGVIEW	1	1433
LYNNWOOD	2	1435
MANLEY HOT SPRING	1	1436
MARSHALL	1	1437
MARYSVILLE	2	1439
MEDFORD	2	1441
MERCER ISLAND	1	1442
MERIDIAN	1	1443
METLAKATLA	1	1444
MEYERS CHUCK	1	1445
MINDEN	1	1446
MOUNTAIN VILLAGE	2	1448
MT VERNON	2	1450
MUKILTEO	1	1451
NENANA	1	1452
NEWBERG	1	1453
NEWPORT	3	1456
NIKISKI	2	1458
NINILCHIK	30	1488
NOME	4	1492
NORTH POLE	12	1504
NOVATO	1	1505
OAK HARBOR	1	1506
OLYMPIA	1	1507
OREGON CITY	1	1508
ORFINO	1	1509
PALMER	19	1528
PELICAN	8	1536
PERRYVILLE	1	1537
PETERSBURG	63	1600
PILOT POINT	1	1601
PITTSBURG	1	1602
PLACIDA	1	1603
POINT BAKER	5	1608
POINT HADLOCK	1	1609
PORT ALEXANDER	2	1611
PORT ALICE	1	1612
PORT ANGELES	1	1613
PORT GRAHAM	1	1614
PORT HADLOCK	4	1618
PORT LIONS	4	1622
PORT PROTECTION	1	1623
PORT TOWNSEND	2	1625
PORTLAND	6	1631
POULSBORO	3	1634
PUYALLUP	1	1635
QUINULT	1	1636
QUINHAGAK	6	1642
RAMPART	1	1643
REDMOND	1	1644
RENTON	7	1651
RIDGEFIELD	3	1654
RIVERSIDE	1	1655
ROSEVILLE	1	1656
RUBY	1	1657
SALCHA	3	1660
SAN DIEGO	1	1661
SAN JOSE	1	1662
SAND POINT	6	1668
SEATTLE	27	1695
SELDOVIA	6	1701

COMMUNITY	# OF VESSELS	Cumulative TOTAL
SEQUIM	3	1704
SEWARD	28	1732
SHAKTOOLIK	1	1733
SILVERTON	1	1734
SISTERS	1	1735
SITKA	169	1904
SKAGWAY	1	1905
SMITH RIVER	8	1913
SNOHOMISH	2	1915
SOLDOTNA	212	2127
ST HELENS	1	2128
ST LOUIS	1	2129
STANFORD	1	2130
STERLING	42	2172
STURGIS	2	2174
TACOMA	3	2177
TALKEETNA	9	2186
TANANA	1	2187
TENAKEE	6	2193
THORNE BAY	12	2205
TIGARD	1	2206
TOGIAK	1	2207
TOK	1	2208
TROUTDALE	1	2209
TWO RIVERS	1	2210
UNALAKLEET	1	2211
UNALASKA	6	2217
VALDEZ	30	2247
VAN NUYS	1	2248
VANCOUVER	3	2251
VASHON	2	2253
WARD COVE	18	2271
WASILLA	30	2301
WELCHES	1	2302
WEST PALM BEACH	2	2304
WESTMINSTER	1	2305
WESTPORT	5	2310
WHALE PASS	1	2311
WHITE MOUNTAIN	1	2312
WHITTIER	1	2313
WILMINGTON	1	2314
WORLAND	1	2315
WRANGELL	44	2359
YAKUTAT	15	2374

CHARTER

V_ACT91	Frequency	Cumulative Frequency
X	2374	2374

FISHING

V_ACT92	Frequency	Cumulative Frequency
X	1151	1151

Frequency Missing = 1223

FREEZER\CANNER

V_ACT87	Frequency	Cumulative Frequency
X	22	22

Frequency Missing = 2352

TENDER\PACKER

V_ACT88	Frequency	Cumulative Frequency
X	157	157

Frequency Missing = 2217

CHARTER ONLY

V_ACT91	Frequency	Cumulative Frequency
X	1207	1207

Frequency Missing = 1167

CHECKED
CHARTER
PLUS ANOTHER
ACTIVITY

CHECKED
CHARTER ONLY