

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1964 SRES HJR 75 - HJR 78

99

LEGISLATION SUMMARY

HJR 75: "Relating to habitat management."

WHEREAS different ecological succession stages favor different plant and wildlife species; early stage vegetation often provides prime food for game and fur animals; fire has been the major factor causing beneficial habitat changes in large areas; recent fire control policy has been to follow the "initial attack" principle whenever possible; this policy results in significantly less burned acreage, compared to the natural condition; this has resulted in significantly less prime habitat for browsing species and their predators in many areas; in the last 3 years state and federal agencies have developed habitat enhancement fire management plans in the Interior, by providing for selective fire control and prescribed fires; the U. S. Forest Service has improved poor moose range on the Kenai Peninsula by prescribed burns; in many areas wild or prescribed fires have increased the populations of prey species and their predators; in some cases other forms of habitat manipulation may prove beneficial to wildlife populations; and wildlife population increases resulting from habitat improvement can improve hunting and trapping by all resources users;

RESOLVED that the Legislature supports state, federal and private efforts to enhance habitats through management programs, such as cooperative fire management planning, and other ecologically appropriate habitat rehabilitation efforts.



Alaska State Legislature

SENATE Resources Committee

FOUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

May 12, 1982
1:30 p.m.

Beltz Room
Capitol - Room 211

Hearing:

- CSHJR 78 Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone along Alaska's coast.
 - SCR 48 Relating to joint ventures between Alaska commercial salmon fishermen and foreign processors.
 - HCR 51 Relating to the enhancement of wildlife populations through predator management.
 - HCR 52 Relating to habitat management.
 - HJR 75 Relating to habitat management.
 - CSHJR 76 Relating to the enhancement of wildlife populations through predator management.
-

CSHJR 78

Senator Mulcahy moved the adoption of SCS CSHJR 78 (Res). He then moved that this language be placed on CSSJR 60 with a new title. There was no objection. He then moved CSSJR 60 with individual recommendations.

SCR 48

Steve Pennoyer, Director of Commercial Fish, Alaska Department of Fish and Game, explained that current State regulations require the Board of Fish to determine annually if there will be a surplus of salmon. The Board anticipates a surplus of pinks in several areas for the 1982 season, which means that the Department can issue permits to foreign processors for these areas. Although the Department has received several letters of interest from foreign processors, no applications have yet been processed. Pennoyer expressed concern over the second Resolve Clause, which speaks to sockeye salmon, as the Board has not identified a sockeye surplus this year.

Rick Lauber, Pacific Seafood Processors, expressed opposition to the resolution, stating that language regarding Bristol Bay processors placing limits on fishermen is not factual; monetary losses to fishermen in the past have been due to work stoppages and price disputes; the

May 12, 1982

Page 2

resolution is not needed; the inviting in of foreign processors should be done in an orderly fashion and not create false hopes for the fishermen.

Norman Staton, Sealaska Corporation, representing Ocean Beauty Seafoods, stated that foreign processors should have to comply with the same laws domestic processors must comply with. He urged a careful analysis to determine if foreign processors' markets are conflicting with domestic markets, and inquired about expeditious processing of foreigners' permits.

Pennoyer agreed that time is of the essence, but stated that at least a month would probably be required for processing of a permit.

Senator Anderson explained that the resolution was drafted by the fishermen of Bristol Bay, who don't believe the processing needs can be met this year without the use of foreign processors. He urged that foreigners be allowed to process both pinks and sockeyes.

Senator Fahrenkamp stated that the bill would be held for further work.

Senator Fahrenkamp asked if there was anyone to testify on HCR 51, HCR 52, HJR 75, or CSHJR 76. She stated that since the bills have been scheduled for hearing several times before, and since no one has offered testimony, they would be held until further notice.

The meeting was adjourned at 2:30 p.m.



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POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: Committee Meeting, 5/12/82
DATE: May 11, 1982

Please find attached background information for Wednesday's hearing on the following bills:

- SCR 48 Relating to joint ventures between Alaska commercial salmon fishermen and foreign processors.
- CSHJR 78 Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone along Alaska's coast.

Also scheduled are the following resolutions, which are continued from Monday's meeting:

- HCR 51 Relating to the enhancement of wildlife populations through predator management.
- HCR 52 Relating to habitat management.
- HJR 75 Relating to habitat management.
- CSHJR 76 Relating to the enhancement of wildlife populations through predator management.

The hearing is scheduled for 1:30 p.m. in the Beltz Room.

HJR

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LEGISLATION SUMMARY

CSHJR 76 (Res): "Relating to the enhancement of wildlife populations through predator management."

WHEREAS Alaskans depend on wild game for food; game availability depends on a complex set of factors; of those factors those most easily managed include hunting, trapping and predation; under specific circumstances depressed prey populations require many years to recover without a reduction in hunting and predation; very conservative hunting seasons and bag limits have not necessarily resulted in such growth; reductions in predators in some areas has resulted in increased populations of moose, ibou and deer; such increases benefit all resources users; and it may be possible for the Department of Fish and Game to conceive an effective predator control program, with participation from members of the public most familiar with the game management subunit;

RESOLVED that the Legislature urgently requests that the U.S. Department of the Interior to accomodate wildlife population enhancement programs and predator population management programs on conservation units used for wildlife resources.

PRIME SPONSOR: Resources



Alaska State Legislature

SENATE Resources Committee

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JUNEAU, ALASKA 99811
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H J R

28



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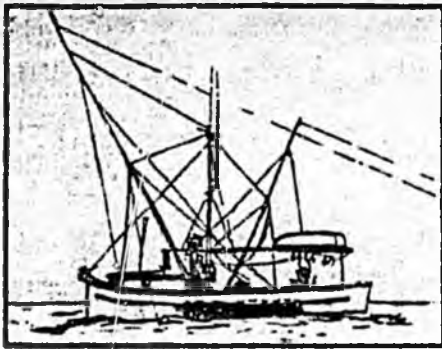
LEGISLATION SUMMARY

CSHJR 78 (Res): Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone along Alaska's coast.

WHEREAS the fishing industry is the largest employer in Alaska and provides revenue second only to oil and gas to the state; domestic fisheries can harvest all herring, halibut, crab and salmon in the 200-mile fishery conservation zone established and potentially all Alaskan stocks; Alaskan commercial fishermen depend on fisheries for their livelihood; the federal Act reserves all harvestable fisheries that can be taken by domestic fishermen to U. S. fishermen; harvest and incidental interception of North American Pacific salmon by foreign motherships, land based gillnet fleets, and Bering Sea trawl fleets exceeds that allowed by the North Pacific Management Council; these interceptions on mixed stocks of immature salmon adversely impacts Alaskan management for sustained yield; the federally controlled Fishery Management Council is affecting Alaska Board of Fisheries policy at Alaskan fishing industry's expense, displaying favoritism toward foreign fishing interests; the Management Council is usurping long-standing successful management of several exclusively domestic fisheries by the Board; federal fisheries management plans for the Alaska salmon troll, Bering Sea herring, and Bering Sea king crab fisheries are managed at state expense, while the federal government makes the decisions; foreign high-seas squid gillnet operations intercept North American salmon; the value of incidentally caught halibut by foreign trawlers likely exceeds the total marketable catch value limit; seizures and convictions for foreign fishing vessels over the last three years for underlogging catches and retaining prohibited species indicate they are taking more than they are allocated; Alaska fishermen are entitled to state and federal protection from foreign overfishing;

RESOLVED that the Legislature requests Congress to alter the voting seats on of the North Pacific Fishery Management Council, excluding the National Marine Fisheries Service Regional Director, and including another Alaska-at-large representative; that the Legislature requests the Council and the U. S. Department of Commerce to reduce foreign fishing limits in the Bering Sea and Gulf of Alaska by at least 25%; that the Legislature requests the Council and the Department to use time and area closures to reduce the impact of offshore trawling on Alaskan inshore shellfish,

RESOLVED longline and salmon fisheries; that the Legislature requests
(cont.) Congress to allocate funding for placing U. S. observers on
all foreign vessels fishing in Alaska's 200-mile zone and
on high seas Japanese fleets catching Alaskan salmon;
that the Legislature requests Congress to grant Alaska
exclusive jurisdiction of domestic fisheries management
within the Alaskan 200-mile zone.



Alaska Trollers Association

REPRESENTING ALASKA POWER TROLLERS

205 North Franklin Street
Juneau, Alaska 99801
(907) 586-9400

February 18, 1982

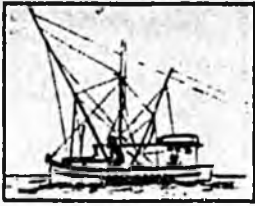
TESTIMONY OF EARL E. KRYGIER TO THE HOUSE RESOURCES COMMITTEE HEARING ON HJR 78.

When I sat in my first graduate fisheries course, I remember that the professor stated that fisheries are a negotiable item as far as the U.S. State Department is concerned. This was the case fourteen years^{ago} and it is so today.

In 1959 when Alaska became a state, one of the driving forces for statehood was that Alaska might control its fisheries. With the inception of the 200-mile limit, the federal managers are once again usurping control of Alaska fisheries. The State Department now has a negotiable item.

Foreign fishing, within and just outside the 200-mile limit, does impact the salmon of Alaska. I have provided three maps which show ocean distribution of salmon, excluding the Bering Sea, and distribution of foreign fisheries. Also shown are numerous pictures of net-marked salmon. We contend that these marks can only logically come from foreign trawlers and high-seas gillnetters.

Through my logbook program this past year, the daily incidence of net-scarred fish ranged from 0-5%. The single largest reported



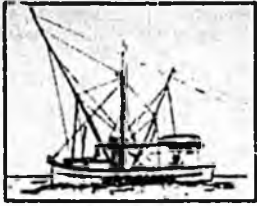
Alaska
Trollers
Association

Krygier testimony
February 18, 1982
Page 2

landing of net-marked fish was 30%. While the overall percentage, which I consider a minimum estimate, is small (1% for kings salmon and 3% for coho), this may in fact represent a significant impact if we assume that 1-3% of the king and coho salmon population, plus some unknown percentage of the other salmon species, which swim in the Gulf of Alaska, from the Kenai Peninsula to the Columbia River are net-scarred. If we remember that these net-scarred fish are only the fish which survive, and mortality from trawls is as high as 97% and 50% from high-seas gillnets (predator-net mortality and drop-out rate combined) the number of fish impacted could be incredibly high.

A first best estimate for fish which are caught in the Southeast is 194,000 king salmon dead in trawls and 1,755,000 coho caught or dead in high-seas gillnets. (See attached sheet for further explanation. This is 53% of the king salmon caught in 1981 under a conservation quota and 146% of the coho caught in 1981 in Southeast. These numbers for cohos are incredibly close to the run sizes taken in Southeast during the 1940's before the Japanese high-seas gillnet fishery became a factor.

Dean Paddock, a former biologist of ADF&G and a member of the INPFC stated in his testimony on February 10, 1982



Alaska
Trollers
Association

Krygier testimony
February 18, 1982
Page 3

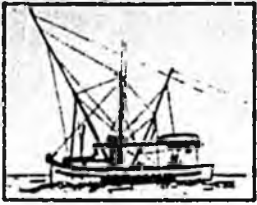
to the Administrative Regulations Review Committee that they were told that the impact of the Japanese fishery was low, but that after the Japanese high-seas fishery was moved off of sockeye, the true magnitude of interception became evident.

Konda, a Japanese scientist, in his 1966 paper states that "high-seas salmon fishing is always accompanied with a large loss of the resource".

Petrova (1964), a Russian scientist stated that "net-marked fish were less effective spawners, retaining 20% of their eggs, and many died before spawning.

Foreign fishing is a major impact on all salmon resources in Alaska. I urge you to do what you can to alleviate this problem.

Our salmon, which swim in Southeast, do migrate to these areas. We have almost no high-seas recovery because the foreigners are catching them. However, a disc-tagged king salmon tagged near Admiralty Island was taken in the Bering Sea and 14 coded wire tagged kings, the same stocks taken in Southeast, were taken in Kachemak Bay. Also a Cook Inlet king was taken at Shumagin Island.



ATTACHMENT

1. King salmon [most king salmon are taken in trawls (NMFS)]
 - assume 50% exploitation rate by Southeast fishermen (NMFS study)
 - 1981 catch without closures would be approximately 300,000 kings
 - 1% net-marked kings (Logbook Program & ADF&G)
 - 3% survival from trawls
 - Total catchable kings is 600,000, of which 6,000 are net-marked
 - $6,000/3\% : x/97 = 194,000$ caught and died
2. Coho - most were caught in gillnets
 - total population + 1.5 million (approximately 1.2 million catch + 300,000 escapement)
 - 3% net-scarred (logbook & ADF&G)
 - therefore, 45,000 fish total net-marked in population
 - i. survival of dropouts is 5% and 50% is combined loss from fr. m dropouts and predator loss + 50% caught and retained, then 2.5% of the total is representative of escaped fish
 - $2.5/45,000 : 97.5/x = 1,755,000$ coho caught/died

TESTIMONY BEFORE HOUSE RESOURCES COMMITTEE

BY

WALLACE McDONALD, COMMERCIAL FISHERMAN, PETERSBURG

I think it's important to understand the meaning and the intent behind House Joint Resolution 78. This bill could be viewed as being a futile exercise. It is, after all, a request of the federal government for responsive action. It is a statement of Alaska policy. This bill represents a commitment on the part of the state to reserve developing underutilized species of fisheries for resident fishermen. It is a commitment to protect vital established industry in this state: the commercial salmon, halibut, and herring fisheries. It is a recognition of constitutionally mandated obligations, spelled out in Article VIII, to develop our vast natural resources for the maximum benefit of our own people.

Some of you present may have listened in on yesterday's fishermen's teleconference. You might have noticed, as I did, an undercurrent, an underlying theme, that our fisheries are not being utilized in the best interests of Alaskans.

Any examination of the Alaska fishing industry will reveal considerable non-resident and non-American ownership of boats, permits, and physical plants. These are the facts of doing business in the Alaska fishing industry today. However one may feel about non-resident participation, it exists. In the case of foreign capital investment, it has had its benefits.

But what has been needed is parallel development of substantial resident owned, resident operated, and resident managed fisheries. It is not just for a few fisherman. It is to reserve for future generations access to viable community-based industry. This is essential.

Ten years ago, the fishing industry was a much more major contributor to the state's coffers in terms of percentage of total revenues. The petroleum industry has since provided by far the greatest revenues to the state in the form of royalties. This major role of the petroleum industry is certain to continue, but this year's experience in drastic, unpredicted reduction in those revenues has proven the inadvisability of a one-dimensional industrial base for our state's economy. It is imperative, now more than ever before, to diversify the state's economy and to encourage development of those industries based on resources we will not see depleted.

HJR 78 is a starting point.

While nearly all resident fishermen are sitting on the beach, fishermen from out of state and from foreign countries are making a living on our fish.

Have I made it clear there is something seriously wrong?

What is lacking is a comprehensive approach to the commercial fisheries, with a unified system of management, that recognizes the problems of marketing and transportation infrastructure development. Why not tie individual programs

which address specific problems in the industry into a comprehensive, economically sound program to ensure the development of the resident industry?

If Alaska's regions and its individual communities are to gain control of their destinies, it must be done by control of their economic base.

We can't do this without the initial thrust HJR 78 represents.

I would like to thank all of you for giving me this opportunity to express my views. I sincerely hope you will sound out your constituents on the broad issues involved in HJR 78, on the commitment it represents, and on the furtherance of unified policy on the legislative and executive levels. I think you will find a groundswell of support for such a concept.

THE FOLLOWING AMENDMENTS WERE PROPOSED TO THE HOUSE
RESOURCES COMMITTEE.

MIKE MAYO
Alaska Halibut Longliner

Proposed amendment to HJR 78

Insert the following Whereas clauses, and Resolved clause:

WHEREAS existing domestic fisheries can harvest all potential halibut in and along Alaska's coasts within the 200 mile fishery conservation zone; and

WHEREAS the foreign fleet since the 1950's has had a devastating effect on the Alaskan halibut resource; and

WHEREAS the foreign fleet in the Gulf of Alaska and the Bering Sea presently kills enough halibut to have a detrimental effect on the Alaskan economy both now and in the future; and

WHEREAS of the halibut resource left in the world, the vast majority resides in the waters off Alaska; and

WHEREAS the 1982 harvest allocation of halibut by the International Pacific Halibut Commission in statistical area 2 consisting of Southeast Alaska and British Columbia is restricting the harvest by Alaskan fishermen by grossly misrepresenting the allowable harvest allocated to each country; and

WHEREAS proposed federal cutbacks to the already understaffed Coast Guard will further hinder their curtailment of illegal foreign fishing in the 200 mile fishery conservation zone; and

FURTHER RESOLVED that the State of Alaska manage the halibut resource in and along its coasts within the 200 mile fishery conservation zone; and be it

Page 2, line 23. Delete lines 23 and 24, and replace with:

Act of 1976 to phase out foreign fishing vessels over a two-year period and to allow foreign fishing vessels to fish inside the 200 mile limit on an emergency basis at the discretion of the Governor, on advice from the Board of Fisheries.

Justification: To protect domestic fishermen, Alaska stocks of fish and insure the State of Alaska the right to manage the resource at the maximum optimum level for the benefit of all Alaska. Recommend using procedures set out by the Alaska Foreign Processing workshop in their recommendations to U.S.Congress.

Proposed amendment to HJR 78

Submitted by Kellus Sewell

page 2, line 23: Delete [TO PREVENT]

Insert in its place:

to accomplish through significant reductions over the next two years elimination by 1984 of

HOUSE JOINT RESOLUTION NO. 78

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - SECOND SESSION

Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone along Alaska's coast.

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

WHEREAS the fishing industry constitutes a major portion of the economic activity of Alaska; and

WHEREAS the Magnuson Fishery Conservation and Management Act of 1976 reserves to United States fishermen all the harvestable surplus of fisheries resources when the surplus [THAT] can be taken by domestic fishermen; and

WHEREAS [EXISTING] domestic fishermen [FISHERIES] can harvest all potential salmon, halibut, crab and herring and could have the capacity to harvest all other stocks of Alaska origin; and

WHEREAS the commercial and noncommercial fishermen of Alaska are dependent on these resources as one of the mainstays of their economy and livelihood; and

WHEREAS the fishing industry in Alaska provides the highest employment of any industry in the state; and

WHEREAS it is possible that half of the total harvest of Western Alaska chinook salmon may be taken on the high seas as immature fish by foreign motherships, land-based gillnet fleets and trawl fleets; and [THE HARVEST AND INCIDENTAL INTERCEPTION OF NORTH AMERICAN PACIFIC SALMON BY FOREIGN MOTHERSHIPS, LAND-BASED GILLNET FLEETS, AND BERING SEA TRAWL FLEETS EXCEEDS THE HARVEST AND INCIDENTAL INTERCEPTION ALLOWED ALASKA TROLL FISHERMEN BY THE NORTH PACIFIC

ADFG
Changes

FISHERY MANAGEMENT COUNCIL]

WHEREAS interceptions of this magnitude on mixed stocks of immature salmon on the high seas [MAY] adversely impact Alaska's ability to assure the conservation and sustained yield of these stocks; and

WHEREAS the impact of foreign Gulf of Alaska trawl and foreign land-based gillnet catches on Gulf of Alaska chinook salmon may be [HAS BEEN] significant; and

WHEREAS the high seas gillnet operations for squid by foreign fleets may also [APPEAR TO] be intercepting significant numbers of North American salmon; and

WHEREAS the continuing dominant harvests [HARVESTING] of bottomfish by foreign fleets is inhibiting [INCAPACITATING] the fledgling Alaska bottomfish industry as illustrated by reduction in abundance and size of Gulf of Alaska sablefish; and

[WHEREAS FOREIGN OVERFISHING IN CERTAIN AREAS IS CAUSING AN IMBALANCE IN THE ECOSYSTEM;] and

WHEREAS Federal lenience toward foreign harvesting [OF FISHERY STOCK] inside the [200-MILE] Fishery Conservation Zone has disrupted Alaska fisheries through, for example, gear conflicts and interceptions of species fully harvested by domestic fishermen; and

WHEREAS the Federal government [NORTH PACIFIC FISHERY MANAGEMENT COUNCIL] is impacting State [ALASKA BOARD OF FISHERIES] policy at the expense of the Alaska fishing industry in an obvious display of favoritism towards foreign fishing interests; and

WHEREAS every Alaska fisherman should have the legal right to protect the resources on which he and the Alaska economy are dependent; and

WHEREAS the State of Alaska has demonstrated and will continue to demonstrate a significant contribution to the management of fisheries within the waters of the State and throughout the Fishery Conservation Zone; and

WHEREAS State and Federal governmental agencies are limited in fiscal resources and the optimal use of these monies for fisheries management, research, and enforcement occurs through a clear definition of State and Federal agency roles by dividing responsibilities and thus avoiding unnecessary duplication;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to change the voting members on the seating arrangement of the North Pacific Fishery Management Council so as to exclude the Regional Director of the National Marine Fisheries Service and to include an Alaskan-at-large representative; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to expedite the development of domestic fisheries in the Fishery Conservation Zone off Alaska, but not at the expense of established domestic fisheries, by:

a) Immediately clarifying for the Departments of Commerce and State the intent of Congress toward the implementation of the Magnuson Act with respect to foreign participation in Fishery Conservation Zone fisheries. Issues to be considered include:

- 1) Full observer coverage to assure foreign compliance with fishery management plans and their implementing regulations;
- 2) Further time, gear and area restrictions on foreign trawling in order to protect salmon, halibut and other species;
- 3) Optimum yield reductions (particularly pollock and cod) to reduce foreign harvests; and
- 4) Further use of the "Fish and Chips" policy of Section 201(e) of the Magnuson Act.

and b) Pursuing legislation to provide further incentives to the developing domestic industry by decreasing the competitive disadvantage they have with foreigners; and be it

[FURTHER RESOLVED THAT THE ALASKA STATE LEGISLATURE RESPECTFULLY REQUESTS THE UNITED STATES CONGRESS TO AMEND THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 TO PREVENT FISHING BY ALL FOREIGN FLEETS IN THE 200-MILE FISHERY CONSERVATION ZONE ALONG ALASKA'S COAST]

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to grant the State of Alaska exclusive jurisdiction over domestic fisheries management within the Fishery Conservation Zone along Alaska's coast. [ESTABLISHED BY THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.]

HOUSE RESOURCES
STANDING COMMITTEE
February 18, 1982
5:30 p.m.

Members Present: Rep. Sutcliffe, Chairman
Rep. Barnes
Rep. Halford
Rep. Grussendorf
Rep. Vaska

Members Absent: Rep. Fanning
Rep. Carney

COMMITTEE CALENDAR

SCR 31 "Relating to the Southeast Alaska troll fishery"

HJR 78 "Relating to commercial fishing by foreign fleets in the 200 mile fishery conservation zone along Alaska's coast"

WITNESS REGISTER

Dave Cantillon
Regional Supervisor
ADF&G
P.O. Box 3-200
Juneau, Alaska 99802
(907)465-4210
Position Statement: To speak on SCR 31 and/or HJR 78

Rep. Randolph
Pouch V
Juneau, Alaska 99811
(907)465-4821
Position Statement: To testify in reference to HJR 78

Wallace McDonald
Petersburg, Alaska
No telephone number available
Position Statement: To testify in reference to HJR 78

Earl Krygier
Logbook Biologist
Alaska Trollers Assn.
No other information available
No telephone number available
Position Statement: To testify in reference to HJR 78

Juneau Handtrollers Assn.
No other information available
No telephone number available
Position Statement: To testify in reference to HJR 78

Guy Thornburgh
Ex. Jurisdiction Program Manager
ADF&G
P.O. Box 3-222
Juneau, Alaska 99802
(907)465-4213
Position Statement: To testify in reference to HJR 78

Larry Smith
Juneau Troll PAC
No other information available
No telephone number available
Position Statement: To testify in reference to HJR 78

Richard Lutz, Chairman
Pelican Advisory Commission
Pelican, Alaska
No telephone number available
Position Statement: To testify in reference to HJR 78 and SCR 31

Kellus Sewell
Representing himself (Not Cape Fox Corp.)
Address unavailable
(907)789-9977
Position Statement: To testify in reference to HJR 78

Gary Constantine
Power Troller
No other information available.
No telephone number available
Position Statement: To testify in reference to SCR 31

PREVIOUS ACTION

HB 78	No previous action available
SCR 31	No previous action available

ACTION NARRATIVE

Tape #090
Recording
Number 001

The meeting of the House Resource Committee was called to order by Chairman Sutcliffe at 3:05 p.m. Committee members present were: Reps. Barnes, Halford, Grussendorf, Vaska and Sutcliffe. Reps. Fanning and Carney

were absent.

Number 010

Dave Cantillon: Most troll fishing occurs in State waters. Data available is incomplete. Chinook: Summary of specie. Board of Fisheries has adopted a twenty year stock rebuild program. Coho: Rundown of specie status - danger signs go exist for coho's. The management of fisheries is one of the most challenging jobs ADF&G has.

Number 145

Rep. Vaska: Allocation decisions are being made with inadequate data.

Number 177

Rep. Grussendorf: Questions who has valid statistics - why can't we get data that is accurate. Does research have any effect, or is it just an exercise? How do you feel about fishermen helping with tagging program?

Number 248

Dave Cantillon: Unless recovery is carefully done, information is not very helpful.

Number 269

Rep. Sutcliffe: Bill is to try and find a solution to fishery data problems.

Number 292

Rep. Randolph: Impetus for resolution - opportunity to have information brought forward. Lt. Governor Miller has called our fisheries "in a state of crisis." In favor of the bill. There is more and more interference by the Federal Government in State Fisheries. This bill is a means of saying - we want action. Aggressive actions must be taken.

Number 422

Rep. Grussendorf: Wondering about strategy - page two lines 21-24.

Number 452

Rep. Vaska: Are you willing to put restrictions on local fishermen re: high seas fishing? (Reply by Randolph: Yes)

Number 547

Wallace McDonald: Intent of bill is important - it is a statement of State policy. Fish are not being used to the advantage of Alaskans. Fishermen from other countries are making a living from our fish. In favor of HJR 78.

Number 622

Earl Krygier: Have come to give insight into net marked fish. One of the driving

forces for statehood, was to gain control of Alaska fisheries by Alaskans. (Synopsis of pictures and charts he brought showing net marked fish. 1% - king and 3% - coho, are net scared. Gave rundown on theory he developed to estimate loss of fish to foreign high seas fishing. Quoted reports by Japanese and Russian scientists that stated high mortality figures for our fish. Spoke of tag recovery programs. There is a high incidental catch of salmon in squid fishery.

- Side Two Number 122 John Wilcox: Feels by adding any amendments, the language is going to be watered down. Must have a strong message sent to Washington D.C., stating fishing industry is being impacted. Feels Clem Tillion has not been helpful with problems.
- Number 158 Guy Thornburgh: Endorsed the bill, but feels some amendments are needed. (Suggested amendments have been submitted to Committee.) Feels State, not Federal government should manage fisheries.
- Number 187 Rep. Vaska: What is the relationship between I.N.P.F.C. and the Council? (Thornburgh's reply: I.N.P.F.C. takes precedence over Council.)
- Number 228 Rep. Sutcliffe: What is your feeling on proposed amendment to 18?
- Number 237 Guy Thornburgh: Total banning of fishing by foreign fleets is not the attitude of the administration.
- Number 253 Rep. Sutcliffe: Wants to seat another Alaskan on the Council.
- Number 257 Guy Thornburgh: Alaskans already have a majority on the Council. Five votes. Appointed by the Governor.
- Number 280 Larry Smith: Reported the Japanese and Koreans claim wild fish stocks. Covered report on foreign relations, addressed high seas fishing by Japan. Bristol Bay sockeye report by Japanese gill net. Report by Pacific Vessel Owners, addressed Japanese high seas fishing. Report on violations on high seas fishing by Japan. Rundown on publications addressing foreign high seas

fishing.

- Number 380 Rep. Grussendorf: Are you in favor of the bill? (Reply from Smith: Yes.)
- Number 396 Larry Smith: Language sent to Washington D.C., must be as strong as possible. We are in a state of crisis. Our problem must be addressed within the lines of protocol.
- Number 419 Rep. Sutcliffe: Understanding protocol - we must not use language that will disable our opportunity to make progress.
- Number 452 Rep. Grussendorf: Maybe resolution shouldn't be watered down. But we should include letter of intent.
- Number 509 Rep. Vaska: Perhaps we should put pressure on Alaska Council representatives instead of pushing the Federal Government. We need strength, but we also need constructive requests.
- Number 564 Rep. Sutcliffe: Council members and Advisory Board feel great frustration too. Support should be given to them.
- Number 615 Richard Lundahl: Subjects covered: All Alaska Council; Marketing gap; Curtailment of foreign fishing; and, a rundown on desired changes. Noted that halibut if thrown back, suffer a 95% mortality. Re: Bill - Relate significant figures, don't water down the bill, keep as strong as possible. We need an answer now, we are running out of time. Criticism of SCR 31 - does not address statewide problem.
- Tape #91
Number 057 Kellus Sewell: Wants independent evaluation of ADF&G methods, (all fisheries). Gave rundown of suggested changes on HCR 31: Page 2, line 37, Government gets, not the fishermen: Page 2, line 8, Need for competent expertise: Socio/economic impact objectives by ADF&G must be reviewed: Page 2, significant reductions and eliminations of foreign fishermen by 1984.
- Number 129 Gary Constantine: Objects to Cantillon's remarks saying troll fishermen depleting stocks, and does not agree that Chinook fishery is expanding. Objects to weakening

of bill. Stated Japanese are catching fish we should be catching. Believes Japanese vessels target on salmon. Wants troll fleet expanded westward.

Number 270

Richard Lundahl: re: Statewide Troll - Trollers are the only tool managers have to locate stocks.

Number 395

Rep. Vaska: The Council doesn't want to introduce new gear into the westward area.

Number 475

Rep. Sutcliffe: (To ADF&G representatives) - Are there any fish stocks available anywhere in the State that are undesignated? (Dave Cantillon's reply: Maybe a small run in the Kodiak area - 500 to 1,000 fish.)

Meeting adjourned 5:15 p.m.

HOUSE RESOURCES.
STANDING COMMITTEE
March 1, 1982
5:30 p.m.

Members Present: Rep. Sutcliffe
Rep. Carney
Rep. Grussendorf
Rep. Vaska
Rep. Halford
Rep. Carney

Members Absent: Rep. Fanning

COMMITTEE CALENDAR

HJR 78 "Relating to commercial fishing by foreign
fleets within the 200 mile zone."
SCR 31 "Relating to Southeastern Alaska troll
fishery."

WITNESS REGISTER

Dave Cantillon
Alaska Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802
(907)4654220
Position Statement: To lend assistance in mark-up of bill HJR
78/SCR 31

Guy Thornburgh
Alaska Department of Fish and Game
P.O. Box 3-2000
Juneau Alaska 99802
(907)465-4220
Position Statement: To lend assistance in mark-up of bill HJR
78/SCR 31

PREVIOUS ACTION

HJR 78 Previous action unavailable
SCR 31 Previous action unavailable.

ACTION NARRATIVE

Tape #101
Recording

- Number 003 The meeting of the House Resource Committee was called to order by Chairman Sutcliffe at 3:10 p.m. Committee members present were: Reps. Carney, Grussendorf, Vaska, Halford, Barnes, and Sutcliffe. Rep. Fanning was absent.
- Number 132 Rep. Vaska: Page 1, second WHEREAS: after harvest all, delete "potential" and add "herring, halibut, crab and"...
- Number 325 Rep. Grussendorf: Page 1, first WHEREAS: after surpassed, add "at this time". Page 1, first WHEREAS: last line, after oil, insert "and gas"...
- Number 644 Rep. Barnes: Page 2, first BE IT RESOLVED, last line, after, and to, delete "include an", and add "include another"...
- Side Two Number 139 Rep. Vaska: Page 2, first FURTHER RESOLVED, last line, after to reduce the, delete "optimum yields for Pacific cod, pollock and sablefish", add "total allowable level of foreign fishing"...
- Number 214 Rep. Vaska: Page 2, second FURTHER RESOLVED, second to last line, after "inshore shellfish", delete "and", and after "longline" delete "fisheries", and add "and salmon fisheries"...
- Number 399 Rep. Barnes: Page 2, fifth WHEREAS: after "taking" delete "at least 15 percent" and add "substantially"...
- Number 406 Rep. Vaska: Page 2, sixth WHEREAS: after fishermen delete "should have" and add "has", (same line), after right, delete "to protect tne" and add "of protection of the", (same line), after "which he", add "or she".
- Number 411 Rep. Barnes: Page 4 last sentence on page, after "U.S. Representative", delete "members of the Alaska delegation in Congress", and add "Stevens, Murkowski and Young. Governor of the State of Alaska and members of North Pacific Fisheries Management Council.
- Tape #102
- Number 163 Rep. Sutcliffe: Noted he would accept motion to accept amendments.

Number 199

Rep. Halford: So moved with individual recommendations. Passed unanimously.

Number 217

Rep. Sutcliffe: Read proposed amendments to SCR 31. Page 1, line 11 - after "based on" add, "best available" biological.. Page 1, line 15 - after "based on" add, "best available" biological... Page 1, line 21 - after "Fish and Game", delete "does not", and add "may not" furnish... Page 1, line 24 - after "is no", add "single" compendium... Page 1, line 26 - before first word "identified;" add "always clearly"... Page 2, line 1 - after "pressure on" delete "certain", and add "specific" stocks... Page 2, line 4 - after "using" delete "adequate" and add "complete" information... Page 2, line 11 - after "of the" delete "Second" and add "First", same line after "of the" delete "Twelfth" and add "Thirteenth" Legislature,....

Number 286

Rep. Grussendorf: Moved that SCR 31 be moved from Committee with amendments. Rep. Halford opposed the motion. Motion passed, with Reps. Grussendorf, Vaska and Sutcliffe in favor.

Meeting adjourned at 5:00 p.m.

HOUSE RESOURCES
STANDING COMMITTEE

March 16, 1982

5:30 p.m.

Members Present: Rep. Sutcliffe, and Fanning Co-chairmen
Rep. Grussendorf
Rep. Barnes
Rep. Vaska
Rep. Halford

Members Absent: Rep. Carney

COMMITTEE CALENDAR

HB 528 "Amending the Fish & Game code. - Title 16"

HB 8 "Relating to management and control of State lands"

HB 811 "Relating to preferences to occupants of land under a USFS timber contract"

HJR 78 "Relating to commercial fishing by foreign fleets in the 200 mile fishery conservation zone along Alaska's coast"

WITNESS REGISTER

Ed Hein
Legal Services
Legislative Affairs
No address available
No telephone number available
Position Statement: To speak on HJR 78

Rodger Painter
United Fishermen of Alaska
No address available
No telephone number available
Position Statement: To speak on HJR 78

Rep. Dick Randolph
Pouch V
Juneau, Alaska 99811
(907)465-4821
Position Statement: To speak on HJR 78

Richard Lauber
No address available
No telephone number available
Position Statement: To speak on HJR 78

Rep. Terry Gardiner
Pouch V
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(907)465-4944
Position Statement: To speak on HB 811

Rep. Oral Freeman
Pouch V
Juneau, Alaska 99811
(907)465-4976
Position Statement: To speak on HB 811

Denis M. Kuntz
Box 131
Thorne Bay, Alaska 99950
(907)828-3984
Position Statement: To give testimony on HB 811

Reggie Johnson
P.O. Box 165
Thorne Bay, Alaska 99950
(907)828-3991
Position Statement: To give testimony on HB 811

Mark Wittow
Department of Natural Resources
No address available
No telephone number available
Position Statement: To speak on HB 811

Andy Pekovich
Department of Natural Resources
No address available
No telephone number available
Position Statement: To speak on HB 811

PREVIOUS ACTION

HB 811	Previous action unavailable
HB 528	Previous action unavailable
HB 8	Previous action unavailable
HJR 78	Previous action unavailable

ACTION NARRATIVE

Recording
Tape #116
Number 001

The meeting of the House Resource Committee
was called to order by Chairman Sutcliffe at

3:00 p.m. Committee members present were: Reps. Vaska, Fanning, Carney, Barnes and Sutcliffe. Absent were Reps. Halford and Grussendorf.

- Number 022 Rep. Fanning: Requested movement of HJR 78 from HCR be rescinded; and that the bill be brought back before the Committee.
- Number 029 Rep. Sutcliffe: Ed Hein has suggested some changes. There are some language changes and some changes have been made for clarification.
- Number 040 Rep. Fanning: Moves to accept amendments as suggested in March 3 memo from Ed Hein; asks unanimous consent.
- Number 045 Rep. Sutcliffe: So moved. Amendments adopted.
- Number 063 Rep. Fanning: Asked change - Line 10, Line 17; add "domestic" before "fisheries management".
- Number 072 Rep. Sutcliffe: Amendment adopted.
- Number 074 Rep. Fanning: Page 2, addition of two WHEREAS. Moved and asked unanimous consent.
- Number 092 Rep. Sutcliffe: Asked Rodger Painter, UFA, to speak.
- Number 097 Rodger Painter: Don't understand why "incidentally destroyed" was used. Not very descriptive; "caught" would be better.
- Number 113 Rep. Fanning: Asked Mr. Painter if there were any other areas of concern?
- Number 117 Mr. Painter: Define "value".
- Number 119 Rep. Fanning to Rep. Randolph: Asked if suggested changes were acceptable to him. (His reply: Yes)
- Number 155 Richard Lauber: Stated that a number of small halibut are caught. If these fish were projected as adult fish, foreign trawl catch far exceeds American catches.
- Number 173 Rep. Fanning: Requested two new WHEREAS. Asked unanimous consent.

Number 181 Rep. Sutcliffe: Amendments accepted.

Number 185 Rep. Sutcliffe: Will accept motion to move HJR 78 from HRC. Rep. Carney: So moved.

Number 190 Rep. Sutcliffe: HJR 78 moved from HRC.

Number 200 (HB 8) - Rep. Fanning: No further amendments to add. Will next go to Judiciary.

Number 213 Rep. Barnes: Re: Talk given by Nevada Sen. Rhoads - I felt his indication was, that passage of this bill was useless. He wanted support for privatization. His statements on the teleconference are the exact opposite from what he told me.

Number 235 Rep. Fanning: Discussion of testimony given by Sen. Rhoads.

Number 241 Rep. Barnes: Noted both pieces of legislation were discussed. Feels there is conflict.

Number 251 Rep. Sutcliffe: Wants to move HB 8 from HRC.

Number 255 Rep. Vaska: Objects.

Number 257 Rep. Fanning: Motion to move HB 8 from HBR. In favor: Reps. Fanning, Sutcliffe, Barnes, Carney. Opposed: Rep. Vaska.

Number 308 (Mark-up of HB 528) - Page 1 - no changes.

Number 321 Page 2, line 28: Delete Section 7 - So moved by Rep. Vaska. Passed.

Number 355 Page 3, line 13: Delete Section 8 - So moved by Rep. Barnes. Passed.

Number 405 Line 22: Delete: "as directed by the commissioner of revenue: and replace with: "soon as practicable after the last day of each calendar month or quarter, as directed by the commissioner of revenue." So moved by Rep. Fanning. Passed.

Number 410 Page 6, line 19: Delete: "who constructs" and replace with: "which intends to construct." Line 26: after "activity", insert "set out in this subsection". So moved by Rep. Fanning. Passed.

Number 450 Page 13, line 13: Delete: "16.05.835" -
Line 14: Delete: "16.10.120". So moved by
Rep. Barnes. Passed.

Number 460 Rep. Sutcliffe: 58 foot limit will be
before HRC, as well as drum seine. There
could be problems in this area.

Number 478 It was moved that the amendments be
accepted. Passed.

Side Two Number 001 Rep. Barnes: Moved to accept Committee
Substitute of HB 528, and to move it from
HRC.

Number 008 Rep. Fanning: Bill is passed from HRC.

Number 010 Hb 637 will not be heard today. It will be
rescheduled.

Number 022 (HB 811) - Rep. Sutcliffe: HRC did
preliminary work and found areas that need
work. There is a substitute in the mill.

Number 030 Rep. Gardiner: Has dealt with a bill of
this type before. Preference bills are
difficult to do without causing problems.
The reason for the bill - based on community
of Thorne Bay (logging camp). Discussion of
bill. The community is being established,
there are: residents, schools, utilities,
etc. already.

No one now owns the land. It is Forest
Service land leased to the lumber company.
Residents of Thorne Bay want to form a
second class city. They have been working
with DNR and Community Affairs.

If usual routine were to be followed, public
would be able to bid on land with houses
already there. Those homes belong to people
already living in Thorne Bay. Intent is to
give these people preferences on buying this
land.

Another factor - municipality of Thorne Bay
could have land selection. This could be
done through normal channels.

Number 115 Rep. Fanning: What is the reason for push
of commercial land being at market value?

- Number 123 Rep. Gardiner: Community concerns, (PKU and others), have not requested preferential action.
- Number 156 Rep. Fanning: Wold assume that during lumber action, residents of homes did not pay any part of lease fees?
- Number 165 Rep. Gardiner: LPK owned some of the houses, utilities, etc. Don't know what charges were paid by LPK.
- Number 179 Rep. Oral Freeman: There is only one commercial interest (dry goods store). Others coming later. They can buy land.
- Number 195 Denis Kuntz: LPK has abandoned operations in this area. This was due to economic cut-backs.
- Number 224 Discussion of need for legislation. There is a need to keep people so that city can be formed. Happy with bill as it is.
- Number 261 Denis Kuntz: Discussion of Sec. B. Company is now selling houses in abandoned area to residents. Results of bids will be known Thursday.
- Number 281 Denis Kuntz: Banks will not loan money because land is not owned. This bill would help this situation.
- Number 299 Mr. Kuntz: This situation will arise in other areas, as other camps close down.
- Number 313 Rep. Fanning: I have no objection to concept. Discussion of areas concerned in bill. What land area is included?
- Number 326 Reggie Johnson: Land under houses only is covered by this bill.
- Number 339 Rep. Barnes: Asked what the population was and what the economic base was.
- Number 354 Mr. Johnson: Population approximately 350 people. Industry - fishing, mining, and support services for ferry is present plans are completed.
- Number 365 Rep. Fanning: Committee substitute eliminates recreation cabins (Sec. C, Line 18).

Number 383 Mr. Kuntz: Discussion of recreational residences. Noted - there were none there at this time.

Number 409 Rep. Gardiner: If land is put on the open market, there could be recreational homes forth coming.

Number 427 Rep. Sutcliffe: Discussion of occupancy requirements.

Number 477 Mark Wittow: Generally, feels that this is a good bill. Discussion of leases, lapses and other reversion to State of the land.

Tape #117

Number 018 Rep. Fanning: Re: Line 16 - What is being addressed by statement "before the termination of the timber contract."

Number 027 Rep. Stuccliffe: Discussion of Committee Substitute for bill and language used in it.

Number 034 Mark Wittow: Suggestion: Language now says in Sec. A and B at beginning "before to the public" the Director shall" and B. Municipality may want to select some of chat land.

Number 052 Rep. Fanning: Questions commercial land being included in this bill.

Number 062 Mr. Wittow: If municipality chose land, they could handle land disposal. Discussion of original concept for chosing this land.

Number 083 Rep. Fanning: What was intent? Are we trying to develop blanket language for future cases? Or, for a specific area. Explain "A" to me. Discussion of "A" followed with Mr. Wittow.

Number 103 Rep. Fanning: Doesn't this language preclude future concerns? Or, are we talking about up to expiration of lease time? (Reply from Mr. Wittow: Into the future.)

Number 120 Rep. Sutcliffe: Can't we speak to the sale that has occurred? (Home bids)

Number 133 Rep. Carney to Mark Wittow: Explain term "permitee". Rep. Carney questioned changes

in statutes to assist in problem.
Number 160 Rep. Sutcliffe and Carney: Discussion of preference rights - patents - contracts.

Number 202 Rep. Sutcliffe: Is DNE in favor of accommodating people in Thorne Bay?

Number 207 Mr. Wittow: Bill was to offer them preferential rights.

Number 231 Rep. Carney to Mr. Wittow: What is the value of the land?

Number 235 Mr. Wittow: Lots are very small, land is of little value.

Number 240 Rep. Carney: This should apply statewide; not only in Thorne Bay.

Number 258 Rep. Fanning and Mr. Wittow: Discussion of "State owning" improvements.

Number 291 Rep. Barnes: P'll would apply not only to Thorne Bay. Discussion of land disposal.

Number 336 Rep. Carney: "D" basically copied - except provision of preference. Questions deletion of "recreational"? Wants it included.

Number 380 Rep. Barnes: Wants removal of "non recreational".

Number 426 Rep. Freeman: Sec. 6 - "Statehood Act": Land Selection. Discussion of accessing a number of areas that could be concerned with like needs/requirements. Feels it would be a shame to get the bill bogged down and not passed.

Number 483 Rep. Fanning: As Co-sponsor, would you object to addressing Thorne Bay directly? (Rep. Freeman's reply: No)

Number 502 Rep. Carney to Rep. Freeman: Would you object in having this project included in "Permittee Act" of Forest Service? Reply from Rep. Freeman: Discussion of other Forest Service permits, land selection. Feels he would prefer to see bill kept as is. Debate on permits between Reps. Freeman and Carney.

Number 581 Rep. Barnes: Objects to legislation being written for direct response to Thorne Bay.

Wants blanket legislation.

- Number 595 Rep. Fanning: DNR - doesn't want to have to sell land. Questions deletion on non-recreational and deletion of commercial.
- Number 621 Mr. Wittow: Language is the same in Forest Service permits.
- Side Two Number 010 Rep. Sutcliffe: Asked Rep. Freeman to work with DNR and Committee to seek a solution.
- Number 016 Rep. Barnes: Stated she was against Departments writing legislation.
- Number 045 Rep. Carney: Doesn't object to preference - but, based on what? Residency?
- Number 056 Rep. Fanning: Is it agreeable to the Committee to develop legislation with a residence requirement of one year?
- Number 067 Rep. Sutcliffe: All contingencies could not be covered by this. People that should, won't qualify.
- Number 085 Rep. Carney: That is why I prefer to let the lumber company deal with title transfers.
- Number 104 Rep. Freeman: Discussion of preference legislation. Feels abuses would be so small - should not be an area of great concern.
- Number 150 Andy Pekovich: Skeptical of some aspects. Revision is preferential to new legislation. Discussion of possible solutions. Selection process - stopping a windfall.
- Number 194 Rep. Fanning: Re: Forestry Permitting: How do we get them to do this? (Pekovich's reply: I'm not sure, it would take a policy change.)
- Number 251 Rep. Freeman: We would hate to have Thorne Bay dependant on Forest Service. They are beyond our reach.
- Number 272 Mr. Kuntz: What about preference for those holding Forest permits?
- Number 297 Rep. Carney: What about open entry?
- Number 318 Mr. Johnson: What time table are we talking

about?

Number 322

Rep. Fanning: We are anxious to move this bill, but there are questions that need to be answered.

Meeting adjourned at 5:35p.m.

Federal influence in state fisheries decried by Miller

The Associated Press

JUNEAU — Lt. Gov. Terry Miller, a Republican gubernatorial candidate, says it is imperative that the new governor move to end federal interference in Alaska's fisheries policy decisions.

"I believe we need a new direction and a new commitment to stem the steady tide of federal encroachment on fisheries management decisions," Miller told a Juneau Rotary luncheon last week.

Three major sources of conflict were highlighted by Miller: who decides harvests of king salmon in Southeast Alaska, crab in Western Alaska and herring in the Bering Sea.

"In each of these three areas, the state of Alaska is faced with either surrendering to the federal government or, alternatively, mounting a defense of state's rights equal in magnitude to the recent battle over oil lands (Alaska lands legislation)."

But before taking on the federal government, Miller said "the state must put its own house in order" by streamlining the current system for setting fishery policy.

He said "presently there are several dozen agencies ... that have a piece of the fisheries policy pie. There should be only two: the governor's office for policy direction and the Board of Fisheries for resource allocation decisions.

Miller also said members of the fishing industry should be able to work directly with a coordinator in the governor's office and have access to the governor "instead of being shuffled from agency to agency



Terry Miller

or division director to division director."

He said "these two changes will allow Alaska to speak with a firm, authoritative voice when we approach the federal government. We will be able to mount an aggressive campaign in Congress to amend the federal legislation that has been the fulcrum used by federal agencies to usurp state management authority."

Miller said federal interference in Alaska's billion dollar fishing industry, which once was run by state officials, could raise havoc with the state's economy.

"Fisheries is one of our most important economic mainstays, a resource which has transcended the gold era and one which, if managed properly, will transcend the present era of oil. The livelihood of more than 50,000 Alaskans depends on the outcome of this issue."

Fisheries battle feared

Candidate Miller decries federal interference

By ANNABEL LUND
Empire Staff Reporter

Increasing federal interference in Alaska's fisheries could catapult the state into launching a state's rights defense as fierce and as comprehensive as the d-2 land fight, Lt. Gov. Terry Miller warned Tuesday.

Miller, Republican candidate for governor, called the situation a "crisis" and urged development of a new fisheries management program to protect the state's rights in the industry.

"We did not support the 200-mile limit to promote an army of federal employees, organized into platoons of commissions and councils, that would overrun state managers," Miller told a packed house of Rotarians at their noon luncheon in the Cape Fox Sheffield House Tuesday.

Miller said there were three major issues now facing the state's largest private industry dramatizing the struggle for control of Alaska's fish resources between the state and federal government: who controls the harvesting of king salmon in Southeast, who controls the crab fishery in Western Alaska and who will set policy for the herring fishery in the Bering Sea.

"In each of these three areas, the state of Alaska is faced with either surrendering to the federal government or, alternatively, mounting a defense of state's rights equal in magnitude to recent battles over d-2 lands," Miller said. "The federal government must understand that Alaska knows the difference between cooperation and capitulation."

Miller called the federal plans for management of these three fisheries "myopic" and said the implications of them are "dangerous."

He added there were continuing struggles with the federal government over resource trade-off decisions, such as offshore oil development in the fisheries-rich Bristol Bay area and Norton

Sound.

"Is there really any reason for hasty development in areas where the danger of drilling is great and where a major world source of fish protein is located?" Miller asked. "There are many more onshore areas with more potential for oil and gas discoveries that should be first explored and developed."

Miller also called for drastic changes in state fish management policies. He suggested the several dozen agencies now handling state policy be boiled down to two: the governor's office for policy direction and the Board of Fisheries for resource allocation decisions.

He also suggested that a cohesive fisheries policy be created, with one individual designated as responsible to the governor for the implementation of that policy.

"These two changes will allow Alaska to speak with a firm, authoritative voice when we approach the federal government," Miller said, and permit the state to mount "an aggressive campaign in Congress to amend the federal legislation that has been the fulcrum used by federal agencies to usurp state management authority."

The state's rights campaign, he said, should be multi-stated and coordinated with other coastal states facing similar problems.

A major question should be posed, Miller said: "Is it reasonable to expect that the management decisions in Washington, D.C. will be as attentive to conservation, as attentive to protection, or as attentive to the unique socio-economic circumstances of Alaska as state efforts?"

Resolution of federal-state friction points is not merely a matter of philosophy, Miller said, but is necessary to compel the federal government to allow the state management of its resources.

"Without control of its own resources," Miller said, "a state is basically just a colony."

*- Dr. T. P. Tallen
Chgo.*



promise posed

ness in that zone.
promise proposal calls for a 40-square-foot, free-standing
ending about 20 feet above the pavement.
mpromise accers to zoning requirements and pleases
ration, which has sent a letter to the city-borough urging
m Dannister's decision.
out Street improvements are designed to keep traffic sm-
oving between the Old Glacier Highway and the necess-
ut Street) to the restaurant.
ald's hrs not objected to Dannister's decision that it
a turning lane and make other improvements, according
rough Attorney Lee Sharp.
the agenda for Thursday's assembly meeting is in
n of a proposed ordinance to establish a local improve-
ed to pay for a portion of the downtown parking garage

Cancer telethon plans start

When Janice Holst walked into the studio at KINY-TV nearly a year ago, no one, not even the governor could have predicted a population of more than 24,000 would telephone in over \$25,000 in pledges to a statewide Alaska cancer





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

March 3, 1982

Sen. Richard I. Eliason
Capitol, Room 417
Pouch V
Juneau, AK 99811

SUBJECT: California Troll Salmon Controversy

Dear Dick:

In response to your question about the above subject I have enclosed some documents from which I have pieced together the story of what happened in California last summer. You can review the documents themselves for the full picture.

Last summer, after long delay, the Pacific Council (Wash., Oreg., Ida., Calif.) issued regulations that called for sharp restrictions on the West Coast salmon catch. There followed the well-publicized protest rally of 120 fishing boats massed under the Golden Gate Bridge, and other protests elsewhere in the state.

The California Department of Fish and Game subsequently ordered a closure of state waters to correspond with the federal regulations, effective June 14, 1981. Two State legislators, Sen. Keene and Assemblyman Bosco, petitioned the California Office of Administrative Law (an agency we don't have in Alaska), to overturn the closure as unnecessary and economically bad for the fishing industry. The Office of Administrative Law granted the request and repealed the Fish and Game order. [See Exhibit "B"]. The inside waters off California thus stayed open, with a number of court actions taking place around the state.

Finally, the states of Oregon and Washington got mad because they claimed California trollers were fishing on cohos from Oregon and Washington hatcheries. They petitioned the U.S. Secretary of Commerce to "preempt" California's inside waters, in effect, imposing federal regulations inside 3 miles under FCMA section 306(b). (See Exhibit "A" - Telegram from Schmitt and Donaldson). The Secretary, acting through NMFS, declined to take preemptive action for that season, referring to the fact that a lower California state court had ruled that the California Director of Fish and Game was enjoined from closing the inside waters to conform with the Pacific Council's regulations, and the matter was still under court review.



In effect, the Department of Commerce was saying that the California Department of Fish and Game was prevented from responding to the federal regulations by the action of the state court; therefore, NMFS would not take strict measures against the state until it was clear that their officials were free to act. A higher court later decided the lower court was wrong, and held that Charles Fullerton, the California Fish and Game Director, did have authority to close the inside waters in response to the federal FMP and regulations. The season was over however, by the time that court reached its decision, so there was no preemption.

At the present time I know that lawyers in the General Counsel's Office, where I now work, are preparing a set of proposed federal regulations to implement FCMA section 306(b); these could be used to "preempt" a state, like California, if it interfered substantially with the regulatory regime established by an approved federal fishery management plan (FMP) and federal regulations. There is even a possibility of preemptions in advance to assure that timely action can be taken during short seasons. (This is just in the very preliminary discussion stages.)

The FCMA provides that "preemption" of state waters can only take place where the fishery in question is carried out "predominately" in the FCZ, outside the 3-mile limit. As far as our state is concerned, I cannot answer the question whether the salmon troll fishery at this time is "predominately" an inside or an outside fishery. To my knowledge this may be an open question of fact, and I really don't have sufficient information even to guess at the answer. It will also depend heavily on how NOAA General Counsel interprets section 306(b) in its soon to be published regulations on the subject.

One important difference between Alaska and California is in the kind of fisheries regulatory system each has. In California, the State legislature takes the place of the Alaska Board of Fisheries in the commercial area. The legislature actually promulgates virtually all of the commercial fishing regulations, which are really laws. When the California Director of Fish and Game, Mr. Fullerton, was given the authority to open and close seasons and take other actions necessary to conform State regulation with the federal plan this was considered to be a very "extreme" measure. In effect, the Director was taking the place not of a board or other agency, but of the legislature itself. That is, he was given the power to change a statute. This

was the main reason the lower court held that Mr. Fullerton had no right to close California's inside waters; they said he was usurping a legislative function. As you know, the Alaska regulatory system for fisheries is completely different. Accordingly, it is difficult from a legal standpoint to compare the California situation with our own.

I hope this is of assistance to you. Don't hesitate to call or write if you want to discuss this, or any other legal aspect of state-federal fisheries relations.

Sincerely,



Michael L. Rubinstein

Enclosures

PCFFA FRIDAY



Published by the Pacific Coast Federation of Fishermen's Associations, Inc.
P.O. Box 1626, Sausalito, CA 94965 USA (415) 332-5080

VOL. 9, No. 12

5 June 1981

1981 SALMON REGS APPROVED - PROTEST RALLY HELD

On Monday, 1 June, Secretary of Commerce Malcolm Baldrige signed the Pacific Fishery Management Council's proposed 1981 amendment to the 1978 "salmon management plan." The Secretary signed the amendment, or regulations, at 9:00 a.m. Eastern time as recommended after sitting on the proposed regulations for over two months.

The announcement was not immediately forthcoming until Congressman Don Clausen contacted Commerce on Monday to find out what was going on. Commerce decided to "honor" Clausen by letting him be the bearer of the bad news. No one in Commerce had the courage to contact PCFFA or any other fishermen's group directly; apparently someone in Commerce believed that fishermen kill the bearer of bad news.

The two month delay in signing, which effectively precluded any planning by fishermen, was initially thought to be a positive indication that the Secretary was going to partially disapprove the amendment and provide relief from the quota and fishing time in June. This was not the case however as the Secretary, in an action clearly violating both the letter and spirit of the Reagan campaign pledge, signed the amendment without the slightest change. Because of a Reagan policy on major regulatory action, the amendment has to be reviewed by the Office of Management & Budget prior to being published in the *Federal Register*.

The Secretary's rationale for signing the regulations was spelled out in a letter he sent to Congressman Clausen (see page 2). The content of the letter makes it obvious that (1) the Secretary did not personally review any of the correspondence sent him by PCFFA; (2) he is getting bad advice or knows nothing about

5 June 1981



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

JUN 1 1981

Honorable Don Clausen
House of Representatives
Washington, D.C. 20515

Dear Mr. Clausen:

Thank you for your letter concerning the proposed 1981 amendment to the fishery management plan for the west coast salmon fishery. Following a review of the plan and its underlying rationale, I have decided to approve the plan as it was submitted by the Pacific Fishery Management Council.

As I discussed with you earlier, I reviewed the plan as proposed by the Council in the context of the President's campaign statement regarding the federal management of fisheries in Northern California. On balance, the plan represents a balancing of the long- and short-term interests of the west coast salmon industry, while satisfying Indian treaty obligations identified in recent court decisions. Restrictions on the take of salmon off the coasts of California, Oregon and Washington should eventually benefit the salmon fishermen from these States by rebuilding depleted stocks over the long-term.

Government and industry representatives from the State of California have requested that the 1981 management measures automatically expire at the end of this season. The Council agreed, and the plan that I have approved includes such an automatic expiration provision. Should a new plan not go into effect in 1982 the 1980 management measures, with their lesser restrictions on ocean salmon trolling, would then apply to salmon fishing off the coast of California.

I have asked the National Marine Fisheries Service to monitor closely the impacts of the 1981 plan on the fishing industry and on the affected salmon stocks. The purpose of this monitoring effort is to determine whether the primary objective of the plan -- the rebuilding of the stocks of salmon that spawn in the rivers of California, Oregon and Washington -- is being achieved.

If you have any additional questions or comments regarding the 1981 plan please let me know.

Sincerely,

Malcolm Baldrige
Secretary of Commerce

the West Coast fisheries; and (3) he is taking a Vietnam village approach to fisheries management. The sad fact is that the statements in Secretary Baldrige's letter could have been avoided had he taken the opportunity provided him to meet with representatives of the fishing fleet. According to reports in the press, he takes calls regularly from executives with FORTUNE 500 corporations but would not meet any members of Congress to discuss the PFMC's Salmon Amendment.

Had the Secretary reviewed the correspondence sent him on the Salmon Amendment, he would have known about NMFS' pressuring the PFMC for more restrictive measures (see FRIDAY, 3 April, insert); he would have known that the quota was not part of any of the six options put out for public hearing. Statements about meeting treaty Indian obligations indicate he is either getting bad advice or is ignorant of the West Coast salmon fishery, since there are no such obligations below the Columbia River. Indeed, it appears he has never read the Reagan statement made to North Coast residents last year (see FRIDAY, 3 April, p. 3) that is referred to in his letter.

Finally, the "balance" the Secretary refers to; the restrictions on fishermen to rebuild the fishery, can best be described as a Vietnam village approach to fishery management. That is: destroy the fishery to protect it from itself. The Small Business Administration declared the salmon fishery an economic disaster because of the regulations imposed in 1980; does the Secretary now seek to bankrupt the fleet with a second year of equally restrictive regulations? What good will the restrictions do unless there is habitat improvement; what is Commerce doing to assist habitat restoration and protection? The answer is that the restrictions will not help; Commerce is doing nothing!

To protest the 1981 regulations, a rally was held under the Golden Gate Bridge on Tuesday, 2 June. More than 120 fishing boats were involved during the half-day demonstration. The rally came about as many fishermen began independently discussing some method for bringing their plight to the attention of the public. There was no central organization nor single organizer and none of the marketing associations or PCFFA were directly involved. Although largely a spontaneous event, with no single leader, much of the credit for its success should go to the enthusiasm of fishermen, Mike McHenry and Ernie Koepf.

The protest rally was not intended to block shipping traffic, although it did slow it down. It did demonstrate that fishermen could have, if they wanted to, shut down shipping in and out of the San Francisco Bay. Similar protest rallies are planned for Santa Cruz and Eureka on Sunday, 7 June.

5 June 1981

Congressman Clausen has sent a letter to both Secretary Baldrige and Charlie Fullerton, as chairman of the PFMC, requesting an emergency PFMC meeting. The purpose of the meeting would be to reconsider the quota and provide some relief in June. Clausen cites the bad weather conditions in May, allowing only a fraction of the quota to be taken as justification for relief from the current regulations.

OCS UPDATE

In this week's insert is a copy of a letter sent by Secretary of Interior James Watt to Commerce Secretary Malcolm Baldrige. The Department of Commerce did agree to the Watt request and on 14 May published new regulations in the *Federal Register* governing consistency. The change in definition in the regulations will assist Interior in getting around objections to offshore oil lease sales. Thus, despite Commerce's statements about rebuilding salmon stocks, Secretary Baldrige is making it easier to drill for oil off the California coast. Interior admits that salmon would be the most sensitive fishery resource to any possible oil spill from drilling offshore northern and central California.

Richard Charter, a Coastal Energy Impact Coordinator, reports that part of the behind the scenes manipulations being conducted by Interior involves redefining key language in the regulations covering consistency. It is clear, both from the injunction issued on the 32 Santa Maria basin tracts and the way the battle is shaping up for the northern basins, that this particular regulatory detail will be an important one for this and future leasing decisions.

The controversy revolves around the technical definition of the words "direct affect" in the language of the regulations. Commerce, at the request of Interior, proposes to amend the regs to redefine direct affect in such a way that the federal decision to lease tracts would not be subject to consistency review. This would remove the primary legal handle which could be utilized by the state to determine where and when leasing in federal OCS waters could take place.

It is important for fishermen to comment on these regulations and to oppose the change in language proposed for direct affect. The key point: pre-lease activities such as the decision to lease tracts were intended to be subjected to the consistency requirements of the Coastal Zone Management Act. Any change of regulatory language to the contrary should be strongly opposed. Comments on the change of language should be directed to JoAnn Chandler, Director, Office of Policy, Evaluation,

SH 909 would put us in the strongest possible position to take legal steps

NAMES TO NOTE

BOB ROSTROM has been named the Chief of the Anadromous Fisheries Branch of the Department of Fish & Game. Rostrom is well known for his work and assistance on the North Coast with the various salmon restoration programs. Rostrom replaces PAUL JENSEN, who was appointed the manager for Region Two of Fish & Game.

LEW SCHNAPER, who has served as the executive director of the Alaska Trollers Association for the past year, has announced his resignation. A replacement for Schnaper, who was both a fisherman and an attorney, has not been named.

SALMON UPDATE - RESTRAINING ORDER TO KEEP STATE WATERS OPEN GRANTED

PCFFA has released the Resources Scorecard (see insert) which compares the contributions made by California fishermen to those made by the federal agencies (Pacific Fishery Management Council and the Department of Commerce) given the responsibility for conserving and managing the salmon fishery.

Congressman Don Clausen (R-2) has written the Council requesting an emergency meeting to provide some relief for California fishermen (see insert). The reply, however, from the PFMC on 9 June indicates that they plan to take no action until the Council meeting in July knowing that it would then be too late to provide any relief.

On Sunday, 7 June, there were protest rallies in Santa Cruz and Humboldt Bay by fishermen objecting to the 1981 amendment. In Santa Cruz, there was even a plane flying overhead with the banner "Reagan Betray's Salmon Fleet" referring to the campaign promise made by the President in 1980 and the decision made by his Secretary of Commerce on 1 June.

Senator Henry Mello (D-Monterey), who was in attendance in Santa Cruz on Sunday, stated that his resolution, SJR 13 calling for a separate California fishery council, supporting salmon fishermen protesting federal restrictions. "The livelihood of many California salmon fishermen may depend on legislation like this, especially younger people who have gone deeply in debt for new boats and gear to keep up with dwindling profit margins," Mello said. Assemblyman Sam Farr, who recently authorized a resolution to stop offshore oil drilling off northern and central California, was also in attendance at the "Day on the Bay" celebration.

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State waters have remained open despite the June closure in federal waters, but the Department of Fish & Game issued an order for a closure effective midnight 14 June.

State Senator Barry Keene and Assemblyman Douglas Bosco have asked the new state office of Administrative Law to overturn the Department of Fish & Game's emergency regulation banning commercial salmon fishing 15-30 June and imposing quotas on the commercial salmon catch.

"This state regulation is as unnecessary--and as potentially disastrous to the fishing industry and the coastal economies it supports-- as the federal regulation on which it's based," said Keene (D-Mendocino), the chairman of the State Senate's Select Committee on Coastal Fisheries.

On Wednesday, 10 June, Fish & Game issued an emergency regulation to close the commercial salmon season in state waters. The closure order and the quota system in state waters (within three miles of shore) conform with regulations adopted by the U.S. Pacific Fishery Management Council for federal waters (more than three miles from shore). Keene and Bosco (D-Occidental) said the state Office of Administrative Law should overturn the state emergency regulation on five grounds: there is no emergency and the regulation is unnecessary, unclear, inconsistent with law and unauthorized by law.

*Letting
2
California
state
senators*

"The Fish & Game Department contends the state should adopt these federal regulations, or the federal government will pre-empt us. Maybe the federal government would pre-empt us, or maybe it wouldn't. In any case, the state shouldn't be doing the federal government's dirty work for it," Keene declared.

"No one has produced any solid evidence to prove that there's an emergency or that restrictions this strict are necessary to protect the salmon resource. In fact, the state regulation, like the federal regulation, is internally inconsistent; either a season closure or a quota system would be adequate to protect the resource, if any further restrictions are necessary at all, but it's clearly unnecessary to impose both," Keene and Bosco said in a letter to Gene Livingston, the director of the Office of Administrative Law.

"The quota portions of the regulation fail to meet the legal standard of clarity, and they are inconsistent with law. They limit the number of salmon that can be caught, but they don't say--and no other law or regulation says--how they will be counted, or by whom. Under Fish & Game Code Section 8011, the fish catch is measured by weight, not by numbers of individual fish," the two Northern California coast legislators wrote.

"And the Fish & Game Department lacks the legal authority to issue any regulations pursuant to Fish & Game Code Section 7652--the section it claims gives it the authority to issue this regulation. The fishermen took the department to court last year when it closed the salmon season using this section, and the court ordered the department not to use it," the Keene-Bosco letter said.

The only legally valid Fish & Game Code Section that gives the Fish & Game Department the authority to issue emergency regulations to close or restrict a commercial fishing season is Section 7710. Keene and Bosco succeeded in amending Section 7710 earlier this year to allow fishermen to appeal emergency regulations to an impartial arbitration panel.

"Commercial fishermen are the most directly concerned conservationists, because their livelihoods depend on the continued health of the fish resource. They have been willing to accept season closures and restrictions when sound scientific evidence shows they are needed, and they would be willing to accept them now if an impartial arbitration panel decided that there was this sort of solid evidence. But they're legitimately unwilling to accept these restrictions without proof that they're necessary," Keene and Bosco said.

The Legislature created the Office of Administrative Law last year and directed it to review all new regulations issued by state bureaucrats. It can overturn an emergency regulation if it finds it is unnecessary, unclear, inconsistent with law, or unauthorized by law.

This afternoon, 12 June, a restraining order was issued in Superior Court in Mendocino County preventing the Department of Fish & Game from using Fish & Game Code Section 7652 for closing state waters. The petition to the court was made by Fort Bragg attorney Jim Larson on behalf of Salmon Trollers Marketing Association and PCFFA. A hearing has been set for Friday, 19 June, in Ukiah on the request for a petition for writ of mandate, an injunction declaring relief and damages. In the meanwhile, state waters will remain open to salmon fishing.

CORRECTION ON GOLDEN GATE PROTEST

In last week's issue it was reported that 120 boats engaged in a protest rally under the Golden Gate Bridge. What was not reported was that among those boats were not only trollers, but some charterboats also unhappy about the quota, as well as a few draggers.

Secretary of Commerce Malcolm Baldrige no later than Wednesday, June 10.

Mr. E. C. Fullerton, Director
Department of Fish and Game
1416 Ninth Street, 12th Floor
Sacramento, CA 95814.

Exhibit "B"
Re: California Administrative
Code, Title 14, Section 182

Dear Mr. Fullerton:

This is to advise you that Title 14, Section 182, which the Department of Fish and Game adopted on an emergency basis, has been ordered repealed pursuant to Government Code Section 11349.6. We have taken this action because the record does not demonstrate that the proposed regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

The new regulation, as you know, would have modified the statutory commercial salmon fishing season so as to prohibit the taking of salmon between June 15 and June 30, 1981. This would conform California regulations to federal law, which does not apply to the State's coastal waters. However, the information you submitted to OAL does not support a finding that an "emergency", within the meaning of Section 11349.6, exists.

First, the regulation file you originally submitted to us did not contain facts which explained why an immediate closure of the fishery for the two weeks in question was needed, nor what the consequences would be if such action was not taken. Rather, the Department's "justification for emergency closure" of the salmon season was based upon a general assertion that it was necessary to conform state regulations to federal regulations and a general assertion that "in order to assure adequate numbers of spawning fish, fishing effort in 1981 must be reduced".

Because of these inadequacies, on June 12, 1981, I made a request to you by telephone that you provide me with more information on three points concerning these emergency regulations: In substance, I requested that you: (1) present specific facts, not generalities and conclusionary statements, demonstrating why the salmon season should be immediately closed for the two-week period from June 15 through June 30, (2) that you document your general assertion that the 1981 adult salmon spawning population will be unacceptably low in the absence of the proposed two-week closure, and (3) that you explain why you were unable to adopt the subject regulations by way of the annual hearing process, which would permit input from the public and industry. Despite my request, none of these points were addressed in the material you subsequently submitted. Instead, the Department provided more general and often inconsistent statements. For example:

"In the absence of any in-season closures, the 1981 quotas would not provide adequate escapement for this year's spawners. Fishing straight through June would differentially impact escapement into the River systems. The June closure protects some mature fish, and by the time the season opens up in July, substantial numbers of this year's spawners are 'off the bite' and getting ready to head up river."

Given the Department's failure to produce facts which justify the Department's assertion that an emergency exists, we have no recourse other than to order the repeal of the amendments.

If you have any questions about this decision, please contact Mr. Kevin Regan, OAL staff counsel at 323-6222.

Sincerely,

Pcfa FRIDAY



Published by the Pacific Coast Federation of Fishermen's Associations, Inc.
P.O. Box 1626, Sausalito, CA 94965 USA (415) 332-5080

VOL. 9, NO. 14

19 June 1981

STATE WATERS REMAIN OPEN PENDING CHANGE OF COURTS

The Restraining Order issued last Friday, 12 June, by Superior Court Judge Arthur B. Broaddus against the Department of Fish & Game's closing state waters to salmon fishing, remains in effect while a new court is sought to hear the matter. This morning, 19 June, in Ukiah, the Attorney General's office, appearing on behalf of the Department of Fish & Game, sought a change of venue to move the matter from Judge Broaddus' court to Superior Court in Sacramento County. The Attorney General had failed, however, to serve PCFFA's attorney, Jim Larson, who asked that the matter be referred to Superior Court in San Francisco County instead, in response to the Attorney General's motion. The Attorney General is objecting to the move to San Francisco.

Thus, state waters remain open although PCFFA has yet to get the injunction being sought to prohibit the use of Section 7652 of the Fish & Game Code, a section that was declared unconstitutional last year and is presently on appeal. As an example of how ridiculously broad the delegation of authority is to the director of Fish & Game under this section; the Pacific Fishery Management Council or the Secretary of Commerce could, in a fishery management plan, amend or reapportion California's Congressional and Legislative districts and the director of Fish & Game could then order such a reapportionment under 7652 of the Code.

This morning's action culminated a confusing week and one-half, with the final decision on how long state waters will remain open to be decided next week. To recap the series of events: on Wednesday, 10 June, the Department of Fish & Game filed orders with the Office of Administrative Law (OAL) to close state waters effective midnight, 14 June. On Thursday, Senator Barry Keene and Assemblyman Doug Bosco wrote a letter to OAL objecting to the Department's filing. On Friday, Judge Broaddus issued a restraining order against the enforcement

19 June 1981

of the closure and setting today for a hearing on the PCFFA request for an injunction. Over the weekend, there was some confusion since the Department had not been served on whether the season was open or not. However, on Monday, Fish & Game did receive a copy of the Judge's order. On Tuesday, OAL threw out the order filed by the Department (see insert). On Wednesday, the Department refiled a redrafted order to OAL essentially requesting the same thing as the original order. At this time, OAL has taken no action on the Department's order. Even if it is approved, the order is subject to the present restraining order and possibly a later injunction.

With all of this going on, there was a PFMC budget meeting in Portland with the Oregon Department of Fish & Wildlife apparently considering opening Oregon's state waters.

PFMC MEETING

The Pacific Fishery Management Council will meet 8-9 July at the Red Lion Inn, 1901 Main Street in Boise, Idaho. The agenda is as follows:

Wednesday, 8 July - 2 p.m.

1. Opening comments
 2. Status of Ocean Salmon Fisheries - A Report by Pat O'Brien
 3. Salmon Plan Performance (or Lack thereof) Evaluation
 4. Groundfish "Management"
 5. Joint Venture Fishery Applications
 6. 1981-82 Anchovy Quota
- 4 p.m. - Public Comment

Thursday, 9 July - 8 a.m.

7. Plan Priorities Including Public Comments
8. FY 82 Budget
9. Meeting Reports
10. Other Business
11. Adjourn

For more information: (503) 221-6352.

"I don't even mind being manipulated, so long as it feels good."
. . . Sheldon Kopp

Pacific FRIDAY



Published by the Pacific Coast Federation of Fishermen's Associations, Inc.
P.O. Box 1626, Sausalito, CA 94965 USA (415) 332-5080

VOL. 9, NO. 15

3 July 1981

SALMON BARBEQUE ISSUE

STATE WATERS REMAIN OPEN, FEDERAL WATERS NOW OPEN

California waters remained open to salmon fishing throughout the month of June. No action was taken on the Department of Fish & Game's motion for a change of venue (see FRIDAY, 19 June, pp. 1-2) on the suit brought by PCFFA and member on Trollers Marketing Association seeking an injunction against the enforcement of any closure of state waters. During this period, the restraining order issued by the Superior Court of Mendocino County was in effect, however, the issues before the court became moot when the Office of Administrative Law (OAL) threw out for the second time the closure order submitted by Fish & Game.

* After the Office of Administrative Law threw out the order, the directors of the Oregon Department of Fish & Wildlife and the Washington Department of Fisheries sent a telegram to the Secretary of Commerce requesting that he use his authority under the Fishery Conservation & Management Act to close California waters, pre-empting state law. The telegram was a last-minute, feeble attempt to force California, against its will, to submit to federal regulations. Indeed, the text of the telegram could well have been authored by Chicken Little, sounding alarm that California was catching "4,000" coho that might be destined for federal hatcheries in Oregon and Washington. What the directors failed to mention was the bad weather conditions that hampered fishing in May off California; nor were they accurate in their statements regarding the weather conditions offshore California in June.

Oregon had an opportunity to open its state waters during June which, considering the weather conditions in May, would have made sense even if one

DICK: JFB Exhibit "A" A copy
of the telegram

3 JULY 1981

believed the claims made in the 1981 Salmon Amendment, however, the director of the Oregon Department of Fish & Wildlife and the Oregon Fish & Wildlife Commission refused to issue any relief to Oregon fishermen and instead sought to spread the grief to California.

Despite the actions taken by the Northwest and others to close California, the waters remained open throughout the month; on 1 July federal waters, which should have been open in June, reopened.

"Great spirits have always encountered violent opposition from mediocre minds" Albert Einstein.

PASSINGS

BILL SCHUTTLOFFEL, a fisherman from Half Moon Bay, who served as a PCFFA director, passed away on Tuesday, 23 June. Although confined to a wheelchair, Bill was an active fisherman and was active as well in association activities. He served for many years as the secretary of the PCFFA member, Half Moon Bay Fishermen's Marketing Association. For the past two years he was president of that organization. Bill also served on the PCFFA Qualified Entry Committee and the State Salmon Moratorium License Board.

A special benefit will be held on Monday, 13 July, by the Half Moon Bay Fishermen's Association for his family. There will be a crab cioppino feed at the Princeton Inn in Princeton, beginning at 6 p.m. For more information contact Ernie Koepf. (415) 726-3810.

NAMES TO NOTE

DR. MELVIN GREDERMAN, who has served as the deputy director of the San Francisco U.S. Public Health Service hospital (marine hospital) and for a time served as the acting director will be leaving San Francisco for assignment in Washington, D.C. Dr. Greberman will be stationed in either Hyattsville or at George Washington University. Dr. Greberman was active with the Patient Advisory Committee of the San Francisco hospital and extremely popular with the fishing industry and other users of the hospital.

GHODRAT PARTOVI is the new manager of the Pacific Trollers Association. PARTOVI succeeds FRED YEUNG who accepted a position with the

Exhibit "A"

Fred
FYI

TELEGRAM

Sent by: Evelyn Malica for Bob Thompson

Sec./Div. Accounting Code: 2-3-0-401-01

Date: June 25, 1981

Time: 9:45 a.m.

SENT TO:

Honorable Malcolm Baldrige
Department of Commerce
Washington, DC 20235

MESSAGE: CONFIRMATION COPY REQUESTED

Catch records for the June troll fishery in California state waters indicate that nearly 4,000 coho salmon have been landed by mid month. With the good fishing weather that is occurring off the California coast, the catch will greatly exceed this number before the season opens in Oregon on July 1. Most of these fish are produced in Oregon and Washington streams and hatcheries.

Whatever the final June California catch amounts to, the Oregon and Washington fleets will have less coho to fish on than under federal regulations. Also, the Oregon and Washington fishermen will have less fishing time because the California catch is included in the troll quota for the area of Cape Falcon.

* { In order to promote a more orderly and equitable troll fishery and maintain the regional fishery management concept, the states of Oregon and Washington request that you use your authorization under the MFCMA to immediately terminate the California troll fishery until its scheduled opening under federal regulations.

It is extremely regrettable that the federal regulations for the West Coast ocean salmon fisheries could not have been implemented earlier in the year so that this situation might have been avoided.

✓
✓

Rolland A. Schmitt, Director
Washington Department of Fisheries

John R. Donaldson, PhD
Director
Oregon Department of Fish and Wildlife
PO Box 3503
Portland, OR 97208

cc: Business Office
Director's Office



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

F/CM6:AMA

JUL 10 1981

Mr. John R. Donaldson
Director, Oregon Department
of Fish and Wildlife
P.O. Box 3503
Portland, Oregon 97208

Dear Mr. Donaldson:

Thank you for the telegram you cosigned with Mr. Rolland A. Schmitt, requesting me to effect an immediate closure of the salmon troll fishery in California's territorial waters until its scheduled opening under regulations implementing the salmon management plan adopted by the Pacific Fishery Management Council (Council). I recognize the disruptive effect that an early troll fishery in California waters could have on our joint efforts to achieve regional salmon management. A California trial court has issued an order temporarily restraining the State Director of Fish and Game from establishing a salmon fishery management strategy in territorial waters that coincides with that adopted by the Council in its fishery management plan for the fishery conservation zone (FCZ). This issue is before a California appellate court, and I hope that the court's determination will resolve this question for this season and for future fishing seasons.

Because the coho season opened off the coasts of both California and Oregon on July 1, 1981, it is too late for any Federal action to affect the unplanned opening of California waters. Further, the number of coho taken off California during the latter half of May (when coho fishing was permitted under the Council's management plan) and during the month of June is a small percentage of the historical average catch for those months. If the coho catch in July follows the same trend, it seems likely that the total coho catch by California fishermen this year will be significantly lower than the historical average.



We hope the issue will be resolved soon in the California courts. Meanwhile, the National Marine Fisheries Service of the Department of Commerce (in consultation with the Council and the States) is currently examining ways to resolve this problem should it reoccur this season or in future years, so that an orderly and equitable regional salmon troll fishery regime can be established and operate off the coasts of California, Oregon, and Washington.

Sincerely yours,

Robert K. Crowell

for William H. Stevenson
Acting Assistant Administrator
for Fisheries

cc: F, F/CM, F/CM6(2), Fx31, GCF, F/NWR, F/SWR, PFMC, ES, IGA, ORD,
AD/S, GC, ExSec, A, PP,
F/SWR:NMFS:AWFord:796-2575:6/29/81:mar
Revised:F/CM6:NMFS:AMAndersen:634-7449:6/30/81:plj (d)
Revised:AMAndersen:7/5/81:sp (f) (ca Ct16074A)
Revised:RFinch:7/6/81:sp (f)
Revised:Finch:7/9/81:plj (f)
Control No. 16074A - 8109862s
IDENTICAL LETTER SENT TO: Mr. Rolland A. Schmitt

Director, Washington Department
of Fisheries
115 General Administration Building
Olympia, Washington 98507

OFFICE OF ADMINISTRATIVE LAW

1414 K STREET, SUITE 600
SACRAMENTO, CALIFORNIA 95814
(916) 323-6221 (ATSS) 473-6221



GENE LIVINGSTON, Director

Carl R. Poirot
Deputy Director

James M. Mattusich
Deputy Director

General Counsel

Linda B. Bolton
Administrative Officer

June 16, 1981

Senator Barry Keane
State Senate
State Capitol
Sacramento, CA 95814

JUN 16 1981

One of the Cal. Legislators
who

Re: California Administrative
Code, Title 14, Section 182

Dear Senator Keane:

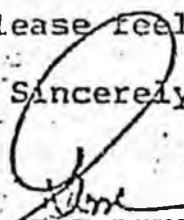
This is to advise you that on June 15, 1981, we ordered the repeal of the Department of Fish and Game's emergency regulations which would have closed the California salmon fishing season from June 15 through June 30. The reasons for our action are set forth in the enclosed letter to Mr. E. C. Fullerton, Director of the Department.

You will note that our decision to repeal the regulations is based upon the Department's failure to present sufficient facts to support its claim that an emergency situation exists. I would, in addition, point-out that the Legislature has, in Fish and Game Code Sections 7710 and 7652, granted the Director a great deal of discretion to modify the statutorily established seasons for the taking of salmon and other species. As you know, litigation is presently being pursued by the commercial salmon fishing industry in an effort to terminate the Director's authority to, in effect, "amend" legislative enactments. The Mendocino County Superior Court has held that Section 7652 is an unconstitutional delegation of legislative authority, and issued a temporary restraining order barring enforcement of the Department's emergency regulations. However, we did not utilize this as a basis for rejection of the regulation in question, since Article 3, Section 3.5 of the California Constitution precludes any state agency from declaring a statute unconstitutional unless such a determination has been made by an appellate court.

I am aware of your personal interest in this area, and have taken the opportunity to call these facts to your attention with the thought that you may wish to consider some changes in the existing statutory scheme.

If you have any questions, please feel free to contact me.

Sincerely,


GENE LIVINGSTON
Director

Enclosure

HJR 78

THE REASON FOR HJR'S INTRODUCTION, IS numerous complaints to Rep. Randolph regarding Federal mismanagement of the Fisheries Conservation Zone (FCZ) and foreign interception of Alaskan stocks.

- The problem, of course, is not a new one -- it has been building up through the years and its intensity has to some extent been made known to us through the media.
- The Ak Dept. of F&G has repeatedly made appeals to the Federal Government for revision and enforcement of its regulations. Last Oct., Commissioner Skoog addressed this problem before the U.S. House Committee on Merchant Marine & Fisheries. Issues were discussed but nothing done.

THE INTENT of the resolution is to boldly state that there is a State-wide recognized problem that needs immediate attention.

- Beseeching and compromising requests by the Dept. of F&G have been ignored, as well as, all efforts on the part of individuals before the North Pacific Fisheries Management Council or the International Fisheries Management Council.
- We need to take a stand as a State. Sending HJR 78 to Washington would show the Legislatures recognition of their fishermen's dilemma and its confidence in the AK Dept. of F&G managing capabilities.

There are several fishermen here, representing Troll-PaC and AFA, who have data that they can show you as the the extremity of the problem. The Dept. of F&G may differ with them as to the accuracy of their data, but not as to the fact that there is definitely a serious problem.

As far as SUGGESTED CHANGES to HJR 78 are concerned, we have put together a revised draft which the committee has before it. We have consolidated similar revision requests and eliminated those which Rep. Randolph felt were not in accordance with the resolution's intent.

If the committee has any questions as to these revisions, I will gladly answer them.

BACKGROUND: JAPANESE HIGH SEAS SALMON INTERCEPTION ISSUE

The renegotiation of INPFC resulted in a revised treaty that significantly changed the fishing patterns of the Japanese high seas mothership and land based fisheries. Figures 1 and 2 illustrate the changed area and its comparison with what the mothership fishing area used to be. The Japanese are allowed to fish inside of our Fisheries Conservation Zone west of 175° East longitude during times when North American salmon are thought to be in low abundance. During the 1978, '79, and '80 seasons approximately two-thirds of the total mothership catch was taken while fishing in our zone, so the importance of this concession to their fishery is evident. In exchange for fishing in our zone the Japanese voluntarily agreed to restrict some of their activities outside of our zone, notably the land based gill net and mothership fisheries pulled back from 175° West to 175° East longitude south of our zone and the mothership fishery in the Central Bering Sea agreed to limit its effort to a level approximately one-half that experienced in the mid-1960's when Western Alaskan chinook interceptions in this area were unacceptably high.

The renegotiated treaty has had an extremely beneficial effect in terms of Western Alaska sockeye runs. The harvest of Western Alaska maturing sockeye has averaged only 111,000 fish for the last three years compared to about a 2 million average during the previous 22 years. In 1980, a peak year of the Bristol Bay cycle, only 180,000 maturing Bristol Bay sockeye were taken compared to 3.5 to 6 million taken in previous years of peak abundance. Immature harvest has remained the same at about 400,000 fish per year average. It was also felt that the overall reduction in fishing area, coupled with the effort limitations in the Central Bering Sea, would effectively limit their interceptions of Western Alaskan chinook. As you can see from Table 1, the relatively low harvest in 1978 and '79 seemed to support this.

The final Japanese high seas salmon mothership catch of chinook in 1980 was approximately 704,000 fish, the highest since the inception of the mothership fishery in 1952, and the second highest estimated interception of Western Alaska chinook. Unreported dead loss from the gill nets may amount to as much as one third of the total catch. The National Marine Fisheries Service estimates that some 388,000 of these were destined for Western Alaska. In the opinion of our State scientists the estimate of interception may be conservative. Be that as it may, the number is unacceptably high and in fact is higher than the average inshore harvest in Western Alaska by both our commercial and subsistence fishermen. These numbers in comparison with previous years' catches and inshore harvests are shown in Table 1 of the enclosures, which are intended to provide you with the necessary background on this fishery problem.

In 1980 the effort expended by the mothership fishery in the Central Bering Sea about doubled from the previous year, although it was still less than the treaty ceiling. Approximately 60 percent of their total chinook catch was taken out of the Central Bering Sea, and of the estimated interceptions 74 percent were taken in the Central Bering Sea.

This, however, is not the total picture regarding impacts on our stocks. Table 1 also shows groundfish trawl estimated interception of Western Alaskan chinook that has varied between 39,000 and 110,000 fish per year for the last four years. That would bring the total known interceptions to nearly half a million fish in 1980. Estimates of trawl interception for previous years do not exist. The North Pacific Fishery Management Council has been wrestling with methods to reduce this trawl interception level and it should be an item of discussion at the forthcoming Council meeting in Anchorage in late March.

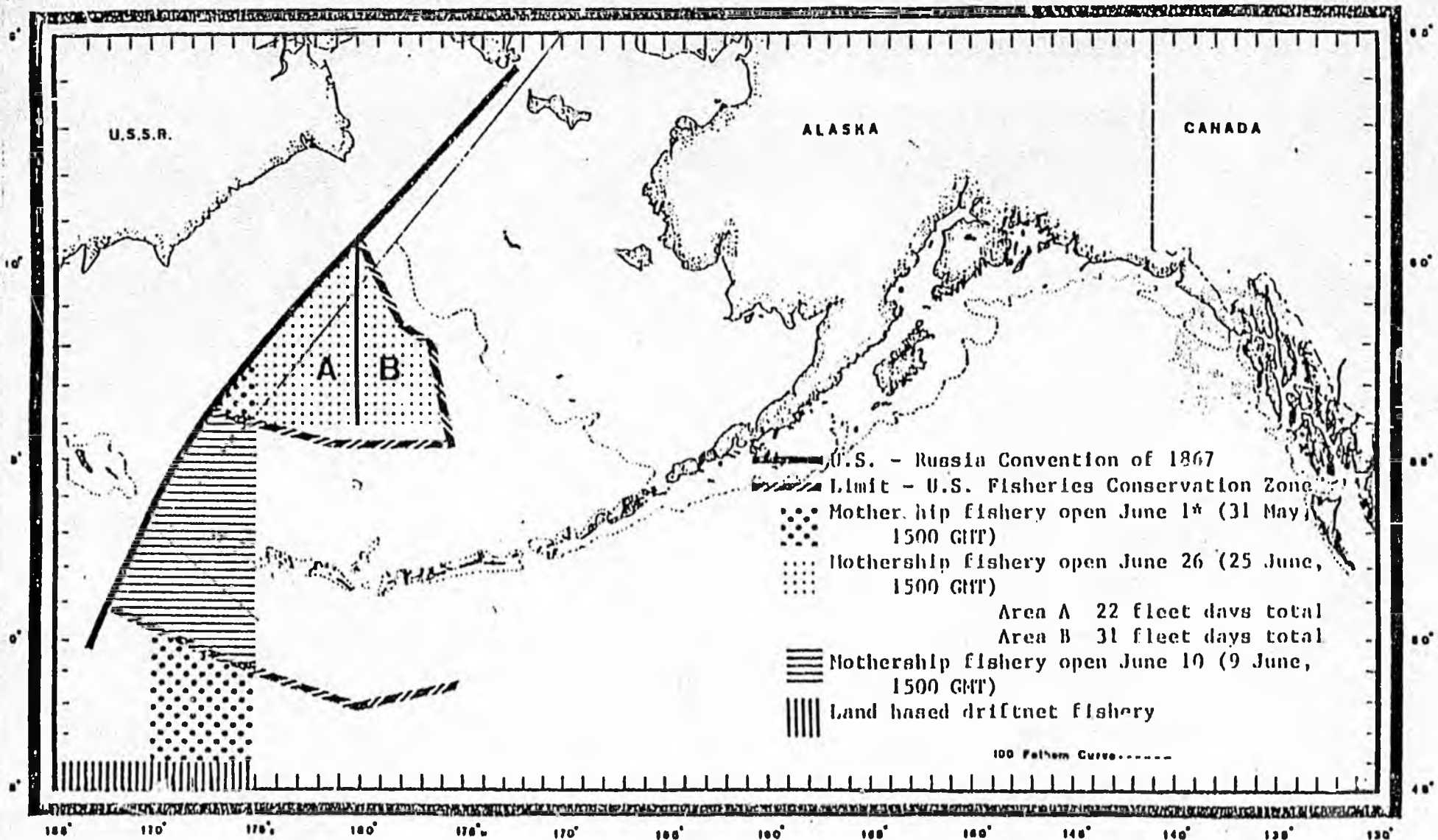
This is still not the total picture of potential impact on Western Alaskan chinook. Chinook salmon are also taken in the Japanese land based fishery to the south of the mothership fishery and in the Gulf of Alaska trawl fishery. Chinook salmon catches in the land based fishery

in recent years have varied from approximately 100,000 to 200,000 chinook, averaging somewhere around 160,000 chinook per year (Table 2). Estimates of Western Alaskan chinook present in the mothership fishery at its southernmost extremes still range around 30 percent, so it seems reasonable that the land based fishery just to the south of this must be taking some percentage of Western Alaskan chinook. We have no estimates for the proportion of Western Alaskan chinook in the Gulf trawl fishery. Another factor that has still not been considered is the unreported dead loss due to dropout from gill nets on the high seas. In the case of maturing sockeye salmon this was estimated to be as much as one third of the total catch. We have no corresponding estimates for chinook, but it may be substantial. In sum, then, it seems possible that half of the total harvest of Western Alaskan chinook may be taken on the high seas as immature fish one or two years away from their inshore migration and weighing less than one third of the total weight they would have had they reached inshore waters.

While we can identify to some degree the proportion of Western Alaskan chinook occurring in part of this harvest, we have no way to separate it by river systems or more discrete stocks which, of course, form the basis for our assessment and management inshore. All these inshore systems are managed based on stock abundance and are closely regulated by emergency order openings and closures by the Alaska Department of Fish and Game. Most of these fisheries have experienced extreme reductions in fishing time due to increases in inshore effort to preserve the necessary brood stock. Obviously, the high rate of exploitation on the high seas on mixed stocks as immatures greatly endangers our management of these runs, as well as being a major reallocation away from domestic fishermen.

A table is also enclosed giving the percent by species taken by the mothership fishery east of 180° in the Central Bering Sea and illustrating the relatively small part of their total quota taken in this area.

Figure 1.
JAPANESE HIGH SEAS SALMON FISHERY
 as governed by the
 International Convention for the High Seas
 Fisheries of the North Pacific Ocean
 (INPFC)



* All opening dates in Japanese
 Standard Time (-9 GMT)

Prepared by:
 National Marine Fisheries Service
 Law Enforcement
 Alaska Region

Table 1.

Estimated total catch in thousands of western Alaska and Canadian Yukon chinook salmon by the Japanese mothership fishery, foreign groundfish fisheries, and U.S. commercial and subsistence fisheries.

Year	Mothership ^a	Ground- ^b fish	Sub- total	Western Alaska ^c		Sub- total	Total
				Commercial	Subsistence		
1956	55.4	-	-	132.7	-	-	-
1957	15.2	-	-	158.4	-	-	-
1958	5.4	-	-	181.9	-	-	-
1959	27.8	-	-	195.1	-	-	-
1960	135.0	-	-	195.7	-	-	-
1961	13.9	-	-	243.1	-	-	-
1962	29.7	-	-	213.1	-	-	-
1963	40.8	-	-	208.1	66.2	274.3	315.1
1964	252.9	-	-	260.0	50.5	310.5	563.4
1965	105.5	-	-	263.0	52.9	315.8	421.3
1966	111.5	-	-	207.5	69.5	277.0	788.5
1967	69.8	-	-	284.0	81.9	365.9	435.7
1968	226.3	-	-	259.0	54.2	313.2	539.5
1969	435.2	-	-	287.6	65.2	352.9	788.1
1970	344.8	-	-	290.8	95.1	386.0	730.8
1971	143.6	-	-	283.2	73.8	357.1	500.7
1972	169.5	-	-	224.1	66.7	290.8	460.3
1973	47.0	-	-	177.4	69.7	247.1	294.1
1974	286.8	-	-	180.2	57.3	237.6	524.4
1975	109.2	-	-	126.2	77.2	203.3	312.5
1976	167.7	-	-	241.5	84.0	325.6	493.3
1977 ^d	64.5	43.5	108.0	296.1	84.1	380.2	488.2
1978 ^d	31.3	39.1	70.4	380.0	74.6	454.6	525.0
1979 ^d	65.0	100.4	165.4	412.0	99.3	511.3	676.7
1980 ^d	386.0	110.0	498.0	312.0	90.0	402.0	900.0

a Doc. 2344, estimates do not include dropouts.

b Docs. 2121, 2210, 2336 (assuming 100% of the catch is of western Alaska and Canadian Yukon origin).

c Doc. 2351

d Preliminary estimates for western Alaska inshore catch and the 1980 mothership catch.

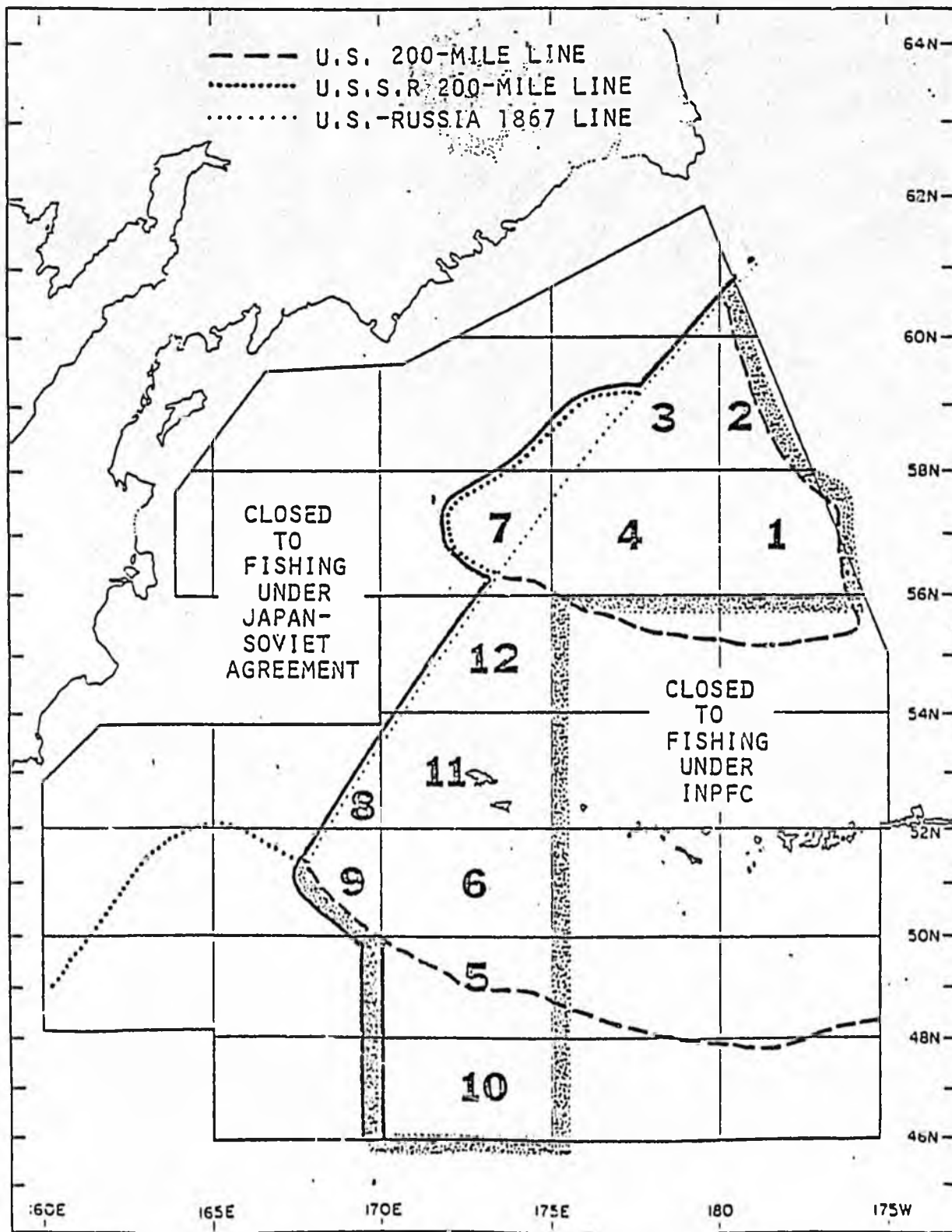


Figure 2. Post-1977 Japanese mothership salmon fishing area showing the rank order, from largest to smallest, of interceptions of western Alaska chinook salmon by $2^{\circ} \times 5^{\circ}$ statistical area.

Table 2.

North Pacific-Bering Sea foreign chinook harvest potential impact on western Alaska stocks in thousands of fish.

Year	Foreign Offshore		Western Alaska inshore total	Inshore			
	Total catch ^{1/2/}	Known interceptions ^{2/}		Misc.	Kuskokwim	Yukon	Bristol Bay
1965	278	106	316	8	55	135	118
1966	320	112	277	11	80	105	81
1967	238	70	366	9	91	145	121
1968	450	226	313	5	78	119	111
1969	637	435	353	6	109	105	133
1970	538	345	386	10	136	93	147
1971	340	144	357	12	90	127	128
1972	364	170	291	5	100	111	75
1973	281	47	247	4	93	99	51
1974	547	287	238	6	61	115	56
1975	297	109	203	4	79	91	39
1976	484	168	326	9	110	103	104
1977	313	108	380	9	117	115	139
1978	374	70	455	25	102	127	201
1979	427	165	511	18	110	160	213
1980	994	508 (.57) ^{3/}	402	24	88	183	107
<u>Average</u>							
65-70	410	216 (.39)	335				
71-75	366	151 (.36)	267				
76-80	518	204 (.33)	415				

^{1/} Landbased, mothership, Gulf and Bering Sea trawl. Trawl fishery catches prior to 1977 are not available.

^{2/} Deadloss due to dropout not included.

^{3/} Preliminary trawl catch estimate 120 thousand - Bering Sea incidental catch.

Table 3.
Japanese Mothership Salmon Catch by Species and Effort in the
Central Bering Sea East of 180° Longitude, 1978-80

	1978 Number (%)	1979 Number (%)	1980 Number (%)
Sockeye	4,000 (1)	67,000 (3.1)	46,000 (1.9)
Chum	25,000 (1)	396,000 (12.1)	380,000 (12.3)
Pink	24,000 (1.3)	215,000 (6.3)	114,000 (20.3)
Coho	0	0	0
Chinook	2,000 (1.9)	32,000 (25.4)	218,000 (30.1)
Effort (1,000 tans)	20,000	156,000	272,000

High Seas Salmon Quota
Soviet - Japan Convention

1978-80

Mothership Quota	15,500 mt
Landbased Quota	20,600 mt
Japan Sea Quota	6,400 mt
Total	42,500

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

February 23, 1982
4:30 p.m.

Beltz Room
Room 211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Eliason
Senator Mulcahy

Briefing by Michael Rubinstein
Assistant Attorney General/Office of General Counsel
Department of Commerce (NOAA)

Federal/State Authority Over the 200-Mile Fishing Zone

Mike Rubinstein explained that he is a State of Alaska Department of Law attorney detailed to NOAA (National Oceanographic and Atmospheric Administration). This gives Alaska a voice on the federal level, and insight on developments at the federal level.

The Federal Conservation Management Act (1976) asserted U.S. jurisdiction over the 200-mile fishing zone, and set up eight regional councils to develop a comprehensive management plan. The major problem with this system is the delay involved in approval of plans and the ensuing issuance of regulations by the Secretary of Commerce.

Rubinstein stated that Alaska is in a position to influence the planning process. The North Pacific Council is the only council composed of just one state (Alaska); Alaska's fisheries value is very high; and, Alaska's Department of Fish and Game is widely respected. In addition, Alaska is the only state that has asserted its right to regulate outside the 3-mile limit.

The North Pacific Council has submitted a broad, "framework" plan to the Department of Commerce for state management of the king

Senate Resources Committee
February 23, 1982
Page 2

crab fishery throughout the 200-mile zone. If this plan is accepted, subsequent regulations issued by the State Board of Fisheries that fit within the "framework" will not have to go through the federal review process. Further, it is hoped the plan can then be expanded to allow state control over other fisheries.

Mr. Rubinstein concluded by saying all signs for the proposed plan are encouraging, and that the State's demonstrated interest in fisheries will influence the amount of authority the federal government is willing to give to the State.



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Bradley
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

May 10, 1982
1:40 p.m.

Beltz Room
Capitol - 211

Hearing:

SCR 36 Relating to financing of the Alaska Highway Natural Gas Pipeline.
SB 896 Relating to the Susitna River Hydroelectric Project.
CSHB 313 Establishing the Fisheries Research Center in the University
or Alaska.
CSHJR 78 Relating to commercial fishing by foreign fleets in the
200-mile fishery conservation zone along Alaska's coast.

SCR 36

Senator Colletta spoke in support of the resolution, stating that it does not compromise the prime sponsor's effort to put financing in place. He urged that since the State has already committed to extract the gas, the investigations concerning the financing continue.

Senator Gilman moved and asked unanimous consent that the first Resolve Clause be amended so that any proposals during the interim be presented to the Joint Oil and Gas Committee of the 12th Legislature.

Senator Gilman moved and asked unanimous consent to delete "negotiations" on page 1, line 26, and replace it with "investigations".

Senator Gilman moved SCR 36, as amended, with individual recommendations.

SB 896

Lynn Asper, Division of Legal Services, explained that the effect of SB 896 is to approve the Alaska Power Authority's preliminary report on Susitna, and to distinguish that approval of the APA report is not construction approval.

Senator Gilman expressed concern over wording that requires that contracts be entered into within 1 year of approval of the report.

Senator Sturgulewski expressed concern over exactly what parts of the APA preliminary report SB 896 approves.

Senator Fahrenkamp stated that the bill would be held for further work.

CSHB 313

Don Rosenberg, University of Alaska, Director of the Sea Grant Program and member of the Fisheries Center Study Group, expressed support for CSHB 313, and outlined the three needs defined by the Study Group: increased economic, biological, and social understandings; increased understanding of management procedures; expanded communication and coordination between users of fishery resources. He described the proposed Center as a foundation on which to develop fishery management programs.

Senator Sturgulewski expressed concern over the bill's large fiscal note.

Representative Gardiner stated that the bill brings together the various opinions of the University, the federal government, and the State Department of Fish and Game. Gardiner supported the bill as essential to create a high quality fisheries education program in the University.

Stan Moberley, Special Assistant to the Commissioner, Department of Fish and Game and member of the Fisheries Center Study Group, expressed support for the bill, stating that to protect and develop the State's interest in fisheries, we need to put some money into studying the resource.

Senator Anderson urged passage of HB 313, stating that there is a strong need for the State to enter into fisheries research.

Senator Mulcahy moved CSHB 313 with individual recommendations.

CSHJR 78

Larry Smith, Chairman, Troll Political Action Committee, called CSHJR 78 an important message to Washington, D.C., to let them know we have major problems on the high seas with foreign fisheries.

Rick Lauber, Pacific Seafood Processors, while calling many portions of the resolution commendable, expressed concern over aspects dealing with foreign fishing on mixed-stock fishery, the squid fishery, and the member make-up of the North Pacific Fisheries Management Council.

Senator Fahrenkamp stated that the bill would be held in Committee for further work.

The meeting was adjourned at 3:05 p.m.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAJEN ENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: Committee Meeting, 5/10/82
DATE: May 6, 1982

Please find attached background information for Monday's hearing on the following bills:

SCS CSHB 313 (HESS) Establishing the Fisheries Research Center in the University of Alaska.

CSHJR 78 (Res) Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone.

The meeting will be held at 1:30 p.m. in the Beltz Room.



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
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Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

May 12, 1982
1:30 p.m.

Beltz Room
Capitol - Room 211

Hearing:

- CSHJR 78 Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone along Alaska's coast.
SCR 48 Relating to joint ventures between Alaska commercial salmon fishermen and foreign processors.
HCR 51 Relating to the enhancement of wildlife populations through predator management.
HCR 52 Relating to habitat management.
HJR 75 Relating to habitat management.
CSHJR 76 Relating to the enhancement of wildlife populations through predator management.
-

CSHJR 78

Senator Mulcahy moved the adoption of SCS CSHJR 78 (Res). He then moved that this language be placed on CSSJR 60 with a new title. There was no objection. He then moved CSSJR 60 with individual recommendations.

SCR 48

Steve Pennoyer, Director of Commercial Fish, Alaska Department of Fish and Game, explained that current State regulations require the Board of Fish to determine annually if there will be a surplus of salmon. The Board anticipates a surplus of pinks in several areas for the 1982 season, which means that the Department can issue permits to foreign processors for these areas. Although the Department has received several letters of interest from foreign processors, no applications have yet been processed. Pennoyer expressed concern over the second Resolve Clause, which speaks to sockeye salmon, as the Board has not identified a sockeye surplus this year.

Rick Lauber, Pacific Seafood Processors, expressed opposition to the resolution, stating that language regarding Bristol Bay processors placing limits on fishermen is not factual; monetary losses to fishermen in the past have been due to work stoppages and price disputes; the

resolution is not needed; the inviting in of foreign processors should be done in an orderly fashion and not create false hopes for the fishermen.

Norman Staton, Sealaska Corporation, representing Ocean Beauty Seafoods, stated that foreign processors should have to comply with the same laws domestic processors must comply with. He urged a careful analysis to determine if foreign processors' markets are conflicting with domestic markets, and inquired about expeditious processing of foreigners' permits.

Penroyer agreed that time is of the essence, but stated that at least a month would probably be required for processing of a permit.

Senator Anderson explained that the resolution was drafted by the fishermen of Bristol Bay, who don't believe the processing needs can be met this year without the use of foreign processors. He urged that foreigners be allowed to process both pinks and sockeyes.

Senator Fahrenkamp stated that the bill would be held for further work.

Senator Fahrenkamp asked if there was anyone to testify on HCR 51, HCR 52, HJR 75, or CSHJR 76. She stated that since the bills have been scheduled for hearing several times before, and since noone has offered testimony, they would be held until further notice.

The meeting was adjourned at 2:30 p.m.

Original sponsors: Rar
Bar.

Offered: 3/19/82
Referred: Rules

Cut-And-Paste

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 78 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 Relating to commercial fishing by
6 foreign fleets in the 200-mile
7 fishery conservation zone along
8 Alaska's coast.

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

10 WHEREAS the fishing industry is Alaska's largest private employer and
11 generates revenues that are surpassed at this time only by the oil and gas
12 industry; and

13 WHEREAS existing domestic fisheries can harvest all herring, halibut,
14 crab, and salmon in Alaska's 200-mile fishery conservation zone established
15 by the Fishery Conservation and Management Act of 1976 and have the potential
16 to harvest all other stocks of Alaska origin; and

17 WHEREAS the commercial fishermen of Alaska are dependent on fisheries
18 resources for their livelihood; and

19 WHEREAS the Fishery Conservation and Management Act of 1976 reserves to
20 United States fishermen all the harvestable fisheries that can be taken by
21 domestic fishermen; and

22 WHEREAS every Alaska fisherman has a right to state and federal protec-
23 tion of Alaska's fishery resources from overfishing by foreign vessels;

24 WHEREAS the harvest and incidental interception of North American Pacific
25 salmon by foreign motherships, land-based gillnet fleets, and Bering Sea
26 trawl fleets exceeds the harvest and incidental interception allowed Alaska
27 troll fishermen by the North Pacific Fishery Management Council; and

28 WHEREAS interceptions of this magnitude on mixed stocks of immature
salmon on the high seas adversely impact Alaska's ability to assure the
conservation and sustained yield of these stocks; and

Replacement Language

1 WHEREAS the large numbers of immature halibut caught
2 incidentally in trawling operations in Alaska's 200-mile zone
3 would exceed the annual poundage allowed U.S. fishermen if the
4 fish were to mature to the average size of longline-caught halibut;
5 and
6

7 WHEREAS the rapidly expanding high seas gillnet operations
8 for squid by Japanese fishermen are intercepting significant numbers
9 of North American salmon; and

10 WHEREAS the numerous seizures of foreign fishing vessels and convictions
11 of foreign vessel operators for underlogging catches and retaining prohibited
12 species over the past three years indicate that the foreign fleets are taking
13 substantially more fish than they have been allocated; and

14 *Be It* RESOLVED that the Alaska State Legislature respectfully requests
15 the North Pacific Fishery Management Council and the United States Department
16 of Commerce to reduce the total allowable level of foreign fishing in the
17 Bering Sea and Gulf of Alaska by at least 25 percent in order to conserve
18 stocks and stimulate market opportunity for U.S.-caught bottomfish; and be it

19 FURTHER RESOLVED that the Alaska State Legislature respectfully requests
20 the North Pacific Fishery Management Council and the United States Department
of Commerce to reduce the impact of offshore trawl efforts on Alaska's crucial
inshore shellfish, longline, and salmon fisheries by time and area closures
on the foreign and domestic trawl fleets, and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests
the United States Congress to allocate sufficient funding to put United
States observers on every foreign vessel fishing in Alaska's 200-mile fishery

18 COPIES of this resolution shall be sent to the Honorable Ronald
19 Reagan, President of the United States; to the Honorable George Bush, Presi-
20 dent of the Senate; to the Honorable Thomas P. O'Neill, Jr., Speaker of the
21 House of Representatives; to the Honorable John B. Breaux, chairman, Sub-
22 committee on Fisheries and Wildlife Conservation and the Environment, House
23 Committee on Merchant Marine and Fisheries; to the Honorable Ted Stevens and
24 the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
25 U.S. Representative, members of the Alaska delegation in Congress; and to the
26 members of the North Pacific Fishery Management Council.

Original sponsors: Randolph, Abood,
Barnes, et al

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 78 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

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

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14 crab, and salmon in Alaska's 200-mile fishery conservation zone established
15 by the Fishery Conservation and Management Act of 1976 and have the potential
16 to harvest all other stocks of Alaska origin; and

17 WHEREAS the commercial fishermen of Alaska are dependent on fisheries
18 resources for their livelihood; and

19 WHEREAS the Fishery Conservation and Management Act of 1976 reserves to
20 United States fishermen all the harvestable fisheries that can be taken by
21 domestic fishermen; and

22 *insert - page 2 - the 21st 2 language*
23 WHEREAS the harvest and incidental interception of North American Pacific
24 salmon by foreign motherships, land-based gillnet fleets, and Bering Sea
25 troll fishermen by the North Pacific Fishery Management Council; and

26 WHEREAS interceptions of this magnitude on mixed stocks of immature
27 salmon on the high seas adversely impact Alaska's ability to assure the
28 conservation and sustained yield of these stocks; and

29 ~~WHEREAS the federally controlled North Pacific Fishery Management Council~~