

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

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8088 HOUSE RESOURCES

Table 3.17 Percent of halibut and sablefish catch value and IFQ value by year and census area of residence.

Census area	YEAR						
	85	86	87	88	89	90	IFQ
Anchorage	1.5%	1.4%	3.3%	2.1%	1.2%	1.9%	2.1%
MatSu Borough	0.2%	0.1%	0.2%	0.2%	0.3%	0.3%	0.3%
Kenai Peninsula Borough	9.2%	10.4%	11.5%	12.9%	12.1%	12.4%	13.4%
Kodiak Island Borough	20.9%	20.7%	16.8%	13.6%	12.5%	11.0%	16.7%
Valdez-Cordova	1.1%	2.5%	1.9%	1.5%	1.7%	2.1%	1.5%
Fairbanks-North Star Bor.	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SE Fairbanks	0.0%	0.0%	*	0.0%	0.0%	0.0%	0.0%
Yukon-Koyukuk	*	*	*	*	*	*	0.0%
Nome	*	*	0.0%	*	0.0%	*	*
North Slope Borough	0.0%	*	*	*	0.0%	*	*
NW Arctic Borough	0.0%	0.0%	0.0%	0.0%	0.0%	*	*
Haines Borough	0.5%	0.5%	0.8%	0.7%	0.5%	0.6%	0.6%
Juneau Borough	2.3%	3.0%	3.0%	3.1%	4.2%	4.2%	3.3%
Ketchikan-Gateway Borough	2.5%	2.5%	2.2%	1.8%	2.5%	2.4%	1.8%
P. of Wales-Cutler Ketchikan	0.4%	0.7%	1.0%	0.8%	1.2%	1.7%	1.0%
Sitka Borough	7.8%	6.5%	7.7%	10.2%	8.0%	8.8%	8.3%
Skagway-Yakutat-Angoon	2.8%	3.1%	3.3%	3.9%	3.5%	2.9%	2.8%
Wrangell-Petersburg	8.9%	11.1%	9.9%	9.5%	10.0%	11.1%	9.8%
Aleutians E. Borough	1.8%	2.2%	2.0%	0.8%	0.7%	1.5%	1.7%
Aleutians W. Borough	0.6%	0.3%	0.7%	0.8%	0.4%	0.3%	0.6%
Bethel	0.0%	0.1%	0.1%	0.0%	0.0%	0.0%	0.1%
Bristol Bay Borough	0.0%	*	*	*	0.0%	0.0%	0.0%
Dillingham	*	*	0.0%	*	0.2%	0.0%	0.0%
Wade Hampton	0.0%	0.0%	0.0%	*	*	*	0.0%
Lake & Peninsula Borough	0.2%	0.2%	0.4%	0.3%	0.0%	0.3%	0.3%
All Alaska Areas	60.8%	65.3%	64.9%	62.3%	59.9%	62.0%	64.3%

Note: Total percent of value may be less than 100% due to presence of catch to non-Alaskan owners not shown.
 *Due to confidentiality restrictions, this information could not be released.

Phil Smith Takes IFQ Challenge

Former Limited Entry Commissioner to head RAM division

by Laine Welch

"It's a tantalizing challenge." That's how Phil Smith summed up the Herculean task of implementing the individual fishing quota plan for Alaska's halibut and blackcod fisheries. The IFQ program, hotly contested by fishermen and managers for seven years, made it onto federal law books in early November. The plan will grant approximately 5,000 fishermen annual quotas of sablefish and halibut based on the landings they made during specific qualifying years. The system is scheduled to be in place by March 1995.

As director of the new Restricted Access Management division (RAM) for the National Marine Fisheries Service in Alaska, Smith takes the reins from those who have only conceptualized the complex workings of the IFQ plan. The long-time Alaskan, who grew up in Cordova and now lives in Juneau, has plenty of experience in the limited entry

records. Among other things, the system will maintain processor reports, keep track of quota transfers, and determine when a vessel has reached its caps.

Also under development is an electronic credit card system that fishermen will use to automatically check their IFQ balances. Smith said that task was contracted by NMFS to Computer Services Corporation, which has created major data systems for the Defense Department and other major users. "We've impressed upon our consultants that the system has to be bulletproof," Smith said.

In January, the RAM division expects to begin sending out application notices to those who may be eligible for IFQs. When an application is received by NMFS, the agency will send back a form showing the amount of IFQs compiled from its "official" data base. If an applicant agrees with the NMFS numbers, there

records. For eight years, Smith was one of three commissioners with the state's Commercial Fisheries Entry Commission. In late October, he was busy carving out space in NMFS regional headquarters for himself and his staff of three. When the offer came to pull together the multi-faceted IFQ program for the feds, Smith said, he simply couldn't turn it down.

From the moment the IFQ rule was published in the Federal Register, NMFS was prepared to begin implementing the program, though certain aspects will continue to be developed or fine-tuned for years. While publication provides a 30-day window for people to file lawsuits against any new federal law, Smith was doubtful that the IFQ program could be stalled or derailed.

"Something unexpected can come out of the woodwork on any new policy decision, but the plan has been adopted at all levels of the government. Unless someone can come up with compelling arguments to convince a federal judge to put it on the shelf, we're prepared to go forward," Smith said.

The monumental computer data base needed to track the IFQ program was nearing completion when Smith came onboard in October. Data requirements include fish ticket and landings information, individual permit files from the CFEC, Halibut Commission reports and other official

records. An issuance of IFQs to that individual.

If the numbers from the data base don't jibe with an applicant's records, there will be opportunities to dispute the numbers. "Applicants can provide copies of fish tickets, partnership agreements and other information that demonstrates their records are better than the official record at NMFS," Smith said. "That will be evaluated, and we'll either confirm or amend the record, or ask for more information."

If an IFQ claim is denied, an applicant can request an administrative hearing. If that doesn't settle the issue, he or she may appeal to the NMFS regional director who can affirm, reverse or modify a decision of the hearing officer. Ultimately, an unhappy IFQ applicant can file a lawsuit in Federal District Court.

Smith said he is personally committed to making the IFQ application process equitable to everyone who applies. "I want to be as open as possible with the public so everyone knows what's going on. I want to ensure that even though people may be unhappy with the overall program, or with a specific allocation decision, they'll still feel like they've been handled as fairly and efficiently as the system allows," he said.

The new RAM director admitted it's

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inevitable that many "nunces" to the IFQ program will be discovered and result in changes along the way. "Lots of things still have people scratching their heads, like the block proposals that are designed to protect the small boat fleets," he said. "These kinds of questions will continue to challenge us, because there's no comparable model anywhere in the world. Nothing like this has been attempted on such a large scale before."

"I know many feel it's like fencing in the open range, and that rubs

against the grain of many rugged individualists," Smith said. "But the potential benefits of ending the 'range wars' are so great."

Two weeks into the job, Smith said he was "upbeat" about the hands-on work ahead. "There's a lot of support at the regional level, and we'll work with the industry and the bureaucracy to try and make the IFQ program as good as we can." He added with a laugh, "I may be beat to a pulp in six months, but I think we're going to put this off." □



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 20, 1994

MEMORANDUM FOR: Hon. Bill Williams, Chairman
Hon. Bill Hudson, Vice-Chairman
Members of the Committee on Resources
Alaska State House of Representatives

FROM: Philip J. Smith, Chief *Phil Smith*
Restricted Access Management Division
Alaska Region, National Marine Fisheries Service

SUBJECT: **Status Report: Implementation of the IFQ
Program for Pacific halibut and sablefish**

Thank you for the opportunity to provide you with this summary of the steps we are taking to implement the Individual Fishing Quota (IFQ) program for the Pacific halibut and sablefish fisheries. A lot has been happening during the past few months, and it is entirely appropriate that you should be kept apprised of the progress we are making to move this program forward.

It remains our goal to complete the implementation stage of the program by early next year, with the expectation that fishing with IFQs will commence on March 1, 1995. To reach that goal, we must implement an applications process, receive and process applications, award Quota Share to eligible applicants, provide for transfer of Quota Share, determine Individual Fishing Quota (based upon the allowable catch levels established for 1995), issue that IFQ, and provide for reporting and monitoring of the use of IFQ during the open fishing periods.

The time-frame we are following to accomplish those tasks is set out in the Attachment ("A") appended to this Memo. The functional organization of our office is likewise displayed on another Attachment ("B").

Applications Process

On December 31, we distributed over 8,000 copies of the "Request for Application" Package to every vessel owner and/or permit holder who owned or leased a vessel and/or who held a permit card and recorded legal landings during the qualifying years. Included in the package were forms for the potential applicant to complete and return to us. To date, more than 1,000 have been returned to us. At this point, we are preparing pre-printed applications that will display data (from the computerized database -- the "NMFS official record") of vessel ownership, landings by year, etc. That document will become the formal application, and



be sent to the applicant. When it is signed and sent back to us, and if no challenges to the information are lodged by either the applicant or another party, we will issue the quota.

Applicants may, of course, dispute the "NMFS official record" by submitting their own information. If their information is clear and convincing on its face, we will alter the official record and issue quota based upon the new information. If not, the applicant will be given one more opportunity to perfect his/her application prior to final administrative denial and being instructed on how to file a formal appeal (see, Attachment "C" for a display of the flow of applications through the system)

Application Assistance and Public Information

It remains our intent to hold IFQ Workshops in major longline fishing ports -- and, additionally, to provide applications assistance throughout the applications period. We expect that the workshops will commence next month, and we are currently working of schedule them. At the very least, we will with fishermen in Kodiak, Homer, Cordova, Kenai, Soldotna, Anchorage, Juneau, Sitka, Petersburg, Ketchikan, and Wrangel. Additionally, we will monitor the return of both pre-applications and applications from the smaller communities and offer assistance as may be needed.

In a good faith attempt to "spread the word" about the program, I have accepted invitations to speak to various regional groups (for instance, I am speaking to the Southwest Alaska Municipal Conference tomorrow morning).

We are also taking steps to make our office very accessible to fishermen and other members of the industry. By the end of this month, we will have a "1-800" phone line in service (1-800-304-4846) in order to expedite our ability to respond to questions and to provide assistance to QS applicants.

Regulations

1. Regulations to govern the appeals process have been submitted to Washington and the "Draft Proposed Rule" is now being finalized. Since these regulations must be final by late spring (at which time we will begin to deny applications), we will move rapidly to get a final rule published as soon as possible following the comment period.

2. We have conducted a detailed review of the regulations that govern the transfer of QS and IFQ. Since there are some areas that are unclear and/or internally inconsistent, we are developing some technical amendments that will make this section of the regulations more consistent and workable.

3. Related to "2" above, we are also moving quickly on regulations to implement

the "block" restrictions as adopted by the Council in early October. These rules will directly impact transfer decisions.

Conclusion

As noted, it is our intent to have this program fully implemented by March of 1995. Getting from here to there will present challenges, but none of them presently appear to be insurmountable. We hope to maintain good communications with the industry throughout the process, in order to put in place an efficient, responsive, and "user friendly" implementation effort.

Attachments: A - Implementation Time-Lines
 B - Division Organization
 C - Applications Flow Chart

IFQ Implementation Projected Time-Frames

What Happens?

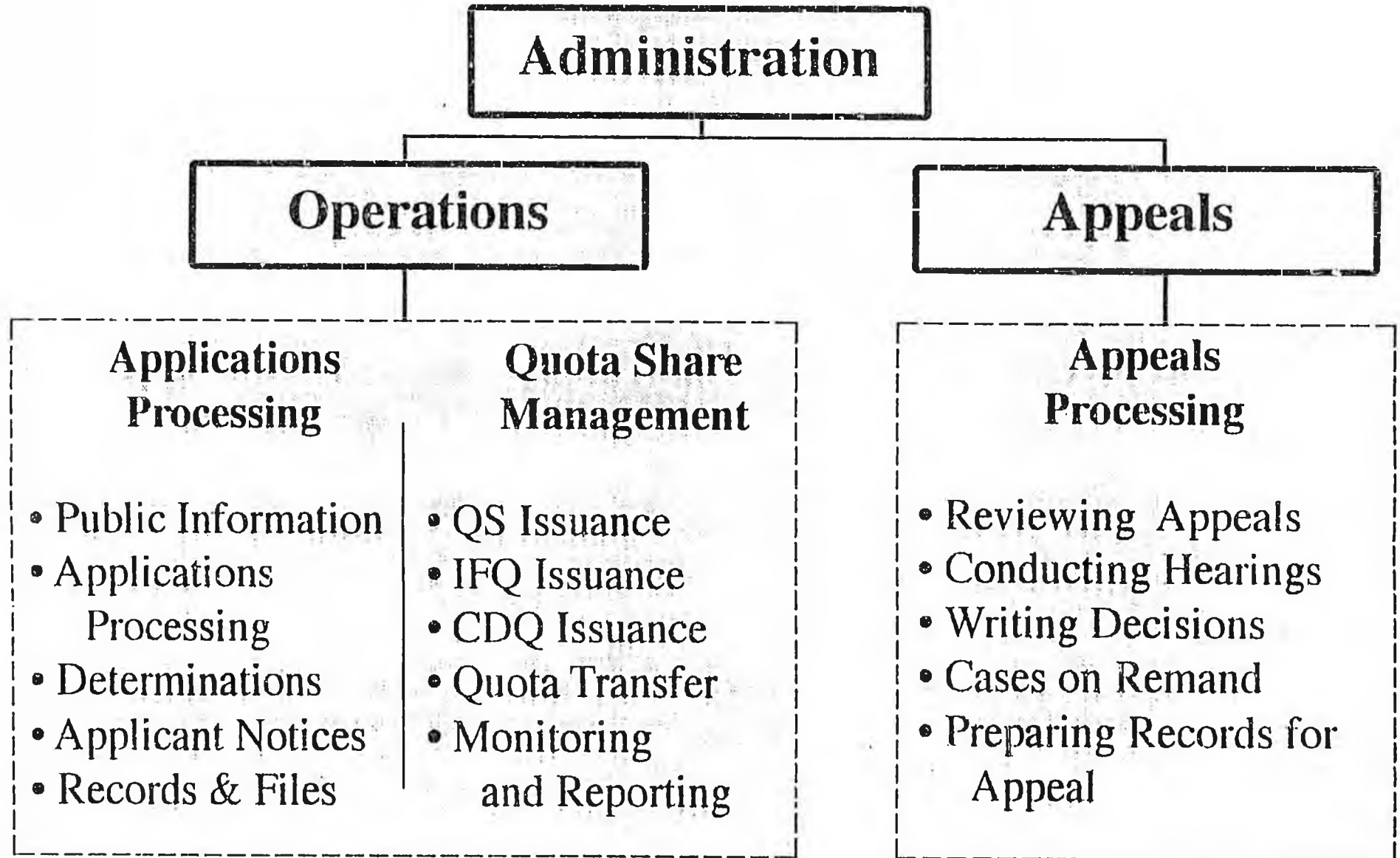
- Pre-Applications Mailed
- Application Period
- Town Meetings & Assistance
- Applications Processing
- Appeals of Determinations
- Quota Share Issued
- Quota Transfers Begin
- 1995 TAC's Established
- IFQ Issued
- IFQ Fishing Begins

When?

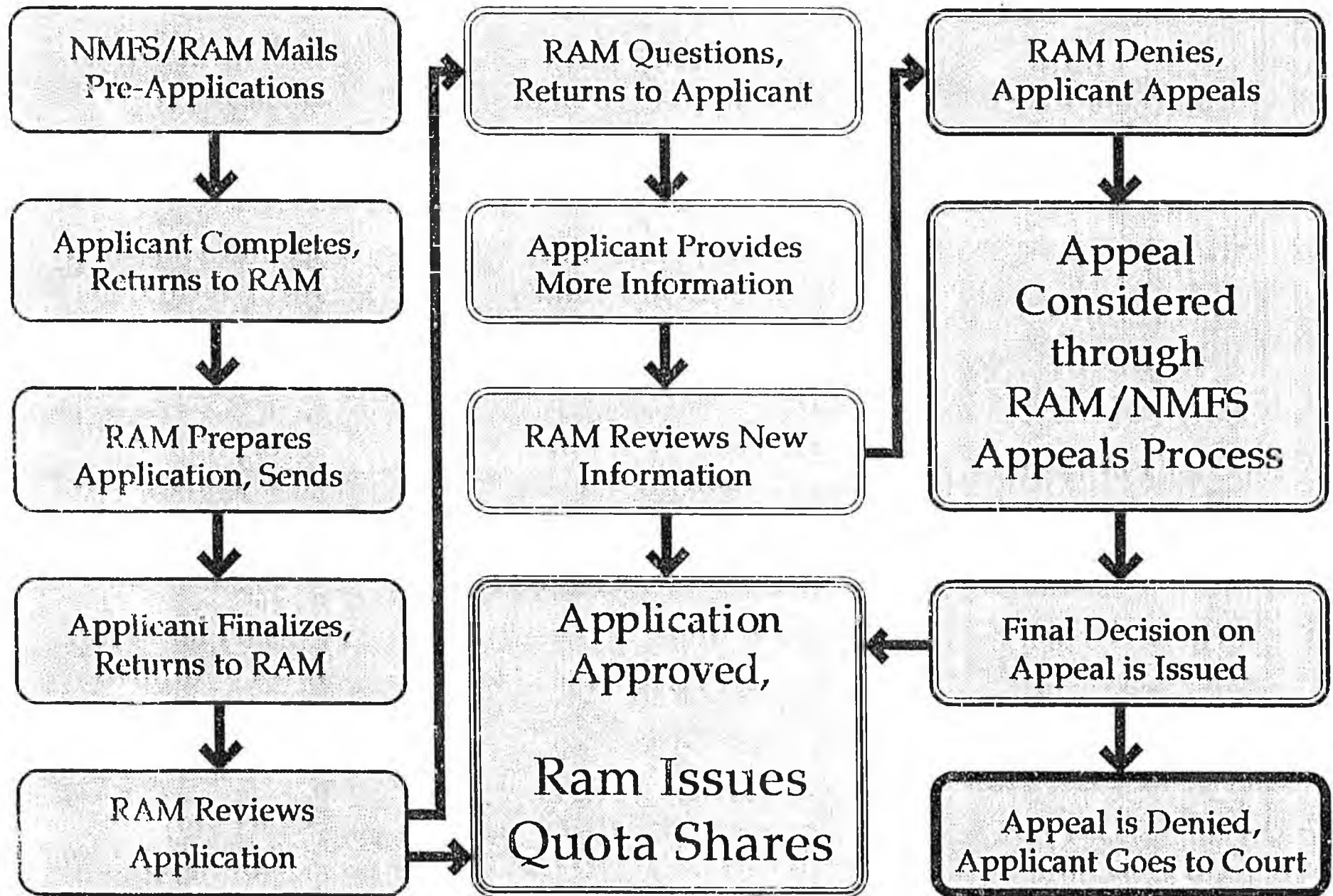
December, '93
Jan - Jun, '94
Feb - Mar, '94
Feb - Oct, '94
Apr - Nov, '94
Nov - Dec, '94
December, '94
January, '95
February, '95
March, '95

Functional Organizational Chart


Restricted Access Management Division



Quota Share Applications Process





T H E
I F O 
P R O G R A M

INSIGHTS
and
UPDATES

This publication is intended to provide a simplified explanation of the Individual Fishing Quota program as adopted by the Secretary of Commerce. Although it has been carefully reviewed for accuracy it is not intended to be a legal guide to the program. Those seeking legal guidance should consult the Federal Register, Vol. 58, pg. 59375, published on November 9, 1993.

For more information call the National Marine Fisheries Service Restricted Access Management Division at 1-800-304-4846

February, 1994

THE NUTS & BOLTS of the NEW SYSTEM

The North Pacific Fishery Management Council (Council) designed it, the Secretary of Commerce approved it, and on November 9, 1993, the Federal Register put it in print and it became law. For the Pacific halibut and sablefish (blackcod) fisheries of Alaska, the management plan for the future is Individual Fishing Quotas, or IFQs. This decision was by no means an easy one. The IFQ program was approved only after some tough years of debate and discussion between the Council, concerned fishermen and women, and other industry representatives. With access to these multi-million dollar fisheries at stake, everybody involved had a strong opinion. The Council provided a place where those opinions could be expressed, and the arguments were forcefully presented.

Now that it's law, it's time to work together. To do that we must understand the system, answer the questions and move ahead. This booklet will help

you understand the basic workings of IFQs. We'll walk you through the application process, talk about who's eligible and who isn't, and lay out the path to follow if you want to appeal.

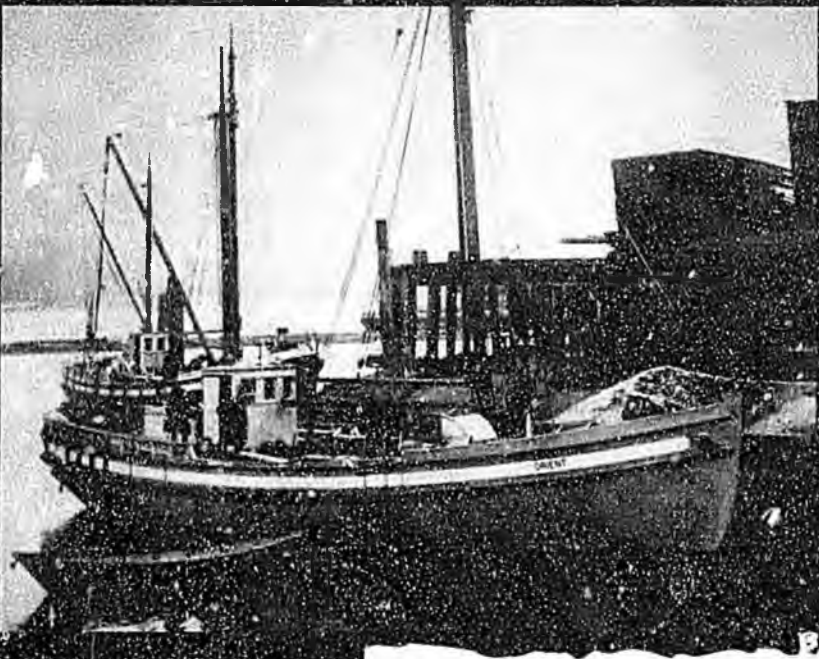
We'll explain how to

receive quota shares by transfer and the restrictions which apply. We'll also explain why the restrictions are in place and why the Council, the National Marine Fisheries Service (NMFS), and the Secretary felt that they were necessary. If you have any

questions that you feel aren't answered clearly here, please give the NMFS Restricted Access Management (RAM) Division a call at 1-800-304-4846. We'll be happy to help.

The Council began considering options other than traditional open access management in the late 1970's. They asked for ideas from the public, and ultimately examined limiting license numbers, using annual fishing allotments, and distributing quota shares (QS) under an IFQ plan. They also considered working within the existing management system. They looked at solving some of the problems without restricting access, simply by tightening or adjusting regulations. But a clear message was coming from the fishing industry. It came from processors, marketing specialists, from fishermen and women, and from management as well. They all described fishing seasons being shortened into "derby" fisheries, where fishermen's safety, care of the gear, and even the quality of the product suffered. The short seasons contributed to bycatch loss and caused targeted fish to be handled poorly. Open access management allowed the fleet to overcapitalize and to grow larger than was economically sensible or easily manageable. Fishermen were spending more money to catch fish which were worth less, and fisheries were becoming increasingly difficult to control. The demand for change became overwhelming: **something** had to be done.

It's never easy to turn from an era of open access, where everyone has an equal opportunity to fish or hunt or use the public resource, to more restrictive policies. It's been called the "tragedy of the commons", when the



limit of the resource at last begins to be reached. Cowboys faced it when the open range of the Wild West was fenced. And now, for the groundfish fishermen, we have IFQs.

HOW DOES THE SYSTEM WORK?

HOW DOES IT EFFECT YOU?

Under this system, if you qualify, you will be awarded quota shares for halibut or sablefish (or both species), based upon your experience in the fishery. If you do not receive an initial quota share allocation, or if you do not receive quota shares by transfer in the future, you will not be able to participate in the fishery. The quota share is a permit, which awards you the privilege to fish the common property resource.

By a formula which will be explained further, your quota shares will determine your Individual Fishing Quota, or IFQ, which is the amount of halibut or sablefish that you are entitled to catch each year. You will be able to catch this quota at any time during the appropriate open season. Since concerns about overharvesting should lessen as the IFQ program gets underway, it's anticipated that seasons will lengthen. They may be seven to nine months long as opposed to a matter of weeks or hours. More care can be given to the gear, to handling the fish and to marketing them at the best price. There will be less pressure to fish in rough weather and safety should improve.

If you don't qualify for an initial quota share allocation, you may buy

quota shares if you meet some basic requirements. If you have at least 150 days experience working as part of the harvesting crew in any U.S. fishery, you'll probably qualify as an IFQ crewmember and be allowed to receive quota shares by transfer. "Harvesting", in this case, means work directly related to catching or retaining fish. If, for example, your experience was only as a cook or an engineer, you would not be eligible. On the other hand, if you seined salmon in Prince William Sound or drift gillnetted Bristol Bay for the necessary 150 days, you would.

The IFQ program was designed to retain the character and size of the fishing fleet as much as possible. For this reason the system includes restrictions designed to prevent too many quota shares from falling into too few hands (ownership caps) or from being fished on too few vessels (vessel use caps). Other restrictions will prevent the fishery from being dominated by large boats or by any particular vessel class. This is the system of assigning quota shares to vessel categories and then restricting transfers between different categories. We'll look at all of this in greater detail later on.

IFQ'S AROUND THE WORLD

Similar changes have already come to other countries and other fishermen, though none of the programs across the world oceans approaches the magnitude of the North Pacific IFQ plan. New Zealand has more than 1.5 million square nautical miles in the Exclusive Economic Zone (EEZ) off her shores. In 1983 a non-transferable quota system was in place over the country's deep-water fisheries, and then in 1986 a quota management system was adopted, with shares freely transferable. Thirty species of commercial fish are covered, and the Government has suggested extending the concept to New Zealand's recreational fisheries.

Some consolidation and downsizing of the fleet was necessary, as several of the fish stocks were in trouble, and safeguards to prevent over-consolidation were less stringent than those outlined by the Council for Alaska's IFQ program. Criticism has also been levelled that one or two corporations have gained control of much of New Zealand's fisheries, and the Council considered this carefully when drafting ownership caps and restrictions on quota share transfers.

Canada brought halibut and sablefish under Individual Vessel Quota (IVQ) management in 1991, and did the same for rockfish a year later. It seems to be working rather well off British Columbia's coast, with high-grading less of a problem than anticipated, prices climbing higher for halibut and a solid effort at cooperation between fishermen, processors and the Department of Fisheries and Oceans.

Iceland was an early entrant into IVQ management, placing Pacific cod under this system in 1976. Since that time, in testimony to the success of the program, almost all of Iceland's groundfish are under IFQs.

Here in our own country Atlantic fishermen have seen Individual Transferable Quota (ITQ) management over wreckfish and surf clams. Participation in the wreckfish fishery had burgeoned from two boats in 1987 to 40 vessels three years later, and had become a classically dangerous derby fishery. The South

Atlantic Fishery Management Council, southern sister to the Council overseeing the North Pacific, responded to fishermen's pleas with the ITQ program. ITQ management over surf clams was set in motion in 1991. Reports from these fisheries are largely positive, and this innovative management concept appears to be a change for the better. Our IFQ program addresses all of the problems the Council identified with the halibut and sablefish fisheries, and leaves a lot of room to respond to future development in the fisheries. As fishermen, processors and others within the industry experience just what an IFQ plan will mean, and how it will affect your fishery, you can give valuable suggestions for making IFQs work smoothly. And we have the experience of other limited access fisheries to use as a guide. This will help us avoid the problems that sometime come with limiting access to a resource.

WHEN WILL IT START? WHO IS AFFECTED?

Beginning next spring, the fixed gear fisheries for Pacific halibut and sablefish in and off Alaska will be managed under the IFQ plan. Fixed gear means hook and line gear of all types: longlines, handlines, jigs and troll gear, as well as pot gear for sablefish. Pot gear will be legal gear for harvesting sablefish under the IFQ plan, but **not** in the Gulf of Alaska. The fish you caught with pot gear, even in the Gulf, however, can be used to determine an initial quota share allocation. Sablefish harvested legally

with trawl gear are not part of the IFQ program. Sablefish fisheries regulated by the State of Alaska within State waters, (those in Prince William Sound, Chatham Strait and Clarence Strait), are not considered under this federal IFQ program.

The application period for quota shares began on January 17th, 1994. You have six months to apply for an initial quota share allocation. Applications must reach the

NMFS/RAM Division Juneau office by the close of business on July 15th, 1994. The NMFS/RAM Division has already mailed out almost 8,000 Requests for Applications to those who might be eligible to apply for quota shares. Only those who return a completed Request for Application will

receive the application package. Before we go further with the application procedure, let's define some terms and look at just how the system will work.

DEFINITIONS: TERMS WE'LL BE USING - AND WHAT THEY MEAN

Qualifying years - You must have owned or leased a vessel on which fixed gear landings of sablefish or halibut were made during the qualifying years 1988, 1989, or 1990 to qualify for an initial quota share allocation. These fish must have been legally caught in IFQ regulatory areas.

Base years - These are the years used to determine the amount of your quota share. For halibut they are the best five of seven years; 1984-1990. For sablefish they are the best five of six years; 1985-1990.

Total Allowable Catch or TAC - Each year the Secretary of Commerce, in consultation with the Council, determines the sablefish TAC for the different management areas. The International Pacific Halibut Commission (IPHC) annually sets the figures for the halibut harvest in its management zones. Regulatory areas for halibut and sablefish are different and should not be confused.

Quota Share or QS - This means a permit, the amount of which is used as a basis for the annual calculation of your IFQ. The size of this permit is determined by landings in the base

An Example of Figuring Your Quota Share

1984	1985	1986	1987	1988	1989	1990
Halibut Landings						
2,000 lbs.	5,000 lbs.	5,000 lbs.	3,000 lbs.	8,000 lbs.	6,000 lbs.	6,000 lbs.
Sablefish Landings						
Not Applicable	2,000 lbs.	4,000 lbs.	6,000 lbs.	3,000 lbs.	4,000 lbs.	6,000 lbs.

Halibut

2,000 (drop)
5,000
5,000
3,000 (drop)
8,000
6,000
6,000

30,000 lbs.

Qualifying Poundage
(Best five of seven yrs. total)

Sablefish

2,000 (drop)
4,000
6,000
3,000
4,000
6,000

23,000 lbs.

Qualifying Poundage
(Best five of six yrs. total)

Actual quota share will be slightly smaller after CDQ adjustment, we'll decrease the amount by 3.5% as an example

30,000 lbs. → 28,950 QS

23,000 lbs. → 22,195 QS

years. Your initial adjusted quota share is the sum of your best five year's landings. The adjustment is a slight decrease because some fish will be allocated to the CDQ program (which we'll explain shortly).

QS are calculated independently for each IFQ regulatory area and vessel class. You would not add your best five years' catch over all areas to come up with qualifying poundage. It is reckoned area by area.

Quota shares allocated or permits issued do not represent an absolute right to the resource. They are, rather, a harvesting privilege which may be revoked or amended subject to the Magnuson Act or other applicable laws.

Quota Share Pool or QSP - This is the total of all quota shares for each respective IFQ regulatory area. Again, regulatory areas for halibut are distinct from sablefish regulatory areas.

Individual Fishing Quota or IFQ - This is the amount of fish that you are allowed to harvest each year. It is calculated annually by taking the quota shares you hold and dividing them by the total quota share pool. The resulting figure is the percentage of the harvestable fish to which you have harvesting privileges for that IFQ regulatory area and vessel class. This percentage is then multiplied by the TAC, as determined annually by the Secretary (for sablefish) or the IPHC (for halibut). Mathematically it looks like this:

$$(QS/QSP) \times TAC = IFQ$$

The Secretary and the IPHC can change the TAC in response to changes in the fish stocks, so your IFQ will vary from year to year. The QSP can also change as appeals are decided and additional quota shares issued, or as quota

shares are revoked due to violations.

Community Development Quota or CDQ -

This is a program which compensates the communities of western Alaska which are directly affected by the assignment of fishing privileges. Some of these communities have largely been bypassed as the fisheries developed in their own waters, and the Council has decided to take some quota shares from each regulatory area in the Bering Sea/Aleutian Island (BS/AI) region and give them to the appropriate villages. This will **only** happen in the BS/AI region.

To make it fair for non-CDQ BS/AI region fishermen who fished in the CDQ areas and whose IFQ will be reduced by the CDQ allocation, the Council will award you small amounts of quota shares from the other areas, in the same proportion as the amount allocated to the CDQ program. This is why your initial quota shares are a little bit smaller than your qualifying poundage. This adjustment will only happen once as part of your initial allocation of quota shares.

Vessel length overall or LOA -

This is the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.

IFQ crewmember - This means any individual

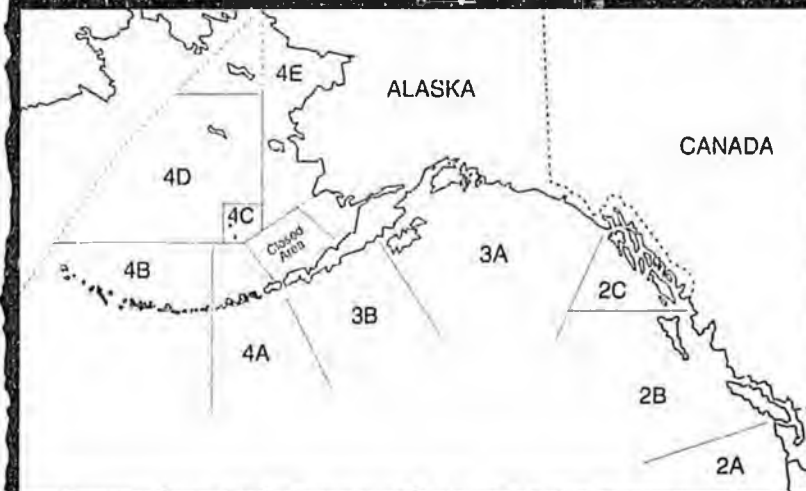
Sample IFQ Calculation

$$(QS/QSP) \times TAC = IFQ$$

Using our halibut landings as an example - we have 30,000 lbs. (less 3.5% for CDQ adjustment) to give us 28,950 for our QS. Our QSP is 60,000,000 which is the rounded total quota shares for area 2C, and, in our example the TAC is 12,000,000 for 2C. Putting that in the equation, we have an IFQ of 5,790 pounds.

$$(28,950 / 60,000,000) \times 12,000,000 = 5,790$$

Halibut Management Areas



who has at least 150 days experience working as part of the harvesting crew in any United States commercial fishery, or any individual who receives

an initial allocation of quota shares. For purposes of this definition, "harvesting" means work that is directly related to the catching and retaining of fish. Work in support of harvesting but not directly involved with harvesting is not considered harvesting crew work. Only those who receive quota shares by initial issuance, or IFQ crewmembers, may receive quota shares, and the IFQ which

results from it, by transfer.

HOW TO APPLY

First let's see who is eligible. To be eligible for an initial quota share allocation you must:

- be a U.S. citizen at the time you apply for quota share. A corporation or partnership qualifies as a citizen if it would have qualified to document a fishing vessel as a vessel of the United States during the QS qualifying years of 1988, 1989 and 1990.
- have owned or leased a vessel that made legal and verifiable landings of halibut or sablefish in the IFQ regulatory areas during 1988, 1989 or 1990.
- apply for your allocation.

Applicants may be individuals, corporations, partnerships, associations, or other entities (or their successors in interest). A former partner of a dissolved partnership or a former shareholder of a dissolved corporation may apply for quota shares in

proportion to his or her interest in the dissolved corporation, partnership or business. Estates of deceased fishermen are successors in interest and may also apply.

As mentioned earlier, the NMFS/RAM Division has sent out close to 8,000 Request for Application packets to those who are likely to be eligible. If you have not received a packet and still wish to apply you must first obtain one and return the Request for Application forms to the NMFS/RAM Division. Packets are available throughout Alaska and Seattle at NMFS offices, the offices of the Alaska Department of Fish and Game, Native Corporations and fishing organizations.

When the NMFS/RAM Division receives your completed and signed Request for Application forms, they will prepare your personal application. This will be based on state and federal landings and catch data and documentation of vessel and permit ownership. This information, compiled by NMFS, is called the **NMFS official IFQ record**. The NMFS official IFQ record is important because it is the first indicator of whether you are qualified for an initial quota share allocation. It is also the basis from which the amount of your quota share is calculated.

When your personal application is ready it will be sent to you. If you agree with the NMFS official IFQ record, you need only sign and return it to the NMFS/RAM Division by July 15th, 1994. If you disagree with any information, such as landings, areas, vessel classes, or with the years listed for recorded landings, or with any of the data printed on the application forms, you should correct the informa-

tion, provide documents and notarized affidavits supporting your position, and return it. If NMFS/RAM is convinced by these documents, then the official IFQ record may be changed and your application will continue to be processed. If not, you will be notified and given 90 days to provide additional information.

If, after a review of this new information, NMFS/RAM personnel are still unconvinced, then your application will be denied, and you will have the opportunity to appeal the disputed portion (under a process which will be explained later). Now let's discuss three issues which may arise as you complete the forms necessary to apply for quota shares. These are leasing, confidentiality and evidence.

LEASING

Let's suppose the official IFQ record held by the NMFS/RAM Division shows that you were the permit holder, and that you made legal landings of Pacific halibut and/or sablefish during the qualifying years for the IFQ program (1988, 1989, and/or 1990). However, since the records do not show that you were the owner of the vessel on which qualifying landings were made, it is presumed that you are not eligible for initial issuance of quota share.

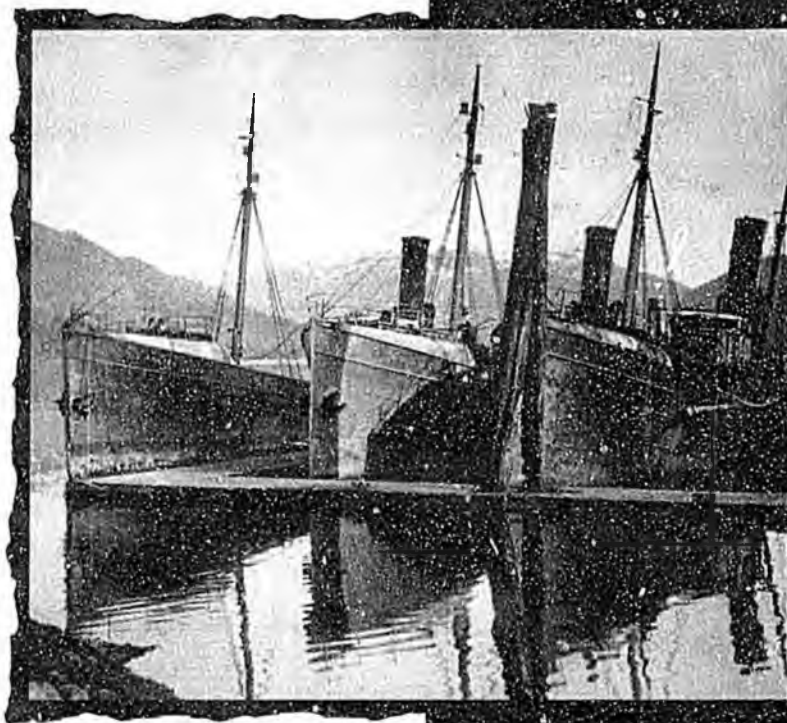
If you were not the vessel owner, but if you believe that you held a legitimate lease on the vessel you operated during one or more of the qualifying years, you may apply for quota share as a lessee. If you and the vessel owner agree that a lease was in effect, you must supply either: a) a copy of the lease document itself showing that you


were the leaseholder during the time period(s) in which you are claiming credit; or, b) a statement, signed by both you and the vessel owner, attesting to the fact that a lease was in effect during the time period(s) in which you are claiming credit. The statement may be in any form, but both signatures must be notarized.

If you do not have a copy of the lease document, and if you cannot submit a notarized statement signed by both you and the vessel owner that attests to the existence of a lease during the qualifying years for which credit is claimed, NMFS/RAM will presume that you were not a leaseholder. You may rebut (overcome) that presumption if you submit evidence in the form of authentic documents to prove that you, not the vessel owner, shouldered the financial burdens and risks of the fishing operation during the time period(s) for which you are claiming credit. Examples of such documents may include:

- the receipt(s) for purchase of the license(s) used aboard vessel during the time period(s) for which you are claiming credit;
- tax returns which show that you claimed a business deduction for vessel lease expenses during the time period(s) for which you are claiming credit;
- tax returns or other documents which show that you paid the crew expenses during the time period(s) for which you are claiming credit; and/or,
- other authentic and contemporary documents which demonstrate the nature of your investment in the fishing operation during the time period(s) for which you are claiming credit.

For any of these documents to be considered, you **must** provide a notarized statement, attesting to the authenticity of the documents and explaining,





in detail, the business relationship between you and the vessel owner during the time period(s) for which you are claiming credit as a lease-holder.

After receipt of this information, the NMFS/RAM

Division will assess it and make an initial administrative determination on your eligibility for quota share. We may return the application to you and request that you submit additional information to support your claims. If the information you supply is not sufficient to establish your claim that you were a lease-holder during the time period(s) claimed, your application will be denied. In that event, you will be allowed to appeal that determination.

Please note that, if the owner of the vessel which you claim to have leased also applies for quota share credit during the time period(s) for which you are claiming credit, both applications will be denied. In that case, either or both of you may file an appeal. Since the appeals process will surely be time-consuming, both you and the vessel owner could experience delays in receiving the quota share (and the resulting IFQ, which will only be calculated and issued on an annual basis) to which you believe you are entitled.

Therefore, it is clearly in your interest to resolve all disputed facts with the vessel owner BEFORE submitting your application for quota share!

— CONFIDENTIALITY —

Under state and federal confidentiality laws, NMFS/RAM may not release catch data or landings data to anyone other than the person who signed the fish ticket. Therefore, even though the

NMFS/RAM Division wants to provide you with a record of your landings during the relevant years, they cannot do so. To address this problem, the Division began the pre-application process. On the Request for Application forms which you received earlier, you are asked to sign a waiver of the confidentiality of your data. This waiver allows the Division to use your confidential fish ticket information to properly allocate quota shares to eligible applicants. Since no waiver means no access to the necessary information, every applicant is required to sign the Request for Application form and the waiver which it contains. Once that waiver has been received NMFS/RAM will preprint landings information on your application. The information will be presented as a summary, by year and by total pounds, of the total landings made on your vessel during the relevant years. If someone other than you made those deliveries, a waiver from the person who made the deliveries must be received (unless four or more persons made the deliveries, in which case the data can be summarized) before the summary can be printed and released. This is important if you want to examine the information used by NMFS/RAM to determine your total qualifying pounds. Also, even if you own the vessel and are otherwise qualified, if the total quota share allocation cannot be revealed for lack of waivers, you may not receive the quota shares to which you are entitled. To be on the safe side, it's a good idea to get waivers signed from every skipper who fished on your boat and signed fish tickets during the quota share base years (1984-1990) and to submit those waivers with your applications.

— EVIDENCE —

If you believe that the NMFS official IFQ record does not fairly reflect your situation and that you would therefore not receive the quota share which you think you deserve, you will have an opportunity to present evidence to support your claim. "Evidence" is a general term which applies to any and all documents or statements which you provide in support of your application. Documents might include pilothouse logs, original copies of fish tickets, vessel purchase documents, tax returns, cancelled checks, or anything else which you think will support your claim. Written statements, in the form of affidavits (sworn and notarized statements attesting to a set of facts) may also serve as evidence. The NMFS/RAM staff will require that you submit an affidavit with all documentary evidence. The affidavit should state what it is you're trying to prove, what the documents mean, where they came from, and any other facts which you wish to present. And one last word about evidence - **tell the truth!** Fraud is a criminal offense and anyone suspected of knowingly submitting false information on their application will be investigated and, if the facts warrant it, prosecuted.

PROGRAM RESTRICTIONS

One of the goals of the Council in adopting the IFQ program was to preserve, as much as possible, the nature and size of the fleet. The Council kept this in mind when they designed the

quota share, ownership and transfer restrictions. These restrictions are designed to prevent excessive consolidation of the fleet and to prevent the fisheries from being dominated by one vessel size. Even with these restrictions in place, the Council expects that the total number of vessels involved in the halibut and sablefish fisheries will decline.

With quota shares being assigned to vessel categories and regulatory areas, the current make-up of the fleet can then be preserved by restricting transfers of quota shares among categories and areas. For instance, the quota share issued in vessel Category B, area 2C, will remain in vessel Category B, area 2C, no matter how many times it may be transferred. As a result, the same percentage of quota share will remain in the categories in which they were originally awarded.

VESSEL CLASSES — AND IFQ — REGULATORY AREAS

Quota shares are issued specifically to a vessel class and to an IFQ regulatory area. With six areas and three vessel categories for sablefish, and eight areas and four vessel categories for halibut, this means that 50 different "types" of quota share will be issued!

Quota shares for halibut are independent of quota shares for sablefish. Quota share allocations will be assigned to a specific vessel category, based on the length overall (as opposed to register length). Vessel categories are described by both length overall and the kind of operation.

- Category A - a freezer vessel of any length;
- Category B - a catcher vessel greater than 60 feet in length overall;
- Category C - a catcher vessel less than or equal to 60 feet in length overall for sablefish, or a catcher vessel greater than 35 feet but less than or equal to 60 feet in length overall for halibut; and
- Category D - a catcher vessel less than or

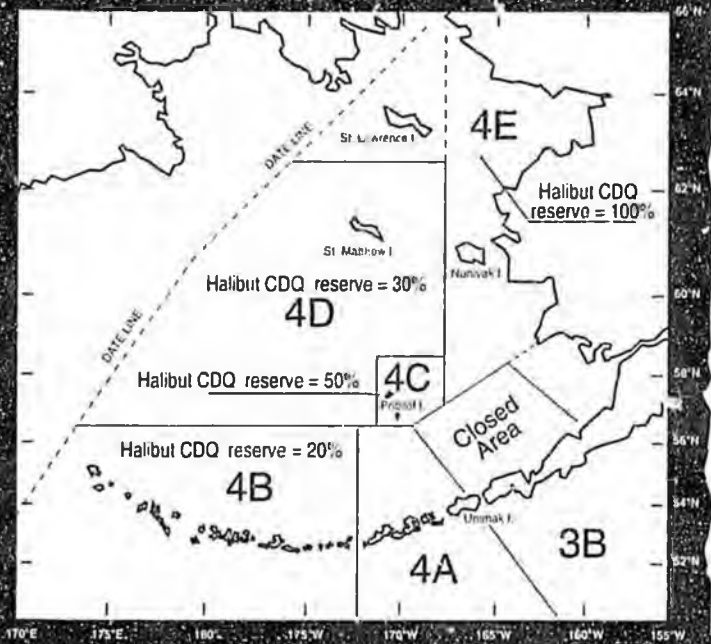
Vessel Categories

Vessel length	Freezer Vessel (any length)	Catcher Vessel	
		Sablefish	Halibut
Over 60'	A	B	B
35' to 60'		C	C
0 to 35'		C	D

Freezer Vessel - Any vessel used to process its catch during any fishing trip

Halibut Management Areas

(showing percentage of quota reserved for CDQ program)



equal to 35 feet in length overall for halibut.

To determine the category to which quota share will be assigned, NMFS/RAM will look at the vessel you used in the halibut or sablefish fisheries. We will look at the last vessel which you fished during the years 1988, 1989, 1990 or 1991 up to September 25th. If, during the most recent year, you fished more than one vessel, and those

year fished (1988, 1989, 1990 or 1991 up to September 25th) the quota shares issued will be freezer/longliner shares, or Category A.

This is the basic outline for vessel categories and how they're determined. **This is a rather complicated part of the regulations. For further clarification on any point here, call 1-800-304-4846.**

vessels fall into different categories, the quota share will be assigned to each vessel category in proportion to the landings made on each vessel. **It is important to take note of the higher priority placed upon groundfish in these calculations.** Groundfish records are examined first. If the most recent year of your fishing participation involved groundfish, whether it was sablefish or even rockfish, that will take precedence in the assignment to a ves-

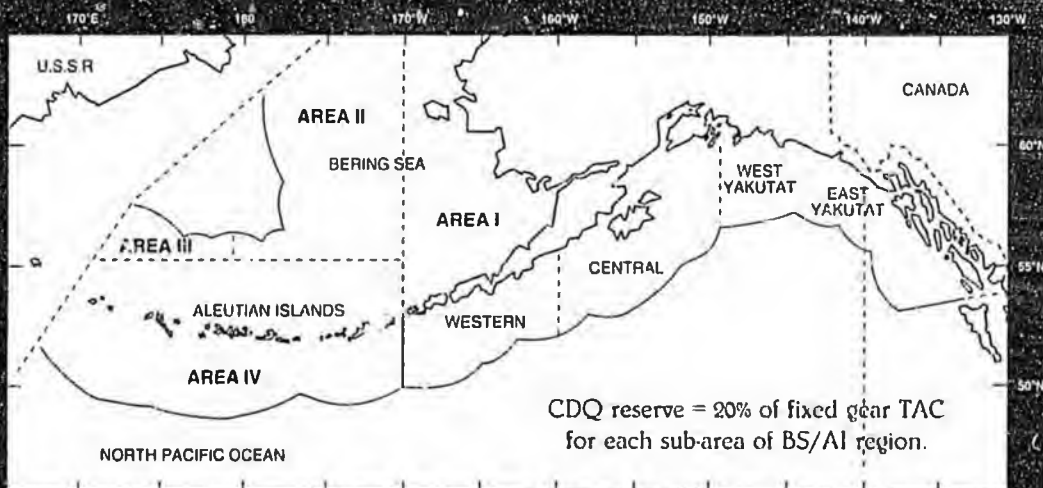
WHO MAY FISH THE IFQ's?

TRANSFER AND OWNER-ON-BOARD RESTRICTIONS

As noted earlier, the Council and the Secretary have taken steps to ensure that the current make-up of the fleet is not unduly disrupted by the IFQ program, and that most vessels in the fishery are operated by their owners. To maintain this predominantly "owner-operated" nature of the fishery, the program provides:

- * Only quota share holders who receive their quota upon initial issuance may hire masters to fish the resulting IFQ. In Southeast Alaska (halibut area 2C and the sablefish area east of 140 degrees west longitude), only corporations or partnerships may hire masters.
- * When quota share is transferred, it may only be transferred to an entity that received an initial award of quota share or to an individual who is a qualified IFQ crewmember. If quota share is transferred to an individual, that individual must be on board while the IFQ is being fished.

Sablefish Regulatory Areas



sel category over halibut. If no groundfish were harvested, then halibut landings will be considered.

If your vessel froze or processed any fish, whether halibut or sablefish, during the most recent

* Though an individual who receives quota share by initial issuance may incorporate his or her business and transfer the quota share to that corporation, the requirement in Southeast Alaska, area 2C and east of 140 degrees west longitude, that the owner is on board while the IFQ is being fished, remains.

* Quota share may be pledged as collateral. In other words, it can be financed by an entity other than the transferor or the transferee, and it can be repossessed. However, if it is repossessed, the financial institution may not receive IFQ and fish it; that institution may only sell the quota share to a qualified IFQ crewmember or to a person who received quota share upon initial issuance.

— OWNERSHIP AND — VESSEL HARVEST CAPS

• Unless it was part of an initial quota share allocation, no one may own or use sablefish quota share greater than 1% of the combined sablefish quota share for the Gulf of Alaska and the BS/AI region. A similar limit is placed on the amount of sablefish which any one vessel may harvest, except: no more than 1% of the total sablefish quota share for the area east of 140 degrees west longitude may be owned or used by one individual or harvested by one vessel, unless the amount in excess of 1% was received in the initial allocation of quota share.

• For halibut, no more than 1/2% of the total halibut quota share for combined areas 2C, 3A and B may be owned or harvested unless the amount was given initially. The same 1/2% limit applies to combined areas 4A,B,C,D and E. For vessels, no vessel may be

used, during any fishing year, to harvest more than 1% of the halibut catch limit for this area. To reiterate, no more than 1% of the total quota share for area 2C may be owned or taken by one individual or harvested by one vessel.

— RECOMMENDED — BLOCK RESTRICTIONS

In addition to these limits, the Council has recommended block restrictions to further guard against excessive consolidation of quota shares. At this point the regulations for block restrictions are still being developed. They will be put before the public for comment, and then submitted to the Secretary for approval. At present, there are four basic elements of the block policy.

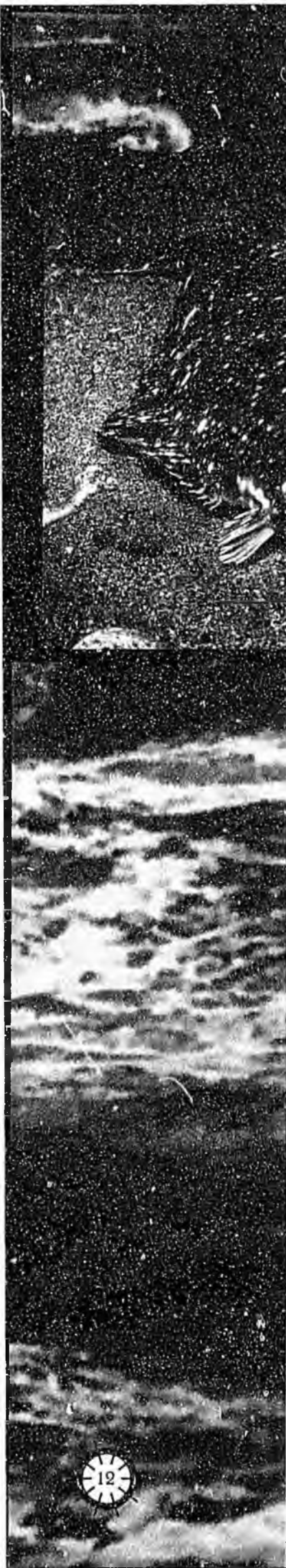
• All initial quota share allocations, for both halibut and sablefish, which would yield less than 20,000 lbs. of IFQ in 1994, would be placed permanently in a **block**. Blocks would not be divisible and could only be bought or transferred in their entirety.

• A **sweep-up provision** would allow very small blocks to be combined into a fishable amount. For halibut, blocks with quota share which would yield less than 1,000 lbs. could be combined if the sum total would not amount to quota share which would be worth more than 1,000 lbs. of IFQ in 1994. The same provisions would apply for sablefish, except that the poundage cap is set at 3,000 lbs.

• Ownership restrictions would apply to both halibut and sablefish. You could hold up to two blocks of quota shares per IFQ regulatory area, if you do not hold any unblocked shares in that area as well. If you hold unblocked quota shares for one area, you may hold, in addition, only one block of quota shares for that area. If you qualify and want to buy unblocked quota shares for a particular area, you could do so. The only limits imposed would be those spelled out in the vessel use and cap restrictions (the 1/2% and

Ownership Caps

	Area	Cap
Halibut	2C	1%
	2C, 3A, 3B	1/2%
	4A, B, C, D, E	1/2%
Sablefish	Gulf of Alaska and BS/AI Region	1%
	East of 140°W	1%



1% caps for the different areas).

- Initial quota share allocations which would yield greater than 20,000 lbs. of IFQ in 1994 would be **unblocked** quota share, and could be bought or transferred in any amount. This quota share could be divided up piecemeal as

you saw fit.

THE APPEALS PROCESS

Now that we have looked at the IFQ program and the restrictions which accompany it, let's explain how the appeals process works. Appeals can be made for any number of reasons. Let's suppose that your records don't agree with the official IFQ record, or you feel that you're eligible for an initial allocation when NMFS does not. You may want to transfer blocks of quota shares and be denied the chance to do so, or you may feel that you deserve more quota shares than were initially awarded. Whatever the dispute, once the NMFS/RAM staff has made a final determination, there will be an opportunity to appeal. Let's look at the mechanics of the appeals process.

If your application has been denied, or (what is more likely) an amount of fish which you claim to have legally landed is in dispute, you will be given 90

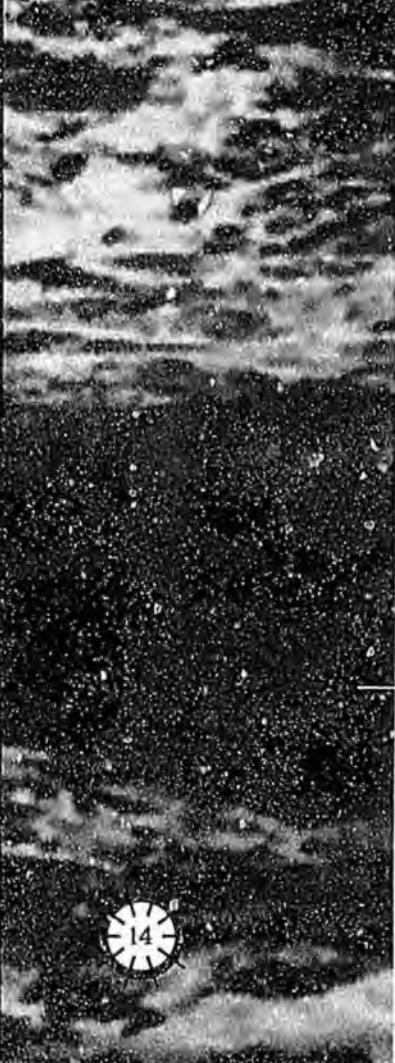
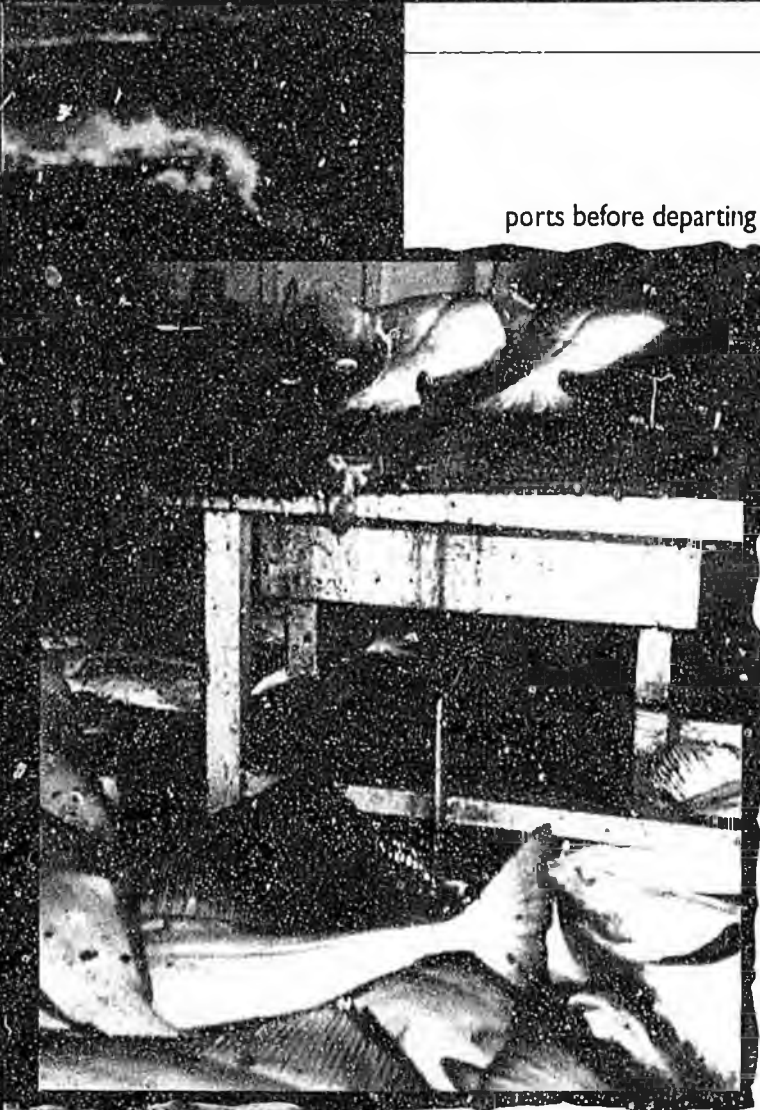
days to file a written appeal. In your appeal you must spell out in detail why you believe the NMFS decision was in error, and what additional documents - such as skipper's logs or affidavits from crew - you can provide as further evidence.

Your appeal will be reviewed by a NMFS appellate officer within the RAM Division. The officer may grant your appeal, deny it, or order an administrative hearing. Ultimately, the appellate officer will prepare a written decision which will be sent to you.

If your appeal is still denied and you wish to appeal further, you have 45 days to file an appeal to the NMFS Regional Director. The Regional Director may also order a review of the appellate officer's decision, if he feels there are reasons to do so. After his review the Regional Director may uphold the decision, reverse it, modify it, or ask the appellate officer to consider the case once more. If after all this you are still in disagreement with the decision, you may appeal to the Federal District Court.

One important way in which the IFQ program is different from the State of Alaska's Limited Entry program, is that no "interim quota share" will be issued while disputes are being settled through the appeals process. If you feel that you are due 20,000 lbs. of quota shares and the NMFS/RAM Division agrees with a lesser amount, and issues you 15,000 lbs., you may harvest only the IFQ amount based on a 15,000 lbs. quota share, until the remaining 5,000 lbs. dispute is resolved.

The system has been set up to provide ample opportunities for everyone



ports before departing waters in or adjacent to the State of Alaska. For vessels obtaining clearance at a port in Washington or another state, the vessel must report to NMFS, Alaska Region, the estimated weight of the IFQ halibut and/or IFQ sablefish onboard and the intended date, time and location of delivery. Such reports must be submitted to NMFS, Alaska Region, prior to departing waters in or adjacent to the State of Alaska, and in the manner prescribed by the registered buyer permit.

All fish harvested under the IFQ program must be sold to a registered buyer. This helps to track how much fish is caught and where it's going. You may bring your catch to port and sell it dockside to the public if **you** hold a buyer's permit, and follow all the reporting rules.

— REACHING THE LIMITS —

While setting catch limits is easy to do on paper, it's more realistic to acknowledge that you might aim for your IFQ limit and yet come up a little bit short or a little bit over. If you take too much, this is called **overage**, and a downward adjustment will be made in the following year to your IFQ amount. **It is your responsibility to avoid overages greater than 5% of your IFQ amount.** Beyond that, you will have committed a violation and invited the attention of the enforcement authorities. A harvested amount under the IFQ limit, called an **underage**, is not reallocated in subsequent years.

IFQS UNDERWAY

We've looked at the conditions which have been built into the IFQ program to ensure that in the future the fleet remains similar to what it is today. These ideas - the ownership caps, the harvest limits for vessels, the proposed block restrictions - have all come from looking at previous IFQ programs and learning from their experiences.

The Tlingit and Haida people of Southeast Alaska evolved a culture which let different clans own the fishing rights to particular streams or rivers. They defused the "tragedy of the commons" by this system of ownership. Claims to streams or particular localities on a river were widely recognized and respected. Protection of the resource was a high priority. If they caught too many fish, or abused the stream itself - they might starve.

We've come a long way from the days when our fish resources were harvested only for subsistence. Our methods for catching fish are now highly efficient and make use of 20th century technology. But as we've learned in so many ways over the last few decades, technological advances must be tempered with a real concern for the resource. The IFQ program does this. It taps the wisdom of an earlier people. Hard work, flexibility and cooperation are essential to make this program successful. We're confident that we can work together with fishermen and women to make this a reality.

to be heard and to present their case. The many steps in the process are necessary to make sure that fishing privileges are extended to those who deserve them and that every applicant receives "due process".

USE AND ISSUANCE OF IFQS

The plan is for skippers to be pulling away from the docks by next spring, with IFQ cards hanging in the wheelhouse. These cards will be issued early in 1995. As we've mentioned, the application process has already been set in motion, and in the following months applications will be examined, appeals determined, quota shares issued and transferred, 1995 TACs established, and finally, IFQ cards issued.

These cards will identify the person holding the permit and the assigned vessel and area category. They will be much like a credit card. We'll call them debit-cards. When you make a delivery, you will give this card to a representative of the registered buyer and (s)he will pass it through a machine similar to one used with credit cards. The poundage delivered will be entered and a receipt printed with the date and the pounds landed. Just like a credit card, if you have more quota share left, you will be advised of your "credit balance", or the remaining poundage which you may harvest.

BYCATCH, LANDINGS AND DELIVERIES

Enforcement of fisheries regulations is by its nature expensive and difficult.

The IFQ program will give you as fishermen a very personal stake in the health of the resource. If the sablefish stocks go down sharply, your IFQ will drop just as sharply, because the total allowable catch, or TAC, will have to fall.

Some rules have been added to help you fish clearly. Pacific cod and rockfish must be kept on board if they are taken as bycatch while fishing under the IFQ program, since they are not likely to survive if thrown overboard. As long as you have not harvested your IFQ amount, you cannot discard any legal-size halibut or sablefish. This practice of high-grading catch is wasteful, and in the long run is not in your best interest. Any activity which will ultimately harm the resource will degrade the value of your quota share and jeopardize future fisheries.

Some aspects of the hailing and landing requirements may be adjusted in the future. At present, landings may be made at **any** port. There has been some controversy and confusion over this, so it bears repeating; landings may be made at **any** port. The Secretary has designated 16 Alaskan towns and Bellingham, Washington, as **primary ports**. There may be a NMFS enforcement officer at each of these 17 ports to record IFQ landings. You must call in over the radio at least six hours before making port, and give an estimated time of arrival as well as estimated poundage aboard.

If you wish to deliver in a town which is not a primary port, you must still radio in six hours ahead of time, but you would then be free to deliver. Spot checks may take place in non-primary ports. For vessels leaving Alaska with IFQ product on board, clearance must be obtained at one of the primary

Estimated Quota Share Pools

Species	Regulatory Areas							
	2C	3A	3B	4A	4B	4C	4D	4E
Halibut	57,575,000	175,411,000	50,180,000	13,107,000	8,262,000	3,743,000	4,258,000	165,000
Sablefish	East Yakutat	West Yakutat	Central Gulf of Alaska	Western Gulf	Aleutian Islands	Bering Sea		
	59,944,000	48,039,000	100,932,000	31,299,000	27,997,000	14,742,000		

These are preliminary estimates devised by Council staff. It is expected that the actual Quota Share Pool will likely be less, depending upon the number of applicants.

This publication is intended to provide a simplified explanation of the Individual Fishing Quota program as adopted by the Secretary of Commerce. Although it has been carefully reviewed for accuracy it is not intended to be a legal guide to the program. Those seeking legal guidance should consult the Federal Register, Vol. 58, pg. 59375, published on November 9, 1993.

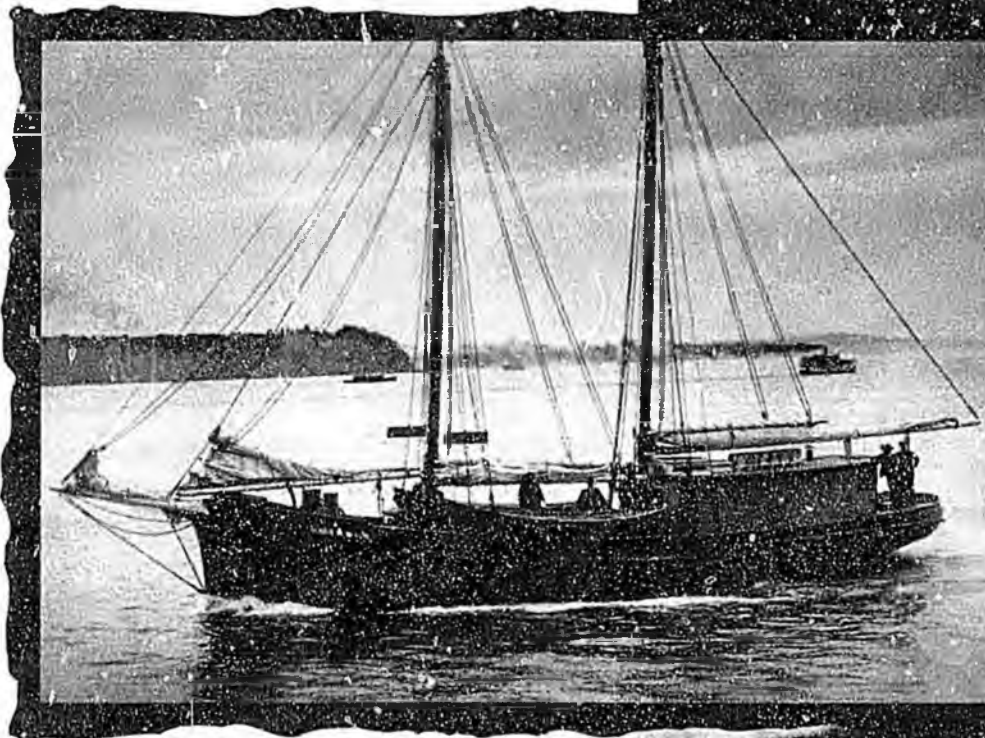
For more information call or write the
National Marine Fisheries Service
(Restricted Access Management Division)

*This publication was written and edited by
Dan Strickland. Design and layout provided
by Curt Potter. Photos credited to the
International Pacific Halibut Commission.*

**U.S. Department of Commerce
National Oceanic and
Atmospheric Administration
Alaska Region - National Marine
Fisheries Service
Restricted Access Management
Division**

**PO Box 21668
Juneau, Alaska 99802**

**1-800-304-4846
or 586-7202**



ACRONYMS AND ABBREVIATIONS TO KNOW

CDQ	Community Development Quota
Council	North Pacific Fishery Management Council
EIS	Environmental Impact Statement
EEZ	Exclusive Economic Zone
IFQ	Individual Fishing Quota
IPHC	International Pacific Halibut Commission
ITQ	Individual Transferable Quota
IVQ	Individual Vessel Quota
LOA	Length overall
MFCMA	Magnuson Fishery Conservation and Management Act
NMFS	National Marine Fisheries Service
QS	Quota share
QSP	Quota share pool
RAM	Restricted Access Management
SEIS	Supplemental EIS
TAC	Total allowable catch

TIMELINE

- * **Late 1970's** - Council discusses limited entry options
- * **1983** - Council recommends a moratorium on entry into the halibut fisheries
- * **Mid-1980's** - Council considers limited entry for sablefish fisheries
- * **1985** - Council asks industry to suggest management alternatives to open access
- * **1987** - Council adopts a Statement of Commitment to "develop strategies for license limitation or the use of individual transferable quotas in the sablefish fixed gear fishery"
- * **Early 1988** - Workshops are held to get industry and public input, in order to further develop feasible options to the derby fisheries
- * **Mid-1988** - Council directs staff to develop five management options for the sablefish fixed gear fishery; 1) continued open access without modification, 2) modified open access, 3) IFQs, 4) license limitation, and 5) a combined license/quota/open access system
- * **December 1988** - Council declares status quo unacceptable. Wants to look further into IFQs and license limitation
- * **November 1989** - Council analyzes four options for future management of the sablefish fisheries off Alaska; 1) continued open access, 2) license limitation, 3) IFQs, and 4) a combination system called annual fishing allotments
- * **April 1990** - Council weighs IFQs against open access management
- * **May 1991** - The revised supplement to the Supplemental EIS for sablefish fishery management is released for public review. Also, an EIS is in preparation to look at IFQs for the halibut fisheries
- * **September 1991** - Council provisionally recommends IFQs for **both** halibut and sablefish fisheries
- * **Late 1991** - Draft Implementation Plan made available for review. A public hearing is held
- * **December 8th, 1991** - Council recommends IFQ alternative for the halibut and sablefish fixed gear fisheries
- * **January 1992** - Council calls for more study of potential effects of the IFQ plan
- * **March 1992** - Supplemental analysis made available to the public
- * **May 15th, 1992** - A 45 day public comment period announced
- * **December 3rd, 1992** - Proposed rule is published. Subsequently receive 92 letters of comment
- * **January 29th, 1993** - Secretary of Commerce approves the recommended IFQ program
- * **November 9th, 1993** - Final rule is published in the Federal Register, Vol. 58, pg. 59375
- * **January 17th, 1994** - Six month application period for initial quota share allocation opens



LEADERSHIP DEVELOPMENT NEEDS
DATE 4/28/73 TIME 8:00 AM TO 10:00 AM

NAME: [REDACTED] ADDRESS: [REDACTED]
CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

TELEPHONE: [REDACTED] OCCASION: [REDACTED]

REASON FOR REQUEST: [REDACTED]

DATE: [REDACTED] TIME: [REDACTED]

NAME: [REDACTED] ADDRESS: [REDACTED]

TELEPHONE: [REDACTED] OCCASION: [REDACTED]

REASON FOR REQUEST: [REDACTED]

NAME: [REDACTED] ADDRESS: [REDACTED]

TELEPHONE: [REDACTED] OCCASION: [REDACTED]

REASON FOR REQUEST: [REDACTED]

NAME: [REDACTED] ADDRESS: [REDACTED]

TELEPHONE: [REDACTED] OCCASION: [REDACTED]

REASON FOR REQUEST: [REDACTED]



HOUSE RESOURCES COMMITTEE

DATE: 1/21/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 Briefing by Phil Smith
 SB 132

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
GREG WINGGAR	DEPT. COMMERCE & ECON. DEV.	P.O. Box 34159 JUNEAU,	99801	465-2625	465-2510	(Y) N	SB 132
Linda Belinkem	Alaska Longline Fishermen's Assoc	403 Lincoln St 237	99835	747-3400	747-3400	(Y) N	SB 132
Dan FAWCET	w/ "A"	Box 6083 SITKA	99835	747-6307	"	Y (N)	SB 132
Phil Smith	National Marine Fisheries Service	Box 21668 Juneau 99802		586-7344 →		(Y) N	"
Geron Brun	ADF+G	B+ 25526 JUN 99802		465-6143 586-2149	465-6143	Y (N)	SB 132
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

SB

151

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 2, 1994

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/4/94

The RESOURCES Committee considered:

SB 151

SENATE BILL NO. 151

OIL & GAS EXPLORATION INCENTIVE CREDITS

"An Act providing for oil and gas exploration incentive credits for certain activities on certain land in the state; and providing for an effective date."

RECOMMENDATIONS:

be replaced with HCS SB 151 (RES) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Revenue

zero fiscal note(s) DNR / 2-2-94

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>				
<i>Joseph [unclear]</i>	<input checked="" type="checkbox"/>				
<i>Samuel H. James</i>	<input checked="" type="checkbox"/>				
<i>Edna [unclear]</i>	<input checked="" type="checkbox"/>				
<i>Chris [unclear]</i>	<input checked="" type="checkbox"/>				
<i>W.F. Williams</i>	<input checked="" type="checkbox"/>				

W.F. Williams
CHAIRMAN'S SIGNATURE

8-GS1072E
Chenoweth
3/3/94

HOUSE CS FOR SENATE BILL NO. 151(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for oil and gas exploration incentive credits for certain
2 activities on certain land in the state; and providing for an effective date."

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

4 * Section 1. AS 41 is amended by adding a new chapter to read:

5 CHAPTER 09. OIL AND GAS EXPLORATION INCENTIVE CREDITS.

6 Sec. 41.09.100. EXPLORATION INCENTIVE CREDITS. (a) Under an
7 incentive program distinct from the exploration incentive credit authorized by
8 AS 38.05.180(i), the commissioner may extend to a qualified applicant an exploration
9 incentive credit for each of the following activities performed on land in the state,
10 regardless of whether the land is state-owned land:

- 11 (1) geophysical work on land that is not subject to a credit under
12 AS 38.05.180(i);
13 (2) drilling a stratigraphic test well; and
14 (3) drilling an exploratory well.

1 (b) An exploration incentive credit extended under (a) of this section may be
2 applied against

3 (1) a payment or obligation against which a credit authorized by
4 AS 38.05.180(i) may be claimed;

5 (2) taxes payable under AS 43.20; and

6 (3) oil and gas bonus payments due the state under AS 38.05.180(f).

7 (c) An exploration incentive credit may be extended under (a) of this section
8 to a qualified applicant if

9 (1) application for the exploration incentive credit is made by the
10 qualified applicant to the commissioner and is approved before drilling or geophysical
11 work commences;

12 (2) all geophysical work is performed, and all stratigraphic test wells
13 or exploratory wells are drilled, after the effective date of this section and before
14 July 1, 2004; and

15 (3) copies of all raw and processed data derived from drilling a
16 stratigraphic test well or exploratory well or performing geophysical work are provided
17 by the qualified applicant to the commissioner within 30 days after the completion,
18 abandonment, or suspension of the well or completion of the geophysical work.

19 (d) Data derived from drilling a stratigraphic test well or exploratory well that
20 is provided to the commissioner under (c)(3) of this section shall be kept confidential
21 for 24 months after receipt by the commissioner unless the owner of the well gives
22 written permission to the state to release the well data at an earlier date. The
23 provisions of AS 38.05.035(a)(9)(C) apply to other data provided to the commissioner
24 under (c)(3) of this section, except that the commissioner, under appropriate
25 confidentiality provisions and without preference or discrimination, may display to all
26 interested third parties, but may not distribute or transfer in hard copy or electronic
27 form, those data with respect to all land if the commissioner determines that the
28 limited disclosure is necessary to further the interest of the state in evaluating or
29 developing its land.

30 (e) The amount of an exploration incentive credit extended under (a) of this
31 section is determined by the commissioner and shall be based on eligible costs,

1 approved by the commissioner, of performing geophysical work, drilling a stratigraphic
2 test well, and drilling an exploratory well. The amount of an exploration incentive
3 credit may not exceed 50 percent of eligible costs relating to activities performed on
4 state-owned land and 25 percent of eligible costs relating to activities performed on
5 land in the state not owned by the state.

6 (f) The amount of an exploration incentive credit extended under (a) of this
7 section may not exceed \$5,000,000 per eligible project, as defined by the
8 commissioner by regulation. The total of all credits extended by the commissioner
9 under (a) of this section may not exceed \$50,000,000.

10 (g) An exploration incentive credit must be used within five years after it is
11 extended under (a) of this section, and may be assigned by the qualified applicant to
12 another person for the purposes described in (b) of this section.

13 (h) Amounts due the permanent fund under AS 37.13.010 shall be calculated
14 before the application of a credit extended under (a) of this section.

15 Sec. 41.09.170. REGULATIONS. The commissioner may adopt regulations
16 necessary to implement this chapter.

17 Sec. 41.09.180. RELATIONSHIP TO AS 38.05. Nothing in this chapter
18 affects the exploration incentive credit system provided for in AS 38.05.180(i).

19 Sec. 41.09.190. DEFINITIONS. In this chapter,

20 (1) "eligible costs" means those direct costs incurred for activities in
21 support of an exploration program, based upon the footage drilled or miles surveyed,
22 that are reasonable in amount for the area of the state in which a well is drilled or
23 geophysical activity is conducted;

24 (2) "exploratory well" means a well drilled for the purpose of oil and
25 gas exploration that is

26 (A) located three or more miles from another well drilled for
27 oil and gas, with all distances measured as the horizontal distance between
28 exploration targets, also known as bottom hole distance; or

29 (B) within three miles of a well drilled for oil and gas, but tests
30 potential hydrocarbon traps that the commissioner, after analyzing evidence
31 submitted by the qualified applicant and any other information, determines

1 constitute a distinctly separate exploration target;

2 (3) "geophysical work"

3 (A) means all geophysical data gathering methods used in
4 hydrocarbon exploration;

5 (B) includes seismic, gravity, magnetic, and electromagnetic
6 measurements;

7 (4) "qualified applicant" means

8 (A) a natural person who is at least 18 years of age;

9 (B) a corporation qualified to do business in the state;

10 (C) a legal guardian or trustee of a qualified natural person
11 described in (A) of this paragraph;

12 (D) any association of persons listed in (A) - (C) of this
13 paragraph;

14 (5) "stratigraphic test well" means a well that is not intended to
15 encounter an oil or gas accumulation and that is drilled to a sufficient depth to measure
16 the geological, geophysical, and engineering parameters used for determining an area's
17 oil and gas potential.

18 * Sec. 2. REGULATIONS. The commissioner of natural resources may proceed to adopt
19 regulations necessary to implement this Act. The regulations take effect under AS 44.62
20 (Administrative Procedure Act), but not before the effective date of sec. 1 of this Act.

21 * Sec. 3. Section 2 of this Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

No. 3
 Bill Version: SB 151
 (H) Publish Date: 2/2/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL :

Revision Date: 31-Jan-94 Dept Affected: Natural Resources
 Title: "An Act providing for oil and gas exploration BRU: Resource Development
incentive credits for certain activities on certain lands..." Component: Oil & Gas Development
 Sponsor: Senate Rules for the Governor
 Requestor: House Oil & Gas Committee Component Serial No. 439

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

As the fiscal note indicates, there is no fiscal impact to the Department of Natural Resources related to this proposed bill. There would be, however, a potential reduction in the revenue stream to the state which should be reflected in the fiscal note prepared by the Department of Revenue.

Prepared by: Jim Eason, Director Phone: 762-2547
 Division: Oil & Gas Date: 31-Jan-94
 Approved by Commissioner: Harry A. Noah Date: 31-Jan-94
 Agency: Natural Resources

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA

BILL NO. SB 151

1994 LEGISLATIVE SESSION

Revision Date: <u>January 5, 1994</u>	Dept. Affected: <u>Revenue</u>
Title: <u>Oil and Gas Incentive Credits</u>	BRU: <u>Revenue Operations</u>
	Component: <u>Income & Excise Audit</u>
Sponsor: <u>Governor</u>	
Requestor: <u>House Oil and Gas</u>	COMPONENT SERIAL NO. <u>113</u>

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FUND SOURCE:	**	**	**	**	**	**
----------------------	----	----	----	----	----	----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) Impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

** Over the 15 year term exploration credits could total between \$0 and \$50 million. It is not feasible to determine the actual year or amount. Amounts will vary depending on the year in which credits are claimed.

Prepared by:	Rod R. Mourant	Phone: <u>465-2302</u>
Division:	Commissioner's Office	Date: <u>January 5, 1994</u>
Approved by Commissioner:	Darrel J. Rexwinkel	Date: <u>January 5, 1994</u>
Agency:	Department of Revenue	

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 5, 1993

*The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill providing for monetary incentives in the form of certain credits to be applied against taxes and other obligations to the state for oil- and gas-related geophysical and exploratory activities performed by a qualified applicant. This bill should provide a valuable tool for the state to encourage oil and gas exploration in Alaska.

The bill amends AS 41 by adding a new chapter, 09. The bill would permit a qualified applicant to receive certain credits that could be used to offset taxes, royalties, or bonuses due the state, if the applicant performed certain defined exploratory work. The bill does not require that the exploratory work be done exclusively on state land, since development on other land also benefits the state in the form of additional jobs, increased economic activity, and development of infrastructure. The bill, though, allows a credit not to exceed 50 percent of the eligible direct costs of activities performed on state-owned land as opposed to 25 percent of those costs on other land, to encourage development on state land. The applicant would be able to assign the credit to any other entity, including banks and security holders. The commissioner of natural resources is authorized to grant up to a total of \$50 million for all incentive credits to applicants under this program, with no single project receiving more than \$5,000,000 in credits.

The Honorable Rick Halford

March 5, 1993

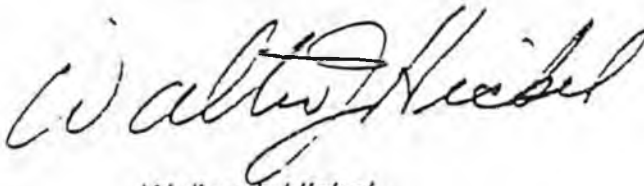
Page 2

The applicant also must submit to the commissioner copies of all data derived from the exploratory activity.

The commissioner may display, but not distribute or transfer, certain geophysical data to others to generate interest in development of state oil and gas reserves. The bill provides protection for confidential data submitted similar to that already existing in other state laws for oil and gas exploration information submitted to the state.

I urge your prompt and favorable consideration of this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter J. Hickel
Governor



Resource Development Council for Alaska, Inc.

121 West Firwood Lane, Suite 250, Anchorage, Alaska 99503-2035

Phone 907/276-0700 Fax 276-3307

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RDC Testimony on SB151 in House Oil and Gas Committee, January 31, 1994:

Chairman Green and members of the Committee, on behalf of the Resource Development Council for Alaska, Inc. (RDC), thank you for the opportunity to testify in support of SB151, "an act providing for oil and gas exploration incentive credits for certain activities on certain land in the state; and providing for an effective date."

Most people think of oil and gas from a production or development standpoint, but exploration is the lifeblood of the oil and gas industry. Exploration is the basis for development, with huge up front costs, many unknowns, and a high risk of failure. Alaska, although it is considered a premier oil and gas region, is still largely unexplored. Acreage is increasingly off-limits, or not offered for exploration.

SB151 will encourage exploration, broaden the scope of the present leasing program, encourage initial prospecting and give a true incentive to explore Alaska, including non-state lands.

RDC believes this bill:

- Encourages new players in exploring for Alaska's oil and gas resources.
- Encourages prospecting for small local targets, such as village natural gas.
- Enhances the value of nearby or adjacent state lands.
- Maximizes the odds of discovery since it will encourage exploration on the best geological targets regardless of land ownership.
- Provides a long-term economic strategy for a more stable resource development climate, making the state less dependent on mega-projects, which is less risky, more sound policy.

It should be noted that the state will receive severance taxes on development on any lands, so the state stands to benefit regardless of the location of any find.

In conclusion (and especially in light of recent judicial rulings on oil and gas lease sales), SB151 sends a clear signal that oil and gas is still viewed by many, including the Legislature and the Administration, as a key component of Alaska's long-term future.

TCN: 40397 DATE & TIME: 03/04/94 08:15 TO 10:00 STATUS:6 ADJOURNED

**** ORDER SUMMARY ****

SPONSOR: HRES HOUSE RESOURCES CHAIRS: WILLIAMS
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE
CONTACT: MARY MCDOWELL TEL#: (907)465-3715
CHAIRING SITE: JUNEAU CAPITOL CAP124

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 99 MINUTE LIMIT
HCR 12 AND SB 238 WILL BE HEARD FROM 8:15 TO 9:00, SB 151 WILL BE HEARD FROM
9:00 TO 10:00.
TCN REQUESTED ON 03/04/94 AND HAS 5 UPDATES

**** AGENDA ****

- 1 HCR 12 USE OF NATURAL GAS IN MOTOR VEHICLES
- 2 SB 238 COASTAL ZONE MANAGEMENT PROCEDURES
- 3 SB 151 OIL & GAS EXPLORATION INCENTIVE CREDITS

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	716 W 4TH. #200	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
COR CORDOVA	705 2ND STREET	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
HOM HOMER LTC	126 W PIONEER #4	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP124	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF

PARTICIPANTS IN: ANCHORAGE

ANC

1	CHUCK LANDERS	ANCH ASSEMBLY	TSFY. HCR 12
	PO BOX 198650	ANCHORAGE	AK 99503 (907)562-6050
2	RON COLLINS	MOA FLEET SVC	TSFY. HCR 12
	4333 BERING ST	ANCHORAGE	AK 99503 (907)562-0632
3	STEVEN PORTER	ARCO	TSFY. SB 238
	PO BOX 100360	ANCHORAGE	AK 99510 (907)265-6269
4	KEN FREEMAN	RDC	TSFY. SB 151
	121 W FIREWEED, NO 250	ANCHORAGE	AK 99502 (907)276-0700
5	WALT FURNACE		TSFY. SB 151
	4220 B ST	ANCHORAGE	AK 99503 (907)563-2226

PARTICIPANTS IN: BARROW

BAR

1 MR	TOM LOHMAN	NORTHSLOPEBORO	TSFY. SB 238
	BOX 642	BARROW	AK 99723 (907)852-0350

PARTICIPANTS IN: FAIRBANKS

FBX

1 MR.	JIM HAYNES	DO&G	TSFY. SB 151
	P.O. BOX 107034	ANCHORAGE	AK 99510 (907)762-2592
2 MR.	JAMES MERY	DOYON	OBSV. SB 151
			AK (907)000-0000

PARTICIPANTS IN: HOMER LTC

HOM

1 MR.	DREW SCALZI	KENAI PEN. BOROUGH	OBSV. SB 238
	41685 REDOUBT CIRCLE	HOMER	AK 99603 (907)235-6359

PARTICIPANTS IN: JUNEAU

JNU

1 REP	B WILLIAMS		TSFY. ALL ITEMS
			AK (907)000-0000

TCN: 40397 DATE & TIME: 03/04/94 08:15 TO 10:00 STATUS:6 ADJOURNED

PARTICIPANTS IN: JUNEAU

JNU

2 REP	P	CARNEY		TSFY. ALL ITEMS
			AK	(907)000-0000
3 REP	D	FINKELSTEIN		TSFY. ALL ITEMS
			AK	(907)000-0000
4 REP	J	GREEN		TSFY. ALL ITEMS
			AK	(907)000-0000
5 REP	J	JAMES		TSFY. ALL ITEMS
			AK	(907)000-0000
6 REP	J	DAVIES		TSFY. ALL ITEMS
			AK	(907)000-0000
7 REP	B	HUDSON		TSFY. ALL ITEMS
			AK	(907)000-0000
8 REP	E	MILDER		TSFY. ALL ITEMS
			AK	(907)000-0000
9 REP	C	BUNDE		TSFY. ALL ITEMS
			AK	(907)000-0000
10 MR.	JEFF DOT	OTTISON		TSFY. ALL ITEMS
			AK	(907)000-0000
11 MR.	KEN STAFF TO SEN	ERICKSON	PEARCE	TSFY. ALL ITEMS
			AK	(907)000-0000
12	TO	OBSERVE		OBSV. ALL ITEMS
13	TO	OBSERVE		OBSV. ALL ITEMS
14	TO	OBSERVE		OBSV. ALL ITEMS
15	TO	OBSERVE		OBSV. ALL ITEMS
16	TO	OBSERVE		OBSV. ALL ITEMS
17	TO	OBSERVE		OBSV. ALL ITEMS
18	TO	OBSERVE		OBSV. ALL ITEMS
19	TO	OBSERVE		OBSV. ALL ITEMS
20	TO	OBSERVE		OBSV. ALL ITEMS
21	TO	OBSERVE		OBSV. ALL ITEMS
22	TO	OBSERVE		OBSV. ALL ITEMS
23	TO	OBSERVE		OBSV. ALL ITEMS
24	TO	OBSERVE		OBSV. ALL ITEMS
25	TO	OBSERVE		OBSV. ALL ITEMS
26	TO	OBSERVE		OBSV. ALL ITEMS
27	TO	OBSERVE		OBSV. ALL ITEMS
28	TO	OBSERVE		OBSV. ALL ITEMS
29	TO	OBSERVE		OBSV. ALL ITEMS
30	TO	TESTIFY		TSFY. ALL ITEMS
31	TO	TESTIFY		TSFY. ALL ITEMS

PARTICIPANTS IN: KEN/SOL

SOL

1 MS.	MARY PEARSALL	SELF		OBSV. SB 238
	144 N. SINKLEY ST	SOLDOTNA		AK 99669 (907)000-0000

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HOUSE RESOURCES COMMITTEE

DATE: 3/4/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HCR 12 - USE OF NATURAL GAS IN MOTOR VEHICLES
 SB 238 - COASTAL ZONE MANAGEMENT PROCEDURES
 SB 191 - OIL + GAS EXPLORATION INCENTIVE CREDITS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
ROGER ALLINGTON ✓	DOT & PF	3132 Channel Dr. Juneau	99801		465-6978	(Y) N	SB 238
Paul Rusavewski ✓	state				3562	(Y) N	SB 238
JEFF OTTKEN	DOT & PF				6954	Y N	IF QUESTIONS HCR 12
Ben Gerdlala	AG's				6713	Y N	IF QUESTIONS SB 238
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

SB

153

HOUSE COMMITTEE REPORT

(9)
 Date Referred: May 6, 1993 FURTHER REFERRALS: Finance

Date of Committee Action: 2/11/94

The RESOURCES Committee considered: CSSB 153(RES) am

CS FOR SENATE BILL NO. 153(RES) am EXCHANGE OF RAW FISH FOR SEAFOOD PRODUCT

"An Act relating to the exchange of certain fish for seafood products, custom processing of certain fish, and use of certain fish for charitable purposes."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) DEC / 4-2-93

[] zero fiscal note _____

[] zero fiscal note(s) ADF&G / 4-2-93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Don Beder</i>	✓	<i>Bill Hadden</i>		✓	
<i>Don Kule</i>	✓	<i>Joseph [unclear]</i>		✓	
<i>W.R. Williams</i>	✓	<i>[unclear]</i>		✓	

W.R. Williams
 CHAIRMAN'S SIGNATURE

Alaska State Legislature

Senate Majority Leader
Chair, Judiciary Committee
Vice Chair, Community &
Regional Affairs

Member, State Affairs Committee
Committee on Committees
Western States Legislative Forestry Task Force
Legislative Council



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3873
Fax: (907) 465-3022

352 Front Street
Ketchikan, Alaska 99901
(907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor

SPONSOR STATEMENT

SENATE BILL 153

January 28, 1994

The non-resident sport fishery has experienced phenomenal growth. There were 132,008 non-resident sport fishing licenses issued in 1987. By 1992, that number had swollen to 208,516.

A large percentage of that fish is boxed up and sent home. Some anglers take advantage of the cumbersome custom processing offered by a limited number of facilities, which must track an individual fish through the process. Its a time consuming and expensive form of processing that discourages value-added processing right here in Alaska.

This legislation was introduced at the suggestion of commercial processors, native corporations, economic development groups and other interested parties. It would allow for modification of current regulations and should have a positive impact in both the seafood processing and tourism industries.

SB 153 would allow the sport fisherman to exchange raw fish for processed fish of the same species. Such an exchange program would generate new jobs in the processing industry, adding to the economic base of coastal communities throughout Alaska.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Sponsor Statement SB 153

1/28/94

Page Two

SB 153 contains provisions to maintain the separation of sport caught fish from commercially and personal use caught seafood. Only in the initial round would processors be allowed to exchange commercially caught processed fish for raw sport fish. After that, the sport fish received in the exchange would be processed and used only in future exchanges. SB 153 contains language assuring the quality of both the raw and processed fish used in the exchange program.

SB 153 would provide a mechanism by which fish currently being shipped out raw can be processed in Alaska, with all of the inherent economic benefits that go along with adding value to an Alaskan resource before it leaves the state.

This bill passed the Senate in a 17-3 vote last May.

I have offered no objection to the consideration of a proposed amendment I understand will be offered by the chair of the House Resources Committee. While I do not object to consideration of this proposal, I feel it raises issues beyond the original scope of SB 153 and I hope this committee will keep in mind the merits of the bill as it passed the Senate and that that consideration not be lost in any debate over other issues that may not be germane to the intent of SB 153.

EXPLANATION OF DRAFT "AMENDMENT K.3" FOR SENATE BILL 153

On January 28 the House Resources Committee held its first hearing on SB 153, relating to the exchange of raw sportcaught fish for processed fish. At that meeting the chairman proposed amendment K.2 regarding possession limits as a way of addressing the concern that SB 153 could encourage the taking of larger quantities of fish.

Under the provisions of K.2, the exchange of raw fish for processed fish (SB 153) would not be implemented until such time as the Board of Fisheries establishes possession limits throughout the state which include processed fish as well as raw fish. It would not require that the Board take up the subject or adopt this type of possession limits, but their failure to do so would delay the legalizing of instant exchange of raw for processed fish.

In the attached new version of the amendment, K.3, the implementation of the exchange provisions is no longer contingent upon any action by the Board of Fisheries. If SB 153 is passed with amendment K.3, the exchange of raw fish for processed fish would go ahead right away. The adoption of this version of the amendment would simply clarify in statute that IF OR WHEN the Board of Fisheries decides to take up the matter of possession limits, they MAY include processed fish as well as raw fish, and they may set limits on the quantity of fish that may be in possession both in the field and in transit to the fisherman's permanent place of residence.

DRAFT

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILLIAMS

TO: CSSB 153(RES) am

Page 1, line 2:

Delete "and"

Page 1, line 2, after "purposes":

Insert ", and limits on the possession of fish; and providing for an effective date"

Page 4, following line 6:

Insert a new bill section to read:

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

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for persons 60 years of age and older to participate in sport, personal use, or subsistence fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish; setting limits on the amount of raw and processed fish taken in a sport fishery that may be in possession in the field or in transit to a fisherman's permanent place of residence:

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

(5) establishing marking and identification requirements for means

used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

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

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

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

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

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

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

(B) will not unduly disrupt the fishery;

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

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

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources."

Renumber the following bill section accordingly.

Page 7, following line 6:

Insert new bill sections to read:

**** Sec. 6.** Until January 1, 1997, the Board of Fisheries may adopt regulations regarding possession limits for fish taken in a sport fishery for any part of the state without regard to a regulation of the Board of Fisheries controlling the scheduling of subjects to be considered by the board.

*** Sec. 7.** Sections 1 - 3 and 5 of this Act take effect on the date that regulations adopted by the Board of Fisheries under AS 16.05.251(a)(3), as amended by sec. 4 of this Act, regarding possession limits on raw and processed fish taken in a sport fishery are in effect for all parts of the state. The chair of the Board of Fisheries shall notify the revisor of statutes when the regulations described in this section are in effect for all parts of the state.

*** Sec. 8.** Sections 4 and 6 of this Act take effect immediately under AS 01.10.070(c)."

DRAFT K.3

8-LS0793K.3 ✓
Utermohle
2/8/94

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILLIAMS

TO: CSSB 153(RES) am

Page 1, line 2:

Delete "and"

Page 1, line 2, after "purposes":

Insert ", and limits on the possession of fish; and providing for an effective date"

Page 4, following line 6:

Insert a new bill section to read:

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

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for persons 60 years of age and older to participate in sport, personal use, or subsistence fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish; setting limits on the amount of raw and processed fish taken in a sport fishery that may be in possession in the field or in transit to a fisherman's permanent place of residence;

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

(5) establishing marking and identification requirements for means

used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

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

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

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

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

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

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

(B) will not unduly disrupt the fishery;

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

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

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulaing commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources."

Renumber the following bill section accordingly.

Page 7, following line 6:

Insert a new bill section to read:

"* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c)."

LETTER OF INTENT

for
CS for SB 153 (RES)

It is the intent of the legislature that the Board of Fish consider regulations regarding export limitations and a definition of possession limit with regard to this issue. It is the intent of the legislature that this be considered at the next regularly scheduled meeting of the Board.

Adopted by Senate: 4/28/93

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 153(RES)am

Revision Date: November 29, 1993
 Title: Exchange of Raw Fish for Seafood Product
 Sponsor: Senator Taylor
 Requestor: Senate Resources

Dept. Affected: Fish and Game
 BRU: Sport Fish
 Component: Sport Fisheries

COMPONENT SERIAL NO. 464

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

If the Board of Fisheries takes action to limit the number of fish that individuals can export a system to monitor numbers and species of fish exchanged would be required. Implementing and operating such a system would have associated costs.

Prepared By: John Burke
 Division: Sport Fish
 Approved by Commissioner: [Signature]
 Agency: Alaska Department of Fish and Game

Phone: 465-4180
 Date: November 29, 1993
 Date: December 17, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 153 (RES)am

Revision Date: 19-Jan-94
 Title: Exchange of certain fish for
seafood products
 Sponsor: Senator Taylor
 Requestor: Senate Resources

Department Affected: Environmental
Conservation
 BRU: Environmental Health
 Component: Seafood/Sanitation

COMPONENT SERIAL NO. 648

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	5.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	5.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE FUND SOURCE:

FUNDING:	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	5.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	5.0	0.0	0.0	0.0	0.0	0.0

POSITIONS: NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary.)

The bill requires that the Department determine the yield difference between raw and processed fish. There would be a one time contractual requirement to develop these standards.

Prepared by: Kit Ballentine, Acting Director Phone: 465-5280
 Division: Environmental Health Date: 1/19/94

Approved by Commissioner: *Richard Swell for John Sand* R6P
 Agency: Department of Environmental Conservation Date: 1/19/94

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska State Legislature

House of Representatives

Official Business



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3718

House Majority Leader

TO: HOUSE RESOURCES COMMITTEE MEMBERS

FROM: REP. GAIL PHILLIPS DATE: FEBRUARY 10

RE: ~SB153 - AMENDMENT K.3

Although I do support the ideas embraced in SB153, I see substantial problems posed by the inclusion of the proposed K.3 amendment. Looking at the origin and history of this issue, I believe it has been generated from controversy over King salmon problems that exist primarily in southeast Alaska. The desire to see possession limits on processed sport caught fish was contained previously in proposals before the Board of Fisheries. The issue was considered by the board a few years ago, and they declined to take any action at that time.

Although there admittedly is a minor amount of abuse in my Kenai Peninsula district, there is generally a sense of compliance with the reasonable harvest and use of the area's seafood resources. Furthermore, the overall health of these fishery stocks is good and we have season possession limits on king salmon which are subject to license marking requirements. Any questions on the enforceability of our current regulations beg the question on how the State could even begin to address the enforcement of additional regulations on processed fish. Who is going tackle questions such as "How many cans of processed fish do you get from a 300 pound halibut? Are we really willing to induce more controversy into the Board of Fish by suggesting they put possession limits on fish stocks, many of which are in record abundance?

The situation in Southeast Alaska may well warrant attention. Inclusion of the remainder of the state under the blanket of this amendment, I feel is unwarranted, at this time. What we do need to handle this abuse situation is a public information campaign to elevate the importance of conservation and reasonable use, and more revenue resources in enforcement for already existing regulations. After considering all its ramifications, I urge you not to adopt this amendment.

Overall Economic Development Program

7th & Madison, Ketchikan, AK 99901

(907) 225-6171

Fax (907) 225-3895

March 23, 1993

Senator Steve Frank, Co-Chairman
Senate Finance Committee
Capitol, Room 9
State Capital
Juneau, Alaska 99801-1182

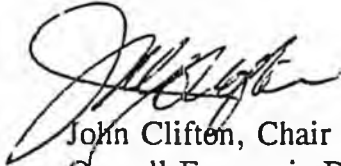
RE: SB 153, RAW FISH EXCHANGE PROGRAM

Dear Senator Frank:

We urge your support of Senate Bill 153. As you well know, the industries of tourism and of fishing make significant contributions to the local economies of Southeast Alaska. Your support of SB 153 will go a long way toward enriching the tourist experience of Southeast, while providing a valuable and perhaps lifelong link to the premier fish products of Southeast Alaska.

Thank you for your efforts on the behalf of all Alaskans.

Yours truly,



John Clifton, Chair
Overall Economic Development Program

cc: Members of the Finance Committee
Alaska Senate

Senator Robin Taylor
Representative Bill Williams

Mr Jeff T Fujioka 789-0616
PO Box 210628

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/28/94	N	SB 153	AMEND		2		Y

THERE IS TOO MUCH POTENTIAL FOR ABUSE, ESPECIALLY BECAUSE CURRENT SPORT FISH REGS EXEMPT FROZEN AND PRESERVED FISH FROM THE POSSESSION LIMITS, A LOOPHOLE THAT ALLOWS LARGE QUANTITIES OF FISH TO BE TAKEN ESPECIALLY AT LODGES AND EXTENDED CHARTER OPERATIONS. THE BILL IS TOTALLY UNACCEPTABLE WITHOUT AMENDMENT K2, WHICH ATTEMPTS TO AT LEAST FIX THAT LOOPHOLE.

Mr Tim J Maguire 586-5230
PO Box 32692

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/28/94	N	SB 153	AMEND		11		Y

! SUPPORT THE AMENDMENT K.2 THAT REP. WILLIAMS OFFERED.

Mr Tom L Rutecki 780-6176
1513 Ling Ct

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/28/94	N	SB 153	AMEND		60	Local	

THE SENATE BILL IS TOTALLY UNACCEPTABLE WITHOUT AMENDMENT K.2 PROPOSED BY REPRESENTATIVE WILLIAMS FROM KETCHIKAN. THIS POSSESSION LIMIT LOOPHOLE NEEDS TO BE ADDRESSED BY THE BOARD OF FISH.

Mr James M Heston 835-5115
PO Box 331

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/27/94	N	SB 153	OPPOSES		9	Seaview	

AMENDMENT K-2 SECTION 4 #3 SETTING POSSESSION LIMITS ON MOST NON-RESIDENT SPORT FISHERMEN WOULD DO MORE TO CURB THE TOURIST INDUSTRY THAN ANSWER THE PERCEIVED ABUSE PROBLEM IN SPORT FISHING. PLEASE ELIMINATE THIS PART OF K-2 AND ALLOW OTHER ALTERNATIVES TO BE CONSIDERED. (EXCHANGE RAW FISH FOR SEAFOOD PRODUCT)

Mr Mike F Sigler NONE
1505 Crest Ct

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/28/94	N	SB 153	OPPOSES		9		

I OPPOSE SB 153. IF CONSIDERED FOR PASSAGE, AMENDMENT K.2 MUST BE ATTACHED.

Mr Randy Berg 262-5727
PO Box 4177

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/28/94	N	SB 153	OPPOSES		60		Y

I AM OPPOSED TO K2. THE EXPORT LIMIT IS UNJUSTIFIABLE, UNENFORCEABLE, UNFAIR. THERE ARE NO BIOLOGICAL REASONS TO SUPPORT K2. ALASKA WOULD LOSE TOURISM DOLLARS TO CANADA AND MEXICO. K2 LOOKS LIKE A

COMMERCIAL FISHERMEN'S ATTEMPT TO FURTHER RESTRICT SPORT FISHERMEN. NO DOCUMENTED PROOF BOXES AT AIRPORTS REPRESENT GUIDED SPORTFISHING CATCH. (EXCHANGE OF RAW FISH BILL)

Mr Theodore A Johnson NONE
347 Riverside Dr

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/28/94	N	SB 153	OPPOSES		60		Y

THIS BILL IS NOT ENFORCEABLE. USE MONEY THAT WOULD BE NEEDED TO TRY TO ENFORCE THIS AND INCREASE THE WILDLIFE PROTECTION ON THE DOCKS. SELLING SPORT CAUGHT FISH IS ALREADY ILLEGAL. MAKING ANOTHER LAW WOULD NOT HELP.
(EXCHANGE OF RAW FISH BILL)

Mr. John F. Thedinga 789-9474
8496 Forest Lane

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
01/28/94	N	SB 153	OPPOSES		60		Y

I AM A SPORTS FISHERMAN AND AM CONCERNED ABOUT THE POTENTIAL FOR ABUSE BY LODGES AND CHARTER FISHERMEN OF THE POSSESSION LIMIT OF KING SALMON IN SOUTHEAST ALASKA THAT COULD OCCUR WITH SB153. SB153 SHOULD NOT BE PASSED WITHOUT AMENDMENT K2.

AN ALASKAN ADVENTURE

CHINOOK CHARTERS

TOM RAMISKEY

428 Tower • Ketchikan, Alaska 99901 • 907-225-9225

February 4, 1994

Representative Bill Williams
Chairman House Resources Committee
Alaska State Legislature
Room 128 State Capital
Juneau, AK 99801-1182

re: CSSB 153 (RES) and amendment K.2

Dear Chairman Williams,

As an observer during the teleconference on January 28, 1994, I was somewhat dismayed with and irritated by the testimony of some of the Resources Committee members and the public as to the "boxes and boxes" of sport caught fish leaving the State.

I have been listening to this argument for the past several years and I guess that I am getting tired of it! The "boxes and boxes" statements are unsubstantiated and hearsay. There is no data as to the amount of sport caught fish, in pounds or number of boxes, that leaves the State. And, I am appalled that anyone would use unsubstantiated testimony to justify legislation.

The Alaska Board of Fisheries was created for the conservation and development of Alaska's fishery resources. The Board already has ample "tools", such as bag limits, size limits, harvest limits, time and area restrictions, and method and means restrictions, to manage the sport fisheries in a manner consistent with the purpose of the Board in order to ensure the sustained yield of fishery resources.

I disagree with your staff that CSSB (RES) would encourage more people to leave the State with more sport caught fish and therefore amendment K.2 is necessary. If it does; so what! The Board of Fisheries already has the "tools" to manage the sport fisheries in a manner that is consistent with conservation and does manage the sport fisheries accordingly.

I have found it difficult to understand the nature of the perceived problem of "boxes and boxes" leaving the State argument. If the problem is the amount of fishery resources that leave the State, then the commercial fisheries harvest and export should also be a problem. The commercial fisheries harvest 98 percent and the subsistence, personal use, and sport fisheries 2 percent.

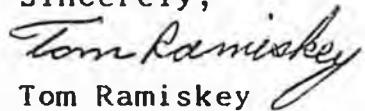
If you assume that one percent of the commercial harvest is sold in Alaska and one half of one percent leaves the State with sport anglers, then for every 50 pound box of sport caught fish that leaves the State 9800 pounds or nearly five tons is commercially exported! If the "boxes and boxes" of sport caught fish leaving the State diminishes resident sport fishing opportunity, then obviously so does the commercial harvest to a degree that is many times greater!

In my opinion, CSSB (RES) 153 is a positive piece of legislation that if amended by K.2 is nothing more than a "slap in the face" for non-resident sport anglers guided or non-guided. An export limit for sport caught fish as a conservation management tool is ludicrous as the sport harvest is insignificant in comparison to the commercial harvest. A possession limit tied to permanent residence will deny equal access and opportunity to those residents that do not live close to fishery resources and those residents who may only have one long weekend to harvest a winter's supply of fishery resources. And given the Board of Fisheries commercial fisheries bias and majority composition of commercial fishing interests, an export "limit" tool would most probably result in further restrictions on the sportfisheries and restrict the growth of the "value added" guided sport fishery.

Amendment K.2 is a superficial management "tool" and nothing more than a value judgement. If the number of fish boxes leaving the State is a conservation problem, then the Board of Fisheries should be given the authority to set limits on the amount of all fishery resources that leave the State.

Obviously, Representative Williams I am not in favor of amendment K.2 and am somewhat insulted that it could even be considered as a legitimate amendment on the basis of unsubstantiated testimony.

Sincerely,



Tom Ramiskey

cc: Representative Bill Hudson
Representative Con Bunde
Representative Joe Green
Representative Jeannette James
Representative Eldon Mulder
Representative David Finkelstein
Representative Pat Carney
Representative John Davies

February 8, 1994

Representative Bill Hudson
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative Hudson:

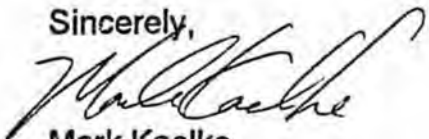
I am writing in regard to Senate Bill 153--Raw Fish Exchange and the proposed amendment requesting the Board of Fisheries to implement possession limits prior to the raw fish exchange provisions becoming effective.

I support the bill as I feel it will encourage value added processing which will help the economy of Southeast. The raw exchange provisions will make it easier and more convenient for fishermen to take home their fish. If this bill passes without the addition of possession limits this service could be misused. Therefore, I believe the proposed amendment is essential.

Given direction from the Legislature, I feel the Board of Fisheries will implement possession limits that will satisfy most fishermen. Perhaps "meat" fishermen will not be happy, but the Legislature should protect the interests of the majority of Alaskan residents and their resources.

I encourage you to assist in passing both the bill and amendment out of the House Resource Committee.

Sincerely,



Mark Kaelke
3718 El Camino
Juneau, AK 99801
789-3914

cc: House Resource Committee

Robert E. Dersham

P.O. Box 555

Anchor Point, AK 99558

907-235-5555

MEMORANDUM

DATE: 1-27-94

TO: REPRESENTATIVE GAIL PHILLIPS
HOUSE MAJORITY LEADER

FROM: ED DERSHAM

RE: AMENDMENT K2 TO CSSB 153 (RES)

Having read Amendment K2 to CSSB 153 (RES) am; Possession limits on fish, I would like to address the following points:

1. This amendment authorizes the Board of Fisheries to set limits on the amount of raw and processed fish taken in a sport fishery that may be in possession in the field or in transit to a fisherman's permanent place of residence. It also authorizes the board to make these rules for any part of the state without regard to regulations controlling the scheduling of subjects to be considered by the board .
2. CSSB 153 is a bill making possible for sport fishermen to trade sport caught fish for fish already processed. The rationale of the amendment drafted by Rep. Williams is supposedly to address the possible abuse by sport fishermen who would take their daily bag limit and trade it for processed fish repeatedly over a large number of days and accumulate excessive amounts of processed fish to take back to their homes.
3. First of all this is a perceived problem, not a documented one. There has been a story floating around in fisheries meetings for the last several years about a commercial fisherman who saw several boxes of what he assumed to be sport caught fish leaving the Silka airport. This fisherman was appalled by the large quantity of fish and felt that it created a threat to his livelihood. There is no documented evidence to support the claim that there is any widespread abuse of this nature. On the contrary, the Dept. of Fish & Game statistics support the opposite contention. During a recent meeting of the North Pacific Fisheries Management Council - Halibut Charter Working Group, ADF&G biologist Doug Vincent-Lang stated that a suggested annual limit on halibut of 8,10, or 12 would have a negligible effect on the overall sport harvest in

Alaska. In Cook Inlet, an annual limit on king salmon of 5 per angler, protects this fishery from this perceived problem. The current bag limits on salmon and halibut in the State of Alaska adequately protect the resource from any biological problems. If any local biological problems do arise the Dept. of Fish & Game deals with those via emergency orders regulations. This is not a biological issue. It is a back door attempt to re-allocate fish from sport to commercial fishing interests via an export proposal that is thinly veiled as something other than an export proposal. Mary McDowell in Representative Williams office stated to me that we can trust the Board of Fisheries to set reasonable limits under this amendment because they would have no motivation to do otherwise. Past export proposals before the Board of Fish, backed by commercial fishing interests, have sought to set export limits at one daily bag limit of sport-caught fish. Given this fact and that the Board of Fish is still heavily dominated by commercial fishing interests sport fishermen and charter operators in Alaska cannot support this amendment with the unreasonable hope that any limits set would be fair to sport fishermen.

4. As a lodge owner my business is based on clients who stay with us on four to seven day packages. Each fisherman returns home with no more than 5 king salmon and no more than 10 halibut (based on a seven day stay). They pay us approximately \$250.00 per day, per angler for the package. Any export limit set lower than these amounts of fish would severely impact our business. Our fishing packages reflect an economically sound utilization of the resource and any restrictions that damage our business without biological justification are unreasonable.

5. The goal of CSSB-153 seems to be a sound one. Creating a situation encouraging a value added factor to the fisheries resource makes good economic sense. But the proposed amendment K-2 does not. Amendment K-2 has potential for unreasonable harm to sport fishermen, charter operators and lodge owners. Given the fact that there is no biological problem and the raw fish for processed fish trade makes good economic sense to the State of Alaska, why is this amendment needed in any form? Why shorten the number of days a non-resident angler would choose to stay and fish in the state? Every day they stay, they contribute to the State's economy in many different ways, and every fish they catch represents a wise economic utilization of the resource.

6. The provision in this amendment allowing this limit to be set by the board statewide without regard to regulations regarding scheduling of areas of the state is unfair and further raises the suspicions of sport fishermen. It seems to encourage the board to take up this issue in a meeting at a site and time that limits access to the process for those most affected by it.

Representative Bill Williams,
Chairman; House Finance committee
State Capitol Building
Juneau, AK. 99801-1182

Representative Williams:

November 29, 1993

I am writing as a resident of Prince of Wales (POW) Island. I started a signature list requesting support from the residents of POW for SB 153. I've enclosed signatures in favor of Senate Bill 153. We believe in this bill and would like your support. The residents of POW took the time to read the bill and sign the request for support of SB 153.

We believe that this will help the success of the upcoming fish processing facility being build in Klawock and help diversify our economy. We desperately need the possibilities of diversifying our economy. We hope that you will support this bill and help it become law in the upcoming legislative session.

Thank you;



Myrha D. Gardner,
PO. Box 256
Klawock, AK. 99925-0256

cc: Representative Jerry Mackie
Representaive Fred Zharoff

Representative Bill Williams,
 Chairman-House Resources Committee
 State Capitol
 Juneau, AK. 99801-1182

Rep. Williams:

6-8-93

We the following residents of Alaska are hereby requesting your support
 of SB 153 regarding the exchange of raw fish for custom processed products.
 Thank You.

NAME	SIGNATURE	ADDRESS
DARWIN J. WEZEMER	Darwin J. Wezemer	P.O. Box 97 CRAIG, AK. 99921
GERALD HENSTALL	Gerald H. Henstall	P.O. Box 295 Klawock
Trina Gouzen	Trina Gouzen	Box 295 Klawock
Marvin J. George	Marvin J. George	46205 Kluw. AK- 99925
Harold B. Williams	Harold B. Williams	Box 342 Kluw. AK 99925
JENNIFER E. SMITH	Jennifer E. Smith	Box 272 Kluw. AK 99925
FRANK E. HILSON	Frank E. Hilson	Box 275 Kluw. AK 99925
MARY E. CAUTHRY	Mary E. Cauthry	P.O. Box 516 Kluw. AK 99925
JENNIFER E. SMITH	Jennifer E. Smith	Box 723 Craig AK 99921
Jenny Quinn	Jenny Quinn	Box 238 Craig, AK 99921
Dean Featherston	Dean Featherston	P.O. Box 147 Klawock
James H. Bush	James H. Bush	Box 142 Klawock, AK 99925
Sandra Williams	Sandra Williams	Box 223 Klawock 99925
Autrey S. Bateman	Autrey S. Bateman	P.O. Box 360 Klawock AK 99925
JAMES T. ANDERSON	James T. Anderson	Box 365 CRAIG
Leonard Kato	Leonard Kato	Box 43 Klawock 99925
Ernestine L. Kato	Ernestine L. Kato	Box 143 Klawock 99925
Ron Place	Ron Place	Box 147 Klawock 99925
Wesley PETERS	Wesley Peters	Box 264 Klawock 99925
SUM PETERS	Sum Peters	
Rosalyn Fay	Rosalyn Fay	Box 176 Klawock, 99925
Tonia Nickerson	Tonia Nickerson	Box 73 Klawock 99925
April G. Bowen	April Bowen	Box 543 Craig AK 99921
Wanda Porter	Wanda Porter	P.O. Box 860 Craig AK 99921
Wanda Porter	Wanda Porter	P.O. Box 24 Craig AK 99921
Wanda Porter	Wanda Porter	Box 24, Kluw. AK 99921
Wanda Porter	Wanda Porter	Box 94, Kluw. AK 99925
Tad Johnson	Tad Johnson	Box 537 Craig AK 99921
John D. Allen	John D. Allen	Box 251 Klawock AK 99925
EVANNE KATASS	EVANNE KATASS	P.O. Box 274 CRAIG
Ray Kurik, Jr.	Ray Kurik, Jr.	P.O. Box 274 CRAIG
MICHAEL ELLISON	Michael Ellison	P.O. Box 175 Klawock
Stanley Thudich	Stanley Thudich	P.O. Box 131 Klawock
Box 58 Klawock		Box 58 Klawock
FRANK RAY	Frank Ray	P.O. Box 761, Craig AK. 99921

Representative Bill Williams,
 Chairman-House Resources Committee
 State Capitol
 Juneau, AK. 99801-1182

Rep. Williams:

6-8-93

We the following residents of Alaska are hereby requesting your support
 of SB 153 regarding the exchange of raw fish for custom processed products.
 Thank You.

NAME	SIGNATURE	ADDRESS
Tamara L. Will	Tamara L. Will	P.O. Box 138 Klawock
Esther Rasmus	ESTHER RASMUS	Box 25 Klawock
Andra Michelson	Andra Michelson	Box 209 Urala AK
Colleen Hope	Colleen Hope	Box 317 Klawock AK 99925
Royce Knut	Royce Knut	Box 35 Klawock AK
Henrietta J. Kato	Henrietta J. Kato	Box 35 Klawock AK 99925
Henrietta J. Kato	Henrietta J. Kato	Box 95 Klawock, AK 99925
Peggy DeForest	Peggy DeForest	General Delivery Carig AIC
A. H. Miller Stearns	A. H. Miller Stearns	Box 210 Klu
Lynthia L. Armour	Lynthia L. Armour	Box 178 Klu
Ann Williams	Ann Williams	Box 39 Klu
Terie Macasaet	Terie Macasaet	Box 32 Klu
MARYA Brown	Marya Brown	Box 133 Klawock
Amy Howell	Amy Howell	Box 299 Klawock AK 99925
Kristina Howell	Kristina Howell	Box 228 Klawock AK
Debi Fowler	Debi Fowler	Box 247 Klawock
Ed Clark	Ed Clark	Box 773 Carig AIC
Rimberly Krizan	Rimberly Krizan	Box 412 Klawock
Jack Kato	Jack Kato	Box 45 Klu
Terie Macasaet	Terie Macasaet	Box 33 Klawock
Sally Scanlan	Sally Scanlan	Box 65 Klu
Sally Scanlan	Sally Scanlan	Box 34 Klawock AK
Ann Hurd	Ann Hurd	Box 162 Klawock AK
Gary Will Jr	Gary Will Jr	Box 138 Klawock AK
Joyce H Jones	Joyce H Jones	P.O. Box 72 Klawock AK 99925
Judith Nickerson	Judith Nickerson	P.O. Box 64 Klu AK 99925
Russell Fox	Russell Fox	P.O. Box 218 Klu AK 99925
Linda Demmet	Linda Demmet	P.O. Box 180 Klawock AK 99925
Kate Simpson	Kate Simpson	Box 165 Klawock AK 99925
Tammy Charles	Tammy Charles	Box 87 Klawock
Ernest Sauter	Ernest Sauter	Box 222 Klu AK 99925
William H. Stanley	William H. Stanley	Box 19486 Thana AK
Lynn S. Simpson	Lynn S. Simpson	Box 51 Klawock AK
Mary J. Stewart	Mary J. Stewart	Box 205 Klawock AK 99925
Korvena Williams	Korvena Williams	Box 413 Klu AK 99925

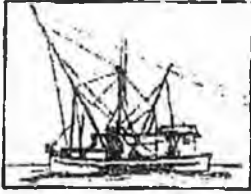
Representative Bill Williams,
 Chairman-House Resources Committee
 State Capitol
 Juneau, AK. 99801-1182

Rep. Williams:

6-8-93

We the following residents of Alaska are hereby requesting your support
 of SB 153 regarding the exchange of raw fish for custom processed products.
 Thank You.

NAME	SIGNATURE	ADDRESS
Marel Langbecker	Marel Langbecker	P.O. Box 546 Craig
Charles Strahan	Charles Strahan	P.O. Box 1530 Craig
Rose Charles	Rose Charles	13.57 - KILIKUKA AK
Kiana Miller	Kiana Miller	P.O. Box 455 Craig
Robert E. Burch	Robert E. Burch	P.O. Box 225 Craig
Michael K. Ristronech	Michael K. Ristronech	P.O. Box 213 Klawock AK
Deanna Norton	Deanna Norton	PO Box NIKI NAIKATI
Bambi Armstrong	Bambi Armstrong	P.O. Box 306 Klawock
Daniel V. L...	Daniel V. L...	Box 240 Klawock AK
Joanne Woods	Joanne Woods	Box 277 Klawock
Barbara Tillman	Barbara Tillman	POB 1412 Thorne Bay AK
Russ Howard	Russ Howard	POB 586 Craig AK
James D. Domet	James D. Domet	Box A on 4000 Craig AK 99991
Kelli Larson	Kelli Larson	Box 282 Klawock AK 99925
Donald J. Gibbons	Donald J. Gibbons	Box 207 Craig AK
Vicky Steasman	Vicky Steasman	Box 372 Craig AK 99921
Wilhelmine Trozelle	Wilhelmine Trozelle	Box 700 Klawock AK 99922
Jenny L. Nelson	Jenny L. Nelson	Box 427 Craig AK 99921
Betty Guss	Betty Guss	P.O. Box 335 Klawock AK 99921
Beth L. Isaacs	Beth L. Isaacs	P.O. Box 412 Klawock AK 99925
Evarne Katasse	Evarne Katasse	Box 274 Craig
Ray Kubik	Ray Kubik	Box 274 Craig
Victoria Marvin	Victoria Marvin	HE Box 402 Craig
Shane Baines	Shane Baines	P.O. Box 233 Craig
Annette Strand	Annette Strand	P.O. Box 871 Craig
Lynn M. Stockton	Lynn M. Stockton	P.O. Box 337 Klawock
Roy E. Chase	Roy E. Chase	P.O. Box 23 Hollis AK 99950
Carol D. D...	Carol D. D...	Wainwright Alaska
Anna Whittaker	Anna Whittaker	Box 463 Craig AK
William L...	William L...	P.O. Box 310 Craig
David E. Webb	David E. Webb	P.O. Box 215 Craig
Middle McDougall	Middle McDougall	Box 288 Klawock
Harold R. Hewitt	Harold R. Hewitt	P.O. Box 1512 Coffman Cove AK
Mancy Mueller	Mancy Mueller	P.O. Box 1986 Thorne Bay AK
Artha Lake	Artha Lake	P.O. Box 314 Neke Alaska 99922
Flotee Rammner	Flotee Rammner	Box 21 Hollis AK
Russell S...	Russell S...	Box 231 Thorne Bay 99929
Robert G. Waiter	Robert G. Waiter	Box 150 Craig AK 99921
Teresa Roberts	Teresa Roberts	P.O. Box 112 Klawock AK 99925



Alaska Trollers Association

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

January 27, 1994

Senate Finance Committee
State Capitol (MS 3100)
Juneau, AK 99811

Dear Committee Member:

The Alaska Trollers Association (ATA) opposes CSSB 153 (RES)am as written for the following reasons:

1. CSSB 153 (RES)am does not provide the adequate enforcement measures which will be necessary to inhibit the sale of sport caught fish.
2. CSSB 153 (RES)am will encourage high volume export of sport caught fish by non-resident anglers, due to the relative ease of transporting processed versus raw seafood.

ATA could support CSSB 153 (RES)am if it were to include the amendment offered by Representative Williams, which gives the Board of Fisheries a clear signal that the legislature believes it appropriate to consider "setting limits on the amount of raw and processed fish taken in a sport fishery that may be in possession in the field or in transit to a fisherman's permanent place of residence."

ATA has long believed that regulations referred to in Representative Williams' amendment should be implemented in Alaska. I stress that such regulations would not be unique. Attached you will find language from several west coast states and Canada, which indicates that processed fish is regularly counted as part of an individual's sport bag and possession limit. In addition, Canada and Oregon limit the quantity of sport-caught fish that may be transported to an individual's permanent place of residence.

ATA is hopeful that the committee will consider our request for compromise language, as we are interested in finding ways to accommodate the concerns of all of the users of Alaska's fisheries resources.

We appreciate the opportunity to comment of CSSB 153 (RES)am. If ATA can be of assistance with CSSB 153 (RES)am or other related issues, I hope you will not hesitate to contact our office.

Sincerely,

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

Dale A. Kelley
Executive Director

THE
FOLLOWING
DOCUMENTS
ARE
POOR
ORIGINAL
COPIES

CALIFORNIA SPORT FISHING REGULATIONS

1992-94

PART I

FISH, AMPHIBIANS AND REPTILES

CHAPTER 1

GENERAL PROVISIONS AND DEFINITIONS

1.17. Bag and Possession Limits: No more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean named in these regulations may be taken or possessed by any one person unless otherwise authorized, regardless of whether they are fresh, frozen, or otherwise preserved. EXCEPTIONS: See Sections 7.00 and 7.90(a).

Article 2. District General Regulations

7.00. District General Regulations: It is unlawful to take fish, amphibians, reptiles, mollusks, crustaceans, or kelp, except as provided by these regulations. Daily bag and possession limits, unless otherwise provided, mean the total number of trout and salmon in combination. Unless otherwise provided, no more than one daily bag limit may be possessed.

Article 3. Alphabetical List of Waters with Special Fishing Regulations

Section 7.50

(a) General Provisions:

- (1) It is unlawful to take fish, amphibians, reptiles, mollusks, crustaceans or kelp, except as provided by these regulations.
- (2) Every body of water listed below is closed to all fishing except as shown.
- (3) Daily bag and possession limits, unless otherwise provided, mean the total number of trout and salmon in combination.
- (4) Unless otherwise provided, it is unlawful to possess more than one daily bag limit.
- (5) The following Special Regulations deal primarily with seasons, size limits, and bag and possession limits. Please be aware that these waters may also be subject to restrictions on fishing methods and gear (Sections 2.00 through 2.40), fishing hours (Section 3.00), and the use of bait (Sections 4.00 through 4.30).

CHAPTER 4

OCEAN FISHING

Article 1. OCEAN AND SAN FRANCISCO BAY DISTRICT

DISTRICT—GENERAL

27.15. MULTI-DAY FISHING TRIPS.

The following provisions apply to anglers and to boat owners and operators when a Declaration for a Multi-Day Fishing Trip has been filed with the Department of Fish and Game.

(a) Provisions Related to the Angler: Up to three daily bag and possession limits of saltwater fin fish, lobster and rock scallops and up to two daily bag and possession limits of abalones are allowed for a person fishing during a multi-day trip in ocean waters from a boat whose owner or operator has filed a Declaration for Multi-Day Fishing Trip, pursuant to the provisions of subsection (b) below.

(1) The provisions of this section do not authorize any person to take more than one daily bag limit of fish during one calendar day.

(2) The provisions of this section do not apply to the taking and possession of salmon, steelhead, striped bass and sturgeon.

(b) Provisions Related to the Boat Owner or Operator who has filed for a Declaration for a Multi-Day Fishing Trip:

(1) The owner or operator of a boat shall mail or deliver to the nearest office of the Department a Declaration for Multi-Day Fishing Trip form provided by the Department and shall provide the following information:

(A) Place, date and time of departure of the boat.

(B) Place, date and estimated time of return of the boat.

(C) Name and/or number of the boat, including the number of any Fish and Game registration number plates assigned to the vessel.

(D) Copy of passenger manifest if fishing within 10 miles of the mainland shore of California.

(E) Date and hour Declaration mailed or delivered to the Department office.

(2) The Declaration for Multi-Day Fishing Trip form must be submitted to the nearest office of the Department in order for any person aboard such boat to possess more than one bag limit of saltwater fin fish, abalone, lobster and rock scallops. If mailed the form must be received at least 48 hours prior to the date of the boat's departure. If the 48 hours advance notice is not met, the original copy of the form signed by an authorized Department representative must be aboard the vessel during the trip. Forms will be accepted for authorization only during business hours of 8:00 a.m. to 5:00 p.m.

(3) A Declaration for Multi-Day Fishing Trip may not be filed for a trip unless the trip is continuous and extends for a period of 12 hours or more on the first and last days of the trip and no berthing or docking is permitted within five miles of the mainland shore.

(4) The owner or operator of a boat filing a Declaration for Multi-Day Fishing Trip shall prepare such form in duplicate, and shall require the duplicate to be printed in full view of the passengers aboard the boat.

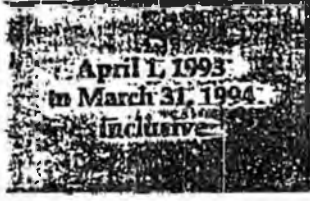
(5) All passengers must disembark at place of return stated on the Declaration.

27.00 LIMIT: (a) General: No more than 20 fin fish in combination of all species with not more than 10 of any one species, may be taken or possessed by any one person except as otherwise provided. (See Sections 27.70 through 28.02 for minimum size limits and poundage restrictions for certain species.)

(b) Within the overall bag limit of 20 fish the following special limits apply: Rockfish (rockhead)—15 fish, all of which may be of the same species; lingcod—five fish; salmon—two fish; trout (including steelhead) taken from ocean and bays—three fish; white sea bass—three fish, except as provided in Section 28.33; sturgeon—one fish; striped bass—two fish; California halibut—five fish, except as provided in Section 28.15; Pacific halibut—one fish; giant (black) sea bass—zero fish, except as provided in Section 28.10; broadbill swordfish—two fish; marlin—one fish; garibaldi—zero fish; gulf grouper—zero fish; broomtail grouper—zero fish; leopard shark—three fish; blue shark—two fish; thresher shark—two fish; shortfin mako shark—two fish; soupfin shark—one fish; sand shark—one fish; sevengill shark—one fish.

(c) There is no limit on the following species: albacore, anchovy, bluefin tuna, grunion, jacksmelt, topmullet, petrale sole, Pacific butterflyfish (parrotfish), speckled fish, sanddab, shiner surfperch, duppieck, jack mackerel, Pacific mackerel, Pacific starling, sculpin, starry flounder, white croaker, round herring, Pacific herring and Pacific sardine.

British Columbia
Tidal Waters
**Sport
Fishing
Guide**



April 1, 1993
to March 31, 1994
inclusive

SALMON

Possession Limits for Salmon

- two single-day limits of fresh, smoked or frozen, plus 10kg canned, OR
- one day limit of fresh, smoked or frozen, plus 20kg canned, OR
- 40 kg canned

(Weights refer to gross weight, which is the total weight of the can or bottle plus the weight of the fish therein.)

NOTE: SALMON AND GAME FISH TAKEN FROM NON-TIDAL WATERS MAY BE CANNED ONLY AT A PERSON'S ORDINARY RESIDENCE.

Transport/Export Limits

In order to export salmon or game fish from British Columbia, written authorization from a fisheries officer is required. No person shall export more than 40 kg gross weight of canned salmon from B.C. during any calendar year if the salmon was taken by sport fishing. (Gross weight includes the weight of the container.)

Check with customs officials in your country for regulations concerning the importation of your catch.

To transport fish caught by someone else, you must carry a letter from that person stating: the angler's name, address, telephone number, fishing license number, when and where the fish were caught, the number, species and size of fish you have been given, and to whom the fish is being delivered.

Fish must be dressed or packed so that the species of fish can be easily identified, counted and/or measured. If a size or species limit applies. Where a fish has been filleted, two whole filets are considered as one fish, and the skin must not be removed from the fillet.

1993



**Oregon Sport
Fishing Regulations**

Catch and Possession Limits

Daily Limit: Daily catch limit is the maximum number of fish or shellfish which may be legally caught and reduced to possession in one day. An angler may take several species of fish per day provided the daily limit for an individual species is not exceeded. Daily catch limits apply to all waters and across zone boundaries. Fish taken in the ocean shall apply to the catch limit of the zone where landed.

An angler's daily trout catch may not exceed 5 from streams, 10 from lakes, or 10 in combination; exceptions are listed by water in each zone.

Weekly Limit: The maximum number of fish an angler may legally take in a period of 7 consecutive days is: 6 adult salmon and steelhead in combination; 6 sturgeon; no weekly limit on other species. To insure compliance with 6-fish-in-7-days rule, on any given day count cumulative catch for previous 6 days. If less than 6 fish, angler may fish on that day. Exceptions to weekly limits on salmon and steelhead are listed under special regulations for several streams in Willamette and Columbia River zones.

Annual Limit: There are no annual catch limits for species other than salmon, steelhead, halibut and sturgeon. The annual catch limit for sturgeon is 15 and for halibut is 6. The annual catch limit for salmon and steelhead in combination is 40. In NE Zone, anglers may not take more than 10 steelhead with adipose fin intact per year in aggregate from the John Day, Umatilla, and Walla Walla rivers. In other NE Zone waters, only fish with missing adipose fin may be taken.

Possession Limit: The maximum number of a species of fish or shellfish (fresh, frozen, canned, smoked or otherwise processed) that a person may lawfully possess in the field, in forest, or in transit to the place of permanent residence is: 6 salmon and steelhead in combination; 6 sturgeon; 2 halibut; 3 abalone; and 2 daily limits for trout and other species.

Size Limit: It is illegal to take, kill, or have in possession any fish or shellfish that are smaller than the minimum size or larger than the maximum size limit. All undersized, oversized, or unwanted fish or shellfish taken must be released in the water immediately and unharmed.

KETCHIKAN SPORTFISHING
P.O. BOX 3212, KETCHIKAN, AK 99901
(907) 225-7526, FAX 225-7525, 1-800-488-8254

March 23, 1993

page 1

To Whom it May Concern:

Ketchikan Sportfishing supports Senate Bill No. 153 to permit the exchange of sport caught fish for processed products.

Many people flock to Southeast Alaska each year to sightsee and SPORTFISH. After they arrive they usually get a surprise, the price of touring or living in Alaska. The very high cost of processing sport caught fish is sometimes enough to deter people from fishing. What is the use of going fishing if you cannot afford to keep your fish.

Tourism is one of the top three industries in the State of Alaska. Ketchikan Sportfishings primary business is providing charter fishing and related services to Cruise Ship passengers. It is a well know fact in Southeast Alaska the Cruise Ship industry brings in the majority of the tourists. There are very few independent travelers in comparison to Cruise travelers. The ability to trade raw fish for processed product would greatly enhance our processing services to the Cruise Ships. It would increase the Cruise passengers opportunity to sample Alaskan Seafood products and promote future sales of fishing charters and fish products possibly increasing revenue to two of the States industries.

Each year Ketchikan Sportfishing accommodates over seven thousand Cruise Ship passengers on fishing charters here in Ketchikan. We estimate that these sport anglers bring in approximately 45,000 to 50,000 pounds of raw fish seasonally. Each year approximately 28,000 pounds of fish is turned in for custom processing locally and shipped to the customer at a later date. In order for the processing facilities to remain viable they must place a minimum poundage on each order. This combined with the high costs of shipping drives the price so high that many of our clients refuse the service and give their fish away.

Processing and shipping a twenty pound order costs over \$100.00. Approximately fifty percent of this cost is for shipping. Allowing people to trade raw fish for processed products will greatly reduce the cost to the tourist as well as our local folks. It would eliminate the need for a minimum amount of pounds per order, it would also eliminate the need to ship non residents their fish at a later date and therefore would reduce the overall cost of processing services.

page 2

This would increase local processing jobs by decreasing the amount of raw fish being removed from the state and increasing the amount of fish for processing.

The Cruise Ship Industry has had to cope with many problems operating in Alaska. Accommodating their passengers fish is one of the smaller problems that the Cruise Companies face. Allowing a trade program would eliminate present problems with Cruise passengers getting their fish home in proper condition. There would be no more minimums on pounds, high shipping cost, lost products due to shipping problems, and far less upset and angry tourists.

On the following page I have outlined some positive points to Senate Bill No. 153. I cannot think of any negatives concerning this bill.

If you have any questions please feel free to contact me at the above address and phone numbers.

Thank You
for your consideration



Marge Hanger

Owner

KETCHIKAN SPORTFISHING
P.O. BOX 3212, KETCHIKAN, AK 99901
(907) 225-7526, FAX 225-7525, 1-800-488-8254

March 23, 1993

POSITIVE POINTS OF TRADING RAW FISH FOR PROCESSED PRODUCTS:

An improved relationship between Southeast Alaska and the Cruise Industry.

Will make processing of sport and subsistence caught fish affordable to the general public "local & non-resident".

Less raw fish being removed from the State, therefore retaining more fish in state for processing.

Increased revenue for processing businesses.

Increased local & state job opportunity.

Increased local sales tax revenue:

Because custom processes are shipped, they are not taxable in the city of Ketchikan & Borough. The service for traded product would begin and end in the city and would be taxable thereby increasing local sales tax revenue.

Protecting the general public:

We believe that being able to trade products for raw fish would lessen the chance of poisoning due to improper handling of delicate fish and seafood by the general public. All it takes is one small poisoning scare to affect the whole of the Alaskan seafood market.

Improved control of resource:

Would provide more complete information on the fishery resource by retaining records.

NEGATIVES:

None.

United Southeast Alaska Gillnetters

204 N. Franklin, Suite 2
Juneau, AK 99801
(907) 586-5860

January 27, 1994

Senator Robin Taylor
Alaska State Senate
Room 30,
State Capitol Building
Juneau, AK 99811

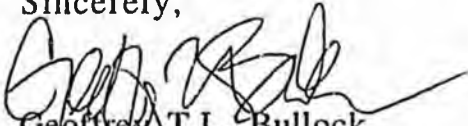
Dear Senator Taylor:

Thank you for giving us the opportunity to comment on the proposed amendment in House Resources regarding you Senate Bill 153.

Senate Bill 153 (CSSB 153 (RES) am) encourages value-added processing in Alaska as part of the resource currently being shipped out of state by non-resident sport anglers. It would also create, for the first time, a "paper Trail" that can be used by enforcement agencies to enforce both daily bag and possession limits. The bill is not intended to address allocation issues and should be viewed as an economic development measure...rather than a bill addressing sport vs. commercial fishery concerns. Therefore, USAG does not support the proposed amendment.

Thanks again for asking our input. If we can be of any further help, please don't hesitate to contact us.

Sincerely,



Geoffrey T.L. Bullock
Exec-Director