

SENATE RESOURCES, 2000-2000 86/2

11998 SENATE RESOURCES

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. S.B. 113

ANALYSIS CONTINUATION

(continued from page 1)

(1) Continue the board's GOA Groundfish Rationalization Task Force; hold 3 to 4 additional meetings prior to community hearings. Costs for these task force meetings include 3 board members travel, 2 to 3 ADF&G staff travel, and meeting room costs.

(2) Hold hearings in affected communities around the Gulf of Alaska (e.g., Kodiak, Homer, Sand Point and others) in order to receive public and community input on options for structuring the groundfish fisheries to maximize fishery benefits. It is intended that program development for each GOA groundfish fishery will be developed in the transparent board public process, and not within this legislation.

(3) Add 2 to 3 meeting days to its schedule during FY 06 to specifically report to the full board on input from the community hearings, to receive further public input, and to work further on program development.

Passage of this legislation gives the board and the Commercial Fisheries Entry Commission (CFEC) a new tool in their toolbox, and in and of itself has no immediate fiscal impact. However, as the board and CFEC consider the development of a new program, the Alaska Department of Fish and Game anticipates some modest costs for travel and extended meetings as noted above.

At this point, it is unknown how program development might effect future data technology and personnel needs. Therefore, subsequent costs are indeterminate pending the shape and extent of any "designated access privilege" program established by the board and CFEC.

Senate Resources

March 9, 2005

#2 SB 113 Packet – supplemental materials

- ADF&G Goals & Objectives – Groundfish Fisheries: 1 page
- SB 113 Sectional Analysis: 2 pages
- Fiscal Note CFEC 3-8-05: 2 pages

Gulf of Alaska Groundfish Fisheries Rationalization

Goals and Objectives

February 2005

- The Alaska Department of Fish and Game (ADF&G) and the Board of Fisheries (BOF) support protection of the State's authority to preserve and manage its own resources.
- The BOF is responsible for conservation and development of the state's commercial, subsistence, sport, and personal use fisheries through an efficient and effective public regulatory process.
- ADF&G and the BOF support efforts to maximize fisheries benefits to Alaskans and Alaskan communities by minimizing the race for fish and its attendant "turn and burn" high volume/low value fisheries. We support instead, orderly fisheries conducted over time that allows for maximization of quality, value-added processing, product diversity, and increased value and stability to fishery participants, processing workers, processors, communities, and the State of Alaska.
- ADF&G and the BOF support a diverse fishing fleet and maintenance of entry level access to Alaska's fisheries.
- ADF&G and the BOF believe that a rationalized Gulf of Alaska (GOA) groundfish fishery should result in benefits to Alaska's harvesters, processors, and communities utilizing a phased-in approach that acknowledges the risks and investments assumed by those pioneering the fisheries and does not destabilize the status quo that provides hundreds of Alaskans with employment in coastal Alaska that:
 - Increases efficiencies, resulting in economic benefits and stability
 - Improves safety
 - Improves stock conservation
 - Reduces bycatch
 - Reduces gear conflicts
- ADF&G and the BOF support transferability of harvest privileges in order to justify limitation of Alaska's fisheries in meeting the constitutional requirement to avoid exclusivity.
- ADF&G and the BOF agree that achieving the goals of a rationalized GOA groundfish fishery cannot occur without a coordinated state/federal management approach to migratory fish stocks that move between state and federal jurisdictions.
- ADF&G and the BOF support the development of a GOA groundfish rationalization program that responsibly and proactively interacts with the NPFMC rationalization process to assure that the following mutually critical issues can be satisfactorily addressed:
 - Management and data costs
 - Enforcement costs
 - Endangered Species Act issues
 - Observer coverage and costs
 - Bycatch, incidental take, and prohibited species caps
 - Community provisions that the State is constitutionally prevented from implementing
 - Essential Fish Habitat/Habitat Areas of Particular Concern (HAPC)

LEGAL SERVICES

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

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 5, 2005

SUBJECT: Sectional summary of SB 113; An Act relating to entry into and management of Gulf of Alaska groundfish fisheries (Work Order No. 24-LS0306\L)

TO: Senator Ben Stevens,
Senate President
Attn: Cheryl Sutton

FROM: George Utermohle
Legislative Counsel

You have requested a sectional summary of SB 113; An Act relating to entry into and management of Gulf of Alaska groundfish fisheries.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill sets out the findings of the legislature and a statement of the legislative purpose for the bill.

Section 2 of the bill amends AS 16.05 by adding a new section (AS 16.05.140) to provide that the holder of a dedicated access privilege, issued by the Alaska Commercial Fisheries Entry Commission, is entitled to share in the overall harvest of a Gulf of Alaska groundfish species authorized by the Board of Fisheries, to the extent authorized by the privilege. The Board of Fisheries is also authorized to allocate portions of the harvestable surplus of Gulf of Alaska groundfish species to associations of holders of dedicated access privileges. In considering whether to approve an allocation of a Gulf of Alaska groundfish species, the board is to seek to promote specific fisheries, economic, and social goals.

Section 3 of the bill amends AS 16.43.210(a) to provide that the Alaska Commercial Fisheries Entry Commission shall issue interim-use permits under this subsection for fisheries that are not subject to a dedicated access privilege program.

Section 4 of the bill amends AS 16.43.210 by adding a new subsection to provide that an interim-use permit for a fishery subject to a dedicated access privilege program may be issued only to a person who qualifies for the permit under regulations adopted by the commission.

Senator Ben Stevens,
Senate President
March 5, 2005
Page 2

Section 5 of the bill amends AS 16.43 by adding a new article relating to the Gulf of Alaska groundfish fisheries.

Sec. 16.43.530 provides that the Alaska Commercial Fisheries Entry Commission may adopt regulations, developed in conjunction with the Board of Fisheries, to establish and implement a dedicated access privilege program for a Gulf of Alaska groundfish fishery, if the commission finds that a dedicated access privilege program is necessary to limit entry into the fishery in order to achieve the purposes of AS 16.43. The goals that the commission is to promote, and the findings that the commission is to make, in adopting a dedicated access privilege program are set out. The subject matter to be addressed in regulations establishing a dedicated access privilege program is set out.

Sec. 16.43.535 provides that a dedicated access privilege is a use privilege that can be modified or revoked by the commission or by law without compensation. A dedicated access privilege may not be pledged, mortgaged, encumbered, attached, distrained, or sold on execution or other process or order of a court. The grant of authority for the commission to establish a dedicated access privilege program does not limit the statutory powers of the Board of Fisheries.

Sec. 16.43.540 provides that the commission may establish fees for the application, issuance, renewal, and transfer of dedicated access privileges. The commission may also charge interest on overdue fees.

Sections 6 - 14 of the bill make technical changes to AS 16.43.945, 16.43.960(a), 16.43.960(b), 16.43.960(c), 16.43.960(g), 16.43.970(b), 16.43.970(d), 16.43.970(e), and 16.43.970(j)(2) to conform to authorization of a dedicated access privilege program under sec. 5 of the bill.

Section 15 of the bill amends AS 16.43.990 by adding a definition of "dedicated access privilege."

GU:med
05-150.mcd

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB113
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: An Act Relating to Entry into and RDU: Comm. Fish Entry Commission
Management of Gulf of Alaska Groundfish Component: Commercial Fisheries Entry
 Sponsor: Senator Ben Stevens by Request Commission
 Requester: Senate Resources Committee Component No. 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	*	*	*	*	*
Travel	20.0	*	*	*	*	*
Contractual	0.0	*	*	*	*	*
Supplies	0.0	*	*	*	*	*
Equipment	0.0	*	*	*	*	*
Land & Structures	0.0	*	*	*	*	*
Grants & Claims	0.0	*	*	*	*	*
Miscellaneous	0.0	*	*	*	*	*
TOTAL OPERATING	20.0	*	*	*	*	*

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	*	*	*	*	*
1003 GF Match	0.0	*	*	*	*	*
1004 GF	20.0	*	*	*	*	*
1005 GF/Program Receipts	0.0	*	*	*	*	*
1037 GF/Mental Health	0.0	*	*	*	*	*
1156 Receipt Supported Services	0.0	*	*	*	*	*
TOTAL	20.0	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of SB113 will allow but not mandate establishment of a new type of limitation program for the participation in Gulf of Alaska groundfish fisheries. It also provides a new procedural working relationship between the Alaska Board of Fish and the Commercial Fisheries Entry Commission for the Gulf of Alaska groundfish fisheries. Initially there will be some modest costs for travel as the two agencies conduct joint groundfish public hearings to determine the scope of these fisheries and analyze the need for limitation protection. At this time subsequent costs are indeterminate pending the shape and extent of any "designated access privilege" (DAP) programs established. CFEC will need to consider the integration of any new program into its existing responsibilities, for example: additional groundfish fisheries research,

Continued on page 2

Prepared by: Shirley Penrose, Administrative Officer Phone: 907-790-6960
 Division: Commercial Fisheries Entry Commission Date/Time: 3/8/05 1:42 PM
 Approved by: Frank M. Homan, Commissioner Date: 3/8/2005
 Agency: Commercial Fisheries Entry Commission

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. SB113

ANALYSIS CONTINUATION

adjudications resulting from any new DAP program, licensing and management of any DAPs issued and likely significant need for information technology services. If any DAP limitations are authorized under this legislation a key component of costs could be the design and implementation of an electronic resource harvest reporting system. Future analyses will be needed to investigate the current federal reporting system and its applicability to state fisheries.

CFEC anticipates an FY06 cost of \$20,000 for the agency to participate in the series of meetings with the Alaska Board of Fisheries and its Groundfish Working Group that comprise the initial step in the process set forth in SB 113. CFEC's current travel budget is insufficient to cover this additional expense, so a travel line increment is necessary. Because permit and license renewal fees are not currently generating enough revenue to cover an increase with Receipt Supported Services (RSS) funding, General Fund funding is requested for this small increment. However, if SB 93 (CFEC fee bill) is passed by the legislature this session, the resulting increase in CFEC-generated revenues in subsequent years should be sufficient to fund anticipated future CFEC costs associated with implementing the provisions of SB113 with RSS funds.

ALASKA LEGISLATURE - ONLINE TELECONFERENCE ORDER FORM

Note: All Fields Must Be Completed

Sponsor and/or Committee Name:

Date of Teleconference:

Start Time: End Time:

Chairing Site: Juneau Room:

Testimony: Yes No Invitation Only N/A

Testimony Time Limit: 1 min 2 min 3 min 5 min no time limit other - see instructions

Contact Person

Telephone Number

LIO sites:	<input checked="" type="checkbox"/> Anchorage	Other sites may add?	<input checked="" type="radio"/> Yes	Offnet Name (s)
	<input type="checkbox"/> Barrow		<input type="radio"/> No	
	<input type="checkbox"/> Bethel			
	<input type="checkbox"/> Cordova			
	<input type="checkbox"/> Delta Junction			
	<input type="checkbox"/> Dillingham			
	<input type="checkbox"/> Fairbanks			
	<input type="checkbox"/> Glennallen			
	<input type="checkbox"/> Homer			
	<input type="checkbox"/> Juneau			
	<input type="checkbox"/> Kenai			
	<input type="checkbox"/> Ketchikan			
	<input type="checkbox"/> Kodiak			
	<input type="checkbox"/> Kotzebue			
	<input type="checkbox"/> Matsu			
	<input type="checkbox"/> Nome			
	<input type="checkbox"/> Petersburg			
<input type="checkbox"/> Seward				
<input type="checkbox"/> Sitka				
<input type="checkbox"/> Tok				

- Valdez
- Wrangell
- No LIOs

Subject of meeting and/or Bills on Agenda

SB 113: GULF OF ALASKA GROUDFISH FISHERY

ALASKA LEGISLATURE - ONLINE TELECONFERENCE ORDER FORM

Note: All Fields Must Be Completed

Sponsor and/or Committee Name:

Date of Teleconference:

Start Time: End Time:

Chairing Site: Juneau Room:

- | | | | |
|------------|---------------------------------------|-----------------------|--|
| Testimony: | <input checked="" type="radio"/> Yes | Testimony Time Limit: | <input type="radio"/> 1 min |
| | <input type="radio"/> No | | <input type="radio"/> 2 min |
| | <input type="radio"/> Invitation Only | | <input checked="" type="radio"/> 3 min |
| | <input type="radio"/> N/A | | <input type="radio"/> 5 min |
| | | | <input type="radio"/> no time limit |
| | | | <input type="radio"/> other - see instructions |

Contact Person

Telephone Number

- | | | | | |
|--------------------------------|---|----------------------|--------------------------------------|-----------------|
| LIO sites: | <input checked="" type="checkbox"/> Anchorage | Other sites may add? | <input checked="" type="radio"/> Yes | Offnet Name (s) |
| | <input type="checkbox"/> Barrow | | <input type="radio"/> No | |
| | <input type="checkbox"/> Bethel | | | |
| | <input type="checkbox"/> Cordova | | | |
| | <input type="checkbox"/> Delta Junction | | | |
| | <input type="checkbox"/> Dillingham | | | |
| | <input type="checkbox"/> Fairbanks | | | |
| | <input type="checkbox"/> Glennallen | | | |
| | <input type="checkbox"/> Homer | | | |
| | <input type="checkbox"/> Juneau | | | |
| | <input type="checkbox"/> Kenai | | | |
| | <input type="checkbox"/> Ketchikan | | | |
| | <input type="checkbox"/> Kodiak | | | |
| | <input type="checkbox"/> Kotzebue | | | |
| | <input type="checkbox"/> Matsu | | | |
| | <input type="checkbox"/> Nome | | | |
| | <input type="checkbox"/> Petersburg | | | |
| | <input type="checkbox"/> Seward | | | |
| <input type="checkbox"/> Sitka | | | | |
| <input type="checkbox"/> Tok | | | | |

- Valdez
- Wrangell
- No LIOs

Subject of meeting and/or Bills on Agenda

SB 113: GULF OF ALASKA GROUDFISH FISHERY

NOTE: LIO's: please help limit the testimony to 3 minutes on your end.
thank you.

mary j

SB 113 Public Comments
(Received Order)

<u>Lname</u>	<u>Fname</u>			<u>format</u>	<u>date</u>	<u>con</u>	<u>pro</u>	<u>notes</u>
Smith	Edgar	???	???	email	3/9/05	1		
Rickman	Neil	Box 16142	Sitka	POM	3/9/05	1		
Blessum	Kristopher	2506 East Leonora	Mesa, AZ	fax via lio	3/8/05	1		
Buchanan	Victor	Box 4114	Kodiak	fax via lio	3/8/05	1		
Cheledinas	Brian	Box 692	Kodiak	fax via lio	3/8/05	1		
Clark	Michael	Box 2009	Kodiak	private fax	3/8/05	1		
Clark	Robin	Box 2009	Kodiak	private fax	3/8/05	1		
Dochtermann	Shawn	Box 3886	Kodiak	email	3/8/05	1		
Dochtermann	Shawn	Box 3886	Kodiak	fax via lio	3/8/05	0		duplicate of email
Farnsworth	Steven	Box 8163	Nikiski	fax via lio	3/8/05	1		
Finley	Locke	Box 3849	Kodiak	fax via lio	3/8/05	1		
Garr	Edward	145 Fern	Kenai	fax via lio	3/8/05	1		
Henson	Jon	Box 176	Kodiak	fax via lio	3/8/05	1		
Kavanaugh	Ronald	Box 3890	Kodiak	fax via lio	3/8/05	0		
Kavanaugh	Julie	Box 3890	Kodiak	fax via lio	3/8/05	0		duplicate of email
Kwachka	Alexus	326 Cope St	Kodiak	fax via lio	3/8/05	1		
Lawhead	Donald	3865 Coho Circle	Kodiak	fax via lio	3/8/05	1		
Magnusson	Harold	Box 531	Blaine, WA	fax via lio	3/8/05	1		
Martin	Robert	Box 3544	Kodiak	fax via lio	3/8/05	1		
Mathieu	Steven	Box 586	Kodiak	fax via lio	3/8/05	0		Pres AK Jig Assn - 34 mbrs
Miles	Frank	Box 2744	Kodiak	fax via lio	3/8/05	1		
Perkins	Greg	1255 Tierra Grande Pl.	Wasilla	fax via lio	3/8/05	1		
Schauff	Barry	???	???	private fax	3/8/05	1		
Thompson	Charles	Box 2193	Kodiak	fax via lio	3/8/05	1		Pres Divers Mkg Assn
Wade	Mark	5103 Chuckanut Dr.	Kodiak	fax via lio	3/8/05	1		
Whidman	Ronald	Box 1961	Petersburg	fax via lio	3/8/05	1		
Yarbrough	Joseph	Box 2973	Kodiak	fax via lio	3/8/05	1		
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Gallagher	Donald	Box 4428	Kodiak	POM	3/7/05	0		different info
Kavanaugh	Julie	Box 3890	Kodiak	email	3/7/05	0		

Mary Jackson

From: Sen. Tom Wagoner
Sent: Wednesday, March 09, 2005 8:14 AM
To: Mary Jackson
Subject: FW: Senate Bill 113

-----Original Message-----

From: Smith [mailto:smit15@alaska.net]
Sent: Tuesday, March 08, 2005 9:29 PM
To: Sen. Tom Wagoner
Subject: Senate Bill 11

Dear Senator Wagoner:

This letter is in regards to Senate Bill 113, "An Act relating to entry into and management of Gulf of Alaska ground fish fisheries." Please do a little research and you will conclude this bill goes against the pure intentions of the original writers of the Alaska Constitution and what they stood for.

This bill 's the liquidation of Alaska's Natural Resources and the prostitution of Alaskan's Sovereignty in its territory. I am also saddened of the actions of Alaska's Board of Fisheries for "even" proposing this bill to be introduced by Senator Stevens in this legislature. Do you want to go down as the Congressperson, committee, and legislature that liquidated Alaska's natural resources to special interest groups and the Federal Government? God help Alaskans if this happens!

Edgar Smith
Alaskan

Mary Jackson

From: Sen. Tom Wagoner
Sent: Wednesday, March 09, 2005 8:46 AM
To: Mary Jackson
Subject: FW: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Tuesday, March 08, 2005 11:23 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

Neil Rickman
Po Box 16142

Sitka 99835,

I'm opposed to SB 113 on the grounds that it is too vague. Better avenues for public comment need to be included in a bill that can have far reaching consequences like this bill can have. Town meetings in coastal communities would be good.

Joseph Yarbrough

PO Box 2973
Kodiak, Alaska 99615

(907) 654 6919

F/V Jireh

I am opposed to Senate Bill 113. I feel that this bill is far too broad and unspecific. This is the most dramatic legislation proposed since the inception of salmon limited entry of 1973. In this bill there are too many undefined powers without guidelines handed to the Alaska Board of Fisheries and/or the Commercial Fisheries Entry Commission. Since there has been no public testimony from the coastal communities that would be affected by this bill, public hearings are necessary. The management tools are available at this time to prosecute these fisheries in a safe and timely manner. I feel any action along these lines would be unjust and unacceptable for the fisherman that participate in these fisheries and coastal communities that would be affected.

A handwritten signature in cursive script, appearing to read "J Yarbrough". The signature is written in black ink on a white background.

Whidman Ronald

**Po Box 1961
Petersburg, Alaska 99833**

(907) 772 2743

F/V Torpedo

I am opposed to State Bill 113, because it will screw up my way of living financially.

A handwritten signature in black ink, appearing to read "W. Ronald". The signature is written in a cursive style with a large, sweeping initial "W" and a distinct "R".

Mark Wade

**5103 Chuckanut Drive
Bow, Washington 98232**

(360) 766 7123

F/V Falcon

I am strongly opposed to Senate Bill 113. I have been fishing for thirty three years in Alaskan waters and I think dedicated access is absolutely the worst idea to come along. I would rather see a limited entry type system, but before anything happens we need public meetings and comments from communities that the Board of Fish wants to rule.

A handwritten signature in black ink that reads "MARK WADE". The signature is written in a cursive, slightly slanted style. The letters are bold and clear, with a long horizontal stroke extending from the end of the name.

I am opposed to Senate Bill 113. I feel that this bill is far too broad and unspecific. This is the most dramatic legislation proposed since the inception of salmon limited entry of 1973.

In this bill there are too many undefined powers without guidelines handed to the Alaska Board of Fisheries and/or the Commercial Fisheries Entry Commission. Since there has been no public testimony from the coastal communities that would be affected by this bill, public hearings are necessary.

The management tools are available at this time to prosecute these fisheries in a safe and timely manner. I feel any action along these lines would be unjust and unacceptable for the fishermen that participate in these fisheries and coastal communities that would be effected.

Pres. Kodiak Area Divers Marketing Assoc., Board of Directors, Alaska Jig Association
Charles L. Thompson
Box 2193
Kodiak Ak 99615
dsfisheries@yahoo.com
907 486 3034
F/V Stargazer

A handwritten signature in black ink, reading "C. L. Thompson". The signature is written in a cursive, flowing style with a large initial "C" and "L".

3-805


Barry Schaff

My name is Barry Schaff, as a long time
owner/operator of several different boats in
various fisheries I must say that I am
firmly against Bill SB 113. I believe that it
puts too much power in to few of hands.

Senator Wagner
ATTN: Mary Jackson

GREG PERKINS
1255 TIERRA GRANDE PL.
WASILLA, AK. 99654
F/V GROUPER

S.B. 113

TO WHOM IT MAY CONCERN;

I AM A 30 YEAR LONG ALASKA COMMERCIAL FISHERMAN. THIS IS MY SOLE MEANS OF INCOME. I AM FUNDING MY 3 CHILDRENS' COLLEGE EDUCATIONS WITH MY INCOME AND WITH THE DIMINISHED PRICE OF SALMON IT HAS CREATED MUCH HARDSHIP FOR ME. IF I LOSE MY RIGHT TO TIG FOR MISCELLANEOUS FINFISH (COD) I WILL NOT BE ABLE TO CONTINUE MY EFFORT TO GIVE MY CHILDREN THEIR CONTINUED EDUCATION.

MY SON LUCAS, BORN IN SOLDOTNA, JUST COMPLETED 4 YEARS AT REEDS COLLEGE IN PORTLAND, OREGON. HE HAS JUST RECEIVED A FULL RISE OFFERING FROM DUKE UNIVERSITY FOR HIS P.H.D. I AM ELATED. THIS IS GOOD FOR ALASKANS. IT KEEPS US PROUD AND SELF-SUPPORTING.

PLEASE ALLOW PUBLIC HEARINGS AND TIME FOR ANY AND ALL CONSIDERATIONS CONCERNING S.B. 113. IT COULD TAKE MYSELF AND MY 3 CHILDREN ALL OUT OF BUSINESS. THANKYOU

Greg Perkins

Frank Miles
Box 2744
Kodiak, AK 99615

Senate Resources Committee:

My name is Frank Miles. I have been a commercial fisherman for the last 29 years, and I have fished for salmon, crab, herring, shrimp, halibut, black cod, and ground fish. I am married and the father of three children ages 21/18/9. My wife and I own the F/V Bay Harvest, a 35' combination vessel and are second generation IFQ stakeholders. Kodiak has been my home for the last 34 years.

SB 113 stands to be the most drastic change in fisheries management to state waters since the inception of the limited entry system. DAP(Dedicated Access Privilege) which is really IFQ reinvented, is plainly an attempt to pull an end around the State Constitution which guarantees equal access for all our state residents to fish stocks.

The State of Alaska already possesses the tools to effectively manage the state waters groundfish fishery by the use of limited entry permits, tiered permits, or gear restrictions. Why veer away from precedent(limited entry) for just groundfish?

If the State of Alaska feels that DAP is the cure all for what is perceived to be ailing our state waters fishery, I urge the state to tie the access to fishing rights to "working fishermen", and the dock. I have seen first hand the devastating effects that the federal IFQ program subjects "working fishermen" to. Absentee ownership allows those with the fishing access to sit on the beach and to charge royalties/lease fees which currently run between 30%-60% for IFQ fishing privileges while never leaving the comforts of home. Under a DAP type program, any initial granting of access rights needs to include working fishermen(hired skippers/crewmembers).

I do not agree, with giving an appointed board such as the Board of Fish the authority to develop a plan to divide fish access rights.

In closing I would add that this committee should hold special meetings in the coastal communities which will be effected by the drastic change in direction towards state fisheries management. Would DAP set a new precedent which could be applied to other state fisheries such as salmon, crab, herring, etc?

Respectfully;

Frank Miles

Frank Miles

March 8, 2005

To the Senate Resources Committee
From The Alaska Jig Association

The Alaska Jig Association is opposed to Senate Bill 113. We feel that this bill is far to broad and unspecific. This is the most dramatic legislation proposed since the inception of salmon limited entry of 1973.

In this bill there are too many undefined powers without guidelines handed to the Alaska Board of Fisheries and/or the Commercial Fisheries Entry Commission. Since there has been no public testimony from the coastal communities that would be affected by this bill, public hearings are necessary.

The management tools are available at this time to prosecute these fisheries in a safe and timely manner. We feel any action along these lines would be unjust and unacceptable for the fishermen that participate in these fisheries and coastal communities that would be effected.

With registered opposition,



Steve Mathieu, President
Shaun Kosun, Vice President
Locke Finley, Sec/Tres

Board of Directors
Chuck Thompson
Shawn C. Dochtermann
Jim Brighenti
Leonard Carpenter
Anita Carpenter



attached: 2 pages (list of Jig members)

*Note: only 1-page
was attached*

1. PETER ALI 'N PO BOX 2160 KODIAK, AK 99615 907-487-2333 F/V
 ORION
 2. CECELIO AROZCO BOX 2221 KODIAK 486-5086
 F/V HEIDI KAY
 3. CHERYL A. BOBLAND BOX 8529 KODIAK 486-8529
 F/V BIG DIPPER
 4. BOB BOWHAY BOX 187 KODIAK
 F/V MOONDANCE
 5. MICHAEL BOURAY 3291 BALIKA LN KODIAK 486-4054 F/V
 BLUE FOX
 6. JAMES BRIGHENTI (BOD) BOX 4361 KODIAK
 486-3579 F/V SHEARWATER
 7. DANIEL BYRON BOX 95 FT LIONS, AK 99550 454-2556 F/V
 THUNDER BAY
 8. LEONARD CARPENTER (BOD) BOX 1970 KODIAK 486-5852
 F/V FISH TALE
 9. BRENT CATHEY BOX 3264 KODIAK
 F/V HARVEST
 10. BRIAN CHELEDINAS
 F/V IRON MAIDEN
 11. KENNETH R. CHRISTIANSEN BOX 1801 KODIAK 486-4323 F/V
 MAKENNA C
 12. ROBERT CLOKE BOX 1433 KODIAK 486-5459
 13. ANDRE COSETTE BOX
 486-1780 F/V RED RIDER
 14. SHAWN C. DOCHTERMANN (BOD) BOX 3886 KODIAK 486-8777
 F/V ISANOTSKI
 15. FRED R. DEVOUE SR. BOX
 486-6813
 16. RALIEGH EAGRE BOX 8238 KODIAK 481-2864
 17. STEVEN FRARNSWORTH 325 COLUMBIA ST CATHLAMET, WA F/V TORPEDO
 18. JOHN FINLEY BOX 3849 KODIAK
 487-9791 F/V LINDY II
 19. LOCKE FINLEY (S/T)
 487-9703 F/V ST. HERMAN
 20. DONALD J. GALLAGHER BOX 111 KODIAK 486-1469 F/V NORMA KAY
 21. ED GARR 145 FERN ST KENAI, AK
 283-0676
 22. TIM GOSSETT BOX 4232 KODIAK 486-2378 F/V
 LAGUNA STAR
 23. ALAN GRAUEL BOX 2669 KODIAK 486-
 5452 F/V LORI ANN
 24. JON HENSON BOX 176 KODIAK
 486-0200 F/V BEVERLY J
 25. CLARK HO'DIMAN BOX 56 FT LIONS
 F/V MISS TAYLOR
 26. OLIVER HOLM BOX 3865 KODIAK
 486-6957 F/V SULINA
 27. JIM HOUSTON BOX 8399 KODIAK
 F/V NAOMI
 28. CLINT T. JOHNSON BOX 909 KODIAK
 487-2329 F/V KAJWIK
 29. DARRIUS KASPRZAK 1226 MISSION RD KODIAK 486-2014 F/V
 MALKA
 30. JOSHUA KOSON BOX 5594 KODIAK 486-0050
 31. RUTH KOSON BOX 5594 KODIAK 486-0050
 32. SHAUN KOSON (VP) BOX 5594 KODIAK
 486-0050 F/V LANA E
 33. ALEXUS KWACHKA BOX KODIAK
 486-5558 F/V NO POINT
 34. DAVE KUBIAK BOX 193 KODIAK 486-5536 F/V MYTHOS

DEAR SENATOR / CONGRESSMAN

This Letter is to briefly address my concerns with SB113.

In my interpretation of the bill, it would give the Board of Fisheries the Authority to Rationalize State waters groundfish without the public testimony or input from the fishermen AND coastal communities that it effects most.

Rationalization decisions are very important to Alaska and its people. To give authority, to make such critical decisions, concerning livelihoods, businesses etc. to a small group of biased individuals such as the Board of Fisheries is WRONG!

Rationalization has been a hot topic for some time and fishermen and involved parties have many ideas as the best ways to rationalize.

As a small boat fisherman, I'm asking PLEASE do not allow such critical decisions to be handed to those who have little touch with the people it will effect most.

Sincerely,

Robert Martin

PO Box 3544
Kodiak 99615
- 907-481-3221

F/V ARGONAUT - Member Alaska Tug Association

Harold Bruce Magnusson

**PO Box 531
Blaine, Washington 98231**

(360) 332 7328

F/V Breanna Holly

I support the Jig Association on this stand and I'm strongly opposed to State Bill 113. I have commercial fished in Alaska for twenty eight years. I was in the Bering Sea with the first draggers who sold bait for the crab fleet. I have trolled all my life. There is nothing left for me to make a living on except this open access commercial jig fishery because of all the changes that are happening in this industry. I think it is very important to leave room for growth and new blood in this industry. If this bill goes through, this will not be the case.

A handwritten signature in cursive script that reads "Harold B. Magnusson". The signature is written in black ink and is positioned in the lower right quadrant of the page.

March 7, 2005

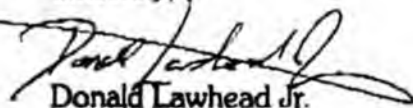
To: Senate Resources Committee

Re: SB 113

My name is Donald Lawhead Jr. I'm married with a four and three year old. I've been fishing Alaskan waters for 14 years and am the main source of income for my family. This includes Cod, Crab, Halibut, Sablefish, and Salmon. I own two boats, one for Kodiak and one for Bristol Bay. Senate Bill 112 will ultimately affect everyone including myself and family. The State Constitution prohibits granting special rights or special privileges of a fishery in the natural water of the State. This means equal access and everyone should have the right to State fisheries. The State has the ability to have a limited entry system for its fisheries for conservation and economic dependant fisherman. This has worked for more than 30 years. Everyone understands it and can trust what it represents. SB 113 wants to create DAP or Dedicated Access Privileges to individuals and associations. This is IFQ's or Individual Fishing Quotas. This is unequal access and shouldn't be passed. This is bad for the coastal communities of Alaska. You will put the power of the fisheries to a select few, resulting in less fishing jobs and processing jobs. Consolidation looks good for big businesses, but Alaskan coastal communities aren't big businesses. We are a bunch of small businesses who must fish all of the fisheries to stay afloat. SB 113 is too broad and gives too much power to the BOF and CFEC to create anything they want.

The big boats and companies out of state will reap the benefits of SB 113. The Federal program and State would mirror each other. I'm worried if this passes it would create a chain reaction for all of States fisheries and resources, including Salmon, Herring, Game, and Subsistence. Everything will change; this is the biggest change in State managed fisheries since limited entry in 1972. We need community hearings in all coastal communities in Alaska. Everyone has the right to be heard.

Sincerely,



Donald Lawhead Jr.

3865 COHO CIRCLE
KODIAK AK 99615

To the Resource committee,

SB113

My name is Alexis Kwachka and I have been fishing out of Kodiak for 18 years, 15 of which on the same boat. I worked on the f/v Major, first as a deckhand, then deck boss, engineer, and finally skipper for the last 8 years. In my spare time I own the f/v No Point, I hold a limited entry license for Bristol Bay salmon drift, Kodiak herring gillnet, and Kodiak tanner crab.

SB 113 could start a very bad precedent for the State. Unequal access is a road we as a State should not be willing to go, and have not been willing to go in the past. This Bill is a roadmap around the intent of our States Constitution. Once we agree on unequal access rights, as Legislators how far will you be willing to go? This is the biggest policy change since limited entry! Basically this is giving the Board of Fish and CFEC the ability to do whatever they want with our Resource. (Groundfish) Is this regulation or will it be Statute? Can this be changed by the next Administration or Board of Fish? What is the plan? Lets see the plan first. Get public comment and go from there. Once you know that this is truly what our States RESIDENTS want, then move forward if it's in the States best interest to do so.

I'll end with a little history. I have been participating on the Federal side of this process for years! I have been one of the lone voices advocating for Skipper and crew rights. On the Federal side all rights go to the vessel owners. On the State side all rights go to the operator. In our Federal waters we have seen massive consolidation. The Federal program allows for absentee ownership of our resources. As a fisherman I have been turned into a sharecropper. I do not like it! Whatever comes with SB113 you as Legislators must make sure whoever gets rights to the States Resource must pull their Boots on to harvest it! Absentee Ownership, Leasing, and CO OP's will kill coastal Alaska. **DO NOT MOVE TO QUICKLY ON THIS BILL YOU MUST GET THIS ONE RIGHT BEFORE IT SHOULD MOVE AT ALL!**

Remember it is the economic inefficiencies in our fisheries that keep coastal Alaskan communities alive. The average dollar spent in Kodiak gets passed around our community 8 to 10 times before leaving our community. **KEEP THIS CHAIN ALIVE AND WELL.** The Board of Fish has tools already to deal with a lot of these issues. Coastal Alaska is made up of a very diverse group of small boat fisherman, we rely on multifaceted fisheries to stay alive.

Sincerely, Alexis Kwachka

326 Cope St.

Kodiak, Alaska 99615

907-486-5558

Island1@ptialaska.net

 3-8-05

Senator Wagner

Attention: Mary Jackson

3/7/05

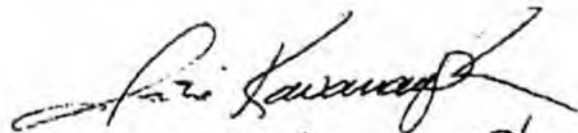
As a member of a fishing family and an Alaskan resident, I am deeply concerned about SB113. It is my belief that this bill creates an authority so broad and potentially damaging that the public policy of the State of Alaska would be rewritten to benefit those wealthy and powerful enough to lobby for SB113's ability to allocate. This bill, if passed does nothing until acted upon. It is what I see as a sleeper. As a legislator you do no harm by passing the SB113. But as a legislator, you would be giving the awesome authority to a faceless future Board of Fish to award the exclusive right to public resources. The question is "Do we solve the problems of a select group (of fishermen) by compromising the Constitution of the State of Alaska?"

I see the "road map around the constitution" written in this bill. I see a change in policy on all levels in this bill. I see allocation for fish to timber to minerals and oil to game-bird and small-substance and commercial. The question is "Do we solve the problems of a select group and create a larger more difficult problem in the future?"

I am a parallel fisherman. SB 113 is suppose to protect my history, give me something comparable (to federally granted IFQs). What the DAP program does is create a second class federal fishermen. A fisher who then must compete against fishers who have IFQS (a bankable asset enabling them to recoup the taxation of the programs creation); and also compete against CDQ holders whom qualify for low interest, almost free loans; and also compete against entry level fishers qualifying for allocation I don't qualify for. I cannot remain viable without the ability to recoup the losses (shares of quota given to programs) created out of rationalization. The need to preserve the fishing rights/history of the parallel fisher is necessary. Without consideration for this group of fishers, their ability to survive Rationalization would be grossly compromised. The question is "Do we solve the problems of a select group, while creating an economic imbalance?"

The question is "Who then does this bill serve?" I challenge the chair and this committee to look at the demographics of who might be in favor of this bill. While I acknowledge there are some resident Alaskans supporting SB113, I would challenge that the majority (of supporters) are home ported outside of Alaska. It is my belief that this bill serves specific gear types and high volume fishers afraid of losing out on an IFQ system. It is time to consider/reconsider options that do not so profoundly compromise the intent of our constitution.

SB113 is an attempt to meet the "least impingement" clause of the State Constitution, but is just this clause that it so blatantly runs over. I am a parallel fisher, afraid of losing my right to fish, my history in the fishery, my ability to draw a living from the sea, and my coastal community's economic stability. I care about my future, my children's future, and Alaska's future. How does the authority to allocate our resources benefit me, my children, and Alaska? The question might be. "In the game of Rationalization, who should the winners be? Resident Coastal Alaskan Fishers or Corporate Fishers?"


Julie Kavanaugh
PO Box 3890
Kodiak AK 99615

March 8, 2005

Senator Wagoner,

My name is Ron Kavanaugh. I have been a resident of Kodiak Alaska since 1966. I have been a commercial fisherman since 1976. Along with my wife Julie, I own and operate the 58' FV Sylvia Star. Currently I participate in the P-cod, Tanner Crab, and Salmon fisheries of Alaska. We have also fished for Halibut, Black Cod, Herring, Dungeness Crab, Sea Cucumbers, and Octopus...

I have participated in the Gulf of Alaska groundfishery since 1990. With the threat of impending halibut and sable fish IFQ's, I began to focus heavily on P-cod. I felt this would fill an economic gap that would soon arise. P-cod did elevate the loss of income we incurred due to implementation of halibut and sable fish IFQ's.

I began fishing for P-cod in the federal fishery. (There was no State Fishery at the time) I was required to carry a federal fisheries permit and fill out a federally required log book. This qualified me under a federal moratorium to fish P-cod in the Gulf of Alaska. As time progressed, the moratorium was replaced by a federal LLP. I received a LLP for the Central Gulf and S.E. Outside. I further purchased Western Gulf and Bering Sea LLPs, to guarantee access to those federal ground fisheries, as the central gulf was seeing increased pressure resulting in shorter seasons. I moved to the western gulf and Bering Sea to remain economically viable.

In 1997, the State of Alaska first implemented a State Water ground fishery for pot & jig gear, inside three miles. To my knowledge, this was the first time I had ever participated in a State Water ground fishery. I participated in every ensuing State Water ground fishery. Switching from Kodiak, Chignik, and Sand Point, I chose different areas based on effort, quota, and other variables to remain economically viable. I also fished in the Fall cleanup openings in Kodiak. Together, with a small group averaging less than six vessels, we caught the remaining quota available. This allowed the State Waters fishery to obtain their incremental increases from the original 15% to the cap of 25%.

I continued to participate in the groundfishery during the Federal and State seasons and have a significant history in what became known as the "PARALLEL FISHERY". The parallel fishery is Federal fish (TAC) caught inside three miles (in state waters). The Parallel fishery has corresponding emergency orders issued by Alaska Dept of Fish & Game mirroring the Federal manager's openings & closings for the Gulf of Alaska. During the parallel fishery, I operated under Federal regulations, using a Federal LLP and a Federal fisheries permit. I was harvesting Federal TAC and considered myself to be engaged in a Federal fishery.

To follow up, I do not support any Federal or State Rationalization Plan that gives away public resources and creates wealth. I believe that the ground fishery could be managed with gear restrictions, horsepower limits, sector allocations, better observer coverage, and trip limits (eliminating deck loads or full cod ends).

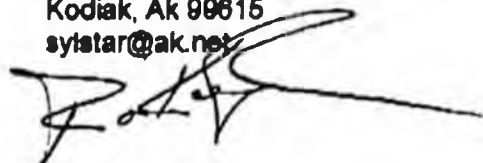
By the same token any Federal Plan that disenfranchises fishers inside three miles that fished in the federal (Parallel) fishery will greatly weaken the economic health of Coastal Alaska.

The two fisheries that occur inside three mile, the Federal Parallel fishery and the State Water P-cod fishery are two very different fisheries and should not be acted upon the same.

If the Federal fishery must be rationalized, I strongly encourage you not to take the State Water P-cod fishery down this same path.

Regarding SB 113 – The Constitution of the State of Alaska would not allow unequal access to Fish & Game for subsistence use. So, I must ponder the intent of SB113 which would seem to allow just that in the state ground fishery.

Ron Kavanaugh
FV Sylvia Star LLC
PO Box 3890
Kodiak, Ak 99615
sytstar@ak.net

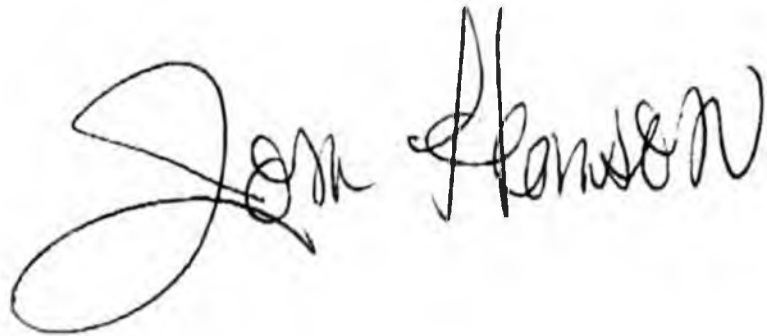
A handwritten signature in black ink, appearing to read 'Ron Kavanaugh', is written over the printed name and contact information.

Jon Henson

PO Box 176
Kodiak, Alaska 99615

(619) 341 2464

I am opposed to Senate Bill 113. This bill is too broad and too unspecific. It's the most dramatic legislation since salmon limited entry in 1973. There are too many undefined powers without guidelines. There has been no public testimony from coastal communities, and public hearings are necessary. It's important to prosecute these fisheries in a safe and timely manner. The management tools are available. I think action along these lines would be unjust and unacceptable for fisherman that participate in these fisheries.

A handwritten signature in black ink that reads "Jon Henson". The signature is written in a cursive style with a large, looping initial "J".

Ed Garr

145 Fern St.

Kenai AK 99611

283-0676

Senate Resources committee

I regards to Senate Bill 113, I
Edward L. Garr (Voter ID, No. 09075759),

Veteran, Kenaiatze tribal member,
yes and fisherman (Republican
party member, what a SLAP in
my struggling boat project and future
jigging association member participant.

This bill will force me out of
an area I've struggled to move to
Kodiak when I boat is running (fixed)
I don't intend to get rich, but I will
work at something I'm comfortable with

Cod jigging should stay open and
accessible to anyone wanting to participate
in, the way our legislature get it

up to do, appoint a program for the
people. "Us Small People" the one that
I voted for you Edward L. Garr

Locke Finley

PO Box 3849
Kodiak, Alaska 99615

(907) 487 9791

F/V Lingy II

I am opposed to Senate Bill 113 because it grants too much power to the Board of Fish to allocate fish to people. I prefer the open access fishery that we currently have. Regardless of our differences as fisherman, in regards to how we would like to see our fishery continue, we all agree that we do not want to see a rationalized state water fishery. I would like to see more public hearings on this bill and shed some more light on this issue.

A handwritten signature in cursive script, appearing to read "L Finley", written in dark ink on a white background.

Steve Farnsworth

PO Box 8163
Nikiski, Alaska 99635

(907) 252 1616

F/V Torpedo

I am opposed to State Bill 113, because I am sure it will be detrimental to our livelihood and the coastal communities.

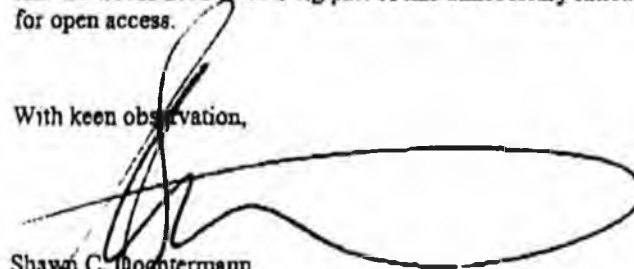
Steve Farnsworth

SENATE BILL 113

I've been a fisherman and lived in Kodiak for 28 years. I own a small vessel and depend on the jig groundfish fishery to stay economically solvent. At the present time with open access I can survive. If you rationalize the state waters you will be making me and many others go bankrupt. I am completely against the whole idea of SB 113. There are no guidelines for the AK BOF or CFEC. If this blank check was handed over to them they will have the powers to manipulate the state water fisheries as they please. When 4 votes are all it takes to change my life I don't like it. None of the members of BOF are even fisherman. In fact, I think the BOF (is a load deck) is for the special interest groups and don't follow the true concerns of the fisherman and its communities. In the future these leaseable IPQ rights might end up in the hands of an elite few, such as the processors and special interest groups (aka draggers). I would like all state water fisheries left to open access, as most participants are Alaskans. Although, I do realize that limited entry with a snapshot of today's picture is the safest bet otherwise. I feel that the fisheries will limit themselves. Take a look at salmon and tanner crab in the Kodiak area, not all the limited entry permits are being utilized. If the legislators would do the math they would figure out that to implement and run a plan for quota shares would cost more than the value of the fish at the dock. This kind of boondoggle will only put more stress on the small vessel owners of Alaska. Public hearings must be taken so that every individual in every coastal community can share their opinion.

What about the impact on the coastal communities? If this bill passes the economy of Kodiak and other communities will drop like a rock. Don't you realize that the small boat fleets are the ones keeping our communities alive financially? Once again special interest groups are trying to bully us into a new realm of privatization. Why is it that we as fisherman have the smallest voice in the creation of fisheries legislation? It seems no matter what we say you never really listen and try to work with us. As far as I am concerned this state government is working against the little guy. Until you recognize that we would need to be a big part of this unnecessary rationalization we will keep fighting for our rights for open access.

With keen observation,



Shawn C. Doontermann
PO Box 3886 Kodiak, AK
907-486-8777
drdrmann@hotmail.com

Mary Jackson

From: Sen. Tom Wagoner
Sent: Tuesday, March 08, 2005 7:57 AM
To: Mary Jackson
Subject: FW: SB113 personal opinion

-----Original Message-----

From: Shawn Dochtermann [mailto:drdrmann@hotmail.com]
Sent: Tuesday, March 08, 2005 4:18 AM
To: Sen. Tom Wagoner
Subject: SB113 personal opinion

I've been a fisherman and lived in Kodiak for 28 years. I own a small vessel and depend on the jig groundfish fishery to stay economically solvent. At the present time with open access I can survive. If you rationalize the state waters you will be making me and many others go bankrupt. I'm totally against the whole idea of SB113. There are no guidelines for the AK BOF or CFEC. If this blank check was handed over to them they will have the powers to manipulate the state water fisheries as they please. When 4 votes is all it takes to change my life I don't like it.

None of the members of BOF are even fisherman. In fact, I think the BOF (is a load deck) are for their special interest groups and don't follow the true concerns of the fisherman and its communities. In the future these leasable IFQs rights might end up in the hands of an elite few, such as the processors, special interest groups (aka draggers). I would like all state water fisheries left open access, as most participants are Alaskans, but I realize that limited entry with a snapshot of today's picture is the safest bet otherwise. I feel that the fisheries will limit themselves. Take a look at salmon and tanner crab in the Kodiak area, not all the limited entry permits are being utilized. If the legislator would do the math they would figure out that to implement and run a plan for quota shares that it would cost more than the value of the fish at the dock. This kind of boondoggle will only put more stress on the small vessel owners of Alaska. Public hearing must be taken so that any individual in every coastal community can share his opinion. What about the impact on the coastal communities? If this bill passes the economy of Kodiak and other communities will drop like a rock. Don't you realize that the small boat fleets are the ones keeping our communities alive financially. Once again special interest groups are trying to bully us into a new realm of privatization. Why is it that we as fisherman have the smallest voice in the creation of fisheries legislation. It seems no matter what we say you never really listen and try to work with us. As far as I am concerned this state government is working against the little guy. Until you recognize that we would need to be a big part of this unnecessary rationalization we will keep fighting for our rights for open access.

With keen observation,

Shawn C. Dochtermann
PO Box 3886 Kodiak, AK
907-486-8777
drdrmann@hotmail.com

3-8-05
Kodiak, AK.

Senator Wagner
AHN. Mary Jackson

We're writing in response to SB 113.
As longtime Alaskan fisherman we are
against this bill. My husband has
crewed and run commercial fishing
vessels in Alaskan waters for over
25 years. I have also crewed for over
20 of my 38 years. We have owned Alaskan
fishing boats and my husband fishes
Kodiak, Sandpoint and Dutch Harbor with
the current 58 foot vessel we are
buying into. Thank you for your time

Mike & Rebin Clark
Box 2009
Kodiak AK. 99615
(907) 486-8557

x Michel E Clark
x Rebin R Clark

Brian Cheledinas

**PO Box 692
Kodiak, Alaska 99615**

206 390 5792

F/V Iron Maign

I oppose State Bill 113. I have made a large investment in this industry and if this bill goes through newcomers will be shut out of the fishery as well as myself. I was looking to this fishery as a way to diversify myself solely from a salmon fisherman. Financial trouble will undoubtedly be a problem.

A handwritten signature in black ink, appearing to read "Brian Cheledinas". The signature is written in a cursive style with a long horizontal line extending to the right.

Victor Buchanan

PO Box 4114
Kodiak, Alaska 99615

(907) 486 2051

F/V Chisik Island, F/V Jade Alaska, F/V Decca Dawn

I oppose Sate Bill 113. I have been a fisherman for thirty eight years and I have watched the beginning of the limited entry program. I had to fight to stay in the fisheries as a kid. Then, the IFQ program came along. The state fisheries were set up for a lot of people who could not get IFQ's or didn't have them. It was the last fishery that our children would be able to get into without a banker. I also feel that the state waters should be managed by the state. If there are too many people in it, then maybe there should be a moratorium put on the fleet rather than IFQ's and limited entry.

A handwritten signature in black ink, appearing to read "Victor Buchanan", with a long horizontal flourish extending to the right.

Kristopher Blessum

**2506 East Leonora
Mesa, Arizona 85213**

(360) 333 9862

F/V Falcon

I am opposed to State Bill 113.

A handwritten signature in black ink, appearing to read "Kristopher Blessum". The signature is written in a cursive style with a large initial "K" and is underlined with a single horizontal line.

March 7, 2005

Dear Alaska Senator:

I am asking you to take action to prevent the passage of SB 113. This bill proposes a dramatic change in policy that would threaten the livelihoods of many Alaska fishermen, myself included. It places the welfare of too many Alaskans in the hands of too few individuals. SB 113 is far too broad in scope, effectively giving the Board of Fisheries and the CFEC the power to take any action they want to take.

These agencies already have sufficient power without giving them this additional blank check. The BOF has the tools to rationalize the state water fisheries with limited entry. There is no justification or need for the allocation of additional power to these agencies.

Sincerely,



Timothy J. Tripp
P.O.Box 3614
Kodiak, AK 99615
(907) 487-2529

Mary Jackson

From: Lisa Robbins [rrobbins@ak.net]
Sent: Tuesday, March 08, 2005 8:57 AM
To: Mary Jackson
Subject: Re: Please include in SB 113 packet

P.O. Box 2284

Kodiak, Alaska 99615

March 7, 2005

Senator Thomas Wagoner

State Capitol Room 427

Juneau, Alaska 99801-1182

Dear Senator Wagoner:

Re: SB 113 "An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

We are 30+ year residents of Alaska, vessel owners and participants in the groundfish fishery since 1992. Groundfish represents a large portion of our fishing operation. We are very much against SB 113.

This bill gives the Board of Fisheries carte blanche to do as it will with fishermen's shares. *Before this bill is passed, the proposed plan by the Board of Fisheries should be stipulated.*

It is reported fifty percent of the shores have been promised to other entities besides fishermen. From the remaining fifty percent, subtract shares for new fishery entrants. Groundfish is a low margin fishery. It will be economically not feasible for me to participate, and I along with other long time participants will be forced out of the fishery by SB 113.

Unlike what is promised in the bill, it represents a sacrifice of a fisherman's history to communities, organizations, and anybody else who have made the case they will be disenfranchised by SB 113.

If the bill is not passed, no one need feel disenfranchised, least of all Alaskan fisherman who have fished groundfish over the years.

The Alaska Board of Fisheries has the necessary tools to effectively manage the fishery, as it has since the inception. SB 113 does nothing to improve the state of the fishery for past participants. SB 113 can very well take this fishery away from those of us who have fished it since inception.

Sincerely,

3/8/2005

Phil and Lisa Robbins

----- Original Message -----

From: Mary Jackson
To: rrobbins@ak.net
Sent: Tuesday, March 08, 2005 8:14 AM
Subject: FW: Please include in SB 113 packet

I'm not able to open this document - can you either save it to word or convert it to pdf?

If can't do that, then just copy from your document and paste it into an email to me - I'll convert it to pdf from there.

thanks

Mary Jackson, staff
Senate Resources Committee

From: Sen. Tom Wagoner
Sent: Tuesday, March 08, 2005 8:03 AM
To: Mary Jackson
Subject: FW: Please include in SB 113 packet

From: Lisa Robbins [mailto:rrobbins@ak.net]
Sent: Monday, March 07, 2005 7:53 PM
To: Sen. Tom Wagoner
Subject: Please include in SB 113 packet

Please attach this email to SB 113.

Thankyou,

Lisa Robbins

Monday, March 07, 2005

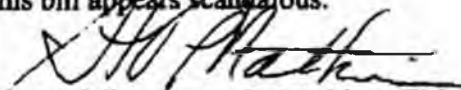
Att; Chair Senator Thomas Wagner, Vice Chair Senator Ralph Seekins,
Senator Ben Stevens, Senator Fred Dyson, Senator Bert Stedman,
Senator Gretchen Guess-Senate Resource Committee

Dear Resource Committee members,

I have worked in Alaska for 30 years. 28 of those years I have been a fisherman in Alaska state waters. 21 of those 28 years I have owned and operated a 32 foot boat around the Alaskan Peninsula. All of my present family and past families have fished with me. We all still live in Alaska. I speak for them only in this letter.

I have jigged cod fish and rockfish in Alaska waters since and before the official state jig fishery started. I have jigged since the early 90's and am proud to say it is one of the cleanest fisheries in regards to by-catch in the state possibly equal to drift net fishing in Bristol Bay. Jigging is one of the most controllable fisheries in regards to management since our catch rate is so slow. We have the fastest growing user rate of any of the fisheries which brings in more money to Alaska's coastal communities related marine businesses. We have the greatest prices per pound potential of any of the user groups of fin fish in state waters, which should interest any fishing community that collects fish taxes. And we probably represent the user group with the most Alaskan residents. This allows me to qualify my opinion of Senate Bill 113.

I find it very difficult to object to SB113 because it is very vague, very general and lacks any clearly define directives but in this I find one of my strongest objections. It seems very irresponsible to place this much control of so many fishing communities in the hands of so few people, the Fish Board, without the understanding of all the people in each community to which this bill will influence. It would seem very irresponsible for any city council or borough assembly to advocate this bill without first educating those communities of the possible gains and or shortcomings of this bill to their representative community. Any such representative would surely expect to face a vote of confidence and be suspect of conflicts of interest. Many people suspect already that this bill has been worked on for years in closed sessions without any input from certain fishery user groups. The speed of which the approval process is moving is certainly objectionable because of the public lack of education and participation in public hearing. The possibility of being taxed to administer and enforce this new bill leaves a person with a sour taste in his mouth. The possibility of defining what is dedicated access to every users satisfaction sounds like freezing quotas and unequal access, how un-American how un-productive. It seems unscienable to all the fishing user groups in state waters and to all the fishing communities on Alaska's coast to have law makers decide their futures without first being asked how the fishing resources should be used and how those fishing user groups feel their industry and futures should be governed. This bill also provides nothing to insure something that feels like a continuity of management. This threatens everyone ability to plan for and be successful in the future. I will continue to object until the local assemblies in all the communities have public hearing on SB113 and have a say in its creation. Until the state develops the infrastructure to allow fishermen to move and sell their fish where they want, this bill appears scandalous.


Respectfully, Steven P. Mathieu, Fisherman

PO Box 3586
Kodiak, AK 99615
907-401-2117

Mary Jackson

From: Ron Kavanaugh [sylvistar@ak.net]
Sent: Monday, March 07, 2005 10:10 PM
To: Mary Jackson
Subject: SB 113

Senator Wagoner

Attention: Mary Jackson,

As a member of a fishing family and an Alaskan resident, I am deeply concerned about SB113. My family owns and operates the 58 ft FV Sylvia Star, home ported out of Kodiak. Our income is 100% dependant on commercial fishing and has been for 29 years. It is my belief that SB113 creates an authority so broad and potentially damaging that the public policy of the State of Alaska would be rewritten to benefit those wealthy and powerful enough to lobby for SB113's ability to allocate. This bill, if passed does nothing until acted upon. It is what I see as a sleeper. As a legislator you do no harm by passing the SB113. But as a legislator, you would be giving the awesome authority to a faceless future Board of Fish to award the exclusive right to public resources. The question is **"Do we solve the problems of a select group (of fishermen) by compromising the Constitution of the State of Alaska?"**

I see the "road map around the constitution" written in this bill. I see a change in policy on all levels in this bill. I see allocation for fish to timber to minerals and oil to game-big and small-subsistence and commercial. The question is **"Do we solve the problems of a select group and create a larger more difficult problem in the future?"**

I am a parallel fisherman. SB 113 is supposed to protect my history and give me something comparable (to federally granted IFQs). What the DAP program does is create a second class federal fisherman. A fisher who then must compete against fishers who have IFQS (a bankable asset enabling them to recoup the taxation of the programs creation); and also compete against CDQ holders whom qualify for low interest, almost free loans; and also compete against entry level fishers qualifying for allocation I don't qualify for. I cannot remain viable without the ability to recoup the losses (shares of quota given to programs) created out of rationalization. The need to preserve the fishing rights/history of the parallel fisher is necessary. Without consideration for this group of fishers, their ability to survive Rationalization would be grossly compromised. The question is **"Do we solve the problems of a select group, while creating an economic imbalance?"**

The question is **"Who then does this bill serve?"** I challenge the chair and this committee to look at the demographics of who might be in favor of this bill. While I acknowledge there are some resident Alaskans supporting SB113, I would challenge that the majority (of supporters) are home ported outside of Alaska. It is my belief that this bill serves specific gear types and high volume fishers afraid of loosing out on an IFQ system. It is time to consider/reconsider options that do not so profoundly compromise the intent of our constitution.

SB113 is an attempt to meet the "least impingement" clause of the State Constitution, but is just this clause that it so blatantly runs over. I am a parallel fisher, afraid of loosing my right to fish, my history in the fishery, my ability to draw a living from the sea, and my coastal community's economic stability. Why then don't I grasp hold of an idea touted as the answer to my fears? Because I care about my future, my children's future, and Alaska's future. How does the authority to allocate our resources benefit me, my children, and Alaska? The question might be, **"In the game of Rationalization, who should the winners be? Resident Coastal Alaskan Fishers or Corporate Fishers?"**

Julie Kavanaugh
FV Sylvia Star
PO Box 3890
Kodiak Ak
907-486-5061

3/8/2005

March 7, 2005

Public Testimony—SB 113

I own a business on Kodiak Island and have observed closely for the last twenty years those factors, which affect the fishing economy of this Island. In order for Kodiak's economy to flourish, all of its harvester groups must be participating above a minimum threshold necessary to secondarily support the canneries, the fuel docks, the fishing service industries, and other businesses benefiting from the "multiplier effect" of this fishing activity. Kodiak (and all coastal fishing communities) are now at a cross road in the fishing resource harvester allocation road. This crossroad is whether to allocate groundfish harvest rights to groundfish within State waters based on catch histories rather than "open access" as is presently provided in our State Constitution.

SB 113 pencils for the trawlers but not for the majority of other fishers such as seiners, other smaller jig and longline boats which need State water allocations of cod and rockfish to supplement their incomes in the winter when their primary fishery such as salmon experiences a decline.

SB 113 is one of the most important changes to affect fishing harvest allocations in State waters since Limited Entry, yet it is one of the least debated and understood pieces of legislation to date.

I request that SB 113 be shelved for this year and immediately after this Legislative Session is over, that a Legislative Task Force be formed which travels to all coastal fishing communities in Alaska taking testimony from fishermen on the merits of this

bill. Similarly, I request that an "Economic Impact Study" be commissioned by the State to determine whether the economies of coastal communities (including Kodiak) will be negatively impacted by this legislation.

The Board of Fish allocation process has its detractors but for the most part has worked fairly well in insuring that all fishers have a say in the process. With fish stocks going up and down, the demand for fish fluctuating due to demand changes, currency changes, maintaining a flexible Board of Fish process is a desirable in my opinion. I believe that before we change the way we allocate fish stocks in State waters, we had better first try to determine what the effects of this change might bring to the economies of communities such as Kodiak.

Respectfully submitted,

Andy Lundquist -Box 589, Kodiak

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Donald Gallagher Iii wrote the following message On 3/7/2005 at 11:39
In opposition of *SB 113*

Message:

SB113 is the largest change in State fisheries since Limited Entry 30 years ago. It lacks specificity. Change this big deserves extended public input from coastal alaskans. This bill will represent big tax dollars for Alaska if passed, therefore, the state CAN afford to send Rep's out for EXTENSIVE public testimony.

Message was delivered by Pom

Contact Info:

Donald Gallagher Iii

Po Box 4428

Kodiak AK, 99615-4428

Work:486-1469

Email:donaldg67@yahoo.com

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1 record returned

Donald Gallagher Iii wrote the following message On 3/7/2005 at 11:58
In opposition of *SB 113*

Message:

Giving such large unspecific power to only 7 Governor appointed Board of Fish members and the CFEC sounds like a potential for disaster.

Message was delivered by Pom

Contact Info:

Donald Gallagher Iii

Po Box 4428

Kodiak AK, 99615-4428

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Email:donaldg67@yahoo.com

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3-3-05

Senator Wagoner

My Testimony @ dec. North Pacific
fisheries management council

October 11, 2004

To date, Limited access systems in fisheries management have failed to address the negative social and economic impacts to local coastal fishing communities by providing an inequitable distribution of the public resource. Without provisions for initial allocation to captains and crew members of IFQ programs many jobs have been lost in coastal communities within the harvesting sector. Consolidation of Quota Share has lead to the retirement of many vessels who's goods and services were provided for by the coastal communities small businesses at large. By not providing for access to new entrants in the effected fisheries IFQ programs have stymied new small business growth in the coastal communities. By concentrating the wealth provided by the economic benefits of these programs, the direct benefits to coastal communities has been minimalized . The loss of economic opportunities for small boat fishing families and consolidation within the larger vessel component hasten the flight of younger members of our communities who otherwise might have chosen to remain at home further contributing to our abundant heritage.

Historically , Fishing has been a joint business venture between the captain, crew members , and the owners of the fishing vessel. Captain and crew are sub contracted by the owners or their agents to locate concentrations of the resource , harvest the fish by which ever gear type is employed and deliver a product to the processor of the highest quality. Captain , crew and the owners traditionally have shared expenses for provisioning the boat, fuel expenses , costs of bait and in many instances the cost of gear loss or repair costs. The costs of federal observers and fisheries related taxes are also shared.. Uncompensated labor by the captain and crew is provided for maintenance and upgrades of the vessels while in dry dock. Owners are exempt from providing an hourly wage or unemployment compensation. IFQ programs to date have completely disenfranchised the human element of the harvesting sector. These fishermen are the ones who shoulder the inequitable burden and suffer the largest economic hardship of these programs and the consolidation that follows their implementation. Please do not try to minimize risk , by using the word to only consider venture capital investment . We fishermen share the risks on the return along with the owners in the harvest of the fish.

Consolidation has negatively impacted the economic viability of our coastal communities. One of the most obvious results of the consolidation of quota shares is the reduction of numbers within the harvesting sector. Vessel retirement directly results in the loss of jobs in the harvesting sector affecting fishing families who rely on the income that these vessels provided. The loss of jobs results in lost income to those supplying the consumables element of the fleet. Grocers , Hotels , restaurants , Taverns , and gear supply stor's are all negatively impacted. Fewer vessels result in the lost sales of petroleum products , sales by vendors supplying machinery , parts and hardware. Fewer vessels require fewer welders , mechanics ,

electricians and others providing the skills and services that maintain and improve our fleets. All have suffered economic hardship. Lost sales result in lost tax revenues. Our local government's struggle to provide services are exasperated by these lost revenues.

The failure of past IFQ programs to address the issue of allowing new entrants into the affected fisheries has stymied the economic growth of small businesses within the coastal fishing communities. Without the leveraged initial quota allocation it is prohibitively expensive to enter IFQ affected fisheries. Small boat fishing families like my own are unable to feasibly enter or expand our operations as past IFQ programs have heavily favored large scale fishing operations and/or corporations who have the financial resources to buy large blocks of quota share. By providing for new entrants in the small boat sector, each vessel, a small business, you will allow for participation and eventual quota share purchase. The initial costs of gear can be amortized through the entry level fishery before the necessary real costs of quota. Eventually IFQ's assignment from the entry level can again be used to amortize quota purchase. Entry level programs will allow for lower volume/lower impact gear types that currently would not qualify for very much allocation history because of their more recent introduction made possible by an open access statute's waters managed fishery. From a conservation stand point the small vessel jig fishery harvest pacific cod with a significantly smaller impact on the ecosystems habitat than traditional trawl, long line or pot gear. Without an entry level fishery most jig boats will qualify for little if any federal quota, yet in state waters of the Kodiak district our fleet was able to harvest nearly 4 million pounds in just over two months. Sustained participation by the small boat sector would be further ensured by a 100% ownership on board provision for the harvest of IFQ systems management. This would keep the quota of the fisheries in the hands of those that do the actual harvesting. A 7 year sunset on grand fathered shares should be sufficient to alleviate any hardships. Consolidation caps should be considered not only within different gear types but also by the harvesting vessel's size. Most small vessels are owned by working fishermen and their families. These stake holders interest in marine stewardship of the resources are far more personal than the large scale, corporate fishing owned vessel. We understand that we are in it for the long haul and our families depend on responsible management of the ecosystem.

In past IFQ programs, the economic benefits have been realized by a relatively small percentage of the fishing communities. The resulting concentration of benefit wealth has done little to benefit the fishing communities as a whole. The wind fall of initial allocation has been parlayed through consolidation into the corporations defacto ownership of the public resource. Fewer fishermen is a not benefit to the coastal community. Economically and socially the demographic changes have caused hardship. Perhaps reversing the trend toward big business, large scale corporate ownership of the resource back to a small scale, small vessel, community ownership will provide the same benefits sought by IFQ programs without the resulting hardships. Conservation, and value for the product, can be realized without the reward of windfall allocation to the few weighted by historical participation and the disenfranchisement

of the many on whom the burdens of IFQ's in-equality will fall. It must be an equitable distribution of a public resource.

I do not support Senator Ted Steven's assertion that we do not need National Standards for IFQ's for the reasons stated in this letter I support the efforts of Senator Snowe , Senator Kerry and Representative Allen on HR2621 and National Standards for IFQ's . They are necessary and must be a part of re-authorization of the Magnuson Stevens Federal Fisheries Act.

Please make sure that any council IFQ plans now and in the future will be affected by these National Standards.

Thank-you

Shaun Koson,
Ruth Koson
Joshua koson

PO Box 5594, Kodiak
99615

(907) 486-0050 (home)
koson@ak.net

Alaska State Public Opinion Message System:

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Susan Payne wrote the following message On 3/3/2005 at 11:23 about *Fish & Game (fish)*

Message:

Oppose rationalization. Dedicated access priveledge or whatever jingo you want to call it to give certain special "entities" or persons sole use of a public resource be it federal or state. Family fisheries, individuals, communities will suffer economic hardship from these exclusive give aways of our fisheries.

Message was delivered by Pom

Contact Info:

Susan Payne

Po Box 1903

Kodiak AK, 99615

Work:907 486 3737

Email:sourdoughsolar@att.net

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Amy L. Seitz

From: Ron Kavanaugh [sylstar@ak.net]
Sent: Monday, February 28, 2005 7:57 PM
To: Sen. Tom Wagoner
Cc: 'Senator Ralph'; 'Senator Ben'; 'Senator Fred'; 'Senator Bert'; 'Senator Kim'; 'Senator Gretchen'
Subject: *****SPAM***** SB 113

Senator Wagoner,

We are emailing you as the chair of the Resources Committee. We are a fishing family from Kodiak, Alaska. We are 100% dependant on the health of our fisheries. Our family owns and operates a 58ft vessel, home ported in Kodiak. We participate through out the year in many fisheries, in many areas. For today's purpose, we are participants in the State and Federal Ground Fisheries from Kodiak to Akutan.

It is our desire to stress to the Senator, that SB113 is a bill that will have an impact on the management and entry into State Water fisheries, greater than anything preceding it. We would plea with the Senator, that a bill of this magnitude, should have ample time to be brought before the public. There is plenty of time for this bill to complete its journey through the legislative process, as we are still in the first session of the year. It is our opinion that the public deserves a reasonable amount of time to become aware of this bill, that the input of that public is of the utmost importance, and that community meetings addressing the concerns of State Waters Ground Fisheries are crucial.

Ron and
Julie Kavanaugh
FV Sylvia
Star LLC
PO Box
3890
Kodak, Ak
99615
sylstar@ak.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, March 07, 2005 11:59 AM
To: Mary Jackson
Subject: FW: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Monday, March 07, 2005 11:57 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 113 Gulf Of Alaska Groundfish Fishery

Donald Gallagher Iii
Po Box 4428

Kodiak 99615-4428,
donaldeg67@yahoo.com
486-1469

SB113 is the largest change in State fisheries since Limited Entry 30 years ago. It lacks specificity. Change this big deserves extended public input from coastal alaskans. This bill will represent big tax dollars for Alaska if passed, therefore, the state CAN afford to send Rep's out for EXTENSIVE public testimony.

Alaska State Public Opinion Message System:

Sen. Gary Stevens's office

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Donald Gallagher Iii wrote the following message On 2/14/2005 at 11:57
about *Miscellaneous*

Message:

Rationalization plan for Pot cod in the G.O.A. is wrong. Processor linkage to any quota will be bad for Kodiak people as well as fishermen. This will eliminate new markets with innovative marketing ideas. Traditionally new markets have higher ex-vessel prices.

Message was delivered by Pom

Contact Info:

Donald Gallagher Iii

Po Box 4428

Kodiak AK, 99615-4428

Work:486-1469

Email:donaldeg67@yahoo.com

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SENATOR BEN STEVENS

CHANGES IN SENATE BILL 113

CS SB 113 – “An Act relating to entry into and management of Gulf of Alaska groundfish fisheries.”

1. Page 2, ll. 24-25 – ADDS “except for mechanical jigging machine fisheries”

This would remove mechanical jigging fisheries within state waters from consideration of a DAP program.

2. Page 6, ll. 3-7 – ADDS “(2) “Gulf of Alaska groundfish fishery” means a fishery in the Gulf of Alaska in which groundfish are taken in a specified administrative or registration area using a specified type of fishing gear that is either pelagic trawl, non-pelagic trawl, pot, or longline gear; “Gulf of Alaska groundfish fishery” does not include mechanical jigging machine fisheries.”

This clarifies what fisheries would be available for consideration of a DAP program.

3. Page 6, ll. 17-20 – ADDS “(d) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission or the Department of Fish and Game may release to the owner of a vessel information on the vessel’s history of harvests in a fishery that is necessary to apply for a dedicated access privilege issued under AS 16.43.530.”

The success of a dedicated access privilege program may depend on the state's ability to limit access of skippers and vessels based on their past fishing history. Through its licensing and catch records, the state has information to determine vessel eligibility. This addition enhances the breath or scope of the bill.

Currently the vessel owner does not have direct access to this information. The vessel owner can get the information only by (1) locating former captains and obtaining their authorization to release the catch information (not always a workable option); or (2) obtaining a court order under AS 16.05.815 for release of the information. Either of these two options can be too burdensome to a vessel owner attempting to establish the vessel's eligibility under state-imposed deadlines.

24-LS0306S
Utermohle
4/14/05

CS FOR SENATE BILL NO. 113()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR BEN STEVENS BY REQUEST

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 **FINDINGS AND PURPOSE.** (a) The Alaska State Legislature finds that

6 (1) groundfish fisheries in the Gulf of Alaska are facing significant challenges
7 from changing economic conditions and fishery management practices in the federal
8 exclusive economic zone that affect fisheries and fishery resources in a manner that is likely
9 to increase pressures on groundfish stocks;

10 (2) some form of limitation on access into the fisheries may be necessary to
11 provide for the economic health of fishermen in the Gulf of Alaska groundfish fisheries and
12 those dependent upon them for a livelihood and to ensure conservation of the biological and
13 capital resources of the fishery;

14 (3) groundfish fisheries in the Gulf of Alaska are prosecuted by a diverse
15 fishing fleet using many different types of gear and sizes of vessels to harvest multiple species

1 of groundfish;

2 (4) the current forms of limited entry authorized under AS 16.43 may not be
3 well-suited to promote the best interests of the State of Alaska in the Gulf of Alaska
4 groundfish fisheries;

5 (5) the Alaska Board of Fisheries has led an effort to explore how best to
6 respond to the changes facing the Gulf of Alaska groundfish fisheries;

7 (6) the Alaska Board of Fisheries has concluded that either the board or the
8 Alaska Commercial Fisheries Entry Commission or both the board and the commission
9 should have statutory authority, applicable only to the Gulf of Alaska groundfish fisheries, to
10 limit participation in the fisheries to persons or vessel owners, or both, with a history of
11 participation in the fisheries;

12 (7) the Alaska Board of Fisheries has concluded that, for the Gulf of Alaska
13 groundfish fisheries, the board or commission, or both, should have authority to allocate
14 differential, exclusive harvest shares to persons or vessel owners, or both, either individually
15 or as members of a harvesting association, based on the history of harvests in the fishery;

16 (8) because the Gulf of Alaska groundfish fisheries are managed by harvest
17 limits, dedicated access privileges may be feasible and appropriate and may better serve the
18 goals of resource conservation, prevention of economic distress among fishermen and those
19 dependent upon fishermen for a livelihood, and promoting the safety of fishermen involved in
20 the fisheries.

21 (b) It is the purpose of this Act to authorize a new type of access limitation program,
22 called a dedicated access privilege program, as best serves the interests of the State of Alaska.
23 The dedicated access privilege program, if adopted and implemented, should result in the
24 allocation of harvest share privileges, in Gulf of Alaska groundfish fisheries, except for
25 mechanical jigging machine fisheries, in a manner that serves the purposes of limited entry
26 under art. VIII, sec. 15, Constitution of the State of Alaska, with the least impingement on the
27 open access principles embodied in art. VIII, Constitution of the State of Alaska.

28 * **Sec. 2.** AS 16.05 is amended by adding a new section to article 5 to read:

29 **Sec. 16.05.740. Allocation of Gulf of Alaska groundfish fishery resources.**

30 (a) If the Alaska Commercial Fisheries Entry Commission has adopted a dedicated
31 access privilege program under AS 16.43.530, the holder of a dedicated access

1 privilege is entitled to share in the overall harvest authorized by the Board of Fisheries
2 to the extent provided by the dedicated access privilege.

3 (b) The Board of Fisheries may adopt regulations to allocate portions of the
4 harvestable surplus of Gulf of Alaska groundfish species to associations of dedicated
5 access privilege holders authorized by the board based on the combined dedicated
6 access privileges held by the members of each association.

7 (c) In considering whether to approve allocation of Gulf of Alaska groundfish
8 species, to the extent practicable, the board shall seek to promote

9 (1) sound fishery management;

10 (2) resource conservation;

11 (3) the economic health of the commercial Gulf of Alaska groundfish
12 fisheries;

13 (4) the economy of the state and of regions of the state dependent on
14 the Gulf of Alaska groundfish fisheries;

15 (5) the enforcement and enforceability of the allocations;

16 (6) coordination with the fishery management system for Gulf of
17 Alaska groundfish fisheries in the adjacent federal exclusive economic zone;

18 (7) the safety of participants in the commercial Gulf of Alaska
19 groundfish fisheries;

20 (8) other important goals as identified by the board.

21 * Sec. 3. AS 16.43.210(a) is amended to read:

22 (a) For each fishery that is not subject to a maximum number of entry permits
23 under AS 16.43.240 and not subject to a moratorium under AS 16.43.225 or a
24 dedicated access privilege program under AS 16.43.530, the commission shall issue
25 interim-use permits under regulations adopted by the commission to all applicants who
26 can establish their present ability to participate actively in the fishery for which they
27 are making application.

28 * Sec. 4. AS 16.43.210 is amended by adding a new subsection to read:

29 (f) An interim-use permit for a fishery subject to a dedicated access privilege
30 program established under AS 16.43.530 may be issued only to a person who qualifies
31 under regulations adopted by the commission under AS 16.43.530.

1 * **Sec. 5.** AS 16.43 is amended by adding new sections to read:

2 **Article 7A. Gulf of Alaska Groundfish Fisheries.**

3 **Sec. 16.43.530. Dedicated access privileges for Gulf of Alaska groundfish**
4 **fisheries.** (a) If the commission finds that entry into a Gulf of Alaska groundfish
5 fishery should be limited on the basis of dedicated access privileges to serve the
6 purposes of this chapter, the commission may adopt regulations, developed in
7 conjunction with the Board of Fisheries, that are necessary to establish and implement
8 a dedicated access privilege program for that fishery. The amount of dedicated access
9 privileges initially issued to qualified applicants under a dedicated access privilege
10 program may be based on the quantity of qualified past landings credited to the
11 applicant.

12 (b) In adopting a dedicated access privilege program for a Gulf of Alaska
13 groundfish fishery, to the extent practicable, the commission shall seek to promote

14 (1) sound fishery management;

15 (2) resource conservation;

16 (3) the economic health of the commercial Gulf of Alaska groundfish
17 fisheries;

18 (4) the economy of the state and of regions of the state dependent on
19 the Gulf of Alaska groundfish fisheries;

20 (5) the enforcement and enforceability of the allocations;

21 (6) coordination with the fishery management system for Gulf of
22 Alaska groundfish fisheries in the adjacent federal exclusive economic zone;

23 (7) the safety of participants in the commercial Gulf of Alaska
24 groundfish fisheries;

25 (8) other important goals as identified by the commission.

26 (c) If the commission adopts regulations under (a) of this section to establish a
27 dedicated access privilege program, the commission shall in writing

28 (1) identify how a limitation on access into the fishery on the basis of
29 dedicated access privileges serves the purposes of this chapter;

30 (2) describe why other access limitation programs authorized under
31 this chapter would not best serve the purposes of the chapter, would not be feasible, or

1 would not serve the best interests of the State of Alaska and its citizens;

2 (3) describe why other feasible access limitation programs authorized
3 under this chapter would be expected to be more exclusive than the dedicated access
4 privilege program adopted by the commission.

5 (d) Regulations adopted by the commission to establish a dedicated access
6 privilege program under this section must address

7 (1) the qualification date, eligibility period, landings threshold, and
8 years of participation in the fishery to be used to determine qualified landings in the
9 fishery, qualified applicants, and initial access to implement the dedicated access
10 privilege program;

11 (2) the permits that must be held by qualified interim-use permit
12 holders, entry permit holders, vessel owners, dedicated access privilege holders, and
13 commercial fishing license holders before and after dedicated access privileges are
14 issued;

15 (3) qualifications for receiving and holding an interim-use permit for a
16 fishery subject to a dedicated access privilege program and requisite restrictions on the
17 holder of an interim-use permit under a dedicated access privilege program;

18 (4) whether the qualified past landings are to be credited, solely or
19 partially, to interim-use permit holders, entry permit holders, vessel owners, or
20 commercial fishing license holders;

21 (5) whether qualified past landings or the dedicated access privileges
22 based on those qualified landings are transferable and the terms and conditions under
23 which the landings or privileges may be transferred;

24 (6) whether dedicated access privileges expire or attenuate over time
25 and the terms and conditions under which the privileges expire or attenuate;

26 (7) the procedures by which persons or vessels without qualified past
27 landings may gain entry into the fishery;

28 (8) the process by which the commission will prevent the fishery from
29 becoming too exclusive;

30 (9) other issues the commission determines appropriate.

31 (e) In this section,

1 (1) "groundfish" means a species of marine finfish other than halibut,
2 osmerids, herring, or salmonids;

3 (2) "Gulf of Alaska groundfish fishery" means a fishery in the Gulf of
4 Alaska in which groundfish are taken in a specified administrative or registration area
5 using a specified type of fishing gear that is either pelagic trawl, non-pelagic trawl,
6 pot, or longline gear; "Gulf of Alaska groundfish fishery" does not include mechanical
7 jigging machine fisheries.

8 **Sec. 16.43.535. Dedicated access privileges; general provisions.** (a) A
9 dedicated access privilege issued under AS 16.43.530 constitutes a use privilege that
10 may be modified or revoked by order of the commission or by law without
11 compensation.

12 (b) A dedicated access privilege issued under AS 16.43.530 may not be
13 pledged, mortgaged, encumbered, attached, distrained, or sold on execution of
14 judgment or under any other process or order of any court.

15 (c) Nothing in AS 16.43.530 - 16.43.540 limits the powers of the Board of
16 Fisheries or the Department of Fish and Game.

17 (d) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission or the
18 Department of Fish and Game may release to the owner of a vessel information on the
19 vessel's history of harvests in a fishery that is necessary to apply for a dedicated access
20 privilege issued under AS 16.43.530.

21 **Sec. 16.43.540. Dedicated access privileges; fees.** (a) The commission shall
22 establish fees for the issuance and renewal of dedicated access privileges. Fees
23 established under this subsection must reasonably reflect the rate of economic return
24 of the dedicated access privileges.

25 (b) Subject to AS 37.10.050(a), the commission may establish fees for
26 processing applications for dedicated access privileges and, if authorized by the
27 commission, transfer of dedicated access privileges.

28 (c) The commission may charge interest at a rate not to exceed the legal rate
29 of interest established in AS 45.45.010(a) on fees established under this section that
30 are more than 60 days overdue.

31 * **Sec. 6.** AS 16.43.945 is amended to read:

1 **Sec. 16.43.945. Commercial fishing privileges exempt from claims of**
2 **creditors.** Except as provided in AS 16.10.333 - 16.10.338, AS 16.43.170(g),
3 AS 44.81.215, and 44.81.231 - 44.81.250, commercial fishing privileges granted under
4 this chapter, including entry permits and dedicated access privileges, are exempt
5 from claims of creditors, including claims under AS 09.38.065 and AS 45.29.408.

6 * **Sec. 7.** AS 16.43.960(a) is amended to read:

7 (a) The commission may revoke, suspend, or transfer all entry or interim-use
8 permits, vessel entry permits, [OR] vessel interim-use permits, or dedicated access
9 privileges held by a person or entity who knowingly provides or assists in providing
10 false information, or fails to correct false information provided to the commission for
11 the purpose of obtaining a benefit for self or another, including the issuance, renewal,
12 duplication, or transfer of an entry or interim-use permit, vessel license, vessel entry
13 permit, [OR] vessel interim-use permit, or dedicated access privilege. The
14 commission may suspend, as appropriate, that person's or entity's eligibility to hold an
15 entry or interim-use permit, vessel entry permit, [OR] vessel interim-use permit, or
16 dedicated access privilege for a period not to exceed three years, and may impose an
17 administrative fine of not more than \$5,000 on the person or entity whose officers,
18 employees, representatives, or agents knowingly provide or assist in providing false
19 information, or fail to correct false information provided, to the commission for the
20 purpose of obtaining a benefit.

21 * **Sec. 8.** AS 16.43.960(b) is amended to read:

22 (b) The commission shall serve the respondent personally or by certified or
23 registered mail with a notice to show cause why the proposed action should not take
24 place. The notice to show cause must

25 (1) be supported by an affidavit, which may be made on information or
26 belief, setting out the facts that are the basis of the proposed actions;

27 (2) provide for a least 30 days' notice of the place, date, and time of the
28 hearing where the respondent may present evidence in opposition to the proposed
29 action; unless waived in writing by the respondent, the hearing shall be held within the
30 judicial district in which the respondent resides if the respondent resides in the state;
31 the hearing place shall be at the discretion of the commission for those respondents

1 residing outside the state;

2 (3) specify the statutes or regulations violated;

3 (4) state with particularity the action proposed to be taken;

4 (5) indicate to the respondent that the respondent's ability to
5 permanently transfer the permits or dedicated access privileges that [WHICH] are
6 the subject of the show cause proceedings has been suspended as of the date of the
7 notice and will continue to be suspended until the exhaustion of all administrative and
8 judicial remedies; and

9 (6) provide other information the commission considers proper.

10 * Sec. 9. AS 16.43.960(c) is amended to read:

11 (c) A permit or dedicated access privilege subject to show cause proceedings
12 under this section may not be transferred after the date of the notice in (b) of this
13 section pending exhaustion of all administrative and judicial remedies arising from
14 action taken under this section.

15 * Sec. 10. AS 16.43.960(g) is amended to read:

16 (g) The provisions of this section apply to conduct occurring after January 1,
17 1973, but do not affect a permit or dedicated access privilege held by a person who is
18 a bona fide purchaser. Failure to correct false information is a continuing offense.

19 * Sec. 11. AS 16.43.970(b) is amended to read:

20 (b) A person or entity who knowingly makes a false statement to the
21 commission for the purpose of obtaining a benefit, including the issuance, renewal,
22 duplication, or transfer of an entry or interim-use permit, vessel license, vessel
23 interim-use permit, [OR] vessel entry permit, or dedicated access privilege, or a
24 person who assists another by knowingly making a false statement to the commission
25 for the purpose of obtaining a benefit for another, is guilty of the crime of unsworn
26 falsification as set out in AS 11.56.210. Upon conviction, the person or entity is also
27 subject to suspension of commercial fishing privileges and revocation of commercial
28 fishing permits under (i) of this section.

29 * Sec. 12. AS 16.43.970(d) is amended to read:

30 (d) If a permit holder or a dedicated access privilege holder is charged by
31 the state with violating a provision of this chapter or a regulation adopted under this

1 chapter, the holder may not transfer any interim-use or entry permit under
2 AS 16.43.170, [OR] any transferable vessel entry permit under AS 16.43.450 -
3 16.43.520, or any dedicated access privilege until after the final adjudication or
4 dismissal of the charges.

5 * Sec. 13. AS 16.43.970(e) is amended to read:

6 (e) Notwithstanding any other provision of this section, an interim-use or entry
7 permit, [OR] transferable vessel entry permit, or dedicated access privilege may not
8 be transferred while under suspension, without the consent of the commission.

9 * Sec. 14. AS 16.43.970(j)(2) is amended to read:

10 (2) "commercial fishing privileges" means the privilege of
11 participating in an activity for which a commercial fishing permit or dedicated access
12 privilege is required and the privilege of obtaining a commercial fishing permit or
13 dedicated access privilege.

14 * Sec. 15. AS 16.43.990 is amended by adding a new paragraph to read:

15 (12) "dedicated access privilege" means a harvest-use privilege issued
16 by the commission under AS 16.43.530 that authorizes the holder of the privilege to
17 harvest a specified portion of the overall harvest of a specified fishery resource
18 allowed by the Board of Fisheries in a specified fishery.

ADOPTED AS A LETTER
OF INTENT TO SB 113
BY SEN. RES. 4-18-05 *[Signature]*

Memorandum of Understanding between the Alaska Board of Fisheries and the Alaska Commercial Fisheries Entry Commission with respect to the Gulf of Alaska Groundfish Fisheries

SB113 (the Act) is now pending before the Alaska State Legislature and, if passed, would authorize (but not mandate) a dedicated access privilege program (as defined in the Act) as a new, alternative form of limited access potentially applicable for limiting access to the Gulf of Alaska groundfish fisheries within State of Alaska jurisdiction.

AS 16.43.530(a) [Sec. 5, lines 4-8] provides in relevant part:

If the commission finds that entry into a Gulf of Alaska groundfish fishery should be limited on the basis of dedicated access privileges to serve the purposes of this chapter, the commission may adopt regulations, developed in conjunction with the Board of Fisheries, that are necessary to establish and implement a dedicated access privilege program for that fishery.

This Memorandum of Understanding (MOU) between the Alaska Board of Fisheries (the Board) and the Alaska Commercial Fisheries Entry Commission (the Commission or CFEC) sets forth the agreement between the Board and the Commission outlining the procedure by which the two bodies intend to develop regulations in conjunction with each other. The purpose of this MOU is to provide a working definition of the phrase "in conjunction with" as understood by the two bodies. When this agreement is finalized, the Board and the Commission will present the agreement to the legislature and propose the agreement be incorporated into the legislative history of the Act.

This agreement will take effect on passage of the Act.

In this agreement, references to the Board and to the Commission include representatives of each body delegated to ensure the outlined procedure may go forward in a timely fashion not restricted by the public meeting schedule of either full body.

In this memorandum, the term fishery refers only to Gulf of Alaska groundfish fisheries as specified in AS 16.43.530(a).

To outline the steps in the process by which the Board and the Commission will develop regulations for the Gulf of Alaska Groundfish fisheries under the Act, the Board and the Commission agree as follows.

(1) As practicable, the Board will continue to explore options through the Gulf of Alaska Groundfish Rationalization Committee process and will continue to include the Commission or its representative in such meetings.

(2) As soon as practicable, the Board, in consultation with the Alaska Department of Fish and Game (ADF&G), will identify for the Commission the particular fisheries the Board believes to be most in need of immediate review. Similarly, the Board will identify those fisheries the Board believes do not require limited access at this time. The Board may also transmit any guidance the Board wishes to offer with respect to the fisheries.

Neither the Board nor the Commission will be proposing limited access for a fishery in the absence of an express request from participants in the fishery to do so. This practice pre-exists this agreement: in more than 20 years, the Commission has not proposed limitation of any fishery without a specific request from the public to do so, and the commission has turned down many requests it has received.

(3) In light of the information presented by the Board and ADF&G, the Commission will develop data and analyses of the fisheries and generally examine the fisheries under the standards set forth in the Act.

(4) When the Commission develops preliminary findings or a proposal for any of the fisheries, prior to making a public proposal for the adoption of regulations, the Commission will present its preliminary

findings or proposal to the Board for the Board's review and guidance under the standards set forth in the Act. The Board and the Commission will meet to discuss these matters. The Board may concur in the Commission's preliminary findings or proposal. In the event the Board takes issue with any preliminary findings or the proposal, the Board shall specify for CFEC how the particular matters fail to meet the standards set forth in the Act or other policy goals of the Board. Upon notice of such issues, CFEC will reconsider any of its preliminary findings or its proposal and report the results of its reconsideration to the Board.

(5) When CFEC proposes regulations for a fishery, during the following public comment period, the Board and CFEC will hold joint hearings to receive public comment on the proposal. In addition, the Commission will share any written public comment it receives with the Board.


(6) In addition to the Board's opportunity to comment under the procedures of paragraphs (2), (4), and the following paragraph (7), the Board is free to comment throughout the public comment period.

(7) Following the public comment period, based on public comment received, the Commission will develop and present to the Board its preliminary findings with respect to the proposed regulations including proposed modifications of the original proposal. The Board may concur in these preliminary findings. In the event the Board takes issue with any of the preliminary findings, the Board may ask the Commission to reconsider its preliminary findings specifying where they failed to serve standards set forth in the Act or other policies of the Board. In the event the Board raises such issues, the Commission will reconsider any of its preliminary findings.

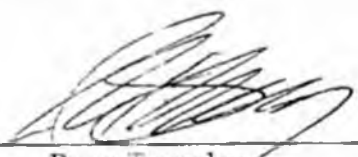
(8) In making their final decision on proposed regulations for a fishery, the Commission will fully consider any comments by the Board and will specifically address those comments in writing in the Commission's rationale supporting its final decision.

(8) Future Commission regulatory proposals pursuant to the Act will be governed by the procedures outlined herein.

Alaska Board of Fisheries

by  _____ 4/6/2005
Arthur N. Nelson Date
Chair

Alaska Commercial Fisheries Entry Commission

by  _____ 4/5/2005
Bruce Twomley Date
Chair

Apr. 22, 05

Chairman Wagoner, and Senators,

I am Julie Kavanaugh, thank you for this final opportunity to address SB113. It has been a long and thought provoking journey.

SB113 is a bill written to support a Dedicated Access Privilege in State Waters. DAP is a concept closely mirroring the Federal IFQ program. It is the closest to outright ownership of a resource that could be conceived. The DAP program is an attempt to finagle its way through the constitution. There are two major legal roadblocks holding up Dedicated Access Privilege.

#1 the intent to reserve ownership of a specific amount of the resource for an individual prior to retention

#2 the access rights to the resource awarded to that other than an individual

The intent that you can provide exclusive rights to harvest a specific amount of fish creates ownership prior to catching it. There is no separating permanent ownership and time specific ownership. Fish as a resource can only be available to the public for the predetermined lifecycle of that specific fish. Exclusive harvesting rights apportioned to specific amounts of public resource effectively predetermines ownership of that specific resource. The thought that a time sure privilege lends itself to a less than ownership situation, is a misrepresentation of fact, and an attempt to divert attention from fact. Ownership is determined by claim and possession. DAP creates a claim and an exclusive right to possess. To highlight this: fish have a predetermined life cycle. If you guarantee the right to capture it, you have created a special privilege.

Ownership of Access Rights.

If the State creates the authority to assign access to persons not actively participating in the fishery, it ignores constitutional assignment. The access rights in a State Waters Fishery must remain in the hands of fishermen. Access rights awarded to vessel owners and corporations will begin the downward spiral toward absentee ownership.

I would like to like to draw a parallel for this committee. The Board of Fish choose to create the ChignikCO-OP. After its inception fishermen began to make economic decisions based on this new system. They sold their boats and their gear, they no longer pilgramiged to Chignik during the Summer, some moved to find crew jobs that were lost, some trained and took up alternate occupations.

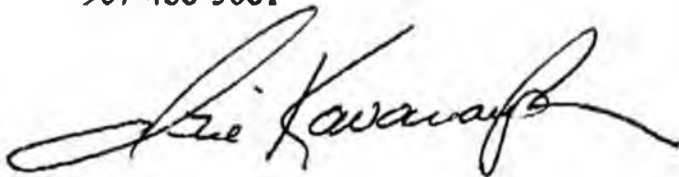
With the recent court decision that the BoF exceeded its authority, these fishermen are now left without a viable way to execute their fishery.

If SB113 passes through legislature, and the DAP program is implemented, Fishermen will begin to make those same decisions. Marginalization will force us to consider leasing our fish, our boat will have no job and no value, our crews will have no jobs and will move on.

It is not likely that a legal challenge of SB113 will occur, it is a surety. The arguments are clear, and SB113 is directly in conflict with our State's Constitution. Do not be mislead with a probable DAP program upholding SB113's constitutionality. It is not reasonable to request flawed legislation pass without first requiring substantial support.

Please understand that SB113 is not what the Gulf of Alaska desires or requires. We hope that a responsible Resource Committee will recognize the inherent problems within, and allow SB113, to fade while more substantial bills are given priority.

Julie Kavanaugh
FV Sylvia Star
PO Box 3890
Kodiak, AK 9961
907-486-5061



Testimony Robin Clark Kodiak SB113 - opposed

Hello, my name is Robin Clark and I am testifying on behalf of myself and my husband Mike Clark who is currently out fishing. We've both been members of the Kodiak, as well as the fishing community for over 20 years. As members of both of these communities we are strongly opposed to Senate Bill 113.

My husband Mike has significant history in the State and Federal Pacific cod fisheries, but as an operator only. This bill infringes on his constitutional right to retain the ability to fish in an equal access fishery. The state has historically given the right to fish to the operator of the vessel who is legally licensed to harvest a species in the State of Alaska. With the passage of SB113, our income will be compromised once again, ~~for many years now well over half of our family's income has come from pot cod.~~

as ~~is~~ with the Federal IFQ system, where skippers and crew have seen significant reductions in their wages. Control to the access to the fish, means control of everything, including wages paid out.

This bill is purported to be of economic value to its coastal communities... but we don't see it that way.

cont. testimony Robin Clark, Kodiak, SB113 - opposed -2-

Hundreds of small businesses will be removed from the fishery through marginalization and consolidation. As to increasing the efficiencies of the fisheries, which has also been listed as a benefit under SB113, to fishers and communities, we disagree. We say SB113 and the DAP program will fatally undermine the coastal communities economic stability. Our towns need a diverse fleet that has equal access. A dual system of equal and history based fisheries will not work. The imbalance will compromise these not protected, they will be forced out or forced to join in.

Our fishermen deserve to be recognized. We ask this committee again, How does this benefit us? Explain how we will be better off or at least able to maintain our past and current income level?

Christine Holland
F/V Point Omega
PO Box 608
Kodiak, AK 99615
Ph. (907)486-3764

Oral testimony on SB 113
April 23, 2005

Chairman Wagoner and Members of the Senate Resources Committee:

For the record my name is Christine Holland, I am representing myself and my husband we own and operate the 72ft F/V Point Omega. We live and work out of Kodiak, our children and our grandchildren live in this community. I have been an Alaskan my whole life and I love the life I have lived in coastal communities.

SB 113 provides a tool for state regulators to help get federal rationalization for the fisheries in Alaska. We are frequently told two things about this:

#1 Don't fight this bill it is meant for you and it will give you something equal to the federal IFQ.

I find the idea of the State making something equal to Federal IFQs, scary and possibly unconstitutional in the State of Alaska. Does the State need a tool to do something with fisheries that is not in the best interests of the people who live here?

#2 This program is not formed, it can be made in anyway you want if you will just go through the process.

Unfortunately for us we are fishermen and we frequently need to be fishing, otherwise we have no money to follow anything. If we have to be on top of a BOF/CFEC process we will need considerable time and money.

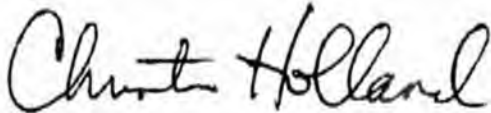
I find it hard to believe that so many rosy pictures can be painted of DAPs (dedicated access privileges) when I am assured that this program has no form.

I also find it hard to believe that people keep telling me this bill and the DAP program will fix the problem we have as federal fishers fishing inside three miles.

The federal rationalization process seemingly is going to go through no matter what. The State program that isn't even developed yet is a way for the state to hold hostage our history in the federal Pacific Cod pot fishery in side three miles. We are totally against having our federal history used against us in a fight that will in the end make the State do something that our constitution dictates against. The *interests of some* are pressuring the State to adopt a plan that is not fully thought through and may damage our coastal communities in ways we can't even imagine at this time.

Make sure that you don't let SB 113 divide us into the "winners and the losers" as some people have said to me. Let us all be winners in this, find a different way to manage the fisheries inside State waters and let those of us who were fishing on the Federal TAC during a federal season be treated equally to others fishing on the same Federal TAC. Do not make these fish a reason to adopt a program for the State of Alaska that is so divisive to the people who live and work here.

Thank you for your consideration in this matter.



Christine Holland

Kenneth N. Holland, Jr.
Christine Holland
F/V Point Omega
PO Box 608, Kodiak, Alaska 99615
tel/fax (907)486-3764

Testimony
Alaska Senate Resources Committee
April 23, 2005
SB 113

Dear Chairman Wagoner and Members of the Senate Resources Committee,

My name is Ken Holland, and my wife Chris and I own and operate the 72 ft F/V Point Omega. I am the primary operator of the Point Omega. I have been fishing in Alaska since 1963, and fishing pacific cod with pots since 1987. My father was a fisherman, and my son now fishes with me. I was one of the pioneers of this fishery in Kodiak.

There are many Alaskans who are in a very similar situation to what I describe to you today.

We operated in the federal Gulf of Alaska p. cod fishery with pots since 1987. In any given year, I, along with many other Alaskans, fished on the federal GOA p. cod quota when the feds opened fishing on this quota, and I stopped fishing on the federal GOA p. cod quota when the feds closed fishing on this quota. We qualified for a federal moratorium permit to fish federal p. cod with pots in the GOA, and we later earned a federal LLP to fish federal GOA p. cod with pots when the LLP replaced the moratorium permit.

We have earned approximately 95% of our federal GOA p. cod history during the federal fishery from inside three miles.

We anticipate that we will qualify for a significant amount of fishing history and federal p. cod IFQ under the federal GOA groundfish rationalization program.

We, as well as many other Alaskan p. cod pot fishermen, fully expected that we were earning the same federal history as those fishermen who fished outside of three miles during the same federal fishery from the same federal quota.

Unfortunately, the State of Alaska seems intent upon claiming our federal history and life's investment, and that of other Alaskans, and influencing the Secretary of Commerce to give our federal p. cod history to the state.

SB 113 appears to enforce the state's claim and attempt to confiscate to our federal history and investment.

So, while SB 113 might be acceptable to some people in that it gives the state an additional tool to make allocations based on history, it, more importantly, from our viewpoint, dangerously appears to overwhelmingly disenfranchise my operation, and extinguish my total life's investment, and that of so many other Alaskans, by indirectly supporting the states prejudice to unjustly and unfairly claim the hard-earned federal history and investment of so many Alaskan fishermen.

I respect that SB 113 might give justifiable comfort to other people, in other groundfish fisheries, for other good reasons. And, as I said previously, it may be OK for the state to have the tools at their disposal to allocate according to history.

However, at this point, SB 113 does not address our problem, and the problem that is faced by many Alaskans who earned their federal history inside three miles. And, it should not be sold as doing so.

We are very concerned that some people are selling SB 113 as solving the parallel fishing problem, and it clearly does not. Several people in the industry who are in support of SB 113, and who appear to be involved in the design of SB 113, have told us not to worry about losing our hard earned federal history and investment because SB 113 will permit us to be protected through a process

whereby the State will "mesh" and "incorporate-by-reference" the federal regulations that are adopted for GOA Groundfish Rationalization, and, therefore, that we will receive our federal history and investment according to the same qualifying criteria for which the Council and the Secretary of Commerce would otherwise directly allocate it to us.

I am new to this business of reading and understanding Bills and legislation, but I don't see this "incorporate by reference" guarantee and protection anywhere in SB 113, and I don't find it anywhere in all of the paperwork that you have posted on your website about SB 113. Nor do I see any reference in the Memorandum of Understanding that you adopted last Monday as part of SB 113 to "meshing" and "incorporating by reference" those federal regulations that allocate our full history and investment to us.

Maybe SB 113 can be fixed by inserting language that clearly stipulates that the State of Alaska will "incorporate by reference" federal GOA groundfish rationalization regulations for people like us.

We have heard that the Senate does not want to make amendments to SB 113, but we would ask you to insert the "incorporate by reference" language very clearly in SB 113.

And frankly, it would be much easier for the state to leave us alone, and to not try to claim and confiscate our investment and history.

We are also very concerned that DAPs are vastly inferior to federal fishing privileges. They will not be permanent, and will be unacceptably temporary in nature. Also, from what we hear, DAPs will not be usable for collateral, not be transferable, not be saleable, not be leaseable, will probably require stringent and restrictive owner-on-board provisions, will probably represent a much diminished allocation of fish to the harvesters who earned the underlying history, may be discounted so that some of our history may be given to skippers, crew and