

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SRES 12679

Appendix II
Memo from ADFG Commissioner Kevin Duffy to the Commercial Fisheries Entry Commission

KI

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME
OFFICE OF THE COMMISSIONER

FRANK H. BUNYON, JR.
GOVERNOR

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MEMORANDUM

TO: Mary McDowell, Commissioner
Commercial Fisheries Entry Commission

FROM: Kevin C. Duffy, Acting Commissioner *KCD*
Alaska Department of Fish & Game

DATE: February 26, 2003

SUBJECT: Response to CFEC information request

RECEIVED
FEB 28 2003
CFEC

In response to your request, dated January 17, 2003, following are responses to specific questions regarding potential limited entry for the Bering Sea Korean hair crab fishery. This memo reiterates each CFEC question, followed by the ADF&G response.

1. The Department was actively involved in the development of the legislation for the temporary moratorium, and the Department supported the legislation for a permanent vessel-based limited entry program. Does the Department support implementation of a permanent vessel-based limited entry program to help manage this fishery in the future, or would the Department prefer a traditional operator-based limited entry program?

If the CFEC decides for limited entry, then ADF&G supports a vessel-based system. A vessel-based system would result in fewer permits than a skipper-based limited entry system. The department would not want effort levels to increase above recent historic participation levels because of the absence of a regulatory management plan, the absence of a pot limit and the potential effects of Bering Sea crab rationalization.

2. If the Commission proposes a permanent vessel-based limited entry program for this fishery, what area should the commission define as a CFEC administrative area for limitation purposes?

a.) For purposes of issuing interim-use permits to skippers during the moratorium, CFEC defined a Bering Sea Korean hair crab administrative area that included all waters north of 54° 36' N. lat., south of 58° 39' N. lat., and east of the United States-Russia Convention Line of 1867 (see 20 AAC 05.230 (a)11). This area was arrived at after discussions with the Department, but our definition does not point to an existing Board of Fisheries regulation,

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Bering Sea Korean Hair Crab

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as CFEC regulations normally do. This definition includes an area in which the bulk of the fishery has occurred, but does not include all places where the fishery has occurred. CFEC did not define an administrative area for the vessel permits during the moratorium.

b.) The miscellaneous shellfish regulations of the Alaska Board of Fisheries refer to a Bering Sea District, the Western Aleutian District, and an Eastern Aleutian District. However, there does not appear to be a regulation in the Board of Fisheries shellfish regulation book that defines these districts. The *Annual Management Report for The Shellfish Fisheries of the Westward Region, 2001* (Regional Information Report No. 4K02-54) provides a map of the "Bering Sea Miscellaneous Shellfish District." This map includes all waters north of 54° 36' N. lat., and east of the United States-Russia Convention Line of 1867. Is this Bering Sea Miscellaneous Shellfish District defined in regulations or elsewhere?

The Bering Sea hair crab fishery is conducted in the Bering Sea portion of Miscellaneous Shellfish Registration Area J, 5 AAC 38.400, as depicted on Figure 5-12 of the above referenced report. Although not specifically stated, the districts mentioned in 5 AAC 38.415 FISHING SEASONS FOR KOREAN HAIR CRAB IN REGISTRATION AREA J (Bering Sea District, Western Aleutian District and Eastern Aleutian District) refer to Tanner crab management areas, see 5 AAC 35.505 DESCRIPTION OF REGISTRATION AREA J DISTRICTS (c)(d) & (e).

c.) In the same report, cited in 2.(a) above, there is a map of a Bering Sea Hair Crab Registration Area, which was apparently used to define a hair crab fishing area during at least one of the fisheries in the late 1990s. This map includes all waters north of 54° 36' N. lat., east of the United States-Russia Convention Line of 1867, south of 60° N. lat., and east of 168° W. longitude. The area corresponds to the entire Pribilof king crab management district, plus a portion of the Bering Sea king crab Northern District. This area does not include king crab Area T where a hair crab fishery has occurred in the past, nor does it include areas north of the Aleutians where the fishery has also occurred.

Recent Bering Sea hair crab fisheries have been opened under a commissioner's permit in the Bering Sea, and the department has utilized king crab management area, district and section descriptions for inseason management. The king crab areas have conveniently described the areas opened for hair crab based on stock condition. In the past, fisheries have occurred in Bristol Bay and south of Nunivak Island, although the core Bering Sea hair crab fishery occurs near the Pribilof Islands. The department does not have abundance-based information from the Aleutian Islands. Hair crab fisheries in the Aleutian Islands have been very sporadic and may lend themselves to bycatch management rather than a directed fishery.

d.) Which of these area definitions does the Department think would make the most sense for limited entry purposes? Would the Department recommend an even broader definition for a CFEC Bering Sea Korean hair crab administrative area that would cover the entire

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The CFEC could use 5 AAC 35.505 DESCRIPTION OF REGISTRATION AREA J DISTRICTS (e) Bering Sea District as an administrative area for hair crab limited entry. This area covers the entire Bering Sea north of Cape Sarichef on Unimak Island. If CFEC adopts this district as an administrative area, we recommend not adopting the subdistricts in that subsection. Alternatively, CFEC could adopt only that portion of miscellaneous shellfish registration area J (5 AAC 38.400) north of Cape Sarichef (54°36' N lat.).

3. The current moratorium law excludes areas within five miles from shore. (See AS 16.43.901). Does the Department recommend that we continue to exclude those areas under a permanent vessel permit program? Note that AS 16.05.835 (b) restricts a vessel participating within the Bering Sea hair crab fishery within five miles of shore to be no more than 58 feet length overall. There have been very few of these small boats in this fishery during the moratorium.

Nearly all of the historic hair crab harvest has been taken outside of 5-nautical miles from the Pribilof Islands. Either including or excluding the area within 5-nautical miles of the Pribilof Islands for limitation would unlikely have an impact on inseason management because most of the resource is outside of 5-miles. Although small vessels from the Pribilofs have rarely participated, if those vessels were excluded it would be contrary to the original statute allowing small vessels to participate near shore.

4. There are twenty-five vessels qualified to fish under the moratorium. There were considerably fewer vessels actually fishing during the moratorium. What number of vessels does the Department believe is reasonable for this fishery from a management and resource conservation perspective?

Recent historic participation (post 1990) has a maximum of 21 vessels participating in a Bering Sea hair crab fishery. The department feels that this is a maximum manageable number, given current regulations for inseason management and stock condition.

5. The Commission is concerned that the purposes and benefits of limiting the hair crab fishery could be diminished if there are no restrictions on the expansion of fishing capacity for individual fishing operations. Under the new vessel permit law, the Commission has the authority to issue permits with fishing capacity restricted to the original level of the qualifying vessel if it serves the statutory purposes of limited entry. Those constraints would continue to apply upon transfer of the vessel permit or upon substitution of a vessel.

a.) In the absence of any constraints, does the Department believe that fishing effort and capacity may grow in the hair crab fishery after limited entry is implemented?

The department acknowledges that most effort is by larger vessels, although we do not have a summary of effort by vessel length. Since pot gear in the hair crab fishery is small, light and stackable, it is not likely that participants would employ larger vessels to gain a competitive advantage by carrying more pots. Participants use a large number of pots in this fishery because pots are easily carried onboard, the catch per pot is low and because

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there is currently no pot limit. Therefore there may not be an economic incentive or need to operate a larger more-expensive vessel.

b.) Could unrestricted fishing capacity in the hair crab fishery produce management concerns, particularly short seasons with a higher risk of exceeding guideline harvests?

Yes.

c.) Would vessel length constraints attached to permits be a meaningful way to limit the expansion of fishing effort and capacity (premised on the original lengths of qualifying vessels)?

No.

cc: Doug Mecum
Denby Lloyd
Wayne Donaldson
Forrest Bowers
Karl Granath

MEMORANDUM

STATE OF ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION

TO: Kevin Duffy, Acting Commissioner
Dept. of Fish and Game
M/S:1100

DATE: January 17, 2003

PHONE: (907) 789-6160 VOICE
(907) 789-6170 FAX

FROM: Commercial Fisheries Entry Commission
Marlene Johnson, Commissioner
Mary McDowell, Commissioner
Bruce Twomley, Chairman

SUBJECT: Bering Sea Hair Crab Fishery

The temporary legislatively enacted moratorium on vessels in the Bering Sea hair crab fishery is due to expire on July 1, 2003. During the 2002 legislative session, passage of CSHB206(RLS) am S resulted in changes to the limited entry statutes to authorize use of a permanent vessel-based limited entry program in the Bering Sea hair crab fishery (and the scallop fishery). The commission must now determine whether permanent limitation is needed in the Bering Sea hair crab fishery, and if so, whether to propose limitation under the traditional operator-based limited entry program or under the newly authorized vessel-based program.

Although the fishery is currently closed, there is concern that many new boats could enter the fishery should it reopen in the future. To have limitation in place by the end of the moratorium, the commission would have to propose regulations very soon.

The Department manages the Bering Sea hair crab fishery and the Commission seeks the Department's expert advice on this matter. Any help and advice the department can provide on the following questions will be greatly appreciated.

Questions:

1. The Department was actively involved in the development of the legislation for the temporary moratorium, and the Department supported the legislation for a permanent vessel-based limited entry program. Does the Department support implementation of a permanent vessel-based limited entry program to help manage this fishery in the future, or would the Department prefer a traditional operator-based limited entry program?
2. If the Commission proposes a permanent vessel-based limited entry program for this fishery, what area should the commission define as a CFEC administrative area for limitation purposes?
 - a) For purposes of issuing interim-use permits to skippers during the moratorium, CFEC defined a Bering Sea hair crab administrative area that included all waters north of 54° 36' N. lat., south of 58° 39' N. lat., and east of the United States-Russia Convention Line of 1867 (see 20 AAC 05.230 (a)(11)). This area was arrived at after discussions with the Department, but our definition does not point to an existing Board of Fisheries regulation, as CFEC regulations normally do. This definition includes an area in which the bulk of the fishery has occurred, but does not include all

places where the fishery has occurred. CFEC did not define an administrative area for the vessel permits during the moratorium.

b) The miscellaneous shellfish regulations of the Alaska Board of Fisheries refer to a Bering Sea District, a Western Aleutian District, and an Eastern Aleutian District. However, there does not appear to be a regulation in the Board of Fisheries shellfish regulation book that defines these districts. The *Annual Management Report for the Shellfish Fisheries of the Westward Region, 2001* (Regional Information Report No. 4K02-54) provides a map of the "Bering Sea Miscellaneous Shellfish District." This map includes all waters north of 54° 36' N. lat., and east of the United States-Russia Convention Line of 1867. Is this Bering Sea Miscellaneous Shellfish District defined in regulations or elsewhere?

c) In the same report, cited in 2.(a) above, there is a map of a Bering Sea Hair Crab Registration Area, which was apparently used to define a hair crab fishing area during at least one of the fisheries in the late 1990's. This map includes all waters north of 54° 36' N. lat., east of the United States-Russia Convention Line of 1867, south of 60° N. lat., and east of 168° W. longitude. The area corresponds to the entire Pribilof king crab management district, plus a portion of the Bering Sea king crab Northern District. This area does not include king crab Area T where a hair crab fishery has occurred in the past, nor does it include areas north of the Aleutians where the fishery has also occurred.

d) Which of these area definitions does the Department think would make the most sense for limited entry purposes? Would the Department recommend an even broader definition for a CFEC Bering Sea hair crab administrative area that would cover the entire range of the species where a fishery might occur in the future? If so, how would that area be defined?

3. The current moratorium law excludes areas within five miles from shore. (See AS 16.43.901). Does the Department recommend that we continue to exclude those areas under a permanent vessel permit program? Note that AS 16.05.835 (b) restricts a vessel participating in the Bering Sea hair crab fishery within five miles of shore to be no more than 58 feet length overall. There have been very few of these small boats in this fishery during the moratorium.
4. There are twenty-five vessels qualified to fish under the moratorium. There were considerably fewer vessels actually fishing during the moratorium. What number of vessels does the Department believe is reasonable for this fishery from a management and resource conservation perspective?
5. The Commission is concerned that the purposes and benefits of limiting the hair crab fishery could be diminished if there are no restrictions on the expansion of fishing capacity for individual fishing operations. Under the new vessel permit law, the Commission has the authority to issue permits with fishing capacity restricted to the original level of the qualifying vessel if it serves the statutory purposes of limited entry. Those constraints would continue to apply upon transfer of the vessel permit or upon substitution of a vessel.

a) In the absence of any constraints, does the Department believe that fishing effort and capacity may grow in the hair crab fishery after limited entry is implemented?

b) Could unrestricted fishing capacity in the hair crab fishery produce management concerns, particularly short seasons with a higher risk of exceeding guideline harvests?

c) Would vessel length constraints attached to permits be a meaningful way to limit the expansion of fishing effort and capacity (premised on the original lengths of qualifying vessels)?

**cc. Doug Mecum; Director, Division of Commercial Fisheries Management and Development
Denby Lloyd; Regional Supervisor, Westward Region, ADFG/CFMD
Wayne Donaldson; Regional Shellfish and Groundfish Management Biologist, Westward Region
Forrest Bowers; Area Shellfish Management Biologist, Dutch Harbor**

HOUSE BILL NO. 16
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SEATON

Introduced: 1/16/07
Referred: House Special Committee on Fisheries, Resources

extends sunset to 2013

A BILL
FOR AN ACT ENTITLED

1 **"An Act providing for an effective date by delaying the effective date of repeal of the**
2 **authority of the Commercial Fisheries Entry Commission to maintain the vessel-based**
3 **commercial fisheries limited entry systems for the Bering Sea Korean hair crab and**
4 **weathervane scallop fisheries, and the effective date of conforming amendments related**
5 **to the repeal of those systems."**

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

7 * Section 1. Section 28, ch. 137, SLA 2002, is amended to read:
8 Sec. 28. Sections 5, 10, 12, 14, 16, 18, 21, 23, and 27 of this Act take effect
9 December 30, 2013 [2008].

**State of Alaska
Commercial Fisheries Entry Commission**

Statewide Weathervane Scallop Vessel Permit Holders

December 8, 2008

Vessel Permit Owner Name	Company Owner/Contact Person	Vessel Name	Skipper
Future Fisheries Inc. 14 Hervey Tichon Ave. New Bedford, MA 02740	Nordic Fisheries Inc. Roy Enoksen, Ron Enokson O'Hara Corp Francis O'Hara, Francis O'Hara, Jr.	FV Pursuit (100 ft.) ADFG Number: 40312 Vessel Permit: W 2ABV85016Z	None - non-fishing co-op member 5/9/2005 CFEC was notified that vessel was sold. Vessel permit was retained.
Ocean Fisheries LLC 7216 Interlaken Dr. SW Lakewood, WA 98499	Stone Maritime Inc. Jim Stone (LLC Manager) Mikkelsen Fisheries Inc. Glenn Mikkelsen, Egl Mikkelsen Festus Fisheries Inc. John Lemar Stain Enterprises Stein Nyhammer	Ocean Hunter (100 ft.) ADFG Number: 40924 Vessel Permit: W 2ABV85007S	John Lemar (W 2AB27374U) 1302 Chambers St Steilacoom, WA 98388 Glenn Mikkelsen (W 2AB28558K) 2 Park Place Edmonds, WA 98026
Provider Inc. 1000 C Street Bellingham, WA 98225	Provider Inc. Mark Kandianis (President, Treasurer) John Doody (Vice-President, Secretary)	Provider (123 ft.) ADFG Number: 58200 Vessel Permit: W 2ABV85006L	Tom Minto (W 2AB26294I) 801 King Valley Dr. Maple Falls, WA 98286
Forum Star LLC 2025 1st Ave #900 Seattle, WA 98121	Forum Star LLC Coastal Villages Pollock LLC American Seafoods LLC Bernt O. Bodal Jeffrey W. Davis	Forum Star (98 ft.) ADFG Number: 59887 Vessel Permit: W 2ABV85014O	None - non-fishing co-op member
Carolina Boy Inc. Box 500 Seaford, VA 23698	Carolina Boy Inc. William S. Wells, Jr. William S. Wells, III	Carolina Boy (95 ft.) ADFG Number: 64110 Vessel Permit: W 2ABV85013W	None - non-fishing co-op member
Thomas C. Hogan Box 1648 Homer, AK 99603	Thomas C. Hogan	Kilkenny (75 ft.) ADFG Number: 54988 Vessel Permit: W 2BBV85015J	Thomas C. Hogan (W 2BB27888I) Box 1648 Homer, AK 99603 George M. Milne (W 2BB27776Q) Box 1648 Homer, AK 99603
La Brisa Inc. Box 770881 Eagle River, AK 99577	La Brisa Inc. Max Hulse Robert Hulse	Wayward Wind (79 ft.) ADFG Number: 23574 Vessel Permit: W 2BBV85012H	Scott D. Hulse (W 2BB26790J) Box 770881 Eagle River, AK 99577
Tom Gilmartin, Jr. 46677 Lake St. Kenai, AK 99611	Tom Gilmartin, Jr.	Arctic Storm (58 ft.) ADFG Number: 86700 Vessel Permit: W 2BB85018L	Tom Gilmartin, Jr. 46677 Lake St. Kenai, AK 99611 (no permit for 2008)

CS FOR HOUSE BILL NO. 206(RLS) am S
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

passed
2002

Amended: 5/11/02
Offered: 2/27/02

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a vessel-based commercial fisheries limited entry system for the
2 Bering Sea Korean hair crab fishery and for weathervane scallop fisheries, to
3 management of offshore fisheries, and to the definition of 'person' for purposes of the
4 commercial fisheries entry program; and providing for an effective date."

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

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

8 FINDINGS. The legislature finds that

9 (1) the conventional commercial fisheries limited entry system, which limits
10 the entry of natural persons into a fishery, may not adequately protect the economic health
11 and stability of certain fisheries in this state;

12 (2) a system that limits the number of vessels that may engage in a fishery
13 may be necessary to regulate certain fisheries in order to promote the conservation and
14 sustained yield management of Alaska's fishery resource and the economic health and

1 stability of commercial fishing in this state;

2 (3) the existing moratorium on entry of new vessels into the Bering Sea
3 Korean hair crab fishery (AS 16.43.901) expires on June 30, 2003, and the existing vessel
4 moratorium for the weathervane scallop fisheries in state waters (AS 16.43.906) expires on
5 June 30, 2004;

6 (4) a vessel-based limited entry system may be necessary to facilitate state
7 management of fisheries that overlap with federally managed fisheries in the United States
8 exclusive economic zone; and

9 (5) a vessel-based limited entry system may be necessary to achieve
10 compatible state and federal management and enforcement of fisheries.

11 * **Sec. 2.** AS 16.43 is amended by adding new sections to read:

12 **Article 6A. Vessel Permit System for Bering Sea Korean Hair Crab Fishery**
13 **and Weathervane Scallop Fisheries.**

14 **Sec. 16.43.450. Vessel permit system.** (a) The commission may establish a
15 vessel permit system under AS 16.43.450 - 16.43.520 for the Bering Sea Korean hair
16 crab fishery or a weathervane scallop fishery if the commission determines that

17 (1) the regulation of entry into the fishery is necessary to achieve the
18 purposes of this chapter;

19 (2) a vessel permit system would achieve the purposes of this chapter;

20 and

21 (3) either

22 (A) limiting the number of participants in the fishery under
23 AS 16.43.140 - 16.43.330 would not achieve the purposes of this chapter; or

24 (B) regulating the number of vessels in the fishery would
25 enable the state to gain or retain management of the fishery.

26 (b) If the federal government has delegated management authority in the
27 United States exclusive economic zone to the state for the Bering Sea Korean hair crab
28 fishery or a weathervane scallop fishery, the commission may, to the extent consistent
29 with this chapter, adopt regulations to ensure that the vessel permit system is
30 consistent with applicable federal laws.

31 (c) If the commission establishes a vessel permit system for a fishery that

1 involves more than one fishery resource, type of gear, or administrative area, the
2 commission may limit, as the commission determines appropriate, the fishery
3 resources that may be harvested under the vessel permit, the types of gear that may be
4 used under the vessel permit, or the areas where fishing may occur under the vessel
5 permit. The commission shall adopt criteria, as appropriate, for determining

6 (1) how restrictions on fishery resources, types of gear, and areas
7 fished are established for individual vessel interim-use permits and vessel entry
8 permits; and

9 (2) how eligibility to take a particular fishery resource, to use a
10 particular type of gear, or to fish in a particular area is established.

11 (d) The commission may, after consultation with the Department of Fish and
12 Game, regulate the fishing capacity or effort authorized under a vessel interim-use
13 permit or a vessel entry permit if the commission finds that limitations on fishing
14 capacity or effort are necessary to achieve the purposes of this chapter. The
15 commission shall adopt criteria, as appropriate, for measuring the fishing capacity or
16 effort of a vessel and for determining how restrictions on vessel fishing capacity or
17 effort are established for individual vessel interim-use permits and vessel entry
18 permits. The criteria may be based on past participation.

19 (e) The commission shall adopt regulations limiting the number of vessel
20 permits that may be held by a permit holder or group of related permit holders if the
21 commission finds that limiting the number of vessel permits that may be held by a
22 permit holder or group of related permit holders is necessary to prevent the excessive
23 concentration of ownership of vessel permits in the fishery.

24 **Sec. 16.43.460. Initial issuance of vessel permits.** (a) For each fishery in
25 which the commission establishes a vessel permit system under AS 16.43.450, the
26 commission shall establish qualifications for vessel interim-use permits and vessel
27 entry permits. The qualifications may include a qualification date, eligibility period,
28 recent and past participation requirements, minimum requirements for the nature and
29 degree of ownership interest that a permit holder must have in a vessel in order to
30 receive a vessel permit for the vessel, and criteria for receiving transferable and
31 nontransferable vessel entry permits. In adopting qualifications for transferable and

1 nontransferable vessel entry permits, the commission shall consider

2 (1) information provided by the Department of Fish and Game,
3 participants in the fishery, owners of vessels and gear used in the fishery, and other
4 interested parties;

5 (2) the level of recent and past participation and harvest in the fishery,
6 the nature of the fishery, and the need to ensure the manageability of the fishery and
7 conservation of the fishery resource.

8 (b) If the commission establishes a vessel permit system under AS 16.43.450
9 for a fishery that is, or recently was, subject to a moratorium on entry of new vessels
10 under AS 16.43.901 or 16.43.906, the commission shall incorporate some or all of the
11 vessel eligibility criteria established for the moratorium into the eligibility criteria for
12 vessel permits issued under the vessel permit system.

13 (c) Pending the issuance of vessel entry permits for a fishery for which the
14 commission has established a vessel permit system under AS 16.43.450, the
15 commission shall issue a vessel interim-use permit to the owner of each vessel that the
16 commission finds is potentially eligible to receive a vessel entry permit. A vessel
17 interim-use permit is renewable from year to year; however, a vessel interim-use
18 permit expires at the end of the period for which the permit was issued and may not be
19 renewed after a final determination by the commission that the vessel is or is not
20 eligible for a vessel entry permit.

21 (d) The commission shall issue vessel entry permits for a fishery, subject to
22 conditions established by the commission under AS 16.43.450 - 16.43.520, to the
23 owner of each vessel that the commission finds is eligible to receive a vessel entry
24 permit for that fishery.

25 (e) The commission shall adopt regulations regarding

26 (1) the determination of which person or entity is eligible to receive a
27 vessel interim-use permit or a vessel entry permit for a vessel in the event of
28 competing claims to ownership of the vessel;

29 (2) the substitution of another vessel by the applicant for a vessel
30 interim-use permit or a vessel entry permit if the vessel or vessels used to establish
31 eligibility for a vessel entry permit are lost, or are retired from the fishery by the vessel

1 owner, before the initial issuance of a vessel entry permit for the vessel.

2 **Sec. 16.43.470. Optimum number range of vessel permits.** (a) If, after the
3 initial issuance of vessel entry permits for a fishery, the commission determines that a
4 long-term biological or economic change has occurred in the fishery, the commission,
5 in consultation with the Department of Fish and Game, shall establish the optimum
6 number range of vessel entry permits for the fishery.

7 (b) In determining the optimum number range of vessel entry permits, the
8 commission shall seek to

9 (1) facilitate sound management of the fishery;

10 (2) promote

11 (A) the economic health and stability of the fishery;

12 (B) broad access to the fishery;

13 (C) conservation of the fish resources taken in the fishery;

14 (D) quality seafood products; and

15 (3) discourage waste of harvested fish.

16 (c) The commission may increase or decrease the optimum number range of
17 vessel entry permits for a fishery if the commission finds that an established long-term
18 change in the biological or economic condition of the fishery has occurred and that the
19 number of vessel entry permits that are necessary to achieve the goals set out in (b) of
20 this section has substantially changed.

21 (d) If the optimum number range of vessel entry permits is less than the
22 number of outstanding vessel permits for the fishery, the commission may adopt
23 regulations to allow the voluntary consolidation of vessel entry permits by permit
24 holders, including entities. The commission may investigate procedures to
25 permanently reduce the number of vessel permits issued for a fishery to within the
26 optimum number range.

27 (e) If the optimum number range of vessel entry permits is greater than the
28 number of permits authorized for the fishery, the commission shall issue additional
29 vessel entry permits until the number of vessel entry permits is consistent with the
30 optimum number range for the fishery. The commission shall obtain fair market value
31 for new vessel entry permits issued under this subsection. The commission shall

1 determine whether the additional vessel entry permits issued under this subsection are
2 transferable or nontransferable.

3 **Sec. 16.43.480. Transfer and expiration of vessel entry permits.** (a) The
4 commission may adopt regulations authorizing the transfer of a transferable vessel
5 entry permit to an eligible transferee and establishing the terms and conditions under
6 which vessel entry permits may be transferred. The commission may require that the
7 transferee of a vessel entry permit must have a legal ownership interest in the vessel
8 identified on the vessel entry permit. The commission may establish by regulation
9 minimum requirements for the nature and degree of ownership interest that the
10 transferee must have in the vessel.

11 (b) The commission may adopt regulations authorizing the simultaneous
12 transfer of a transferable vessel entry permit to an eligible transferee and the
13 substitution of another vessel for the vessel identified on the permit under
14 AS 16.43.490.

15 (c) The commission shall adopt regulations relating to the expiration of
16 nontransferable vessel entry permits.

17 **Sec. 16.43.490. Substitution of vessels.** (a) The commission shall adopt
18 regulations providing for the permanent or temporary substitution, after the initial
19 issuance of vessel entry permits, of another vessel for the vessel that is identified on a
20 vessel entry permit. The commission may specify by regulation the nature and degree
21 of legal ownership interest that a permit holder must have in the vessel that is
22 permanently or temporarily substituted for the vessel identified on the permit. Upon
23 the approval of a permanent substitution of a vessel, the commission shall issue a new
24 vessel entry permit for the substituted vessel.

25 (b) A substituted vessel and the operation of the substituted vessel are subject
26 to all terms and conditions attached to the vessel entry permit at the time that the
27 vessel permit is transferred from the original vessel to the substituted vessel.

28 **Sec. 16.43.500. Renewal of vessel permits.** (a) A vessel interim-use permit
29 or vessel entry permit is issued for one year and must be renewed annually.

30 (b) A vessel interim-use permit or vessel entry permit may not be renewed
31 until the fees for each preceding year during which the permit has not been renewed

1 are paid.

2 (c) Failure to renew a vessel entry permit for two consecutive years from the
3 year of last renewal results in a forfeiture of the permit unless the forfeiture is waived
4 by the commission for good cause. If an administrative closure of a fishery occurs for
5 an entire season, the commission may not count the season toward the two-year
6 period.

7 **Sec. 16.43.510. Vessel permit fees.** (a) The commission shall establish fees
8 for the issuance and annual renewal of vessel interim-use permits and vessel entry
9 permits. Annual fees established under this subsection may not exceed \$2,500 and
10 shall reasonably reflect the rate of economic return for the fishery.

11 (b) The commission shall waive the payment of the annual fees for a vessel
12 interim-use permit or a vessel entry permit for a fishery in which there was an
13 administrative closure for the entire season.

14 (c) Subject to AS 37.10.050(a), the commission may establish fees for
15 processing applications for vessel interim-use permits and vessel entry permits, for
16 transfer of vessel entry permits, and for permanent and temporary substitution of
17 vessels.

18 (d) The commission may charge interest at a rate not to exceed the legal rate
19 of interest established in AS 45.45.010(a) on fees established under the section that are
20 more than 60 days overdue.

21 **Sec. 16.43.520. General vessel permit provisions.** (a) A person or entity
22 may not operate a vessel or use a vessel to take fish in a commercial fishery for which
23 a vessel interim-use permit or vessel entry permit is required unless the appropriate
24 vessel permit has been issued for the vessel and is posted in a prominent location on
25 the vessel.

26 (b) A person or entity may not hold more than one vessel entry permit for a
27 fishery unless

28 (1) the number of vessel entry permits held by the person or entity is
29 consistent with regulations of the commission regarding concentration of ownership of
30 vessel permits in the fishery; and

31 (2) either

1 (A) the person or entity qualified for each vessel entry permit at
2 the time of the initial issuance of vessel entry permits for the fishery; or

3 (B) the vessel entry permits are issued for a vessel for which
4 the person or entity already holds another vessel entry permit for that fishery.

5 (c) The operator of a vessel for which a vessel interim-use permit or vessel
6 entry permit has been issued shall comply with the terms of the vessel permit while the
7 vessel is operated in the fishery for which the permit is issued.

8 (d) A vessel interim-use permit and a vessel entry permit constitute a use
9 privilege that may be modified or revoked by order of the commission or by law
10 without compensation.

11 (e) A vessel entry permit may not be

12 (1) pledged, mortgaged, leased, or encumbered in any way;

13 (2) transferred with any retained right of repossession or foreclosure,
14 or on any condition requiring a subsequent transfer; or

15 (3) attached, distrained, or sold on execution of judgment or under any
16 other process or order of any court.

17 (f) Unless the person who holds a vessel entry permit has expressed a contrary
18 intent in a will that is probated, the commission shall, upon the death of the person,
19 transfer the vessel entry permit by right of survivorship directly to the person's
20 surviving spouse or, if no spouse survives, to another person designated by the vessel
21 permit holder on a form provided by the commission. If no spouse survives and if the
22 person designated on the form, if any, does not survive, the permit passes as part of the
23 vessel permit holder's estate. A designation under this subsection must be
24 acknowledged before a person authorized to administer an oath under AS 09.63.010 or
25 must be witnessed by two persons who are qualified under AS 13.12.505 to witness
26 the will of the vessel permit holder. A vessel entry permit is exempt from the claims of
27 creditors of the estate.

28 (g) AS 16.43.450 - 16.43.520 do not alter the requirement for an interim-use
29 permit or entry permit under AS 16.43.140 or a vessel license under AS 16.05.490 -
30 16.05.520.

31 (h) Nothing in AS 16.43.450 - 16.43.520 limits the powers of the Board of

1 Fisheries or the Department of Fish and Game.

2 (i) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may
3 release to the owner of a vessel information on the vessel's history of harvests in a
4 fishery that is necessary to apply for a vessel interim-use permit or vessel entry permit
5 under AS 16.43.450 - 16.43.520.

6 * Sec. 3. AS 16.05.735 is amended to read:

7 **Sec. 16.05.735. Management of offshore fisheries.** The state may assume
8 management of a fishery [THE SCALLOP FISHERIES] in offshore water adjacent to
9 the state in the absence of a federal fishery management plan for the fishery
10 [SCALLOPS] or in the event that a federal fishery management plan for the fishery
11 [SCALLOPS] delegates authority to the state to manage the fishery [SCALLOP
12 FISHERIES] in the United States exclusive economic zone.

13 * Sec. 4. AS 16.43.010(a) is amended to read:

14 (a) It is the purpose of this chapter to promote the conservation and the
15 sustained yield management of Alaska's fishery resource and the economic health and
16 stability of commercial fishing in Alaska by regulating and controlling entry of
17 participants and vessels into the commercial fisheries in the public interest and
18 without unjust discrimination.

19 * Sec. 5. AS 16.43.010(a) is amended to read:

20 (a) It is the purpose of this chapter to promote the conservation and the
21 sustained yield management of Alaska's fishery resource and the economic health and
22 stability of commercial fishing in Alaska by regulating and controlling entry of
23 participants [AND VESSELS] into the commercial fisheries in the public interest and
24 without unjust discrimination.

25 * Sec. 6. AS 16.43.100(a) is amended to read:

26 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall
27 (1) regulate entry into the commercial fisheries for all fishery resources
28 in the state;
29 (2) establish priorities for the application of the provisions of this
30 chapter to the various commercial fisheries of the state;
31 (3) establish administrative areas suitable for regulating and

- 1 controlling entry into the commercial fisheries;
- 2 (4) establish, for all types of gear, the maximum number of entry
- 3 permits for each administrative area;
- 4 (5) designate, when necessary to accomplish the purposes of this
- 5 chapter, particular species for which separate interim-use permits or entry permits will
- 6 be issued;
- 7 (6) establish qualifications for the issuance of entry permits;
- 8 (7) issue entry permits to qualified applicants;
- 9 (8) issue interim-use permits as provided in AS 16.43.210, 16.43.220,
- 10 and 16.43.225;
- 11 (9) establish, for all types of gear, the optimum number of entry
- 12 permits for each administrative area;
- 13 (10) administer the buy-back program provided for in AS 16.43.310
- 14 and 16.43.320 to reduce the number of outstanding entry permits to the optimum
- 15 number of entry permits;
- 16 (11) provide for the transfer and reissuance of entry permits to
- 17 qualified transferees;
- 18 (12) provide for the transfer and reissuance of entry permits for
- 19 alternative types of legal gear, in a manner consistent with the purposes of this
- 20 chapter;
- 21 (13) establish and administer the collection of the annual fees provided
- 22 for in AS 16.43.160;
- 23 (14) administer the issuance of commercial fishing vessel licenses
- 24 under AS 16.05.490;
- 25 (15) issue educational entry permits to applicants who qualify under
- 26 the provisions of AS 16.43.340 - 16.43.390;
- 27 (16) establish reasonable user fees for services;
- 28 (17) issue landing permits under AS 16.05.675 and regulations adopted
- 29 under that section;
- 30 (18) establish and collect annual fees for the issuance of landing
- 31 permits that reasonably reflect the costs incurred in the administration and

1 enforcement of provisions of law related to landing permits; [AND]

2 (19) establish a moratorium on entry into commercial fisheries as
3 provided in AS 16.43.225; and

4 (20) administer, when necessary to accomplish the purposes of this
5 chapter, a vessel permit system under AS 16.43.450 - 16.43.520.

6 * Sec. 7. AS 16.43.240(b) is amended to read:

7 (b) When the commission finds that a fishery, not designated as a distressed
8 fishery under AS 16.43.230 or not subject to a moratorium under AS 16.43.225, has
9 reached levels of participation that require the limitation of entry under AS 16.43.140
10 - 16.43.330 in order to achieve the purposes of this chapter, the commission shall
11 establish the maximum number of entry permits for that fishery.

12 * Sec. 8. AS 16.43.240(c) is amended to read:

13 (c) When the commission finds that a fishery subject to a moratorium under
14 AS 16.43.225 has reached levels of participation that require the limitation of entry
15 under AS 16.43.140 - 16.43.330 in order to achieve the purposes of this chapter, the
16 commission shall establish the maximum number of entry permits for that fishery.

17 * Sec. 9. AS 16.43.960(a) is amended to read:

18 (a) The commission may revoke, suspend, or transfer all entry or interim-use
19 permits, vessel entry permits, or vessel interim-use permits held by a person or
20 entity who knowingly provides or assists in providing false information, or fails to
21 correct false information provided to the commission for the purpose of obtaining a
22 benefit for self or another, including the issuance, renewal, duplication, or transfer of
23 an entry or interim-use permit, [OR] vessel license, vessel entry permit, or vessel
24 interim-use permit. The commission may suspend, as appropriate, that person's or
25 entity's eligibility to hold an entry or interim-use permit, vessel entry permit, or
26 vessel interim-use permit for a period not to exceed three years, and may impose an
27 administrative fine of not more than \$5,000 on the person or [. THE COMMISSION
28 MAY ALSO IMPOSE AN ADMINISTRATIVE FINE OF NOT MORE THAN
29 \$5,000 ON AN] entity whose officers, employees, representatives, or agents
30 knowingly provide or assist in providing false information, or fail to correct false
31 information provided, to the commission for the purpose of obtaining a benefit.

1 * Sec. 10. AS 16.43.960(a) is amended to read:

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

17 * Sec. 11. AS 16.43.970(a) is amended to read:

18 (a) A person who violates a provision of this chapter or a regulation adopted
19 under this chapter or an entity that violates a provision of AS 16.43.450 - 16.43.520
20 or a regulation adopted under AS 16.43.450 - 16.43.520 is, upon conviction, guilty
21 of a class B misdemeanor and is punishable by a fine of not more than \$5,000 for a
22 first conviction, and a fine of not more than \$10,000 for a second or third conviction.
23 Upon a first or second conviction under this subsection, the court may in its discretion
24 also order the commission to suspend the commercial fishing privileges of the person
25 or entity for a period of not more than three years and to revoke one or more or all
26 commercial fishing permits held by the person or entity. Upon a third or subsequent
27 conviction under this subsection, the person or entity is also subject to a loss of
28 commercial fishing privileges as provided under (i) of this section. This subsection
29 does not apply to violations of AS 16.43.140(a).

30 * Sec. 12. AS 16.43.970(a) is amended to read:

31 (a) A person who violates a provision of this chapter or a regulation adopted

1 under this chapter [OR AN ENTITY THAT VIOLATES A PROVISION OF
2 AS 16.43.450 - 16.43.520 OR A REGULATION ADOPTED UNDER AS 16.43.450 -
3 16.43.520] is, upon conviction, guilty of a class B misdemeanor and is punishable by a
4 fine of not more than \$5,000 for a first conviction, and a fine of not more than \$10,000
5 for a second or third conviction. Upon a first or second conviction under this
6 subsection, the court may in its discretion also order the commission to suspend the
7 commercial fishing privileges of the person [OR ENTITY] for a period of not more
8 than three years and to revoke one or more or all commercial fishing permits held by
9 the person [OR ENTITY]. Upon a third or subsequent conviction under this
10 subsection, the person [OR ENTITY] is also subject to a loss of commercial fishing
11 privileges as provided under (i) of this section. This subsection does not apply to
12 violations of AS 16.43.140(a).

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

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

23 * Sec. 14. AS 16.43.970(b) is amended to read:

24 (b) A person [OR ENTITY] who knowingly makes a false statement to the
25 commission for the purpose of obtaining a benefit, including the issuance, renewal,
26 duplication, or transfer of an entry or interim-use permit or [,] vessel license [,
27 VESSEL INTERIM-USE PERMIT, OR VESSEL ENTRY PERMIT,] or a person who
28 assists another by knowingly making a false statement to the commission for the
29 purpose of obtaining a benefit for another, is guilty of the crime of unsworn
30 falsification as set out in AS 11.56.210. Upon conviction, the person [OR ENTITY] is
31 also subject to suspension of commercial fishing privileges and revocation of

1 commercial fishing permits under (i) of this section.

2 * Sec. 15. AS 16.43.970(d) is amended to read:

3 (d) If a permit holder is charged by the state with violating a provision of this
4 chapter or a regulation adopted under this chapter, the holder may not transfer [,
5 UNDER AS 16.43.170,] any interim-use or entry permit under AS 16.43.170 or any
6 transferable vessel entry permit under AS 16.43.450 - 16.43.520 [,] until after the
7 final adjudication or dismissal of the charges.

8 * Sec. 16. AS 16.43.970(d) is amended to read:

9 (d) If a permit holder is charged by the state with violating a provision of this
10 chapter or a regulation adopted under this chapter, the holder may not transfer any
11 interim-use or entry permit under AS 16.43.170 [OR ANY TRANSFERABLE
12 VESSEL ENTRY PERMIT UNDER AS 16.43.450 - 16.43.520] until after the final
13 adjudication or dismissal of the charges.

14 * Sec. 17. AS 16.43.970(e) is amended to read:

15 (e) Notwithstanding any other provision of this section, an interim-use or entry
16 permit or transferable vessel entry permit may not be transferred while under
17 suspension, without the consent of the commission.

18 * Sec. 18. AS 16.43.970(e) is amended to read:

19 (e) Notwithstanding any other provision of this section, an interim-use or entry
20 permit [OR TRANSFERABLE VESSEL ENTRY PERMIT] may not be transferred
21 while under suspension, without the consent of the commission.

22 * Sec. 19. AS 16.43.970(f) is amended to read:

23 (f) A commercial fishing entry permit revoked under this section that is
24 pledged as security for a loan under AS 16.10.333, or 16.10.338, or AS 44.81.231
25 shall be reassigned as provided in AS 16.10.337 or AS 44.81.250.

26 * Sec. 20. AS 16.43.970(i) is amended to read:

27 (i) Upon the conviction of a person or entity for an offense described under
28 (a), (b), or (g) of this section, the court shall immediately notify the commission of the
29 conviction. The notice provided by the court shall be accompanied by an order
30 suspending commercial fishing privileges and revoking commercial fishing permits
31 under (a) of this section, as appropriate. The commission shall, upon receipt of

1 (1) an order from the court under (a) of this section, suspend the
2 commercial fishing privileges of a person or entity for the period set by the court and
3 revoke commercial fishing permits held by the person or entity as directed by the
4 court;

5 (2) a notice from the court that a person or entity has been convicted
6 of a third or subsequent violation of (a) of this section, suspend all commercial fishing
7 privileges of the person or entity for a period of three years from the date of
8 conviction and revoke all commercial fishing permits held by the person or entity;

9 (3) a notice from the court that a person or entity has been convicted
10 of a violation described under (b) of this section, suspend all commercial fishing
11 privileges of the person or entity for a period of three years from the date of
12 conviction and revoke all commercial fishing permits held by the person or entity;

13 (4) a notice from the court that a person has been convicted of a
14 violation described under (g)(1) of this section, suspend all commercial fishing
15 privileges of the person for a period of one year from the date of conviction;

16 (5) a notice from the court that a person has been convicted of a
17 violation described under (g)(2) of this section, suspend all commercial fishing
18 privileges of the person for a period of two years from the date of conviction;

19 (6) a notice from the court that a person has been convicted of a
20 violation described under (g)(3) of this section, suspend all commercial fishing
21 privileges of the person for a period of five years from the date of conviction.

22 * Sec. 21. AS 16.43.970(i) is amended to read:

23 (i) Upon the conviction of a person [OR ENTITY] for an offense described
24 under (a), (b), or (g) of this section, the court shall immediately notify the commission
25 of the conviction. The notice provided by the court shall be accompanied by an order
26 suspending commercial fishing privileges and revoking commercial fishing permits
27 under (a) of this section, as appropriate. The commission shall, upon receipt of

28 (1) an order from the court under (a) of this section, suspend the
29 commercial fishing privileges of a person [OR ENTITY] for the period set by the
30 court and revoke commercial fishing permits held by the person [OR ENTITY] as
31 directed by the court:

1 (2) a notice from the court that a person [OR ENTITY] has been
 2 convicted of a third or subsequent violation of (a) of this section, suspend all
 3 commercial fishing privileges of the person [OR ENTITY] for a period of three years
 4 from the date of conviction and revoke all commercial fishing permits held by the
 5 person [OR ENTITY];

6 (3) a notice from the court that a person [OR ENTITY] has been
 7 convicted of a violation described under (b) of this section, suspend all commercial
 8 fishing privileges of the person [OR ENTITY] for a period of three years from the date
 9 of conviction and revoke all commercial fishing permits held by the person [OR
 10 ENTITY];

11 (4) a notice from the court that a person has been convicted of a
 12 violation described under (g)(1) of this section, suspend all commercial fishing
 13 privileges of the person for a period of one year from the date of conviction;

14 (5) a notice from the court that a person has been convicted of a
 15 violation described under (g)(2) of this section, suspend all commercial fishing
 16 privileges of the person for a period of two years from the date of conviction;

17 (6) a notice from the court that a person has been convicted of a
 18 violation described under (g)(3) of this section, suspend all commercial fishing
 19 privileges of the person for a period of five years from the date of conviction.

20 * Sec. 22. AS 16.43.970(j)(1) is amended to read:

21 (1) "commercial fishing permit" means an entry permit, [OR] an
 22 interim-use permit, a vessel entry permit, or a vessel interim-use permit issued
 23 under this chapter;

24 * Sec. 23. AS 16.43.970(j)(1) is amended to read:

25 (1) "commercial fishing permit" means an entry permit or [,] an
 26 interim-use permit [, A VESSEL ENTRY PERMIT, OR A VESSEL INTERIM-USE
 27 PERMIT] issued under this chapter;

28 * Sec. 24. AS 16.43.980(a) is amended to read:

29 (a) The commission shall prepare an annual report and notify the legislature
 30 that it is available. The report must [SHALL] include but not be limited to the
 31 following:

1 (1) a progress report on the reduction of entry permits to optimum
2 levels;

3 (2) recommendations for additional legislation relating to the
4 regulation of entry of participants and vessels into Alaska commercial fisheries.

5 * Sec. 25. AS 16.43.990(5) is amended to read:

6 (5) "person" means a natural person; "person" [AND] does not
7 include a corporation, company, partnership, firm, association, organization, joint
8 venture, [BUSINESS] trust, [OR] society, or other legal entity other than a natural
9 person;

10 * Sec. 26. AS 16.43.990 is amended by adding a new paragraph to read:

11 (10) "entity" means a corporation, company, partnership, firm,
12 association, organization, joint venture, trust, society, or other legal entity other than a
13 natural person.

14 * Sec. 27. REPEAL OF VESSEL PERMIT SYSTEM. AS 16.43.100(a)(20), 16.43.450,
15 16.43.460, 16.43.470, 16.43.480, 16.43.490, 16.43.500, 16.43.510, and 16.43.520 are
16 repealed.

17 * Sec. 28. Sections 5, 10, 12, 14, 16, 18, 21, 23, and 27 of this Act take effect December 30,
18 2008.

19 * Sec. 29. Except as provided in sec. 28 of this Act, this Act takes effect immediately under
20 AS 01.10.070(c).

SB

253

SB 253 Board of Game Term Start Date

Sponsors: Huggins

Referrals: Resources

1. SB 253 vs/A
2. Fiscal Note
3. Sponsor Statement
4. Support

Board of Game letter

Wes Keller Press Release

SENATE BILL NO. 253

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR HUGGINS

**Introduced: 1/28/08
Referred: Resources**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the appointment of members of the Board of Game; and providing**
2 **for an effective date."**

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

4 *** Section 1. AS 16.05.221(c) is amended to read:**

5 **(c) Members of the Board of Game serve staggered terms of three years. The**
6 **terms of the members of the board begin on July 1. Notwithstanding**
7 **AS 39.05.080(1), by April 1 of the calendar year in which the term expires, the**
8 **governor shall appoint a person to fill the vacancy that will arise on the board**
9 **because of the expiration of the term of a member of the board and submit the**
10 **name of the person to the legislature for confirmation. If a vacancy arises on the**
11 **board, the governor shall, within 30 days after the vacancy arises, appoint a**
12 **person to serve the balance of the unexpired term and submit the name of the**
13 **person to the legislature for confirmation. A person appointed to fill the balance**
14 **of an unexpired term shall serve on the board from the date of appointment until**

1 the earlier of the expiration of the term or the failure of the legislature to confirm
2 the person under AS 39.05.080 [AND, EXCEPT AS PROVIDED IN
3 AS 39.05.080(4), EACH MEMBER SERVES UNTIL A SUCCESSOR IS
4 APPOINTED. AN APPOINTMENT TO FILL A VACANCY IN THE
5 MEMBERSHIP OF THE BOARD OF GAME SHALL BE MADE IN THE SAME
6 MANNER AS THE ORIGINAL APPOINTMENT AND, EXCEPT AS PROVIDED
7 IN AS 39.05.080(4), AN APPOINTMENT TO FILL A VACANCY IS FOR THE
8 BALANCE OF THE UNEXPIRED TERM].

9 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 TRANSITION. Notwithstanding AS 16.05.221(c), as amended by sec. 1 of this Act,
12 the expiration date of the term of a person serving on the Board of Game on January 1, 2008,
13 is March 1 of the calendar year in which the term expires.

14 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 253
 () Publish Date: _____

Identifier (file name): SB253-DFG-BSS-02-12-08 Dept. Affected: Fish and Game
 Title: Board of Game RDU: Administration and Support
 Component: F&G Boards & Advisory Committees
 Sponsor: Senator Huggins
 Requester: Senate Resources Committee Component Number: 2825

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will have no fiscal impact on the Department of Fish and Game.

Prepared by: Kristy Tibbles, Executive Director, Board of Game
 Division: Boards Support Section
 Approved by: Tom Lawson, Director
Division of Administrative Services, Department of Fish and Game

Phone 465-6098
 Date/Time 2/12/08 10:00 AM
 Date 2/12/2008

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 :Fax



State Capitol
Juneau AK 99801-1182
907-465-3878
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800-862-3878

Charlie Huggins Senator

SPONSOR STATEMENT: SENATE BILL 253

"An Act relating to the appointment of members of the Board of Game; and providing for an effective date."

Senate Bill 253, if enacted, would change the expiration date for the terms for members of the Alaska Board of Game from March 1 to July 1.

The Board of Game is the regulatory authority that passes regulations to conserve and develop Alaska's wildlife resources. The Board, which has seven members, each appointed by the governor for a three year term, is charged with making allocative and regulatory decisions. The Board generally meets two or three times a year between the months of November and April.

Current law has a different starting date for terms of members appointed to the Board of Fisheries from those members appointed to the Board of Game. Under AS 16.05.221(d), terms for members of the Board of Fisheries begin on July 1; however, under AS 39.05.053, terms for the members of the Board of Game start March 1.

The statute change will

- prevent problems that arise from the short time frame for newly-appointed members to prepare for the large regulatory board meetings that occur near the beginning of March every year;
- reduce confusion among the public over which board member to contact on issues; and
- bring the terms in line with those of the state's Board of Fisheries.

I urge your support of this statute change.

Contact: Jody Simpson
907.465.2661
Version 25-LS1370 \ A
January 28, 2008

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME BOARD OF GAME

SARAH PALIN, GOVERNOR

ADF&G
P.O. BOX 115628
JUNEAU, AK 99801-5628
PHONE: (907) 465-4110
FAX: (907) 465-6094

January 30, 2008

Senator Charlie Huggins
Alaska State Legislature
State Capitol, Room # 126
Juneau, AK 99801-1182

Dear Senator Huggins:

The Alaska Board of Game unanimously supports Senate Bill 253, an act relating to the appointment of members of the Board of Game. If passed, this legislation will better facilitate the state's hunting and trapping regulatory process by giving new members adequate time to prepare for important regional meetings and by depoliticizing the legislative confirmation process.

Senate Bill 253 will help to avoid the problems that can arise with the current system of having two or three of the seven board members serving in an "unconfirmed" status during the large regulatory meetings that occur near the beginning of March each year. New members voting records during the spring meetings can be the focus of the legislative confirmation process rather than the nominee's overall qualifications. The current process has also been disruptive in the past because new board members have been appointed by the serving Governor or rejected by the legislature less than a week prior to these large meetings, and at times, during the meetings. In these instances, new members were given very little time to be prepared to make important regulatory decisions on hundreds of proposals.

The legislation provides consistency with the term appointment and expiration dates for the Board of Fisheries. In 1996, legislation was signed into law to change the term and appointment dates in for the Board of Fisheries for the same reasons mentioned above. Having consistency between the two boards will help to avoid public confusion over the appointment process.

Thank you for your support to the Board of Game by sponsoring this legislation. Please let us know how we can assist you with this effort.

Sincerely,



Cliff Judkins, Chairman
Board of Game

Jody Simpson

From: Will Vandergriff
Sent: Wednesday, February 06, 2008 3:10 PM
Subject: Press Release - Start Date for Board of Game Appointments to be Moved (HB 352)
Attachments: PR - Start Date for Board of Game Appointments to be Moved (HB 352).doc

FOR IMMEDIATE RELEASE: February 6, 2008 **CONTACT:** Rep. Wes Keller (907) 465-2186

Start Date for Board of Game Appointments to be Moved **Keller Bill Would Make the Board of Game Same as Board of Fish**

Juneau- Representative Wes Keller (R-Wasilla) introduced HB 352 today, legislation that would move the start date for Board of Game appointees to July 1, rather than once they are appointed. Under a companion proposal introduced by Senator Charlie Huggins (R-Mat-Su Valley), SB 253, new appointees would take office on July 1.

"Currently, when a person is appointed to the Board of Game he or she immediately takes the position. Often there is a meeting within a couple of weeks after taking office and the new members have not had the time to get acquainted with the issues," said Rep. Keller. "This bill will allow for that transition and mirror the existing appointment language for the Board of Fish."

The bill does not change the cycle of appointments, as all members will still serve a staggered three-year term, with terms expiring for some members every year. "We do not want to disrupt the expertise obtained by experienced board members," added Rep. Keller.

House Bill 352 is scheduled for hearing in the House Resource Committee and the House Finance Committee. If the Senate version of the bill makes it over to the House it could make it easier for the same Committees to work on that language as they have already heard the version introduced by Rep. Keller.

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Boards Support

- About Boards
- | Board of Fisheries
- | Board of Game
- | Advisory Committees
- | Joint Boards

- Board Members**
- › Member Addresses
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Alaska Board of Game Tentative Meeting Schedule 2007/2008 Cycle

Quick Picks

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BOG Chair Call Judine & other BOG members

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Dates	Topics	Location
November 9 – 12, 2007 Proposal Deadline: August 17, 2007 Written Comments: October 26, 2007	Arctic/Western Region	Fall, 2007 Bethel
January 25 – 28, 2008 Proposal Deadline: November 2, 2007 Written Comments: January 11, 2008	Statewide Regulations Cycle B	Statewide, 2008 Anchorage
February 29 – March 10, 2008 Proposal Deadline: December 7, 2007 Written Comments: February 15, 2008	Interior Region	Spring, 2008 Fairbanks

For more information, contact Executive Director, Kristy Tibbles.

- Meeting Summaries**
- › Summary of Actions
 - › Document Archive

- Regulations, Policies & Info**
- › Link to Regulations
 - › Policies and Findings
 - › Frequently Used Policies
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- Board of Game Forms**
- › Proposal Form
 - › ACR Form
 - › Petition the Board

SB

284

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee
Butrovich Room 205
Tuesday, March 11 2008
3:30-5:30 p.m.

AGENDA

➤ **SB 267 – Wildlife Violator Compact**
Testimony: By Invitation

➤ **SB 284 – Board of Fisheries: Membership**
Testimony: Time Limit May Be Set

Teleconference

SB 284 Board of Fisheries: Membership

March 19, 2008

[Heard & Held March 11, 2008; heard all who were signed up to speak]

Workdraft CSSB284 vs/V

SB 284 vs C (originally introduced)

1. Fiscal Notes

2. Sponsor Statement

3. Support

4. Opposition

5. Statutory authority, duties, schedule

*Senator's
packet*

SB 284 Board of Fisheries: Membership

March 19, 2008

[Heard & Held March 11, 2008; heard all who were signed up to speak]

Workdraft CSSB284 vs/V

SB 284 vs C (originally introduced)

1. Fiscal Notes

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5. Statutory authority, duties, schedule

25-LS1500V
Kane
3/5/08

CS FOR SENATE BILL NO. 284()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR GREEN

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the membership of the Board of Fisheries; and providing for an**
2 **effective date."**

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

4 *** Section 1. AS 16.05.221(a) is amended to read:**

5 (a) For purposes of the conservation and development of the fishery resources
6 of the state, there is created the Board of Fisheries composed of seven members
7 appointed by the governor, subject to confirmation by a majority of the members of
8 the legislature in joint session. The governor shall appoint each member on the basis
9 of interest in public affairs, good judgment, knowledge, and ability in the field of
10 action of the board [, AND WITH A VIEW TO PROVIDING DIVERSITY OF
11 INTEREST AND POINTS OF VIEW IN THE MEMBERSHIP]. The appointed
12 members shall be residents of the state and shall be appointed without regard to
13 political affiliation or geographical location of residence. A member of the board
14 may not be an immediate family member of another member of the board. The

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commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary. The board consists of

(1) two members who represent commercial fishing interests and who do not hold and do not have an immediate family member who holds

(A) a sport fishing operator license under AS 16.40.260; or

(B) a sport fishing guide license under AS 16.40.270;

(2) three members who represent personal use or subsistence fishing interests and who

(A) do not hold and do not have an immediate family member who holds

(i) a commercial fishing permit or crewmember permit under AS 16.05.480;

(ii) a sport fishing operator license under AS 16.40.260; or

(iii) a sport fishing guide license under AS 16.40.270;

or

(B) do not own or have an immediately family member who owns a commercial fish processing business;

(3) two members who represent sport fishing interests and who

(A) do not hold and do not have an immediate family member who holds a commercial fishing permit or crewmember permit under AS 16.05.480; or

(B) do not own or have an immediate family member who owns a commercial fish processing business.

* Sec. 2. AS 16.05.221 is amended by adding a new subsection to read:

(e) In this section, "immediate family member" means

(1) the spouse or domestic partner of the member; or

(2) a parent, child, including a stepchild and an adoptive child, or sibling of the member if the parent, child, or sibling resides with the member, is financially dependent on the member, or shares a substantial financial interest with the member.

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

3 TRANSITION. The amendment to AS 16.05.221(a) made by this Act does not prevent
4 a person who is a member of the Board of Fisheries on the day before the effective date of this
5 Act from continuing to serve until the expiration of the member's term.

6 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO. 284

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR GREEN

Introduced: 2/19/08

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the membership of the Board of Fisheries; and providing for an**
2 **effective date."**

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

4 *** Section 1. AS 16.05 221(a) is amended to read:**

5 (a) For purposes of the conservation and development of the fishery resources
6 of the state, there is created the Board of Fisheries composed of nine [SEVEN]
7 members appointed by the governor, subject to confirmation by a majority of the
8 members of the legislature in joint session. The governor shall appoint each member
9 on the basis of interest in public affairs, good judgment, knowledge, and ability in the
10 field of action of the board [, AND WITH A VIEW TO PROVIDING DIVERSITY
11 OF INTEREST AND POINTS OF VIEW IN THE MEMBERSHIP]. The appointed
12 members shall be residents of the state and shall be appointed without regard to
13 political affiliation or geographical location of residence. The commissioner is not a
14 member of the Board of Fisheries, but shall be ex officio secretary. The board

1 consists of

2 (1) three members who represent commercial fishing interests;

3 (2) three members who represent personal use and subsistence
4 fishing interests;

5 (3) three members who represent sport fishing interests.

6 * Sec. 2. The uncoded law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION. (a) The governor shall appoint two new members to the Board of
9 Fisheries within 30 days after the effective date of this Act. The two new members of the
10 board must meet the requirements for members of the board, and the addition of the two
11 members may not violate the provisions of AS 16.05.221(a), as amended by sec. 1 of this Act.

12 (b) A person who is a member of the Board of Fisheries on the day before the
13 effective date of this Act continues to serve until the expiration of the member's term.

14 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB284
() Publish Date: _____

Identifier (file name) SB284-DFG-BSS-03-07-08 Dept. Affected: Fish and Game
Title Board of Fisheries Membership RDU Administration and Support
Sponsor Senator Lyda Green Component F&G Boards & Advisory Committees
Requester Senate Resources Committee Component Number 2825

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	18.9	18.9	18.9	18.9	18.9	18.9	18.9
Travel	24.0	24.0	24.0	24.0	24.0	24.0	24.0
Contractual	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Supplies	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	43.9	43.9	43.9	43.9	43.9	43.9	43.9

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

1002 Federal Receipts							
1003 GF Match							
1004 GF	43.9	43.9	43.9	43.9	43.9	43.9	43.9
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	43.9	43.9	43.9	43.9	43.9	43.9	43.9

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)
 Passage of this bill will increase expenditures by \$43,900 per year.
 Personal Services is the combination of administrative support and honoraria for the additional Board members.
 Administrative support includes payroll, travel and accounting functions.
 The honorarium figure assumes 35 full days and 10 half days of meetings per year.
 Travel is calculated by the attendance at 6 meetings per year.
 Contractual and Supply costs would increase slightly.

Prepared by: Jim Marcotte, Executive Director, Board of Fisheries Phone 465-6095
 Division: Boards Support Section Date/Time 3/7/08 4:00 PM
 Approved by: Tom Lawson, Director Date 3/7/2008
Division of Administrative Services, Department of Fish and Game

ALASKA STATE LEGISLATURE



Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Senator_Lyda_Green@legis.state.ak.us

Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
Fax (907) 465-3805

Toll Free: 1-877-465-6601

SENATOR LYDA GREEN
PRESIDENT OF THE SENATE

SPONSOR STATEMENT

CSSB 284

*"An Act relating to the membership of the Board of Fisheries;
and providing for an effective date."*

CSSB 284 was introduced to provide a statutory board appointment framework and process. This framework will better ensure balance and fairness on the Board of Fisheries as well as provide a more focused effort on conservation measures designed to sustain Alaska's salmon resources.

The Board of Fisheries is currently comprised of seven members appointed by the governor and confirmed by the legislature. Members currently serve three-year terms and their main role is to conserve and develop the fishery resources of the state. Generally, members are chosen to reflect different points of view, interests and regions of the state (AS16.05.221).

The proposed committee substitute brings the number of Board members back to seven, from the nine proposed in the original bill, and statutorily requires that certain qualifications must be met in order to serve on the Board. There are 122 Boards and Commissions in Alaska, and the Board of Fisheries has almost no requirements or guidelines for appointments to the Board.

CSSB 284 puts into statute selection requirements that provide for fair and balanced representation on the Board of Fisheries for years to come, regardless of who may be governor or who may be in political leadership positions at the Department of Fish and Game.

I encourage your support of CSSB 284.

for

Alaska State Legislature

SENATOR
LYDA GREEN
Senate President

(907) 465-6000
Fax (907) 465-3805

INTERIM ADDRESS:
600 E Railroad Ave
Wasilla, AK 99654
(907) 376-3370
Fax (907) 376-3157



State Capitol, Juneau, Alaska 99801-1182

REPRESENTATIVE
JOHN HARRIS
Speaker of the House

(907) 465-4859
Fax (907) 465-3799

INTERIM ADDRESS:
716 W. 4th Ave. #600
Anchorage, AK 99501
(907) 269-0129
Fax (907) 269-0128

February 1, 2008

The Honorable Sarah Palin
Governor
State of Alaska
Alaska State Capitol
Juneau, Alaska 99801

Dear Governor Palin:

In the past decade the drainages in the Mat-Su valley have experienced historically low salmon runs and some species have not met escapement goals in five of the last seven years. For example, in 2005 only 36,921 sockeye returned to the Yentna River, a shortage of more than 50,000 fish at the lower end of the escapement goal, and more than 120,000 under the upper objective. Fish Creek (Big Lake system) is even in worse shape. Minimum escapement goals have not been achieved in the past four years, despite enhancement from hatchery fish.

The problem with not meeting escapement goals for Northern District bound salmon are two-fold; it is unacceptable biologically, and it presents serious challenges to local economies.

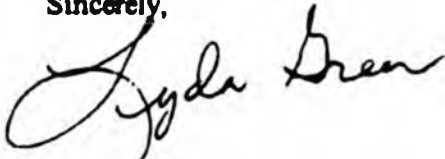
If adequate escapement goals are not met, the state may soon be facing both biological as well as economic problems in the Cook Inlet area. Without adequate escapement, salmon stocks may decline throughout enough of their historic range to induce actions by various groups that could be harmful to both local and state economic interests.

Although allocation issues exist between fishing groups, biological issues could lead to restrictions or curtailment of fishing activities across the board. If that were to happen, the economic benefits derived from both the commercial and sport fish effort may be lost. Such an outcome would be devastating to many of the Inlet's local economies and would almost certainly impact the state's economy as well.

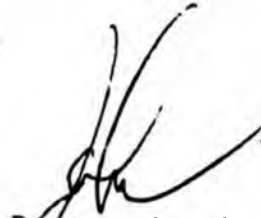
We are, however, encouraged by the heightened awareness toward this issue by local businesses. The recent actions of the Mat-Su Borough and the Willow Chamber of Commerce highlight the importance of adequate salmon returns to our local economies.

We are committed to working with you, local fishing groups, local businesses impacted by returns or the lack thereof, and the Alaska Department of Fish and Game to find a meaningful solution to this growing problem. We must give our biologists the tools they need to discover the root causes of declining returns, as well as the resources necessary to rebuild our failing salmon stocks.

Sincerely,



Senator Lyda Green
President of the Senate



Representative John Harris
Speaker of the House

cc: Denby Lloyd, Commissioner, Department of Fish and Game
Emil Notti, Commissioner, Department of Commerce, Community and Economic
Development
Mel Morris, Chairman, Alaska Board of Fisheries



Willow Chamber of Commerce

March 10, 2007

To Alaska Dept. of Fish and Game
Board of Fisheries
Board Support Section
PO Box 115526
Juneau, AK 99811-5526

Upon review of the action request from Board of Fisheries Chairman Mel Morris and through our member's own observations, the Willow Chamber of Commerce can make the following recommendations.

Because the single most important economic base for Willow based businesses is tourism and specifically recreation minded visitors, our Chamber of Commerce encourages wise protection of our recreational resources. Our fisheries are our most cherished resource. The value of a single fish to our community and our state is huge when caught by our visitors or by our own family members as our traditional food source. When an economist adds up the true value of a sport caught fish they would probably recognize a visitors air fare, car rental, gas purchases, hotel or bed and breakfast charges groceries or restaurant bills as well as fishing licenses and gear and guides fees. Because our Willow Chamber of Commerce is made up of businessmen and women who earn our living from the money spent in the pursuit of sport fish and game we urge the state to do whatever possible to ensure the quotas of fish that reach our local streams and the upper Susitna Valley sustainable fisheries. Its spawning fish numbers and healthy hatch numbers must be increased or doom is inevitable for all the commercial, subsistence and recreational fishermen as well.

Please see to it that there are substantial decreases in high seas and lower Cook Inlet commercial catches so that there may be more fish for everyone in years to come.

With the future in mind and heart,
Sincerely,

Jim Huston, President
Willow Chamber of Commerce

Cc: Senator Lyda Green
Senator Charles Huggins
Representative Mark Newman
Bruce Knowles
Representative Bill Stoltz
Representative Wes Keller
Representative Carl Gatto

Willow Chamber of Commerce

Mail@willowchamber.org

P.O. Box 183

Willow, Alaska, 99688, USA

phone: (907) 495-6800

fax: (907) 495-6802

for

Action: 01/15/08

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 08-005(AM)**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REQUESTING THE ALASKA STATE DEPARTMENT OF FISH AND GAME (1) RECOMMEND TO THE BOARD OF FISHERIES THAT SOCKEYE AND CHUM SALMON STOCKS OF THE SUSITNA (YENTNA) RIVERS AND FISH CREEK BE DESIGNATED STOCKS OF CONCERN"; (2) PREPARE A PLAN FOR SALMON ESCAPEMENT ENUMERATION; (3) ESTABLISH ESCAPEMENT GOALS FOR ALL SALMON SPECIES OF THE NORTHERN DISTRICT; AND (4) SUPPORT THE ENACTMENT OF THE SUSTAINABLE SALMON POLICY INTO STATE LAW.

WHEREAS, the commercial harvest of sockeye salmon from the Northern District of Cook Inlet (NCI) has declined from an average of 180,000 in the 1980's to an average of 26,000 sockeye since 2002; and

WHEREAS, the commercial harvest of Upper Cook Inlet chum salmon has declined from 880,000 annually in the 1980's to fewer than 100,000 salmon during recent years; and

WHEREAS, spawning escapements for Susitna River sockeye have fallen below the minimum goal in five of the past seven years; and

WHEREAS, Fish Creek sockeye escapement thresholds have not been achieved over half of the time over the past ten years; and

WHEREAS, there are no escapement targets for chum salmon in NCI; and

WHEREAS, sport fisheries have been subject to continuous restrictions such as the prohibition of harvesting of sockeye over the past four years; and

WHEREAS, Northern Cook Inlet set net fisheries have had one or more closed fishing periods in each of the past seven years (except

2003); and

WHEREAS, commercial drift net fishing periods have been restricted annually since 2001; and

WHEREAS, chronic inability to maintain both minimum spawning escapements and expected harvests has occurred despite continuous restrictions on the fisheries; and

WHEREAS, the State's Sustainable Salmon Policy falls short of its potential by being regarded as a set of recommendations rather than clear legislative direction and as such being too easy to set aside, as management decisions are made; and

WHEREAS, genetic stock identification studies are in mid-course and other Susitna Basin fishery investigations are also in progress, the number of issues cited herein indicate further action is in order; and

WHEREAS, closures, restrictions and related regulatory actions have had, and will continue to have, significant social and economic impacts on Alaskans who rely on these resources.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly requests that the Alaska State Department of Fish and Game (ADF&G) recommend to the Board of Fisheries (with Governor's Office Support) that sockeye and chum salmon stocks of the Susitna (Yentna) Rivers and Fish Creek be designated "stocks of concern", specifically yield concerns, as mandated by the Sustainable Salmon Policy (SAAC 39.222); and

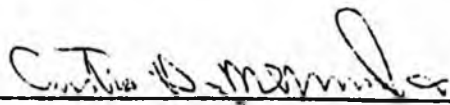
BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly requests that the Legislature, with the support of the Governor, fund the development and application of technology that will assure acquisition of multi-species escapement information for Susitna (Yentna) River and Fish Creek salmon with emphasis on sockeye, coho, and chum in that priority. This includes providing on-going funding for enumerating coho salmon at the Deshka Weir; and

BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly requests ADF&G to prepare a phased enumeration plan, with cost estimates showing the funds needed to add each species beyond sockeye to the project. The development of an all-species enumeration project plan and cost figures by phase will allow the Legislature and the Governor to decide the extent to which studies will be cost-effective given the current fiscal environment; and

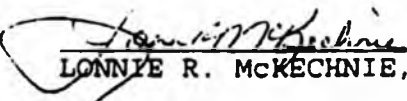
BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly considers it essential that escapement goals ultimately be established for all salmon species of the Northern Cook Inlet. It is acknowledged that it could require as much as seven years of capturing escapement counts (per above) to gain sufficient knowledge in support of establishing those goals; and

BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly requests that the ADF&G and the Governor support legislative action to enact into statute (and/or regulation as appropriate) a codified version of the Sustainable Salmon Policy.

ADOPTED by the Matanuska-Susitna Borough Assembly this 15 day
of January, 2008.


CURTIS D. MENARD, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, Acting Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Houston, Church, Bettine, and Kluberton