

Representative Paul Seaton, Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol, 120 Fourth Street
Juneau, AK 99801-1182
RE: HB 18 PERSONAL USE PRIORITIES, OPPOSE

Dear Chairman Seaton and Committee Members,

My name is Steve Merritt and I am a commercial fisherman living in Craig, Alaska. I oppose HB 18 which seeks to provide a priority for personal use fisheries second only to subsistence. I do not believe that such a priority is necessary or reflects the true nature of most personal use fisheries, nor does it allow for the orderly and sustainable management of our state's fisheries resources.

The most significant problem with HB 18 is that it ties the hands of the Alaska Board of Fisheries (BOF) and could confound sustainable fisheries management. Personal use fisheries are conducted in river and can have a significant impact on spawning stocks.

Subsistence fisheries have been granted highest priority in times of resource shortages, because they are intended to provide **the basic necessities of life** for rural residents. Personal use fisheries allow individuals to take finfish, shellfish, or aquatic plants, often at higher levels than sport fisheries, for use as food or bait by that individual or their immediate family.

While the BOF intended that personal use fisheries not harm sport and commercial fisheries, they also provided ample opportunity for personal use fishermen when developing regulatory measures. This is revealed in harvest limits that far exceed what many Alaskans consider necessary for basic sustenance.

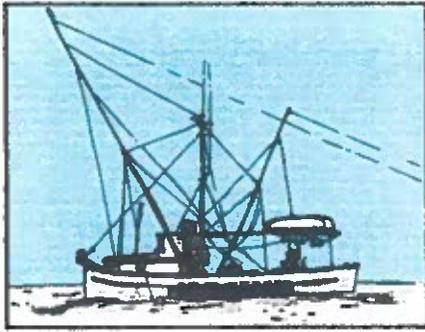
I question whether or not the current conduct of some of these fisheries actually meets the intended goal, which is to provide food and bait for individuals who need more than a basic sport license can provide. Unfortunately, what is obvious to many of us around the state is that despite extremely liberal management of personal use fisheries by the BOF, it's still not enough for some greedy personal use fishermen?

I do not deny that the personal use fishery is important to many Alaska residents, but giving personal use fisheries priority over other uses of the resource could negatively impact a great many more Alaskans than it will help. Sport and commercial fisheries, and the consumers served by the seafood industry, are part and parcel of the 'broader public interest'.

I oppose priority status for personal use fisheries and consider such a designation to be contrary to sound resource management.

Sincerely, Steve Merritt

Steve Merritt
Box 1138
Craig, Alaska 99921



Alaska Trollers Association

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February 1, 2013

Representative Paul Seaton, Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

RE: Oppose HB 18 Personal Use Priority

Dear Representative Seaton and Committee Members:

The Alaska Trollers Association (ATA) opposes HB 18, which seeks to provide a priority for personal use fisheries second only to subsistence. Our members do not believe that such a priority is necessary or reflects the true nature of most personal use fisheries, nor does it allow for the orderly and sustainable management of our state's fisheries resources.

ATA represents the Southeast commercial troll fleet. Our members are professional hook and line salmon fishermen. The troll fleet is one of the largest salmon fleets in the state and is 85% resident. A large number of troll permit holders live in rural communities. Many of our members participate in other commercial, sport, personal use, and subsistence fisheries.

The most significant problem with HB 18 is that it ties the hands of the Alaska Board of Fisheries (BOF) and could confound sustainable fisheries management. Personal use fisheries are conducted inriver and can have a significant impact on spawning stocks. While personal use fishermen may harvest fewer fish compared to commercial, they still bear a responsibility to conserve the resource.

The BOF is the best forum to analyze with ADFG and the public the biological reasons for dips in salmon production, and then distribute the conservation burden proportionate to the impact of the fishery. From there, a system exists to allocate surplus production when stocks rebound. Allocation by the BOF is governed by a policy that has been in place since the early 90's.¹ The policy recognizes history of use and dependence by residents, and also allows for distinctions between guided and unguided harvesters, as approved by the legislature in 1992. This policy

¹ [Board of Fisheries Allocation Criteria](#)

provides ample opportunities for the BOF to protect important personal use needs for residents, while at the same time avoiding undue hardship on all other fisheries of importance to local communities. A full set of BOF policies can easily be found online.²

A troublesome aspect of the bill is that it would hold personal use fisheries above sport and commercial for regulatory and allocation purposes, no matter what the circumstance, which has never been the intent. No rationale has been provided by the makers of the bill through a public sponsor statement, so barring a persuasive argument we have not yet heard, ATA strongly opposes prioritizing personal use.

Subsistence fisheries have been granted highest priority in times of resource shortages, because they are intended to provide the basic necessities of life for rural residents.

Personal use fisheries allow individuals to take finfish, shellfish, or aquatic plants, often at higher levels than sport fisheries, for use as food or bait by that individual or their immediate family. Ostensibly, the higher bag and possession limits reflect the food and bait needs of residents who, for one reason or another, do not qualify for subsistence.

While our association supports the intent behind true personal use fisheries – to feed Alaskans - we question whether or not the current conduct of some of these fisheries actually meets the intended goal, which is to provide food and bait for individuals who need more than a basic sport license can provide. Sport and commercial fisheries also provide food for residents, are those needs not important?

Of the personal use permit holders, those who would appear to most need the liberal harvest limits are not necessarily the ones removing high volumes of fish. Let's look at the Chitina personal use fishery as an example.

The 2000 census counted 123 people, 52 households, and 30 families residing in the Chitina area. The Alaska Subsistence Fisheries 2003 Annual Report (ADFG, 2005), states that just 29 personal use permits were issued to Copper Basin residents. Of those, 19 fished, with a harvest of 232 fish and just 0.3% of the total Chitina personal use harvest (Table XII-5).

The vast majority of the fish caught in the Chitina personal use fishery were harvested by people traveling from the urban areas of Fairbanks (2,034 permits issued/ 28,949 fish caught) and Anchorage (1,475 permits issued/ 19,443 fish caught). Rounding out the top five communities harvesting in the Chitina personal use fishery were Delta Junction, Eagle River, and Eilsen Air Force Base (Table XII-5). Most of these communities can hardly be described as subsistence in nature, much less lacking significant opportunities to secure the basic necessities of life. Yet that is essentially what granting a personal use priority would imply.

What justifies granting personal use fishermen more protection than resident sport and commercial fishermen and their resident customers, who all rely on the same stocks?

² [Board of Fisheries Findings and Policies](#)

Most fishermen who travel to Chitina from urban communities are not low income. They often do so at great expense. Not only do they pay the cost of traveling a long distance to this remote community, they often secure the services of guides, water taxis, and custom process facilities. Those services are not cheap. This makes the need for personal use by such fishermen questionable to other Alaskans. There are personal use opportunities closer to Fairbanks and Anchorage, so the methods and means of harvest are neither efficient nor economic in terms of effort and cost. Obviously, these folks simply enjoy going to Chitina and bringing back lots of fish. Not a problem, but also not worthy of a higher priority than is granted to other fishermen.

The regulatory history of the Chitina dipnet fishery clearly shows that the Board of Fisheries considered it an area worthy of personal use designation, not special priority.

Over time, the BOF has established specific parameters around personal use fisheries, to delineate this use from subsistence and protect both the resource and other, longstanding fishing interests. When establishing the personal use category in 1981, the BOF made its intent quite clear with respect to personal use priority:

7. ...It is the intent of the Board that subsistence, commercial, and sport users have a reasonable opportunity to take any surplus before a personal use fishery is allowed.

While the BOF intended that personal use fisheries would not harm sport and commercial fisheries, they also provided ample opportunity for personal use fishermen when developing regulatory measures. This is revealed in harvest limits that far exceed what many Alaskans consider necessary for basic sustenance. The Board's intention to be liberal in the application of personal use is also revealed in a memo to ADFG Commissioner Frank Rue dated March 21, 1996 from Assistant Attorney General Stephen Daugherty indicating that (*emphasis added*):

...although *the proposal for creation of personal use fisheries presented to the Board of Fisheries was very restrictive, the board adopted a much less restrictive regulatory scheme for personal use fisheries.* As originally proposed, personal use fisheries could only be conducted where they would not negatively impact an existing resource use, and initial bag limits were proposed at very low levels. The board modified the proposed regulations to allow for the *provision of personal use fisheries if they were in the broad public interest*, and it also adopted bag limits based on amounts taken under subsistence regulations. *The board explicitly rejected some uses permissible under subsistence regulations and provided that it was illegal to buy, sell, trade, or barter fish taken in a personal use fishery, but the board did not provide an explicit prohibition on sharing.* See Board of Fisheries Proposal 107 (Apr. 1982); 5 AAC 77.010(b).

The legislature also took up personal use fisheries, as noted by Daugherty, and clearly stated that personal use fisheries were to be granted status equal to – not higher or lower than - other fisheries (*emphasis added*):

The record indicates that although personal use fisheries were not intended to have a priority over sport and commercial fisheries, they were also not considered lower in

priority. The legislation treated personal use fisheries on the same basis as sport and commercial fisheries and subjected them to the same allocation criteria.

Unfortunately, what is obvious to many of us around the state is that despite extremely liberal management of personal use fisheries by the BOF, it's still not enough for some personal use fishermen from urban areas who seem more interested in putting their wants over the needs of the resource and fellow fishermen, Alaska consumers, and Alaska communities.

While we do not deny that the personal use fishery is important to many Alaska residents, including some that we represent, we note that giving personal use fisheries priority over other uses of the resource could negatively impact a great many more Alaskans than it will help. Sport and commercial fisheries and the consumers served by the seafood industry, are part and parcel of the 'broad public interest'. Our fisheries provide thousands of jobs and significant economic value to the state overall; for instance, through substantial general fund assessments on seafood landings. The impacts of initiatives like this, which chronically erode commercial fishing access, are felt by ALL of the state's citizens.

ATA opposes priority status for personal use fisheries and considers such a designation to be contrary to sound resource management; potentially harmful to other Alaskan residents; and, out of sync with the true intent that underpinned establishment of personal use fisheries.

Thank you for considering ATA's point of view. Please don't hesitate to contact me if I can provide additional information on this or other issues of concern to the commercial fishing industry.

Best regards,

A handwritten signature in black ink that reads "Dale Kelley". The signature is written in a cursive, slightly slanted style.

Dale Kelley
Executive Director



Cordova District Fishermen United
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January 31, 2013

Representative Paul Seaton
Special Committee on Fisheries
State Capitol, Room 102
Juneau, AK 99801-1182

Re: OPPOSE HB18 – Personal Use Fishing Priority

Dear Chairman Seaton and Committee Members:

I am writing on behalf of the Cordova District Fishermen United Board of Directors, our 300 members and their families to oppose HB18 – “Personal Use Fishing Priority”.

The Alaska legislature has granted the Board of Fisheries the authority to manage Alaska’s fisheries. The Board makeup includes a panel of representatives that are confirmed by legislature based on their ability to represent all fishery user groups using sound judgment. The Board of Fisheries has the authority and expertise to make decisions in the best interest of the State of Alaska to protect and preserve Alaska’s fishery resources.

HB18 attempts to undermine and intrude on that authority.

CDFU respects the importance of Personal Use fisheries, however feels it is significant to point out why this special category was originally developed. In 1982, the Alaska legislature developed language to provide a special opportunity for Alaska residents to harvest salmon *when surplus fish stocks were available*. Since this time, Personal Use fisheries have evolved into an important part of the Alaskan lifestyle affording residents reasonable opportunity to supplement food they buy at the store with locally harvested seafood.

CDFU does not believe that Personal Use fisheries should be managed with any degree of priority over Alaska’s long established and economically significant Commercial and Sport fisheries. Commercial, Personal Use & Sports fisheries need to share in the conservation burden to make sure our fisheries are sustainable into the future.

Just as overfishing is detrimental to salmon runs, overcrowding river systems with too large an escapement is equally damaging and it is important that managers have all the tools necessary to ensure a balanced system. Implementing HB18 only serves to take away one of the tools that



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managers need to do their jobs: utilizing Commercial harvest data from early season fishery openers to assess run strength and timing.

There are more than 80 personal use fisheries across Alaska. Passage of this bill will force ADFG to revise management plans on an individualized basis for each of these fisheries. This will take time. This will cost money. Who is going to foot the bill?

No user group, with the exception of Subsistence, deserves a priority listing per the Alaska Constitution. Both Commercial and Sport fisheries are economically significant to Alaska. These fisheries create jobs. They stimulate Alaska's economy. They bring small communities to life, and support thousands of families across the State.

Legislative intervention is unnecessary and only serves to disrupt well-established and effective fishery management systems that are already in place.

Sincerely,

Alexis Cooper
Executive Director



UNITED FISHERMEN OF ALASKA

Mailing Address: PO Box 20229, Juneau AK 99802-0229

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Email: ufa@ufa-fish.org **Website:** www.ufa-fish.org

February 1, 2013

Representative Paul Seaton, Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol, 120 Fourth Street
Juneau, AK 99801-1182

RE: HB 18 PERSONAL USE PRIORITY, OPPOSE

Dear Chairman Seaton and Committee Members,

United Fishermen of Alaska (UFA) represents 34 Alaska Commercial fishing organizations, and hundreds of individual fishermen and related businesses.

Fisheries management in Alaska is renowned throughout the world for its emphasis on sustainability. While most of the world long ago lost their historic runs of wild salmon, Alaska shows a remarkable history of restoring salmon runs throughout the state, after a long period of decline during the period before Alaska gained statehood.

Among the most important tools that have helped Alaska restore and retain healthy salmon populations are the Board of Fisheries process by which allocative actions are made on a case by case basis based on science and public input, and real time management by the Department of Fish and Game based on scientifically established escapement goal ranges.

Alaska's constitutional mandate to manage fisheries for the maximum benefit of its citizens requires careful consideration of the range of benefits that fisheries provide, including nutritional needs, history and usage by residents and non residents, importance to the economy of the state, region and local area, and recreational opportunity. These factors are considered for each regulatory proposal in the deliberative process of the Board of Fisheries, as well as management decisions of the Department of Fish and Game.

We strongly caution against creating a priority for personal use fisheries, because it will shift allocation and opportunity away from commercial fisheries that provide income to state and local governments, to fisheries that do not. It also would increase the perception of "entitlement" by Alaska residents to fisheries resources that are limited by nature. Commercial fishing provides the majority of the public with access to the resource.

Personal use fisheries are open to all Alaska residents, with only the requirement to hold a resident sport fishing license. As the population grows in one area of the state, the perceived entitlement to fisheries resources in other areas of the state that have established personal use fisheries pits one region against another.

The intent by the Board of Fisheries in establishing Personal Use fisheries is clear in 5 AAC 77.001 (4) (b): "...allowed when that taking does not jeopardize the sustained yield of a resource and either does not negatively impact an existing resource use or is in the broad public interest." Since that time in 1981, we see extreme population growth primarily in one area of the state, and we can expect this to continue. We currently have 95 personal use fisheries that have been established throughout the state that are open to all residents. If HB 18 were to pass and establish a priority for the Personal Use fisheries over other uses (besides Subsistence), the growth of one region of the state will have detrimental impacts on other regions and historical patterns of use.

We are also concerned that such a priority would handcuff the Board of Fisheries and Department of Fish and Game in the ability to allocate and manage fisheries, and leave many allocative and management decisions open to lawsuit based on a perception of interference with a Personal Use fishery.

If Alaska is going to avoid the decline of salmon runs as has occurred elsewhere, we need to avoid the pattern of fighting over the fish, pitting one region or user group against another, while industrial development and population eliminate one stream or run at a time until the fish are gone.

We strongly urge this committee, and the Alaska State Legislature, to leave the prioritization of fishery allocations within the Board of Fisheries, and the management within the Department of Fish and Game.

Sincerely,



Julianne Curry
Executive Director

MEMBER ORGANIZATIONS

Alaska Bering Sea Crabbers • Alaska Independent Fishermen's Marketing Association
Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association
Alaska Whitefish Trawlers Association • Aleutian Pribilof Islands Community Development Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Cape Barnabas Inc. • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United
Douglas Island Pink and Chum • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association •
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association • Seafood Producers Cooperative
Southeast Alaska Herring Conservation Alliance • Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association
Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Cook Inlet Drift Association
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association

Petersburg Vessel Owners Association

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February 1, 2013

Alaska State Legislature
House Fisheries Committee
Representative Paul Seaton, Chair
State Capitol
Juneau, AK 99811

RE: Oppose HB 18

Dear Chairman Seaton and Fisheries Committee Members,

Petersburg Vessel Owners Association (PVOA) is a diverse group of over 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including salmon, herring, halibut, cod, crab, black cod, shrimp, and dive fisheries. PVOA individual membership is made up of 94% Alaska residents who are also active sport, personal use, and subsistence fishermen who depend on sustainable and conservative management of Alaska's fishing resources to ensure healthy fisheries for the future. PVOA appreciates the opportunity to comment on HB 18.

PVOA has always supported the importance of personal use fisheries to the residents of the State of Alaska. However, **PVOA opposes HB 18**— "*An Act providing priority to personal use fisheries when fishing restrictions are implemented to achieve a management goal.*" **Personal use fisheries need to be subject to limits and share in the burden of conservation along with commercial and sport fishermen.** HB 18, as written, mandates development of a personal use priority without any qualification. The subsistence priority statute, AS 16.05.258(f), clearly states the subsistence priority is to provide for a reasonable opportunity and AS 16.05.258(c) provides language that outlines the factors that must be considered to provide for a subsistence priority designation. **HB 18, as written provides no language on how and when a personal use designation will be implemented.** As the Alaska population continues to grow, the language as written will provide for a personal use priority that will ultimately close commercial and sport fisheries, regardless of the economic harm to the state or local communities, without any express concern over conservation.

This legislation, as written, conflicts with the allocation criteria between commercial, sport and personal use fisheries and severely restricts the Alaska Board of Fisheries from fulfilling their obligations delineated in AS 16.05.251. This legislation creates an elevated, and arguably exclusive right for personal use fishermen. As such, it could be used for legal challenges to any allocation decisions the Board of Fisheries makes that they feel makes any restrictions at all in personal use fisheries which is clearly in violation of the provisions of Article VIII of the Alaska State Constitution.

Thank you for the opportunity to comment on this legislation. If we can provide further information or answer any questions as you make this important decision, please feel free to contact us.

Sincerely,



Brian Lynch
Executive Director

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

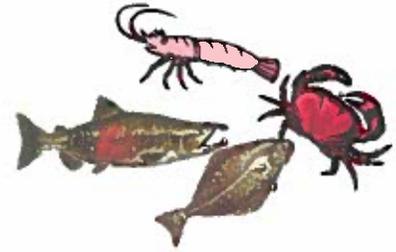
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January 26, 2013

Alaska State Legislature
House Fisheries Committee
Representative Paul Seaton, Chair
State Capitol
Juneau, AK 99811

RE: Oppose HB 18

Representative Paul Seaton, Chair and Fisheries Committee Members,

Southeast Alaska Fishermen's Alliance (SEAFA) appreciates this opportunity to express our concerns regarding HB 18 which mandates a personal use priority after subsistence. Our association is comprised of 85% Alaskan residents, who participate in personal use and sport fisheries in addition to their commercial fishing livelihood. Southeast Alaska Fishermen's Alliance has always supported the importance of personal use fisheries to the residents of the State of Alaska as is evidenced by our testimonies to the Board of Fish. However, personal use fisheries also need to have limits and share in the burden of conservation along with commercial and sport fishermen.

This legislation as written is flawed. The subsistence priority statute AS 16.05.258 (f) clearly states that the subsistence priority is to provide for a reasonable opportunity. This legislative language mandates development of a personal use priority without any qualification. Further, it does not provide language, as the subsistence priority does, to share the resources with other users. As the Alaska population continues to grow, the language as written will ultimately close commercial and sport fisheries, regardless of the economic harm to the state or local communities, without any express concern over conservation in order to provide a personal use priority.

This legislation as written severely ties the hands of the Board of Fish preventing their ability to fulfill the obligations listed in AS 16.05.251. This legislation contradicts with the allocation criteria between commercial, sport and

personal use fisheries As written this legislation creates an elevated right for personal use fishermen, which can very easily be used in court to challenge any allocations that the Board of Fisheries makes in which they feel any restrictions at all during any part of the lifecycle. Clearly this violates fundamental precepts embedded in the Alaska Constitution, regarding Uniform Application, and Common Use.

Does this legislation even allow the Board of Fish to set limits or develop management plans that include the personal use fisheries?

At what point can management decisions affect the personal use fishermen and still allow commercial and sport fisheries to exist?

Would ADFG have to stand by and allow a system to fail to meet their management target because a commercial fishery had an opening so therefore the personal use fishery could not be restricted? In many fisheries it is not possible to allow a commercial fishery to wait until escapement is met and all personal use needs are met because by then the fish have swam past the point a commercial fishery can be conducted. Do we in these situations in order to provide for a personal use priority, forgo economic opportunity and close the commercial and sport fisheries? The current State of Alaska management system is considered superior to all other regions due to the public process through the board of fish and the end mandate for maximum sustained yield provided for in the State Constitution. Are we now going to ignore what has worked and take away the Board of Fish authority to allocate and ADFG flexibility to manage the resource in real time allowing for all users to share in the burden of conservation?

Commercial fishing is an important industry to the State of Alaska ranking third behind Oil & Gas and Federal Government in generating basic economic activity in Alaska with a total economic contribution of \$5.8 billion to Alaska's economic output and over 78,500 jobs. In addition, the raw fish taxes paid into the general fund and shared with the local coastal communities are critical to their economy.

For many residents of coastal Alaska, their only access to our sustainable fishery resources to provide healthy protein to their diet is through the commercial fishery. Is it fair to take away their primary access?

There are allegedly businesses being built to supply, outfit and provide transportation for personal use fisheries. This seems to be in conflict with the original intent during development of the personal use fishery. We believe the original intent of the personal use fishery was to allow Alaskans access to fishery

resources in non-subsistence areas, or access to fisheries with negative C&T findings by providing differential bag limits than non-residents, because it was acknowledged that in many cases these Alaskans were using the resource to provide for their own family consumption.

Thank you for this opportunity to testify on this legislation. If you have any questions about our testimony or points raised in the testimony, please contact the office, we would be glad to provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal line extending to the right.

Kathy Hansen
Executive Director