Fishery Management in Alaska
History of Fishery Management
Managing for Subsistence
Limiting Access

Alaska Young Fishermen’s Summit II
Anchorage, Alaska • December 2007
Phil Smith
We will discuss . . .

• Some history
• Some politics
• Some economics
• Some inspiring moments, and
• Some challenges
Some History . . .

• Fish, and salmon in particular, were essential to aboriginal Alaskans
  - Nutritional well-being
  - Cultural coherence
  - Religious practices
  - Social cohesion

• Locations of Alaska Native villages were largely determined by access to resources
Drying Subsistence Fish
Some More History . . .

- Alaska Native “methods and means” were highly selective and quite efficient
- Exploitation of major food fish occurred in short seasons, leaving time to develop highly sophisticated cultural and artistic traditions
- Gear was varied, including hook and line, nets, traps, spears, etc.
Halibut Hook - Southeast Alaska
Some More History . . .

• Strong private property rights were accorded to land and resources at the tribal and clan level, and were inherited.
• Trade and barter among and between groups allowed for distribution.
• Resources were seen as an essential part of natural environment and were protected to insure returns.
Some More History . . .

- European arrival did not significantly impact fishery resources, but
  - Reduced fur-bearing marine mammal populations (and aboriginal populations because of disease and exploitation)
- Salmon not easily exploited because no effective way to preserve it
- Canning developed in 1860s, and first Alaska canneries established in SE Alaska in 1878
Report of 371,000 cases of Alaska salmon packed in 1889

THE ALASKA SALMON PACK.

PORTLAND, OREGON, Sept. 14.—Reports from Alaska, just received, give the salmon pack at 371,000 cases. In view of the fact that three weeks ago the pack was considered nil, this is a good showing. The salmon did not begin to run until the fall rains began. The season is about over, so that there will be very few more fish packed—not enough to materially alter the above figures.

The New York Times
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Originally published September 15, 1889
<table>
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<tr>
<th>Year</th>
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<tr>
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<td>1920</td>
<td>~4,800,000</td>
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<td>~5,500,000</td>
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<td>1950</td>
<td>~3,600,000</td>
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<tr>
<td>1960</td>
<td>~2,500,000</td>
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Some More History . . .

- After purchase of Alaska in 1867, Alaska was a customs district under the Department of the Treasury
  - Supervision of fishery remained there until 1903, when Congress created the Bureau of Fisheries in the Commerce Department
- A scientific fish commission was also established, but engaged only in research
Some More History . . .

- In 1889, congress passed a law prohibiting barricading of streams
  - But no enforcement until 1892, when 2 enforcement agents were authorized
- 1896 Act reduced fishing in streams above tidewater
  - But Prince William Sound, Cook Inlet and Bristol Bay were exempt from weekly closed periods
River Fish Trap
Chilkoot River, 1894
Some Politics . . .

• 1903 Act put management in Commerce Department
  - Not seen as a regulatory agency
  - Major clientele was American business

• A 1906 Act to give specific authority to Secretary was vigorously opposed by cannyry interests
  - And so was weakened to the point that it could not provide effective controls to meet conservation goals
Cannery at Loring (near Ketchikan), c. 1897
Some More Politics . . .

• Weakening of the 1906 Act underscored political power of canneries
  - Which insured that even the weaker provisions would not be enforced

• And resulted in close cooperation between the regulators (Department of Commerce) and the regulated (canneries)
Some More History . . .

- The 1912 Organic Act provided Territorial status and a Territorial Legislature for Alaska
  - Early version provided for Territorial control of the fisheries, which was common in American history, but
  - Industry lobbied and the bill was amended to bar the Territory from any control over its fisheries
The fish trap

- Highly efficient
- Highly destructive
- Highly controversial
Brailing the catch from a fish trap
Some More History . . .

- As Alaska’s population grew with a stable year-round work force, the controversy over fish traps heated up.
  - Most Alaskans simply wanted them banned, but
  - Industry fought back, successfully.
- By 1920, serious problems existed.
  - Lower run amounts
  - Market failure from end of WWI
Some More Politics . . .

• Vast reserves were then created to “limit entry” into the fishery to existing canneries
  - Very controversial

• An attempt to codify the reserve system was defeated and a compromise (the White Act) passed

• It provided for conservation and
  - “No exclusive right of fisheries...”
Hoover defends Himself and the Reservation system
Some More History . . .

- White Act provisions included
  - Greater Secretarial power to regulate the fishery
  - A goal of 50% escapement of salmon
  - "No exclusive right of fisheries..."
- The immediate effect was to revoke the reservation policy
- And fish traps remained legal
Some More History . . .

- White Act set the tone for Federal management up to Statehood
  - Fish traps allowed
  - Salmon pack declined from high of almost 7,000,000 cases in the mid-1930s, to low of ~2,500,000 cases by end of 1950s
Sailboats on the way to Bristol Bay

Naknek, 1948
Pulling Gear
ALASKA AIRLIFT IS SET

Supplies Will Be Run to Needy Salmon Fishers

BATTLE CREEK, Mich., Jan. 28 (UP)—The Alaskan Command has ordered an airlift to fly food and supplies from Government surplus stocks to 1,800 families in southwest Alaska.

In announcing this today the Federal Civil Defense Administration said that families in the area bounded by Bristol Bay on the Bering Sea to the North and Kodiak to the South had experienced hardships in 1953 and last year because of poor salmon fishing. The F. C. D. A. headquarters are here.
"Let Us Now End American Colonialism"

Senator Ernest Gruening and President Truman
Delegates to the Alaska Constitutional Convention
November 1955 - February 1956
Some More Politics . . .

- Constitutional convention debated resources Article (VIII) extensively
  - Issues of resource use, management and allocation
    - Ban fish traps?
  - Issue of structure of Board(s) of fish/game
    - Separate boards?
    - Board of Commercial Fish and Board of Recreational Fishing and Game?
    - Other options
Some More History . . .

- Convention delegates decided
  - To establish that resources are reserved to the people for common use
  - To manage for sustained yield
  - To prohibit creation of any special right of fishery
  - To refer the fish trap question to the voters when constitution voted on
  - To defer structure of fish and game management bodie(s) to the Legislature
Ordinance No. 3 - Abolition of Fish Traps

Section 1. Ballot

Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a third proposition, which shall be as follows:

"Shall Ordinance Number Three of the Alaska Constitutional Convention, prohibiting the use of fish traps for the taking of salmon for commercial purposes in the coastal waters of the State, be adopted?"

Yes [ ]  No [ ]
Some More History . . .

- Congress passed the Alaska Statehood Act in July 1958
- President Eisenhower signed the Statehood Proclamation on January 3, 1959
- Secretary Seaton banned fish traps in the spring of 1959
- The State assumed management of Fish and Game in January 1960
Some Inspiration . . .

On January 1 of this year, Alaska’s Department of Fish and Game was handed the depleted remnants of what was once a rich and prolific fishery. From a peak of three-quarters of a billion pounds in 1936, production dropped in 1959 to its lowest in 60 years. On these ruins of a once-great resource, the Department must rebuild . . . The livelihood of thousands of fishermen and very existence of many communities scattered along thousands of miles of continental and island coastline depends upon improvement of the fisheries. To this end we will give our best efforts.

Governor William A. Egan
State of the State Address: January 1960
Clarence Anderson called his biologists together and laid down the law: "Gentlemen the Governor has informed me of his support, any needed, to return our salmon runs to their former abundance regardless of the pain inflicted on our people. So I call you here today to charge you with filling our streams with spawning salmon. If your actions result in a substantial over escapement, thus depriving our fishermen of their livelihood, you can expect to be criticized but on a more personal level if you allow an under escapement you can expect to be fired."

As told by Clement V. Tillion, 2002
Some Challenges... Subsistence

- Protecting access to fish and game for Alaska Natives had long been an issue, but
  - Not addressed in Treaty of Cession
  - Not addressed in Organic Acts
  - Not addressed in Statehood Act, and
  - Not specifically addressed in the Alaska Native Claims Settlement Act (1971)
    - But Preamble called for State and Feds to jointly work to protect subsistence access
Subsistence

- No real conflict between commercial, sport, and subsistence users occurred until 1970s, when population skyrocketed with pipeline construction.
- State passed a subsistence bill in 1978 to authorize Boards of F & G to:
  - Set priorities when resources strained.
  - Use “rural” residence (and not Native status) as main criterion for preference.
Subsistence (cont’d)

- In the Title VIII of the Alaskan National Interest Lands Conservation Act (ANILCA), 1981, Congress mirrored state’s provisions and provided that:
  - State could continue to manage subsistence as long as its laws complied with ANILCA
  - Feds would pay state for a system of regional subsistence boards
Subsistence (cont’d)

• Alaska sport hunters and fishermen attempted to repeal state law by initiative in 1982 (effort failed), so

• Same groups sued to challenge state law (effort succeeded in 1986);
  - Court found that law violated provisions of Alaska Constitution that provided for equal access, no exclusive rights, etc.

• So, state was out of compliance – enter the Feds
Subsistence (cont'd)

- Attempts to amend Alaska Constitution to gain compliance have failed, so
- The Federal Subsistence Board, advised by regional councils, manage subsistence on all Federal lands and waters in Alaska.
- Most conflict over extend of federal management have been resolved, but other issues remain.
Some species are not included in ANILCA protections. International treaties provide for management of:

- Most marine mammals (Marine Mammal Protection Act)
- Most migratory birds (Migratory Bird Treaty Act), and
- Pacific Halibut (North Pacific Halibut Act)

Council approved a subsistence program for halibut in 2002; implemented in 2004
Some Economics . . .

Limited Entry

• Limited Access Systems are considered by managers when
  - There is overcapitalization ("...too many boats chasing too few fish...")
  - A “race for fish” occurs, when all participants race to catch the TAC
  - The race results in poor conservation (gear conflicts, ghost fishing, etc.)
  - The race results in unsafe fishing (fishing in bad weather, etc.)
Limited Entry

- There are two main “types” of limited access systems
  - “License Limited Entry” systems – which limit the number of participants/vessels/units of gear that are allowed to participate in the fishery
  - “Quota Systems” – which not only limit the number of participants, but also limit the allowable catch of each such participants
Limited Entry

• “License Limited Entry” systems are generally not effective unless coupled with other forms of input controls
  - Vessel limits, gear constraints, closed periods, daily harvest limits, etc

• “Quota Systems” are effective at reducing overcapitalization and can allow the quota holders, not managers, to decide most efficient way to harvest the TAC
Limited Entry

- Any limited access system will be controversial
  - “Winners” (those who get permits or quota) and “Losers” (those who don’t)
  - Reducing wasted input capital results in economic hardship to some sectors (e.g., crew, fuel sellers, insurance companies, ship chandlers, etc.)
  - Result on community economies will most likely be mixed
Limited Entry

• But the benefits can be very good
  - Stop race for fish
  - Improve economics of fishery (eliminate or minimize waste)
  - Safer operations
  - Better product to consumers
  - Etc.

• Design of systems is critically important
  - Stakeholders need to get involved
Some Challenges...

State Limited Entry

• After statehood, Alaska fishermen paid a significant price for conservation measures.

• But the benefits were not preserved for Alaska fishermen, so
  - Two attempts were made to limit entry in the salmon fisheries, but
  - Ruled unconstitutional (violated Article VIII, Sec.15 (“No exclusive right of fishery shall be established…”))
State Limited Entry (cont’d)

• In 1972 the people amended the Constitution to specifically authorize limited entry in the fisheries
  - “...for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood...”

• In 1973, the Alaska Limited Entry Act passed the Legislature.
State Limited Entry (cont’d)

- Main provisions of the Act are:
  - Entry into 19 salmon fisheries immediate
  - Other fisheries at discretion of 3-member “Limited Entry Commission”
  - For each fishery, a “maximum number” of permits is authorized, based on highest number of participants in the 4 years prior to limitation
  - Commission sets a “point system” to measure the relative hardship one would suffer if s/he did not receive a permit
State Limited Entry (cont’d)

- “Hardship” is measured by providing points for
  - past participation
    - As a skipper or crew member,
    - Over certain periods of time
  - Economic dependence
    - Percent of earned income derived from fishery
    - Ownership of vessel and gear
    - Availability of alternative occupations in home community
State Limited Entry (cont’d)

• Permits are transferable once they are issued; a potential transferee must attest that s/he
  – Is physically capable of participating in the fishery; and,
  – S/he has access to appropriate vessel and gear

• A person wishing to transfer a permit must file an “intent to transfer” and wait 60 days
State Limited Entry (cont'd)

• Limited entry permits are “license limited entry permits” – they do not establish how much fish a holder may catch.

• As such, they do not fully address the “race for fish” – they only identify who can race.

• State permits are strictly “owner-on-board” – they may not be leased.
State Limited Entry (cont’d)

- Almost all state-managed fisheries are limited, including all salmon, all herring (except bait herring and Togiak), dive fisheries, SE crab, etc.
Some Challenges . . .

Federal Limited Entry

• Federal limited access systems are designed by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Act
  - Council has designed a mix of license limited entry and quota-based systems
  - Some programs are still evolving
    • e.g., Gulf of Alaska Rationalization
Federal Access (cont'd)

- Major federal programs using the license limited entry approach include
  - Gulf of Alaska groundfish
  - Scallops
- Major federal programs using the quota-based approach include
  - Halibut & sablefish individual fishing quota program
  - Bering Sea crab rationalization program
Federal Access (cont’d)

• Some programs are mandated by Congress; e.g.,
  - The American Fisheries Act of 1998 established three sectors for pollock fishery
    • Inshore (cooperatives with processors)
    • Offshore (at-sea processors)
    • Mothership
Federal Access (cont'd)

- Council has an exhaustive process, including notice and opportunity to have input at the Advisory Panel level, as well as to the Council itself.
- Additionally, the federal Administrative Procedures Act have notice and comment opportunities built into the regulatory process.
- “You snooze, you lose!”
Conclusion

• Alaskans are blessed with an effective and responsive fishery management system

• It not only accepts, it encourages public participation and involvement

• As the “heirs” to a good system, it is your responsibility to learn how it works and to make it even better with your active participation