



# Effects of State Fisheries Management on Nonresident Fishermen

Do Alaska fisheries managers discriminate against nonresident fishermen? Researchers at the university's Institute of Social and Economic Research recently concluded that there is no evidence of undue or illegal discrimination against nonresidents by state managers. But the researchers also found that rule-making and regulations in Alaska's fisheries can influence the fortunes of different groups of fishermen in many important ways.

These findings were compiled in a report, "Institutions and Regulations in the Alaska King Crab Fishery: Effects on Residents and Nonresidents," prepared for the Alaska Department of Fish and Game. The report was written by Gunnar Knapp, an economist; Thomas Morehouse, a political scientist; and Karen White, a research associate, at the institute.

### Background

The North Pacific Fishery Management Council and the State of Alaska proposed in 1981 that the Western Alaska King Crab fishery in both federal and state waters be managed by the state under a joint federal-state plan. Alaska's Board of Fisheries and Department of Fish and Game have in fact managed the fishery since statehood, but under the plan state management would have official federal recognition.

The plan was developed by federal and state fisheries officials under the federal Fishery Conservation and Management Act. The 1976 act established a federal fishery conservation zone from three- to two-hundred miles offshore and created the North Pacific Council and seven other regional councils in U.S. coastal areas.

The North Pacific Fishing Vessel Owners Association—a group of Seattle-based nonresident Alaska fishermen—opposes the plan and argues that it is inconsistent with the federal fishery act and would result in increased scope for discrimination against nonresident fishermen by Alaska managers. The association has gathered support for its position in Congress and in certain industry quarters. Conse-

quently, federal officials have not endorsed the plan for state management, and the prospects for federal approval remain uncertain.

### Analysis of Law and Institutions

The Seattle fishermen contend, first, that the federal fisheries act excludes state regulatory authority in the fishery conservation zone. The researchers concluded that such exclusion would contradict the conservation goals of the act itself. Excluding all state regulation, whether or not federal regulations exist, could result in uncontrolled exploitation and damage to fish stocks. Moreover, under the law, a council may choose not to regulate a fishery and may base that decision on the continuation of an effective state management regime.

The fisheries act may broaden rather than restrict state extraterritorial jurisdiction by authorizing state registration of all vessels. The registration clause apparently extends state management authority in the fisheries conservation zone to state citizens and noncitizens alike. Further, by adopting state regulations as federal, the joint plan would extend Alaska jurisdiction to nonregistered vessels, such as large catcher-processing ships, that now operate beyond state waters.

The Seattle fishermen also contend that state management would discriminate against nonresidents. The researchers found that the plan for state management provides the Washington-based fleet with substantially the same opportunities for access to and representation in decisionmaking as they have under the more conventional arrangement in which the North Pacific Council establishes a federal management system. Where the Alaska system differs, the state Board of Fisheries has agreed to adopt federal practices.

Moreover, nonresident fishermen are likely to be faced with essentially the same regulatory system in Alaska, whether it is primarily a North Pacific Council system or primarily a State of Alaska system. This is because the council, like the Board of Fisher-

ies, is an Alaska-oriented institution, and it was deliberately designed as such by Congress. By law, most of the council's voting members are Alaska officials and citizens, and the council's regulatory system is built on, and largely incorporates, the state's fisheries regulations.

#### Effects of State Regulations

Another way in which researchers assessed the charge of discrimination was by analyzing the "allocative effects" of regulations—how regulations either help or handicap different groups of fishermen in catching king crab and other species of fish. Some regulations affect groups of fishermen directly, such as limiting entry in a fishery to local residents or to past participants in the fishery. Other regulations affect different groups of fishermen indirectly, such as pot limits that favor smaller boats.

Alaska fishery managers have made extensive use of regulations that tend to have the effect of reducing vessel mobility between areas. These include exclusive area registration and simultaneous scheduling of fishing seasons. In addition, pot limits have been used regularly in several king crab registration areas.

In order to understand the effects of such regulations on residents and nonresidents, it is necessary first to look at characteristics of their boats and fishing areas. Between 1969 and 1980, when the number of vessels in the king crab fishery rose from 300 to 700, the share of vessels owned by nonresidents increased from 22 percent to 40 percent. The non-resident-owned boats tended to be substantially larger than the boats owned by residents.

Also, the resident small boat fleet was concentrated in the eastern king crab fishing areas around Kodiak, Cook Inlet, and the Alaska Peninsula. The nonresident large boat fleet, on the other hand, tended to concentrate in the western, or Bering Sea areas, which were the most productive king crab areas in the 1970s.

Alaska's king crab regulations have definitely

reduced the mobility of vessels between fisheries and kept larger vessels from fishing in eastern areas. In the late 1970s, large boats accounted for a dramatically larger share of the total king crab catch in western than in eastern registration areas.

Thus, king crab regulations have helped small-boat owners by protecting them from the competition of the larger boats. Similarly, they have probably worked against the short-term interests of larger vessels, which might have benefited from increased fishing opportunities. Because most Alaskans own small boats and nonresidents large boats, these regulations have tended to favor residents over nonresidents.

In the longer run, however, the benefits that might have accrued to owners of larger vessels from increased fishing opportunities might also have been offset by an even greater number of large vessels in the king crab fishery. Moreover, fishery regulations have not resulted in a decrease in the catch of large boats or of nonresident boats. In fact, large boats and nonresident boats took increasingly larger shares of the total catch of king crab during the 1970s. Between 1969 and 1980, the share in total catch taken by boats over 80 feet long increased from 49 percent to 82 percent; correspondingly, the share taken by nonresident boats rose from 35 percent to 71 percent.

Thus, Alaska's regulations slowed but did not stop the growth of the nonresident, large boat fleet and its share of the total king crab catch.

*Institutions and Regulations in the Alaska King Crab Fishery: Effects on Residents and Nonresidents, 202 pp., December 1983, was prepared for the Alaska Department of Fish and Game by Gunnar Knapp, Thomas A. Morehouse, and Karen A. White of the University of Alaska's Institute of Social and Economic Research in Anchorage. Copies of the report may be obtained for the cost of reproduction (10 cents per page) from ISER, 707 A Street, Suite 206, Anchorage, Alaska 99501. For further information on this report, contact Karen A. White, 263-0634.*

#### RESEARCH SUMMARY

Institute of Social and Economic Research  
Lee Gorsuch, Director  
707 "A" Street, Suite 206  
Anchorage, Alaska 99501

Non-Profit Org.  
U.S. Postage  
PAID  
Anchorage, Alaska  
Permit No. 540