

RC50

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December 4, 2012

Mr. Chairman, members of the Board,
My name is Katherine Carscallen, I am a third generation drift permit holder, and lifelong resident of Dillingham, Alaska. As a newer permit and boat owner, I can attest to the economic barrier to fishing in Bristol Bay - buying a boat, gear, getting set up to chill fish, etc. is one thing, and then there's the permit.

In the past 15 years that I've been fishing, I've seen permits range from 15,000 when I started crewing to 160,000 two years ago - In that time, fish prices went from 35 cents for sockeye up to 140 for some.

These fluctuations are an accepted part of fishing in Bristol Bay - when fishing gets better, the cost to entry is higher, and vice versa. What I do not want to see is change to the laws that will drive permit prices up, when the Bristol Bay economy is down.

Allowing single owner permit stacking will raise permit prices almost immediately, and keep them high, because the demand for 50 extra fathoms will never go away - we saw this with the set-net net proposals that passed the last board cycle - permit prices for set-nets have steadily risen since this proposal passed, while drift permits have fluctuated with the market.

Like I mentioned, permit prices should reflect the viability of our fishery. Taking actions that will raise the price of permits when we are on a natural down cycle will only encourage more fishermen to sell their permits to those who can afford them, who are able to supplement their fishing income with other employment.

When limited entry happened it created a significant economic barrier to entry of this public resource. This was a necessary step for conservation, but salmon are a public resource, and we must remember that access to this fishery is a right that ideally would be available to all those interested.

The concept that you can *pay more to own more* of a right to fish is not what we need in Bristol Bay. This is not a quota fishery - in Bristol Bay you fish harder to make more money. If you can afford a larger boat, better gear, you can buy yourself an advantage, but I do not believe we have the right to buy a larger share in the fishery.

The main thing I would like the board to consider, is the long term consequence we will see if these permit stacking proposals are passed. I know there has been discussion about the need for gear reduction, - but that is not what these proposals are - they will result in a consolidation of the fleet and a higher barrier to entry for crewmen or others hoping to enter the fishery.

Attached to my letter is some information I believe is helpful in considering these proposals.

Please see HB 685 passed in 2002, and the discussion surrounding this bill, which initially allowed ownership of more than one salmon fishery permit. Highlighted you will see there was discussion at that time of passing a permit stacking proposal. Through recommendations from UFA and others it was determined that single owner permit stacking was not recommended, and the law that stands now was meant as a fishermen sponsored buy back with no option to fish that second permit. This issue has been reviewed and discussed year after year and the facts have still not changed. I hope the board will continue to find that single owner permit stacking is still not in the best long term interest for our fishery.

To reiterate, I am opposed to proposals 36 and 37. I am also opposed to proposals 32-25. I am also in favor of proposal 80. I would like to participate in the Committee as a Whole Group 2 discussion on Permit Stacking.

Thank you,

A handwritten signature in cursive script, appearing to read "Katherine", written in dark ink.

Katherine

22nd Legislature(2001-2002)

Committee Minutes

HOUSE FISHERIES

Feb 04, 2002

HB 286-OWNERSHIP OF MORE THAN ONE FISHERY PERMIT

CO-CHAIR WILSON announced that the first matter before the committee would be HOUSE BILL NO. 286, "An Act allowing a person to hold more than one commercial fishing entry permit for a fishery; relating to the power of the Board of Fisheries to establish fishing periods and areas for subgroups of commercial fishing permits and commercial fishing permit holders and to establish limits on the amount of fishing gear that may be used by certain commercial fishing permit holders; and providing for an effective date."

Number 0128

REPRESENTATIVE SCALZI, speaking as the sponsor, told the committee that HB 286 was what was referred to as a "stacking bill" for people who made the presentation at the fish caucus. He said it has gone before the United Fisherman of Alaska (UFA) board and had revisions made that he concurred with. He said over the weekend, he and the board reviewed those revisions; a proposed CS is in progress.

REPRESENTATIVE SCALZI said that despite the changes made to the bill, it still remains a bill with a primary function of reducing gear in the water." He said this aim is achieved by allowing an individual to own up to two permits per area. He said provisions allowing more gear or extended fishing time for holders of multiple permits had been deleted from the bill so that a majority of permit holders could have a vote on it. [HB 286 was held over.]

22nd Legislature(2001-2002)

Committee Minutes

SENATE JUDICIARY

May 03, 2002

HB 286-FISHING PERMITS/ASSOCIATIONS/ASSESSMENTS

REPRESENTATIVE SCALZI, sponsor of HB 286, said the bill would offer the salmon industry a tool for consolidation. He said it would allow individuals to hold two salmon permits in any given area. He said there was often a lot of inactivity of permits and believed there were more permits issued in some areas than necessary; more permits were activated when a fishery became healthy through an increase in prices or salmon runs. **HB 286 would offer individuals in the salmon fisheries the opportunity to buy and hold some of the permits. The permits would carry no privileges, such as extra fishing gear or time.** He said consolidating the effort would keep fishermen from other areas from coming in and exacerbating the problem of overcrowding.

He said HB 286 was the highest priority bill supported by the United Fishermen of Alaska (UFA) because it would offer the most benefit to the commercial fishing industry.

CHAIRMAN TAYLOR asked Ms. Sue Aspelund to provide testimony.

MS. SUE ASPELUND, Executive Director, Cordova District Fishermen United (CDFU), said CDFU represents the fishing families of the Copper River/Prince William Sound area. CDFU believes the industry needs a variety of tools to pursue structural changes necessary to compete in the new global marketplace. HB 286 would provide fishermen with one of the **simplest and most immediate tools to get fishing gear out of the water in distressed fisheries.**

CHAIRMAN TAYLOR asked if there were any questions for Ms. Aspelund. There were none.

MR. VICTOR SMITH said UFA and processors are saying that HB 286 is part of a plan to revitalize Alaskan salmon fisheries. He said the main authors of HB 286 were Mr. David Bedford, Executive Director of the Southeast Alaska Seiners Association (SASA), and Mr. Bob Thorstenson, president of UFA and stockholder of "Alaska Seafoods." He said fishermen themselves had very little input on the bill. The SASA board did not authorize or direct Mr. Bedford to proceed on its behalf regarding permit stacking. He said the board authorized a committee to explore options for fleet reduction but while that committee was exploring options, Mr. Bedford was also working on a plan of his own. He said Mr. Bedford denied saying there was a deal that processors would support permit stacking in exchange for UFA's support to keep global seafoods out. He said Mr. Bedford now claims he said UFA wouldn't oppose the processors' new management plan if the processors would support permit stacking.

MR. VICTOR SMITH said one of the touted features of HB 286 was that it could be used in different ways in different fisheries. He wondered why that would be necessary because all Alaska salmon

fisheries were subject to the same laws. He said UFA and SASA also used the selling point that HB 286 would be in the control of fishermen. He said they had possibly been guilty of involvement or trade on their global decision. He said nonresidents couldn't use their permits and were forced to sell. He said the salmon industry needs to follow the law. Key people involved in HB 286 had conflicts of interest and had broken rules of accountability. He said these same people would probably have control over permit stacking and how it would work. He believed HB 286 would be as bad for many Alaskans as it had been for the first round of nonresidents ousted from Alaska fisheries.

CHAIRMAN TAYLOR asked if there were any questions for Mr. Victor Smith. There were none. He asked Mr. David Bedford to provide testimony.

MR. DAVID BEDFORD, Executive Director, SASA, said he sat on the board of UFA for SASA and was licensed to practice law in Alaska. He said HB 286 is the highest priority piece of legislation for UFA and has a strong majority of support within that organization.

He said UFA brought HB 286 forward because the salmon fisheries are in dire straits and some things need to be done to address the economic difficulties the fisheries are experiencing. He said HB 286 would give them the opportunity to reduce the number of people competing for a share of a shrinking pie so they could have a viable fishing business to support the coastal regions that depend on the salmon fisheries.

MR. BEDFORD maintained that HB 286 was drafted to be as transparent as possible to make sure that control would be in the hands of the permit holders. It was drafted that way because they were concerned somebody might be able to use the bill to force something on fishermen that they didn't want. He said HB 286 would require a two-thirds vote of all permit holders before any kind of assessment could be levied. He said anybody wanting to initiate the program would be required to go to the permit holders with an outline of the plan so they had a very clear idea of what would be done and what their money would be paying for. The program would be regional so nobody from another area would have anything to say about a distant fishery.

MR. BEDFORD said UFA and SASA are asking the Legislature to give them the tools to address their problems.

1:55 p.m.

SENATOR THERRIault asked who would buy and hold the permits.

MR. BEDFORD said the limited entry law specifies that only individuals can hold permits. He said the association would decide it was going to set up a program and figure out how to do it. They could contract with a permit holder to send their permit back to the Commercial Fisheries Entry Commission to be extinguished, or the association could contract with a permit holder to hold a second permit until sometime in the future when the fishery was so lucrative that there should be more people fishing. Individuals would hold the permits at all times.

SENATOR THERRIAULT asked if HB 286 might create a situation where people would buy low and hope to sell high.

MR. BEDFORD said that is possible with any kind of effort reduction program. He said the Magnuson-Stevens Act provided effort reduction programs for federal fisheries. A person could buy a permit and try to speculate on it but he didn't think that would be a very good investment. He said people currently in the fishery would probably buy a second permit to hold because they would receive an annual payment from the association and they would have to compete with one less boat. He said the association should be able to contract for less money with a person who would be gaining the additional benefits of less competition.

CHAIRMAN TAYLOR asked if there were any further questions for Mr. Bedford. There were none.

MR. JERRY MCCUNE, UFA, said HB 286 wouldn't work for every fishery; it would be an option that some fisheries could use. He said people probably wouldn't buy another permit in a fishery where permits cost \$60,000 to \$70,000. However, they would probably buy another permit if the permit cost \$10,000 to \$18,000. He said that might be a good investment for a fisherman planning to stay in the fishery.

MR. MCCUNE said the associations would be difficult to set up because the permit holders need to support the idea to start an association. He said many safeguards are contained in HB 286: a timeline on assessments is required; a two-thirds vote of all permit holders would be required to extend an assessment; and 25% of the permit holders could petition to have a vote to change or remove an assessment.

CHAIRMAN TAYLOR asked if there were any questions for Mr. McCune. There were none.

SENATOR COWDERY moved CSHB 286(RES) am out of committee with attached zero fiscal note and individual recommendations.

There being no objection, CSHB 286(RES) am moved out of committee with attached zero fiscal note and individual recommendations.

22nd Legislature(2001-2002)
Bill Text 22nd Legislature

00 SENATE CS FOR CS FOR HOUSE BILL NO. 286(RES)

01 "An Act allowing a person to hold two commercial fishing entry permits for a salmon
 02 fishery for the purpose of consolidating the fishing fleet for a salmon fishery; relating to
 03 salmon fishery associations and to salmon fishery assessments; and providing for an
 04 effective date."

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

06 * Section 1. AS 16.40 is amended by adding a new section to read:

07 **Article 5. Salmon Fishery Associations.**

08 **Sec. 16.40.250. Salmon fishery associations.** The commissioner may assist
 09 in and encourage the formation of qualified salmon fishery associations for the
 10 purpose of promoting the consolidation of the fishing fleet in a salmon fishery for
 11 which the Alaska Commercial Fisheries Entry Commission has issued commercial
 12 fishing entry permits under AS 16.43. A salmon fishery association is qualified if the
 13 commissioner determines that the regional association

14 (1) is incorporated as a nonprofit corporation under AS 10.20;

01 (2) is comprised of interim-use permit and entry permit holders in the
 02 salmon fishery for which the association is established; and

03 (3) has a board of directors that is comprised of interim-use permit and
 04 entry permit holders in the salmon fishery.

05 * Sec. 2. AS 16.43.140(c) is amended to read:

06 (c) A person may hold more than one interim-use or entry permit issued or
 07 transferred under this chapter only for the following purposes:

08 (1) fishing more than one type of gear;

09 (2) fishing in more than one administrative area;

10 (3) harvesting particular species for which separate interim-use or
 11 entry permits are issued;

12 (4) if authorized by regulations of the commission, fishing an entire
 13 unit of gear in a fishery in which the commission has issued entry permits for less than
 14 a unit of gear under AS 16.43.270(d); under this paragraph, a person may not hold
 15 more than two entry permits for a fishery; however, the person may not

16 (A) fish more than one unit of gear in the fishery; or

17 (B) acquire a second entry permit for the fishery after the

18 person has acquired an entry permit that authorizes the use of an entire unit of
 19 gear in the fishery;

20 (5) consolidation of the fishing fleet for a salmon fishery; however,
 21 a person may hold not more than two entry permits for a salmon fishery under
 22 this paragraph, but the person who holds two entry permits for a salmon fishery
 23 may not engage in fishing under the second entry permit.

24 * Sec. 3. AS 37.05.145(b)(4)(AA) is amended to read:

25 (AA) dive fishery management assessment receipts

26 (AS 43.76.150) and salmon fishery assessment receipts (AS 43.76.220);

27 * Sec. 4. AS 43.76 is amended by adding new sections to read:

28 **Article 4. Salmon Fishery Assessment.**

29 **Sec. 43.76.220. Salmon fishery assessment.** (a) A salmon fishery
 30 assessment shall be levied on the value of the salmon sold in a salmon fishery. The
 31 rate of the assessment, not to exceed five percent, and the termination date of the
 01 assessment shall be determined by an election under AS 43.76.230.

02 (b) A salmon fishery assessment may only be levied or collected on salmon
 03 sold in a fishery if

04 (1) there exists for that fishery an association determined by the
 05 commissioner of fish and game to be a qualified salmon fishery association under
 06 AS 16.40.250; and

07 (2) the rate of the salmon fishery assessment is determined by an
 08 election under AS 43.76.230.

09 **Sec. 43.76.230. Election to approve, amend, or terminate salmon fishery**
 10 **assessment.** (a) A qualified salmon fishery association may conduct an election
 11 under this section after the commissioner of fish and game approves

12 (1) the notice to be published by the qualified salmon fishery
 13 association; the notice must state that all salmon sold in the fishery are subject to the
 14 salmon fishery assessment, the rate of the salmon fishery assessment to be approved,

15 amended, or terminated at the election, and the date on which the assessment would
16 terminate under AS 43.76.250(a);

17 (2) the ballot to be used in the election; and

18 (3) the registration and voting procedure for the approval, amendment,
19 or termination of the salmon fishery assessment.

20 (b) The salmon fishery assessment is levied under AS 43.76.220 in a fishery
21 on the effective date stated on the ballot if

22 (1) the assessment is approved by a two-thirds majority vote of the
23 eligible interim-use permit and entry permit holders in the fishery; and

24 (2) the election results are certified by the commissioner of fish and
25 game.

26 (c) In conducting an election under this section, a qualified salmon fishery
27 association shall adopt the following procedures:

28 (1) the qualified salmon fishery association for the fishery shall make
29 copies of the articles of incorporation and bylaws of the association available to all
30 interim-use permit and entry permit holders in the fishery;

31 (2) the qualified salmon fishery association for the fishery shall hold at
01 least one public meeting not less than 30 days before the date on which ballots must be
02 postmarked to be counted in the election to explain, as appropriate, the reason for
03 approval or amendment of the proposed salmon fishery assessment, the reason for the
04 proposed rate and the proposed termination date of the salmon fishery assessment, or
05 the reason for termination of the salmon fishery assessment, and to explain the
06 registration and voting procedure to be used in the election; the qualified salmon
07 fishery association shall provide notice of the meeting by

08 (A) mailing the notice to each eligible interim-use permit and
09 entry permit holder;

10 (B) posting the notice in at least three public places in the
11 administrative area in which the fishery occurs; and

12 (C) publishing the notice in at least one newspaper of general
13 circulation in the administrative area in which the fishery occurs at least once a
14 week for two consecutive weeks before the meeting;

15 (3) the qualified salmon fishery association shall mail two ballots to
16 each eligible interim-use permit and entry permit holder; the first ballot shall be
17 mailed not more than 45 days before the date ballots must be postmarked to be
18 counted in the election; the second ballot shall be mailed not less than 15 days before
19 the date ballots must be postmarked to be counted in the election; the qualified salmon
20 fishery association shall adopt procedures to ensure that only one ballot from each
21 eligible interim-use permit and entry permit holder is counted in the election;

22 (4) the ballot must

23 (A) state that all salmon sold in the fishery are subject to the
24 salmon fishery assessment;

25 (B) state the rate of the assessment to be levied under
26 AS 43.76.220 and the date on which the assessment would terminate under
27 AS 43.76.250(a);

28 (C) ask the question whether the salmon fishery assessment
29 addressed on the ballot shall be approved, amended, or terminated, as
30 appropriate;

31 (D) indicate the fishery for which the salmon fishery
01 assessment will be levied or terminated;

02 (E) provide an effective date for the approval, amendment, or
03 termination of the salmon fishery assessment; and

04 (F) indicate the date on which returned ballots must be
05 postmarked in order to be counted;

06 (5) the ballots shall be returned by mail and shall be counted by an
07 auditor selected by the qualified salmon fishery association and approved by the
08 commissioner of fish and game; the qualified salmon fishery association shall pay the
09 costs of counting the ballots.

10 (d) The commissioner of fish and game shall certify the results of an election
11 under this section if the commissioner determines that the requirements of (a) and (c)
12 of this section have been satisfied.

13 (e) A qualified salmon fishery association may employ or contract with
14 another person to administer an election under this section subject to the supervision
15 of the association.

16 (f) Except as otherwise provided under AS 43.76.240 and 43.76.250, an
17 election to amend the rate or termination date of a salmon fishery assessment or to
18 terminate a salmon fishery assessment shall be conducted under the same procedures
19 established under (a), (c), and (d) of this section for an election to approve a salmon
20 fishery assessment.

21 (g) In this section, "eligible interim-use permit and entry permit holder" means
22 an individual who, 90 days before the date ballots must be postmarked to be counted
23 in an election under this section, is listed in the records of the Alaska Commercial
24 Fisheries Entry Commission as the legal holder of an interim-use permit for salmon
25 fishing gear or an entry permit for salmon fishing gear that authorizes the individual to
26 fish commercially in the salmon fishery for which the salmon fishery assessment is to
27 be approved, amended, or terminated.

28 **Sec. 43.76.240. Amendment of salmon fishery assessment.** (a) The rate or
29 termination date of the salmon fishery assessment levied on salmon under
30 AS 43.76.220 may be amended by the commissioner of revenue upon a two-thirds
31 majority vote at an election held under AS 43.76.230 among the eligible permit
01 holders for the fishery in which the salmon fishery assessment is levied.

02 (b) The commissioner of revenue shall amend the rate or termination date of a
03 salmon fishery assessment under (a) of this section following an election among the
04 eligible permit holders for the fishery if

05 (1) a petition that is signed by at least 25 percent of the interim-use
06 permit and entry permit holders in the fishery that is the subject of the petition is
07 presented to the commissioner of fish and game requesting amendment of the rate or
08 termination date of the salmon fishery assessment; the petition must state, as
09 appropriate, the proposed rate or termination date of the salmon fishery assessment to
10 be levied under AS 43.76.220; only a person who holds an interim-use permit or entry
11 permit for the fishery at the time of signing the petition may validly sign the petition;

12 (2) an election is held in accordance with AS 43.76.230; a ballot to
13 amend the rate of the salmon fishery assessment must ask the question whether the
14 rate of the salmon fishery assessment on salmon sold in the fishery shall be amended
15 and must state the salmon fishery assessment to be levied under AS 43.76.220 and the
16 termination date of the assessment if the assessment is amended; a ballot to amend the
17 termination date of the salmon fishery assessment must ask the question whether the
18 termination date of the salmon fishery assessment on salmon sold in the fishery shall
19 be amended and must state the termination date of the salmon fishery assessment if the
20 termination date is amended; the ballot must be worded so that a "yes" vote is for
21 amendment of the salmon fishery assessment and a "no" vote is for continuation of the
22 current salmon fishery assessment;

23 (3) a two-thirds majority of the eligible interim-use permit and entry
24 permit holders in the fishery casts a ballot for the amendment of the salmon fishery
25 assessment; in this paragraph, "eligible interim-use permit and entry permit holder"
26 has the meaning given in AS 43.76.230; and

27 (4) the qualified salmon fishery association provides notice of the
28 election in accordance with AS 43.76.230 within six months after receiving notice
29 from the commissioner of fish and game that a valid petition under (1) of this
30 subsection has been received.

31 **Sec. 43.76.250. Termination of salmon fishery assessment.** (a) The salmon
01 fishery assessment levied under AS 43.76.220 shall be terminated by the
02 commissioner of revenue on the termination date determined at an election held under
03 AS 43.76.230 to establish or amend the assessment.

04 (b) Notwithstanding (a) of this section, the commissioner of revenue shall
05 terminate the salmon fishery assessment before the termination date determined at an
06 election held under AS 43.76.230 to establish or amend the assessment, upon a two-
07 thirds majority vote at an election held under AS 43.76.230 among the eligible permit
08 holders for the fishery in which the salmon fishery assessment is levied.

09 (c) The commissioner of revenue shall terminate a salmon fishery assessment
10 under (b) of this section following an election among the eligible permit holders for
11 the fishery if

12 (1) a petition that is signed by at least 25 percent of the interim-use
13 permit and entry permit holders in the fishery that is the subject of the petition is
14 presented to the commissioner of fish and game requesting termination of the salmon
15 fishery assessment; only a person who holds an interim-use permit or entry permit for
16 the fishery at the time of signing the petition may validly sign the petition;

16 (f) Except as otherwise provided under AS 43.76.240 and 43.76.250, an
17 election to amend the rate or termination date of a salmon fishery assessment or to
18 terminate a salmon fishery assessment shall be conducted under the same procedures
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14 rate of the salmon fishery assessment on salmon sold in the fishery shall be amended
15 and must state the salmon fishery assessment to be levied under AS 43.76.220 and the
16 termination date of the assessment if the assessment is amended; a ballot to amend the
17 termination date of the salmon fishery assessment must ask the question whether the
18 termination date of the salmon fishery assessment on salmon sold in the fishery shall
19 be amended and must state the termination date of the salmon fishery assessment if the
20 termination date is amended; the ballot must be worded so that a "yes" vote is for
21 amendment of the salmon fishery assessment and a "no" vote is for continuation of the
22 current salmon fishery assessment;

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24 permit holders in the fishery casts a ballot for the amendment of the salmon fishery
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16 the fishery at the time of signing the petition may validly sign the petition;