

Misc.

3/26-27/73 I final draft

Side 1

000 - 44 INTKO

45 - Dave Jackman, recap and summary
of Bill

144 - Use rights - has no obligation to compensate
in property

270 - cut off date description by Jackman

613 - 73 season discussion

74 season, unpaired fishery

621 - in time use permit was so fishery
would not be closed arbitrarily during
74 season

683 - Beach Line / Kurac Seine - Richey

Side 2

000 - discussion of income tax law

050 - Bayback

756 - End

III - 26-7/73 Final Draft

000 - Property + taxation

154 - Optimum numbers

185 - Fletcher insists on availability of alternative occupations

282 - rate of return for "reasonable" similar to wage and other

422 - discussion of economic efficiency
Hammond - Palmer - Fletcher - Sackman
(in relation to optimum numbers)

687 Hammond on bidding in buy back program

SIDE II

000 - Buy-back

51 - discussion of issue more permits

74 - transfers

275 - transfer of permits - mortgage and annuities

650 - Hammond on Transfers
transfers only for those below optimum #

IV 26-27/73

side 1

IV 200 - Tillion on a means of guide
reduction to optimum numbers by
means of transfers
A+B permit

91 - Types of commissions that would be
allowed

139 - economic vested interest and permit holders
Clear that this would apply to acquiring a permit

235 - entry permit, commissions, cannot hold

300's - designate ~~fish~~ species (p. 3 #5 of
bill)

417 - designate interim - use

480 - transfer - gear to gear transfers

side 2

110 - discussion of cut-off date relevant to fisheries
140 - having limited entry in later years - ADASIAK
JACKMAN, PALMER and others (Fletcher)
prevent last year and
Fletcher - as to have a little retroactivity
as a lot of tax law does

245 - Hardship standards and exceeding may No.

400's priority classification
and maximum number - grandfather's rights

VI 26-27

(Soni) SIDE 1

000 - Buy Back

083 - back to interim - use permit question -
leaving open during time ~~to~~ before
interim permits are issued - confine to those
that actually want to go fishing

↓
↓
End
hardship standards

Side 2 - interim use permits and "severely injured"
fisheries. Letter on legislative

129 - discussion of gear license holders
vs. commercial license

200 - military service

↓
gear license holder only may apply
300¹³ + transfer of permits from those
that suffer minor econ. hardship

650 - fair mkt value for such transfers

YEAR 1973

Page

Misc. Information: CSSB39 Limited Entry: Special Committee on Fisheries

TAPE #	DATE	BILL NUMBER/SIGNIFICANT INFORMATION
1	1/24	Public Hearing
2	1/30	Work Session
3-4	2/5	Work Session
5	2/6	Work Session
6-7	2/9	Work Session
8-9	2/13	Work Session
10	2/16	Work Session
11	2/21	Public Hearing; Industry Testimony
12-15	2/22	Work Session, Prof. Fletcher
16	3/2	Work Session
17	3/6	Work Session
18	3/9	Work Session, Fletcher proposal
19-20	3/13	Public Hearing - UFA Testimony
21-22	3/20	Public Hearing
23-28	3/26-27	Work Session - Final Draft
29	3/30	Final Committee Meeting
30-32	1/29	House Resources Hearing HB126

TAPE V II/6 CSSB 39: Final Draft Meetings 3/26-27/73

Side 1:

This side was primarily involved with discussing the buy-back program.

85-100
090 Some reference is made to putting a lid on the gear now.

105-210 Primarily John Radars comments on the improbability of completing a program within the year other than to allow a grandfathering type provision. He also felt that any other program would be hampered with trying to define hardship. Radar wanted to give everyone a permit this year and than work down. Responses were made that most fishermen oppose this type of proposal.

Side 2:

270-295
202 Some feeling that the Commission would have to pay for all those who did not get in.

275 Some mention is made over the concern for a flooding in of applicants this year. A large concern.

350 It was implied that maximum numbers were to be set as soon as the Commission was established. Also that the Commission would have the discretion to set maximum numbers immediately for those fisheries that are in need of it.

Ray Pastorino

TAPE I 3/2/73 Work Session:

Side 1:

023 Standards for establishing optimum units of gear.

Discussion on expanding the powers of the Commission to raise or lower optimum numbers on other than a long range basis.

378 Inference that the primary and immediate concern was for the Salmon fisheries.

423 Specific qualifications of applicants - Discussion of availability of alternative occupations and the cost of living index.

Side 2:

The content of this side is primarily aimed at the question of availability of alternative occupations, transferability of permits and the Hammond proposal to let everybody in for the coming year. There is also a great deal of discussion about how best to exclude non-residents in a legal manner. I would not recommend using this tape for anything.

TAPE II 3/6/73 Work Session:

Side 1:

This side begins with a reading of House changes and recommendations on the original bill. Included therein was a proposal to establish a separate program for the troll fishery. Said program would distinguish between hand and power troll and would award permits to any power troller who had fished at least one out of the last three years.

281-305 Question alluded to of whether or not to allow full entry in 1973, and to establish controls subsequent to the time at which hard data would be available to determine what the impact of gear levels would be. It was felt at the time that there was no way that they could calculate those applicants who would transfer their permits and which would hold on to them for speculative purposes. At 322 a request is made to contact the ADF&G to find out what statistics were available. These results were read to the committee subsequently, and shortly thereafter it appears that the meeting broke up.

Side 2: Blank

TAPE III 3/9/73 Work Session - Fletcher P. Proposal

Side 1:

070 A question arose in reference to establishing maximum numbers for the fisheries. It was felt that maximum numbers would be established by the commission as they considered each fishery. No final decision was made, it was shelved.

135 Expiration of interim-use permits, considered at this time to be left to the discretion of the Commission.

165-400 General discussion on the standards for initial issuance of entry permits.

525 Reference is made to those individuals who just bought gear licenses in 1972 who had crewed in all years prior to that time, and to what category of hardship they would be classified.

565-625 If an entry permit is denied to an eligible applicant full compensation will be made for the loss in economic value of his investment. Reasonable compensation for direct economic loss was discussed for perhaps 15 minutes. It was felt that the Commission should make said compensation within a two year period of time.

Side 2:

100 Reference is made to those circumstances when one gear operator may operate the gear of a vessel other than his own, to alleviate hard circumstances.

TAPE IV 3/26-27/73 Final Draft Meetings I/6

Side 1:

This tape was primarily directed at discussing the ramifications of transferability and re-issuance of permits under the Jackman proposal and an earlier version which would place applicants into one or another of several categories based upon hardship. These programs were contrasted with a possible moratorium.

Side 2:

065 Discussion about who will be cut by the hardship classifications, especially those in categories 1, 2, and 3.

315 A brief reference was made to imposing a non-transferable permit to those fisherman who have never held a gear license before who are just now getting into the fishing effort.

450-600 Free transferability of permits is discussed along with the Buy Back program.

Owners

IV 26-27 Final draft

Side 1 Palmer / Fletcher / Sachman / ADK/S/16

000 - continued discussion of hardship

200's - optimum numbers

336 Closing - never have a closed period
suggested putting notice on the

360 interim-use permit

380 propaganda to stop inflow of gear

400's continued discussion of allowing interim-
use permit in fisheries in relation to
cut-off date

Fletcher maintains these are non-legal
measures

500's continued discussion of qualification date.

several points on legal attach. - qualification
date

SIDE 2

000 Maximum number - discussion

100's Fisheries that will have L.E. in the
20's future

350's Buy-Back

450's Burchell - whether to purchase boat or

500's not

↓ Give salvage value only - Sachman

END Buy Back

A PERFORMANCE REVIEW
OF THE
OFFICE OF THE GOVERNOR
COMMERCIAL FISHERIES ENTRY COMMISSION
(and related aspects of)
THE DEPARTMENT OF FISH AND GAME
AND
THE DEPARTMENT OF PUBLIC SAFETY

May 15, 1979

Referenced 37 (a)

Governor, State of Alaska

Jay S. Hammond

Commercial Fisheries Entry Commission

Commissioner
Commissioner
Commissioner

Robert J. Simon
John Williams
(Vacant)

Commissioner, Department of
Fish and Game

Ronald O. Skoog

Commissioner, Department of
Public Safety

William R. Nix

Cook Inlet areas. The Board of Fisheries has decided to retain the prohibition against fishing more than one salmon registration area per year until such time as the number of units of gear in the salmon net fisheries has been reduced to an optimum number. During the past six years there have been only four public proposals to delete the single area requirement. The user groups were evenly divided on the issue and the Board rejected the proposals.

A buy-back program that allows a fisherman to retain only single area permits may not be in his best interest. It would lock him into that fishery, whereas under existing regulations he has the flexibility of deciding what area he wants to fish for that year.

Recommendation No. 11

The Board of Fisheries should avoid establishing regulations and policies for which the major purpose is to allocate fisheries resources between different commercial fisheries.

In Recommendation No. 11 the Division of Legislative Audit suggests that the Board of Fisheries should avoid establishing regulations and policies for which the major purpose is to allocate fisheries resources between different commercial fisheries. An opinion from the Division of Legal Services, Legislative Affairs, goes even further. It suggests that the Board's authority is confined to biological development and conservation issues. The purpose of this reply is to dissent from the Division of Legislative Audit's formal recommendation and to refute the legal conclusion upon which it rests.

The organic statutes for the Board of Fisheries (AS 16.05.221,.251) state that the Board is established for two purposes: "the conservation and development of the fishery resources of the state." To accomplish those purposes, the Board is granted the power to make regulations (AS 16.05.251). At least twice annually, the Board of Fisheries goes through extensive public hearings in order to promulgate the regulations it considers advisable to effectuate the purposes for which the Legislature created the Board (AS 44.62.010 et. seq.). The powers which the Legislature granted to the Board of Fisheries are far-reaching (AS 16.05.251). A comprehensive and detailed review of those powers is beyond the scope of this response.

The Board of Fisheries is the primary regulatory agency for the conservation and development of the State's fishery resources. The Commissioner, Alaska Department of Fish and Game, also enjoys certain regulatory powers (AS 16.05.010, .020(2),(3), 16.05.050,.060,.270) but his role is generally that of the chief executive officer of the Department of Fish and Game. The Board of Fisheries may properly be seen as the regulatory arm of the Executive Branch for fishery resources.

In their exercise of rule-making authority, the Board of Fisheries is obligated to follow applicable Alaska Statutes and the Alaska Constitution. The statutes most germane to the role of the Board have been mentioned above. The discussion which follows will concern itself exclusively with the mandates of the Alaska Constitution.

LIMITED ENTRY

- ① H. Resources Committee ¹⁹⁷³ - papers on file: CSHB126 - 3 folders
CSSB39 - 15 folders
- ② Cassette tapes ^{"Work session"} CSSB39 Limited Entry: Spec. Comm. on Fisheries
(Att'y General's office/ Archives have some tapes on this)
29 cassettes in library under general topic.
- ③ Limited Entry - Joint Interim Committee 1978-1979
- ④ LAA file:
Report on the meetings of the House Interim Committee on
Fisheries and the Senate Special Comm. on Fisheries
Sept. - Dec. 1973 LAA.

1977 amendments - look up

2-9-73 I Side 1 254 → 333 teacher on cutoff date
Numbers are for some digital counter

2-9-73

I Side 1 ~~300~~ 300? to 333

Paley Try to enter in BB only
Tillson
Palmer discussed it that what you
Gardner
Flavin just talked about it in 68 + 9. of
year skyrocketed.

→ 254 - Gardner, what would be the matter with...
~~254~~ through

290 - DSI, not by year, hand troll separate.

640? → 021
of side 2

Separately sport com - hand troll
from power troll -
(65) Palmer - were going
to do that anyway
(confusion betw. sport com + hand troll)

to end - Tillson - you have to have
a power troll and a ...
gap betw. sides but

Flip to side 2
~~side 1~~

Tillson later - make sure that
when they sell that license
it can only go to another hand
operation.

Reiker - almost impossible to pull
out hand troll...? (wagner)

1200 Tillson - the hand troll facility
shall not be considered part of the
rail net or power troll facility,
+ long surrounding on both sides

(2)

~~2-10-73~~

I side 2

Nthp. (discussion on transferability)

~~2-10-73~~

II side 1

000

more transfer discussion

017

PST can dep depend to cutting favor of recid, we hope constitutionally.

170-191

?

Always have some peo who feel by way of side, fakey not now.

2-13-73

I side 1

000

Transferability + alternatives discussion.

lottery, Flavin push for mingling together into lottery.

375-Daniel; weyback accounts effect initial windfall gain. (what about non-weyback futures)

410 - Peter - windfall gain to lot generators of future. 2nd gen ~~gets~~ has to pay for recid.

2-13-73

I side 2

000

→ transferability, lottery, skills.

3

2-13-73 Inside 2

265 → transferability + etc

285 Plans explaining how gear will be reduced.
some red in initial phase.
(the 2 subty.) (maybe he
tally in ref to experience etc
or something from earlier discussion)

2-13-73 Inside 1

nothing Public testimony on
various aspects of bill.

Tapes: date

✓ I/1 1/30/73 ✓ Side 2: 510ff inferred need for date; no specific discussion

✓ I/2 2/5/73 - 0 -

✓ II/2 2/5/73 Side 1: 135ff specific discussion of date
Side 2: blank

✓ I/1 2/6/73 Side 1: - 0 -
Side 2: - 0 -

ft I/1 1/30/73

Side 1 start species
Commissioner: appointment & removal, qualifications
Limiting units of gear

end 765
Side 2
000

Applications & appeals
Tax delinquencies
Level of gear & reductions - buyback
Recent boat buyers problem if they don't get permits, mention of fishing 2/10 prior years & years prior to enactment & qualification date inferred.

648 end side 2

I/2 2/5/73

Side 1
000 start Elected & past particip - & Categories
762 end Methods of reduction of # # buyback
Side 2
000 start buyback & assessments; economics -
425 "species" included; ^{thru bill} Commissioners;
770 end

Side 1 II/2 2/5/73

000 135 Qualifs as of 1972, Not 72, etc. Effective date req. Debate on closing class. When date should be [349 blank - 755]

Side 2
000 - 760 blank

Side 1
000 -

I/1 2/6/73

Jackman
Prader
Joel (Bennett)
Dean Paddock
Flamin

750 end ~~103~~ Compensation, Classification
transfers (725-750 end)

Side 2
000

transfers (000 -) & 5 year moratorium
assessments

667 end

667 - 760 blank

