

SCOMM

#31:5

Tape II/2 2/5/73

David Jackman

Senator Bob Palmer

Senator John Sackett

Representative Clem Tillion

Dean Goodwin

Frank Flavin - Alaska Legal Services Corp. attorney
for village of South Naknek

Phil Daniel - UFA

Tape II/2 - 2/5/73

Jackman: OK so what would happen say if runs in Bristol Bay would stabilize at a harvest of a half-million fish a year. You might set a level that because of the basic change in the fishery was entirely inappropriate - you're just going to pass new legislation at that point I guess.

Tillion: We're going to be right back with some changes next year - what we want to do is at least stop all these paper licenses that are being issued right at the moment.

(unintelligible)

Daniel: Are you going to make that clear by the way - that you're going to be continually working this thing over in the legislature.

Tillion: No, you don't make it clear because if it comes out all right you might let it ride for a few years.

Palmer: But it's possible to if the need arises.

Tillion: Well anybody that's read Mason's manual knows its possible.

Palmer: I don't know that we've talked to this point in here and I think we've got to and that is that we've got to do everything we can as often as necessary in this bill to make sure that all these standards - all these qualifications are as of 1972 not '73, '74 or '75.

Palmer: Well that's the subject. We're going to find some way to find - some way to make sure that the guy who's bought a license - you can screen the guy that bought the license and what I think you could do on that one is to let a few of your trollers in maybe but just say pass an effective date on the bill if possible and say that anyone who hasn't actively used the license by the effective date of this bill is out.

Jackman: Well we did that - rather than getting into all that we reasoned it this way and it may be inadequate I admit and that is that anybody who buys a license this year is going to be lower in priority than anybody who's held a license heretofore.

Tillion: Why don't we just chop them off.

Jackman: We saw other problems with that for the period of of implementation the real thing we're scared to death of is closing the class for any substantial period of time and

that's the legal problem. In other words before the Commission's made a decision or issued permits for a given fishery in a given area - to tell somebody "no you can't fish." Now its another thing to say if you come in now you're going to be at the bottom of the totem pole and you can come in if you want to but that's where you're going to sit when we get around to issuing entry permits, but to tell him that before the Commission's even made its decision on an area that somebody that's new can't come in and buy licenses to fish - it just gets us into all sort of problems.

Tillion: OK has - but we have to have some mechanism where when the Commission moves they don't have to reimburse anybody that doesn't have a participation history.

Palmer (?): Well what about on page 4 again when we're talking about the 6 categories - page 4 of the new material. Suppose when we're talking about B there that language "the Commission shall classify applicants, etc. based upon the character of the applicant's involvement in the fishery prior to 1973"

Tillion: No - prior to the effective date of this bill.

Palmer: Well can you make an effective date clause - can you make an effective date prior to the passage of this bill.

Tillion: No.

- Palmer: We can't have this thing apply - include everyone that's jumping in now.

Tillion: Well of course the thing is prior that a mere license holder if he hasn't fished prior to the effective date of the bill hasn't actually wet gear - we're going to let a few trollers in down here but I don't think its going to be excessive, would you say, because if we can move this thing in the next month and get an effective date through.

Palmer: Well that alright too. It could not have constituted a primary income source if they just started in '73.

Flavin: I don't see if the Commission can cut out 4, 5 and 6 or the Commission can cut out a certain percentage why the Legislature can't do it right now. What makes it so sacrosanct that the Commission can do it six months from now that the Legislature can't do it now?

Jackman: I tend to agree but one thing that makes it more sacrosanct is that there's some basis in some specific regulations for what the Commission does whereas the legislature now would be cutting with a pretty broad knife. Sure you

could say that the bottom 30% of people will be removed from the fishery and the Legislature can do it fine but it isn't what you really want to do in the various areas.

Sackett (?): Are there any consitutional problems at all?

Jackman: No I don't think so.

Tillin: Oh well - then the thing is that I would say "has not actively engaged in the fishery prior to the effective date of this bill" and then fine - he'll get refunded, you know the fellow that's buying his license right now and there's no fishing till July - he'll get refunded for his license and if he wants to participate in the fishery . . .

Jackman: The reason that might work OK is because there'll be some guys that might still enter and depending on transferability on the reasoning: I'll enter and start paying off my boat, get into the fishery and I know when the Commission issues entry permits for this area I won't get one but I'll just buy somebody out - I'll get in that way. It still isn't going to be telling somebody that he can't get into the fishery but if we on the other hand go to something that is going to close the fishery then I'm nervous about that.

Flavin: Well you're going to close the fishery at some point anyway.

Tillion: The thing is he has the right to buy out, but they're under no obligation to pay for his license if he has never fished before the effective date of this bill. So you don't have to spend money for all these paper licenses is what I'm looking at.

Palmer: If in that new language on page 4 instead of saying prior to 1973 why if we said involvement in the fishery prior to the effective date clause or prior to the effective date of this legislation, anything . . .

Jackman: Again I only - the only caveat is depending on what we do with transferability on down the line.

Tillion: Well what I'm looking at - if you make the effective date of the bill you're not just screening out this year's people you're screening out all the Daubensbeck's men who have held licenses low these many years waiting in case one of his fishermen talked back to him - the paper license is screened out if he hasn't actively engaged in the fishery prior to the effective date of this bill.

Jackman: I mean I'm not embracing the words . . . (unintelligible).

Palmer: Wait a minute though - that sure opens up a big

question. Career fishermen. The fishery constitutes the primary subsistence and/or income source. If he had been workin' in that cannery all these years does the fishery then constitute the primary source of income?

Tillion: No, I don't even says he's a fisherman - he's a cannery worker.

Unknown: But it does say fisheries industry.

Palmer: Is this a point that could be argued?

Jackman: Sure it's something that we ought to clean up. But the other thing - as long as we're on that I don't see what subsistence - we've got to make this clear that this is commercial fishing not subsistence fishing.

Flavin: The reason it's in there is because when we're talking about participation factors in Bristol Bay your resident and native fishermen is going to show up less on the participation factor because he always takes of 2 or 3 weeks early or at least a week or so early to get back up river to Iliamna and places to take a subsistence harvest.

Jackman: I think we can cope with that problem in other ways - because he's more dependent because even though the may only

make \$2000 - it may be the only cash income he's got - he's 100% dependent on that fishery for his cash income even though he leaves a week early. The guy that fishes the full time season - that fishery - that season - I don't see how in 99% of the cases he isn't as important.

Flavin: It's hard to separate income from subsistence - what difference does it make whether you're eating it or whether you're buying it.

Tillion: In fact internationally we grade them 3 ways. Subsistence, commercial and play. The Japanese don't even acknowledge play - I remember when we tried to cut the bill fish at Samoa one of the Japanese stood up and said you want us to stop eating them so you can play with them.

Jackman: You see what the implication of what you're doing is giving out rights to participate in the commercial fishery based on activity in the subsistence fishery and that's just something we try to keep separate because it's a very important problem and has to be dealt with separately I think.

Tillion: Well I can see what you mean - you don't want somebody that's been fishing trout out at Iliamna to pick up a right to fish commercially in Bristol Bay because you might have some that don't hardly fish at all in Bristol Bay that would pick up a major right to fish.

Flavin: I don't see how they're going to qualify as a career fisherman if they're just subsistence fishing - as a career commercial fisherman. They're not going to qualify as subsistence fishermen but they wouldn't be penalized for any type of activity that they . . .

Goodwin: I don't think they're going to lose too much - if you don't have that clause in there.

Flavin: Some years actually the last people there are these people say from Iliamna - say the recent poor years when they've taken off in all honesty I think is oftentimes in the big year. They make their stake and they've got what they want and then they want to go home to revert to the old traditional subsistence ways.

Flavin: The reason I expressed that concern is that in Alaska Fisheries Policy there whatever measurements they take they said that showed significant measure of participation less because of the people that lived up-river going back early.

Goodwin: The guy that wrote that thing relied heavily on input from certain friends in the canning industry for that statement. It's a definite factor that does occur but it's not necessarily consistent and it's something that is changing but I think it was played up by his sources which

were - was not based on real knowledge of what happens in the fishery. It was based more upon this subjective type of BS that the industry likes to make so much out of to justify their reliance on the non-resident.

Flavin: If it's not a real factor I have no qualms about taking it out.

Sackett: Well assuming that the person does give up commercial fishing in order to go back up to Iliamna, how did you envision doing it by other methods?

Tillion (?): I don't think you'll find . . . This is the issue - it's the highliner.

Jackman: Wouldn't it still be his primary source of cash income even though he gives up fishing.

Sackett: I don't know.

Jackman: All I'm suggesting is I think these people will qualify and wind up about the same spot even if you struck out - in other words because the commercial fishery will still be the primary source of income because the subsistency fishery isn't a source of income - it's a source of livelihood.

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Tillion: One thing John, I think your resident will come out ahead not behind because I know and when you say Daubie's boys and the cannery highliners leave as soon as their pay gets below what gillnetting will bring on the Columbia - they pull right out - bang and they go down for the fall fishing in Puget Sound and so they're one of the last to come and the first to leave - they only hit just the peak of the run and it's . . .

Jackman: The other answer might be is you're still going to leave the Commission the authority within those classifications to create specific regulations in specific areas and sub-classifications and at that point when they're in Bristol Bay they can be sensitive to that particular situation.

Sackett: How can we guarantee that they are going to be sensitive?

Jackman: You can('t ?) the way it's written.

Tillion: You can't guarantee what the next Legislature will do John.

Unknown: Oh pretty well. It's always hard to repeal something that's been passed. I find the interpretation to be very lax (unintelligible).

Palmer: Well John, do you think any of those people that would be involved that way would have or would not be a primary or significant part of their income - primary or necessary and substantial income source.

Sackett: I don't know - I've never been to Bristol Bay in my life.

Palmer: Well Dean can you?

Goodwin: No, I don't think so.

Sackett: I take that back - I was down through there one day.
Unintelligible Portion

Tillion: I'd say the major gainers in this one - the areas that I see a major gain will be Chignik and AYK of the Yukon Kuskokwim - they'll be the major gain when we shut off new entry because they're ripe now at optimum.

Flavin: We might be able to drop it out at that and bring it back into past participation fishery to determine the length and degree and character of participation. And then put it in there as in some correlative fashion as to commercial fishermen. So it's more specific so we know what we're talking about.

end of tape

II/2 2/5/73

: I don't have any objections to changing the standard but I don't think this standard is specific enough or covers enough ground.

: Do you think then, legally the standards here the wording of this standard should be tied in with the qualification for entry permits because there that's what we do talk about is participation.

: I think those are two different things.

: You're recommending leaving it the way it is because the fact you feel is stronger legal.

: I'm not necessarily recommending leaving it the way it is - I'm saying _____ what's suggested.

: The problem is though with the wording that we've got in the bill as it came from the Governor's office - we do I think very definitely trend towards a commercial fishery - a professional career fisherman which we're actually saying that we're trying to get to the point where (A) an ~~individual~~ individual will be able to make a 12 month living in six weeks work.

: No, I dont think we're saying that at all.

: Let's hope not.

: Well that't the way I think it's going to be interpreted by an awful lot of people.

: that's the way it's interpreted.

: Well then that misunderstanding_____ has to be corrected and cleaned up - but I think that hthere is - the way I look at this thing is that you aren't going the whole route say as Crutchfield will go and establish the level the optimum amount of capital investment in the fishery and all that but I think it does have an economic component and an important one and that economic component is what means for the livelihood of the fishermen participating in the fishery and it's going to vary from area to area and type of gear to type of gear.

: You have to go along maybe not on salmon for instance where you have a captive market but you have to go half way to meet Crutchfield or youre never going to take back that 70% of the fisheries product that is imported or Alaska's share, you know.

: _____ movement in that direction but the starting point wouldn't be so severe. In other words....

: Well all right. The problem I see is in this very first paragraph at the top of page 6. The number of units of gear which result in an average level of income to the fishermen participating in that fishery which is adequate and sufficiently stable to sustain a professional fisherman

: I don't like that

: I have no real qualms, I don't see any big problem about leaving the rest of it in there if we can change that wording so that we don't

: Do you want to come up ^{with} ~~on~~ that?

: Is that where you see the problem.

: We don't want this to end up as a make work project which leaves us in this poor competitive position which we are now.

: They quit reading after they read that

: The rest of it - well there's really no problem with the rest of it that I see

: But you're also, you've got to remember even though you're looking at a particular fishery, area and a particular type of gear. Professional fishery means what other areas and what other types of gear are those guys fishing - you're looking at that contribution that adds to a profession not saying the profession is going to be based just on harvesting/^{drift}gill net gear in Bristol Bay.

: Well that's one of the things we want to look at - you take the AYK and they'll have very little - just a little ice fishing in the winter. Down in Bristol Bay its possible that you could - when you took your 32 foot limit off as soon as you get control you would encourage the guys to start embarking in herring seining in the spring - you know right now you can't lift the lid off

: They might even go out in the Bering Sea a little further and fish crab.

: Yeah, except then you'll end up with the whole thing wintering at False Pass.

: You might be able to go up to Lake Iliamna and fish white fish.

: Will you fish salmon up there if the Governor's program goes?

: The Governor's program doesn't look like that any more. The Governor's program is now toward conventional rehabilitation. The damming has ceased to be an issue.

: OK _____ on page 6 then.

: Number 4 - what was the reasoning behind that - I mean that seems like something that really isn't tied in to this.

: Number 4 or line 15 the old bill. On page 6 line 15 if you use that in Bristol Bay you'd get back to what 500 units roughly. 5 to 800 units instead of 2,900.

: The reason behind that to solve the problem that you point out with the professional fisherman - in a lot of areas the season may only be 3 weeks or 6 weeks long and the full time professional fishermen take other jobs in the off season - it's just not that kind of fishery - it's not a year round fishery so in setting out those levels you're going to take that into account. What the particular history and traditions of that fishery are - what's appropriate in that fishery - ~~the problem~~ it's a fudge factor.

: What constitutes history - the last 10 years?

: All it is is just a reasonableness kind of factor - it can be reasonable in terms of what other factors in that

fishery are -

: You'd have to get back to the sustained yield year.

: That was a long time ago - before '59 in the Bay.

: We're probably going to change the standards and we're probably going to change the qualifications on page 7 - lines 2 through 9 we have eliminated. First of all because we don't want the Commission to be able to decrease the maximum number of units over and above what we're already doing. Otherwise we voided the whole intent of this thing.

Caroline : OK so what would happen say if runs in Bristol Bay would stabilize at a harvest of a half-million fish a year. You might set a level ^{that} but because of the basic change in the fishery was entirely inappropriate - you're just going to pass new legislation. at that point I guess.

William
Wright : We're going to be right back with some changes next year - what we want to do is at least stop all these paper licenses that are being issued right at the moment.

Wright : Are you going to make that clear by the way - that you're going to be continually working this thing over in the legislature

Tilkin : No, you don't make it clear because if it comes out all right you might let it ride for a few years.

Palmer : But it's possible to if the need arises

Tilkin : Well anybody that's read Mason's manual knows its possible.

Grant
Palmer : I don't know that we've talked to this point in here and I think we've got to and that is that we've got to do everything we can as often as necessary in this bill to make sure that all these standards - all these qualifications are as of 1972 not '73, '74 or '75.

Tilkin : Well that's the subject. We're going to find some way to find some way to make sure that the guy whose license - you can screen the guy that bought the license and what I think you could do on that one is to let a few of your trollers in maybe but just say pass an effective date on the bill and possible and say that anyone who hasn't actively used the license by the effective date of this bill is out.

Palmer : Well we did that - rather than getting into all that we reasoned it this way and it may be inadequate I admit and that is that anybody who buys a license this year is going to be lower in priority than anybody whose held a license heretofore.

Tilton
Jackson

: Why don't we just chop them off -

^{saw other}
: We ~~we~~ got problems with that, ^{for} the period of implementation ^{of} the real thing we're scared to death of is is closing the class for any substantial period of time and that's ^{the} a legal problem. In other words before the Commission's made a decision or issued permits for a given fishery in a given area - to tell somebody no you can't fish ^{Now} - it's another thing to say if you come in now you're going to be at the bottom of the totem pole and you can come in if you want to but that's where you're going to sit ^{entry} ^{around to issuing} entry permits but to tell him that before the Commission's even made its decision on an area that somebody that's new can't come in and buy licenses to fish - it just gets us ^{into} into all sort of problems

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Tilton

: Well what about on page 4 again - we're talking about the 6 categories - page 4 of the new material. The ^{app. 1973} six categories - when we're talking about B there that language the Commission shall classify applicants, etc. based upon the character of the applicant's involvement in the fishery prior to 1973.

Tillion : No - prior to the effective date of this bill

Palmer : Well can you make an effective date clause - can you make an effective date prior to the passage of the bill.

Palmer: ^{Tillion: No} We can't have this thing apply - include everyone that's jumping in now.

Tillion : Well of course the thing is prior that a mere license holder if he hasn't fished prior to the effective date of the bill hasn't actually wet gear - we're going to let a few trollers in down here but I don't think its going to be excessive ^{would you say} because if we can move this thing in the next month and get an effective date through

Palmer : Well that's ok too

It could not have constituted a primary income source if they ^{just} started in '73 ^{9 years} I don't see if the Commission can cut out 4, 5, and 6 or 5 and 6 the Commission can cut out a certain percentage why the Legislature can't do it right now. What makes it so urgent that the Commisison can do it six months from now that the Legislature can't do it now.

Tillion : I tend to agree but one thing that makes it more urgent that there ~~be~~ some basis ^{as} some specific regulations for what the Commission does where the Legislature now would be cutting with a pretty broad knife. Sure you could say that the bottom 30% of people will be removed from the fishery and the Legislature

can do it fine but it isn't what you really want to do in the various areas.

Sackett?: Are there any constitutional problems at all?

Tackman : No I don't think so.

Tillian : Oh well - then the thing is that I would say has not actively engaged in the fishery prior to the effective date of ~~the~~^{this} bill and then fine - he'll get refunded, you know the fellow that's buying his license right now and there's no fishing till July - he'll get refunded for his license ^{and} if he wants to participate in the fishery

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Shaw : Well you're going to close the fishery at some point anyway.

Tillian : The thing is he has the right to buy out but

they're under no obligation to pay for his license if he has never fished before the effective date of this bill. So you don't have to spend money for all these paper licenses is what I'm looking at.

Palmer : If in that new language on page 4 instead of saying prior to 1973 why if we said involvement in the fishery prior to the effective date clause or prior to the effective date of this legislation, anything...

fishermen : Again I only - the only caveat is depending on what we do with transferability *under the law*

Tillman : Well what I'm looking at - if you make the effective date of the bill you're not just screening out this year's people you're screening out all of ~~Dobb & Specks~~ ^{*substantive*} web men who have held licenses low these many years waiting in case one of his fishermen talked back to him - the paper license screened out if he hasn't actively engaged in the fishery prior to the effective date of this bill.

Anderson : I'm not *understanding the whole thing*.....

Palmer : Wait a minute tho - that sure opens up a big question. Career fishermen. The fishery constitutes the primary subsistence and/or income source. If he had been workin' in that cannery all these years does the fishery then constitute the primary source of income?

Tilton : No, I don't even say he's a fisherman - he's a cannery worker.

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? : But it does say fisheries industry / is this a point that could be argued?

Jackman : Sure its something that we ought to clean up. But the other thing - as long as we're on that I don't see what subsistence - we've got to make this clear that this is commercial fishing, *not subsistence fishing.*

Flavin : The reason it's in there is because when we're talking about participation factors in Bristol Bay your resident and native fisherman is going to show up less on the participation factor because he *always* takes off 2 or 3 weeks early *or* and at least a week or so early to get back up river to Iliamna and places to take a subsistence harvest.

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buying it.

Tillion : In fact internationally we grade them in 3 ways. Subsistence, commercial and play. The Japanese don't even acknowledge play - I remember when we tried to cut the bill fish out at Sarog one of the Japanese stood up and said you want us to stop eating them so you can play with them.

Jackson : You see what the implication of what you're doing is giving out rights to participate in the commercial fishery based on activity in the subsistence fishery and that's just something we try to keep separate because it's a very important problem and has be dealt with separately I think.

Tillion : Well I can see what you mean - ~~we~~ don't want somebody thats been fishing trout out at Iliamna to pick up a right to fish commercially in Bristol Bay because you might have some that don't hardly fish at all in Bristol Bay. that would pick up a major right to fish

Lee : I don't see how they're going to qualify as a career fisherman if ~~he's~~ subsistence fishing as a commercial ~~career~~ fisherman. They're not going to qualify as subsistence fishermen but they wouldn't be penalized for any type of activity that ~~is~~ *then*

Tillion : I don't think they're going to lose too much - if you don't have that clause in there - ~~Some~~ years actually

the last people there are these people say from Iliamna - say the recent poor years when they've taken off ~~and~~ in all honesty I think ~~as~~ oftentimes in the big year, they make their stake and they've got what they want and then they want to go home to revert to the old traditional subsistence ways.

Flavin : The reason I expressed that concern is that in Alaska Fisheries policy there whatever measurements they take they said should significant measure participation less because of the people that lived up-river going back early.

Goodman : The guy that wrote that thing relied heavily on input from certain friends in the canning industry for that statement. It's a definite factor that does occur but it's not necessarily consistent and it's something that is changing but I think it was played up by his sources which were was not based on a real knowledge of what happens in the fishery. It was based more upon this subjective type of BS that the industry likes to make so much out of to justify their reliance on the non-resident.

Flavin : If it's not a real factor I have no qualms about taking it out

Goodman : Well assuming that the person does give up commercial fishing in order to go back up to Iliamna, how did you envision doing it by other methods?

~~Tillion~~ ? : I don't think you'll find

Tillion : This is the issue - it's the high liner

Jackman : Wouldn't it still be his primary source of cash income even though he gives up fishing?

Sackett : I don't know. ^{Jackman} All I'm suggesting is I think these people will qualify and wind up about the same spot even if you struck out - in other words because the commercial-~~history~~ ^{fishery} will still be the primary source of income because the subsistency fishery isn't a source of income - it's a source of livelihood.

Tillion : One thing John I think your resident will come out ahead not behind because I know and when you say Quaker's cannery boys & the/highliners leave as soon as their pay gets below what gillnetting will bring on the Columbia - they pull right out - bang and they go down for the fall fishing in Puget Sound and so they're one of the last to come and the first to leave - they only hit ^{just} the peak of the run and its

Jackman : The other answer ^{might be} is you're still going to leave the Commission the authority within those classifications to create specific regulations, and sub-classifications ~~and specific~~ ^{in specific areas} areas and at that point when they're in Bristol Bay they can be committed to that particular situation.

Sackett : How can we guarantee that they are going to be committed

fishermen; you can't see the way it's written

Tilkson

: You can't guarantee what the next Legislature will do John.

? : Oh pretty well. It's always hard to repeal something that's

: I find the interpretation to be very lax (unintelligible) from

Palmer

: Well John do you think any of those people that would be involved that way would have or would not be a primary or significant part of their income - primary or necessary and substantial income source.

Sarkoth

: I don't know - I've never been to Bristol Bay in my life.

Dean

: Well Dean can you

Medema

: No, I don't think so

Sarkoth

: I take that back - I was down thru there one day

Tilkson

: I'd say the major gainers in this one - the areas that I see a major gain will be Chignik and AYK of the Yukon Kuskokwim - they'll be the major gain when we shut off new entry because they're ripe now.

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PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

SB 39: SPECIAL COMMISSION ON FISHERIES

WORK SESSION 2-5-73

(TAPE II - SIDE 1) *

*First part of Tape II - Side 1 is very faint and distorted.

Tillian

Well, I've looked at what it would have been in the ^{scallop fishery} (indisc.) if you had limited it to four boats instead of letting it go to sixteen in class.

Are you saying, though, that the threat is imminent

Tillian

The threat is imminent for all species.

(Indisc. - too faint)

Yeah, if you limit one portion, you're going to push a whole fleet into another portion and be in trouble there almost immediately

(Indisc. - too faint)

If they -- if they have the entry permit system where you have to have an entry permit, even if they're not at that moment turning their attention to it. For instance, nobody's going to rush out to get a whole bunch of clam permits. You know, there's just very little clam-digging going on.

(Indisc.) on halibut now. Is there anything that can be done about that? I know (indisc. - too faint).

That's one that the real six business -- and I don't know but

what you might want to limit -- the Commission might want to limit additional licenses over a certain tonnage where you knew you were pushing them offshore.

(Indisc. - too faint)

We're already doing some (indisc.) on that halibut - of course, as it came up. (Indisc. - too faint)

If the (indisc.) -- the same way as the troll fishery is in the same bucket of worms as the halibut fishery, because, if we limit our troll fishery offshore the Canadians will take an even bigger chunk.

But, the thing is, this confuses the point. Because, if you're in international competition, one of the criteria for the optimum number of units of gear is that number which makes you most competitively the most efficient, the best competitor, in the international seas. So, if you're really doing your job right, the optimum level ought to make you a better competitor

If it's handled right. Okay, the Commission would have that

(Indisc. - simultaneous conversation) that could be taken into consideration.

We're running out of time.

NEW SPKR:

Okay.

Let's go on to eight - entry permit qualifications. We're going to establish the maximum number of units of gear. And, do we want to go back and change that again? Let's see.

Page eight?

Yeah, page eight.

Yeah, this is the one that we

I'm sorry. Did we get beyond the standards? Did we get beyond the standards for establishing the levels?

No, no.

Yes.

Oh, did we?

The of mums back on page six. That was one of the major comments that had run over when we were short on time. But I'm very disturbed about the suggested alternative. Number one, it's only

NEW SPKR:

Well, now, wait a minute. Let me make sure I understand what you're doing.

Revision of optimum instead of revision of maximum? Page six, line eighteen. Is that?

Ferry, on page five at the bottom.

It's the add six item.

Yeah.

The add six item on the number of units of gear (inc sc. - loud noise) based on sound management techniques. I think that this is really the crux. The basic legal justification for everything the legislature is doing has got to be in that standards section. You've got to be saying what is the reasonable and justifiable legislative purpose of this whole effort. And I think that it goes beyond management and it goes to the livelihood of the fishermen. And what we've tried to come up with is standards that reflected both sides of that coin. So that you'd say the optimum number of gear has something to do not just with the orderly harvesting of fish, but also with a level which is commensurate with the resource's ability to provide a livelihood for the fishermen. Now, in other words, all I'm saying is that I think those -- I don't have any objection to changing

the standard, but I don't think this standard is specific enough or covers enough ground.

Do you think, then, that legally the standard here, that working with this standard should be tied in with qualifications for entry permits? (Indisc. - too faint)

I think they're two different things.

You're right in leaving it the way it is because of the fact that (indisc. - too faint)

I'm not necessarily recommending leaving it the way it is. I'm thinking I don't like what's suggested.

The problem is, though, that with the worries that we've got in the bill that came from the Governor's office, we do, I think, very definitely tend towards a commercial fishery, a professional career fisherman, which we're actually saying and we're trying to get to the point where A, an individual, will be able to make a twelve-month living in six weeks' of work.

No, I don't think we're saying that.

Oh, let's hope not.

NEW SPKR:

Well, that's the way I think it's going to be interpreted by an awful lot of people.

Well, if it's misinterpreted

Well, then, that misunderstanding, I couldn't agree more, has to be corrected and cleaned up in terms of the bill. But I think there is -- that one -- what I was just saying is that you aren't going the whole route that, say, a Crutchfield (ph) will go and say we're going to establish the level of the optimum amount of capital investments, you know, in the fishery and all that. But I think what does have an economic component, and an important one, and that economic component is what it means to the livelihood of the fisherman participating in the fisheries. And it's going to vary from area to area and from year to year.

You have to go along, maybe not on famine, for instance, where you have a captive market. But you're going to have to go halfway to meet Crutchfield (ph) or you're never going to take back that seventy percent of the fisheries' product that is imported, or Alaska's share, you know.

And we're (indisc.) movement in that direction, but the starting point wouldn't be so severe (indisc. - too faint)

Well, all right. The problem I see is in this very first paragraph, at the top of page six - the number of units of gear

which result in an average level of income to the fisherman participating in that fishery which is adequate and sufficiently stable to sustain a professional fisherman.

I don't like that.

All right. I have no real qualms. I don't see any big problem about leaving the rest of it in there if we could change that wording so that we don't

Do you want to come up with that?

I'll try to come up with something.

Isn't there where you see the problem, Terry?

We don't want this to end up as a make-work project, which leaves us in a -- it's for a competitive position (indisc.).

Well, the rest of it, really, is not There's no (indisc.) on the rest of the prices.

But, you're also -- you've got to remember that even though you're looking at a particular fishery area and a particular type of gear, a professional fishery (indisc.) what other areas and what other types of gear are fishing (indisc.) You know, you're looking at that contribution that adds to a profession.

Not saying that a profession is going to be based just on harvesting (indisc. - too faint).

Yeah, well Of course, one of the things we want to look at -- you take up the A.Y.K and they'll have very little except a little bit of ice-fishing in the winter. Down in Bristol Bay it's possible that you could, when you took your thirty-two foot limit off, which, as soon as you got control of them, you would encourage the guy to start embarking in herring seining in the spring. You know, right now you can't lift the lid off because

They might even go on out (indisc.) a little further and fish for crab.

Yeah, except then you'll end up with the whole thing wintering at False Pass. But, nevertheless

They might even be able to go up to Lake (indisc.) and fish whitefish.

Can they fish salmon up there (indisc. too faint)

The Governor's program doesn't look like that anymore, John. The Governor's program is now

Conventional rehabilitation.

NEWS: 3000:

.... conventional rehabilitation. Damming has ceased to be an issue.

(Indisc. - too faint)

Let's don't get started on that now. Okay. Let's go to the problems on page six, then.

I just want to say something. Why on (indisc.) number four. What was the reasoning behind that? (Indisc. - too faint)

Number four?

On line fifteen (indisc. -- too faint)

On page six, line fifteen. If you use that in Bristol Bay you'd get back to, what, five hundred units, roughly? Five to eight hundred units instead of twenty (indisc. - simultaneous conversation).

The reason behind that was to solve the problem that you pointed out with the professional fishery; that is, in a lot of areas the full-time fisherman, because the season may be only three weeks or six weeks long, the full-time, professional fisherman takes other jobs in the off-season. I mean, it's just not that kind of fishery; it's not a year-round fishery. So, you're -- instead

of setting optimum levels, you're going to take that into account - what the particular history and conditions of that fishery are. You know, what's appropriate for that fishery. And it's a (indisc.).

What constitutes history? The last ten years, ten years ago, fifty years ago?

It's just a -- all it is is just a reasonableness kind of factor that the Commission could use in terms of what other factors in that fishery are.

You'd have to go back to the same-yield year.

(Indisc. - too faint)

Before '59 on the bank.

All right. We'd probably change the standards and probably change the qualifications. On page seven, lines two through nine we have eliminated. First of all, because we don't want the Commission to be able to decrease the maximum number of units over and above what we are already doing, otherwise, we've avoided the whole intent of the thing.

Well, okay, what would happen, say, if the run in Bristol Bay would stabilize at a harvest of half-a-million fish a year?

You know, you might set a level that, because of the basic change in the fishing, you might find it inappropriate

Now, we're going to be right back here with some changes next year. What we want to do is at least stop all these paper licenses that are being issued right at the moment. you know.

(Indisc. -- too faint)

Are you going to make that (indisc.) the other way that you're going to be continually working this thing over in the legislature? Or is this going to be some

Well, no. You don't make it clear. Because, if it comes out all right, you might leave it right for a few years, you know. But

You could make it clear as it's possible to as the need arises.

Well, I mean, anybody that's read Mason's (ph) Manual knows it's possible.

I don't know that we've talked to this point in here, and I think we've got to. And that is that we've got to do everything we can, as often as necessary in this bill, to make sure that all these standards, all these qualifications and so on, are as of 1972, and not '73, '74, or '75.

NEW SPKR:

Well, that's a subject we're going to have to find some way to make sure that the guy who's bought a license -- that you can screen the guy that bought the license. And what I think you could do on that one is let a few of your trollers in, maybe, but just say pass an effective date on the bill, if possible, and say anyone who hasn't actively used the license by the effective date of this bill is out.

Well, we did that. Rather than getting into all that, we reasoned this way. It may be inadequate I admit. And that is that anybody who buys a license this year is going to be lower in priority than anybody who's held a license heretofore. That ought to be at the bottom somewhere.

Why don't we just chop them off?

Well, okay. We saw other problems with that. Because, for instance, with a period of implementation, the real thing we're scared to death of is closing the class for any substantial period of time. And that's the legal problem with -- in other words, before the Commission has made a decision, or issued permits for a given fishery or a given area, to tell somebody, No, you can't fish. Now, it's another thing to say, If you come in now you're going to be at the bottom of the totem pole, and you can come in if you want to but that's where you're going to sit, when we get a ground (indisc.) for the entry permits.

If you tell him, before the Commission's even made its decisions on an area, that somebody new can't come in and buy a license and fish, it just gets us into all sorts of problems.

Well, no. Okay. Has -- but we have to have some mechanism where when the Commission moves they don't have to reimburse anybody that doesn't have a participation history.

Well, what about on page four again where we're talking about these six categories - page four of the new material. No, the new material where we set up those six categories. Suppose when we're talking about B there that language, "shall classify applicants, etc., based upon the character of the applicant's involvement in the fishery prior to 1973."

No, prior to the effective date of this bill.

Well, can you make an effective date clause -- can you make an effective date prior to the passage of the bill?

No.

Well, we can't have this thing apply and include everybody that's jumping in now.

Well, of course, the thing is prior -- that a mere license holder, if he hasn't fished prior to the effective date of the bill,

has and actually wet year. Now you're going to let a few trollers in down here. But I don't think it's going to be excessive. Do you think so? Because it's just -- if we can move this thing in the next month and get an effective date through

Well, that's all right, too. But then it could not have constituted a primary income source if they just started in '73.

Again, I don't know. Maybe I -- I don't see if the Commission can cut out four, five and six, I don't see -- you know, five and six, or the Commission can cut out a certain percentage why the legislature can't do it right now. I mean, what makes it so sacrosanct that the Commission can do it six months from now if the legislature can't do it now?

Well, I tend to agree. But one thing that makes it more sacrosanct is there be some basis and some specific regulations for what the Commission does whereas the legislature now, because (indisc.). I mean, sure, you could say that the bottom thirty percent of the people will be removed from the fishery. And if the legislature can do it, fine. But it just isn't what you really want to do in the various areas.

No.

Are there any constitutional problems at all?

NEW SPKR:

No, I don't think so.

Well, then, the thing is that I would say have not actively engaged in the fishery prior to the effective date of this bill. And then, fine, he'll get refunded. You know, the fellow who's buying his license right now and there's no fishing until July, he'll get refunded for his license. And if he wants to participate in the fishery

The reason that might work okay, because there'll be some guy that might still enter and, depending on transferability, on the reasoning, I'll enter, start paying off my boat, get into the fishery. I know when the Commission issues entry permits for this area I won't get one but I'll just buy somebody else's, or I'll, you know, I'll get in that way. And he still isn't going to be telling somebody that he can't get into the fishery. But if we, on the other hand, go to something that is going to close the fishery, then I'm -- I'm nervous about that.

Well, you're going to close the fishery at some point, anyway.

The thing is, he has the right to buy out. But they're under no obligation to pay for his license if he has never fished before the effective date of this license.

I don't think that would even be

NEW GPKR:

So you don't have to spend money for all these paper licenses is what I'm looking at.

Well, okay, if in that new language on page four it says prior to 1972, '73, or if we said any involvement in a fishery prior to the effective date clause, or prior to the effective date of this legislation -- is there anything?

Again, the only caveat is depending on what we do with transferability on down the line?

Well, what I'm looking at you're going to -- if you make the effective date of the bill, you're not just screening out this year's people. You're screening out all of Dobbin, Specks Webb (ph) men that have had licenses for these many years, waiting in case one of his fishermen talked back to him. You can screen -- the paper license is screened out if he hasn't actively engaged in the fishery prior to the effective date of this bill.

I mean, I might -- I'm not embracing the word (indisc. - simultaneous conversation).

Don't give him time to get in there.

Wait a minute, though. That sure opens up a big question. Career fishermen. The fishery constitutes the primary subsistence and

or income source. All right. If he's been working in that cannery all these years, does the fishery then constitute the primary source of income?

He's not a fisherman.

No, it doesn't even say he's a fisherman. He's a cannery worker.

I know that.

(Indisc. - too faint)

Well, okay, but now is this a point that could be argued?

Sure. It's something we ought to clean up, I think. But the other thing, as long as we're on that, I don't see what subsistence -- we've got to make it clear this is for commercial fishing not (indisc. - simultaneous conversation).

The reason it's in there is because when we're talking about participation factors in Bristol Bay, your resident and native fisherman is going to show up less under the participation factor because he always takes off two or three weeks early, or at least a week or so early, to get back upriver to Iliamna, and places, to take the subsistence harvest.

Yeah, but I -- I think that we can cope with that problem in other

ways, because he's more dependent. Because even though he may make only two thousand dollars, it may be the only cash income he's got. He's a hundred percent dependent on that fishery for his cash income even though he leaves a week early. The guy that fishes the full-time season still -- you know, that fishery -- you know, that season I don't see how -- in ninety-nine percent of the cases his is just as important

Of course, it's hard to separate income and subsistence, you know. What difference does it make whether you're earning it or you're buying it?

In fact, internationally we grade them in three ways: subsistence, commercial and play. And the Japanese don't even acknowledge play, because I remember when we tried to cut the billfish out of Samoa, one of the Japanese stood up said, You want us to stop eating them so you can play with them.

You see what the implication of what you're doing is giving a guy -- giving up rights just in the commercial fishery based on activity in the subsistence fishery. And, you know, it's something we try to keep separate, because it's a very important problem and it has to be dealt with separately, I think.

Well, I can see what you mean. You don't want somebody that's been fishing trout out of Iliamna to pick up a right to fish commercially in Bristol Bay, because you might have some that

don't hardly fish at all in Bristol Bay that would pick up a major right, then, to fish.

I don't see how they're going to qualify as a crew of fishermen if they're just subsistence fishermen. As a career commercial fisherman, they're not going to qualify as a subsistence fisherman. But they wouldn't be penalized for any type of activity that they

Well, I don't think they're going to lose too much if you don't have that clause in there. Like, some years actually the last people there are these people, say, from Iliamna. When they've taken off, in all honesty I think it is oftentimes in the big year they makes their stake and they've got what they want. And then they want to go home to revert to the old traditional subsistence ways.

Well, the reason I expressed that concern is that in that Alaska Fisheries Policy that whatever measurements they take it is a fairly significant measure of participation less because of the people that lived upriver going back early.

The guy that wrote that thing relied heavily upon input from certain friends at a cannery industry for that statement. It's a definite factor that does occur. It's not necessarily consistent. And it's something that is changing. But I think that what's played up by his sources, which is not based on a real knowledge

of what happens in a fishery. In other words, based more upon this subjective type of deal is that the industry likes to make so much out of it to justify their reliance on the non-resident.

Well, if it's not a real (indisc.), I have no, you know, qualms about

Well, I'm assuming if a person does give up commercial fishing in order to go back up Iliamna, how did you envision doing it by other methods?

I don't think you'll find that this is the issue. It's the highlight (indisc. - simultaneous conversation).

Wouldn't it still probably be, you know, a primary source of cash income even though he gives up fishing?

I don't know.

I mean, all I'm suggesting is that I think these people will qualify and wind up in about the same spot even if he struck out -- in other words, because the commercial fishery would still be a primary source of income. Because a subsistence fishery isn't a source of income. It's a source of livelihood, but it isn't a source of income.

One thing, John, the thing is that I think your resident will

come out ahead, not behind. Because I know, and wouldn't you say, that Dobbie's (ph) boys and the cannery high-liners leave as soon as they're paid, yet below what gill-netting will bring in Columbia. You know, they pull right out - bang - and they go down for the fall fishing in Puget Sound. And so they're one of the last to come and the first to leave. They only hit just the peak of the run. And it's

The other answer to this might be that you're still going to leave the Commission the authority within those classifications to create specific regulations in specific areas and subclassifications. And, at that point, when they're in Bristol Bay, they can be sensitive to that particular situation.

How can we guarantee that they are going to be sensitive?

You can't the way it's written.

You can't guarantee what the next legislature will do, John.

(Indisc. - simultaneous conversation among all parties).

I find the interpretation to be very lax in (indisc. - simultaneous conversations)

Well, John, do you think do you think that any of those people that would be involved that way it would have a -- where it

would not be a primary, or significant, for their income - primary or necessary and substantial income source?

I don't know. I've never even been to Bristol Bay in my life.

Well, Dean, could you?

No, I don't think so.

I take that back. I was down there one day and saw it while I was landing (indisc. - simultaneous conversation).

Well, I'd say the major gainers in this one -- you know, the areas that I see a major gain will be Chignik and A.Y.K.; you know, the Yukon Kuskokwim. They'll be the major gain when we shut off new entry, because they're right now at optimum.

Okay. We might be able to drop it out at that and bring it back into the extent of past participation of fisheries to determine the (indisc.) of participation, and then put it in there in some correlative fashion as to commercial fishing.

You want a traditionalist.

So that it's more specific, so that you know who we're talking about when you go into specifics rather than somebody subsistence fishing getting a commercial permit.

NEW SPKR!

Yeah, you don't want somebody driving down from Fairbanks and dip-netting in the Copper River to pick up a license.

(Indisc. - simultaneous conversation among all parties)

That's not subsistence.

That's what it's listed as.

I know (indisc.) two years at the Fish and Game Board. See what they do is they -- in Fairbanks (indisc.) Fish and Game Board get that (indisc.) subsistence so that everytime they talk about doing away with this, they say, Well, you can't do away with the subsistence. There's two things - there's a fish wheel subsistence fishery that the villagers use that takes a very small percentage, like ten or fifteen percent of the fish; then there's a huge recreational (indisc. - simultaneous conversations). If you link it up with the subsistence (indisc.), as I see it, the recreational people, the guy that owns that big camper, it's giving him some viability, see. Because he knows that the Board's going to be reluctant to shut down subsistence fishery.

Is that really the guy that's got that camper from Fairbanks, right?

But as long as they can keep that delusion up, it benefits them.

And the real danger is that, at some point, the Board's going to get fed up with it and just abolish the whole thing. And it will abolish all those people that really do depend on it, too.

Well, of course, if you leave the fish wheel and abolish the (indisc.), you'll take care of your

(Indisc. - simultaneous conversations among all parties)

At least we're halfway through.

How about three o'clock tomorrow afternoon?

Sure.

Let's make it the same place at three o'clock tomorrow afternoon.

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