

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86 / 2

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bays).

Evaluation of effects. Again, owing to the recency of enactment of this legislation, no evaluative data are yet available, although the Department of Fish and Game monitors the resource to determine the quotas each year.

Ohio

The state of Ohio has a multi-species fishery composed of six to eight species of fish, primarily walleye, perch, white bass, and channel catfish.⁵⁶ This is also a multi-gear fishery (e.g., seine, gillnet, trap-net, trotline). In 1974, there were between 300 to 400 fishermen in the state, about a third of which were full-time fishermen. A variety of fishery management measures (including limited entry) were enacted into law in September 1974.

Allocation of licenses under the new limited-entry program was made by "grandfathering" all those individuals or corporations which had held a commercial fishing license during the preceding year. Additional licenses (if available) may be granted to individuals who meet the following criteria: two years of commercial fishing experience, 90 days-residency in the state of Ohio, and the posting of a \$1,000 performance bond.

Other fishery management methods enacted in 1974 in conjunction with limited entry include a quota system, payment of royalties, and increased license fees. The Division of Wildlife may establish species catch quotas to prevent overexploitation of particular species. Quotas must be allocated equitably between sports and commercial interests, as well as between the different gears within the commercial industry. Fishermen must also pay royalties to the state on the four major target species landed in Ohio: walleye, perch, white bass, and channel catfish. Finally, license fees have been greatly increased (a trap-net license, for example, now costs \$800 per year

rather than \$80, a license for a large gillnet vessel now costs \$600 rather than \$60 and so on).

It appears that the primary impetus behind the Ohio legislation was not, as in many other cases, related to biological preservation, but rather it was primarily motivated by socio-economic criteria. It appears that the legislation was fully supported by all sectors of the industry as well as by the sport fishermen. In the words of Ray Full, president of the Ohio Fishermen's Association, "...we are looking toward our modified type of Limited Entry with some degree of enthusiasm; hopefully it will help the industry economically. It will make the individuals who are in the industry on a part-time basis determine whether they wish to stay in and become full-time fishermen or go to some other line of endeavor."⁵⁷ Limited entry is thus seen as a possible means of cutting out the weekend commercial fishermen, producing a better annual economic return for the full-time fisherman, and thus attracting full-time young people into the industry.

Evaluation of effects. There are no data on whether economic efficiency has, in fact, been improved, or whether there have been any unforeseen side effects.

New Zealand

Although legislation is currently pending in the legislature, New Zealand has not yet formally enacted limited-entry regulations.⁵⁸ Nevertheless, it has utilized a variety of interim management methods to conserve its fishery resources.

The New Zealand abalone (paua) fishery -- which had always been a free and open fishery -- recorded the highest number of landings and the largest number of fishermen ever in 1971. In that year, a special Select Committee on fisheries was established to consider methods of conserving these taxed

stocks. In 1973, a quota was introduced to try to ease the take of abalone by licensing 7 exporting firms which were permitted to export a set amount of canned bleached abalone (1,000 green tons). In addition to the imposition of this quota, a closed season of four months (February to May) was declared.

Ministry of Agriculture and Fisheries officials report that since the quota was enforced, it has done much to relieve the strain on the abalone fishery. It has had the advantage of allowing processors to pick their divers and to limit the numbers of divers. Additionally, the quality of divers has improved. The stability created by the export quota has also allowed processors to establish an integrated network supplying the majority of paua to a single processing unit. This has meant a considerable increase in product quality. Now that there is a known annual turnover, marketing has also improved considerably.

While it has served to stabilize the industry temporarily, the export quota has a number of drawbacks as a management tool. Although it sets an "ideal" amount of catch for the whole fishery, it cannot protect specific local fisheries from large-scale temporary increases in divers during "bonanza" situations such as may be occasioned by long periods of unseasonably fine weather. Thus, the New Zealand legislature is currently in the process of considering the creation of a Fisheries Licensing Authority which would be empowered to limit entry into a number of "restricted" fisheries. Fisheries can be declared "restricted" to maintain the fishery at the level of optimum economic yield. This Authority would be empowered to limit the number of divers in either the total fishery or the local fisheries; to limit the size of the catch or to set national or local quotas on the amount taken. Passage of this legislation appeared imminent in 1976.

Conclusion

Our review of a number of experiences with limited entry should warn against the drawing of facile or hasty conclusions about the effects of this type of fishery-management program. Although all limited entry programs strive to control the total effort expended in a fishery, every program must be tailored to the distinctive characteristics of each fishery. Limited entry methods are also seldom employed alone, but rather tend to be used in conjunction with other regulatory techniques. The success of any limited-entry scheme, thus, may well depend upon the combination of management techniques being utilized in a particular case. Moreover, as we have discussed, most limited-entry programs are relatively recent and there is a general lack of empirical evaluative data. Thus it is not appropriate for us at this point to attempt any definitive conclusions about the effectiveness (or lack thereof) of particular limited-entry experiences.

Keeping these caveats in mind, our review of these limited-entry experiences nevertheless suggests two major points of potential value to policy makers considering any management plan: 1) the need for collecting proper baseline data prior to the establishment of a management program and the desirability of introducing an evaluative component into any fishery management legislation, 2) the need to consider a set of factors which may prove problematic in the implementation of any management program. These are discussed in turn.

As government officials prepare to enter a new age of increased government intervention in the management of natural resources (i.e., The Fishery Conservation and Management Act), it would well behoove them to recall some of the lessons which were learned so belatedly and in such a costly fashion

in other domestic policy areas. Namely, one of the major lessons learned from the efforts to introduce broad-scale social action programs in the last decade is that appropriate evaluative assessment components must be incorporated whenever new programs are introduced. Otherwise, there are no means of scientifically judging the extent to which a program is reaching its intended objectives and whether unintended effects are occurring. Rather, evaluation becomes a political football -- one group's impressionistic assessment being just as good as any other's.

Most fisheries management programs have a variety of objectives -- e.g., biological preservation, increased economic efficiency, preservation of the nation's recreational and aesthetic natural resources, protection of the fishermen's livelihood and life style, etc. To assess whether any or all of these goals are being fulfilled, and at what costs, baseline data on biological, economic, social, and political indicators must be gathered at the outset of the management effort. Subsequent gathering of data on the same indicators should allow for the systematic measurement of changes resulting from the management program. This is necessary not only for purposes of judging program effectiveness, but also -- as we have seen in the Australian case -- for purposes of program modification and improvement. Specifying the types of data that must be gathered is not as easy as it may sound. As Rickey points out, "Some of the conceptual decisions on how to limit fisheries are relatively simple compared to the task of gathering the information necessary to make those decisions."⁵⁹

Our review of limited-entry experiences suggests some of the considerations which should be taken into account before a management program such as limited entry is enacted, and some of the data which needs to be gathered

for purposes of program monitoring and evaluation. The Canadian case, for example, suggests that limitations placed on one fishery -- while enhancing that particular fishery -- may have detrimental effects on other fisheries. The interconnection among fisheries should thus be considered, and data on interfishery mobility should be gathered. The cases of Michigan and Mexico speak of problems in administration and enforcement. Questions of who benefits from and who pays for the administration of common property natural resources must be carefully weighed. Problems of enforcement must be anticipated. Scientific monitoring of fish effort and catch must be tailored to the peculiarities of each fishery. There is a need here for carefully documenting the harvesting patterns and methods of each fishery as well as the informal cultural norms which underlie fishing practices.

The Alaskan case suggests the need for carefully assessing the potential human impact of any management program through the collection and analysis of appropriate data on the fishermen's socio-economic and residential status, the availability of other occupational opportunities, and other factors. It also suggests that considerations of constitutional rights such as equal protection should be addressed. The Washington case highlights the many administrative considerations which fishery management efforts must address as well as the types of data that need to be collected on this question. In the case of the Washington salmon fisheries, for example, existing laws and regulations governing such matters as fishing seasons, limited-entry provisions, gear limitations, landing patterns, etc. must be coordinated with different entities -- e.g., with different gear types within the salmon fishery, with other fisheries related to salmon, with bordering states which share in the fish catch, with Indian tribes, with existing interstate compacts and with inter-

national agreements. Both the Alaskan and Washington cases also point to the need for considering and assessing the interests of all fishery participants -- sport fishermen, full-time and part-time commercial fishermen, as well as processors. Systematic opinion surveys represent one method of gathering such information.

It should be kept in mind that the type of considerations mentioned here only highlight some of the complexities involved in achieving equitable and coordinated management of valuable fishery resources.

Footnotes to Appendix E

- 1 Parzival Copes, "Review of South Australian Fisheries," Fisheries Green Paper 1, Adelaide, Australia (January, 1976), 3-4.
- 2 Ibid., 5.
- 3 William C. Herrington, "What are the Real Objectives of Limited Entry?" Proceedings from the Marine Fishery Resources Symposium, Portland, Oregon, December, 1971, p. 100.
- 4 Japan has a very unusual system of regulating its coastal fisheries, the so-called "fishing-rights fisheries". In these fisheries, monopolistic and exclusive rights are granted to engage in fishing certain areas of public waters (akin to property rights for those holding licenses). See Y. Asada, "License Limitation Regulations: The Japanese System," FAO Technical Conference on Fishery Management Development, Vancouver, British Columbia, 13-23, February 1973; and L. P. D. Gertenbach, "License Limitation Regulations: The South African System," FAO Technical Conference on Fishery Management Development, Vancouver, British Columbia, 13-23, February 1973.
- 5 Limited entry has also been an important topic of discussion in Maine where a bill limiting entry into the lobster fishery was recently defeated by the legislature.
- 6 Alaska may be a possible exception to this general rule. See discussion below.
- 7 T. F. Meany, "License Limitation as a Fisheries Management Tool," Australian Fisheries, XXXIV, 7 (July 1975), 9.
- 8 See, for example, W. A. Borthwick, "Managing Victoria's Fisheries," Australian Fisheries, XXXIV, 12 (December 1975), 8-9.
- 9 Among others, see:

"Rules for Entry to Southern Rock Lobster Fishery," Australian Fisheries, XXXIV, 7 (July 1975), 8.

"P. Copes' 'Green Paper' Proposes Reduction in Number of SA Rock Lobster and Prawn Boats," Australian Fisheries, XXXV, 3 (March 1976), 16-18.

- "New Government's Policy Statement on Fisheries," Australian Fisheries, XXXV, 2 (February 1976), 22.
- N. E. Clarke, "Licence Limitation--A Fisherman's View," Australian Fisheries, XXXV, 1 (January 1976), 22.
- M. J. Sanders, "The State View of Licence Limitation," Australian Fisheries, XXXIV, 12 (December 1975), 12-14.
- 10 "Fishermen Speak Out on Management Measures," Australian Fisheries, XXXIV, 11 (November 1975), 19.
 - 11 This description of limited entry in the abalone fishery is based on:
 "Tasmania Fights Abalone Regulations," Australian Fisheries, XXXI, 2 (February 1972), 2;
 M. J. Sanders and K. H. Beinssen, "Licence Limitation in the Victorian Abalone Industry," Australian Fisheries, XXXI, 3 (March 1972), 25;
 "Abalone Fishing Ban," Australian Fisheries, XXXI, 4 (April 1972), 5;
 "New Measures for Tasmanian Abalone Fishery," Australian Fisheries, XXXI, 7 (July 1972), 8.
 - 12 Personal communication with S. A. Shepherd, Department of Fisheries, South Australia, January 1976.
 - 13 See, for example, H. K. Stanistreet, "The Fisherman's Role," Australian Fisheries, XXXIV, 12 (December 1975), 15-18.
 - 14 Personal communication with S. A. Shepherd, op. cit.
 - 15 Parzival Copes, op. cit.
 - 16 Meany, op. cit., 9-11.
 - 17 Ibid.
 - 18 Stanistreet, op. cit., 15.
 - 19 See, for example, A. G. Bollen, "Problems in Achieving Uniform Fisheries Management," Australian Fisheries, XXXIV, 12 (December 1975), 10-11.
 - 20 See, for example, T. Aitchison, H. Blyth, and G. Hutton, "Fishermen Critical of Management Policies," Australian Fisheries, XXXV, 1 (January 1976), 15-16.
 - 21 See discussion in Borthwick, op. cit., 8.
 - 22 The following description of Canadian limited entry programs is based on:
 Blake A. Campbell, "Limited Entry in the Salmon Fishery; The British Columbia Experience." Pacific Sea Grant Advisory Program, May 1972, PASGAP-T-72-001;

Thomas A. Morehouse, "Limited Entry in the British Columbia Salmon Fisheries," in Arlon R. Tussing, Thomas A. Morehouse, and James D. Babb, eds., Alaska Fisheries Policy (Fairbanks, Alaska: Institute of Social, Economic and Government Research, University of Alaska, 1972);

Blake A. Campbell, "Are Canada's Limited Entry Programs in the Salmon and Lobster Fisheries Successful?" in Proceedings, Marine Fisheries Resources Conference, Portland, Oregon, December 12-14, 1971 (Corvallis, Oregon: Oregon State University Press, 1972);

J. Carl Mundt, ed., Limited Entry Into Commercial Fisheries, Proceedings of the Conference Held at the Lake Wilderness Continuing Education Center, near Seattle, Washington, on September 12-13, 1974 (Seattle: Institute for Marine Studies, University of Washington, 1974).

- 23 An analysis of the lobster limited entry program may be found in Campbell, "Are Canada's Limited Entry Programs in the Salmon and Lobster Fisheries Successful?" op. cit., 110-111.
- 24 Mundt, op. cit., 28, 54.
- 25 See Morehouse, op. cit., 392; and Mundt, op. cit., 44.
- 26 Mundt, op. cit., 33.
- 27 Ibid., 29-30.
- 28 Ibid., 33.
- 29 Ibid., 32.
- 30 Morehouse, op. cit., 403, 415.
- 31 Personal communication with Mr. C. H. B. Newton, Fisheries Operations, Department of the Environment, Vancouver, British Columbia, January 9, 1976.
- 32 Description of the Michigan case is based on the following sources:
Personal communication with Ned F. Fogle, Fisheries Division, Department of Natural Resources, Michigan, October 13, 1975;
John A. Scott, "Status of Commercial Fishing," in Status of Michigan's Fisheries Management, David P. Borgeson, ed., Michigan Department of Natural Resources, Fisheries Division (February 1972), pp. 27-32;
David P. Borgeson, Coho Salmon Status Report, 1967-1968, Michigan Department of Natural Resources, Fisheries Division (February 1970);
Wayne H. Tody and Howard A. Tanner, Coho Salmon for the Great Lakes, Michigan Department of Conservation, Fish Management Report No. 1 (February 1966);
Michigan Department of Natural Resources, Michigan's Great Lakes; Trout and Salmon Fishery, 1969-72, Fisheries Management Report No. 5 (June 1973);

State of Michigan 74th Legislature, Regular Session of 1968, Enrolled House Bill No. 3917;

Department of Natural Resources Fisheries Division, Commercial Fishing Order Number 17 (June 10, 1974);

Warren W. Shapton, Chief, Bureau of Field Operations, Michigan Department of Natural Resources, "Regulation of the Commercial Fishery for Chubs in Lake Michigan," (December 18, 1974); "Allocation of Commercial Fishing Quotas on Chubs and Herring in Lake Superior," (December 18, 1974); "1975 Commercial Fishing Licensing Procedures," (December 30, 1974); "Procedures on Conversion of Gill Nets," (May 30, 1974); Interoffice Communications.

Department of Natural Resources, Fisheries Division, "Commercial Fishing Emergency Rule," (July 9, 1975);

Ned F. Fogle, Fisheries Division, Department of Natural Resources, Michigan, "Answers to G. Sheppard's Letter," 1970.

- 33 Personal communication with Mr. Fogle, op. cit.
- 34 Scott, op. cit., p. 28.
- 35 Ibid., pp. 28-30.
- 36 Ibid., p. 31.
- 37 The following description of limited entry in Mexico is based on personal communication with Sergio A. Guzman del Proo, Biologist, from the Office of the Secretaría de Industria y Comercio, Instituto de Pesca, Mexico City, Mexico, January 9, 1976.
- 38 According to the FAO's "Yearbook of Fishery Statistics," abalone catch figures for the period from 1960 to 1973 were as follows:

Year	Catch	Value	Price
1960	6.0 ¹	--	-- ²
1961	6.4	--	--
1962	7.1	--	--
1963	8.3	\$2,231	--
1964	7.6	2,038	--
1965	7.8	2,108	--
1966	6.7	1,806	\$6.45
1967	6.4	1,852	6.76
1968	8.2	2,380	7.00
1969	6.9	2,004	6.91
1970	6.7	1,847	6.60
1971	6.4	1,902	6.56
1972	5.4	2,333	10.60
1973	4.7	1,992	9.96

¹1,000 metric tons

²Data prior to 1966 not available.

(cited in "Mexican Abalone Fishery Threatened," Marine Fisheries Review XXXVIII, 4 (April 1976 35). Similar, but not entirely comparable data are reported in the communication from Sergio Guzman del Proo, op. cit. It should be noted, however, that in both cases there is no reference to effort, so that it is difficult to establish a trend solely on the basis of these data or to determine the extent of the decline.

39 Ibid., 35-36.

40 Ibid., 36.

41 Major sources consulted on the Alaskan case include:

Commercial Fisheries Entry Commission, "Memorandum to the Fishermen of Alaska," Juneau

Commercial Fisheries Entry Commission, 1974 Annual Report (January 15, 1975)

Commercial Fisheries Entry Commission, Proposed Limited Entry Regulations for the Arctic-Yukon-Kuskokwim Area Salmon Fisheries (October 20, 1975)

Laws of Alaska, Amendment to AS16, Chapter 43: "Regulation of Entry Into Alaska Commercial Fisheries," May 17, 1974

Commercial Fisheries Entry Commission, Costs and Earnings of Alaskan Fishing Vessels -- An Economic Survey (September 10, 1974)

Commercial Fisheries Entry Commission, "Notice of Proposed Changes in the Regulations of Commercial Fisheries Entry Commission," (October 16, 1975)

Register 52, "Title 20: Miscellaneous Boards and Commissions; Chapter 05: Commercial Fisheries Entry Commission," (January 1975).

Commercial Fisheries Entry Commission, Limited Entry: Report to the Fishermen of Alaska (July 15, 1974)

James E. Owers, "An Empirical Study of Limited Entry in Alaska's Salmon Fisheries," Marine Fisheries Review, XXXVII, 8 (June 1975), 22-25

B. J. Rothschild, World Fisheries Policy (Seattle and London: University of Washington Press, 1972)

George W. Rogers, "Fisheries Management: The Cook Inlet and Bristol Bay Cases," in Tussing, et al., op. cit.

Thomas A. Morehouse and Jack Hession, "Politics and Management: The Problem of Limited Entry," in Tussing, et al., op. cit.

42 Personal communication with Roy A. Rickey, Chairman, Commercial Fisheries Entry Commission, State of Alaska, October 31, 1975.

43 This point is discussed in Mundt, ed., Limited Entry Into Commercial Fisheries, op. cit., p. 9.

44 This discussion is based on the comments by Allan Adasiak, Executive Director, Alaska Commercial Fisheries Entry Commission, Ibid., pp. 12-16.

- 45 See Owers, op. cit.
- 46 Mr. Adasiak's comments in Mundt, op. cit., p. 15.
- 47 Mundt, op. cit., p. 57.
- 48 Personal communication with Mr. Rickey, op. cit.
- 49 See "Native Federation Unit Supports Limited Entry," Anchorage Times, May 12, 1976; "Group Backs Entry Rule," Anchorage Times, April 30, 1976.
- 50 "Either You Are For or Agin Limited Entry, Says Alaskan," Mail Buoy Section, National Fisherman, LVII, 6 (June 1976).
- 51 Personal communication with Mr. Rickey, op. cit.
- 52 E.g., Oysters, subtidal hardshell clams, geoduck clams, and herring, see discussion in Mundt, op. cit.
- 53 Robert J. Browning, "Washington's Governor Evans Signs Limited Entry Into Fisheries," National Fisherman, LV, 3 (July 1974), 2A.
- 54 Robert J. Browning, "Washington Buy-Back Off to a Ragged Start," National Fisherman, LVII, 7 (July 1976), 12A-13A.
- 55 California Department of Fish and Game, California Fish and Game Code, Sections 8550-8555.
- 56 Description of the Ohio case is based on the comments delivered by Mr. Russell Scholl, Fish Management Supervisor, Division of Wildlife, State of Ohio, and by Mr. Ray Full, President, Ohio Fishermen's Association, at the Conference on Limited Entry, reported in Mundt, ed., op. cit.
- 57 Mundt, op. cit., pp. 38-39.
- 58 Data on New Zealand are derived from in-house materials provided by R. Cooper, Fisheries Management Division, Ministry of Agriculture and Fisheries, Wellington, New Zealand, March 19, 1976.
- 59 Personal correspondence with Mr. Rickey, op. cit.

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PARTICIPATION IN THE COMMERCIAL SALMON FISHERIES
OF THE UPPER YUKON

A Report to the Eleventh Alaska Legislature
by the
Commercial Fisheries Entry Commission
January 24, 1980

The Eleventh Alaska Legislature through SCR 22 and HB 290 requested that the Alaska Commercial Fisheries Entry Commission (CFEC) obtain and prepare specific information concerning the Upper Yukon salmon fisheries. SCR 22 issued the following two directives to the CFEC:

1. "BE IT RESOLVED by the Alaska State Legislature that the Alaska Commercial Fisheries Entry Commission is respectfully requested to determine which interested persons with past participation in and economic reliance (including the barter and sale of fresh, smoked and dried fish products) on the commercial fishery of the Upper Yukon since 1960 through the operation of gear, regardless of whether those persons held a gear license or a fishwheel registration, have not been issued a permit; and be it"
2. "FURTHER RESOLVED that the Alaska Commercial Fisheries Entry Commission is respectfully requested to determine whether the maximum number of permits set for the Upper Yukon fishery is consistent with the objectives of AS 16.43;"

HB 290 requested that the CFEC do the following:

"The Alaska Commercial Fisheries Entry Commission shall allow each person who has participated in the operation of gear in the commercial fishery of the upper Yukon River to register his name with the commissioner, regardless of whether that person has held a gear license or a fishwheel registration. The registration allowed by this section is for the purpose of determining the extent of past participation in the fishery and the adequacy of the existing limited entry program to meet the needs of the commercial fishermen in that area. The commission shall establish the registration period and the form of registration. The commission may require a registrant to state the facts in support of his past participation in gear operation. The commission shall prepare a roll of the registrants and submit the roll and any other material related to the purpose of the registration to the legislature not later than 10 days after the convening of the Second Session of the Eleventh Legislature."

The task of implementing these directives was assigned to the research staff at CFEC. Consultations and discussions with staff of the Upper Yukon legislative subcommittee led to a consensus that the first directive of SCR 22 and the directive in HB 290 could best be carried out by means of a survey research project.

Part 1 of this report describes both the research which was undertaken and the results or products of the research which will be forthcoming shortly. Part 2 of this report is a description of the criteria used in determining Upper Yukon maximum numbers, as requested in the second directive of SCR 22.

PART 1: Method Used to Create a Roll of Upper Yukon Salmon Fishermen

To carry out the first directive of SCR 22 and the directive of HB 290 the Entry Commission and the staff of the legislative subcommittee concluded that the information gathering and registration required by the legislature could best be accomplished by developing a questionnaire and sending teams to interview fishermen along the Yukon and Tanana Rivers during the summer fishing season.

In order to develop a questionnaire certain working definitions had to be agreed upon, and decisions made about the area to be covered, the forward time limit on participation, and other matters. Consultations with the staff of the Upper Yukon Subcommittee led to the decision that the surveyors should attempt to obtain information on all Upper Yukon salmon fishermen, including helpers, engaged in fishing operations from which salmon was sold, traded or bartered between 1960 and 1975, and who were alive as of January 1, 1975.

At the behest of the legislative subcommittee the terms "register" and "registration" used in HB 290 were omitted from the title of the survey and from publicity about the survey. It was felt that those terms would cause confusion; people would tend to believe that their response to the survey constituted an application for an entry permit.

Legislative staff indicated their wish was to be able to use the survey data to estimate the numbers of people who would be included within various possible criteria for commercial fishing and to measure the levels of participation using those criteria.

It was understood that the information obtained from the survey would be placed on computer files so that useful summary data could be readily supplied to the subcommittee.

After the questionnaire had been drafted and plans made for the survey, the Commercial Fisheries Entry Commission and the staff of the legislative subcommittee met in Anchorage with representatives of the Department of Fish and Game, Tanana Chiefs Conference and Alaska Legal Services to review those plans.

To facilitate survey operations, the Tanana Chiefs Conference was contracted to provide various forms of assistance, chiefly the provision of one liaison person for each of the two survey teams. A professional surveyor was hired to train the survey teams and to oversee the initial phase of the surveying operation.

Two survey teams of three to five people each, including Commission staff, Tanana Chiefs Conference liaison people, and, at times, a professional surveyor, commenced surveying on July 10, 1979. The teams usually travelled by skiff, hiring local people to transport them from one village to the next with stops at all inhabited fish camps. In addition to the skiff pilots, other local people were sometimes paid to assist the surveyors with communication and with locating fishermen. The on-river portion of the survey effort was completed by mid August.

Publicity about the survey included radio spots, news releases, letters to village councils, notices for local billboards, and posters. In a number of villages the survey teams held public meetings to explain the purpose of the survey and answer questions.

Twenty-two villages were visited by the surveyors. Fishing history was deemed relevant if it occurred in waters of the Upper Yukon area which are currently open to commercial fishing. These waters are the Yukon River from the Canadian border down to the confluence of the Bonasila River below Anvik and the Tanana River downstream from the confluence of the Chena River near Fairbanks. The survey teams travelled to several villages situated on tributaries that are now closed to commercial fishing to locate people who had at one time fished on the Yukon. These were the villages of Chalkyitsik, Venetie, Huslia and Shageluk. In addition, at the request of the legislative subcommittee, the survey was extended to Holy Cross, the next village downstream from the boundary between the Upper and Lower Yukon fisheries.

The survey effort resulted in completed questionnaires for 933 fishermen. Of these, 654 were surveyed directly. Questionnaires were completed for another 279 fishermen utilizing information provided by second parties.

The surveyors felt that their coverage of the population living along the Yukon and Tanana Rivers was thorough. They did not depart from a village until all the fishermen known to them could be surveyed or otherwise accounted for on the logs. However, it must be assumed that some eligible people were missed. Moreover, despite the surveyors attempts to explain and elicit trade and barter information, some fishermen may have been unaware that their past activities could be described as trade and barter. A few may even have been unwilling to report sales, trades or barter out of fear of legal repercussions, although the surveyors tried to allay this concern whenever it was raised.

Several approaches were used to collect survey information about fishermen who had moved to Fairbanks, Anchorage or elsewhere. In the course of village surveying, logs were maintained which listed former fishermen who had moved away and, when possible, surveys were filled out from information supplied by relatives or other fishing partners. In an attempt to contact fishermen who were no longer residents of river communities, surveyors attended the 1979 Eskimo-Indian Olympics in Fairbanks. The Tanana Chiefs Conference in Fairbanks and the Alaska Native Foundation in Anchorage were contracted to supply assistance in locating and surveying former Yukon fishermen who now reside in or around those communities. Advertising and news releases advised fishermen to go to the downtown offices of these organizations to be interviewed. Unfortunately, few people who had left the river were found by this latter method.

Thus, despite extensive efforts by researchers to obtain information on all individuals in the target population, it is indubitable that some individuals were unavoidably missed. The true size of the target population and the completeness of the forthcoming roll are therefore matters of concern.

Prior to the survey there was no available information which could be used to estimate the size of the target population or to identify its members. Knowledgeable persons offered estimates ranging from 500 to 5,000. The survey itself and additional information recorded in the surveyors' logs provide the best information presently available to estimate the total size of the population. The two survey teams kept logs in which they recorded the people who were surveyed as well as those fishermen whom they heard about but were unable to contact for one reason or another.

The logs show five categories of persons who fit within the class described by SCR 22 and HB 290, as well as a sixth class of persons contacted by the surveyors who do not fit within the class. A definition of these six categories can be found in the appendix.

The following is a preliminary population estimate derived from the logs. Note that Holy Cross fishermen are counted separately because they fished outside the current boundaries of the Upper Yukon area.

Population Estimate Derived From Logs

	<u>Holy Cross</u>	<u>Upper Yukon</u>	<u>Total</u>
1. Surveyed directly	75	579	654
2. Surveyed indirectly	21	258	279
3. Survey forms left behind	4	151	155
4. People not contacted, but shown on logs*	3	147	150
5. People said to be fishing with others, but not surveyed and not on logs	7	143	150
	<u>110</u>	<u>1,278</u>	<u>1,388</u>

* Ideally less than 100% of category 4 would be used since one might expect that, had they been contacted, some of the people in category 4 would have proven ineligible for the survey. However, in the absence of a readily available means of estimating the ineligible in this category, 100% of its members have been included.

For reasons stated above, this population figure likely underestimates the actual number of Upper Yukon fishermen. At a later date, if the legislative subcommittee desires, CFEC staff could attempt to construct estimators of the roll's completeness based on auxiliary information in Commission files.

The original surveys are available at the Commercial Fisheries Entry Commission. The survey data has been placed on computer files.

These files are presently being edited for keypunching errors.

Entry permit and commercial licensing information (where applicable) is being added to the survey data from CFEC files. This process is scheduled to be completed shortly. The legislative subcommittee will receive a computer printed roll containing relevant data on all individuals covered through the survey process. Individuals who did not receive entry permits will be clearly identifiable from the roll.

The completed computer file should be a valuable information source. The research staff at CFEC is available to assist in the further use of this information.

PART 2: Discussion of Criteria Used in Determining Upper Yukon
Maximum Numbers

The second directive of Senate Concurrent Resolution 22 requests that the Commercial Fisheries Entry Commission determine whether the maximum number of permits set for the Upper Yukon fisheries is consistent with the objectives of AS 16.43.

The stated purpose of that statute is:

"to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry into the commercial fisheries in the public interest and without unjust discrimination." (AS 16.43.010)

The legislature found that commercial fishing had reached levels of participation "that have impaired or threatened to impair the economic welfare of the fisheries of the State, and the sustained yield management of the fishery resource."

The Commission was empowered to regulate entry into the commercial fisheries, to set priorities and establish suitable administrative areas, and to "establish, for all types of gear, the maximum number of permits for each administrative area." The statute provided that the maximum number of entry permits for a fishery designated as "distressed", under sec. 230 of this chapter, "shall be the highest number of units of gear fished in that fishery during any one of the four years immediately preceding January 1, 1973." Distressed fisheries are those in which the optimum number of permits is readily assumed to be less than the maximum number so established. Otherwise,

"When the commission finds that a fishery not designated as distressed under sec. 230 of this chapter has reached levels of participation which require the limitation of entry in order to achieve the purposes of this chapter, the commission shall establish the maximum number of entry permits for that fishery." (AS 16.43.240)

The statute has no more to say about how the Commission shall choose maximum numbers for fisheries which are not "distressed".

Department of Fish and Game staff responsible for managing the Yukon fisheries recommended that the commercial fisheries of the Yukon be limited in 1976. The Department indicated that continued rapid growth of participation in those fisheries would be an impediment to sustained yield management.

The Commission decided to split the Yukon into two administrative areas for the purposes of entry limitation. The line separating the Y-3 and Y-4 subdistricts was chosen as the boundary between the Upper and Lower Yukon fisheries. While the lower Yukon commercial fisheries were well established by the early 1970's, the up-river areas had experienced a more recent and sporadic development of commercial markets in the 1970's. The Commission believed that it would be unreasonable and unfair to compare Upper and Lower Yukon fishermen in determining relative qualifications for a permit.

The Commission decided to extend the philosophy embodied in the statute's formula for choosing maximum numbers in distressed fisheries to the choice of maximum numbers for the Upper Yukon and other fisheries limited in 1976. In the rapidly growing Upper Yukon fishery 1975 was clearly the year of highest participation to date; the Commission's intent was to set maximum numbers equivalent to the number of units of gear operated in the commercial gill net and fishwheel fisheries in 1975.

Considerable effort was expended to obtain and verify all licensing and fish sales records available through the Department of Fish and Game. A unit of gear was counted for every fisherman who, according to the available records, held an appropriate license and sold salmon in 1975. The maximum numbers were determined to be 63* for the Upper Yukon gill net fishery and 126 for the fishwheel fishery.

Since that time additional information about 1975 fishery participation has become available to the Commission through the permit application process. By comparing the original list of persons whose 1975 participation was counted in determining the maximum number against all permit applications on which 1975 fishery participation has been verified by the Commission, we have identified 15 gill net and 34 fishwheel participants who were not considered at the time that the maximum number was established.

* A computer program which incorrectly separated Upper from Lower Yukon gill net fishermen led to the adoption of 99 as the Upper Yukon gill net maximum number. This error was discovered shortly after the regulations were adopted. In practice the Commission has used 63 as the correct maximum number for the fishery, intending to correct the regulation eventually as part of a general overhaul of regulatory maximum numbers.

APPENDIX

APPENDIX

Survey Log Information

The survey logs revealed six categories of persons about whom some kind of information was obtained through the survey process. These classes are as follows:

1. People who were surveyed in person or who mailed in self-administered surveys: 654 people.
2. People for whom a survey form was filled out even though the surveyors were unable to talk with them in person.

Information was obtained from someone who had fished with the person, usually a relative. This includes survey information which was obtained for people who were alive on January 1, 1975 but who had since died.

Category 2 also includes approximately 40 people for whom surveys were filled out by Commission staff from the evidence previously filed with the Commission in support of their entry permit applications. These people are clients of Alaska Legal Services Corporation, and attorneys for that organization requested that we avoid surveying in person certain of their clients who have permit applications pending or who are contesting the Commission's decisions in court. The Commission was initially informed that Alaska Legal Services would submit completed surveys for their clients. However, ALSC later refused to submit some of those surveys.

Category 2 contains 279 people.

3. People for whom a survey form and mailing envelope were left in the care of a relative or friend. Most of these people were temporarily out of the village. In some cases the Commission later received the filled out survey form through the mails; in other cases the survey form was never received. If the survey form was received, the person who filled it out was counted in category #1. The remainder, persons who did not respond, make up category 3: 155 people.
4. People whom the surveyors believed should be contacted because their names appeared on old Fish and Game subsistence fishing surveys or because of information from other village residents, but who were unavailable (usually out of the village). Had they been contacted they may or may not have fit the category of persons to be surveyed. Survey forms were not left behind specifically for them, but their names were recorded in a special category in the logs: 150 persons.
5. The survey asked "who fished with you?". An attempt was made to survey all the people who were named in response to this question. However, a later check of the responses to this question against the logs showed some people who were neither surveyed nor otherwise recorded in the logs: 150 people.
6. Finally, there were people who were contacted because their names appeared on subsistence fishing surveys or who were otherwise known to have fished, but who turned out not to

fit the category of persons to be surveyed; that is, they had never sold, traded or bartered fish, or had not fished between 1960 and 1975. The logs show 211 people in this category.

It should be noted that in the course of house-to-house and fish camp canvasses the surveyors talked to other people who did not fit the survey category. These people were not necessarily recorded in the logs.

SCOMM

#17:19

TO: [Limited Entry Steering Committee

DATE : December 19, 1972

FROM: David S. Jackman
Assistant Attorney General

SUBJECT: Interim Report

Introduction

In this report I will try to bring you up to date on the possible regulatory recommendations which we have considered during the first four months of our study. One of our major efforts has been to build a good and usable base of statistical information, but I will not report on that project here, although I will be making reference to some of the factual information that has been brought together. A full report to you on the progress and problems of our statistical information collection will be made to you by Richard Listowski, Project Consultant.

As you know, the progress of our study was seriously hampered by Dick Schubert's serious illness in late October, which left us with only one full-time study member. Since that time, we have temporarily suspended our schedule of meetings in the various fishing communities throughout the state, but these should resume again soon. During the last few weeks primary emphasis has been placed upon the statistical information program and upon an extensive survey of Alaska native commercial fishing effort. Dennis Robertson of the Department of Law has been coordinating this native survey, and will report to you in a separate memo on its progress.

A few weeks ago Commissioner Brooks announced that Roy Rickey of the Department of Fish and Game's Commercial Fisheries Division will be assigned full-time to the limited entry study starting December 18th. Roy's extensive background in fisheries management will substantially increase the capability of the study team. With Dick Schubert's anticipated return early in the new year, the study should be back to full strength.

In this report I will attempt to sketch out some different directions that a limited entry program might take, and discuss them in a policy framework. Hopefully this will make it possible for you to give the study some definite policy direction at this time regarding at least these issues:

- 1.) Will the Governor want to introduce legislation on limited entry during the 1973 session?
- 2.) When will the Governor want to make a formal report to the legislature and the public on limited entry.

It seems almost certain that some legislators will introduce their own limited entry legislation fairly early in the next session. Clem Tillion, for one, has already circulated a draft of his proposal, which is quite sensible in many respects and not so good in others, but which may look similar, at least in the public eye, to what we eventually recommend. This situation presents at least two possibilities which should be kept in mind. On the one hand it might be desirable to let others take the initial heat on what will certainly be a highly controversial issue, and in that way to gauge the drift of public opinion in advance. On the other hand, the Governor has gone a long way toward taking the lead on this issue, and this momentum might be lost if no administration legislative proposal is put forth early in the public debate.

The Scope of a Limited Entry Program

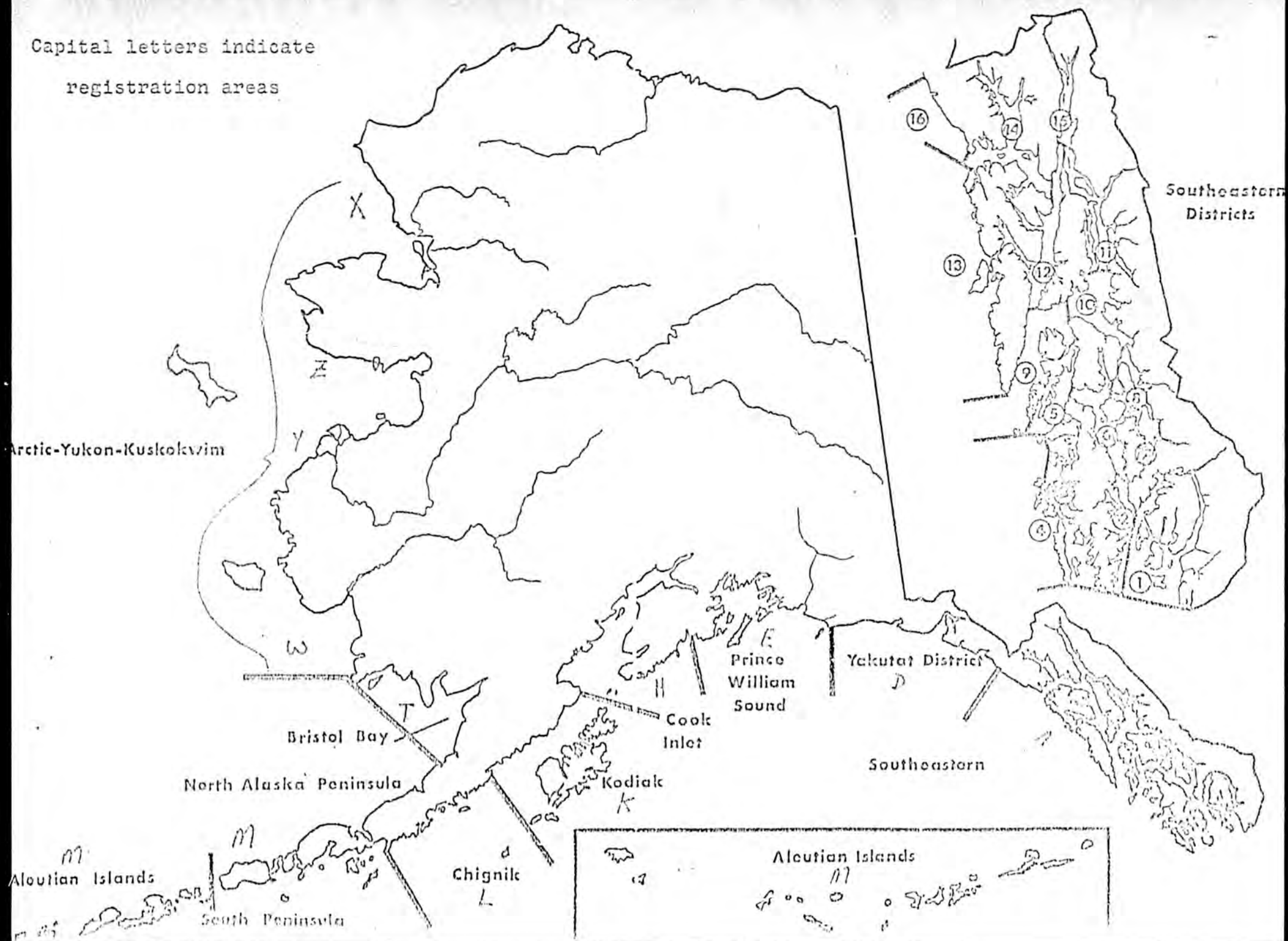
Early in the study the decision was made to focus our attention on the Alaska salmon fisheries, and not to concern ourselves directly with the problems of open access in other Alaska fisheries. This was done for several reasons, although it has been acknowledged from the start that other important Alaska fisheries, such as king crab and shrimp, are already suffering from too much fishing effort and will probably require their own limited entry programs in the near future.

These were the reasons for focusing our efforts on salmon:

- 1.) Excessive effort in the salmon fisheries has reached acute proportions in almost every area of the state. Past attempts to limit entry have focused on salmon, and it is here that public attention is fixed.
- 2.) Given our limited time and resources, trying to look at all the various fisheries at once would have been unmanageable.
- 3.) Our starting premise has been that conditions vary so greatly from area to area in the salmon fishery, that in order to solve the problem for the salmon fishery on a state-wide basis, limited entry legislation will have to establish a fairly general and flexible regulatory framework. If this basic regulatory framework is broad enough to encompass all the different salmon fisheries within the state, it should be broad enough to encompass other species (such as king crab, shrimp, etc.) when the need arises.

FIGURE 1. Alaska Salmon Management Areas

Capital letters indicate
registration areas



Certainly there is an additional hazard which must be kept in mind if a program is developed first for salmon alone. Fishermen or vessels which are prevented from fishing salmon may immediately turn to other species, thus overcrowding those fisheries and merely displacing the open access problem to another fishery. On the other hand, where different vessels or gear are required for the new fishery, the changeover may not be that pronounced. Furthermore, if fishermen deflected from the salmon fishery could be encouraged into Alaska's underdeveloped fisheries, for example developing Alaska's extensive bottom fish resources, etc., then limited entry could be doubly beneficial.

Although our focus has been on salmon, we have tried to think in terms of a regulatory program which was not only broad enough and flexible enough to apply throughout the state's diverse salmon fisheries, but which would actually deliver the result promised, that is, an economically healthy fishery, not just temporarily or as a stop-gap, but on down the line for 5, 10, or 25 years. The past failures at limiting entry are largely a result of piecemeal or stop-gap measures. Trying to solve the problem just for Bristol Bay, or just by giving preferential treatment to residents has failed. Such approaches offer no permanent solution. For example, even if it were constitutionally permissible to exclude all non-residents, what purpose would it serve if within a few years there are twice too many vessels being fished by residents alone?

A Brief Survey of the Salmon Fishery

Alaska's salmon fisheries are divided into eleven geographic regions for management purposes. (see accompanying map) The so-called salmon net fisheries (purse seine vessels,

drift gill net vessels, and set gill nets) are further tied to registration areas. Every fisherman desiring to fish salmon net gear must register to fish in only one registration area in any given year. The troll fishery is for practical purposes limited to southeastern Alaska, and takes primarily king and silver salmon for the fresh and frozen fish markets.

From the perspectives of adequate economic return to the fishermen and adequate ability to fully harvest the resource there are presently too many units of gear (shorthand for fishermen, vessel, and gear) in almost every salmon management area in the state. This is true for all types of gear including troll gear. Troll gear presents some special problems both for fisheries management and for a limited entry program which will be discussed separately, but it must be included in our analysis.

As an indication of where we stand today, the Department of Fish and Game has worked up the following table which compares the numbers of units of gear registered in each area with the optimum numbers required to adequately harvest the resource. These are rough estimates, but they probably fairly reflect the general magnitude of the problem. Only net gear is included in these tables, troll gear has not yet been analyzed.

ALASKA SALMON NET GEAR REGISTRATION
CURRENT AND OPTIMUM LEVELS

	UNITS REGISTERED IN 1970			OPTIMUM UNITS REQUIRED			UNITS REGISTERED IN 1971		
	Purse	Drift	Set	Purse	Drift	Set	Purse	Drift	Set
	Seines	Gillnets	Gillnets	Seines	Gillnets	Gillnets	Seines	Gillnets	Gillnets
SOUTHEASTERN	422	420	11	300	250	10	358	475	7
YAKUTAT	-	-	173	-	-	100	-	-	175
PRINCE WILLIAM SOUND	221	556	39	150	250	15	266	652	14
COOK INLET	98	761	769	75	300	475	98	710	731
KODIAK	403	-	226	100	-	50	343	-	152
CHIGNIK	69	-	-	40	-	-	73	-	-
PENINSULA - ALEUTIAN	118	172	130	95	45	50	141	166	130
BRISTOL BAY	-	1913	924	-	1015	345	-	1888	859
KUSKOKWIN	-	446	76	-	375	50	-	501	71
KOTZEBUE	-	-	82	-	-	90	-	-	91
YUKON	-	254	490	-	125	330	-	295	571
NORTON SOUND	-	-	128	-	-	130	-	-	150

The optimum figures listed above were developed by the area management biologists looking to past history and experience. If, for the purposes of limiting entry, it is necessary to actually establish optimum (or maximum) numbers of gear units for each area, these numbers would have to be further refined according to at least the following three criteria:

1.) Adequate income to the fishermen.

-- A estimated figure under this criteria could be developed by determining the average gross receipts per vessel (gear unit) under present conditions, estimate an average gross receipts per vessel necessary for adequate income, then compute the number of vessels which would produce this average.

2.) An adequate number of gear units to fully harvest the resource.

-- This is basically the number reflected in the tables above, and represents the minimum number of gear units necessary to harvest the entire allowable take, even during the high run years.

3.) A manageable level of fishing effort.

-- This criteria will certainly not generate a specific figure, but rather an acceptable range. Looking particularly at the low-run years in each area (assuming some excess beyond escapement for harvest), this represents a number of boats which can be satisfactorily regulated (by fishing periods, openings and closures, etc.) to

reliably and with minimum risk of error provide for adequate escapement.

Comparisons of optimum levels of fishing effort with existing levels of fishing effort leads to one very basic proposition: If existing levels of gear are substantially above the optimum levels necessary for an economically healthy fishery, then merely halting any further increase in gear levels will not achieve the basic economic objective of a limited entry program.

Before proceeding to a discussion of regulatory alternatives it might be helpful to review some figures on license growth and catch data during the last few years. There are three kinds of licenses issued. First, every person who intends to commercially fish must obtain a personal commercial fishing license, even crewmen must obtain these. Second, all vessels must be licensed by their operators. Third, a gear license must be purchased for every type of gear to be fished (e.g. drift net, purse seine, troll, set net, long line, shellfish pots, trawl, etc.). The following table shows the increase in all types of licenses used in the salmon fishery from 1960-1970:

	<u>1960</u>	<u>1970</u>
Commercial (personal)	14,845	22,088
Vessel	6,873	10,877
Drift Net	2,367	4,710
Set Net	1,432	3,053
Purse Seine	1,291	1,311
Troll	1,400	2,567

Here is a resident/non-resident breakout on commercial licenses:

	<u>total</u>	<u>resident</u>	<u>non-resident</u>
1961	15,697	10,106	5,591
1965	17,455	11,052	6,403
1970	22,088	14,370	7,718
1972	21,011	14,278	6,733

It is worth noting that the percentage increase in resident licenses is greater than that for non-resident.

Here is a summary breakdown of catch and gear registration information by management area for the last four years. These tables include a resident/non-resident breakout for each type of gear and also show the percentage of the total salmon catch for that area which was taken by that type of gear.

<u>Southeastern</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch* (millions of fish)	30.2	6.9	14.7	12.9
purse seines (total units registered)	498	407	422	358
- resident	241	223	216	192
- non-resident	257	184	206	166
- Percentage of total catch	90%	74%	83%	81%
drift gill nets (units registered)	527	395	420	475
- resident	286	251	266	320
- non-resident	241	134	154	155
- Percentage of total catch	5%	15%	12%	12%
troll gear registered**	2,103	2,303	2,567	2,353
- Percentage of catch***	4%	10%	4%	6%

*A majority of salmon caught in southeastern are pink salmon which fluctuate widely on a two year cycle.

**These troll figures are totals statewide and include the nominal troll fishery in Yakutat and Price William Sound.

***The value of troll catch is much higher than this figure would indicate. In 1971, value to fishermen of troll caught fish was \$5.8 million, value to fishermen of all other fish was only \$25.6 million.

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<u>Yakutat</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch (million of fish)	.22	.26	.17	.26
set gill nets (units registered)	184	182	173	175
- Percentage of total catch	85%	88%	90%	96%
troll (units Regis- tered)	?	?	?	?
- Percentage of total catch	15%	12%	10%	4%
 <u>Prince William Sound*</u>	 <u>1968</u>	 <u>1969</u>	 <u>1970</u>	 <u>1971</u>
total salmon catch (millions of fish)	3.8	6.3	4.5	8.9
purse seines (units registered)	182	217	221	270
- resident	?	170	178	211
- non-resident	?	47	43	59
- %age of total catch	74%	84%	67%	87%
drift gill nets (units registered)	423	510	556	654
- resident	?	384	420	481
- non-resident	?	126	136	173
- %age of total catch	25%	15%	32%	11%

*There is a negligible troll and set net fishery.

<u>Cook Inlet</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch (millions of fish)	5.7	1.5	3.4	1.7
purse seines (units registered)	92	80	99	84
- resident	?	76	95	81
- non-resident	?	4	4	3
- %age of total catch	12%	18%	24%	32%
drift gill nets (units registered)	575	695	761	706
- resident	?	483	537	515
- non-resident	?	212	224	191
- %age of total catch	47%	50%	46%	44%

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	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
set gill nets (units registered)	655	736	769	729
- resident	?	683	704	686
- non-resident	?	53	65	43
- %age of total catch	41	32%	30%	24%
<u>Kodiak*</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch (millions of fish)	10.3	13.7	13.9	6.4
purse seines (units registered)	326	319	365	385
- resident	?	225	253	277
- non-resident	?	94	112	108
- %age of total catch	90%	95%	92%	92%
set gill nets (units registered)	192	202	226	193
- resident	?	152	166	142
- non-resident	?	50	60	51
- %age of total catch	8%	5%	7%	7%

*There is a negligible beach seine fishery.

<u>Chignik</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch (millions of fish)	2.4	2.2	3.1	2.0
purse seines (units registered)	68	70	69	76
- resident	?	57	57	62
- non-resident	?	13	12	14
- %age of total catch	100%	100%	100%	100%
<u>Alaska Peninsula Aleutians*</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch (millions of fish)	3.6	3.2	5.5	4.0
purse seines (units registered)	107	112	118	143
- residents	?	105	102	126
- non-residents	?	7	16	17
- %age of total	76%	60%	71%	66%
drift gill nets (units registered)	123	136	172	169
- residents	?	102	105	116
- non-residents	?	34	67	53
- %age of total catch	17%	35%	25%	30%

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	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
set gill nets	120	134	130	132
(units registered)				
- residents	?	124	108	117
- non-residents	?	10	22	15
- %age of total catch	7%	4%	4%	4%

*There is a negligible beach seine fishery.

<u>Bristol Bay</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch	5.3	7.2	22.1	10.4
(millions of fish)				
drift gill nets	1,684	1,751	1,913	1,938
(units registered)				
- residents	973	1,005	1,083	1,073
- non-residents	711	746	830	865
- %age of total catch	90%	88%	93%	90%
set gill nets	839	924	924	891
(units registered)				
- residents	722	759	765	745
- non-residents	117	165	159	146
- %age of total catch	10%	12%	7%	10%

<u>Artic-Yukon-Kuskokwim*</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
total salmon catch	.6	.8	1.0	.9
(millions of fish)				
drift gill nets	572	702	708	810
(units registered)				
- residents	?	699	706	797
- non-residents	?	3	2	13
- %age of total catch	54%	34%	30%	29%
set gill nets	598	727	783	902
(units registered)				
- residents	?	721	781	889
- non-residents	?	6	2	13
- %age of total catch	45%	65%	69%	70%

*There is a negligible commercial take from fishwheels.

Regulatory Alternatives

Based upon the legal research which has been completed so far it is possible to state some general caveats on the constitutional limits of a limited entry program:

- 1.) Neither the state nor the federal constitution prohibits a state statutory program regulating access

to the commercial salmon fishery,
... as long as the regulatory classifications which are established to permit some to fish and to exclude others are reasonably related to a valid legislative purpose, and are fairly applied.

2.) The federal constitution will not permit a regulatory program which unreasonably discriminates against non-residents. Any regulatory program which disqualifies non-residents from the fishery solely because they are non-residents, merely to secure an economic advantage for residents, will almost certainly fail in the courts.

3.) On the other hand, if the same criteria for qualification (e.g. degree of dependence on the fishery or past activity in the fishery) are applied equally to resident and non-resident alike, even though in some instances they may fall more harshly on the non-resident, they stand a good chance of being upheld in the courts.

4.) The courts seem to look unfavorably upon any regulatory system which would create a completely closed class of fishermen; some new entry must be permitted. Thus, if fishing effort is to be held at a constant level, some feature of transferability or its equivalent must be included in any limited entry program.

5.) The outer limit of a state regulatory program will probably be defined in terms of an unreasonable burden on interstate commerce.

An important initial decision to be made regarding a regulatory approach is whether to implement limited entry through the existing licensing system, or to leave the basic licensing system as it is and to implement limited entry through an additional permit requirement of some sort. There seem to be several reasons for favoring the latter course.

To begin with the commercial fishing licensing system (personal licenses, vessel licenses, gear licenses) comprehends all species, not just salmon. Of course, certain types of gear licenses are used just for salmon (purse seine, drift gill net, etc.), so one alternative would be to limit entry to the salmon fishery by controlling the number of salmon gear licenses issued. However, gear licenses are not tied to any physically identifiable unit of gear, and therefore there has been considerable "paper registration" (gear licensed but not fished) of salmon gear. Furthermore, for revenue purposes licensing is an annual event, and it may be less cumbersome and confusing not to have permanent limited entry determinations tied directly to the licensing process.

The other two major components of the commercial licensing system, personal commercial fishing licenses and vessel licenses serve all Alaska's commercial fisheries, not just the salmon fishery. The optimum number of salmon gear units (fishermen, vessel, gear) for a certain area will in almost every case be unrelated to the optimum number of gear units for the other fisheries such as king crab, shrimp or halibut. Also, there is significant multiple fishery participation, but it is still more the exception than the rule. For complicated historical reasons most fishermen and vessels

in the salmon fishery fish just salmon.

It is probably not necessary to directly control the number of salmon fishermen (which would include crew members as well as vessel operators) in each registration area, that number would be self regulating if the number of units of each type of gear were held to a maximum or optimum number in each registration area. This approach suggests two alternative regulatory objectives, depending upon the policy pursued:

1.) If the policy objective were to prevent further economic deterioration merely by halting any further increase of salmon fishing gear, then the immediate regulatory objective would be to freeze at present levels the total number of units of each type of gear being fished in each registration area. For example: Southeastern: 475 drift gill net vessels, 400 purse seine vessels, 13 set gill nets, and approximately 2,300 troll gear licenses. (The troll fishery has never been tied to a registration area, but it is almost exclusively a Southeastern fishery and should be incorporated in any limited entry program.)

2.) If the policy objective were to improve economic conditions for the fishermen to some reasonable optimum by thinning out the current excess of gear, then the immediate regulatory objective would be to establish optimum (or reasonable maximum) levels for each type of gear in each registration area, and then move, over a period of a few years, to get the fishery participation reduced to that level.

Although political considerations may make it impossible to disqualify any present class of participants in the fishery (the whole notion of grandfather rights), it is the tentative conclusion of our study that limited entry will not achieve its stated economic objective of improving the lot of the vocational fishermen (as rather vaguely distinguished from the moonlighters or hobby fishermen) unless present participation is rather substantially reduced in most areas. This would require a priority ranking of existing participants according to some fair and constitutionally reasonable statutory standards of classification, and then the eventual exclusion of the low priority participants over a reasonable transition period.

It is our present working assumption that this kind of a regulatory task, could not be accomplished directly by statute. An independent regulatory board would have to be established to implement the limited entry program according to broad statutory guidelines. Furthermore, the Fish and Game Board would not be well suited to this task because its primary regulatory responsibilities are directed toward resource management, so a new board would probably have to be established.

Here is an outline of one possible limited entry program which such a regulatory board might implement over a five year period. This proposal is based upon the concept of establishing a maximum number of gear units for each type of gear within each registration area.

I. Year one (moratorium)

- A. Every vessel operator who was licensed and actually fished salmon gear in that registration area either last year or two out of the four previous years would

be eligible for an interim salmon vessel operators permit.

1. An applicant who has fished different registration areas during the last five years has the option of either:
 - a. applying for one area only on the basis of the total years fished in all areas, or
 - b. applying in more than one area on the basis of the total years fished in each respective area.
2. It would be clearly understood that such interim permits would not confer "grandfather rights".
3. Interim permits would not be transferable except in cases of death or serious disability, and even then could only be transferred within the immediate family.
4. Each interim permit would limit the holder to a particular vessel (identified by ADF&G number) and to the type or types of gear actually fished by that operator during the base period (preceeding five years).
5. Set nets would be treated as vessels (interim set net operators permit).
6. Interim permits would expire in one year.

II. Year two.

- A. All holders of interim permits must apply for either:
 1. Renewal of their interim permit, or
 2. Issuance of a permanent salmon vessel operators permit.
 - a. Permanent permits would expire annually but would carry an unlimited right of renewal.

- b. Permanent permits would be transferable subject to certain administrative controls. (e.g. Might require application to the board for a transfer, could be transferred only to a new vessel operator, that is could not be held by corporations or in estates, etc.)

III. Procedure for issuing permanent permits.

- A. The enabling statute would set forth basic criteria according to which the regulatory board would establish a priority ranking of interim permit holders by gear type for each registration area.
- B. Possible statutory criteria, assuming a five-year base period, might be:
 - 1. Average annual percentage of income from fishing.
 - 2. Number of years actually fished for salmon.
 - 3. Number of years a resident of the salmon registration area fished.
 - 4. Other criteria such as economic efficiency or productivity (e.g. average annual value of catch) could be considered, but would probably be rejected on policy grounds.
- C. Permanent permits would then be issued based on the priority ranking up to the maximum allowable for that gear type in that registration area.

IV. Year three.

- A. Last year to apply for a permanent salmon vessel operators permit.
- B. Interim permit could be renewed only on a showing of hardship as defined in regulations.

V. Years four and five.

- A. These would be the last years for renewal of interim permits based upon a continued showing of hardship as in year three.

After a limited entry program was fully implemented for the salmon fishery, the regulatory board would have a continuing responsibility for administering the transfer of permits, making upward or downward revisions whenever necessary of the gear unit quotas for the registration area, allowing and supervising reasonable shifts of fishing effort between gear types, etc. The regulatory board might also then turn its attention to developing limited entry programs for the other fisheries, if so authorized by the legislature. Certainly any realistic commitment to a limited entry program must also include a commitment to what will be a complex and ongoing administrative responsibility.

Conclusion

One final point which should be considered is that the public discussion of a limited entry program will almost certainly have the effect of greatly increasing licensing and registration during the coming year. This happened during 1968 when Governor Hickel made an abortive attempt at limiting entry. A large measure of the increase will be from people who have no intention of actually fishing next year, but hope to be "grandfathered in" under any limited entry program which is adopted. This result could be largely avoided, of course, by requiring that individuals have actually fished, and by looking at a base period of several years, rather than a single year, but it will make the political problem more difficult.

Clearly much work remains to be done before a finished

report and proposal is ready to put before the Governor and the legislature. Before our work proceeds further, however, there is a need for additional policy guidance from the steering committee regarding the timing, organization and content of the study. Hopefully this report, together with the progress report on our data gathering program, will give you a sufficient basis for establishing such guidance.

JUN 27 1978

TO: [Limited Entry Steering Committee

AM
7:8,9,10,11,12,1,2,3,4,5,6 PM

DATE : December 19, 1972

FROM: David S. Jackman
Assistant Attorney General
Department of Law

SUBJECT: Limited Entry Proposals
Received by the Study Group.

The attachments to this memo include proposals received from members of the advisory council and others, and give some idea of the range of proposals being discussed outside the study group.

The attachments include:

- 1.) Jay Hammond's proposal for a sliding scale gear quota for Bristol Bay, together with his formal recommendation now being considered by the Board of Fish and Game. This is a good example of a scheme aimed at partially solving the problem, but for one area only.
- 2.) Clem Tillion's limited entry proposal. Worth noting is his multi-fishery approach and "royalty" proposal.
- 3.) John Weise's cover letter to W.C. Arnold's recommendation for a watershed residency licensing preference.
- 4.) Truman Emberg's letter to the Governor suggesting an area residency preference essentially the same as Arnolds. These last two approaches, aside from their other defects, are no answer at all when their become too many area resident fishermen. They would merely postpone the limited entry problem.
- 5.) A regulatory proposal from Katie Conn, which at least has the virtue of administrative simplicity.

DSJ:sc

Attachments

BRISTOL BAY'S BLOWN BONANZA

By Jay Hammond

You've heard of Bristol Bay's "disastrous" economy? Don't you believe it! During poorest years we've a multimillion dollar payday. Last season fishermen received almost \$4,000,000 in wages. For an area inhabited by less than 5,000 this should hardly qualify as a "disaster".

Bristol Bay has a fabulous economy. Trouble is, 80% goes to the four winds. The few dollars remaining can sustain little more than a rural slum. This is pathetic and ridiculous because there are two means whereby cash flow percentages could be reversed. Even during low salmon cycle years Bristol Bay should be a boon to the State, not a burden on her back.

One can starve to death eating T-bones - if five other guys first gnaw off the meat. Similarly, many slicing a pie proportioned for few provides skimpy fare for all. To remedy, you either build a bigger pie or kick someone away from the table. In fisheries, biology limits the former; law limits the latter.

True, certain programs might provide more fish. But records show that an increase of 50% in the resource will be accompanied by at least a 60% increase in new fishing gear.

Legislative efforts to limit entry have floundered on Constitutional stumbling blocks. Most legal means of accomplishing a limit are politically unacceptable.

After first stumbling up several blind alleys I've concluded there are but two simple, legal, politically tenable means which could alleviate Bristol Bay's plight. Many agree they would work. Some are astounded we've not tried them. Sad commentary on my salesmanship that they remain untested.

FISHING GEAR LIMITATION

When most speak of "gear limitation" they really mean "people limitation" - other people. Both State and Federal Constitutions frown on this. However, make no mistake, we can certainly limit gear. We must limit gear. With miles of net soaking in Bristol Bay sound management is hazardous if not impossible. Slight miscalculation and the glut of gear can decimate runs during even the shortest fishing periods.

I know of but one logical and legal means of limiting gear which incidentally provides substantial, collective benefits to those most dependant upon fishing for a livelihood. It consists of three steps:

First, we could increase license fees, say, tenfold with a "dependance" and/or "destitution" clause allowing persons dependant upon fishing or those making less than, say, \$5,000 the previous year to buy licenses at the current cost.

Second, The Fish and Game Board could adopt a "sliding gear scale" allowing no more total gear than the optimum required to harvest the anticipated run. Thus if six times too many persons registered gear they

Allen: here's a condensed version of what I was talking about. Jay

2.

would each be entitled to fish a quota but one sixth the normal compliment. Once fishing commenced the quota ~~available~~ for registrants actually fishing could be revised upward should some registrants not appear on the scene. This would almost certainly occur.

Third, allow gear registrants to pool their quotas up to a normal compliment of gear. (i.e. if the quota were but 25 fathoms instead of the Bay norm of 150, 6 registrants could combine to fish one boat. Regulations require all registrants be present attending their gear.)

All fishermen would be treated precisely the same. However, those pooling gear would be family groups among area residents. Wives and children would mostly qualify for reduced license fees. On the other hand, those less dependant upon fishing would view increased fees, transportation costs and non-family pooled paydays as persuasive deterrants against fishing during poor years.

Ironically, some who appear most adversely effected by the foregoing would welcome its adoption. Some prefer not to fish poor years. However, many canneries demand they do so if they wish to be accomodated during good years. It would be a favor to many if we made it impractical for them to fish poor years. Many lose money and agree they should stay home. We should help them.

In 1966 steps 2 and 3 above were presented to the Board of Fish and Game. They planned to adopt it; however, the Administration sponsored instead a "point system" for gear license issuance. Licenses were to be limited to those purchasing licenses the prior three years. Since this completely negated efforts to dissuade participation I argued against it. I lost, though the Board did adopt a modified "sliding scale" without the pooling provision.

Sure enough, fishermen flooded to the Bay despite the poor season. Some told me they did not wish to come. However, they came because they feared that if they did not they would lose eligibility for licenses during good years.

Regardless, the reduced gear under the "sliding scale" still had a beneficial, collective economic impact as well as improving the management capability. Much more fishing time was allowed with the reduced gear. Though the catch was about that of the previous "disaster" year most local did far better comparatively.

With at least two very poor years in prospect, Bristol Bay fishermen may be ready to support the above proposal. Don't bet on it. True, many agree such could retain a vastly increased percentage of the payday here. However, large family "pools" would have an obvious advantage. Herein lies one obstacle to acceptance. Fisherfold, being human, are a peculiar breed. We'd all rather starve to death on par than have you eating sirloin while I'm held to hamburger.

Part 2 SEVERANCE TAX

There is another legal means whereby Bristol Bay could retain a substantial share of wealth now escaping. Eight years ago as Borough manager I first attempted to sell it. Virtually everyone bought it - except the Bristol Bay electorate. Persons elsewhere are incredulous that I've been unable to convince locals to try it on for size. Most humbling.

The plan is simple. If you can't keep people out of the fishery, make them pay a fat price for admission.

A Home Rule Borough could impose a tax on fish "severed" from its waters. This would be paid by all fishermen. Such would go into municipal coffers for public purposes. These might be community development projects, services or public works. Local hire would be utilized at a most attractive wage.

What kind of money are we talking about? A study using the prior three years as reference showed the borough would have accumulated \$1,500,000 at a \$5 severance tax. Not bad for a community of about 600 persons.

Since some non-borough residents might be less than delighted contributing to the borough's well-being, taxes could either be refunded to their respective communities or the individual could be hired as a consultant at a retainer equal to his contribution. To sweeten it further I proposed allowing property tax relief equal to what an individual paid in severance tax. To no avail. Three times first class, home rule status was rejected. Such is required before a borough could impose such a tax. Many voters liked the concept but were suspicious. After all, "who could trust those rascals on the Assembly with all that money?"

Since there appears no limit to the amount of severance tax a borough could impose the potentials for drastically altering the economic lot of Bristol Bay is fascinating.

Hopefully the rest of the State will heed the squandered potential of Bristol Bay. We are but a microcosm of what can happen statewide thru exploitation of other Alaskan Resources. Unless drastic policy changes occur it is predictable that much development will provide few benefits to many Alaskans now here. Already prospective oil revenues will be required simply to fund expanding operational expenses of existing programs. The 60% gear increase for each 50% fish increase" syndrome mentioned earlier suggests we may never quite catch up.

To assure benefits accruing to all Alaskans, not just a selective few, imaginative policies must be adopted now. It may already be half-past Alaska's hour of decision in that regard.

Meanwhile, I have a reoccurring nightmare: A gorged, giggling Golden Goose migrates South each fall. Nats deep in Bristol Bay mud, busted broom at high port, I flounder futilely after attempting to swat out a few nuggets. My efforts are rewarded. But I learn too late that in the wake of even the most bountiful birds: all that litters is not gold!

Let's not wait til sweep-up time to differentiate.

ALASKA BOARD OF FISH AND GAME

SUPPORT BUILDING, JUNEAU, ALASKA

COMMERCIAL FISHING REGULATORY CHANGES

TO BE CONSIDERED AT A BOARD OF FISH AND GAME MEETING

IN ANCHORAGE, ALASKA COMMENCING JANUARY 11, 1973

The Board of Fish and Game will meet at the Holiday Inn in Anchorage, Alaska commencing 9:00 a.m. January 11, 1973 to consider commercial fishing regulatory proposals for the Bristol Bay Area and the Alaska Peninsula Area. In the Bristol Bay Area the Board will consider adopting a sliding gear scale for gill nets and in the Alaska Peninsula Area the Board will consider salmon fishing seasons and weekly fishing periods in the Unimak, Southwestern and Southeastern districts. Attached is a copy of the proposed changes. The Board may adopt these regulations or may develop amendments to the proposals.

Pursuant to the Administrative Procedures Act, public comment in writing is invited on the proposed regulations. Written comments should be submitted to the Board of Fish and Game, Support Building, Juneau, Alaska 99801, on or before January 10, 1973. Written public comments may also be submitted to the Board at the meeting. The Board urges that those whose interests may be affected by the proposed regulations will not hesitate to offer comments.

ALASKA BOARD OF FISH AND GAME

Oscar Dyson, Chairman	Kodiak
Frank See, Vice Chairman	Hoonah
Tony Bernhardt	Kobuk
Joe Demmert, Jr.	Ketchikan
Truman Emberg	Dillingham
Gordon Jensen	Petersburg
Pete Lovseth	Cordova
Leo Moses	Chevak
Walt Parker	Anchorage
Ivan Thorall	Fairbanks

BRISTOL BAY AREA

#1 5AAC 06.331. GILL NET SPECIFICATIONS AND OPERATIONS. (Regulation page 30)
Establish a maximum length of set and drift gill net gear, as a proportion of the total fathoms of gill net gear registered for the Bristol Bay Area, which may be operated by each gear licensee during the emergency order period. Also, provide that fishermen may combine their individual gill net gear allotments up to the maximum length permitted by regulation and that each net be operated or assisted by the fisherman who licensed and registered the net.

The proposed regulation reads as follows:

"5AAC 06.331. GILL NET SPECIFICATIONS AND OPERATION.

(c) No person shall operate or assist in the operation of a drift gill net exceeding 150 fathoms in length or a set gill net exceeding 50 fathoms in length.

(d) During the periods June 16 through July 17 in the Nushagak district and June 23 through July 17 in the Naknek-Kvichak, Egegik, Ugashik, and Togiak districts, the following gill net length restrictions and conditions of operation, in addition to other requirements of this chapter not inconsistent with the provisions of this section, are effective:

(1) a maximum aggregate net unit, in fathoms, which each gear licensee may operate in the taking of salmon shall be determined in proportion to the total fathoms of gill net gear which are registered for the Bristol Bay area according to the following schedules:

Total Registered Gill Net Fathoms			Maximum Aggregate Net Unit Length of Drift Gill Net Per Gear Licensee	
0	-	24,750	150	Fathoms
24,751	-	30,375	125	Fathoms
30,376	-	39,375	100	Fathoms
39,376	-	56,250	75	Fathoms
56,251	-	101,250	50	Fathoms
101,251	-	and over	25	Fathoms

Total Registered ^{Set} Gill Net Fathoms			Maximum Aggregate Net Unit Length of Set Gill Net Per Gear Licensee	
0	-	26,250	50	Fathoms
26,251	-	37,500	37 1/2	Fathoms
37,501	-	67,500	25	Fathoms
67,501	-	and over	12 1/2	Fathoms

(2) following the close of salmon net registration for the Bristol Bay area, the Department shall, within 30 days, determine the length of the maximum aggregate net unit which shall be announced in the manner provided for the promulgation of emergency regulations;

(3) In the districts and for the periods specified by this section, no person may operate any gill net which exceeds the maximum aggregate net unit in length, except that gear registrants may jointly operate maximum aggregate net units in combinations not to exceed the maximum allowable gill net length specified in (c) of this section.

(e) Any vessel registered for drift gill net fishing may not have aboard it or any vessel towed by it, during any open fishing period, more than 150 fathoms of drift gill net gear in the aggregate. Additional gear may be transported to another district under conditions which may be specified by the department.

(g) The operation of a gill net, including a maximum aggregate net unit as provided in (d) of this section, shall be performed or assisted by the person who registered and licensed the net."

Proposed by: Alaska Board of Fish and Game

million

Most of the major fishing nations of the world limit entry not only along their own shores but wherever their fleets operate. The Japanese, for instance have for years limited their high seas fleet in the North Pacific to a number of units that could be expected to show a profit.

The U.S. imports 70% of the fishery products it consumes and in recent years we have dropped from second to eighth place in the world fishery. With few exceptions our fisheries are so over-capitalized that there is not sufficient profit to keep them competitive. For this reason more than any other our young men nationwide have shown little interest in the commercial fisheries. The average age of a fisherman in the Boston drag fleet is 62.

For conservation reasons we have limited the effectiveness of our fisheries to the point of being ridiculous. We limit our gillnet fleets to an amount of gear far below a logical amount. We limit the length of our boats, we prohibit modernization like monofilament nets, drum seines, etc. Due to an over-abundance of gear we are down to as little as two 12-hour fishing periods a week in some of the prime salmon areas of Alaska. One of the nations three top fleets is the Alaska King Crab Fleet--it is still viable, but for how long? The season in the southern Kodiak district filled its quota in just 28 days where it used to take most of the year. It now provides little for the fisherman to live on, nothing for expansion and the public does not benefit through the receipt of taxes from the public owned resource.

As an example I'd like to show how similar are the problems of the U.S. commercial fisheries today and the oil industry in the early days of this century.

H. L. A.

At one time when a man brought an oil well in he had to pump like mad to get what he could before his competitors could get wells in around him. Not only did it result in waste, but in most cases the cost of production came close to equalling the value of the product with no return for the public. When the law-making bodies awoke to the fact that it was not an unlimited resource they limited entry by the simple medium of requiring that X number of acres must be under lease or ownership before a well could be drilled. The industry stabilized and we would never think of using any other system today.

As another example I'd like to mention the cattle industry. In the days before the Taylor Grazing Act we clung to the notion of open range and it was a classic demonstration of the failure of the Commons. The days of the open range worked if at all only for that short time during the period of unlimited grazing. After that, it began to turn much of our nation into a desert. Like the common pastures of old England none felt constrained to protect--only to use. With the passage of the Taylor Grazing Act, the industry stabilized. Because it limited entry--by limiting a rancher to that number of animals the range could carry while guaranteeing him a fixed percentage of the range. Ranchers then began to treat the range with care, or in simpler terms, as if it was their own. The law appealed to that trait all of mankind has exhibited since the beginning of time--personal greed--and for that reason it worked. With few exceptions, man best cares for that which is his, not his neighbor's.

Now to fish. In the last 10 to 15 years man's harvest the world over has reached and often exceeded the ability of some bodies of water to produce a profitable harvest. There is very little new graze to be reached and much is overgrazed. Open and unlimited entry is today not only archaic, but stupid, but of course, the cowboy hates to see the open range go.

For Alaska's fisheries I'd suggest the following seven points:

1. Freeze immediately the issuance of new gear licenses of any kind. Do not limit personal licenses. A case can be made for the unfairness of stopping at least temporarily the issuance of licenses to people not now holding them but which is more unfair stopping new entry or allowing an already depressed industry to be further depressed. The point of what is in the national interest should not be ignored. Limiting personal licenses on the other hand need not be limited for the crews will always be a more transient section of the industry, and as the industry modernizes crew needs will change.

2. Establish the optimum number of units needed in each area to profitably harvest the catch be it salmon, crab, or sea urchin. To deal with salmon only or crab only would be extremely short-sighted. It would be like treating the results of a disease without looking into or treating the cause; as a new fishery develops it must be treated as a part of the whole.

3. Allow anyone whoever owned a gear license in a registration area to renew their license for that area. Don't force the first generation to fish every year or season, but do not make the license a property right until optimum number of units have been reached. Allow a gear

holder to pass license to one within second degree of kindred. Second generation must fish every season to hold license. As fishing is in many cases a family enterprise with large investment therein some consideration must be taken of this fact while still working toward a reduction of the total number of people and capital investment in the industry. The reason for not screening out present license holders should be obvious as investments must be amortized or purchased. On the other hand requiring the utilization each year of their license could cause undue pressure on overutilized species. But I do feel to hold the license they should pay all license fees and assessments annually.

4. When optimum units in any fishery are reached, make the holding of a gear license a property right with a 12% royalty.

If a segment of the public is to be denied or severely hampered in their access to a public resource some obvious public interest other than the welfare of those now engaged in the fishery must be served. Therefore the Royalty. That works so well in the oil industry to name one. To mention another industry who would even consider treating the logging industry as we now treat fish. Or in effect saying, the following area is open for logging first man to the tree with a saw has the right to take it.

5. Levy a buy-back assessment on every gear license holder. Set up an assessment board. Individuals such as a widow wishing to sell a boat or other gear and surrender the gear license can sell to the buy-back fund. The buy-back should be financed by the gear licenses remaining operable. This will discourage ghost gear as the cost of the license and buy-back assessment will be in effect whether license is fished or not. Similar but not identical to the present Canadian system.

6. When a new fishery develops offer a limited number of gear licenses, with preference to those who are already holding other gear licenses. This to be done by bid or drawing. The purpose of this is to put our fishery on a more full time basis. The aim should be to utilize boats, men, and equipment to their highest potential.

7. When the optimum number of fishermen or gear units are reached modernization should come before new licenses are issued. Limit one license of each type per person or company. Modernization would include elimination of present institutional barriers, length or depth of gear, length or tonnage of boats, and other laws and regulations aimed at keeping the fishery inefficient. Conservation measures protecting a resource from a destructive type of gear would not be covered by this. The limitation of one license of each type would vary state to state as a social recommendation that would probably not affect the broad national interest with our present anti-trust laws.

The issue is always raised on how to limit entry in a U.S. fishery while foreign fleets continue an unrestricted fishery. The answer of course is we can't. This then becomes a problem for U.S.-foreign bilateral agreements or treaty and in the case of some coastal fisheries within our own jurisdiction multi-state agreements, but in many cases we already have these. The Canadians could never have embarked on a gear limitation program in British Columbia waters in the absence of an agreement with the U.S. on salmon in the Straits of Juan de Fuca. We have agreements with Japan and U.S.S.R. on crab and salmon there is no reason not to move on a limited entry program for all species that limited entry would not reduce the U.S. share of.

John Wiese

2140 SUNRISE DRIVE
ANCHORAGE, ALASKA
99504

3

November 8 1972

David Jackman
Office of Attorney General
Pouch K
Juneau, Alaska 99801

Dear David:

Enclosed -- F Y I -- is a copy of W.C. Arnold's proposal on the subject of a possible method of arriving at a form of limiting entry into Alaska's fisheries.

I'm sure that it is self-explanatory. I am also certain that he would like to discuss its possibilities with the Task Force. As would be the case with any proposal, it's obvious that some research to build a supporting case (or, maybe to assure against any fatal flaws) is in order. Also some political and economic research relating to effects that could be expected to flow from such a scheme.

I gather from talking with him that he'd like to assist on an advisory basis in this type of work but also that he'd expect that others would arrange investigative or research procedures.

This proposition is generally along lines that I mentioned during a session with the Task Force and others in Juneau recently. I believe that it has a lot of merit and, while it will have opposition, it will also find favor in many places.

Sincerely

John

SUGGESTION FOR DISCUSSION

This is not a proposal but a suggestion for discussion. It assumes that any provision in the Alaska Constitution restricting enactment of re-entry legislation will be removed.

This leaves only the bar of the Federal Constitution and the Federal Statutes on the subject enacted pursuant to it. They are attached.

Limited entry legislation to be valid must meet the test and only the test of the foregoing constitutional and statutory provisions. There are no other requirements except that the principal purpose of the legislation must be to forward the ends of conservation.

Limited entry legislation is admittedly discriminatory. So are all conservation regulations. They are fair to those who can operate under the law and discriminatory to those who cannot. But the above provisions forbid discriminatory legislation only when the discrimination is on the basis of state residence (citizenship).

All prior legislative efforts to limit re-entry have attempted to discriminate in favor of residents of Alaska and against residents of other states. All have been stricken down. The search then must be for a method of limiting entry which will not discriminate on the basis of state residence.

It is suggested that geographic discrimination, not based on state boundaries and reasonably designed to protect and conserve the resource may well meet the constitutional

test. Under this suggestion fishing in a defined area would be limited to the inhabitants of the area. Designation of boundary lines of the several areas would require study. The boundaries need not necessarily be the same for all species but no area could comprise the whole state or be so lacking in reasonableness as to raise the presumption of subterfuge.

As to salmon, water-shed boundaries would appear to be the most logical, and give the greatest promise. This is true because the run of salmon in any particular area migrates to streams originating in the water shed area. Large islands such as Kodiak Island and groups of islands such as the northern Aleutian Islands, and groups of islands such as the Aleutian Islands, are logical areas for water-shed boundaries. The Chukchi Sea, another natural area boundary, is also logical. The difficulty of establishing area boundaries is that the state of the world is such that the fisheries resource of each is mostly ill-known. This, even known probably is all, is discriminatory in itself and will meet political resistance. The difficulty is enhanced when the Chukchi Sea region, another natural area, is considered. It was 50% or more of the population of the state one five or ten percent of the territory resource. Inhabitants of Interior Alaska would be excluded from the commercial fisheries, except possibly for a small number of persons. They would participate with anywhere else anyway. This thumbnail discussion of the boundary question is intended to illustrate the difficulties which would be encountered. But the advantages of conserving

and rebuilding the resource and placing it on a sound economic foundation may be sufficiently great to offset all adverse features.

The first and possibly most serious problem would be to bring about enactment of such legislation. The residents of Alaska, for the most part, want to retain the right to fish in areas of their choice and to attain the desired limitation of entry by barring non-residents. The enactment of legislation such as proposed here would be bitterly opposed.

The best available method of approach might be the enactment of legislation authorizing the Governor to establish the boundaries on the basis of criteria set forth in the Act. The law could establish an advisory committee which would be instructed to act as the actual planner and submit its recommendations to the Governor. The right of amendment or revision. This would tend to reduce legislative log-rolling as to boundaries. The overall support for the plan would hopefully override and submerge the noisy but scattered sectional protests.

PRIVILEGES AND IMMUNITIES

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. Art. IV, Sec. 2. U.S. Const.

14TH AMENDMENT

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. 14th Amendment. U. S. Const.

CIVIL RIGHTS ACT

All persons within the jurisdiction of the United States shall have the same right in every State and territory to make and en-

force contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. Civil Rights Act, Sec. 1981, Title 42 USCA.

WESTERN ALASKA
COOPERATIVE MARKETING ASSOCIATION

BOX 28 . . . DILLINGHAM, ALASKA 99576
213
November 15, 1972

RECEIVED
NOV 16 1972

Governor William A. Egan
Office of the Governor
Juneau, Alaska 99801

GOVERNOR'S OFFICE

Dear Governor Egan:

Congratulations on your recent news release, re: the Japanese and West Coast fishermen. It puts in a good position to tackle the cannery brass about a resident operation during the Kodiak hearings.

Have you given any thought to dusting off the Bristol Bay resident set net preference, as a means of reducing "outside" pressure in that fishery?

This was provided by an Act of Congress, passed April 7, 1938, and was in force when Alaska was admitted to the Union. The Board of Fish and Game adopted a similar preference for residents of the Kodiak area in 1961, which was subsequently set aside by a court order in 1963. Based upon a legal opinion from your Attorney-General, the Bristol Bay preference was deleted from the published regulations, and has not been enforced since that time.

To be brief, admitting that the Board of Fish and Game clearly exceeded its powers, I cannot understand how a statute can be set aside and nullified by a legal opinion. Nor, if that opinion was that the preference constituted an exclusive or several right of fishery, and therefore was unconstitutional; how the State of Alaska subsequently passed the Shore Fishery Leasing Act, which vests fishing rights in individual leaseholders, while the Bristol Bay preference vested fishing rights in a general class.

Further, with respect to the Federal Constitution, it would appear that discrimination between residents of the several states may not be possible. Would not the Bristol Bay statute be a good vehicle to test the possibility of watershed or regional preference, an area in which all of the citizens of all the states, including Alaska, are similarly situated, with respect to the law?

Thank you for your earlier letter answering my letter concerning compulsory arbitration. I believe your legal advisors are overly conservative, since it is my view that in this raw fish market, monopolized by the canners, that extra-ordinary measures would be justified to protect the regional fishermen from the type of exploitation they have endured for half a century.

Sincerely,

Truman C. Emborg
Truman C. Emborg

TO: Richard Listowski
Department of Law
Capitol Building, Juneau

December 1, 1972

DATE

FROM: Katie Conn, Supervisor
Fish and Game Licenses
Dept. of Revenue, Juneau

SUBJECT: Suggestion for proposed limitation
of gear study -

Pursuant to your request, I will try to put down my brainstorm of an idea that occurred when I was having a hard time getting to sleep last night. I trust you realize this situation can and does keep me awake many nights for while you will be going on to something else when the study is over, I'll be trying to administer whatever you come up with for approximately fourteen more years.

First of all, it is a fact that for every even numbered vessel license issued, there is an odd numbered license issued. Second, the days and hours of fishing are controlled by emergency field regulations dependent upon the runs actually occurring.

My thought was why couldn't the license vendor at the time of licensing the vessel use a bubble type punch to read "odd" or "even" based on the last numeral of the vessel license. The subsequent gear card issued the licensee could also pick up this code along with the other vessel information as a deterrent to violation.

For example, say you have 2,000 drift gillnet vessels in Bristol Bay licensed for 1974. You also have a below normal forecast on 1974 harvest possibilities. By means of emergency regulations, allow all people with odd numbers to fish one day and the following day or next subsequent fishing day allow all of the even numbers to fish. Thus you would only have 1,000 boats fishing a day instead of the 2,000 a day under the present system. While I have used Bristol Bay in the example, the same regulation could be applied to any area and any type of fishing that needs to be limited.

In favor of this type plan is the fact it would be fair to the fishermen since it would not favor resident over nonresident, one race over another and would still meet the provisions of both the Alaska and the United States Constitutions. It could be done by regulation rather than by legislation and could prove a natural means of limitation in that some individuals knowing that they could only fish 1/2 the allowable fishing period would not fish at all (particularly nonresidents coming north in a bad year).

Psychologically, it would do away with the use of the words "gear limitation" or "gear restriction" which immediately puts people's backs up when applied to themselves. I know from conversations with fishermen in the office, that each one is for limitation as long as he is not the one limited. They don't confine this to just nonresidents but also to other residents and some of the people who have the most to say on the subject are relatively newcomers to the state.

If there was a big year or a period of time when a large run actually occurred, the emergency regulation could throw it open to allow both even and odds to fish and when necessary to again limit, pick up the type of code next in turn to fish one day. Example, if the last to fish under the limitation were even numbered licensees, the pick up day would be for odd numbered.

At present, we have the situation of people buying licenses who do not intend to use them but buy to retain a so-called right. If they could be assured that they could buy a license any year they actually wanted to fish with no restriction on purchase but an understanding that the even-odd regulations would be put into effect whenever necessary and wherever necessary, many would not buy licenses they don't intend to use.

Naturally there are always some people who will continue to purchase licenses without intent to use, but this would only further the reduction in number of boats in a specific area on a specific day and the state would still derive the revenue from license sales used or not used.

One question I see raised by this method would be that from Kodiak to Southeastern, people would switch areas from year to year in line with the forecasts to avoid this type of regulations. I can't see how they would be able to avoid the even-odd regulatory system since for example should people from Prince William Sound decide to license for Southeastern, then the regulation would be invoked in Southeastern due to an excessive number of boats. On the other hand, their transfer to another area could reduce the number of fishermen in Area E sufficiently to allow them to let everyone, even and odd, to fish each day for a period of time.

It would seem to me that new entrants into the fishery would be most hesitant to invest in vessels and gear for use in Alaska knowing that there was every possibility they would only be allowed to fish 1/2 the season. True, people in many cases won't like the regulatory system but compliance to regulations seems to cause less uproar less, litigation than legislative restrictions do.

If you have any questions you would like to ask on any point you don't understand, please let me know. You have to admit that this system brings it to a management control with licensing as a support only rather than to have licenses become the legislative restriction method.

KGC/c

SCOMM

#17:20

MEMORANDUM

*Regulations for 1975
December 1974 Regulations*
State of Alaska

TO: The Honorable H. A. "Red" Boucher
Lieutenant Governor
State of Alaska

DATE:

November 18, 1974

FILE NO:

TELEPHONE NO:

FROM:

Michael R. Peterson *MRP*
Deputy Attorney General

SUBJECT:

Limited Entry Regulations

Pursuant to AS 44.62.060, this department has reviewed the attached Limited Entry Regulations and concludes that such regulations comport fully with AS 44.62.060.

MRP:cjs

*Resp. filed and
Signed 11/19/74
Filed with -
affidavit of mailing notice
order adopting oral hearing
order repealing the reg
affidavit of publication 20 AS 05.010-460*

RECEIVED
Department of Law

NOV 20 1974

AM
7,8,9,10,11,12,1,2,3,4,5,6 PM

ORDER ADOPTING REGULATIONS OF THE
COMMERCIAL FISHERIES ENTRY COMMISSION

The attached 35 pages of regulations are hereby certified to be correct copies of the regulations which the Commercial Fisheries Entry Commission adopts under authority vested by AS 16.43.110 and after proceedings had in accordance with the Administrative Procedure Act (AS 44.62).

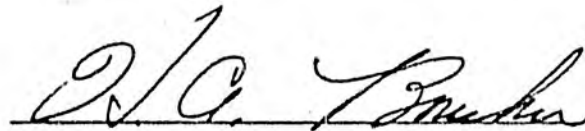
This order takes effect on the 30th day after it has been filed by the lieutenant governor as provided in AS 44.62.180.

DATE

November 19, 1974


Acting Chairman

I, H.A. BOUCHER lieutenant governor for the State of Alaska, certify that on NOVEMBER 19, 1974, at 3:00 p.m., I filed the attached regulations according to the provisions of AS 44.62.040-44.62.120.



Register 52

Effective 12/18/74

CUSTOMER NAME		CUSTOMER NUMBER	
JUN 10 1974		ANCHORAGE	
DATE	CODE	KEY WORD	INCHES
05 08 74	1	COMM FISHERIES	42.00
RECEIVED JUN 10 1974 COMMERCIAL FISHERIES ENTRY COMMISSION			

DISPLAY ADVERTISING
RECORD

**Anchorage
Daily Times**

P. O. Box 40
Anchorage, Alaska 99510

- CODES
 1 - REGULAR
 2 -
 3 - SPORTS PAGE

THIS AMOUNT IS INCLUDED ON YOUR STATEMENT.

REGULAR			SPORTS PAGE			TOTAL	
RATE	INCHES	AMOUNT	INCHES	AMOUNT	INCHES	AMOUNT	AMOUNT
75	4200	147.00			4200	147.00	

whereby given, pursuant to the Commercial Fisheries Act (AS 44.62), that the Commercial Fisheries Commission proposes to adopt the provisions under the authority vested by

and ending with the issue of MAY 8, 1974

Subscribed and sworn to before me this 5th day of JUNE, 1974

[Signature]

[Signature]
Notary Public for the State of Alaska.

My Commission Expires 12-14, 1977

D. OTHER DESIGNATED FISHERIES.
finds that the following fisheries have participation which require the limita-

seine fishery - Southeastern (area A);
or troll fishery;

Anchorage Daily Times
P. O. BOX 40
ANCHORAGE, ALASKA 99510

TOTAL BALANCE DUE	147.00 *
ALLOWABLE DISCOUNT IF PAYMENT RECEIVED BY 15TH OF MONTH	2.94

[Signature]
6/24/74

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF COMMERCIAL FISHERIES ENTRY COMMISSION

This notice effects all proposed distressed and designated fisheries as set out in the notice of May 1, 1974, copies of which may be obtained from the Commission. All salmon fisheries in Alaska, except those in the Arctic-Yukon-Kuskokwim area and the hand troll fishery, have been proposed as either distressed or designated fisheries by the Commercial Fisheries Entry Commission and therefore will be subject to limited entry in 1975.

Pursuant to the Administrative Procedure Act (Alaska Statute 44.53) notice is hereby given that the Commercial Fisheries Entry Commission, under authority vested by AS 16.43.110, proposes to adopt, amend or repeal regulations which implement, interpret and make specific the provisions of AS 16.43.

The Commercial Fisheries Entry Commission will adopt, amend or repeal, or take no action on the proposed changes in regulations as listed in the following informative summary:

- (1) In provisions concerning interim-use permits, the Commission proposes that:
 - (A) 21 AAC 05.010 (administrative areas) be repealed;
 - (B) 21 AAC 05.020 (fees) be repealed;
 - (C) 20 AAC 04.040 (annual renewal) be repealed;
 - (D) 21 AAC 05.050 be amended to change the types of hardship transfers of interim-use permits.
- (2) In the provisions concerning the general permit requirement:
 - (A) require an interim-use permit or entry permit to operate gear for the commercial taking of fishery resources;
 - (B) require an interim-use permit or entry permit to possess fish or shellfish for a commercial purpose aboard a vessel equipped with commercial fishing gear;
 - (C) provide for application procedures for interim-use permits;
 - (D) establish the conditions for temporary transfers of interim-use permits;
 - (E) require notification of loss or theft.
- (3) In the general area of a fisheries identification system and permit fees:
 - (A) establish a fisheries identification system;
 - (B) establish fishery resource codes;
 - (C) establish gear codes and permit fee schedules;
 - (D) provide for annual renewal of permits;
 - (E) establish administrative areas.
- (4) For the appropriate fisheries, establish the maximum number of entry permits.
- (5) Establish a priority classification system for ranking applicants for entry permits according to hardship:
 - (A) establish a point system for each fishery, with points awarded for economic dependence on a fishery and past participation in a fishery;
 - (B) priority classifications will be established based on the points received;
 - (C) past participation will include years fished in the fishery and consistency of that participation;
 - (D) past participation will include points for years fished as a crewman and as a gear license holder;
 - (E) economic dependence will include percentage of income derived from the fishery, reliance on alternative occupations, availability of alternative occupations and investment in vessels, gear and net sites;
 - (F) designate significant and minor hardship classifications.
- (6) Establish a system for issuing entry permits:
 - (A) establish rules for the completion of applications, the application forms, and the time for filing;
 - (B) the applicant has burden to show qualification for an entry permit;
 - (C) the commission shall base its decision to award or deny an entry permit on its own data and the data it requests from the applicant;
 - (D) those applicants in the priority classifications designated as including those who would suffer significant economic hardship will receive an entry permit; other permits will be awarded in order of descending priority classifications according to the procedures established by the commission;
 - (E) administrative appeals will be allowed within 45 days from notice of classification or denial of a permit;
 - (F) establish procedures for issuing interim-use permits while appeals are pending.
- (7) Establish a system for transferring or renewing entry permits:
 - (A) permits may be transferred only through the commission according to its regulations;
 - (B) the permit holder must file a notice of intent to transfer a permit with the commission at least 60 days before transfer;
 - (C) the notice of intent to transfer may be revoked;
 - (D) the notice may be given when application is made for the permit;
 - (E) an application for transferring a permit will be approved only when there is an effective notice of intent to transfer on file with the commission;
 - (F) the holder or the proposed transferee may appeal the commission's denial of transfer;
 - (G) temporary transfer will be allowed in cases of unavoidable hardship;
 - (H) a permit becomes part of the personal estate upon the death of the holder.
- (8) Establish a system of administrative adjudication involving:
 - (A) when an administrative appeal will be granted;
 - (B) notice of the hearing will be given to the applicant or party;
 - (C) relevant evidence may be introduced at the hearing;
 - (D) applicants have the burden of showing the commission's initial determination is erroneous;
 - (E) the common law rules of evidence;
 - (F) continuances or reconsiderations may be granted on a showing of good cause;
 - (G) decision will be based on the evidence presented at the hearing and will be in writing.
- (9) Miscellaneous provisions covering:
 - (A) procedures for communicating with the commission and the authority for responding on behalf of the commission;
 - (B) procedures for payment of fees to the commission;
 - (C) charge for furnishing materials in the commission's possession, upon request, except no charge for materials needed to prosecute an appeal;
 - (D) no access by the public for records designated as confidential;
 - (E) individual file for each applicant;
 - (F) a party may be represented at proceedings before the commission by an attorney, or some other person at the commission's discretion.

Copies of the proposed regulations may be obtained by writing:
Commercial Fisheries Entry Commission

Pouch K2
Juneau, Alaska 99801

Written comments must be received by the Commission prior to October 1, 1974. Hearings will be held at which oral testimony will be taken prior to October 1, 1974, as the Commission deems necessary. An initial schedule of hearings will be announced in the near future, and may be obtained by writing the Commission at the above address.

THE PROPOSED REGULATIONS ARE SUBJECT TO CHANGE PRIOR TO ADOPTION.

The Commercial Fisheries Entry Commission upon its own motion or at the instance of an interested party, may thereafter adopt the proposed regulations substantially as set out in the informative summary without further notice.

DATED: July 15, 1974.

Commercial Fisheries Entry Commission

INVOICE

SOUTHEAST
ALASKA EMPIRE

138 Main Street • Phone 586-3740

Juneau, Alaska 99801

Date July 31, 1974

Commercial Fisheries Entry Commission
Pouch KB
Juneau, Alaska. 99801

Ref: #774

Publication: NOTICE OF PROPOSED CHANGES

Published: July 30, 1974

236 lines	@ \$.50 per line	\$118.00
Affidavit		1.00
		<u>\$119.00</u>

PUBLISHER'S AFFIDAVIT

(F) the holder or the proposed transferee may appeal the commission's denial of transfer;

(G) temporary transfers will be allowed in cases of unavoidable hardship;

(H) a permit becomes part of the personal estate upon the death of the holder.

(8) Establish a system of administrative adjudication covering:

(A) when an administrative appeal will be granted;

(B) notice of the hearing will be given to the applicant or party;

(C) relevant evidence may be introduced at the hearing;

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DATED: July 16, 1974.

Commercial Fisheries Entry Commission

- Roy A. Rickay
Acting Chairman

- Charles J. Stovall
Commissioner

Publ: July 22, 1974 (700-71)

Unit:

I, John E. Stringer

being first duly sworn, on oath depose and say: that I am
the General Manager of
SOUTHEAST ALASKA EMPIRE, a newspaper of general
circulation, published in the city of Juneau, State of Alaska;
that the publication, of which the annexed is a true copy,
was published in said newspaper on the 30th
day of July, 1974, and once

for

, the last date of publication being

197

John E. Stringer

Subscribed and sworn to before me this 1st

day of August, 1974

Geraldine C. Alpa

Not ry Public in and for the State of Alaska

My Commission Expires Sept. 14, 1977

My commission expires

IN
NI

TAKURE

ANCHORAGE DAILY NEWS

P.O. BOX 1660
ANCHORAGE, ALASKA 99510

TERMS:

All accounts due when billed. Delinquent after 15th of the Month.
2% discount on display advertising allowable if payment received by
15th of the month following publication. A finance
charge of 1 1/2% per month (Annual Percentage
Rate of 18%) will be assessed on the total past due balance
on the next statement.

CUSTOMER STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY
POUCH KB
JUNEAU, AK 99801

ACCOUNT NUMBER	THROUGH THIS DATE ONLY
4057-3	08-31-74

PAYMENTS AND CHARGES AFTER
THIS DATE WILL BE SHOWN ON
YOUR NEXT STATEMENT.

AMOUNT
ENCLOSED

TO INSURE PROPER CREDIT PLEASE RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	CODE	DESCRIPTION	INCHES	RATE	AMOUNT
8-08-74	1	BALANCE FORWARD PUB HEARIN	10.00	2.85	28.50
RECEIVED SEP 12 1974 COMMERCIAL FISHERIES ENTRY COMMISSION					
BALANCE DUE					28.50

FW 185822
10/3/74

DAILY
SUNDAY
STANDING CARD

4. PACKAGE
5. PREPAID
6. WEDNESDAY

7. NATIONAL DAILY
8. NATIONAL SUNDAY

DATE OF LAST PAYMENT	STATUS OF ACCOUNT	AMOUNT
7-10-74		28.50

IF PAID BY 15th	
DISCOUNT	PAID
.57	27.93

ANCHORAGE DAILY NEWS

full amount of the fee charged
for the foregoing publication is

JUNEAU

Advertisement

September 30, 1974 — 7:30 p.m. — Subpoena
Bldg.

the sum of \$11.19, which
amount has been paid in full at
the rate of \$1.11 per line. Mini-
mum charge \$1.00.

Subscribed and sworn to before
me this 11 day of September

1974

Prochie
Hettinger

Notary Public in and for
the State of Alaska,
Third Division,
Anchorage, Alaska
MY COMMISSION EXPIRES

Dec. 11, 1975

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA,)
THIRD JUDICIAL DISTRICT,) ss.

Mary L. Shale
being first duly sworn on oath

deposes and says that she.....
is the Legal Clerk of the
Anchorage News, a daily news-
paper. That said newspaper has
been approved as a legal news-
paper by the Third Judicial Court,
Anchorage, Alaska, and it is now
and has been published in the
English language continually as
a daily newspaper in Anchorage,
Alaska, and it is now and during
all of said time was printed in an
office maintained at the aforesaid
place of publication of said news-
paper. That the annexed is a true

copy of a Advertisement
as it was published in regular
issues (and not in supplemental
form) of said newspaper for a

period of one insertions,
commencing on the 7 day
of August, 1974, and
ending on the 8 day of
August, 1974,
both dates inclusive, and that
such newspaper was regularly
distributed to its subscribers dur-
ing all of said period. That the
full amount of the fee charged
for the foregoing publication is

the sum of \$11.00 which
amount has been paid in full at
the rate of 10¢ per line (mini-
mum charge \$10.00).

Mary L. Shale
Subscribed and sworn to before
me this 8 day of August,
1974.

Bessie
Hettinger

Notary Public in and for
the State of Alaska,
Third Division,
Anchorage, Alaska
MY COMMISSION EXPIRES

Dec. 11, 1975

- NOTICE -

TO COMMERCIAL FISHERMEN

SCHEDULE OF PUBLIC HEARINGS ON PROPOSED REGULATIONS OF THE COMMERCIAL FISHERIES ENTRY COMMISSION

DILLINGHAM

September 3, 1974 - 7:30 p.m. - Youth
Center

ANCHORAGE

September 4, 1974 - 7:30 p.m. - Aleutian
Room, Westward Hotel

KENAI

September 10, 1974 - 7:30 p.m. - Kenai
Borough Office

KODIAK

September 12, 1974 - 7:30 p.m. - American
Legion Hall

CORDOVA

September 20, 1974 - 9:00 a.m. - Elks Club

SITKA

September 23, 1974 - 7:30 p.m. - Cen-
tennial Bldg.

KETCHIKAN

September 25, 1974 - 7:30 p.m. - School
Auditorium

JUNEAU

September 30, 1974 - 7:30 p.m. - Subpor-
t Bldg.

FINAL

TITLE 20. MISCELLANEOUS BOARDS AND COMMISSIONS

CHAPTER 05. COMMERCIAL FISHERIES ENTRY COMMISSION

Article

1. Permits Required
2. Fishery Identification System, Administrative Areas and Annual Fees
3. Designated Fisheries
4. Interim-use Permits
5. Issuance of Entry Permits
6. Priority Classification Point System
7. Transfer of Entry Permits
8. Administrative Hearings and Adjudications
9. Miscellaneous Provisions

ARTICLE 1. PERMITS REQUIRED

Section

10. Administrative Areas, (Repealed)
20. Fees, (Repealed)
30. Application Procedures, (Repealed)
40. Annual Renewal, (Repealed)
50. Temporary Transfer, (Repealed)
60. Notification of Loss or Theft, (Repealed)
100. Permit Required to Operate Gear
110. Permit Required to Possess Fish or Shellfish

20 AAC 05.100. PERMIT REQUIRED TO OPERATE GEAR. (a)

It is unlawful for any person to operate gear, within waters subject to the jurisdiction of the state, for the commercial taking of any fishery resource without a valid interim-use permit or entry permit issued by the commission authorizing him to operate that type of gear in that fishery.

(b) An interim-use permit or entry permit is not required for a person assisting in the operation of gear so long as the holder of the interim-use permit or entry permit for that gear is present and actively engaged in the operation of the gear. (Effective / /74, Register)

Authority: AS 16.43.110(a)
AS 16.43.140(a)
AS 16.43.140(b)

20 AAC 05.110. PERMIT REQUIRED TO POSSESS FISH OR SHELLFISH. (a) It is unlawful for any person to possess, within waters subject to the jurisdiction of the state, any fish or shellfish, taken for a commercial purpose, aboard a fishing vessel commonly used for taking that species of fish or shellfish unless such person has in his possession a valid interim-use permit or entry permit allowing him to take the fish or shellfish in his possession with the gear with which the vessel is equipped.

Register

MISCELLANEOUS BOARDS
AND COMMISSIONS

20 AAC 05.110
20 AAC 05.210

(b) As used in this section, a "commercial purpose" includes any sale, purchase, trade, gift, or any portion of a commercial transaction. (Effective / /74, Register).

Authority: AS 16.43.100(b)
AS 16.43.110(a)
AS 16.43.140(a)

ARTICLE 2. FISHERY IDENTIFICATION SYSTEM,
ADMINISTRATIVE AREAS, AND ANNUAL FEES

Section

- 200. Fishery Identification System
- 210. Fishery Resource Codes
- 220. Gear Codes and Schedule of Annual Fees
- 230. Administrative Areas

20 AAC 05.200. FISHERY IDENTIFICATION SYSTEM. (a)
For the purpose of issuing interim-use permits and entry permits, administering the collection of annual fees, and other purposes required for the administration of AS 16.43, a fishery identification system is established.

(b) Each fishery is identified using a four place letter and number code with the first place being a single letter indicating the fishery resource, the second and third place being a two-digit number indicating the type of gear, and the fourth place being a single letter indicating the administrative area. (Effective / /74, Register).

Authority: AS 16.43.100(a)(3)
AS 16.43.100(b)
AS 16.43.110(a)
AS 16.43.140(c)
AS 16.43.150(a)
AS 16.43.200(a)
AS 16.43.380(3)

20 AAC 05.210. FISHERY RESOURCE CODES. The letter code from the following schedule will be used to indicate the specific fishery resource for which an interim-use permit or entry permit is issued:

Code	Code
C Black Cod	K King Crab
M Bottomfish	R Razor Clam
D Dungeness Crab	S Salmon
F Freshwater Fish	P Shrimp
B Halibut	T Tanner Crab
H Herring	Z Other
L Herring Spawn on Kelp	

(Effective / /74, Register).

Authority: AS 16.43.100(a)(5)
AS 16.43.110(a)
AS 16.43.140(c)

20 AAC 04.220. GEAR CODES AND SCHEDULE OF ANNUAL FEES.

(a) A number code from the following schedule will be used to indicate the specific type of gear for which an interim-use permit or entry permit is issued. The annual fee for the issuance or annual renewal of an interim-use permit or entry permit for a particular type of gear is established as shown in the following schedule:

Gear Codes and Annual Fees

<u>Code</u>	<u>Annual Fee</u>
01 purse seine*	\$ 60
02 beach seine	\$ 20
03 drift gill net	\$ 50
04 set gill net	\$ 20
05 hand troll	\$ 20
15 power troll	\$ 50
06 longline gear (vessel keel length 26' or less)	\$ 20
61 longline gear (vessel keel length over 26')	\$ 60
21 pound	\$ 80
07 otter trawl	\$100
17 beam trawl	\$ 50
09 pot gear** (vessel keel length 50' or less)	\$ 50***
91 pot gear** (vessel keel length over 50')	\$100***
22 dredge	\$100
18 shovel	\$ 10
08 fishwheel	\$ 20
99 other	\$ 10

* Purse Seine includes hand purse seine

** Includes: King Crab, Tanner Crab, Dungeness Crab, Bottomfish, Black Cod and Shrimp

*** Shrimp pot gear fee is \$20 for any length vessel

(b) The annual fee for permits issued pursuant to AS 16.43.160(c) is \$5.00. (Effective / /74, Register).

Authority: AS 16.43.100(b)
AS 16.43.110(a)
AS 16.43.140(c)
AS 16.43.160(a)
AS 16.43.160(c)
AS 16.43.380(3)

20 AAC 05.230. ADMINISTRATIVE AREAS. (a) For the purpose of issuing interim-use permits and entry permits for all waters subject to the jurisdiction of the State of Alaska, the administrative areas described in the schedule

below are established. A letter code from the following schedule will be used to designate the specific administrative area for which an interim-use permit or entry permit is issued.

(1) Administrative Areas:

<u>Code Letter</u>	<u>Name and Description</u>
A	Southeastern Alaska Area - all waters between the longitude of Cape Fairweather and the International Boundary at Dixon Entrance.
D	Yakutat Area - all waters of and adjacent to the Pacific Ocean between the longitude of Cape Suckling and the longitude of Cape Fairweather.
E	Prince William Sound Area - all waters of and adjacent to the Pacific Ocean between the longitude of Cape Fairfield and the longitude of Cape Suckling.
H	Cook Inlet Area - all waters of and adjacent to the Pacific Ocean north of a line extending east from Cape Douglas to the longitude of Cape Fairfield.
K	Kodiak Area - all waters of and adjacent to the Pacific Ocean east of the longitude of Kilokak Rocks at 57° 11' 22" North latitude, 156° 20' 13" West longitude and south of a line extending east from Cape Douglas to the longitude of Cape Fairfield including, Kodiak, Afognak and adjacent islands.
L	Chignik Area - all waters on the south side of the Alaska Peninsula between a line extending southeast from Kupreanof Point and the longitude of Kilokak Rocks.
M	Alaska Peninsula-Aleutian Island Area -1) all waters of and adjacent to the Bering Sea south of the latitude of Cape Menshikof including the Pribilof Islands and