

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:

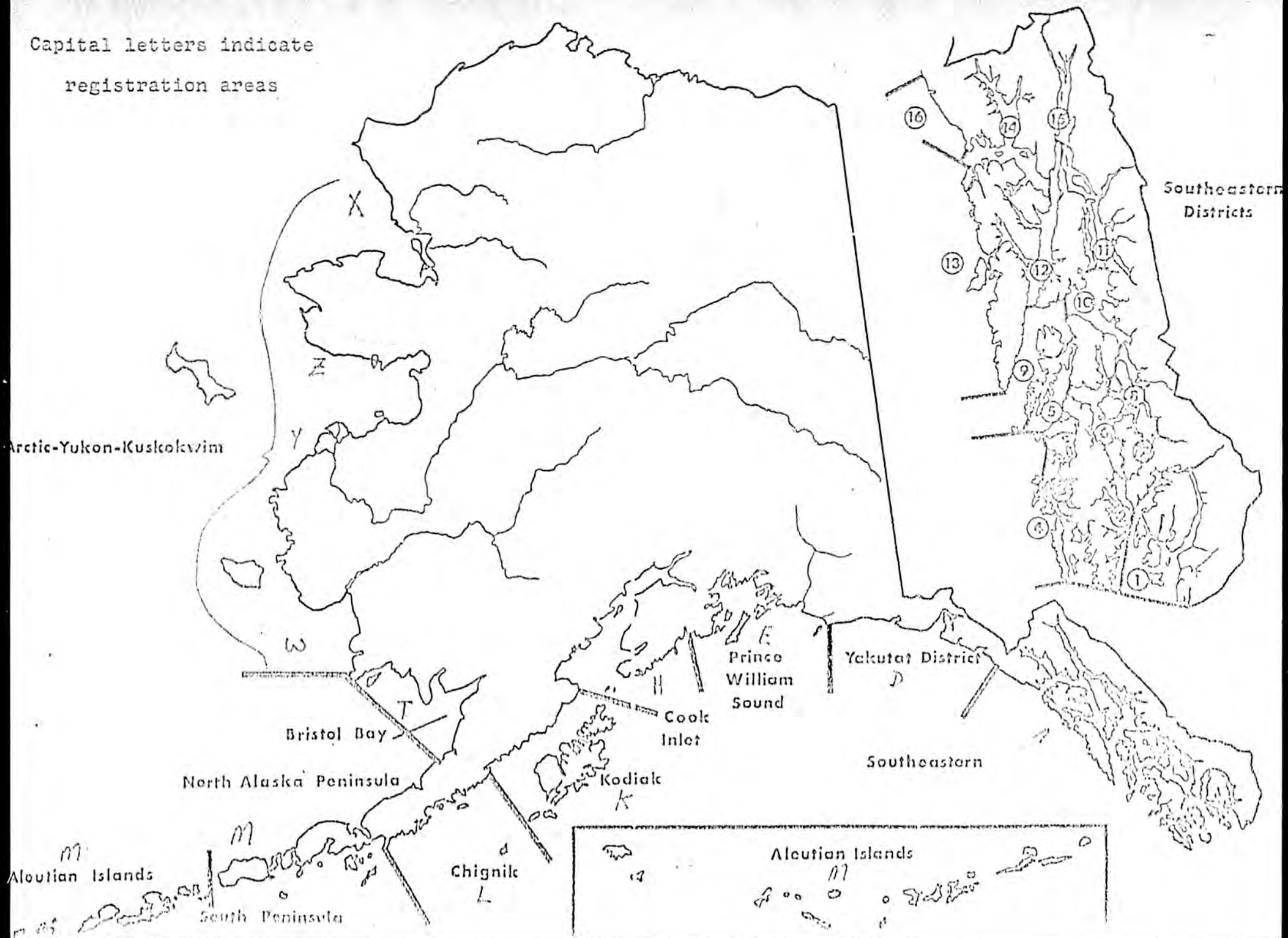
1.) Excessive effort in the salmon fisheries has reached acute proportions in almost every area of the state. Past attempts to limit entry have focused on salmon, and it is here that public attention is fixed.

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 Seines	Drift Gillnets	Set Gillnets	Purse Seines	Drift Gillnets	Set Gillnets	Purse Seines	Drift Gillnets	Set 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 conditons, 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 (units registered)	120	134	130	132
- 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 (millions of fish)	5.3	7.2	22.1	10.4
drift gill nets (units registered)	1,684	1,751	1,913	1,938
- 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 (units registered)	839	924	924	891
- 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 (millions of fish)	.6	.8	1.0	.9
drift gill nets (units registered)	572	702	708	810
- residents	?	699	706	797
- non-residents	?	3	2	13
- %age of total catch	54%	34%	30%	29%
set gill nets (units registered)	598	727	783	902
- 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  
7:8:9:10:11:12:13:14:15:16  
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

*Alan: 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 electrate. 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

SUBPORT 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, Subport 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:

<u>Total Registered Gill Net Fathoms</u>		<u>Maximum Aggregate Net Unit Length of Drift Gill Net Per Gear Licensee</u>	
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

<u>Total Registered Gill Net Fathoms</u>		<u>Maximum Aggregate Net Unit Length of Set Gill Net Per Gear Licensee</u>	
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. K.

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 inhibit 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 the 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 the Alaska Peninsula, also appear to be natural areas. The Alaska Peninsula is a long narrow strip for area boundaries. It has the same natural resources as the Aleutian resource of each is usually discernible. This, even though probably local, is discriminatory in itself and will meet political resistance. The difficulty is enhanced when the Cook Inlet region, another natural area, is considered. It has 50% or more of the population of the state and five or ten percent of the fishery resource. Inhabitants of Interior Alaska would be excluded from the commercial fisheries, except possibly for a small amount of subsistence. They would participate in the fishery wherever they are. This theoretical 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 authorized to make the actual studies 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

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 USC.

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 similiary 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 *KJC*  
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