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Limited Entry Symposium - Naknek - October 12, 1978

Started recording too late

Terry Gardiner - Fished for many years - I grant that this system isn't perfect out of 8 thousand permits, but generally what we've tried to is orient it towards the people who were the existing fisherman. Statistically we looked at it and some of these other ideas and we said my god like there's thousands of crewmen around the state - we can't give them all permits because we'll just inflate the number. We decided we were going to cut it off at that number so we couldn't give all the crewmen licenses. Then you start getting into all these weird cases where guys - some people were only crewmen for a couple of years - some people would spend their whole lives being crewmen - that complicates the problem. Some people were only skippers for a couple of years 'cause they're only 19 or 20 years old. We had another problem in that we looked there was this huge turnover - about 30 fishermen quit over year - the skippers they were going broke - at least I know a lot of people who did - they couldn't make it in the fisheries so they dropped out. So if you even took something like a five year period and said we'll give them permits - so we could tell you fished in the last five years, statistically when you figured it out - if you gave permits to everybody who fished in the last five years - we would have doubled the number of boats and that isn't what we wanted to do. So that wouldn't work so we discarded that idea. So we got back to the only thing that seemed would even work reasonably and I knew it wasn't perfect. That you had to orient the priorities toward the skippers of the boat - people who ran the boats - not the wives of the kids or the crewmen, but toward the skipper and we tried to make it flexible not to take into account the problems of other people who - that you can bring up these cases and I know of in my own area - where you say that's unfair that that guy was cut out. It was unfair that this guy got in but I think the vast majority of people who got the permits were real fishermen. -- At least the ones I know of....comment from audience - not around here.

Richard Johnson - My name is Richard Johnson - I have lived here

past 33 years and fished for the past 29 years... I have a couple of three boys that fished with me off and on. As they got older, I took them, bought them licenses - commercial - there was no reason to buy them a gear licenses until a couple of years there where they said you have to pool your gear in order to get enough gear in the water - 25 fathoms, which I did - I bought my boys gear liscenses - I had my oldest boy sell fish on his tickets, now and you people on the Commission or whoever figured this thing out - says unless you sold fish and have fish tickets that prove that you sold fish your kids cannot get licenses or anybody cannot get licenses. So I have 2 boys, One is 22 going on 23 - the other one is going to be 20 - who cannot get permits because they did not sell fish on fish tickets which I think is discrimanatory and I think it's wrong, I think you guys are holding the young people down from going into a business of their own which is fishing is a private business just like anybody else as a carpenter, a housebuilder, a painter or the business you guys are in, in fact. Now you take carpentry, or a mason, bricklayer, anything you want, they don't hold people back from getting into business - they make them join the Union to get in. But this Limited Entry Commission has caused our young people from going into a private business of their own which is fish -- some of our young people -- that's the only thing they know. That's the only thing I knew until I got a job with the State of Alaska. That was my only source of income. Our young boys are the same way - they haven't been able to go to school because they haven't been able to get a good enough job to afford school's cost. My kids can't afford to go to college because they can't go out here and go fishing - they can't go in as partners with anybody because you have to have the experience but yet they can come out and get a limited entry permit and get a professional fisherman to go with them and another thing that you have failed to do is my boy was in the service and during the time he was in the service is when you guys came out with those three years where you had to have so many years in this fishing to get points, my boy did not get any points for being in the United States Service, I think that is something else you guys missed. I think it should be looked at and I think that you should go back and look at some of these

young people and start issuing somebody permits because it is a private business.

Terry Gardiner - Did you say that your kids as gear licenses holders - that they sold on your...

Richard Johnson...Well, he didn't fish with me but he sold fish -- on the pink slips - with his signature on it because they had the gear licenses he had them all...my boys - the year that the commission came out with the 25 fathom limit. I bought gear licenses for my whole family, my boys and my wife and all. And today my boys do not have a limited entry permit because they have been refused because they did not sell fish in their own name.

Terry Gardiner - Whose name were they selling fish under?

Richard Johnson - My name and my book. You go to a cannery, they give you one book and that's it. So it's hogwash because you're not giving our young people a chance to get into a private business and fishing is a private business as far as I'm concerned.

John Garner - The first gear licenses then were 1973?

Richard Johnson - Before that. It was before that.

John Garner - One thing I might suggest is that either you or boys talk to Jim Larson.

Richard Johnson - My boy didn't have a job this summer he's stuck in Anchorage he can't make it home - he was supposed been home - he can't make it home so I'm here.

John Garner - You might want to talk to Jim then as well. The Commission has always said that fish tickets are good proof of participation.

Richard Johnson - He sent them to you people, you people wrote back and told him to get more proof and he even had affidavits from the guys he fished with and you guys said get more proof. What more proof do you want?

John Garner - I suggest you check with Jim because obviously fishing is the best proof.

Dolly Herrmann - Sir, I can verify those statements because there are people who come to the village council with the same types of complaints, as a matter of fact I have some folders that do have these complaints.

Allan Adasiak - Jim has got copies of almost everybody's files who

applied in the Bay. He's got them on microfilm and he can check and see what's in the files and if you've got other things about some particular person, your son, or somebody else or your own application, that you don't understand and you want to get together and talk with him...that's one of the reason's he's here, maybe we don't have all the information, maybe we misunderstood something that you sent us. You know, and Jim will be able to go over some of that.

Richard Johnson - The point I want to bring across to you people is that you have no provisions for the young people that were in the service in these crucial years.

Allan Adasiak - The provision we made for the people in the Service. The legislature gave us specific legislative intent. When we set up this system we should make some kind of provision for people who were in the service so what we did we figured, alright we'll take a guys first tour of duty, his first tour and we'll give him credit for that as if he were fishing and if he re-enlists then he's made a choice in a career...he's made a choice that he wants to to on and be in the military...If after the first tour he comes back and wants to go fishing that's different, so we figure the first tour is what the limit is on the amount of time we give a guy credit for. What we said, was especially since we had to stop looking at things in 1972. We said the kind of credit we'll give a guy going into the military will depend on what he did before he went in. So that if a guy is a gear license holder fished with a gear license before he went into the service then we'll give him credit for his years in the service just as if he were out there fishing as a gear license holder. If he was only a creman before he went in, then we give him credit for those years he was in the military up to 1972. We do have a provision where a guy can claim them. As far as being eligible to apply, the legislature put into the law that in order for a guy to be eligible even to send in an application so that we can take it ...just get the application in the door. He has to have held a gear license and fished commercially in the area that he wants to apply for. So that's a piece of the law that we have no flexibility on. A guy has to have had a gear license and landed fish commercially in order for us legally to be able to accept his application.

Richard Johnson - One thing I was going to say - you say that he has to fish commercially and have a permit and everything, He has to have established a career type thing. What are you going to do - for instance my boy went straight from school right into the service - now that man, as a young fellow did not have a chance to establish what he's going to do - what kind of a job or profession he is going to take up - he was a student. Now in order for him to make money here in the summers, just like the rest of these people all have kids, that's what they're concerned on. Is their young people, they go fishing with their parents during the summer months in order to get the money to help their folks. So they haven't established a career of what they're going to do with their lives. So, if they wanted not to go fishing for a couple of years and stay home - Well, you can come up and say well he didn't fish for a couple of years he hasn't established a career yet, he hasn't done anything. But that's wrong.

Allan Adasiak - I don't know exactly how to answer that question except on a case by case basis. You know different people organize their lives differently. A guy may take two years off and then decide he wants to be an electronics technician and work on the pipeline or something. So it's hard unless you look at each person individually and try and answer that question. Comment from Richard on young people....

Allan Adasiak continues...Let me just talk about this business about the young people. It is one of the most difficult parts of this program. This program has changed things. It changed how a guy gets into fishing and all the rest of that. Some of the ways that it has changed I think are for the better. Fishermen are making more money. I think it's making the managers job a little bit safer so that he can do a more responsible job of making sure the runs get built up. Some of those changes are good. Some of those are changes ...one of the things that happens when you say okay here it is... there's the level... there's only so many permits and only so many people can fish...only so many kids can fish. You've got two kids - there's only one of you...you got a gear licenses, if you want both your kids to have gear licenses and operate their own boat. You're doubling the number. There's going to be two boats instead of one.

And you've got a problem there with whether you want to put a lid on that fishery and hold it still in terms of the number of boats that are out there or whether you want to do something that lets it grow. The decision that was made, and Terry can speak better to it than I can, in the Legislature, was that if you make the permits freely transferable the way that we did at least the guy who gets the permit has got control over that one permit and he can make sure that when he retires one of his kids can get in that. Another thing that we did and it was addressed partly in terms of our concern of getting the young people in who want to get in, was we put through this loan program I mentioned earlier. Which yet isn't easy, it isn't just sweet to get in effortlessly, but it's a way to get in. It provides the financing that takes some of the sting out of having to buy a permit and yet it allows you to keep that lid on the number of boats.

Glenda Williams - You were talking about points. In 1975 I applied for my permit. I've got enough points for my drift and I applied and got letters to that effect and then they denied me my permit again. They said I could appeal it. So I wrote back in August that I wanted to appeal it and I gave them a good reason why, I felt that I should have my permit and they denied me that. I've got points that would entitle me a permit. And now they denied me a hearing.

Allan Adasiak - I can't really comment on what happened unless I were to look at your whole file and see what is in it. Everybody's facts are different. I can't just off the top of my head say anything about it because I don't know what we've got. Whether we've got all of it. One thing I suggest you do is talk with Jim Larson in the other room.

Glenda Williams - I don't want to talk with Jim Larson, it's with BBNA - they have all this information.

John Garner - Glenda, apparently, the second application that you filed was one of the Izakson applications - that granted eligibility to apply. Gear License holders for the first time in 1973 and 1974. That second application was after the application deadline.

Glenda Williams - Right.

John Garner - What was the reason for missing that deadline on the application period?

Glenda Williams - Because I couldn't get my affidavits in time 'cause I didn't have any affidavits, and when I did...Well, I'll try it now. In May I sent it out again. I had to call and find out whether I was going to get it - what was being done about it. They told me I can't give you that information, it will have to be at a later date. So I waited...I am entitled to that permit.

Charles Williams - What happened was when the first application came out she filled it out and didn't come up with enough points. After the second application, she had enough points. She sent it in and she was denied and then she sent in an appeal and they denied her the right to appeal because she didn't apply the very first time the applications came out.

Glenda Williams - If you've got in black and white down there, what more evidence do you want?

John Garner - (First part of statement inaudible)...or grounds to accept a late application. The commission has essentially two grounds to accept a late application... 1) You were advised by somebody by the Commission not to apply, 2) or that you were advised in some way not to apply, then that's an error on our part.

Glenda Williams - Regardless, I figure that I should have been granted a hearing to begin with. I'm going to get it, I'm going to get that hearing 'cause I'm going to take it to court.

Terry Gardiner - Why were you late - I didn't get that?

Glenda Williams - A lot of reasons. I was discouraged the first time. When there were people sent out here. They were out here... you can sit down, give me all your points, give me all your papers. They never explained what. People from BBNA, and not only them. When I corresponded with Juneau, all they did was send me back all these numbers and rules and regulations and it's not laymens terms to me. I don't want them to have to send a dictionary along with it to understand what it means. So I was discouraged.

John Garner - Was this during the application period that you were discouraged?

Glenda Williams - Right.

Dolly Herrmann - There's a lot that stuff that didn't come to the

villagers in time for it to be acted on. A lot of the applicants weren't aware that there was even an extension and they weren't aware for what. I for one, I work for the Village Council and have worked for them for years and there wasn't one letter sent to the Village Council stating that there was an extension or otherwise. So you can't blame the people for not getting timely applications in. When those of local government aren't even aware of it.

John Garner - One other thing Glenda. There is a law suit is presently ongoing in relation to the 1975 applications. Which if resolved in the favor of the people who are trying to get the permission to accept the late applications may have something. It just depends on how the lawsuit comes out.

Nels Anderson - Glenda, have you ever spoken face to face with Mr. Larson?

Glenda Williams - No.

Nels Anderson - You don't have any desire to?

Glenda Williams - No.

Allan Adasiak - You're making it difficult for us to help you.

Nels Anderson - I think if he were to hear what your story was, perhaps he'd have a greater understanding of how he may have made a mistake.

Glenda Williams - Well, it wasn't Mr. Larson that denied me my hearing, it was Mr. Miller.

Nels Anderson - We have corresponded with Mr. Larson, and he is here. Maybe just take a minute or two to go see him.

Glenda Williams - I'm afraid I'd just tear him to pieces.

Terry Gardiner - Nels and I are legislators. We can go down and change the law, but we can't write your name or a couple of the other people with particular cases. Okay, we can amend the whole law to change it just for you. Well, that may or may not be heard down there. On the other hand, we aren't the guys that sign the permits out or hold the hearings and we can go yell and scream just like you might, but somebody's going to have to do it. Probably the easier way to deal with your individual case than amending the whole law for a lot of other reasons, but I doubt that it's going to happen for just one person.

Glenda Williams - I'm sure I'm not the only person.

Nels Anderson - I was going to say that too. I suspect there are other people in your case. There are other people who have explained what their problems were and have been given consideration by the Commission. We went through all the trouble to get this guy over here, give him a chance. If he can't do it, then that's something we have to deal with because I know you feel pretty strongly about this, and it is not a laughing matter and a very serious matter to you and to other people as well - but at least go and talk to the guy and explain the situation. It's really hard and it's cold to deal in black and white. I know that. A lot of times you get these letters and it takes some lawyers to interpret that garbage anyway.

Helen Herrmann - I'd like to know how did all these non-residents that fished the cannery gear and cannery boats get their points? You have to have a point and live here and own your gear and all that stuff. How did they get all their twenty points?

John Garner - The legislature said to the Commission that essentially you must follow constitutional standards when issuing permits, which include the requirement that you not, at least explicitly, discriminate against non-residents. So they gave us standards for determining who should qualify for a permit which included some things that non-residents would qualify for. In particular, the legislature said that we could look extent and character on a person's participation, the amount of income dependence it may have on the fishing, as well as the population of the area that they live in. Consequently, non-residents could qualify for points and could qualify for permits, if in fact they were long time fishermen who were income-dependent of fishing.

Helen Herrmann - Well, there's some long time residents that have been fishing all their lives and couldn't get a permit. It doesn't seem fair.

Nels Anderson - That's one of the questions and statements we've been hearing for quite some time and I don't know what the distribution of non-residents to residents is on permits, but I think it's something like fifty/fifty or so - I'm not sure exactly. The way the system works it did give the outsiders, if they fished in the

same years as residents did they have an equal chance of getting a permit along with anybody else. If it had not been handled in that manner, as I understand it, it would have been kicked out by the Supreme Court.

Helen Herrmann - Well, maybe you know that if there was a person in 1972 that came up for the first time in 1972 and got a permit. Is that true?

Nels Anderson - That is true. That people that did fish for one year in 197s and had a gear license, a non-resident, they did get permits as I understand it.

Helen Herrmann - How did he get all his points then in that one year?

John Garner - A person who fished in 1972 for the first time can receive a potential 21 points under the Commission's point system. The present 17 points are all that's necessary for a drift permit.

Barney Groat - In relation to what Glenda said - I had a lot of trouble getting my permit. I went round and round and round with those guys. I get letters from everybody - Jay Stovall, I got letters from him and I had proof that I had everything and I finally just told him... (inaudible). Then I met Governor Hammond down here on the street one day and he said well are you fishing? I said no, it's stupid the way it happened but I can't fish because I didn't have X amount of points. And they didn't count 1972, I got injured in 1972 and wasn't able to fish the following year. I fished in 1970 but that doesn't count see. He said, Well, tell you what Barney, you send your stuff to me and I'll make sure it gets to the right guy and you'll get your permit and that's how I got my permit. All I had to do was get proof that I owned a skiff. I had a couple of guys here in town write yup, that you owned a skiff. Then I sent it out and got it. It's just because I did not know the law and I couldn't read whatever it said. According to this and according to that, you are exempt. I didn't know what the hell they were talking about so I just gave it up and that's what Glenda's talking about.

Nels Anderson - Okay, Glenda, you've got the formula.

Glenda Williams - Yeah. It's election year too.

Norman Anderson - I have a question about the - locally we call

them the farmers from Idaho that come up here for one year and get a permit - how do they get their potential 21 points in relation to the economic dependence, ownership and domicile and residency and mean that seems to be a farce look at us, we live here people, we live here in the watershed, this is our economic dependence, this is how we build our homes - from fishing. You're denying us our permits, but some yo-yo from outside here can get a Red Salmon boat and go out there and fish one year and he gets a permit.

Allan Adasiak - As far as the points for where you live go as John said earlier when the legislature gave us this law there was a lot of research done before the thing even got to the legislature. The legislature had special committees, special consultants making sure that we had all of the constitutions - would stand up in court. David Dowsley said the same thing - do it but do it legally. We have one of the rules of the game is that the same rules have to apply to a resident as a non-resident.

Norman Anderson - When you people say, you illegally and it doesn't look like it, that's the way you want it, hell you guys make it a law so then it's legal.

Allan Adasiak - We put in a provision which said if you live in an area which is rural - has a very small percentage population for the area - you get four points. There are a lot of areas in Alaska that count as rural areas. The truth of the matter is that there are some areas outside. There are some parts of the state of Washington, there are some parts of Idaho, I think there are even some parts of California, where if a guy lives there he also is in what we defined as a rural area and he gets four points. Very few of them do, most of them live in Richmond, or San Pedro, or Anacortes or Bellingham, and they don't get the points. But there are a few areas outside, and your guy from Idaho that you're talking about quite conceivably lives out in some area where they got a lot of rocks and very few people and he's in a rural area and he gets four points for it. For the most part the people that benefit from that thing about giving points on where you live, 'cause you're in a rural area - the people who benefited most from that are Alaskan's. We had to make the rules the same.

Norman Anderson - No. You ought to reword that and say some of the people that benefited were Alaskans. Locally, not too many, but some Alaskans got it yet. My name is Norman Anderson, I didn't introduce myself, excuse me.

Nels Anderson - Norman, the reason why, again, that we're holding this meeting, we know that there are a lot of people being left out of the system. There appears to be no mechanism to get the young people in, we understand that, however, we're working with a law that's pretty rigid. Our intent is to take your comments and try in some way to modify the law to the extent where your concerns can be met. That's the reason why we have here - we have to bring this message back to Juneau and the next session, the following session, and try to work out some means to arrive at some solution to your problem. That's why we're here. Right now, as these guys are explaining to you, they're working with a law that was given to them by the legislature. Okay, that's what they're working with right now.

Glenda Williams - Well, what should have happened was that everybody that lived in the watershed or around it - should have been dished out a permit and what was left over put up in the air and let the outsiders fight over them.

Terry Gardiner - I'll tell you the answer to that. There's people down there smarter than we are. Smarter than the people that we hire, smarter than the lawyers we hire. I'm not opposed to that. I was born and raised in the state of Alaska too but thinking it and saying it - isn't the same as writing it on paper and making it work. I guess that's us complaining about... (inaudible). There's kind of two things that we're looking at, and one is say that your individual case and say another thing what we call fine tuning - trying to make a system work more equitably. And like you said, basically looking to see if maybe the whole system needs to be thrown out. That's something that every citizen of the state has the ability to decide for himself whether the whole system is working so badly that it should be thrown out.

Herb Mitchell - My name is Herb Mitchell. My questions concerning late filing. I tried to file. (Parts inaudible). At the time of

the original application period. Three fourths of the time I was out of the country for several years. I got back in the country last July 1st, 1975, which at that time was kind of a hardship to even think about filing because I had my paperwork - a anybody that's been in the military, I got stuff going to Arizona, stuff in Canada and paperwork here also, as far as proof and everything else. I got out of the military this year and I got my applications in. And the only reason for late filing, as I understand, is the fact that if someone from your commission gave me ill advice whether I can apply or not what it basically amounts to. At the time I could not applied if I wanted to. Really, well, I could have I could afford charter around the world. I know that there are several I would imagine would have a similar situation and the Commission they told me was basically that the only way left was to sue them. In June you have such time to see you in court, was my feeling. If I could afford a lawyer it would be nice. This situation, I couldn't have filed, now I'm just told tough.

John Garner - That would be the same problem that Glenda's got with her application. The grounds that we have for accepting late applications are as they were described to you. This problem was also brought up in the Dillingham hearings last night.

Herb Mitchell - Yes, I'm aware of that. I originally fished as crewman in 1970 and owned my own boat and gear in 1971 and fished it. Also in 1972 I had my own boat and fished it. I sold the boat and everything in 1973 because things were kind of rough.

Terry Gardiner - Okay. At that time....

Herb Mitchell - I went back to the Military, yes, I was working on a military career before I decided to....I had 13 years in.

Terry Gardiner - What I'm getting at is if you would have applied at that time you would have had forty points. If you would have applied in 1973 or 1974 not in 1975 file.

Herb Mitchell - Well, actually, 1975 is whenever the application period was. I was in the airforce in 1973. I went back in 1973. I'm not sure of the exact dates of when the application period was. But at that time, I couldn't have...If I had applied at that time, I possibly could have but if you don't have the proof then you're not going to get your permit either. Is that correct?

Terry Gardiner - I think in your case you would have had to have the proof. Did you intend to go fishing in 19--when you quit fishing?

Herb Mitchell - I wanted to fish but at the time I couldn't because of the fact I had family to support. I was trying to get back to Alaska - trying to get stationed at King Salmon again.

Nels Anderson - Before we go any further this morning with comment from the public...I know there are people who came in from some other villages and would just like to for their benefit just introduce the people that are at the front table. My name is Nels Anderson and to my far left is Mr. Allan Adasiak, he's chairman of the Limited Entry Commission and on my immediate left is John Garner, he's a Commissioner on the Limited Entry Commission. On my right is Representative Terry Gardiner from Ketchikan.

Darlene Lind - So few outsiders live in rural areas, then why wasn't more points given for that?

John Garner - The statute requires the Commission to base (inaudible) various standard of the law in some reasonable way. (Parts inaudible) Consequently, the Commission could not have given too much weight to one standard. It would have been contrary to the statute. Additionally there would be a danger, I would think in giving too much weight to the alternative occupation standard. If the court saw that as an attempt to indirectly favor residents at the expense of non-residents.

Darlene Lind - I have another question. You're not supposed to be able to lease entry permits but alot of outsiders, I think mainly outsiders, get away with that because they, from what, I've heard they take and they sell their permits on paper for something like \$100,000.00. Okay and they have an installment plan for paying for it. First installment which is a lease underneath the table is maybe two to five thousand dollars for the...(las portion inaudible).

Allan Adasiak -- We are working on a regulation. We've got it drafted in house. We're having the Attorney General's office review it right now. Both regulations which we think will put a lid on leasing so that that sort of activity can't take place. We hope before the end of the year to have this thing out and hold

public hearings on it and get something drafted. It puts a stop on what you're talking about.

Darlene Lind - But it doesn't look like a lease on paper but it is a lease.

Allan Adasiak - Let me explain briefly what we have and again we need public comment on it. We may learn a lot of things through the public comment. The Department of Law Review -- they tell us we can't do it this way, we have to do something else. But basically what we say is if you sell a permit and that permit comes back to within a period of two years we presume that it is leased and you have to come before the Commission and prove that you did not lease it. That's the basic mechanism of it. It gets a little bit more involved but that's the idea of it. We're trying to get the kinks worked out of it the best we can, have it reviewed and put it out for public hearings and if it goes right we'll incorporate public comment and put something like that in place to try to get this leasing thing down where it belongs.

Darlene Lind - Like for us we change two setnets back and forth among three kids. Whoever runs it that year gets the money and maybe the next, maybe one of the other kids needs it more so they turn around and run it.

John Garner - There's only a presumption created by that regulation and you would have the opportunity to show that that was not (inaudible).

Doug Henderson (unsure of last name) - A comment to your leasing of permits. What would stop a family of transferring of permits back to another family member? That evades it from going back to the original person.

John Garner - We've thought about that and one of the drafts for the proposed regulations was to define to prohibit free transfer to anyone within the immediate family. We're not sure whether that's going to be one that's going to be incorporated in the regulations as they're proposed but you're right that's the one way to get around.

Doug Henderson - Also, then if you sell a permit to somebody on time you have no recourse to get it back unless you go to court.

John Garner - Again, I think you can rebutt any presumption that

would be created.

William Wilson - I would like to know...All of these people in here who fished for 15 to 20 years who can't get permits, Okay, and I presume that's what this meeting is about. I would like to know if there is any provisions being made to rectify that. If these people can prove they fished are there any provisions being made to rectify that?

Nels Anderson - We've heard several proposals presented to us, yesterday, in Dillingham. We have had no opportunity to review those proposals to see what effect they might have on the entire law. You have to understand, I don't want to take up too much time trying to explain what we're faced with in the legislature. Again, these guys have already got a law to work with. So they're going to beat their heads against the wall trying to satisfy your needs and your complaints. They're going to run out of room because there's very little room for them to operate in. What we have to do is take a look at the numbers of people who are affected by this law who are left out who have, we know have, a history of fishing as a crewman or wives or children of skippers and we do know that a large number of these people have been left out. But we have a policy question that we are faced with in the legislature to try to resolve. We've got to try to find an answer. We have the proposals-we've got to try to put those proposals to work. How it's going to come out, we don't know at this time. The other side again-the courts are handling similar questions that people are concerned about. Perhaps the courts will resolve a lot of these problems of people who have a history of 15 to 20 years of fishing that don't have a permit and can't fish. Perhaps some of these will be satisfied as well. But beyond that the legislature is burdened with the responsibility of arriving at an answer to satisfy these questions. Yes, we are working at it. We don't have an answer now. Hopefully, we will have after we get through these series of meetings. I don't know what more these gentlemen can do in the Commission. But I think we as policy makers for the state can try to rectify or get some solutions to the problems that you are bringing to our attention now.

Tom O'hara - Returning to that deal about in '70 and '72 when outsiders came up and get a boat from the cannery or something and then they fish and they can get enough points to get a permit right? But then like myself, I wasn't physically capable to handle a boat or anything but I was still fishing as a puller ever since 1966 and I still can't get a permit.

John Garner - The only thing that complicates it a little bit is that when the original law was passed by the legislature the Commission could accept applications only from those who fished as gear licenses holders up through 1972. So when the applications were first accepted in 1975 unless you have fished as a gear license holder between 1960 and 1972 we couldn't accept your application at all. So we couldn't even consider your experience as a puller in 1966 and 1972. Then the Supreme Court of Alaska decided that the law was too restrictive and the Commission had to accept applications from those who were gear licenses holders and fished for the first time in 1973 and 1974. That was called the Izakson Decision. The Commission's then accepted applications from those who fished for the first time in 1973 and 1974 as gear license holder. If you did fish in one of those years as a gear license holder, which I imagine you did, in the sliding gear scale we could accept your application and we could give you points for the years you fished as a puller. Again, the points you received as a puller and living in Naknek would not add up to the minimum number necessary for a drift permit. Some people qualify for permits under the Izakson Decision and some do not. It just depends on your individual case.

Earl Mollahand - I wonder if we could get a report from Mr. Adasiak or the Commission on the Limited Entry meeting in Denver in July. I believe it was there.

Allan Adasiak - The meeting in Denver in July was three days and was very intense and we had a lot of experts of different kinds there to talk and we had members of different recent management councils who presented their points of view and fishermen who showed up and talked about the pros and cons about Limited Entry. I don't really think that anything came out of that meeting in terms of people deciding - getting their minds changed - deciding they

were for it when they were against it when they came in. I think a lot of people learned a lot about Limited Entry, that they hadn't thought about before. Then it was basically educational. In terms of that Denver meeting, I might reflect on the future of Limited Entry in Alaska; as Terry said earlier when the legislature in 1973 put through the Limited Entry Law. Alaska was doing something that was a pioneer project. No one in the United States had ever put together a large scale limited entry program for commercial fishermen. There was a little dinky one in Ohio for trout fishermen and a few other small things but this was the first serious program, no one had ever done it before - we were breaking completely new ground. So to some extent in Denver people wanted to hear from us about what had happened since we got started. How we did it, what some of the results had been, what some of the problems had been and how we're handling it. They wanted to learn from us. One thing I did get out of Denver is that there are other parts of the country that are facing the same kind of problems that caused us to put in Limited Entry. They got more and more fishermen going after the fish and they see the fish stocks going down. They can see a long way, only they don't like it - they know people are going to have to be cut out and they know it's going to be unpleasant to do it, but they can see that that's what the problem is. More pressure on the fish and they keep going down so there's an interest. Among other things, I guess they want to learn from us. I think in some areas they realize that Limited Entry is going to be difficult and controversial, but basically Earl, I think they're scared of it. They know in the middle Atlantic states that they've got a problem where they've got a fishery what they call their sport fishery which allows the guy to catch fish as a sportsman but sell their catch. They have no fish ticket system. They have no idea how many fish these guys catch. They think that the sport fishery in some of these areas takes twice as many fish as the commercial fishery does and they're just afraid of what they might have to do and yet they can see the fish stocks going down and more and more people going out there and fishing every year. In terms of the future programs up here - I don't think much came out. What I got out of it was that the rest of the country either already has, or is heading

towards the same kind of problems that we face and that we tried to solve when we put together the Limited Entry Program.

Norman Anderson - Can we get back on the track of the Bristol Bay watershed area. I mean, we'll be talking about moon landings here after while.

Nels Anderson - We have people here I know that have questions about the Bristol Bay Fishery and I don't know what they're leading into, but I don't want to cut Earl off either. He may be leading up to a point here that may be of some benefit to you people here. I'll cut him off he gets out of hand.

Norman Anderson - Thank you Nels.

Earl Mollahand - Taking into consideration that you're part of it, the legislative part of it...(inaudible)...throw it out. Getting into the attitudes of the entire country in showing their concern from the fact that there are areas that are limited to Congress. I think we can go much further than we have. As we go further than we have, it benefits the individual here. The constitution of the state says that they should get the maximum benefits of the resources.

Doug Henderson - What are the Commission's thoughts on the herring fishery in Bristol Bay? (Inaudible)... And if it's imposed in other regions and if it's done in Bristol Bay will it restrict gill netters to gill netters, or will a gill netter be involved in the seining?

Allan Adasiak - Right now we have to go pretty much on what Fish and Game has told us about the size of the stock and the size of the effort continuity. Fish and Game says based on what happened this year, they don't see any need for Limited Entry into the herring fishery yet. Now we know that the pattern is going to be more and more people are going to want to get into it and we're watching and Fish and Game is watching so that when you do have a need to put a limit on the effort that's out there, we can move in and do it. There are...you asked about gillnetters and per seiners.

Doug Henderson - Per seiners, last year, I think took over 90 per cent of the herring and most of the locals are gill netters.

Allan Adasiak - There is a provision in the Limited Entry Law which is very general and which we've never had a reason to use yet, which

essentially would allow a guy to accumulate a certain number of gill net permits and trade them for a per sein permit. You've got to consider the catching efficiency of the different types of gear. You couldn't take one gill net permit and flip it over into a per sein permit because he's got something that - what may be 10 times as sufficient. Assuming 10 is your conversion, there's a provision in the law which will allow you to pool 10 year gill net permits and turn it into a per sein permit so there's a way to make an interchange if that's what you want to do. It's very general and we have not thought out details of how it might work because we just haven't been confronted with the situation that might need it. But that kind of thing is available.

Doug Henderson - The Western District, which includes Kodiak, Bristol Bay. If they do make a permit for herring - would it be for the Western region, or what's the status...the herring stocks in Kodiak appear to be more depleted than the herring stocks here. The same seiners are fishing in Kodiak and here.

Allan Adasiak - We originally had different herring permits for a number of the areas going from Kodiak to the Peninsula to the Bay and all the way up the west coast, and we got a number of complaints that charging a separate fee for each area was unfair because those were new areas and the stocks hadn't even really been prospected yet, and that makes sense. There are a lot of areas that people just don't know how many fish there are, where they are, how they behave. So we changed the area in May. An area change which now runs runs from Kodiak all the way up. And that was basically to give people a break on the permit price and allow a little bit of prospecting to find out where these stocks are and what could be developed. If we limit we do not have to limit all of area J. We had guys call up from Kodiak, hey, if I make a herring landing in Kodiak and you limit Togiak, 'cause they give me a Togiak permit. They're thinking and we're thinking too, and the answer is probably not. If we end up limiting the fishery, I expect we're going to do it on a narrower basis. Rather than just a great big sweep which takes in thousands of miles.

Doug Henderson - If most of the local people today are gill netters ... (inaudible).....

Allan Adasiak - I just used 10 as an example. I have no idea what the number might be.

John Garner - One of the things that was done in Southeastern Alaska to make the herring fishery a little bit more presentable to the gill netters is that the Board of Fisheries essentially said set an overall harvest guideline on the amount of fish that could be caught and then instructed the staff at the Dept. of Fish and Game to try to make the catch that overall total amount allocated in a certain way to seiners and in a certain way to gill netters. In other words they perserved certain portions of the catch for gill netters. It's possible that proposals like that would be made to insure that the gill netters would get a reasonable amount of the catch.

Terry Gardiner - I would suggest to you that what happened in Southeast is basically the gill netters went to the Board and said look, we want a piece of the action. I think that might be beneficial for the people in the Bay area here that represent gill net fishermen who are interested in fishing herring to go to the Fish and Game Board, which I think meets in the first part of December and represent the people here and make the point that you're making that if the Board, that if the regulatory method was used to an advantage which they can do. There's no problem there, to the gill netters, that a gill net fishery would develop here and would be more beneficial to the people that live here. I think the Board would be inclined to do that.

Chuck Williams - Mr. Adasiak stated that the seiners are more efficient. I wouldn't like to consider the seiners to be more efficient. I would like to consider them to be more detrimental to the herring run over there. It takes only just a few of them to catch as many fish as it would say 100's of gillnetters. I would like to make my point clear here that employ several hundred gill netters, people on gill netters, and make the same amount of money as you could by inviting five or six seiners around from Kodiak and doing the same job. Fishing is part of the economy, but what we are looking at here, the people out here have only one fishery so far, and that's the salmon. The people in Kodiak have crab, they have halibut. They have a number of other resources that they can pick

from and I don't see any reason why, I think, the herring fishery out here can be limited to gill netters, and should be for the gill netters out here.

Glenda Williams - Like the people from Togiak and all around over there that have started fishing herring, they didn't even have a buyer for the fish they caught. They didn't have a market for their fish and here 20 people came and they go chugging up the river and all come back loaded all the time and here are these poor people that live by fishing - they've got no market and yet all these big ships are over there.

Chuck Williams - That's basically one of the reasons why the gill net ratio over there was only 10 per cent - the gill net caught herring, is the fact that there was no market. I saw several boats just turn around and go home because there was no market.

Nels Anderson - I've heard that oo. I think the suggestion that Terry made was a good one. You're going to have to convince the Board of Fish to adopt a proposal. As time goes on and the Commission intends to develop a limited entry program for the herring fishery...it will be based on what the board of fish does. Also, get your work done. I know that there are fishermen over in the Nushagak there that feel the same way that you do. They want to make sure that the gill net fishery is protected and given fair consideration.

Terry Gardiner - Basically, identically the same thing developed in southeast Alaska. We had a bunch of herring seiners who had seined herring for bait fishery. So they would (inaudible) the people who had geared up and moved into the herring roe fishery. The gill netters didn't have a market, in fact, it was basically illegal for the gill netters to even fish at one point. Then the gill netters finally got it legal for them to fish and they got their own puller - and as soon as you get your own puller, you have a market. That's - the processors want the fish and they may be promoting seiners now, but it the Board of Fish was to give a quota to the gill netters and say gillnetters can harvest this quota here, then you're going to have a market because the seiners can't catch those herring and the processors are going to have to buy them from the gill netters. That's exactly what happened in Southeast and as soon as the gill

netters got a quota they had a market the next day and there was no problem after that. In fact, they got a better price for them. The suggestion I make, besides going to the board, people of this area should meet with the local biologist out here who are going to be at those board meetings and who have a lot of influence on what the board does. They always ask the area biologist, well, what do you think about this? The people out here should meet with your area biologist and try to convince them of your point of view. If you have an advisory board out here, you have use of an advisory board behind these ideas.

Dan O'hara - I think that Limited Entry has some real drawbacks, mainly on young people, and maybe some of the old people who didn't understand how to get a permit. I think that the Limited Entry is planning on - is here to stay and I think we've got to make amendments to make it work. I haven't heard many people say that (inaudible). The reason that we have the amount of people who are fishing now is due to Limited Entry. You can't say it's all bad. And yet, I have four members of my family who didn't get a permit. I might also mention that Hammond had a sliding gear scale which maybe alot of people here in this community - maybe even in this room right now, had no time for it. But if we look at the statistics, at the time we had the sliding gear scale, I think we had something like about 93 per cent of the harvest that year. Right now the very same people who are complaining about the sliding gear scale are the ones now whose children are fishing. Of course the outside association was the one that put the pressure on someplace, the legislature or someplace to stop the sliding gear scale. It's too bad it stopped. Chucky's talking about the herring, all being gill netting. Gill netting is alright but I think it kills a lot of unnecessary herring too and Earl's the chairman of our local advisory board. We had a public hearing on it and just about a half a dozen people showed up. (Parts inaudible). And the people should be aware of the fact that there's a proposal right now that the Bristol Bay...(inaudible). You're going to find here in a few years that unless we do something...(inaudible). One thing is that limited entry is not that bad, but I think if I want to compete with a guy in Kodiak in herring, then I'm goint to have to get myself a

seigning outfit and go. (Parts inaudible) If they don't get off their duff and get on the commercial side of things and start looking at it and utilizing it - somebody else is going to take it. I have three questions I want to ask. One is...With the letters, information, and personell and post the materials in the villages.... probably the Commission can answer this.

Allan Adasiak - You mean during the application period Dan? We're in the middle of a big lawsuit on that right now.

Dan O'Hara - Reason I asked that question was...Possibly some of the older people and younger people too, take for instance Nondalton, ...Possible in February or March or whenever your information came around those guys might have been out beaver trapping or maybe even that day they were out trout fishing. (Parts inaudible) I saw them here. I saw the information posted here and they sent Val Angason around and I think...

John Garner - There's no question that people were missed and it's a real difficult problem any way that you look at it. The Commission, I think, felt that it was obligated to do as much as it recently could. But there are always cases where people who seem to be out of twon or they don't speak enough English that they understand the notices that are going out over the radio. They don't real enough English that they can completly (inaudible). Some people were, in fact, missed. That's really a big question that is involved in this lawsuit.

Terry Gardiner - Let me answer your question just a little bit further. I think that at the time Nels approached the Legislature about getting a special appropriation to the Commission to do this and that's what the BBnc project was about and it wasn't that we didn't realize that this was going to be a problem. Nels brought it to our attention and we appropriated some money to do it. Then we asked what happened. It seems to me from at least what was said yesterday at Dillingham, and here, that we thought that we were doing something about it, but didn't do enough. I think that at least as one legislator, I'm aware that more could be done and should have been done, and we're going to see what we can do about that.

Dan O'Hara - Secondly...(question inaudible).

Nels Anderson - Dan, I'm glad you say this; how we're going to

resolve the problem of getting the young people into the fishery at some point in the future. I think it was pretty well explained yesterday by several people that said, Well, I'm 40 years old or 45 years old and I'm still able to fish and I'm not going to give up my permit to my childre because I'm still able to fish. It's the only one we've got in the family and I've got two boys that want to go fishing and the only way they can go fishing is if they become a partner with somebody else -- or under the table (inaudible). The problem we are faced, we are being given by people, not only in Dillingham...here and other places as well. The problem -- what is the legal standard? I'll tell you what my belief is and I don't know how far it well get into the courts. I hope to have some way of revising the program in the future to allow people who have children, live in the area, and are interested in fishing -- have the system oriented toward their favor. That is my desire. What legal standing my desire has (inaudible). It is my desire and my belief we should revise the system and program to bring our young people in under some kind of an apprenticeship. That would be in favor of the watershed residents, the Alaskan residents, and that's the direction in which I'm moving. Our present system doesn't allow that, because the courts and the Constitution are very clear; however, it is my feeling that we have not got enough study and enough people saying that it ought to be done. I think that something can be done at some point. We don't have the answer now. I know we don't; however, I think it's something we ought to work toward.

Dan O'Hara - (Asked another question - inaudible)

Nels Anderson - I can handle that one too. I propose two amendments. One to get at the continual rise of the cost of the permit, and another to get at the young people getting into it - so that we could more easily transfer their permits that are coming from (inaudible) to resident holders. But upon very quick review by people that are much smarter than myself, I discovered that it was shot full of holes and I'm not going to waste too much of your time trying to get into how this is going to work, but basically, what I am going after -- and there are two amendments that were drafted -- and I think they may be distributed in some not too great numbers

amongst you there. But to get at the problem of getting the young people in and bringing the cost of the permit down so that it's in local people's range. The concept as they've been devised are not workable because of the other side when you try to implement the kind of solution that I've proposed you have a lot of negative aspects. You bring in a lot more people than you've really intended to, that are not resident fishermen. So, at that point, that's when I ceased looking at these possible solutions. These are only things that are work draft copied; however, other proposals that have come that we feel that are workable that we can look at, the amendments, there legal forms, have not yet been drafted. We're going to have John Williams go down to the Legislature assimilate some of this information that has come from the people on what they feel has to be done, put that in the form of legislative language and get it back out here as soon as we can for your thoughts and your suggestions. That's basically where we're at right now. We're learning more, at least I'm learning more than I ever realized some of the problems from these meetings.

Terry Gardiner - I think basically, any amendments earlier or changes in the system, are in an idea stage only, and as we listen to all this we're hashing them around, correcting them and that's kind of the stage that we're at and we're going to have to take them back to the mill and grind these things out and maybe get some legal expertise to answer some of these questions. Another thing that people today should recognize that this isn't the only fishery in the state. We've got other problems in other areas and maybe a lot of them are similar but a lot of things we do are going to affect the fisheries statewide and those other areas are going to have to be heard from now. We really aren't very far on anything right now. I think it's just in the idea stage now.

Doug Henderson - I was wondering if there could be any tax incentive for a permit to be sold to one resident to another, such as if you sell your permit to an outsider, you would have to pay taxes, but if you sell it to a resident you wouldn't have to pay the state capital gain.

Terry Gardiner - That's a new one on us. That's an interesting one.

Nels Anderson - And that should be looked into by Legislative Affairs. I honestly never thought of an incentive and that could possibly have some effect on which way the permits would go.

John Eckert - Wouldn't a simple amendment to, on our last proposal for the 1972 regulations, first time fishermen, wouldn't a simple amendment for these late applications pertain to them. Couldn't they just be put under that new law if they qualify?

Terry Gardiner - You're talking about amending the law to just extending the application date?

John Eckert - Yeah, for the late applicants, why couldn't they just come under the new regulation that would simplify the tax payers dollars in court and everything else.

Terry Gardiner - We're not only talking as legislators to the Commission about that, but we're talking to legal services who has the suit you know about some possible resolutions. Yes, I think your suggestion may be very possible.

John Eckert - I don't see why it couldn't work out.

Nels Anderson - It's the simplest solution to all the problems like Glenda has and I think the other gentleman talked about his problem - there seems to be a very simple solution, but what we're faced with right now is that we do know we have a legal test right now being tested in the courts. And the outcome may be forthcoming very shortly so that may resolve some of that problem. However, if they lose it, then of course that's something. I know Alaska Legal Services will come to the Legislature and say, Look, this is not there. These people should be considered and that time period should be extended, and the Legislature can make that kind of policy decision. We have not yet made it. We're not sure this is the right time to make it. We're going to wait until that court case is tested and as I said, it should be resolved in the very near future.

John Eckert - I was just hoping to save the people some tax dollars.

Chuck Williams - When Limited Entry first came about there was a lot of talk about state buy back program - I was wondering what happened on that?

Allan Adasiak - The buy back program will go into effect - we've got to come up with a thing called optimum number - there's three pieces that you've got to look at, then come up with your number.

One piece Fish and Game Management provides us that's essentially a number of units of gear they can harvest the run in any year. We've asked them to give us two numbers; a low number that can harvest the peak run and then a high number opposed beyond which when they're taking risks in their management, because there's just so many boats, no matter how they do it, there's a risk of having a (inaudible) harvest where they don't need it. They are working on developing those management figures. The second thing we've got to look at is something that the Commission is looking at and a lot of people in the Bay have probably got questionnaires in the mail this summer. Trying to figure out what your operating costs are - how much it cost you to fish and what money you end up with afterward. We have to figure out how many boats you should have out there in order to make a reasonable amount of money. And the third thing we have to look at is how many permits there should be in the fishery to avoid what the law says as serious economic dislocation to those currently engaged in the fishery. We've got to get these three things and balance them out. Now we've taken a cut in some of this before, but in the past couple of years, a lot of your costs have gone up - your fuel cost have gone up, and a lot of other things have. At the same time, the price of fish has gone up so hell, the numbers all changed on us and we've got to look at it again to make sure we're dealing with something sensibly. What we'll do when we've got some of this stuff together, we've started in Cordova in the Prince William Sound drift fishery already with groups like this so we can talk to the fishermen, show what we've got, get their comments on what they think about how it will work. We end up with an optimum number which is below the number of boats that there are in the fishery they you get a buy back program and you start buying down. In terms of timing we're not that far along getting together the information on the Bay, to give you any hard numbers on what might happen, but I will give you my personal feeling there will be a buy back program in the Bay. How big it will be, I don't know - we're too far away, but I'm pretty sure that you're looking at a buy back program. I also, do not believe that you will see a buy back program in 1979. It's just too soon - it's moving too fast because we want one in Prince William Sound - we can do - and we

can learn from - and we want to have the time to work with the people and develop information from them on what these numbers ought to be and how a buy back program would work here. You've got a sales tax here, a borough here, that other people don't have. Geoff Comfort - I work fro Alaska Legal Services and I would like to discuss some of the problems that we've run into over the past couple of years with the Limited Entry program as it works and effects people here in the Bay, and I'd also like to discuss some of the litigation we're involved in now, hopefully, (inaudible) a greater distribution of permits to the people in the Bristol Bay area then I would like to discuss some of the problems which we can't solve through litigatior and we hope they can be solved in the political process - such as changing the law. First thing that we ran into, the first basic problem that we ran into, has been brought up here already on the number of the cases that --the fact is that a lot of people, espcpecially village people, and espcpecially older village people, didn't get signed up in the application period when it was in effect. We've identified about one hundred and fifteen people who didn't get signed up. However, we're in court about that. If the court goes in our favor, then those people will be able to apply and the point system, as it operates now, will be applied to them. Some people who have enough points and who were late will get in and the other people who will not qualify under the point system, will not get in. The point system as it affects the people, is also somewhat inequitable, at least in our position. In addition to (inaudible) of younger fishermen who didn't have gear lecenses and the only problem we presented by that certain points which are given in the income dependence catagory - up to ten points were only given to gear license holders. So, a gear license holder in 1971 and 1972 could get up to ten points if a certain percentage of his income came from fishing - a certain percentage somewhere around fifty per cent. We we saying if a creman had the same income dependence from fishing, why shouldn't he get the points also? If we prevail on this lawsuit, 10 points could be and additional 10 points, providing that the person is income dependent those two years could possibly be available for a permit for those two years. The affect of course, would probably help a few more young people get into the fishery.

We've also got about five additional individual lawsuits which generally cover the person's individual situation. One of the issues is we're bringing in one of those lawsuits the problem of equal partners. A lot of people out here fish on an equal partnership relationship. The way the Commission awards points is to give the gear license holder a substantial number of points and the crewman like one point per year. For equal partners this doesn't work out. We're saying that they should be treated equally and if we prevail on this we just might result in some kind of a different distribution of points. We also got about 175 to 200 other individual cases which we're working throughout the administrative office right now. Some of these 175 to 200 cases would be affected by one or the lawsuits that was described above. Others will be brought individual. Even if we think we can get in fifty or 75 or 100 more people into the fisheries - I don't see this has really solved anything. I think you've got a problem out there and the problem is what are you going to do with the future generation of Native people and Bristol Bay people -- how are they going to get into the fisheries? Presently, the only way to get a permit is to get one transferred to you and if you can't get one transferred to you, you're going to have to buy one. For large families - those families where the only permit holder in the family is the father -- he's going to have a problem; who's he going to give it to? And what's going to happen to the rest of the kids in the family? I think that the most serious disadvantage that we've got on the present system, is allowing permits to be sold on the open market at the highest price that a person can get for it. I think that's the problem, because I think prices are very high now -- they are up 30 to 50 thousand dollars. The next two seasons are looking really good for fishing and the prices are going to go up even higher. The buy back program will be coming into effect - it's going to keep the prices because it's going to make permits more scarce. The state has a loan program where a person can borrow money and use the permits as collateral. The program, however, only allows you seventy-five percent to get 75 percent of the money and you have to come up with 25 percent in cash or borrow the other 25 percent. I don't think that people can come up with that kind of money -- 25% cash -- and I don't think a lot of

people in the village have sufficient collateral to secure 25 percent of the loan from another agency. Also, I don't think that allowing permits to be sold in the open market would allow young people out here a chance to buy into them. I think the permits are going to go outside - away from the village people. I think this is evident by the fact that in British Columbia you have a similar limited entry program. In 1968, fifteen percent of the people held the permits were native people - 7 years later the percent of native people who held the permits was 7 percent, so you had a reduction of almost one half the native fishing force in 7 years by allowing the fishing permits to be sold. This happened even though the government was making an attempt to loan money to native fishermen to buy into the fishery. So, I think we have a problem with the way the system works now. I think one solution is possible to say these permits have no value, or these permits that have value can only be sold to the Commission. I think what could be set up is some type of system which is going to give consideration to the fishermen, the young fishermen, who has fished for 10 years and has not got a permit. A retirement system where a permit is retired to the Commission and reissued to the young fishermen who's deserving, would be a more suitable solution than the one we've got now which is selling permits. There's legal problems with the system which could withstand and attack in the courts. I've suggested that some type of a meeting be set up to look into alternative sources or alternative solutions to the problem and when they come up with one that looks good to propose it to the Legislature and hopefully change the scope of the program. A couple of ideas were raised in Dillingham. One idea was to allow the free transferability of permits to remain in affect so that a father can give a permit to his son, but stop the sales of permits between individuals and make those sales only to the Commission. If a person wanted to sell his permit, he could only sell it directly to the Commission. The Commission would then reissue, or resell at a reduced value to the fishermen who, on some kind of a continuing hardship point system, was highest on this system. The affect of reaching or having a pool of permits coming back to the Commission and reissuing them out is that most of the Bristol Bay people would be on the top of that list because they

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Started recording too late

Terry Gardiner - Fished for many years - I grant that this system ~~is~~ isn't perfect out of 8 thousand permits, but generally what we've tried to is orient it towards the people who were the existing fisherman. Statistically we looked at it and some of ~~these~~ <sup>these</sup> other ideas and we said my god like there's thousands of ~~permits~~ crewmen around the state - we ~~can't~~ <sup>can't give</sup> ~~give~~ them all permits because we'll just inflate ~~the~~ <sup>the</sup> number. We decided we ~~were~~ <sup>were</sup> going to cut it off at that number so we couldn't ~~give~~ <sup>give</sup> all the crewmen licenses. <sup>Then</sup> you start getting into all these weird cases ~~was~~ where guys - some ~~people~~ <sup>people</sup> were ~~only~~ <sup>only</sup> ~~crewmembers~~ <sup>crewmembers</sup> for a couple of years - some ~~people~~ <sup>people</sup> would spend their whole lives being crewmen - that complicates the problem. Some people were only skippers for a ~~couple~~ <sup>couple</sup> of years cause they're only 19 or 20 years old. ~~We~~ We had another problem in that we looked there was this huge turnover - about 30 fishermen quit ~~per~~ year - the skippers they were going broke - at least I know a lot of people who did they couldn't make it in the fisheries so they dropped out. So if you ~~can~~ took something like a five year period and said we'll ~~give~~ them permits - so we could tell you fished in the last five years, statistically when you figured it out - if you ~~gave~~ <sup>gave</sup> permits to everybody who fished in the last five years - we would have doubled the number of boats and that isn't what we ~~wanted~~ <sup>wanted</sup> to do. So that wouldn't work so we discarded that idea. So we got back to the only thing that seemed would ~~even~~ work reasonably and I knew it wasn't perfect. <sup>That</sup> you had to orient the priorities toward the skippers of the boat - people who ran the boats - ~~not~~ the wives or the kids or the crewmen, but toward the skipper and we

tried to make it flexible not to take into account the problems of other people who - that you can bring up these cases and I know of in my own area - where you say that's unfair that that guy was cut out. It was unfair that this guy got in but I think the vast ~~the~~ majority of people who got the permits were real fishermen. -- At least the ones I know of.... comment from audience - not around here.

Richard Johnson - My name is Richard Johnson - I've lived here past 33 years and fished for the past 29 years... I have a couple of three boys that fished with me off and on. As they got older I took them, bought them licenses, commercial, there was no reason to buy them a gear licenses, until a couple of years there where ~~they~~ <sup>they</sup> said you had to pool your gear in order to get enough gear in the water - ~~2~~ <sup>25</sup> ~~twenty~~ fathoms, which I did I bought my boys gear licenses - I had my oldest boy sell fish on his tickets, now and you people on the Commission or whoever figured this thing out - says unless you sold fish and have fish tickets that prove that you sold fish your kids cannot get licenses or anybody cannot get licenses.. So I have 2 boys, One is 22 going on 23 - the other one is going to be 20 who cannot get permits because they did not sell fish on fish tickets which I think is discriminatory and I think it's wrong, I think you guys are holding ~~the~~ <sup>the</sup> young people down from going into a business of ~~their~~ <sup>their</sup> own which is fishing is a ~~private~~ <sup>private</sup> business just like anybody else as a carpenter, a housebuilder, a painter or the business you guys are in, in fact. Now you take carpentry, or ~~an~~ <sup>a</sup> mason, bricklayer anything you want, they don't hold people back from getting into business - they make them join the Union to get in. But this Limited Entry Commission has caused

Richard Johnson contineud --

our young people from going into a private business of their own which is fish -- some of our young people - that's the only thing they know. That's the only thing I knew until I got a job <sup>with</sup> with the State of Alaska. That was my only source of income. Our young boys are the same way - they haven't been able to go to school because they haven't been able to get a good enough job to afford schools cost. My kids can't afford to go to college because they can't go out here and go fishing - they can't go in as partners with anybody because you have to have the experience but yet they can come out and get a limited entry permit and get a professional fisherman to go with them and another thing that you have failed to do is my boy was in the service and during the time he was in the service is when you guys came out with those three years where you had to have some many years in this fishing to get points, my boy did not get any points for being in the United States Service, I think that is something else you guys missed. I think it should be looked <sup>at</sup> and I think that you should go back and look at some of these young people and start issuing somebody permits because it is a private business.

Terry Gardiner - Did you say that your kids as gear licenses holders - that they sold on your... Well,

Richard Johnson... Well, he didn't fish with me but he sold fish -- on the pink slips - with his signature on it because they had the gear licenses he had them all... my boys - the year ~~tax tax~~ that the commission came out with the <sup>25</sup> ~~2~~ twenty-five fathom limit. I bought gear licenses for my whole family, my boys and my wife and all. And today my boys do not have a limited entry permit because they have been refused because they did not <sup>sell</sup> ~~sell~~ fish in their own

Richard Johnson continued - name.

Terry Gardiner - Who's name were <sup>they</sup> ~~they~~ selling fish under?

Richard Johnson, - My name and my book. You go to a cannery, they give you one book and that's it. So it's hogwash because you're not giving our young people a chance to get into a private business and fishing is a private business as far as I'm concerned.

John Garner - The first gear licenses then were 1973?

Richard Johnson - Before that. It was before that.

John Garner - One thing I might suggest is that either you or boys talk to Jim Larson.

Richard Johnson - My boy didn't have a job this summer he's stuck in Anchorage he can't make it home - he was supposed been home - he ~~xxx~~ can't make it home ~~x~~ so I'm here.

John Garner - You might want to talk to Jim then as well. The Commission has always said that fish tickets are good proof of participation.

Richard Johnson - He sent them to you people, you people wrote back and told him to get more proof and he ~~can~~ had affidavits from the guys he fished with and you guys said get more proof. What more proof do you want?

John Garner - I suggest you check with ~~J~~ Jim because obviously fishing is the best proof.

Dolly Herrmann - Sir, I can verify those statements because there are ~~no~~ people who come to the village council with the same types of complaints, as a matter of fact I have some folders that do have ~~xxx~~ these complaints.

Allan Adasiak - Jim has got copies of almost everybody's files who applied in the Bay. He's got them on microfilm and he can check and see what's in the files and if you've got other things ~~xxx~~ about

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Allan Adasiak continued - some particular person, your son, or somebody else or your own application, that you don't understand and you want to get together and talk with him... that's one of the reason's he's here, maybe we don't have all the information, maybe we misunderstood something that you sent us. You know, and Jim will be able to go over some of that.

Richard M. Johnson - The point I want to bring across to you people is that you have no provisions for the young people that were in ~~the~~ <sup>the</sup> service in these crucial years.

Allan Adasiak - ~~The~~ <sup>The</sup> provision we made for the people in the Service. ~~The~~ <sup>The</sup> legislature gave us specific legislative intent.. When we set up this system we should make some kind of provision for people who were in the service so what we did we figured, alright we'll take a guy's first tour of ~~any~~ duty, his first tour and we'll give him credit for that as if he were fishing and if he re-enlists ~~in~~ <sup>there</sup> he's made a choice in a career ... he's made a choice that he wants to go on and be in the military... If after ~~the~~ the first tour he comes back and wants to go fishing that's different, so we figure the first tour is what the limit is on the amount of time we give a guy credit for. What we said, was especially since we had to stop looking at things in 1972. ] We said the kind of credit we'll give a guy going into the military will depend on ~~what~~ what he did before he went in. So that if a guy is a gear license holder fished with a gear license ~~&~~ before he went ~~&~~ into the service then we'll give him credit for his years in ~~the~~ the service just as if he were out there fishing as a gear license holder. If he was only a crewman before he went in, then we give him credit for those years he was in the military up to 1972. We do have a provision were a guy can claim them. As far as being eligible to apply, the

Allan Adasiak contineud - legislature put into the law that in order for a guy to be eligible ~~een~~ to send in an application so that we can take it... just get the application in the door. He has to ~~hae~~ held a gear liscence and fished commercially in the area that he wants to apply for. So thats a peice of the law that we ~~hae~~ no flexiblity on. A guy has to ~~hae~~ had a gear liscnece and landed fish commercially in order for us legally to be able to accept his application.

Richard Johnson - One thing **I** was going to ~~say~~ <sup>say</sup> - you say that he has to fish commercially and ~~hae~~ a permit and ~~everything~~, He has to ~~hae~~ established a career type thing. What are you going to do - for instance my boy went ~~xx~~ straight from school right into the ~~service~~ - now that man, as a young fellow did not ~~hae~~ a chance to establish what he's going to do - what kind of a job or proffession he is going to take up - he was a student. Now in order for him to make money here in the summers, just like the rest of these people all ~~hae~~ kids, that's what they're concerned on. Is there young people, they go fishing with their parents during the summer months in order to get the money to ~~help~~ their folks. So they ~~hae~~n't established a ~~career~~ of what they're going to do with their ~~lives~~. So if they ~~wanted~~ <sup>wanted</sup> not to go fishing for a couple of years and stay home - Well, you can come up and say well he didn't fish for a couple of years he hasn't established a career yet, he hasn't done anything. But that's wrong.

Allan Adasiak - I don't know exactly how to answer that question except on a case by case basis. You know different people organize their ~~lives~~ differently. A guy may take two years off and then decide he wants to be an electronics technician and work on the ~~pipeline~~ pipeline or something. So it's hard ~~unless~~ unless you look at

Allan Adasiak - each person individually and ~~a~~ try and answer that question. Comment from Richard on young people.... Allan. *Adasiak cont.*

Let me just talk about this business about the young people. It is one of the most ~~fd~~difficult parts of this ~~per~~ program. This program has changed things. It changed how a guy gets into fishing and all the rest of that. Some of the ways that it has ~~exhng~~ changed ~~I~~ I think are for the better. Fisherman are making more money. I think it's making the managers job a little bit safer so that he can do a more responsible job of making sure the runs get built up. Some of those changes are good. Some of those are the changes... one of the things that happens when you say okay here it is ... there's the level .. there's only so many permits and only so many ~~x~~ <sup>people</sup> ~~people~~ can fish.. only so many kids can fish. You've got~~x~~ two kids - there's only one of you.. you got a gear liscenses, if you want both of your kids to ~~hae~~ gear liscenses and operate their own boat. You're doubling the number.. There's going to be two boats instead of one. And you've ~~x~~ got a problem there with whether you want to put a lid on ~~thax~~ that fishery and hold it still in terms of the number of boats that are out there or whether you want ~~nx~~ to do something that lets it grow. The decision that was made, and Terry can speak to it better than I can, In the Legislature, was that if you make the permits freely transferable the way that we did~~xx~~ at least the guy who gets the permit has got control ~~oer~~ that one permit and he can make sure that when he retires one of his kids can get in that. Another thing that we did and it was addressed partly in~~x~~ terms of our concern of getting~~x~~ the young people in who want to get in, was we put through this loan program I mentioned earlier. Which yet it isn't easy, it isn't just sweet

Allan Adasiak - ~~continued~~ - to get in effortlessly, but it's a way to get in. It provides the financing that takes some of the sting out of having to buy a permit and yet it allows you to keep that lid on the number of boats.

Glenda Williams - You were talking about points. In 1975 ~~the~~ I applied for my permit. I've got enough points for my drift and ~~up~~ I applied and I got letters to that affect and then they denied me my permit again. They said I could appeal it. So I wrote back in August that I wanted to appeal it and I ~~gave~~ them a good reason why ~~they~~ ~~denied~~ ~~me~~, I felt, that I should have my permit and ~~it~~ they denied me that. I've got points that would entitle me a permit. And now they denied me a hearing.

Allan Adasiak - I can't really comment on what happened unless I were to look at your whole file and see what is in it. Everybody's facts are different. I can't just off the top of my head say anything about because I don't know what we've got. Whether we've got all of it. One thing I suggest I you do is talk with Jim Larson in the other room.

Glenda Williams - I don't want to talk with Jim Larson, it's with BBNA - they'll ~~be~~ have all this information.

John Garner - Glenda, apparently, the second application that you filed was one of ~~the~~ the ~~is~~ Isakson applications - that granted eligibility to apply. Gear License holders for the first time in 1973 and 1974. That second application was after the application deadline.

Glenda - right.. John Garner - "What was the reason for missing that deadline on the application period."

Glenda Williams - Because I couldn't get my affidavits in time cause I didn't have any affidavits and when I did... Well, I'll try it now.

Glenda Williams continued - In May I sent it out again. I had to call and find out ~~xxxx~~ whether I was going to get it - what was being done about it. They told me I can't give you that information it will have to be at a later date. So I waited.. I am entitled to that permit..

Charles Williams - What happened was when the first application came out she filled it out and didn't come up with enough points. After the second application, she had enough points, she sent it in and she was denied and then she sent in an appeal and they denied her the right to appeal because she didn't apply the very first time the applications came out.

Glenda Williams - If you've got it in black and white down there what more evidence ~~is~~ do you want?

John Garner - ~~xxxx~~ inaudible - first part of statement inaudible - or grounds to accept a late application. The commission has essentially two grounds to accept a late application... 1) You were advised by somebody by the commission not to apply.. 2) or that you were advised in some way not to apply then that's an error on our part.

Glenda Williams - Regardless, I figure that I should have been granted a hearing to begin with. I'm going to get it I'm going to get that hearing cause I'm going to take it to court.

Terry Gardiner - Why were you late - I didn't get that?

Glenda Williams - ~~is~~ A lot of reasons. I was discouraged the first time. When there were people sent out here. They were out here... You can sit down, give me all your points, give me all your papers. They never explained, what.

Glenda Willaims continued - People from BBNA, and not only them, when I coresponded with Juneau, all they did was send me back all these numbers and rules and regulations and it's not laymens terms to me. I mean I don't want them to have to send a dictionary along with ~~them~~ it to understand what it means. So I was discouraged.

John Garner - Was this during the application period that you were discouraged?

Glenda Williams - Right.

Dolly Herrmann - There's a lot that stuff that didn't come to the villagers in time for it to be acted on. A lot of the applicatnts weren't aware that there was even an extention and they weren't aware for what. I for one, I work for the village council and have worked for them for years and there wasn't one letter sent to the village Council stating that there was an extention or otherwise. So you can't blame the people for not getting timely applications in. When ~~the~~ those of local government ~~don't~~ aren't even aware of it.

John Garner - One other thing Glenda. There is a law suit is ~~pre~~ presently ongoing in relation to the 1975 ~~for~~ applications. Which if resolved in ~~the~~ the favor of the people who are trying to get the permission to accept the <sup>late</sup> applications may have something. It just depends on how the lawsuit comes out.

Nels Anderson - Glenda, Have you ever spoken face to face with Mr. Larson?

Glenda Willaims - No.

Nels - You don't have any desire too?

Glenda - No.

Allan Adasiak - Your'e making it difficult for us to help you.

Nels Anderson - I think if ~~you were~~ he were to here what your story was perhaps he'd have a greater understanding of how he may have made a mistake.

Glenda Williams - Well, it wasn't Mr. Larson that denied me my hearing it was M<sup>r</sup>. Miller.

~~Nels~~ Nels A. Sanderson - We have corresponded with Mr. Larson, and he is here. May be just take a minute or two to go see him.

Glenda - I'm afraid i'd tear him to pieces.

Terry Girdiner - Nels and I are legislators, we can go down and change the law but we can't ~~write~~ write your ~~name~~ name or a ~~couple~~ couple of ~~other~~ other people with particular cases. Okay, we can amend the whole law to change it just for you. Well, that may or may not be heard down there. On the other hand, we aren't the guys that sign the permits out or hold the hearings and we can go yell and scream just like you might but somebody's going to have to do it. I Probably the easier way to deal with your individual case than amending the whole law...? <sup>(inaudible)</sup> Now we ~~amend~~ amend the whole law for a lot of other reasons but I doubt that it's going to ~~happen~~ happen for just one person.

Glenda Williams - I'm sure I'm not the only person.

Nels A. Anderson - I was going to say that too, I suspect there are other people in your case. There are other people who have explained what their problems were and have been given consideration by the Commission. We went through all the trouble to get ~~this~~ this guy over here, give him a change. If he can't do it then that's something we have to deal with because I know you feel pretty strongly about ~~this~~ <sup>this</sup>, and it is not a laughing matter and a very serious matter to you and to other people as well but at least go and talk to the guy and ~~explain~~ explain the situation. It's really hard and it's cold to deal in black and white. I know that. A lot of times you get ~~show~~ these letters and it takes some lawyers to interpret that garbage anyway.

~~Wk~~

HEL Herrmann - I'd like to know how ~~xxxxxxx~~ did all these non-residents that fished ~~xx~~ the cannery gear and cannery boats get their points? You ~~have~~ to ~~have~~ a point to ~~live~~ here and ~~xxx~~ own your gear and all that stuff. How did they get all their twenty points?

John Garner - The legislature said ~~ix~~ to the Commission that essentially you must follow constitutional standards when issuing permits, which include the requirement that you not, at least explicitly, discriminate against non-residents. So they ~~gave~~ us standards for determining who should <sup>qualify</sup> ~~qualify~~ for a permit which included some things that non-residents would <sup>qualify</sup> ~~qualify~~ for. In particular the legislature said that we could look extent and character on a person's participation, the amount of income dependence it may ~~have~~ on ~~xxx~~ the fishing, as well as the population of the area that they ~~live~~ in. Consequently non-residents could <sup>qualify</sup> ~~qualify~~ for points and could <sup>qualify</sup> ~~qualify~~ for permits, if in fact they were long time fishermen who were income dependent of ~~xxx~~ ~~ix~~ fishing.

Wk Helen Herrmann - Well, there's some long time residents ~~xx~~ that ~~have~~ been fishing all their lives and ~~xxxxxx~~ couldn't get a permit. It don't seem fair.

Nels A. Anderson - That's one of the questions and statements we've been hearing for quite some time. and I don't know what the distribution of non-residents to residents is ~~x~~ on permits, but I ~~xx~~ think it's something like fifty/fifty or so, I'm not sure exactly, the way the system works it did ~~give~~ the outsiders, if ~~xx~~ they fished in the/same years as residents did they ~~have~~ an equal ~~xxxxxx~~ chance of getting a permit along with ~~xxx~~ anybody else. If it had not been handled in ~~that~~ manner, as I understand it, it would ~~have~~ been kicked out by the Supreme Court.

Helen Herrmann - Well, maybe you know that ~~there~~ if there was a person in 1972 that ~~ex~~ came up for the first time in 1972 and got a permit. Is that ~~the~~ true?

Nels A. Anderson, Jr. - That is true. <sup>at</sup> That people that did fish for one year in 1972 and ~~get~~ had a gear license a non-resident, they did get permits as I understand it.

Helen Herrmann - How ~~is~~ did he get all his points then? In that one year?

John Garner - A person who fished in 1972 for the first time can receive a ~~per~~ potential 21 points under the commission's point system. The present 17 points are all that's necessary for ~~the~~ a drift permit.

Barney Groat - In relation to what Glenda said - I had a lot of trouble getting my permit. I went round and round and round with those guys. I get letters from everybody - Jay stoall, I got letters from him and I had proof that I had everything and I finally just told him???? inaudible Then <sup>8</sup>met ~~Jay~~ Governor Hammond ~~is~~ down here on ~~the~~ the street one day and he said well are you fishing? I said no, ~~that~~ it's stupid the way it happened but I can't fish because I didn't have X amount of points. And they didn't count 1972, I got injured in 1972 and wasn't able to fish the follow<sup>ing</sup> year. I fished in 1970 but that doesn't count see. He ~~is~~ <sup>said well</sup> ~~said well~~, tell you what Barney you send your stuff to me and I'll make sure it gets to the ~~right~~ right guy and you'll get your permit and that's how I got my permit. All I had to do was get proof that I owned a skiff. I had a couple of guys here in town write, yup you own that skiff. Then I sent it out and I got it. It's just because I did not know the law and I couldn't read whateer it said. According to ~~this~~ and according to that you~~s~~ are exempt. I didn't know what the hell they were talking about so

Barney Groat - I just ~~gave~~ it up and that's what Glenda's talking about.

Nels Anderson - Okay, Glenda you've got ~~the~~ <sup>the</sup> formula.

Glenda Williams - Yeah, it's election year too.

Norman Anderson - I have a questions about the - locally we call them the farmers from Idaho that come up here for one year and get a permit - how do they get there potential 21 points in relation to the ~~xxx~~ economic dependence, ownership and domicile and residency and mean that seems to be a farce look at us, we live here people, we live here in the watershed, this is our economic dependence this is how we build our homes, ~~from~~ <sup>from</sup> fishing, you're denying us our permits, but some yo-yo from outside here can get a Red Salmon boat and go out there and fish here one year and he gets a permit.

Allan Adasiak - As far as the points for where you live go as John ~~st~~ said earlier when the ~~legis~~ legislature gave us this law there was a lot ~~of~~ of research done before ~~the~~ the thing ~~even~~ got to the legislature. The legislature had special committees, special consultants making sure that we had all of the constitutions would stand up in court. David Dowsley said the same thing - do it but do it legally, We have one of the ~~xx~~ ~~xx~~ rules of ~~the~~ the game is that the same ~~rules~~ rules have to ~~all~~ apply to a resident as a non-resident.

Norman Anderson - When you people say, you illegally and it doesn't look like it, that's ~~st~~ the way you want it, hell you guys make it a law so then it's legal.

Allan Adasiak - We put in a provision which said if you live in an area which is rural - has a very small percentage population for ~~the~~ the area. You get four points, there are a lot of areas in Alaska that count as ~~the~~ rural areas. The truth of the matter is that there are some areas outside. There are some parts of the state of ~~Washington~~ Washington, there are some parts Idaho, I think

~~XXXXXXXXXXXX~~

Allan Adasiak continued - there are ~~en~~ some parts of California, where if a guy ~~lies~~ there he also is in what we defined as a rural area and he gets four points. ~~Very~~ Few of them do, most of them live in Richmond, or San Pedro, or ANacortes or Beellingham, and they don't get the points. But there are a few areas outside, and your guy from Idaho ~~quize~~ that you're talking about quite conceivably ~~lies~~ out in some area where they got a lot of rocks and ~~very~~ few people and he's ~~n~~ in a rural area and he gets four ~~points~~ <sup>points</sup> for it. For the most part the people that benefit from that thing about ~~giving~~ points on where your ~~live~~, cause you're in a rural area - ~~the~~ the people who benefited most from that are ~~n~~ Alaskan's. We had to make the rules the same.

Norman Anderson - No, you ought to reword that and say, some of the people that benefited were ~~n~~ Alaskan's. Locally, not too many, but some Alaskan's got it yet. My name is Norman Anderson, I didn't introduce myself, excuse me.

Nels A. Anderson - Norman, the reason why, again, <sup>that we're holding this meeting</sup> we know that there are a lot of people being left out of the system. There appears to ~~be~~ ~~k~~ no mechanism to get the young people in, we understand that however ~~of~~ we're working with a law that's pretty rigid. Our intent is to take your comments and try in some way to modify ~~the~~ the law to ~~the~~ the extent where your concerns can be met. <sup>]</sup> That's the reason why we ~~have~~ here - we ~~have~~ to bring this message back ~~n~~ to ~~the~~ Juneau and the next session, the following session, and try to work ~~out~~ some ~~ans~~ to arrive at some solution to your problem. That's why ~~we~~ we're here. Right now, as these guys are explaining to you, they're working with a law that was ~~given~~ given to them by ~~the~~ the legislature. Okay, that's what they're working with right now.

Glena Williams - Well, what should have happened ~~was~~ was that everybody that lived in ~~the~~ the watershed or around it - should have been dished out a permit and what was left over put up in the air and let the outsiders fight over them.

Terry Gardiner - I'll tell you ~~is~~ the answer to that. There's people down there smarter than we are. Smarter than the people that we have, smarter than the lawyers we hire. I'm not opposed to that. I was born and raised in the state of Alaska too but thinking it and saying ~~is~~ it - isn't the same as ~~writing~~ writing it <sup>on paper</sup> and making it work. I guess that's us complaining about inaudible). There's kind of two things that we're looking at, and one is say that your individual case and say another thing what we call fine tuning - trying to make a system work more ~~equitable~~ equitable. And like you said, basically looking to see if maybe the whole system needs to be thrown out. That's something the Commission is hired to do. That's something that every citizen of ~~the~~ the State has the ability to decide for himself whether the whole system is working so badly that it should be thrown out.

Herb Mitchell - My name is Herb Mitchell. My questions concerning late filing. I tried to file. Parts inaudible. At the time of the original application period. Three fourths of the time I was out of the country for several years. I got back in the country July 1st 1975 ~~the~~ which at that time was kind of a hardship to even think about filing because I had my paperwork - as anybody that's been in ~~the~~ the military, I got stuff going to Arizona, stuff going ~~in~~ <sup>in</sup> to Canada and paperwork here also, as far as proof and everything else. I got out of the military this year and I got my applications in. And the only reason ~~was~~ <sup>as I understand</sup> for late filing, is the fact that <sup>if</sup> someone from your commission ~~give~~ <sup>give</sup> me ill advise whether I can apply or not what

Herb Mitchell - it basically amounts too. At the time ~~Z~~ I could not applied if I wanted to. REally, well, I could hae If ~~xxxxxx~~ I could afford charer around the ~~xxxx~~ world. ~~Thix~~ I know that there are seeral I would ~~xxxx~~ imagine would hae a similiar situation. and the Commission ~~ba~~ they told me was basically that the only ~~reason~~ <sup>was that</sup> was to sue them. ~~E~~ In June you ~~hve~~ such time to see you in Court, was my feeling. If I could afford a lawyer it would be nice. ~~Thi~~s situation, I couldn't ~~xx~~ hve filed, now I'm ~~xx~~ just told tough~~x~~.

John Garner - That would be the same problem that Glenda's got with her application. The grounds that we hae ~~for~~ for accepting late applications are as they were described to you. ~~Thi~~s problem~~x~~ was also brought up in ~~xx~~ the Dillingham hearings last nite.

Herb Mitchell - Yes, I'm aware of that. I ~~w~~ originally fished as crewman in 1970 and owned my own boat and gear in 1971 and fished it. Also in 1972 I had my own boat and fished it. I sold the boat ~~N~~ and ~~ev~~erything in 1973 because things were kind of rough.

Terry Gardiner - O.K. ~~x~~ at that time....

Herb Mitchell - I went back to the Military, yes, I was working on a military career before I decided to.... I had 13 years in.

Terry Gardiner - You didn't apply at that time - you didn't intend to go fishing at that time?

Herb Mitchell - I would hve liked to hve applied- I would hve liked to hve fished but being in ~~xxx~~ the military is kind of ~~xx~~ and impossiblility at the time.

Terry Gardiner - What I'm getting at is if you would hve applied at that time you would hve had forty points. If you would hve applied in 1973 or 1974 not in 197 fie.

Herb Mitchell - Well, actually 1975 is whener the application period was. I was in the airforce in 1973. I went back in 1973. I'm ~~not~~ sure of the exact dates of when the application~~xxxx~~ period was. But at that time I couldnt' hve... If I had applied at that time, I

Herb Mitchell continued - possibly could have but if you don't have the proof then you're not going to get your permit either is that correct?

Terry Gardiner - I think in your case you would have had to have the proof. Did you intend to go fishing in 19 -- when you quit fishing?

Herb Mitchell - I wanted to fish but at the time I couldn't because of the fact I had family to support. I was trying to get back to Alaska - trying to get stationed at King Salmon again.

Nels Anderson - Before we go any further this morning.. with the comments from the public. I know there are people who came in from some other villages and would just like to for their benefit just introduce the people that are at the front table. My name is Nels Anderson and to my far left is Mr. Allan Adasiak, he's chairman of the Limited Entry Commission and on my immediate left is John Garner, he's a Commissioner on the Limited Entry Commission. On my right is Representative Terry Gardiner from Ketchikan.

Darlene Lind - So few outsiders live in Rural areas then why wasn't more points given for that?

John Garner - The statute requires the commission to base (inaudible) various standards of the law in some reasonable way. Parts inaudible. Consequently the commission could not have given to much weight to one standard. It would have been contrary to the statute. Additionally there would be a danger, I would think in giving to much weight to the alternate occupation standard. If the court saw that as an attempt to indirectly favor residents at the expense of non-residents.

Darlene Lind - I have another question. You're not supposed to be able to lease entry permits but a lot of outsiders, I think mainly outsiders, get away with that because they, from what I've heard they take and they sell their permits and on paper for something like \$100,000.00. O.K. and they have an installment plan of paying for it. For First installment which is a lease underneath the table is maybe two to five thousand dollars for the ... last part inaudible.

Allan Adasiak -- We are working on a regulation. We've got it drafted in house. We're having the attorney General's office review it right

Allan Adasiak - now. Both regulationsx which we think will put a lid on leasing so that that sort of activity can't take place. We hope before the end of the year to ~~have~~ this thing out and hold public hearings on it and get something drafted. It puts a stop on wht you're talking about.

Darlene Lind - But it doesn't look like a lease on paper but it is a lease.

Allan Adasiak - Let me explain briefly what we ~~have~~ <sup>have</sup> and again we need public comment on it. We may learn a lot of things through the public comment. The Department of Law Review -- they tell us we can't do it this way, we ~~have~~ to do something else. But basically what we say is if you sell a permit and that permit comes back to ~~whi~~ within a period of two years we presume that it is leased and you ~~has~~ to come before the commission ~~xxx~~ and ~~pro~~ve that you did not lease it. That's the basic mechanism of it. It gets a little bit more ~~in~~ but that's the idea of it. We're trying to get the kinks worked out of it the best we can, ~~has~~ it ~~review~~ and put it out for public hearings and if it goes right we'll incorporate public ~~comment~~ and put something like that in place to try to get this leasing thing ~~to~~ down where it belongs.

Darlene Lind - Like for us we change two setnets back and forth among three kids. Whode~~r~~ runs it that year gets the money and maybe the next, maybe one of the other kids needs it more so they turn around and run it.

John Garner - ~~There's~~ <sup>There's</sup> only a presumption created by that regulation and you would ~~have~~ the opportunity to show that, that was not ~~ix~~ (inaudible)

right name?

Doug Henderson - ~~I~~ ~~on~~ A comment to your leasing of permits. What would stop a family of transferring of permits just back to another family member? That ~~ex~~cludes it from going back to the original ~~perm~~ission.

John Garner - We've thought ~~about~~ that and one of the drafts ~~fr~~ for the proposed regulations was to define ~~to~~ prohibit free transfer ~~xi~~ to anyone within the immediate family. We're not sure whether that's going <sup>to</sup> be one that's going to be ~~inc~~orporated in the regulations as they're proposed but you're right that's one way to get around.

Doug Henderson - Also, then if you sell permit to somebody on time you ~~have~~ no ~~re~~course to get it back unless you go to court.

John Garner - Again, I think you can ~~you~~ rebutt any ~~xxx~~ presumption

John Garner continued - that would be created.

William Wilson - I would like to know... All these people in here who fished for ~~15~~<sup>15</sup> to twenty years who can't get ~~xx~~ permits, O.K., and I presume that's what this meeting is about. I would like to know if there is any ~~provisions~~<sup>provisions</sup> being made to rectify that. If these people can prove they fished are there any ~~provisions~~ being made to rectify that?

Nels Anderson - We ~~ve~~ heard several proposals presented to us, yesterday, in Dillingham. We ~~have~~ had no opportunity to review those ~~xxxx~~ proposals to see what effect they might ~~have~~ on the entire law. You ~~have~~ to understand, I don't want to take up too much time, trying to explain what we're faced with in the legislature. Again, these guys ~~have~~ already got a ~~law~~ law to work with. So they're going beat their heads against the wall trying to satisfy your needs and your complaints. They're going to run out of room because there's ~~very~~ very little room for them to operate in. What we ~~have~~ to do is take a look at the numbers of people who are affected by this law who are left out who ~~have~~ ~~xxxxxxx~~ ~~wxxx~~, we know ~~have~~ a history of fishing as a crewman or ~~wives~~ or children of skippers ~~xxx~~ and we do ~~know~~ that a large numbers of these people ~~have~~ been left out. But we ~~have~~ a ~~xxx~~ ~~xx~~ policy question that we are faced with in the legislature to try to resolve. We ~~ve~~ got to try to find ~~and~~ an answer. We ~~ve~~ ~~gzzzzk~~ ~~have~~ the proposals we ~~ve~~ got to try to put those proposals to work. How it's going to come out we don't know at this time. The other side again. - The courts are handling similiar questions~~x~~ that people are concerned about. Perhaps the courts will resolve a lot of these problems of people who ~~have~~ a history of ~~fishing~~ fishing fifteen to twenty years of fishing that don't ~~have~~ a permit and can't fish perhaps some of these will be satisfied as well. But beyond that the legislature is ~~burdened~~ ~~burdened~~ burdened with the responsibility of arriving at an answer to ~~xx~~ satisfy these questions. Yes, we ~~are~~ are working at it. We don't ~~have~~ an ~~xxx~~ answer now. Hopefully, we will ~~have~~ after we got through these series of meetings. I don't know what more ~~xxx~~ the ~~gentlemen~~ gentlemen can do in the commission. But I think we as policy makers for the State can try to rectify ~~xx~~ or get some solutions to the problems that you are bringing to our attention now.

Tom O'hara - Returning to that deal about in 70 and 72 when outsiders came up and get a boat from the cannery or something and then they fish ~~xx~~ and they can get enough points to get a permit right? But then like ~~xxxxxx~~ myself, "I wasn't physically capable to handle a boat or anything but I was still fishing as a puller ~~ever~~ since 1966 and I still can't get a ~~xx~~ permit.

John Garner - The only thing that complicates it a little bit is ~~xxxx~~ that when the original ~~bill~~<sup>law</sup> was passed by the legislature the Commission could accept applications only from those who fished as gear licenses holders up ~~xxxx~~ through 1972. So when the ~~p~~ applications were first ~~accepted~~ in ~~1971~~<sup>1973</sup> unless you had fished as a gear ~~xxx~~ license holder between 1960 and 1972 we couldn't accept your application at ~~fall~~. So we couldn't ~~even~~ consider your ~~x~~ experience as a puller in 1966 and 1972. Then the Supreme ~~of~~ Court of Alaska decided that the law was ~~xx~~ too restrictive and the commission ~~had~~ had to accept applications from those who were gear licenses holders and fished for the first time in ~~1973~~<sup>1973</sup> and 1974. That was called the ~~xxx~~ Izakson decision. The Commission's then accepted applications from those who fished for the first time in 1973 and 1974 as gear license holder. If you did fish in one of those years as a gear license holder which I ~~imagine~~ you did in the ~~xxxxxx~~ ~~xxxx~~ sliding gear scale we could accept your application and we could ~~give~~ you points for the years you fished as a puller. Again, the points you received as a puller and living in Naknek would not add up to the minimum number necessary for a drift permit. Some people qualify for permits under the Izakson decision and ~~xxxx~~ some do not, it just depends on your ~~and~~ individual case.

Earl Mollahand - I wonder if we could get a report from Mr. Adasiak or the Commission on this Limited Entry meeting in Denver in July I believe it was there.

Allan Adasiak - The meeting In Denver in July was three days and was very intense and we had a lot of experts of different kinds there to talk and we had members of different recent management councils who presented their points of ~~view~~ and fishermen who showed up and talked about the ~~pro~~ pros and cons about Limited Entry. I don't really think that anything came out of that meeting in terms of people deciding - getting their minds ~~xxx~~ changed. ~~and~~ Deciding they were for it when they were against it when they came in. I think

Allan Adasiak continued - a lot people learned a lot about Limited entry, ~~h~~ that they hadn't thought ~~w~~ about before. Then it was basically educational. In terms of that ~~D~~enver meeting, ~~ex~~ might reflect on the future of Limited Entry in Alaska as Terry Said earlier when the Legislature in 1973 put through the Limited Entry Law, Alaska was doing something that was a pioneer project. No one in the United States had ~~ever~~ put together a large scale limited EN try ~~ex~~ program for Commercaill Fishermen. There was a little dinky one in Ohio for trout ~~fisher~~ fishermen and a few other small things but this was the first serious program, no one had ~~ever~~ done it before, we were breaking completely new ground. So to some extent in ~~Den~~ver people wanted to hear from us about what had ~~p~~ happened since we got started. How we did it, ~~what~~ some ~~t~~ of the results had been, what some of the problems had been and how we're handling it. They wanted to learn from us. One thing I did get out of ~~DE~~nv~~e~~r is ~~that~~ there are other parts of the Country that are facing the same kind of problems that caused us to put in Limited Entry. They got more and more ~~f~~ fisherman going after the fish and they see the fish stocks going down They can see a long way, only they don't like it, they know people are going to ~~have~~ to be ~~cut~~ cut out and they know it's going to be unpleasant to do ~~it~~, but they can see that, that's what the problems is. More pressure on the fish and they keep going ~~go~~ down so there's an interest. Among other things I guess they want to learn from us. I think in some areas they realize that Limited Entry is going to be difficult and contro~~ver~~sial but basically ~~Earl~~ I think they're scared of it. They know in the middle ~~A~~tlantic states that they ~~ve~~ got a problem where they ~~ve~~ got a fishery what they call their sport fishery which allows the guy to catch fish as a ~~camp~~ sportsman but sell their catch. They ~~have~~ no fish ticket system, they ~~have~~ no idea how many fish these guys catch. They think that the sport fishery in some of these areas takes twice as many fish ~~as~~ the commercial fishery does and they're just afraid of what they might ~~have~~ to do and yet they can see the fish stocks going down, and more and more people going out there and fishing ~~every~~ year. In terms of the future programs up here - I don't think much came out.. ~~What~~ I got out of it was that the rest of the cou~~n~~try either already has or is ~~is~~ heading ~~ex~~ ~~t~~ towards the same kind of problems that we face and that we tried to ~~so~~ve when we put together the Limited ENTRY Program.

Norman Anderson - Can we get back on the track of the Bristol Bay Watershed area. I mean, we'll be talking about moon landings here after while.

Nels Anderson - We have people here I know that have questions about the Bristol Bay Fishery and I don't know ~~how~~ what they're leading into but I don't want to cut Earl off either he may be leading up to a point here that may be of some benefit ~~x~~ to you people here. I'll cut him off if he gets out of hand.

Norman Anderson - Thank you Nels.

Earl Mollahand - Taking into consideration that your part of it, the legislative part of it ~~in~~ (inaudible) throw it out. Getting into the attitudes of the entire country in showing their concern from the fact that there are areas that are limited by Congress. I think we can go much further than we have. As we go further than we have it benefits the individual here. ~~There~~ constitution of the State says that they should get the maximum benefits of the resources.

Doug Henderson - What are the Commission's thoughts on the Herring Fishery in Bristol Bay? (Inaudible) And if it's imposed in other regions and if it's done in Bristol Bay will it restrict gill netters to gill netters or will ~~a~~ gill netter be ~~involved~~ in the seining?

Allan Adasiak - Right now we have to go pretty much on what Fish and Game has told us. About the size of the stock and the size of the effort continuity. Fish and Game says based on what happened this year they don't see any need for Limited Entry into the Herring Fishery yet. Now we know that the pattern is going to be more and more people are going to want to get into it and we're watching and fish and Game is watching so that when you do have a need to put a limit on the effort that's out there we can move in and do it. There are... You asked about Gillnetters and Per Seiners.

Doug Henderson - Per Seiners, last year, I think took over 90 per cent of the Herring and most of the locals are gill netters.

Allan Adasiak - There is a provision in the Limited Entry Law which is very general and which we've never had a reason to use yet, which essentially would allow ~~us~~ a guy to accumulate a certain number of gill net permits and trade them for a per seine permit. You've got to consider the ~~catching efficiency~~ *efficiency* of the different types of gear.

Allan Adasiak continued - You couldn't take one gill net permit and flip it ~~over~~ into a persein permit because he's got something that what - maybe 10 times as sufficient. Assuming 10 is your ~~conversion~~, there's a provision in the law ~~that~~ which will allow you to pool 10 year gill net permits and turn it into a per sein permit. So there's a way to make an interchange if that's what you want to do. It's ~~very~~ general and we have not thought out details of how it might work because we just haven't been confronted with the situation that might need it. But that kind of thing is available.

Doug Hernderson - The Western ~~E~~ District which includes Kodiak, Bristol Bay. If they do make a permit for herring - would it be for the Western ~~area~~ region or what's the status... the herring stocks in Kodiak appear to be more depleted than the herring stocks here. The same seiners are fishing in Kodiak and here.

Allan Adasiak - We originally had different Herring permits for a number ~~of~~ of the areas going from Kodiak, to the Peninsula to the Bay and ~~it~~ all the way up the west coast and we got a number of complaints that charging a ~~separate~~ separate fee ~~was~~ for each area was unfair because those were new areas and the stocks hadn't ~~been~~ really been prospected yet and that makes sense. There are a lot of areas that people just don't know how many fish there are, where they are, how they behave. So we changed the area in May. An area change which now runs from Kodiak all the way up. And that was basically to give people a break on their permit price and allow ~~them~~ a little bit of prospecting to find out where these stocks are and what could be developed. If we limit we do not have to limit all of area J. (We had guys call up from Kodiak hey if I make a herring landing in Kodiak and you limit Kodiak, cause they give me a Kodiak permit. They're thinking and we're thinking too and the answer is probably not. If we end up limiting the fishery I expect we're going to do it on a narrower basis. Rather than just a great big sweep which takes in thousand of miles.

Doug Henderson - If ~~most~~ most of the <sup>local</sup> people today are gill netters (inaudible).....

Allan Adasiak - I just used 10 as an example I have no idea what the number might be.

25

John Garner - One of the things that was done in Southeastern Alaska to ~~mk~~ make the Herring Fishery a little bit more ~~pre~~ presentable to the gill netters is that the Board of Fisheries essentially said set an ~~o~~ overall harvest guideline on the amount of fish that could be caught and then instructed the Staff at the Dept. of Fish and Game to try to make the catch that ~~o~~ overall total amount allocated in a certain way to seiners and in a certain way to gill netters. In other words they ~~perser~~ reserved a certain portion of the catch for gill netters. It's possible that proposals like that would be ~~a~~ made to insure that the gill netters would get a reasonable amount of the catch.

Ferry Gardiner - I would suggest to you that what happened in South east is basically the gill netters went to the Board and said look we want a piece of the ~~a~~ action. I think that might be beneficial for the people in the Bay area here that represent gill net fishermen who are interested in fishing herring to go to the Fish and Game Board, which I think meets in the first part of December and represent the people here and make the point that you're making that if the Board, that if the regulatory method was used to an ~~a~~ advantage which they can do. There's no problem there, to the ~~g~~ill netters, that a gill net fishery would ~~de~~velop here and would be more beneficial to the people that live here. I think the Board would be inclined to do that.

Chuck Williams - Mr. Adasiak, stated that the seiners are more effecient, I wouldn't like to consider the ~~seiners~~ seiners to be more efficeint I would like to consider them to be more detrimental to the herring run ~~o~~ver there. It takes ~~not only~~ only just a few of them to catch as many fish as it would say 100's of gillnetters. I would ~~xx~~ like to make my point clear here that employ ~~se~~veral hundred gillnetters, people on gill netters and make the same amount of money as you could by ~~in~~ating five or six seiners around from Kodiak and doing the same job. Fishing is part of the economy but what were looking at here, the people out here, ~~ha~~ve only one fishery so far and that's the salmon. The people in Kodiak ~~ha~~ve crab, they ~~ha~~ve halibut they ~~ha~~ve a number of other resources that they can pick from and I don't see any reason why, I think, the herring fishery out here can be limited to gill netters and should be for the gill netters ~~a~~ out here.

Glenda Williams - Like the people from Togiak and all around ~~der~~ there that ~~had~~ started fishing herring, they didn't ~~even~~ have a buyer ~~for~~ for the fish~~s~~ they caught. They didn't have a market for there. ~~And~~ And here 20 people came ~~in~~ and they go chugging up the ~~river~~ and all come ~~in~~ back loaded all the time and here these ~~people~~ people that live by fishing, they've got no market and yet all these big ships are ~~der~~ there.

Chuck Williams - That's basically one of the reasons why ~~one of~~ the gill net ratio ~~der~~ there was only 10 per cent - the gill net caught herring, is the fact that there was no market. I saw ~~several~~ several boats just turn around and go home because there was no market.

Nels Anderson - I've heard that too. I think the suggestion that ~~The~~ Terry made was a good one you're going to have to convince the Board of Fish to adopt a ~~proposal~~ proposal. As time goes on and the Commission intends to develop a limited entry program for the herring fishery... it will be based on what the board of fish does. Also, get your work done. I know that there are fishermen ~~der~~ in the Nushagak there that feel the same way that you do. they want to make sure that the gill net fishery is protected and given fair consideration.

Terry Gardiner - Basically, identically the same thing developed in southeast Alaska. We had a bunch of herring seiners who had seined herring for bait fishery. So they would (inaudible) the people who had geared up and moved into the herring roe fishery. The gillnetters didn't ~~have~~ have market, in fact, it was basically illegal for the gillnetters to ~~even~~ even fish at one point. Then the gillnetters finally got it legal for them to fish and they got their own puller. And as soon as you get your own puller you have a market. That's - the processors want the fish and they may be promoting seiners now but if the Board of Fish was to give a quota to the gillnetters and say gillnetters can harvest this quota here. Then you're going to have a market because the seiners can't catch those herring and the processors are going to have to buy them from the gillnetters. That's exactly what happened in Southeast and as soon as the gillnetters got a quota they had a market the next day and there was no problem after that. In fact they got a better price for them. The suggestion I make besides going to the board, people of this area should meet with the local biologist out here who are going to be at those board meetings and ~~in~~ who have a lot of influence on what the board does.

Terry Gardiner continued - They always ask the area biologist, well what do you think about this. The people out here should meet with your area biologist and try to convince them of your point of view. If you have an advisory board out here, you have use of an advisory board ~~behind~~ <sup>behind</sup> these ideas.

Dan O'hara - I think that Limited Entry has some real drawbacks mainly on young people and maybe some the old people who didn't understand how to get a permit. I think that Limited Entry is planning on - is here to stay and I think we've got to make amendments to make it work. I haven't heard many people say that (inaudible) The reason that we have the amount of people who are fishing now is due to Limited Entry. You can't say it's all bad. And yet I have four members of my family who didn't get a permit. I might also mention that Hammond had a ~~ix~~ sliding ~~xx~~ gear scale which maybe a lot of people here in this community, maybe even in this room right now had ~~xx~~ no time for it. But if we look at the statistics, at the time we had the sliding gear scale I think we had something like about 93 per cent of the harvest that year. Right now the very same people who are complaining about the sliding gear scale are the ones now who's children are fishing. Of course the outside association was the one that put the pressure on someplace, the legislature ~~of~~ someplace to stop the sliding gear scale. It's too bad it stopped. Chucky's talking about the herring, all being gillnetting. Gillnetting is alright but I think it kills a lot of uneseccary herring tooz and Earl's the chairman of our local adisory board. We had a ~~xxxxx~~ ~~xx~~ public hearing on it and just about a half a dozen people showed up. Parts inaudible. And the people should be aware of the fact that there's a proposal right now that the Birstol Bay (inaudible). You're going to find here in a few years that unless we do something (inaudible) One thing is that limited entry is not that bad but I think ~~ix~~ if I want to go compete (with a guy in Kodiak in hering then I'm going to ~~have~~ to get ~~myself~~ myself a (seing outfit and go. (parts inaudible) If they don't get off their duff and get on the commercial side of things and start looking at it and utilizing it - somebody else is going to take it. I have three questions I want to ask one is... With the letters, information and personell and ~~xxx~~ post ~~xx~~ the materials in the ~~villages~~... ~~xx~~ probably the commisssion can answer this.

→ ~~XXXXXXXXXX~~

Allan Adasiak - You mean during the application period Dan? We're in the middle of a big lawsuit on that right now.

Dan O'hara - Reason I asked that question was. ~~XXXXXXXXXX~~ Possibly some the older people and younger people too, take for instance Nondolton, ... ~~XXX~~ Possibly in February or March or whenever your information came around those guys might have been out beaver trapping or ~~XXX~~ maybe even that day they were out trout fishing. Parts inaudible.. I saw them here. I saw the information posted here and they sent VAL ANgasan around and I think..

~~XXXXXXXXXX~~

John Garner - There's no question that people were missed and it's a real difficult problem any way that you look at it. The Commission I think felt that it was obligated to do as much as it recently could. But there are always cases where people who seem to be out of town or they don't ~~XXX~~ speak enough English that they understand the notices that are going out over the radio. They don't read enough English that they can completely (inaudible). Some people were in fact missed. That's really a big question that is involved in this lawsuit.

Terry Gardiner - Let me answer your question just a little bit further. I think that at the time Nels approached the Legislature about getting a special appropriation to the commission to do this and that's what the BBNC project was about and it wasn't ~~this~~ that we didn't realize that this was going to be a ~~big~~ problem. Nels brought it to our attention and we appropriated some money to do it. Then we asked what happened. It ~~seems~~ seems to me ~~this~~ from at least what was said yesterday at ~~Dillingham~~ Dillingham and here that we thought we were doing something about it but ~~were~~ didn't do enough. I think that at least as one legislator I'm aware that more ~~could~~ could be done and ~~it~~ should have been done and we're going to see what we can do about that.

Dan O'Hara - Secondly, question inaudible.

Nels Anderson, Jr. - Dan, Im glad you say this, ~~XXXXXXXXXXXXXXXXXXXX~~ How we're going to resolve the ~~big~~ ~~big~~ problem of getting the ~~big~~ young people into the fishery at some point in the future. I think it

Nels A. Anderson, JR. continued - was pretty well explained yesterday by several people that said well, I'm 40 years old or forty five years old and I'm still able to fish and I'm not going to give up my permit to my children because I'm still able to fish. It's the only one we've got in the family and I've got two boys that want to go fishing and the only way they can go fishing is if they become a partner with somebody else, buy a permit from someone else, or under the table (inaudible) The problem we are faced, we are being given by people, not ~~at~~ only in Dillingham, here and other places ~~as~~ as well, the ~~perm~~ problem - what is the legal standard? I'll tell you what my belief is and I don't know how far it will get into the courts. I hope to have some way of revising the program in the future to allow people who have children, live in the area and are interested in fishing, have the system oriented toward their favor. That is my desire. What legal standing my desire has (inaudible). It is my desire and my belief we should raise the system and program to bring our young people ~~in~~ in under some kind of an apprenticeship. That would be in favor of the watershed residents, the Alaskan residents and that's the direction in which I'm working moving, Our present system doesn't allow that because the courts and the constitution are very clear however it is my feeling that we have not got enough study and enough people saying that it ought to be done. I think ~~there~~ that something can be done, at some point. We don't have the answer now. I know we don't however I think it's something that we ought to work toward.

Dan O'harrar - Asked another question - question inaudible.

Nels A. Anderson, Jr. - I can handle that one too. I propose ~~two~~ two amendments. One to get at the continual rise of the cost of the permits and another to get at the young people getting into it so that we could more easily transfer ~~the~~ permits that are coming from (inaudible) to resident holders. But upon very quick review ~~the~~ by people that are much smarter than myself, ~~they~~ I discovered that it was shot full of holes and I'm not going to waste too much of your time trying to get into how this is going to work but basically what I was going after and there are two amendments that were drafted and I think they may be distributed in some not too great numbers amongst you there. But to get at the problem of getting

Nels A. Anderson, Jr. continued - ~~s~~ the young people in and bringing ~~xxx~~ the cost ~~x~~ of the permit down so that it's in local people's range. The concept as they've been devised are not workable because on the other ~~ix~~ side when you try to implement the kind of solution that I've proposed you have a lot of negative aspects. You bring in a lot more people than you've really intended to that are not resident fisherman. So at that point that's when I ceased looking at these possible solutions. These are only things that are work draft copied, however ~~but~~ other proposals that have come ~~x~~ that we feel that are workable that we can look at. The amendments ~~xxxx~~ there legal forms have not yet been drafted. We're going to have ~~Mr~~ John Williams go down to the Legislature assimilate some ~~x~~ of this information that has come <sup>from</sup> ~~ix~~ the people ~~ix~~ on what they feel has to be done, put that in the form of legislative language and get it back out here as soon as we can for your thoughts and your suggestions. That's basically where we're at right now. We're learning more, at least I'm learning more than I've realized some of the problems ~~from~~ these meetings.

Terry J Gardiner - I think basically any amendments earlier or changes in the system, are in an idea ~~x~~stage only and as we listen to all this we're hashing them around, correcting them and that's kind of the stage that we're at and were going to have to take them back to the mill and grind these things out and maybe get some legal expertise to answer some of these questions. Another thing, that people today should recognize that this ~~ix~~ isn't the only fishery in the state. We've got other problems in other areas and maybe a lot of them are similar but a lot of things we do are going to affect the fisheries statewide and those other areas are going to have to be heard from now. We really aren't very far on anything right now, I think it's just in the idea stage ~~xxx~~ now.

Doug Henderson - I was ~~x~~ wondering if there ~~x~~ could be any tax incentive ~~where~~ for a permit to be sold to one resident to another such as if you sell your permit to <sup>a</sup> outsider you would have <sup>to</sup> pay taxes but if you sell it to a resident you wouldn't have to pay the state capital gain.

Terry J Gardiner - That's a new one on us, ~~x~~ That's an interesting one.

Nels A. Anderson, Jr. - And that should be looked into by legislative affairs. I honestly never thought of an incentive and ~~s~~ that could possibly have some effect on which way the permits would go.

John Eckert - Wouldn't a simple amendment to, on ~~x~~ our last proposal for the 1972 regulations, first time fishermen, wouldn't a ~~x~~ simple amendment for these late applications pertain to them. Couldn't they just be put under that new law if they qualify?

Terry Gardiner - You're talking about amending the law to ~~the~~ just ~~xxx~~ extending the application date?

John Eckert - Yeah, for the late applicants, why couldn't they just come under the new regulation that would simplify the tax payers dollars in court and ~~everything~~ else.

Terry Gardiner - We're not only talking as legislators to the Commission about that but we're talking to legal services who has the suit you know about some possible resolutions. Yes, I think your suggestion may be very possible.

John Eckert - ~~I think~~ I don't see why it ~~xxx~~ couldn't work out.

Nels A. Anderson, Jr. - It's the simplest solution to all the problems like Glenda has and I think the ~~other~~ gentlemen talked about his problem - there seems to be a very simple solution but what we're ~~now~~ faced with ~~at~~ right now is that we do ~~know~~ we have a legal test right now being tested in the courts. And the outcome may be forthcoming very shortly so that may resolve some of that problem. However, if they lose it then of course that's something ~~xxx~~ - I know Alaska Legal Services will come to the Legislature and say look this is not ~~is~~ there, these people should be considered and that time period should be extended and the legislature can make that kind of a ~~an~~ policy decision. We have not yet made it, we're not sure this is the right time to make it, we're going wait until that court case is tested and as I said it should be resolved in the very near future.

John Eckert - I was ~~is~~ just hoping to save the people some tax dollars.

Chuck Williams - When limited Entry first came about there was a lot of talk about state buy back program - I was wondering what happened on that?

Allan Adasiak - The buy back program will go into effect - we've got to come up with a thing call optimum number - there's three pieces that you've got to look at then come up with your number. One piece fish and game management provides us with that's essentially a number of units of gear they can harvest the run in any year. We've asked them to give us two numbers, a low number that can harvest the peak run and then a high number opposed beyond which when they're taking risks in their management, because there's so just so many boats, no matter how they do it, there's a risk of having a (inaudible) harvest where they don't need it. They are working on developing those management figures. The second thing we've got to look at is something that the commission is looking at and a lot of people in the Bay have probably got questionnaires in the mail this summer. Trying to figure out what your operating costs are - how much it cost you to fish and what money you end up with afterward. We have to figure out how many boats you should have out there in order to make a reasonable amount of money. And the third thing we have to look at is how many permits there should be in the fishery to avoid what the law says as serious economic dislocation to those currently engaged in the fishery. We've got to get these three things and balance them out. Now we've taken a cut in some of this before but in the past couple of years a lot of your costs have gone up - your fuel costs, have gone up and a lot of other things have at the same time the price of fish has gone up so hell, the numbers ball changed on us and we've got to look at it again to make sure we're dealing with something sensibly, what we'll do when we've got some of this stuff together, we've started in Cordova in the Prince William Sound fish drift fishery already with groups like this so we can talk to the fishermen, show what we've got, get their comments on what they think about how it will work. We end up with an optimum (number which is below the number of boats that there are in the fishery then you get a buy back program and you start buying down. In terms of timing we're not that far along getting together the information on the Bay, to give you any hard numbers on what might happen but I will give you my personal feeling there will be a buy back program in the bay. How big it will be I don't know, we're too far away but I'm pretty sure that you're looking at a buy back program

Allan Adasiak continued - I also do not believe that you will see a buy back program in 1979. It's just too soon - it's moving too fast because we want one in Prince William Sound - we can do and we can learn from and we want to have the time to work with the people and develop information from them on what these numbers ought to be and how a buy back program would work here. You've got a sales tax here - a borough here that other people don't have.

GEoff Comfort - I work for Alaska Legal Services and I would like to discuss some of the problems that we've run into over the past couple of years with the Limited Entry program as it works and effects people here in the Bay and I'd also like to discuss some of the litigation we're involved in now hopefully, (inaudible) a greater distribution of permits to the people in the Bristol Bay area then I would like to discuss some of the problems which we can't solve through litigation and we hope they can be solved in the political process such as changing the law. First thing that we ran into, the first basic problem that we ran into has been brought up here already on the number of the cases and that's, the fact, is, that a lot of people especially village people, and especially older village people didn't get signed up in the application period when it was in effect. We've identified about one hundred and fifteen people who didn't get signed up. However we're in court about that; if the court goes in our favor then those people will be able to apply and the point system as it operates now will be applied to them. Some people who have enough points and who were late will get in and the other people who will not qualify under the point system will not get in. The point system as it affects the people is also somewhat inequitable at least in our position. In addition to (inaudible) of younger fishermen who didn't have gear licenses and the only problem we presented by that certain points which are given in the income dependence category up to ten points were only given to gear license holders. So a gear license holder in 1971 and 1972 could get up to ten points if a certain percentage of his income came from fishing - a certain percentage somewhere around fifty percent. We were saying if a crewman had the same income dependence from fishing why shouldn't he get the points also? If we prevail on this lawsuit - 10 points could be, an additional 10 points providing that the person is income dependent those two

license  
license

Geoff Comfort continued - years could possibly be ~~any~~ available for a permit for those two ~~xy~~ years. The affect of course would probably help a few more young people get into the fishery. We've also got about ~~five~~ additional individual lawsuits which generally cover the person's individual situation. One of the issues is we're bringing in one of those lawsuits the problem of equal partners. A lot of people out here fish on an equal partnership relationship. The way the commission awards points is to give the gear ~~a~~ license holder a substantial number of points and the crewman like one point per year. For equal partners this doesn't work out. We're saying that they should be treated equally and ~~xxxxxxx~~ if we prevail on this we just might result in some kind of a different distribution of points. We also got about 175<sup>5</sup> to 200 other individual cases which we're working ~~through~~ <sup>through</sup> the administrative office right now. Some of these ~~100 and seventy five~~ <sup>175</sup> to 200 cases would be affected by one of the lawsuits that was described ~~above~~. Others will be brought individual. ~~Even~~ if we think we can get in fifty or ~~seventy five~~ <sup>75</sup> or 100 more people into the fisheries - I don't see this has really solved anything, I think you've got a problem out there and the problem is what are you going to do with the future generation of Native people <sup>and</sup> in Bristol Bay people - how are they going to get into the fisheries,? Presently, the only way to get a permit is to get one transferred to you and if you can't get ~~one~~ transferred to you, you're going to have to buy one. For large families, those families where the only permit holder in the family is the father - he's going to have a problem - who's ~~he~~ he going to give ~~it~~ it to? And what's going to happen to the rest fo the kids in the family? I think that the most serious disadvantage that we've got on the present system is allowing permits to be sold on the open market at the highest price that a person can get for it. I think that's the problem because I think prices are very high now - ~~they~~ they are up 30 to fifty thousand dollars. The next two seasons are looking really good for fishing and the prices are going to go ~~even~~ <sup>even</sup> higher. The buy back program will be coming into effect - it's going to keep the prices because it's going to make permits more scarce. The state has a loan program where a person can borrow money and use their permits

Geoff Comfort continued - ~~xx~~ as collateral. & The program however  
 only allows you seventy five percent, ~~xxxx~~ to get ~~75~~<sup>75</sup> percent of  
 the money and you have to come up with ~~25~~<sup>25</sup> percent in cash or borrow  
 the other ~~25~~<sup>25</sup> percent. I don't think that people can come up  
 with that kind of money, ~~25 percent~~<sup>25%</sup> cash, and I don't think a lot  
 of people in the village have sufficient collateral to secure ~~25~~<sup>25</sup>  
 percent of the loan from another agency. Also I don't think that  
 allowing permits ~~ought~~ to be sold in the open market would allow  
 young people out here a chance to buy into them, I think the permits  
 are going to go outside, away from the village people. I think this  
 is evident by the fact that in British Columbia you have a similar  
 limited entry program. In 1968, fifteen percent of the people held  
 the permits where native people - 7 years later the percent of native  
 people who held the permits was 7 percent so you had a reduction of  
 almost one half the native fishing force in 7 years by allowing the  
 fishing permits to be sold. This happened even though the government  
 was making an attempt to loan money to native fishermen to buy into  
 the fishery. So I think we have a problem with the way the system works  
~~xxx~~ now. I think one solution is possibly to say these permits have  
 no value now ~~xxxxxxx~~ or these permits that have value can only be sold  
 to the commission. I think what could be set up is some type of  
 system which is going to give consideration to the fishermen [the young  
 fishermen, who has fished for 10 years and has not got a permit. A  
 retirement system where a permit is retired to the commission and  
 reissued to the young fishermen who's most deserving, would be a more  
 equitable solution ~~xxxxxx~~ than the one we've got now which is selling  
 permits. There's legal problems with the system which could withstand  
 and attack in the courts. I've suggested that some type of a meeting  
 be set up to look into alternative sources or alternative solutions  
 to the problem and when they come up with one that looks good to propose  
 it ~~xx~~ to the legislature and hopefully change the scope of the program.  
 A ~~couple~~<sup>couple</sup> of ideas were raised in Dillingham. One idea was to allow  
 the free ~~xxx~~ transferability of permits to remain in affect so that  
 a father can give a permit to his son but stop the sales of permits  
~~xxxxxxx~~ between individuals and make those sales only to the commission.  
 If a person wanted to sell his ~~perm~~ permit he could only ~~xxx~~ sell  
 it directly to the commission. The commission would then reissue or  
 resell at a reduced value to the fishermen ~~xx~~ who on some kind of  
 a continuing hardship point system was highest on this system.

stopped  
 here

*stopped here*

Geoff Comfort continued - The affect of reaching or having a pool of permits coming back (to the commission and reissuing them out is that most of the Bristol Bay people would be on the top of that list because they [have] fished the most. The other type of system I propose which might have some legal problems is to retire once a person quits fishing, retires from fishing he gives his permit back to the commission which is reissued to the fisherperson who didn't get a free permit, the one who's most deserving, the problem with that is that inter-family transfers legally might not be able to be kept in that type of system. If they can't be kept in that type of system then maybe it won't be workable but I think it should be looked into (to try to keep the inter-family transfer type idea and a pool or retirement type system of permits for those people who don't transfer in their own family. I don't really have anything else I wanted to say. I'll answer any questions. One thing I wanted to say is we don't have a solution for the young person's problem - there's no way other than the way there is now. Under the point system ~~developed~~ developed by the commission.

Roy Matsuno - When you represent somebody - <sup>what's</sup> ~~what's~~ the requirements?

Geoff Comfort - You've got to have a good case, the requirements for our representing you?

Roy Matsuno - Yeah.

Geoff Comfort - we have some guidelines.. yes. We've got to satisfy the income guidelines. It depends upon how much money you make.

Nels A. Anderson, Jr. - Is there anyone that didn't get a chance to speak this morning that wanted to let us know how you feel about the limited entry program or whether or not you have any proposals you felt we ought to consider for possible changes to the law that would ~~can~~ solve some of the problems we've been talking about.

Fred Pike - Is there any ceiling on the number of permits that are going to be given out?

Allan Adasiak - The law sets up a maximum number for each one of the fisheries. ~~if~~ In the Bristol Bay ~~Six~~ Drift Gill net fishery the maximum number I think is 1669. We started issuing down to the points below 20. The way the (inaudible) is set up - anybody ~~in~~ that gets 20 or more points automatically must get a permit. People below 20 may get a permit, as long as we haven't hit that ~~max~~ maximum number yet. So when we got done issuing all the 20 point ones we started going down until we ~~hit~~ hit about 17 but then the state Supreme court

Allan Adasiak continued - in a case that we call the Isakson case, essentially as we understand it ordered us to take more applications from people who held ~~we~~ gear licenses and ~~xfished~~ fished for the first time in 1973 or 1974 - we ranked them on the same points system as ~~er~~ everybody else but we had to take more applications. Because of ~~the~~ additional applications and some of those people ended up getting permits, we are now ~~er~~ over the ~~x~~ maximum number in the Bristol Bay Drift Gill net fishery. I think we're up to about 1700 permits ~~x~~ right now and ~~xxxx~~ there's some more cases that are hanging fire that we haven't gotten decided. So we're already ~~er~~ over the maximum number at the 17 point level because ~~ix~~ of the affect of this court case and the additional applications that we ~~hae~~ have to look at.

Fred Pike - Alright then if some of these court cases are won by these individuals then there will be ~~con~~ more permits given out then right to and you'll be going ~~xxx~~ farther ~~er~~ over the number right? Alright, then in some cases there's going to be permits that won't be sold for instance, if someone should die and there is no~~x~~ one to give that permit to.. Is that how you expect to get back ~~x~~ down to your number?

Allan Adasiak - The way we expect to get back down - the ~~law~~ law requires us to set an optimum number and there's a lot of procedures we ~~hae~~ have to go through, I explained this morning on what that number is - we haven't got a number yet but the number, It's my guess is going to be below 1700. Then what we ~~hae~~ have to do is come into the area, work with the fishermen and figure out how to ~~x~~ set up an assessment program that assesses the fishermen a percentage of his gross, that goes ~~into~~ into a fund and we use that money to buy permits out of the fishery. We don't ~~hae~~ have any condemnation powers. We can't come by and tap a guy on the shoulder and say you here's some money you're out. It's not that way at all. It's purely voluntary - we~~x~~ just say we're going to pay X amount of dollars for a permit~~x~~ and if a guy wants to sell he can sell to us and we'll just take his permit and tear it up. So we'd ~~hae~~ have to set up a ~~buy~~ buy back program and buy ~~backxxx~~ out down to whatever this optimum number is. Now there more permits there end up in the fishery, if you lose court cases and you end up with 2,000 permits in the fisheries ~~inste~~ instead of 1700, that means we~~v~~ got to buy more to get ~~down~~ down to that optimum number and that means that the assessment is probably going to be higher so it's going to cost the fishermen more in order to buy out those permits ~~ore~~ or else it's going to run

~~xxxx~~

Allan Adasiak continued - a longer number of years in order to get the job done and get the number of boats done.

Question from the audience - Would you explain the financing for the buyback program again?

Allan Adasiak - The law says ~~is~~ that for each fishery and the Bristol Bay Drift Gill Net fishery is a single fishery. If we set up a buy back program we will assess each permit holder a percentage of the ~~value~~ value of the cash landed on his permit every year. A guy who doesn't fish gets assessed at what the average was. So a guy who sits out gets to pay anyway. The law says that the maximum that we can assess is 7 percent, Now we know that probably in almost all cases 7 percent on your gross with all your other expenses is too much. And this is where we have got to get ~~it~~ back and meet with the people when we get around to setting up a buyback program and figure out what ~~the~~ is reasonable. You've got a borough sales tax, you might have an aquaculture assessment, you've got your ordinary running expenses and all the rest of that. We don't want to wipe you out. But on the other hand we've got to figure out some way to assess the money and the way we figure it'll be handled is it'll work essentially like sales tax does in towns that have sales tax. In Juneau they merchant taxes a sales tax on when you buy something. Well, in this case what we would do is have the processors withhold, right at the time of payment and essentially collect the money for us and then turn it over to us. Otherwise you've got the state sending out bills and collecting from God knows how many thousand fishermen. It's crazy so we'll figure we'll have the processors make the assessment and collect ~~it~~ it for us the way I believe the Aquaculture Association in Southeast is doing it to fund their operation. So that's the basic mechanics. Then we've got a pile of money, which is Bristol Bay Drift Gill net money and we go on the market and we say alright we'll buy permits for 30,000 dollars and we see if anybody answers. If nobody answers then we boost the price a little bit ~~xxxx~~ because what we have to have is a fair market price, and a fair market is a willing buyer and a willing seller. So we just raise the price until somebody comes in the door and says fine that's

Allan Adasiak continued - a good price, here's my permit. It's a voluntary operation but one where we would be buying permits on the market just like another buyer who might want to get in only when we get a permit back it's gone.

Norman Anderson - Could you explain a <sup>non-transferable</sup> ~~non-transferable~~ permit? On set net permits? The origin of it and how it happened,

John Garner - The legislature when it instructed the commission to issue permits said, talked about essentially two different categories of people in particular. They said there is a category of people who would suffer such severe hardship if they were not issued a permit that you must issue them a permit even if you have to exceed this maximum number. Those were the class of people who were described as suffering significant economic hardship if not issued a permit. The commission then defined who those people were and they defined that category including all people who had 20 or more points. The second category that the legislature addressed specifically was the group of people who if they weren't issued a permit would suffer only minor economic hardship, that is they would suffer very little hardship at least in the eyes of the commission. The commission defined the people in those categories as those who have five or less points. That is if the person received a permit with five points, four points, three points, one or zero then they would be in minor economic hardship category. The legislature then said if you're going to have a buyback program the people who received their permits with the five or less points total can transfer that permit only to the commission, if they want to transfer. They don't have to transfer it but if they do want to transfer it they can transfer it only to the commission and of course they would receive the fair market value of the permit just as if they had sold it to somebody else. But that's through the buy back program. Consequently, in the set net fishery where permits were issued to those with less than five points, some permits went out to people that were simply non-transferable because the commission had not yet developed the optimum number for the fishery and therefore it will be non-transferable until that's finally done. If there's not a buy back program in the set net fishery then the non-transferable portion of that permit will be removed because the law says that it can

John Garner continued - ~~xxx~~ be transferred only to the commission through the buy back program. That's the reason for the restriction, if there's not going to be a buy back program then there's no reason for the restriction and therefore the commission can by regulation remove that restriction on transfer. Additionally if there is a buy back program ~~if~~ if that person chooses not to sell it ~~to~~ to the commission through the buy back program then after the buy back program has completed then the non-transferable restriction on the permit would also; be removed.

Norman Anderson - What are the qualifications besides the point system.

John Garner - The point system is the only basis upon which we can issue those permits. So the person had to fish as a gear license holder between 1960 and 1974, made timely application and qualify for up to five points.

Norman Anderson - How many Limited Entry setnet permits have been issued in the Bay area?

John Garner - I think it's about ~~88~~ ~~895~~ 895.

Norman Anderson - How many non-transferable?

John Garner - very few, I think probably 20. I don't have a count off the top of my head. We have worked, I don't know, Geoff can talk about this too because legal services has worked very hard with ~~the~~ too, ~~with~~ trying to make sure that people who are receiving their setnet permits get more than five points so the restriction isn't on the permit, and will continue work that way.

John Eckert - It's my understanding that in 1977 they put a stopwater on all interim permits being issued is that so?

John Garner - No, we're required by law to issue interim use permits, essentially to people who are still pending before the commission, They're in a hearing before the commission, we haven't made a final decision on the point level that a person has, then they must have a interim use permit and that will continue to be the law for the next season.

John Eckert - That answers one part of the question. Another part of the question is an individual called up on the telephone raised hell with the commission and they sent her a permit ~~by~~ ~~the~~ telephone, the next day she got a piece of paper with a stamp on it. She didn't get a card but someone at the cannery put her ~~in~~ boat in the water and so forth. What kind of a situation is that? No applicatio

John Eckert continued - filed whatsoever.

John Garner - I'm not sure what you mean by no application filed. In cases where we have made an administrative error, we failed to process an application in a timely manner or we messed up and sent someone a wrong permit type or we lost the application and those kind of cases we have attempted to correct our error in a way that won't cause them to lose fishing time.

John Eckert - I was just wondering because according to the conversation there was no application mentioned. It was an outright demand on the commission and they so instructed the canneries and they gave her a number over the phone and instructed the canneries to put her boat in the water and within ~~the~~ the next day or two she had her green piece of paper allowing her to fish.

Allan Adasiak - What can happen is not with a long form application for a person who's trying to get a permit the first time but if you've already got a permit and you need an emergency transfer for some reason or another or if you've mailed some stuff into us and it hasn't gotten there. Weather delayed, the mail coming in and stuff like that and you need to get ~~to~~ fishing, where there's special circumstances like that people have phoned the commission. We've gotten calls from Sand Point and the plane hasn't gotten out for 11 days. They call us and they tell us, you know they're ready to go fishing, the seasons going to open and we will ~~then~~ then tell them if it's alright with protection and we check our files and if the person alright - if they're paid up and they've got it - we'll phone protection and say if it's alright with you then it's alright with us, these people are legal ~~so~~ you can go fishing. We don't want to stop a guy from fishing because the mail didn't come through or something like that but that's in the case where the long application has already been completed and this is just a manual renewal or something else that somehow got screwed up through no fault of the fisherman.

Nels A. Anderson - We have with us a representative from the Bristol LBay Native Association who I think wanted to read a statement at this meeting as well as the meeting up in Iliamna. Bobby McCarr ~~represented~~ <sup>represented</sup> BBNA ~~his~~ the statement is attached to the testimony.

Nels A. Anderson - ; The proposals didn't go very far because they didn't take into consideration the negative aspects of the kind of solutions that I had in mind. But I think it's a working step forward and I think that also I'd like to encourage all of you not just to stop at this meeting ; in your thinking process ~~and~~ on how some of the things that you feel are problems could be solved. If you do come up with some ideas that we could use we'd appreciate a letter - directly to the commission - if that's the way you want to operate or through to me or to Terry Gardiner in Ketchikan or by any means that you choose - or to the Bristol Bay Native Association or through whatever organization that you're represented by but as you probably understand the ~~main~~ purpose of this meeting was just to get some idea of the range of the problems ~~that~~ that are facing us, not only in the legislature but also by the Commissioners. As they try to resolve some of the problems they have brought to our attention they have found themselves beating their heads against a pretty tough brick wall that they can't penetrate with the laws that they have to work with. So we have to now try to devise some means by which legislatively can modify what we've got to answer some of these questions. Again, I think it's obvious we don't have the answers here now. I think it was pointed out by Terry we don't have the answers. Some of the things that were brought up today I think are potential solutions such as the tax incentive idea proposed by Mr. Anderson, I think. I think it deserves some further study by the legislature. Mr. Comfort has suggested that some kind of a permanent committee be set up to stay on top of the Limited Entry Program and to also continue to seek answers to problems that are continually facing us. The Bristol Bay Native Association has proposed some ideas that we have to work with and people here have also in ~~these~~ their questions proposed ideas that we haven't yet really taken a good close look at. So I don't know what more we can accomplish by this meeting except if there is anyone else right now that would like to make their feelings known before before I ask Mr. Adasiak to summarize what he thinks the commission can do and also what Terry sees. ~~XX~~ We can go on to hear some ~~xxxxxxx~~ individuals.

Roy Matsuno - ; I was wondering if someone could go down to Limited Entry and check into records. Someone else's records with out a court order or whatever.

Allan Adasiak - You have to have a waiver from that person authorizing access to his records. A lot of them are confidential beyond that ~~xxxxx~~ Judge Madsen in Kodiak came out with a very interesting ruling on fish tickets and other things that are made ~~xxxxx~~ confidential by statute. According to Judge Madsen, state copies of fish tickets that we have we can not show to the fishermen whose tickets they are unless there's a court order. I think that's silly, and we are preparing a legislative amendment to get that straightened out so that a fishermen can look at his own fish tickets. So we can't show you guys fish tickets even if he says it's alright. But other than that if you've got a written authorization from somebody else we can show you the contents of his file.

Norman Anderson - How about files that you guys have gotten for years and you say you've lost them or something. ~~xxxxxx~~ I'm a paralegal, I work with Geoff in Dillingham, I've worked in several of the villages we have a lot of paperwork that's lost. We've tried court orders and all kinds of things and the back door is shut. You people are just sitting on records down that are lost forever.

John Garner - If we've got records that you need in helping an individual with an application let us know what they are.

Norman Anderson - I have, I've written letters, I've got copies ~~xxxxx~~ right here if you'd like to see them.

~~Nels Anderson~~ - Have they been ~~xxxxxx~~ denied?

Norman Anderson - They just write back and say that they don't have any copy of that transaction being taken.

John Garner - You mean like a license or a fish ticket?

Norman Anderson - Copies of license, fish tickets, several things.

Nels A. Anderson, Jr. - Are these fish and game records or Limited Entry Commission records.

Norman Anderson - O.K., these are people that applied for Limited Entry permits and were denied because of inadequate points and were asked to prove that. So they send the originals done, that these people ask for in many cases, and after this the people don't ~~xxxx~~ hear anything back ~~is~~ from them and whenever someone passes through the village one of the people from legal services. They say we've already sent those records in so we write and ask what the status of all those records. ~~xxxx~~ Then they say that they've been lost or no we didn't receive them ~~xxxxxx~~

Allan Adaisak - Can you give me a list of ~~xxx~~ s names.

Norman Anderson - I would like to have you write and tell me back that you got the letter though.

Allan Adasiak - You can ~~xxx~~ hand it to me. I ~~mean~~ mean, I'll write back and tell you that I got your letter, but I can recall personally ~~xx~~ two files that we've lost. And I can recall because we tore the whole office up looking for them. I think eventually we found one of the two and one I don't know what happened to it, out of fifteen thousand files every now and then you lose one. But I don't know somehow I want to check and I would appreciate it very much if you could give me a list of the names, ages, ~~xx~~ social security number, whatever we need to trace this down and I'll trace them down and I'll let you know what's going on.

Earl Mollahand - We haven't gotten into ~~xx~~ brokerage. Can we get an idea of what's going on in the Brokers area. ~~xxxx~~ Are they ~~inv~~ involved in getting a permit in the first place or just buying and selling.

Allan Adasiak - There are a couple of people not too many who are permit brokers who are putting buyers and sellers together. Now in some cases they know who the sellers are- the way they do it instead of putting a buyer and seller (together) they'll pick up their permit from the seller themselves hold onto it and when a buyer comes along sell at a higher price and skim off what's in the ~~xxx~~ middle. In other cases, it's a little more detached than that they just do put buyers and sellers together and they'll take a percentage of the transaction as a ~~xxx~~ commission. We have considered and haven't yet come to any conclusions about - we're thinking about how desirable it might be to put in regulations or some kind of control on permit ~~xx~~ brokers. You've got on people who ~~xxx~~ deal in securities and we want to think this through so that people who are buying and selling permits and someone else is handling it for them don't end up getting ~~xxx~~ taken someone or getting burned or getting ~~xxxxxx~~ charged an excessive rate. So we're looking into the situation. There's another aspect of permit ~~xx~~ brokering, perhaps it would be useful for the people in the Bay to think of. A lot of your concern about the permits moving out of the Bay, and non-residents who have more access to money being able to pick them up. As I said earlier, the figures don't show overall that ~~xx~~ that is happened. I just double checked my ~~xx~~ numbers and if you look at the number of

Allan Adasiak continued - drift permits that went out of the Bay plus the number that went into the Bay, between 1976 and August of this year the total of twenty one drift ~~perm~~ permits have left the Bay. Set Net permits - a total of 18 left the Bay. Now those numbers are not huge. They're something that you ought to be concerned about. One way that we couldn't do it (we're a state agency, were supposed to be impartial, One way that the people in this area, if you're concerned about the movement of ~~perm~~ permits out of the Bay could help control that, would be to set up what probably should be a non-profit corporation, or use an existing organization, like BBNA, that has people spread all around, speaks the ~~language~~ the local dialects and understands the cultural differences, and start putting together buyers and sellers. That way if there is somebody in the bay who wants to sell a permit you ~~xxxxxxxxxxxxxxxx~~ are in a position to make sure or help see that that permit goes to somebody in the bay who wants to buy ~~ixx~~ a permit. If there's a guy, it's February, ~~x~~ he's been drinking for a few days and ~~k~~ thinks he wants to sell his permit. You can't lock him in a ~~w~~ closet but ~~xxx~~ at least if he starts coming to you because you're the ~~bx~~ broker maybe you'll be able to sit down and ~~give~~ him a cup of coffee to drink and talk with him a little bit before he makes a decision that he wants to sell his permit. I think that there could be real advantages in setting up some sort of a brokerage ~~x~~ operation that would benefit the people in the Bay. You could ~~eventually~~ branch out if people ~~kxx~~ knew that you could put buyers and seller ~~xxxxxxx~~ ~~xx~~ together so that you could get outsiders who wanted to sell their permits coming to you to ~~k~~ look for buyers and ~~you~~ would have buyers in the bay and you could end up reversing the trend and bringing permits into the Bay because you're in the position. You know who wants to buy who wants to sell, and you could put certain people together to make it happen. I think there's something there that the people who live here, the watershed ought to think about is a way maybe you can ~~wh~~ help yourself in this particular situation.

Randy Briggs - A thought occurred to me while I was sitting here is that Bristol Bay traditionally in the ~~fishery~~ fishery the families that worked together in groups and the children had set netted and so forth, now maybe that child has been awarded a set net permit but now he would like to get ~~into~~ into the drift fishery. Is there any way that ~~even~~ though - I know Roy Matsuno here would apply, here he has a set net permit but a drift permit he's having problems with O.K. so is there any way if you have set net permits or some way that you

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Randy Briggs continued - may have an extra permit that if you were eligible for a set net permit perhaps you could get a drift permit. Or another way, in our area anyway in the fall fishing many of the drifters set net, legally they can't do this, but so that it would work both ways, in other words this might solve some of the family problems by having maybe a dual set net and drift permit which you could use one or the other but not both at the same time. I realize this would open up some more drift permits but this might help quite a few people in the process.

Allan Adasiak - Randy, about the only thing I could say on that is that the comment came up yesterday at the meeting in Dillingham and I can see some advantages to it. I can see it in terms of the way people customarily fish, that they drift part of the season, towards the end, especially if you get in areas like Togiak - they might shift ~~over~~ and set net and with a separate permits - it splits it apart and you have to work differently than you did before and really I don't think any of us have had a chance to think about it thoroughly enough to figure out if there's a way that you could make it work. The first thought that comes to me is one which is very pessimistic and is not necessarily the only thought but if you wanted to let all set netters drift then you'd end up taking the number of set net permits and adding them to the number of drift net permits and that gives you what...

Randy Briggs - Parts inaudible - those who wanted to could apply and have a different sort of permit than the rest.

Allan Adasiak - There is one thing that I mentioned earlier in connection with the Herring that is in the law but we used yet that, it allows the commission to make essentially trades between different types of gear. We would have to figure out roughly how good a fish catching thing a set net is compared to how good a fish catching thing a drift permit is. Again, I'm just going to use a number for an example, but let's say that you've decided that you could catch as many fish with three set nets as you could with one drift. We could set up something where three people who have set nets could pool their permits and trade it in on one drift net. That would keep the amount of effort, the amount of harvesting going on the same but it would shift it from one type of gear to another. Now in general terms the law gives us the power to do this we haven't really approached it yet because there hasn't been any serious need

Allan Adasiak continued - to do that. That kind of possibility does exist. But that's one that you people would want to think about too, because the people who had the set nets would then be giving them up, although they'd be trading them in.

- Randy Biggs - If someone were to buy a drift permit could a drift permit be owned jointly but only one maybe the boat puller and the gear holder own the permit jointly?

Allan Adasiak - The way the law was set up right now only an individual person can own a permit - no partnership, no corporations, just single people.

Norman Anderson - You said something about joint - e 3 setnetters - what would the difference - like I have a set net permit, like it was 16 points for a set net permit, Say I qualify at having 23 points or so like that why couldn't I use those extra points for a drift permit.

Allan Adasiak - I'm talking about after permits have been issued. Not points pooling before hand.

Mr John Garner - In terms of the commission's authority - we would have the authority after the permits are issued to handle it through some sort of pooling permits together. In terms of pooling points or shifting points between fisheries that would require a legislative change. Presently the statute says examine a person's qualifications for a particular permit based upon his activities within that fisheries specifically. And the drift net and set net in the bay are separate fisheries. So you wouldn't be able to take excess points from one application and apply them to another application.

Norman Anderson - Then how could we pool our set net permits together and get a drift permit.

John Garner - That capability arises under another section of the law which says after you've issued the permits the commission has the authority to essentially allow a person to trade permits of one type for permits of another type. We're to do it in a way the system. We have to determine how many set net permits equal one drift permit or vice versa - maybe set net permits would be viewed.

Nels A. Anderson, jr. - Norman, yesterday there was a question that arose or proposal made that would it be possible for people in one family lets say that they had one person in the family had five points, one had six, one had seven or whatever, when the comment was whether or not it would be possible to pool those points to get a permit.

Nels Anderson, continued- I don't recall what the answer was but I don't think that there's any statutory authority to do that but that was one possibility of arriving at some solution on getting the family in~~o~~led where the individual could never hope to get a permit ~~an~~ but if those points could be permitted to be ~~h~~ pooled then their ~~chances~~ chances increases substantially, so that was one idea that was talked about yesterday and that's something we will be taking a closer look at for a possibility.

Roy Matsuno - Is that just for the families or the individuals?

Nels Anderson, Jr. - It would be to protect the family group rather than spreading out amongst other groups.

Randy Briggs - If the set net fishery and drift fishery were I think were on the wrong approach a long time. I think the set net fishery and the drift fishery if it takes ~~legislative~~ legislative action should perhaps should not be separated then you could do some of these other things. Some of these other maneuverings and still be legal. Couldn't you? Say this person has drifted and this person has set netted maybe they've done some of both, rather than looking at it as an individual ~~in~~ fishery as a Bristol Bay fisherman, in other words people that have been fishing in Bristol Bay that have been fishing in Bristol Bay for years and years and years, but maybe have never had a gear license or something like this. If it's Bristol Bay Fishery...

Nels A. Anderson, Jr. - The idea was proposed yesterday by a gentleman ~~over~~ in Dillingham as Allan pointed out earlier that he felt that a dual type of a permit system ought to be looked at by not only the legislature but an idea to ~~be~~ be tested. The other thing too that was to be brought to our attention yesterday that wasn't mentioned here but ~~w~~ the idea of partnerships where you have two individuals that own the same boat, who ~~we~~ own the same gear but one of the ~~in~~ ~~in~~, I'm not sure how the thing would work out anyway the proposal was ~~was~~ simply that could both individuals ~~be~~ share the same permit where each individual alone could not get one? That was an idea that ~~was~~ we were asked to take another close look at yesterday. So that's something I think maybe we weren't quite sure that was a problem just isolated ~~over~~ on the Nushagak side. I think ~~is~~ Ron Zimin was there and pointed out that there were similar problems ~~over~~ in this area and other areas as well.

Randy Briggs - I could see the point as far as buying the permits if they were allowed, like two people that would work together to purchase a permit. Maybe their borrowing power between the two of them ~~xxx~~ would be sufficient to come up with the other ~~25~~<sup>35</sup> percent they need and would pay off their obligation together as a partnership.

Nels A. Anderson, J. - Is there anyone else that would like to comment?

Question ~~far~~ from audience - Would it be possible to issue a permit to a resident of Alaska if it was used for his or her family?

John Garner - Under existing law the only way that we can issue permits is under the points system and we're restricted to accepting applications from those who fished as gear license holders before ~~1975~~<sup>1975</sup>. It would take a legislative change to accomplish that kind of proposal or many of the other kinds ~~of~~ of proposals for issuing additional permits.

Herb Mitchell - Somebody just mentioned something about dual permits, I don't think that will work but the idea is in the fall fishery, all the fishermen - everybody takes off and goes out,, but the set netters a lot of them still ~~try~~<sup>try</sup> to fish, now what's going to keep them from just ~~having~~ to require your entry permit during your critical period but in fall fishing let them go ahead and fish. All the boats are ~~gone~~ gone anyway. There's ~~very~~ very few fishermen left in the fall fishery and in that case some of the guys that do set net in the fall they could go ~~out~~ out and possibly drift and make themselves a few extra bucks. In the set net you don't make the kind of money you do drifting. In the fall you're not creating any problems because there's no boats out ~~it~~ there hardly. You get a few local boats and that's about it. But then ~~again~~ some of these guys that ~~have~~ have a set net permit they still can't ~~it~~